GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

REGULAR MEETING

MONDAY

APRIL 25, 2011

The Regular Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD W. SCHLATER, Vice Chairman
GREG SELFridge, Commissioner (DC RESIDENT)
MICHAEL G. TURNBULL, FAIA, Commissioner (OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
DAN EMERINE
TRAVIS PARKER
KAREN THOMAS
STEVEN COCHRAN
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.
JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on April 25, 2011.
TABLE OF CONTENTS

PRELIMINARY MATTERS .......................... 4

FINAL ACTION
A. Z.C. Case No. 06-11A/06-12A .............. 6
B. Z.C. Case No. 06-14C ..................... 9
C. Z.C. Case No. 06-14B ................... 13
D. Z.C. Case No. 09-21 ..................... 19
E. Z.C. Case No. 08-06 ..................... 35

PROPOSED ACTION
A. Z.C. Case No. 06-11B/06-12B ............ 40

HEARING ACTION
A. Z.C. Case No. 11-06 ..................... 53
B. Z.C. Case No. 11-08 ..................... 58
C. Z.C. Case No. 11-03 ..................... 73

ZRR GUIDANCE
A. Z.C. Case No. 08-06 ..................... 103

ADJOURNMENT ................................. 139
6:40 p.m.

CHAIRMAN HOOD: Okay. We're ready to begin. This meeting will please come to order.

Good evening, ladies and gentlemen. This is the April 25, 2011 public meeting of the Zoning Commission.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner Selfridge, Commissioner May and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin; Office of Attorney General, Mr. Bergstein and Mr. Ritting; Office of Planning, Ms. Steingasser and Mr. Jesick, Ms. Thomas, Mr. Goldstein, and Mr. Cochran.

Did I get that right? Is anyone behind the pole?

MS. STEINGASSER: Mr. Parker.
CHAIRMAN HOOD: Okay. Mr. Parker and Mr. Emerine.

Copies of today's meeting agenda are available to you and are located in the bin near the door.

We do not take any public testimony at our meetings unless the Commission requests someone to come forward.

Please be advised that this proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

Please turn off all beepers and cell phones.

What I'd like to do is have a moment of silence that we keep Jerrily Kress in our prayers at this moment. So I'd like for everyone to do a moment of silence.

(A MOMENT OF SILENCE WAS
CHAIRMAN HOOD: Thank you.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

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

Okay. Final action of Zoning Commission Case No. 06-11A and 06-12A, George Washington University, Square 103. And this we're doing the second 2nd Stage PUD and Further Processing of a Campus Plan.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. We have in Exhibit 46, WECA's response to the DDOT report which the record was left open to allow them to respond to that. And Exhibit 47 is the Applicant's response to WECA's filing. And then Exhibit 48 is the NCPC report which advises that there it would not affect any federal interests.
CHAIRMAN HOOD: Thank you, Ms. Schellin.

Again Commissioners, I think we left the record open to receive the response to the DDOT report from West End. I think that's all we left it open for, am I correct?

MS. SCHELLIN: That's correct.

And then to allow the Applicant to respond.

CHAIRMAN HOOD: Okay. We have Exhibit 46 and Exhibit 47 and also 48. And I'll just read that the National Capital Planning Commission basically states, "Further processing of approved campus plan would not be inconsistent with the comprehensive plan for the National Capital, nor would it adversely affect any other federal interests."

Okay, Commissioners, if we look at what's proposed, we've flushed a lot of this out, and I know there was some debate about the DDOT visit, whether they visited for this project or they were there for something else.
We went back and forth on that. And I think DDOT actually has mentioned in a previous filing that they were not actually out there for this specific case. So I think we can leave that well enough alone unless somebody is moved to pursue that further.

Also, Option 4, which is stated if you look at the response to Option 4 in Exhibit 47. Any comments?

(No audible response.)

CHAIRMAN HOOD: Any questions?

(No audible response.)

CHAIRMAN HOOD: Any unreadiness?

(No audible response.)

CHAIRMAN HOOD: Anyone would like to make a motion?

COMMISSIONER TURNBULL: Mr. Chair?

CHAIRMAN HOOD: Mr. Turnbull?

COMMISSIONER TURNBULL: I'd like to move that we approved Zoning Case 06-11A, 06/12A, GW University, Square 103, one for 2nd
Stage PUD and two, Further Processing of the Campus Plan. And look for a second.

CHAIRMAN HOOD: Thank you, Mr. Turnbull.

It's been moved and we need a second.

COMMISSIONER SELFRIDGE: Second.

CHAIRMAN HOOD: It's been moved and properly seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: Are you ready for the question? All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff records the vote 5-0-0 to approve Final Action of Zoning Commission Case 06-11A/06-12A, approving both the 2nd Stage PUD and the
Further Processing of the Campus Plan.
Commissioner Turnbull moving; Commissioner Selfridge seconding; Commissioners Hood, May and Schlater in support.

CHAIRMAN HOOD: Okay. Thank you.
Let's move right along.
Again, under Final Action B, Zoning Commission Case No. 06-14C. This is the MidAtlantic Realty Partners, LLC, Two-Year PUD Time Extension to Square 3584.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. As you said, this is a request for a two-year time extension. There is a report from the OP at Exhibit 4. And then in Exhibit 5, there's a letter from the ANC. That's ANC 5C in support. However, it doesn't meet the requirements for great weight. But it is in support.

CHAIRMAN HOOD: Okay. They left out the count, is that what it was?
MS. SCHELLIN: Right. And whether proper notice was given for a meeting, how many make a quorum and how many were present.

CHAIRMAN HOOD: Okay. So we will so note it even though we can't acquire and give it great weight.

If we look at the Office of Planning's report, Exhibit #4, and also the submission from the Applicant which is Exhibit 1 which spells out -- no, it's not Exhibit 1.

If you look at the Office of Planning's report, they basically spell out the same thing which was in the report from the Applicant which talks about some of the issues of why this has not moved any further -- the deterioration of the ratio between the developer's loan. It talks about delays stemming from the need to bring in a new capital partner, time delays engendered by the need to develop an all-residential alternative to the hotel component, which they've done.
But it talks about some of the financing issues which we've seen a lot of here in the most recent days or months.

So I will open it up for any questions.

And the Office of Planning is recommending that we extend this.

Okay. And it also states -- I just want to read what they say, "with explanation and other PUD extension requests during the recent economic slowdown and do not seem unreasonable."

So let me open it up for any comments or a motion. Anyone?

(No audible response.)

CHAIRMAN HOOD: Okay. I would move that we extend Zoning Commission Case No. 06-14C, Two-Year PUD Time Extension as requested by the Applicant -- and I'm not sure of the exact dates, but a two-year extension -- and ask for a second.
COMMISSIONER MAY: Second.

CHAIRMAN HOOD: It's moved and seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: The staff records the vote 5-0-0 to approved the two-year time extension in Zoning Commission Case 06-14C.

Commissioner Hood moving; Commissioner May seconding; Commissioners Schlater, Selfridge and Turnbull in support.

CHAIRMAN HOOD: Thank you, Ms. Schellin. Let's move right along.

Zoning Commission Case No. 06-14B, MidAtlantic Realty Partners, LLC, PUD
Modification at Square 3484, Lots 23 and 811-813.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. In Exhibit 39, you have the Applicant's post-hearing submission. At Exhibit 40, you have ANC 5C's resolution in support. And Exhibit 41, you have a report from NCPC stating that this project would not affect any federal interests. And staff would ask the Commission to consider this case for final action.

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

Again, Commissioners, if we turn our attention to Exhibit 38 and 39 which is the drawings, you can see the modifications. And I'm not sure if anybody asked for anything but if you look at Exhibit 38, it will tell what is supplied in this packet. Take time to refresh our memories and review it.

VICE CHAIRMAN SCHLATER: Mr.
Chairman, I think I asked for the chart on the affordability and this chart generally does the trick of saying how the units are going to be distributed floor by floor. I think sometimes we get an exhibit that shows how which units are going to be identified as affordable. I'm not sure I asked for that. And I'm not even sure they have the unit layouts done yet because they seem pretty early in the process of the design. I think this is okay for now.

It also says in the order that the units need to be distributed in accordance with consistent with how the IZ regulations would mandate they be distributed. So I see no problem there.

CHAIRMAN HOOD: Okay. Thank you, Vice Chairman.

Does anyone else see anything they may have asked for?

(No audible response.)
CHAIRMAN HOOD: All right. Can we get a motion? Anybody like to make a motion? Nobody would like to make a motion?

VICE CHAIRMAN SCHLATER: Mr. Chairman?

CHAIRMAN HOOD: Thank you.

VICE CHAIRMAN SCHLATER: I have moved that we approve MidAtlantic Realty Partners PUD Modification for Zoning Commission Case No. 06-14B.

CHAIRMAN HOOD: It's been moved. Can we get a second?

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It has been moved and properly seconded.

Any further discussion?

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Commissioner May?

COMMISSIONER MAY: I just had a very, minor, minor question, and Ms. Schellin gave clarity on this. But the ANC report
reports that 12 Commissioners were present and voted unanimously in favor. And their letterhead only lists actually 11 filled ANC Commissioners. One is vacant. So maybe that vacant has actually been filled. I don't know. But it's inconsistent.

CHAIRMAN HOOD: Is that what the Comp Plan or it was just inconsistent with their plan?

COMMISSIONER MAY: What? It's just --

CHAIRMAN HOOD: You'll get it on the way home.

COMMISSIONER MAY: I didn't hear it. That's all.

CHAIRMAN HOOD: Oh, okay. No, I asked was that inconsistent with the Comp Plan?

COMMISSIONER MAY: Totally consistent.

CHAIRMAN HOOD: That's actually a
good pick-up because it does say 12 Commissioners were present, and then we look to the right and they only had 11 Commissioners.

COMMISSIONER MAY: I don't think it has any bearing on the case. Clearly there was support for it. But it should be clarified.

COMMISSIONER TURNBULL: I think it's clear that vacant voted.

CHAIRMAN HOOD: It may be --

MS. SCHELLIN: Does the Commission want to hold the record open to allow them to correct the letter?

CHAIRMAN HOOD: Let's do that.

MS. SCHELLIN: Okay.

CHAIRMAN HOOD: Let's hold it open and let Commissioner Edwards and his ANC correct this letter.

MS. SCHELLIN: Okay. We'll look to the Applicant to work with the ANC to get
us a corrected letter.

CHAIRMAN HOOD: I think that this letter in this particular portion --

MS. SCHELLIN: It definitely has great weight. It meets the standards for that. It's just that it is incorrect.

CHAIRMAN HOOD: Okay. That's a good catch, Commissioner May.

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

(No audible response.)

CHAIRMAN HOOD: All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff would record the vote 5-0-0 to approve final action of Zoning Commission Case No. 06-14B.

Commissioner Schlater moving; Commissioner
Turnbull seconding; Commissioners Hood, May and Selfridge in support.

CHAIRMAN HOOD: Okay. Next Zoning Commission Case No. 09-21, Office of Planning Text and Map Amendments to Establish the Union Station North District.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. On this one at Exhibit 43, NCPC did advise. They provided a report at Exhibit 43 stating that they have issues with the bonus height permitted and have requested that NCPC be allowed to review both first stage and master plan submissions on the south side of H Street. Staff would ask the Commission to please consider final action on this case.

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

Commissioners, as you know, I think a few of our Commissioners had an issue with the height of 130. And it comes back it
looks like NCPC is wanting to review the first stage and also the whole master plan. So we have a request -- let's deal with that first -- a request from NCPC that they be given review authority to review the plan and to review the first stage.

Let's open it up for discussion.

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Commissioner May?

COMMISSIONER MAY: Yes. In this circumstance, I think you may recall that I was reluctant to vote in favor of this project because of my own concerns about the height. And I was actually comforted by the NCPC's action in this regard. I think they took a very measured step here by requesting master plan and first-stage review. And I think frankly it's good to hear their opinion on this question of the concerns about the height and the impact on the federal interests.

So I'm inclined to adopt that
request and incorporate this review, including the master plan because even though it may be argued that the standards for master plan review don't explicitly include height, it does include things like FAR and the parcels that would be developed. And so, there is implied within that a sense of the massing of the buildings that would be considered at the master plan stage. And I think that is an important thing.

And I'd rather hear early in the process about their concerns rather than waiting until a project gets much more specific because we could wind up with a stage 1, stage 2 combined review with a project very, very well developed and then find out NCPC has very serious concerns about what's being proposed. So I think it's good to adopt it pretty much as NCPC has suggested.

CHAIRMAN HOOD: Okay. And that's to give them review authority over both.
Okay.

Does anyone else -- Commissioner Turnbull?

COMMISSIONER TURNBULL: I have concerns about the height also in those areas. But I think before I go talking about that, OAG has some issues with I think having NCPC review at this stage of the process. Maybe Mr. Bergstein can clarify that.

MR. BERGSTEIN: No, the issue that we raised after speaking with OP was whether it would be logical to include the master plan referral because the NCPC resolution only focused on height, and the master plan process doesn't itself address height. So we pointed out perhaps that you might want to limit the referral to just a stage one or if there was a consolidated.

Nothing prevents any agency from commenting upon an application. The only thing that would happen here is that NCPC
would actually get a referral, almost in essence a tickler to tell them that they can comment. Any agency that sees a notice of proposed hearing can comment on the case. All that would happen here is that there would be an actual referral to NCPC advising them of their opportunity which would also mean that they would have to submit their report when everybody else submits their report in terms of an agency referral.

So we don't have any legal issues with you doing it. It was a question of the scope.

COMMISSIONER TURNBULL: I guess I'd ask one question of OAG which does it give NCPC any special standing aside from the formal referral?

MR. BERGSTEIN: No, not really. I mean, the only time that NCPC gets a special referral is under the charter where there's an amendment to the text or map, and this would
not be the case. This is in essence like a special exemption or a design review. So there would be just one agency commenting among many.

COMMISSIONER MAY: Okay. Thank you.

CHAIRMAN HOOD: Any other comments?

(No audible response.)

CHAIRMAN HOOD: I'm going to call for a vote. Is there anyone that may disagree with going in that fashion of giving them both reviews?

(No audible response.)

CHAIRMAN HOOD: Okay. I don't see no harm, no foul. Actually I don't think it's a major issue.

So Vice Chairman, you have something you want to add?

VICE CHAIRMAN SCHLATER: I would
just say that NCPC's report that we got as part of the record today I thought was very good and helpful and thoughtful and measured. And I think the process would benefit from them providing comment to both the master plan and the stage 1 and 2 submissions.

CHAIRMAN HOOD: Okay. So it appears that we all are in agreement.

Commissioner May, would you like to make a motion?

COMMISSIONER MAY: Okay. I would move approval of Zoning Case No. 09-21, Office of Planning Text and Map Amendments to Establish the Union Station North District as modified to include review of master plan and stage 1 -- I'm sorry -- stage 1 and stage 2?

CHAIRMAN HOOD: I guess we'll say as revised.

COMMISSIONER MAY: As revised.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: And would ask
for a second.

COMMISSIONER TURNBULL: Before anyone seconds, I would just like to make a -- I still have some angst about that in those two areas where we set at 90 feet and 110 that pending architectural design qualities, this Commission can increase those to 110 and 130. Are you all on board with that totally?

MS. STEINGASSER: Well ---

COMMISSIONER TURNBULL: I mean, if this Board was sitting all the time, I'd feel very comfortable. But at some point, we're not going to be here. And I'm just concerned that issues may come before us as far as design review.

I'm just really concerned about 110 feet behind Union Station no matter how good the design is that the view shed looking from the historical standpoint of the capitol and the capitol area that you're going to see a large building at 110 feet instead of 90
feet which I think some of the analysis showed that you really don't see anything.

I don't want to go through it again. But if you're all comfortable with it, I just --

CHAIRMAN HOOD: So I know we talked about the 130. So you have a concern?

COMMISSIONER TURNBULL: Well, the way it's set up now is that it's 90 feet right behind Union Station, then it's 110 and then it's 130. But you can add 20 feet to both of those increments depending upon the "architectural quality." If it's exceptional architectural quality, they can go higher. That's an undefined term.

So I'm just concerned if that's going to be manipulated to such a point that we're going to get 110 feet instead of the 90 feet.

Mr. May?

COMMISSIONER MAY: Yes, I think
it's a safe assumption that the initial proposals we'll see are going to be with that extra 20 feet included. And I'm not totally comfortable with it either. But I made peace with what was ultimately approved in the proposed action, and I think that the NCPC report and modifying our process to accommodate them for further comment I think addresses it to the best that we can.

I mean, this is still a very difficult --

COMMISSIONER TURNBULL: I know it is.

COMMISSIONER MAY: -- so I can see some reason to be flexible in this circumstance.

And as for who will be here when it comes for review, I certainly intend to be here.

COMMISSIONER TURNBULL: Okay. All right. Well, I'll trust your architectural
vision to help us through this.

    Thank you, Mr. Chair.

CHAIRMAN HOOD: Okay. So Mr. Turnbull, did you want proffer putting some caps on the height?

COMMISSIONER TURNBULL: No. I mean, there is a cap there at 90 and -- and I just want to make sure that architectural quality -- exceptional architectural quality is something that doesn't get misapplied.

It's a nebulous term. Some of us have a better feeling for what we think might be acceptable. But I just hate to see the Union Station with something that is kind of hideous behind it and destroys the whole picturesque view shed that you've got from that whole area of the capitol.

CHAIRMAN HOOD: I'm just trying -- and I know you're ready to move along -- but I was just trying to make sure we satisfied your --
COMMISSIONER TURNBULL: Yes, I guess if you had the full Commission would vote in favor of that set of whatever that was, then I'd feel fine. I mean, if we had a split Commission vote of three to two, I'd feel a little uncomfortable.

CHAIRMAN HOOD: But you're fine with the way it's probably going to proceed now.

COMMISSIONER TURNBULL: Well, I think if you get a five-zero vote on something, I think you then get a little bit more feeling that all ayes are in favor on it and that it makes sense to do it -- to get the increase.

I'm just being picky here.

CHAIRMAN HOOD: Okay. And while you're being picky, I'm trying to make sure that I satisfy your concern or try to deal with it.

COMMISSIONER TURNBULL: Yes.
CHAIRMAN HOOD: I'm trying to understand it.
So you don't have a problem with proceeding now since Peter is going to be here when this comes back.

(LAUGHTER.)

COMMISSIONER TURNBULL: Right.

CHAIRMAN HOOD: Okay.

COMMISSIONER TURNBULL: And I'm not leaving any too soon.

CHAIRMAN HOOD: You're not leaving either. Okay. I never know where I might be.

COMMISSIONER TURNBULL: You'll be here.

CHAIRMAN HOOD: I don't know.

COMMISSIONER TURNBULL: You'll be here after we're gone.

CHAIRMAN HOOD: So are you fine with proceeding?

COMMISSIONER TURNBULL: Yes. I mean, unless there's some way to tighten it
up, and I don't know how you would do that.

CHAIRMAN HOOD: I guess I would go
to Mr. Bergstein and we would probably have to
work with the Office of Planning -- if
everyone's in agreement with tightening it up
even more than what it is.

Mr. Bergstein, can you tell us how
we should proceed if we wanted to go down the
line of what Mr. Turnbull has mentioned like
putting some parameters there and tightening
of the language some?

MR. BERGSTEIN: I would throw it
over to the Office of Planning because
basically you've got a minimum height and a
maximum height and a criteria to get to the
maximum height. And so I don't know if you're
talking about reducing the maximum height or
making the criteria more objective than
dealing with the architectural design of the
project. I think we would need more guidance,
and I don't know if the Office of Planning
MS. STEINGASSER: I guess what I'm hearing is that Mr. Turnbull is comfortable with the text as written as long as NCPC does have a referral role.

COMMISSIONER TURNBULL: Yes, I think we need that.

MS. STEINGASSER: As long as the rest of the Commission is also comfortable.

CHAIRMAN HOOD: So you're fine with that?

COMMISSIONER TURNBULL: All right. Yes.

CHAIRMAN HOOD: I'm trying to understand because --

COMMISSIONER TURNBULL: Yes, I know. Again, without actually going down the road and tightening it up some more, but I'm not sure right now how we would do that.

CHAIRMAN HOOD: Something like the overlay -- the capital gateway, I'm sorry --
where we had specific -- you're talking about design requirements pretty much, am I correct?

COMMISSIONER TURNBULL: Well, I'm just concerned that we've got this nebulous hearing and architectural design that's of a superior quality, whatever that is.

MS. STEINGASSER: Perhaps I could offer that should the Commission be completely dissatisfied with the first application that comes before you, the Office of Planning at that time will work with the Commission to narrow this parameter.

I'm concerned that we'll just be endlessly trying to refine --

COMMISSIONER TURNBULL: All right. So what you're saying is the first presentation we get, if we feel that it isn't something that we can feel comfortable with, you would look at modifying the language a bit?

MS. STEINGASSER: Right. Zoning
is a living document.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: We can always back and amend it at that time.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: But at least allowing it to move forward.

COMMISSIONER TURNBULL: All right.

I can go along with that.

CHAIRMAN HOOD: Okay. I think we had a motion, and it didn't get a second. Can I get a second?

I'll second it. I'll second the motion.

It's moved and properly seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor by the usual sign of voting?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff records the vote 5-0-0 as revised. Commissioner May moving; Commissioner Hood seconding; Commissioners Schlater, Selfridge and Turnbull in support.

CHAIRMAN HOOD: Okay. Next Zoning Commission Case No. 08-06, Office of Planning Comprehensive Zoning Regulations Review; Parking, Bicycle Parking and Loading.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. On this one at Exhibit 40, there's an OP report that provides some requested supplemental information regarding the driveway entrance location restrictions, buffering requirements for loading facilities and a few technical corrections. Staff would ask the Commission to consider final action on this case.

VICE CHAIRMAN SCHLATER: Mr.
Chairman?

CHAIRMAN HOOD: Vice Chairman

Schlater?

VICE CHAIRMAN SCHLATER: I raised the issues about the driveway entrance location restrictions. And OP went back, looked at DDOT's design and engineering manual which set the standards for curb cuts and determined that it would be okay to remove the provision that sets these driveway entrance location restrictions within the Zoning Code.

And I agree with that proposed course of action because I think it's ultimately DDOT that's going to be approving these curb cuts. They've got their standards which everybody in the development community knows well. And they also have their procedures for flexibility on that. And sometimes they'll show that flexibility. And I think we should put people through that DDOT process instead of automatically kicking them
into a BZA review in the event that an applicant can't meet these more stringent driveway entrance location requirements.

CHAIRMAN HOOD: Okay. Any other comments? So you're fine? Okay. Any other comments or questions?

(No audible response.)

CHAIRMAN HOOD: Is this Mr. Parker?

Mr. Parker, what actually did we do with the PDR loading zones?

MR. PARKER: I'm actually going to let Mr. Emerine answer that if it's all right.

MR. EMERINE: So there were as I recall two issues with loading and PDR zones. One was the issue of queuing on public streets. And as we discussed at the last public meeting, Mr. Bergstein pointed out that there are use restrictions in the PDR zones that prevent that queuing on public streets from taking place.
The other thing though that we noticed when we went back and looked at the regulations was that by exempting the loading facilities in PDR zones from all of the provisions in -- excuse me -- I think it's Section 1704.2 -- we were also exempting them from the sideyard buffering requirement. And upon reviewing that and looking back at the record and the concerns that people had addressed, OP thought it was appropriate to ensure that loading facilities in PDR zones are subject to the same buffering requirement in sideyards that they would be in every other zone. So we've proposed modifying the language to ensure that they are subject to that buffering requirement.

MR. BERGSTEIN: Along with Section 1704.3 in the version that you have.

CHAIRMAN HOOD: Okay. Thank you.

Thank you very much. I think that satisfied my issue. Thank you and thank you for working
on that.

Any other questions?

(No audible response.)

CHAIRMAN HOOD: Okay. With that, I would move that we accept the proposed changes in text and also with the restrictions on the driveway distance, and we approve Zoning Commission Case 08-06, and ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It's been moved and properly seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: The staff will
record the vote 5-0-0 to approve final action in Zoning Commission Case 08-06, Parking, Bicycle Parking and Loading. Commissioner Hood moving; Commissioner Turnbull seconding; Commissioners May, Schlater and Selfridge in support.

CHAIRMAN HOOD: Okay. Let's move right to Proposed Action.

Your proposed action, Zoning Commission Case No. 06-11B/06-12B, George Washington University 2nd Stage PUD at Square 55.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. At Exhibit 69, you have the Applicant's post-hearing submission. At Exhibit 71, you have WECA's response thereto. And in Exhibit 72, ANC 2A's response thereto.

And staff would ask the Commission consider proposed action on this case.

CHAIRMAN HOOD: Commissioners, if
you all recall, this was the issue about the additional Metrorail entrance. And there was some talk about going back and forth. And I was trying to recall exactly what DDOT said off the top of my head, but I can't remember.

Let me just open it up. I know that some different people responded. The West End Citizens Association responded about the additional Metro entrance. But I specifically remember DDOT saying something at the hearing. And also I remember that George Washington mentioned that they would not be fully funding it. And I'm not sure exactly how we get to getting that additional entrance which everybody seems to want. But I just don't know where the money -- at least what's the hearing said -- where the money's coming from. So I don't know how much of that is within our jurisdiction.

Anyway, let me open it up. Any comments, questions, concerns?
And if you look at Exhibit 69 -- I'm not sure who all asked for different things -- but I'm looking here, I wrote DDOT. "And importantly, however, Howard University's development of Square 77 does not preclude WMATA's ability to construct a second Metrorail station entrance either now or in the future." And I know that West End -- I know the community -- I'm not going to just say West End -- I know that the community wants to see that happen. And I don't know to what relevance or what we can do to ensure that that happens quicker. Obviously it's going to happen. The problem is nobody knows when. So anyway.

Any other comments, questions, concerns?

Also there is --

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Okay. I'm sorry.

COMMISSIONER MAY: It's all right,
Mr. Chairman.

No, I just want to say it's very difficult given where we are in the stage of processing this particular case for us to try to somehow compel the University to include a second entrance here. I mean, we're talking about an infrastructure expense of -- I don't know -- tens of millions of dollars? And what they committed to spend was an amount of money that would allow maybe a study of an entrance, but not an actual entrance. And it seems to me that it's going to take some time to get a project that includes a second Metro entrance cooking anyway. It's just not practical to try to insist on it this moment.

So as much as everyone would like to have that entrance built in and included in the project, I just don't see that it's a practical possibility in this circumstance. All we can do is remember that that's part of what's going to happen in Square 77 and
hopewfully that will happen when Square 77 rolls around. I just don't see that we can do anything to make it happen here and now.

CHAIRMAN HOOD: And I think one of the West End Citizens Association at least -- or somebody testified that nobody knew when 77 -- I think the University said they didn't know when 77 was even going to come on line. So we couldn't even get a feel for that.

So you're right. I think where we are now, I don't know what else we can do but to do like everybody else and wait and deal with it at the appropriate time.

VICE CHAIRMAN SCHLATER: Mr. Chairman?

CHAIRMAN HOOD: Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: Since this is only proposed action, I don't know if it would be possible for the Office of Planning to reach out to WMATA's planning
department and just get a read from them on where they are in their planning process and where their heads at currently.

MS. STEINGASSER: We have talked to them several times about this square. And they are not in a position to even begin to study. The University tried to work with them several years ago to initiate that study, and they weren't in a position to accept the money or the city consultant. So we have been working with them.

When this came back up, we've asked them to weigh in. And I think everybody agrees that the entrance is desirable. It could go forward prior to anything happening from the University on that square. It's not contingent on the University moving on that piece. But WMATA -- it's contingent on WMATA, and they're just not in a position at this time or in the foreseeable future.

VICE CHAIRMAN SCHLATER: Don't
most of these stations that are being built now get funded by the local jurisdiction? WMATA doesn't go out of its way to fund -- I would imagine any station that got built there would have to be some sort of partnership between the District, probably GW --

MS. STEINGASSER: It's possible. I don't know that.

MR. BERGSTEIN: That actually is true. That's how New York Avenue was done.

The other jurisdictions obviously aren't going to pay for a station that is not part of the general transit plan. And this is different from entrances. But at least from New York Avenue, it's an example of an infill station that got paid for by the District by attack zone. There was three parts of that.

VICE CHAIRMAN SCHLATER: Well, I think everybody here would like to see it move forward and find a way to get funding for the station. I know from my perspective, I don't
think we can look to GW to fund the station exclusively. And I don't know that we're the proper jurisdiction to be determining how much GW should be putting forward towards that.

I think at the beginning of the process when the benefits and amenities were hashed out on the PUD, it could have got a specific dollar commitment that was higher, but we didn't. And so I don't think it would be fair at this point to ask for millions or tens of millions of dollars towards that effort particularly when WMATA doesn't seem to be anywhere close to moving forward on the station.

CHAIRMAN HOOD: Okay.

Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

I just wanted to -- I think the letter that we got from Goulston & Storrs clarified the sidewalk issue that I had. I
think they actually clarified it at the meeting. There's actually a structural concrete slab underneath the brick pavers which I think there's a question about heaving of bricks. So I think that's been answered.

The only thing that I didn't see in here, I think we had talked about a plaque at the church. Was that in there? Did I gloss over that?

CHAIRMAN HOOD: Was it the church or the park?

COMMISSIONER TURNBULL: Well, no. They come in on the park. West End Civic Association talked about the John A. Wilson park. And the University has clarified that they will move the stone, the plaque.

But I was just curious if I had seen something on the church. I think we talked about a plaque. I think we all recognize that you're not going to restore the church. Most of the historic elements are
gone. But I think we talked about a plaque.

Is it going to be in the order?

MS. STEINGASSER: It's in the --

COMMISSIONER TURNBULL: It's in the -- oh, okay. It looks like it's covered.

I didn't read it myself. But let me go back.

CHAIRMAN HOOD: Anyone else?

(No audible response.)

CHAIRMAN HOOD: And it looks like the park is going to be preserved. I know that West End mentioned that the park that some of it was on public property and some of it was on private property.

But I don't know why I thought it was a plaque. But maybe the plaque was for the church.

But it also mentions about the "University notes that in response to concerns expressed by WECA regarding the relocation of the current John A. Wilson Commemorative Plaque on 22nd Street, the University has
agreed to relocate the plaque to 23rd Street pocket park."

VICE CHAIRMAN SCHLATER: Mr. Chairman?

CHAIRMAN HOOD: Vice Chairman?

VICE CHAIRMAN SCHLATER: One thing that the West End Citizens Association highlighted which I think we should get a response from GWU on is they asked that the Commission should ask GWU to present a visual depicting the size and configuration of the new relocated pocket park space. And I think that would be good to see exactly how that's being laid out and treated.

CHAIRMAN HOOD: Okay. Maybe we can get that before -- I don't like to assume these things. I was going to say maybe we could get that before final action, if we get there. You never know.

COMMISSIONER TURNBULL: And Mr. Chair, the Applicant has advised us that in
the Order 8D and E covers our concerns about the plaque for not only the park but for the church as well.

CHAIRMAN HOOD: Okay. It's in the order. I missed that.

Okay. All right. So the only thing we're asking for is -- what was it again?

MS. SCHELLIN: Visual.


VICE CHAIRMAN SCHLATER: A plan rendering.

CHAIRMAN HOOD: Some kind of rendering. And we'll ask for that before final. Is that all we have --

MS. SCHELLIN: Yes. I just got from the Applicant that they need about two weeks for that. So if we could set a date of May 9th for that.

Are you looking for a response from the parties on that, or do you just want
something for the record? Just for the record. Okay.

So we could have the Applicant provide that for the record by May 9th, 3:00 o'clock p.m., that'd be good. Thank you.

CHAIRMAN HOOD: All right. Thank you. Anything else?

(No audible response.)

CHAIRMAN HOOD: Okay. Commissioners, what is your pleasure? Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: Mr. Chairman, I would move that we take proposed action on Zoning Commission Case No. 06-11B/06-12B, GWU, 2nd Stage PUD at Square 55.

CHAIRMAN HOOD: It's been moved. Can I get a second?

COMMISSIONER MAY: Second.

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

Any further discussion?
(No audible response.)

CHAIRMAN HOOD: Are you ready for the question?

All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff would record the vote 5-0-0 to approved proposed action on Zoning Commission Case No. 06-11B/06-12B. Commissioner Schlater moving; Commissioner May seconding; Commissioners Hood, Selfridge and Turnbull in support.


Hold on. You know what? My mind is gone. I'm going backwards. Okay. Let me go forwards now.
Hearing action Zoning Commission

Case No. 11-06, Urban Investment Partners, Map Amendment at Square 3028.

Mr. Goldstein?

MR. GOLDSTEIN: Good evening, Mr. Chairman and Members of the Commission. My name is Paul Goldstein.

Urban Investment Partners has filed an application to re-zone lots 813 and 814 in Square 3028 from R-4 to C3A. The sites are located at 3800 New Hampshire Avenue and 811 Quincy Street, N.W., just east of Georgia Avenue and a block from the Georgia Avenue Petworth Metro Station.

Both properties are improved with pre-1958 apartment buildings. The New Hampshire Avenue property is a five-story, 52-unit building whereas the Quincy Street property is a four-story, 47-unit building.

The buildings are currently nonconforming to the applicable R-4 zoning.
which is the zone that is generally designed for row dwellings which places limits on apartment expansion. In contrast, a requested C3A zone which the properties border to the west is designed to permit medium-density development, typically mixed use.

As stated in the application, the Applicant intends to renovate and add additional units within each building which would facilitate more comprehensive upgrades to the property. A re-zoning of C38 would allow the proposed unit increase as a matter of right and make the properties more conforming to their applicable zone.

To correct a point in the OP report on page three of our submission, following the re-zoning to C3A, Lot 813, which is the New Hampshire Avenue property would be nonconforming the floor area ratio, while Lot 814, the Quincy Street property, would only have limited development potential.
Nevertheless, the Applicant is not proposing any physical expansions of the building.

As further described in the OP report, based on an examination of the generalized guidance of the Comp Plan and the future land-use map, the C3A zoning designation would not be inconsistent with the comprehensive plan.

OP therefore recommends that the map amendment be set down for public hearing.

And thank you. And I'm now available for any questions that you may have.

CHAIRMAN HOOD: Thank you, Mr. Goldstein.

Commissioners, any questions?

Commissioner Selfridge?

COMMISSIONER SELFRIEDE: Mr. Chairman, in the past I've recused myself from cases regarding urban investment partners. And I think for consistency purposes, I will do that again.
CHAIRMAN HOOD: Okay. Ms. Schellin, could you schedule that on a night where we have two hearings so he won't get the night off.

Okay. Any questions?

(LAUGHTER.)

CHAIRMAN HOOD: Any questions, Commissioners, of Mr. Goldstein? Mr. Turnbull?

COMMISSIONER TURNBULL: I just have one question.

With this change, is this subject to any inclusionary zoning requirements, or none?

MS. STEINGASSER: No, sir. Only if the building were to add more than ten units and expand 50 percent of its floor area.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: And it's doing neither.

COMMISSIONER TURNBULL: Thank you.
VICE CHAIRMAN SCHLATER: This case feels like Ground Hog Day. I feel like we just had two other buildings that were right on the edge of their zone and they were planing to do the same thing.

I don't think I have any objections.

CHAIRMAN HOOD: All right. Okay.

I don't actually have any questions.

So with that, I would move that we set down Zoning Commission Case No. 11-06, and ask for a second.

VICE CHAIRMAN SCHLATER: Second.

CHAIRMAN HOOD: It's been moved and properly seconded.

All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff would
record the vote 4-0-1 to set down Zoning Commission Case No. 11-06 as a contested case. Commissioner Hood moving; Commissioner Schlater seconding; Commissioners May and Turnbull in support; Commissioner Selfridge not voting having recused himself.

CHAIRMAN HOOD: Okay. Next is Zoning Commission No. 11-08. This is Pallazzo -- I believe that's how you pronounce it -- LLC, Consolidated PUD and Related Map Amendment at Square 2578.

Ms. Thomas?

MR. THOMAS: Yes. Good evening, Mr. Chairman, Members of the Commission.

Karen Thomas.

The application before us is a request for a consolidated plan unit development and a related map amendment to re-zone the western portion of the former Italian Embassy site at 2700 16th Street from the R-5B to the R-5D district to accommodate an
apartment building and retention of the existing landmark building. The proposal would also include a below-grade garage with four levels of parking for 60 to 90 spaces.

Because of the landmark status of the building, it is difficult for it to be developed to its R-5D potential. Therefore through a PUD, the requested height and density is being transferred to the underdeveloped portion of the large lot to ensure the project's financial viability.

OP is supportive of the requested map amendment as the 2.8 FAR is well below the maximum 3.0 FAR permitted under the R-5B PUD, and well below the 3.5 FAR for the matter-of-right in the R5-D district. The FAR would also be consistent with that expected in a moderate density designation. Relief from the court and roof structure provisions are requested as part of the application.

The adaptive re-use of this
property will fulfill many policies and action
of the comprehensive plans objectives for land
use, housing, urban design and historic
preservation. The design has been refined for
over a year working with the community and
HPRB, resulting in an addition which remains a
respectful separation from the historical
resource through a courtyard which would be
available to the residents for passive
recreation. The historic resource and the
addition would be connected to the north by a
meaningful connection to provide access to the
historic common areas including the library
and ballroom.

The fifth and eighth floors are
recessed to provide a better massing
relationship with the surrounding development
of apartment buildings and row houses along
Mozart Place, five inclusionary units for 80
percent AMI to be located on the third floor
of the historic east wing and the terrace,
ground, third and fourth floor of the new
addition.

The roof structure of the
mechanical penthouse would gradually slope
upward to enclose the building's mechanical
equipment and is designed to complement the
tile hip roof of the east wing. Elevator
access to the rooftop recreation area is also
included.

Ingress and egress to the building
would respect the directional traffic flow of
Fuller Street and Mozart Place to minimize
traffic impacts on the surrounding
neighborhood. Bike parking and electric car
charging station and car share would also be
accommodated in the first level of the garage.

The Applicant has proffered the
adaptive reuse and preservation of the
historic resource, the provision of two-
bedroom affordable units and a hiring
agreement between the Applicant and the ANC to
hire locally has project benefits.

OP recommends that the case be set
down for public hearing as the proposed
development is not inconsistent with the
comprehensive plan including the future land
use and policy map. And we will continue to
work with the Applicant towards a more
detailed review prior to public hearing.

Thank you.

CHAIRMAN HOOD: Okay. Thank you,
Ms. Thomas.

Commissioners, any questions? Mr.
Turnbull?

COMMISSIONER TURNBULL: Yes. I
just want to get back to the inclusionary
zoning on this project. And there's how many
units -- five?

MR. THOMAS: Five.

COMMISSIONER TURNBULL: But aren't
you looking at eight percent of the total
units?
MS. STEINGASSER: It's based on square footage, and then the units are worked out by the square footage, not by the number of units.

COMMISSIONER TURNBULL: Okay. I guess one thing I'm looking at is that the lot going north, I guess, toward Columbia Avenue, between that and what's a parking lot now. I mean, that's R-5-B.

MS. STEINGASSER: Yes, sir. What's interesting about the site is the development and the zoning are flip-flopped because the historic structure is the low-density --

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- of the site. It faces 16th Street which is the more historically consistent development. However, in order to develop the site, the density has to be to the rear to respect the historic --

COMMISSIONER TURNBULL: No, I
understand that. But I guess what I'm getting at is to the property just to the north is still a parking lot right now, but it's zoned R-5-B. If that did get developed, they can build up to the property line.

MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: So this building which is only three feet from their property line could be looking into a blank wall of something else.

MS. STEINGASSER: That's correct.

Yes.

But there's been a lot of design work on this site, more than probably we've seen on any other site in many years. I'm sure they're aware of that and the potential re-development of that parking garage.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Okay. Any other questions? Commissioner May?

COMMISSIONER MAY: Yes. I saw the
HPRB staff report. And it's probably in the information, but did the HPRB actually vote a final approval of this design?

MR. THOMAS: The HPBR staff report is in the --

COMMISSIONER MAY: I saw the staff report. But --

MR. THOMAS: Oh, I'm sorry.

COMMISSIONER MAY: -- the Board itself?

MR. THOMAS: The Board gave concept approval.

COMMISSIONER MAY: So they'll go back there after they're done with us? Is that the order of sequence?

MR. THOMAS: Probably in between.

COMMISSIONER MAY: Between us?

MR. THOMAS: For the re-definition.

MS. STEINGASSER: Between set down in public hearing.
COMMISSIONER MAY: Oh, okay.
Okay. And then I just had a question about the measurement of height. I saw in the chart that the height of the building is 89 feet. But the pitched roof exceeds that. Is that because in theory it's a penthouse?

MR. THOMAS: Yes. The pitched roof is the covering of the penthouse.

COMMISSIONER MAY: So it's not really a roof at all. It's just a sloped penthouse wall?

MR. THOMAS: Yes.

COMMISSIONER MAY: Have we done that before?

MR. THOMAS: It's no different.

COMMISSIONER MAY: Is this precedent-setting in some way to do something like this? Because it definitely increases the perceived mass of it much more so than a setback penthouse in my view.
MS. STEINGASSER: I don't know if we have done it through a PUD. I've seen it done in other -- I don't know.

COMMISSIONER MAY: Okay. It would be helpful to know that. I'm not outright opposed to it, although I'm not totally convinced that you need to do a pitched roof when you do a 10- or 11-story version of the three-story building next door or the two-story building next door. I'm not sure it makes total sense.

But I'm open to the idea. I just need to know a little bit more about how we view that from a zoning perspective.

CHAIRMAN HOOD: Any other questions? Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: Thank you, Mr. Chairman.

I think Commissioner Turnbull raises a good point about the adjacent property and what could be built there and the
relationship of this building to what could be built there. So I think it would be good to just when we get into the hearing actually get some graphic depicting what it might look like -- the full build-out of that adjacent site on the back lot of the Scottish Rite Temple. I think that would be helpful.

I also think there needs to be a little bit more -- I don't know exactly how to get to it -- but I think I need a better understanding of the relationship of this building to -- there's townhouses right across the street. Is that Mozart Place? I'm not saying that it's too tall or not the right relationship. I guess I would just say from the submission that I got here, I'm not getting a good sense of how it will feel to be in those townhouses next to this building.

This is definitely an area that's got a lot of variable height. And so it's not necessarily a bad thing. But I think it would
be just good to get some information on the record on that.

    I also think that overall the benefits and amenities proffered with this application are pretty light. I'm not a huge fan of the architecture that's proposed. So I don't know that the design and architecture is that compelling a benefit or amenity.

    I also think that the preservation of the historic resource is important. It'll be great to have that building looking good and used again and active. But I think there needs to be more, particularly with the affordable housing being something that's required by IZ. I don't recognize that as a benefit or amenity. It's a requirement.

    So I'll be looking at that in greater detail when we get to the hearing and asking more questions about that.

    Other than that, I don't think I have anything else. Thank you.
CHAIRMAN HOOD: Okay. On the same note, I'm just curious, Ms. Thomas, I'm reading your report where the ANC has requested another type of employment agreement instead of the standard DOES. What's going on there? And how's that being counted? Is that a proffered amenity or benefit? Or how are we going to deal with that?

MR. THOMAS: The First Source agreement -- and I wasn't aware of this until I researched it myself -- is an agreement that's mandatory when District funds in whole or in part is being used for a project. If a project goes through private funding, it doesn't have to be a First Source agreement. It is not required.

So I actually think that having an agreement made to hire actual local residents seemed to be more effective in this case since First Source can't be applied, or it's not mandatory.
MS. STEINGASSER: They're working with the ANC to do a local hiring unique to Ward 1, and they're trying to focus it. We've asked that it be evaluated against the current city standards and programs and how it would be administered. But they are proffering it as an amenity.

CHAIRMAN HOOD: Okay. So we'll learn more about that at the hearing. Okay.

Okay. Mr. Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

Getting back to Commissioner May's comment about the penthouse roof, the roof plant we have on A13, I'd like to see a better view of the roof plant -- a bigger scale showing what's actually going on up there with either a transverse or a longitudinal section showing actually what's maybe -- it might be two or three of them -- to really show what's going on up there. But I think Commissioner
May brings up a good point about the height in the context of what's really going up on that roof. So if we could get some expanded views, plans of what's going on, I think that would be good.

CHAIRMAN HOOD: Okay. Any other comments or questions?

(No audible response.)

CHAIRMAN HOOD: All right. With that, I would move that we set down with all the comments and things that we'd like to see during the hearing that we set down Zoning Commission Case No. 11-08. And I ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It's moved and properly seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: Are you ready for the question?
All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff records the vote 5-0-0 to set down Zoning Commission Case No. 11-08 as a contested case. Commissioner Hood moving; Commissioner Turnbull seconding; Commissioners May, Schlater and Selfridge in support.

CHAIRMAN HOOD: Okay. Next, Zoning Commission Case No. 11-03, Hoffman-Struever -- hopefully I've pronounced that right -- Waterfront, LLC, 1st Stage PUD and Related Map Amendment at Squares 390, 391, 471W, 472, 473 and 503).

Mr. Jesick?

MR. JESICK: Thank you, Mr. Chairman and Members of the Commission.

The Applicant in this case has
submitted a Stage 1 PUD and Related Map Amendments along the Southwest Waterfront. And you can find a vicinity map of the project site on page two of the OP report. The property is generally bounded by Maine Avenue on the east and by the proposed pierhead line in the Washington Channel on the west.

Now on page five of the OP report is an image of the proposed site plan. The project would consist of 11 mixed-use buildings, ten rowhouses, a number of smaller landside and waterside structures, four major plazas and a park, the wharf itself and a number of public and private piers.

Now the application would have a mix of uses in each of the projects for development segments. And for each segment, the application gives a floor area range for residential/hotel/office, et cetera. And under this proposal, the exact mix of uses would be determined at a future Stage 2 PUD.
OP does not object to this approach because it in all likelihood is a very long-term project, and it's difficult to determine the exact mix of uses at this time. Also, the proposed minimums and maximums within each development segment does give assurance or a guarantee even of a mix of uses throughout the project.

The application proposes heights of 130 feet for the tower elements on parcels 1 through 9, and heights of approximately 60 and 45 feet for parcels 10 and 11, respectively.

On the issue of FAR, I would like to note that the landside FAR in the OP report is based on the gross land area. We are working with the architects to determine how much land should be subtracted out for private streets and private rights of way. Based on early estimates, the net FAR would increase from about 3.2 to somewhere in the range of
3.5 to 3.9. So it's a relatively small change, and it would certainly remain within the realm of medium-density development.

To develop as proposed, the application requests PUD-related map amendments to C-3-C and W1. And the Comp Plan future land-use map and the Comp Plan text when taken together would support a medium-density of development on the site with tall buildings transitioning down to lower-scale, adjacent development. In particular, the Comp Plan looks at the area south of M Street for more moderate-density development. So while OP feels that the proposed zoning is not inconsistent with the comprehensive plan, we feel that zoning other than C-3-C at the southern end of the site could be more consistent with the Comp Plan.

So we are therefore recommending that the Commission set down in the alternative W1 zoning for parcel 10 and the
Now the southwest waterfront plan also gives policy guidance for the site. This is the small area plan which supplements the Comp Plan. One of the topics it talks about are views through the site both at ground level and at upper story levels. And OP feels that the proposal would not be inconsistent with the view preservation goals of the small area plan. In fact, in one sense, the proposal is superior because it proposes smaller block sizes which allow many more views through the site towards the water. OP will work with the Applicant to create view studies and other graphics which demonstrate where and how these views would be preserved.

The application lists a number of benefits and amenities including affordable housing, the reconstruction of Maine Avenue, improvements to the fish market and stairs to
Banneker Overlook, below-market retail rents, and the creation of a new business improvement district. OP feels that these amenities and benefits are sufficient for setdown, but we will continue to work with the Applicant to refine and add detail to the amenity package.

Finally, in the past few weeks, OP has met with a number of members of the community, and we will continue to solicit neighborhood input. And the Applicant also has had many meetings with neighborhood groups, and we encourage them to continue their outreach efforts.

In summary, OP feels that the application is not inconsistent with the comprehensive plan, and we recommend that the Commission set down the application, and in the alternative, set down W1 and R-5-B zoning for the areas noted in the report.

I'd be happy to take any questions.
CHAIRMAN HOOD: Thank you, Mr. Jesick. Any questions? Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: Mr. Chairman, I just wanted to say before we get into our comments that just for the record that I have had previous involvement in this case. It was a long time ago, I think almost five years ago now when I was working for the Deputy Mayor's office. I represented the Deputy Mayor's office on the selection panel that ultimately selected Hoffman-Struever Waterfront, LLC, to be master developer for the site.

I don't think that's recent enough for me to recuse myself. I was just acting in my official capacity in the Mayor's office at the time. But I just wanted to put that on the record. And if you have any problems with it, I can hear it now.

CHAIRMAN HOOD: No, you're not
going to get off that easy.

(LAUGHTER.)

CHAIRMAN HOOD: Anybody have any problems? No. So you'll be with us.

Okay. Let's open it up for any questions. Any questions, comments?

VICE CHAIRMAN SCHLATER: I'll kick us off.

Just to say up front that I think the plan is very thoughtful and is clearly trying to implement the goals of the small area plan, the Comp Plan and a huge amount of thought has clearly gone into this. And I think it's very good in many ways.

I like that it's trying to break up the site into smaller individual blocks and buildings. And I think it's very much oriented towards the pedestrian experience, and it embraces the waterfront which is the most important thing.

So in that context, I will say it
is also an enormous application. There's a lot to wade through. And I have a lot of questions about it which doesn't necessarily mean that I have problems with it. I just have questions. So I think I'll just jump into it.

The first question I have is on phasing -- a phasing plan. I realize it said in the application that there isn't known today what the phasing plan is. But I think we need to have a better sense of what approval of this first-stage PUD means. I think it said that there's three years until we have our first second-stage application. But how long is the stage 1 approval good for?

I think we need to just get a better handle on how that's going to be treated going down the pike, unless you know right now.

MR. JESICK: Just on the one point of the duration of this validity of the Stage 1 approval, the Applicant has asked for relief
to extend that validity for a period of three
years. But regarding the construction
phasing, that is one of the questions we
raised in our report.

VICE CHAIRMAN SCHLATER: Is our
approval going to be then if they get
something in for a Stage 2 approval, does that
mean it is then an infinite period of time
they have to build out the site, or is it
within 20 years, ten years? I think we would
like to see some definition to that and not
leave it open-ended. That's at least my
perspective.

Also I think that for a project of
this size which I'm sure is going to be
watched carefully by the community, I think
the proposed parking right now is between 1900
and 3,050 parking spaces. And that's a pretty
big range. And I'd like to see if there's a
way that we can narrow that down and figure
out where that variability is coming from,
particularly on a project that has a lot of retail. I think you want to have a sense that it's going to be properly parked for the people in the region who are going to be coming here to visit it.

We also want to encourage people to bike there. And right now, I think there's a proposal for 132 bicycle spaces for the entire project. I think the Applicant should go back and look at the standards that we're approving in the new zoning regs regarding bicycles and try to compare more favorably to that new standard.

I also think that the flexibility on mix of uses, I hear where everybody's coming from on that. But it does make it difficult to evaluate the project because I'm not sure exactly what we're approving at this point. I think there's a lot of buildings that can either be office or residential. And in my experience, an office building and a
residential building have very different
shapes and sizes and massing to them. And so
I don't know what the best approach is to
that.

I think these applications are
inherently flexible. The Applicant could come
back for modifications. But clearly the plan
that's in front of us has some preference over
what that use would be. I would like to have
it wrestled to some more specificity so that
we know what we're looking at and approving.
This whole idea of approving density by
segment and mix by segment, I'm a little
uneasy about it.

A couple of other questions I had
was the Liveaboard community -- how they were
going to be relocated and where they were
going to be relocated on the site.

Also was interested to hear more
about the improvements to the Fish Market
which is an active and excellent part of that
area right now. And I specifically wanted to get a better sense of how the Market Square and the Fish Market worked together. It seemed like there was some mention in the application of a grade change between Market Square and the Fish Market and certainly wouldn't want the project to turn its back on the Fish Market since it's an important part of the waterfront right now.

I think I support OZ's proposal to set down on the alternative, the R-5-B zoning for parcel 11 and the W-1 zoning for parcel 10.

I also think it's a little early to be granting a loading variance on these buildings when we don't know exactly what's going to be built there. I think that should come at a later stage.

On the affordability, I'd like to understand exactly what the mix of the affordable units is going to be between the 30
percent AMI units, the 60 percent AMI units and then the 120 percent AMI units. And I'd like to understand how those are going to be distributed throughout the project.

And then, I think one thing OP asked for that I definitely would like to see is this building height diagram and orthogonal massing, particularly for the portion of the site down towards -- I think it's sites 10 and 11.

That's it for now, I think. Thank you.

CHAIRMAN HOOD: Any other questions or comments? Commissioner May?

COMMISSIONER MAY: Okay. Thank you.

First of all, let me say that I've had a chance to see this project in various forms over the last couple of years, and it's been a while since I've seen it since there are certain issues that involve the Park
Service and I've handed those off to others
within the Service so that I can participate
in this case.

I'm very glad to see this actually
making it to the Zoning Commission at this
point. This has been a very long process.
And I know it's been a complicated one getting
it up to this point. So I appreciate the fact
that it's come as far as it has, and I really
appreciate its potential for reinvigorating
the southwest waterfront which is very
important to the city and of course also very
important to the Park Service.

And I'm also glad that this is
just a Stage 1 application and that there's
not some component of it that's consolidated
because very often we have to deal with things
like that. And it makes it very difficult. I
think this is the sort of thing that really
just needs to be Stage 1 only, and we consider
Stage 1 issues and then hopefully see Stage 2
start coming quickly thereafter. Clearly, there's going to be some phasing of the work here, and I'm sure that'll become more apparent as time goes on.

You mentioned specifically there have been multiple meetings with the neighbors, and I'm curious about what the reactions have been up to this point.

MR. JESICK: We've met with the Chairman of the ANC, representatives of Tiber Island which is just to the east of the southern portion of the project site and representatives of the Liveaboard and Workaboard communities. And I would say the two specific community representatives that we met with had very sort of targeted comments to their own situation, for example, height on parcels 10 and 11 for the Tiber Island community, issues about connections of utilities for the Liveaboard communities.

MS. STEINGASSER: They were also
though overwhelmingly supportive of the project, and all three were very clear they did not want their comments to be construed to hold the project up in any way. They were just focused, detailed issues that were relevant to them that several of which they knew would not be addressed until the Stage 2.

COMMISSIONER MAY: Okay. I'm curious. I know that this development is dependent on some legislation including a redefinition of the channel. And I wonder if you know whether that's been resolved at this point. I kind of lost track of it, but I thought it had died in the last Congress. Do you know?

MS. STEINGASSER: I don't know. We'll get you that.

COMMISSIONER MAY: And I think there are a couple other things there. There's a shoreline regularization and there's the ability to lease air rights and so on.
All those things were legislation that I think just so we have a clean record or a full understanding of what the state of things are, I think we need to have that information so if you can work with the Applicant to provide that.

Along the same lines, there is one parcel in here embedded within I think the park. One section of park is a small park over which the Park Service still has jurisdiction. And of course the underlying title for the whole area is federal anyway. But this is one area where it's still under Park Service jurisdiction. I don't know how that's been resolved yet. But if there needs to be clarity in terms of the actual application, that should get sorted out with others in my office, and we'll make sure that that happens one way or another.

I'm interested in the sort of transportation improvements and infrastructure
improvements like the circle in front of the Arena Stage and allowing for the streetcar. And I'm curious about how much of that work is actually part of this project or is this sort of notional and is the streetcar -- is it just room for the streetcar or is it the full infrastructure for the streetcar including the -- I don't know if they need transformers or any of those sorts of things along the way. So just knowing that the space is available is one thing or knowing that there's this potential for these improvements is one thing, but it would be helpful to know more about the specific transportation improvements that are part of this. At some point in the future, I think streetcar access to this site will be very, very important. It may not be initially as critical.

One of the major concerns that I have for this site actually is the view shed at the other end -- the heights of buildings
at the parcel 1 and 2 end of the project rather than 10 and 11. And I think that for this project, the master plan was conceived with certain assumptions about the future development of Banneker Park and Banneker Overlook and that whole area. And I don't know that they're necessarily correct or that they're necessarily going to happen in the near future.

In other words, even if that site is developed as has been envisioned first in the museums and monuments master plan and then eventually in the framework plan, even if that development does occur, it's really not clear what kind of development it might be. I think ideally that site becomes a museum site or a museum memorial kind of site. But in either case, it's not going to be developed with the same kind of downtown urban office building as I think might have been assumed in the initial master planning here. So I think we want to
make sure that special view that you get from
the Banneker Overlook is respected, not
necessarily preserved intact which would mean
major issues for parcels 1 and 2.

But I think based on what I've
seen in the images here, I think that there's
still some work that needs to be done to make
sure that that adjacent space which is
currently park land and may eventually be a
memorial site maintains some of the view that
it has. It's elevated over the site. So it
shouldn't be too hard to try to sculpt the
development a bit to respect that.

And I'll just point out or mention
the prospect of they're being some sort of
improved access from the site to Banneker
Circle which I think is certainly beneficial.

But I think the whole stretch along L'Enfant
Plaza -- I don't know how often you get up
there and have to walk that stretch -- but
it's -- daily -- oh, yes, that's right. Well,
that used to be my bike route to come over here. And I just can't do it anymore. I go another way and just avoid it.

Anyway, that whole area needs improvement. I don't know if that's in the cards for this project. But the idea of making that connection or improving that connection I think is good, and hopefully the Applicant is working with the Park Service to try to establish something there. I believe that's happening but I don't know any of the particulars.

And I think the overall -- as I said in the beginning, it's great to finally have this in front of us as a real proposal. I think it's got a ways to go. And I know that there are going to be approval hurdles to clear in many respects. And I don't where it stands in all of that. I believe Commission of Fine Arts has to review and NCPC has to review. And I don't know where all those
things occur in this sequence. But it actually would be helpful to understand a little bit of that as we're considering it.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: Thanks.

CHAIRMAN HOOD: Any other questions? Okay. Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

Yes, I would agree that this is a very complex project -- a needed project but very complex on a lot of different levels.

I just want to get back to what Commissioner May was talking about with parcel 1 and 2. We have a lot of different plans that show on 4.5 either the different piers at parcel 3 and 2, and I think those are nice. And a lot of the view sheds either from 6th Street, 7th Street show a very wide sort of little plaza. But the one between parcel 1 and 2 is a little tighter, and I understand
there's Theater Alley and there's other things going on that they want to have. But getting back to what Commissioner May was talking about, there's some unknowns what's happening up by L'Enfant Plaza and everything. And so, it's hard to visualize what the vista is going to be or what it should be. But right now, it looks a lot shorter.

And as Commissioner Schlater was talking about -- the Fish Market and everything -- I think that's going to need a lot more study. I think that's going to be a very complicated but critical piece of this project. And so I think that that should be expanded a little bit more so we get a better feel for what we think may happen there. And I know we're just scratching the surface on this. But a lot of the other plazas are a little bit more well developed. This is a little bit smaller and it seems like it ought to be a little bit more dramatic than what's
showing right now.

And I just wanted to get for the record that we talked about the alternative zoning. And the Applicant has consented to this?

MR. JESICK: Yes, we've discussed that with the Applicant. And they're fine with that proposal.

COMMISSIONER TURNBULL: Okay. And just my last item is that I think the Applicant has orally stated that it will reconstruct Maine Avenue -- whatever reconstruct really means?

MR. JESICK: That's correct. In our meetings with the Applicant, they said that they would re-build Maine Avenue. We would like to get that in writing.

COMMISSIONER TURNBULL: Right. Okay. I just wanted to bring it up for the record that it was discussed.

Thank you, Mr. Jesick.
CHAIRMAN HOOD: Any other questions? Commissioner Selfridge?

COMMISSIONER SELFRIDGE: Mr. Chairman, I don't have any questions. It's a very complex project, and I look forward to getting into it in greater detail. It's obviously pre-dated me quite a bit so I have no comments. And I look forward to reviewing the material as additional information comes in.

CHAIRMAN HOOD: Okay. Thank you, Commissioner Selfridge.

I also would agree while I have not had a lot of information on this project prior and waiting for it to come, I've heard that there were things happening in this area, and I'm glad to see that it's starting to materialize.

I think there's a number of unanswered questions that actually can be answered at the hearing. Case in point, in
the 1st Stage PUD, we normally get the development plan indicating the proposed mixes. Is that something the Office of Planning is asking for or are we trying to waive that and do it at the second stage? I think that's what you alluded to in the report.

MR. JESICK: The mix of uses you're referring to?

CHAIRMAN HOOD: Yes.

MR. JESICK: Yes, I think we're okay with the approach that the Applicant has taken in laying out a range for each development segment. So I think that probably would be a little bit different than what is normally done in a PUD. But I think for a project of this size and likely time duration, it's a little more understandable in this case.

CHAIRMAN HOOD: The W-1 zone, do you know what the height is in the W-1? And
there's probably somebody up here --

    MS. STEINGASSER: Forty feet.

    CHAIRMAN HOOD: Forty feet.

    MS. STEINGASSER: Sixty under a PUD. I'm sorry.

    CHAIRMAN HOOD: Sixty under the PUD. Okay.

    Did we get clarification on the parcel 10? Is it 70 feet or 67 feet? And these are actually questions that I don't know if you want to answer them now. But these are questions I'm mentioning so maybe they can help clarify -- and maybe my colleagues might already know -- but help clarify at the hearing. And if we could just get that clarified.

    And then the rowhouses show 67 feet. I think the Applicant says 60 feet. Those are some of the things that we're going to need to clarify at the hearing so we can fine tune and find out exactly what's being
asked for.

    And I was glad that Commissioner Turnbull brought up the issue with the street.
    I just need to get that in writing as it as asked for in the report.
    Okay. Is there anything else?
Any other comments?

    (No audible response.)
CHAIRMAN HOOD: Okay. All right.
    Let me just ask this, and I think I saw it in here.
What has been the response of the neighborhood? I see where you've met with the Chair of ANC 6D. What kind of response are we getting?

    MR. JESICK: I think the response overall has been quite positive. Some of the communities we met with like Tiber Island and the Liveaboard community have voiced particular concerns related to their relationship geographically to the project.
And for example, on the Liveaboards, how would utilities be maintained to their boats throughout the course of construction, that sort of thing. But overall, it's been I think very positively received from our initial meetings.

CHAIRMAN HOOD: So the Applicant is continuing to work with those people concerned so we can get it down to one hearing night?

MR. JESICK: I'm sure they will continue to work diligently to outreach to the community.

CHAIRMAN HOOD: Okay. All right. Again, I would echo my colleagues. I think this is a good piece and there are some parts that we need clarification. It's a lot of work. But this is a good start.

So any other comments, questions?

(No audible response.)

CHAIRMAN HOOD: All right. I
would move that we set down Zoning Commission Case No. 11-03 and ask for a second.

COMMISSIONER SELFRIDGE: Second.

CHAIRMAN HOOD: It's been moved and properly seconded.

Any further discussion?

I'm sorry.

MS. STEINGASSER: Excuse me, Chairman Hood, with the alternative.

CHAIRMAN HOOD: And the alternative. Okay. Did I get everything. And the alternative. Okay.

All right. Can I get a second with the alternative?

COMMISSIONER SELFRIDGE: Second.

CHAIRMAN HOOD: Okay. It's been moved and seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor?
(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff records the vote 5-0-0 to setdown Zoning Commission Case No. 11-03 as a contested case. And this is setdown with the alternatives. Commissioner Hood moving; Commissioner Selfridge seconding; Commissioners May, Schlater and Turnbull in support.

CHAIRMAN HOOD: I just wanted to acknowledge the former Chair of the Board of Zoning Adjustment who was a colleague and served the city well. He's been in the audience. I meant to do that earlier, but I'll do it at this time before he departs. Mr. Geoffrey Griffis.

Okay. Next on the agenda, I think this is the last item, right, Ms. Schellin?

MS. SCHELLIN: Yes.
CHAIRMAN HOOD: Okay. Great. This is ZRR Guidance, Office of Planning, Zoning Commission Case No. 08-06, Office of Planning, Additional Public Outreach in the Zoning Review Process.

MR. PARKER:

MR. PARKER: Thank you, Mr. Chairman, Members of the Commission. For the record, my name is Travis Parker with the Office of Planning.

First of all, thank you to the Commission Members for attending our task force meeting on March 30th. At that meeting, you were all part of and heard a lot of discussion about a need for adding some additional public outreach to the already significant public outreach that's been a part of this process. And we all came to the general conclusion at that meeting that we could add a significant public outreach component to this process.
Since that meeting, we've thought about how to accomplish that. We talked a little bit about it on March 30th but didn't resolve what the procedural changes would be to add this component. And since March 30th, we have suggested a couple of procedural options to the task force with the basic difference of them being between whether we continued to do text hearings on individual subtitles prior to the public outreach or after the public outreach. And one of our main concerns was doing it prior to the public outreach would basically require us to double our number of public hearings because we need to take those results to the public and then come back afterwards and re-hear everything again once additional people had been reached.

But some people on the task force did express the concern that they wanted to see some Zoning Commission input on -- and I know the Zoning Commission members have
expressed that as well -- have some Zoning Commission input on draft text prior to making public presentations. So the task force themselves were basically evenly split on whether to have hearings prior to or after the public outreach.

The people who were supporting continuing text hearings before public outreach were somewhat more vociferous. But there was an even split down the middle. And based on sort of what we heard, we came up with what we considered to be a compromise position which would put the setdown meetings -- basically the process from here on out would be we would work internally to continue finishing draft of the text until we had all ten subtitles written and available for public review. Then we'd bring them one at a time to you for your regular setdown. You would have a chance to review the text of each subtitle, have a setdown meeting, offer your comments
and proposed changes, and then with the task
force input and your input from the setdown
meeting, we would then have a full draft with
comments that we could take out on the road --
go to different wards, go to different ANCs
and drum up as much interest as we can in the
zoning review process and let people know that
this change is happening -- that this is
coming. Then once that public outreach
process is complete, we would then schedule
hearings on the individual subtitles.

So this is where we've ended up.
It leaves sort of a question mark as far as
when all these dates will be. Likely the
setdowns would happen in the summerish time
period. And this outreach may happen over the
fall with hearings resuming then after the
public outreach. But I can't be much more
specific than that.

But this is the update I wanted to
give to you tonight based on our subsequent
meeting with the task force after our March 30th meeting and ask for any input or thoughts that you all might have.

CHAIRMAN HOOD: Okay. Any comments? Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: Mr. Chairman, I think I come down on the camp of completing the draft text, setting it down by the Zoning Commission, having our chapter-specific hearings on the text and then coming up with a package of draft zoning regulations -- a completed draft of zoning regulations that the Zoning Commission has reviewed, and then presenting that completed draft to the public for an additional round of comments. At that point we'll have had public hearings on each and every one of the chapters, and we will have put it together into one large text that will have to relate to itself. And we'll have a completed package.

I think at that point, it would be
very advisable for this Commission to then say okay, we think we've done a good job of coming up with a fully baked text. Let's go back out to the public, have another set of hearings, have OP and OZ go out to the public, conduct their outreach, and then bring it to completion.

I don't know. I feel like this compromise position is -- I don't see an advantage to it frankly. I think we've already had hearings on a number of chapters already. We've already completed the text on a number of chapters, and it feels a little disjointed not to stop now. I think we've got momentum. I think we can get a draft complete package done by the end of this fall. And then we can start the new year out by going back out to the public. And I think that would be a better way to proceed.

CHAIRMAN HOOD: Okay. So let me make sure I understand.
Out of the three proposals that we have in this letter from the Office of Planning, Vice Chairman Schlater, you're saying number 2? Is that where you are? Okay.

VICE CHAIRMAN SCHLATER: No. Is that even one of the options that's been put forward? I'm option 4.

MR. PARKER: Let me see if I understand you.

You're saying complete the text, then go through setdown and public hearings on all the text. And then we have basically a final draft version. Then do public outreach. And then do another one big hearing or another series of individual hearings?

VICE CHAIRMAN SCHLATER: At the task force meeting, I thought we had a pretty long discussion about this. And certainly one of the proposals that was out there --

MR. PARKER: Right.
VICE CHAIRMAN SCHLATER: -- was to do exactly that. Complete our hearings on individual text, bring together a fully completed draft, and then take that draft-proposed text and have a public outreach process that would culminate in a series of additional hearings -- formal Zoning Commission hearings -- to gather the final comments from the public, and then go final.

MR. PARKER: The two concerns that we heard with that at our task force meeting, first off, you're basically doubling the number of hearings. So --

VICE CHAIRMAN SCHLATER: I'm not proposing to having redundant parking hearings. I think I'm saying have two or three hearings at the end of the process on the full draft of the text.

MR. PARKER: I see. Not one on each subtitle again?

VICE CHAIRMAN SCHLATER: No.
MR. PARKER: But just --

VICE CHAIRMAN SCHLATER: I don't see the reason to do that.

MR. PARKER: I see.

VICE CHAIRMAN SCHLATER: And I think that we did discuss that at the task force meeting.

COMMISSIONER MAY: Isn't that essentially the process that we were already doing except adding the public outreach and saying that it's going to be more than just errors and omissions and corrections at that final stage? It's going to be a more substantive hearing on the totality of the text at the end.

VICE CHAIRMAN SCHLATER: I think that's right. And I wouldn't minimize the broad public outreach portion of it where we actually --

COMMISSIONER MAY: I don't mean to minimize it. I'm just --
VICE CHAIRMAN SCHLATER: -- take it to the community and sell it.

COMMISSIONER MAY: The concern that I have here is essentially that it's not very different from what we were intending. I mean, yes, it does add that extra public outreach. But I think that there's substantial kind of discomfort with the process. Now that we've gotten through a lot of it, I think that there's some significant discomfort with it in the public. And I'd rather do something even if it isn't necessarily the most time-efficient or it doesn't take advantage of the momentum that we might have at this moment. I think it's important to be responsive to what we heard in the task force meeting and try to adapt the text or try to adapt our process a little bit as a result.

VICE CHAIRMAN SCHLATER: I think part of what I heard at the task force meeting
was process fatigue and people having to spend too many nights going out to hearings and too many things to track at one time. And I think by extending the process, I'm not sure that that is going to improve that situation.

COMMISSIONER MAY: Not necessarily. I mean, I don't think we can address every single comment that occurred at that meeting. I just feel a need to try to do something that's a bit more different from what we have been doing because there was substantial discomfort with the process and where we are right now.

And frankly the momentum that we have isn't necessarily a good thing. I mean, it may be good for us because we're in the mode and we're moving along. But sometimes momentum is progress, and sometimes momentum is considered steamrolling. And we don't want to create that impression.

CHAIRMAN HOOD: One of the things
that I often think about -- and I'm going to include all of us now because all of us are going to be a part of this -- Hood, Turnbull, Schlater, Selfridge and May messed up zoning in the District of Columbia. Okay? That's one of the things that bothers me.

And I will tell you -- and I want to hear from others first before I really actually weigh in -- so let me hold my remarks.

Commissioner Selfridge?

COMMISSIONER SELFRIDGE: I guess I had a couple questions for Mr. Parker.

One is what is the impact on the schedule if proposal 1, 2 or 3 were adopted recognizing there's a fourth proposal out there as well even if it's not in front of us?

And then, isn't there a concern that there would be this broad public outreach and that if we did this that there could still be so many major changes during the hearing
process? And so I just wondered if we're going to achieve anything by representing the finished draft texts, what the product is going to look like with still the opportunity for wholesale changes during the hearing process. So I think that would be a concern to me if we didn't go through the hearing process at the Commission level before the public outreach.

MR. PARKER: I think we share some of that concern. I mean, in theory we don't have any problem with the program that Commissioner Schlater has recommended. The difficulty with it is in how that public outreach is perceived because it takes place after the Zoning Commission has not only reviewed but taken votes. So the Zoning Commission has actually voted 5-0 to approve draft text for chapter X. And so, it gives the appearance that this is a done deal.

And we're coming back and we're
going to have more hearings on it, but it's not going to be a hearing on chapter X. It's going to be a hearing on the whole thing where somebody's going to have three minutes to pick which parts of the whole thing that they want.

So that's kind of why we backed away from that as an option to put the public outreach earlier in the process.

VICE CHAIRMAN SCHLATER: So are you proposing going back and re-hearing bicycles, parking and loading?

MR. PARKER: No.

VICE CHAIRMAN SCHLATER: I'm not sure why not given that logic.

MR. PARKER: Those were done. And people have participated. I mean, we're hearing that we should change what we're doing from here. We haven't heard strong opinions on either that we need to go back. In fact, we've heard opinions that we shouldn't go back and start over on the stuff that we've already
done.

But everything from here on out, if we're going to add public outreach, it's probably more meaningful before a vote. But from our standpoint, we're fine with either one.

COMMISSIONER SELFRIDGE: What about the schedule?

MR. PARKER: Again, hard to say. I think obviously one round of hearings is shorter than two. But now that I understand what Commissioner Schlater is saying, his second round is only a few hearings and then a short time period. So they're probably not that different -- the two options that are sort of being considered. But either way, it's well into next year.

CHAIRMAN HOOD: Commissioner Turnbull, did you want to weigh in?

COMMISSIONER TURNBULL: Well, I was just trying to understand on this
compromise. Now the completion of the draft text, the Zoning Commission is then reviewing that?

MR. PARKER: In the compromise, yes. We'd come to you with each subtitle as a setdown. And you'd setdown each one, give us your comments. So that way, we're taking out something that you've reviewed, but not something that you've made a decision on.

COMMISSIONER TURNBULL: Well, I think no matter what we do, whatever anyone's going to look at is something that we've already given our views on then, no matter which way.

MR. PARKER: Well, unless you go with option 2 which is basically we complete it and do the outreach before you see it --

COMMISSIONER MAY: But even in the compromise position, we're giving comments but we're not voting before they do the public outreach.
COMMISSIONER TURNBULL: So it's setdown, we're going to review it, give our comments, but we don't vote on it?

COMMISSIONER MAY: We vote to set it down.

COMMISSIONER TURNBULL: And that's it?

COMMISSIONER MAY: But we don't vote on the actual text. We give comments on the text, and we vote to have a hearing. And then they do the public outreach. And then we hear from the public. And frankly, I think that's a really useful way of doing it because I think a lot of the discussion on what the actual text is occurs between the Office of Planning and the public that they're going to be interacting with on this outreach effort. So when it comes to us, it's already been cooked for a while or re-cooked and the Office of Planning can make further recommendations when we actually get to the hearing.
COMMISSIONER TURNBULL: So after the broad public outreach, you're going to revise and incorporate those comments into what we would then have a hearing for which we would then a discussion, again we would re-vet those issues?

MR. PARKER: Right. Exactly. I mean, we'll sort of consolidate what we hear in our broad public outreach and re-present it to you. Obviously part of it is getting people to come that are interested.

COMMISSIONER TURNBULL: Right.

MR. PARKER: But a lot of it is going to be collecting input. And that's another of my fears that under Mr. Schlater's proposal that we actually wouldn't end up -- the number of issues might be big enough that we'd be pushed back into having a bunch of subject-specific rather than just having one since --

COMMISSIONER TURNBULL: Do you
think this will then satisfy them? One of the comments we heard was that we had these meetings, we gave our comments to OP and they didn't listen to us. And so they weren't incorporated in the document.

I guess you still may have people who feel that those comments weren't incorporated into it.

MR. PARKER: I think the best way to handle that in this broad public outreach is actually to do a good job of recording the comments. So whether we agree with it or not, we're reporting the comments to you as best we can.

COMMISSIONER TURNBULL: So you may give us an annotated sheet or something that says this comment was brought up or highlight the main comments, but we would recommend this comment be incorporated?

MR. PARKER: Yes. Like we heard these 50 comments. We incorporated these ten.
And we didn't incorporate these 40 and here's why.

COMMISSIONER TURNBULL: Okay. I don't mind that. I don't know. I mean, I think we're always going to have people who are not going to be agreeing with everything that comes up. But at least at this point, we'll be able to see some of those other comments.

CHAIRMAN HOOD: But we've got to look at why we really did this, why this really came up. It didn't up basically for the folks that are in the zoning family.

COMMISSIONER TURNBULL: Right.

CHAIRMAN HOOD: They didn't come up for them. They came up for the folks that are not in the zoning family. And I don't want to call them names, but I was going to say Ms. Elwood -- Ms. MacWood. It might have been her. Or it might have even been Ms. Gates. I'm not sure who it was. But someone
mentioned that people are going to wake up, and they're going to wake up and find out that zoning has changed in their homes.

    Now the reason that I wanted to push this forward and move in this fashion was because I wanted to make sure we have exhausted as much outreach as we can, more than just the task force, more than just us. We were trying to get those people. That's why I mentioned Channel 16. Even if they just do a sound byte. I want people to know that this is happening. And I mentioned this. I even went around to ANC meetings and community meetings. And I've also mentioned get involved, look at the Office of Planning website, call Office of Planning and find out if you can get in a work group because we are re-writing the zoning regulations.

    The reason I am not in favor of the Vice Chairman's way of doing things because I'm also a community leader. When
people bring stuff to me, if it's already been voted, don't bring it to me. You already have made the decision. I don't want to see it. Bring me something where I have some input.

But before I go any further, let me ask you this, Mr. Parker. Option 1 -- explain option 1 how that work. And I know that you have a compromise. I'm only doing 1, 2, 3. I don't know where 4 came from. I don't see 4 in black and white even though I know 4 was mentioned. I don't want to disregard it, but right now I can't operate on 4. I'm looking at 1, 2 and 3. I'm trying to understand what we have in black and white.

MR. PARKER: Option 1 is sort of what we thought we heard at the end of March 30th where we'd continue our review of each subtitle, but instead of taking preliminary and final action, we'd call it like draft text or something like that.

So we'd have a hearing on each
one. Then we do this broad public outreach, and then we'd come back and do hearings on them all again after the public outreach. And that one was kind of scary to us because it adds about a year to the process because you're doubling the number of hearings. And so, that has the benefit of maximum outreach, maximum input, maximum everything, but it's incredibly intensive on resources and time, and it also has basically one hearing where only the in-the-knows can participate and then another hearing later where everybody that's been outreached to gets to participate.

CHAIRMAN HOOD: Okay. So let me ask you this. What is the difference in option 1 and Mr. Schlater's option 4?

MR. PARKER: Commissioner Schlater's option 4 is taking that last step and just consolidating it into one hearing or series of hearings on the entire text. And I think that's a good thing. My worry is that
the broad public outreach would come up with enough comments that that would get expanded again into as many hearings as we were trying to avoid.

CHAIRMAN HOOD: So you'll compromise.

And let me ask you this. How many people were at the task force hearing where this was discussed?

MR. PARKER: In April? The one after?

CHAIRMAN HOOD: After the one we came to.

MR. PARKER: Oh, I think we had ten to 12.

CHAIRMAN HOOD: Twelve?

MR. PARKER: Maybe eight. Somewhere between -- eight voting members.

CHAIRMAN HOOD: So you had more when we showed up, right?

MR. PARKER: We did.
CHAIRMAN HOOD: Okay. That's fine, if eight show up. But again, this goes to the next point. The next point is making sure that we get it on 16. And I don't know what the budget looks like. We can ask the Mayor. They got plenty -- well, I can't say they've got plenty of money. But they've got some. But we can start notifying the people to at least make sure that at the end of the day we've exhausted all we could to get into those households. Whether they show or not, we've done all we can to make sure we did the outreach. And I don't know if 3 gets us there. But if 3 gets us there, I would go with the compromise. I'd like 1, but if it adds a year to the process, I don't think anyone wants that.

MR. PARKER: I think exhaustive definitely applies.

CHAIRMAN HOOD: Right. So again, could you just explain 3 to me again?
MR. PARKER: Okay. The proposal here is that the schedule that you've seen to date sort of goes away. We take another month or two or as much time as we need to finish the draft of the text -- finish all ten subtitles. Then we come to all of your regular monthly meetings one at a time and we set down each subtitle. There's about six or seven left that need to be set down.

Once you've reviewed them, set them down, offered your comments, then we organize two, three months of broad public outreach. We do these ward meetings -- whatever it takes, put it on television and the radio, et cetera. Then after that public outreach, we consolidate all the comments, and those become part of our report to you for the hearing for each one of these.

CHAIRMAN HOOD: Okay. And this wouldn't prolong it. It wouldn't be a year like option 1?
MR. PARKER: Well, it's definitely going to be a year from now, but it's not going to be an additional year from where we were a month ago.

CHAIRMAN HOOD: And let me also make a recommendation. Most council members have leadership meetings. I know 4 and 5, and I'm not sure about the other wards. They have leadership meetings. That'll be another place that we can do some of that. Then it's incumbent upon some of those leaders to also get the word out.

MR. PARKER: That's actually a comment we heard at the most recent task force meeting that the word out was yes, that we should be get the council members involved in outreach and use their networks to get the word out.

CHAIRMAN HOOD: But the key is they have leadership meetings. And then that's where all their ANC commissioners and
some of their presidents of civic associations come together and meet once -- well, some of them do it once a month, I know for a fact. I'm not sure if all wards, but I know 4 and 5 do that.

Any other questions?

COMMISSIONER SELFRIDGE: I have a couple comments or questions.

CHAIRMAN HOOD: Commissioner Selfridge?

COMMISSIONER SELFRIDGE: I guess I like option 4, but kind of seeing where this is going, I recognize that it's not getting the broad support, at least at this stage although the discussion's not over.

But option 3, setdown text by the Zoning Commission, is that really going to gain us anything? The idea that the Zoning Commission comments on this text, are you going to bring those comments out? Is it going to be confusing to people if we're doing
a broad public outreach and you have draft text and then there's Zoning Commission comments? And what are we really bringing to people?

MR. PARKER: Well, you become part of the drafting. So we go away and draft our text and then we take it to the task force. And they have a series of comments and we incorporate them as much as possible. We bring it to you and you have a series of comments. And if you say we really don't like this, you need to re-look at this strategy or you need to change this number from 10 to 12, we make those changes so that ultimately what goes out as a draft for public outreach has the comments from the task force and from you in it. Maybe not all of them we agree with and we put in, same as everybody else, but it incorporates everything that we've heard.

COMMISSIONER SELFRIDGE: So there may actually be a step two and a half on
option 3? Because there will be some change to the draft text potentially based on the setdown.

MR. PARKER: That happens continuously. We're drafting, re-drafting text everyday.

COMMISSIONER SELFRIDGE: And then I guess if you could just enlighten me. When they do zoning re-writes in other cities, is the process similar to the process that we've undertaken in terms of the outreach and the number of public meetings? Or has Office of Planning engaged in less outreach or more outreach or --

MR. PARKER: No. The process in other cities is more like the federal process. They write everything behind closed doors, and then they present you with a final document or a draft document, and they say here it is and we have a series of meetings.

We've actually just reached the
starting point of the federal process. Up until now, it's been the writing. We've included everyone in the city in writing the document. So what we've done up until now is unprecedented and well beyond what anybody else does. And now we're entering the phase of here's a draft document. Now let's have a discussion on the text.

COMMISSIONER SELFRIDGE: So these 100 and -- how many odd meetings have you done?

MR. PARKER: Eighty-six.

COMMISSIONER SELFRIDGE: Eighty-six? That's more than most jurisdictions would see. So you've been pretty thorough in your outreach up to this point.

MR. PARKER: We're just at the starting point of what most jurisdictions do right now.

COMMISSIONER SELFRIDGE: You should be commended and your staff commended
for that. That's a lot of work. And I think that gets missed a lot in these discussions how much you guys have been out there talking about this.

MR. PARKER: Thank you.

CHAIRMAN HOOD: And I would agree with Commissioner Selfridge because -- and I say this actually and I think Ms. Steingasser has heard me say this at the oversight hearing -- I was here when the Office of Planning was not staff up to like it was now and where the community did not have a place at the table. So that does not go -- and my colleague just mentioned it -- but that does not go unnoticed, at least by this Commissioner because I was here before we even had sit down discussions with community and the Office of Planning. So hats off to you. You do a great job. But again, I'm still just thinking this little piece -- I think that extra little -- I think I consider this -- is this a minor
delay? Could we call it a minor delay?

MR. PARKER: It's one of many.

CHAIRMAN HOOD: One of many?

Okay. This is just a minor delay.

But at the end of the day, I think we will be happier and won't be noted -- well, you all won't be noted -- but we won't be noted as messing up zoning in the city. That's the way I look at it.

But we haven't decided. I think option 3. Commissioners, I'm recommending that. I know there's an option 4 that was put out on the table. I think that that to me as a community person getting something that's already been at least voted on by the Zoning Commission to me is just don't bring it to me. That's the way I feel.

So let me open it up.

COMMISSIONER TURNBULL: Mr. Chairman, the difference between 3 and 4 is basically the quantity of the number of
meetings. And I guess -- I think --

MR. PARKER: And the timing of them.

COMMISSIONER TURNBULL: Well, the timing.

CHAIRMAN HOOD: And the vote. And the vote, correct?

MR. PARKER: The vote?

CHAIRMAN HOOD: There's no vote on 3, right?

MR. PARKER: No vote prior to public --

CHAIRMAN HOOD: Right. No vote prior. No vote prior. I'm sorry. No vote prior.

COMMISSIONER TURNBULL: Well, I don't think you're voting on 4 either, right?

VICE CHAIRMAN SCHLATER: To be clear, it's not as if you're not having a public hearing on each. You're having a public -- a noticed public hearing on each
specific chapter where everybody is noticed in
the register at the ANCs that you're going to
have a hearing on this. So it's not as if
we're turning our backs on the community.
We're actually embracing it, wanting to have a
public hearing on it. And all I'm saying is
then we have another series of public hearings
after that to look at the completed product.

So I do not agree that my proposal
in any way is insensitive to the community's
need for input into the process.

COMMISSIONER MAY: I think it's
overstating it for anybody to characterize it
as insensitive. No one's suggesting that it's
insensitive. I just think it's a question of
going the extra mile. And I don't know. I
mean, I think we heard a clear message at the
task force meeting that we should be doing
something a little bit differently. And we
heard that regularly at hearings when we
considered text up to this point, that we were
hearing from people that they didn't feel like
they were being listened to.

And so, I think doing something a
little bit differently, specifically setting
down the text for hearing and then doing
significant public outreach I think give us an
opportunity to get input at a stage when we
haven't before. And I'm hopeful that the
community will respond very positively to it
and that some of the folks who have not yet
fully embraced the process or the re-write at
this point really will as a result of this.

So I think that OP's suggested compromise is the right way to go. And I'm
ready to move in that direction.

CHAIRMAN HOOD: Any other
discussion?

COMMISSIONER MAY: Wrap it up.

CHAIRMAN HOOD: Okay. What I will
do, I will make a motion that we move -- and
let me just say that no one -- I will have to
agree with Commissioner May and I want to say to Vice Chairman Schlater, no one is saying that option 4 which I don't see on the paper -- I've been looking for it now for a while -- is insensitive to the community. I think no one up here is trying to be that way towards the community. I would think that this Commission definitely wants to hear all sides. And I know we're all open to that. So that was not a characterization to say that someone was insensitive to the community's input. But I just think that we get what we get as Commissioner May has already mentioned with number 3.

So what I'm going to do, I'm going to call for a vote.

I move that we move in the recommendation of the compromise which is number 3 on the memorandum to us dated April 14th which was presented by the Office of Planning, and ask for a second.
COMMISSIONER MAY: Second.

CHAIRMAN HOOD: It's been moved and properly seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor?

(A CHORUS OF AYES.)

CHAIRMAN HOOD: Any opposition?

(No audible response.)

CHAIRMAN HOOD: So staff, would you record the vote?

MS. SCHELLIN: Okay. Hearing none opposed, staff would record the vote 5-0-0 to approved option 3 as suggested from the Office of Planning as the additional public outreach option. Commissioner Hood moving; Commissioner May seconding; Commissioners Turnbull, Schlater and Selfridge in support.

CHAIRMAN HOOD: Okay. Again, I want to thank the Office of Planning for all
the work you've done with the task force and
with us and the work groups.

So Ms. Schellin, do we have
anything else?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. I want to
thank everyone for their participation
tonight.

This meeting is adjourned.

(Whereupon, at 8:48 p.m., the
hearing was adjourned.)