The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, 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 M. SELFridge, Commissioner
MICHAEL G. TURNbull, FAIA, Commissioner (OAC)
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, ESQ., General Counsel
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development Review & Historic Preservation
JOEL LAWSON
MAXINE BROWN-ROBERTS
MATT JESICK
PAUL GOLDSTEIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on September 12, 2011.
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ADJOURN:
Anthony Hood.................................
CHAIRMAN HOOD: Okay. This meeting will please come to order. Good evening, ladies and gentlemen. This is the September 12, 2011 Public Meeting of the Zoning Commission for the District of Columbia.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner May, Turnbull, and Selfridge.

I want to ask from the dais, other than the Commissioners to my left, if you can introduce yourselves and who you're representing?

MS. SCHELLIN: Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning.

MS. HANOUSEK: Donna Hanousek, Office of Zoning.

MS. BUSHMAN: Esther Bushman, Office of Zoning.
MR. RITTING: Jacob Ritting, Office of the Attorney General.

CHAIRMAN HOOD: Okay. And if I can start with the Office of Planning to my right?

MS. STEINGASSER: Jennifer Steingasser, Office of Planning.

MR. LAWSON: Joel Lawson, Office of Planning.

MS. BROWN-ROBERTS: Maxine Brown-Roberts, the Office of Planning.

MR. GOLDSTEIN: Paul Goldstein, Office of Planning.

CHAIRMAN HOOD: Okay. And for the note, we are located in the new main hearing room of Jerrily Kress, a former director.

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.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

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

Commissioners, unless you otherwise may disagree, I wanted to move the agenda around. I want to take final action first, hearing action second, and proposed action we'll do -- I think there will be more detail so let's do that third, unless I hear any objections.

Okay. Let's move right into final action. Zoning Commission Case No. 10-19, Office of Planning, Map and Text Amendment, H Street Overlay, Zoning Consistency at Squares
1050, et al.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. If you'll recall, this case had come before the Commission for final action a few months back. However, between OP and ANC-6A, they asked that the Commission defer action until tonight to allow them some time to maybe come to a different agreement.

The Commission had left the record open until September 6 to receive anything that the ANC and OP wanted to submit.

However, ANC-6A did not make a submittal until September 9, which I have tonight if the Commission -- they've also made a request to reopen the record to accept that request.

If the Commission would like to see that letter, I do have it this evening to give to you. But I would need the Commission to reopen the record to accept that because it was late. The record was closed.
CHAIRMAN HOOD: Is this from the ANC?

MS. SCHELLIN: It is from ANC-6A.

CHAIRMAN HOOD: Okay. Commissioners, I don't have any objections.

Do we have any objections? Any objections?

I'm not seeing any, Ms. Schellin.

MS. SCHELLIN: I'll pass that out.

CHAIRMAN HOOD: It's going to take us a few moments, I guess, to read it.

In speed reading this, it looks as though the ANC is in agreement with the Office of Planning with two lots. Three lots apparently, on the other hand, the ANC-6A strongly believes that Lots 840, 841, and 804 should be downsized from C-3-A to C-2-A as in the proposed final order.

Apparently they agree with Office of Planning, Mr. Lawson?

MR. LAWSON: Yes. That's absolutely correct. The position of the ANC
and OP is in line.

CHAIRMAN HOOD: Okay. All right. Commissioners, any other comments or questions, concerns?

We do have what is being presented to us. It looks like everybody is on the same page now.

Office of Planning for approval of the proposed text amendment with the modification of the properties at Lot 849. Lots 141, 142, and 143 within Square 1027 retain the current C-3-A zoning but be rezoned and included within the H Street Overlay consistent with the properties directly to the north.

Hopefully that's captured everything in a nutshell.

Any other comments?

Okay. Not hearing any, I would move to approve --

VICE CHAIRMAN SCHLATER: Mr. Chairman, I just would say --
CHAIRMAN HOOD: Sure.

VICE CHAIRMAN SCHLATER: I voted against the text amendment the first time around and I'm going to continue to vote against it this time around.

Because I don't believe -- I think this modification that we're approving tonight sort of exemplifies why we shouldn't be doing this.

We can have well designed, more dense residential projects on this portion of H Street, the portion of H Street that is going to be served by a streetcar line very soon. It doesn't make any sense at all to me to downzone these properties right now. So I remain unconvinced on that point.

I think the changes that we're adopting tonight, I guess, get us closer to that because we're not downzoning as many lots. But we haven't gotten far enough, in my opinion.

CHAIRMAN HOOD: Okay. Thank you,
Vice Chairman.

Any other comments?


COMMISSIONER TURNBULL: Second.

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

Any further discussion?

Are you ready for the question?

All who is in favor?

PARTICIPANTS: Aye.

CHAIRMAN HOOD: Any opposition?

VICE CHAIRMAN SCHLATER: No.

CHAIRMAN HOOD: Okay. Staff, would you please record the vote?

MS. SCHELLIN: Yes. Staff records the vote 4-1-0 to approve final action on Zoning Commission Case No. 10-19, Commissioner Hood moving, Commissioner Turnbull seconding,
Commissioners May and Selfridge in support, Commissioner Schlater opposed.

CHAIRMAN HOOD: Okay. Next, Zoning Commission Case No. 11-01, Office of Planning, Text Amendment at Section 2116, Location of Parking Spaces.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. At Exhibit 18 we have an NCPC report where they had no adverse issues.

At Exhibit 19, we have a letter from the Committee of 100.

CHAIRMAN HOOD: Okay. Commissioners, the committee has asked us not to go forward at this time. I guess they want the Office of Planning to do more evaluation about some of the language we have in the text.

I'm sure we have the committee's proposal in front of us.

Can we open up for any comments?

Maybe we can have a dialogue with
the Office of Planning. I know this is not normally what we do but we'll see if we can maybe cut some of this and have a conversation with the Office of Planning. I know we did at the hearing but maybe we can fine tune some of this.

Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: I guess the main argument here is that the proposed text amendment would actually be in conflict with the Comprehensive Plan regarding the unbundling of parking costs.

I'm just not seeing the connection there. Maybe one of my fellow Commissioners can explain to me what it is.

CHAIRMAN HOOD: Do any of the Commissioners feel like explaining to the Vice Chairman? I know I don't. I'm having a hard enough time myself.

So Vice Chairman Schlater, you're saying that you don't see what unbundling has to do with -- in other words, you don't buy
the Committee of 100's argument?

   Let me ask you this. Look at 2116. I'm not saying I buy it or not. But let's look at -- I tried to look at what they were speaking of. I looked at -- I think this is 2116.4. It talks about it.

   Ms. Gates, she's here tonight. She actually mentioned that at the hearing, about what actually are we changing in the front of some of the single-family homes, in the lot line? That's what I characterized from her letter. That's what I think she's trying to figure out. What are we doing here?

   VICE CHAIRMAN SCHLATER: My understanding is it doesn't impact any existing structure. If you have a house and you've got parking in front of your house today within that restricted area, you're still going to be allowed to park there.

   I think what we're talking about is future development, new homes. In that case you would be restricting the ability to
put parking in that area. Theoretically you
would be restricting the supply of parking in
the long run in the District.

CHAIRMAN HOOD: The way I
interpret it, in some neighborhoods we're
changing the whole character, what's already
been existing. Is that what we want to do?

In the letter that Ms. Gates -- I
have it highlighted it somewhere. She
mentioned carports and a parking light right
in front of the window of the homes. In some
houses that is the character of the city. It
might not be all over the city but we're
making a major change.

I'm not arguing for it or against
it. I'm just getting a discussion going.
I've got to feel where everybody is.

COMMISSIONER TURNBULL: I'm trying
to remember the discussions that went on. But
I think it was Ms. Gates that brought up a
question that night about a driveway that did
not go all the way back past the house to a
garage but simply was at the side, and that people had been parking on these driveways for years, and would they now be excluded from doing so.

I think Commissioner May got into some questions on that. But I think that was her big issue at the time.

I think we were trying to say that would not impact it. Maybe OP could comment on that but I thought -- I'm not sure exactly how that finally ended up.

COMMISSIONER MAY: My sense of things is that we were not doing something that was going to be a radical change --

COMMISSIONER TURNBULL: Yes.

COMMISSIONER MAY: -- from what's permitted right now.

COMMISSIONER TURNBULL: Right now.

COMMISSIONER MAY: Many of the circumstances that were described that the committee was concerned would no longer be allowed are not allowed now under the current
regulations.

COMMISSIONER TURNBULL: Okay.

COMMISSIONER MAY: Yes. I think there may be some cases -- I'm intrigued by the diagram that's on the last page of this which refers to a building facade line versus a building restriction line when they are not coincident.

Are we now saying you can't park anywhere forward of the face of the building or anywhere in front of the face of the building? That's where the new regs are.

Theoretically there's a space there in some circumstances where there's a separate building restriction line. In other words, the lot line is not coincident with the face of a house.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: So, yes. There's theoretically a small area there where we would be preventing parking that were previously legal. But I don't know how
frequently that condition actually occurs.

MS. STEINGASSER: As you stated, Commissioner May, the new regulations would not impact, would not require people no longer park in their existing parking spaces. There would be no forced removal of parking spaces. People would be able to continue to use -- their property would not be deemed nonconforming because of the location of their parking.

New construction, new residential construction, if this case existed which we typically do not see anymore, then the parking would be required to be behind the facade of the house or the front line. But it could be to the side. It would just need to be behind the building front.

COMMISSIONER MAY: I see the potential loss of parking from this circumstance in new construction to be minimal if any at all.

And is it a bad thing that we
require them to park beyond the facade of the building? No.

Actually, I think if there's going to be a driveway in the front of the house I'd rather see the cars alongside the house than in the front yard. But I don't think it's that frequent of a circumstance.

CHAIRMAN HOOD: Let me ask it like this. Does anyone see any reservation or should we hold on the Committee of 100's recommendation asking us not to move forward at this time?

Not hearing anything.

The ANC also mentioned it was concerned that the proposed text would limit the ability of residents to replace their driveways and garages in the future.

I think that kind of goes along with the Committee of 100. Parking would become even more of a problem for neighborhood residents in the future.

It also goes on that they wanted
to talk about the residential parking permit program, which is inadequate to ensure that neighborhood street parking is available to local residents.

Does anyone have any reservation or hesitation on any of that?

Any further discussion?

Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: Mr. Chairman, I'd like to make a motion that we approve Zoning Case No. 11-01, Text Amendment, location of parking spaces on a lot.

CHAIRMAN HOOD: It's been moved.

Can I get a second?

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Moved and properly seconded.

Any further discussion?

Are you ready for the question?

All those in favor?

ALL: Aye.

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 approve final action on Zoning Commission Case No. 11-01, Commissioner Schlater moving, Commissioner May seconding, Commissioners Hood, Selfridge, and Turnbull in support.

CHAIRMAN HOOD: Okay. Moving right along. Let's go to Zoning Commission Case No. 11-04. This is SeVerna LLC and Golden Rule Apartments, Inc. Map Amendment at Square 621.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. We have at Exhibit 28 an NCPC report. Again, there were no adverse issues found in this case.

CHAIRMAN HOOD: Okay. Thank you.

You've heard the report from the NCPC. Were there any outstanding issues? I know we probably covered a lot of what's been proposed. Anything else we have outstanding?
I don't have anything listed. Okay.

With that I would move that we approve Zoning Commission Case No. 11-04 and ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Moved and properly seconded.

Any further discussion?

Are you ready for the question?

All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Staff will record the vote 4-0-1 to approve final action on Zoning Commission Case No. 11-04, Commissioner Hood moving, Commissioner May seconding, Commissioners Schlater and Turnbull in support, Commissioner Selfridge not voting having not participated.

VICE CHAIRMAN SCHLATER: I don't
think I participated.

MS. SCHELLIN: Okay. Staff will record the vote 3-0-2 to approve final action on Zoning Commission Case No. 11-04, Commissioner Hood moving, Commissioner May seconding, Commissioner Turnbull in support, Commissioners Schlater and Selfridge not voting not having participated.

CHAIRMAN HOOD: Okay. Thank you.

Next let's go to Zoning Commission Case No. 08-27A, American Institute of Architects, Two-Year PUD Time Extension.

Did I miss one? I must be trying to hurry up and get home. Is Monday night football on? Okay.

Zoning Commission Case 11-05, the Forest City Washington Text Amendment: Section 1805.9.

Ms. Schellin?

MS. SCHELLIN: Yes. All right.

Exhibit 25. Again, NCPC report. And once again, no adverse issues.
CHAIRMAN HOOD: Okay. Any comments? Let's open it up.

Vice Chairman Schlater, any comments?

Would somebody like to make a motion?

VICE CHAIRMAN SCHLATER: Mr. Chairman, I would like to make a motion that we approve Zoning Commission Case No. 11-05, Text Amendment to Section 1805 to permit general office use on the second floor of Building 173 in the Southeast Federal Center on an interim basis.

COMMISSIONER TURNBULL: Second.

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

Any further discussion?

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you please record the vote?
MS. SCHELLIN: Staff records the vote 4-0-0 to approve final action on Zoning Commission Case No. 11-05, Commissioner Schlater moving, Commissioner Turnbull seconding, Commissioners Hood, May, and Selfridge in support.

CHAIRMAN HOOD: Okay. Next let's go to the one I was trying to get to, Zoning Commission Case No. 08-27A. This is the American Institute of Architects Two-Year PUD Time Extension at Square 170.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. At Exhibit 4 we have an ANC-2A report voting 5-0 against extending the PUD.

At Exhibit 5 we have a letter from the applicant responding to the ANC's letter.

We do have an OP report recommending approval of the extension.

CHAIRMAN HOOD: Okay.

Commissioners, I think Ms. Schellin has framed the issue.
I'm not sure and I'm trying to recall if this is an issue that was brought up once before by WECA and also ANC-2A. We already ruled on that in the order that we submitted in this case. It seems like this is the same issue coming back up.

But it goes on to talk about a two-year time extension. In the Office of Planning's report I think they frame it.

They said, "The applicant has been unable to obtain sufficient project finance support. The proposed building is a result of the continuing credit crisis which is beyond the applicant's reasonable control. Therefore there is substantial evidence that there is good cause for requested extension."

We have Exhibit 1. It's the applicant's submission. There are a number of letters, I think, behind Tab C. Behind Tab C we have an affidavit from the Chief Financial Officer.

But anyway, let me open it up.
Any questions? Do we have any comments on the extension?

Would somebody like to make a motion?

COMMISSIONER TURNBULL: Mr. Chair, I'd like to make a motion that we approve Zoning Commission Application No. 08-27 and 08-27A, PUD extension request, the American Institute of Architects, 1735 and 1799 New York Avenue Northwest, Square 170, Lots 38 and 39.

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

It's been moved.

Can I get a second?

COMMISSIONER SELFRIDGE: Second.

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

Any further discussion?

All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Staff records the vote 5-0-0 to approve final action on Zoning Commission Case No. 08-27A, Commissioner Turnbull moving, Commissioner Selfridge seconding, Commissioners Hood, May, and Schlater in support.

CHAIRMAN HOOD: Okay. Next Zoning Commission Case No. 03-12L/03-13L, the Capper Carrollsburg Venture, LLC and DCHA Two-Year PUD Time Extension at Squares 769 and 882.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. We have an OP report -- I keep wanting to say OAG, but an OP report recommending approval at Exhibit 4.

However, at Exhibit 5 we do have an ANC letter requesting that the record remain open until September 16. They are having their meeting this evening. I believe the applicant is actually presenting before
them this evening.

I did speak to the applicant's attorney and they have no problem with deferring this case to the Commission's September 26 meeting.

CHAIRMAN HOOD: Okay. I think it's always good when we work in harmony. So unless I hear any objection, we will hold off and deal with this at our September 26 public meeting.

Thank you. Let's move right to the next case, which is Zoning Commission Case No. 11-06, Urban Investment Partners, Map Amendment at Square 3028.

MS. SCHELLIN: We have at Exhibit 37 a post-hearing filing from the applicant.

At Exhibit 38, an NCPC report. Once again, no adverse issues from NCPC.

CHAIRMAN HOOD: We don't normally just get up and walk out but he's finished with his cases. He's probably trying to catch the game. That's what it is.
MS. SCHELLIN: Just to let you know, I do have two absentee ballots from him for the other two cases he will be voting on.

CHAIRMAN HOOD: Okay. Urban Investment Partners Map Amendment at Square 3028, Commissioners.

Would somebody like to start us off with discussion?

VICE CHAIRMAN SCHLATER: Just as a preliminary matter, I think the last time around we didn't give the ANC recommendation on this case great weight because they hadn't recorded the actual vote in their letter to us.

But our lawyers have correctly informed us that our regulations and the ANC Act don't require actually that the vote be recorded.

So I think I'm comfortable giving the ANC recommendation great weight in this case.

MR. RITTING: That's correct.
That was my advice. I think that their letter did comply with the ANC Act.

There was some confusion because the Zoning Regulations have a separate requirement for when ANCs want to participate as parties. It appears that their letter didn't comply with that requirement.

However, they weren't seeking to participate as a party and the issue of whether you give their written recommendation great weight is a separate question.

Fortunately their letter was in support and that's consistent with the action that you took previously. So it's sufficient for you just to note that you're taking it into consideration now and you're giving it great weight.

CHAIRMAN HOOD: Okay. We will retract that, I guess, and give the ANC great weight in this case. The only specific reason I think it was stated was because of the vote.

But as we've been counseled, it's not a
So we want to make sure we reflect to the ANC that we will be affording great weight. Like you said, it's good, it was already in support. That makes things a lot easier.

Any other comments, Commissioners?

VICE CHAIRMAN SCHLATER: Mr. Chairman, the only other thing is I think we had only one real open issue after leaving the hearing that night.

That was addressing some of the concerns that were raised by a neighbor about the management of that property. There were issues of trash, rodents, lighting, property management issues.

I think the applicant has addressed those issues in a letter and have committed to work to improve the management of the property. I'm certainly comfortable moving forward tonight.

CHAIRMAN HOOD: As you've stated,
I think you're exactly correct. I think the applicant has outlined even though they have not gotten a response from that particular resident who had some of the issues. But that's here in the record so that has been addressed as was asked by Mr. Green.

Any other questions or comments?

Okay. I would move that we approve Zoning Commission Case No. 11-06 and ask for a second.

VICE CHAIRMAN SCHLATER: Second.

CHAIRMAN HOOD: Moved and properly seconded.

All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Yes. Staff records the vote 4-0-1 to approve final action on Zoning Commission Case No. 11-06, Commissioner Hood moving, Commissioner Schlater seconding,
Commissioners May and Turnbull in support, Commissioner Selfridge not voting having not participated.

COMMISSIONER MAY: I need to correct that. I did not vote on this case. I didn't hear the case.

MS. SCHELLIN: Okay. Staff would correct the vote 3-0-2, Commissioner Hood moving, Commissioner Schlater seconding, Commissioner Turnbull in support, Commissioners May and Selfridge not voting having not participated.

CHAIRMAN HOOD: Okay. Next the Office of Planning. This is Zoning Commission Case No. 11-10, Office of Planning, Map Amendment and Variance at Dunbar High School.

Ms. Schellin?

MS. SCHELLIN: Yes. We have one exhibit in this case that came in, Exhibit 24, an NCPC report. No adverse issues with this case.

CHAIRMAN HOOD: Okay.
Commissioners, I think you remember we had a pretty straightforward case about the rebuilding/renovation of Dunbar High School.

So let me open it up. Any questions or comments? Okay.

Remember Commissioners, we are looking at the variance test. Is there any extraordinary or exceptional condition affecting the property? The second prong, where practical difficulty or care of the Zoning Regulations are strictly enforced. Will granting the application result in a substantial detriment to public good or impair the Zone Plan?

I think that the first prong, there are a number of things we can look at. The existing school building is very overly large for the school's current and expected enrollment and needs to be modernized. I think that's the key.

We looked at all the different labs and things that now go into a school
system.

And then when you talk about the practical difficulty, the newly configured site and all its programmatic needs including classroom labs, administrative spaces, outdoor recreation centers, and the track at Dunbar, I think that creates the difficulty.

But then when you look to the cost of constructing an underground parking and loading facility, when you're using public money it's not advantageous to dig deep for a parking garage.

I think that would be definitely not advantageous for us to hold a strict application of the Zoning Plan, a detriment to the public good or an improvement of the Zone Plan.

We have two Metro stations that are close by and there are a lot of bus lines which run. So I don't see any detriment in that case.

Also most of the time, unless
things have changed, I've been out of school a few years but in high school I don't remember any 55-foot trucks backing up to deliver anything. I don't know. On the first day maybe there was some furniture or something. But I don't remember seeing that and I don't think that would cause any detriment to the public good.

Would anybody else like to chime in on this?

It's kind of hard because I went to McKinley Tech. We didn't like Dunbar so it's hard for me to deliberate on this one.

COMMISSIONER MAY: I would just add, I think that what's being done to the site overall with the reopening of O Street is an exceptional condition and benefit to the site. So you go from ample land and a highrise structure to a more manageable height of structure.

You don't want to build school buildings too high because then you wind up
having to move between floors on elevators or something like that. That's not really practical in a high school so there's a practical limit for how high a high school would be. You can't gain land area by building taller.

It's really not practical to build massive underground garages, I think, for a variety of reasons in this circumstance.

I also think frankly there is precedent for other high schools that are located approximate to transit to be able to have a reduced parking requirement.

I know the School Without Walls has very few parking spaces available to them and only on the GW campus. They seem to manage with that limited number and a lot of the teachers simply don't require them.

It's a little bit different, I think, if it were a more remote location and there was a more defined need for all of the teachers who come to the campus to park. But
I think in this case this is a manageable circumstance.

Thanks.

CHAIRMAN HOOD: Anybody else?

COMMISSIONER TURNBULL: I'd just concur with everything the two of you said.

CHAIRMAN HOOD: All right. With that --

VICE CHAIRMAN SCHLATER: Mr. Chairman, I'd be happy to make a motion that we approve Zoning Commission Case No. 11-10, Dunbar High School, variances and map amendment.

COMMISSIONER TURNBULL: Second.

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

Any further discussion?

Are you ready for the question?

All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Yes. Staff records the vote 5-0-0 to approve final action on Zoning Commission Case No. 11-10, Commissioner Schlater moving, Commissioner Turnbull seconding, Commissioners Hood and May in support, Commissioner Selfridge in support by absentee ballot.

CHAIRMAN HOOD: As stated earlier at the beginning of this meeting, I moved the agenda so we can go through with the hearing action. Zoning Commission Case No. 11-19, 30th Street Crescent, LLC, Map Amendment at Square 4376.

Ms. Brown-Roberts?

MS. BROWN-ROBERTS: Good evening, Mr. Chairman and members of the Commission. I am Maxine Brown-Roberts from the Office of Planning.

The 30th Street LLC has submitted an application to enable the development of 27 townhouses within the Woodridge neighborhood.
The application includes a map amendment from the R-1-B Zone to the R-5-A Zone.

I request that the Zoning Commission retain jurisdiction to hear and decide special exception review for residential development in the R-5-A District, special exception review for multiple buildings on a single subdivided lot, and variance relief from the FAR lot occupancy side, rear, and front yard requirements.

I would like to note that the Zoning Commission has entertained requests to hear special exception and variance concurring with map amendments previously.

Regarding the proposed map amendment, the property is in the R-1-B District which is designated for low-density, single-family detached dwellings while the R-5-A Zone is designated for moderate density dwellings.

The Future Land Use Map of the 2006 Comprehensive Plan and amended by the
Comprehensive Plan Amendment Act of 2010 designates the property as moderate-density residential.

The Comprehensive Plan designates the R-5-A Zone as a moderate-density residential zone and includes rowhouses.

The proposed R-5-A Zone and rowhouse development is therefore not inconsistent with the Future Land Use Map.

The development is also not inconsistent with the Neighborhood Conservation area designation of the generalized policy map which encourages infill housing.

Further, the proposal is not inconsistent with many of the elements of the Comprehensive Plan regarding land use, housing, environment, and the Upper Northeast Area elements.

Regarding the special exception review under Section 353, the applicant has submitted the required maps and drawings which
will be reviewed by the named agencies.

The Office of Planning has reviewed the plan submitted and requests that the applicant provide additional rear and side yard elevations of the building, detailed landscape plans showing the views into and from adjacent properties, an elevation plan for retaining walls, and grading plans.

The proposal to subdivide the property into 27 lots, each with a principal building, and one lot dedicated to a private right-of-way and open spaces, requires special exception review under Section 2516, which is the exception to build a lot control in residence districts.

The proposal meets the allowed FAR and lot occupancy requirements for the overall development, although they have requested variances for those requirements on the individual lots that do not meet them.

OP has requested that the applicant provide a detailed analysis of how
the proposal meets special exception requirements as well as a variance test.

In summary, the proposed map amendment is not inconsistent with the Comprehensive Plan.

OP will continue to work with the applicant, other District agencies, the ANC, and neighbors to ensure coordination of this proposal and the resolution of concerns on the requested special exception and variances.

The Office of Planning recommends that the Zoning Commission set down the application for public hearing.

Again, in order to fully review the application the applicant should provide prior to the public hearing detailed elevations, a detailed landscape plan, drawing of views from the adjacent single-family residences to demonstrate their relationship, grading plans, a complete lot tabulation chart, and a full analysis of the required special exceptions and variances.
Thank you, Mr. Chairman. I'm available for questions.

CHAIRMAN HOOD: Thank you very much, Ms. Brown-Roberts.

I just want to make one correction. This is not in the Woodridge neighborhood. This is in the Gateway community.

MS. BROWN-ROBERTS: Thank you.

CHAIRMAN HOOD: Being the president of the Woodridge Civic Association, I said wait a minute. But anyway, this is in the Gateway community.

Commissioners, any questions or comments?

Mr. May?

COMMISSIONER MAY: Yes. What's going on with the wooded area that's immediately adjacent to the west?

MS. BROWN-ROBERTS: The west, that's a very steep area that is going to remain undeveloped. It's not owned by the
applicant.

COMMISSIONER MAY: Is it owned by another private landowner?

MS. BROWN-ROBERTS: I'm not 100 percent sure. Are you asking if it's the District or --

COMMISSIONER MAY: Yes.

MS. BROWN-ROBERTS: I'm not sure. I'd have to check and get back to you on that.

COMMISSIONER MAY: Okay. Is it a single parcel that connects down to V Street? Am I reading that right in one of these plans?

MS. BROWN-ROBERTS: The C-M-1 Zone parcel, yes. That's a single parcel.

COMMISSIONER MAY: Okay. Was there originally a plan for a cul-de-sac type development?

MS. BROWN-ROBERTS: Yes. I don't know if there was a development proposal prior to this. But there was a cul-de-sac that
intruded into the property.

COMMISSIONER MAY: It looks like it might have been subdivided according to one of the maps that was provided. Was it previously subdivided?

MS. BROWN-ROBERTS: I would have to get back to you on that.

COMMISSIONER MAY: Okay.

MS. BROWN-ROBERTS: I'm not 100 percent sure.

COMMISSIONER MAY: I'm just curious.

I saw something else in one of the other drawings. Some of the houses that surround this, are they duplexes or are they all single-family homes?

MS. BROWN-ROBERTS: They're all single-family houses but there are some duplexes within the community.

COMMISSIONER MAY: Yes. Okay. It looks like some of them are just on double lots.
CHAIRMAN HOOD: Excuse me. We don't take public comment and we're not going to take any yelling out. So I would ask that you just hold your comments. There possibly may be a hearing. There may not be a hearing. You may continue.

COMMISSIONER MAY: I saw a reference to 24 percent lot occupancy. I guess maybe it's true that there's only 24 percent building here but it looks like there's about 50 percent pavement.

I understand part of this is an alley that I assume must be maintained to service the properties along 30th Street.

But it just strikes me if you're going to put homes into this parcel the way they've laid it out, it seems to maximize the amount of pavement. So I'm a little troubled by that aspect of it.

I'm not necessarily so troubled about the proposed density of it. But I don't really quite understand the need to have
basically a handful of townhouses surrounded on all sides by pavement with just a little bit of green space in the middle. It's not a very compelling site plan.

I'm interested in hearing the reaction of the other Commissioners.

CHAIRMAN HOOD: Any other comments?

Mr. Turnbull?

COMMISSIONER TURNBULL: Thanks, Mr. Chair.

I would agree with Commissioner May. I think it is maximizing the site with pavement.

Basically it's got an alley which rings the units and then a street down the middle that connects up to the alley. I think it's a bit much. I think there needs to be more green space.

It just seems like it's a very abrupt change from what's already there. I think there needs to be a better response to
the existing neighborhood as to how this
development would blend in with it. I think
it's a little abrupt.

CHAIRMAN HOOD: Any other
comments?

I would associate myself with the
comments I've heard. I look at what's being
presented to us tonight. Even going from R-1-
B to R-5, that's kind of steep.

Also as my colleagues have already
mentioned, I don't want to be redundant, it
isn't like we're just flopping something in
there. As Mr. Turnbull has already said, we
need to make sure that it's within the
character of the surrounding neighborhood.

But let me ask this. Maybe this
will answer my question. Ms. Brown-Roberts,
what has been the response from the people who
live in the area?

MS. BROWN-ROBERTS: I've been told
that there is some concern about the
development.
CHAIRMAN HOOD: Okay.

MS. BROWN-ROBERTS: I have not met with them directly as yet. But that has been conveyed to me.

CHAIRMAN HOOD: All right. That's the Gateway Civic Association and Advisory Neighborhood 5B. Okay.

I can tell you that I share the same concern as my colleagues.

Any other comments?

Is the concern enough not to set it down?

COMMISSIONER MAY: This is not a really awful plan. We've had some things that I think we've seen that were just really not ready for primetime. I don't know that this is really awful. I don't feel though that there's a compelling case that this needs to be heard in public.

I think that there needs to be some more work on this site to demonstrate that this level of density can work, be
appropriate, and fit comfortably within the neighborhood. I don't know. I don't see a compelling reason to set it down here and now tonight.

Maybe it can be reworked and brought back to us with some improvement. Maybe some folks in the neighborhood want to get involved and can help push this project in a good direction.

CHAIRMAN HOOD: Okay. Vice Chairman?

VICE CHAIRMAN SCHLATER: I will say that in reading the applicant's submission, there has been a fair amount of community outreach over a number of years and the density of the project seems to have come down significantly in an iterative process. Now, whether it's ended at the right place is certainly a matter for debate.

I think the Comprehensive Plan supports the density. The Future Land Use Plan certainly supports the density on the
site.

The question for me is whether this site plan itself is appropriate for the neighborhood. Is it responding to the neighborhood properly? I'm not convinced that it is.

I'd like to know a little bit more about the character of the neighborhood. These are, I think, the outside of the buildings. They're kind of an interesting color pattern, cementitious siding. I don't know what the rest of the neighborhood looks like but I'm not sure that that's the right approach.

Also, the plan itself sort of turns its back on the community. I don't know if there's any way to fix that but the backs of all the units are facing away. It's a very inward facing site plan. Maybe that's just a matter of geography and how you could lay out the site.

I'm not enamored with the site
plan myself. I'd be open to giving it some more time and work, although in general I'm in favor of putting townhouses on the site. In terms of the density of the site, I don't have a problem with that.

COMMISSIONER MAY: I would agree.

My great difficulty is not so much with the density.

I think the density if it were laid out differently might fit more comfortably within the overall site. Maybe the townhouses are not really the right solution or townhouses the way they've been configured here.

Certainly I have to question townhouses all with individual garages underneath them, which is never my favorite model for a townhouse because it simply requires that there be no rear yards. This is an area where every house has a rear yard, a side yard, and a front yard. It just seems uncomfortable.
CHAIRMAN HOOD: Mr. Turnbull?

COMMISSIONER TURNBULL: I would agree with one of my colleagues that said it is a site planning issue.

You've got one way in on this new 30th Place Northeast, an avenue coming up and going into 30th Street. So what happens as you come into this complex? It's tough, again, not realizing how the topography totally lays out and what the real problems are.

I think they really should go back and take another look at this and see if they can make this work to be a little bit more appropriate in the neighborhood. I don't think they've tweaked it enough.

CHAIRMAN HOOD: Okay. Again, I would agree with everything I've heard.

Again, at least for me it needs to match. It needs to look like it belongs. It needs to be part of the character of the neighborhood. Right now I'm not saying
single-family home, townhome, or what. But this just doesn't get it for me.

Ms. Schellin, I don't know if they need to start from scratch. For me, probably scratch but I don't know where my other colleagues are. But how much time do you -- if you could look in the ordinance and just see, the next meeting, the meeting after that, a couple of months?

MS. SCHELLIN: If the Commission is -- it's up to the Commission. If you actually want to defer it to a date specific, that's the Commission's prerogative.

Or you could just leave it to the applicant and when they file I will put it on that agenda. Although I think that they need to work with OP to allow OP an opportunity to file their report.

It's up to the Commission if they want to do that to allow the applicant to get their revised plans together and file it with OP.
When OP files their revised setdown report, then I could put it on the next agenda. I think that way you're not forcing them to get it in two weeks or two months.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: We can give them as much time as they need.

CHAIRMAN HOOD: Thank you, Ms. Schellin.

I think, Commissioners, that's the way we'll proceed. I'm sure we all agree on that. We don't want to put any time limit on anyone or force them to hurry up. We want them to come back with a thoughtful plan and they've heard our comments.

With that we will postpone this until it comes back ready for our consideration. Thank you.

Let's move right along with proposed action. Zoning Commission Case No. 11-03, Hoffman-Struever Waterfront, LLC,
First-Stage PUD and Related Map Amendment at Squares 390, 391, 471, 472, 473, and 503.

Ms. Schellin?

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Give us a minute and let us -- go ahead.

MS. SCHELLIN: Go ahead.

CHAIRMAN HOOD: Give us a minute and let us get our stuff together.


CHAIRMAN HOOD: We're going to take about a five-minute break.

(Whereupon, at 7:24 p.m. off the record until 7:28 p.m.)

CHAIRMAN HOOD: Okay. Ms. Schellin, if you could continue. Thank you.

MS. SCHELLIN: Yes. We have at Exhibit 104, ANC-6D's revised/amended resolution in support. At Exhibits 105 and 106 are the applicant's post-hearing submittal and their draft findings of facts and conclusions of law. At Exhibit 107 you
have the 6th Street Homeowners' post-hearing submittal. Staff would ask the Commission to consider this case for a proposed action.

COMMISSIONER MAY: Ms. Schellin, all those were in our packet that we already received. Right?

MS. SCHELLIN: That's correct.

COMMISSIONER MAY: Nothing new tonight?

MS. SCHELLIN: Nothing new tonight. The record was closed so nothing new.

COMMISSIONER MAY: Mr. Chairman, before we get started, I just want to say how much I enjoyed watching seven hours of hearing. It's actually quite convenient to be able to watch it sometimes rather than read the transcript. I did read some of the transcript but you miss a lot. I had a good time listening to it.

I also appreciate the attention to which my questions were asked by you, Mr.
Chairman, and the concern that my fellow commissioners had about making sure that they were all well answered.

I think for the most part they were -- I also appreciate the applicant being concerned and wanting to address some of those things specifically and most of it was during the course of the hearing. I am prepared to participate fully in the decision making.

CHAIRMAN HOOD: Okay. Thank you very much, Commissioner May.

Ms. Schellin, you mentioned Exhibit 107. What was 107?

MS. SCHELLIN: That was the party in opposition 6th Street Homeowners' post-hearing submittal. It's just a few pages long. It should have been -- it looks like this.

CHAIRMAN HOOD: This?

MS. SCHELLIN: Yes. I think that's it.

CHAIRMAN HOOD: 110.
MS. SCHELLIN: Yes. Closing statement and party opponent 6th Street Homeowners.

CHAIRMAN HOOD: What I'm saying is 110, Exhibit 110.

MS. SCHELLIN: Oh, I'm sorry, 110.

CHAIRMAN HOOD: Okay. I was looking for 107.

MS. SCHELLIN: Wrong exhibit number.

CHAIRMAN HOOD: Okay. All right. We're good.

Okay. Commissioners, this is a major undertaking. I think, at least from at least the way I've heard it at the hearing, was that even though people may have had concerns, and I have written down one of the piers. Can't think off the top of my head. While the concerns were there, I think everyone was thinking of frame of mind of trying to move something forward. I think that was very collegial with -- at least
that's what I picked up from the hearing.

So, Commissioners, let's open it up and let's see what our concerns were first before we get into -- ANC-6D has a submission here, Exhibit 104. They actually italicized the different meetings and what the comments were. I thought that made it a lot easier. You have some brown writing, you have some red writing, you have some purple writing, you have some -- well, anyway, some blue writing but they made it very easy to peruse and see what some of their comments were.

Let me open it up. Any comments or questions or anything that any of you Commissioners were looking for that we did get? We also have Exhibit 105. I'm not sure who exactly asked for that but this talks about the modal split, the time of the PUD phases, the marina plan, the M Street view corridor. It has a lot in there. Let me open it up.

VICE CHAIRMAN SCHLATER: Mr.
Chairman, there was one item that I asked for that I will just address up front. It's the assumptions underlying the transportation study. I think during the hearing we talked about the mode splits and where they came from. We got a memorandum from Gorove/Slade laying that out specifically.

I think I was a little concerned that this project was being compared to other downtown sites when, in fact, it's actually a pretty good hike from the Metro station and so I guess the concern is routed in the fact that providing a limited amount of parking but there's a lot of residential here and I wasn't sure that people are going to be using transit at the rates that the Gorove/Slade study said they would.

I have to say that I'm still not convinced even with the memo. I mean, I think it's good. It shines some light on it. I don't think on either the residential or the office or the retail splits it makes a lot of
sense to compare them to the projects that they did compare them to.

That being said, I think at some level there are a lot of different transportation options that are going to be available to people coming here. Hopefully a street car service, definitely have circulator route, definitely have good bus options.

You can walk from a Metro, actually two Metros, and they are proposing putting in a connection to L'Enfant Plaza on Banneker Hill.

At some level I think just not providing a lot of parking will force people to take that transportation and so I am -- I guess my only concern is going to be -- I'm not too concerned about spillover parking into the neighborhood because there really isn't a lot of opportunity for that.

I might be concerned if and when they come forward with a proposal for some sort of entertainment venue. I would like to
take another close look at that. That's it. I think I'm comfortable with the parking counts that have been provided in the plan.

COMMISSIONER TURNBULL: And I think the Chair is right. We're going to get another bite at the apple when we come back with individual buildings and squares. That is going to be a big issue as we get into especially the entertainment area.

Mr. Chair, we did get a lot of -- I like the renderings that we asked for down by parcel 11 for the housing and looking at the matter of right. I think that was very illustrative of what they are trying to do down there.

I guess my big question that I've got right now looking at what we got from the applicant is trying to incorporate, or trying to understand, this little epistle from ANC-6D and trying to figure out what's -- I almost need like an Excel spreadsheet to work with the applicant as to what's covered, what's not
covered.

By that I'm not sure yet how to really take a hard look at this and incorporate it as to what we've got from the applicant.

CHAIRMAN HOOD: I would actually have to agree it's a lot and I'm trying to put everything together here. I just remembered Pier 4 for some reason but I can't remember what the issue was with Pier 4. You know what we're going to do? We're going to take our time and put all of this together.

It would be nice if one was cross-referenced with the other. As you stated in Exhibit 104 the different colored writing. I wasn't sure whether -- at least the way I read it they had a special -- it also says if you look on page 1 of 19.

COMMISSIONER TURNBULL: Well, I think the one thing overall that they are in support. They are still in support.

CHAIRMAN HOOD: In support. I
guess -- you know what? Do we have anybody here from the ANC? We don't normally do this but, you know what?

COMMISSIONER TURNBULL: They have their meeting tonight.

CHAIRMAN HOOD: They have their meeting tonight. Why don't we adjourn. Where are they meeting at?

MS. SCHELLIN: They are going until 10:00.

CHAIRMAN HOOD: They go until 10:00?

Any other issues?

Mr. Ron McBee. Look at page 19, colleagues. I mean, I'm sorry, page 1 of 19. It says, "July 11, 2011 our regularly-scheduled duly-noticed meeting where a quorum was present and all Commissioners voting. By unanimous vote of 7 to 0 ANC-6D voted to support this project."

It says, "With the following concerns and conditions to be further
elaborated during written and oral testimony."

They have some brown writing, some green writing, mixed with some brown writing.

VICE CHAIRMAN SCHLATER: Mr. Chairman, might I make a suggestion? If we vote to push this forward tonight, maybe we could get a letter from the ANC just in one place that states there the entirety of their position so that we don't have to try to interpret the memo so if they still have remaining concerns that they are listed there and it's clear in one letter. Maybe in a bulleted form of some sort.

COMMISSIONER MAY: I agree that would be helpful. It was helpful for me to read the 19 pages because it sort of recapped everything start to finish.

By the time you read each point it's not entirely clear if there are still remaining issues or not, although most of them end with "ANC accepts" so I think that means they were comfortable. Yeah, I think
something that's in this simple form spells out remaining concerns so that we can duly note them and act accordingly.

CHAIRMAN HOOD: You're right. Exactly right. It says, "Accepts, agrees, approves." Maybe they agree with everything but we want to make sure.

When you look at -- like I said, look at page 1 and it still says "with the following concerns and conditions." Maybe they can help us find -- break the color code to this submission. I appreciate the format it's in but it would help us get right to the point.

Also, Commissioners, let's look at Exhibit No. 110. This is the parties in opposition 6th Street Homeowners. For me sometimes when you're reading all this stuff you have to reread what you read so you can remember what the issues were so I would ask for everyone's indulgence.

Is anyone moved by any of this?
Let me just read some of the highlights and they go into further explanation. "The developer should not be allowed to tack the church onto the PUD to avoid seeking a variance from matter-of-right development."

I think that was brought up at the hearing also. "The developer's proposal negatively impacts the design of open space by narrowing 6th Street and positioning the proposed solid structure significantly closer to our homes than originally conceived by the Tiber Island condo design."

Let's make sure we take some time and read this again and make sure that we are comfortable and address these concerns.

COMMISSIONER TURNBULL: Mr. Chair, on page 3, I guess the item about the church, I don't know if you could really say they are tacking the church on since the church owns the property. I believe the church owns the property so they are very integral into the development of that piece.
CHAIRMAN HOOD: I think they testified in support.

COMMISSIONER TURNBULL: Right.

COMMISSIONER MAY: If anything, I think the church might have latched themselves on to the developer.

COMMISSIONER TURNBULL: Yes, they are co-applicant.

COMMISSIONER MAY: I have to say I really did not find any real zoning basis for the objections. Yes, there will be an impact of this development on the individual homeowners along that row. It does mean that they will not have certain views or they will not have certain sunsets or what have you. The right to those was dependent on adjacent or properties across the street never being developed or being developed only at the level that they were developed by the church. There is nothing that guarantees that the church would stay there in perpetuity.

I think we saw very helpful
diagrams -- I'm glad you asked for them -- that showed the matter-of-right development potential there. Just doing a matter-of-right set of townhouses under R3 would have largely the same effect.

While I'm sympathetic to the fact that there is an impact, there isn't really a zoning basis for us to say that it's inappropriate. You're not entitled to views across other people's property in perpetuity unless you own an easement or something and they didn't.

CHAIRMAN HOOD: I think we've heard enough about you don't buy views. You may have it for only a time. Some places probably but not in this case. You only have it until the time somebody decides to build or do something on the other side of that property line.

Other than the ANC-6D and trying to decipher some of that, I think this is a major undertaking. As was stated, we've had
bites at the apple a couple of times with the phasing. I think we need to talk about the phasing. The applicant actually in 105, Exhibit 105, the time of the PUD phasing. Let's make sure we're all right with that.

VICE CHAIRMAN SCHLATER: Mr. Chairman, I don't think I have a problem with the phasing as outlined in Exhibit No. 5 but I'm not sure it totally comports with what's actually written in the order that was provided by the applicant.

The way I see it is -- let me just get it. "The applicant may file one or more second-stage applications for review and approval of the PUD. The first stage of this PUD will be valid for a period of 18 months within such time a second-stage application must be filed for at least a portion of Phase 2."

Now, I think that's good. That is certainly an aggressive time frame. I think it sort of ends there and doesn't speak to how
long the order is valid after that so you're talking about a PUD is sort of an open-ended PUD and I have concerns about that. I mean, there certainly needs to be a window in which all phases of the PUD must be completed.

Now, given the enormous nature of this development and the many real estate cycles over which it will probably be built, I'm willing to be generous in that timeline but I don't think it's a good practice to leave open-ended PUDs. I think we need to build in some more logic into the phasing for me to be able to get behind the language.

CHAIRMAN HOOD: So is that something that we can acquire before we do final or would you like to --

VICE CHAIRMAN SCHLATER: I think it depends on how the discussion goes.

CHAIRMAN HOOD: Okay. So we definitely need to figure out that phasing. As you said, it leaves it open-ended after, I think, Phase 2, isn't it? So whatever we need
we need to have them specify, more specificity on the phasing.

COMMISSIONER MAY: And a completion date or a final closure date.

CHAIRMAN HOOD: Okay. I'm going to look over a few things here. I was looking at the Finding of Fact 84 that talks about the, "The Commission finds that the ANC has given extremely detailed and thoughtful consideration to the PUD." They responded in Exhibit 109. We are going to take out time and go through this. If you have any questions, just bring them up.

VICE CHAIRMAN SCHLATER: Mr. Chairman.

CHAIRMAN HOOD: Vice Chairman.

VICE CHAIRMAN SCHLATER: While you're working on that, one other thing I noted in the order and it has to do with the traffic counts issue that I raised earlier.

I think DDOT was hoping that a traffic impact study would be submitted on
each project as they came before the Commission for their Stage 2 applications. That is something that I would support. Particularly in light of the fact that we've got a parking count that seems to -- it could fluctuate. We've also got uses that can fluctuate.

You need to know -- we don't even have a commitment that there's -- we don't even know really what the entertainment center is going to look like. I think you need to have a firm proposal. We need to have a traffic impact analysis attached to that specific proposal.

COMMISSIONER MAY: I would agree with that. I mean, there are certain factors involved, particularly in operating something like an entertainment facility where hours of operation affect whether parking can be shared and so on. I think having additional traffic analysis for each Stage 2 submission I think would be appropriate.
CHAIRMAN HOOD: I just wanted to know. And then Finding of Fact 89 which is proposed by the applicant he states -- this goes back to this whole view issue.

He states, "The Homeowners further stated that the Tiber Island residence would suffer unique and severe adverse effects, particularly in light of the unique design of the Tiber Island which was intended to maximize the light and air and water views."

I think that was actually brought up. Does that give us any pause or hesitation at this point? Do we agree with what is being said here? They argue that the value of their homes would decline significantly. Do we believe that?

COMMISSIONER MAY: I don't know. It's hard to argue property values are going to go one direction or the other. I mean, on the one hand, they are using views.

On the other hand, they are gaining the wharf development as an amenity.
and it's going to -- I mean, certainly the
property values there right now -- I mean, the
existing Waterfront is a little depressed so I
can't believe that is adding to property
values as it is.

VICE CHAIRMAN SCHLATER: I agree
with Finding of Fact 84 as written.

CHAIRMAN HOOD: Okay. Now, Vice
Chairman, I think you mentioned something
about the DDOT report. I actually was looking
for that issue. DDOT submitted a memorandum.

"DDOT concluded that the site is
generally suitable for PUD and the proposed
uses and development are compatible with the
District of Columbia plans for the area and
the city at large. DDOT noted that the
applicant should..." and has a list of things
that the applicant should be trying to aspire
to do. Finding of Fact 80 that talks about
the DDOT report.

These are things that are going to
be -- I think this issue came up also --
things that we're going to be asking for in
the process of Stage 2. Do we want to see
traffic impact studies? Do we want to see
those kinds of things?

I think that came up at the
hearing. Was that this hearing? It came up
somewhere but I think it came up at -- oh, you
weren't here but it came up at the hearing.

COMMISSIONER MAY: I watched every
minute. What was the question? I was reading
the --

CHAIRMAN HOOD: Did you doze off
any?

COMMISSIONER MAY: No.

CHAIRMAN HOOD: Finding of Fact
80.

COMMISSIONER MAY: What was it
that you were --

CHAIRMAN HOOD: I was trying to
see do each stage -- I'm not sure if the
question was whether or not the traffic impact
study for each -- do we want to see a traffic
impact study for each second stage?

COMMISSIONER MAY: Yes, we do.

VICE CHAIRMAN SCHLATER: I do.

COMMISSIONER TURNBULL: Yes, we do.

CHAIRMAN HOOD: Okay. That was an issue, I think, came up at the hearing.

VICE CHAIRMAN SCHLATER: I think Finding of Fact 81 is going to need to be changed.

CHAIRMAN HOOD: 81? Okay. "The Commission finds that these matters can either be addressed with DDOT outside the zoning process on appropriate for consideration the context of a second stage PUD. Do we want to strike 81?"

COMMISSIONER MAY: No. I think we can revise it.

VICE CHAIRMAN SCHLATER: I think based on what I've heard from the Commissioners that you are interested in seeing the two items specified by DDOT related
to the traffic impact study and the mitigation strategies that they will be required to be filed with each second-stage PUD application.

I will modify the order to require that.

CHAIRMAN HOOD: Okay. Is there anything else we want to see as we go along in the second stage? Anything specific other than what is already required?

COMMISSIONER MAY: We don't do too many Stage 1/Stage 2 applications that it's -- so for me it's a -- usually they are consolidated. The majority of stuff we do is consolidated.

Knowing what automatically comes with a Stage 2 it's not always fresh in my mind. I would think we would want to have certain sort of basic check-ins against the Stage 1; a report on delivery of amenities and benefits, those sorts of packages, things like that that I would think would be automatic but maybe they're not. I don't know.

CHAIRMAN HOOD: I don't want to
limit us to anything anyway but we can ask for it at the appropriate time. If we have to wait, we -- I don't like to be in the corner. I don't want to limit us to having the ability to be able to ask what we need for that specific Stage 2 case.

COMMISSIONER MAY: That's true.

CHAIRMAN HOOD: Okay. Vice Chairman, do you want to add something?

VICE CHAIRMAN SCHLATER: If I could. I reviewed the -- I often go past the meat of the order and go right to the decision which is probably a bad habit but I had a few comments on that section of the draft order and I just wanted to relay them.

No. 4 talks about the affordable housing commitment. I think it's important that OP, OAG, and the applicant work together to figure out how to identify how much affordable housing can be provided in each phase.

I think it could be a little more
specific. I'll give you that general guidance. We could use a little but more information about how the affordable housing program is going to be implemented.

No. 10, the wording is interesting and I don't understand it so I don't know what it means. "The applicant shall provide for the continuing presence within the PUD of the Capital Yacht Club." I just don't know what that means. It's vague. I want to know are they constructing a new Yacht Club?

COMMISSIONER TURNBULL: Or it may mean that during construction they are providing for a presence.

VICE CHAIRMAN SCHLATER: I'm completely at a loss to understand. It's too vague.

Likewise on No. 11, "The applicant will coordinate with the District to update the Municipal Fish Market." I don't -- I think we're asking for more of a commitment than coordination. We're asking what are they
going to be doing for the Fish Market. You know, how many funds -- are they constructing the improvements? How much money are they putting towards that?

Likewise, No. 12, "The applicant shall in coordination with Park Service seek approvals to construct pedestrian connections." I think we're looking for something more than the seeking of approvals for the pedestrian connections.

Likewise, No. 13, "The applicant shall provide for below-grade accessory parking for the benefits of uses such as the Fish Market." We want specific parking. I mean, if it's going to be put in the order, I would like to see a number associated with that.

This is a very important one in terms of the commitment to maintain public elements of the PUD. Are they committing to maintain the public elements of the PUD or are they committing to create a bid which falls
short of a commitment to maintain the public elements of the PUD?

MS. SCHELLIN: Which one?

VICE CHAIRMAN SCHLATER: That's No. 15. I think in my inclination is not to grant the flexibility with the design of the PUD to increase lot occupancy on Parcel 11 to 73 percent.

I think that should be considered at the second-stage submission because it's very hard to determine whether or not that relief should be granted in the abstract. Then I've already given you my comments on the timing. Those are my general comments on the order.

CHAIRMAN HOOD: Any other comments? I have a note here. We really need -- I'm not sure have we decided on when we're going to get the phasing? At some point in time we can fine tune that phasing because I believe that at the hearing the applicant did away with the 18-month approval process.
I think it was down to a year so we really need to get that fine -- some places I see 18 months and some places I see a year. Then I see where the applicant withdrew that so we need to get that whole scope in place at some point. I'm being

MR. RITTING: I'm being prompted to respond. I was anticipating that you would issue the order that I drafted for you that sets out a process for the applicant and the Office of Zoning and the Office of Planning to sort of hash out these issues in a structured manner.

It's included with your meeting package tonight. I understand that the secretary has some copies that she will distribute if you decide to issue it this evening. I think that I could address all of those issues that Mr. Schlater and the rest of the Commissioners mentioned just now through that process.

CHAIRMAN HOOD: So some of what
we'll be raising will be dealing with the BUFO or whatever we call it, BAFO, BUFO, BAFO. I do have that in front of me. I thought that was one of the last things. We better take care of some of our questions and issues and then we will --

MR. RITTING: I should add it's unusual for us to have such a detailed and complete draft order at the proposed action stage. It's actually a credit to the applicants that they provided it to us and allows us to hash out these issues now and get them completely squared away by the time you take final action.

CHAIRMAN HOOD: Okay. Great. The other thing is we do need to kind of point to what the concerns are still over at the ANC. I think we got that.

Anything else, Commissioners?

COMMISSIONER MAY: Mr. Chairman.

CHAIRMAN HOOD: Commissioner May.

COMMISSIONER MAY: I just have a
a handful of more general comments. Since I didn't get a chance to be here for the hearing and ask a lot of questions, I'm going to cover a broad range of things and make a handful of comments, generally positive.

I think this project overall demonstrates a level of care in the design and in working things out with the Office of Planning, the Deputy Mayor's Office, and the community, and the major neighbors I think was really exemplary.

The design is also similarly thoughtful and well considered, particularly since this is just Phase 1 and we're looking at a fair amount of stuff that has been thought through almost to a Stage 2 level of thinking.

I also especially appreciate the ANC's diligence through the whole process. I know it was a bit hard to follow but the 19-page reworking of their resolution and with the sort of running changes to how it
developed I thought was also exceptional work and I thought the ANC has really contributed a great deal to the whole process.

I think that the amenities package and the benefits that go with this project overall are exceptional and, again, very well detailed. It's very well detailed kind of all over the place.

I think that there are still aspects of the project that are something of a concern but I'm hoping that at Stage 2 those things can be resolved. Obviously the overall density and the height it's a tradeoff. We could insist on something that was a little bit -- that appeared a little bit less dense but would, I think, diminish the experience closer to the ground.

I think the overall design strategy of having a taller building and having them step back and so on I think is a very good strategy. It does have specific impacts on federal interest. I was pleased to
see that the applicant has been working closely with NCPC and my colleagues at the Park Service to try to resolve that and improve things.

I think personally the results are improved over what we had before in terms of the views from Banneker Overlook in particular. I would venture that I would like to see them improve more.

I know that I'm not necessarily going to get that in Stage 1 but we'll see how things develop when we review the more detailed development of those buildings but it has come a good distance and I appreciate the applicant's work in that regard.

I also am cognizant of the fact that I'm not particularly sympathetic to other neighbors whose views are impacted by the development so I'm not going to be a complete hypocrite about this and say our views are that much more important.

We are trying to speak for a
broader contingency. It's not like the Park Service owns a small piece of this and it's going to have detrimental impact on a very small number of people.

We expect that in the future Banneker Overlook is going to be a major feature of the neighborhood and we would like to preserve the best things about that spot for future generations. We'll see how that develops in Stage 2.

The transportation concerns and parking and so on, I think there's a fundamental change that is happening throughout the city on a certain level in terms of how we get around and the greater emphasis on bicycles and pedestrians and making good connections and approving the experience of the street itself.

When I think about the fact that this is not right on top of a Metro spot but is within 10 minutes walking distance. Ten minutes can be a really long distance when
you're walking across sort of waste lands or parking lots or plighted areas.

Not that this is a plighted area but I think there is a lot of room to improve the walking experience. I think once this development is done, it may be a 10-minute walk to the Waterfront Metro or to L'Enfant Plaza but I think it's going to be a much more pleasant 10-minute walk and people won't really notice it.

I think, frankly -- I'm hoping what's going to happen when you walk there from L'Enfant and you get to the spot at Banneker Overlook, you're going to feel like you're there already. The fact that you have to go down the stairs to get there isn't going to be as significant.

I think that I'm not too concerned about how people are going to get there. I think people are going to get there and people are going to be drawn there. In the future it's going to be an exciting and vibrant place
but we have a lot more work to do before we get to the point where we know exactly what it's going to be like but I think we'll get there.

CHAIRMAN HOOD: Okay. I would also agree with Commissioner May to a point. I don't know about the bicycles. We all advocate for what we do. I don't necessarily ride a bicycle. I'm more in line with the letter we got from Commander Kamperin where it said he was concerned about the impact of traffic along M Street.

It appears that Water Street will be removed taking a lot of traffic off of M Street for those going to the Waterfront businesses. I think we talk about that.

I would also agree with some of the testimony. I've been looking back over my notes. One person testified and said this project is a little fluid. I think it is. It's still got some moving parts to it but, again, this is the first stage.
We do have another bite at the apple, to take the words from Mr. Turnbull, that we can kind of take some of that fluidness out of what's all involved here. It's still a moving part.

I think from my standpoint, and I don't want to belabor it now at this point, to just -- I want to be voting in favor of this first stage. I can just tell you that I'm going to be voting in favor to move forward.

Specifically when the other phases come down and the other stages, if I'm still here, I will be really scrutinized in a lot of it because one thing about this Commission we don't have any problems in holding up anything.

Again, a lot of it is all over but this is a major undertaking. It's been talked about for years. I think I said this at the hearing, I'm glad to see now that this city is moving forward. This has been talked about for some time.
Anyway, any other questions or comments?

COMMISSIONER TURNBULL: Mr. Chair, I just want to echo your thoughts. I think this applicant from the beginning at setdown has really come forward and questions that we've had, extra drawings that we've wanted, they've come forward.

I think both the sketches that we got showing proposal and matter of right are excellent. I think going forward we'll see the same type of quality drawings. If we don't like them, I'm sure we'll get the responses back. I encouraged by the applicant's great love of this area and working and wants to make this succeed.

We see him on magazines so I'm sure he wants to stay there and he's smiling.

I'm encouraged by the Phase 1 development and I look forward to getting into Phase 2 -- Stage 2.

CHAIRMAN HOOD: Thank you, Mr.
Turnbull.

Anything else?

Mr. May.

COMMISSIONER MAY: Yeah, I just want to add one other point. This is really addressed directly to the applicant which is that, you know, I was reminded in reviewing the most recent submission that there is a connection point for a water taxi that docks at East Potomac Park where there is not currently a dock.

I understand an application may have already gone to the Corp of Engineers about that. If it hasn't already started, in reaction to that there needs to be significant coordination with the Park Service on that because that's not something easily undertaken.

It's a complicated process. I think the Park Service and the managers of that unit of the park are willing to go down that road but you need to be talking to us,
preferably before you file applications but it's still a long process so I'm sure we can work together. Thanks.

CHAIRMAN HOOD: I think we've sporadically talked about a number of issues and I'm ready to move forward unless we have anymore comments.

I would move that we approve the first stage PUD on the proposed action for Zoning Commission Case No. 11-03, First Stage PUD and Related Map Amendment at Squares noted. We also ask the secretary to issue the order. I would ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion? All those in favor aye.

ALL: Aye.

CHAIRMAN HOOD: Any opposition?

Ms. Schellin, would you please record the vote.

MS. SCHELLIN: The staff records
the vote 4-0-1 to approve proposed action in Zoning Commission Case No. 11-30. Commissioner Hood moving, Commissioner Schlater Seconding, Commissioners May and Turnbull in support. Commissioner Selfridge not voting having not participated.

CHAIRMAN HOOD: I want to apologize for the round-about way we may have discussed this. For the time that this is being worked on over the years, I think for that 20, 30 minutes that we talked about it tonight, I think trying to take our time and do it correctly.

Okay. Ms. Schellin, do we have anything else?

MS. SCHELLIN: Yes, we do.

CHAIRMAN HOOD: Yes, we do. Let's go to the SRR Guidance updated from the Office of Planning. Ms. Steingasser.

MS. STEINGASSER: Yes, Chairman Hood. I just wanted to give the Commission a quick update on where we are on the ZRR. As
you know, at one point we had five staff
dedicated permanently and full time to this
project. We are now down to one.

We have as a result had to
redistribute the work throughout the existing
staff. Because 80 percent of the original
staff is no longer with us, when we have a
question we have to pretty much go back to
square one to research to figure out where it
came from.

We are running a little but behind
where we had hoped to be. We expect to have
the draft in a public presentation format.
Probably within three to four weeks we should
be done. We've been dedicating about five to
six hours every day for the last four weeks.

Yeah, it's amazing. As they say,
we haven't gotten to each other's throats yet.
We hope to have that draft done. We are
codifying, organizing it, putting it in one
language. We hope to have that. As we have
made a commitment it will go to the task force
first. We hope to get it to them before October.

It will then come to the Zoning Commission for consideration of setdown whether you choose to set it down in pieces or in total. Then we plan to take that and go to a public education this winter to the communities. We expect to do eight meetings, one in every ward, to go over the major changes.

We are also trying to highlight those as we work through them so that we can focus on where those changes are for the Commission, make it a lot easier so people don't have to go back and dig those out. We are trying to identify where the major policy changes were, the small tweaks. It's been a very educational process for us.

As we put the pieces together we begin to see the redundancy in some zones, where some zones only differ by their purpose statements but their development standards are
uses are identical so is that purpose statement still worthy of creating its own zone or some other way to deal.

We're trying to highlight that, streamline it and get it to you. I just wanted to give you a quick update.

CHAIRMAN HOOD: Okay. Any questions for Ms. Steingasser?

Mr. Turnbull.

COMMISSIONER TURNBULL: As Mr. Parker been responsive to any of your calls?

MS. STEINGASSER: Yes. Both Mr. Parker and Mr. Guilliani in Canada. A little bit more expensive to call to Michael but, yes, very, very responsive.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Anything else? Do we need to do anything?

MS. SCHELLIN: One other item under Other Business.

CHAIRMAN HOOD: Oh, we have one other item.
MS. SCHELLIN: Yes. As the Commission knows, whenever we have a consent calendar item, a request for minor modification, the Office of Zoning always does a consent calendar memo, or the director does.

We would ask that the Commission would allow us to forego doing that at least for a year, although you could do it for two years. Basically what we are trying to do is to not do it in light of the fact that we have recently created some new forms in the office.

We now have a form for minor modifications along with some other new forms but that is one of them. We are trying to -- with the ZRR it will take care of that issue. But, of course, the regs require us to do that. We would just ask the Commission to consider this.

CHAIRMAN HOOD: Thank you. That is very appropriate.

Commissioners, again, if you remember, some years back we didn't get it and
then we made it so we got it. We were able to operate without it. In light of what Ms. Schellin has already mentioned, we now have new forms that are coming out that are being utilized and we see the need of this going away.

With that, unless there is any discussion, I will make a motion that we waive the rules of Section 3030 that require the director to provide written recommendation to the Commission basically with our consent calendar items until October 1, 2012. Can I get a second?

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Maybe we want to say until indefinitely.

MS. SCHELLIN: We actually spoke to OAG and we need a date. You could do it until 2013 but we need a specific date.

CHAIRMAN HOOD: Let's just do it until October 1, 2013.

MS. SCHELLIN: Okay.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It's been moved and properly seconded. Who's going to remember that?

MS. SCHELLIN: We'll remember it. Trust me. The regs will hopefully be done by then.

CHAIRMAN HOOD: Any further discussion? All those in favor, aye.

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition. Ms. Schellin.

MS. SCHELLIN: Yes. Staff will record the vote 4-0-1 to approve the waiver of Section 3030 that requires the Director to provide written recommendations to the Commission. Commissioner Hood moving, Commissioner Turnbull seconded, Commissioner Schlater and May in support. Commissioner

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Selfridge not present and not voting.

CHAIRMAN HOOD: Okay. Thank you.

Ms. Steingasser, I want to thank you for that report. We're not going to push the pedal to the metal because I'm sure the citizens and we, too, want you all to take your time and do what you have to do to make sure we get it right so thank you.

Okay. Anything else, Ms. Schellin?

MS. SCHELLIN: No. We're done.

CHAIRMAN HOOD: Okay. With that, this meeting is adjourned. Thank you.

(Whereupon, at 8:20 p.m. the hearing was adjourned.)