

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

APRIL 28, 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 6:31 p.m., Anthony J. Hood, Chairman, presiding.

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

JOEL LAWSON

STEPHEN MORDFIN

ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on April 28, 2014.

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

2 (6:31 p.m.)

3 CHAIRMAN HOOD: Good evening, ladies
4 and gentlemen. This is the Regular Public
5 Meeting of the Zoning Commission, 1,383 meeting
6 session for Monday, April 28, 2014. It=s 6:30
7 p.m. We=re located at Jerrily R. Kress
8 Memorial Hearing Room.

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

17 We do not take any public testimony
18 and readings unless we ask someone to come
19 forward.

20 I do have one preliminary matter.
21 This is on the Commission for the District of
22 Columbia. This is for a closed meeting and

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1 roll call vote for training.

2 In accordance with -- as Chairman of
3 the Zoning Commission for the District of
4 Columbia and in accordance with 45C of the Open
5 Meetings Act, I move that the Zoning Commission
6 hold a closed meeting on Tuesday, May the 13th
7 of 2014, at 1:00 p.m., for the purpose of
8 receiving training as permitted by D.C.
9 Official Code 2-575(b)12.

10 The subject of this training is a
11 residential parking permit program Code of
12 Conduct and enumerable application.

13 Is there a second?

14 VICE CHAIR COHEN: Second.

15 CHAIRMAN HOOD: Will the secretary
16 please take a roll call vote on this motion
17 before us now as it has been seconded?

18 MS. SCHELLIN: Yes, sir.

19 Chairman Hood.

20 CHAIRMAN HOOD: Aye.

21 MS. SCHELLIN: Vice Chair Cohen.

22 VICE CHAIR COHEN: Yes.

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1 MS. SCHELLIN: Commissioner Miller.

2 COMMISSIONER MILLER: Yes.

3 MS. SCHELLIN: Commissioner May.

4 COMMISSIONER MAY: Yes.

5 MS. SCHELLIN: Commissioner

6 Turnbull.

7 COMMISSIONER TURNBULL: Yes.

8 MS. SCHELLIN: Vote carries.

9 CHAIRMAN HOOD: Thank you.

10 As it appears that the motion has
11 passed, I request that the Office of Zoning
12 provide notice of this closed meeting in
13 accordance with the Act.

14 Ms. Schellin, do we have anything on
15 this issue?

16 MS. SCHELLIN: No, sir.

17 CHAIRMAN HOOD: Anything else?

18 Thank you.

19 Okay, next, let=s go to the Consent
20 Calender item, Zoning Commission Case Number
21 12-05B, Ballpark Square, LLC, request for minor
22 modifications to PUD @ Square 701.

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1 Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. The
3 applicant is requesting a minor modification in
4 order to allow for flexibility regarding the
5 design of the southern facade party wall. The
6 applicant and applicant=s southern neighbor
7 recently began coordinating their construction
8 efforts, and as a result, the applicant wishes
9 to request said flexibility.

10 There is an OP report in support of
11 this request, and we=d asked the Commission to
12 consider finalize my list.

13 CHAIRMAN HOOD: Okay. Let=s open it
14 up.

15 Commissioners, any comments on this
16 -- first, let me back up. Does anyone like to
17 see this come off as the Consent Calender item?

18 Okay, not seeing anyone. Let=s
19 open it up for comments.

20 COMMISSIONER TURNBULL: Mr. Chair.

21 CHAIRMAN HOOD: Mr. Turnbull.

22 COMMISSIONER TURNBULL: I think we

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1 knew that this would probably be coming before
2 us, the request for this. We knew about this
3 since the hotel, and I would think that the
4 applicant stated in the record that since both
5 projects are going to be going apparently under
6 construction simultaneously, I don=t see a
7 problem with this.

8 CHAIRMAN HOOD: Okay. Thank you,
9 Mr. Turnbull.

10 Vice Chair Cohen.

11 VICE CHAIR COHEN: Thank you, Mr.
12 Chairman. I concur with the Commissioner, but
13 I would like to see the cost savings.
14 Actually, encourage the applicant to use it for
15 upgrading green features of the project.

16 CHAIRMAN HOOD: Is that just a
17 request or is that something you would like to
18 hold this in advance for -- is that a
19 showstopper for you tonight, Vice Chair?

20 VICE CHAIR COHEN: No, sir, it=s not.
21 I just believe though that there is going to be
22 some substantial savings and I think it=s an

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1 opportune time to add some green features,
2 which in the long run will help the project with
3 their operating costs.

4 CHAIRMAN HOOD: Okay.

5 Any other comments?

6 (No response.)

7 CHAIRMAN HOOD: Is there anyone who
8 would like to make a motion?

9 COMMISSIONER TURNBULL: Mr. Chair, I
10 would move that we, I guess, we approve the, the
11 minor mod for Zoning Case 12-05B, Ballpark
12 Square, LLC @ Square 701, with -- including the
13 Vice Chair=s request for them to at least look
14 at ways to add more green features to the
15 project.

16 CHAIRMAN HOOD: Okay, it=s been
17 moved.

18 Get a second?

19 MS. SCHELLIN: Second.

20 CHAIRMAN HOOD: Okay. Moved and
21 properly second of Vice Chair Cohen.

22 Thank you, Mr. Turnbull.

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1 Any further discussion?

2 (No response.)

3 CHAIRMAN HOOD: All those in favor.

4 BOARD MEMBERS: Aye.

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

8 MS. SCHELLIN: Staff will record the
9 vote zero to zero to improve final action in
10 Zoning Commission Case Number 12-05B.
11 Commissioner Turnbull moving, Commissioner
12 Cohen second, and Commissioners Hood, May, and
13 Miller in support.

14 CHAIRMAN HOOD: Okay. Next, let=s
15 go to Hearing Action, Zoning Commission Case
16 Number 10-26B, 3321 Georgia, LLC - PUD
17 Modification @ Square 3040.

18 Mr. Mordfin.

19 MR. MORDFIN: Good evening, Chair
20 Members of the Commission.

21 The applicant request modification
22 to an improved PUD located in the southeast

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1 corner of Georgia Avenue and Morton Street,
2 Northwest. This PUD approved in 2011 and
3 extended in 2013.

4 It was for an eight-story mixed use
5 retail and residential building that
6 incorporated an existing Post Office facility
7 that was required to be retained into the
8 design. The application proposed to increase
9 the size of the structure by cantilevering the
10 proposed building at over a portion of the Post
11 Office as the applicant is not permitted to
12 attach any floors onto this Post Office
13 building.

14 Modifications include an increase
15 in total FAR while decreasing nonresidential
16 FAR, an increase in residential lot occupancy,
17 and the number of dwelling units, including one
18 additional IZ Unit, an increase in the number
19 of bicycle parking spaces, a decrease in the
20 number of vehicular parking spaces, and a
21 simplification of the roof plan.

22 The application also proposes to

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1 revise the benefits and amenities= package.
2 The original PUD approved included as an
3 amenity renovations to the Park View Kid Zone
4 building.

5 Since then, the Department of Parks
6 and Recreation has funded this project. If
7 this application is set down by the Commission,
8 the Office of Planning will work with the
9 applicant on revisions to that package.

10 The revised -- the revised proposal
11 remains not inconsistent with the
12 comprehensive plan. Therefore, the Office of
13 Planning recommends that the Commission set
14 down the application for a public hearing.

15 Thank you, and I'm available for
16 questions.

17 CHAIRMAN HOOD: Okay. Thank you,
18 Mr. Mordfin.

19 Colleagues, any questions,
20 comments in this particular application?

21 COMMISSIONER TURNBULL: Mr.
22 Mordfin, I had one question. In your report,

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1 you talk about the upper floors expanded to
2 cantilever out approximately nine feet over the
3 Post Office.

4 MR. MORDFIN: Yes.

5 COMMISSIONER TURNBULL: I didn=t see
6 a section. Maybe if someone could point -- I
7 was looking for a section that might adequately
8 show that. Maybe I just glossed over that.

9 MR. MORDFIN: On drawing A 0.4, you
10 can see, where the red arrows are, you can see
11 the dotted line on the south side where it says,
12 AExisting Post Office.@ See above that is the
13 dotted line, and that=s indicating on there the
14 location.

15 It=s probably better seen on A 1.2
16 where it says, AResidential Building above.@
17 You see the Post Office in blue, but you see the
18 dotted line with, where it says, AResidential
19 building above.@

20 COMMISSIONER TURNBULL: On -- on
21 which -- on 10 --

22 MR. MORDFIN: A 1.2.

1 COMMISSIONER TURNBULL: 1.2?

2 MR. MORDFIN: It=s titled, AGround
3 floor plan. On the March 20th submission, yes.
4 And, I --

5 COMMISSIONER TURNBULL:
6 Twenty-first.

7 MR. MORDFIN: Twenty-first?
8 Twentieth.

9 COMMISSIONER TURNBULL: Oh, we have
10 so many sets of drawings. That=s part of the
11 problem. I want to throw out something here.
12 All right, A 1.2. Okay. Well, I=m just
13 curious how the March -- March 20 -- well, 2011.
14 See, we got so many damn plans. Okay.

15 Well, can we get an actual section
16 through -- I=d like to actually see a section
17 through the building that would actually
18 clearly show that.

19 COMMISSIONER MAY: Commissioner
20 Turnbull, --

21 COMMISSIONER TURNBULL: Is there
22 one? Did I miss it?

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1 COMMISSIONER MAY: There=s A section
2 at A 4.2 in the newest set, the March 20, 2014,
3 set.

4 COMMISSIONER TURNBULL: Okay. It=s
5 kind of a -- all right.

6 COMMISSIONER MAY: I mean, it
7 doesn=t show the Post Office building, but it
8 shows --

9 COMMISSIONER TURNBULL: Yes. I=d
10 like to see something with the Post Office
11 building on it.

12 COMMISSIONER MAY: I agree with you.
13 That would be good.

14 COMMISSIONER TURNBULL: Okay.
15 Thank you.

16 CHAIRMAN HOOD: Any other questions
17 or comments?

18 (No response.)

19 CHAIRMAN HOOD: Mr. Mordfin, I=m
20 just asking, I=m trying to get my orientation.
21 It=s been a while since we heard the original
22 PUD. Is this the old site where Celebrity Hall

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1 was?

2 MR. MORDFIN: I'm not familiar where
3 Celebrity Hall was.

4 CHAIRMAN HOOD: Okay. You're not
5 familiar with Celebrity Hall?

6 MR. MORDFIN: No.

7 CHAIRMAN HOOD: Oh, okay, okay. I
8 want you to do your research and come back and
9 tell me about Celebrity Hall. I'm going to ask
10 that question at the Hearing.

11 Any other questions or comments?

12 Mr. May.

13 COMMISSIONER MAY: Yes, so the
14 reduction parking seems to have occurred
15 between January and March. Is that right?

16 MR. MORDFIN: That's correct.

17 COMMISSIONER MAY: So what -- what
18 drove that?

19 MR. MORDFIN: The applicant elected
20 to remove one floor of the parking garage. It
21 was going to be two levels. They're now
22 proposing to construct it as one level.

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1 COMMISSIONER MAY: They -- I mean,
2 they just decided they don=t, they don=t need
3 another -- that floor?

4 MR. MORDFIN: They determined that
5 they wouldn=t need that floor with the
6 proximity to the Metro Station at Georgia
7 Avenue, and bus service that they determined
8 that this building would not have that much
9 demand for parking.

10 COMMISSIONER MAY: Okay. And, so I
11 forget. Is this building eligible for
12 residential parking permits?

13 MR. MORDFIN: I do not know. It=s on
14 -- it=s zoned commercially.

15 COMMISSIONER MAY: I expect it
16 probably isn=t, but I think that the Hearing
17 will want to have clarification on that and will
18 want to understand because I=m sure, you know,
19 like many neighborhoods in the city, there=s a
20 high demand for parking on the residential
21 streets that are along this major thoroughfare,
22 so, you know, the cross streets tend to get

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1 quite filled up.

2 And, I'm sure there'll be neighbors
3 who are concerned about potential parking
4 impacts if there is relief requested, so I think
5 that's the -- from my perspective, seems to be
6 the biggest issue.

7 Just to clarify. The owner of this
8 building does or does not own the property where
9 the Post Office is?

10 MR. MORDFIN: They do own the
11 property. I think that there's something with
12 the lease where they're not allowed to add on
13 and attached to the top of his building.

14 COMMISSIONER MAY: Right, okay. I
15 mean, what I'm thinking about is 30 years in the
16 future or whenever that lease expires, and the
17 Post Office building goes away, what happens to
18 all of these lovely south facing building --
19 south facing windows and units that are over the
20 top of the, of the Post Office building?

21 MR. MORDFIN: Well, the south facing
22 windows do not extend all the way to the edge

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1 of the Post Office building, so unless you build
2 on top of the rest of the Post Office --

3 COMMISSIONER MAY: At a certain
4 point, the lease is going to expire on the Post
5 Office.

6 MR. MORDFIN: Yes.

7 COMMISSIONER MAY: And, so that=s
8 what I=m -- I=m wondering what happens that far
9 into the future.

10 MR. MORDFIN: To the windows?

11 COMMISSIONER MAY: Well --

12 MR. MORDFIN: If somebody else moves
13 into -- or if they demolish the Post Office?

14 COMMISSIONER MAY: Yes, they build
15 something new there.

16 MR. MORDFIN: Well, right now, it
17 would still be part of a PUD. Part of the
18 building would be under the -- part of the Post
19 Office building is going to be under this --

20 COMMISSIONER MAY: Under the PUD,
21 right, but -- so that means that the windows
22 that face the Post Office site are essentially,

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1 I don=t know, I mean, they=re not at risk.

2 MR. MORDFIN: No, they wouldn=t be at
3 risk because they=re not --

4 COMMISSIONER MAY: What=s the
5 protection though that they=re not going to --
6 the windows are not going to be -- you know,
7 we=re not going to have a proposal to put a
8 building, you know, three feet away from those
9 windows?

10 MR. MORDFIN: I think -- well, --

11 MS. STEINGASSER: The PUD covenant
12 -- whatever the approved PUD covenant would
13 regulate that. The Post Office at the site is
14 included within the PUD boundaries.

15 COMMISSIONER MAY: It is included?

16 MS. STEINGASSER: Yes.

17 COMMISSIONER MAY: Okay, all right.

18 All right. That=s what I wanted to know.

19 CHAIRMAN HOOD: All right. Thank
20 you.

21 Vice Chair.

22 VICE CHAIR COHEN: Thank you, Mr.

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1 Chairman.

2 I believe this property is very
3 close to the Park Morton Public Housing
4 property. You know, it's within 200 feet, I
5 believe. And, so I was hoping that you can look
6 into what the plans are for that property
7 because it was one of the so-called new
8 community sites, and so it would be helpful to
9 know what the city's plans are for that because
10 it does have an impact, I think, on this
11 particular building.

12 And, then they are increasing the IZ
13 by one. Is that correct?

14 MR. MORDFIN: The number of units is
15 increasing by one.

16 VICE CHAIR COHEN: So, again, that's
17 eight percent. Is that correct?

18 MR. MORDFIN: Yes. It remains at
19 eight percent, yes.

20 VICE CHAIR COHEN: Okay, that's --
21 those are my questions. Thank you.

22 CHAIRMAN HOOD: Any other questions?

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1 COMMISSIONER MILLER: Yes.

2 CHAIRMAN HOOD: Commissioner
3 Miller.

4 COMMISSIONER MILLER: Thank you.
5 Thank you, Mr. Chairman.

6 I would concur with Mr. May that the
7 -- we=re going to need information at the
8 Hearing on, on how the -- there won=t be
9 spillover parking into the neighborhood
10 because, I think, the ANC=s previous support
11 for, for this a few years ago was partially
12 based on they=re being satisfied that the
13 amount of parking in the building would be
14 sufficient to, to prevent any such spillover,
15 so I think we=ll need some more information on
16 that.

17 The public benefit that was
18 previously offered to replace the Park View Kid
19 Zone as OP had noted, that apparently has
20 already been funded in DPR=s budget, so I think
21 we need to have a -- we need the applicant to
22 have a substitute benefit identified prior to

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1 the Hearing, and OP said they were going to be
2 working with the applicant on getting such an
3 identification, but I think we definitely do
4 need have prior to the Hearing.

5 And, just following up on the Vice
6 Chair=s comment because it is so close to the
7 Park Morton new community, that would be a good
8 place to -- one good place to focus on providing
9 a public benefit associated with that new
10 community. I=m sure it needs all the amenities
11 it can get and extra funding.

12 And, even if they=re inside, inside
13 this project, you could do more and deeper
14 levels of affordable housing, which that new
15 community also does need in the area, so that=s
16 just another -- or an amenity on the new
17 community site itself is a possibility.

18 So, I would just make those points.
19 And, then, finally, I know it was approved
20 three, three or so years ago with the
21 environmental proffers that were provided at
22 the time, but they seem somewhat weak if I=m

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1 reading, if I'm reading the score card
2 correctly.

3 It said 37 points. And, I think,
4 recently, this Commission has been expecting
5 that there would be LEED Silver equivalent
6 projects, so I, at least for one, would be
7 looking to see an upgrade in that area as well.

8 But, other than that, I think it's
9 a great project. Thank you.

10 CHAIRMAN HOOD: Okay. Any other
11 questions? I just want -- oh, Mr. Turnbull.

12 COMMISSIONER TURNBULL: I just had
13 one, which has to do with the amenities unless
14 you were going to talk about that.

15 CHAIRMAN HOOD: Actually, I was
16 going to echo Mr. May about the RPP, but you can
17 go ahead about the amenities.

18 COMMISSIONER TURNBULL: Well, there
19 was just one question on the Park View
20 Field-House. And, it looks like Parks and Rec
21 are going to do that themselves.

22 So, Mr. Mordfin, jump in if you have

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1 any comment or info on that. It looks like we
2 need a substitute.

3 And, did you already mention that?

4 CHAIRMAN HOOD: I think --

5 COMMISSIONER TURNBULL: Oh, you did.

6 CHAIRMAN HOOD: That=s all right.

7 COMMISSIONER TURNBULL: It went
8 right over my head.

9 CHAIRMAN HOOD: That happens.

10 COMMISSIONER TURNBULL: You talk
11 very quickly.

12 CHAIRMAN HOOD: He actually
13 mentioned that, so -- but that=s fine.

14 COMMISSIONER TURNBULL: Okay.

15 CHAIRMAN HOOD: I think --

16 COMMISSIONER TURNBULL: Well, I=ll
17 mention it again.

18 CHAIRMAN HOOD: Yes, you go right
19 ahead.

20 COMMISSIONER TURNBULL: No, that=s
21 all right. Well, I echo your concerns.

22 Thank you, Mr. Miller.

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1 COMMISSIONER MILLER: Thank you.

2 CHAIRMAN HOOD: Mr. Turnbull, it
3 happens to us all the time. I miss things too.

4 But, I do want to echo Commissioner
5 May=s comments about RPP. I=m looking forward
6 to hearing that. While it=s not a showstopper
7 for me, I=m very concerned about the comments
8 my colleagues have made and my own comments
9 about spillover to the neighborhood what we=re
10 asking for in this modification.

11 And, I also am concerned about what
12 Mr. Turnbull said about the amenities, so I
13 think we got that fully on the record, and we=re
14 looking forward to set down for information on
15 full fledge Hearing.

16 Somebody like to make a motion?

17 VICE CHAIR COHEN: Mr. Chairman, I
18 will move to set down Zoning Case Number 10-26B,
19 3321 Georgia, LLC - PUD Modification to First
20 Stage @ Square 3040, and ask for a second.

21 PARTICIPANT: Second.

22 CHAIRMAN HOOD: Okay, it=s been

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1 moved and properly seconded.

2 Any further discussion?

3 (No response.)

4 CHAIRMAN HOOD: All those in favor?

5 BOARD MEMBERS: Aye.

6 CHAIRMAN HOOD: Ms. Schellin, would
7 you record the vote? Thank you.

8 MS. SCHELLIN: The staff records the
9 vote five to zero to zero to set down Zoning
10 Commission Case Number 10-26B as a contested
11 case. Commissioner Cohen moving,
12 Commissioner Miller second, Commissioners
13 Hood, May, and Turnbull in support.

14 CHAIRMAN HOOD: Okay. Next we have
15 a correspondence item, a letter from Holland &
16 Knight, Review/Amendments to Animal Boarding
17 Regulations. This comes -- it's not exhibit
18 number that I know of yet.

19 Commissioners, we received this, I
20 think, it was this evening?

21 MS. SCHELLIN: It came in last
22 Thursday, I believe, it was.

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1 CHAIRMAN HOOD: Okay. Okay. We
2 received this last Thursday. I'm sure we had
3 a chance to review it. This goes back to
4 something that I had asked for because of the
5 BZA case that, I think, a number of us have sat
6 on when it talks about animal boarding, the
7 regulations and what the Zoning Commission
8 interpretation was.

9 While I mentioned I was here when
10 the Zoning Commission did this, this wasn't the
11 only case that I've heard personally, so I need
12 to know what was the intent when we talk about
13 districts and zones and abutting. So, I need --
14 we need clarification.

15 We asked the Office of Planning to
16 look into this. We never received a letter. I
17 think we need to move -- what I'm getting ready
18 to ask the Office of Planning after this is
19 putting more work on their plate, but my issue
20 with, with this issue is, is that I'm not sure
21 what other cases are in front of the Board
22 Zoning Adjustment, but we need to have some

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1 consistency, and I'm not sure if that's what
2 we're doing.

3 So, we had asked the Office of
4 Planning to look into this, and I'd just like
5 to get a status. If not, we'd like to push this
6 and get this done as soon as possible, as soon
7 as the work, workload allows. That means that
8 we have to push something else back.

9 We really need to do this because I
10 know there are other, other cases that may be
11 in the pipeline and we don't want to keep giving
12 out different results. So, would someone like
13 to give us a status? Mr. Lawson.

14 MR. LAWSON: Sure, quickly. We've
15 had meetings with this applicant as well.
16 We're already working on this text amendment.
17 We anticipate bringing it forward shortly. If
18 not, at the meeting in May, then in the meeting
19 in June.

20 CHAIRMAN HOOD: So, we see a
21 potential -- we do see a potential issue here.
22 Am I correct?

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1 MR. LAWSON: You've asked us to
2 provide a clarification, and that's what we're
3 going to be concentrating on, a clarification
4 about proximity issue. We'll be discussing
5 this obviously also as well with the Office of
6 the Attorney General and the Zoning
7 Administrator to make sure that everybody
8 understands where we're kind of coming at.

9 We understand from you that your
10 intention is not to change the regulations per
11 se, but are really to provide some
12 clarification and consistency in the
13 regulations for animal-related businesses, and
14 that's what we'll be bringing forward. It'll
15 be pretty surgical. It'll be pretty
16 straightforward.

17 CHAIRMAN HOOD: Okay. Other than
18 this particular case, do we have any other --
19 do we know of any other projects that may be
20 coming through about animal boarding that may
21 be coming soon in front of BZA? And, that's
22 just my concern.

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1 MR. LAWSON: I don=t know of any, but
2 one of the things we=re looking at, of course,
3 is taking a look at the regulations, the rest
4 of the regulations, and see if we bring forth
5 regulations that impact proximity
6 requirements, how that might have a ripple
7 effect through other regulations not related to
8 dog boarding that also have a proximity
9 requirement.

10 So, it=s one of the things that we
11 need to look at, but --

12 CHAIRMAN HOOD: Okay.

13 MR. LAWSON: -- but off hand, I don=t
14 know of any other case that=s coming forward
15 related to a specific dog boarding case in front
16 of the BZA. There is the case, of course,
17 that=s coming to the Zoning Commission, which
18 is being filed by the applicant who submitted
19 this letter.

20 CHAIRMAN HOOD: Okay. And, when --
21 when is that coming? Have we set that down with
22 the applicant?

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1 MR. LAWSON: We=ve not. We=ve
2 advised the applicant that we think that that
3 shouldn=t proceed -- precede, sorry, the text
4 amendment that we would bring forward to the
5 Zoning Commission, but we expect that they=ll
6 come forward more or less concurrently, and
7 then we=ll let the Zoning Commission decide how
8 they=re comfortable moving forward with the,
9 the two cases.

10 CHAIRMAN HOOD: Okay. So, we only
11 have one -- we have one meeting in May?

12 (No response.)

13 CHAIRMAN HOOD: Okay, all right.
14 So, I guess we have to live with -- again, my
15 concern is make sure that we=re consistent --

16 MR. LAWSON: Exactly.

17 CHAIRMAN HOOD: -- with our rules.

18 MR. LAWSON: Yes, sir.

19 CHAIRMAN HOOD: Okay. Commissioner
20 May.

21 COMMISSIONER MAY: I just want to say
22 this was the subject for this issue came up at

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1 a BZA case that was decided that I=ve sat on that
2 was, I don=t know, four weeks ago or something
3 like that.

4 CHAIRMAN HOOD: And, that=s my
5 point. It also came up in the one I sat on, so
6 we -- I don=t know what you all did, but I know
7 what we did, okay. So --

8 COMMISSIONER MAY: I know what we
9 did.

10 CHAIRMAN HOOD: Okay. Well, you
11 know what you did. I wasn=t there.

12 Okay. Any other comments?

13 (No response.)

14 CHAIRMAN HOOD: Okay, so we will look
15 forward to seeing this sometime in June -- at
16 the first meeting in June.

17 COMMISSIONER MAY: Yes, sir.

18 CHAIRMAN HOOD: Okay. Next on the
19 agenda -- I don=t think we have anything on the
20 agenda.

21 I do want to bring up a process in
22 moving forward pertaining to the Zoning Review,

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1 ZRR process done review of the regulations.

2 What I'm going to ask is that the
3 Office of Planning bring back comments at a --
4 give comments so we can discuss, if they can
5 have comments, I think, by May the 5th, back to
6 us. And, the reason why I'm saying the 5th
7 because we need to have time to digest it.

8 We've received a lot of comments.
9 We're not closing the door. This is -- these
10 are just comments that we've gotten thus far.
11 I don't want anyone who's watching this on
12 webcast live say, oh, they've already closed
13 the record, why are we keeping the record open
14 until the 15th?

15 No, please do not -- September 15.
16 Please do not misunderstand. We have -- this
17 Commission has received a lot of information
18 from the public and we need to start by
19 adjusting -- our human computers will be on
20 overload, so we want to make sure that we at
21 least start getting the Office of Planning to
22 respond to some of the testimony.

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1 I would like to actually get that,
2 Commissioners, back by the 5th, and then we can
3 have a dialogue at our next public meeting,
4 which is the 12th. So, if we can get comments
5 that would give us some time to start trying to
6 review without human computers and come back so
7 we won=t be on overload.

8 Not that we=re -- say, okay, this
9 we=re going to start deliberating. And, also,
10 please, nobody go out and start that rumor.
11 Don=t, please, don=t say the wrong thing.

12 What I=m saying now, if my
13 colleagues agree, so we=re asking the Office of
14 Planning to do is give us their comments on
15 public testimony we have received thus far, and
16 then if we can get that by May the 5th, and then
17 we will discuss that on May the 12th, okay?

18 Ms. Steingasser, does that sound
19 okay?

20 MS. STEINGASSER: That does. We=ve
21 been tracking with these since the Hearing
22 started so that we wouldn=t get caught at the

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1 end. We have over 900 comments.

2 We=ve tried to tag them with key
3 words, so they=re sorted right now by the date
4 of the Hearing that the testimony was provided.
5 Excuse me. They=re also tagged with key words,
6 so they=ll be by topic, as well as subtitle.

7 Is there any particular way you
8 would want these sorted and given to you? So,
9 we could do, like all parking, we could do it
10 by, you know, parking, accessory dwelling. We
11 could also do it by, by subtitle A, subtitle B,
12 subtitle --

13 CHAIRMAN HOOD: Okay.
14 Commissioners, which --

15 MS. STEINGASSER: Or, we could just
16 give them to you by --

17 CHAIRMAN HOOD: No, it would be
18 better if we have some kind of format. I like
19 either one of those, but let me open it up.

20 Commissioners, how would you all
21 like to see it?

22 COMMISSIONER TURNBULL: I don=t

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1 really care to have it by date. I mean, I
2 think, having the date -- knowing when they're
3 coming is fine, but I think we need a category
4 of topic to, to when you break it down because
5 that's how we're going to be grouping. That's
6 how I think we'll talk about them.

7 CHAIRMAN HOOD: Okay, yes. We all
8 in agreements with that?

9 Okay. Again, for the public -- so,
10 Ms. Steingasser, you want to add anything?

11 MS. STEINGASSER: We could also copy
12 them onto searchable disk, so you could resort
13 them yourselves if you wanted. All right, so
14 we could give you a paper copy of the first
15 version sorted by, by, probably by subtitle,
16 and then we could put them on a disk, and then
17 you could do your own search and sort.

18 CHAIRMAN HOOD: Okay. I think, I
19 think both of those ways would be very helpful
20 to us. We appreciate that, but, again -- oh,
21 I'm sorry.

22 Commissioner May.

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1 COMMISSIONER MILLER: No. I agree
2 with that. I think that=s very helpful.

3 I think in addition to those, that
4 categorization of it by subject matter, I think
5 it might be useful to have a separate list which
6 shows how many of the 900, or whatever number
7 you come up, however you want to categorize it,
8 that where the proposal was modified as a result
9 of the comments just so we have an overall
10 picture of how much modifications have been
11 made -- you were recommending modifications let
12 me put it that way.

13 MS. STEINGASSER: Yes, sir.

14 COMMISSIONER MILLER: That=d be
15 helpful.

16 MS. STEINGASSER: That is --

17 COMMISSIONER MILLER: We=ve seen
18 throughout the hearing process that there has
19 been a give and take on that issue, so I think
20 that=d be useful for everybody to see it
21 globally.

22 CHAIRMAN HOOD: Okay. Any other

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1 think, going forward, that=s the way we=re
2 going to do it.

3 Any questions or comments?

4 MS. SCHELLIN: And, just to --

5 CHAIRMAN HOOD: Is anybody going to
6 get that wrong though? That=s what I=m just
7 curious.

8 MS. SCHELLIN: Just to clarify.
9 That will be submitted to the record, so
10 whatever is given to you guys, it=s being
11 submitted to the record so that --

12 CHAIRMAN HOOD: Right, it=ll be in
13 the record.

14 MS. SCHELLIN: -- nobody thinks that
15 you guys are getting something they=re not
16 going to see.

17 CHAIRMAN HOOD: Right, it=s going to
18 be in the record, so I=m hoping that everyone
19 understands. If you have any questions, you
20 can contact the Office of Zoning and they=ll be
21 able to articulate what=s happening. So,
22 hopefully, we=re not closing the book.

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1 We=re trying to get what -- the
2 comments we=ve heard thus far. And, I think
3 I=ve said that about five times, so I=m not
4 going to say it anymore because I=m sure nobody
5 is going to get that wrong.

6 Okay, do we have anything else?
7 Does the Office of Planning have any comments?
8 Anything else? Status report?

9 PARTICIPANT: No, sir.

10 CHAIRMAN HOOD: Okay.

11 Ms. Schellin, do we have anything
12 else?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: Okay. I want to
15 thank everyone for this Hearing and appreciate
16 it -- I mean, this meeting. This meeting is
17 adjourned.

18 (Whereupon, proceedings in the
19 above-entitled matter concluded at 7:01 p.m. on
20 April 28, 2014.)

21

22

