

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

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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.

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TABLE OF CONTENTS

	<u>PAGE</u>
I. Preliminary Matters	--
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	

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

2 (6:33 p.m.)

3 CHAIRMAN HOOD: This meeting will
4 please come to order.

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

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

14 This is her first night sitting --
15 and I am going to deviate from my opening
16 comments. Commissioner Cohen brings a wealth
17 of knowledge of serving on a board in the
18 city. She -- from what I've heard in my own
19 research, she has raised the bar. We are
20 looking forward to her raising the bar on the
21 Zoning Commission and taking us to the next
22 level. And I'm sure I can speak on behalf of

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1 all of my colleagues that we are really
2 looking forward to working with Commissioner
3 Cohen.

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

9 Are you from DDOT?

10 MS. GARDNER: Office of Planning.

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

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

18 We are joined tonight by Geraldine
19 Gardner, who is the Associate Director for
20 Neighborhood Planning, who is here in case
21 there are questions regarding one of the --
22 one of the items on the agenda.

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1 CHAIRMAN HOOD: Okay, great.

2 Thank you.

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

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

9 Please be advised that this
10 proceeding is being recorded by a Court
11 Reporter and is also webcast live.
12 Accordingly, we must ask you to refrain from
13 any disruptive noises or actions in the
14 hearing room. Please turn off all beepers and
15 cell phones.

16 Does the staff have any
17 preliminary matters?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: If not, let's
20 proceed with our agenda. But before we do
21 that, I want to give Commissioner Cohen a
22 moment to say something. Again, like I said,

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1 I can't express more she is a great person. I
2 have had a number of conversations with her,
3 and I am looking forward to working with her.

4 So Commissioner Cohen?

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

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

18 Thank you.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Commissioner Cohen, again, we want to welcome
21 you.

22 Let's move right into it. Let's

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1 -- what I would like to do, Commissioners,
2 unless someone objects, is to move the
3 Correspondence item before Hearing Action, and
4 we will do the Hearing Action last. Well,
5 Hearing Action will be last. Let's do the
6 Correspondence -- and let's do the
7 Correspondence, and let's do the update from
8 the Office of Planning. Let's do those things
9 before we do the Hearing Action. I think that
10 we should move in a more efficient way in that
11 manner.

12 Any objections?

13 (No response.)

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

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

20 MS. SCHELLIN: Yes, sir. This is
21 a request the applicant is making. He is --
22 or they, rather, are requesting some proposed

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1 modifications that they feel are minor and
2 technical design modifications.

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

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

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

16 CHAIRMAN HOOD: Oh, the request.

17 MS. SCHELLIN: -- this to --
18 because they are appearing before the ANC this
19 evening. Even though the ANC's time has
20 expired, they are appearing before the ANC,
21 because they would like the ANC to have an
22 opportunity to weigh in. So they have asked

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1 --

2 CHAIRMAN HOOD: Okay. Gotcha.

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

5 CHAIRMAN HOOD: Okay. Thank you.
6 We will get to that.

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

15 (No response.)

16 Not hearing anyone, Ms. Schellin
17 has already given her report. Commissioners,
18 we have a number of exhibits, and the Office
19 of Planning's recommendation is that we make
20 this a minor modification. And if you look at
21 Exhibit 3 -- is it 3 or -- yes, Exhibit 3.
22 Sometimes when you go through this stuff you

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1 get everything all mixed up in different
2 cases, so -- it looks like I am all right
3 tonight.

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

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

18 (No response.)

19 Not hearing any --

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

22 CHAIRMAN HOOD: 5055, yes. We are

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1 on Consent Calendar 05-28I.

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

4 MS. SCHELLIN: You can go ahead.

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

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

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

21 VICE CHAIRMAN SCHLATER: Mr.
22 Chairman, just very briefly, I think for

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1 future reference this applicant did a very
2 good job of showing what the changes were,
3 because there were a number of smaller design
4 modifications on this, and I think it was
5 presented very well.

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

14 CHAIRMAN HOOD: Okay. Any other
15 comments, questions?

16 (No response.)

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

19 COMMISSIONER TURNBULL: I guess
20 the only thing I -- I think it is toned down
21 from what it was before. I think we had
22 issues before. I'm not sure if I'm totally

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1 pleased with it. I think the green area at
2 the back -- I'm not sure what it is -- there
3 used to be a walkway out there. Now it is
4 just a green roof.

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

9 CHAIRMAN HOOD: Good. Great. Any
10 other comments?

11 (No response.)

12 Okay. With that, I will move that
13 we approve Zoning Commission Case Number 05-
14 28I, as requested, minor modifications on D.C.
15 Primary Care Association, minor modifications
16 to PUD at Square 5055, and ask for a second.

17 VICE CHAIRMAN SCHLATER: Second.

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

21 (No response.)

22 Are you ready for the question?

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1 All those in favor, aye.

2 (Chorus of ayes.)

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

5 MS. SCHELLIN: Staff records the
6 vote five to zero to zero to approve final
7 action in Zoning Commission Case Number 05-
8 28I. Commissioner Hood moving, Commissioner
9 Schlater seconding, Commissioners Cohen, May,
10 and Turnbull in support.

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

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

22 MS. SCHELLIN: Yes, sir. This was

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1 the one that we did receive a request from the
2 applicant on November 9th asking that the
3 Commission please defer this, so that they can
4 appear before the ANC tonight. That's the
5 ANC's meeting.

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

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

16 Commissioners, we have Exhibit
17 Number 7, which I think is a very genuine
18 request. I like to see when applicants come
19 in -- want to make sure that they are -- the
20 good neighbor policy, because some applicants
21 are not the good neighbor policy, and I want
22 to commend this applicant for asking us to do

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1 this. And I'm sure that the ANC definitely
2 agrees, because they need to have this fleshed
3 through their process first.

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

11 COMMISSIONER COHEN: Second.

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

15 (No response.)

16 All those in favor, aye.

17 (Chorus of ayes.)

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

20 MS. SCHELLIN: Yes. Staff records
21 the vote five to zero to zero to grant the
22 request for deferment to 11/28 by the

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1 applicant in Zoning Commission Case Number 10-
2 24A. Commissioner Hood moving, Commission
3 Cohen seconding, Commissioners May, Schlater
4 and Turnbull in support.

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

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

13 Correspondence, Zoning Commission
14 Case Number 08-14 and 08-14A, Kelsey Gardens,
15 letter from DCRA re: flexibility pursuant to
16 2409.6. Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. This was
18 a letter -- I received a cc from the Zoning
19 Administrator advising of the flexibility that
20 was granted pursuant to 2409.6 in these cases.

21 And so, therefore, staff placed it on the
22 Commission's agenda, so that the Commission

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1 would see the flexibility that the ZA granted
2 under the PUD, or under the section for the
3 PUD that the Commission granted.

4 CHAIRMAN HOOD: Okay.
5 Commissioners -- and I will open it up for
6 discussion -- but as we see in his submission
7 back -- it says, "However, the Commission
8 believes that the area should be detached from
9 the retail area. It is an allowable change as
10 the amount is still within the two percent
11 area flexibility set forth in this section."
12 That's I guess the nuts and bolts of what the
13 Zoning Administrator has responded to us, and
14 I will open it up for any comments. Vice
15 Chairman Schlater.

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

22 I don't think we usually get into

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

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

18 It may be a good thing, and I have
19 no doubt that it is a good thing for the
20 building, and it may well animate the street.

21 But it is not retail, and it is above and
22 beyond the flexibility we give the Zoning

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1 Administrator. And I think it's important
2 when we get these letters to make sure that he
3 is living within the bounds of those
4 restrictions.

5 And so by my math, 1,400 square
6 foot deduction out of 14,000 square feet is 10
7 percent, not -- that is more than two percent.

8 Therefore, I think this should come back to
9 us as a minor modification.

10 COMMISSIONER MAY: I would agree.

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

19 It would be different if the
20 fitness center were actually something where
21 you could buy memberships, in which case it
22 would be a retail operation, and I think that

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1 would be a good thing, and it wouldn't require
2 any flexibility.

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

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

16 CHAIRMAN HOOD: Any other
17 comments?

18 (No response.)

19 Mr. Ritting, so does anyone -- let
20 me ask one of my other Commissioners, because
21 -- well, let me ask this to Mr. Ritting first.
22 Mr. Ritting, what do we have to do? We would

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1 like to see this come to us. How does that
2 get triggered? How does that happen?

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

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

18 I guess there is still an issue if
19 you believe that the Zoning Administrator
20 doesn't have the authority under 2409.6,
21 whether -- since the condition language says
22 "approximately," whether you believe that the

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1 1,400 square foot reduction still is
2 approximately that figure. I just wanted to
3 put that on the table, just to make sure you
4 considered it before you dispensed with the
5 issue.

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

9 CHAIRMAN HOOD: Yes, okay.

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

16 Sorry.

17 It was a similar situation, and
18 what you directed us to do, meaning -- "us"
19 meaning the Secretary and with our -- the OAG
20 assistance, is to write back to Mr. LeGrant
21 immediately and to tell him that you disagreed
22 with his conclusion, and explaining the

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1 reasons why, and asking him to respond before
2 -- in a reasonable amount of time, and he did.

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

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

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

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

18 COMMISSIONER TURNBULL: Yes. Mr.
19 Chairman, I would think -- I think Mr. Ritting
20 raises some points. But, I mean, I don't know
21 what -- I don't think our zoning regs define
22 "approximately." But to me, there is a big

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1 difference between two percent and 10 percent.

2 And I think when we are at 10 percent that
3 does trigger a minor mod.

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

6 COMMISSIONER MAY: Can I speak to
7 that, too?

8 CHAIRMAN HOOD: Sure.

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

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

21 CHAIRMAN HOOD: Ms. Schellin, let
22 me just -- I'm going to make this observation.

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1 If we -- if they come back and we do a minor
2 mod case on this, or we have a hearing on this
3 --

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

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

12 MS. SCHELLIN: Yes.

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

16 MS. SCHELLIN: Yes.

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

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1 percent to 10 percent or 12 percent.

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

4 CHAIRMAN HOOD: Okay. So she --

5 MS. SCHELLIN: -- she is hearing
6 also.

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

12 (No response.)

13 Okay, great.

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

16 MR. RITTING: No. I just -- I'm
17 sorry. I didn't quite -- I was listening to
18 Ms. Schellin when you were having that
19 discussion. Could you clarify what it is that
20 you would like me to do? Would you like me to
21 direct Mr. LeGrant to -- to instruct him that
22 you believe that it properly belongs on the

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1 Consent Calendar? Is that -- am I
2 understanding -- okay.

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

6 MR. RITTING: You disagree with
7 them, okay.

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

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

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

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

19 MR. LAWSON: Thank you, Mr. Chair.
20 I am, of course, representing Arlova Jackson,
21 who was recently appointed the new manager of
22 the Zoning Review Process. We were really

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1 happy that we were able to have somebody take
2 over Travis Parker's role who is currently on
3 our staff.

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

16 As we noted in our last update to
17 the Commission, we are working on that draft
18 now. We are working on it for task force
19 review. Once this draft is ready -- and we
20 expect it to be ready soon, and I know we have
21 said that before, but we do expect it to be
22 ready very soon.

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1 We then plan on meeting with the
2 task force to discuss the proposed text. We
3 expect that process to take a number of
4 meetings, because we will want to work through
5 the new text with the task force, so that they
6 understand what we did and that we fully
7 understand all of their comments.

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

16 It will depend on how long -- how
17 many meetings there are with the task force.
18 We want to make sure that that process is
19 given all the time that it is needed to be as
20 complete as possible. After that, after the
21 Zoning Commission presumably sets it down,
22 then we will start the series of public

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1 outreach meetings, and that is in accordance
2 with the direction that you already gave us
3 for the process you want to go through.

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

7 CHAIRMAN HOOD: Any questions?
8 Commissioner May.

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

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

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

22 MR. LAWSON: Well, I think -- I

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1 shouldn't speak for the Committee of 100, but
2 I think what they are asking for is to make
3 sure that there is appropriate time for the
4 task force to review this document, and we
5 couldn't agree more that we want to make sure
6 that the task force has ample and multiple
7 opportunities for meetings, so that we can go
8 through this in some detail and without
9 rushing it through the task force. And that
10 is certainly part of what I read into the
11 Committee of 100 letter, and that is certainly
12 our hope and our intent.

13 COMMISSIONER MAY: Thanks.

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

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1 volunteers.

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

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

19 And I am sure from looking at this
20 letter, it looks like mid-January is when the
21 next task force meeting I believe is going to
22 be had. Am I correct?

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1 MR. LAWSON: We certainly
2 understand that comment. While I can't
3 imagine anything better to do over the holiday
4 season than talk zoning, I understand that
5 there are other people who might disagree with
6 that. So we are fully aware of the
7 limitations.

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

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

19 Anything else? Vice Chair?

20 VICE CHAIRMAN SCHLATER: Might I
21 ask you submit to the Commission a proposed
22 schedule for the remainder of the process?

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1 MR. LAWSON: We'd be happy to, as
2 long as the Commission understands that it is
3 still a little bit fluid, because we -- at
4 this point, we want to work with the task
5 force to determine what is the best way for
6 their review to happen. So in terms of what
7 the outline of the process will be, we can
8 certainly submit that. In terms of actual
9 dates, that might have to be a bit more fluid.

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

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

21 CHAIRMAN HOOD: You sound just
22 like me. Mine has expired. I think I'm

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1 probably -- mine expired two years, and I was
2 -- and now I'm back on the Commission, so you
3 never know what happens in this city.

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

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

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

12 (No response.)

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

18 MR. JESICK: Thank you, Mr.
19 Chairman, and members of the Commission. The
20 applicant in this case has submitted a
21 consolidated PUD and related map amendment in
22 order to construct a hotel in the Adams Morgan

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1 neighborhood. The subject site would be
2 located at the corner of Euclid and Champlain
3 Streets, which is just east of the
4 intersection of 18th and Columbia.

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

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

18 Now, the new structure would be
19 nine stories and 92 feet in height as measured
20 from the front of the building on Euclid
21 Street. But because of the drop in grade
22 along Champlain Street, on the eastern side of

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1 the building, the top floor would be about 100
2 feet above street level.

3 Now, the design has tried to take
4 that into consideration and made some changes.

5 They have set back the top floor on both
6 sides. They have also stepped down to the
7 seventh story at the southern end of the
8 property. And at the southeast corner of the
9 property, therefore, the height above the
10 street is about 86 feet.

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

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

21 Also, the future land use map for
22 this site calls for a mix of low density

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1 commercial and moderate density residential,
2 and those designations typically do not
3 conform with a building of this size.

4 Also, the southern part of the
5 site is currently zoned within the Reed-Cooke
6 Overlay, and that overlay specifically intends
7 for properties to redevelop with a height and
8 density that is compatible with the
9 surrounding existing residential neighborhood.

10 In most cases, building heights are limited
11 to 40 feet, and FAR is limited to matter-of-
12 right levels, even in a PUD situation.

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

21 Now, in addition to the PUD-
22 related map amendment, the application would

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1 require a few different areas of zoning
2 flexibility. And I've gone into those in
3 detail in the written report. One that I
4 would like to draw the Commission's attention
5 to is the request for additional height.

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

17 We have some additional areas
18 where we are looking for more information or
19 have some concerns. These include more detail
20 on the architecture of the exterior,
21 especially the southern facade. We also
22 question the quantity of dark brick on the

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1 exterior of the building. We need more
2 information about the nature of the commercial
3 adjuncts in the hotel and more detail on the
4 proffered benefits.

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

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

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

22 I would say there is not a

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1 unanimity of opinion on the project, but we
2 have -- there has been a lot of dialogue in
3 the community about the project going back a
4 couple of years. And I would say for this
5 stage in the process we have had a very high
6 level of public input.

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

16 As I said, OP and the community
17 have been meeting with the applicant for a
18 number of years on this project. In fact, the
19 applicant also has had a preliminary meeting
20 with the HPRB to review the project. And I
21 think it would be advantageous for all parties
22 to get Commission input at this stage in the

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1 process. Therefore, OP does not object to the
2 Commission setting this project down for a
3 public hearing.

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

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

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

11 CHAIRMAN HOOD: Did some come in
12 today?

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

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

17 MR. JESICK: I received them
18 today. It looks like they do not have a new
19 date on them. They are still dated October
20 26th.

21 COMMISSIONER MAY: October 26th is
22 the last set we have.

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1 CHAIRMAN HOOD: October, what is
2 the date on there? Because we didn't get
3 anything today. That was my issue. That's my
4 point. So that might answer some --

5 MS. SCHELLIN: Nothing today.

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

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

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

22 And I also have an issue with the

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

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

18 But let me open it up for
19 comments. Commissioners?

20 COMMISSIONER MAY: Mr. Chairman, I
21 just looked at his set of drawings, and it is
22 marked exactly the same as the set that we had

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1 in our packet, the smaller set, October 26th.

2 CHAIRMAN HOOD: Okay. So you --

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

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

8 Okay. Any other comments?
9 Commissioner Turnbull?

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

16 MR. JESICK: We don't have a
17 particular number in mind of feet or number of
18 stories. We feel that the applicant needs to
19 study the issue, see what design techniques
20 they could incorporate into any height to
21 lessen the impact of that height visually on
22 the surrounding neighborhood. So we don't

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1 want to design the building for the applicant,
2 in other words.

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

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

20 This would, you know, double or
21 triple that height. So that is something we
22 are concerned about.

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1 VICE CHAIRMAN SCHLATER: I saw in
2 the packet that a number of other buildings
3 were identified in the 75- to 90-foot height
4 range. Are those buildings inappropriate for
5 the context in which they are in?

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

16 VICE CHAIRMAN SCHLATER: I guess
17 I'm trying to put my finger on if you think
18 the appropriate context for the site is
19 between two- and four-story buildings, then
20 there is no point in moving forward and
21 setting this down, because it is so far gone
22 that it is not worth having a hearing about.

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1 If you think it is appropriate for
2 somewhere between five and nine stories, then
3 I would be curious -- I mean, you've got to
4 give me something.

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

12 CHAIRMAN HOOD: Any other
13 questions? Commissioner Turnbull?

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

21 You know, from the tone of it it
22 almost -- it sounds like it shouldn't be set

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1 down, even though I know you are saying, you
2 know, to go ahead with it. But after reading
3 your comments and looking -- you know, the
4 applicant came back and they had -- their
5 drawings were sort of misleading, and they
6 went back, they changed them, and they said,
7 "Oh, the height next door is different, it's
8 not 90 feet, it's only 76" or something like
9 that.

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

18 MR. JESICK: Well, you know, there
19 is no doubt that we had some definite concerns
20 about the proposal, and, you know, listed
21 those in the report. As I said, we have been
22 working with the applicant for a number of

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1 years. The community has been working with
2 them for a number of years.

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

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

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

14 COMMISSIONER TURNBULL: Okay.

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

17 COMMISSIONER TURNBULL: Okay.

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

21 COMMISSIONER TURNBULL: Thank you.

22 COMMISSIONER COHEN: Again, I am a

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

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

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

20 And the logic is that if we set it
21 down now, we are going to wind up going
22 through I think a difficult hearing process,

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1 because we have a fairly underdeveloped
2 package of materials that have been presented
3 to us, to the point where even the Office of
4 Planning is complaining about it. And that
5 doesn't happen very often.

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

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

18 In fact, it was the last case that
19 my predecessor heard -- actually set down I
20 think was another case where there was a bit
21 of a standoff over height. And I think that
22 is what needs to happen here. We need to send

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1 the message now it has got to come down before
2 we will start talking about it.

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

5 (Laughter.)

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

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

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

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

21 But then, when I heard Mr.
22 Jesick's report, I just want to make sure I'm

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1 not the tying vote up here, because when I
2 heard Mr. Jesick's report it was like, "This
3 is where we are. It would be good to be
4 fleshed out."

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

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

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

22 I think if -- if nothing, I am

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1 sure our comments, if we go forward tonight
2 with our comments, I'm sure we are going to
3 have a lot of comments that are going to flesh
4 out -- I mean, I've got -- you know, I've got
5 at least 12, 15 comments that I could say
6 regarding the drawings and what I see is
7 wrong.

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

19 I mean, if we -- we can go through
20 and do that, but I'm sure the hearing won't be
21 for many, many months until they fix what they
22 have got to do.

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1 VICE CHAIRMAN SCHLATER: Mr.
2 Chairman? Sorry, I'm going to jump in. I'm
3 in favor of setting this down tonight. I
4 think it's -- overall, there is a lot of very
5 good things about this project. We are
6 talking about introducing a use into Adams
7 Morgan that there really isn't -- and it is a
8 use that could help the Adams Morgan area sort
9 of evolve from where it is today. And I think
10 it could be a substantial improvement.

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

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

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1 consensus.

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

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

12 CHAIRMAN HOOD: Commissioner
13 Cohen?

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

22 It is not I think in the interest

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1 of the community just to have a vacant
2 building, and with no hope of it being
3 restored. And I think it just needs to have a
4 shakeup. And certainly, as unpleasant as some
5 hearings may be, this is the venue for that.

6 COMMISSIONER MAY: Can I go again?

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

19 I can predict that we will be here
20 at -- when it comes time to take proposed
21 action, that we are going to be faced with
22 something less than we like, and it is going

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1 to be a difficult meeting and a difficult set
2 of decisions. And we may not make a decision
3 immediately, and we may have an extended
4 period between proposed and final.

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

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

21 CHAIRMAN HOOD: I must have a
22 different report.

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1 COMMISSIONER MAY: No, they said
2 they want to set it down, but I think -- I
3 mean, if you read everything but the
4 recommendation, it says this isn't ready to be
5 set down. And then, the conclusion is, you
6 know, we tried, you know, now you guys give it
7 a shot. Well --

8 CHAIRMAN HOOD: I think that's --

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

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

22 So if somebody wants to make a

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1 motion on the table.

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

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

19 I'll remember that that night
20 about 11:30 when I'm up here thinking, "Why
21 did we do this?" but I think we can set it
22 down. I think, from what I'm reading in the

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1 report -- while I agree with Commissioner May
2 -- and, again, like I said, we have tried this
3 both ways.

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

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

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

22 Also, in conversation with the

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

7 So with that, let's talk -- are we
8 ready to talk about what we would like to see?

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

13 COMMISSIONER TURNBULL: Yes,
14 something like that.

15 CHAIRMAN HOOD: Okay. Mr.
16 Turnbull.

17 COMMISSIONER TURNBULL: Well, I
18 guess -- first of all, I guess we thank the
19 applicant for saving the church and trying to
20 preserve it. But I guess the -- and although,
21 as the Vice Chair said, it's on the north
22 side, and the sun shadows -- I still want to

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1 see some shadows. I want to see a study at
2 all the critical times of the year, the
3 equinox, just show exactly summer solstice,
4 winter solstice. I want to see all of the
5 critical sun shadow studies all around the
6 whole neighborhood.

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

18 I want an elevation of how -- from
19 both sides on how the connection with the
20 church is and the details on that. I want to
21 actually see the meeting of that. I want to
22 see very clearly how they do that.

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1 I want to see the roof plan with
2 all of these curved -- I want to see a better
3 roof plan than I see with all of these curved
4 metal roof structures. It's a very busy,
5 busy, complex thing that is going up on there.

6 If I want to see what is happening up there,
7 what it is used for, and know exactly what we
8 are looking at at the top of that building. I
9 don't understand that green tile up there, but
10 that is another issue.

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

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

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1 neighbor.

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

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

20 I almost want to see just a normal
21 brick building with maybe a black -- some kind
22 of treatment around the windows that picks up

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1 something. Maybe some detailing with the
2 brick, rowlock courses that could add some
3 character to the brick work. But I am just
4 concerned that a painted black brick or just a
5 -- pick a charcoal brick, might be just too
6 much for this neighborhood.

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

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

17 And I want to -- as I say, I want
18 to know more about the green. They have to
19 convince us -- they have to convince us with
20 this presentation that this is worthwhile,
21 that this is a really meaningful building that
22 is going to sit in this neighborhood and be a

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1 part of it and be a good neighbor and really
2 do something for it.

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

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

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

16 (No response.)

17 That was enough, but anyone else?

18 No. Any other comments?

19 VICE CHAIRMAN SCHLATER: Mr.
20 Chairman, I agree with almost all of
21 Commissioner Turnbull's comments there. In
22 particular, I am concerned about the quantity

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1 of black brick on this building. I would like
2 to see examples of other buildings that have
3 -- if the applicant would like to move forward
4 in that direction.

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

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

22 A lot of what -- a lot of my

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

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

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

22 I would like to see -- I would

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1 like to see some more indepth diagrams,
2 particularly with hotels. We are very
3 concerned about loading, particularly in the
4 18th Street area that has got traffic issues.

5 I would like to see, you know, turning
6 diagrams and more information about how the
7 loading is going to be managed on this site.
8 I'm sure DDOT is all over it, and I am curious
9 to hear their thoughts on it.

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

17 I would like to better understand
18 -- there is a lot of confusion from the OP
19 report and the applicant's report, and we need
20 sort of a definitive document showing the
21 heights of nearby buildings and just having a
22 much better, clearer diagram on that.

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1 And I think that's it. The other
2 thing I saw was this -- the community center,
3 which I think is a nice gesture, to be
4 providing space to the community in a
5 community center. If I was reading the plans
6 correctly, it looks like it was buried without
7 -- in a windowless and lightless space, and I
8 don't think that -- I don't appreciate that.

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

13 Thank you.

14 CHAIRMAN HOOD: Okay.
15 Commissioner Cohen?

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

19 The only other area I would like
20 more information on is more on the
21 environmental analysis. Other than saying
22 that all of these systems will be coordinated

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1 with D.C. Water and the right agency in the
2 city, and that there is a LEED 2009 form that
3 has been filled out, I would actually like to
4 see a little bit more discussion on how those
5 systems are unique or do conform to
6 sustainable systems.

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

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

20 I have particular concerns,
21 obviously, about the height. I think that
22 there are going to be other significant

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1 concerns that come out at the hearing that I
2 don't feel like we have really gotten a good
3 taste of. The Reed-Cooke Overlay I know is
4 the product of an active neighborhood, and I
5 am sure that we are going to have -- hear a
6 lot about that.

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

12 I am particularly concerned about
13 the quantity of parking and the traffic
14 conditions. And, you know, I have reviewed
15 the traffic study that was submitted, but I
16 don't feel like I really have a good handle on
17 it. I'm not looking for anything in
18 particular. I just think that we need to be
19 prepared to have a fairly detailed discussion
20 of this, and I am anxious to hear what the --
21 what DDOT has to say about the parking
22 situation in particular.

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1 I agree in particular about the
2 concerns about the treatment of the facades.
3 I mean, it is very hard to tell, because the
4 drawings are so poor. I can't really
5 understand what's going on. I don't think
6 that this has quite the potential to be the
7 Darth Vader Building. By the way, you know we
8 have other buildings in town that people call
9 the Darth Vader Building, and a couple in the
10 suburbs, actually, too.

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

20 And I think -- maybe this is
21 actually a question for the Office of
22 Planning, but was there more recent review by

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1 the Historic Preservation Review Board than
2 2008?

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

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

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

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

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

22 COMMISSIONER MAY: Okay. I don't

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1 know what the normal sequence is, but I'm
2 fairly accustomed to seeing them after there
3 has been an initial approval but not the
4 final.

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

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

22 So, I mean, you know, okay, we are

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1 going to go this route. If we are going to go
2 this route, we will go this route, and we will
3 see how it goes. But I could see this
4 decisionmaking on this being held in abeyance
5 while we get a more definitive read from HPRB.

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

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

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

18 While I hear Commissioner May, and
19 I agree -- and, again, like I said earlier, we
20 have done it both ways. If I could predict it
21 -- and if you recall, I opened up my comments
22 with the laundry list.

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1 But I just think, you know, if we
2 have a hearing and it gets to the point that
3 we have to adjourn the hearing and stop it at
4 that point, we will do that. I mean, you
5 know, we have sat down stuff and it sits
6 around for so long to the point where we even
7 forgot that we had it on the docket.

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

17 So this could stop at any point in
18 time. Or if it comes back, they have heard
19 the comments, a lot of them from up here, or
20 it may come back tailored, and the list may
21 grow to maybe one or two, and we have to make
22 a decision on those two issues.

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1 Who knows what may happen? I have
2 seen different things happen down here, and I
3 think I am going to be supporting setting this
4 down, but with the caveat that this process,
5 and the laundry list and the comments I am
6 hearing, can stop at any time.

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

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

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

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

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

21 (No response.)

22 Are you ready for the question?

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1 All those in favor, aye.

2 (Chorus of ayes.)

3 Any opposition?

4 COMMISSIONER MAY: Opposed.

5 CHAIRMAN HOOD: Staff, would you
6 record the vote?

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

14 CHAIRMAN HOOD: Okay. Great.
15 Let's move on. Next on our agenda is -- last
16 item is Hearing Action, Zoning Commission Case
17 11-21, Office of Planning map and text
18 amendments at St. Elizabeths East Campus. We
19 are being asked to do an emergency action and
20 a set down.

21 I've forgotten the young lady's
22 name already. Oh, Mr. Lawson. Okay. I'm

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1 sorry.

2 MR. LAWSON: Thank you. Well,
3 that's a tough case to follow. I am actually
4 here representing Maxine Brown-Roberts who is
5 also not available to be here tonight, but I
6 will read out her testimony.

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

17 Emergency zoning action is
18 requested because the project is the subject
19 of D.C. Council approved bond legislation
20 which expires at the end of this year. Site
21 control is a prerequisite for the bond
22 issuance, and the site control is not possible

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1 until the property is zoned, thus the urgency
2 for the zoning request.

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

12 The framework plan for the campus
13 was completed in December of 2008, and will be
14 the basis for the final master plan. It
15 recommends multiple uses for the redevelopment
16 of the campus, including the subject site.
17 The master plan is currently being developed
18 and is projected to be completed by the end of
19 this year. Following that, OP will prepare
20 and submit a comprehensive zoning plan to the
21 Zoning Commission for consideration and
22 approval.

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1 The proposal before you tonight is
2 consistent with the current draft master plan
3 and is written very narrowly to address these
4 specific uses in the two existing historic
5 buildings.

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

16 The proposal is not inconsistent
17 with the 2010 comprehensive plan future land
18 use map, which designates this portion of the
19 St. Elizabeths site for mixed use, medium
20 density residential, and moderate density
21 commercial. The comp plan also encourages
22 work force development centers on the campus.

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1 OP, therefore, recommends that the
2 Zoning Commission take the following actions
3 -- emergency action for a map amendment from
4 unzoned to the W-1 district and the associated
5 text amendment to Section 901 of the zoning
6 regulations, as revised by the Office of the
7 Attorney General.

8 We also recommend that you publish
9 a notice of proposed rulemaking, that you also
10 set down for a public hearing the map
11 amendment as noted above, and, finally, that
12 you allow immediate advertisement of the
13 notice of the public hearing by waiving the
14 20-day period between the filing date of the
15 supplemental filing and the publication of a
16 notice of public hearing.

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

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

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1 as light manufacturing?

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

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

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

22 I don't know, is that something we

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1 are trying to achieve on this site, east
2 campus? Because if something ever goes away,
3 is that what we are trying to achieve?

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

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

18 CHAIRMAN HOOD: Okay. Because
19 some years ago -- and I'm going back to that,
20 because that is what the city used to put
21 those places in a warehouse area. And I just
22 see us revisiting that and doing that again,

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1 and I don't think that is what we are trying
2 to achieve here.

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

11 CHAIRMAN HOOD: I would like to
12 see that.

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

15 CHAIRMAN HOOD: I don't know all
16 what is planned for over there, everything
17 that is being worked on. You guys know better
18 than I do. But I think that is one of the
19 watchouts as far as I'm concerned. Light
20 manufacturing -- you wouldn't believe how that
21 word was used in the mid-'90s, and some wards
22 suffered because of that.

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1 And I don't want to see -- not
2 saying that we don't need and have them, but
3 if that's what we are trying to achieve over
4 here on the east campus at some point, then
5 let's go with it. But if not, I think if we
6 can tighten that up, I think it would be a lot
7 better.

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

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

20 CHAIRMAN HOOD: Okay. I'd
21 appreciate that. I would just feel a little
22 more comfortable. Just for some reason light

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1 manufacturing has been in my vocabulary for a
2 while, so -- okay. I appreciate that, Ms.
3 Lawson -- Mr. Lawson. Commissioner Cohen?

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

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

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

22 MS. GARDNER: It's our

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1 understanding that the firm is intending to
2 use the bond proceeds by the end of the
3 calendar year. That is when their authority
4 expires, and they would be proposing
5 modifications, interior modifications, to the
6 buildings consistent with the master plan.

7 It would have to go through the
8 Historic Preservation Review Board. That
9 process will take several months to complete.

10 But it is our understanding that they will be
11 operational in 2012, mid-2012.

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

16 MS. GARDNER: They're not
17 proposing any exterior modifications. The
18 bond legislation is very specific that they
19 will have to make minor modifications to the
20 interiors of the buildings. And because this
21 is a national historic landmark, that process
22 is required to be completed in front of

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1 Historic Preservation Review Board.

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

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

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

17 COMMISSIONER MAY: Okay. Well,
18 I'll be glad to see that. I think that the
19 previous PUDs on this site -- I think both
20 times when projects were approved on PUDs we
21 were longing for the master plan, so that we
22 were not doing piecemeal zoning for the site.

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1 And I understand why the master
2 plan was further delayed, but, you know, I sat
3 on those cases during my first stint on the
4 Zoning Commission. So it's pre-2004 that
5 those things were approved, and so we have
6 been looking for this for a long time.

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

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

21 COMMISSIONER MAY: Okay.

22 MR. LAWSON: And it is -- although

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

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

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

10 COMMISSIONER MAY: Some on the
11 waterfront there.

12 MR. LAWSON: Not directly on the
13 waterfront.

14 COMMISSIONER MAY: There is some
15 on the waterfront.

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

19 COMMISSIONER MAY: Oh, okay.

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

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1 Southwest Waterfront. You are reviewing the
2 PUD for that --

3 COMMISSIONER MAY: Right.

4 MR. LAWSON: -- project right now.

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

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

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

19 And in terms of some of the
20 limitations on the uses, it also made some
21 sense in this -- in this site. If we had a
22 better, you know, truly industrial zone, even

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1 though W -- the W zones are kind of quasi-
2 industrial zones anyways, but if we had a
3 better one we may have been tempted to use it.

4 But this one seemed like the best fit for
5 this particular situation. But I understand
6 your --

7 COMMISSIONER MAY: Okay. Well,
8 let me --

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

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

15 I guess that's it. I mean, I know
16 -- I understand where this -- how this came
17 about and came to pass and why it's an
18 emergency. And I'm glad that a home was found
19 for this project, because I do think that it's
20 generally worthwhile. So hopefully it works
21 well with the planning that will come very
22 quickly from the -- or the zoning that will

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1 come very quickly from the Office of Planning
2 to zone the entire St. Elizabeths.

3 Thanks.

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

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

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

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

20 And everything I have heard about
21 this site is that it is going to be a mix of
22 office, retail, residential, and light

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1 manufacturing hasn't been one of the things I
2 have heard as being introduced on the site.

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

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

20 MR. LAWSON: We would be happy to
21 provide a bit more information on the nature
22 of the business. We do consider it fairly

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1 light manufacturing, a lot of assembly of
2 materials on the site, and then packaging of
3 those materials as opposed to a heavy kind of
4 industrial -- this is definitely not
5 considered to be a heavy industrial kind of
6 use.

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

9 MR. LAWSON: I'm sorry?

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

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

19 VICE CHAIRMAN SCHLATER: And when
20 was that determination made?

21 MS. GARDNER: September or October
22 of this year.

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1 VICE CHAIRMAN SCHLATER: Okay. I
2 just want to establish the emergency, you
3 know, that it wasn't just waiting until the
4 last second to push this through. So there is
5 a legitimate need to move this forward.

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

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

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

22 COMMISSIONER MAY: And have you

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1 had any sort of reaction from them?

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

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

10 CHAIRMAN HOOD: Okay.
11 Commissioner Turnbull?

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

15 MR. LAWSON: That would be
16 correct, yes.

17 COMMISSIONER TURNBULL: So the
18 little spots on the map are being zoned, so
19 you are obviously very much in aware of what
20 is going to be around this, and what -- this
21 does flow with the whole sequence of the
22 zoning that is being proposed.

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1 MR. LAWSON: This is consistent
2 with the planning that is being done for the
3 area, yes.

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

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

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

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

18 COMMISSIONER TURNBULL: Have we
19 done much point building zoning as an
20 emergency before, or is this something new, or
21 --

22 MR. LAWSON: I don't think it's --

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1 to be honest with you, I don't know. I
2 haven't looked into that situation. The
3 property is unzoned right now.

4 COMMISSIONER TURNBULL: Right.

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

7 COMMISSIONER TURNBULL: We are
8 waiting, right.

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

17 COMMISSIONER TURNBULL: Right. I
18 would agree.

19 MR. LAWSON: -- earlier as well.
20 But in this case, we feel that this is
21 consistent with the direction that the master
22 planning is going.

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1 COMMISSIONER TURNBULL: Okay.

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

6 COMMISSIONER TURNBULL: Okay.
7 Thank you.

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

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

19 VICE CHAIRMAN SCHLATER: I guess
20 my concern is that should this particular
21 business not thrive in this area that it
22 doesn't become some other light manufacturing

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1 use that may have more harmful impacts on the
2 surrounding area. So what -- how are we
3 managing that through the text that is before
4 us today, so that we know what we are getting
5 as a result of this rezoning.

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

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

19 VICE CHAIRMAN SCHLATER: It would
20 be better -- so this use is only allowed after
21 a special exception, is that correct, in the
22 W-1 zone?

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1 MR. LAWSON: We are proposing --

2 VICE CHAIRMAN SCHLATER:
3 Eliminating that requirement.

4 MR. LAWSON: Yes.

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

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

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

22 MR. LAWSON: We would be happy to

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1 examine that. Thank you.

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

4 (No response.)

5 With that, let me make a motion
6 that we approve the setdown request of Zoning
7 Commission Case Number 11-21, first as an
8 emergency action for map amendment for unzoned
9 to W-1 district and text amendment to 901 of
10 11 DCMR to permit the following uses as
11 located -- noted in the Office of Planning's
12 report.

13 That we also have published a
14 Notice of Proposed Rulemaking to permit
15 facilities for light manufacturing, packaging,
16 distribution, research and development, and it
17 goes on, office and wholesale uses in Building
18 102 and Building CT1 at the St. Elizabeths
19 east campus.

20 Also, that we set down for public
21 hearing a map amendment from unzoned to W-1
22 district and text amendment to 901 of 11 DCMR

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1 to permit those uses as noted. Also, with the
2 caveat of discussion that we have had here
3 about the concern or maybe revisiting a
4 mechanism when we get to the hearing portion,
5 that will be done by the Office of Planning.

6 That we also accept this report as
7 a supplemental filing required by 11 DCMR
8 3013.1, and that we allow the immediate
9 advertisement of the notice of the public
10 hearing by waiving the 20-day period between
11 the filing date of supplemental filing and
12 publication of a notice of public hearing as
13 required by 11 DCMR 3013.1.

14 COMMISSIONER TURNBULL: Second.

15 CHAIRMAN HOOD: Okay.

16 (Laughter.)

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

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1 Gardner?

2 MR. LAWSON: I have one more
3 request --

4 CHAIRMAN HOOD: Okay.

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

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

15 COMMISSIONER TURNBULL: Accepted.

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

20 MR. RITTING: I appreciate that.
21 That's all. Thank you.

22 CHAIRMAN HOOD: Are we all right

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1 on that side?

2 (No response.)

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

7 (No response.)

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

10 (Chorus of ayes.)

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

13 MS. SCHELLIN: Yes. Staff will
14 record the vote five to zero to zero to set
15 down as a rulemaking case Zoning Commission
16 Case Number 11-21, also to accept the
17 emergency action to allow the proposed
18 rulemaking to be published, and also to allow
19 for the immediate advertisement of the hearing
20 notice. Commissioner Hood moving,
21 Commissioner Turnbull seconding, Commissioners
22 Cohen, May, and Schlater in support.

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1 CHAIRMAN HOOD: And, Ms. Gardner,
2 I also want to welcome you. I guess we will
3 be seeing you some more. I didn't do it early
4 on -- I should have -- but I didn't do it
5 early on, because the last time we had
6 somebody new from DDOT we were so mean to him
7 I haven't seen him come back. So I --

8 (Laughter.)

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

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

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

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

17 MS. GARDNER: Eight years.

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

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

22 MS. GARDNER: Yes, to your

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1 Commission.

2 CHAIRMAN HOOD: Have you ever been
3 here before?

4 MS. GARDNER: I have not.

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

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

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

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

16 MS. GARDNER: The first was Eric
17 Price.

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

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

22 CHAIRMAN HOOD: Okay. All right.

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1 MS. GARDNER: Neil Albert.

2 CHAIRMAN HOOD: Who was after
3 that?

4 MS. GARDNER: Is this a quiz?

5 (Laughter.)

6 CHAIRMAN HOOD: Just curious.

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

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

12 (Laughter.)

13 Ms. Schellin, do we have anything
14 else?

15 MS. SCHELLIN: Nothing else.

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

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

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