

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

TUESDAY

APRIL 15, 2014

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- MARCIE COHEN, Vice Chair
- MICHAEL G. TURNBULL, 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

JOEL LAWSON

PAUL GOLDSTEIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the
minutes from the Regular meeting held on April
15, 2014.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

<u>ITEM</u>	<u>PAGE</u>
ITEM 1 Consent Calendar Z.C. Case No. 06-11K/06-12K (George Washington University, Request for Minor Modification to PUD at Square 39).....	5
ITEM 2 Final Action Z.C. Case No. 13-06 (Office of Planning -- Text Amendment, Retaining Walls).....	8
Z.C. Case No. 11-08A Il Palazzo, LLC 2-Year PUD Time Extension at Square 2578.....	9
ITEM 3 Proposed Action Z.C. Case No. 13-07 (David Belt - Map Amendment at Square 5081).....	14
Z.C. Case No. 13-10 (ZP Georgia - Consolidated PUD and Related Map Amendment at Square 2892).....	30
<u>ITEM</u>	<u>PAGE</u>
ITEM 4 Hearing Action Z.C. Case No. 14-04 (Professional Associates & International Finance Corporation - Consolidated PUD at Square 74).....	40
ITEM 5 Correspondence Proposal from D.C. Mayor to leave Z.R.R. Process Record Open Until September 15.....	51

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

2 (6:34 p.m.)

3 CHAIRMAN HOOD: Okay. Are we ready
4 to get started? Good evening ladies and
5 gentlemen. This is the regular public meeting
6 of the Zoning Commission, the 1,382 Session.
7 This is the seventh of 2014. We're located
8 here in the Jerrily R. Kress Memorial Hearing
9 Room.

10 My name is Anthony Hood, Chairman.
11 Joining me are Vice Chair Cohen, Commissioner
12 May, Commissioner Miller, and Commissioner
13 Turnbull. We're also joined by the Office of
14 Zoning Staff, Ms. Sharon Schellin, the Office
15 of Attorney General, Mr. Bergstein, the Office
16 of Planning, Ms. Steingasser, Mr. Lawson, and
17 Mr. Goldstein.

18 I almost called B- Mr. Goldstein
19 I'll be honest. I almost called you Mr.
20 Mordphin. Okay, so anyway, all right. So,
21 anyway, I want to first state that we do not take
22 any public testimony unless we ask someone to

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1 come forward.

2 We ask that we do not have any
3 display of signing or any disrupting noises as
4 we move through our hearing process.

5 Ms. Schellin, do we have any B- oh,
6 we do have a preliminary matter, but we do we
7 have any other B-

8 MS. SCHELLIN: No.

9 CHAIRMAN HOOD: Okay. I'm one of
10 the Zoning Commission B- oh, okay. Thank you.
11 Okay. Consent calendar, Zoning Commission
12 Case Number 06-11K/06-12K. This is George
13 Washington University request for a minor
14 modification to a PUD at Square 39. Ms.
15 Schellin.

16 MS. SCHELLIN: Yes. In this case
17 the applicant is requesting a minor
18 modification to add a new sign to the upper
19 portion of the project. Exhibit 4 is an OP
20 Report in support. We've asked the Commission
21 to consider action on this case.

22 CHAIRPERSON HOOD: Okay. Thank

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1 you, Ms. Schellin. Commissioners, again the
2 applicant is requesting a minor modification to
3 add a new sign to the upper portion of the
4 project. The Office of Planning report, which
5 is our Exhibit 4, is in support. Let's open it
6 up for any comments.

7 Oh, first of all, you know what let
8 me back up. I'm speed balling. It must be
9 volleyball night. Does anyone have a problem
10 with this being on the Consent Calendar?

11 MS. SCHELLIN: No.

12 CHAIRPERSON HOOD: Okay. No
13 objection. All right, so let's open it up for
14 any comments. Any concerns? In not seeing
15 any, I would move that we approve the minor mod
16 request, placement of the sign, is Zoning
17 Commission Case Number 06-11K/06-12K George
18 Washington University, request for a minor mod
19 to PUD at Square 39. And I ask for a second.

20 VICE CHAIR COHEN: Second.

21 CHAIRPERSON HOOD: It's been moved
22 and properly second. Any further discussion?

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1 All that's in favor, aye? Not hearing any
2 opposition, Ms. Schellin, would you record the
3 vote?

4 MS. SCHELLIN: Yes. Staff records
5 the vote at five to zero to zero approve final
6 action in Zoning Commission Case Number
7 06-Statute 11K/06-12K. Commissioner Hood
8 moving. Commissioner Cohen, second.
9 Commissioners May, Miller, and Turnbull in
10 support.

11 CHAIRPERSON HOOD: Okay. Next we
12 have a final action, Zoning Commission Case
13 Number 13-06, Office of Planning Text
14 Amendment, Re Retaining Walls. Ms. Schellin.

15 MS. SCHELLIN: Yes, sir. This was
16 put back on the Commission for the B- back on
17 the agenda, I'm sorry, for the Commission to
18 review some changes made by OP and OAG. And so
19 we'd ask the Commission to consider those
20 changes to Section 413.8.

21 CHAIRPERSON HOOD: Okay, again
22 Commission, this is back before the Commission

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1 for use, to review the revisions made to 413.8
2 by the Office of Planning, Office of the
3 Attorney General.

4 I want to thank the Office of
5 Planning for their hard work and also Ms. Alma
6 Gates, I want to thank her for her
7 stick-to-it-ness in this particular case.

8 Let me open it up for any questions
9 or comments.

10 COMMISSIONER MAY: Mr. Chairman,
11 you know, I think that we pretty much agreed on
12 this in principle before. It was just that the
13 language wasn't before us.

14 So I'm prepared to make a motion to
15 approve Zoning Commission Case Number 13-06
16 Retaining Walls, Office of Planning, Text
17 Amendments Chapters 4 and 4, Definition of
18 Retaining Wall.

19 CHAIRMAN HOOD: Okay, it's been
20 moved. Can I get a second?

21 COMMISSIONER TURNBULL: Second.

22 CHAIRMAN HOOD: It's been moved and

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1 promptly seconded. Any further discussion?
2 All those in favor? Aye.

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

5 MS. SCHELLIN: Yes, staff records
6 the vote, five to zero to zero to approve the
7 changes to Case Number 13-6 as proposed by OAG
8 and OP. Commissioner May moving, Commissioner
9 Turnbull seconding, Commissioners Cohen, Hood
10 and Miller approving.

11 CHAIRMAN HOOD: Okay. Let's move
12 on. Zoning Commission Case Number 11-08,
13 Palazzo, LLC Two-Year PUD Time Extension at
14 Square 2578. Ms. Schellin?

15 MS. SCHELLIN: Yes, the applicant
16 in this case is requesting a two-year PUD time
17 extension of the order to extend to March 8,
18 2016.

19 The applicant states that despite
20 the efforts it has made it will miss the
21 deadline for filing for its permits by
22 approximately two weeks, due in part by change

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1 in the structure of the ownership entity.

2 At Exhibit 4 we have an OP Report in
3 support of this request and we'd ask the
4 commission to consider final action.

5 CHAIRMAN HOOD: Okay, I think Ms.
6 Schellin has teed that up pretty good for us.
7 Any comments? Commissioner May?

8 COMMISSIONER MAY: I just had a
9 question for the Office of Planning. I'm a
10 little confused because the applicant said in
11 their submission on March 7th that they would
12 miss the submission date, or the date to get the
13 permit by two weeks. And it's now been five
14 weeks since that time, and the extension
15 request is for two years.

16 So I'm wondering, I mean, have they
17 actually gotten the permit at this point? Do
18 we need to extend it for two years, or is some
19 lesser period acceptable? Do you all know?

20 MR. LAWSON: We don't know the
21 status of the current permit application. As
22 far as we know it's not being issued. Two years

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1 is the standard amount for an extension. So
2 we're not opposed to that.

3 I suppose if the commission wanted
4 to establish a shorter time period, we'd also
5 not be opposed to that. But we have no update
6 on the status of their permit application.

7 COMMISSIONER MAY: Okay. I mean,
8 it just seems a little funny they need an extra
9 couple of weeks and so we give them two years.

10 VICE CHAIR COHEN: Yes, I actually
11 concur with you that I don't even believe that
12 two years is necessary. Unless there's some
13 reason that is unclear in the submission that
14 I don't see why can't just give it six months
15 to a year.

16 COMMISSIONER TURNBULL: I guess I
17 would concur on just the one time we got an
18 extension where it's not for financial reasons.
19 They're basically 80% along on the construction
20 drawings. So it sounds like they're close to
21 being able to go for a permit. So I would be
22 looking at a lesser time if it's simply merely

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1 filing all those drawings.

2 CHAIRMAN HOOD: Okay. Any other
3 comments? So what are we proposing?

4 COMMISSIONER MAY: Well, you know,
5 it might be actually helpful to understand from
6 the applicant whether, if we give them six
7 months or a year, whether that would be
8 sufficient. But I don't know how far you want
9 to go with that.

10 CHAIRMAN HOOD: I think this one of
11 those cases where we'll call Ms. Prince right
12 on up and she can be able to expound, to help
13 us move this along. She may just be back in six
14 months, I don't know.

15 Oh, I'm sorry. Chairman Jordan
16 must be using this button quite a bit because
17 it was off.

18 MS. PRINCE: Good evening, members
19 of the Commission, Allison Prince from Goulston
20 & Storrs. I've heard from the applicant that
21 they intend to file for permit by the end of May,
22 but I have heard that for a few months now.

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1 It seems to be taking a little
2 longer. It is an incredibly complicated site
3 that's been in play for a long time. I think
4 a year would be more than adequate, but six
5 months I would be uncomfortable with because
6 I'm afraid I might be right back before you.

7 They are well underway though.
8 They are heavily invested in the process, but
9 it's involved continued dialogue with the
10 Historic Preservation Office on some minor
11 changes to the plans. A lot more complications
12 with the permit set than they expected, and I
13 think it's all laid out in the affidavit, all
14 the effort they've put into it. But a year
15 should be adequate.

16 COMMISSIONER MAY: Well I'm fairly
17 in support of giving an extension. If a year
18 is adequate then I'd be happy with that. So I
19 would make a motion to grant a one year time
20 extension on Zoning Commission Case 11-08.

21 COMMISSIONER MILLER: I'll second
22 it.

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1 CHAIRMAN HOOD: Okay. It's been
2 moved and properly seconded. Any further
3 discussion, to one year? All those in favor?
4 Aye. Any opposition? Not hearing any, Ms.
5 Schellin, would you record the vote?

6 MS. SCHELLIN: Just clarifying
7 that the Case Number's 11-08A. Commissioner
8 May making the motion to approve the extension
9 for one year in Case Number 11-08A.
10 Commissioner Miller seconding. Commissioners
11 Hood, Cohen, and Turnbull in support of the
12 extension.

13 CHAIRMAN HOOD: Okay, thank you.
14 Let's go to proposed action Zoning Commission
15 Case Number 13-07. This is David Belt Map
16 Amendment at Square 5081. Ms. Schellin?

17 MS. SCHELLIN: Yes, sir. Exhibits
18 50-54 are some post hearing submissions, and
19 we've asked that the commission consider taking
20 proposed action on this case this evening.

21 CHAIRMAN HOOD: Okay, thank you.
22 Commissioners, as you know, the Commission held

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1 a hearing on OP's recommendation to rezone
2 Square 5081, Lots 14, 15, 22, 804, 805, and 806
3 from the C-3-A to the R-5-B Zone District, and
4 to rezone Square 5081 Lot 52 from the C-3-A to
5 the R-5-C District.

6 The petitioner at that time
7 contended that all the property should be zoned
8 identically. And at that time they were
9 requesting they should be zoned to R-5-B.

10 Potentially, there was a
11 compromise, and the petitioner and others
12 opposed at that time thought it was split
13 zoning. Or they opposed, I'm sorry, I
14 thinking. They thought, they were opposed to
15 the split zoning which would have, and would
16 accept the R-5-C zoning if it applied to all
17 properties.

18 OP indicated while it continues to
19 support the R-5-B, R-5-C split, it would not
20 oppose all properties being re-zoned to R-5-C.
21 And the story goes on.

22 And I think that was captured also

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1 in Mr. Belt's letter. And I want to make sure
2 I understood this because I highlighted it. He
3 even states what I heard of the compromise, I
4 think that at I first I thought that Mr. Belt
5 and the community wanted to stick with R-5-B.
6 And, Ms. Schellin, I asked you to look at Mr.
7 Belt.

8 The way I understand this last
9 sentence it says, "With that being said, after
10 careful consideration, we will accept
11 whichever zoning the Commission sees fit
12 whether it is R-5-B or R-5-C. We request the
13 Zoning Commission Zone all properties the
14 same."

15 Let me make a statement first before
16 I go any further. I understand that the Office
17 received, I'm not going to say a complaint, a
18 concern. I know a lot of people in this city.

19 I know Reverend Young. I know of
20 Reverend Young. Reverend Young and I don't
21 hang out. I don't go to his church. I just
22 know him.

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1 I know a lot of people in the city.
2 I know Kyrus Freeman. I know a whole lot of
3 other B- I just use you because you because you
4 was sitting there. But I know a lot of people
5 in the city.

6 If I had to recuse -- and all of us,
7 if we had to recuse our self for the people we
8 know, we wouldn't be sitting up here. So I want
9 you to know that I have not discussed this with
10 Reverend Young. Haven't seen him in some time,
11 since he preached at -- and that was a couple
12 of years ago. And he walked out before anybody
13 could say anything to him.

14 It might have been what he said,
15 but, anyway, I will tell you that that's a
16 concern. Mr. Belt, you can let Ms. Schellin
17 know, and I will recuse myself happily. So,
18 unless I hear otherwise from my colleagues or
19 Mr. Belt, I will proceed.

20 Okay, all right, where was I?
21 Okay, again, Ms. Schellin, if you could look Mr.
22 Belt, because he says whether it is R-5-B or

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1 R-5-C, we request that the Commission zone all
2 properties the same. Is that a true statement?
3 So he will accept either R-5-B or R-5-C as long
4 as they're both the same?

5 COMMISSIONER MAY: Yes, I mean it's
6 B-

7 CHAIRMAN HOOD: Well, that's what
8 his letter says, but I see him doing something
9 different.

10 COMMISSIONER MAY: So what --

11 CHAIRMAN HOOD: And I, when I read
12 this, let me just say this, the reason why I'm
13 asking that question, if you see I highlighted
14 it, we do read your letters Mr. Belt. See the
15 green? But, no, I can't, I just want you to
16 shake your head if what I read here is actually
17 true.

18 COMMISSIONER MAY: Mr. Chairman?

19 CHAIRMAN HOOD: Yes?

20 COMMISSIONER MAY: I'm sorry to
21 interrupt but I just think there should be some
22 clarification. I think that Mr. Belt still

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1 believes the entire set of properties should be
2 R-5-B. But if we're inclined to allow some of
3 it be R-5-C I think he'd rather see it all R-5-C
4 rather than split between R-5-B and C.

5 CHAIRMAN HOOD: That was my
6 interpretation.

7 COMMISSIONER MAY: Right, okay.

8 CHAIRMAN HOOD: But I wanted to
9 make sure that was my B- not open to either one.
10 That's kind of where I was.

11 COMMISSIONER MAY: Right, I mean,
12 it, you know, to say that he's open to either
13 one means that, you know, he's okay with either
14 R-5-B or R-5-C. I think he'd prefer to have
15 R-5-B.

16 CHAIRMAN HOOD: Well, Commissioner
17 May, the reason I'm asking, because the way I
18 read it?

19 COMMISSIONER MAY: Yes.

20 CHAIRMAN HOOD: He's okay with
21 either one.

22 COMMISSIONER MAY: Yes.

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1 CHAIRMAN HOOD: That's why there's
2 five of us up here.

3 COMMISSIONER MAY: Right.

4 CHAIRMAN HOOD: I just want some
5 clarification from my standpoint.

6 COMMISSIONER MAY: Right.

7 CHAIRMAN HOOD: Okay, I'm seeing a
8 nod. So he'd rather stick with R-5-B. And I
9 thought that was the case.

10 Okay, I'm going to open it up for
11 comments. Vice Chair Cohen?

12 VICE CHAIR COHEN: Yes, Mr.
13 Chairman. I have absolutely no objection to
14 move forward on a proposed action. However,
15 prior to final action there is something that
16 was in Mr. Belt's letter that's of concern to
17 me.

18 And I would like Mr. Voudrie, et
19 cetera to respond to something that was said
20 with regard to, Mr. Voudrie advised me that they
21 had not spent considerable resources as
22 represented to the Zoning Commission. They

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1 only had a concept drawing, not working plans.

2 And they had not received their
3 funding at that time as represented to the
4 Commission. And that's a concern to me that
5 statements were made to us. Some of us relied
6 on those statements. And I would like, prior
7 to final action, to the parties to respond to
8 that letter. Or whatever they're called.

9 MR. GOLDSTEIN: It might be helpful
10 if you identified the person.

11 VICE CHAIR COHEN: Mister, well, I
12 said Mr. Voudrie, but, you know B-

13 MR. GOLDSTEIN: Right, so you'd
14 like Mr. Voudrie B-

15 VICE CHAIR COHEN: Yes.

16 MR. GOLDSTEIN: -- or his
17 representative to respond to the B-

18 VICE CHAIR COHEN: Yes.

19 MR. GOLDSTEIN: -- assertion made
20 by Mr. Belt, but you would not allow any
21 responses to Mr. Voudrie's. You're just
22 basically asking for opportunity for Mr.

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1 Voudrie to respond?

2 VICE CHAIR COHEN: Yes, I am.

3 Thank you for clarifying that. No responses.

4 CHAIRMAN HOOD: Okay, any other
5 comments? Commissioner Miller?

6 COMMISSIONER MILLER: Thank you,
7 Mr. Chairman. I certainly support one zone
8 rather a split zoning. And I think the R-5-C
9 facilitates the housing development that's in
10 plan for the block. So I'm prepared to support
11 the R-5-C at the appropriate time.

12 CHAIRMAN HOOD: Okay, any other
13 comments?

14 COMMISSIONER MAY: Mr. Chairman, I
15 would definitely prefer R-5-B. And I'm not a
16 big fan of the housing project as it was
17 designed, but this case is not really about that
18 case in particular.

19 I mean I certainly have comments
20 about that case, but I think that the, in the
21 Office of Planning and others, and the
22 applicant, I believe have already said these

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1 things before about the concerns that we have
2 about that development.

3 And I think that the better, I mean,
4 I think what would be more consistent with the
5 comprehensive plan, and would be better for the
6 adjacent parkland and for the adjacent
7 neighbors, and the scale of development in the
8 neighborhood, which is largely single family
9 homes, R-5-B makes a lot more sense.

10 But if it's the consensus of the
11 Commission that R-5-C is the best that we're
12 going to do in this circumstance then I will go
13 along with that.

14 CHAIRMAN HOOD: Okay, Mr.
15 Turnbull, do you want to add anything?

16 COMMISSIONER TURNBULL: Yes, I
17 would just echo Commissioner May's concern. I
18 think that R-5-B would be more appropriate, but
19 considering the inconsistency in the zoning map
20 and the Comp plan as to what this property is
21 really zoned at, I think there is some reliance
22 that has been set upon that map.

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1 And unfairly or fairly or however you want
2 to look at it, but I think that we have to be
3 careful when someone looks at one of our maps
4 and decides to go ahead from a business venture
5 so that there's a certain reliability that
6 people look at when they look at our maps.

7 And I think that that's my problem.
8 I would prefer R-5-B, but I understand the
9 reliability issue here.

10 CHAIRMAN HOOD: Mr. Turnbull, I
11 would actually concur with you. I've been back
12 and forth on this. I thought when I first,
13 because as you know, I didn't hear the first
14 case, and I was not going to participate but
15 because of where we were and all the other
16 misnomers that were going on.

17 I, too, think that the city and what
18 we present to anyone should be predictable, and
19 that is a problem. I think Mr. Belt brings a
20 good case, and I grappled with whether I was,
21 which way I was going to go on this.

22 But if I B- I know personally if I

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1 went downtown and did something, I want it to
2 be predictable. I don't want nobody to second
3 guess. So, anyway, that's just where I am.

4 I think I would be in favor of
5 moving, since the letter states, all R-5-C, I
6 think the way I hear, I hear unanimous, but I
7 think B- I don't know how got here. Well I know
8 how we got here. But I think Mr. Belt makes a
9 case.

10 And this is unfortunate that the
11 applicant relied on, well not the applicant,
12 but someone relied B- and we don't really talk
13 about cases when we're doing stuff like this.
14 But I think that someone relied on information
15 that was provided. And this city should be
16 predictable.

17 COMMISSIONER MAY: And, Mr.
18 Chairman, if I could add to that, I mean I think
19 one of the things that is a concern, while the
20 zoning map is, should be, the most reliable
21 source for information about how you can
22 develop your property I think the role of a

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1 comprehensive plan and the changes that it
2 advocates isn't always clear, particularly to
3 the neighbors.

4 I think that some of the neighbors
5 looked at that and thought, oh, well, you know,
6 this is what the destiny of the property is
7 likely to be. It's likely to wind up being
8 zoned for single family homes like what's there
9 now, and, or that that's what would result in
10 terms of development.

11 And there's a, you know, there was
12 a gap between the comprehensive plan and a
13 change in zoning that. I mean, it's hard to say
14 that somebody should have acted on that, but at
15 least, I think, a stronger effort to make sure
16 that people are informed that the comprehensive
17 plan is not necessarily the last word, that
18 there has to be zoning to follow that.

19 CHAIRPERSON HOOD: And I think this
20 commission has been faced with something of
21 this issue previously. I'm not sure how long
22 ago it was. And, again, I think you'll find a

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1 consistency of the information that citizens
2 rely on should be predictable.

3 So that's where I am on this. Any
4 other comments? Okay, would somebody like to
5 B-

6 COMMISSIONER MILLER: I B-

7 CHAIRMAN HOOD: Vice Chair, I mean,
8 I'm sorry. Commissioner Miller?

9 COMMISSIONER MILLER: Okay, all
10 right. Thank you. I would move that the
11 Commission take proposed action to approve Case
12 Number 13-07 consistent with the compromise
13 described by Office of Planning such that
14 Square 5081, Lot 14, 15, 22, 52, 804, 805, and
15 806 would all be re-zoned from the C-3-A to the
16 R-C Zone District, and with the caveat that,
17 prior to final action, Mr. Voudrie respond to
18 the assertion in Mr. Belt's letter as requested
19 by the Vice Chair.

20 VICE CHAIR COHEN: And I will
21 second that motion.

22 CHAIRMAN HOOD: Okay, it has been

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1 moved and properly seconded. Any further
2 discussion? All those in favor? Aye. Any
3 opposition? So it is. Staff, would you
4 record the vote?

5 MS. SCHELLIN: Yes, sir. Staff
6 records the vote five to zero to zero to re-zone
7 all of the lots to R-5-C as listed by
8 Commissioner Miller, per the motion made by
9 Commissioner Miller. Commissioner Cohen
10 second. Commissioners Hood, May, and Turnbull
11 in support.

12 And as far as the response requested
13 by Vice Chair Cohen, if we could have that in
14 B- since it's something that they are aware of,
15 I think in one week, if we could have that by
16 3:00 p.m., April 22? And no responses to that?
17 Mr. Freeman, can I get a nod from you, since
18 you're the attorney? Thank you.

19 CHAIRMAN HOOD: And I feel
20 compelled to say this since I said what I said
21 earlier about me knowing people in the city. I
22 think, when we're doing zoning and people go out

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1 and solicit help, I think people need to respect
2 the commissioners' wishes.

3 When we ask people, and I'm doing
4 this for those who we are a looking to, we ask
5 you not to talk to us about a case, we don't need
6 to hear that you went to somebody's meeting and
7 we were asked to support that and you tried to
8 talk to them because we live in this city too.

9 You know, we are out there engaging
10 in other activities as others. And sometimes
11 it becomes very appalling when you ask people
12 not to talk to you about a case and they continue
13 to try to. So, anyway, I just wanted to put
14 that out there. That goes along with this case
15 and I'll leave it at that.

16 Okay, next. Zoning Commission
17 Case Number 13-10, ZP Georgia Consolidated PUD
18 Related Map Amendment at Square 2892. Ms.
19 Schellin?

20 MS. SCHELLIN: Yes, sir. On this
21 case we have Exhibits 43-47 post-hearing
22 submissions. And we'd ask the Commission to

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1 consider proposed action on this case.

2 CHAIRMAN HOOD: Okay. Thank you,
3 Ms. Schellin. Would somebody like to get us
4 started on this one? Vice Chair Cohen?

5 VICE CHAIR COHEN: Mr. Chairman, I
6 just want to say for the record that I did not
7 participate in this zoning hearing. So I will
8 not be participating in any actions.

9 CHAIRMAN HOOD: Was the record not
10 provided, or you just didn't have a chance to
11 read it?

12 VICE CHAIR COHEN: I didn't have a
13 chance to read it.

14 CHAIRMAN HOOD: Would you like to
15 participate?

16 VICE CHAIR COHEN: No, sir.

17 CHAIRMAN HOOD: Okay.

18 VICE CHAIR COHEN: It's not
19 necessary.

20 CHAIRMAN HOOD: I figured that
21 would be the answer. Would somebody like to
22 get us started off? Commissioner May?

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1 COMMISSIONER MAY: Yes, first I
2 would just comment on the, you know, we were
3 provided with new drawings in response to
4 comments that were made at the hearing that
5 simplified the rooftop structures a bit, and,
6 you know, connected some things so that the
7 number was reduced.

8 And, you know, I think that's
9 helpful. I'm not, I'm still not really super
10 enthusiastic about the way the penthouse on the
11 south side of the building is right up on the
12 party wall.

13 And I know that's not really B- I
14 know that it's allowed because it is on the
15 property line and not an exterior wall, but I
16 still don't like it. And we're likely to see
17 it for a really long time before anything else
18 happens on that block that might lead to a
19 development of it to that same height.

20 And so, I mean, I guess, I just throw
21 that out there for the lawyers in the room and
22 the architects in the room that this is the sort

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1 of circumstance we should work very hard to
2 avoid. And I think it is avoidable with a very
3 careful design effort, but I've beaten that
4 horse. It's thoroughly dead.

5 So, now, with regard to the other
6 issue as to whether there's some sort of
7 easement there I find that it's not. I think
8 that we have to go on what we have on paper that
9 says that the, you know, the applicant owns the
10 property. And we haven't see anything to
11 indicate anything to the contrary. So I don't
12 think it's really an issue for us to decide. I
13 think we can act on what we see before us.

14 CHAIRPERSON HOOD: Okay, any other
15 comments? Questions?

16 CHAIRMAN TURNBULL: Mr. Chair, I
17 don't think we've had any other submittals that
18 would convince us that we need to worry or act
19 upon the theoretical easement here. So I
20 think, without having that before us, it's not
21 in our jurisdiction to act on that, I think.

22 CHAIRPERSON HOOD: I would concur

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1 with what I've heard about the easement. While
2 it's a very rough situation, I'm not sure if we
3 can go down, I'm not going to say that alley,
4 but I'm not sure if we can go down that road in
5 this particular case because I think my
6 question at the hearing about what was
7 presented to us, I thought that it was very
8 unusual.

9 It was rather unusual. But I don't
10 think the evidence has been provided to us to
11 move. And I think to err on the side of caution
12 we need to stay away from making easements in
13 the city, so.

14 CHAIRMAN TURNBULL: Well, my only
15 comment is that I thought putting another fence
16 up without advising the neighbors about their
17 cars and everything was a little unfortunate.
18 I don't think that was in the best practice of
19 any developer to do that.

20 I think there should have been more
21 a careful consideration of proceeding, but I
22 think they were within their rights. But I

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1 think, as a good neighbor, they should have been
2 able to have gone out and advise those people.

3 CHAIRMAN HOOD: I would concur with
4 your comments, Mr. Turnbull. Any other
5 comments, anything? Commissioner Miller?

6 COMMISSIONER MILLER: Thank you,
7 Mr. Chairman. I would concur with Mr.
8 Turnbull's comments about the easement. On
9 the inclusionary zoning requirement the
10 applicant is requesting a map amendment from a
11 PDA related map amendment, from C-2-A to C-2-B.

12 And under the IZ regulations, the
13 project, had it been developed under C-2-A,
14 would have been required to set aside 5,249
15 square feet of floor area for affordable units,
16 and half would have been low income, and half
17 would have been moderate income.

18 It's my understanding that under
19 the proposed re-zoning the property's IZ
20 requirement would be a greater square footage
21 of affordable housing. But all of it would be
22 set aside for moderate income housing as

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1 permitted under the C-2-B zone. And none of it
2 would be low income.

3 So while there's a overall growth,
4 where there's an overall increase in low and B-
5 overall increase in affordable housing under IZ
6 it's, there's a reduction of, I think it's
7 2,000, over 2,000 square feet of, or is it over
8 3,000 square feet? Over 3,000 square feet.
9 There's a 3,000 square feet loss of low income
10 housing as a result of the map amendment if we
11 were approve it.

12 So I think what we need from the
13 applicant unless we have it and I've missed it
14 is some kind of a balancing of the net gain of
15 affordable housing against the net loss of low
16 income housing before we can B- I don't know if
17 we need that before we take proposed action, but
18 certainly before final action.

19 So that's, in that kind of
20 balancing, you know, we would need to know from
21 the B- we would need to get from the applicant
22 the likely number of total IZ units that would

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1 result from the C-2-A set aside, the number of
2 low income units that, that would result, and
3 the likely square footage of low income units.

4 And then the applicant should then
5 balance that, the 2,431 square feet of moderate
6 income housing gained from the re-zoning
7 against the loss of low income housing that
8 would have resulted under existed zoning, and
9 explain why. The applicant should explain why
10 the net gain should be considered a public
11 benefit.

12 So I would just ask that if we make
13 a motion tonight to approve, which I'm prepared
14 to support, that we ask for that information.

15 CHAIRMAN HOOD: Okay. Thank
16 Commissioner Miller. Colleagues, any other
17 comments? Okay.

18 COMMISSIONER TURNBULL: Mr. Chair,
19 I would move that we take proposed action on
20 Zoning Case Number 13-10, CP Georgia
21 Consolidated PUD and related map amendment at
22 Square 2892, considering the items that we've

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1 already mentioned, especially Mr. Miller's
2 comments there regarding the IZ, and look to a
3 second.

4 COMMISSIONER MILLER: I second.

5 CHAIRMAN HOOD: Okay, it's been
6 moved and properly second. Any further
7 discussion? All those in favor, aye. Not
8 hearing opposition I'll close voting. Ms.
9 Schellin, would you record the vote?

10 MS. SCHELLIN: Yes, sir. Staff
11 will record the vote four to zero to one, to
12 approve proposed action in Zoning Commission
13 Case Number 13-10.

14 Commissioner Turnbull moving.
15 Commissioner Miller second. Commissioners
16 Hood and May in support. Commissioner Cohen
17 not voting, having not participated.

18 And I actually left the room for the
19 items that were asked for. But I'm sure that
20 Mr. Freeman knows what was asked for. So how
21 much time do you think? A week? Two weeks?
22 One week? So we'll give him until 3:00 p.m.,

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1 April 22.

2 And then we have to allow the party
3 in opposition one week to file a response to
4 those items only that are provided. So that
5 would until 3:00 p.m., April 29.

6 CHAIRMAN HOOD: Okay, let me just
7 state I saw Mr. Morgan come in as we were
8 deliberating, especially on the easement.

9 I would suggest two things you can
10 touch base with staff another day, or you can
11 look at us on, what is it, Web Stream Live?
12 Well, it won't be live, but video on demand and
13 see how we dealt with that first issue because
14 there was some discussion that went on before
15 you walked in.

16 MS. SCHELLIN: And also I would
17 just remind the parties that this was, since
18 proposed action was taken that B- and I do, I
19 should have a copy B- since this was a PUD that
20 they need to abide by Section 2403, 15-2403, 21.
21 If they need a copy of that, they can obtain that
22 from me.

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1 CHAIRMAN HOOD: Okay, anything
2 else on this?

3 MS. SCHELLIN: No, sir.

4 CHAIRMAN HOOD: Okay, next we will
5 go to hearing action Zoning Commission Case
6 Number 14-04 Professional Associates & the
7 International Finance Corporation,
8 Consolidated PUD at Square 74. Mr. Goldstein?

9 MR. GOLDSTEIN: Good evening Mr.
10 Chairman and members of the Commission. The
11 applicants in this case, Professional
12 Associates & the International Finance
13 Corporation have filed a consolidated plan unit
14 development to add an office addition to the
15 IFC's existing office building at the southwest
16 corner of 21st and K Streets Northwest.

17 The addition would replace an older
18 and less dense detached office building with
19 new office space, be 11 stories and 130 feet
20 tall, and measure about 154,000 square feet,
21 representing a net increase of about 89,000
22 square feet on the site.

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1 The overall FAR for the entire site
2 would rise to 10.48 FAR. And the new space is
3 intended to provide room for IFC expansion.

4 Other details of the proposal
5 include ground floor and mezzanine retail.
6 The addition would have its own lobby entrance,
7 and four levels of independently accessible
8 underground parking containing 48 vehicle
9 parking spaces. And the addition would extend
10 above an existing private alley.

11 Areas of flexibility that are
12 requested include the ability to eliminate the
13 mezzanine portion of the retail, although not
14 the ground level, if the mezzanine space proves
15 unsuccessful, the typical design flexibility
16 that you see in most cases, and finally the
17 ability, under Section 1709.24 to exceed the 10
18 FAR for a proposed additional .48 FAR.

19 This point perhaps needs a bit more
20 emphasis that only 10 FAR is a matter of right
21 with TDRs, but the .48 requires PUD
22 flexibility.

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1 On this point OP notes that there
2 may be a difference of opinion with the
3 applicant regarding how the regulation is
4 interpreted. It appears to OP that the
5 flexibility must be approved by the Commission
6 for the additional density and that TDRs also
7 must be purchased for the square footage.

8 This is something that we will
9 continue to work to clarify prior to public
10 hearing. The OP report also raises a few
11 additional topics that we'll continue work with
12 the applicant on, namely the roof structure and
13 tower design, maintenance of a meaningful
14 connection, the housing linkage calculation,
15 benefits and amenities proffer and the
16 justification for the separate garage access.

17 The comprehensive plan future land
18 use map designates the site as high density
19 commercial as detailed in the OP report. The
20 applicant's proposal is not inconsistent with
21 this designation or the Comp Plan's land use
22 policy guidance.

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1 Consequently, OP recommends that
2 the Commission set down the application for a
3 public hearing. And I'm happy to answer any
4 questions that you may have.

5 CHAIRMAN HOOD: Okay, we're going
6 to have some questions, Office of Planning.
7 And then after that I would like to take a
8 three-minute break. And then I'd like for us
9 to come back on the record. So, any questions
10 of the Office of Planning?

11 COMMISSIONER MAY: I have a
12 question. Well I mean, it's sort of a
13 question. But when you raise the issue of the
14 "tower" and I don't understand really how
15 something that is so extensive could actually
16 be considered a tower per se, and I hope that
17 that's one of the questions that you're trying
18 to resolve.

19 MR. GOLDSTEIN: We'll try to
20 resolve that question.

21 COMMISSIONER MAY: Okay, because,
22 I mean, in my view anything that's going to go

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1 B- I mean particularly since this is expressed
2 as, you know, basically two-thirds of the
3 facade of this building is, has this elevated
4 height, I mean there's just no way.

5 It just doesn't, it's not a tower to
6 me, and, you know, maybe they can, maybe some
7 elements of this can be, you know, can be part
8 of the final design, but there's just no way
9 that I'm going to support something that has a
10 "tower" that's all along that, I guess the K
11 Street, facade. It just, it doesn't work.

12 I also, I guess I'm a little unclear
13 on the meaningful connection. Is there, I
14 mean, is there going to be a connection at each
15 floor? Or a future connection to each floor,
16 or?

17 MR. GOLDSTEIN: What it's showing
18 now is that, yes, there would be connections on
19 each floor. It would be expansion space for
20 the IFC. But it is being built with its own
21 separate lobby, its own separate parking.

22 The application references, I

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1 believe, a 40-year lease. So at some point the
2 lease could expire and the building could
3 operate independently.

4 So what we're encouraging the
5 applicant is to have some firm, meaningful
6 connection, if walls are put up and this
7 building operates independently, that
8 something remains to make it consistent as an
9 addition under zoning.

10 COMMISSIONER MAY: Right, okay.
11 Good. And I also like the idea of trying figure
12 out if there's a way for this building to
13 operate without putting in another garage ramp.
14 It seems kind of silly. It's for the footprint
15 you've got, the amount of ramp there is just
16 ridiculous. I mean, it may be the only thing
17 you can do, but it just seems like an awful lot.
18 Thanks.

19 COMMISSIONER HOOD: Vice Chair?

20 VICE CHAIR COHEN: Thank you, Mr.
21 Chairman. When you're exploring the
22 connections for the, sort of, second building,

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1 I guess there's a disconnect for me, when you
2 have a 40-year lease, why you even need a
3 separate lobby. Because after 40 years,
4 should they withdraw from further leases,
5 you're going to renovate the building anyway to
6 upgrade it and modernize it.

7 So if you can get the applicant to
8 elaborate more on the need for that second
9 lobby. And then I don't, have never found
10 mezzanine retail to really work well. And,
11 again, I think there needs to be a greater
12 explanation as to B- and they're even asking
13 that if it's not leased within two years to
14 substitute it. But why are, can they provide
15 us with information that, you know, mezzanine
16 retail in this location is feasible.

17 I know that a lot of other buildings
18 have had to modify the retail space that's been
19 on the mezzanine into office space.

20 And then, of course, I think you
21 covered a number of other things with regard to
22 the housing and affordable housing. You know,

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1 and I'd like, maybe, somebody in, the expert in
2 OP to, you know, check out to make sure that they
3 are maximizing the payment. Thank you. Who
4 else? Mr. Turnbull?

5 COMMISSIONER TURNBULL: Thank you,
6 Vice Chair. I would agree with your comments.
7 I mean, I think the retail aspect is something
8 that's a little troubling. It has been problem
9 in other areas. So I think we need some more
10 talk about what they see as possible options,
11 how they're going to develop that, and what kind
12 of uses could go in there.

13 I would also agree with
14 Commissioner May that it seems like the term
15 embellishment is a bit of stretch. They have
16 the whole facade, but, and you're nodding your
17 head Mr. Goldstein. I figure you're well aware
18 of our concerns.

19 And the other part. I guess the
20 third part is the blending of the two buildings.
21 And so, we're morphing from a zoning issue to
22 a building code issue whether you're going to

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1 have a firewall. I mean, this is, in theory,
2 it's going to be an addition.

3 So there's going to be a separation,
4 I mean, ideally you're building a separate
5 lobby so that this thing can function
6 separately at some other point. So there are
7 those kinds of issues. So it would be good to
8 hear some analysis of what they really involve
9 to how they really are going to set this thing
10 up. Thank you.

11 COMMISSIONER MILLER: Thank you.
12 I would like to just, I'm prepared to support
13 setting down this for a hearing.

14 I would, I agree with all of the
15 requests made by the Office of Planning in their
16 set down report dated April 4, 2014 asking for
17 more information from the applicant prior to
18 the public hearing, and on the roof structure
19 and tower design, the meaningful connection,
20 the housing linkage, the benefits, amenity
21 proffer, and the separate entrance.

22 And then there's some additional

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1 items that they had in there in the body of their
2 report. I think all that information would be
3 useful and necessary for us to have prior to the
4 hearing.

5 CHAIRMAN HOOD: Okay, I don't have
6 any comments. Anything else commissioners?

7 VICE CHAIR COHEN: No.

8 CHAIRMAN HOOD: Okay, somebody can
9 make a motion.

10 VICE CHAIR COHEN: I would like to
11 move to set down Zoning Commission Case Number
12 14-04, Consolidated Plan Unit Development at
13 21st and K Street Northwest, and ask for second.

14 COMMISSIONER MILLER: Second.

15 CHAIRMAN HOOD: So moved and proper
16 second. Any further discussion? All those in
17 favor? Aye. Not hearing opposition, Ms.
18 Schellin, would you record the vote?

19 MS. SCHELLIN: Staff records the
20 vote five to zero to zero to sit down Zoning
21 Commission Case Number 14-04 as a contested
22 case. Commissioner Cohen moving.

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1 Commissioner Miller second. Commissioners
2 Hood, May, and Turnbull in support.

3 CHAIRMAN HOOD: Commissioners, I
4 have a request that has come in this evening
5 about the Z.R.R. and I think we have to do B-
6 we need to do this at this time. So what I'd
7 like to do is take two minutes. I'm not
8 foreclosing you, Mr. Bergstein, or anything.

9 I'd just like to take two minutes so
10 I make sure I have the information. This
11 request comes from the Mayor of the District of
12 Columbia. So I want to make sure that I get
13 this right. So if we could take two minutes,
14 I appreciate it.

15 And I'd like for those who are here
16 to stay because this is very important. You
17 can help us get the word out if there's going
18 to be a word to get out. Thank you.

19 (Whereupon, the foregoing matter
20 went off the record at 7:18 p.m. and went back
21 on the record at 7:21 p.m.)

22 CHAIRMAN HOOD: Okay let's go back

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1 on the record. This is a request coming from
2 the Mayor of the District of Columbia that the
3 Zoning Commission leave the record open in the
4 Z.R.R. process until September 15th. Wait a
5 minute.

6 It says September 15, 2015. Okay,
7 September 15, 2014. He is, he's asking B- this
8 is a request coming directly from him. So that
9 the Office of Planning Director, Ms. Ellen
10 McCarthy and her staff will work with the
11 residents of this city to provide information
12 and, those who want to provide input, to assist
13 with input.

14 From colleagues that we have heard
15 a lot of discussion about we don't understand,
16 we don't know. And I think for the request to
17 come from the Mayor of the city at this time,
18 I think is, I would say it's definitely in
19 order.

20 I think the residents have spoken,
21 a number of them. Some of them may take a
22 little longer to kind of get intrigued at what

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1 we're doing. I think they should be afforded
2 an opportunity.

3 And I can just tell you that this is
4 the first time on the Commission, well, no. I
5 take this back. Maybe the third time in my
6 years on the Commission that we've had a request
7 come from the Mayor of the District of Columbia.
8 So let me open up for discussion. Any
9 discussion?

10 COMMISSIONER MAY: No, I was going
11 to say I'm, you know, I'm sure that many people
12 would support having the record open for a
13 longer period. And I have been open to the idea
14 of getting more input. I think we should also
15 recognize the fact that we heard a lot of
16 testimony from people that we should move
17 ahead, and move ahead quickly.

18 So I'm sure there are going to be
19 some people who, you know, who will not be so
20 thrilled about keeping the record open longer.
21 But, on balance, I would say that more input
22 would probably be beneficial.

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1 And while it has taken many years to
2 get the zoning regulation rewrite to this
3 point, if it's like the last writing of the
4 regulations it's going to last 50 years or more.
5 And so if it takes a few more months, I think
6 that's probably okay.

7 CHAIRMAN HOOD: Okay. Any other
8 B- Vice Chair?

9 VICE CHAIR COHEN: Yes. I
10 understand that a lot of people felt that they
11 did not have an opportunity to participate. I
12 think a lot of it is regarding to what happens
13 in a democracy. Some people are engaged and
14 other people are not.

15 And although I concur that it's
16 always best to be as inclusive as possible I
17 don't think it's a fair B- I don't think it's
18 fair for the people who did take the time and
19 effort to study the zoning rewrite. It has
20 been around a very, very long time.

21 And I really do believe that a lot
22 of people will feel very concerned that their

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1 efforts now are also pushed back. And I just
2 don't think that that is appropriate for the
3 Mayor to have asked the Zoning Commission to
4 push further into the future. But that's my
5 own opinion.

6 And, again, I know that being
7 inclusive is very, very, very important. I
8 think we've even gone beyond the what the Office
9 of Planning had done. We've encouraged the
10 Office of Planning to meet with a lot of people.

11 I think they have taken their, the
12 direction very seriously and have done so. So
13 I just am not in favor of postponing it any more.

14 CHAIRMAN HOOD: Okay, thank you.
15 Any other comments? Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Well, I
17 guess I have mixed feelings about it. I think
18 we heard over the last couple years a lot of
19 people's input. Some Wards were more engaged
20 than others. And I think a lot of them are
21 really, and a lot of professionals are waiting
22 for us to move forward on this.

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1 And I want to say that the Office of
2 Planning, Ms. Steingasser, Mr. Lawson, and
3 their teams, I think really did do a lion's
4 share of a lot of work on this. Is it
5 satisfactory to everybody? Does everybody B-
6 you're not going to please everybody all the
7 time.

8 It's like trying to get people out
9 to vote. You can tell them it's their God given
10 right, it's the right of every citizen in this
11 country to vote, but not everybody's going to
12 do it.

13 So I think we're having this
14 throwback of a lot people have not been paying
15 attention. And now it's come to the point
16 where B- if the Mayor feels that he's got input
17 from enough people that he'd like to postpone
18 it, or to do more, I don't know how many more
19 meetings we're going to be able to do.

20 And I don't know if the attendance
21 is going to be any greater at all if we do 50
22 more meetings. But I'm willing to go along

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1 with that.

2 I mean, I think if we want to do it,
3 then let's do it and give the new Interim
4 Director a chance to work, and see what other
5 ideas that she has. And if it plays on a little
6 better, then I think that it's good for the
7 city.

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

10 COMMISSIONER MILLER: Thank you,
11 Mr. Chairman. Yes, I would concur with the
12 comments of my colleagues, particularly the
13 Vice Chair about, on the issue of when we get
14 to September 15, and the people who are still
15 concerned about specific provisions say, well,
16 you know, we're going to have a new Mayor. And,
17 you know, they'll come up with some argument for
18 delay.

19 One would likely be we're going to
20 have a new Mayor. Let's let the new Mayor
21 decide whether or not to go forward. And I just
22 wanted to share with you my familiarity with

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1 that dynamic. During the last three
2 comprehensive plan amendment cycles that I was
3 involved with the Council in 1998, in December
4 of 1998, in December of 2006, and in December
5 of 2010 which is when the council acted on those
6 last three comprehensive plans.

7 And the new Mayor was going to be
8 coming in. And the people who were concerned
9 asked, let the new Mayor deal with it. And the
10 Council did not wait. There had been a lot of
11 public hearings.

12 And, you know, in the end there was
13 a lot satisfaction with the comprehensive plan
14 from even the people who were concerned about
15 it, and many of the people who have expressed
16 concern about the Z.R.R. have cited the
17 comprehensive plan process as a model of public
18 engagement and how, even though they were
19 critical, many of them were critical at the
20 time.

21 But I think it's B- it is a unique
22 opportunity with Ellen McCarthy coming in as

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1 Acting Director of OP being familiar with that
2 dynamic and that comprehensive planning
3 process, and her own fresh perspective.

4 And so I think it is a useful thing
5 for us B- or not a destructive thing for us to
6 do to allow more time. Let me put it that way.
7 I know not useful, but I think it's not, I don't
8 think any harm is done having, being going
9 through this Z.R.R. process for seven years.
10 What's another six months?

11 CHAIRMAN HOOD: Okay. I will say
12 that as someone -B I think Mr. Turnbull and I,
13 I think we've been in it from the long haul. I
14 don't know about you, Commissioner May. Have
15 you been in it from the long haul? I'm not too
16 concerned about the seven years. I'm more
17 concerned about proceeding with caution and
18 doing it right.

19 I've never been concerned, from day
20 one, I've said this in front of the Council,
21 about 7 years or 10 years. I'm more concerned
22 about doing it right. And if some people have

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1 a level of uncomfortableness, I understand what
2 the Vice Chair is saying. I don't particularly
3 agree with it. Because there are a few people
4 who may be more engaged than others.

5 At the end of the day, even when I
6 look at this dais, when I think about the Z.R.R.
7 B- and this is something that I thought about
8 even yesterday when I was, when it was coming
9 out of my mouth to the Chairman. We're going
10 to have a last meeting on the 24th and the
11 record's closing on the 25th.

12 Where's the opportunity for the
13 folks who on the 24th, to provide something on
14 the 25th? They don't do this full time. They
15 don't do this full time. They do more than just
16 zoning. Some of us do more than just zoning.

17 So I think, in all fairness, I
18 appreciate the Mayor's suggestion. And I
19 appreciate allowing that opportunity. I think
20 if we started deliberating, some of that may
21 have happened anyway. I'm not sure. I can't
22 predict it.

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1 But I just think that this request
2 B- and I hear Commissioner Miller's concerns.
3 Because I can tell you, this Commission and the
4 changeover, the Office of Planning report in
5 December, or maybe it was in October 1998 said
6 support a project. In January of '98 it said,
7 deny the project.

8 So, and that was my first time
9 experiencing that. I'd just got on the
10 Commission, and I was confused. I said, okay,
11 well what changed? And then it dawned on me.
12 Okay, this is what changed. But I think that
13 the concerns that we have heard from those who
14 B- and I don't want to take anything from Office
15 of Planning.

16 And I think the Office of Planning
17 will agree, they're getting more invitations
18 now. It might have took us, to get to this
19 point, seven years and a lot of invitations and
20 going out to the public. They do more now than
21 ever. People are getting engaged more now than
22 ever.

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1 If it took us this long to get to
2 where we can get people engaged, because guess
3 what? The people who live here are the ones
4 who's going to have to endure to a certain
5 point.

6 Now some of our neighborhoods are
7 historic. So we're not going to pretty much be
8 affected to a certain point. I mean I'm just
9 going to put it out there like that. And then
10 some of us are going to be affected by certain
11 things going on in our neighborhood.

12 So I think allowing this
13 opportunity, I think from what I've heard from
14 my colleagues, I think allowing this
15 opportunity, and Ms. McCarthy was here
16 previously, I think she worked well with the
17 residents of this city. And I think she will
18 bring an added value as we move forward. Not
19 taking anything away from the Office of
20 Planning.

21 I've been out there to the
22 communities with them. I've been out there

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1 with them to different wards, and Ward 7 when
2 it was about the police report. It wasn't
3 nothing about zoning. I don't think people
4 understood the magnitude of zoning.

5 And I think Ms. Schellin will tell
6 you, I start off in certain wards in this city,
7 when I go out and speak, I say we are 40 to 50
8 years behind in this community in zoning. And
9 I mean that. And that's how I'm going to start
10 off on Thursday night when I go to Ward 4. And
11 when I'm in Ward 5. Two places on Thursday
12 night.

13 People are getting engaged. I
14 think this is a valid request. I think that B-
15 I'm not sure who all, I guess this is what the
16 Mayor's heard. He represents the city. He's
17 still the Mayor regardless of what happened
18 he's the Mayor until January 2nd, and the new
19 Mayor's sworn in.

20 So I think we need to honor his
21 request. We don't get many from any Mayor.
22 But I think when we get it we need to take heed

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1 to it.

2 So I am in support of his request.
3 And I would move B- the only thing that concerns
4 me is what I have written here today says 2015.
5 I know that he's not asking for 2015.

6 So I would go with this motion and
7 say, I would make a motion that we keep the
8 record open until September the 15th, 2014 and
9 allow for the new Director McCarthy along with
10 the Office of Planning staff to continue to
11 provide information to those who want to make
12 input.

13 And also, with that, I would move
14 that we council and we ask the staff and
15 everyone to get out the message that the hearing
16 for the 21st be counseled. 21st and the 24th,
17 right?

18 MS. SCHELLIN: I believe the one
19 for the 24th will continue. It's only the 21st
20 B-

21 CHAIRMAN HOOD: Okay. That the --

22 MS. SCHELLIN: -- that will be

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1 cancelled.

2 CHAIRMAN HOOD: The 21st is when we
3 go out to Wards 7 and 8?

4 MS. SCHELLIN: Wards 7 and 8. Yes.

5 CHAIRMAN HOOD: Okay. Let me take
6 that. Let's talk about the cancellation next.

7 MS. SCHELLIN: Okay.

8 CHAIRMAN HOOD: Let me break it up.
9 I was trying to B-

10 COMMISSIONER MAY: Can we B- I
11 mean, we don't need to determine what our
12 meeting schedule will be at this moment.
13 That's not something we normally just B-

14 CHAIRMAN HOOD: Well we have B-

15 COMMISSIONER MAY: -- on.

16 CHAIRMAN HOOD: We don't have
17 another hearing until the B- the 21st is when
18 we go out to Wards 7 and 8?

19 COMMISSIONER MAY: Right.

20 MS. SCHELLIN: And we need to
21 publically announce it.

22 CHAIRMAN HOOD: -- we need to

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1 decide. Because here's the thing, when we have
2 a hearing because of all this education that's
3 going on we want to make sure that people are
4 in tune. Let me just finish.

5 UNKNOWN SPEAKER: Thank you.

6 CHAIRMAN HOOD: People are in tune
7 to the subject as opposed to going out and then
8 having to go back again. Unless we want to go
9 out. But let me break it up. Let me do that.
10 Let's first vote on the motion to extend, leave
11 the record open to September 15, 2014 for the
12 reasons provided. And I ask for a second.

13 COMMISSIONER TURNBULL: Second.

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

17 VICE CHAIR COHEN: Nay.

18 CHAIRMAN HOOD: Okay, one opposed.
19 All those in favor, four, one opposed.

20 MS. SCHELLIN: Staff records the
21 vote four to one to zero. Commissioner Hood
22 moving. Commissioner Turnbull second.

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1 Commissioners May and Miller in support.
2 Commissioner Cohen opposed.

3 CHAIRMAN HOOD: Okay, now let's
4 talk about the hearing. Do we want to continue
5 the hearing on 21st and the 24th or B-

6 COMMISSIONER MAY: I'm sorry,
7 state again what they are?

8 MS. SCHELLIN: Yes, they B-

9 COMMISSIONER MAY: The 21st is
10 what?

11 CHAIRMAN HOOD: Wards 7 and 8.

12 MS. SCHELLIN: Correct. And my
13 understanding, and if Ms. Steingasser is at
14 liberty to state, my understanding is that the
15 B- it was stated that the Wards 7 and 8 hearing
16 that they were okay with that one being
17 cancelled.

18 MS. STEINGASSER: That is correct.
19 I was at the meeting with the representative of
20 ANCs and the Mayor this afternoon. And
21 Commissioner Holly Mohammed, who had requested
22 the special meeting on the 21st, was vocally

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1 supportive of cancelling that meeting.

2 COMMISSIONER MAY: And then what
3 was on the 24th?

4 MS. SCHELLIN: That was the one
5 that was going to be held in this hearing room
6 open to anyone who wanted to come and testify
7 from any Ward that had not previously
8 testified.

9 COMMISSIONER MAY: Okay.

10 MS. SCHELLIN: So therefore anyone
11 who wanted to testify from Wards 7 and 8 could
12 come on that evening.

13 COMMISSIONER MAY: So Mr. Chairman
14 are you proposing that we cancel both? Or one
15 or the other? I don't understand.

16 CHAIRMAN HOOD: I'm proposing, due
17 to these latest developments with Council both.
18 But I will tell you from what I heard from Ms.
19 Steingasser I'm very concerned. And I will say
20 this at the hearing. And I will tell the Mayor,
21 anyone. I'm very concerned about Ms.
22 Mohammed.

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1 And I will tell her B- I'm going to
2 tell her at the next hearing. And publically
3 I'm going to tell her. We have done
4 everything, and I'm B- actually I think I've
5 already told her this. And I'm going to repeat
6 it. We have done everything she's asked for.
7 What concerns me is we're cancelling this.
8 We'll do it because of the other results.

9 And apparently Ms. Mohammad is
10 asking us to cancel it. What about the rest of
11 the residents of this city? This city doesn't
12 operate just on one person. That's my issue.
13 But I think, to the developments, and I would
14 like to have heard that the group wanted us to
15 maybe cancel 7 and 8 as opposed to just Ms.
16 Mohammad. Ms. Steingasser, then we'll come
17 back to Ms. Schellin.

18 MS. STEINGASSER: There was
19 consensus with the group that was in the Mayor's
20 office today. They were B- that this would be,
21 that the meeting that was focused on 7 and 8
22 would be cancelled. It was B- I explicitly

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1 asked Commissioner Mohammed, since she was the
2 one who specifically requested it and it had
3 been granted to.

4 CHAIRMAN HOOD: Well thank you, Ms.
5 Steingasser. I withdraw my comments. And
6 Commissioner Mohammed, if you're looking at it,
7 I apologize. I do make mistakes. Okay,
8 you're right. She did ask for 7 and 8.

9 I just don't want, like,
10 Commissioner Jackson, people I know, who live
11 in 7 to say, well why did you cancel it? Why
12 did you all do that? And, you know, we run into
13 a lot of that. And it's kind of hard when
14 you're balancing competing interests.

15 So I will withdraw my comments about
16 Commissioner Mohammad, and I will actually
17 publically apologize to her even though she may
18 not be watching. She might look at it later.
19 Ms. Schellin?

20 MS. SCHELLIN: I just wanted to add
21 one thing, that we did not have anyone signed
22 up for Monday night's hearing, but we did have

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1 a few people signed up for the 24th's hearing
2 already, registered to testify. So, I did want
3 to state that before you cancel that one.

4 CHAIRMAN HOOD: Okay. So we can B-

5 MS. SCHELLIN: I mean not that we
6 couldn't B-

7 CHAIRMAN HOOD: We can save B-

8 MS. SCHELLIN: -- notify them.

9 CHAIRMAN HOOD: -- Metro fare down,
10 or riding our bicycles, or however we're going
11 to get there. Okay. Vice Chair?

12 VICE CHAIR COHEN: No, I was just
13 going to say, it's sort of B- it just boggles
14 my mind that people want to cancel meetings yet
15 they want to postpone it to September. Either
16 you want to, you know, sit down with us and tell
17 us what your concerns are, or you don't.

18 And that's just, I guess, a
19 frustration that I have felt when people are,
20 you know, saying one thing and then they're
21 doing another thing. So, I would suggest that
22 we go ahead and get as much feedback as

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1 possible.

2 CHAIRMAN HOOD: I really don't
3 think that argument is valid. That's just my
4 opinion. Yes, but that's why it's five of us
5 up here. I don't think your argument is valid,
6 Vice Chair. I think that the problem with what
7 you're saying about going ahead. I think what
8 the Mayor's asked us to do, and the
9 commissioners have asked us to do, so they can
10 come up to speed. Yes, we've been through
11 this, we've been here, but I think we owe this
12 city that.

13 So they can come up to speed. And
14 when they do come down in front us, they can talk
15 about parking. They can talk about come of the
16 880. They can talk about some of the pressing
17 issues as opposed to saying, we haven't had time
18 to read it.

19 And I think that's more helpful to
20 this Commissioner than it is anything else.

21 COMMISSIONER MAY: Mr. Chairman, I
22 mean, I think since we have a clear message that

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1 Ward 7 and 8 meeting, some group presumably
2 representing the folks who really wanted that
3 have indicated that they would prefer to have
4 that cancelled, that's fine. But I think the
5 other one that was going to be open to
6 everybody, why wouldn't we just go ahead and
7 hear what people have to say?

8 People may have reactions to the
9 schedule that we need to hear. And, you know,
10 we need, we probably need input on how to move
11 forward between now and September. I mean, I
12 think we should go ahead with the second one,
13 and cancel the Ward 7 and 8 one.

14 CHAIRMAN HOOD: I can go with that.
15 I think that's a good move, thank you,
16 Commissioner May. Does anyone have any
17 objections?

18 VICE CHAIR COHEN: No B-

19 CHAIRMAN HOOD: Hold on, hold on,
20 Vice Chair, let me let Commissioner Miller.

21 CHAIRMAN MILLER: I think
22 Commissioner May's suggestion is a good one.

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1 If the Ward 7 and 8 hearing was going to be a
2 second opportunity that no other combination of
3 Wards' second opportunity in this round, was
4 going to get, for, to comment on Z.R.R.

5 So we B- and undoubtedly, due to our
6 prior actions have put it off until September.
7 We're undoubtedly going to have more than one
8 hearing if we B- we go ahead with the 24th. And
9 there may be new testimony, not just from people
10 from who we've heard before, besides the ANCs.
11 So I'm supportive of what Commissioner May has
12 suggested.

13 CHAIRMAN HOOD: Okay. Vice Chair?

14 VICE CHAIR COHEN: I'm supportive
15 of what Commissioner May has said as well. But
16 I also want to state for the record because when
17 you said that we were going to get more
18 information and people talking about, let's
19 say, parking I just want to remind everybody
20 that we have a great deal of feedback from many,
21 many people across the entire city on many
22 issues.

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1 At least I know that there's stacks
2 of it in my own home that I, you know, have
3 briefly looked at before every single meeting.
4 So, I just wanted to state that for the record.

5 CHAIRMAN HOOD: Okay, thank you.
6 Again, let me ask this. And I don't want to
7 muddy the waters any more, due to this latest
8 development. Are we going to still keep the
9 same processes in place as far as B- do I want
10 to B- do we want to talk about that tonight?

11 COMMISSIONER MILLER: I don't
12 think we do. Well I think we should keep the
13 process in place and then going forward we can
14 open it up again.

15 COMMISSIONER MAY: Yes.

16 COMMISSIONER MILLER: Otherwise B-

17 COMMISSIONER MAY: I think it's too
18 much for us to figure out right at the moment
19 based on this. I mean, this is, you know, this
20 is a really kind of an abrupt development.

21 CHAIRMAN HOOD: I'll withdraw
22 that.

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1 COMMISSIONER MAY: So let's, I
2 mean, let's give it some thought.

3 CHAIRMAN HOOD: So the meeting's
4 still on for the 24th. I want to thank my
5 colleagues for doing that, and also, I'm sure
6 that the residents who have expressed concern
7 to the Mayor will thank us.

8 Now, we're doing this at some point
9 B- and I said this yesterday. At some point we
10 need to start deliberating. But I want to make
11 sure that we have vetted and heard from as many
12 as possible. This will help us hear from
13 different folks on these issues.

14 I think it will be helpful, to help
15 us. So, anyway, the 24th is still on. And we
16 start at 6:30. And now what did we set aside
17 for the 24th? Is it --

18 MS. SCHELLIN: I have to check
19 whether that one was, I believe B-

20 CHAIRMAN HOOD: Okay, I don't want
21 to put no times. I can check with the office.

22 MS. SCHELLIN: Yes. Whatever was

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1 scheduled.

2 CHAIRMAN HOOD: Yes --

3 MS. SCHELLIN: I don't have it in
4 front of me.

5 CHAIRMAN HOOD: Okay. All right B

6 -

7 MS. SCHELLIN: I thought it was
8 6:00, but B-

9 CHAIRMAN HOOD: Okay, do we have
10 anything else?

11 MS. SCHELLIN: Just want to verify
12 that you B- do they need to vote on cancelling
13 that hearing since it was, it's just, it's
14 consensus? Okay.

15 CHAIRMAN HOOD: Okay. I want to
16 thank everyone for their participation in this
17 meeting tonight, and also for this latest
18 development which we've been asked to do I want
19 to thank all of us for chiming in. Whether we
20 agree or disagree, that's why there's five of
21 us, and that's what causes a great process
22 because we can all disagree, right?

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1 VICE CHAIR COHEN: Right.

2 CHAIRMAN HOOD: Okay. So with
3 that, this meeting is adjourned.

4 (Whereupon, the meeting in the
5 above-entitled matter was concluded at 7:43
6 p.m.)

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