
ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SARA BARDIN, Director, Office of Zoning
SHARON S. SCHELLIN, Secretary
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development Review & Historic Preservation
BRANDICE ELLIOTT
PAUL GOLDSTEIN
MATT JESICK
JOEL LAWSON
STEPHEN MORDFIN
KAREN THOMAS
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the minutes from the Regular meeting held on September 9, 2013.
CHAIRMAN HOOD: Good evening, everyone, we're getting ready to get started. We apologize for being a few moments late. So we're ready to start our meeting. This meeting will please come to order. Good evening, ladies and gentlemen.

This is September 9, 2013, Public Meeting of the Zoning Commission for the District of Columbia. And tonight I want to welcome everyone back from our month long summer vacation, if that's what you want to call it.

And I want to start to my left and ask from my left to my right if you'd just introduce yourselves.

MR. BERGSTEIN: That would be me. I'm Alan Bergstein and I'm with the Office of the Attorney General for the District of Columbia.

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

COMMISIONER TURNBULL: Michael Turnbull representing the Architect of the Capitol.

COMMISIONER MILLER: Rob Miller, Mayoral Appointee.

VICE CHAIR COHEN: Marcy Cohen, Vice Chair, Mayoral Appointee

COMMISSIONER MAY: Peter May representing the National Park Service.

CHAIRMAN HOOD: Office of Planning, yes.

MS. STEINGASSER: Jennifer Steingasser with the D.C. Office of Planning.

MR. LAWSON: Joel Lawson with the DC Office of Planning.


CHAIRMAN HOOD: Okay, thank you.

And I'm Anthony Hood, the Mayoral Appointee.
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 commissioner requests someone to come forward.

Please be advised that this proceeding is being recorded by a court reporter and it's also Web cast 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.

Again we are located in the Jerrily R. Kress Hearing Room. Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Ms. Schellin, do I need to read a closed meeting statement?

MS. SCHELLIN: Yes, sir.

CHAIRMAN HOOD: Okay. Let me do that first. 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 Tuesday, October the 1st, 2013 from 9:00 am to 12:00 pm 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: Will the Secretary please take a roll call voting on the motion before us now that has been seconded? Ms. Schellin.

MS. SCHELLIN: Yes. Chairman Hood?
CHAIRMAN HOOD: Yes.
MS. SCHELLIN: Vice Chair 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: Motion carries.

CHAIRMAN HOOD: As it appears the motion has passed. I request that the Office of Zoning provide notice of this closed meeting in accordance with the act. Thank you all very much. Let's go right into our agenda.

First consent calendar item, Zoning Commission Case Number 85-10B, Hillandale Homeowners Association request for minor modification to PUD at Square 1312, 1313, 1319 and 1320. Ms. Schellin.

MS. SCHELLIN: Yes, sir. This is a request from the applicant to replace the existing six-foot high chainlink fence with an eight-foot high ornamental steel fence for a section of their community.

At Exhibit 4 there's no report in support of the request. Exhibit 5 is a copy
of a special use permit that the applicant
entered into at the U.S. Department of
Interior National Park Service. They'd ask
the Commission to consider this request.

CHAIRMAN HOOD: Okay.

Commissioners, as already requested, the HOA
in Hillandale have a request to change the
look and also the height. And it's -- I don't
know if -- I think the record is complete.

Any objections? Any comments? Okay.

I would move that we approve the
minor modification to approve the PUD minor
modification for the Hillandale Association,
Zoning Commission Case Number 85-10B and ask
for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It's been moved
and properly second. Any further discussion?
Are you ready for the question? All those in
favor? Aye.

(Chorus of Ayes)

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

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to approve final action in Zoning Commission Case Number 85-10B, Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners Cohen, May and Miller in support.

CHAIRMAN HOOD: Okay. Next under final action we have Zoning Commission Case Number 12-05A. This is the Ballpark Square LLC Capitol Gateway Overlay modification to square 701. Ms. Schellin.

MS. SCHELLIN: Yes, sir. In Exhibits 17 and 18 we have some post-hearing submissions from the applicant, and we'd ask the Commission to consider final action on this case.

CHAIRMAN HOOD: Commissioners, just to try to tee it up, the applicant has proposed to reorient the residential portion of the building so that the south-facing court
would become a west-facing court.

Reorientation is necessary because of another development's plan for a parted wall along the southern edge of the property.

The applicant is requesting flexibility to increase the width of the hotel from 59 feet to 60 feet to meet the needs of a potential hotel operator.

With that, let's open it up. Any comments? We have given to us, I think, some of the things that some of us may have asked for, which is exhibit, I think that's 17. Is that exhibit -- I believe that's 17. Okay, exhibit 17.

Some of the things we asked for are additional design information, additional information for the outdoor rooftop T.V. area. Let's see, and I know we had some issues about how that would operate up on the rooftop with the television or with the screen or whatever they want to call it.

So let's open it up, any comments
or questions? Commissioner Turnbull?

COMMISSIONER TURNBULL: Yes, Mr. Chair. Yes, I still have some concern about the rooftop screen. I guess what's troubling about it is the way it's been presented is that, this is an 8-foot or 70-odd inch T.V. by 44 inches high.

The pictures that they show, show only about a 36 by 24 inch T.V., which is a little bit misleading when you look at the pictures.

My recommendation is that they go back -- I think also the screening which they've showed on the plan doesn't do anything. I think the little innocuous screening was it faces the hotel and on the other side really don't do anything.

I think the screening by the hotel ought to be down further in front of the area where the T.V. will be. And I think it ought to be the same on the other side. That there ought to be these parallel screening units
that are actually blocking the view of anybody looking up at the T.V.

I would also suggest to them - I mean they have about a 1-foot overhang on top of this thing. I would recommend they have at least a 1-foot sidewall on either side also to help screen this thing.

So I think there's still a little bit more work to do on the roof to make this a more palpable -- their views -- on A12, it really doesn't do any service to what they're trying to say that they're going to be able to screen this thing.

And I really think that, if you look on that one -- the view from the neighboring building looking up, what they're showing, you can't -- of course you can't see the little T.V. from here, but that's not what's there. They're really going to have a bigger T.V.

So I think that the little planter that they're showing ought to be lengthened,
ought to be twice the size and going down, and
that the vegetation ought to be such that it
would grow up and screen it better. And the
same thing on the other side.

So, two things. I think that the
screening needs to be dealt with. The
depiction of what the T.V. looks like ought to
be made better to us, and that they ought to
have little wing walls on this thing to help
screen, even if they're only a foot. That's
all.

Other than that, I mean the only
other thing is when I -- I guess I'm a little
bit -- in Section B, Tab B they talk about the
sound, 60 DBs.

They talk about 9 o'clock. They
said sound should only -- and they talk about
-- and they make a big point about the ambient
noise, and they talk about the parametric
speakers.

But they also mention that not
only will the speakers be installed within the
T.V. but also in the seating area. So there are going to be speakers in the seating.

And they really don't -- I mean if that's also at 60 DB I'm a little bit concerned about this -- how much volume is going to be emitted from this thing.

They talk about the T.V. being operated between 9:00 and 11:00, but there's a little caveat, not withstanding the hour limitation described in this rule.

If a game, concert or other event is simultaneously taking place at Nationals Park, the T.V. and speakers shall be allowed to be operated. Until when, the event is over, 2:00 am, 4:00 am if it's an extra inning game keeps going on and on.

I'm just concerned that this is just totally open-ended, that it's all based upon the ballpark operating, which is totally independent of this building here. But it's -- to me it's just an open-ended item just to keep this thing going.
So I'm a little bit concerned about the operation of this and the noise. They talk about the -- there's also another little caveat here that says -- they talk about 60 DBs, or in parenthesis they say "Or the level of the ambient noise of the surroundings."

That sounds like it could be -- if they got a rock group up there and they're at 100 DBs, I mean can we just keep going? This needs to be tightened up.

I think this whole thing about the sound, the operation, the hours, I think it's just -- there's just a big loophole that this thing can keep going into whatever's happening at National Ballpark.

And I understand we're in an entertainment area, but there's still a hotel, there's still people who want to go to bed. There's still people who are visiting.

So I'm just a little bit concerned about what is the objective of this section of
section - of this component B, and what are we trying to achieve.

CHAIRMAN HOOD: Okay. Thank you, Mr. Turnbull -- of us up here because I thought a little differently about that but I do agree with the wings on the side. Now I did like that idea out of your discussion.

Let me open it up, and one of the things -- I will say this. Let me go to Commissioner Miller first.

COMMISSIONER MILLER: Thank you, Mr. Chairman. I just wanted to speak in favor of the overall project and how much it will contribute to the continuing revitalization of this ball park district with its 326 residential units, the 26,500 square feet of retail space along 1st and M Streets.

The 170 unit hotel. The office use of, what's that, 200-some thousand -- 224,000 square feet.

I don't share the concerns to quite the degree that Commissioner Turnbull
does about the outdoor T.V. viewing area, but I agree with the Chairman and Commissioner Turnbull that putting some additional screening and the sidewalls would be a -- could be a helpful addition.

It is an entertainment district and I think the intent for it to be able to operate beyond the normal 11:00 pm hour if the Nationals are going to a later hour makes sense.

It's right across the street, just a block away from the ballpark and that noise is certainly going to be emanating throughout the neighborhood, and that light.

So, I think if we -- I think we could move forward with some of he changes that have been suggested by Mr. Turnbull to mitigate the -- to mitigate any adverse impacts from the outdoor T.V. area -- T.V. viewing area to the surrounding uses. But I see them generally as not having an adverse effect.
CHAIRMAN HOOD: Okay. Thank you, Commissioner Miller. Are you finished?

COMMISSIONER MILLER: Yes, thank you.

CHAIRMAN HOOD: Okay. Any other comments?

VICE CHAIR COHEN: Thank you, Mr. Chairman. Again, I have less of an issue with the screen on the roof, although the recommendations that Commissioner Turnbull made I think will reduce any type of sound that emanates from the television screen.

So I support his tightening of the covering of the sides. I just want to point out a couple of small things for our attorneys as they review the order, the draft order.

Paragraph 25, Requested Areas of Zoning Commission Review and Relief. Paragraph 25 talks about a approximately 77.5 percent of the ground floor area for the project in total.

And then under the decision number
4, they're talking about a minimum of 77 percent, 77.5 percent. So I think we need to clarify that discrepancy.

And then finally, is this order valid for a period of three years? I thought two years was the appropriate time frame. I may be wrong but, Mr. Bergstein, do you --

MR. BERGSTEIN: There is no time limit for a CG order normally.

VICE CHAIR COHEN: Oh, okay. So three is fine. All right. So I guess those are just my small comment with regard to a discrepancy. And I would support, again, a greater tightening of the noise remediation on the T.V.

CHAIRMAN HOOD: Okay. I do appreciate the applicant providing other areas, but I don't know how much detail we got into whether it worked and I'm not sure if they can find out information on whether or not it was causing a problem or not.

But I do think some of the
stringent controls that Commissioner Turnbull is suggesting, I think is worthy of consideration and allowing the opportunity to come back.

I guess I just want to ask Mr. Turnbull, not that I'm making him a witness, I just want to ask Mr. Turnbull is it -- I guess the only way we could probably do this is probably delay this decision so we can wait for additional clarification like you asked for.

COMMISSIONER TURNBULL: Well, I guess -- I mean, if we approve it we're going to be getting drawings and pictures, drawings after the fact. So it's like we've already let the horse out of the barn.

I would really like to see some revised drawings that clearly show it. We do have a meeting coming up I believe on September 30, so it would be a postponement about three weeks, two weeks? Three weeks.

But I, you know, I'm in full
agreement with Commissioner Miller that this
is a wonderful -- that this project is --
other than the things that I've noted on the
roof I'm fine with this project. It's just
that I'm still a little troubled by the
viewing area.

CHAIRMAN HOOD: Can we get a
general consensus that we maybe delay this and
give the applicant more time to satisfy some
of the requirements that Commissioner Turnbull
brought up, and some of the things we also
concurred that we agreed with on him
fine-tuning this project?

Can we do -- we wait September 30,
Ms. Schellin? Can we take this up to
September 30?

MS. SCHELLIN: We can. Do you
want to set a date for the applicant to submit
some -- it sounds like they need to do some
revised drawings?

CHAIRMAN HOOD: Right, revised
drawings.
MS. SCHELLIN: Can you do those -- need to allow the ANC to respond to this, so can you get those in by the 16th, one week? Okay. And then the ANC would have until the 23rd to provide their response and we can take this up on the 30th.

CHAIRMAN HOOD: Okay, thank you.

Okay, let's move right along. Zoning Commission Case Number 13-04 ICG 16th Street Association LLC Consolidated PUD and Related Map Amendment at Square 185. Ms. Schellin.

MS. SCHELLIN: Yes, sir. We have some submissions pursuant to section 24-03.15 at Exhibits 57 and 58 from the applicant, ask the Commission to take -- consider final action this evening.

CHAIRMAN HOOD: Okay. Colleagues, any additional -- we did receive exhibit -- I think Ms. Schellin already mentioned exhibit 58 with the proffers and conditions. Anything additional?

VICE CHAIR COHEN: Thank you, Mr.
Chairman. I think, again, I would recommend that we delete all the background in section of this order.

CHAIRMAN HOOD: Any objections? Okay, so we'll delete the background in this order. Anything else?

VICE CHAIR COHEN: And I would just say one other thing, that the financial contribution is now consistent with amendment to 24-03.6 condition 6.


COMMISSIONER MILLER: I would move approval of final action on Zoning Commission Case Number 13-04 ICG 16th Street Associates LLC Consolidated PUD and Related Map Amendment, and ask for a second.

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further discussion?
COMMISSIONER MILLER: Yes, I just wanted to note that we also appreciate the applicant's willingness to make the financial contributions to the community organization prior to the building permit being issued as opposed to the certificate of occupancy.

CHAIRMAN HOOD: Okay. Any other further discussion? All those in favor? Aye.

(Chorus of Ayes)

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

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to approve final action in Zoning Commission Case Number 13-04. Commissioner Miller moving, Commissioner May seconding, Commissioners Cohen, Hood and Turnbull in support.

CHAIRMAN HOOD: Okay. Let me just say if we're talking and you don't hear us, if you could just raise your hand because sometime we moving around looking for stuff.
And a lot of times we not in the mic, have to remind myself to stay in the mic.

So if you can't hear us you can just raise your hand and someone will bring this to our attention. Okay.

Next, Zoning Commission Case Number 08-07 Four Points LLC First Stage PUD Related Map Amendment at Square 5772. And, Ms. Schellin.

MS. SCHELLIN: Yes, sir. Again we have submissions pursuant to section 24-03.15 from the applicant Exhibits 47 and 48. We'd ask the Commission to consider taking action -- final action on this case.

CHAIRMAN HOOD: Okay.

Commissioners, again, this is a first stage PUD application. Any discussion?

COMMISSIONER MAY: Mr. Chairman.

CHAIRMAN HOOD: Commissioner May.

COMMISSIONER MAY: Yes. I do have some ongoing concerns about the project. I mean, I think during the course of the hearing
in our subsequent discussion of proposed action may have been some discussion of these issues.

But I would like to see the order modified just a little bit to ensure that when we get to the second stage review we see more on the -- in the way of information on LEED certification and sustainable attributes of the development.

I mean, I know there is a statement in there that additional information will be submitted, but it also makes reference to the project meeting LEED certified level, which is I mean really not a proffer at all.

I mean, that's below basic from my perspective. Usually we're accustomed to seeing projects like this at a LEED Silver and higher. And I know that at least the first buildings intend to be LEED Gold, so I expect that level would be elevated.

And so I'd like the order to reflect that, that second stage we'll be
reviewing those and that we'll be expecting to evaluate each project based on what's proffered in the way of sustainable features.

I also have a concern about how the Inclusionary Zoning is depicted or described in the conditions. And I think it's important on a project like this to understand what the difference is between what could happen there as a matter of right and what will happen as a result of the project.

I mean the actual, you know, doing the IZ requirement doesn't constitute much in the way of an actual benefit of the project when you're just meeting the requirement of Inclusionary Zoning.

But I think our standard has become that the way to look at that as comparing what could happen as a matter of right versus what happens as a result of the PUD, as a result of the increased density or the change of the zone or whatever occurs.

In this case it's a change in the
zone that doesn't support or doesn't allow housing to one that does and then adding those elements. And I think that, that should be reflected in what we see and I would expect that we'll get those.

I want to see the order reflect that we will see that information and evaluate it when we get to the second stage reviews for the buildings or parcels, however we wind up seeing them. So, those are the concerns that I had.

CHAIRMAN HOOD: Okay. And those points, you put those on notice so on the second stage PUD it won't be something -- we won't hear that, oh you've already approved it or you've already dealt with it in the first stage. Good, that's actually a good way of doing things. Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I just want to clarify Commissioner May's comment. On the LEED certification, are we saying that we were
looking -- are we looking for them to go beyond -- that LEED certification is not acceptable per se?

COMMISSIONER MAY: Well, I think that right now -- yes, LEED certification I think on any individual building by the time we see it, I don't see that, that is of any substantial benefit at all.

But what we see in the conditions now is a promise to submit information on the sustainable futures and LEED points associated with each project as it comes for us for second stage.

And at that point I think we just want to be able to evaluate the project based on what we see at that point.

And I guess I would communicate now that we expect more, but we can't say in the order that we expect them to meet LEED Gold on every project because they've been --

COMMISSIONER TURNBULL: Can we say that we will not accept just LEED
certification?

    COMMISSIONER MAY: I don't know.
I mean, you know, I think we only get to accept or reject what they've proffered.

    And I think what we're trying to do is clarify that what they've proffered is enough to get through first stage but that they will need to demonstrate significant sustainable features to get through second stage. And we expect to see that.

    COMMISSIONER TURNBULL: Okay.

    VICE CHAIR COHEN: And I just clarify, and to accept it as a proffer.

    COMMISSIONER MAY: Right.

    VICE CHAIR COHEN: Yes.

    COMMISSIONER MILLER: Just to join in with my colleagues, I think when we see those second stage projects I think it's OP's policy to expect a minimum of LEED Silver. And I think that we would share that expectation when the projects come forward.

    MR. BERGSTEIN: So what you're
saying is that you would not consider the
environmental proffer as written to
necessarily be adequate unless there was some
greater commitment to LEED levels, and that for
each project -- for each building you'd want
to see what the specific LEED level is that
would be sought to be achieved?

COMMISSIONER MILLER: Yes.

CHAIRMAN HOOD: Okay. Any other
comments?

VICE CHAIR COHEN: Yes, just my
word smithing a little bit. Under public
benefits in project amenities paragraph 14e,
there's a sentence that reads "In addition
there's no housing on the PUD site presently
and no proven housing market at this
location."

Well, that may be true but there's
no proven office market either at this
location. There is housing adjacent to this
site because the loading design does address
that. So I would just strike that one
sentence.

CHAIRMAN HOOD: Okay, anything else? Okay. With the necessary --

COMMISSIONER MAY: Do we want to talk at all about the proffer having -- relating to the bid?

CHAIRMAN HOOD: Yes. If you want to talk about that we can.

COMMISSIONER MAY: Sure. Well, at one point the -- I mean we had discussed the fact that the applicant was making contributions to the bid. And it was -- it's difficult to acknowledge something that has already occurred as an amenity of the project.

But I think that in -- but we did encourage that, that form of contribution continue. It's also a little -- it's hard to acknowledge something like this when it's a contribution to a bid without a specific purpose.

And I think that what we would like to see and incorporate with the order
might be something that says that in the --
for each second stage application that we'd
like to get an update on what they're doing
for the bid.

And that we would want to see
specific proffers related to, you know,
contributions to the bid that will be spent on
certain projects, something like that,
specific projects so that we can actually
recognize that as a true proffer.

CHAIRMAN HOOD: Okay. Anybody
else?

VICE CHAIR COHEN: I just want to
say that I concur with my colleague,
Commissioner May.

CHAIRMAN HOOD: Okay, thank you.
Do we all concur? Okay, save us a little bit
of time. Any other comments? Would someone
like to make a motion?

COMMISSIONER MILLER: Mr.
Chairman, I would move that we approve the
final actions with the amendments suggested by
Commissioner May, Zoning Commission Case
Number 08-07 Four Points LLC First Stage PUD
and ask for a second.

But I just wanted to make one additional comment and just note what -- just for the benefit of the public and ourselves, what the project entails, which it's a huge project that will revitalize Anacostia and the Martin Luther King Jr. Avenue corridor with approximately 481,000, nearly half a million, square feet of residential use, 8 percent of which will be affordable under the IZ regulations.

And a substantial amount of retail and office as well, 144,000 square feet of retail and service. And I think the intent is to have a grocery store there is what we heard at the public hearing testimony. It's a multi-phase project that's over a period of time, but it's a very exciting project for this surrounding neighborhood.
VICE CHAIR COHEN: I'll second the motion.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Actually, there are two seconds. Any further discussion? All those in favor? Aye.

(Chorus of Ayes)

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

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to approve final action Zoning Commission Case Number 08-07. Commissioner Miller moving, Commissioner Turnbull seconding, Commissioners Cohen, Hood, and May in favor.

CHAIRMAN HOOD: Okay. Thank you. Let's move right along on the proposed action, Zoning Commission Case Number 09-03A Skyland Holdings LLC, PUD modification in Square 5632 et al. Ms. Schellin?

MS. SCHELLIN: Yes, sir. At
Exhibit 46 we received a request from the applicant for an extension of time in which to file the post-hearing submissions.

They'd like to propose a new schedule for filing the materials after the Mayor and the City Council reach a decision on the Large Retailer Accountability Act.

CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. Colleagues, again, this is the second request of this applicant. I would propose that we move this to our October 21 meeting because I think the time frame has been asked for.

And the applicant can come earlier at that time if it's sufficient, but I think if we deal with this October 21 we're not putting ourselves or putting anyone in a tight time frame. But if they want to come earlier, they can notify staff and we'll move in that fashion.

Any objections? Any other comments? Okay. Ms. Schellin -- okay. Do we
need to do anything else with this? Okay.

Let's move to Zoning Commission Case Number 12-02 B&B 50 Florida Avenue LLC Consolidated PUD & Related Map Amendment at Square 3516. Ms. Schellin?

MS. SCHELLIN: At Exhibit 56 we have a report from the Konkel party, and Exhibit 57 is the applicant's response to that report.

And also -- I'm sorry, Exhibits 55 through 55D are the applicant's post-hearing submissions, and we'd ask the Commission to consider proposed action on this case.

CHAIRMAN HOOD: Okay. Commissioners, we have in front of us the response. As you know, one of the things I asked them to do was to go back and still have another conversation with the applicant.

But I will say that when I look back in the file, we have a letter of support by the Eckington Civic Association, also a resolution about ANC 5E in support of this
project.

What I heard loud and clear from the applicant was that he's been, I guess, working with this community for a long time. It was a difficult spot to develop. I took all that into consideration.

While I don't necessarily have any architectural issues, I think that in the letter from Exhibit 55 -- I guess it's 55-55D, it speaks about some of the changes the applicant has done.

The revised plans include the shadow studies, construction vibration analysis from a structural engineer. I think this applicant's been very responsive to that community.

And one of the things that was said by the applicant that really stayed with me was that he had worked with the neighborhood quite a bit.

And one of the things I asked, not that this is a criteria, but one of the things
that I asked at the hearing was some of the folks who with the Konkel party and others who were, not necessarily Ms. Konkel herself, but some of the other party members, how long have you been in the neighborhood.

Not that that's a criteria, but I think we need to be predictable. I think when people work with our neighborhoods and come to an agreement, especially when I see a letter of support from ANC 5E, Eckington Civic Association and others, I think they have put the time and effort in.

I'm not saying that just because you moved there a week before and now you're against the project, I'm not saying that's an issue but I think -- I took that in consideration as long as the land -- as far as the land use.

And I will be actually voting in support of this project. I think it's a very difficult site to build. I think the applicant has dealt with some of the loading
issues as required, and that's just where I am.

Let me open it up for comments. I just wanted to tee it up. Okay, anyone else?

VICE CHAIR COHEN: Yes, Mr. Chairman. This morning I actually got woken up at 7:00 am by some drilling on the road outside my house and, you know, it woke me up.

I understand that they could start drilling at 7 o'clock because that's what the building code allows, but they did kickoff at 5:00 pm, which helped my sanity because I do work at home.

I think it would actually be very beneficial if the applicant did offer a two-hour leave time for construction so that when people do come home from work they can have dinner or prepare dinner in peace, like watch the new, whatever.

I know the building code allows until 7:00 pm, but it is nerve-wracking to live right adjacent or behind or nearby a lot
of construction noise.

So I would encourage that -- I know it's not being proffered, but I really think that as a good neighborly policy I would urge them to consider kicking off at 5:00 pm. 

A lot of construction work does stop in the city at that time, and that's just my personal opinion from experiencing it firsthand today.

So, it is something that people do live with. It becomes temporary, but it's like an 18-month construction period and it would just be a very good neighbor policy.

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

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I think one of the things was the redesign of the loading dock, putting it off on the side not directly off the alley but rather on the short side alley leading into Florida Avenue.

I think that alleviates a lot of
concerns about vehicles turning into the alley by the backs of the residential homes there. So, I appreciate that. I think that was a significant change.

CHAIRMAN HOOD: Okay. And there was one other point that was in the Exhibit 56 from the report of the party I wanted to comment on. Well, I'll just say this in general.

We typically don't instruct or demand, and this might not even be the case, but we don't instruct or demand anyone to meet, especially after a meeting, we basically ask.

We can't make people meet, but I think it's good, good community and good neighbor policy when developers who are moving to a neighborhood where people live at meet and be the -- do the good neighbor policy.

And I just was reading over the weekend somewhere, and I think this was the case, I'm pretty it was, about the Zoning
Commission instructing. And I don't think --
that's not within our purview to instruct. All we do is ask, and I wanted to put that on
the record.

And also I want to say that I want
to thank the applicant for doing that. And
also Mr. Burns and Mr. Konkel for this letter.

I think a lot of this stuff --
when I review Exhibit 56, which is a letter
from the party in opposition, while they still
have some issues; the construction management
plan, the vibration, the structural engineer,
those things are named on the record.

The applicant has went again to
another extent to reach out, and I just was
very satisfied with the responses that we have
here on the record. So, any other comments?
Commissioner Miller?

COMMISSIONER MILLER: Thank you,
Mr. Chair. I just would associate myself with
your remarks and those of Commissioner
Turnbull in support of the application moving
forward.

And I would just note to my fellow Commissioner Cohen, Vice Chair Cohen, that as for relating personal experiences, during the summer we had construction on two sides of our house; one by the city and one private property owner renovations. They did go from 7:00 am to 7:00 pm most days, Monday to Saturday.

There also was another renovation project across the street that had the same kind of schedule. It wasn't quite abutting our property, though.

It got -- it was somewhat jarring hearing the beeping of the little mini tractor trailer backing up all day. But, you know what, it got done quicker. The project ended sooner than it might otherwise have. And so the end of the summer was more peaceful.

VICE CHAIR COHEN: I'm happy for you, but at least it was the summer and it wasn't 18 months construction. You were
probably outdoors at a park reading zoning.

CHAIRMAN HOOD: Okay. Any other comments, somebody like to make a motion?

COMMISSIONER MAY: Sure.

CHAIRMAN HOOD: Commissioner May?

COMMISSIONER MAY: Yes, you know, I'm tempted to talk about hours of construction, but my personal experience with that has mostly to do with the fact that I want to start construction on my house at 7:00 in the morning and my wife is not awake at that point. So, my construction hours are more limited, but anyway.

No, I'm highly sympathetic to the concerns of the neighbors and I think it was, you know -- they made a good case for the concerns that they have.

Unfortunately, a lot of what they would like to see happen are beyond the bounds of what we can reasonable expect in a case like this. And we do see a lot of cases like this and we do want to take extraordinary care
to make sure that the neighbors are protected.

    I do think that the -- some of the changes, or at least one change that they made on this project having to do with the loading dock, was a significant change and will be a significant benefit and I think goes a long way to address some of the concerns.

    You know, when it comes to the height of the building and the fact that it's going to wind up casting more shadows, on a certain level that was inevitable given that, you know, the matter-of-right zoning on the property would have allowed a taller building than is there right now and so there was going to be more impact in the future.

    But, I will say that I believe that the building has been quite sensitively designed to keep that to a minimum and to reduce that feeling of height that you get.

    I mean, they could have had a much taller building up against the rear property line and they don't and I think that that's --
as I said, I think the building has been sensitively designed.

I also appreciate the fact that the applicant made numerous changes to address other concerns that we had. You know, the west facade has been improved in response to our comments, and I can't remember other things.

I also do think that the architecture of the building is quite fitting for the neighborhood. I think this would have been, you know -- we've seen some other projects that would -- in other parts of the city that are, you know, big glass boxes or, you know, much more industrial-looking.

I mean, this is -- this strikes a balance between the industrial and the residential feel and I think that it's -- it actually will work -- look very good and be very handsome in that neighborhood in the long run.

So, I think that's it for the
things that I wanted to say. Thanks.

CHAIRMAN HOOD: Thank you. Would somebody like to make a motion? Any other comments or would somebody like to make a motion in this case?

COMMISSIONER MAY: I would move approval of Zoning Commission Case 12-02 B&B Florida Avenue LLC, Consolidated PUD & Related Map Amendment at Square 3516.

COMMISSIONER MILLER: I second.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded by Commissioner Miller. Any further discussion? All those in favor? Aye.

(Chorus of Ayes)

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

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to approve proposed actions Zoning Commission Case Number 12-02. Commissioner May moving, Commissioner Miller
seconding, Commissioners Cohen, Hood, and Turnbull in support.

CHAIRMAN HOOD: Okay. Next we have Zoning Commission Case Number 13-06. This is the Office of Planning, Text Amendment dealing with retaining walls. Ms. Schellin?

MS. SCHELLIN: Yes, sir. On this case we have, at Exhibit 14, a supplemental report from OP, at Exhibit 17 a corrected supplemental OP report.

Exhibit 15, we had a request from the Neighbors United Trust to re-open the record, which was approved. And they also made a request to re-open the hearing, which was held for the Commission to consider this evening.

And we have -- you guys have received also the submittal that the record was re-opened from the Neighbors United Trust.

I think that's Exhibit 60.

CHAIRMAN HOOD: Okay, commissioners. There were some changes made.
While I thought that -- well, we need to -- well, re-open the record, but we need to consider the request for a rehearing. Well, not a rehearing, additional hearing because of additional change.

As was noted in the submission by Neighbors for United Trust, that part of the transcript where Ms. Schellin and I both said there would be time to comment, and I just wanted to throw that out there for discussion.

Due to the changes, did we think that we also needed to grant the request for an additional hearing because of the changes, or do you think we can accomplish that within the 30 days as was stated?

And then Neighbors United Trust and others will be able to make comments within that 30-day comment period. And I just wanted to put that out for discussion. Commissioner Miller?

COMMISSIONER MILLER: Mr. Chairman, while I think that the 30-day
comment period would provide that opportunity, I have no objection to the request.

I would be supportive of the request for an additional hearing so that interested persons could come before us and comment on the more lengthy text that is now before us, all of which, or a lot of which was addressing issues that were raised at the previous hearing.

So I'm not -- it's not really -- I agree with you with you that it's not legally -- well I don't know if you said this, but I don't think it's legally necessary, but I think it's a request that I don't think, if we had another hearing, would do any harm.

There are only two persons who testified at the previous hearing. If we get more comments, that'd be great. So, I have no problem with that request myself, but --

CHAIRMAN HOOD: Okay. And I think that the work that this group has put into it, and then I'll let others comment, but I think
that the work that this group has put into it, especially the author, I believe, of this letter, sometimes it's good to have those kind of sessions where you go back and forth in the comments.

I don't know if you get that, and I've been trying to think, I don't know if you get that in a 30-day comment period but we can kind of have that discussion back and forth about the change. But let me open it back up, commissioners. Anyone else? Commissioner May?

COMMISSIONER MAY: I don't see a particular need for the hearing. I think we could proceed without it, but if it's the sense of the Commission that we would benefit from it I'm perfectly fine with that.

This was an amendment that we were very interested in seeing happen. The retaining wall issue is a significant issue, as it borders the parkland in Washington in particular, but I've also seen how it can...
impact immediate neighbors.

And so it is something that we do need to address, but I don't -- it won't make a huge difference if we wind up doing another hearing before we actually start taking action on it.

I do have some questions that I would like to get clarified, in part based on the letter, but I'm confused by some of the new language that, you know -- from the Office of Planning, so.

CHAIRMAN HOOD: Yes, we'll come back to that. If we can just deal with this issue about the rehearing -- I mean the additional hearing. I keep saying rehearing.

Vice Chair?

VICE CHAIR COHEN: Thank you, Chairman. I don't see the necessity of having a public hearing. I think that the Office of Planning, the parties of interest and the Office of the Attorney General can handle the clarification to refine the terms and change
subsections. So, I think it could be accomplished within 30 days and we can go to final.

CHAIRMAN HOOD: Commissioner Turnbull -- let me go to Commissioner Turnbull.

COMMISSIONER TURNBULL: Well, Mr. Chair, I'd be delighted to hear from Ms. Gates again.

CHAIRMAN HOOD: Okay. So that's three votes. All right. Well, moving on. Ms. Schellin, let me ask this. Can we tie that in with the, I'm not going to say quick hearing, possibly maybe put it -- lump it with a hearing where we don't expect to take a long time?

(Momentary pause)

CHAIRMAN HOOD: Everybody just bear with us a moment.

(Off the record comments)

MS. SCHELLIN: I don't have any short hearings. We have a Georgetown further
processing and an amendment to their case. We have a second stage PUD case in October that we could tack them onto if you guys want to tack them on to those cases.

CHAIRMAN HOOD: Can we do a 6 o'clock?

MS. SCHELLIN: We could.

CHAIRMAN HOOD: That way maybe about -- from what happened previously, maybe probably about 30 minutes, 6 o'clock on one of those dates, whichever dates you have.

MS. SCHELLIN: Okay. All right.

CHAIRMAN HOOD: So, do we need to announce the date or -

MS. SCHELLIN: Oh, no. I have to advertise.

CHAIRMAN HOOD: Oh, we have to advertise it. Oh, okay.

MR. BERGSTEIN: What we're suggesting, the rules are kind of ambiguous about what happens in these circumstance. The charter requires that there be 30 days Notice
of Public Hearing before the overrule can become final. And that assumes the first Notice of Hearing.

It doesn't tell you what happens if you later have the hearing, adjourn it, and then decide you want another hearing. So I think the conservative thing is to do another 30-day Notice of Public Hearing.

You don't need the 40 that's required under the rules. You'd in essence be waiving that. But I think the conservative thing to do is to advertise it for a 30-day period in the D.C. Register.

CHAIRMAN HOOD: Okay. And anyone that's interested, Neighbors United, you can file it with staff and we should be able -- we should know a date for you.

MR. BERGSTEIN: And I don't know what discussion you're going to have on text and all that, but I'd be requesting the ability to work with the Office of Planning to clarify whatever text is needed for the
purposes of that Public Hearing Notice.

CHAIRMAN HOOD: Does anyone have any objections of Mr. Bergstein's request? No objections. Okay. So we'll start with you, Commissioner May, some clarifications.

COMMISSIONER MAY: Yes. Do we actually need to take a vote to re-open the hearing?

MR. BERGSTEIN: I think that's something you can do by consensus. I think even the Chair could probably do it on his own, so.

COMMISSIONER MAY: Okay. I just didn't know. Before I got into the -

CHAIRMAN HOOD: Include all of my colleagues. Does anyone object?

VICE CHAIR COHEN: No.

COMMISSIONER MAY: No.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: Okay?

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: So, I have two
questions that came about based on the report that we got from the Office of Planning. One is that -- and I'm not looking for answers today. I think these are things that you can look into and address when we have this hearing.

The way I read it, 412.8 and 412.11 seem to be conflicting because in the one case we're saying that a retaining wall, if it's a certain type and height, would constitute a structure and, therefore, be counted in lot occupancy.

But then we're saying that anything that's not above the main floor of the main building would not be calculated as lot occupancy. And that second one kind of wipes out a lot of the reason for having this rule in the first place, in addition to conflicting directly with 412.8, the way I read it.

The second is that -- do you follow me on that? Yes, okay. And so then
the second thing is that I don't feel that we have, you know, based on what we heard on the hearing, adequately addressed the condition of a retaining wall in a rear yard when it abuts an alley. And I think that was the circumstance that Mr. Eckenwiler was testifying about in particular.

And I wonder if there's a way that we can fashion a rule that's not too dissimilar from what you have on the front yard circumstance because we certainly have front yards where the house is high above the street and there's a need for a retaining wall.

And if we're doing, you know -- if that occurs in the front, it can often occur in the back as well, and sometimes, you know, people have garages built in the -- I mean, we just dealt with a PUD that had very high retaining walls in the back and they wouldn't be legal here.

But they were probably retaining
the earth at the natural grade that had existed at some time rather than being fill. And they're not abutting anything that -- where it causes a problem for an adjacent neighbor.

So I think that we need to address that a little bit more clearly. And maybe we do have an overall height and then could go above it with a variance or a special exception, or rather a special exception.

But I think it should be addressed more clearly than we have now in the language that you have. I think those were the big issues that I had. Thank you.

And thank you for the detailed report. It was very helpful understanding what was, you know, bringing it all back because I don't carry all that retaining wall language in my head. Thanks.

CHAIRMAN HOOD: Okay. Any other comments? Commissioner Miller?

COMMISSIONER MILLER: Thank you,
Mr. Chairman. I would concur with Commissioner May's comments about the retaining wall that abuts an alley, particularly where there's that sloping situation.

And I also separately would note that in OP's report they make a comment that, "Although not part of the proposal, OP would not oppose allowing relief from retaining wall regulations by special exception," it says, "other than variance."

Would that mean -- is it currently the proposal that you can only get relief by variance and not be special exception?

MS. ELLIOTT: As it's currently drafted, a variance would be required because we have not listed specific criteria that would relate to a special exception.

COMMISSIONER MILLER: I would be open to allowing the relief by special exception so that the adverse impacts could be directly looked at as the primary reason why
you're allowing it or not allowing the retaining wall, but that's just me.

I'd be open -- I'd be interested in hearing testimony and your further comments on that point.

CHAIRMAN HOOD: Okay. Any other comments? Okay. We did -- we opened -- we're having a rehearing by general consensus, and Ms. Schellin will follow up. Do we need to do anything else? Any other comments? Okay.

All right. So we will take this up on an additional hearing and deal with it at that point and hopefully we can attach it to another hearing. Okay. Let's move right along.

Let's go to -- on the hearing action, Zoning Commission Case Number 08-34D Capitol Crossing IV LLC & Archdiocese of Washington Holy Rosary Church Modification to first stage PUD at Square 566. Ms. Elliott?

Oh, it's Mr. Goldstein, I'm sorry.

MR. GOLDSTEIN: That's fine. Good
evening, Mr. Chairman and members of the Commission. The applicant is requesting a modification to a first stage plan unit development, which is order number 08-34.

As background, the applicant requested this past July a second stage PUD for new Holy Rosary Church facilities, which is one component of the larger development above the Center Lake Freeway.

The Commission heard the application at the July 29, 2013 public meeting and voted to set it for a public hearing.

However, at the meeting the Commission determined that the applicant should file a request to modify the first stage PUD to accommodate an 8-foot increase in height of the Holy Rosary Church facilities.

OP recommends that the modification before us tonight be set down for a public hearing. The limited heights increase should not be -- would not be
inconsistent with the intent of the first stage PUD, and the planned Holy Rosary additions would still conform to the general footprint, scale, and use of the original approval.

OP also notes that the applicant has requested that the Commission hear the modification concurrently with the related second stage PUD, and OP has no objection to that. I'm available for any questions, and thank you very much.

CHAIRMAN HOOD: Thank you very much, Mr. Goldstein. As stated, we will hear this case and we've asked the -- I guess the applicant put everything together who is going to hear this for 08-34C, which is customarily what we do when there's a change to the first stage PUD.

Any other questions or comments? Okay. Any other questions, comments? It's so nice to have our director. She's doing a fabulous job here in the Office of Zoning,
fabulous job. Okay. So, anybody like to make a motion?

COMMISSIONER TURNBULL: Mr. Chair, I would move that we approve Zoning Case Number 08-34D Capitol Crossing IV LLC & Archdiocese of Washington Holy Rosary Church Modification to first stage PUD at Square 566, and this would be held with 08-34C.

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

COMMISSIONER MAY: Mr. Chairman, I would like to second, but I would like to second setting it down as opposed to approving it, the language that you used.

CHAIRMAN HOOD: Mr. Turnbull must be trying to hurry up and get home for some reason.

COMMISSIONER MILLER: I think he meant to say approve the set-down.

(CROSSTALK)

COMMISSIONER TURNBULL: I was approving the set-down, you're right. You're
absolutely correct, Mr. May.

COMMISSIONER MAY: I would second that.

COMMISSIONER TURNBULL: Thank you.

CHAIRMAN HOOD: Okay. It's been moved -- thank you, Commissioner May. It's been moved and properly seconded. Mr. Turnbull, are you in a rush to get home?

COMMISSIONER TURNBULL: No comment.

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

(Chorus of Ayes)

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

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to set down Zoning Commission Case Number 08-34D as a contested case. Commissioner Turnbull moving, Commissioner May seconding, Commissioners
Cohen, Hood and Turnbull in support.

And I just want to confirm that all documents will be filed in the one case 08-34C. Is that what the Commission wants, that all documents would just be filed in the one case? Yes? Okay.

CHAIRMAN HOOD: Okay. Let's go to the Zoning Commission Case Number 08-06A. This is the Office of Planning, Zoning Regulations Review Title 11, DCMR. Ms. Steingasser, do you want to lead us off?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: Okay, Ms. Steingasser.

MS. STEINGASSER: All right. Good evening, Chairman, Commissioners. At the dais with me is Mr. Lawson and Ms. Elisa Vitale, who has been instrumental in helping us get these regulations revisions to where they are this evening.

So let's talk zoning. So, tonight we're going to give you a quick presentation
of an overview of what -- of how we've gotten to where we are, what the planning and zoning context was that led us to these recommendations and proposals including the comprehensive plan, some growth trends and zoning analysis.

These are going to be very high altitude. There are not going to be a lot of detail. We're also going to go quickly through the process to-date. The guidance provided to the Zoning Commission, what that guidance means, the outreach and the proposals, and then give a recommendation.

Our recommendation is going to be primarily focused on process and how to proceed and how to set public hearings. And then we'll talk about OP's role when we get those public hearings, should the Zoning Commission proceed.

So, our planning and zoning context. The first question -- and some of these slides may be familiar to you in one
form or another. The first question that's always asked of us is, why now?

The current regulations that we're dealing with -

CHAIRMAN HOOD: We turned the lights off so everybody can see. Do you have a light down there? If you turn it, it should come back. There you go. Okay.

MS. STEINGASSER: We were originally adopted in 1958. The population was much larger. It had a much higher -- a much larger household rate. Right now our population is growing again. Our household size is getting smaller.

In 1958 this was pre-Home Rule, it was pre-Metro and Mass Transit, and it was pre-the right to vote for presidency. Seventy-eight percent of our current residents are younger than our zoning regulations.

And the zoning regulations, while they have served us, they have been a very loyal companion with over 1,000 amendments to
the code to-date.

We start with our comprehensive plan, which was adopted in 2006. It gave very specific direction on how to proceed, and to look at the substantial revisions and reorganization of the zoning regulations.

It suggested everything from new definitions to updated development and design standards, and even the creation of new zones. So that has been kind of our guiding comp plan policy right there.

The comprehensive plan in 2006 was adopted. It was amended in 2010. It had some major themes that talked about different parts of the city, uses, designs, PUD processes, foreign missions, parks and open space, and so forth.

It also sprung from an inclusive city, talked about -- which includes in its major statements, managing growth and change, creating successful neighborhoods, connecting the whole city, building green and healthy
cities, and increasing access to education and employment. I want to make sure I hit my –

So we also look to the One City Action Plan, which was set out in 2012, and it's organized into three overarching goals and talks about -- again, it builds from the comp plan which builds from the inclusive city, and talks about growth and diversifying the city's economy.

It talks about education and preparation of the workforce for the new economy and the quality of -- and improving quality of life for all. We took all of these very closely to heart as we looked through the zoning regulations and proposed what you'll see hopefully this fall.

There's also an economic development strategy for the District of Columbia that got to many issues, that looked -- that kind of sets kind of a guidepost for the District and moving forward in its economic development policy. This also played
into some of our recommendations.

We also looked closely at the Sustainable D.C. Plan, which was just adopted this year. This was an incredibly, what's the word I'm looking for, forward-thinking document that talks about making D.C. a sustainable leader in the nation.

It deals with everything from relieving pressure on our storm water infrastructure, reducing long-term floods. It looks at expanding access to fresh foods, promoting telecommuting, protecting and expanding tree cover, and green landscapes. It looks at increasing agricultural uses.

It calls for a 50 percent reduction in trips by automobile, and increasing trips by transit, walking, and bike. It calls for an increase in urban density to accommodate what is a clearly growing urban population downtown.

And its plan, as well, calls for modifying the zoning regs to do such things as
allowing for accessory apartments and adjusting parking minimums. So we've looked very closely at this particular regulation.

Some of these elements the Zoning Commission has already adopted through our work on the Green Area Ratio impervious surface requirements. So we'll be -- those also fed in to our policies.

So then we stepped back and we took a look at the city, and we looked at our population trends and our land use background, and how the zoning regs and the comp plan direct the city.

Our household size, as this slide shows, we did a -- we looked back at 1950. This is clearly just a quick snapshot. The population was 800,000 in 1950. In 2010 it was only 601,000. It was a clear 25 percent drop in total population.

But what's interesting here is the size of the households. Our number of households went up while our total population
went down, due to the average size of household dropping dramatically by almost 34 percent.

We looked at the trends as well and how the population has been changing in terms of age groups. Obviously since 2000 we've seen a very healthy and steady increase in population.

Last year -- at our last count, which was July, 2012, we were up to 632,000, which is since the year 2000 when we had a population of 572,000.

So this is, again, just an illustration that kind of shows some of the graphics of how the population is changing over the last few years.

I'm trying to get my notes here. We also stepped back and took a quick look, based on the comp plan categories, what is the land use distribution in the city? How does the comp plan -- and by this I'm talking about the map categories, the future land use map.
Obviously our largest land use category in D.C. is residential, and that includes all residential categories of land. It does not include residential development within commercial zones, but it does include everything that's yellow, peach, brown.

What's interesting is our second largest land use category in the District is street right-of-ways. And granted, Washington has some very large, especially in the older city, rights-of-way, but it's a very large percentage, second only to residential, followed then by open space and park land.

So that got us to thinking, you know, 46 percent of our city is in either open space or rights-of-way so it's not being developed for land use. So then we started looking at what's our taxable land base.

This goes through, based on our records from the Office of Tax and Revenue, the different categories of tax-exempt lots based on 2011 tax records. As you can see on
the very bottom, 39.4 percent of the District is tax-exempt of our land area, which is an enormous amount of land to be off the tax rolls.

So then we also stepped back and we took a look at the zoning ordinance, and this is just kind of an analytical look at the regulations. We started by looking at the FARs, and as you can see, we tried to somewhat link these colors to the comp plan.

We started looking at the residential, which is over on the left, and its distribution and FAR as you go up by use category. We did the same for commercial, industrial, and then the waterfront zones. And there, as you would expect, you know, they rise up as the zones increase.

We also took a look at the heights and we compared them both to each other and both within the zone category and within use categories, just to get a sense of how they sit together.
We then intertwined, interlaced them by commonality, so how they fit -- how the FARs fit together irrespective of their zone categories. And we started to see some real commonalities in how the zones laid themselves out.

We also took a look at uses, and these numbers represent the number of uses in the current regulations. So as you get into the commercial zones, there's over 500 uses.

You can see there they tend to hover in basic groups, which has always not been a surprise to anybody who's familiar with the zoning regs, that in D.C. it really is about uses. They are really what separate the zones out.

We then took a look at those lots that have minimum lot areas. Those fall between the R-1-As and the R-4s, which are the low to moderate density residential zones. They're the only zones in the city that have a minimum lot area. And we found some really
startling studies here.

We looked at the number of lots that are conforming to the current minimum lot areas. In the R-4, 59 percent of the record lots in R-4, in the row house zones, are nonconforming to the current code. They were pretty much nonconforming the day the code was adopted.

We looked at R-3, which is over 54 percent is nonconforming, then in R-2, again, we're up to 57 percent nonconforming.

It's not until we get to the R-1-A that the nonconforming becomes fairly, I don't want to say marginal, at 22 percent that's still a pretty significant number, especially if you own one of those properties.

But it did make us realize that these lot areas needed to be looked at in terms of how the development standards apply to these lot areas, and what it means to the homeowners who own these properties when they try to build or expand or improve their
property.

So, that kind of gave us a little framework as we started to head into the zoning work and the revisions, both in terms of the comp plans, the other development, and sustain -- and environmental policies, as well as just kind of an analytical understanding of what the zoning regs told us.

So then we started the process. We started with a series of working groups that we went over with the Commission. The Commission kicked this process off in 2007 with two roundtables held here in June and July.

We were then -- OP then followed up with 81 workgroup meetings. These meetings were almost all held in the evenings. They discussed these topics.

They gave us feedback. We looked at different issues in terms of the context -- I'm sorry, in the context of the comprehensive plan and the polices and the zoning
regulations.

These fed into recommendations that the Office of Planning then took to the task force. We had 42 task force meetings. The task force provided additional feedback, and again, the task force was a body that was created by the Office of Planning.

We invited various stakeholders and councilmen to provide appointed members. They then provided feedback to the Office of Planning from the perspective of their representatives. The group met -- started in the late fall of 2007 and completed in 2013.

We then also took several meetings out into the community. We accepted every invitation that we could. We had over 100 community meetings and ANC meetings.

We had those broken down, and they were provided to you in your sit-down report, dates and what the community was that we met with.

Eight of those meetings were
OP-hosted meetings that we did this fall in December and January -- I'm sorry, this last winter in December and January. The Commission, we've gone through basically through our major recommendations.

We took those out to the public and got a lot of feedback. That feedback then influenced a lot of the changes that were made to the regulations, including format. And then we've spent the last spring and summer working on those.

In addition to the face-to-face outreach, we've also done a lot of electronic outreach. We've -- both on our Web site, the Planning D.C. government Web site, as well as the D.C. Office of Zoning's government Web site, we've also created a Web site back in 2007 called D.C. Zoning Update.

That has become a library and archive of all of the documents produced through this process, including minutes from the working groups, minutes from the task
force meetings, documents that were provided to the Zoning Commission, hearing reports to the Zoning Commission.

We also then created, last year, a blog site which is a little bit more interactive. That's the ZoningDC.org. We post a lot of, again, updates. It's a site that OP controls directly so we're able to be much more responsive much more quickly on that Web site.

We've linked it to some of the other District Web sites as well. So we've had a lot of interaction and outreach through documents, all of which are publicly accessible. They all link to the zoning regulations either directly or through assorted Web links.

We've also held two, what we called, Twitter town halls in January, and those were for an electronic conversation with people who Tweet. And we spent an hour on two different occasions interacting with people
electronically through that outreach.

A lot of the recommendations we brought to the Zoning Commission, and the Zoning Commission held a series of public hearings.

You've had 19 public hearings on the zoning regulations to-date. You've had 40 public meetings where you've discussed either the public hearings, the guidance given to OP, or just general issues with the Office of Planning.

The Commission gave us guidance, and I want to be clear because a lot of the commissioners are new. The guidance is not binding. There was no motion with a second in action. It was direct feedback in response to issues that OP brought before you.

So, if new commissioners have other issues they'd like us to look at, we're happy to take those up. A lot of the guidance given to the -- not a lot, but some of the guidance issues that the Commission gave to OP
had caveats.

Like you were interested in seeing where that might go with no commitment that, yes, you were going to support it or, no, you were not going to support it, but that some of the things you were just interested in OP looking at and bringing back to the Commission.

Some of the things OP has ourselves researched in great detail, and then found that they didn't work. And the most noticeable example was on a planned unit development, the idea of kind of a point-based system.

We worked on that for several months and realized it was not in the spirit of what a planned unit development. It did not allow for the flexibility that neighborhoods and ANCs, as well as the Commission, I'm going to say enjoy but I'll go with work with. So we backed away from that.

But that was guidance that the
Commission was open to. We looked at that and found that didn't work.

So there is still opportunities and what's important is that the Commission knows that you can still, obviously, give us additional comments on this.

The Commission did adopt some text on the zoning rewrite. It had to do with original guidance, original text on the Green Area Ratio, which we've since modified and re-adopted into the current code.

There were some rules on height measurement, several administrative amendments which came through in the Zoning Commission case last December.

You also took some action on general rules for parking and loading, bike parking, and several other items. Those actions are in the D.C. Register. They were published as final action. They were not effective. They were held not to be effective until the entire zoning code was revised.
We have used that language wherever possible and incorporated it into the new format. The format that was provided to you at the end of July is a little bit different than what was originally presented back in 2010 -- in 2009.

So that language will look a little bit different and we'll work with OAG on how to make sure that that's rectified correctly.

So in general, top-down, our new proposal includes a new structure. A lot of those structures are a lot more familiar now than they were three years ago when some of the first drafts came out. We've provided in the Commission set-down packet a chapter-by-chapter summary of proposals.

When we get to the hearing, we will work backwards and we will give you a detailed analysis of the proposals that are in the subtitles. The subtitles are a new structure that we worked with the Office of
Documents to get permission to use.

They preferred chapters, but we convinced them to allow us to work within subtitles. It seems like a small bureaucratic thing, but it allowed for greater flexibility in the way we arranged the information and materials. So we'll be bringing that to the Commission.

Finally is our recommendation. Let me grab my notes on this. So, our recommendation to the Commission tonight is that you set the case down for public hearing.

Now, this is a little bit different than a usual sit-down in that you usually have a nice, polished, refined piece of text that is ready to go.

Due to the volume of this particular document, we gave you, in July, a copy of our working draft, we've been posting errata sheets to show you as we continued to clean up and move some information around.

We do recommend that the case be
set-down for hearing. We think it's important for -- definitely for the Office of Planning to hear from the Zoning Commission as to what your direction on some of these issues, and for the Zoning Commission to hear from the public.

There's a lot of pent-up opinions out there that the Commission -- that are waiting to try to get to the Commission and be voiced.

We recommend that the hearings be scheduled on consecutive evenings and that they be grouped as closely together. We're recommending, if the Commission is open to it, that they run Monday, Tuesday, Wednesday, and Thursday in one week and followed by the next week, if possible.

We think it's important that the information be held together, that the conversation and the material be addressed in a way that can be easily organized and remembered.
We're recommending that each hearing be on a specific and advertised subtitle, that it not be just an open free-for-all to come in and give comments on Title 11.

We think, for the Commission to follow the material, for the public to follow the material, that it be very focused on one subtitle at a time. We're able then to manage the input of material.

We're recommending that the Commission waive Section 3021.5 G and H, which is the order of process for the hearings. Right now the Commission hears persons in support, and then the persons in opposition.

We're recommending, due to the depth of material and positions in every subtitle, that the Commission allow a witness to testify in order of registration.

For instance, in any particular subtitle or any particular topic, even if it's just penthouses or roof structures, there may
be elements that an individual is very supportive of.

But there may be other elements that they don't support, and there may be other elements that they just want to give the Commission some advice or comments on.

So rather than have people be bouncing back and forth up and down, we suggest -- we're recommending that the witnesses be allowed to testify in the order of their appearance.

So the draft text itself, we have been providing the Commission with some of the errata sheets, we've been posting the errata sheets up on our website as well.

If the Commission chooses to set the case down this evening, we will provide one clean copy tomorrow that will be uploaded through ISIS, with the Office of Zoning, and it will be -- we will work with the Office of Attorney General on the Public Hearing Notice.

And we will post -- we will not
post any additional working documents after that date until such time as the Commission holds the Public Hearings so that there can be one document that everybody is familiar with that has no additional changes, no more errata sheets, that will be linked to the Public Hearing Notice with the opposite documents, the D.C. Register, and it will be available upon ISIS.

So with that, that is our recommendation. Oh, yes, we have one other very important thing. This is the order that we're recommending the hearings be held.

We feel that one night should be enough for Authority, Mapping, Board of Zoning Adjustment, and Zoning Commission Rules of Procedure.

We've tried to identify what we think to be the more controversial issues within each grouping, and we've tried to keep them as dispersed as possible.

Obviously parking, loading, and
bike parking are the most controversial based on all the outreach and information we've heard. We're proposing that there be at least two nights set aside for parking.

We believe most things could probably be heard in one night beyond that one, but we do think at least two nights should be set aside for parking. And again, this is the order we're recommending that they be heard.

We think definitions and uses could be heard in one evening. Residential house, which is the R-1 through R-3 zones, be heard in one evening. The controversial elements there are the accessory apartments and corner stores in the R-3 zones.

We've also proposed a new subtitle and a new category of uses which we're calling residential flats. That includes our traditional R-4 that we're used to.

We're also proposing two new zones in that category, which would be a zone that
would allow three units per building and a zone that would allow four units per building. The purpose of that is to try to bridge that gap between the flats and the apartments.

One of the biggest things we learned when we were out dealing with a lot of the neighborhoods in the inner-city was they didn't realize they were ever zoned for apartments.

And that was part of the shock and awe when developers would come through and start cutting up these larger row houses. And so we thought this is a way to try to control that artificial subdivision of these larger, older row homes.

General rules, again, that gets to parking by parking, loading. It also gets to rules of measurement, courts, inside yards, and things like that.

Mixed use is what we now call commercial zones, special purpose, and waterfront zones. The neighborhood mixed use
are what are created through the application of the neighborhood commercial overlays.

And then finally the downtown production, distribution, and repair, which are industrial zones. And what we're calling special purpose subtitle, which includes zones that are written specific to a small area plan; Union Station North, Southeast Federal Center, Capital Gateway, St. Elizabeths, and then Walter Reed.

They'll all be in there. We don't expect any controversy. We've proposed no changes to those. And, like I said, they're tied.

So with that, I'm available for any questions the Commission may have.

CHAIRMAN HOOD: Okay. Ms. Steingasser, I want to thank the Office of Planning for this report that was put together. I will tell you this commissioner found it very easy to read, but I will say this.
Nothing is definite. Everything is subject to change. And I'm going to put that out there first before somebody thinks that we are mandated to go exactly by what we see here. There's going to be discussion between the Commission. But understand everything is subject to change.

Okay. I'm not going to start off on this even though I have a few comments, but I will open it up to my colleagues.

And if my colleagues disagree with what I said, everything is subject to change, just let me know. Let's do it publicly. So let me open it up for comments. Who would like to get us started? Commissioner May?

COMMISSIONER MAY: All right. I always have something to say. Well, first of all, thank you very much for that presentation and the report and the giant tome that you gave us on July 29th, and for the electronic copy of it because it's a lot easier to carry around electronically than it is on paper.
CHAIRMAN HOOD: Let me interrupt,
I'm sorry. My notes are here. We're going to
deal with -- and forgive me.

COMMISSIONER MAY: Oh, yes.

CHAIRMAN HOOD: We're going to
deal with the set-down first.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: And then we're
going to do the process second.

COMMISSIONER MAY: I see.

CHAIRMAN HOOD: So let's go in
that order.

COMMISSIONER MAY: All right.

CHAIRMAN HOOD: Okay, Commissioner
May?

COMMISSIONER MAY: I'll focus on
the issue of set-down.

CHAIRMAN HOOD: Okay, thanks.

COMMISSIONER MAY: Okay, good.

Thank you. I appreciate the reminder.

Anyway, it's very clear that this has been
just an absolutely Herculean effort.
And I appreciate everything that has gone into it from the Office of Planning working on it for all these years and the members of the task force and all of the people who have contributed so far. Excuse me one second.

CHAIRMAN HOOD: I would ask that -- come on you all. I would ask that we don't protest, signs and stuff. Actually, I would ask you all to please put those down. We have a long way to go.

You can come back and testify at the appropriate time, but I would ask that you put those down if you don't mind, please. I would ask that you all put those down.

There's going to be plenty of time for discussion, comments. Let us deal with this tonight. Please, let's not start it off wrong let's work on this.

So, I would ask that you all put those down. If not, I'm going to take -- believe me, I would love to take a ten minute
break right now to see what's going on and have you all escorted out.

So I would ask you all to put those down at this point. I won't ask you a second time if you'll put those down. One of you all are my former classmates, so I'm going to ask you if you would please put that down.

Thank you very much. Okay, Commissioner May.

COMMISSIONER MAY: Okay. So as I was saying, it's clearly been quite an effort, and I know that many, many people have contributed to this effort.

I have spent a fair -- well, a lot of time already reviewing what we have, and I look forward to seeing the updated version because hopefully it'll take care of some of the questions that I've already compiled for you.

And anyway, I think that while there may be lots of things that could be fixed fairly immediately before we actually got to set-down, I don't see any purpose in
going through that.

I think we just take what we have right now in the form of what we have seen and the errata and proceed with setting it down for a hearing, and then we can talk about how.

CHAIRMAN HOOD: Vice Chair, you want to go next?

VICE CHAIR COHEN: Thank you, Mr. Chairman. I know this is to discuss set-down, but I just want to kind of share with everybody that everyone who is involved in this process and everyone who will be involved in this process cares about the city. We live here and we love it.

And some of us just disagree on a number of things, but I think that we're all adults. I think we should learn to respect each other, and I think we can work together to make this a fine document that any city would be proud of.

People have put in hours and hours, including myself. I've read the whole
document from July 29th. I'm very proud of it. That's why I'm stating it for the record and my colleagues. I even sent them emails.

One of the things I just want to assure that the basis should be respect and listening to everybody, and I assure you that's one of the things that I know my colleagues and I will be doing.

The one thing I also want to state is I think we should move ahead and set-down this extensive document. It has a lot of areas in it which need to be discussed.

And I just wanted to repeat that I concur with my colleague, Commissioner May, that we should set this down.

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

COMMISSIONER TURNBULL: I just wanted to echo the comments of my colleagues. I think I want to thank the Office of Planning and other members who were on the task force, the working groups.
I think this has been a -- the word was Herculean effort. It really was. And I look forward to setting this down and going to the next stage.

CHAIRMAN HOOD: Anyone else?

Commissioner Miller, you and I are left?

COMMISSIONER MILLER: Thank you, Mr. Chairman. I would just associate myself with my colleagues' remarks. This has been a very lengthy process that began over six years ago, or about six years ago or more.

So I think a lot of people have participated, the public has participated, and the Office of Planning has worked hard on this, and a lot of people have.

I think we've gotten to a better point along the way with all of the public input that has occurred so far, and we will get to an even better point when we get through our Public Hearing process. So I look forward to the Public Hearing testimony and moving forward with a revised Zoning Code.
CHAIRMAN HOOD: I would agree with all the comments I've heard. I don't have any more to expound upon. I don't want to be redundant, so let's get started. Would somebody like to make a motion?

VICE CHAIR COHEN: I think this is okay to do.

CHAIRMAN HOOD: And this is just for set-down. We're going to talk about the process.

VICE CHAIR COHEN: Correct. Mr. Chairman, I move to set down Zoning Case Number 08-06A Office of Planning Zoning Regulations Review title, is that two, DCMR. Can I hear a second?

CHAIRMAN HOOD: Title 11.

VICE CHAIR COHEN: Title 11, I'm sorry.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: Okay. So it's been moved and properly seconded. Any further discussion? All those in favor? Aye.
(Chorus of Ayes)

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

MS. SCHELLIN: Yes, sir. Staff records the vote 5 to 0 to 0 to set down Zoning Commission Case Number 08-06A as a rule-making case. Commissioner Cohen moving, Commissioner Miller seconding. Commissioners Hood, May, and Turnbull in support of set-down.

CHAIRMAN HOOD: Okay. I would like to also call -- now that we're going to talk about process, I would like to call our correspondence item, which is -- I don't know what exhibit number it is -

MS. SCHELLIN: It doesn't have an exhibit number because at the time it was submitted there was no record.

CHAIRMAN HOOD: Okay. And that's Committee 100 of the Federal City who has given us some things that we actually asked
for. So I guess we will waive our rules on 3021.5 G and H.

Do I have any objections to waive those? Is that -- no, I don't need to do that. Let me just call this correspondence item without process, and let's take those both under consideration at the same time. Okay. Any objections?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: Okay, no objections. As you all notice, the Office of Planning has made some process -- has recommended some process, and the only response we've gotten is from the Committee 100.

And I think -- I don't know -- the best way to proceed is first let's see whether or not -- let's talk through the Office of Planning's procedural way that they're recommending to us. And I think really we can begin on Page 2 where it says Public Hearing Schedule.
One of the things that I did notice in the submission from the Committee 100, they asked us to be flexible. I think you'll find that this Commission is definitely going to be flexible and want to be considerate, even some things that we may be proposing at the end of this conversation.

Let's start off with Public Hearing Schedule. I think the schedule looks good. I don't know if we could hardly tell how many nights we're really going to need, but we can start here.

One of the concerns -- and I will say this is again -- and I know that those who have been at the task force meetings and those who have been in the work group meetings will probably know this better than I would.

We may have gotten it to a point where we can hear PUDs and campus plans procedures in one night. It may happen, it may not. Again, that's why I want to leave some wiggle room just in case it doesn't.
I'm not sure -- I wasn't at the
work force meetings. I don't know how close
we've come together. Everybody may have been
holding hands leaving the room, I'm not sure.

But if we don't, then I guess the
way I see it, colleagues, unless something
different, we go in this order. And if we
can't finish -- and I'm throwing this out here
for discussion.

If we go in this order and case in
point, if we don't finish subtitle D -- no
not D, I'm sorry, subtitle -- if we don't
finish the first night, let me say this, with
authority, mapping, general process, border
zone readjustment, and Zoning Commission, that
the next night that's being proposed, we don't
come back and continue it that way, so there
will be some predictability. Okay.

The first night, we're going to be
talking about authority, mapping, general
process, border zone adjustment, Zoning
Commission.
And then if we don't finish that, which I hope we will, then we will set a date on the back-end as opposed to saying, okay well, Tuesday or Wednesday, whatever the day is, we'll come back now and continue that because that way people will know whether to be down here or not if that issue's important to them.

So that's just kind of where I am and I'm just throwing that out there for discussion. Someone may have a better way. I don't have all the answers. I wasn't here the last time you all did this re-write. That was a joke; nobody got it. So I'm throwing that out there. Anybody want to comment?

COMMISSIONER MAY: The concern I would have is we don't want to wind up scheduling the continuation from night one to a hearing date two months later, right? We want to be able to handle them in relatively short order.

So maybe we actually need to plan
for an overflow day each week. I know this is going to wind up spilling us into possibly another week of hearings, but maybe we plan on Monday, Tuesday, Wednesday and then Thursday is the extra night.

And, you know, if we manage to get through it all Monday, Tuesday, Wednesday, then we got Thursday night we can all go play volleyball.

VICE CHAIR COHEN: Actually, I --

CHAIRMAN HOOD: I like that. I like that. I think that may work.

COMMISSIONER MAY: Especially the volleyball part, right?

CHAIRMAN HOOD: No, that part of it we can have another hearing. Okay, Vice Chair?

VICE CHAIR COHEN: No, I was going to just say that I agree with Commissioner May. I think that that's an excellent idea to have an overflow night each week.

CHAIRMAN HOOD: Okay. All right.
COMMISSIONER MAY: I don't think that guarantees that we're going to get through everything, depending on how many people we have show up, but I think that with all the efforts that we'll make to --

CHAIRMAN HOOD: They want us to give you the mic. Believe it or not, somebody wants to hear us.

COMMISSIONER MAY: Thank you. Anyway, we may not have enough time even as it is with just one overflow night per week, but I think that planning on that, at the very least, is probably a smart thing to do.

And then we really do need to get people to sign up in advance so we have a sense of how many people are going to be speaking.

I mean, they'll still be able to come down and be heard if you just show up, but it just helps us so much if we know in advance who's -- how many people we have each night to talk.
CHAIRMAN HOOD: And trying to put both of these together, even though I know it's set with Office of Planning, if we have -- again, we want to strongly encourage people to sign up. That would help us get a better reference.

Also, one of the -- in the letter from the Committee 100, they mentioned about maybe getting the old council chamber. We don't know -- and that's something I guess at this point I'll leave up to staff because we don't really know who's going to sign up or who's going to potentially come to sign up.

I'm not sure, but that's something that we would leave up to staff and see if we get those who sign up prior to the hearing, we would know whether or not we're going to be able to fill this room or if we're going to take it downstairs.

I'm not sure how exactly to work that out. But I think that was a suggestion that was made, but I agree if we have just an
abundance, we do need to move it to a bigger venue, if at all possible.

I know years ago it was hard to get that. Okay, I thought all those council members left, but I know years ago it was hard to get that downstairs at some point.

But again, that's something I would like to see left up to staff and Office of Planning because you all have a better idea of exactly how many probably we're going to have, at least that's my train of thought.

Okay. Any other comments on the schedule we're trying to work out, the nights and how we go about doing that? Again, this is a moving piece. Any other comments? Mr. Turnbull?

COMMISSIONER TURNBULL: Yes, thank you, Mr. Chair. I guess I would agree. We need flexibility. But if we're looking at a three week window for hearings, I don't know how that affects our regular hearing caseload.

I mean, it's going to take a little bit of
juggling, moving.

COMMISSIONER MAY: Do we have cases scheduled for the -- all the way around?

COMMISSIONER TURNBULL: Well, that's what I'm saying. I mean, I think --

COMMISSIONER MAY: And on Tuesdays and Wednesdays?

COMMISSIONER TURNBULL: -- take a careful examination of the schedule.

COMMISSIONER MAY: Yes, staff can work that out.

COMMISSIONER TURNBULL: Yes, I'm just saying I think the staff needs to carefully look at our hearing load and rearrange cases that we have, a window that we can use to do all this so that we can accommodate and get this thing done.

CHAIRMAN HOOD: You're right, because we do have our regular workload.

COMMISSIONER MAY: Yes. And we got applicants who are depending upon us hearing their case. So, I mean I think it's
going to be an interweaving of all of this stuff to make sure it works, but we need to give ourselves two, three weeks period to be able to get this done.

CHAIRMAN HOOD: Okay. And that's not certain either. We're saying that now, but that's not even certain.

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: Okay. But I think that's a good point. Okay. And I'm sure staff and Office of Planning is taking -- and OAG is taking all this into consideration. Okay, any other comments on that? Okay. Vice Chair?

VICE CHAIR COHEN: Thank you, Mr. Chairman. In fact, actually, I'm going to throw this out to my colleagues, and be gentle.

In an effort to actually do great outreach, be transparent and flexible, I think it would be helpful if we take to the road. In other words, what I'm going to
propose is that we actually go out into the field and sit with different wards, put them together so there's four additional meetings, like the adjacent wards, like one and two, three and four, five and six, and actually go out and see if there are any people who have missed testifying.

I just think that it's an important step for the Zoning Commission to take to be more inclusive.

CHAIRMAN HOOD: I'll just ask this for clarification. People who come down here to testify on specific issues, we'll go out there and just collect everything that we haven't collected from those who have not, not to hear redundant testimony, right?

VICE CHAIR COHEN: Absolutely not hear redundant testimony.

CHAIRMAN HOOD: So if you testified -- it is actually better to come down here and testify, but I kind of like that idea. I'm going to have to throw that up
because that's going to take a lot of work to
get the venue, to try to find a meeting place
for each ward.

So that's something, again, that's
more work on staff, but you're right. I think
it shows, again, that continued outreach,
which has happened prior to us, that the
Zoning Commission, hey, look, we're taking our
show on the road.

We're coming to you to give you an
opportunity to respond to the zoning re-write
review and the regulations in which we're
trying to put in place. And I think that's
something that we should just do, if it's
doable.

VICE CHAIR COHEN: And I guess I
think that some people, some groups may feel
that they're left out and this gives them an
opportunity to just, you know, come forward if
you have anything to say. If you couldn't
make it, if you feel that we didn't give you a
chance, this is it, you know.
I think that -- my feeling is that it would serve the purpose of our going local and just giving everybody the opportunity to be heard but not, as I said, redundancy.

CHAIRMAN HOOD: And we would do that on the back-end?

VICE CHAIR COHEN: Yes, sir.

CHAIRMAN HOOD: Okay. Any objections to that? I think that's an excellent idea. Okay. All right. Hopefully somebody's remembering all this. Okay.

The issue with the regulations and being consistent with the comp plan -- and I will yield to one of the offices of that.

But anyway, I think that everything that -- and I think that we had a submission behind tab A in showing how the processes were initiated and the comprehensive plan citation and how it's consistent with the comp plan.

Anything we do cannot be inconsistent with the comp plan, so I think --
I don't know if that's going to be an issue that arises, but if it does we definitely have to correct it.

That has to be corrected immediately. And again, that's behind the report that was given to us as far as dealing with that issue.

Again, we heard about the -- I'm just basically going by the same thing that Ms. Steingasser presented to us. Again, I like this condensed report. It was very well done with the meetings. It talks about the public outreach.

As the Vice Chair has mentioned now, we're going to do our public outreach also after we're going to have our hearings. People come down and testify in front of us by the subtitles. We're going to do our best to stick as close to a schedule as possible.

And then after all of that, we're going to go on the road to hear just everything from those who have not testified
and give them the opportunity.

    We may show up and everything's fine. We may go to two wards and only have one person come down. But we want to make ourselves available.

    At least that's the goal. If it's within the budget, if it can be done because I don't know how it all works. I don't even know the venues.

    Office of Planning knows what they did when they did the eight wards. We'll try to condense it. We want to do two wards at a time. I think that's a good idea.

    But let me back up and ask my colleagues if they want to say anything about any of this before I move further? Vice Chair?

    VICE CHAIR COHEN: Thank you, Mr. Chairman. I just want to confirm with the Office of Planning that copies of the zoning re-write is located in each library?

    MS. STEINGASSER: Yes, ma'am.
There's a copy, both the paper copy and an electronic disk copy in every library in the district. We also mailed a disk out to every ANC office on record.

COMMISSIONER MILLER: Madam Vice Chair, if I could follow-up on that. For the new clean copy that's going to be uploaded tomorrow, would that be provided there?

MS. STEINGASSER: It was not our intention to produce another 25 -- it was 25 copies, 1,000 pages per document. It was not our intention to provide an additional paper copy to every library.

COMMISSIONER MILLER: I think we need to get an additional copy, at least to one library, the main library in every ward or something.

I think -- I realize that's 25,000 pages that you just mentioned, which I'm not sloughing over, but the access -- we need to remove what procedural objections that we have the control and the budgetary ability to
remove procedural objections so that that's out of the way.

So as accessible as a hard copy can be of what's being uploaded tomorrow, I think that would be good.

CHAIRMAN HOOD: We don't need to take a vote on that, do we? Any objection? Okay, all right. Thank you.

VICE CHAIR COHEN: Mr. Chairman?

CHAIRMAN HOOD: Vice Chair?

VICE CHAIR COHEN: I don't know if you've given this to us I don't recall seeing it, but you indicated that you have had obviously many groups involved and professional organizations and advocacy groups.

Can we get a list of those so that we're quite aware that, you know, how broadly this has been reviewed? Like, if The American Association of Planners has seen it at least, you know, I'm aware of that.

MS. STEINGASSER: Yes.
VICE CHAIR COHEN: I just want to make sure we've covered everything that we can do the 100 put forward.

CHAIRMAN HOOD: Yes that's right -- I'm not sure.

VICE CHAIR COHEN: Okay.

COMMISSIONER HOOD: I'm not sure, I was in a sidebar. You're talking about the materials for where we got some of the studies from is that was one of the things that was requested. I actually would like to see that as we go along. We referenced it.

I think in your presentation tonight, Ms. Steingasser, you referenced that you - the studies that you all looked at. I think it was the lot occupancy I think it was. Even if you could tell us the references, where those studies were so we could do that?

MS. STEINGASSER: We'll be happy to do that. All of the studies are on our website for reference, but when we go into hearings OP will give a much more detailed
report with citations and background analysis.

CHAIRMAN HOOD: Okay. And in conclusion --

VICE CHAIR COHEN: The maps.

CHAIRMAN HOOD: Oh, okay. Do you want to comment on it because -

VICE CHAIR COHEN: Are we going to have these interactive maps that the Committee of 100 suggests or, you know, how are we going to demonstrate some of these topics? Will you have --

MS. STEINGASSER: I'm not sure what you're --

VICE CHAIR COHEN: Overlay maps and interactive maps, maybe -

MS. STEINGASSER: We don't have the capacity to do interactive mapping, but we will have maps that show, for instance, when we talk about corner stores there will be a map that shows those zones and where the current corner stores are and all the data that we've -- research that we've done and the
data we've collected about corner stores and the potential for where they could be, that kind of maps and background we will be able to provide.

VICE CHAIR COHEN: Okay, thank you.

CHAIRMAN HOOD: Okay. Anything else? Any other comments? Commissioner May?

COMMISSIONER MAY: We want to talk specifically to the request that we allow witnesses to testify as a panel on particular topics.

I think that what's proposed is that we simply take on a subtitle or multiple subtitles on each evening. I don't think it's really practical for us to have people coming forward topic-by-topic.

I think we need to keep it subtitle-by-subtitle because it would just actually in the long run wind up being more confusing to me to have, you know, everything done piece-by-piece, and it would also take
forever.

CHAIRMAN HOOD: Okay.

Commissioner Miller, do you want -- anybody else want to add something -- Commissioner Miller, on that topic or something else?

COMMISSIONER MILLER: Yes, I would concur with Commissioner May. And I think that combined with his previous good proposal, which everybody else liked and I liked, too, and said that to allow that overflow day each week will allow people to sign up together.

And they may be in an order that they are together and they can organize themselves in a way that they can be signing up speaking at the same time or a similar time.

CHAIRMAN HOOD: Now, the overflow day -- and this is why we want to make sure that we try to get this as straight as possible because, again, anything can change.

The overflow day, I was thinking we go by what the Office of Planning is
recommending, two days or one day or whatever for those subtitles.

And the overflow day would be on the back-end once we finish all six or whatever how many titles it is. That's what I was thinking in terms of overflow.

COMMISSIONER MAY: Yes, I mean we talked at one point about having an overflow day at the end of the whole three weeks.

I was actually suggesting that we, you know -- if we're going to be here Monday, Tuesday, Wednesday, Thursday that the first three nights would be the sections as identified by OP, and then the Thursday evening would be the overflow day.

And then we would start up again with Monday, Tuesday, Wednesday the following week or Tuesday, Wednesday the following week, whatever.

CHAIRMAN HOOD: Let me muddy the waters a little bit more. What if we stick to the schedule and the overflow day -- what do
we do when we go out to the wards, which everybody seems to think is a great idea, if we're able to do that. What do we do when we go out to wards one and two?

VICE CHAIR COHEN: I think that it's the end of the entire hearing cycle. And then, you know, if somebody in wards one and two did not come down, did not testify in front of us those days and felt that they have something to offer, we would hear them out.

CHAIRMAN HOOD: Okay, on any subtitle?

VICE CHAIR COHEN: Correct.

CHAIRMAN HOOD: Okay. So in other words, we would hear three days of subtitles, and on Thursday it would be wrap-up day on all the subtitles we heard on those three days or four days?

COMMISSIONER MAY: Not wrap-up, overflow.

CHAIRMAN HOOD: Overflow.

COMMISSIONER MAY: Yes.
CHAIRMAN HOOD: I'm reminded that we're not taking into consideration our already days that we have scheduled. So why don't we let Staff work it out. They know what we're intending.

We have another hearing -- I mean another meeting coming up the end of the month. I'm not sure what all needs to be advertised how we're going to do it, but we can fine-tune a lot of our discussion.

I'm sorry, we can fine -- most people don't want to hear what I have to say.

We can fine-tune a lot of our discussion on the 30th. Is that doable, Ms. Schellin?

MS. SCHELLIN: Actually, it'll just be discussed in the Public Hearing Notice. We'll put everything in the Public Hearing Notice.

COMMISSIONER MAY: Yes, I don't think there's time for us to discuss it at our next meeting and then still get the notice out in time with the dates that we're actually
thinking about doing that.

MS. SCHELLIN: No.

CHAIRMAN HOOD: Well, this goes back to your earlier point, and we do have some scheduled hearings that are already -- that we need to deal with.

COMMISSIONER MAY: Right. But as I understand it, we are ready with the number of hearing dates that we're talking about right now.

CHAIRMAN HOOD: We already have that.

COMMISSIONER MAY: We're at eight, eight hearing dates.

CHAIRMAN HOOD: We're looking at probably about seven or eight.

COMMISSIONER MAY: Right. And there was already -- I mean we're talking about adding two or three days to that.

CHAIRMAN HOOD: But I'm saying that that would be on the back-end of all that.
COMMISSIONER MAY: Yes.

CHAIRMAN HOOD: Okay, okay.

COMMISSIONER MAY: I mean, in total it would. All I'm saying is that, you know, we take what we have here instead of doing them -- I mean, you know.

If this was just three straight weeks, it would be Monday, Tuesday, Wednesday for the first three, Thursday we insert an overflow day.

And then we start up again Monday, Tuesday, Wednesday, insert an overflow day, and then we start up again Monday, Tuesday, and then Wednesday is the overflow day.

MS. SCHELLIN: There's a holiday on a Monday, so it doesn't quite work out.

COMMISSIONER MAY: I understand that.

CHAIRMAN HOOD: Let's do this.

COMMISSIONER MAY: So one of those weeks would be a Tuesday, Wednesday with an overflow on Thursday. And then the following
week would be Monday, Tuesday, Wednesday, or Tuesday, Wednesday, Thursday.

MS. SCHELLIN: There's something scheduled for Monday and Thursday the following week, so it doesn't quite work out.

CHAIRMAN HOOD: So why don't we stick to the plan we start there with those dates, and then why don't we let staff work on that.

But the key is when we talk about overflow, again, I think the best way for it to work would be on the back-end somewhere, and then we take our show on the road.

So we're doing a little more also. We're going to do it on the back-end, then we go to the wards.

COMMISSIONER MAY: Then I would make one other suggestion, which is that we're already talking about having two days for general rules that we actually start out planning for one day of general rules, right?

CHAIRMAN HOOD: Mr. Lawson, do you
have control of that? Can we put that back up? The days, so everybody could see it.
Okay, Commissioner May, if you wanted to go ahead?

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: There we go.

Okay.

COMMISSIONER MAY: So I would just suggest that since we're already planning -- you're already planning on one overflow day, in effect, with general rules that that overflow day be generic.

In other words, we could take overflow from the other meetings that week, and that gives you one day.

And even as it is, I think in the third week, you know, we may have hearings on Monday and Thursday but we don't have hearings on Tuesday and Wednesday. We were already planning on using Wednesday let's just pick up Tuesday.

CHAIRMAN HOOD: Okay.
COMMISSIONER MAY: All I'm just thinking is that, you know, if we go any further it could be a lot further before we start coming back to this.

And we want to -- I think part of the reason for doing it as compactly as we're doing it now is to that we have all of this in our heads at once and we're not having to come back months later and remember it all.

CHAIRMAN HOOD: And that is definitely the goal because we want it to be fresh on our minds or our minds get stale, so I think we are all in agreement. Okay. Anything else?

There's only one other thing that's been left out, and I want to bring that up at the end because that may muddy the waters even more. And that is -- okay, I'm sorry, Commissioner Miller?

COMMISSIONER MILLER: I hadn't spoken on the issue of going out to the wards, and I realize you had a lot of caveats in
there about the logistics and the budget.

I just think we should be flexible
during the hearing process to see what it is
that we need further in terms of -- I think
it's a good concept in general.

But in terms of whether it's four
or two or one or three or how we do it -- and
I agree, toward the back-end made sense. But
I just think we shouldn't lock in and create
an expectation that there's going to be X
number right now.

We may need it, and we may be
exhausted from the public hearings, and the
public may be exhausted from having to attend
so many hearings.

So I think we can be flexible on
that since flexibility is something -- is a
goal that we're all trying to get.

VICE CHAIR COHEN: I think that we
need language from the Office of Attorney
General regarding the fact that we could slip
on some of these dates, but this is our
intent.

I just think that we need to explain that up-front so that -- of what we hope to do and accomplish. And language should be able to explain some of the bumps along the road.

CHAIRMAN HOOD: Okay. All right, we will move in this fashion. Any unreadiness up here among us? I just have one question, and I asked this early on. The time limits. This is a lot. I asked should we do three minutes, four minutes, or should we just stick to the council rule.

I don't remember seeing anything. I asked for this months ago. And if I did see it, I just missed it. Did anybody -- did I get anything?

Nobody responded, so I guess everybody wants to stay with the regular rules. Okay. Okay. I put it out there, so nobody responded.

COMMISSIONER MAY: And I think
it's also important to emphasize that having written testimony, especially concise written testimony, is very, very helpful.

And having it in advance of the hearing date is most helpful so that we can digest it and follow along when people are speaking.

It helps a lot more to have that in your hand when somebody is reading as opposed to -- and to have read it so that we can really grasp what they're saying when they speak to us.

CHAIRMAN HOOD: All right. I really want to thank Committee 100 for giving us another view. I really appreciate reading their documents. And also I want to thank the Office of Planning.

Dealing with both of those was very helpful in insight and helping kind of plan things. So I greatly appreciate it. We said a lot up here. Hopefully we captured it.

Let me ask this. Director Bardin, do you
have anything you want to add, comments?

    DIRECTOR BARDIN: Not at this time.

    CHAIRMAN HOOD: Okay. All right. Ms. Schellin? Whenever Ms. Schellin comes, we must have left something out. Does anyone want to add anything else?

    COMMISSIONER MAY: Mr. Chairman, I'm sorry, did we explicitly waive the requirement that people testify in support or opposition?

    CHAIRMAN HOOD: So do you want to --

    COMMISSIONER MAY: I lost my cheat sheet.

    CHAIRMAN HOOD: 30-21.5 G and H.

    COMMISSIONER MAY: 30-21.5 G and H?

    CHAIRMAN HOOD: I actually started to do that earlier, but then I pulled it back.

    COMMISSIONER MAY: So you need a motion? Is that what you're saying?
CHAIRMAN HOOD: Let's do that.

COMMISSIONER MAY: I would like to move that we waive 30-21.5 G and H so that people can come and just testify about the zoning regulations without stating in advance support or opposition.

CHAIRMAN HOOD: Okay. It's been moved. I need a second?

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? All those in favor? Aye.

(Chorus of Ayes)

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

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to waive the rules in section 30-21.5 section G and H with regard to Zoning Commission case 08-06A. Commissioner May moving, Commissioner Cohen seconding.

Commissioners Hood, Turnbull, and Miller in
support.

CHAIRMAN HOOD: Okay. Any other discussion on the process, Commissioners?

COMMISSIONER MAY: Yes, Mr. Chairman. One last suggestion. For the sake of efficiency, in the process of reviewing what I've done so far I've compiled many, many comments, most of which are not worth boring everybody with from the dias.

So what I'd like to propose is that we have the ability to send comments, written comments to the Office of Planning well in advance of the hearing date and then they could actually use this list of comments and reply or respond to them explaining how things are being addressed or what have you.

And then that will be a guide for me to talk about the things that, you know -- the much shorter list of things because already right now I've got 150-some comments and I'm going to be -- I'll have at least twice that by the time I'm done. That's kind
of more than average for me, but not much more.

CHAIRMAN HOOD: You might want to move closer here. I don't want you to get hit while you're sitting there.

COMMISSIONER MAY: Yes, but I just thought that would be a more efficient way to do it, and we could all do it. And if we do it in advance, it could become part of the record and it could be shared.

I'm not sure exactly what the logistics would be, but we'd get it done at least 30 days in advance. And then if we can get the responses back when you do your hearing report ten days in advance then that would be great.

CHAIRMAN HOOD: That would help fine-tune some of our questions, and that will be made public. Any Commissioner that -- if you choose to you don't have to.

I made up my mind what I'm going to do. But if you choose to do that, that
will become part of the record. Okay. Any other questions?

Let me say -- let me make a motion to accept the process discussed, and the process that was discussed this evening will be further clarified and discussed in the Public Hearing Notice. And I ask for a second.

COMMISSIONER TURNBULL: Second.

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

(Chorus of Ayes)

CHAIRMAN HOOD: Any opposition?

So ordered. Staff, would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to accept the processes discussed this evening, which will be further spelled out in the Public Hearing Notice. Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners Miller, Cohen, and May in support.
CHAIRMAN HOOD: Okay, Ms. Schellin, do we have anything else for tonight?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. I want to thank everyone for their participation and interest tonight, and we will roll up our sleeves and get started. With that, this meeting is adjourned.