GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

REGULAR MEETING

MONDAY

FEBRUARY 24, 2014


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:

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

JENNIFER STEINGASSER, Deputy Director, Development Review & Historic Preservation
KAREN THOMAS
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular or meeting held on February 24, 2014.
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CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the regularly scheduled monthly meeting for the Zoning Commission -- 1,379th meeting. This is our fourth in 2014.

Today is Monday, February 24, 2014, 6:36 p.m. We're located in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, Commissioner May and Commissioner Turnbull. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin; also the Office of Planning, Ms. Steingasser, Mr. Lawson and Ms. Thomas.

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

Okay. Let's go right into preliminary matters.

We have none. I do have preliminary matters. But I think what I'm
going to do, Ms. Schellin and colleagues, is that I have a few announcements to read. I'd like to do one at the beginning and the other towards the end.

The first announcement that I would like to read at the beginning is due to a conflict in the schedule, I move that — well, Commissioners, before I make a motion, you know there are some things going on in the City on March the 3rd in which a number of us would like to be in attendance. So the Applicant in this particular case, which is Zoning Commission Case No. 13-10 and all parties involved, were agreeable to us moving that meeting. And I appreciate them for allowing us to do this so we can attend an activity that's going on here in the City.

So any discussion or questions?

COMMISSIONER MAY: Yes. I never got the final message on what was happening there. So can you tell me what you're proposing?

CHAIRMAN HOOD: I'm proposing to
move it from March the 3rd to March the 13th.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: Does anyone have any conflicts or any problems?

VICE CHAIR COHEN: Yes. I won't be here.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: Should I put it on the record?

CHAIRMAN HOOD: Yes.

VICE CHAIR COHEN: Yes, Mr. Chairman, I will not be able to attend the March 13th.

CHAIRMAN HOOD: Have we already noticed all of that? Would you like to read the record?

VICE CHAIR COHEN: I will probably read the record.

CHAIRMAN HOOD: Okay. If need be. Okay. All right.

If you want to participate, we'll move it.

VICE CHAIR COHEN: Sure.

COMMISSIONER MAY: What's the
case?

CHAIRMAN HOOD: Zoning Commission Case No. 13-10.

VICE CHAIR COHEN: Which is?

CHAIRMAN HOOD: You didn't say what the name of it was.

But anyway, it's the ZP Georgia LLC. That's all I have. I don't know all it entails.

MS. SCHELLIN: It's a consolidated PUD and related map amendment. I have the square number in front of me.

VICE CHAIR COHEN: Yes, Mr. Chairman, I don't think it'll be an issue. I can read the record.

CHAIRMAN HOOD: Yes. If we get to that point.

Okay. Great. Anyone else?

(No audible response.)

CHAIRMAN HOOD: So due to the conflict in the schedule, I move that we postpone Case No. 13-10, ZP Georgia LLC from March 3, 2014 to March 13, 2014 at 6:30 p.m., and ask for a second.
COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: Okay. It's been

moved and properly seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in

favor.

(A CHORUS OF AYES.)

CHAIRMAN HOOD: Not hearing any

opposition, Ms. Schellin, would you record

the vote?

MS. SCHELLIN: Yes. Staff

records the vote five to zero to zero to

postpone Zoning Commission Case No. 13-10

from March 3rd to March 13th at 6:30 p.m.;

Commissioner Hood moving; Commissioner

Miller seconding; Commissioners Cohen, May

and Turnbull in support.

CHAIRMAN HOOD: And I believe

that is a Wednesday.

MS. SCHELLIN: Thursday.

CHAIRMAN HOOD: Oh, that's a

Thursday. Okay. Good.

All right. I do have one more
announcement. I think I'm going to go ahead and do it now and get this out of the way.

This is a ZRR Announcement of Next Steps -- a Zoning Revision, Next Steps.

As we said, we want to keep the public attuned and apprised of how we're moving forward.

Over the last couple of weeks, we have announced that the Office of Planning will be holding Open Houses. We now know that the Office of Planning will be holding those on March 4th, 11th, 12th and 15th. You can check with their office and/or their website for the locations of the Open Houses.

In addition, the Office of Planning will hold Open Houses at their office every Friday from 9:00 a.m. to 5:00 p.m. for people to walk in and have any questions they need to have answered.

Let me ask this. When it is going to be every Friday -- in the month of March?

MS. STEINGASSER: Yes, sir.
CHAIRMAN HOOD: Okay. So we'll make it clear. Every Friday in the month of March. So we want to make sure this starts in March. We do have one more Friday in February. So every Friday in the month of March.

Ms. Steingasser, is there a telephone number they can call just in case they may not have access possibly to the website?

MS. STEINGASSER: Yes, sir. That would be 202-442-7600. That's the main Office of Planning number.

CHAIRMAN HOOD: Okay. Is there anyone in particular they should ask for?

MS. STEINGASSER: The receptionist will have all this information right there. They can always ask for me or Mr. Lawson.

CHAIRMAN HOOD: Okay. Okay. Again, thank you, Ms. Steingasser.

So that's what's going forward. Again, the open houses will start in March. Every Friday from 9:00 to 5:00, they're
going to be doing their open houses.

You know what? I'm not going to
deviate from this because I don't want to
mix anybody up.

The Zoning Commission then will
hold two further hearings. The first as we
have previously decided, the Commission will
hold a further hearing in Ward 8. At that
hearing, which will be held on April the 21\textsuperscript{st}
at 6:00 p.m., the Commission will first hear
from residents who reside in Wards 7 and 8
and then from those who reside in the other
Wards of the City who have not previously
tested.

Second, on April 24\textsuperscript{th} at 6:00
p.m., the Commission will hold a hearing in
this room and hear from anyone who has not
previously testified -- and that's city-wide
-- who has not previously testified whether
it be here in this arena or in the Wards.

In addition, the Commission will
keep the record open until 3:00 p.m. on
Friday, April 25\textsuperscript{th}. We will then decide the
next steps at our April 28\textsuperscript{th} meeting.
Anyone have anything they want to
add or any questions -- anything we want to
take away?

(No audible response.)

CHAIRMAN HOOD: Okay. Thank you.

I think those were the only two
announcements, Ms. Schellin, that I had?

MS. SCHELLIN: That's right.

CHAIRMAN HOOD: Okay. I thought
I had three of them. I thought I'd lost one
of them on the way out here.

Okay. Let's go to Hearing
Action. Office of Planning Zoning
Commission Case No. 14-01. It's Jemal's
Hecht's, LLC, Consolidated PUD and Related
Map Amendment at Square 4037.

Ms. Thomas?

MS. THOMAS: Good evening, Mr.
Chairman, Members of the Commission.

The Office of Planning is
recommending the Commission set down Jemal's
Hecht's, LLC's requests for a consolidated
PUD and related map amendment from the CM2
to the C3C Zone to facilitate the reuse of
the property known as the Hecht's Warehouse
on New York Avenue, NE.

The requested map amendment is
intended to accommodate the adaptive reuse
of the long-vacant, historic Hecht Company
Warehouse building, as it is one of the few
District landmarks in an industrial
district. It has a maximum height of 88
feet which is 28 feet higher than permitted
by right in the CM2 Zone and a 4.2 FAR which
is minimally above matter-of-right in the
underlying zone.

The Comprehensive Plan's Future
Land Use Map provides generalized guidance
and is to be read in combination with the
policy map and the Comprehensive Plan
policies. Unlike other land use categories,
PDR future land use map designations are not
rated by intensity of use. The requested
C3C Zone would permit reuse of the upper
floors for residential purposes. The Comp
Plan's policies of the historic preservation
and land-use elements stress restoration of
vacant lands and redevelopment of obsolete
industrial uses. The upper notice area
elements policies speak to enhancing and
infilling the New York Avenue gateway.

Thus, given the exceptional
physical attributes of the already-developed
site including its historic nature, height
and FAR as well as recognizing previous
attempts to bring the building back to
productive use, the proposed zone would not
be inconsistent with land-use map and the
Comprehensive Plan's written elements.

The Applicant would provide
additional information at the public hearing
regarding the proposed retail which may
occupy the first two levels. The upper
levels up to the sixth floor would be
converted to residential space for
approximately 333 residential units
consisting primarily of one-bedroom units
and some two-bedroom units. Eight
percent of the residential gross floor area
would be available to residents at 80
percent AMI in conformance with
requirements. Parking would be located
within an adjacent parking structure under
construction to the east of the building
with access provided off of a new private
street as shown in the plans referred to as
Hecht Avenue. Loading facilities would be
provided with access off Okie Street.

The flexibility requested with
this obligation includes that for on-site
parking, restructure and the ability to vary
the number of residential units as the
project design is finalized.

Benefits would include housing
and affordable housing where none could
exist as a matter-of-right, inclusion of
sustainable features and employment and
training opportunities for District
residents and significant historic
preservation on a prominent D.C. avenue.

The Applicant will coordinate
with DDOT to address new curb cuts for the
private street access from New York Avenue
and provide additional details about the
allocation of residential units.

We anticipate refinement of
project benefits, amenities and the architectural drawings.

This concludes our report, and I'm available to answer any questions.

Thank you.

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

Commissioners, do we have any questions of the Office of Planning?

Commissioner May, would you like to go first?

COMMISSIONER MAY: Okay. So the first thing that jumps out with me is you stated in your report and it's in the written report, I guess, that the use of this property for residential purposes would not be inconsistent with the Comprehensive Plan. You specifically said not inconsistent with the Future Land Use Map, and in your report you show the Future Land Use Map and it shows that it's PDR and it says, "residential is not included."

So there are other reasons why it would be consistent or not inconsistent with
the Comprehensive Plan, but tell me why you
think that residential use in this PDR-
designated area is in keeping with the
Comprehensive Plan.

MS. STEINGASSER: Well, it's not
so much that residential is consistent with
the PDR designation as much as with this
particular site and the physical constraints
that preservation has in the adaptive reuse
of this building, residential becomes a far
more compatible use. So it's more project-
and property-based which is why we felt the
PUD was the appropriate way to bring it to
the Commission as opposed to a map
amendment.

COMMISSIONER MAY: Okay. And I
think that's perfectly reasonable.

Is there anything in the Comp
Plan that speaks specifically to this
property and its future treatment?

MS. STEINGASSER: There is. And
I think we included --

COMMISSIONER MAY: In the report,
but then again, I miss things in the report
sometimes.

MS. STEINGASSE: No.

It's either in our report or it's in the Applicant's.

COMMISSIONER MAY: Okay.

MS. STEINGASSE: But the site is called out for restoration and reuse.

COMMISSIONER MAY: Restoration and reuse, but no specific mention of residential use?

MS. THOMAS: Not specifically.

COMMISSIONER MAY: Not specifically. Okay.

And so then the other thing that we have to reconcile with this -- and again, I'm not throwing this up as a roadblock which is I think in order to be consistent with the Comprehensive Plan or not inconsistent with the Comprehensive Plan -- is the fact this is a neighborhood conservation area. And so, there's a strong desire in the Comprehensive Plan that PDR uses remain the predominant use in that area. And I think there has been concern in
the past that when some of these PDR uses go away that the City will be missing something substantial in terms of its ability to serve itself in the long run.

MS. STEINGASSER: And that is something we'll talk in more detail about at our hearing report.

But the Applicant has agreed to look at the type of residential compatible uses -- live-work-type of uses that could go into the site that could capture some of that cleaner industrial, smaller -- we call it the maker economy uses.

The property is really, really large. And it's not really compatible -- I've been using that word a lot -- but with the heavy industrial use.

COMMISSIONER MAY: Right.

MS. STEINGASSER: And it's certainly not what the neighborhood is consistent with.

The other uses proposed on the site -- the extensive retail -- is indeed a permitted use. And office is also a
permitted use in the industrial zones. And there is a significant element of that in this particular project.

COMMISSIONER MAY: Okay.

VICE CHAIR COHEN: Excuse me, Commissioner May. I just wanted to interject for a second.

On page 24 of the Applicant's submission under Policy Action, 2.36, there is, "Hecht's Warehouse encouraged the reuse of the historic Hecht's Warehouse building."

COMMISSIONER MAY: Right. And my question was where it specifically mentions housing.

VICE CHAIR COHEN: Oh. Okay. Sorry.

COMMISSIONER MAY: That's all right. That's all right.

And maybe my question wasn't that clear either.

I'll look forward to further development of the design for the building. There are some unusual units in there -- the units that the only windows are skylights.
That's a bit odd.

And I understand the challenges
of the building given the size of the floor
plate and the fact that you're already, I
guess, creating courtyards that didn't
otherwise exist. So I know it's going to be
complicated. But I think that as you start
to think through it, particularly when you
think about some of the other uses like
live-work units, maybe there are some ways
that things can be done a little bit more
differently. So I'll look forward to seeing
how that develops.

And where is it in the Historic
Preservation process at this point? Is it
only at the discussion stage with your
staff?

MS. STEINGASSER: No. It has
been to the Board, received concept
approval.

COMMISSIONER MAY: Okay. All
right.

All right. Thanks.

CHAIRMAN HOOD: Any other
questions or comments?

Commissioner Miller, Vice Chair?

COMMISSIONER MILLER: Thank you, Mr. Chairman.

What's the rationale behind going to the C3C map amendment versus C3B, C3A, C2C, C2B, all which would allow the height in the FAR? I'm just curious what the rationale is for C3C.

MS. STEINGASSER: I think -- correct me if I'm wrong -- it's been several weeks since I read the application. But the thinking was to get a zone that was as consistent as possible with the PDR designation. And the C3C is fully compatible with the PDR designation as opposed to one that has an absolute residential requirement. And I'm not sure -- no?

MS. THOMAS: No, I would just add that it would permit a wider variety of uses and for the retail complement as well.

COMMISSIONER MILLER: Right. I saw the reference in the report to the
knowledge economy and the technological
creative use -- called the creative-type
uses. I don't know if they're not permitted
in those other less intense zones.

But I should know this off the
top of my head, but I don't. Is the
inclusionary zoning requirement lesser in
the C3C map and something that would be
lesser?

MS. THOMAS: No.

COMMISSIONER MILLER: No?

The only other comment I would
make on the inclusionary zoning, I would
share the Office of Planning's encouragement
to the Applicant to explore whether some of
the units could be made available to persons
who are within the 50 or 60 percent AMI
category even though the IC only requires
the 80 percent. I think it's
fantastic that over 300 residential units
would be provided by this project and two
floors of retail and other uses. But I just
think that the affordable housing should be
a little more targeted.
So that's all I have, Mr. Chairman.

CHAIRMAN HOOD: Okay. Thank you.

Vice Chair?

VICE CHAIR COHEN: Thank you, Mr. Chairman.

I concur with Commissioner Miller's suggestion that there be greater depth of affordability, especially since I understand that housing was not a permitted use under the current zoning and therefore the change of zoning requires IZ. I don't see it as a major public benefit unless it really does go into deeper affordability. So if you could work with the Applicant and have them expand upon why it should also be a major public benefit.

And I also concur with Commissioner May with regard to the loft units being maybe greater live-work space. When that's combined, it usually saves households money if they can actually live and work in the same unit and therefore, it gets to households that are making maybe
less money as well by removing the need for
a special office.

I would also like the Office of
Planning to give us some examples in D.C.
where there has been successful mixed-use
office and residential. I have familiarity
with other cities where that hasn't really
worked well. But I was trying to recall if
there's anything in the District that has
those mixed-uses. And retail and
residential, yes. Retail and office, but
I'd like to know more about the office and
residential.

I'd like to know why we need more
parking in that particular property because
we have the parking lot with an extensive
number of spaces nearby. So I need more
information.

MS. THOMAS: The flexibility from
the parking is just because it's not on the
same lot as the building. So the parking
would be provided.

VICE CHAIR COHEN: No, I'm
talking about why we even need additional
parking even though it's not the same lot.

I'm having one of my colleagues --

COMMISSIONER MAY:  Did we not approve the additional -- I mean, the parking lot next door --

VICE CHAIR COHEN:  Yes.

COMMISSIONER MILLER:  -- already?

MS. THOMAS:  Yes.

COMMISSIONER MAY:  So they're just using the parking that exists next door.

VICE CHAIR COHEN:  Oh, I thought they were adding some.

MS. THOMAS:  No, no.

VICE CHAIR COHEN:  Okay.  I'm sorry.  I misunderstood.  Totally misunderstood.

Thank you for the clarification.

Again, New York Avenue is very heavily trafficked.  So in the -- well, in the drawings somehow I'd like them to address the noise attenuation and ear pollution issues with regard to creating this warehouse into housing.  And I'd also
like more information as to how New York Avenue itself -- not just the site -- is safety for bicycles. I would not try to ride a bike on New York Avenue myself.

Would you, Commissioner May? It depends upon the day of the week and what happened at the office.

COMMISSIONER MAY: Well, yes.

VICE CHAIR COHEN: Well, I just would like more information on that because it doesn't seem like it really works well for bicycles at this point in time. And there may be a plan. Maybe DDOT can expand on that as well as the Applicant.

So those are my questions and concerns.

CHAIRMAN HOOD: Okay. Thank you. Mr. Turnbull, do you have any questions?

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

I just wanted to get back to Commissioner May's topic on the PDR area. And I guess looking in the Applicant's
report on page 11, they talk about the project implements, "the number of urban design and architectural best practices which will assist in the further development of New York Avenue into a major mixed-use corridor." And it goes on to talk about retail.

I'm just wondering were we're looking at as a PDR. So how does this fit in with the PDR?

MS. STEINGASSER: Well, the proposed ground floor uses are all retail. It's a very detailed retail package that the Applicant has been proposing for the site. All of that is consistent with the PDR designation.

COMMISSIONER TURNBULL: Well, I guess the greater question is are there other areas in this PDR that you see are going to be developed as housing?

MS. STEINGASSER: There are no other areas that have a significant historic landmark like this site does. And that's what makes this site unique. And that's why
we requested the Applicant bring it forward as a PUD to allow for that housing.

They have owned the property for I think over a year and a half and have courted many large-scale office tenants as well as some industrial uses and been unable to get any interest in the property.

They've also been faced with considerable constraints in how the building is adapted because of all the glass block and the windows. But by putting in residential, it allows, through courtyards, the reuse of that space in a much more compatible way.

So I don't see anything similar to this anywhere else in the District. I mean, this is a very unique site because of that landmark.

COMMISSIONER TURNBULL: So this will probably be the only residential area in this whole half mile?

MS. STEINGASSER: It's the only one we feel comfortable with bringing forward right now. I mean, unless there's
significant changes through the
Comprehensive Plan that are based on --
there's a Ward 5 industrial land-use
transformation study that's being completed.
That's looking at certain areas and how
there's a change in industrial uses. But
unless there's some changes to the
Comprehensive Plan, we really don't see --

COMMISSIONER TURNBULL: You don't
see the future land-use map changing?

MS. STEINGASSER: And we don't
see this being a precedent for any other
area.

COMMISSIONER TURNBULL: Okay.

MR. LAWSON: I -- sorry, Joel
from the Office of Planning.

I'll just note that there are
some sections of New York Avenue that are
already designated for residential. For
example, the site at New York Avenue and
Bladensburg --

COMMISSIONER TURNBULL: Right.

MR. LAWSON: -- is designated for
some residential. And there are other
parts. So it wouldn't be the only residential building on all of New York Avenue.

But I think Ms. Steingasser is correct that at this point we're not looking at -- and we don't think this would serve as a precedent -- for other industrial lands going from industrial to residential.

COMMISSIONER TURNBULL: Well, I guess my only concern is since there's no Metro really that close, it's not really accessible to a lot of -- I mean, there's a bus or two I think that goes up and down. But is this going to be mainly an auto-oriented site then?

MS. STEINGASSER: Well, the Applicant will address that during their application. I don't want to argue the case. They'll address their whole traffic management plan. They've been working closely with DDOT on both New York Avenue and then how it faces just to the south.

COMMISSIONER TURNBULL: Okay.

And I guess I would just go back
to a couple of the other comments about the housing. And I guess my concern is we're doing a map amendment which I think is in itself a bonus or something that we're offering because of the problems with trying to make this site work. I don't know if it necessarily follows then that the housing element is a public benefit totally. I think it becomes now that you've got housing which is required now in this zone, you're required to do it. But I understand that the reason why now they're going from CM to C3C. And I'm like I'm still hedging on that.

I think that it's again basically the minimum. It's eight percent. I'd like to see some more input on that because of the nature of the site and what it's doing. I just think that the Applicant needs to come back and explain this a little bit more. And I think the proffer maybe isn't quite as strong as what it could be.

MS. STEINGASSER: Okay. Well, we'll be happy to talk with the Applicant.
The position has long been that if the zone
doesn't require housing or the matter-of-
right doesn't require housing, housing
constitutes a benefit. So there's benefits
and there's amenities.

The inclusionary zoning would
then be triggered or is being proffered
which would otherwise not be required. And
so that's why it's historically been
accepted as a benefit. And we'll ask the
Applicant to provide a little bit more
detail and some similar where the Zoning
Commission has made those kind of
determinations.

COMMISSIONER TURNBULL: Yes. I
guess the argument in this particular case
doesn't seem quite as strong. I mean,
they're getting a benefit because of the map
change. And I understand where we were
before. It sounds like we're making a deal
here and we're not getting enough out of it.

Anyways, the Applicant's heard.
So I think they know where I'm coming from.

The rooftop structures are all
historic. I'd like to know if the water
tower is going to be used as a water tower
or if it's just going to be a decorative
feature. I'd like a little bit more
information on the rooftop structures as to
what they're going to be used for.

The Applicant says they're going
for LEED Silver. And I think we've seen
some information on that. Is that strong or
are they going for a certified LEED Silver
or are they just going for the goal of LEED
Silver?

And I guess getting back to the
PDR, I just wonder if the Office of Planning
might look at PDRs and give us an
inclination as to areas that PDRs that
they're concerned. I mean, I'm just
concerned about residential getting into any
of the PDR or making too many changes that I
think Commissioner May had said are we going
to be losing this land. Is it going to
become gentrified? And is Washington losing
an enterprise where we're not a
manufacturing area that everything is being
outsourced outside?

MS. STEINGASSER: And we are in
the process of looking at -- he's calling
for help --

(LAUGHTER.)

MS. STEINGASSER: -- the Ward 5
land use transformation study that has
looked specifically at Ward 5 and how those
industrial lands are used, their proximity
to adjoining residential. That's often a
problem as the interface between industrial
and residential. And those areas that could
be encouraged for alternate types of --
we're looking at possibly new industrial
zones. I'm not sure what the status is of
when that study will be released. But we
have looked at it. And previously,
we also did a study -- it's not a plan -- it
was an actual study of the District's land
use through all the wards. And that helps
us as well.

COMMISSIONER TURNBULL: Okay.

All right. Thank you. I'm sure Mr. Hood
will be very interested in that.
CHAIRMAN HOOD: I'm so interested
I'm going to start out with this point.
I'm not actually that taken back
by the conformation of doing away with some
of the industrial land because it seems like
the urgency of a concern -- and I'm not
throwing this at my colleagues. I'm just
talking about since I've been here. It
always seems when we get cases down here and
it goes in Ward 5, there's a concern about
changing from industrial land. And I think
the residents of Ward 5 have a different
concern.

So I appreciate what the Office
of Planning is doing in this particular
situation. But I do have a concern.

Let me just say this. When I
look at this, I'm just wondering what we
created. I know there's a shelter on New
York Avenue. I hear that people are not
residing -- I guess we consider that --
don't we consider that residential in the
City?

MS. STEINGASSER: Well, if it's a
hypothermia shelter.

CHAIRMAN HOOD: I'm not asking the Office of Planning. I'm not asking the people that put it there. I'm asking the Office of Planning.

Don't we have a shelter on New York Avenue?

MS. STEINGASSER: I believe we do. I believe we have one on Adams Place.

CHAIRMAN HOOD: Okay. Don't we also have one on New York Avenue?

MS. STEINGASSER: I don't know.

CHAIRMAN HOOD: Right. So, yes, we have one on New York Avenue.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: So we already have some residents living there anyway. I guess whether you want to call it from 12 to eight or whatever. I have no problem with the shelter.

But let me ask this. One of the things that I read in the report -- unless I misunderstood -- I don't want us to create a problem where -- and I heard about the
readaptive use -- and also on one site we're
going to have CM2 and CM3 on the other side?
Or are we going to do away with that?
Because I don't know. We need to probably
look at that whole strip as far as maybe
C3C. I mean, that's just where I am, I
think.

We did this once before in Fort
Totten. And everybody was concerned again
about you're doing away with the industrial
land and going to residential. I can tell
you, being from Ward 5, the folks that live
in Ward 5, we're not concerned. Because
other parts of the City have already done
that. They just beat us to the punch.

So I would like for the same
consideration to be done that we do with
everyone else that comes down here. I think
this is a good start. I'm not saying do
away with all of it because we have the
Sieman's Plans, we have the trash transfer
stations, we have no undesirables. But my
only concern is what we're trying to do here
-- this retail and the malls -- whatever
else is planned there -- I think it's great.
But the retail there will I think -- CM3 is
next to the end zone is one of the least
restrictive. Am I correct?

MS. STEINGASSER: That's correct.

CHAIRMAN HOOD: So if we got it
right next to a fabulous -- I mean, I just
don't see the mix. And I think we need to
have a broader scope and look at a broader
scope in that area as opposed to just this
project in C3C. Because we've got CM2 on
one side, CM3 on the other side. And that's
a concern.

I think what we're doing is
eventually potentially creating a problem.
And I would think if we were going to do C3C
-- which I think is the way we need to go --
or something as my colleague, Commissioner
Miller, mentioned, we need to also not
create a problem for the future with that
CM2 and CM3. That's something we need to
look at -- something I'd like for us to
discuss at the hearing. I'll be looking
forward to hearing from the Applicant on
that.

Restoration, I think that was mentioned. But I think for me, I got distracted. Because I think that is a big issue for me. The concern is always -- and I'm not saying it just started -- the concern is always losing industrial land when it comes to Ward 5. I've been here long enough, and nobody disputed it. I've seen it. It'd be different if I hadn't lived it. I've lived it.

Commissioner May, you're chomping at the bit. Do you want to get in on this?

COMMISSIONER MAY: No, I just want to say we've heard you explain this interest specifically --

CHAIRMAN HOOD: Oh, you were here when I said that?

COMMISSIONER MAY: Oh, of course. Several times.

And I would not disagree with that overall interest and the understanding that that's what residents probably want. All we're pointing out is the fact that it
is the issue of consistency with the Comp Plan. And that's just something that needs to be addressed in the course of the case. That's all.

CHAIRMAN HOOD: And that's why I'm saying let's look at that whole other part. If that's what's being designated -- restoration -- from the way I understand it -- let's not create a problem. Let's not create CM2. And I think that's how we got to some of these areas.

And as far as losing land, trust me, we've got plenty of it. As Ms. Steingasser said, they're looking around for it. If you need some assistance, I can show you where a lot more of it is.

So I'm not going to stay on that point. That's probably a bigger issue than just this project.

And also, I'd be looking forward to seeing how the Applicant I'm sure is working with the ANC. Hopefully, that is still going on like it did previously.

The other issue is the first
source. And this is again a neighborhood that could definitely benefit from some of the first source. I want to hear what that is. How are we getting our residents ready -- not just in Ward 5, but in the City -- ready for something like this long before we get to the point where it's going to start doing the readaptive use? So let's put that out there early on so if we don't have a pool, we can come up with a pool. We'll have a pool ready to move forward on that.

Okay. That's all I have. I've done my soapbox.

Would somebody like to make a motion?

COMMISSIONER MILLER: I would move, Mr. Chairman, that we set down for hearing Zoning Commission Case No. 14-01, Consolidated PUD and Related Map Amendment from CM2 to C3C, 14-01. 1535 New York Avenue, Square 4037, parts of Lot 7 and 804, and ask for a second.

COMMISSIONER MAY: Second.

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

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Staff records the vote five to zero to zero to set down Zoning Commission Case No. 14-01 as a contested case. Commissioner Miller moving; Commissioner May seconding; Commissioners Cohen, Hood and Turnbull in support.

CHAIRMAN HOOD: Okay. Thank you. Let's move right along.

Correspondence, Zoning Commission Case 13-16, Forest City South East Forest City, LLC, Applicant's response to OP and DDOT Issues.

Ms. Schellin?

MS. SCHELLIN: Yes, sir. At the conclusion of the hearing held on February
3, the Commission advised the Applicant that
the order would not be issued until it
provided a response to the record addressing
the issues of OP and DDOT. The Applicant
has provided a response which is before you
this evening at Exhibit 31 in the record.
And we would ask that you advise whether
that response is adequate.

CHAIRMAN HOOD: Okay.

Commissioners, we have the response in front
of us and we asked for it. Does anyone have
any objections, any concerns, any comments?

I don't think we need a vote
here. Can we just do general consensus?

Vice Chair?

VICE CHAIR COHEN: Mr. Chairman,
I think I expressed concern about sort of
tidying up the record and having the
Applicant address the outstanding issues.
And I am satisfied.

I should ask actually is OP
satisfied with their part of it?

MR. LAWSON: We are. Thank you.

VICE CHAIR COHEN: Thank you.
CHAIRMAN HOOD: Okay. Anybody else?

(No audible response.)

CHAIRMAN HOOD: Okay. We don't need to do a motion. We'll just do it by general consensus. Okay?

Okay. Next, Zoning Commission Case No. 11-07, American University, Applicant's request to reopen the record.

MS. SCHELLIN: Yes, sir. In this case, we have a request from the Applicant that all of the parties be allowed to provide comments and proposed findings on the specific and limited issues requested by the Court of Appeals in their November 14, 2013, decision. And I'd ask that the Commission advise whether they will grant that request or not.

CHAIRMAN HOOD: Okay.

Commissioners, let's open it up. Vice Chair?

VICE CHAIR COHEN: Well, Mr. Chairman, I just want to state for the
record, I did not participate in this particular case. So I have no interest in either opening it or keeping it closed. So I just want to state that.

CHAIRMAN HOOD: Mr. Ritting, at what point can she participate? She can participate in this, right?

COMMISSIONER MILLER: I also did not participate in the original case.

MR. RITTING: As I understand the question, Commissioner Cohen didn't participate in the case. And the question is whether they can participate in this procedural vote in this case. And to be honest, I don't know the answer off the top of my head. And so, I'm reluctant to give one on the record right now.

I understand that you have three Commissioners who are participating and perhaps it would be prudent to just see if you have the votes with those three.

CHAIRMAN HOOD: Okay.

For the three of us that are participating -- Mr. Turnbull?
COMMISSIONER TURNBULL: Well, I'm not sure what the issues on remand are. We haven't seen anything yet. But I would have no objection to leaving it open.

CHAIRMAN HOOD: Grant Applicant's request?

COMMISSIONER TURNBULL: Yes.

CHAIRMAN HOOD: Okay. Would somebody like to make a motion?

COMMISSIONER TURNBULL: I would move that the Commission grant the Applicant's request to reopen the record for this, Zoning Commission Case --

CHAIRMAN HOOD: 11- --

COMMISSIONER TURNBULL: -- for Zoning Commission Case 11-07, that the Commission grant the Applicant's request to reopen the record for the purpose of the party submitting proposed orders responding to the remand instructions of the Court of Appeals. All proposed orders must be served on the other parties and filed at the Office of Zoning no later than March 28, 2014. No
replies to the proposed orders will be accepted

CHAIRMAN HOOD: That sounds very to the point to me. I would agree.

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: It's moved and properly seconded.

Any further discussion?

(No audible response.)

CHAIRMAN HOOD: All those in favor?

(A CHORUS OF AYES.)

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

MS. SCHELLIN: Yes. Staff would record the vote three to zero to two to grant the request from the Applicant that the parties be allowed to provide comments or actually to provide proposed orders responding to the remand instructions from the Court and that they be filed by March 28, and no replies be accepted. The motion was made by Commissioner Turnbull; seconded
by Commissioner May; and in favor by Commissioner Hood. So it's three to zero to two. Commissioners Cohen and Miller not voting having not participated.

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

Do we have anything else?

MS. SCHELLIN: No. It's just that staff will send an email to all the parties advising of that action since none are in attendance this evening.

CHAIRMAN HOOD: Okay.

Ms. Steingasser, did you have anything you wanted to add?

MS. STEINGASSER: Yes, sir. We just had a status report that tomorrow the Office of Planning will be wishing you a happy birthday.

CHAIRMAN HOOD: Oh, that's so nice. Thank you very much. I appreciate that.

Okay. I appreciate that. And Office of Planning and Office of Zoning, we appreciate everything.
So with that, this meeting is adjourned.

(Whereupon, at 7:20 p.m., the hearing was adjourned.)