

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY
JUNE 9, 2014

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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 6:35 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

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,

Development Review & Historic
Preservation

JOEL LAWSON

ELISE VITALE

BRANDICE ELLIOTT

STEVE COCHRAN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on June 9, 2014.

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

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

(6:35 p.m.)

CHAIRMAN HOOD: Okay. We're ready to start. This meeting will please come to order. Good evening ladies and gentlemen, this is a public meeting of the Zoning Commission for the District of Columbia.

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

We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, Office of the Attorney General Staff, Mr. Ritting. Also the Office of Planning staff, Ms. Steingasser, and Mr. Lawson, Mr. Cochran, Ms. Elliott, and Ms. Vitale.

Am I correct? Thank you.

Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any public testimony in our meetings unless the Commission requests someone to come forward.

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Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay if not, let's go right into our agenda.

First on the Consent Calendar, I have Zoning Commission Case No. 06-10C. Morris & Gwendolyn Cafritz Foundation and Art Place at Fort Totten, LLC. Request for Minor Modification to PUD @ Square 3765. Ms. Schellin.

MS. SCHELLIN: Yes, sir. The Applicant is requesting a minor modification to allow it reduce the amount of parking to be provided in building A. The portion of the PUD

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that's in, and that's the portion of the PUD that has been, that has received consolidated approval pursuant to orders 06-10 and 06-10A.

OP has provided a reported Exhibit A and recommended approval provided that the Applicant provide additional information, which the Applicant has submitted Exhibits 7 and 8. We'd ask the Commission to consider action this evening.

CHAIRMAN HOOD: Okay. First let me ask -- thank you, Ms. Schellin -- let me ask colleagues. Does anyone like to see this Consent Calendar item come off the Consent Calendar item? Commissioner May.

COMMISSIONER MAY: Mr. Chair, I don't know whether I do or I don't. I just have a question for the Office of Planning that would help me decide.

CHAIRMAN HOOD: Sure.

COMMISSIONER MAY: So what I'm curious about is, you know, we have information that this was presented in a public meeting.

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And there's an indication that the SMD ANC Rep indicated no problem. I'm not sure exactly what the phrasing was but it wasn't a very declarative statement.

So I'm wondering, I mean has the ANC itself considered it and is there a decision on their part that this is not a problem from their perspective?

And I ask this because normally the reduction, such a substantial reduction in the number of parking spaces would send many neighborhoods into fits. So I would just want to know that they are comfortable with this.

MR. COCHRAN: I have no indication either way. The ANC has not voted but I have not heard anything from anyone since the case was raised.

COMMISSIONER MAY: That being the case Mr. Chairman, I am not totally up to, with this being handled as a Consent Calendar. I think it could be but I think that we need some assurance from the ANC that there's no anxiety

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about this change. And that's my general thought.

CHAIRMAN HOOD: I actually would agree with you Mr. May. Also when I read the submission when it talks about bus lines going down Galloway Street. The bus does not go down Galloway Street, it goes down Galveston Street. And I think some of those things are misrepresented in this submission.

I would have a comfort level as you would I believe, if we could at least hear from the ANC. So I'm very concerned about that and I would agree with you.

But let's hear from all the colleagues. Then maybe we take it off of the Consent Calendar, we could consent another time. But we want to allow more time hopefully for the ANC. Mr. Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman. Yes, I don't have a problem with getting a little more time to get a more definitive statement from the ANC SMD person

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whose position is represented in the Applicant's statement.

But I would note that the Applicant pointed out in their submission that the parking reduction is consistent, reading from the bottom of Page 3 of their May 8th submission, consistent with the, the parking reduction is consistent with the direction set forth by the Zoning Commission in the PUD order.

Particularly the directive to undertake further study of parking reduction opportunities in future phases. And I wasn't involved in that order, but you, so some of you may have a different recollection.

But it says, further, even with reduction of approximately 80 residential parking spaces, from 344 to 264, the Applicant is still providing far in excess of what would be required for a residential project of this scope under the Zoning Regulations, which is 173.

So I just think that, that's --

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COMMISSIONER MAY: That does raise the question of what it would be as a matter of right. Because I'm not sure that it's substantially in excess of what would be required as a matter of right, if this were just a matter of right project.

I would disagree with that and I was here for the original order on that. And I agree with the idea of trying to reduce the parking, that's why I'm comfortable with being on the Consent Calendar.

It's just having that assurance since ANC participated vigorously in this case, that we would get some feedback from them.

CHAIRMAN HOOD: And I would agree. And yes, you're right, Commissioner Miller, I also read that. It talks about the different, the three Metro lines which are right up the street from, at Fort Totten.

So we would, if we just allow for more time I'm not saying this is a show stopper for me. I just think there were one or two

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inaccuracies in the submission and I would agree if we can give ANC time to weigh in.

I think if we give this a little more time, and if we come back with no response then I guess silence means we have no concerns. Okay. Mr. Turnbull.

COMMISSIONER TURNBULL: Yes, I would be comfortable with leaving it as a potential Consent Calendar item and asking for, I think it can be a quick turnaround for a response from the ANC hopefully. I'm not sure what their meeting schedule is or what, but I would keep it still on as a Concern Calendar item until we hear from them.

CHAIRMAN HOOD: Any other comments from the Commission?

(No audible response)

CHAIRMAN HOOD: Okay, Ms. Schellin you had something that Mr. Hughes would like to convey to us?

MS. SCHELLIN: I got the impression that the, I mean he doesn't seem to think the

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ANC has an issue but he also heard that you guys actually want to hear, have something in the record from the ANC. So he's not sure when they meet again, so I think we have to put it off until sometime in July to allow them --

CHAIRMAN HOOD: Well I'm sure if he contacts Chairman Edwards, I'm sure they will --

MS. SCHELLIN: They want the letter from the full ANC.

COMMISSIONER MAY: Well, you know, I think that if we were to just get some indication from ANC. I mean if they, if we check in with the Chairman, and the Chairman would like us to defer it until they take it up by the full ANC, then I would do that.

But if they, if the Chairman indicates there really isn't anything to be concerned about, then I'd be comfortable taking it up at the next meeting.

CHAIRMAN HOOD: And I'm sure Monte Edwards would not mind doing that for us. I

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believe he's still the Chair 5A, so.

MS. SCHELLIN: So can I just leave it up to the Applicant. And when he notifies me he has something from the Chairman for the record then I'll just put it whatever meeting we have time for then. Is that okay with the Commission?

(No audible response)

MS. SCHELLIN: Okay.

(Simultaneous speaking)

CHAIRMAN HOOD: We can always --

MS. SCHELLIN: I'll just wait for the Applicant.

CHAIRMAN HOOD: We can always take five or ten minutes before a meeting. So we'll leave it up to the staff to work it out.

MS. SCHELLIN: Okay. Thank you.

CHAIRMAN HOOD: Okay. Thank everyone. Was everybody fine with that outcome?

PARTICIPANT: Yes.

CHAIRMAN HOOD: Okay, all right.

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Let's go to Final Action, Zoning Commission Case No. 13-07. This is David Belt, Map Amendment @ Square 5081. Ms. Schellin.

MS. SCHELLIN: Yes, sir. The Commission asked that Mr. Voudrie respond to Mr. Belt's March 27th letter. If you recall that was something that Commission left the record open for. That response has been submitted at Exhibit 55.

Exhibit 57, we have an NCPC delegated action which states, the proposed action would not be inconsistent with the Federal Elements of the Comp Plan for the National Capital. They ask that the Commission consider Final Action this evening.

CHAIRMAN HOOD: Okay, Commissioners, you've heard the preliminary report from the secretary. Any questions or comments on -- I'm not sure who asked but I was hoping when I read this that I didn't ask for that but I'm not sure. Did somebody else ask for that?

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(No audible response)

CHAIRMAN HOOD: I thought it might have been me. But anyway let's open it up, you all --

(Off the record comment)

VICE CHAIR COHEN: I think that this project has suffered from some, you know, poor communication between the parties with Mr. Voudries' response. It was satisfactory but I encourage all parties to continue to meet together and discuss the continuation of what's going on in the neighborhood since it impacts everybody.

CHAIRMAN HOOD: Okay, I am satisfied with Mr. Voudries' response to Mr. Belt's assertion. And after reading it again, so I guess sometimes it takes more than one time to chime in and really get the flavor and feel of some of the things. So I'm fine with the response. I'm actually sorry now that I asked for it actually to be honest.

But anyway let's open it up. Any

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other questions or comments before final action?

(No audible response)

CHAIRMAN HOOD: Okay. I would move that we approve Zoning Commission Case No. 13-07, taking in the comments of the Vice Chair and ask for a second.

VICE CHAIR COHEN: Second.

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

(No audible response)

CHAIRMAN HOOD: All those in favor?
Aye.

(Chorus of aye.)

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

MS. SCHELLIN: The staff records the vote 5-0-0 to approve Final Action on Commission Case No. 13-07. Commissioner Hood moving, Commissioner Cohen second,

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Commissioners May, Miller, and Turnbull in support.

CHAIRMAN HOOD: Okay, I have to take that back. The Vice Chair requested that. I feel much better because I didn't request that. Thank you all, Commissioner May. I did not request that. I was hoping I did not request that. Okay so Vice Chair, well you were fine obviously.

VICE CHAIR COHEN: Yes, sir.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: That's why I responded.

CHAIRMAN HOOD: So you didn't own up to requesting that?

VICE CHAIR COHEN: I didn't want to contradict you.

CHAIRMAN HOOD: So you were going to let me take it, but I'm glad it was you as opposed to me this time. Okay, so anyway, thank you, Commissioner May.

Okay next Zoning Commission Case

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No. 13-10. ZP Georgia, Consolidated PUD and Related Map Amendment @ Square 2892. Ms. Schellin.

MS. SCHELLIN: Yes, Sir. At Exhibits 48 and 49 we have the Applicant's post hearing submissions. Exhibit 50 we have an NCPC report stating that there would be no adverse effects or inconsistencies for the Comp Plan for the National Capital. They ask the Commission to consider Final Action.

CHAIRMAN HOOD: Okay, Commissioners --

MS. SCHELLIN: And also just to -- Commissioner Cohen will not be participating. She did not participate in the hearing.

CHAIRMAN HOOD: Okay. Thank you for letting us know because she probably wouldn't have told us. Okay. All right, Commissioners, let's open it up for any comments. And again NCPC advised there is no adverse effects or inconsistencies with the Comp Plan from the National Capital's

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perspective. Okay let's open up for any comments. Mr. Miller.

COMMISSIONER MILLER: Sure, I think I was the one that actually requested that they provide this balancing, which I think they have done, that the project will not result in any loss of low income housing.

And once they generate a net gain of 2,464 square feet of affordable housing that would have otherwise been devoted to market-rate housing. So they did it, they did revise their proffer on that so I'm comfortable with moving forward.

CHAIRMAN HOOD: Any other comments? Mr. Turnbull.

COMMISSIONER TURNBULL: I would echo Commissioner Miller's comments. I'm in favor of going ahead with this.

COMMISSIONER MILLER: Okay so if there's no, so okay, I would move it then that we move approval of Final Action, so I move Zoning Commission Case No. 13-10. ZP Georgia,

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LLC, Consolidated PUD & Related Map Amendment
@ Square 2892 and ask for a second.

COMMISSIONER TURNBULL: I'll
second.

CHAIRMAN HOOD: It's been moved and
properly seconded. Seconded by Mr. Turnbull,
moved by Commissioner Miller. Any further
discussion?

(No audible response)

CHAIRMAN HOOD: All those in favor?
Aye.

(Chorus of aye.)

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

MS. SCHELLIN: Yes, staff reports
the vote 4-0-1 to approve Final Action on Zoning
Commission Case No. 13-10. Commissioner
Miller moving, Commissioner Turnbull
seconding, Commissioners Hood and May in
support. Commissioner Cohen not voting,
having not participated.

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CHAIRMAN HOOD: Okay next Hearing Action, Zoning Commission Case 14-05, this is Forest City Text Amendment to Sections 1803.3, 1803.5, 1803.7, and 1803.8. Ms. Vitale. No, Ms. Brandice.

MS. ELLIOTT: Good evening Mr. Chairman, Members of the Commission. My name is Brandice Elliott and I'm representing the Office of Planning.

CHAIRMAN HOOD: Ms. Elliott, I'm sorry.

MS. ELLIOTT: You were so close I didn't want to correct you. I guess I'm on the same page --

(Simultaneous speaking)

CHAIRMAN HOOD: I'll get it right eventually.

MS. ELLIOTT: -- with Ms. Cohen. Okay. The Office of Planning recommends the Zoning Commission setdown for a public hearing, amendments to Chapter 18 of the Zoning Regulations as they relate to bonus density and

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height in Southeast Federal Center.

The Applicant is proposing text amendments that would apply to Parcels A, F, G, H, and I in Southeast Federal Center, which are collectively referred to as Yards West in the application.

And if you want to follow along, there is a map on Page 4 of OP staff report that has indicated all the parcels.

And just to provide some context, Parcels A, F, and G are currently occupied by the National Geospatial-Intelligence Agency building, which is currently being demolished.

And then just last year the Commission approved a request to permit a temporary parking lot on Parcel F, and the relocation of the Trapeze School to Parcel G. Parcels H and I are currently used as temporary parking lots.

The proposed text amendments would permit a 1.0 bonus FAR for residential uses on Parcels A, F, G, H, and I within the Southeast

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Federal Center CR District. The total FAR of each site would not exceed 7.0.

The text amendment would also allow a height permitted by the 1910 Height Act for any property that utilizes the bonus FAR for residential uses on Parcels F, G, or H.

Parcel A is already permitted a height of 130 feet. And Parcel I is actually located near lower scale developments as well as the historic Main Sewerage Pumping Station. So OP doesn't recommend the bonus height provision apply to this Parcel.

The proposed text amendment would require Zoning Commission design review for any development that does utilize bonus density and height. And it would also authorize deviations from ground floor preferred use requirements with approval from the Zoning Commission.

Under current regulations the preferred uses are required on N Street and the proposed regulations would allow preferred

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uses to align with those of the Capitol Gateway CR District and surrounding PUDs along 1st Street and 1 and 1/2 Street.

OP has recommended modifications to the Applicants proposal including that the proposed amendments would only apply to Parcels A, F, G, H, and I of Southeast Federal Center, rather than all Parcels with the zoning designation of CR in Southeast Federal Center.

OP has also recommended revisions that would ensure connection shown in previous plans are preserved, specifically 1 and 1/2 Street which is located between Parcels H and I as well as F and G.

And finally WMATA has expressed interest in constructing an additional entrance to the Navy Yard Metro station, so OP has included a revision that would require the Applicant to provide space for an entrance on future plan submissions.

The bonus density permitted by this amendment would be subject to affordable

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housing provisions which are contained in the terms of the development agreement between the developer and the District.

OP has requested a copy of this agreement however, the Applicant has confirmed that the provision requires 20 percent of the residential rental units be set aside at 50 percent AMI.

The proposed modifications would encourage better designs subject to review by the Zoning Commission, with the benefit of additional residential density in Southeast Federal Center.

Furthermore, it would encourage coordination with WMATA concerning the additional Metro station entrance. And it would preserve essential street connections.

The proposed text amendment would not be inconsistent with the Comprehensive Plan's objectives for the area and to the generalized land use and policy maps.

So as a result, the Office of

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Planning recommends that the Commission setdown the amendments as presented in the report. I'd be happy to answer any questions.

CHAIRMAN HOOD: All right. Thank you, Ms. Elliott. Commissioners, is there any questions? Commissioner May, we'll start with you.

COMMISSIONER MAY: Okay. So I recall this, I mean this was earned a long time ago and I can barely remember what was going on then, but I remember being part of that case at some point, maybe not all of it. But why did we limit the height to 110 feet before on these sites?

MR. LAWSON: Joel Lawson with OP. I was also around at the time so I'll take this question. At the time, there was an intention. There was a very clear kind of a plan for how much density would be located on this site.

In the FARs the square footages and the height were intended to accommodate that specific amount of density but provide for a

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fair amount of flexibility in terms of how the buildings would be designed.

So that's why these sites were given an FAR of 6 in permitted through the zoning height of about 110 feet. 110 feet is actually a fair amount of height to accommodate an FAR of 6, but that was the intent.

The intent was that there would be lots of opportunity of the architects to kind of massage the building form to achieve that, achieve that FAR. So the intention was that this would be a higher density portion of the site reflecting what was anticipated in the rest of the area.

But at the time, all of the planning work for the baseball stadium obviously hadn't been completed and so that ended up being a slighter higher density and higher height than was anticipated when the Southeast Federal Center zoning was done.

So this is intended to kind of catch up to some of the planning work that's happened

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subsequent to Southeast Federal Center.

COMMISSIONER MAY: Okay. And what street gives, is 1st Street a 110 feet? Is that why they can go to 130?

MR. LAWSON: First Street definitely is. N Street, I think maybe 90 feet.

COMMISSIONER MAY: Yes, and that's the most wide --

(Simultaneous speaking)

MR. LAWSON: And that's why New Jersey is much wider again.

COMMISSIONER MAY: Right and that's why Parcel I wouldn't, doesn't have the street frontage that allows it to go to 130?

MR. LAWSON: Well that's what we feel. There is a small parcel kind of kitty-cornered to Parcel I, that might allow them to kind of leap-frog the way that the Height Act allows, to obtain a higher height. But regardless we feel that 110 feet is the appropriate height.

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We discussed that with the State Historic Preservation Officer. He strongly agreed that, that Parcel should be limited in height to what is currently allowed.

COMMISSIONER MAY: And what is the height of the Pumping Station?

MR. LAWSON: I don't know off-hand. For some reason I think it seems --

COMMISSIONER MAY: Elliott seems to know, she's like -- I'm sorry. She keeps trying to answer and we keep talking.

MS. ELLIOTT: No, I believe that we were informed that the pumping station is a roughly 90 feet.

COMMISSIONER MAY: Okay, all right. Thank you.

CHAIRMAN HOOD: Okay. Any other questions of either Mr. Lawson or Ms. Elliott? Probably Ms. Elliott, no, I'm just playing, okay. Vice Chair.

VICE CHAIR COHEN: Thank you, Mr. Chair Hood. Just curious, have you had any

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conversations with WMATA? Do they have any plans whatsoever for the second station, other than on a wish list?

MS. ELLIOTT: Our understanding from WMATA at this point is that the third entrance is funded but we don't really have any information beyond that.

VICE CHAIR COHEN: Now can you pursue that a little bit more for the public hearing?

MS. ELLIOTT: Absolutely, we can look into that.

VICE CHAIR COHEN: I also have a question with regard to preferred uses. You know, the retail space streetscape. Do we have anything in place to prevent, let's say when a bank locates.

They often have windows but they end up putting up advertising in those windows. And so it's like not transparent. Do we have any provisions to prevent that, I forgot to reread the overlay?

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MR. LAWSON: It's me again, sorry.

(Off the record comment)

MR. LAWSON: Yes, there are provisions requiring glass be put in, so they can't be like a blank wall. But we've researched and we found it very difficult to put in provisions that would prevent people from putting stuff up on that wall.

However in this case, you would gain design review of the buildings, something you don't currently have. So through that I think that we would be able to address that issue better than is currently the situation.

VICE CHAIR COHEN: I think that's very important for us to consider in our reviews, because it's happening a lot throughout the city I'm noticing.

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

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I want to thank you for including the review by the Zoning Commission for that,

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I greatly appreciate it.

I guess looking at the language that we're setting down then. Whether it's the LP revised text, or the Applicant's, do we need to massage that, or are we I guess looking to go with the revised text by the Office of Planning? I mean I guess OP's preferred would be the Office of Planning?

(Off the record comment)

COMMISSIONER TURNBULL: Whether or not --

MS. ELLIOTT: Yes, absolutely, we would prefer to go forward with what we recommended but I also believe that OAG has a couple of tweaks to the language as well.

MR. LAWSON: And I should note that we have discussed our proposed changes with the Applicant in some detail. And so far the Applicant has not indicated any concerns with our proposal.

COMMISSIONER TURNBULL: Okay. So we're looking at the OP revised text then, right

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now?

MR. LAWSON: Correct.

COMMISSIONER TURNBULL: Okay,
thank you.

CHAIRMAN HOOD: Commissioner
Miller.

COMMISSIONER MILLER: Thank you,
yes, I would agree with going with the OP text
alternative and with the, for OAG to have
flexibility to tweak it.

I just had a question. And if you
don't have, if Office of Planning doesn't have
this now, maybe the Applicant could just have
it at the hearing. And maybe I missed it in
what was submitted.

But I wanted to just get an idea of
what the potential range in number of
additional housing units that would be
permitted by this bonus density and additional
height?

And then what is the potential rate
in number of the additional affordability units

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that would be triggered pursuant to the development agreements and affordable requirements?

So I don't need that now but if that can just be provided at the hearing by the Applicant that would be helpful.

And I just want to confirm what Ms. Elliott said about the affordable housing requirement and the development agreement, which is, you've asked to get a copy of the development agreement which I would like to see too. I think I saw it at one point, many years ago.

That the, you're saying that the affordable housing requirement would be 20 percent set aside at 50 percent AMI?

MS. ELLIOTT: That is what the Applicant has confirmed at this point for rental units.

COMMISSIONER MILLER: Okay, thank you.

CHAIRMAN HOOD: Okay. Any other

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comments?

(No audible response)

CHAIRMAN HOOD: Okay,
Commissioners, what is your pleasure?

COMMISSIONER MILLER: I would move forward, move that we setdown for public hearing as Zoning Commission Case No. 14-05. Forest City Washington, a text amendment to Sections 1803.3, 1803.5, 1803.7, and 1803.8 as revised by Office of Planning and with flexibility for OAG and OP to tweak that, and ask for a second.

VICE CHAIR COHEN: Second.

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

(No audible response)

CHAIRMAN HOOD: All those in favor?
Aye.

(Chorus of aye.)

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

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MS. SCHELLIN: The staff records the vote 5-0-0 to setdown Zoning Commission Case No. 14-05 as a rulemaking case per OP's revisions to the text with leave for OAG to make edits as necessary.

Commissioner Miller moving, Commissioner Cohen seconding, Commissioners Hood, May, and Turnbull in favor of setdown.

CHAIRMAN HOOD: Next let's go to hearing actions Zoning Commission Case No. 05-36I. Toll DC II, LP, Modification to PUD @ Square 749. Mr. Cochran.

MR. COCHRAN: Thank you, Mr. Chair. OP recommends the Commission setdown Toll DC, Roman numeral II's request for the following changes to the approved Phase II portion of this planned unit development.

First they'd move the courtyard entrance from 2nd Street NE, to the K Street side of the building.

Second they would consolidate the three parking and loading entrances that were

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shown and approved on 2nd Street into two less intrusive entrances and exits on 2nd Street.

They would eliminate one of the two loading areas and reduce the loading berth depth from 55 feet to 30 feet.

Fourth they would decrease the parking from 329 to 243 which at 0.46 spaces per unit would still be almost twice what is required by zoning, which is 0.25 per dwelling unit.

Fifth they would increase the dwelling units from 500 to 525 by improving the efficiency of the building's layout and its core factor, and then reducing residential amenity space.

In increasing the efficiency of the building they'd also be increasing the number of affordable dwelling units in the building, because the Applicant remains committed to its original pre-IZ proffer of dedicating 10 percent of the residential gross floor area to households earning no more than 80 percent of

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the area median income. And again that's a proffer that pre-dates the IZ requirements.

They would reduce the amount of green roof proffered from 16,000 square feet to 13,000 square feet because the final design of the HVAC units on top of the roof wound up taking up more space than they had anticipated.

And finally they doubled the proffered day care space from 34 hundred 46 square feet, to 6,842 square feet. All these requests would require changes to the PUD order, but only the changes that they're requesting to loading would actually require additional zoning relief, and that would be from Section 2201.

If the requests were granted by the Commission, the PUD would remain not inconsistent with the Comprehensive Plan and with the approved PUD Plan and benefits. It wouldn't affect the quality of the development nor would it require zoning relief that's out of balance with the expected public benefits.

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On Page 6 of our report, OP notes the items that the Applicant will need to address by the public hearing. DDOT has also asked the Applicant to address the relationship of the Phase II A parking to the Phase II B building, which is just to the north of Phase II A.

Together however, both the OP and the DDOT concerns are detailed points that are routinely considered at a hearing and they don't weigh negatively on the readiness of the application for setdown, which is why we're recommending that you set it down. Thanks.

CHAIRMAN HOOD: Thank you, Mr. Cochran. Commissioners, any questions? Mr. May.

COMMISSIONER MAY: Okay. So I find that the information that we received very hard to follow and I would really appreciate it if we could see side-by-side drawings of existing versus proposed, at least on sort of the key things.

I mean we don't need every single

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floor of the building, but the courtyard floor, the roof plan, the elevations, the sections and so on because otherwise it's hard to follow.

Also I'm not particularly enamored of the changes to the design. I think that they need to look at that pretty carefully and I hope that you will work with them to try to make improvements.

In particular the, I think it's the 2nd Street elevation which shows large expanses of windowless wall toward the north and south end of the facade.

I'm not sure why all, you know, why those windows are no longer necessary but they certainly are desirable from an exterior point of view. And the rest of the architecture I don't find particularly compelling.

I mean, you know, I can't say that I was a huge fan of the previous design but I'm not sure that any of it got any better at all. So I would urge you to continue to work with them to try to make refinements to the design.

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The penthouse situation has gotten really weird because the original plan had one remote stairwell on the, I guess it was the south side of the building. And it was set back from the party wall with Phase I.

And now we have stairwells that are butting right up against the party wall of Phase I, which is a completely unacceptable circumstance. I'm looking at, it's on the front page of this, we're seeing in white just a little stairwell, right?

And it shows up on the roof plan and you look at the difference between the old roof plan and the new roof plan. I mean there is no reason why those stairwells can't be pushed back away from the edge of the building.

On a building that large it's easy enough to fix that and it should be fixed. And I'm disturbed that it even showed up in the first place but I guess I disturb too easily.

The, I'm not happy about the loss of green roof and I'd like them to take another

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look at that and see if there's some way that they can stack those units or something else.

You know go to some other solution for the condenser farm, because losing that much green roof when it's such a big roof, I don't think is a great thing unless they can prove that somehow this is much more beneficial. I don't know what they can do.

I'm concerned about the access to the public courtyard. I think this was a difficult issue when we originally approved it. And I'm not sure that everybody was completely satisfied on the Zoning Commission or the neighbors that this was going to actually be a truly public courtyard.

May remember lots of talk about the gates and when they're going to be open and all that sort of thing. But it's, you know, it's where it's placed.

I guess part of my wanting to see the side by side changes is to wanting to see, you know, maybe accompanying that some sort of

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description of why they made these changes and why they were important?

And I think, I understand the desire to consolidate the three curb cuts and garage doors into two, that makes sense. But what was sacrificed was the large arched opening along 2nd street, which is the longest facade, which interrupted that long facade with a significant element and feature. And it was, you know, something more of an invitation into that courtyard.

Now it's kind of like an afterthought on the southern facade or where ever it is. So I'm not convinced of that and I need to understand why it's any better the way it is. Or at least not any, you know, it's equal to what we had before. So I think that's it for me.

CHAIRMAN HOOD: Okay. Any other comments or questions? Mr. Turnbull.

COMMISSIONER TURNBULL: I think Commissioner May summarized quite eloquently I

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think all of my concerns also. I think there's a lot of significant architectural elements and I think the, I'm just, the courtyard seems like it shrunk in size as useful space for people to use. It's just a big neighborhood.

But I would agree. I think we need the side by side to show us clearly what the changes are so we can better talk about it in a very organized manner. Thank you.

CHAIRMAN HOOD: Okay. I would concur, especially with the side by side view. And if I have any issues I will bring them up at that time. Any other questions or comments? Commissioner May.

COMMISSIONER MAY: Yes, I just had one more thought on this. I, you know, we didn't get it in this package but I assume that since we're talking about significant changes to the facade that we'll get the same level of detailed information on the elevations. The materials being used and the blow up elevations and things like that, that we would normally get

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at a regular PUD. Okay, thanks.

CHAIRMAN HOOD: Anything else, anybody? Commissioner Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman. One of the amenities did increase did it not? Didn't the day care facility double in size?

MS. ELLIOTT: Yes.

COMMISSIONER MILLER: Yes, he might have said that.

COMMISSIONER MAY: Yes.

COMMISSIONER MILLER: Okay. So in your report you said a residential amenity was reduced, is that the courtyard, or what was the residential amenity that was reduced as part of the modification?

MR. COCHRAN: I believe that I know only part of that. Some of the common areas down in the lobby, the kinds of things that are typically associated with LE-oriented apartments.

COMMISSIONER MILLER: Okay. The

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only other comment I had, well actually I'd like to see the response to the concerns expressed by the Office of Planning and by Commissioner May and Turnbull, but I think we may need something at the hearing, maybe from DDOT just confirming that the parking reduction is sufficient, especially in the context of the overall project.

I think this phase as I recall got relief from the parking requirement for retail, for the retail portion of it. And maybe one other, for the day care, for the retail and the day care portion of it I think it already got relief for that. So we're reducing the residential parking further.

Phase II as I recall, we got a letter from this Applicant on Phase I, saying that if there were, if they had excess parking in their Phase I project, I'm sorry.

In the Phase III hearing, we added that corner property to the PUD which is actually the 41 unit building as I recall, I

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think, and which has no parking. We said that in our order, I believe, that if, and we got a letter from this applicant that if they end up having excess parking that isn't needed for their own tenants, they would make available for lease to the Phase III tenants, if needed.

So I just think we need some discussion by DDOT or somebody as to the overall parking for the entire PUD since it's all in play. That's all.

CHAIRMAN HOOD: Okay. Are there any other comments?

(No audible response)

CHAIRMAN HOOD: Somebody like to make a motion?

COMMISSIONER TURNBULL: Mr. Chair, I would recommend that we setdown on the proposed major modifications to the second phase of PUD 05-36 with all the comments as suggested or as proposed by the Zoning Commission and by the Office of Planning, and look for a second.

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COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: Okay it's been moved and properly seconded. Any further discussion?

(No audible response)

CHAIRMAN HOOD: All those in favor? Aye.

(Chorus of aye.)

CHAIRMAN HOOD: Not hearing opposition, Ms. Schellin if you'd record the vote.

MS. SCHELLIN: Staff records the vote 5-0-0 to setdown Zoning Commission Case No. 05-36I as a contested test. Commissioner Turnbull moving, Commissioner Miller seconding, Commissioners Hood, May, and Cohen in support.

CHAIRMAN HOOD: Okay next let's go to Correspondence. Zoning Commission Case No. 03-12Q and 03-13Q, Capper/Carrollsbury Venture, LLC & DCHA, Letter from DCHA Requesting Waiver of Housing Fees.

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MS. SCHELLIN: Yes, as you stated at Exhibit 15 we received a letter from DCHA requesting a waiver of the hearing fees after the case has been setdown, asks the Commission to consider this request.

CHAIRMAN HOOD: Okay, let's again for those that may be watching, DCHA is DC Housing Authority so didn't want to use too many acronyms. Okay, Commissioners, let's open it. We have a request which is Exhibit No. 15 from the Housing Authority. Somebody could get us started off?

VICE CHAIR COHEN: Mr. Chairman, this request is normally made prior to the setdown for hearings, so although I'm in favor of granting the waiver, I would like to know why we're getting it at this later date? So maybe we can get the Applicant's representative to come up and tell us that?

CHAIRMAN HOOD: Okay. Before we call Mr. Freeman up, who's already on his way. Anything else Commissioners, that we might want

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to ask? Any other comments before we hear from Mr. Freeman. Mr. Miller.

COMMISSIONER MILLER: Well I would just echo the Vice Chair's comment that the waiver especially if we'd gotten it setdown hearing, would it be appropriate because this modification deals with subsidized housing.

CHAIRMAN HOOD: Okay. I would also agree that we hear from Mr. Freeman, but I would also like for it to be cleaned up depending on which way we go for the record, in writing. Okay.

Anyway we'll hear from you and if I need to expound on what I would like to see to clean up this whole action for us in writing for the fall.

MR. FREEMAN: Good evening Members of the Commission, for the record my name is Kyrus Freeman of the law firm of Holland and Knight, on behalf of the Applicant.

The timing of the waiver, it was submitted after setdown due to an oversight.

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Frankly this is the first time I encountered a situation in which the fee was 26 percent of the original hearing fee.

So initially we had a fee check of \$1,300. It wasn't until we filed our prehearing submission that we discovered that the amount was so substantial, which is why we went back and got the letter from the Housing Authority.

From, asked for the letter from the Department of Housing of Community Development and from the DC Housing Authority.

CHAIRMAN HOOD: So originally you had submitted some \$1300?

MR. FREEMAN: Yes, sir.

CHAIRMAN HOOD: Thought that was it?

MR. FREEMAN: Yes, sir.

CHAIRMAN HOOD: Okay. I guess you ran back to the Housing Authority? All right, Commissioners, you have other questions?

COMMISSIONER MAY: Well so, do we

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need an actual, do we need to acknowledge that they are requesting a waiver in order to submit this fee waiver request? I'm not sure, I'm confused about what we're asking.

CHAIRMAN HOOD: Just trying to give us \$1300 that's all. I'm sorry, Mr. May, I was --

COMMISSIONER MAY: Maybe Mr. Ritting can talk to that? Do we actually, do they actually need to --

MR. RITTING: As I understand it, your concern about whether they've actually requested to waive a procedural rule that relates to hearing a waiver --

COMMISSIONER MAY: Request.

MR. RITTING: -- waiver of hearing fees is 3042.5 and as I understand it, you want to have some documentation of A, are they actually asking to waive that rule? And B, what is the justification for that?

COMMISSIONER MAY: Well I mean I think that maybe the Applicant can state the

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request for the waiver of the procedural rule for the fee waiver, right here and now? But then we need to get some further clarification of, you know, why this all happened?

MR. RITTING: Usually when you're waiving a procedural rule that, you ask to hear what the good cause is for the waiver and whether any of the other parties will be prejudiced by waiving the rule?

COMMISSIONER MAY: So that's what we need to have in writing?

MR. RITTING: Yes, okay.

CHAIRMAN HOOD: And I just want to, you know, I think when you say at least for me thinking it was \$1300 and wound up being what it was, I just want whatever action we did here today to be memorialized in black and white for the record.

If that goes to what you're, and I think everything can be done verbally here. Colleagues, unless you all disagree. And then we just need something to follow up to be

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memorialized. Okay?

MR. FREEMAN: Understood. So do you want me to --

CHAIRMAN HOOD: Yes, if you could just --

MR. FREEMAN: I hereby request that you waive the Section that is on the regulations that require the waiver of hearing fee to be filed at the time of the setdown.

As mentioned earlier, the basis of the waiver request is that it wasn't until after the case was setdown that we realized the amount of the fee as detailed in the letter that is included in the record.

That fee would result in a substantial adverse impact on the resources of the District of Columbia, specifically the Housing Authority and Department of Housing Development.

The letter describes in detail how we meet the standards for the waiver of request. There's no adverse impact, the only other party

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to the Application would be the ANC.

This fee would not accrue to the benefit of the ANC at all. And therefore we would request that you grant the waiver as well as hopefully the waiver request. Thank you.

CHAIRMAN HOOD: Okay, Commissioners, we have two requests in front of us which will possibly be memorialized depending upon the action that we take tonight. Somebody like to start us off?

VICE CHAIR COHEN: Okay, yes, I move to approve the request to waive Section, somebody help me --

MR. RITTING: 3042.5.

VICE CHAIR COHEN: 3040 through 43.1? 42.5.

CHAIRMAN HOOD: Whatever needs to be waived, because it's number related --

VICE CHAIR COHEN: -- in the procedures that require the request for hearing for the waiver be done at the time of setdown, and I also move to approve the request for

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hearing fee waiver Zoning Case No.
03-12Q/03-13Q, and ask for a second.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It's been moved and
seconded. Any further discussion?

COMMISSIONER MAY: Yes, I want to
just clarify the basis on which we would
consider waiving the fees. Right, because
there were several arguments that were
presented by the Applicant.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: And the first
one was to permit construction of lower
moderate income subsidized housing
development. And I believe that we agree that
this is all about subsidized housing and
therefore it's appropriate, so it would be
under that first condition.

CHAIRMAN HOOD: Which is now
3042.1.

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: Right, okay. I

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thought you were going to go onto the second?

COMMISSIONER MAY: No, no I'm not going to go through all of them. If we agree it's the first one, then there's no need to go through the rest of them.

CHAIRMAN HOOD: Okay.

COMMISSIONER MAY: Unless you just like hearing my voice. I know you do.

CHAIRMAN HOOD: My mother told me if you can't say something nice, don't say anything at all. So I'm not going to say anything. All right, and so also any further discussion?

(No audible response)

And this is also DHCD, hereby certifies it a public housing unit for which the modifications applies to meet the definition of subsidized housing development.

And that is from the DHCD, I'm sorry, Department of, District of Columbia Housing Authority's letter which I think goes to what we're, to the action we're taking today

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so there is no precedence setting or we're doing anything any different. We're just trying to make a, get on the right course. Okay. Anything else? And again, before I say yea, before we say yea, Mr. Freeman, you will be memorializing this for us. Correct?

MR. FREEMAN: Yes, sir.

CHAIRMAN HOOD: Okay. So any further discussion?

(No audible response)

CHAIRMAN HOOD: All those in favor?
Aye.

(Chorus of aye.)

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

MS. SCHELLIN: The staff records the vote 5-0-0 to waive Section 3042.5 and the hearing fee waiver is approved per Section 3042.1. Commissioner Cohen moving, Commissioner Miller seconding, Commissioners Hood, May, and Turnbull in support of both

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waivers.

CHAIRMAN HOOD: Mr. Freeman, I appreciate your honesty because when you said oversight, you know, it happens. Most people would have danced all around that word but you didn't and I greatly appreciate that.

Okay. And the fact, Commissioner May even mentioned it, and the fact that you weren't wearing a tie. We appreciate that too. In honesty, you told your clients not to wear one. And Mr. Hughes is hiding in the back, but we noticed it, we noticed who had on a tie and who didn't.

(Off the record comment)

CHAIRMAN HOOD: Oh, Mr. Hughes, we have relaxed our rules for dress so you don't have to wear a tie. And the ladies don't have to wear a coat and a belt, you know, whatever the case is, I don't want to get into what you wear, and don't wear, because I'll get into trouble with them for that.

We have a presentation by the Office

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of Planning. Ms. Steingasser.

MS. STEINGASSER: Yes, Chairman Hood, thank you. It's not so much a formal presentation as much as just a discussion. We wanted to follow up, we know we've been giving the Commission a lot of information, and we know you've asked for additional information.

And we want to make sure that we get it to you in a format and that we're actually getting to you what you want from us. Because often times we get back and we're as paper fatigued as the Commission.

So to date, and again we recognize the record is still open and it remains open until the middle of September. But to date we've basically kind of broken out our response types into the Amendments to the advertised text, and those are things that are basically on the record, have been submitted.

Automated Parking, we put some examples and again these are just examples of the kind of things we were hearing, so automated

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parking, the credit system in the GAR, Campus plan, calculations on how we deal with FAR.

These are things that we've already put in recommendations. The Commission has instructed us to revise or to accept the public comments.

There's corrections and clarifications. Some of the clarifications get to zone names. You've asked for a lot of clarification on definitions. To clarify that residential is a permitted use over a corner store in the rowhouse zones.

You've asked that the standards of external effect either be restated or that there be references to where they are in the other codes.

There's also some new language that hasn't been advertised. Some of which has been requested by the Zoning Commission, some of which has come from the public. Most notably, a large format retail which colloquially called, Big Box. The commission has asked us

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to look at that as a special exception through the public comments.

We've been requested to look at auto repair in the industrial zones and its relationship to residential, and establish that by special exception.

Representatives of the Naval Observatory have met with us since the hearings started, to talk about outdoor lighting standards. So we will be proposing that, that's kind of a new concept that hasn't been advertised or discussed.

Limits on residential conversion in rowhouse zones. This has come out of some of the public hearings that you've heard, and most notably, Mt. Pleasant and the Lanier Heights area.

So we started looking at those rowhouse zones and those R-4 zones at the direction of the Commission in response to the community. And so that would be new language that also that you haven't seen.

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And then there's just various types of information that the Zoning Commission has requested, and that's what we really want to make sure we get to you in the format.

Uses is one of them. You've asked for some information on use permissions and how they compare. And so we're going to hit some examples.

This is just kind of an agenda of the things we're going to hopefully discuss with you tonight. Use permissions, the PDR zones, live-work, was something that came up. And we want to make sure we understand what you're asking for there.

Tiny houses is how it was advertised in and covered in the newspapers, but it's actually the trailer. They're considered trailers and so we want to talk about to the Commission about how you want us to proceed on that?

The R-4 issue again, lighting and then zone names. So these are the, some won't

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take that long, we just wanted to be able to actually give you some visuals to make sure that we see what we're doing.

So for use permissions, these are kind of examples of the types of comparisons we can get to you. This is a comparison that runs through, it takes the current code, we list them all down one side, by name, where they are, as a matter of right or by special exception, and where they are in the proposed text. Also by matter of right or special exception.

The reason I pulled this particular example is you can see down around clubs, private, and dormitories, we're no longer proposing that those uses be permitted as a matter of right or by special exception in the rowhouse zones. So that would show up as just an NP, not permitted. So this is one format.

Another format is considerably more detail. It actually puts the proposed text language in a column on the right. Now it seems simple enough but this will add five times as

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many pages.

So if it's more information than the Commission needs, we don't, again, we don't want to give you overload and paper fatigue in just carrying this stuff around.

It's the exact language that comparison one identifies as where it is, it just puts it in there, but again it adds so much volume that we didn't want to go through and do it if it's more than the Commission wanted. So that's one issue we wanted to talk.

The third option would be just to highlight those uses that have changed. Again there's been some public statements that, oh, we've reduced the special exceptions. Well again we've also added special exceptions.

Big Box is going to be one of them. Auto repair is another, nightclubs, and the industrial zones. Those are all new special exceptions.

And then some of them have just dropped out because we don't think they're

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appropriate uses anymore in any of the zones. So we could just do a quick summary of that. So those are the three options on uses we wanted some feedback on.

Let's go on to the, we can either discuss it right now, or go on --

CHAIRMAN HOOD: Why don't we stop and why don't we do that piece right now? And then we'll go to the next, be easier.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: Okay, who'd like to start us off? Vice Chair Cohen.

VICE CHAIR COHEN: Thank you, Mr. Chairman. In the R-4 zone, you are now saying that museums are not permitted. And although I'm not an expert in knowing every R-4 zone in the city, and I know that if it's an existing museum you'll grandfather it.

MS. STEINGASSER: Yes, ma'am.

VICE CHAIR COHEN: But I think historic preservation comes into play. People begin to find out who lived in a certain place,

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and you know, they uncover records. And I don't think it's appropriate to eliminate museums.

I think that they again, add to a neighborhood, make it more interesting. I would say the same thing that I had said about, you know, small buildings used for community theaters. As long as the local neighborhood and organizations are supported, I don't see why we would not permit it.

I don't know what my colleagues feel about it, but I think it enhances a neighborhood. Some people, it's not going to be the single family, you know, residential neighborhood that doesn't want anything near it, but these are neighborhoods that are more dense, and they have more opportunity for historic identifications. And so I don't think we should prohibit it.

MS. STEINGASSER: Okay. Well and we'll go through each use as the Commission starts to take action. I think, and we also

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have that in our notes that you have galleries as well as something --

VICE CHAIR COHEN: Yes.

MS. STEINGASSER: -- that you have mentioned about in the rowhouse zone. So we are aware of that. What we're looking for from tonight, is how do you want this information presented to you? I mean do you want --

COMMISSIONER MILLER: Yes. So I think, if I could just chime in. I think that sort of that end view, we're able to see that and compare in the chart, the first option.

MS. STEINGASSER: Comparison one.

COMMISSIONER MILLER: Yes, so you wouldn't need the five times more.

MS. STEINGASSER: Okay.

COMMISSIONER MILLER: But that's option two, and maybe you would have seen it in the Option three, which isn't in our handout.

VICE CHAIR COHEN: Oh.

COMMISSIONER MILLER: But which does summarize changes. And I --

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VICE CHAIR COHEN: I didn't read those option, those things.

COMMISSIONER MAY: Okay. Yes, I mean I would just chime in, I think I mean this is going to cause a fair amount of, if we just go with comparison style number one, it will require a little bit more flipping back and forth but kind of the basics of what's permitted, what's not permitted are going to be shown there. And what becomes a special exception and so on.

And when we can, when we want to dive deeper we can do that. Otherwise, you know, we'll be compelled to read every single word if we went to comparison style number two.

I think comparison style number three is out. Because I don't think that we get anything by just seeing what, highlighting the differences.

Because we want to have a reference that we can look at and understand all of the uses in their totality. So that when, you

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know, somebody says, oh, you know, this use in this zone is not addressed, you know we have an easy way to look that up.

We can look at it, in ground truth, what's being stated to us. Because sometimes people just miss it in the text. And it's an honest mistake and so on and so. I mean I, from my point of view I think comparison one ought to be adequate.

VICE CHAIR COHEN: Any other commissioners have comments?

COMMISSIONER TURNBULL: I would only go do anything like two if you think there is something very significant that you'd need to address that is not readily available. I mean that does not readily read in this one. I agree that number one is the way to go, but you know, if there's a way to highlight something that's particularly been important, that might be worthwhile.

MS. STEINGASSER: Okay. Yes, sir.

CHAIRMAN HOOD: Okay. I, thanks

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Vice Chair. I missed what was said. So forgive me. I think and Ms. Steingasser, you asked in comparison one and comparison two which way we wanted to see it? Is that what we're --

MS. STEINGASSER: Yes, sir. Yes, which way is more helpful to you? Because what we're getting sensitive to is just, we've been calling it paper fatigue. You know we just keep giving you so much paper whether you even can wade through it.

So this particular subject of uses, you've asked for on several occasions. So we want to make sure we get you what you want.

CHAIRMAN HOOD: So the comparison I think, what is it one, is what everybody's so far is --

MS. STEINGASSER: Is what they're leaning for and when the record does finally close and we get to an action state, we will be providing then a rationale of the changes.

CHAIRMAN HOOD: So one will show us

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what's existing, and then also what's proposed, and whether it was a matter of right, or special exception or whether it was, eventually, when it was existing, whether it was a special exception, which it is now, but it will show us all those differences?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: Okay, I can go with that. All right. Any other questions?

(No audible response)

MS. STEINGASSER: Thank you.

CHAIRMAN HOOD: All right. Thank you. Have a seat.

MS. STEINGASSER: We have one completed, two would have taken us all, a whole another weekend.

COMMISSIONER MAY: I like the paper fatigue concept. I've reached the point where the, my files for zoning regulation rewrite, are no longer transportable by bicycle.

CHAIRMAN HOOD: Oh, could you repeat that at hearing with a lot of people

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sitting there? That'll be my next question.

COMMISSIONER MAY: I'm sure some of the interested parties are paying attention. I mean I guess I probably could, I just wouldn't be able to carry all the rest of the stuff that I carry around like, you know, change of clothing and --

CHAIRMAN HOOD: Oh like the ten bags of groceries?

COMMISSIONER MAY: Right. I would definitely have to drop off the zoning regs before I went shopping.

MS. STEINGASSER: Okay, so this one is the PDR, the industrial zones. And this has been of special interest to Chairman Hood and so we wanted to also focus on that and make sure that we understand or have addressed what we think the concerns have been.

So the first thing we gave you is a comparison of development standards. And this is just as you see, high setback, buffers. We've done a sheet like this for every single

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zone, the residential, the commercial, the mixed use, the special exception, the industrials, waterfronts, every single zone and overlay has one of these.

But we pulled out the CM and the Langdon overlay so we can kind of walk through the changes that we're proposing.

The Commission did take some action on the floor area ratio early on, to increase it to 3.5, but limit the industrial and non-industrial uses. So it's, it kind of has that same mechanism that the commercial zones do now.

The rear yards are basically the same, the side yards we've increased to a 25 foot, when it's separating from an adjacent residential zone. And that's applicable in all, the proposal is that, that be applicable in all industrial zones.

So that started out as one of the Langdon area requirements, the overlay requirements. And the more we started looking

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at how those industrial zones relate outside of the Langdon area, we realized that those residential neighborhoods need the same protections.

So we've incorporated the Langdon area overlay requirements fully into the regulations so they're applicable in all industrial zones, not just in the Langdon area.

And you can see that under the heading of buffer. Where the Langdon area overlay had a 25 foot setback for residential, 15 feet when it's separated by an alley. It also has landscape and screening requirements.

In all other areas where the industrial is adjacent to residential, those requirements don't exist. So we've proposed and this has been setdown, that it be applicable to all areas of the commercial zones.

We've also, what's new in these zones is transitional height. And that's the, that is to, when they are adjacent, that there be a setback starting ten feet above the matter

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of right. And that would be one to one, so it starts to mitigate the, any adjacency.

Let's see, there was something to do with roof structures as well. I think that's coming up further in the text. But there is, when the Commission did act on the industrial initially in 2009, they allowed for an increase in the roof structure to 40 percent of the roof area.

As opposed to the way it is now, which is an FAR based on lot area. That also helps to keep the roof structures smaller as it's adjacent to residential, it keeps it a more reduced footprint. So we proposed that.

So those are the development standards and we wanted to make that really clear, that we are, that Langdon is so good we want it to be spread through all the industrial areas. I think that's all that we have that's changed in the development standards.

We did also look at uses and then again, Langdon -- yes, ma'am.

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VICE CHAIR COHEN: Again I'm sorry for focusing on trees and mediation and be doing this, and you can tell me that. But I think you need to be a little bit, elaborate a little bit more on the landscape and solid fence or wall because otherwise you're going to get something that is really atrocious.

MS. STEINGASSER: That's coming up.

VICE CHAIR COHEN: Oh.

MS. STEINGASSER: Yes, this is just a summary table that we've put together. The Commission had asked for a comparison of how the development standards worked between the proposal and the existing code. And so we've done that, we've just chosen --

VICE CHAIR COHEN: Okay.

MS. STEINGASSER: -- the industrial ones to help identify what we've done with Langdon and how we have borrowed that.

CHAIRMAN HOOD: Ms. Steingasser, can we go back to the PDR zone on the -- and I

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know and I'm glad to see this existing regulations. I'm up under the buffer. Where existing, all other adjacent residential have, not applicable. I know we've set this down, 25 feet setback from all residential, 15 feet when separated by an alley, landscape and solid fence.

I'm not as concerned as I am, and I know we set this down and I think we'll hear this when we get to that point, but I'm more concerned about the 15 feet when separated by an alley. I might have asked this question already.

If there's a residential house on one side, and there's an alley. And the industrial uses is right on the other side of the alley. So it has to be 25 feet from a setback from that alley, added, so it would be a total of 40 feet?

MS. STEINGASSER: No, sir. The way the regs, the current regs read, it's 15 feet plus the width of the alley. So if the

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alley is 10 feet, it would be 25 feet.

CHAIRMAN HOOD: So 25 feet in the --

MS. STEINGASSER: If the alley is only eight feet, it would 23 feet.

CHAIRMAN HOOD: So what are we, so we're basically keeping the same amount of setback?

MS. STEINGASSER: Yes, sir. We're not proposing any changes, we're just proposing that it be applied in other areas.

CHAIRMAN HOOD: So that means that the landscape and the solid fence and the wall then become very important?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: Okay.

MS. STEINGASSER: Very much so.

CHAIRMAN HOOD: Because I know of a situation right now where the existing laying, overlay is, the person's house is right there. There's an alley and it's right there on top of it. So, and that's why it's so important for the external effects to be

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exercised. Okay, and can we say more?

I guess I'll see this later, but are we going to be saying more and forgive me if it's already there, about external effects, exercising them?

MS. STEINGASSER: Yes, yes we are saying quite a bit more.

CHAIRMAN HOOD: Thank you.

MS. STEINGASSER: So the next slide, next sheet talks about the uses. And again this is just to show, to help the Commission feel comfortable that all the use restrictions of the Langdon overlay are continued.

So on the left is Section 806 of the existing regs. And it lists that the use is prohibited in the Langdon overlay, that's too small even for me to read. In part within 100 feet of a Residence District.

So we, they start with any use that's restricted in the CR zone and then it lists those. What we've done here is show what

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those are, and then where they are in the current code. So that you can see that in subtitle J, which is the PDR industrial zone.

Excuse me. I'm practicing slower speech, hoping it would help.

So then we've listed and you can see that in subtitle J, Section 304, those same uses are listed out exactly. So that they are all still there, the massage restrictions, the car washes. We've cut and pasted those exactly. So those same prohibitions continue from the Langdon overlay into the current zoning regulations.

CHAIRMAN HOOD: I think, I'm looking, okay 806.4 is that the existing?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: I remember K being, that's how we got to the prison issue, years ago it was. Maybe it, K, no it had to have been K. So I don't remember it being material salvage.

MS. STEINGASSER: These are those uses which are prohibited in the CR zone and are

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referenced as the first item of prohibitions.

CHAIRMAN HOOD: So you transferred material salvage, because I know that wasn't in that original. I kind of know that by heart. The original recommendation under the PDR. Well at that time, it was the industrial zone. Let me ask, what, does it have a definition of what material salvage is?

MS. STEINGASSER: No it doesn't but we can add that.

CHAIRMAN HOOD: And here's the reason why we need to do that, because if you remember it went under the old regulations, while they made existing regulations, and I think it's still there. There was something called light manufacturing.

MS. STEINGASSER: Yes.

CHAIRMAN HOOD: And that left it really open, very wide for interpretation.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: It's a lot of you'd be surprised how creative light manufacturing

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has become.

MS. STEINGASSER: Okay, we'll take a stab at defining both material salvage and light manufacturing.

CHAIRMAN HOOD: And I guess and I'm just pointing those out, but I guess if we can try to make the interpret narrow, to some of that interpretation down on not just that but everything. Not that we have to, not that we're going to catch everything, but if we can narrow, do the best we can to narrow the interpretation down.

MS. STEINGASSER: Okay, I think we can --

CHAIRMAN HOOD: Thank you. Vice Chair.

VICE CHAIR COHEN: Yes, I have another question about any establishment that has a principal use of massages.

MS. STEINGASSER: Yes.

VICE CHAIR COHEN: I know what you're trying to avoid, but you might want to

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say except spas.

MS. STEINGASSER: Well, I would look to the Commission for that kind of guidance. This is the historic language.

VICE CHAIR COHEN: Well I don't think they would locate in this PDR zone, but I think what you're avoiding is the sex parlors. But I don't know, maybe spa is --

COMMISSIONER MAY: I think that's the point of keeping it out of PDR zones. They're going to be in down town office buildings or something like that.

VICE CHAIR COHEN: Okay, that's a good point. Thank you.

(Off the record comment)

MS. STEINGASSER: So on the next slide just continues with the restricted uses in the Langdon overlay that have carried through into the current code, applicable to all industrial zones within 100 feet of any residential area, any neighborhood.

And again it's carrying those

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through exactly the same, with the one exception being veterinary hospitals. And the Commission has asked us to look at reevaluating veterinary hospitals and animal boarding care. So that'll be part of the bigger, that's why that one is highlighted in blue.

So then the next slide gets to some of the screening issues and because we've taken the Langdon overlay screening requirements and are proposing that they be applied city wide to all industrial and adjacent residential neighborhoods.

The wording's a little different but we've tried to underline where it is and so that you can see that the language is the same and that the restrictions are the same.

That there be a minimum of 25 feet, again without the alley. Fifteen feet if there is an alley. That it be landscaped and that there be a wall.

Under current, at the bottom of this slide in both the left and the right column you

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can see a description of the types of solid wall, board-on-board fence. No less than eight feet, no more than ten feet.

A brick or stone wall, no less than eight, no more than ten, so we tried to give some guidance, a little bit more clarity to how those need to read.

Then we've also talked about the landscaping, and I think we, I think that is called out also in here that it has to be, evergreen, each lot, but the landscaping has to be on the property, outside the walls. So that the neighborhood has both sound protection as well as some type of aesthetic appeal.

And that's shown in our images here on the, Slide 10. Where you can see the property line is the dark bold line that comes down. Where that buffer is in gray, the little wall is on the right side, and then the trees are between the wall and any adjoining residential property or alley.

And that's like I said, to make sure

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that they're not also, they're not, that looking at the back of a building got replaced by looking at a really ugly ten foot cinder block wall, but that there's also some landscaping there to help buffer that visually.

So again, this would, these are all from the Langdon overlay. They represent the full totality of the overlay protections. And we've proposed to apply them city wide to all industrial zones within that -- I'm just babbling. To all industrial zones that are adjacent to residential.

CHAIRMAN HOOD: Ms. Steingasser, let me give you an example. I'm just trying to figure out how to, help me understand how this will work? This is part of my 101 class.

If we have an alley and on the, say for example we have an alley and on the north side of the alley we have the property line or we have those PDR uses.

Then on the other, opposite side, the south side of the alley we have, in the south

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side we have a park. How is that, how does that work as far as a buffer? Because there's really no room.

You can't put anything in the park, I don't think. At least you're not supposed to. And you can't put anything on the other side. So really at situation like that, this right here will not help that situation. Correct?

MS. STEINGASSER: This would be for new construction. When --

CHAIRMAN HOOD: Well there's probably some things that can happen there.

MS. STEINGASSER: And if that park is zoned residential or in a residential zone, the buffer would apply as well. So it doesn't just have to be a residential use. It could also be a residential zone. Maybe it'd help, maybe we can clarify that?

CHAIRMAN HOOD: Because I'm sure that there is some new construction in here.

MS. STEINGASSER: Yes.

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CHAIRMAN HOOD: In particular I'm thinking of the buildings that are falling apart now. So at some point there is going to be some new construction. I just want to see how this is going to come into play.

And because my question is, where does the buffer go in a situation like that? It can't go in the park. So the setback then would become on the side where the PDR uses are?

MS. STEINGASSER: That's correct.

CHAIRMAN HOOD: Okay.

MR. LAWSON: And just to be really clear on that, the buffer is always on the PDR zone property. It's never on the residential property. Now the residential owner may have their own screening and that would be up to them.

But the requirement for the buffer would be from property line in towards the industrially zoned property, and towards the PDR property. So the evergreen fencing, and the wall would both be on, and the 25 foot

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setback would all be on the PDR zoned property.

What's on the other side would be what's on the other side, whether it's a park or residential property. So all the buffer is on the industrially zoned property, all 25 feet, and the wall and the evergreen hedge, always.

CHAIRMAN HOOD: Okay. That answers my question. Now let me go back to the, let's do away with the Langdon overlay. I know you just used this for example. There was a lot of comments about one of the other overlays. Forgot which one it was now.

But anyway, some of the other overlays, are they going, one of the questions we were asked by maybe more than one person, why we're doing away with the overlay?

We're making it less restrictive, just like we're making this apply city wide. Some of those other overlays, let me just use an easy one, Tree and Slope. Is that overlay now going to apply city wide? Because I think

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the people in Ward 8 asked for that.

MS. STEINGASSER: No, sir. We're not proposing an expansion of that overlay. That has a much more severe, it actually minimizes property owner entitlements and development rights.

So you may remember the Forest Hills situation where they actually tried, they increased the lot size, minimum lot size. So we wouldn't do that without the neighborhoods participating and asking for it.

It's written in such a way that it could be applied if a neighborhood wanted it, if they wanted that tree protection, but we're not proposing to expand it beyond its current --

CHAIRMAN HOOD: The Reed-Cooke is the one I'm thinking of.

MS. STEINGASSER: Cooke and we're going to get to that as well.

CHAIRMAN HOOD: Oh, I mean okay, I'm sorry. I'm jumping, let me let you finish

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your presentation.

MS. STEINGASSER: Oh, no, no, no. We want this to be a discussion, so please.

CHAIRMAN HOOD: I was just trying to see, I just wanted to make sure that it was more than just, I'm more familiar with the Langdon overlay, so I understand what you're saying about making it city wide.

And I just wanted to see what other overlays were going to be applied city wide, or is this the only one?

MS. STEINGASSER: Only the Langdon overlay is at this time that we're proposing as development standards be expanded. The other overlays and I, when we handed out to you with the mega comment sheets, on the back of that also attached was a side by side of every neighborhood commercial overlay.

And I encourage you to look at that and see if that addresses, we believe we've captured both the intent, the restrictions, the permissions, and we've put in there, it's two

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columns much like what we just saw here, where we go through the existing overlay and then where it is and exactly what it says in the proposal. And we can get you that again. But again --

CHAIRMAN HOOD: No, I have it somewhere believe me. I don't want to get paper, what's the word you used, paper?

MS. STEINGASSER: Paper fatigue.

CHAIRMAN HOOD: Paper fatigue. One of the other things that we heard a lot of and this is something we'll be looking at, I know I'll be looking for, is people are saying we're making the overlays less restrictive.

In taking some of those comments, we've heard a lot of that about. And then one of the questions were, and I'm not sure if it's in some of the paper fatigue that we already have. Is that why, who initiated this, for us to take this over?

I mean, you know we can point back and say we did this and our conceptual hearings

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but who initiated us to changing the, and I'm sure it's there because I think Mr. Lawson mentioned to me it was in some of the reports. And I just can't remember all that.

MS. STEINGASSER: Well, early on, when we started talking about how we were going to reformat the code, the issue of the overlays became a critical issue because they, they ride on top of zones.

And in areas like Cleveland Park, Woodley Park, 8th Street where they're sitting on very defined commercial zones. They don't overlay more than one zone, it didn't make sense to try to maintain that structure with the new formatting.

So we went through this early on, as that would be part of the reformatting, would be to marry these two. So that, and maybe that's one thing we can get you that would be of importance. People talk about the overlays as if they stand alone, and they really don't.

You have to know that, to read the

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Woodley Park overlay I've got to know that I've got to start with the C3A, and then I've got to go to the C2A, and then I've got to the C1, and then I've got to fall back to the commercial zone.

Those are all my permitted uses. So after I go through all of those, then I have to go to the overlay and see what's been permitted or what's been restricted.

And so it's only because people know what's in those other things. But if you're a neighbor or a new property owner, or a new business owner who wants to know what you can do, it's very cumbersome to have to read through five or six different chapters.

So we put them together and it was something everybody was comfortable with. It makes sense and that's why we tried to put the side by side to help answer any unease that the Commission has about how they actually maintain the integrity and permissions.

COMMISSIONER MAY: If I might add.

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I mean, I remember the early discussions about how we should be handling overlays and how the zoning regulations should be structured.

And I think that without the benefit of actually seeing the language before us, I think we endorsed the principle that, you know, a property owner, business owner should be able to look at the zoning regulation in one place and find all the restrictions, all of the limitations, or you know, allowances for what they can do on their property, in one place.

And it made a lot of sense just in the abstract. I think when it came time for people to start reviewing the regulations and they are, you know, their life revolves around a particular overlay, they become very upset when that overlay, that word overlay, and their neighborhood name does not appear.

And so I think a lot of folks got, you know, got concerned that these restrictions were no longer there. I mean I think that across the board, and I think I've said this in

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other hearings that the requirements of those overlays are not going away. They are simply being incorporated into the zones.

And that's why we have so many R zones and so many RF zones because they are particular to those overlay areas. I mean is that accurate?

MS. STEINGASSER: Yes. Yes it is.

CHAIRMAN HOOD: And I think your point is accurate, but because I was one of those people too, as Ms. Steingasser knows, when it came to Langdon overlay, because I know what was existing was, it had incinerators in it.

And now when I see the new one extended, but I see now it's been put back in. So if I had that concern, I can imagine what the public has when they see those kind of things happening.

COMMISSIONER MAY: And I think that there may have been some small tweaks, but I think that's where the side by side comes into

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play. And I think we should, you know, it makes sense to stay the course and try to simplify things.

CHAIRMAN HOOD: Well I agree we should simplify it, but then the other argument, I don't want to, we got plenty of time to deliberate this and I want Ms. Steingasser to get through, but the other argument is going to be, when we first set this out, started out under the Jerrily Kress days, we were minimizing pages. And it seems like, I don't know, you know.

COMMISSIONER MAY: I'm glad you brought that up because I think it's a very interesting point. I mean, our intention is from the beginning was to simplify the zoning regulations.

And it's hard to understand how we could go from, I don't know how many hundreds of pages it is now, to roughly a 1000 pages that's in the proposal and call it a simplification.

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But I think that we're looking at it the wrong way. Zoning regulations have to be simplified from the point of view of the person who is using it. And you know, even right now I'd say the majority of people who are using it are going to be using it online.

And will be used to you know, taking in this information in more of an online format than in, you know, in text where you're flipping from pages to pages and you've got to lug around a 1000 pages, you know, on your bicycle or however you lug it around.

The point is that the whole structure for how we understand this information and how we access it, I think is going to change. I think this is just the first step.

But I think in 20 years the idea that we were concerned about, whether it's a 1000 pages long or not, is going to be laughable because people are going, you know, be clicking links from one thing to another. And it's all

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going to be, you know, automated in that sense. And it is going to be a lot easier.

CHAIRMAN HOOD: Yes, but in 20 years the way we're doing things now, clicking links, it'll be something else.

(Simultaneous speaking)

COMMISSIONER MAY: Or maybe in ten years, it'll be laughable that we're concerned about it.

CHAIRMAN HOOD: Those, just like we had the argument about seniors who are not savvy on the computer, who are trying to come to speed. They need a hard copy, which the Office of Planning has been very accommodating and putting in libraries.

And now we're talking about links but soon links will become old and that's where we will be, and we'll say send us a link and it'll be something else. It'll, so --

COMMISSIONER MAY: I think how we access it is going to continue to evolve over time but hopefully that won't require rewriting

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the zoning regulations each time.

CHAIRMAN HOOD: Well again, we wanted to access, and this is a long, maybe we shouldn't get in this anyway, this will go on for a while, but I just think that we have to make sure that we are able to accommodate all, who, whatever, if you read by paper copy, if you use the links, or whatever, because everybody doesn't use a link now.

COMMISSIONER MAY: I agree 100 percent. It's got to be --

CHAIRMAN HOOD: We're saying the same thing.

COMMISSIONER MAY: Yes, yes.

CHAIRMAN HOOD: Okay. Sorry to interrupt. We'll stop interrupting.

MS. STEINGASSER: That's okay. No, this is a discussion. And we are, right now the, I think there's 789 or 783 pages to the zoning regulations. And with our proposal it's up to like 980. And we expect to remove about 100 at least, of those.

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Because there's all these to be deleted that we didn't want to take out when we set it down because of the numbering nightmare that it would create.

But once we start to condense this information, and we start to pull those out, and it'll come down significantly. So I think --

CHAIRMAN HOOD: Mr. Miller wanted to try to get a word in.

COMMISSIONER MILLER: And, well thanks, Mr. Chair. I hesitate to go backwards but I did have a question about the, if we're having this PDR zones. You have this setback from the residential zone.

Are we permitting those new residential uses in PDR zones as long as they have the same setback within the PDR zone from a new residential use, or we're not going to be permitting that?

MS. STEINGASSER: We're, not within the current zoning regs. The Office of Planning just completed a Ward 5 land use

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transition study. And one of the actions it calls for is a new type of industrial zone that would recognize kind of artist, live-work a little bit more fully. But that would be a whole new zone.

In these regulations as they are written today, we are not proposing to allow residential in the industrial zone.

CHAIRMAN HOOD: Oh, glad.

COMMISSIONER MILLER: Thank you.

CHAIRMAN HOOD: I'm so glad of that study. It is right in time to tie in with this because that was one my concerns early on. And I mentioned it to the Council member also. That was one of my concerns, so great to hear that. Thank you.

MS. STEINGASSER: So we also heard from one of the Commissioners about live-work, and whether we had done enough to encourage live-work. And so what we have in the current regulations and what we've got in the advertised text is home occupations.

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And this is kind of the, this is the text basically in the summary that it allows for an accessory use within the house. It'll, in different types of businesses and professionals it's allowed as an accessory use and there's conditions to how it could be operated.

There's a limit on the number of sales that you could have, so it's not the same as living in a commercial area but it is recognizing, I think you can have five sales in the home or yard sales. Beyond that you could get a special exception and have more on a more regular basis.

There's some signage limitations. So we didn't know, is that sufficient to address the live-work? Obviously in the commercial zones you can live-work by, as matter of right. And then in the industrial zones, only a caretaker is allowed to live on the property.

VICE CHAIR COHEN: I would just recommend that you look at the tax definition

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as well because a lot of people, you know, the tax code gives some permission and I just don't want to be inconsistent with that.

MS. STEINGASSER: Okay. So this gets to the issue of, they call them tiny houses but what they really are, are trailers in the alley. So we, the Chairman has raised this as an issue.

We looked into it originally in a very kind of superficial way with the zoning administrator about temporary uses and temporary structures. Commission asked us to look a little bit more deeply.

We started looking at it in terms of the building code as well and what we found out is that if it's a structure with wheels, it's considered a trailer. Trailer by definition is not a structure. Therefore it doesn't require a certificate of occupancy and you can't live there permanently.

But you could end up with encampments of these things. So we started

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playing out the scenarios and realized in an alley where you wouldn't otherwise be able to live, because the alley widths aren't sufficient or the zones aren't permissive of it, you could have these things.

And we don't know how, whether people are actually living in them or not but we do know how they're being placed there. And then we started thinking about okay, well what if it's not a trailer. What if it's just a tent?

So we are going to try to come up with some language that prohibits camping or any kind of sleeping in a structured trailer, tent or under the sky in alleys unless it's approved by a special exception. Is that, do you think that gets at the issue?

CHAIRMAN HOOD: I think one of things if I may, one of the things about these tiny houses, it's actually happening I know for a fact in the stronghold neighborhood. And there's a lot of concern.

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They're living there, they're having parties, I'm not sure to what extent anyone has done anything, but we need to find some kind of way to regulate that. And I think right along with this special exception.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: But for now I don't know what they need? Maybe to call the Zoning Administrator.

MS. STEINGASSER: Well apparently he has been involved and he, that's how the issue of them being trailers as opposed to any kind of dwelling unit, or any kind of structure, and the fact they can be moved and are on wheels means they're not a structure.

And because they're not a structure, they're not subject to the certificate of occupancy or even the temporary use restrictions, because those all tie to a certificate of occupancy, so that why we're --

CHAIRMAN HOOD: But I think though they become permanent because they don't move.

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But I understand, I understand that whole argument about temporary but temporary to me has become permanent.

But they, that's how I understand, from what I've been informed, that's how they circumvent the zoning regulations is you suppose to get a certificate of occupancy, is that they're on wheels, even though I don't care how many times you go by there, they're still sitting there.

So we need to do something that gives some input from the folks who are enduring this. And I'm sure that Stronghold is not the only community.

MS. STEINGASSER: We, so this is where we're starting and we're also going to be looking at what some of the other jurisdictions are doing. Because we can see this could be an unanticipated problem.

COMMISSIONER TURNBULL: I get, my only other question is that under the special exception, that there's a time limit. And I

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mean, I think the special, I mean if it camping or I mean we're looking at a couple of weeks or something. I mean I think the special exception has to be clear that there's a very, there's a very definite time limit.

COMMISSIONER MAY: Can I ask a question with this? The proposal is it, we're talking about in alleys, you're talking about on alley lots?

MS. STEINGASSER: On alley lots, that's correct.

COMMISSIONER MAY: Okay, and so I think we probably ought to address non-alley lots as well because they could be, you know, somebody could, I don't know, sublet part of their large rear yard for this sort of a use. And it ought to be understood what it, where they're permitted, where they're not.

But I also don't necessarily think we should be treating this as something as a potential problem that needs to be controlled. I think that in many ways this is a beneficial

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thing and it should be embraced and we should be keeping an open mind.

I'm not saying that they're appropriate where they are right now. It may be, you know, wrong for a number of reasons. All I'm saying is that there, I don't think there's anything inherently problematic with this, but that we should understand, you know, and try to determine where it's appropriate and what restrictions are appropriate. That's my attitude toward it.

VICE CHAIR COHEN: And I would concur with Commissioner May, because this has become a significant problem throughout the country where people do not have the economic wherewithal to live in an apartment.

And they are looking more closely, including architects, including cities having either all these requests for proposals, for smaller houses, and they're more sustainable.

And I find that, you know, even though I have some issues with their size, I

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mean, I think if you properly design them, they could be fine to live in because they are, I think, sustainable. And they're environmentally sustainable. So again, it's more the area that I think needs to be more carefully studied.

MS. STEINGASSER: Yes.

VICE CHAIR COHEN: And then going around to different locales because it is becoming an expansive movement.

MS. STEINGASSER: It is and I think we agree that they shouldn't be prohibited outright, but where they are and how they're accessed, are they fire, is it, safety, are they too close? You know, those kind of design and location criteria is what we're going to try to address.

VICE CHAIR COHEN: Right, I agree.

CHAIRMAN HOOD: In this particular area which brought it to my attention, and which I'm raising, I want to commend Office of Planning because you're going exactly down the

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line where we need to be for this particular.

All the rest of that is fine. But I'm talking about what people are doing now. The parties they're having out there now. What's going on behind folk's houses right now? This is what needs to be dealt with.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: So, thank you.

COMMISSIONER MAY: I would also just mention in response to Commissioner Cohen's comment, you know I think there is value in more efficient living.

But having each one of these being independent with, you know, four walls and a roof, and you know, kind of minimal construction isn't necessarily going to be the most energy efficient.

You know if you put them all together and make a building out of them, it's probably going to be a lot more sustainable than essentially single family housing on very tiny lots. But anyway, that I'm sure we'll get into

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in the long run.

COMMISSIONER MILLER: I have a question, Mr. Chairman. It's about the first bullet under proposed text, the prohibition of a structure as a dwelling on an alley, unless the alley is more than 24 feet wide, which I guess is a reduction from the 30 feet wide what's in the existing code.

But I thought we had a lot of testimony that said it should be reduced from the 24 feet, by the fire department and I thought you all were going to go back and look at, talk with -- you're are?

So you all are still doing that and so that there might be a possibility that, that would change?

MS. STEINGASSER: Yes, sir. You've asked us to look at the width of the alleys and also the distance from a principal street. So if there's some alley lots that are you know, only 30 feet back and the alley is only 20 feet, well they may still be able to get there

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safely. And so we're looking at hydrant spacing and that kind of thing.

COMMISSIONER MILLER: Good, okay. Thanks.

MS. STEINGASSER: So the next one, innocuously enough just says R-4/RF zones. We've heard a lot through these hearings, through HBRB hearings, through any number of cases, about the pressure on the rowhouse zones in the R-4 zones. That pressure comes in a couple different ways.

The conversion of flats. Right now in an R-4 as a matter of right, regardless of lot size, you can have a flat. You can have two units.

There's been a large push for some of the larger rowhouses to be converted with or without the minimum required land area of 900 square feet per dwelling unit.

There's a uptick in the cases in front of the BZA and we've also seen that this is kind of what starts to push on the popup

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issue, whether it's popping up or popping out.

So we took a look at the R-4 zone. There's 30, I got all these numbers here. There are 37,600 zone, record lots zoned R-4. We have surveyed 3,000, I'm sorry, 37,600 record lots. We have surveyed 17,309 of those.

And we looked at those in terms of their lot size relative to whether they are conforming or non-conforming to the 1800 square feet. How many could be converted?

What we also did, a kind of height, a predominant height survey of what is the height along these? Is 40 feet actually inducing popups and opposed to bringing it down to a lower height?

So we'll be presenting that data to you with some recommendations on how the R-4 might be reworked a little bit. And this all started when Mt. Pleasant testified about their -- and there was as you saw a lot of confusion over most people not knowing they were already R-4. And what could happen to a single family

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home there.

So we've been looking at that in terms of the R-4 zones. Once we started with Mt. Pleasant, we started sending it out and the staff really, it was a really actually a very interesting exercise.

The staff actually, we all kind of enjoyed it as you could get down to it. And with our GIS system it wasn't quite as difficult as we thought.

So we're looking at the issue of popping up. We're also looking at mezzanines and those of you who remember the case called the Belmont Tower that was the result of an inappropriate use of a mezzanine.

So a mezzanine does not count as a story. So in the R-1s through R-4s, you can have up to three stories of residential. But a mezzanine doesn't count. And a mezzanine can be 1/3rd of the floor. So you could have three full stories and then this 1/3rd story. That doesn't count.

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And so we've started looking at how has that also incentivized these inappropriate roof and upper floor additions. So we'll be bringing back some recommendations. And this all gets to where the Commission asked us to look at the issue of popups.

And so we started by looking at the R-4 in the residential areas and then maintaining. That gets to not only the Commission's, excuse me, Commission's request that we look at popups, but also how we're dealing with maintaining neighborhood character. And how we're relieving some of the pressure on the historic districts. So we'll be breaking that down and bringing some recommendations back to you on that.

VICE CHAIR COHEN: However, Ms. Steingasser, one of the concerns that I have is obviously -- one of the concerns -- a major concern is the need for housing and that's usually what's brought before us and the BZA case.

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It's adding housing and everyone seems to appreciate density, yet we have the infrastructure in certain neighborhoods for density. And you know, I guess I'm in favor of taking advantage of that to provide the needed housing that we have in the city.

How do we balance that? How are you going about balancing those interests?

MS. STEINGASSER: It is a balance. It's very much a balance. And we look to the Comprehensive Plan as our starting point. But the R-4 zones were never intended to be multifamily.

And the ability, and it even states in the purpose that it recognizes that there is a historic land use pattern that may have some small multifamily buildings in it, but it is not to be an apartment zone. And it's very clearly stated.

And the history of the conversion provision was never to allow it's use as it's being used now, which what we're seeing is --

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it's not the home owner that's trying to put in that third unit.

It's a developer who's out bidding a home owner, because he's anticipating that he's going to get three or four units. And a home owner is only wanting one unit and maybe a basement apartment.

So it's just an unfair playing field right there when the expectation is, well I can get that fourth, that third or fourth unit.

The conversion provision was to recognize in these rowhouse zones there were historically some large lots. And there was some very large buildings and to allow those to adaptively reuse. It's morphed over time to where anybody can use it.

So we are proposing as part of this, a provision that recognizes there are large institutional uses, schools, churches, different types of community centers, that we do see coming forward and allowing for those to be reused through a special exception.

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So that there is some review and in a lot of those cases the 900 square feet is too large. Because to convert a school is driven by support structures and foundations and all kinds of things. So the 900 square feet actually creates big voids in the streetscape.

So we're proposing that these industrial or institutional uses be allowed to be converted. But they'd be by a matter of, or by special exception and not matter of right.

So, you know it's just a balance where we're trying to encourage housing by all means, but we would rather it not be in the single family and in the, at the expense of the historic rowhouses.

That it be geared more towards these larger lots, or into the higher density multifamily, commercial mixed use areas. So this is just taking it a little pressure off that.

CHAIRMAN HOOD: And I'm actually glad to hear you say that, Ms. Steingasser. I

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can't articulate it like you just did, while I understand the need there are a lot of folks in this city who bought in their areas for a reason.

And again it's striking the balance. Do we just throw everybody on top of them or do we kind of balance it out?

So I'm really, appreciate your analyses in there because we can't continue to just bombard and throw everybody on there. While there is a need for housing, we have to be delicate with that because there are people who, in this city, who's been here a long time, and spent a lot of money in purchasing their home, which is their biggest investment. And they didn't buy into that. So we have to balance that.

COMMISSIONER MILLER: And that's why there's five members on this Commission because there, it is a changing city, it's a growing city. And where you tip the balance, whether, does two to three really change the

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character of a neighborhood? I don't think so, but maybe others do.

But so, I just think we do need to, we do have a lot of considerations to take into effect.

CHAIRMAN HOOD: Well that's our invitation and we're going to have a very good discussion because there are five on this Commission, at least right now.

MS. STEINGASSER: And this is coupled with the new RF zones that we're proposing that do allow for more than the two units. And where those get mapped will accommodate that. So it's not ensuring an amberfication of all R-4, but allowing some areas to have more and some to have less.

CHAIRMAN HOOD: And we also need to look at our regulations because it talks about changing the character of the neighborhoods, going against the zone plan. So those are the things that I look at.

Okay, so we can get into that

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discussion and argument or whatever it's going to be at a later time.

VICE CHAIR COHEN: I'd just like to ask one other question, because you have been going out to the different wards and neighborhoods and meeting with them. And I was just hoping that, and maybe this, I would think this came up, is the value, the impact on the value of my home.

And I'm just hoping that you did have an opportunity to clarify to people that there's a lot of fear driving that worry about something coming in and changing their value immediately.

Because valuation is not always based on adding units to a neighborhood. But it's based on you know, market values of how much buildings sell within your neighborhood especially for single family and rowhouses.

MS. STEINGASSER: Yes.

CHAIRMAN HOOD: You're always on the 24th, we'll be in Trinidad. Or so --

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MS. STEINGASSER: Where you going to go?

CHAIRMAN HOOD: Yes. I'll be in Trinidad. You're welcome to come out. I don't usually get into it, I usually leave out, but we'll be -- oh you're going Mr. Lawson. Oh, you two are going too.

MS. STEINGASSER: I'll go too.

CHAIRMAN HOOD: Yes, Ms. Cohen will be there and she'll mention that. Okay. All right.

MS. STEINGASSER: Can't be three, because then you've got a quorum on your hands.

CHAIRMAN HOOD: I'm going and actually I'm going to leave, so I won't be there but about ten minutes, if that long.

MS. STEINGASSER: Okay, so the next issue I wanted to kind of talk with about you real quickly or at least put on your radar screen is the issue of outdoor lighting.

The Naval Observatory staff came and met with us about how, you know, basically

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light pollution. How it bleeds in, how it affects their operation, their inability, the restrictions that they have on their site.

And so the staff has looked also at the sustainable DC plan and started to look at some of the issues of reducing light pollution. And so we'll be bringing you back some proposals for, especially for outdoor lighting.

How we limit the bleed. How you focus the -- I'm going to look at, you guys actually met with them more, so --

MS. VITALE: Sure, this would just include some measures, you know, making sure the lights are turned off when buildings aren't in use. Looking at cutoff shields.

Making sure that lights that are, you know, mounted on buildings or otherwise located on a property are focused downward and only illuminating the, you know, the sidewalk, the pathway, whatever needs to be lit. And not kind of creating that ambient spill over light that would interfere.

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You know in this particular case the Naval Observatory approached us, but this is obviously a larger issue that, you know, impacts, you know, night sky and other things city wide. So we can, this is something that we can bring forward more generally than just around the Naval Observatory area.

MR. LAWSON: And we of course obviously also strongly encourage the Observatory people to talk to DDOT about public space issues, street lights are a huge source of light pollution. And so they're going to do that.

They fully acknowledge that not all of what they wanted to achieve can be achieved through zoning. But they felt that there are some things that we can do and we agreed.

And some of the things we're already proposing would help. For example, encouraging canopy trees helps keep light kind of focuses down instead of going up into the sky. Our parking requirements require that

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lighting be directed down and not just broadcast, you know, 360 degrees.

So we're already achieving that in our current regs. We'll be certainly proposing that, that be more in our proposed regs and now we're looking at making it even stronger.

COMMISSIONER TURNBULL: Yes, I really appreciate that. I think the Zoning Commission has tried to enforce that, or encourage that, or demand that on roof tops on all our PUDs.

I think we've been very concerned about down lighting, but I'm glad you're taking the initiative to do a more global initiative. I think that's very good.

MS. STEINGASSER: All right, so the next concept we've heard about is the proposed names. And there's been a lot of confusion especially -- okay, so on the left here are the existing names.

The R-1-A, R-1-B, we all know those

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are single family detached. The R-2 is a semidetached. The R-3 is a rowhouse. We had proposed to just start at the top and go down, one, two, three, four, five, six, seven, eight.

There was a lot of confusion, then when the R-2 became R-3, and the R-3 became R-4, and R-4 became RF, it made it difficult even to talk about the changes because of that crossing over between the R-2s and R-3s, and R-3s and R-4s.

So we took a look at this, the Commission also asked us to look at how the R-5s and being renamed and the mixed use is being renamed. So we basically decided to keep the R-1-A, the R-1-B, the R-2 and the R-3. So we'll be bringing that back to you, the proposal.

We think that avoids the confusion for the single family residential home owner. It doesn't really make that big a difference in terms of how we write the code. A 45 percent of all residential land would be covered by this. And 100 percent of all the single family

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zones.

So it just, it takes a lot of confusion off the residential properties. So that we're going to be proposing that reversion.

The R-5 zones which are the apartment zones. We had proposed an A, just a simple A and the Commission asked that we put the word residential in front of it, so it'll now become an RA zone.

And the commercial water front and special exception and CR zones were all put together as mixed use and just labeled M. Again the Commission asked that, that be expanded a little bit and so we will be bringing that back with the proposal for an MU zone, mixed use. For --

CHAIRMAN HOOD: Can we stop on that, so R-5, and it's not R-5-A, it's RA, which is Residential apartment?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: Okay, I understand

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that, all right I may have been, was I the only one up here who? Was I the only one?

MS. STEINGASSER: You raised the issue, but nobody objected to it.

CHAIRMAN HOOD: Oh, okay. That's a first time. Okay, thank you.

MS. STEINGASSER: I think there was general comfort with it, and again it's as much clarity as we can get into that first read of the zoning regs we think is important.

So for a lay person who picks it up, and they see RA, they'll know it's residential apartment. And so many people are used to what an R-2 is, and R-3 we just figured let's just stay with a good thing.

COMMISSIONER TURNBULL: Oh, one of the problems which, and I'm not going to talk about a case specific, but this zone includes multifamily, rowhouses, and single family detached. It includes the whole gambit.

And the problem is what we're seeing is single family homes being bought and being

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converted to four to six units in a neighborhood.

There's a certain block on a case which is in progress, that is single family, while some are our old 100 year farmhouses, they're old. And at some point in the 40s some rowhouses were put in.

Now one building has been taken down, big multifamily, and now an owner bought the unit next to it. Said he's going to keep it, but apparently the owner is now up for, to be a five unit end.

ANC's against it, but they took so long and what I see is a prior, and I don't know, I mean this must have been a single family neighborhood at one point.

But the street is well used, and you've got multifamily across the street. You've got, so I don't know how we protect home owners in these areas from people who are saying if someone sells, and then someone else buys a neighborhood unit, it's R-5, you know.

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So I mean you've got to come before the BZA's special exception to make it this to, and issues happen. And so I don't know, I don't know whether certain areas need to be re-zoned to protect some of these single family homes?

It's just an anomaly that's happened but there's a lot of significant single family homes there. Either Foursquare design, there's a lot of character to some of these, so I, you know, it's just an issue about again getting back to what the Chair said, about neighborhood character. And that's what we're fighting.

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

COMMISSIONER TURNBULL: Yes.

MS. STEINGASSER: I don't really have a response for that.

COMMISSIONER TURNBULL: No, I know.

COMMISSIONER MAY: I mean I think

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one of the things that we already have, the tool we already have in the R-4 zones is the 900 square feet as a measure of when it's appropriate to make a conversion.

And I think that you know, maybe we need to look at that number to understand if that's the correct number. But the other thing about it is that we can provide in the zoning regulations some guidance for where exceptions are appropriate.

And I think that, that is the guidance that the BZA doesn't have right now. And so we have developers coming in with everything under the sun as a justification for why they need to convert this.

COMMISSIONER TURNBULL: Well one of the comments --

COMMISSIONER MAY: Go ahead.

COMMISSIONER TURNBULL: -- one of the comments the attorney made for the applicant was that, well you know, as a matter of right he could convert, add-on to half the

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building and get up to --.

I really didn't get into the argument with him but I think we put into the zoning, we put into the regs that if you have an addition onto a house, it can't be more than, I forget what it is, if it's 40 percent that, I mean it's or 50, it can't be more than 50 percent of the existing structure.

So that automatically does help that somebody just can't convert and make a six unit building out of a residence. I mean is it, do you remember what, didn't we make a change for adding onto an existing?

MS. STEINGASSER: We did, we put an addition limit on when parking would be triggered. When we were getting a --

COMMISSIONER TURNBULL: No, I think there was something, I thought there was something on a, and I didn't go back and check the write, but to me there was something that, on that for an addition onto a building, you couldn't go over a certain percentage.

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Because we have this as BZA cases like five years ago. And we're seeing these monster buildings being built.

MR. LAWSON: Yes, it wasn't, in my memory it's not a particular amount but there was sort of, there were some amendments added to the R-4 zone. And which would impact which, I think the intent was, to impact how an existing building being converted to apartments and including large additions, how that would be reviewed.

(Simultaneous speaking)

COMMISSIONER TURNBULL: So we may not have it on the R-5 as far as --

MR. LAWSON: Well the R-5 is a very different zone.

COMMISSIONER TURNBULL: Yes, it's --

MR. LAWSON: R-5 is anticipated to be an apartment zone.

COMMISSIONER TURNBULL: Right.

MR. LAWSON: And the Comprehensive

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Plan reflects that. So unlike the R-4 areas, the R-5 is an apartment zone. So it's not --

(Simultaneous speaking)

COMMISSIONER TURNBULL: -- we have a lot of remaining single family detached homes still in this area.

MR. LAWSON: Yes, we went through a process east of the river that some of you may remember, in Ward 7 and Ward 8, where we actually down zoned a number of R-5 zone properties --

COMMISSIONER TURNBULL: Right.

MR. LAWSON: -- to R-2 through R-4. I suppose that a neighborhood could --

COMMISSIONER TURNBULL: Could go --

MR. LAWSON: -- well I think probably they first, they may have to first go, because I'm not really sure what the designation is, they may first have to go through the Comp Plan amendment process.

COMMISSIONER TURNBULL: Yes.

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MR. LAWSON: And then they would have to go through a process of changing the zoning. I would say when we did that process east of the river, we looked very carefully at what the existing pattern was.

COMMISSIONER TURNBULL: Yes.

MR. LAWSON: And we looked very carefully at what the street character was. And there are again, not talking about any specific cases, but there are some parts of the city where the predominate use along that street, even though it's zone R-5, is actually apartment.

And there are some remnant single family remaining. And the street is a fairly major corridor. And so in that respect it may make sense for that R-5 zoning to remain in place.

And the R-5-A zone, because it requires BZA review of any multifamily unit. It allows for that discussion of how that multifamily will fit in and how it's --

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COMMISSIONER TURNBULL: Yes.

MR. LAWSON: -- formatted so.

COMMISSIONER TURNBULL: I think there's just a lot of concern about losing some historic single family homes that are still remaining in the neighborhood.

They're very impassioned neighbors as you well know there would be. But I understand where you're coming from.

MR. LAWSON: Yes, I'm not sure it recognizes it, that zones been in place for a long time. It's not like that R-5-A zone was put in place, you know, yesterday.

So that potential for that conversion because there's already a significant number of apartment buildings, that potential for a conversion of that building or for a replacement of that building with a multifamily building has existed for many, many, many years.

COMMISSIONER MAY: Can I ask an unrelated question? On the renaming, I mean we

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used to, in your proposed text we used to have R-14 and R-19 all those sorts of things. How are these going to be blended with this?

MS. STEINGASSER: They'll be readjusted up.

COMMISSIONER MAY: Oh, so they're just going to get higher up, so we're going to have R-1-A, R-1-B, R-2, R-3, and then we're going to have R-4 through R-25 or whatever that are customizations of those other zones?

MS. STEINGASSER: Yes, sir.

COMMISSIONER MAY: Okay.

MS. STEINGASSER: Which is actually an excellent segue way question to the next slide about additional work. The zone naming, we'll continue to modify the proposed zones and then reorganization. And this was something we heard from Reed-Cooke when they submitted their comments in writing about pulling together.

They're one of the few overlays that has multiple zones that affects both uses and

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development standards. So we did a quick survey of all the overlays and some of the overlays such as, for example Dupont.

It is an overlay, it covers multiple zones, but it only changes one rule. And that is you cannot have a PUD. It doesn't really address any of the development standards. It just addresses one particular rule.

Reed-Cooke is different. It addresses both height, development standards, it has an affordability requirement that was unique to itself. And it also has some rules on how it works.

So they were concerned about being in two different subtitles because the planning piece that made a coherent neighborhood was missing.

And as we started to look at it we kind of agreed, that yes, it needed, those pieces need to fit together. Even though all the purpose statements were there, it lost a little bit of its intent by being broken up.

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So we're proposing to put it back together and put it closer together. Now whether it ends up, where it ends up in the code we're not quite sure yet, but it would be the one kind of hybrid that we would see.

We're also of course, we talked about it in terms of just volume, going after some, the redundancies. We know there are redundant, redundancies in this. And assuming they're, they just keep going, they keep giving, so we're going to try to get rid of a lot of that.

Obviously there's a lot of corrections in terms of every type of correction possible. Typos, misnumbering, just things that need to be taken care of. And so that's basically what we're going to be doing for the next couple weeks.

VICE CHAIR COHEN: I have a question with regard to taking into consideration, this has been brought to my attention, roof top noise.

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There's been a lot of complaints about restaurants putting second story, I mean roof top extensions to their restaurant. And it's done without, I think, appropriate process or approvals. I don't know if there any approvals.

But I think we should put in place, I think we should put in place, some restrictions. Like there should be enclosures, I mean, I think Commissioner Turnbull, you know, pressed a project in the southwest waterfront with regard to this.

We talked about it for, with the Adams Morgan hotel and I think we really need to pay attention to that a bit more carefully. That it not, because it is a disturbance, and a lot of people are taking advantage of that possibility of making more money up there.

COMMISSIONER MAY: So I, a couple other questions. Things that came up for me relatively recently. One was solar panels.

And I guess, you know, early on you

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talked about solar panels and windmills and I don't know that, that ever got addressed in the regs.

But it's come up, solar panels and how they should be placed came up in the BZA case that's actually still pending. And I know it's something that you've been looking at. Is that something that we could look for in the zoning reg rewrite?

MS. STEINGASSER: We were actually going to put that together with the new penthouse regulations because as we started to piece together, we realized we had a lot of action going on, on the roof that we needed to understand together.

COMMISSIONER MAY: Right.

MS. STEINGASSER: So we were going to bring that solar panels and roof structures all together.

COMMISSIONER MAY: But within the zoning reg rewrite framework as opposed to a separate case?

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MS. STEINGASSER: We were thinking you wanted to see it as a separate case.

COMMISSIONER MAY: Okay, that's fine. I'm happy to, that's fine. I'm happy to see it as a separate case and it can get blended in the new regulations. That's fine.

So and then the other thing is we have had, or we've seen some PUDs where the interpretation of a tower or an architecture embellishment got, you know, the architecture got a little free and loose with it.

And extended the, you know, the facade of the building over, you know, three quarters of the face of the building and somehow called it an architecture embellishment.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: And we disagree with it here, but apparently the Zoning Administrator does not disagree with it in some other cases. Because I've seen some other things around the city where it very clearly looks like it's an architectural

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embellishment, you know, gone too far.

And I'm wondering if that's something that we should take a look at and put some limitations on it. Because you know the idea of having architectural embellishments, and towers, and domes, and spires, I mean all of these things make for an interesting sky line.

But when the treatment of the architectural embellishment is just simply an extension of the facade for an extra 20 feet, above the height limit for that building, over you know, half the facade, as it turns a corner. I mean that does not constitute an embellishment.

It just raises the perceived height and I don't think it adds anything to a skyline. And I think there ought to be some limitation on what could be considered a tower or an embellishment like that.

VICE CHAIR COHEN: Does it add to the rentable area, or it's just part of the --

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COMMISSIONER MAY: No, it just decorative.

VICE CHAIR COHEN: Okay.

COMMISSIONER MAY: It just adds to the perceived height of the building. And that's the issue that I have with it.

CHAIRMAN HOOD: Any other comments or questions? Ms. Steingasser do you have any closing remarks?

MS. STEINGASSER: No, sir. I think we've said enough.

CHAIRMAN HOOD: I really appreciate, this is actually very helpful. I thought this was, this exercise I really appreciate it. I'm not sure how we're going to outline things as we go through ZRR but this, I like this format, whatever it is. I really do.

And also I want to commend, I don't want to get too specific but I want to commend everyone up here who has recognized whether the public agrees with us or not, on the work that

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they've done. And the awards that have been given out.

I just want to commend without getting too specific, commend and congratulate those who have been recognized. And I'll leave it at that point. Okay, anything else?

VICE CHAIR COHEN: Are you recognizing me?

CHAIRMAN HOOD: Have you been recognized lately?

VICE CHAIR COHEN: Not by you.

CHAIRMAN HOOD: Well, if I gave you recognition nobody would pay any attention. But I appreciate everything everyone has done, especially the Office of Planning. While sometimes we may not agree, but sometimes we may agree.

One thing about them, they always go back and try to make things work and try to take what we have under consideration. And that goes a long way.

And I think the public needs to hear

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that also. It's much, is somebody could come to me like that, I don't know what I would do, but I appreciate the patience that the Office of Planning has and hats off to you all. And I mean that.

And I'm hoping the public is watching. And I'll say it when we have room full. And to the Office of Zoning, to, for everything, and I appreciate my colleagues. Anything else?

All right, with that, this meeting is adjourned.

(Whereupon, the above-entitled matter went off the record at 8:44 p.m.)

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