GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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ZONING COMMISSION
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REGULAR PUBLIC MEETING
+ + + + +
MONDAY,
NOVEMBER 19, 2012
+ + + + +


ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman
MARCIE COHEN Vice Chair
PETER G. MAY Commissioner (NPS)
MICHAEL G. TURNBULL Commissioner FAIA, (AOC)
ROBERT MILLER Commissioner

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

JENNIFER STEINGASSER, Deputy Director, Development Review & Historic Preservation

JOEL LAWSON
KAREN THOMAS
MAXINE BROWN-ROBERTS
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT STAFF PRESENT:

GILLES STUCKER, Housing Resource Administrator

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Neal R. Gross & Co., Inc.
202-234-4433
This meeting will please come to order.

Good evening, ladies and gentlemen. This is the November 19, 2012 meeting of the Zoning Commission of the District of Columbia.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, Commissioner May and Commissioner Turnbull.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin. Office of Attorney General, Mr. Bergstein. Office of Planning, Ms. Steingasser, Mr. Lawson, Ms. Brown-Roberts and Mr. Jesick.

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

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

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

Please, turn off all beepers and cell phones.

Does the staff have any preliminary matters? If not, let us proceed with the agenda.

I see that we are joined by, I think, the current Chair of the Historic Preservation Review Board, am I right? I want to welcome her. I'm going to have to -- now, that means I'm going to have to make an HPRB meeting. It's good to have you here.

Okay. Colleagues, I did want to rearrange the agenda. I was thinking and let's just do this for discussion.

And, Ms. Schellin, I do know I
I need to go back and do the announcement of the closed meeting.

But let me just say that I wanted to do Consent Calendar first, Final Actions second, Hearing Action third, ZRR Guidance fourth, Correspondence fifth, Proposed Action last. Any objections?

Okay. Let's proceed in that order. First, I have another preliminary matter which is to announce the closed meeting.

The time and place, Monday, November 26, 2012, 4:30 p.m., Office of Zoning Conference Room, 441 4th Street, N.W., Suite 220, Washington, D.C. 20001, for the purpose of the following:

The Zoning Commission in accordance with 406 of the District of Columbia Administrative Procedures Act, D.C. Official Code 2-575, hereby provides notice it will hold a closed meeting, either in person or by telephone conference call at the day and
time noted above for the purpose of receiving
training as permitted by the D.C. Official
Code 2-575(b)(11).

Okay. Ms. Schellin, would you
call for the vote?

Let me start all over again.

Strike all that from the record.

As Chairman of the Zoning
Commission for the District of Columbia and in
accordance with 407 of the District of
Columbia Administrative Procedures Act, I move
that the Zoning Commission hold a closed
meeting on Monday, November 26, 2012 from 4:30
to 6:30 p.m. for the purpose of receiving
training as permitted by D.C. Official Code 2-
575(b)(12).

Is there a second?

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Okay. It has been
moved and properly seconded. Will the
secretary, please, take the roll call vote on
the motion before us now that has been
seconded?

MS. SCHELLIN: Yes, sir. Chairman Hood?


MS. SCHELLIN: Vice Chairman Cohen?

VICE CHAIR COHEN: Yes.

MS. SCHELLIN: Commissioner Miller?

COMMISSIONER MILLER: Yes.

MS. SCHELLIN: Commissioner May?

COMMISSIONER MAY: Yes.

MS. SCHELLIN: Commissioner Turnbull?

COMMISSIONER TURNBULL: Yes.

MS. SCHELLIN: The vote carries 5-0-0.

CHAIRMAN HOOD: Thank you, Ms. Schellin.

As it appears that the motion is passed, I request that Office of Zoning provide notice of these closed meetings in
accordance with the Act.

Do we need to do anything further?

Okay. We'll get it together eventually.

Okay. Let's go back. I have already rearranged the agenda. Let's begin with Consent Calendar Item ZC Case No. 03-120/03-130 (DCHA - Minor Modification at Square 767, 768 & 882).

Ms. Schellin?

MS. SCHELLIN: Yes, sir. Staff would just correct that. I know it looks odd on the agenda.

CHAIRMAN HOOD: Oh.

MS. SCHELLIN: It's actually 03-120 and 03-130 instead of a zero.

Staff would just advise that this is a request for a minor modification in which the applicant is seeking to continue using Square 767, 768 and 882 as temporary parking lots through the redevelopment for April 1, 2018.
report, they do have a map, if the Commission
is interested in seeing the location of where
these squares are. It's up to you whether you
want to see it or not. If you do, then they
are willing to submit that to the record.

CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. We have a request before us, a
minor modification that we include those three squares for additional parking for an
additional set of time. Vice Chair Cohen?

VICE CHAIR COHEN: Thank you, Mr. Chairman. I believe I asked for a couple of
pieces of information that are still -- were not provided for the record. And that was did
HUD need to approve this modification? And did the citizens advisory group for HOPE VI
have to advise this -- have to approve this?

CHAIRMAN HOOD: I think that was a previous case. Did we ever get that
information?

MS. SCHELLIN: That was -- this is a new case. That was on a prior case. This
is a new applicant, new filing.

CHAIRMAN HOOD: Okay. Anyone else have any comments? This is just to add those three squares, I think, to continue those three squares. Yes, to continue the three squares. The previous case, I think, we have already acted on. And I think that's where the Vice Chair asked for that information on the previous case.

Did we ever get it?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: I'm actually asking that, so maybe the -- I know we didn't get it, but I was just asking that publicly, so maybe we can find out.

I guess the first thing I need to do is ask, did anyone have any issues with this coming off the Consent Calendar?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: That was my first question. Okay. So you don't have any objection to this being on the Consent
Calendar? Anyone else have any objections to this?

COMMISSIONER MAY: No objection to being on the Consent Calendar.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: And no objection from being on the Consent Calendar from me either.

CHAIRMAN HOOD: Yes, but you raised the issue of the stuff I think we asked for some information. We didn't ask for it in this case. We asked for it previously. So I guess what I'm trying to ascertain is are we trying to -- is there hesitation about moving forward? Would we like to move this at another time or what is the issue?

VICE CHAIR COHEN: I don't have any objection to moving forward. I just want to see that information for the record. So maybe I just don't say it correctly, the process correctly.

CHAIRMAN HOOD: Okay. Okay. So
why don't we do this? Okay. Any other
comments? Okay. Actually, we have another
issue. Would somebody like to comment on the
other issue or do I need to do that? Okay.
Commissioner May?

COMMISSIONER MAY: Yes, we have
been advised by the Office of Attorney General
that it would be premature to move on this
case until the previous case was decided. We
have not taken final action on that other
case, so we would defer. We should be
deferring this issue to a future Consent
Calendar, once final action was taken on 07-
08B.

CHAIRMAN HOOD: All right. And I
think that's proposed to do. I think that is
going to be in our December meeting. So what
I would ask, I don't know if we can get the
information as a whole, because I think that
still ties into this, what you are asking for.
I don't know if we could maybe get that by our
December the 10th meeting. We are expected to
get that. But that would be very helpful, because I think you all have heard the concerns of my Vice Chair, our Vice Chair of the Zoning Commission.

So, Ms. Schellin, could we maybe ask for that? I'm not even sure whose case it is. I don't usually look in the audience.

MS. SCHELLIN: Yes. I'm not familiar with the attorney that is representing the applicant, but hopefully they are in the audience or listening in and are hearing what is being requested and we will follow-up.

CHAIRMAN HOOD: Okay. So we will try to take this up again on December 10th.

MS. SCHELLIN: Okay.

CHAIRMAN HOOD: And hopefully get the Vice Chair's request in and we can move forward.

MS. SCHELLIN: Okay.

CHAIRMAN HOOD: Okay. Next, let's go to Final Action. Zoning Commission Case
No. 97-16B. This is the Lowell School PUD Modification at Square 2745F. Ms. Schellin?

MS. SCHELLIN: Yes, sir. I'm sorry, which case number are you looking at now?

CHAIRMAN HOOD: Lowell School.

MS. SCHELLIN: 97-16B.

CHAIRMAN HOOD: 97-16B.

MS. SCHELLIN: Okay. Exhibit 24, the only thing that staff has to add is that there was an NCPC report that came in. And they found no issues with any federal interests.

CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. Again, this is Final Action. I think we have flushed a lot of things out at our -- when we were dealing with proposed. Anything anyone would like to add or anything that you -- any changes? I don't see any. We're good? Okay.

What I would like to do is to move that we approve Zoning Commission Case No. 97-
16B and ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay. It has been moved and properly seconded. Any further discussion? Are you ready for the question?

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, so ordered. Staff would you record the vote?

MS. SCHELLIN: Staff records the vote 5-0-0 to approve Final Action in Zoning Commission Case No. 97-16B. Commissioner Hood moving, Commissioner Miller seconding, Commissioners Cohen, May and Turnbull approving.

CHAIRMAN HOOD: Okay. Next, let's go to Zoning Commission Case No. 11-24. This is the Stanton-EastBanc, LLC Consolidated PUD and Related Map Amendment at Square 901. Ms. Schellin?

MS. SCHELLIN: Yes, sir. At
Exhibit 478, ANC-6B provided a report ratifying the executive committee's vote in support. Exhibit 479 ANC-6B asked for and was granted an extension of time to file their response because of Hurricane Sandy.

Exhibit 480 was the additional response from the applicant. Exhibit 481 through 486 were responses from the parties to the applicant's response or additional responses. And then at Exhibit 484, ANC-6B's response to the applicant's revised proffered amenities and conditions.

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

Commissioners, we had a number of responses that we had asked for and a number of responses we got, as Ms. Schellin already mentioned, with the ratification of the ANC report, which is in support, but there were some issues on Exhibit 484 and there were some issues that were raised about some of our comments at our proposed in Exhibit 483, which
was the EMMCA.

And then also, we had the Hine School North Neighbors as well as the Eyes on Hine.

What I would like to do, in the past, generally our custom is to try to go down each one of these letters and see if there are any concerns that may spark our interest that we may want to revisit something.

But before we do that, let's look at Exhibit 480. And I think these are some of the responses that we asked for from the applicant to some of the exhibits. Let's go through that before we go through the parties and the ANC.

I guess the first one on there, I'm looking at October 31st, usually this is my piece. Well, it's all our pieces, but I usually probably make the most noise about it and this is the FirstSource Agreement. I am satisfied with moving forward on this, at this
time.

But as we get into these FirstSources, I would like to see a little more action, at least to make sure that it's carried through. And it's probably beyond this case. I probably can't hold this applicant responsible, but I would like to see a little more. And I would like to still continue to work with DOES to make sure that this is actually accomplished.

And I'm looking here and I see what they say about the execution. And when I looked at -- one of the things that I -- I saw the different signatures and I'm not sure whose -- well, no, wait a minute. It wasn't this one, unless I lost a page. It might have been another case, but I only see one signature, Mary Mottershead. I can't exactly make that out. I don't know if she works for Stanton-EastBanc.

Okay. So I guess unless I'm missing a page, I thought I saw two
signatures. Maybe it was another case. But I don't see where this was entered into. And I understand after the general contract and I have read somewhere that, but I just don't see if that's -- this agreement has been signed. I'm not going to press the issue here, but for the future, I'm going to be looking to see how all that works and make sure that this happens. Everybody needs to be in agreement, at this point, especially when we are dealing with Final Action, because we don't get another bite of the apple on this. And I think this is very important and it's a missed opportunity. Very important to the city.

Okay. Let's go to construction, the CEP. Any comments?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: Okay. What about the CB Agreement? The loading dock? I know that the ANC -- okay. Commissioner May?

COMMISSIONER MAY: Well, I mean, I
think it's something we need to talk about.

We did ask for further study to see if it's possible to pull in a 55 foot truck head first and then pull out head first.

And then we asked for a further study of that. They studied several options that would require modifications of the building, modification of the curb cut. You know, at this point, I feel like we have beaten this one to death, so I'm not going to press the matter any further. I'm satisfied that with the restrictions on the loading time, that the -- that that would be sufficient.

It's still not pleasant to consider the idea of 55 foot trucks backing into that building, but if it's going to happen between 11:00 at night and 7:30 in the morning, and there are assurances about taking the proper precautions so that it is done safely, and of course all of this is still subject to further agreement with DDOT, but I
I think there is a process for getting that
worked out.

So I still would like to have a
building that you could pull in head first and
pull out head first, but I guess it's just too
far along and it can't be done. So I'm
willing to let this go and go back to Option
1, as they have called it or Case 1.

VICE CHAIR COHEN: And I would
just like to concur with Commissioner May. It
seems like they are too far along to make
major changes, so this is the best that we can
have in this particular site.

CHAIRMAN HOOD: Okay. I would
also agree. I think we have exhausted, as has
already been stated, and I don't want to
rehash the comments, ways of trying to do this
without just a total redesign and going
through some other changes.

So I think that question will
eliminate what I was going to talk about on
482, which was from the convening high school
north neighbors when they mentioned about the 50 foot truck issue.

So let's continue.

COMMISSIONER TURNBULL: Mr. Chair,

I would just --

CHAIRMAN HOOD: Mr. Turnbull?

COMMISSIONER TURNBULL: -- offer my two cents. I mean, I think the applicant has made a case for Case No. 1. My only caveat or add is that they be very -- I'm just concerned about noise at these hours of night, too, for people. That's why I think it's not the best time, but it is an appropriate time from the standpoint of traffic and trying to get a big truck in and out.

But I would just behoove the applicant to be, you know, cognizant of the neighbors in moving big trucks in and out. And it's a difficult job at any time, but I would just -- there is not much of an option on this.

CHAIRMAN HOOD: Okay. Anything
else? Let's go to revised proffers and conditions. Any issues?

COMMISSIONER MAY: Mr. Chairman, I think that what we have seen from -- since we last considered this, a number of the areas that were uncertain have been clarified and some changes have been made, so I'm comfortable that what we have now is conditions that are enforceable, make sense and reflect the agreement between the applicant and the ANC and whoever else was part of that.

CHAIRMAN HOOD: Okay. I was trying to read what the concern was. It was Eyes on Hine about the CMA, the Construction Management Agreement. Okay. I think what they are asking us, Eyes on Hine strongly urge the Zoning Commission to include in its final zoning order the entire Construction Management Agreement signed and ratified on August 13, 2012 as requested on page 4 of the applicant's post-hearing submission on October

I think we typically point to it. I don't know if we necessarily include the whole agreement.

Mr. Bergstein, I don't know if you can help me with that?

MR. BERGSTEIN: Well, that's what you are doing. The applicant has agreed to incorporate the entire agreement and that's what the conditions actually do. So the proposed conditions that you have before you actually incorporate every page of the MOU and the Construction Management Agreement into your order.

And there is language in there that says that each condition in that MOU is considered a condition of the order and can't be changed unless there is a modification. So this is actually a very unusual case. I think it's the first I can ever remember where it has ever happened. But that's what the applicant has agreed to do and that's what the
proposed condition says.

CHAIRMAN HOOD: Okay. And on that note, as I refer to them, they have also included the 200 Block of H Street. So I think for the most part, in this letter from Eyes on Hine, Exhibit 41, they've got everything. Well, I'm not going to say everything. They have got most of what I see here, that they asked for.

Okay. All right. Let's keep moving. Bike spaces. Any comments? Any comments on the rest of these revised proffers and conditions?

VICE CHAIR COHEN: I just had one minor change and that's in paragraph 65. I would like to see where it says "The project is superior in both regards and provides 150 to 180 dwelling units." I would like to strike superior in both regards and just say the project provides 150 to 180 dwelling units and it goes on.

CHAIRMAN HOOD: Okay. I think
that was another request we had from one of
the parties also. And I would agree with
that. When I was reading that, I would agree
that we strike. Anyone have any objection to
that? Any objection? Commissioner May?

COMMISSIONER MAY: Yes, I think I
generally agree with the sentiment that we
don't want to include language that is really
gratuitous and not essential. I think that we
are making a value judgment about how good the
project is in this regard.

And so I really didn't have a
problem with the use of the word superior in
this circumstance, because I think that's one
of the things that we are looking for in a PUD
is a project that is superior by virtue of the
flexibility that is being granted through the
PUD process.

So, you know, I think that is a
finding that we generally would want to make.
Again, I mean, I think there are some
circumstances of the language where it may go
a bit overboard, but I didn't have any objection to this one.

I guess on some level, I think it's maybe a legal question. Mr. Bergstein, do you have a thought about whether we actually have to find that this is superior or do we find that it is adequate or do we simply state that it's there?

MR. BERGSTEIN: I'm trying to find the exact language, because in the list of benefits, there is language that says that the Commission has to find that the -- some of the elements are superior in some and have to be at least satisfactory in the others.

And that's why that language is used. When you go through each of these evaluation criteria, you have to demonstrate that at least some of them are superior. And I think that was what the applicant was trying to do.

So by removing superior, you are actually making a standard that they haven't
met that standard with respect to their affordable housing proffer.

COMMISSIONER MAY: Yes, and I mean, it's my opinion that we wouldn't -- we can call it superior without necessarily saying that it's, you know, the greatest thing we have ever seen. I don't think we are arguing that.

But to say that it's above and beyond what we would ordinarily expect as a matter-of-right, even including Inclusionary Zoning, I mean I think that's a reasonable finding.

MR. BERGSTEIN: Let me just read the provision. It says, and this is 2403.10, "Approximately qualified for approval by being particularly strong in only one or a few of the categories." And 243.9, "But must be acceptable in all proffered categories and superior in many."

So when an applicant lists its proffers to you, it is trying to react to that
provision. And in this case, when it says
that it must be superior in many, it is saying
at least in that one being superior.

So you are making a judgment that,
in fact, it doesn't meet the standard of
superior under 2403.10.

CHAIRMAN HOOD: But we can use
acceptable. This issue, this superior issue
didn't just start today, as everybody knows.
We have always kind of looked at taking that
word superior out of order and I would agree
with the Vice Chair.

I guess the question is can we say
acceptable? Just superior for me is just
taking it down a different type of line.

VICE CHAIR COHEN: Well, let me
see if I could clarify why I asked that
superior be taken out. I hate to be
consistent, but I am in this one case that
throughout I was concerned about, you know,
the different property, you know, the
affordable units being separate from the
larger project and the amenity packages where I understand, you know, were geared towards an affordable project.

So I'm uncomfortable saying it is superior, because you are really separating out the affordable units from the rest of the project. So that's my -- you know, being the consistent reader of the whole entire project, I do not want to in any way suggest that I'm not pleased that there are that many units in this particular neighborhood.

They are needed. They are mostly senior units. And so that's what I was trying to articulate. And that it may be superior in providing the number of units. I just didn't like the siting of the units. But I don't want to make a mountain out of a mole hill.

If my colleagues feel that it should remain, you know, I'm just one vote.

MR. BERGSTEIN: Well, the other option is to take out superior there and let me just do a general finding in the
conclusions of law. And I don't know if it's already in there, that it satisfies 2403 and that the Commission finds that it is acceptable in all proper categories and superior in many, because you have to make that finding.

VICE CHAIR COHEN: That satisfies.

CHAIRMAN HOOD: Let's go with that.

COMMISSIONER MAY: Well, I complete disagree with that strategy, but I want to say, you know, my opinion that I actually believe that when it comes to housing and affordable housing, this project is superior and should be regarded as such by the Commission.

The mere fact that a significant portion of the affordable housing is in a separate building, in this circumstance, I think is actually a unique solution to, you know, the mathematics of creating affordable housing.
And I believe it is indistinguishable in terms of the architecture. It is right smack in the middle of a very desirable area. The mere fact that it is a single building and it's separate from some of the others, I think does not really diminish the superiority of it over all.

So I feel that it is superior in this regard. I'm willing to go with the language that Mr. Bergstein suggests, but I don't think that we should shy away from the words superior.

I do agree that there is often language in the orders that is -- you know, goes too far. But superior, had a magic quality to it, it's something that was -- you know, something that we had to find about a PUD project in order to approve it.

So I was -- I didn't regard that as being gratuitous.

CHAIRMAN HOOD: Okay. Well, let me do this. The only person that hasn't
spoken on this issue -- because right now the
vote is, if I count correctly, 2-1. And I
have noted Mr. May said he would go along with
what the Vice Chair and I, obviously, agree
to, not discounting -- I don't want to
discount any of my colleagues, so I want to
hear what Mr. Turnbull has to say on that,
unless it's not going along with me and the
Vice Chair.

COMMISSIONER TURNBULL: Ooh,
pressure, pressure. No, Mr. Chair, I would
agree with Mr. Bergstein's approach.
Although, I appreciate Mr. May's comments and
agree with him on a lot of issues, I still
struggled with the north building. The north
building, I felt was -- it still had some
issues with me.

Although, I'm willing to accept it
and go along with it, I just felt -- it just
felt like a little isolated building. I'm not
totally 100 percent satisfied with that word
doubly that I would have liked it, but I
would, let's just say, go along with you and the Vice Chair on this.

CHAIRMAN HOOD: Okay. Okay. So thank you, Mr. Bergstein, for the resolution to that.

Okay. Anything else? Am I leaving anything else out, Commissioners, in this case?

COMMISSIONER MAY: Were we going to go through the other exhibits as well?

CHAIRMAN HOOD: Yes, we can comment on anything that I have omitted. I'm not sure who mentioned about the height flexibility, but as you can see, there is a condition in there dealing with that. The applicant has agreed to that. I'm not sure who brought that up.

COMMISSIONER MAY: Yes, I did not have an issue with it the last time around, so I'm certainly comfortable with it now.

VICE CHAIR COHEN: Mr. Chairman, EMMCA had quite a number of deletions from the
project benefits and amenities. And I
reviewed them and I agreed with them on the
one, but I'm not -- I think if you want to go
through them, paragraph-by-paragraph, but I
didn't really feel that they were something
that we wanted to delete in language.

CHAIRMAN HOOD: And we were kind
of hitting some of those as we were going
along, just like this last issue we just dealt
with.

VICE CHAIR COHEN: Sure.

CHAIRMAN HOOD: If anyone is
compelled or moved by any of the -- and we
actually were, because I think two or three
things that we just decided --

VICE CHAIR COHEN: Yes.

CHAIRMAN HOOD: -- were some of
the things that were mentioned in the
opposition of -- party opposition, parties in
opposition's responses. So that last one was
definitely one, but if you look at Exhibit 43,
as the Vice Chair just stated, there are a
number there and I just wanted to know if anyone is moved by it? I'm not going to read through all of them. We have already reviewed them and I am not really moved, but I will open it up if somebody is moved to discuss one and maybe try to implement one in the order.

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Commissioner May?

COMMISSIONER MAY: There is one that raised a concern for me, which was the comment on No. 62, where it says that "The Loading and Delivery Management Plan would be periodically reviewed and presented to the ANC for comment and so on prior to taking effect."

You know, I don't have the full language of that right in front of me, but I assume that if there are changes to the Loading and Delivery Management Plan that constitute changes to the order, that they would have to come back to us.

MR. BERGSTEIN: Mr. May, if you look at Proposed Condition 25, it actually
saying that. It says "No modification to any
term of such plan shall be effective, unless
approved by the Commission as a modification
to this order."

It appears on page 19 of their
Exhibit 6.

COMMISSIONER MAY: I'm sorry,
what's the number again?

MR. BERGSTEIN: It is --

COMMISSIONER MAY: 25, there we go.

MR. BERGSTEIN: -- Proposed
Condition 25 that talks about the Loading/
Delivery Plan.

COMMISSIONER MAY: Yes, okay. So
that trumps No. 62.

VICE CHAIR COHEN: Okay.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: I actually put a
checkmark by No. 4, but I need to read over
why I did that, but anything else?

COMMISSIONER MAY: I didn't have
anything else --

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: No.

COMMISSIONER MAY: -- Mr. Chairman.

CHAIRMAN HOOD: Okay. I think that is covered. What I'm looking at, Commissioners, is where EMMCA is speaking of Mr. Steinleib's testimony about the 200 feet and "By ignoring this, the Zoning Commission may be encouraging future applicants to make similar false statements."

Okay. All right. Obviously, I'm just checking on something. Okay. Any other issues? All right. Would someone like to make a motion to approve or disapprove?

COMMISSIONER TURNBULL: Mr. Chair, I would move that we approve Zoning Case No. 11-24, Stanton-EastBanc, LLC, Consolidated PUD and Related Map Amendment at Square 901 and look for a second.

VICE CHAIR COHEN: And I'll second
that.

CHAIRMAN HOOD: Okay. It has been moved and properly seconded. Any further discussion? Are you ready for the question?

All those in favor?

VICE CHAIR COHEN: Aye.

COMMISSIONER TURNBULL: Aye.

CHAIRMAN HOOD: Aye.

COMMISSIONER MAY: Aye.

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

MS. SCHELLIN: Yes, staff records the vote 4-0-1 to approve Final Action in Zoning Commission Case No. 11-24.

Commissioner Turnbull moving, Commissioner Cohen seconding. Commissioners Hood and May in support. Commissioner Miller not voting, having not participated.

CHAIRMAN HOOD: Okay. We are going to go to Hearing Action. I think Hearing Action is third.
Zoning Commission Case No. 12-18.

This is USL WDC H Street, LLC and H Street Self Storage, LLC, Consolidated PUD and Related Map Amendment at Square 858. Is that Ms. Thomas? Ms. Thomas?

MS. THOMAS: Yes. Good evening, Mr. Chairman, Members of the Commission. For the record, Karen Thomas with the Office of Planning.

The Office of Planning is recommending set down of the application before you for a Consolidated PUD and Related Map Amendment to facilitate USL's proposal for a mixed-use development, including, approximately, 450 residential units and 73,000 square feet of retail use on a combined parcel of three lots and portions of the proposed reconfigured alley in the 600 Block of H Street, N.E.

The Map Amendment would rezone a portion of the split zone R-4/C-2-B lots within the H Street Overlay to all C-2-B and
a portion which fronts on I Street from R-4 to R-5-B.

The Map Amendment is not inconsistent with the Comprehensive Plan. The building to become completed in two phases is proposed at a maximum height of 90 feet on H Street and steps down to 40 feet on I street with a total FAR of 4.8.

Parking for all uses would be below-grade in two levels and would be accessed off of the repositioned alley on 6th Street.

A few items of requested flexibility would be from the loading requirements to provide 30 foot berths instead of 55 foot berths; multiple roof structures with less than 1.1 -- less than a 1:1 setback ratio and with unequal heights.

The street wall requirement of the H Street Overlay, so as to provide additional pedestrian area on H Street. And the retail FAR would exceed 0.5 to 0.7 FAR.
Our reports list some of the benefits and amenities of the project proffered by the applicant thus far, including the -- I'll just point out a few. The streetscape and landscaping improvements to the public space in front of the Blair Shelter. We also would have free parking for the nearby church on Sundays.

Installation of benches and bike racks on a vacant piece of National Park Service property at 5th and I Street. And we would have repaving of the reconfigured alley consistent with the District's Green Alley System.

The element of the plan including its design, site planning, landscaping, streetscape design, retail square footage and green elements are commendable at this stage. And we will continue to work with the applicant to refine these components based on the Commission's comments here tonight.

Thank you and I'll be happy to
take any questions.

CHAIRMAN HOOD: Okay. Thank you, Ms. Thomas. Commissioners, any comments or questions of Ms. Thomas or comments that we want the applicant to maybe hear before -- if this is set down for a hearing? Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I guess one of the comments is that I would like a lot more information. Architecturally, I would like some -- the drawings are better than we see on a lot of cases, but I think they could still be better and more clearly definitive as to what you are seeing from a streetscape standpoint.

I would like to see from the on-street viewer what you are going to look at or what this building is really going to look like.

I am also a little bit concerned about the roof. I would like to see some sections, both longitudinal and latitudinal
through the building at different points to
see what is really going on. I'm a little bit
concerned about the penthouse or penthouses
and just what is going on up there.

The plans that I have got really
don't define exactly what is going on in the
penthouses.

I would like to see more about the
pool area.

I would like to see setbacks
clearly defined and what they are actually
providing.

And as I say, I think some of the
site -- the floor plans on the mechanical room
should be clearly identified as to their uses.

But I would like to see a little
bit better sections as to what is going up by
the pool area, the terrace and all the
landscaping going on up there with the, it
looks to be, parapet wall of some sort of
glass or something going around it. I would
like to see a section through that.
There is a lot of things going on up on the roof, which I think really needs to be clarified. And I'm just a little bit concerned it is very busy up there and I'm just concerned about the impact of the overall scale of that and what you are really going to see when you are looking up from the street. Thank you.

CHAIRMAN HOOD: Okay. Thank you, Mr. Turnbull. Commissioner May?

COMMISSIONER MAY: Yes. I would like to pile-on a little bit. You know, I find the whole -- I would just agree that the roof is where I see the most work is needed.

I mean, granted this is a very big project and it's very -- you know, there is lots of different roof conditions that exist. But it is -- I think it seems rather undisciplined overall, but that it needs to be tightened up.

I can understand the need for some relief, because it's a big building and you
don't necessarily need to have a single
monolithic penthouse structure. I don't think
that's really the best way to do it.

But I think what we have got here
is just kind of anything goes on the roof and
that's really not the right thing.

I'm particularly concerned about
the "architectural embellishment." And we
have seen this before in other projects. And
it is problematic there, it's problematic
here. I don't regard -- I mean, if you just
look at the cover page, that cover elevation,
everything that is in that portion of the
building that is jutting forward is considered
architectural embellishment.

And I assume that as it continues
back along the courtyard and wraps around that
courtyard there, all of that must be
architectural embellishment, too, or it's part
of the penthouse. I don't really know. It's
not totally clear to me.

But in any case, it is -- to me,
having these sorts of elements that are not just sort of a single moment, a single tower or what have you, but something that extends back and joins up with the penthouse and then makes the whole building look taller, because it surrounds the courtyard, I don't think it is really adding anything to the building. And I think it is, in my mind, quite clearly contrary to the regulations and what we are trying to do with regard to penthouses, which is that they are to be setback and they are to -- you know, they are not -- you know, they are supposed to be setback one-to-one, so that they don't increase the apparent height of the building. And this is just doing exactly the opposite. So I think it needs to be completely reworked.

CHAIRMAN HOOD: Any other comments, Commissioners? Vice Chair?

VICE CHAIR COHEN: Thank you, Mr. Chairman. You know, my comment is really on
the number of parking spaces and I look forward to reviewing DDOT's report on that.

CHAIRMAN HOOD: Okay. Anyone else? I noticed my colleagues talked a lot about the roof, but I want to talk about the building overall. It looks like there is a lot happening there. Maybe at the hearing I can understand it a lot better, but I would agree with Commissioner Turnbull about what is going on on the roof, especially the open area there. I'm not sure what all that is, but those are some questions.

But even for me, the sides and the facade of the sides of the architecture, even with the embellishment that Commissioner May is talking about, there is a lot going on. And I'm just trying to understand what are we -- is that the new character that's going on? Is that what is matching other buildings in that community or in that area?

So I'm looking forward to having that discussion. I'm not saying you need to
I have a full-fledged change, but I'm just looking forward to having that discussion if this is set down.

Okay. Commissioner Miller?

COMMISSIONER MILLER: I appreciate the comments of my colleagues and I can see some of the concerns. It is such a big building, but I think it does need to have a lot of variation to break up what would be a pretty massive boring facade if it didn't have things jutting out and jutting in and going up and going down.

So that's all I would say in a very non-architectural way of looking at it is that it's a big building. I would like to see, as Commissioner Turnbull has requested, the views from the street. I think that will be important to make sure this isn't -- that it is compatible with the neighborhood, both H and I on I Street and 6th and 7th.

So with that, I would be prepared to move that we set down, if you are prepared
for me to move to set down Zoning Commission
Case No. 12-18. If that's okay, Mr. Chairman?

CHAIRMAN HOOD: Sure. Okay. It
has been moved. Are you finished?

COMMISSIONER MILLER: I'm
finished.

CHAIRMAN HOOD: You're my type of
guy. It has been moved and properly --

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: -- seconded. Any
further discussion?

COMMISSIONER MAY: Yes, Mr.
Chairman, I just want to add, you know,
sometime we spend a lot of time talking about
what we don't like about a project. I think
there is a lot to like about the project and
I think Mr. Miller hit the nail on the head by
talking about how you need to vary the facade
treatments in order to make it interesting.
Otherwise, it would just be a giant monolithic
building.

Now, we have seen some
alternatives, which are actually a lot worse than that, where they try to fake individual buildings, make it seem like it is instead of one building, it's like five buildings and that doesn't work very well.

But in this circumstance, what we have is a variation of facades and it gives us some different pieces of it, but there is an overall architecture that I think binds it together well-enough. So I think it's a very good start. It just needs to be refined.

CHAIRMAN HOOD: I've been wanting to say this for a long time. I don't know if I agree with Mr. Miller. I've been wanting to say that for a long time.

But anyway, it will be good to have a good discussion. And this is going to be a very interesting discussion and a very interesting hearing.

So it has been moved and properly seconded. Any further discussion? Any further questions? Any further discussion?
All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Yes, staff records the vote 5-0-0 to set down Zoning Commission Case No. 12-18 as a contested case.

Commissioner Miller moving, Commissioner May seconding. Commissioners Cohen, Hood and Turnbull in support.

CHAIRMAN HOOD: Okay. We're going to go ahead and continue Hearing Action, Zoning Commission Case No. 04-33F, Office of Planning - Text Amendment: ^U 2409.10 (PUD Implementation) and ^U 2602.4 (Inclusionary Zoning and Affordability Duration Provisions).

We have two actions that are being asked of us: Emergency action as well as a set down. Ms. Steingasser?

MS. STEINGASSER: Yes, sir. I'll take the stand.
CHAIRMAN HOOD: Okay. Ms.

Steingasser.

MS. STEINGASSER: Yes, sir.

Commissioners, we are joined also with Mr. Gilles Stucker of DHCD to answer any questions.

The Commission considered this a similar text amendment for emergency action earlier this summer. DHCD, OP and Office of Attorney General have been working with Housing and Urban Development to find covenants that survive foreclosure.

We have worked through some additional language and we are now bringing that back to the Commission and asking for emergency action on such language.

We are also asking for emergency action for some amendments to the PUD language that also authorizes the Zoning Administrator to clearly request covenants that also will survive foreclosure for the units.

We also ask that we have the
authority to work with OAG to refine the
language prior to advertisement.

MR. STUCKER: Good evening,
Commissioners. My name is Gilles Stucker.
I'm from the Department of Housing and
Community Development.

This evening, we are coming back requesting a change to the Emergency
Regulations that were put into place for the
Inclusionary Zoning and the Planned Unit
Development process.

That change is due to the nature
of the emergency. There was a previous
request to have a notice go to the agency or
to the District as part of the release upon
foreclosure. In further consultation with the
Department of Housing, U.S. Department of
Housing and Urban Development, they did not
allow for that notice to be a predicate to the
foreclosure being -- going away upon the
units.

So HUD requires that the
foreclosure provision go away immediately, the
affordability away -- immediately upon
foreclosure, so that's what you will see in
the text version for both the IZ and the
Planned Unit Development processes.

As well, you will see protections
within both of the regulations for the Planned
Unit Development process. There are
provisions that require the applicants to
enter into an affordable housing covenant with
the District regarding the administration of
the units. And that allows for both the
ongoing affordability as well as the
protections of the District's investments in
the event foreclosure does occur.

And those aspects will include
recapture of investment, as well as the
District's right to purchase the units. In
the Inclusionary Zoning section, you will see
a section that allows us with the right of
first refusal in ^U 2603.6.

CHAIRMAN HOOD: Thank you very
much, Mr. Stucker. I'm just going to ask
those who are here, if you can't hear us, just
raise your hand and I'll make sure --
sometimes we get away from the mike and I want
to make sure that we get right on the mikes,
so everyone can hear.

Okay. Commissioners, any
questions? Vice Chair?

VICE CHAIR COHEN: Thank you, Mr.
Chairman. I have a question with regard to
your proposed 2603.6, where you are the Mayor
can -- or the District of Columbia Housing
Authority can acquire title to more than 25
percent of inclusionary units. Why just 25
percent?

MR. STUCKER: The language that --
this language, 2603.6, allows for more than 25
percent, because the original language capped
it at 25 percent, we wanted to allow, in this
case, where if you were trying to protect
against foreclosure, we would have essentially
the ultimate ability to protect against that
foreclosure and be limited by a percentage.

It should say "Authority to acquire or entitled to more than 25 percent."

So I think 2603.5 says no more than. This is in addition to the prior language within the actual zoning text.

VICE CHAIR COHEN: Okay. Thank you. Okay. This is just a technicality, but I think you really should look into this, if you don't take my word for it, because I am not an attorney.

But FHA is not a division of the U.S. Department of Housing and Urban Development. It was folded in to HUD in 1965. FHA is a series of insurance programs. Why they kept the Assistant Secretary for Housing/FHA Commissioner is just by virtue of that's what the homebuilders wanted.

So what you should -- what I think is technically correct is by saying HUD/FHA.

MR. STUCKER: Thank you.

VICE CHAIR COHEN: And if you need
an attorney to give you that advice, I can refer you.

MR. STUCKER: Okay. And I have to apologize. My colleague, Art Rogers from Office of Planning is not here at the moment. He should be here momentarily.

CHAIRMAN HOOD: Any other comments or questions? Okay. I'll ask for a motion if somebody would like to make one. Vice Chair?

VICE CHAIR COHEN: Yes. I move that we approve, the Commission approves, Zoning Case No. 04-33F, Office of Planning - Text Amendment, ^U 2409.10, PUD Implementation and ^U 2602.4, Inclusionary Zoning - Affordability Duration Provisions.

COMMISSIONER TURNBULL: Second.

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

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: Any opposition?
So ordered. Staff would you record the vote?

MS. SCHELLIN: Staff records the vote 5-0-0 to approve set down emergency and--emergency action and set down for Zoning Commission Case No. 04-33F as a rulemaking case. Commissioner Cohen moving, Commissioner Turnbull seconding. Commissioners Hood, May and Miller in support.

CHAIRMAN HOOD: Okay. I had mentioned both of those actions before we started, so, okay, we're good with that?

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Okay. Good.

Okay. Let's go now to Final Action. Zoning Commission No. 97-16B. This is the Lowell School PUD Modification at Square 27-45F.

MS. SCHELLIN: No.

CHAIRMAN HOOD: Hold on. I'm sorry. Did I miss something?

MS. SCHELLIN: We're under Proposed Action.

CHAIRMAN HOOD: I meant Proposed
Action. I'm sorry. Proposed Action, Zoning Commission Case No. 10-14. This is the Big Bear Cafe Map Amendment at Square 3103. Ms. Schellin?

MS. SCHELLIN: Yes. We have at Exhibit 54 the applicant's update on meeting with the Lewis party. Exhibit 55, the Lewis party's response to the progress report. Exhibit 57 the ANC-5C's updated report in support. And I think the applicant is trying to ask that the record be reopened and hand in something this evening. I don't know if the Commission wants to entertain anything else or not.

CHAIRMAN HOOD: Okay. Let me open it up and ask my colleagues. Typically, we don't do that.

MS. SCHELLIN: No.

CHAIRMAN HOOD: Now, what we could do is postpone this and --

MS. SCHELLIN: We got that.

CHAIRMAN HOOD: -- and she can ask
to reopen the record and we could take this up at another. If it's that important, if it's going to make that much of a difference, we can do it at another time. So it's not that important? Okay.

Okay. Commissioners, unless someone feels otherwise, we will decide this case on the information provided. Okay. All right. Let me open it up for discussion. Who would like to start us off on the Big Bear Cafe Map Amendment at Square 3103?

So I think there is just three of us, Commissioner Turnbull, Commissioner May and myself.

COMMISSIONER MAY: Mr. Chairman, I'm prepared to move forward with this tonight. You know, I know there has been further back and forth. It would be nice if there was a complete consensus in the neighborhood and that the Lewis party had come to some agreement with the applicant, but, you know, from what I can see, the applicant has
made a good effort to address the concerns of
the Lewis party.

    I think honestly what we are
proposing to do here is really just a minimal
change and there is -- I don't believe there
is any meaningful potential for things to go
awry from here. I think that this is a pretty
straightforward decision to move this to C-2-
A.

    And I'm prepared to make a motion if you
are ready to hear one.

    CHAIRMAN HOOD: Commissioner
Turnbull, did you want to add?

    COMMISSIONER TURNBULL: No.

    CHAIRMAN HOOD: Okay.

    COMMISSIONER TURNBULL: I think my
only comment is that this case -- and I would
agree, the case has gone back and forth and we
have asked for a lot of extra meetings. But
I guess in the bottom, I guess, I would concur
with Commissioner May that I think that we are
always concerned about the neighbors, the
impact on the neighbors and I think Ms. Lewis
made a case and I think it has gone back
several times.

And I feel right now that I think
we can move forward on the case.

CHAIRMAN HOOD: I want to thank my
colleagues, because I think we probably were
ready to move the last time, but I had a
concern and I'm sure all of us shared the same
concern. But it was something that one of my
colleagues said, I'm not sure which one that
said it, the site is not the most -- the best
site. And it will be difficult to really
raise the height and go further up.

And that was my main concern, as
far as the zoning aspect of that particular
site. But I'm ready to move forward. And,
Commissioner May, if you're ready to make that
motion? Okay.

COMMISSIONER MAY: Yes, I would
move approval of Zoning Commission Case No.
10-14 Map Amendment for 1700 1st Street, N.W.,
Square 3103, Lot 800.

COMMISSIONER TURNBULL: Do you want to second?

CHAIRMAN HOOD: No.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay. It has been moved and properly seconded. Any further discussion? Are you ready for the question?

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: Any opposition?

So Ordered. Staff would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 3-0-2 to approve proposed action in Zoning Commission Case No. 10-14, Commissioner May moving, Commissioner Turnbull seconding.

Commissioner Hood in support. Commissioner Cohen and Commissioner Miller not voting, having not participated.

And I think that congratulations to Mr. Davenport and his partner on their newborn baby who I think has made its first
appearance at a zoning meeting this evening.

        CHAIRMAN HOOD:  Oh, where is he?

        Okay.

        MS. SCHELLIN:  I thought I saw it
come in.  I wasn't sure, a boy or girl.

        CHAIRMAN HOOD:  Is the newborn
with us tonight?

        MS. SCHELLIN:  Boy.  Yes.

        MR. DAVENPORT:  His name is
Anthony.

        MS. SCHELLIN:  Anthony.

        CHAIRMAN HOOD:  You should have
told me that earlier.  You should have told us
that earlier, you would have went first,
believe me.  Okay.  Well, congratulations to
you all and much success.  And make sure you
save this tape.  Save the tape.  All right.
Thank you all.

        Okay.  Let's move right along with
Zoning Commission Case No. 12-08.  This is the
Office of Planning Text and Map Amendment at
St. Elizabeths.  Ms. Schellin?
MS. SCHELLIN: Yes, sir. At Exhibit 27, you have a copy of Ms. Cuthbert's testimony. Exhibit 28, a copy of the presentation that was submitted by DDOT from a master plan presentation that was made. Exhibit 29 is an OP supplemental report.

CHAIRMAN HOOD: Okay.

Commissioners, as already stated by Ms. Schellin, we have Ms. Cuthbert's testimony, Exhibit 27. And then Exhibit 28, a copy of the presentation submitted by DDOT about the master plan. I'm not sure, I think we did ask for that. And then Exhibit 29 the Office of Planning supplemental report.

Let's open this up. I would like to actually look at all three pieces of correspondence.

And let me ask this, is this the--Ms. Schellin, this is the testimony and I was reading this because I remember some of the things in Ms. Cuthbert's testimony. Is this what she read at the hearing?
MS. SCHELLIN: Yes, sir. I think just that evening she asked to have time to add to it or to finalize it. I don't think she had it ready that evening and she asked to be able to fine-tune it before she turned it in.

CHAIRMAN HOOD: From some of the comments, I thought that was similar. Okay. Thanks.

Okay. Commissioners, let's open it up.

COMMISSIONER MAY: Mr. Chairman, I'm curious. The Office of Planning, I think, made reference to some studies of massing that would -- they were still working on and would submit to the Zoning Commission at or prior to the November 19th Public Meeting. Do we have those?

MS. STEINGASSER: We were unable to get those completed and so we may be able to have them by Final Action. We were not able to get them done.
COMMISSIONER MAY: Assuming we took Proposed Action today, right?

MS. STEINGASSER: Assuming you took Proposed Action today.

COMMISSIONER MAY: Okay. Well--

MS. STEINGASSER: They are still under contract. They are still being done. They just were not completed by today and we apologize for that.

COMMISSIONER MAY: That's okay. Well, we shall see what happens.

I do appreciate all the additional information that we got. I think there was helpful information in the ANC report. The OP's report was certainly helpful as well.

Information on the chapel, you know, the fact that it was considered to be not contributing and seeing photographs of it, I understand, you know, that the -- it's not exactly in keeping with the architecture of the rest of the campus, so while it may be an important place and an important function, I'm
not sure that the building itself is, in the
long run, going to be super important.

So that was very helpful information. It was also helpful to see the
DDOT information on the planned widening of
Martin Luther King, that was helpful.

I still have a concern about the
height of parcels on STE 17 and 18. And if I
understand the OP report correctly, there
seems to be an indication that if -- well, the
intention there is that the allowable FAR
compared with the height is such that it
courages buildings to be a bit more
differentiated and the massing to be, you
know, not really blocky and looming over the
adjacent parcels, that it would be broken up.

And that there was a willingness
on the part of Office of Planning to actually
incorporate some language into the regs to
encourage that in those circumstances. Maybe
-- I actually would appreciate having the
Office of Planning speak to that question if
that's all right with you.

CHAIRMAN HOOD: And I want to also
-- let me just add to this before you speak to
that. Well, I'll wait and comment on the
chapel after you speak to that.

MS. BROWN-ROBERTS: Yes, Mr. Chairman and Zoning Commissioners. After we
had the cross-section done, we also were
concerned about the height of the building and
that there could be some, you know, looming
over. And so we looked at some language. We
did not submit that. We wanted to get your
comments first.

But we are willing to add some
language that would say that, you know, at a
certain height to the building, we would have
maybe a setback, a 45 degree setback. So we
think that would address your concerns.

COMMISSIONER MAY: Okay. And
which parcels do you propose that for or are
you thinking of that for? I know you are not
proposing it. You are responding to us.
MS. BROWN-ROBERTS: 18, Parcel 18 and I think, just a second, 16.

COMMISSIONER MAY: Yes.


COMMISSIONER MAY: 13?

MS. BROWN-ROBERTS: Yes.

COMMISSIONER MAY: Okay. Along the ravine?

MS. BROWN-ROBERTS: Yes.

COMMISSIONER MAY: Okay. What about 17 along Alabama Avenue?

MS. BROWN-ROBERTS: I think we could take a look at that. If you notice on the -- there is a small diagram that is shown on page 3 of the submission and along Alabama Avenue, it shows that there is a setback line in the diagram. So I think that would take care of, you know, having the building setback.

COMMISSIONER MAY: Oh, I see. So the entire building is setback there?
MS. BROWN-ROBERTS: Actually, it's stepped back.

COMMISSIONER MAY: Step-back.

MS. BROWN-ROBERTS: Not setback, yes.

COMMISSIONER MAY: Oh, I see. I'm sorry. I misunderstood you. Oh, and this is growing out of the HRB issue? No, it's more of a neighborhood character issue. Got it. Okay.

Yes, I personally am interested in that. Seeing 17, 18, 13, 16, those are the ones, right?

MS. BROWN-ROBERTS: 16?

COMMISSIONER MAY: I'm interested in pursuing that.

MS. BROWN-ROBERTS: Okay.

COMMISSIONER MAY: And I'll see whether the other Commissioners feel the same way.

Now, the one cross-section that you had provided across the ravine there, that
actually is -- what -- that's not through any of the parcels that we named, is it?


COMMISSIONER MAY: Through 13, oh, so that is one of the ones you mean?

MS. BROWN-ROBERTS: Yes.

COMMISSIONER MAY: Okay. Got it.

MS. BROWN-ROBERTS: Yes.

COMMISSIONER MAY: All right. I just wanted to make sure about that one. And I am still very interested in seeing the overall massing studies whenever those are available.

MS. BROWN-ROBERTS: Okay.

COMMISSIONER MAY: Regardless of where we are in the decision making.

MS. BROWN-ROBERTS: Okay.

CHAIRMAN HOOD: Any other comments?

VICE CHAIR COHEN: No, you go.

COMMISSIONER MILLER: No, I just
want to comment, Mr. Chairman, that this project is a long time coming in a ward that desperately needs and deserves the housing and economic development and revitalization that is envisioned by both the Comprehensive Plan, the Master Plan that was done and this zoning case.

And so I for one am looking forward to moving forward with this project, which I think really has the ability -- creates an opportunity to provide economic development not only for the immediate neighborhood, which should benefit from it, but for the city as a whole and for the region as a whole.

So that's all I wanted to say.

CHAIRMAN HOOD: Okay. Thank you very much. Vice Chair?

VICE CHAIR COHEN: Thank you. I do want to support my colleague's statement about the importance of this project. And to emphasize that I still have a couple of
concerns. I still believe that had there been
enough foresight by DMPED to go to like the
group and ask them what the best way to
proceed for energy, cogeneration,
trigeneration, whatever, it would have been
more helpful than to say this is our phase.
This is how we are phasing it.

And, therefore, you know, it
becomes an analysis that says well, this is
uneconomic because you don't have the high
energy generators.

So I really think that's a lost
opportunity and that makes me very sad,
because this is the type of project that
cogeneration, trigeneration, whatever, is made
for. A large project. And it also seems to
me that, again, you know, our Federal
Government is not talking to the local
government and I don't have the history, so
this is my impression from what is before me.

Again, I haven't been working on
this as long as other people. And I know it
is going on for a long time, but I had --
would have liked to have seen both sides of
the Government, the feds and the city, kind of
come up with a plan that could have maximized
the use of -- for energy efficiency.

I mean, we all know that
construction happens to be the greatest
impact, provide the greatest impact on air
pollution and carbon emissions. And so, as I
said, it's sad. It's a lost opportunity.

The other point I want to make,
and I had to go back to the hearing itself, is
this is a great opportunity for a mixed income
community and I think I heard that 8 percent
is the minimum for affordable housing.

And I really think that, again,
you have an opportunity to have a real mixed
income where it could be one-third, one-third,
one-third, one-third market, one-third
moderate, one-third affordable.

So those are my concerns and I
would like somebody to comment on them even
further with regard to why, why aren't we
having a more energy efficient -- I mean, is
it a marketing issue? Is it a financial
issue? I have seen nothing from the, you
know, CFO saying that, you know, we can't tiff
this or it just is a problem that I'm kind of
struggling with that we have known about this
project for many years.

    Just again, it's just a matter of
how deeply involved one has been. And I must
admit, I haven't been deeply involved. But
as, you know, not just a Zoning Commissioner,
but as a citizen, as I said, I think it's a
lost opportunity.

    CHAIRMAN HOOD: Okay.

Commissioner Turnbull?

    COMMISSIONER TURNBULL: Thank you,
Mr. Chair. I think my colleagues have
addressed any of the points that I had. I
want to thank Commissioner May for talking
about the massing. And I think it is going to
be -- I think I'm looking forward to seeing
the plans by OP also.

But I think Mr. Miller touched on
that the key element of this is that it is a
project that has been in the pipeline for a
long time and it's good to look forward to
seeing this really go forward.

CHAIRMAN HOOD: Okay. I will also
agree with everything I heard and especially
I would agree with Commissioner Miller, this
has been in the pipeline for a while.

I do have one concern and I'm
trying to remember, Ms. Steingasser, if you
can help me, what are we doing with the
church? What was proposed? Because I think
in, let me just say this, Ms. Cuthbert's
letter to us, it says that "The one thing that
was loud and clear was the preservation of the
church."

And I know that we preserve stuff
like in O Street, we preserved stuff in that
area. What are we proposing for the chapel?

MS. STEINGASSER: There are no
plans. The chapel is not considered eligible in terms of historic preservation with a Capitol Landmark. The community, as Ms. Cuthbert's statement says, considers it a community landmark.

There is no plans to rush out and demolish it, but there is also no plans that it be considered one of the buildings that would be saved in perpetuity with this plan.

COMMISSIONER MILLER: Mr. Chairman, on that point, can I just remind ourselves what was said, I thought, in the record from the Deputy Mayor's Office is that in the RFP for that parcel, that they would award greater -- knowing the community's great concern about the chapel, they would give more points to a proposal that came forward with preserving and incorporating it within a development.

CHAIRMAN HOOD: Okay. I thank you, Commissioner Miller, because I was getting ready to -- well, I'm still going to
say it, but I appreciate it. That gives me more of a comfort level, because I have been on this Commission for a while and I have seen it happen in other areas where development happens to preserve a structure.

And actually, some of them look pretty nice. One I'm not going to say where it is yet, because they haven't finished one of them and I don't want to go out on a limb and say how good it looks and it turns out to be the opposite.

But I think that anybody who knows Ms. Cuthbert and some of the others out there, they will tangle with you. And I think they have been out there a long time and trying to do the betterment of their community. And my hat is off to them.

And I think at the end of the day, folks who live right there should be able to get some say in or get some of the things that they ask for. And I'm hoping that -- and I appreciate you bringing that comment up and
I'm hoping that that actually materializes as this moves further on down the road. And I'm glad to know the Deputy Mayor's Office is willing to do that. And for the record, I'm looking forward to seeing that happen.

Okay. Anything else? Any other comments? I would -- oh, let me ask this. Did we ever get any comments from Council Member Barry? Okay.

This is proposed. Hopefully maybe we will get some comments, because I know he brought up a concern. Obviously, it must be--

MS. SCHELLIN: Well, the record is closed, so unless you open it again, the record is not open for anything further.

CHAIRMAN HOOD: It's kind of hard to --

MR. BERGSTEIN: Well, except if you take proposed action, there will be a 30 day written comment period.

MS. SCHELLIN: Yes. On the
proposed rule making.

CHAIRMAN HOOD: Right.

MR. BERGSTEIN: That would be an opportunity for him to comment in that fashion.

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: It's hard to close the record for the Mayor for life. But anyway, I will not be supporting that.

But anyway, let me just say I would like to move approval of Zoning Commission Case No. 12-08 with all the necessary comments and ask for a second.

COMMISSIONER MILLER: Second.

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

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Yes?

COMMISSIONER MAY: I would just want to stipulate that we would still expect to see from the Office of Planning the massing
drawings that they are working on.

CHAIRMAN HOOD: Okay. And we will get that before final. And I think, Vice Chair, you had something?

VICE CHAIR COHEN: Yes.

CHAIRMAN HOOD: Do you want to repeat it?

VICE CHAIR COHEN: Yes. I think we need -- I need more of a discussion with regard to how we are going to make this a better environmentally sound development and I want to -- also want to know about the affordability units, more specifics as to the numbers, because 8 percent is certainly not sufficient.

COMMISSIONER MAY: And, Mr. Chairman, I just want to say, you know, we do need that -- to see those other drawings from the Office of Planning, but is the rest of the Commission interested in seeing the sort of step-back provisions that I was discussing with the Office of Planning and STE 13, 16, 17
and 18? The Vice Chair seemed to be nodding her head.

CHAIRMAN HOOD: Since you asked for it --

COMMISSIONER TURNBULL: I would be. I would be interested.

CHAIRMAN HOOD: Since you asked for it, I think that is fine.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: I don't think any of us would give it back to them. So I think if we can get five copies instead of one or two. You didn't get it. You'll get that later on this evening. Okay. Commissioner Miller?

COMMISSIONER MILLER: Yes, just following up on the Vice Chair's comments about the affordable housing. These parcels will go through individual dispositions from the District Government. I have not -- I don't recall in the past, at least 10, 12 years, seeing a disposition for housing

Neal R. Gross & Co., Inc.
202-234-4433
development that didn't set aside at least 20 percent of the units for affordable. And so I think your comments are right on point in terms of --

VICE CHAIR COHEN: Okay.

COMMISSIONER MILLER: -- having a mixed income community there.

VICE CHAIR COHEN: Yes. Because I went back to the public hearing to check what I had heard in my notes and it seemed like a minimum of 8 percent. But you know, what does that mean, a minimum of 8 percent?

COMMISSIONER MILLER: Yes. It's the IZ -- that's the IZ requirement which, in this case, would be below the minimum of what has usually been done in dispositions.

VICE CHAIR COHEN: Okay. Thank you.

CHAIRMAN HOOD: Okay. It has been moved and properly seconded. Any further discussion? Are you ready for the question?

All those in favor?
COMMISSIONER MAY: Aye.

CHAIRMAN HOOD: Aye.

COMMISSIONER TURNBULL: Aye.

COMMISSIONER MILLER: Aye.

CHAIRMAN HOOD: Any opposition?

So ordered.

VICE CHAIR COHEN: I'm abstaining.

CHAIRMAN HOOD: Staff would you -- could you record, Vice Chair Cohen's abstention? It has been moved or -- okay.

One abstention.

MS. SCHELLIN: Yes. Staff --

CHAIRMAN HOOD: Staff would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 4-0-1. Commissioner Hood moving,

Commissioner Miller seconding. Commissioners May and Turnbull in support. Commissioner Cohen abstaining.

CHAIRMAN HOOD: Okay. Would it be possible to take a three minute break? A two minute break? Thank you. Can we take a two
minute break? Okay. Thanks.

(Whereupon, at 7:57 p.m. a recess until 8:04 p.m.)

CHAIRMAN HOOD: Okay. Let's move right in and continue on with Proposed Action, Zoning Commission Case No. 11-17. This is the Adams Morgan Hotel, Consolidated PUD and Related Map Amendment in Square 2560. Ms. Schellin?

MS. SCHELLIN: Yes. This one we have quite a few documents. I guess actually the first thing to decide are the motions. Is that correct, Mr. Bergstein?

MR. BERGSTEIN: Yes.

MS. SCHELLIN: Yes. We have -- actually there is one motion. A motion to postpone deliberations and decision was filed by the Champlain Street Neighbors. I guess actually before we start, just to make sure we do have the interpreters here, has anybody gotten the headsets? Is there anybody here who needs headsets? No one is here. Okay.
CHAIRMAN HOOD: Is there anyone present who needs interpretation or translation?

MS. SCHELLIN: Okay.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: Let the record reflect that we did --

CHAIRMAN HOOD: Let the record reflect --

MS. SCHELLIN: -- have interpreters here.

CHAIRMAN HOOD: -- that.

MS. SCHELLIN: Okay. So we do have a motion to postpone deliberations and decision filed by the Champlain Street Neighbors at Exhibit 206 for the Commission to rule on.

And at Exhibit 207 is the applicant's opposition to the motion to postpone. And if the Commission would take that up first, then I can go over the rest of the documents that have been received.
CHAIRMAN HOOD: Colleagues, we have a request by the Champlain Street Neighbors, a motion to postpone deliberations and the decision filed by the Champlain Street Neighbors.

I think we can take that up. And also, we have the -- Exhibit 207, as already stated, the decision filed -- I mean, the applicant's opposition to the motion to postpone.

Let's open it up. Let's have a discussion on that. Ms. Schellin, is this the package?

MS. SCHELLIN: The document, that thick package I handed out this evening, so that was their filing from last week. They just did not provide enough copies and so they delivered them this evening.

CHAIRMAN HOOD: Okay. All right.

MS. SCHELLIN: Do you need a copy of it? You can't put your hands on it? I can grab that for you. It was probably on the
table and it was emailed to you today. There was the one that was emailed and then there was a copy on the table.

CHAIRMAN HOOD: Okay. Ms. Schellin, is this the email that we received earlier? This is what we received earlier today?

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Okay. I remember now. This was a request by Champlain Street Neighbors as a result waiting for some information, which was coming from Congresswoman Norton. I actually read this earlier today.

MS. SCHELLIN: Jim Graham.

CHAIRMAN HOOD: Okay. Councilman Graham, okay.

MS. SCHELLIN: Jim Graham wanting to meet with their participants.

CHAIRMAN HOOD: Right. I don't really think, Commissioners, that -- and I actually read this, I just needed to refresh
my memory. We only have but one or two things
to do during the day.

But let me just say that after I
read this earlier today, I think that I would
be inclined to deny this motion, because I
think that the meetings and the deliberations
or whatever the Council Member Graham or
whatever Congresswoman Norton have to input on
this particular case would not affect any
actions that, at least the way I see it now,
we may proceed with as far as the zoning case.

And I would open it up for any
further discussions. Commissioner Miller?

COMMISSIONER MILLER: I would just
concur, Mr. Chairman, with your comments that
the record is, in this case, very full and
complete with over 200 exhibits. Many or
several hearings and with all parties having
an opportunity to reflect to before their
perspective position, so I think we should be
prepared to go forward today.

CHAIRMAN HOOD: Okay. So any
other comments?

  MS. SCHELLIN: Chairman Hood, I'm sorry, just one second. I did not realize that Mr. Otten placed on the dias this evening a response to a response. He actually handed up here, I just now noticed it, a response to the applicant's motion to postpone deliberations, which as you know, we don't have a process for that, but that's for you guys to decide what you want to do with this. Do I put it in the record or not?

  CHAIRMAN HOOD: I'm going to say no, unless my colleagues disagree. I don't think we -- that's not the way we do business.

  MS. SCHELLIN: Right.

  CHAIRMAN HOOD: I'm going to say no to that. And I'm going to move that we deny this request for the motion to postpone for tonight's hearing by the Champlain Street Neighbors and ask for a second.

  COMMISSIONER MILLER: Second.

  CHAIRMAN HOOD: It has been moved
and properly seconded. Any further
discussion? Are you ready for the question?

All those in favor?

ALL: Aye.

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

MS. SCHELLIN: Staff records the
vote 5-0-0 to deny the Champlain Street
Neighbors motion to postpone deliberations.

Commissioner Hood moving, Commissioner Miller
seconding. Commissioners May, Turnbull and
Cohen in support of denial.

CHAIRMAN HOOD: Okay. Do we have
any other preliminary actions?

MS. SCHELLIN: I was just going to
advise that the rest of the documents that
have come in, Exhibits 194, 195 are the
applicant's post-hearing submission, rebuttal
and closing. 196 and 197 are supplemental
DDOT and OP reports. 198 is the applicant's
response to DDOT's supplemental report. 199
is Champlain Street Neighbors' preliminary post-hearing submission.

Exhibit 200 was a motion for extension of time, which was granted to the Champlain Street Neighbors, that was where they had asked for some of the documents to be translated into Spanish. Exhibits 201, 202 is Kalorama Citizens Association's proposed conditions for the order and their response to the applicant's rebuttal.

203 is the applicant's response to Champlain Street Neighbors' motion for extension, which I think the applicant -- I'm sorry, the Commission has already seen. 204 is the applicant's submission of those documents, that they translated into Spanish. And 205 is the Champlain Street Neighbors' secondary post-hearing submission, which was handed to you this evening.

CHAIRMAN HOOD: Okay.

Commissioners, let's look at, in this order I guess, Exhibit 194 and 195 and also 196, 197
and 198. Again, as Ms. Schellin has already mentioned, that's the applicant's post-hearing submission, which was the rebuttal and closing. And then also the supplemental DDOT and OP reports. And then the applicant's response to DDOT's supplemental report. If we can take those in that order before we get into the neighborhood's submissions.

So if we can get in front of us 194, 195, 196, 197 and 198? I'm sorry, 194, 195, 196, 197 and 198.

COMMISSIONER MAY: Mr. Chairman, on 194, one of the issues was a suggestion that the applicant study removing the bracket detail and use only corbeling. You know, I have seen the revised elevations and I think they have even got a step beyond just doing corbeling there with the further refinement of the facade.

And so I'm very comfortable with what they have got now. I think that the -- there is an open issue with the actual
treatment of the facades of the penthouses themselves. I don't think what they have shown there is really great. I think it makes them look heavier than they need to look.

I think just a very simple brick facade would be fine there, but I'll, you know, leave that up to them to decide in working with HPRB staff. So I'm perfectly comfortable with that.

The roof -- sorry, some of these other issues.

CHAIRMAN HOOD: Since --

COMMISSIONER MAY: Yes? This is all 194.

CHAIRMAN HOOD: Thank you. Yes, 194. Can we just go down those issues?

COMMISSIONER MAY: Go down the list, yes. I didn't have issue No. 2, which is the clear review of Champlain immediately opposite the hotel.

CHAIRMAN HOOD: I'm not sure who had that issue. I might of had. I might have
agreed with it, but does anyone remember asking for that?

COMMISSIONER MAY: Well, I didn't think I had that issue. Maybe I did.

CHAIRMAN HOOD: Okay. Well, the Sheet 15, as already stated.

COMMISSIONER MAY: I'm good.

CHAIRMAN HOOD: You're good? Everybody good? Okay. All right.

Commissioner May, you're doing such a good job.

COMMISSIONER MAY: Sure. No. 3, the roof structure, stair one. I think that they have done more to consolidate the roof structure, so I'm certainly more comfortable with that. I'm good with that one.

CHAIRMAN HOOD: Let me ask, is everybody on this case? All of us?

VICE CHAIR COHEN: Yes.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: I believe.

CHAIRMAN HOOD: Okay. Okay.
Let's go to 4.

COMMISSIONER MAY: Okay. The applicant submitted information with regard to roof activities and how they would be controlled. And confirmation that their acoustician believes we would not have problems with noise coming from the top of the roof.

I would tend to agree with that.

I know -- understanding something about how the way noise propagates, if there is not going to be amplified sound up there, I don't -- I would not expect it to be a problem with noise coming through the neighborhood from that roof, given how high up it is.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: Oh, and they also submitted lighting details, which I also think is helpful and I don't expect, from what they have proposed, that there will be much light spill-over from the roof.

CHAIRMAN HOOD: Okay. Let's go to
5. The Commission requested additional information regarding funding of those aspects of the applicant's community's benefit package.

COMMISSIONER MAY: Perhaps somebody else wants to talk to that one.

VICE CHAIR COHEN: You know, I think a lot of this has been agreed to with the Reed-Cooke Overlay Association, the ANC. I think it has all been negotiated and I don't recall if there is any other issue beyond the fact that the proffers were approved and -- well, have been negotiated and approved.

CHAIRMAN HOOD: Okay. I would agree with the Vice Chair. Let's go to the Commission requested information regarding the status of the projects review by the District of Columbia Historic Preservation Review Board. The applicant has stated and the applicant has attached a closing statement, which HPRB reviewed the revised project on October 25, 2012, and voted unanimously to
approve concept and delegated the rest to staff.

The Commission requested the applicant to study the suggestions made by the Kalorama Citizens Association. I think that was mine. That the report -- I don't think that was mine. I'm not sure who asked for so to study that, the Kalorama Association.

The applicant, through its expert witness in traffic analysis and management, further studied the suggestion and the applicant's response is included in the rebuttal.

COMMISSIONER MILLER: I think I had requested that.

CHAIRMAN HOOD: Okay.

COMMISSIONER MILLER: And I see that the location that is in the application is a superior location.

CHAIRMAN HOOD: So we're fine with the resolution as presented? Anyone else have anything? We're all okay on that? Okay.
Let's go to Exhibit -- what was that, 194?

Let's go to Exhibit 195. I think a lot of it is the closing.

COMMISSIONER MAY: Mr. Chairman, I believe most of this is just recapping of, you know, sort of the big picture on this. I didn't see a lot of new information on it. And I think that -- I mean, the thing of it I think is it sort of sums up a lot of the concern about the neighborhood.

I mean, this project when it first walked in the door was just way too big and did not fit well with the neighborhood. And I think that the Exhibit A in the rebuttal presentation kind of sums things up when you look at that image of the over-large original proposal and its unusual design. And then --

COMMISSIONER TURNBULL: I think garish is the word you want.

COMMISSIONER MAY: Garish?

COMMISSIONER TURNBULL: Yes, yes.

COMMISSIONER MAY: And then we
look at the revised design and it just -- it's a much more fitting proposal in terms of the size and in terms of the detail and the architecture.

So I think it is a huge, huge improvement. That's not to say that it all boils down to the architecture of the building, but I do think the biggest issue with this project when it first came in was the size. And this does capture the fact that the size of the building has been reduced from what we originally saw and were originally very, very uncomfortable with.

Otherwise, the rest of it, you know, what's in the rebuttal is a summary of the reasons of why this is a complete PUD submission and addresses all the necessary issues.

CHAIRMAN HOOD: Okay. Thank you, Commissioner May.

COMMISSIONER TURNBULL: Mr. Chair, I would just like to concur with Commissioner
May's agreement that when this project first--
when we had it at set down, you know, I think
there was eye shock at the structure. I think
we were all -- just felt very uncomfortable
with what it looked like and how it was going
to sit in with the neighborhood.

And I think we made extensive
comments that this was just inappropriate.

COMMISSIONER MAY: Some of us
didn't want to set it down.

COMMISSIONER TURNBULL: Right.

It's true.

CHAIRMAN HOOD: Yes, I will tell
you I --

COMMISSIONER TURNBULL: That's
true.

CHAIRMAN HOOD: -- would agree
with both of you, because it came very close.

COMMISSIONER TURNBULL: Yes.

CHAIRMAN HOOD: Not to be --

COMMISSIONER TURNBULL: And I

think this applicant 180 degree turn and with
the architecture and the sensitivity to the neighborhood, you know, I think the building that we have ended up with -- you know, they looked at the brackets, got rid of those. I think it's a very sensible, scaled-down, sensitive design that works in the neighborhood.

Architecturally, I think it is fine. I think it works well.

CHAIRMAN HOOD: Okay. Any comments on 196, 197 and 198? I don't necessarily have. Anyone? Do you need time?

COMMISSIONER MAY: No, I mean, I think those clarified some questions about traffic and loading and so on, but I think it is all pretty straightforward with those submissions.

CHAIRMAN HOOD: I also want to thank the Office of Planning and DDOT for responding to it. I think I asked them to respond to what -- the Kalorama Citizens Association and the record is sufficient.
And I have no further concerns on that. I just asked them to respond to the issue raised by Kalorama. Anything else?

Okay. Now, I would like to go to Exhibit 199, which is the Champlain Street Neighbors. You know, I read a lot of what I see here in Exhibit 199, but actually when -- you know, I understand the concern, at least that I heard from the individual testimony, and I'm not speaking in terms of the party, but the individual testimony of some of the people who needed translation and some of the folks who we thought, we wanted to make sure.

And I want to thank the Vice Chair for making sure that those -- the folks that we thought that may have been disenfranchised or may have had -- there was a language barrier there, and I know she was very passionate about making sure that happened. And that gap was closed and it was done thanks to the Office of Zoning.

And I appreciate the Office of
Zoning in making sure the translator is here, even though tonight they are here and I don't think you all have anybody, but that happened a couple of nights during the hearing, but I want to thank you all for doing that. And I want to thank the Translators for coming and being here available, readily available if needed.

But when we actually started hearing from some of those who were represented as being not knowing what was going on, they actually -- I think both of them started -- two young ladies who got there, both of them started off saying the exact same thing.

I'm not against the project, but and I think we hear that across the city when people are concerned about their taxes being raised and other things. But you know, obviously, those are things that bring a neighborhood to life and actually make it more vibrant.
I don't know other than the party that was -- the person who was representing the party or the party was represented, the people that were being represented, when they came up and testified individually, I heard some talking that's my view of it, because I remember how they both started, because I was very concerned about what was being said from the Champlain Street Neighbors.

But when those two ladies, the two that I remember, got up and spoke and there was some others, but most people said I'm not against it, but they had concerns about their taxes. That's something that just doesn't happen on Champlain Street. It happens across the city, especially when development is going on.

But people want development. They want their neighborhoods to start thriving. So, you know, in the end, it all works out. So I don't necessarily have any concerns. And I think the applicant has addressed a lot of
concerns for those in close proximity, from the way I read the record.

Okay. So with that, any other comments on 199? Anybody move to do anything else?

VICE CHAIR COHEN: I just want to say something. I think the proffers that have been negotiated are proffers that are open to the entire community and would benefit the entire community. So I was very pleased to see what was put forward. And I thought that, you know, getting -- the ANC/Reed-Cooke did a very good job of it.

CHAIRMAN HOOD: Okay. Exhibit 200. Oh, I'm sorry, Commissioner Miller?

COMMISSIONER MILLER: Yes, just to follow-up with the Vice Chair's comment. Among those amenities or part of the requirements for this project is the -- are the jobs that will be available to District residents, not only to District residents, but to the neighborhood's residents, both during
the construction phase and in the operational phase of the hotel.

I think that's a very important along with -- an important requirement along with all the other amenities that are now going to be conditions for this project.

CHAIRMAN HOOD: Okay. Thank you.

Ms. Schellin, Exhibit 200, which was a motion by Champlain Street Neighbors to reopen, I did that. We already reopened that, so that was done. Okay. I'm just trying to go down all exhibits.

Exhibit 201 and 202, this is the Kalorama Citizens Association proposed conditions for the order. These are some things that they have asked us to include by President James, who I do not see tonight. Is anyone moved by 201 or 202? Let's take a moment and see if there's anything that we would like to see inserted in the order.

VICE CHAIR COHEN: Mr. Chairman, it is my recollection that there will be no
nightclub in the hotel, so I think that that has already been agreed to.

CHAIRMAN HOOD: Okay. Ms. Schellin, was that the agreement? I remember when that conversation came out. I usually ask Ms. Schellin, not that she remembers everything like we do, but she looks in the audience and gets a nod or a shake.

MS. SCHELLIN: That's correct.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: No nightclub.

CHAIRMAN HOOD: Okay. I'm not going to belabor this. Anything else?

VICE CHAIR COHEN: Nothing.

CHAIRMAN HOOD: We did 201. 202? Okay. We don't need to do 203, that has been dealt with. Translation, that's been dealt with. 205 that's been dealt with. Anything else?

And I just want to associate myself with Commissioner Turnbull. This has come a long way. It has been -- what did you
say 180 or -- I won't say 360, because then we're right back to where we were. But I would agree with Mr. Turnbull and I want to associate myself with him.

I think that this is a case that we had to make sure that everyone was accommodated and I want to thank my colleagues and also the public, whether you were a proponent or in opposition, because everything was vetted, I think, an opportunity.

And I also want to commend the Office of Zoning. I really thank you all for doing that as well as the translators.

Okay. I am ready to move forward with this case. Any other comments?

COMMISSIONER MAY: Mr. Chairman, I wanted to add a couple of things.

CHAIRMAN HOOD: Yes, sure.

COMMISSIONER MAY: You know, this was a complicated case to hear and it did evolve significantly. We heard a lot of community comment on it.
I think we can't lose sight of the fact that the ANC approved the project 7-1. The Reed-Cooke Neighborhood Association voted 6-1 in support. And that both organizations were very closely involved in negotiating the project.

I mean, the reason it made the progress that it did is not because they came before us and we gave them a hard time. I mean, the neighborhood did all the heavy lifting and it came to us in a significantly improved form.

And I think, you know, while there are certainly still objections from some members of the community about it, I think that we see, you know, it's clear to me, that the major issues have been addressed. And it is -- you know, there mere truth of it is that some -- you know, there may be some effects on some folks that they regard as quite negative, but I think in the long run, it is going to be a superb project for the neighborhood.
So I'm prepared to move forward.

CHAIRMAN HOOD: Okay. Anyone else? Commissioner Miller?

COMMISSIONER MILLER: Yes, yes. I just wanted to associate myself with Commission May's comments. And just remind ourselves of what this project is really all about. It's -- or one of the things it's all about.

It's the, you know, excellent adaptive reuse of a very important historic building in this neighborhood. And it has now been incorporated with a new building that has been greatly modified to address this Commissions' concerns and the neighborhood's concerns or most of the neighborhood's concerns.

And in my view, the project will be of enormous economic benefit to the community and to the city as a whole.

CHAIRMAN HOOD: Okay. I can agree. I would agree. I don't know how much
more I can add to what has already been said.

So with that, I would move that we approve Zoning Commission Case No. 11-17 and ask for a second.

VICE CHAIR COHEN: Second.

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

COMMISSIONER MILLER: I just had a question. Is the -- we are voting as part of our -- what we are voting on is the draft order that is in front of us?

MR. BERGSTEIN: No.

COMMISSIONER MILLER: No? We're not voting on that?

MR. BERGSTEIN: You are merely voting to send this to NCPC, that's what proposed action --

COMMISSIONER MILLER: Okay.

MR. BERGSTEIN: -- is.

Ultimately, you will approve the final order when you take Final Action, because I think I
may have to tweak it anyway.

COMMISSIONER MILLER: Right. It was some of your suggested tweaks that I wanted to know if we needed to put on the record in terms of the transportation recommendations that the applicant is agreeing to. Not just the transportation --

MR. BERGSTEIN: We need to embellish the order to describe the applicant's response to the supplemental DDOT report. And I think eventually -- we didn't have a right today, but there will be a procedural order issued in this case to work out the final proffers and we will want to make sure that all the commitments to DDOT are reflected in the conditions of this order.

COMMISSIONER MILLER: Right. That's all I wanted to make sure of that. Appreciate your response. Thanks.

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

ALL: Aye.

CHAIRMAN HOOD: Any opposition?

So ordered. Staff would you record the vote?

MS. SCHELLIN: Yes. Staff would record the vote 5-0-0 to approve Proposed Action in Zoning Commission Case No. 11-17.

Commissioner Hood moving, Commissioner Cohen seconding. Commissioners May, Miller and Turnbull in support.

While some of the parties I know are in the audience, I'll just let them know that I will be emailing a procedural order to them in the next day or two.

CHAIRMAN HOOD: Okay. And let's go to the, you know, I'm trying to figure it out, ZRR Guidance and we can kind of do that in tandem, because we may have to come back and ask some questions about any correspondence also, Ms. Steingasser.

MS. STEINGASSER: We have no additional update.
CHAIRMAN HOOD: Oh, for the ZRR?

MS. STEINGASSER: Yes.

CHAIRMAN HOOD: Oh, okay. Okay.

Let's go to the Correspondence. We have Zoning Commission Case No. 08-06, Letter from Committee of 100 re: ZRR Ward Meetings. Ms. Schellin?

MS. SCHELLIN: Yes. Are we on the first correspondence item on that?

CHAIRMAN HOOD: Yes,
correspondence.

MS. SCHELLIN: Yes, this was a letter received from the Committee of 100. I think they have some concern about when OP is scheduling their ward meetings, but we did just have a discussion on this last week that the Commission kind of, I think, was happy because it was following along with our schedule.

So I don't know if you want to say anything about it or not.

CHAIRMAN HOOD: It actually
follows along with our schedule. And let me
ask this question to Ms. Steingasser or Mr.
Lawson. Have the letters went out to the ANC?
And does it go out to like the chairperson or
to different ANC members?

MS. STEINGASSER: It did go out
Saturday morning. It went out to every SMD
and we did both the official email address
that is on the ANC website to each individual
as well as then went back and double checked
each individual ANC's website to make sure
that we got the individuals, because a lot of
them get them sent to a Yahoo address or a
personal email. So we did both of those.

CHAIRMAN HOOD: Did it go email or
by regular mail?

MS. STEINGASSER: It went by
e-mail, at this point, and it will go by
regular mail by the end of the week.

CHAIRMAN HOOD: So the
Commissioner and I spoke yesterday and we do
our own little perusing time to make sure
people get involved and get engaged, who told me on Sunday she did not get it. She probably will get that some time either -- she probably got it today, if it went out by email. And probably will get it by mail maybe later this week.

MS. SCHELLIN: Right.

CHAIRMAN HOOD: Okay.

MR. LAWSON: Sorry, Joel Lawson with the office of Planning. If a Commission Member did not receive it, we would love to receive their current email address. We can only go by what is up on their website. And that may not -- we have found already a couple of instances where that is actually not the Commission Member's current email address that they use.

So if anybody is listening, if they have an email address they would rather receive the information at, we would love to get that email address and we'll make sure that that notice goes out.
CHAIRMAN HOOD: And let me ask this next question. As we know and we have stated this, as you know some of the Commissioners who are Commissioners now, and I know we can't do everything, but, in December -- at the December meetings will not be Commissioners in January.

Say if you go to -- I'm not sure where you are going first. I forgot. But say that --

MS. STEINGASSER: I think I understand where you are going. We have already talked, contacted the ANC, Office of the ANC and gotten the email addresses and contacts for the new Commissioners who will take office in January.

CHAIRMAN HOOD: Okay. Great. And they will be invited to maybe another meeting that may not be in their ward.

MS. STEINGASSER: That's correct.

CHAIRMAN HOOD: Okay. Good.

MS. STEINGASSER: Again, and they
are invited --

CHAIRMAN HOOD: Okay.

MS. STEINGASSER: -- to these. I mean, these are citywide. Anybody can come to them. They are for the full public, not just the ANC.

CHAIRMAN HOOD: Okay. So we are going to have the ward meetings. Is there another way of advertisement that may be out there?

MS. STEINGASSER: Well, it's, of course, on our website, the mail. Well, Channel 16 will be recording --

CHAIRMAN HOOD: Okay.

MS. STEINGASSER: -- some of the sessions.

CHAIRMAN HOOD: So Channel 16 --

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: -- will be recording. Okay. Great. That is actually great news, because I think with Channel 16 recording and also can will it be viewed on
like the Office of Planning's website? Can you view a webstream?

MS. STEINGASSER: We can certainly talk to them about that. You mean make links to the different --

CHAIRMAN HOOD: Yes, I was just going to --

MS. STEINGASSER: They did say they could link it to the Office of Planning website. We can also ask that they link it to the Office of Zoning website.

CHAIRMAN HOOD: Good.

MS. STEINGASSER: We will have to work with the Office of Zoning. They are pretty proprietary about their website.

CHAIRMAN HOOD: Well, hopefully that can happen. I just wanted to commend the Office of Planning.

MS. SCHELLIN: Our Director is listening, so I'm sure -- and she is very interested in this process being as smooth as possible.
CHAIRMAN HOOD: Okay.

MS. SCHELLIN: So I'm sure that she will be very willing to work with the Office of Planning.

CHAIRMAN HOOD: So it sounds to me like, and for those who are listening webcast, we have exhausted the way of advertisement, even to the point that I mentioned individually getting people to get involved with the ward meetings.

I have told the folks in Ward 5 I want to see more than 10 people at the meeting.

MR. LAWSON: Yes, we are also going to be sending out notices to all known community groups. We are kind of compiling that list using assistance from our Neighborhood Planning Division, which really keeps up on this kind of thing.

So we will be making sure that it is not just through the ANCs, although we have noticed that already some of the ANCs have
posted the information on their own websites
and are distributing the information.

            So word is just definitely getting
out.

            CHAIRMAN HOOD: Okay. I just
wanted Mr. Clark, I don't know if he is
watching it, to know we take his letter very
seriously, but we are doing the best we can as
far as getting the word out about the
participation in this process.

            And what was good to hear is that
the Office of Planning is echoing and
following our lead and not taking -- I think
you all were following our lead as far as how
you arranged stuff and not doing it during the
holiday time.

            MS. STEINGASSER: That is correct.

            CHAIRMAN HOOD: Okay. So I
appreciate that. Any other comments?

            COMMISSIONER MAY: I just wanted
to clarify. When exactly are the meetings
that are upcoming?
MS. STEINGASSER: December 8th, 11th and 13th.

COMMISSIONER MAY: Okay. And then in January?

MS. STEINGASSER: January they start on Saturday, the 5th.

COMMISSIONER MAY: Yes. Yes, okay. I mean, that all sounds fine to me. You know, I have heard this sort of feedback from people in the past before who seem to think that anything in December if off limits for a public meeting, anything in July is off limits for a public meeting.

You know, I'm sorry, the world does work 12 months a year. And there are certain things that have to happen. And I mean, we certainly want to get the word out, but, you know, it's hard for Government to function and not have public meetings during the first two weeks of December or to lay -- I mean, people would have us stop having public meetings, you know, today and not
restart until mid-January.

You can't function. So I think that they are doing the right thing and they are doing a good job of getting the word out and I'm sure that the word will get out.

CHAIRMAN HOOD: Okay.

Commissioner Miller?

COMMISSIONER MILLER: No. I think I would agree with that comment. You have send it to the Ward Council Members as well for the individual ward?

MS. STEINGASSER: We have not sent it to the Council Members, but we have contacted their staff.

COMMISSIONER MILLER: Okay.

Thanks.

CHAIRMAN HOOD: Well, I just think that when we say Channel 16, I have a comfort level totally now.

COMMISSIONER MILLER: It will only be repeated 1,000 times.

CHAIRMAN HOOD: 1,000 times.
COMMISSIONER MILLER: And not just
during January and December.

COMMISSIONER MAY: It will be
gripping, too.

CHAIRMAN HOOD: We may have to
call and ask them to turn it off. Okay. All
right. So thank you very much.

Do we need to do any action?

Hopefully Mr. Clark was listening tonight,
because we do take his comments very serious.
And hopefully it works out.

I'm hoping that when we do start
these hearings that people come down and say
I'm sure we are going to hear, I was notified,
and I'm just saying this because I expect to
hear we were notified. We want to thank the
Office of Planning for getting the word out to
us.

So we are looking for those
comments. Okay. All of us up here are
looking for those comments.

Okay. Ms. Schellin, so do we need
to do any action with that?

MS. SCHELLIN: No, no action.

CHAIRMAN HOOD: Let's go to the next action, Zoning Commission Case No.--

MS. SCHELLIN: Actually, the next two items, if you want, they are both 11-15A and 07-26. These were just copies of letters I received from the Zoning Administrator regarding determinations that the Zoning Administration has made on prior Zoning Commission cases.

And I just wanted you to see the copy of the letter I was provided with.

CHAIRMAN HOOD: So no action is required?

MS. SCHELLIN: Not unless you feel like he made an improper action.

CHAIRMAN HOOD: Does anyone, and I'm glad we actually saw this, feel like there is something improper from the Zoning Administrator?

COMMISSIONER MAY: Nothing
improper, but I want to make a comment about O Street. I mean, every time we turn around, this building grows another few inches. I mean, you know, we wouldn't set it down because it was too tall. It was finally decided that -- you know, I mean, we finally decided to have the case and have the hearing and it was voted upon at a certain height.

They came back with a modification to raise the height and now they are stretching the limits within what the ZA can do. I mean, I'm just complaining, but it's -- I hope that it's all worth it when it is said and done. But they have been really kind of pushing the limits here.

COMMISSIONER TURNBULL: Well, if they try again, then we will step in. No, but, you know, I think we -- the Zoning Regs grant the ZA certain flexibility within the PUD Guidelines. And I think it is appropriate.

I think it is also appropriate --
I'm glad we get these letters from him that explain what he is doing, so that if we do see something, just what Commissioner May is pointing out, if there is something that is sort of raises our hackles, but we do have an opportunity to be able to do something about it.

CHAIRMAN HOOD: Okay. So do we feel strong enough now? Okay. Because this is the famous recall case. Every time I hear O Street Market, I think about the recall, the recall of Anthony Hood and Greg Jeffries. So anyway, do we have anything else?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. I want to thank everyone for their participation tonight. And this hearing -- I mean, this meeting is adjourned.

(Whereupon, the Regular Public Meeting was concluded at 8:44 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 11-19-12

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter