GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

REGULAR PUBLIC MEETING

MONDAY

NOVEMBER 14, 2011

The Regular Public 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
MARCIE COHEN, Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner (OAC)
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
ESTHER BUSHMAN, General Counsel
OFFICE OF PLANNING STAFF PRESENT:

GERALDINE GARDNER
MATT JESICK
JOEL LAWSON
STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on November 14, 2011.
**TABLE OF CONTENTS**

| I. Preliminary Matters                       | PAGE |
| II. Consent Calendar                        |     |
| A. Z.C. Case No. 05-28I                     | 8   |
| B. Z.C. Case No. 10-24A                     | 15  |
| III. Final Action                           |     |
| IV. Proposed Action                         |     |
| V. Hearing Action                           |     |
| A. Z.C. Case No. 11-17                      | 35  |
| B. Z.C. Case No. 11-21                      | 79  |
| VI. ZRR Guidance                            | 28  |
| VII. Correspondence                         | 17  |
| VIII. Report of the Secretary               |     |
| IX. Status Report                           |     |
| X. Other Business                           |     |
| A. New Cases Filed                          |     |
| B. Orders Published                         |     |
CHAIRMAN HOOD: This meeting will please come to order.

Good evening, ladies and gentlemen. This is the November 14, 2011, public meeting of the Zoning Commission.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner -- okay, let me get it right -- Commissioner Schlater, Vice Chairman Schlater, Commissioner Turnbull, Commissioner May, and we want to welcome Commissioner Cohen.

This is her first night sitting -- and I am going to deviate from my opening comments. Commissioner Cohen brings a wealth of knowledge of serving on a board in the city. She -- from what I've heard in my own research, she has raised the bar. We are looking forward to her raising the bar on the Zoning Commission and taking us to the next level. And I'm sure I can speak on behalf of
all of my colleagues that we are really looking forward to working with Commissioner Cohen.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, Ms. Esther Bushman; also, the Office of Attorney General, Mr. Jake Ritting; Office of Planning, Mr. Lawson, Mr. Mordfin, Mr. Jesick.

Are you from DDOT?

MS. GARDNER: Office of Planning.

THE COURT: Oh, you all are hiring. I need to put my application in. Could you introduce the young lady for us?

MR. LAWSON: Of course, Mr. Chair, and I would also like to welcome our new Commission member as well. Welcome to the Zoning Commission.

We are joined tonight by Geraldine Gardner, who is the Associate Director for Neighborhood Planning, who is here in case there are questions regarding one of the -- one of the items on the agenda.
CHAIRMAN HOOD: Okay, great.

Thank you.

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's proceed with our agenda. But before we do that, I want to give Commissioner Cohen a moment to say something. Again, like I said,
I can't express more she is a great person. I have had a number of conversations with her, and I am looking forward to working with her. So Commissioner Cohen?

COMMISSIONER COHEN: Thank you, Chairman. I am very honored to have been nominated and confirmed for this position. I have been following the work of the Commission since my notification that I was nominated.

And I have such respect for the gentlemen on this Commission. They work hard, and they have really given me the push to do the best I can. Like them, I strongly believe in a just, sustainable, and aesthetically pleasing city. And they raised the threshold, and I hope I will live up to the expectations of everybody in the city.

Thank you.

CHAIRMAN HOOD: Okay. Thank you. Commissioner Cohen, again, we want to welcome you.

Let's move right into it. Let's
-- what I would like to do, Commissioners, unless someone objects, is to move the Correspondence item before Hearing Action, and we will do the Hearing Action last. Well, Hearing Action will be last. Let's do the Correspondence -- and let's do the Correspondence, and let's do the update from the Office of Planning. Let's do those things before we do the Hearing Action. I think that we should move in a more efficient way in that manner.

Any objections?

(No response.)

Ms. Schellin, help me to remember what I just said. Okay.

Consent Calendar item, Zoning Commission Case Number 05-28I, D.C. Primary Care Association, minor modification to PUD at Square 5055. Ms. Schellin.

MS. SCHELLEN: Yes, sir. This is a request the applicant is making. He is -- or they, rather, are requesting some proposed
modifications that they feel are minor and technical design modifications.

They supplemented their request by submission at Exhibit 7. OP submitted a report at Exhibit 6, which supports this request. And staff would ask the Commission to consider the request made by the applicant.

CHAIRMAN HOOD: Okay. And one of the other things I didn't do -- at least -- we do have -- the other Consent item, Commissioners, has come off. Do we -- we had an updated --

MS. SCHELLIN: Well, it is up to the Commission, if they decide to do that. But they did make a request to defer --

CHAIRMAN HOOD: Oh, the request.

MS. SCHELLIN: -- this to -- because they are appearing before the ANC this evening. Even though the ANC's time has expired, they are appearing before the ANC, because they would like the ANC to have an opportunity to weigh in. So they have asked
CHAIRMAN HOOD: Okay. Gotcha.

MS. SCHELLIN: -- the Commission to please defer that to the 28th.

CHAIRMAN HOOD: Okay. Thank you.

We will get to that.

What I needed to ask, Commissioners, of the two Consent Calendar items -- well, let's just do one at a time, because of the request we have for the second one. Is there anyone that would like to see this come off of the Consent Calendar item first? I needed to ask that question before we got into it.

(No response.)

Not hearing anyone, Ms. Schellin has already given her report. Commissioners, we have a number of exhibits, and the Office of Planning's recommendation is that we make this a minor modification. And if you look at Exhibit 3 -- is it 3 or -- yes, Exhibit 3. Sometimes when you go through this stuff you
get everything all mixed up in different cases, so -- it looks like I am all right tonight.

But Exhibit 3, we have some -- what we approved and what the minor modification changes are, because we left this on the Consent Calendar item. Obviously, we all agree that this needs a minor modification, but Exhibit 3 is what helped me, to show what we approved versus what they are requesting now.

And while I looked at it architecturally, when I look at -- it actually looks better now than what we approved. So, but I want to open it up for -- that's my opinion. Let me open it up for any comments, questions.

(No response.)

Not hearing any --

MS. SCHELLIN: Wait. This is for Square 5055?

CHAIRMAN HOOD: 5055, yes. We are
on Consent Calendar 05-28I.

COMMISSIONER MAY: Sorry. Do you want me to go ahead?

MS. SCHELLIN: You can go ahead.

COMMISSIONER MAY: I would just want to say, I am -- I do generally regard consent -- or minor modifications and scrutinize them very carefully to see if, in fact, it meets the -- you know, the test for being considered without having a public hearing.

And I think that these changes are minor in nature, and I think for the most part are an improvement to the design of the building, so -- and I think actually responsive to comments made by the Commission when the case was being reviewed. So I am happy to support this as a minor modification.

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

VICE CHAIRMAN SCHLATER: Mr. Chairman, just very briefly, I think for
future reference this applicant did a very good job of showing what the changes were, because there were a number of smaller design modifications on this, and I think it was presented very well.

I don't really want to comment on whether it's an improvement on the architecture or not. I don't know if I'm even qualified to give that opinion. But I think that the materials are substantially similar in quality, and the changes are not going to impact the neighborhood. So I am going to support this.

CHAIRMAN HOOD: Okay. Any other comments, questions?

(No response.)

Okay. I will move that we -- oh, I'm sorry.

COMMISSIONER TURNBULL: I guess the only thing I -- I think it is toned down from what it was before. I think we had issues before. I'm not sure if I'm totally
pleased with it. I think the green area at the back -- I'm not sure what it is -- there used to be a walkway out there. Now it is just a green roof.

Again, I think it is minor, but that is one issue that I thought they wished they had defined a little better and kept that. But I'm not opposed to it.

CHAIRMAN HOOD: Good. Great. Any other comments?

(No response.)

Okay. With that, I will move that we approve Zoning Commission Case Number 05-28I, as requested, minor modifications on D.C. Primary Care Association, minor modifications to PUD at Square 5055, and ask for a second.

VICE CHAIRMAN SCHLATER: Second.

CHAIRMAN HOOD: It has been moved and properly seconded. Any further discussion?

(No response.)

Are you ready for the question?
All those in favor, aye.

(Chorus of ayes.)

Not hearing an opposition, Ms. Schellin, would you please record the vote?

MS. SCHELLIN: Staff records the vote five to zero to zero to approve final action in Zoning Commission Case Number 05-28I. Commissioner Hood moving, Commissioner Schlater seconding, Commissioners Cohen, May, and Turnbull in support.

CHAIRMAN HOOD: I just wanted to note that we do have the letter of support from Peter J. Farrell, Partner, City Interests, LLC. And we have the whole package, but I wanted them to know that we did see their letter of support.

Next, Zoning Commission Case Number 10-24A. This is the Forest City Southeast Federal Center, LLC, minor modification to PUD at Square 771. Ms. Schellin.

MS. SCHELLIN: Yes, sir. This was
the one that we did receive a request from the applicant on November 9th asking that the Commission please defer this, so that they can appear before the ANC tonight. That's the ANC's meeting.

And they -- even though the time has passed for the ANC to respond to the request, they would still like to accommodate the ANC and allow the ANC an opportunity to provide the Commission with their response to their request. So they have asked that the Commission defer this to the next meeting on the 28th.

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

Commissioners, we have Exhibit Number 7, which I think is a very genuine request. I like to see when applicants come in -- want to make sure that they are -- the good neighbor policy, because some applicants are not the good neighbor policy, and I want to commend this applicant for asking us to do
this. And I'm sure that the ANC definitely agrees, because they need to have this fleshed through their process first.

And I'm glad to see that this applicant has had this request upon us, and I will open it up for any discussion. But I -- matter of fact, let me just put a motion on the table. I would move that we grant this request, Exhibit Number 7, from this applicant, and ask for a second.

COMMISSIONER COHEN: Second.

CHAIRMAN HOOD: Okay. It has been moved and properly seconded. Any further discussion? Any further discussion?

(No response.)

All those in favor, aye.

(Chorus of ayes.)

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

MS. SCHELLIN: Yes. Staff records the vote five to zero to zero to grant the request for deferment to 11/28 by the
applicant in Zoning Commission Case Number 10-24A. Commissioner Hood moving, Commission Cohen seconding, Commissioners May, Schlater and Turnbull in support.

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

We are going move around, as I stated earlier, the Correspondence item. And I also would like to do the ZRR Guidance update. In that order. Let's do Correspondence first, and let's do the ZRR update second.

Correspondence, Zoning Commission Case Number 08-14 and 08-14A, Kelsey Gardens, letter from DCRA re: flexibility pursuant to 2409.6. Ms. Schellin.

MS. SCHELLIN: Yes, sir. This was a letter -- I received a cc from the Zoning Administrator advising of the flexibility that was granted pursuant to 2409.6 in these cases. And so, therefore, staff placed it on the Commission's agenda, so that the Commission
would see the flexibility that the ZA granted under the PUD, or under the section for the PUD that the Commission granted.

CHAIRMAN HOOD: Okay.

Commissioners -- and I will open it up for discussion -- but as we see in his submission back -- it says, "However, the Commission believes that the area should be detected from the retail area. It is an allowable change as the amount is still within the two percent area flexibility set forth in this section."

That's I guess the nuts and bolts of what the Zoning Administrator has responded to us, and I will open it up for any comments. Vice Chairman Schlater.

VICE CHAIRMAN SCHLATER: Mr. Chairman, I don't have any issue with the substance of the changes that are being proposed. As I understand it from the letter, the increase in the unit count is clearly within the flexibility, within the order.

I don't think we usually get into
location of the service elevator, as long as it doesn't impact the mechanical penthouse on the roof. And I am not -- I think it is great that they are adding the amenity of a roof top pool, storage, bathrooms, and mechanical facilities on the roof, although I would say that is something we typically do see on our plans, something we do comment on, and, you know, it is questionable as to whether that would rise to the level of minor modification.

And so when I read this letter, the thing that concerned me the most was the fact that the applicant is effectively eliminating 1,400 square feet of retail, and in its place putting a common fitness center for the residential building in its place. And that no longer qualifies as retail.

It may be a good thing, and I have no doubt that it is a good thing for the building, and it may well animate the street. But it is not retail, and it is above and beyond the flexibility we give the Zoning
Administrator. And I think it's important when we get these letters to make sure that he is living within the bounds of those restrictions.

And so by my math, 1,400 square foot deduction out of 14,000 square feet is 10 percent, not -- that is more than two percent. Therefore, I think this should come back to us as a minor modification.

COMMISSIONER MAY: I would agree.

It took me a second to realize what was going on with the calculations. But, clearly, the Zoning Administrator made a mistake in the calculations. And then I did the math myself and forgot to convert from decimal to percentage, and looked at it as if it was one percent and not 10 percent. So I think on that grounds it is a beyond the flexibility.

It would be different if the fitness center were actually something where you could buy memberships, in which case it would be a retail operation, and I think that
would be a good thing, and it wouldn't require any flexibility.

I also -- I would like to see the changes to the roof plan. This is an extraordinarily tall building and directly to the west of it -- west? Yes. Directly to the west are two-story row houses, and I was always concerned about the height of this building relative to those row houses.

And if the penthouse enclosures -- enclosure walls are moving any closer to the west side of the building, I would be interested to see -- I would just like to see generally where -- the roof top enclosures. So a roof plan would be helpful.

CHAIRMAN HOOD: Any other comments?

(No response.)

Mr. Ritting, so does anyone -- let me ask one of my other Commissioners, because -- well, let me ask this to Mr. Ritting first.

Mr. Ritting, what do we have to do? We would
like to see this come to us. How does that get triggered? How does that happen?

MR. RITTING: I wanted to raise one other issue before I answered that question, and that's that the Zoning Administrator, Mr. LeGrant, asserted two bases for his permitting the fitness center in the ground floor.

And that was -- first was the flexibility that Mr. Schlater discussed, but also the condition of the PUD says that "The multi-family building shall contain approximately 14,924 square feet of retail spaces, consistent with the ground floor plans contained in Exhibit 69." And then, there is some little play there, because the plans actually show slightly less.

I guess there is still an issue if you believe that the Zoning Administrator doesn't have the authority under 2409.6, whether -- since the condition language says "approximately," whether you believe that the
1,400 square foot reduction still is approximately that figure. I just wanted to put that on the table, just to make sure you considered it before you dispensed with the issue.

And then, I will take your other question after that. I can answer it now, if you'd like.

CHAIRMAN HOOD: Yes, okay.

MR. RITTING: There was a similar case maybe about four or five months ago in which something similar happened, involved the PUD in Columbia Heights. I think it is Case Number 07-02. And you found that -- you probably don't remember the numbers, but I do. Sorry.

It was a similar situation, and what you directed us to do, meaning -- "us" meaning the Secretary and with our -- the OAG assistance, is to write back to Mr. LeGrant immediately and to tell him that you disagreed with his conclusion, and explaining the
reasons why, and asking him to respond before -- in a reasonable amount of time, and he did.

So that's one possibility of a process for you to follow in this case.

CHAIRMAN HOOD: But I guess for me, he already -- well, we have a response from him. What more -- I guess we're telling him that we disagree with his response that he has already given us, more or less.

MR. RITTING: Yes. I believe that that was -- basically, you are telling him that you disagree with his conclusion and giving him an opportunity to change his conclusion.

CHAIRMAN HOOD: Okay. Commissioners, we have two -- do we have another Commissioner that disagrees or --

COMMISSIONER TURNBULL: Yes. Mr. Chairman, I would think -- I think Mr. Ritting raises some points. But, I mean, I don't know what -- I don't think our zoning regs define "approximately." But to me, there is a big
difference between two percent and 10 percent. And I think when we are at 10 percent that does trigger a minor mod.

CHAIRMAN HOOD: Okay. So let me let him finish.

COMMISSIONER MAY: Can I speak to that, too?

CHAIRMAN HOOD: Sure.

COMMISSIONER MAY: I mean, my view approximately is essentially what the flexibility is that is defined by the regs. It's, you know, plus or minus two percent. And I think that would be an acceptable way to define it.

I would also note that for future orders we might want to define "minimums" rather than "approximately," if that is the key thing is that it shall be a minimum of or a maximum of. Let's try to have tighter language.

CHAIRMAN HOOD: Ms. Schellin, let me just -- I'm going to make this observation.
If we -- if they come back and we do a minor mod case on this, or we have a hearing on this --

MS. SCHELLIN: If it's a minor mod, yes, we --

CHAIRMAN HOOD: I'm going to reserve my statement. I was going to talk about I want us to have 100 percent participation or attendance that night, because I have noticed in the past when we do this that --

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Anyway, so -- but I think it's legitimate, if we can get away with it on the Consent Calendar.

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Mr. Ritting, you have heard my colleagues express -- and I actually agree with them wholeheartedly. It is a big difference, and I want to thank Commissioner Schlater for being on top of that. There is a big difference from two
percent to 10 percent or 12 percent.

MS. SCHELLIN: And Ms. Giordano is in the audience, so she is --

CHAIRMAN HOOD: Okay. So she --

MS. SCHELLIN: -- she is hearing also.

CHAIRMAN HOOD: We can go from there. But if staff can follow with that, and we will put it on our Consent Calendar and deal with it at that point. Okay? Are we all on the same page?

(No response.)

Okay, great.

Do I need to do anything else, Mr. Ritting?

MR. RITTING: No. I just -- I'm sorry. I didn't quite -- I was listening to Ms. Schellin when you were having that discussion. Could you clarify what it is that you would like me to do? Would you like me to direct Mr. LeGrant to -- to instruct him that you believe that it properly belongs on the
Consent Calendar? Is that -- am I understanding -- okay.

CHAIRMAN HOOD: In other words, his findings, we pretty much disagree with his findings.

MR. RITTING: You disagree with them, okay.

CHAIRMAN HOOD: It's more than the two percent in which he is allowed to do with flexibility.

MR. RITTING: I understand. Thank you very much.

CHAIRMAN HOOD: Okay. All right. Thank you, all. And thank you, Vice Chairman and Commissioner May, for taking the lead on that.

Let's go to ZRR guidance update. Office of Planning, Mr. Lawson?

MR. LAWSON: Thank you, Mr. Chair. I am, of course, representing Arlova Jackson, who was recently appointed the new manager of the Zoning Review Process. We were really
happy that we were able to have somebody take
over Travis Parker's role who is currently on
our staff.

She is being able to, relatively
speaking, hit the ground running, but I think
you can imagine it is taking her -- taking us
a little while to get there. It is also -- I
think it is fair to say it is taking us a
little longer than we thought it would to take
the policy direction that you already gave us
and turn it into actual zoning text, as well
as take the existing text and kind of combine
all -- the existing text that is being
retained and combining that all into one
document that we can move forward.

As we noted in our last update to
the Commission, we are working on that draft
now. We are working on it for task force
review. Once this draft is ready -- and we
expect it to be ready soon, and I know we have
said that before, but we do expect it to be
ready very soon.
We then plan on meeting with the task force to discuss the proposed text. We expect that process to take a number of meetings, because we will want to work through the new text with the task force, so that they understand what we did and that we fully understand all of their comments.

Once we have had those meetings with the task force, then our next step of course will be to revise the text accordingly, and then forward the revised draft to the Zoning Commission, to you, for set down. And right now we are anticipating that that will happen late in the winter, possibly even early in the spring.

It will depend on how long -- how many meetings there are with the task force. We want to make sure that that process is given all the time that it is needed to be as complete as possible. After that, after the Zoning Commission presumably sets it down, then we will start the series of public
outreach meetings, and that is in accordance with the direction that you already gave us for the process you want to go through.

So I think that's the bulk of my update. If you have questions, I will be happy to try to answer them.

CHAIRMAN HOOD: Any questions?

Commissioner May.

COMMISSIONER MAY: Yes. We received, in our package tonight, a letter from the Committee of 100 with specific requests about the timing of things, and so on. Have you seen that letter?

MR. LAWSON: I did get a copy of it today.

COMMISSIONER MAY: Okay. And I couldn't quite, in the time that I have had to read this, and then observe what you are saying, I can't -- I'm not quite sure how your plans mesh with their suggestions. Can you address that more specifically?

MR. LAWSON: Well, I think -- I
shouldn't speak for the Committee of 100, but
I think what they are asking for is to make
sure that there is appropriate time for the
task force to review this document, and we
couldn't agree more that we want to make sure
that the task force has ample and multiple
opportunities for meetings, so that we can go
through this in some detail and without
rushing it through the task force. And that
is certainly part of what I read into the
Committee of 100 letter, and that is certainly
our hope and our intent.

COMMISSIONER MAY: Thanks.

CHAIRMAN HOOD: One of my concerns
-- and I would ask Mr. Lawson and the Office
of Planning to look at some of these requests,
because they are volunteers in that whole task
force. You know, they do a lot of job -- it
takes -- they are asked to take some of the --
they look at some things that we may miss, and
they take some work away from all of us, and
they help us out. And those are citizen
volunteers.

One of the things that concerns me is -- and I see here we are talking about a January timeframe. I want to make sure that they are able to enjoy their holiday, even though the Zoning Commission will be here the whole holiday season, it looks like when I look at the schedule. But I want to make sure that we don't do anything around the holidays.

The holidays and the summertime, the months of July and August -- and this is not the first time I have said this -- whenever we are trying to do something, it seems like -- and I'm not saying Office of Planning is guilty of this, but I do not like doing things in this city in the months when people are on vacation or celebrating the holidays.

And I am sure from looking at this letter, it looks like mid-January is when the next task force meeting I believe is going to be had. Am I correct?
MR. LAWSON: We certainly understand that comment. While I can't imagine anything better to do over the holiday season than talk zoning, I understand that there are other people who might disagree with that. So we are fully aware of the limitations.

And, really, the main limitation over the holidays is we want to make sure that a good number of task force members can attend the meetings, and that does tend to get more difficult as we get into the holiday season. So we are absolutely taking that into account, yes.

CHAIRMAN HOOD: Okay, great. Thank you, Mr. Lawson. I really appreciate your report, and I appreciate you bringing us up to date on this. Great report. Thank you.

Anything else? Vice Chair?

VICE CHAIRMAN SCHLATER: Might I ask you submit to the Commission a proposed schedule for the remainder of the process?
MR. LAWSON: We'd be happy to, as long as the Commission understands that it is still a little bit fluid, because we -- at this point, we want to work with the task force to determine what is the best way for their review to happen. So in terms of what the outline of the process will be, we can certainly submit that. In terms of actual dates, that might have to be a bit more fluid.

CHAIRMAN HOOD: In other words, it's tentative.

VICE CHAIRMAN SCHLATER: But I think having target dates is an okay thing. That's not rushing the process. That's just establishing some parameters under which we are going to operate. I'm just concerned that, you know, my term expires in the not-too-distant future, and I would like to be here for the final vote, if I could be, given the amount of work we have had.

CHAIRMAN HOOD: You sound just like me. Mine has expired. I think I'm
probably -- mine expired two years, and I was -- and now I'm back on the Commission, so you never know what happens in this city.

Okay. So taking what the Vice Chairman said, if you can maybe put "tentative" and maybe have some target dates and see where we go from there.

MR. LAWSON: We would be happy to supply that.

CHAIRMAN HOOD: Okay. Anyone else? Any other comments?

(No response.)

Okay. Thank you. Let's move to Hearing Action, Zoning Commission Case 11-17, Adams Morgan Church Hotel, LLC, consolidated PUD and related map amendment at Square 2560.

Mr. Jesick.

MR. JESICK: Thank you, Mr. Chairman, and members of the Commission. The applicant in this case has submitted a consolidated PUD and related map amendment in order to construct a hotel in the Adams Morgan
neighborhood. The subject site would be located at the corner of Euclid and Champlain Streets, which is just east of the intersection of 18th and Columbia.

The request proposes to change the zoning from R-5-B and Reed-Cooke C-2-B to C-2-B without the Reed-Cooke Overlay for the entire property.

The project would consist of the historic First Church of Christ, Scientist building, which would be restored, as well as a new addition to the rear of the church. The church space would be used for event space and restaurant for the hotel, and the new addition would house the guest rooms, loading and parking access, a swimming pool, as well as a portico share for dropoffs.

Now, the new structure would be nine stories and 92 feet in height as measured from the front of the building on Euclid Street. But because of the drop in grade along Champlain Street, on the eastern side of
the building, the top floor would be about 100 feet above street level.

Now, the design has tried to take that into consideration and made some changes. They have set back the top floor on both sides. They have also stepped down to the seventh story at the southern end of the property. And at the southeast corner of the property, therefore, the height above the street is about 86 feet.

Even with these measures, however, the Office of Planning still feels that the design could be more appropriate if the building were reduced in height, and there are a few different reasons for this.

One, because of the surrounding built environment. There are some examples of tall buildings in the vicinity. However, most of the immediate surroundings are buildings between two and four stories in height.

Also, the future land use map for this site calls for a mix of low density
commercial and moderate density residential, and those designations typically do not conform with a building of this size.

Also, the southern part of the site is currently zoned within the Reed-Cooke Overlay, and that overlay specifically intends for properties to redevelop with a height and density that is compatible with the surrounding existing residential neighborhood. In most cases, building heights are limited to 40 feet, and FAR is limited to matter-of-right levels, even in a PUD situation.

The comprehensive plan also talks about Reed-Cooke. Specifically, it says that any new development in Reed-Cooke, its height and density should be compatible with the surrounding neighborhood. So, again, the Office of Planning feels that a lower height would better meet adopted plan policies and be more compatible with the neighborhood.

Now, in addition to the PUD-related map amendment, the application would
require a few different areas of zoning flexibility. And I've gone into those in detail in the written report. One that I would like to draw the Commission's attention to is the request for additional height.

In the C-2-B zone, a PUD is normally limited to 90 feet in height. The applicant here has requested 92 feet, and the Commission may grant that flexibility. However, the applicant needs to show why the extra height is essential to the functioning of the project and consistent with the purpose and evaluation standards for PUDs. And that information to date has not been supplied, so that is some information that we would need if this case were to proceed forward.

We have some additional areas where we are looking for more information or have some concerns. These include more detail on the architecture of the exterior, especially the southern facade. We also question the quantity of dark brick on the
exterior of the building. We need more information about the nature of the commercial adjuncts in the hotel and more detail on the proffered benefits.

We also have concerns about the impacts of the use on Champlain Street, and, in general, a concern about the overall level of information and quality of drawings that were submitted with the application.

Just today we did receive a new set of plans. I believe the Commission may have also received those. We haven't had a chance to evaluate those in detail, but they may address some of the outstanding issues.

I would also like to note that the Office of Planning has met with the ANC and a couple of community groups. We have also received numerous emails, as well as a few phone calls, from the community. I have tried to summarize some of the thoughts that were conveyed in those emails in my report.

I would say there is not a
unanimity of opinion on the project, but we have -- there has been a lot of dialogue in the community about the project going back a couple of years. And I would say for this stage in the process we have had a very high level of public input.

So to conclude, I would just like to say that Office of Planning does support redevelopment at the site. We certainly support preservation of the church and restoration of the church. We feel that a public hearing would provide an opportunity, obviously for the Commission, but also the public, to weigh in on the issues that were raised in the OP report.

As I said, OP and the community have been meeting with the applicant for a number of years on this project. In fact, the applicant also has had a preliminary meeting with the HPRB to review the project. And I think it would be advantageous for all parties to get Commission input at this stage in the
process. Therefore, OP does not object to the Commission setting this project down for a public hearing.

That concludes my testimony, but I would be happy to take any questions.

CHAIRMAN HOOD: Thank you very much, Mr. Jesick. First, did we get the updated drawings? That's what that is?

COMMISSIONER MAY: What date were the drawings that you just got?

CHAIRMAN HOOD: Did some come in today?

MS. SCHELLIN: We didn't get anything today.

COMMISSIONER MAY: What's the date of what you just received?

MR. JESICK: I received them today. It looks like they do not have a new date on them. They are still dated October 26th.

COMMISSIONER MAY: October 26th is the last set we have.
CHAIRMAN HOOD: October, what is the date on there? Because we didn't get anything today. That was my issue. That's my point. So that might answer some --

MS. SCHELLIN: Nothing today.

CHAIRMAN HOOD: That may serve some of the questions we may have with the laundry list of 13 things that are still on the Office of Planning's report.

MR. JESICK: I would say let's stick with that list, because we just received these today, and we haven't had a chance to thoroughly review them. If this case moves forward, I think we can instruct the applicant to submit a brand-new, fresh set of plans that everyone --

CHAIRMAN HOOD: I don't know about anyone else, but I -- my concern is not having -- looking at what I have here, not knowing what that is, that kind of puts us at a disadvantage. I mean, we can set it down.

And I also have an issue with the
laundry list. This is not the first time I have mentioned this. I know the Office of Planning and the community and all don't have to agree, but when I see a laundry list like this I guess from your comments, Mr. Jesick, maybe we are going to have to be the ones to deal with this laundry list.

And I will tell you, there are other cases that have over five or six issues from the Office of Planning. I usually have -- for me, I have a reservation. But anyway, all is not -- it doesn't have to all be complete when it comes in front of us, but it should be a little more less than what I see here on this laundry list. But my concern -- my immediate concern is the new drawings that you have there.

But let me open it up for comments. Commissioners?

COMMISSIONER MAY: Mr. Chairman, I just looked at his set of drawings, and it is marked exactly the same as the set that we had
in our packet, the smaller set, October 26th.

CHAIRMAN HOOD: Okay. So you --

COMMISSIONER MAY: So I don't think it's any different.

CHAIRMAN HOOD: You just got yours today then. Okay. All right. Okay. Thank you.

Okay. Any other comments? Commissioner Turnbull?

VICE CHAIRMAN SCHLATER: I just have two questions for OP. I'll reserve my comments. One thing you didn't identify within the report was what OP thought was an appropriate height for this building. And I would be curious to hear your input on that.

MR. JESICK: We don't have a particular number in mind of feet or number of stories. We feel that the applicant needs to study the issue, see what design techniques they could incorporate into any height to lessen the impact of that height visually on the surrounding neighborhood. So we don't
want to design the building for the applicant, in other words.

VICE CHAIRMAN SCHLATER: Okay. And then, when you're concerned about the height of the building, I know you -- what are the impacts that you are specifically concerned about? Because I look at this building, and I see it's on the north side. So it -- I'm not sure it's a shade, you know, light and air problem that we have here. So I'm just curious. What is the issue with the height?

MR. JESICK: It's more of a context issue. This site is immediately adjacent to a two-story building on the south. There are also some two-story buildings across the street. And, in general, the neighborhood is mostly three- to four-story buildings.

This would, you know, double or triple that height. So that is something we are concerned about.
VICE CHAIRMAN SCHLATER: I saw in the packet that a number of other buildings were identified in the 75- to 90-foot height range. Are those buildings inappropriate for the context in which they are in?

MR. JESICK: A couple of those buildings are nearby the subject site, but I think more of them are anywhere from two to three or four blocks away. So we don't really view those as being in the immediate context of the subject site. As I said, we feel that the majority of the immediate vicinity around the site are these lower scale buildings. So we haven't -- we have, to some extent, discounted the --

VICE CHAIRMAN SCHLATER: I guess I'm trying to put my finger on if you think the appropriate context for the site is between two- and four-story buildings, then there is no point in moving forward and setting this down, because it is so far gone that it is not worth having a hearing about.
If you think it is appropriate for somewhere between five and nine stories, then I would be curious -- I mean, you've got to give me something.

MR. JESICK: I'd associate myself with the latter part of your comment. We're not saying that this building would have to come down to three or four stories, but something a little bit more compatible with the neighborhood I think would be more appropriate.

CHAIRMAN HOOD: Any other questions? Commissioner Turnbull?

COMMISSIONER TURNBULL: Yes, Mr. Chair. Mr. Jesick, I want to thank you. It was a very well-written analytical report. I think it was -- when I read it, I think the only positive element that I got out of it for the applicant was the preservation and restoration of the church.

You know, from the tone of it it almost -- it sounds like it shouldn't be set
down, even though I know you are saying, you know, to go ahead with it. But after reading your comments and looking -- you know, the applicant came back and they had -- their drawings were sort of misleading, and they went back, they changed them, and they said, "Oh, the height next door is different, it's not 90 feet, it's only 76" or something like that.

So, but it just sounded that from the nature -- and I think it was a very well-written report. I mean, I looked at it very carefully, and looked through the drawings. And I agree with a lot of your comments, but it almost sounded like we need to work with them more. But from -- your last comment tonight was we think it should be set down.

MR. JESICK: Well, you know, there is no doubt that we had some definite concerns about the proposal, and, you know, listed those in the report. As I said, we have been working with the applicant for a number of
years. The community has been working with them for a number of years.

I think it would be beneficial for everyone involved if the Commission would weigh in at this point to give their opinion on heights and uses in this area.

COMMISSIONER TURNBULL: Are you thinking maybe stalled from the standpoint of community and the input, that you need like some other -- to weigh in on this, then, or --

MR. JESICK: I don't know if I would use the word "stalled." Dialogue continues.

COMMISSIONER TURNBULL: Okay.

MR. JESICK: But we always value the Commission's input --

COMMISSIONER TURNBULL: Okay.

MR. JESICK: -- especially in a case like this that is very contentious within the community.

COMMISSIONER TURNBULL: Thank you.

COMMISSIONER COHEN: Again, I am a
newbie, so -- and there is nobody who can reach me under the table to kick me. So my observation would be that this should move ahead for public review, because I think it is an economic issue right now. I mean, to restore historic building and to make it an economic, feasible project you have to have probably high in number of rooms in the hotel.

And I'm not saying that is the best use for the site or the correct use, but unless we move this forward and review it in greater detail, I think it is just going to maybe go away, or I just think it needs to be discussed further.

COMMISSIONER MAY: Mr. Chairman, I am -- I will respectfully disagree with my colleague. I think, actually, the best way that we can get this -- move this project forward swiftly is to not set it down.

And the logic is that if we set it down now, we are going to wind up going through I think a difficult hearing process,
because we have a fairly underdeveloped package of materials that have been presented to us, to the point where even the Office of Planning is complaining about it. And that doesn't happen very often.

And it is -- I don't think it is going to -- I think that if we set it down, we start having the discussions, the implication is that, you know, it may not be 92 feet, but it will be close to that. Maybe they will take a floor off or something like that.

It seems to me they need to be talking about two or three floors off in order to really make this fit right, and the best way that they get that message is for us to not set it down until they take it down. And this -- the Commission has done that before.

In fact, it was the last case that my predecessor heard -- actually set down I think was another case where there was a bit of a standoff over height. And I think that is what needs to happen here. We need to send
the message now it has got to come down before we will start talking about it.

CHAIRMAN HOOD: That case was the famous call for Anthony Hood's resignation.

(Laughter.)

Yes, I remember that case. Two of us actually were -- that was the former administration. But anyway --

COMMISSIONER MAY: I'm not going to try to invite that kind of reaction, but --

CHAIRMAN HOOD: Well, that was the reaction we got on that one, and that was the former administration. Let me be very clear. And I've outlasted them.

But anyway, let me -- you know, I'm hearing all my comments, my colleague's comments. When I first opened about the laundry list, I thought, you know, that's what I was going at. Is this ready? Is this flavor right for us to set down?

But then, when I heard Mr. Jesick's report, I just want to make sure I'm
not the tying vote up here, because when I heard Mr. Jesick's report it was like, "This is where we are. It would be good to be fleshed out."

I can actually -- the safest thing for me now is I agree with everything I've heard. The question is: how do I move forward to get this done? And I think, Commissioner May, you bring up a very valid point. And I don't want to sound like a flipper, because everybody knows I'm not, and I think Commissioner Cohen brings up a very good point.

Mr. Turnbull, do you think we -- this is ready to be set down?

COMMISSIONER TURNBULL: I think there are a lot of issues with this. I am concerned about the height. I am concerned about the -- over a lot of the things that OP has said. I think it will take a hearing. It will be a very brutal hearing.

I think if -- if nothing, I am
sure our comments, if we go forward tonight with our comments, I'm sure we are going to have a lot of comments that are going to flesh out -- I mean, I've got -- you know, I've got at least 12, 15 comments that I could say regarding the drawings and what I see is wrong.

And I'm sure I've got several other Commissioners here that probably have at least that much. I'm sure Commissioner May and the Vice Chair have got comments, and so I don't know -- when we come out with this, we may have a laundry list of about 45 different things. Now, maybe some of them will overlap, but there may be a lot of issues that are going to say, "Before you come before us for a hearing, we want you to do this, do this, do this, do that." So I'm not sure.

I mean, if we -- we can go through and do that, but I'm sure the hearing won't be for many, many months until they fix what they have got to do.
VICE CHAIRMAN SCHLATER: Mr. Chairman? Sorry, I'm going to jump in. I'm in favor of setting this down tonight. I think it's -- overall, there is a lot of very good things about this project. We are talking about introducing a use into Adams Morgan that there really isn't -- and it is a use that could help the Adams Morgan area sort of evolve from where it is today. And I think it could be a substantial improvement.

You are talking about a project that is going to preserve the church building and improve upon it in a use that is extremely appropriate for the church building, and I think overall bring a hotel there, preserving the church building. These are things I would like to see move forward.

I do have a -- I have a list of issues with the project, and I would like to see it changed between now and when we have the hearing. And I would like to see a lot more work done with the community to build a
consensus.

And I understand some of the concerns about the height, and I think there needs to be a better -- a more graceful way of addressing how -- the relationship to the much shorter buildings to the south. But I also think it is a good project, and I am concerned.

I would like to see it move forward, and I would like to help move it forward and play a constructive role in it.

CHAIRMAN HOOD: Commissioner Cohen?

COMMISSIONER COHEN: Mr. Chairman, I agree with the Vice Chairman's points. And I do, you know, agree on -- with my other colleagues on the issue of height. But it seems to me when there has been very little movement after several years of negotiating between a city office and the development team something should happen.

It is not I think in the interest
of the community just to have a vacant
building, and with no hope of it being
restored. And I think it just needs to have a
shakeup. And certainly, as unpleasant as some
hearings may be, this is the venue for that.

COMMISSIONER MAY: Can I go again?

I agree with everything about the objectives
of the project. I think, in principle, it is
a good project. Certainly, what we have seen
here, there is not enough information to
evaluate it. But, again, I would simply say
that the best way to move this forward
expeditiously is to not set it down, because
setting it down says that this is close enough
we can start having a conversation. It is
going to be a long, difficult, painful
conversation, and it is going to continue all
the way through decisionmaking.

I can predict that we will be here
at -- when it comes time to take proposed
action, that we are going to be faced with
something less than we like, and it is going
to be a difficult meeting and a difficult set of decisions. And we may not make a decision immediately, and we may have an extended period between proposed and final.

The best way to get this moving to get the -- if there is a logjam or anything like that, the best way to bring that jam is to not set it down and have the applicant go back -- I mean, I think that they have been working this, and they have been trying to get it through, and they have been trying to get close enough, but they are not doing the major things that I think the Office of Planning is helping them try to do.

And they are not being responsive enough to that input, and I think that the Office of Planning is send us a subliminal message that they think it should not be set down. They are not -- they are lukewarm on this anyway. I think we need to just say no.

CHAIRMAN HOOD: I must have a different report.
COMMISSIONER MAY: No, they said they want to set it down, but I think -- I mean, if you read everything but the recommendation, it says this isn't ready to be set down. And then, the conclusion is, you know, we tried, you know, now you guys give it a shot. Well --

CHAIRMAN HOOD: I think that's --

COMMISSIONER MAY: -- I think -- I think the best way to move this forward expeditiously is to not set it down, and then let them come back in a month or two with it in better shape. And I think that's the way to get this through expeditiously.

CHAIRMAN HOOD: Okay. At this point -- and I will tell you, the reason why I'm hesitant, because we've tried, Commissioner May, both ways. I've been around long enough to know we have tried that before, we tried the other way, we set it down. I just don't know.

So if somebody wants to make a
motion on the table.

COMMISSIONER COHEN: Well, it -- it just seems -- let me just say one last thing. It seems to me that there is a message coming from the Commission, and that is it is too high. So, you know, maybe the development team needs to just go back and recognize that and see if the numbers and everything works to retain the plan, and to reduce the height, and then to address the number of things that the Office of Planning has been saying, which has obviously had a great influence on several members of the Commission.

CHAIRMAN HOOD: Okay. Let's do this. I am going to go along with the Vice Chairman. I think -- I know it's three, I'm not sure where Mr. Turnbull is. But I think we can set this down.

I'll remember that that night about 11:30 when I'm up here thinking, "Why did we do this?" but I think we can set it down. I think, from what I'm reading in the
report -- while I agree with Commissioner May -- and, again, like I said, we have tried this both ways.

But I think what we can do is we are going to have to have a discussion. I don't like for this to be an ANC Commission meeting down here or a neighborhood community meeting down here. But it looks like from the report, Mr. Jesick, from where I understand it, this is where we are. We are where we are. We are going to come down here.

But whoever the applicant is, I want you to understand that this is -- I have already asked Ms. Schellin to give us two nights, and one night is for all of the problems and concerns I am hearing from up here, and also looking at the Office of Planning's report.

But I don't know, we haven't put our issues on the table yet. So we need to do that.

Also, in conversation with the
Office of Planning, we are allowed -- we have
to give great weight, but I can tell you that
that discussion needs to be had with the
community and all of the parties involved,
because if not it is going to make for a long
hearing. Trust us.

So with that, let's talk -- are we
ready to talk about what we would like to see?
And then, after we get all of that on the
table, then let's see -- somebody can make a
motion. So who would like to start us off?
Mr. Turnbull, you said you had 12 or 13.

COMMISSIONER TURNBULL: Yes,
something like that.

CHAIRMAN HOOD: Okay. Mr.
Turnbull.

COMMISSIONER TURNBULL: Well, I
guess -- first of all, I guess we thank the
applicant for saving the church and trying to
preserve it. But I guess the -- and although,
as the Vice Chair said, it's on the north
side, and the sun shadows -- I still want to
see some shadows. I want to see a study at all the critical times of the year, the equinox, just show exactly summer solstice, winter solstice. I want to see all of the critical sun shadow studies all around the whole neighborhood.

I want to see street views of this building on all the major sides. I want to know what this building looks like, perspectives at eye level as you walk around this whole site. I want to know what this -- what the -- what this looks -- and I want the other -- I want to see what's on the other side of the streets from this perspective. It has to be a realistic 3D view as you walk around the building. I want to be able to see that.

I want an elevation of how -- from both sides on how the connection with the church is and the details on that. I want to actually see the meeting of that. I want to see very clearly how they do that.
I want to see the roof plan with all of these curved -- I want to see a better roof plan than I see with all of these curved metal roof structures. It's a very busy, busy, complex thing that is going up on there. If I want to see what is happening up there, what it is used for, and know exactly what we are looking at at the top of that building. I don't understand that green tile up there, but that is another issue.

I think there ought to be setbacks. I am worried that when you look on the streets with the residences, as we talked about, there needs to be a more generous setback, something to respect all of the neighbors on the block. And I think as Mr. Jesick said, you know, it gets to deal with the height, it gets to deal with massing, it gets to deal with how you meet the neighbors.

I think we've got to -- the applicant has got to recognize that and realize where the structure is and be a good
neighbor.

The color -- I understand the nexus of trying to look at the neighborhood and do that and -- but to me, black brick on a two-story building or on a restaurant or on a house is a lot different than being on a nine-story building. And I just think that which -- or that this paint, this midnight dream, I'm just worried that it could become midnight nightmare.

And I just worry about the impact of such a -- and maybe it's the quality of the drawings. It just looks to be a very -- like a very depressing view when I look at it. There needs -- they had a little perspective when they were showing, and they showed just a normal brick building, and they are trying to describe, you know, the windows and how they are painting it.

I almost want to see just a normal brick building with maybe a black -- some kind of treatment around the windows that picks up
something. Maybe some detailing with the brick, rowlock courses that could add some character to the brick work. But I am just concerned that a painted black brick or just a -- pick a charcoal brick, might be just too much for this neighborhood.

I mean, there is one thing to respect the neighborhood and to try to pick up actions from it, but, as I say, there is something different between two stories and nine stories.

Better drawings. We need better drawings, clearer drawings, drawing that really articulate what we are looking at and know what they are trying to do with this structure.

And I want to -- as I say, I want to know more about the green. They have to convince us -- they have to convince us with this presentation that this is worthwhile, that this is a really meaningful building that is going to sit in this neighborhood and be a
part of it and be a good neighbor and really
do something for it.

    I want to feel comfortable when we
walk away from this is -- we can all look at
it and say -- you know, and the neighborhood
-- "This is going to work. This is going to
be good." I'm not -- I'm a long ways from
there right now. And I will end it right
there, and I will let my colleagues carry on.

    But right now, I am very unsettled
by where the state of the drawings are and
what is being presented. There is not a good
story here that I feel comfortable about.

CHAIRMAN HOOD: Okay. Thank you,
Mr. Turnbull. Anyone else?

(No response.)

That was enough, but anyone else?

No. Any other comments?

VICE CHAIRMAN SCHLATER: Mr.
Chairman, I agree with almost all of
Commissioner Turnbull's comments there. In
particular, I am concerned about the quantity
of black brick on this building. I would like
to see examples of other buildings that have
-- if the applicant would like to move forward
in that direction.

I would like to see other
buildings of this size that have a similar
treatment with this dark color. I think it is
a bold move, and I could be convinced, but my
first blush at it was that it was too much
dark and it could become like the Darth Vader
Building lording over Adams Morgan. And we
certainly don't want that, so I would like
some more on that.

I would really ask the applicant
and the applicant's architect to come down
here and maybe look at some other PUD
submissions, ones that have been submitted by
Toroti Gallas, Shalom-Baranes Associates.
They are just leaps and bounds ahead in just
readability and understandability, so that you
know what you are looking at.

A lot of what -- a lot of my
concern is I don't even know what I am missing in these plans, because they are hard to follow. So I think we need more in terms -- just particularly floor plans and elevations that are a little bit more decipherable.

I think, in general, the applicant is proposing very high quality materials and is doing some interesting things. And I encourage them to continue down that path and not try to dumb down the building, because I think it could be a great building if you use the good materials and the connection to the hotel. It's all great.

Let's see. There was an issue about at-risk windows on the south face of the building. It has come up on other cases that we have had. I would like to understand how those units are going -- how those hotel rooms are going to function if and when a building gets built up to the face of the building, better understand that.

I would like to see -- I would
like to see some more indepth diagrams, particularly with hotels. We are very concerned about loading, particularly in the 18th Street area that has got traffic issues. I would like to see, you know, turning diagrams and more information about how the loading is going to be managed on this site. I'm sure DDOT is all over it, and I am curious to hear their thoughts on it.

Likewise, I am a little concerned about Champlain Street and the residential character of it, and how to avoid, you know, having a taxi stand out there. I know that's the entrance of a hotel, but what efforts are being made to preserve the residential character of that neighborhood as well?

I would like to better understand -- there is a lot of confusion from the OP report and the applicant's report, and we need sort of a definitive document showing the heights of nearby buildings and just having a much better, clearer diagram on that.
And I think that's it. The other thing I saw was this -- the community center, which I think is a nice gesture, to be providing space to the community in a community center. If I was reading the plans correctly, it looks like it was buried without -- in a windowless and lightless space, and I don't think that -- I don't appreciate that.

So, I mean, I think they deserve some better accommodations, if it is going to be treated as a benefit and amenity for the project. I'll leave it at that.

Thank you.

CHAIRMAN HOOD: Okay.

Commissioner Cohen?

COMMISSIONER COHEN: I think my colleagues have really covered most of the comments, and so I can say ditto, ditto.

The only other area I would like more information on is more on the environmental analysis. Other than saying that all of these systems will be coordinated
with D.C. Water and the right agency in the city, and that there is a LEED 2009 form that has been filled out, I would actually like to see a little bit more discussion on how those systems are unique or do conform to sustainable systems.

COMMISSIONER MAY: Thanks. In the event that this actually is set down -- and I'm still counting on the possibility that maybe somebody will see the light, but I would just agree with all the comments that I have heard so far, particularly Mr. Turnbull's criticisms of the drawings.

I was -- actually, the fact that there is real consensus across the board on the -- it seems on the quality of the drawings I think is just a further testament to how far this needs to go before we can even understand it.

I have particular concerns, obviously, about the height. I think that there are going to be other significant
concerns that come out at the hearing that I don't feel like we have really gotten a good
taste of. The Reed-Cooke Overlay I know is the product of an active neighborhood, and I am sure that we are going to have -- hear a lot about that.

And I don't feel like I have gotten much of a sense of the totality of that discussion at this point, and it's not something -- I mean, I'm sure it is going to come forward in the course of the hearing.

I am particularly concerned about the quantity of parking and the traffic conditions. And, you know, I have reviewed the traffic study that was submitted, but I don't feel like I really have a good handle on it. I'm not looking for anything in particular. I just think that we need to be prepared to have a fairly detailed discussion of this, and I am anxious to hear what the -- what DDOT has to say about the parking situation in particular.
I agree in particular about the concerns about the treatment of the facades. I mean, it is very hard to tell, because the drawings are so poor. I can't really understand what's going on. I don't think that this has quite the potential to be the Darth Vader Building. By the way, you know we have other buildings in town that people call the Darth Vader Building, and a couple in the suburbs, actually, too.

But I think that the use of the dark brick, particularly if we are talking about painted brick, I mean, that is a little confusing, too, because I -- is it all just glazed brick? Because there were references to paint colors. Yes, so I -- surely they don't want to be building a 10-story building and then painting the brick. That just doesn't make any sense at all.

And I think -- maybe this is actually a question for the Office of Planning, but was there more recent review by
78
the Historic Preservation Review Board than
2008?

MR. JESICK: Our Historic
Preservation Office has been in dialogue with
the applicant throughout, but the preliminary
review by HPRB, that is the most recent one.

COMMISSIONER MAY: And that just
had to do primarily with this -- the building,
the church building, primarily, and then this
is the --

MR. JESICK: Well, the
relationship of the addition to the church
building, but the design has changed
considerably since then.

COMMISSIONER MAY: Yes, okay. I'm
interested in hearing what -- well, are they
going to -- do you think they will go before
HPRB again before we hear the case?

MR. JESICK: I think the plan is
to go to HPRB after the PUD is approved, or at
least set down.

COMMISSIONER MAY: Okay. I don't
know what the normal sequence is, but I'm fairly accustomed to seeing them after there has been an initial approval but not the final.

MR. JESICK: It is a bit of an unusual process. And you're right, usually it goes to HPRB for a concept review, then to the Zoning Commission. In this case, because there were these issues that affected the overall bulk and the use on the site, it was determined that it was probably appropriate for it to go to the Zoning Commission to get some of those issues discussed first.

MR. JESICK: I guess I could understand "discussed," but this is another reason why I'm not sure this is ripe for setdown, because we could wind up in a situation where we take a proposed action, and there has still been no review by -- no official review by HPRB. And it could wind up changing significantly as a result.

So, I mean, you know, okay, we are
going to go this route. If we are going to go this route, we will go this route, and we will see how it goes. But I could see this decisionmaking on this being held in abeyance while we get a more definitive read from HPRB.

So, anyway, that is it for my comments. This just needs a lot of work, and I hope it won't be set down.

CHAIRMAN HOOD: Okay. Basically, my comments are with traffic. And, you know, traffic in this area -- well, I won't get into that. So I'm looking forward to hearing about that. And I agree with you, Commissioner May, about the discussion with DDOT.

We are looking at the traffic, and I'm concerned about the Reed-Cooke Overlay also. We will get into the workings of that.

While I hear Commissioner May, and I agree -- and, again, like I said earlier, we have done it both ways. If I could predict it -- and if you recall, I opened up my comments with the laundry list.
But I just think, you know, if we have a hearing and it gets to the point that we have to adjourn the hearing and stop it at that point, we will do that. I mean, you know, we have sat down stuff and it sits around for so long to the point where we even forgot that we had it on the docket.

So that -- so, you know, make no mistake, while -- if this is set down doesn't still mean it won't stop the process. I think what we are doing is availing ourselves to get more information and to also get a little more comment and public comment ourselves as opposed to the Office of Planning having -- whatever they did with the community and the applicant.

So this could stop at any point in time. Or if it comes back, they have heard the comments, a lot of them from up here, or it may come back tailored, and the list may grow to maybe one or two, and we have to make a decision on those two issues.
Who knows what may happen? I have seen different things happen down here, and I think I am going to be supporting setting this down, but with the caveat that this process, and the laundry list and the comments I am hearing, can stop at any time.

So would anybody like to make a motion? Commissioner Cohen?

COMMISSIONER COHEN: I'll move to set down ZC Case Number 11-17, also known as Adams Morgan Church Hotel, set down for a hearing to be scheduled by the office.

CHAIRMAN HOOD: Okay. All right. Thank you, Commissioner Cohen. Is there a second? Is there a second?

VICE CHAIRMAN SCHLATER: I'll second that, Mr. Chairman.

CHAIRMAN HOOD: Okay. It has been moved and properly seconded. Any further discussion?

(No response.)

Are you ready for the question?
All those in favor, aye.

(Chorus of ayes.)

Any opposition?

COMMISSIONER MAY: Opposed.

CHAIRMAN HOOD: Staff, would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote three to two to zero to set down Zoning Commission Case Number 11-17 as a contested case. Commissioner Cohen moving, Commissioner Schlater seconding, Commissioner Hood in support, Commissioners May and Turnbull opposed.

CHAIRMAN HOOD: Okay. Great. Let's move on. Next on our agenda is -- last item is Hearing Action, Zoning Commission Case 11-21, Office of Planning map and text amendments at St. Elizabeths East Campus. We are being asked to do an emergency action and a set down.

I've forgotten the young lady's name already. Oh, Mr. Lawson. Okay. I'm
MR. LAWSON: Thank you. Well, that's a tough case to follow. I am actually here representing Maxine Brown-Roberts who is also not available to be here tonight, but I will read out her testimony.

The Office of Planning, on behalf of the Deputy Mayor for Planning and Economic Development, proposes emergency action to zone Buildings 102 and CT1 at the St. Elizabeths east campus from unzoned to W-1 zone. This would permit a light manufacturing, packaging, distribution, research and development office and wholesale facility in the buildings, and a considerable number of jobs that they would create.

Emergency zoning action is requested because the project is the subject of D.C. Council approved bond legislation which expires at the end of this year. Site control is a prerequisite for the bond issuance, and the site control is not possible
until the property is zoned, thus the urgency for the zoning request.

The Zoning Commission has stated in the past that they wish to see a comprehensive zoning plan based on a completed master plan for the St. Elizabeths east campus. We understand and fully agree with this intent. But due to the expiration of the facility's important funding source, we have had to bring forward this request for emergency action.

The framework plan for the campus was completed in December of 2008, and will be the basis for the final master plan. It recommends multiple uses for the redevelopment of the campus, including the subject site. The master plan is currently being developed and is projected to be completed by the end of this year. Following that, OP will prepare and submit a comprehensive zoning plan to the Zoning Commission for consideration and approval.
The proposal before you tonight is consistent with the current draft master plan and is written very narrowly to address these specific uses in the two existing historic buildings.

The proposed W-1 zone is appropriate for the site as it encourages a diversity of compatible land uses. W-1 permits the proposed uses by special exception. OP is recommending a text amendment to allow these uses as a matter of right at this location, and, as provided in our report, the analysis of the special exception criteria, which shows that the uses would not result in an adverse impact.

The proposal is not inconsistent with the 2010 comprehensive plan future land use map, which designates this portion of the St. Elizabeths site for mixed use, medium density residential, and moderate density commercial. The comp plan also encourages work force development centers on the campus.
OP, therefore, recommends that the Zoning Commission take the following actions -- emergency action for a map amendment from unzoned to the W-1 district and the associated text amendment to Section 901 of the zoning regulations, as revised by the Office of the Attorney General.

We also recommend that you publish a notice of proposed rulemaking, that you also set down for a public hearing the map amendment as noted above, and, finally, that you allow immediate advertisement of the notice of the public hearing by waiving the 20-day period between the filing date of the supplemental filing and the publication of a notice of public hearing.

That concludes our testimony. We are available for questions. Thank you.

CHAIRMAN HOOD: Okay. Thank you, Mr. Lawson. Mr. Lawson, let me just open it up on this. On the text amendment, I'm trying to remember, did we make a use in the W-1 zone
as light manufacturing?

MR. LAWSON: Oh, I'm sorry. W-1 does a lot -- W-1 currently allows light manufacturing uses, so it is a permitted use in the zone.

CHAIRMAN HOOD: Okay. Because I'm looking at -- when I look at what we are trying to achieve here, this looks more like -- almost like the C-M-1 zone. And my concern was -- and I'm not sure if we are trying to -- as soon as I saw the light manufacturing, that is the word that they used some years ago to say that trash transfer stations can go there. And that's how I ended up on the Zoning Commission.

So I guess I just want to be sure that there is some kind of control. I just have a problem with the wording there "light manufacturing." I have always had that issue, because light manufacturing is just a trash transfer station.

I don't know, is that something we
are trying to achieve on this site, east campus? Because if something ever goes away, is that what we are trying to achieve?

MR. LAWSON: Well, we are certainly not -- yes, we are certainly not trying to achieve that use, and that is not what is being proposed. This is essentially an assembly and warehousing facility, which are also considered, you know, industrial uses.

A trash transfer station is another example of an industrial use, but the amendment that we are proposing would not allow that kind of use. This is really targeted towards the facility that is proposed to be going into these sites, which is definitely not a trash transfer station.

CHAIRMAN HOOD: Okay. Because some years ago -- and I'm going back to that, because that is what the city used to put those places in a warehouse area. And I just see us revisiting that and doing that again,
and I don't think that is what we are trying to achieve here.

MR. LAWSON: No, that wouldn't be consistent with the planning that is being done for the area already, and it wouldn't be consistent with the use that is proposed for the site. And, you know, if the Zoning Commission wishes, we can certainly work with OAG to propose even tighter language to specifically --

CHAIRMAN HOOD: I would like to see that.

MR. LAWSON: -- eliminate that as being a possibility.

CHAIRMAN HOOD: I don't know all what is planned for over there, everything that is being worked on. You guys know better than I do. But I think that is one of the watchouts as far as I'm concerned. Light manufacturing -- you wouldn't believe how that word was used in the mid-'90s, and some wards suffered because of that.
And I don't want to see -- not saying that we don't need and have them, but if that's what we are trying to achieve over here on the east campus at some point, then let's go with it. But if not, I think if we can tighten that up, I think it would be a lot better.

MR. LAWSON: Sure. I would also remind you that this would be zoning just for these two specific buildings. It would not be zoning for the broad area of the campus. That we anticipate bringing to you as the comprehensive package once the planning work is completed.

So certainly if there are zones proposed at that time that would permit that kind of use, which I tend to really doubt, we would make sure that's very clear to you and that it is very up front.

CHAIRMAN HOOD: Okay. I'd appreciate that. I would just feel a little more comfortable. Just for some reason light
manufacturing has been in my vocabulary for a while, so -- okay. I appreciate that, Ms. Lawson -- Mr. Lawson. Commissioner Cohen?

COMMISSIONER COHEN: Mr. Lawson, since there seems to be some pretty firm ideas about what is going to be located there, what is the timing for these uses?

MS. GARDNER: Good evening, Commissioners. Again, my name is Geraldine Gardner. I'm the Associate Director for Neighborhood Planning. We have been working on the master plan since about February of this past year. The draft is currently out for public comment. It closes on the 28th of this month, after which time our office will be compiling the final alternative and we hope to have the entire master plan completed by the end of December.

COMMISSIONER COHEN: Thank you. I meant the timing of the specific uses that are going into these buildings.

MS. GARDNER: It's our
understanding that the firm is intending to use the bond proceeds by the end of the calendar year. That is when their authority expires, and they would be proposing modifications, interior modifications, to the buildings consistent with the master plan.

It would have to go through the Historic Preservation Review Board. That process will take several months to complete. But it is our understanding that they will be operational in 2012, mid-2012.

COMMISSIONER COHEN: If the Historic Preservation people have to review this, they are not going to make it by year end, I can assure you.

MS. GARDNER: They're not proposing any exterior modifications. The bond legislation is very specific that they will have to make minor modifications to the interiors of the buildings. And because this is a national historic landmark, that process is required to be completed in front of
Historic Preservation Review Board.

CHAIRMAN HOOD: Okay. Any other questions? Any other questions? Oh, okay. Commissioner May?

COMMISSIONER MAY: Yes. When will the master plan actually translate into a zoning case? When are we going to see a zoning case?

MR. LAWSON: We would anticipate bringing forward zoning action based on -- based on the final master plan probably early in 2012. It could be that quick. We don't have an actual date at this point, because the plan will have to be completed, but we plan on bringing forward zoning fairly quickly after that.

COMMISSIONER MAY: Okay. Well, I'll be glad to see that. I think that the previous PUDs on this site -- I think both times when projects were approved on PUDs we were longing for the master plan, so that we were not doing piecemeal zoning for the site.
And I understand why the master plan was further delayed, but, you know, I sat on those cases during my first stint on the Zoning Commission. So it's pre-2004 that those things were approved, and so we have been looking for this for a long time.

I just have to say -- I can't let this pass -- but it is absolutely bizarre to me that we are giving this a W-1 designation where it is. I mean, I guess there was nothing in the W zone that required it actually to be on the waterfront. Just seems really bizarre. But we won't have that circumstance in the future. With our new, improved zoning code, we will be able to zone based on impacts, not on uses.

MR. LAWSON: Yes. So I was going to note that, that actually right now most of the W-1 -- or most of the W zoning in the District is not on the waterfront.

COMMISSIONER MAY: Okay.

MR. LAWSON: And it is -- although
there is certainly some language in there about addressing the waterfront, for the most part it is not that direct relationship. And in the new code, the anticipation is that the W-1 through W-3 zones will be mixed use zones.

COMMISSIONER MAY: So where is W-1 that it is not on the water?

MR. LAWSON: There is some W-1 in the Georgetown area. There is some W-1 --

COMMISSIONER MAY: Some on the waterfront there.

MR. LAWSON: Not directly on the waterfront.

COMMISSIONER MAY: There is some on the waterfront.

MR. LAWSON: Yes, there is, you're right. I'm saying that it's not all on the waterfront.

COMMISSIONER MAY: Oh, okay.

MR. LAWSON: There is also well, probably the biggest portion of W-1 is very much on the waterfront, and that is

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
(202) 234-4433 WASHINGTON, D.C. 20005-3701 www.nealrgross.com
Southwest Waterfront. You are reviewing the
PUD for that --

COMMISSIONER MAY: Right.

MR. LAWSON: -- project right now.

There was some in the middle of Buzzard
Point, for example. There's W-3 zoning, which
is not too far from this location actually.

COMMISSIONER MAY: So the other
ones are -- I mean, seem to be maybe not
directly on the waterfront but are relatively
near.

MR. LAWSON: In some cases. Like
I said, there is some W-3 zoning that is very
close to this site. It has no relationship to
the water whatsoever. We just felt that this
was the appropriate zone given the uses, given
the density that is being proposed. It just
kind of made some sense.

And in terms of some of the
limitations on the uses, it also made some
sense in this -- in this site. If we had a
better, you know, truly industrial zone, even
though W -- the W zones are kind of quasi-industrial zones anyways, but if we had a better one we may have been tempted to use it. But this one seemed like the best fit for this particular situation. But I understand your --

COMMISSIONER MAY: Okay. Well, let me --

MR. LAWSON: It was my first question, too, when I --

COMMISSIONER MAY: It's a bit of comfort to know that we have W zones not on the waterfront elsewhere in the city. I have to look closer at that map.

I guess that's it. I mean, I know -- I understand where this -- how this came about and came to pass and why it's an emergency. And I'm glad that a home was found for this project, because I do think that it's generally worthwhile. So hopefully it works well with the planning that will come very quickly from the -- or the zoning that will
come very quickly from the Office of Planning
to zone the entire St. Elizabeths.

Thanks.

CHAIRMAN HOOD: Any other
comments, questions? Vice Chairman Schlater.

VICE CHAIRMAN SCHLATER: So does
the -- do the master plan alternatives
currently contemplate light manufacturing on
the site?

MS. GARDNER: Yes, they do. And
the locations that are consistent with the
current application.

VICE CHAIRMAN SCHLATER: Because
one of the concerns I have about approving
anything like this on emergency is not having
the opportunity for public input, because we
do set zoning on the site as industrial, which
can set a precedent for the future
development.

And everything I have heard about
this site is that it is going to be a mix of
office, retail, residential, and light
manufacturing hasn't been one of the things I have heard as being introduced on the site.

So that's not a question, but it's a -- but it's good to hear that it has been part of the public process and people have been informed about the possibility of this use on there.

I'm trying to look at the -- when we are actually limiting what the uses are within that building, what provisions are limiting them? Because some of -- I'm a little confused. Some of the things that are actually in the proposal -- I didn't take enough science, and I don't know what it means, things like solder sphere, ceramic metalization, you know, in my mind's eye, I see those as potentially, you know, serious industrial uses. So maybe you can just flesh that out a little bit for me.

MR. LAWSON: We would be happy to provide a bit more information on the nature of the business. We do consider it fairly
light manufacturing, a lot of assembly of materials on the site, and then packaging of those materials as opposed to a heavy kind of industrial -- this is definitely not considered to be a heavy industrial kind of use.

VICE CHAIRMAN SCHLATER: And when was this site identified for this use?

MR. LAWSON: I'm sorry?

VICE CHAIRMAN SCHLATER: When was this site identified for this use?

MS. GARDNER: Through our discussions with the Office of the Deputy Mayor for Planning and Economic Development, we let them know that based on our master planning discussions with the community these are the only suitable sites on the campus for these types of uses.

VICE CHAIRMAN SCHLATER: And when was that determination made?

MS. GARDNER: September or October of this year.
VICEROY CHAIRMAN SCHLATER: Okay. I just want to establish the emergency, you know, that it wasn't just waiting until the last second to push this through. So there is a legitimate need to move this forward.

CHAIRMAN HOOD: It says September -- I am trying to think now. September of this -- September of this year. So it was this administration. Okay. All right, good. Okay. Commissioner May.

COMMISSIONER MAY: I just want to ask one more question. Have you had any discussions with the ANC, the affected ANC, about this proposed text amendment?

MS. GARDNER: Our office specifically has not, but the Office of the Deputy Mayor for Planning and Economic Development has been in discussions with the ANC, and this was also part of the master plan that was submitted for public comment and also given to the ANC.

COMMISSIONER MAY: And have you
had any sort of reaction from them?

   MS. GARDNER: There has been a very positive reaction to the idea of the jobs that will be brought as a result of this. And as long as we can control the types of uses and potential impacts in the community, there has been some support.

   COMMISSIONER MAY: Okay. That's helpful to know.

   CHAIRMAN HOOD: Okay.

Commissioner Turnbull?

   COMMISSIONER TURNBULL: Yes. Thanks, Mr. Chair. So right now for emergency zoning we are zoning two point buildings.

   MR. LAWSON: That would be correct, yes.

   COMMISSIONER TURNBULL: So the little spots on the map are being zoned, so you are obviously very much in aware of what is going to be around this, and what -- this does flow with the whole sequence of the zoning that is being proposed.
MR. LAWSON: This is consistent with the planning that is being done for the area, yes.

COMMISSIONER TURNBULL: We are not going to find a point W-1 in the middle of something totally different.

MR. LAWSON: Well, I think there's two reasons. I am not sure that we are going to be proposing W-1 zoning for the broad area. But I think --

COMMISSIONER TURNBULL: Well, at least the contiguous area of the building.

MR. LAWSON: Yes, I think the intent is that this is -- the two buildings are in an area where this kind of use is anticipated, so it will fit in with the master planning for the whole site.

COMMISSIONER TURNBULL: Have we done much point building zoning as an emergency before, or is this something new, or --

MR. LAWSON: I don't think it's --
to be honest with you, I don't know. I haven't looked into that situation. The property is unzoned right now.

COMMISSIONER TURNBULL: Right.

MR. LAWSON: So, of course, for any use --

COMMISSIONER TURNBULL: We are waiting, right.

MR. LAWSON: -- to happen zoning is required. In this case, just given the nature of the desirability of this facility on the site, and the time pressures that they are under, that is why we propose bringing this forward. We, frankly, would be more comfortable if we could have done the zoning for the master plan --

COMMISSIONER TURNBULL: Right. I would agree.

MR. LAWSON: -- earlier as well. But in this case, we feel that this is consistent with the direction that the master planning is going.
COMMISSIONER TURNBULL: Okay.

MR. LAWSON: And the uses of sufficient benefit to the neighborhood that it really should proceed -- have the opportunity to proceed forward.

COMMISSIONER TURNBULL: Okay.

Thank you.

VICE CHAIRMAN SCHLATER: I'm just wrapping my head around this, and one of the concerns I have is -- are these buildings going to be owned by the District, or are they going to be sold to the light manufacturing company?

MS. GARDNER: It is my understanding at this time it will be a lease between the district and the company, so the district would retain ownership of the buildings.

VICE CHAIRMAN SCHLATER: I guess my concern is that should this particular business not thrive in this area that it doesn't become some other light manufacturing
use that may have more harmful impacts on the surrounding area. So what -- how are we managing that through the text that is before us today, so that we know what we are getting as a result of this rezoning.

MR. LAWSON: We could certainly discuss this with OAG to see if, again, there are ways of tightening up the actual language to make sure that the Zoning Commission has the sense of certainty about this particular use going in.

Of course, if the use doesn't go in, there would be the opportunity to come back and take the zoning away. It would be possible to do that kind of thing, but we can certainly discuss how we can tighten up the language if that would make the Commission more comfortable.

VICE CHAIRMAN SCHLATER: It would be better -- so this use is only allowed after a special exception, is that correct, in the W-1 zone?
MR. LAWSON: We are proposing --

VICE CHAIRMAN SCHLATER: Eliminating that requirement.

MR. LAWSON: Yes.

VICE CHAIRMAN SCHLATER: But at least what you can do with a special exception when you give that approval is either time limit it or say that once this particular user is no longer there, the zoning will be revisited, which is something that I would be interested in exploring.

MR. LAWSON: Okay. We would be happy --

VICE CHAIRMAN SCHLATER: And not necessarily -- I understand the urgency of the emergency today and what needs to happen, but I would like to find a mechanism so that these two buildings are not zoned industrial forever, and so that all of the broad spectrum of PDR uses, light manufacturing, couldn't be located there in the future.

MR. LAWSON: We would be happy to
examine that. Thank you.

CHAIRMAN HOOD: Okay. All right, good. Thank you. Any other comments?

(No response.)

With that, let me make a motion that we approve the setdown request of Zoning Commission Case Number 11-21, first as an emergency action for map amendment for unzoned to W-1 district and text amendment to 901 of 11 DCMR to permit the following uses as located -- noted in the Office of Planning's report.

That we also have published a Notice of Proposed Rulemaking to permit facilities for light manufacturing, packaging, distribution, research and development, and it goes on, office and wholesale uses in Building 102 and Building CT1 at the St. Elizabeths east campus.

Also, that we set down for public hearing a map amendment from unzoned to W-1 district and text amendment to 901 of 11 DCMR
to permit those uses as noted. Also, with the caveat of discussion that we have had here about the concern or maybe revisiting a mechanism when we get to the hearing portion, that will be done by the Office of Planning.

That we also accept this report as a supplemental filing required by 11 DCMR 3013.1, and that we allow the immediate advertisement of the notice of the public hearing by waiving the 20-day period between the filing date of supplemental filing and publication of a notice of public hearing as required by 11 DCMR 3013.1.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay.

(Laughter.)

It has been moved and properly seconded. All I had to do was read from the Office of Planning. Hopefully it's correct. But anyway, I'm sure it is, and I think that captures everything -- am I correct, Mr. Lawson -- for us to move forward? And Ms.
Gardner?

MR. LAWSON: I have one more request --

CHAIRMAN HOOD: Okay.

MR. LAWSON: -- to state explicitly on the record that you are adopting the language that was presented in the OAG supplementary report. It doesn't change the regulation in any substantive way. It is just some wordsmithing.

CHAIRMAN HOOD: And also, if Mr. Turnbull will accept my amendment to my motion, which is that we adopt the OAG's version of the text as noted.

COMMISSIONER TURNBULL: Accepted.

CHAIRMAN HOOD: Okay. Anything else, Mr. Ritting? I was getting ready to come to you second. I went to Mr. Lawson and Ms. Gardner first.

MR. RITTING: I appreciate that.

That's all. Thank you.

CHAIRMAN HOOD: Are we all right
on that side?

(No response.)

Okay. Great. Okay. And that's my motion. It has been moved and properly seconded. Thank you, Mr. Turnbull. Any further discussion?

(No response.)

Are you ready for the question?

All those in favor, aye.

(Chorus of ayes.)

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

MS. SCHELLIN: Yes. Staff will record the vote five to zero to zero to set down as a rulemaking case Zoning Commission Case Number 11-21, also to accept the emergency action to allow the proposed rulemaking to be published, and also to allow for the immediate advertisement of the hearing notice. Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners Cohen, May, and Schlater in support.
CHAIRMAN HOOD: And, Ms. Gardner, I also want to welcome you. I guess we will be seeing you some more. I didn't do it early on -- I should have -- but I didn't do it early on, because the last time we had somebody new from DDOT we were so mean to him I haven't seen him come back. So I --

(Laughter.)

-- I wonder. We are looking forward to working with you two also.

COMMISSIONER MAY: Yes, I don't think she is actually that new.

MS. GARDNER: I have been around for about eight years.

COMMISSIONER MAY: She has been around. It's just -- how long?

MS. GARDNER: Eight years.

COMMISSIONER MAY: Yes, just not on the zoning side.

CHAIRMAN HOOD: Well, you're new to here, right?

MS. GARDNER: Yes, to your
Commission.

CHAIRMAN HOOD: Have you ever been here before?

MS. GARDNER: I have not.

CHAIRMAN HOOD: Okay. I'm going to continue my comments and disregard what I heard from my colleague, but I wanted to -- coming here. Okay. All right.

Okay. Thank you, Commissioner May. You must have worked in Ward 6. You didn't? Well, you worked with --

COMMISSIONER MAY: She has worked with the Parks Service before.

CHAIRMAN HOOD: Oh. Which Deputy Mayor did you work for?

MS. GARDNER: The first was Eric Price.

CHAIRMAN HOOD: Oh, okay. All right. And who was after that?

MS. GARDNER: Let's see. Eric, Stan Jackson.

CHAIRMAN HOOD: Okay. All right.
MS. GARDNER: Neil Albert.

CHAIRMAN HOOD: Who was after that?

MS. GARDNER: Is this a quiz?

(Laughter.)

CHAIRMAN HOOD: Just curious.

MS. GARDNER: I guess Neil, Neil Albert was next.

CHAIRMAN HOOD: Okay. With that, Ms. Schellin, do we have anything -- I hope Neil is watching.

(Laughter.)

Ms. Schellin, do we have anything else?

MS. SCHELLIN: Nothing else.

CHAIRMAN HOOD: Okay. With that, I thank everyone for their participation in this meeting tonight, and this meeting is adjourned.

(Whereupon, at 8:08 p.m., the proceedings in the foregoing matter were adjourned.)