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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

Regular Public Meeting
1,403rd Meeting Session (3rd of 2015)

6:36 p.m. to 8:26 p.m.
Monday, February 9, 2015

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson
3 MARCIE COHEN, Commissioner
4 PETER MAY, Commissioner
5 ROBERT MILLER, Commissioner
6 MICHAEL TURNBULL, Commission
7 SHARON SCHELLIN, Secretary

8

9 Office of Planning:

10 JOEL LAWSOM
11 JENNIFER STEINGASSER
12 MAXINE BROWN-ROBERTS
13 STEPHEN MORDFIN
14 STEPHEN GYOR
15 BRANDICE ELLIOTT
16 STEVE COCHRAN
17 KAREN THOMAS

18

19

20 Also Present:

21 ALAN BERGSTEIN, ESQ., Office of Attorney General
22 JACOB RITTING, ESQ., Office of Attorney General

23

24

25

P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: This meeting will
3 please come to order. Good evening, ladies and
4 gentleman. This is the Public Meeting of the
5 Zoning Commission for the District of Columbia.

6 My name is Anthony Hood. Joining me are
7 Vice Chair Cohen, Commissioner Miller,
8 Commissioner May, and Commissioner Turnbull; the
9 Office of Zoning Staff, Ms. Sharon Schellin;
10 Office of Attorney General, Mr. Bergstein and Mr.
11 Ritting; Office of Planning, Ms. Steingasser, Mr.
12 Lawson, Mr. Mordfin, Mr. Gyor, Ms. Brown-Roberts.
13 And I think we have a few in the audience who will
14 be joining us on the specific cases.

15 Copies of today's meeting agenda are
16 available to you and are located in the bin near
17 the door.

18 We do not take any public testimony at
19 our meetings unless the commission asks someone to
20 come forward.

21 Please be advised this proceeding is
22 being recorded by a court reporter and is also
23 being webcast live. Accordingly, we must ask you
24 to refrain from any disruptive noises or actions
25 in the hearing room, including the display of

1 signs or objects. Please turn off all beepers and
2 cell phones.

3 At this time, does the staff have any
4 preliminary matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRPERSON HOOD: If not, let us proceed
7 with the agenda. As we move along through the
8 agenda, I'm going to make an adjustment when we
9 get to Hearing Action, and I'll do that at that
10 time.

11 Okay. Let's go to Consent Calendar
12 items, Zoning Commission Case No. 06-08D. This is
13 the Fort Lincoln-Gateway Village, LLC, request for
14 minor modification to PUD at Square 4325.

15 Ms. Schellin.

16 MS. SCHELLIN: Yes, sir. The applicant
17 filed this request for a minor modification
18 sometime ago, and the commission granted a couple
19 of extensions of time for the applicant and the
20 Department of General Services to find the
21 appropriate uses for the \$25,000 contribution
22 required by Order No. 06-08.

23 The applicant and DGS have provided a
24 list of needs that could be fulfilled with that
25 contribution and asked that the commission approve

1 their minor modification request per Exhibit 14 in
2 the record. So we'd ask the commission to
3 consider their request this evening.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms.
5 Schellin.

6 Commissioners, any comments on this
7 consent calendar item, which we know has been
8 around for awhile in trying to figure out what was
9 going to be going on up there with the community
10 center, with the school closing? It's been back
11 and forth. Any comments on what's being proposed
12 on the final language?

13 (No audible response.)

14 CHAIRPERSON HOOD: Any comments? Any
15 concerns?

16 (No audible response.)

17 CHAIRPERSON HOOD: Okay. Would somebody
18 like to make a motion?

19 (No audible response.)

20 CHAIRPERSON HOOD: Okay. Well, I will
21 move that we accept what's being proposed in
22 Zoning Commission Case No. 06-08D, Fort Lincoln-
23 Gateway Village, LLC, request for minor
24 modifications at PUD at Square 4325, as proposed.

25 MS. COHEN: Second.

1 CHAIRPERSON HOOD: It's been moved and
2 properly second. Further discussion?

3 MR. MILLER: Yeah, Mr. Chairman. I
4 understand that OAG may have developed an
5 enforcement mechanism. I just wanted to put that
6 on the record.

7 CHAIRPERSON HOOD: Okay.

8 MR. MILLER: And it's tied to the final
9 building permits for that proffer.

10 CHAIRPERSON HOOD: Okay. And I was
11 speaking to that to the final language. So, thank
12 you for clarification. That's what I meant when I
13 said the final language proposed, that pieces were
14 --

15 Since you did have -- I did eventually --
16 had a problem at first because I thought that the
17 City would be able to buy some of the equipment
18 and that \$25,000 would be used for something
19 different. But at this point, it's been here so
20 long so many times, I'm just going to go ahead and
21 move with it.

22 So, any further discussion?

23 (No audible response.)

24 CHAIRPERSON HOOD: All those in favor,
25 Aye.

1 (Chorus of "Aye.")

2 CHAIRPERSON HOOD: Any opposition?

3 (No audible response.)

4 CHAIRPERSON HOOD: So the staff, would
5 you record the vote?

6 MS. SCHELLIN: Yes, sir. Staff records
7 the vote five to zero to zero to approve final
8 action on Zoning Commission Case No. 06-08D.
9 Commissioner Hood moving, Commissioner Cohen
10 seconding, Commissioners May, Miller, and Turnbull
11 in support.

12 CHAIRPERSON HOOD: Okay. Let's go to
13 final action, Zoning Commission Case No. 14-10.
14 This is the Office of Planning's text amendment to
15 Chapters 7 and 8.

16 Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. We received one
18 comment to the proposed rulemaking that was
19 published in that said Exhibit 23, from Leila
20 Batties at Holland and Knight. She suggested a
21 change to Section 735.4(b). We'd ask the
22 commission to consider final action on this case
23 this evening.

24 CHAIRPERSON HOOD: Okay. Commissioners,
25 let's open it up for any discussion, any comments.

1 (Pause.)

2 MR. TURNBULL: Mr. Chairman, I don't
3 think we need to include the additional language.
4 I think the language that OP has recommended
5 covers all adjacent bases.

6 CHAIRPERSON HOOD: I would agree, Mr.
7 Turnbull. I think that the information we got
8 from Ms. Batties, the way I read it, I understand
9 it is already covered.

10 MR. TURNBULL: Well, that was my feeling.

11 CHAIRPERSON HOOD: Okay.
12 Commissioner Miller?

13 MR. MILLER: I had no concern with it. I
14 thought it clarified the issue. So.

15 MR. MAY: I think it makes it very clear
16 that it includes units within the building. So,
17 I'm in favor of that tweaking.

18 MR. TURNBULL: Well, why wouldn't you
19 include other uses then, too?

20 MR. MAY: I'm sorry; why wouldn't you
21 include other uses?

22 MR. TURNBULL: Right. I mean, why are
23 you -- just by adding, including residential
24 units, what does that clarify?

25 MR. MAY: Adjacent properties, including

1 residential units located in the same building as
2 the use. The point being that it affects, it's
3 not just an adjacent residential use; it's an
4 adjacent -- it's a residential use within the same
5 building.

6 MR. TURNBULL: Whatever.

7 MS. COHEN: Mr. Chairman, I would concur
8 with Commissioner May's clarification stating that
9 it includes residential units located in the same
10 building as the use.

11 CHAIRPERSON HOOD: Okay.

12 Mr. Turnbull, are we on the same page?

13 MR. TURNBULL: I don't care.

14 (Laughter.)

15 CHAIRPERSON HOOD: I thought it did
16 include the uses. I think we're on the same page.

17 MR. TURNBULL: If people want to include
18 it, that's fine. I mean, I'm not going to oppose
19 it. I just think it's redundant.

20 MS. COHEN: And I think it really
21 clarifies it so there's no questions in the
22 future.

23 MR. TURNBULL: Well, Mr. Chairman, if you
24 look at 735.3, that already says, "The animal
25 boarding use shall produce no noise or odor

1 r objectionable to adjacent properties, including
2 residential units located in the same building as
3 the use." But, you know, if you want to add it in
4 another place --

5 CHAIRPERSON HOOD: I'm sorry, Mr.
6 Turnbull. My computer was coming up. This new
7 age, it takes awhile to come up. 735-point --

8 MR. TURNBULL: Point 3.

9 CHAIRPERSON HOOD: 735.3, okay.

10 MR. TURNBULL: Already talks about
11 residential --

12 MR. MILLER: I agree with you that it's
13 redundant, but I thought that sometimes redundancy
14 --

15 MR. TURNBULL: If you guys want to be --
16 I mean, I thought we were trying to streamline the
17 ZRR. But if you want some redundancy, let's vote
18 for redundancy.

19 MR. MILLER: It makes it clear like, why
20 did you leave it out there? Is it not going to be
21 allowed -- I mean, I understand your point. But I
22 think it does clarify.

23 (Pause.)

24 CHAIRPERSON HOOD: No. Because I'm
25 trying to get where -- I think Mr. Turnbull brings

1 up a valid point. Even though I don't think we
2 had a vote, so I would kind of go along with Mr.
3 Turnbull. We're trying to decrease pages, and
4 here we are adding more than what we already have
5 that we've already added to. So.

6 Let me ask this. So we won't be
7 duplicating, does anybody agree with Mr. Turnbull
8 besides myself?

9 (No audible response.)

10 CHAIRPERSON HOOD: Mr. Turnbull, is this
11 a show-stopper for you?

12 MR. TURNBULL: No.

13 CHAIRPERSON HOOD: Okay. Me either.

14 All right. Somebody make a motion and
15 we'll just add another page.

16 MS. COHEN: It's just five words --
17 eleven words.

18 Okay. I move to approve Zoning Case No.
19 14-10, text amendments to chapters 7 and 8.

20 MR. MILLER: Second.

21 CHAIRPERSON HOOD: It's been moved and
22 properly second for the additional included 11
23 words, which will be multiplied times over. But
24 anyway, moved and properly second. I had to get
25 that in since the digs came in on us.

1 Any further discussion?

2 (No audible response.)

3 CHAIRPERSON HOOD: All those in favor?

4 (Chorus of "Aye.")

5 CHAIRPERSON HOOD: Any opposition?

6 (No audible response.)

7 CHAIRPERSON HOOD: Not hearing any, Ms.
8 Schellin, would you please record the vote?

9 MS. SCHELLIN: Staff records the vote
10 five to zero to zero to approve final action in
11 Zoning Commission Case No. 14-10. Commissioner
12 Cohen moving; Commissioner Miller seconding;
13 Commissioners Hood, May, and Turnbull in support.

14 (Pause.)

15 CHAIRPERSON HOOD: Let's go to proposed
16 action, Zoning Commission Case No. 08-07A, Four
17 Points, LLC, and Curtis Properties, Inc., PUD
18 modification and second stage PUD at Square 5785.
19 Ms. Schellin.

20 MS. SCHELLIN: Exhibits 80 through 81A
21 are the applicant's post-hearing submissions.
22 We'd ask the commission to consider proposed
23 action on this case this evening.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms.
25 Schellin.

1 You know, for the life of me, typically
2 when there are issues like this that are raised in
3 the hearing, I look for, and I try to recall -- I
4 didn't see it, and I may have missed it. But I
5 thought I usually asked the applicant to work with
6 the people that have concerns. In this case, it
7 was -- was it Shannon Civic Association, or
8 Shannon Neighbors, and others? I recall asking.
9 I thought typically I asked, but I didn't find it
10 anywhere.

11 But typically, I usually ask for that to
12 happen. And I'm very disturbed, because I'm
13 pretty sure I did. I usually do that in just
14 about every case where there's some issues. While
15 I know that in some of the testimony, colleagues
16 were supportive of the development, but the
17 concern about relocation and being able to come
18 back. If I'm not mistaken.

19 MR. MAY: Mr. Chairman, I mean, there is
20 a statement about community outreach.

21 CHAIRPERSON HOOD: Okay. Maybe that was
22 it. I know there was something because there was a
23 lot of concern.

24 MR. MAY: Right. So, this is -- I'm
25 looking at Exhibit No. 80 and in paragraph

1 numbered -- it was a section numbered 4, and it
2 describes the outreach that they undertook.

3 CHAIRPERSON HOOD: Yes. I saw that.

4 MR. MAY: I mean, it doesn't -- it does
5 not indicate that they have, first of all, met
6 with anyone, any group associated with Shannon
7 Place, in particular. But Concerned Citizens of
8 Anacostia, Historic Anacostia Preservation Society
9 are named, and ANC 8A.

10 CHAIRPERSON HOOD: And I know there was
11 an MOU, and I know typically in our orders, we
12 don't necessarily -- I think we point to the MOU.

13 MR. MAY: You mean the community benefits
14 agreement?

15 CHAIRPERSON HOOD: Yeah. Yeah.

16 MR. MAY: Yeah.

17 CHAIRPERSON HOOD: Well, I call it MOU.
18 It's between the neighborhood and --

19 MR. MAY: Right.

20 CHAIRPERSON HOOD: My problem is it's the
21 same way it was when we had the hearing. I don't
22 see a signature on it.

23 But anyway, maybe that will start you
24 off.

25 (Pause.)

1 CHAIRPERSON HOOD: Okay. Thank you, Ms.
2 Schellin, for helping me out. It is actually in
3 the notes; I did ask for that to happen. And I
4 didn't think I was -- well, some people might
5 think differently, but I didn't think I had lost
6 my mind. So, thank you, Ms. Schellin.

7 But anyway, that's how I'm going to start
8 off with this case, and I'll open it up for any
9 other comments.

10 MR. MILLER: Mr. Chairman.

11 CHAIRPERSON HOOD: Yes, Mr. Miller.

12 MR. MILLER: I just wanted to note that
13 the applicant did submit revised architectural
14 drawings since the public hearing in response to
15 comments from many of us, and which are echoed by
16 the community, including we asked them to use more
17 brick and address some issues with the colors, and
18 more brick both on the building facade and on the
19 sidewalk, for example.

20 And I think what the outcome is is a much
21 more attractive, cohesive, and residential-looking
22 building. So I just wanted to commend the
23 applicant on that.

24 CHAIRPERSON HOOD: Any other comments?

25 MS. COHEN: Yes, Mr. Chairman. For the

1 record, I did not attend the hearing. But I have
2 read the record thoroughly. And I do have a
3 concern about the roof. I would like the
4 applicant, before final approval, to address why
5 the roof is not a green roof.

6 And they can do that by assuring the
7 commission that, in lieu of the green roof, they
8 have done significant building enhancements to
9 reduce the utilities, as this is largely an
10 affordable housing development. I think it's
11 very, very important to manage the expenses of the
12 property renters. So that's very important to me
13 for them to comment upon.

14 And I do want to state for the record
15 that, by encouraging artists to come to the
16 neighborhood, I think that that promotes a very
17 vital, a neighborhood that's very vital and rich.
18 And I think that helps in any significant
19 development. Many cities are attempting to
20 encourage artists to come to different
21 neighborhoods to start that vitality.

22 CHAIRPERSON HOOD: Any other comments?

23 MR. MAY: Mr. Chairman, I'm not convinced
24 that a green roof is necessary or appropriate for
25 this building. I mean, I think it's fine for the

1 applicant to address that before final. But, you
2 know, it's not uncommon for us to see a building
3 like this that's aimed at this extent of
4 affordability that they opt for a white roof
5 instead of a green roof.

6 I mean, having a green roof means being
7 able to access it, means a greater expense of
8 extending the elevator, and so on. I mean, there
9 are lots of reasons why it's more complicated than
10 simply substituting green roof for white roof. So
11 I'm not totally convinced that it's appropriate
12 here, but I'm perfectly fine with the applicant
13 addressing that.

14 There are other changes that they did
15 address. Most of the concerns that I had were
16 relatively minor, and I think that the biggest
17 issue I saw, which is the elevator overrun and how
18 that's integrated into the facade. And it's not
19 particularly well integrated, but it's only a
20 three-foot overrun. So it's not a really big
21 issue, even for me being a stickler on those sorts
22 of things.

23 So, I'm okay with this project. I think,
24 you know, the bottom line for me is that this
25 project is consistent with stage one of the PUD

1 that we had previously approved. And I think if
2 we were to -- I mean, there are some minor
3 differences, and I think most of the concerns that
4 were raised have to go -- I mean, go to things
5 like the density of the project. And I think
6 that's an issue that we've already deliberated and
7 decided on.

8 So I think they've done a good job of
9 trying to make it fit.

10 CHAIRPERSON HOOD: Okay. Any other
11 comments?

12 Mr. Turnbull.

13 MR. TURNBULL: Well, thank you, Mr.
14 Chairman.

15 I think the applicant has addressed all
16 of my concerns from the comments that we had. I
17 think Commissioner Miller touched upon some of the
18 architectural issues and that. So I'm happy, and
19 I'm ready to move forward with this.

20 CHAIRPERSON HOOD: I hear so much about
21 relocation and coming back and making sure. But
22 maybe I'm mixing things together. But I will tell
23 you that one of the things in the case that I did
24 like is the 30 percent of the AMI. I think we got
25 to a few units, if I'm correct. So to me, that

1 may offset some of it.

2 And you're right, Commissioner May, that
3 that was the first stage. I think the issue was
4 that when this case -- now that I'm reading my
5 notes. As this case came in front of us, they
6 felt the neighborhood was not -- had anybody
7 speaking for them because the commission, I
8 believe, spot was vacant. And that was one of the
9 issues.

10 But I will encourage again, before final
11 action, I too would move forward that the
12 applicant continue to have discussions with the
13 Shannon Street neighbors and all those groups who
14 came down and had issue with it. And even before
15 final, I'd like to see some progress of what's
16 going on with this MOU.

17 While I know that we don't exactly put
18 things, it's not enforceable from the Zoning
19 Regulations standpoint in our orders, we do point
20 to it. And I think that again, hopefully at final
21 I will not see a blank MOU like I see now.

22 So with those stipulations, I would not
23 have any problem moving forward with the proposed,
24 knowing that those are the things I'm going to be
25 looking for for final.

1 So, would somebody like to make a motion?

2 MR. TURNBULL: Mr. Chairman, I would move
3 that we approve the Zoning Case No. 08-07A, Four
4 Points, LLC, and Curtis Properties, Inc.,
5 modification to PUD and second-stage PUD at Square
6 5785, and look for a second.

7 MR. MILLER: Second.

8 CHAIRPERSON HOOD: Okay. It's been moved
9 and properly second.

10 Any further discussion?

11 (No audible response.)

12 CHAIRPERSON HOOD: All those in favor,
13 Aye?

14 (Chorus of "Aye.")

15 CHAIRPERSON HOOD: Not hearing any
16 opposition, Ms. Schellin, would you record the
17 vote?

18 (Pause.)

19 MS. SCHELLIN: Yes, sir. Staff records
20 the vote five to zero to zero to approve proposed
21 action, Zoning Commission Case No. 08-07A.
22 Commissioner Turnbull moving; Commissioner Miller
23 seconding; Commissioners Cohen, Hood, and May in
24 support.

25 And I apologize, but I was just checking

1 to make sure that they needed to go through the
2 process of the proffers and conditions, and they
3 do. Thank you.

4 MR. MAY: So, Mr. Chairman, that motion
5 is also -- we are still asking for the applicant
6 to make one more submission to address the
7 community concerns and the community -- the CBA,
8 and then also the green roof question?

9 CHAIRPERSON HOOD: Okay.

10 MR. MAY: Right?

11 CHAIRPERSON HOOD: Yeah. All of that is
12 entailed with our discussion. We all agree.

13 MR. MAY: Okay. Thank you.

14 MS. SCHELLIN: And they can probably do
15 that during that same process.

16 CHAIRPERSON HOOD: Okay.

17 MS. SCHELLIN: Yes.

18 CHAIRPERSON HOOD: You know what I would
19 like to do, colleagues? We have one hearing
20 action that I want to put up, move up before we go
21 to 14-11. So, I know I'm -- I've got one hearing
22 action I'm going to move in front of 14-11. I
23 think 14-11 may take a few minutes.

24 Okay. Let's go to Zoning Commission Case
25 No. 14-05. This is the Forest City Washington,

1 text amendment at 1803. Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. On this case,
3 we have at Exhibit 27, the petitioner's second
4 supplemental post-hearing submission, and ask the
5 commission to consider taking proposed action this
6 evening on this case.

7 CHAIRPERSON HOOD: Okay. Would someone
8 like to start us off?

9 (Pause.)

10 MS. COHEN: Mr. Chairman, I'm very
11 pleased that the applicant is willing to address
12 the concerns of the ANC by adding three-bedroom
13 units. However, I would like to see some
14 tightening of the language that they refer to
15 under 1809. And for the Office of General
16 Counsel, I would like them to say, "The reduction
17 or elimination of this requirement may be
18 permitted by the commission upon a showing that
19 exceptional circumstances affecting the property
20 meet compliance with this requirement" -- "make
21 this compliance with this requirement difficult or
22 impossible."

23 What I'm attempting to do is just not
24 keep the door wide open, but that they have to
25 prove there is an economic difficulty for them to

1 meet, for them to be able to meet the ANC's
2 request.

3 CHAIRPERSON HOOD: Okay. Any objections
4 to that addition?

5 (No audible response.)

6 CHAIRPERSON HOOD: Any other comments?
7 Mr. Miller.

8 MR. MILLER: Yeah. I also appreciate the
9 applicant increasing the minimal amount of three-
10 bedroom housing units. It's really kind of
11 unprecedented in a text amendment to have that
12 there, and so I think that is a real public
13 benefit and an improvement in the text amendment.

14 The Forest City also has tightened the
15 language on the metro entrance, and so I think
16 that that's a good -- that's moved in a good
17 direction as well. And I continue to think that
18 this text amendment, it will bring a significant
19 benefit not only to this neighborhood, but to the
20 entire District by allowing an additional 300 --
21 incentivizing, really, an additional 300 new
22 apartments, 60 of which will be affordable at the
23 50 percent area median income level.

24 So I'm prepared to move forward with the
25 language that the vice chair mentioned, as well.

1 CHAIRPERSON HOOD: Okay. Any other
2 comments?

3 (No audible response.)

4 CHAIRPERSON HOOD: I think we worked out
5 a good resolve, I believe, as has already been
6 stated, in making sure we include some of the
7 concerns from the Advisory Neighborhood
8 Commission. The way I see it, and my colleagues
9 have already expressed that, I too will be voting
10 in favor of this as proposed.

11 Any other questions?

12 Mr. Turnbull.

13 MR. TURNBULL: Well, I thought
14 Commissioner May might have a comment on some
15 language.

16 MR. MAY: Oh, yeah. I would note that
17 the Office of the Attorney General has been
18 working with the applicant to tighten up the
19 language with regard to the allowance for a public
20 entrance to the metro rail station. And I think
21 it just needs a slight tweak further that
22 language.

23 And I think the -- I don't think we need
24 to go into the details of that, but I think it
25 just -- you know, we're keeping with the intent of

1 what the applicant has offered and just making
2 sure that the language is clear. So.

3 CHAIRPERSON HOOD: Okay. Anyone else?

4 (No audible response.)

5 CHAIRPERSON HOOD: Would someone like to
6 make a motion? I mean, I can make all of them,
7 but --

8 (Laughter.)

9 MR. MILLER: I'd be happy to make the
10 motion, Mr. Chairman. I would move that the
11 Zoning Commission take proposed action on Zoning
12 Commission Case No. 14-05, Forest City Washington,
13 text amendment at 1803 regarding height and
14 density in the Southeast Federal Center overlay,
15 and ask for a second.

16 MR. TURNBULL: Second.

17 CHAIRPERSON HOOD: It's been moved and
18 properly second.

19 Any further discussion?

20 MS. COHEN: I just want to note that we
21 have tweaked the language in a couple of places.

22 CHAIRPERSON HOOD: Okay. Any further
23 discussion?

24 (No audible response.)

25 CHAIRPERSON HOOD: All those in favor,

1 Aye?

2 (Chorus of "Aye.")

3 CHAIRPERSON HOOD: Not hearing any
4 opposition, Ms. Schellin, would you record the
5 vote?

6 MS. SCHELLIN: Yes. Staff records the
7 vote at five to zero to zero to approve proposed
8 action as amended to Zoning Commission Case 14-05.
9 Commissioner Miller moving; Commissioner Turnbull
10 seconding; Commissioners Cohen, Hood, and May in
11 support.

12 CHAIRPERSON HOOD: Okay. I'd just like
13 to do this one hearing action out of order, and
14 then we'll go back to 14-11.

15 Zoning Commission Case No. 08-06C, Office
16 of Planning map amendment to implement the
17 Comprehensive ZRR in Case No. 08-06A.

18 Ms. Steingasser?

19 MS. STEINGASSER: Yes, sir. Chairman,
20 Commissioners, we're recommending a setdown of the
21 map amendment to implement the changes to the
22 Comprehensive Revisions to the Zoning Regulations.
23 It, in essence, reflects the text amendment that
24 has already gone forward with the name changes and
25 the creation of certain zones, all of which have

1 been reviewed through the text amendment with no
2 changes.

3 We are recommending that it be set down.

4 CHAIRPERSON HOOD: Okay. Colleagues, as
5 you can see, we have a setdown plan report in
6 front of us. Any questions of the Office of
7 Planning? Anyone?

8 MR. TURNBULL: I just had one question
9 for Ms. Steingasser. Are you going to issue them
10 like comparative maps as to what the old and new
11 look like? Or how are we going to do that?

12 MS. STEINGASSER: Well, we would have to
13 work with the Office of Zoning on how the map is
14 reflected. But I think the map, there would be a
15 reference sheet similar to the chart you have in
16 the setdown report. And then there would be the
17 new boundaries for the R, the two or three changes
18 to the D, and the new R zones, R19 and R20.

19 But I don't think the map could hold much

20 --

21 MR. TURNBULL: Yeah. It would be too
22 complicated, yeah.

23 MS. STEINGASSER: Before and after --

24 MR. TURNBULL: But it should be fairly
25 transparent as to what was and what is.

1 MS. STEINGASSER: Yes, sir. We're going
2 to do our best. And we are going to work with the
3 Office of Zoning, as well as -- the Office of
4 Planning has a GIS division that works very
5 closely with them to make sure those maps are
6 coordinated.

7 MR. TURNBULL: Okay. Thank you.

8 CHAIRPERSON HOOD: Okay. Any further
9 questions?

10 Commissioner Miller.

11 MR. MILLER: Yeah. I had a similar
12 question to Commissioner Turnbull about the map.
13 Because you usually see a map in front of you when
14 you're doing a map amendment. But I understand.

15 So the advertised map amendment will show
16 most -- will basically show us, as you said, what
17 the chart that's in the setdown report and the
18 couple areas where there are --

19 MS. STEINGASSER: Are changes.

20 MR. MILLER: -- where there are changes
21 to the boundaries.

22 Will we see -- so it's not really going
23 to change in terms of what's being advertised from
24 what's in the setdown report?

25 MS. STEINGASSER: There will probably be

1 a little bit more detail in some areas. Where we
2 get into possibly the lots within a square where
3 the whole lot -- I'm sorry, where the whole square
4 is not in one zone, but it's split, we'll have to
5 define those. And in the setdown report, I think
6 it referred to them, those portions of square
7 such-and-such in the R1 zone, we would actually
8 have to define those by lot.

9 So it will be longer, but it will
10 basically reflect the exact same information.

11 MR. MILLER: And normally when we do a
12 map amendment, there are certain vesting and other
13 issues that kick in. They wouldn't kick in in
14 this case. The whole ZRR has a whole delayed
15 applicability date and effective date in there.

16 MS. STEINGASSER: Yes, sir.

17 MR. MILLER: And so this doesn't trigger
18 any change by just advertising, and I just wanted
19 to confirm that.

20 MS. STEINGASSER: You are correct, and
21 that's a good point. And we'll make sure that's
22 in the public hearing notice.

23 MR. MILLER: Thank you.

24 CHAIRPERSON HOOD: Okay. Does anybody
25 have anything else they want to add?

1 (No audible response.)

2 CHAIRPERSON HOOD: Okay. Would somebody
3 like to make a motion?

4 CHAIRPERSON HOOD: Yes, Mr. Chairman.

5 I would make a motion to set down Case
6 No. 08-06C, map amendment to implement the
7 Comprehensive Zoning Regulation Revisions in Case
8 08-06A, and ask for second.

9 MR. MILLER: Second.

10 CHAIRPERSON HOOD: It's been moved and
11 properly second.

12 All those in favor, Aye?

13 (Chorus of "Aye.")

14 CHAIRPERSON HOOD: Any opposition?

15 (No audible response.)

16 CHAIRPERSON HOOD: So ordered. Ms.
17 Schellin to record the vote.

18 MS. SCHELLIN: Staff records the vote
19 five to zero to zero to set down Zoning Commission
20 Case No. 08-06C as a rulemaking case.
21 Commissioner Cohen moving; Commissioner Miller
22 seconding; Commissioners Hood, May, and Turnbull
23 in support.

24 And just for the public's information,
25 this case, like 08-06A, will be set up in Isis as

1 an electronically filed case. So everything will
2 be filed online.

3 CHAIRPERSON HOOD: Okay. Thank you.
4 Thank you for your indulgence. Let's go back to
5 proposed action. I believe we are at Zoning
6 Commission Case No. 14-11. This is the Office of
7 Planning's text amendment to chapters 1 and 4.
8 And for the purposes of -- I believe we will not
9 be taking a vote.

10 As you know, to recap, colleagues, this
11 was, well, I'm not going to say "the famous." But
12 this was the amendments to the Zoning Regulations
13 for Chapters 1, definition of Chapter 4, R4 zones.
14 And we had so many people testifying on this
15 particular issue that we wanted to reserve our
16 comments until tonight and have a discussion on
17 this.

18 So I want to first thank my colleagues
19 for holding back some of those burning questions
20 and issues and let us hear them from the residents
21 of the City, and also those who do business in the
22 City, before we deliberate. And again, as we
23 decided, tonight we would talk among ourselves.
24 We may have a few questions for the Office of
25 Planning and some of the information and some of

1 the testimony that we received.

2 And then, at a later time, we'll see what
3 our course is as moving forward. So with that, I
4 will open it up. And, you know, it's one of two
5 ways we can do it. We can just start off talking
6 about it in general, or we can look at what's
7 proposed to us from the Office of Planning and
8 take it and kind of decipher that, whichever your
9 pleasure is. I can go either way.

10 Would somebody like to make the
11 recommendation how you want to proceed?

12 MR. MAY: I was prepared to just talk
13 generally rather than talking to the particulars
14 of the language that was proposed.

15 CHAIRPERSON HOOD: Okay. Okay. We can
16 go either way.

17 MR. MAY: And if you'd like, I'll go
18 ahead.

19 CHAIRPERSON HOOD: Ah. Yeah. Go ahead.
20 Thank you.

21 MR. MAY: Okay. So, the first thing I'd
22 say is that, you know, the context for this case
23 has been largely about stopping pop-ups, and we
24 heard, you know, this very strong testimony even
25 going back all the way into the Zoning Regulation

1 rewrite hearings about the importance of taking
2 this on. And that's why we even took this case to
3 begin with.

4 And I don't particularly care for, quote,
5 pop-ups or the term "pop-up," but the history of
6 adding a third floor to a two-story townhouse in
7 Washington is actually, I think, fairly well
8 established. It's something that has been going
9 on for many, many decades. And some of the most
10 beautiful rows of houses that we have -- for
11 example, along East Capitol Street -- include
12 third-floor additions that have been built in a
13 manner that's seamless with the rest of the
14 context.

15 And what we're having, what we're dealing
16 with now is the circumstance where they're just
17 being thrown up, and you know, a building could be
18 22 feet tall and they'll put an 18-foot-tall one-
19 story addition with a mezzanine on it. And it
20 just sticks out like a sore thumb.

21 And I think that that is something that
22 we need to take on. I think that there's very
23 clear Comprehensive Plan guidance on this about
24 the preservation of R4 neighborhoods. So I think
25 that we do need to take action on this.

1 If we limit the height of these buildings
2 to 35 as a matter of right, or 40 feet as a
3 special exception, I think that that handles part
4 of it. It makes the likelihood of trying to do
5 something tricky with a mezzanine, you know, much
6 less likely, or the idea that people would simply
7 put in an over-large story because, you know, 12-
8 foot-high ceilings sell better than 10-foot-high
9 ceilings, or something like that.

10 So I think it's a pretty modest gesture,
11 and it doesn't really prevent substantial -- or
12 prevent people's ability to add a third floor.

13 I think one of the most interesting
14 aspects of the testimony that we heard is that
15 when you take a standard R4 house, not one where
16 there's a large lot, and there's an incentive to
17 make it into an apartment building as opposed to
18 just flats, but just one that's existing flats,
19 that what we see is the ability to enlarge a
20 standard two-story townhouse, maybe a two-story
21 with a basement or a cellar that's occupied.

22 And instead of having a three-bedroom
23 townhouse or maybe a four-bedroom, you wind up
24 with two larger condos or apartments. And so you
25 wind up with, instead of a three-bedroom

1 apartment, you wind up with two two-bedrooms
2 stacked on top of each other.

3 And while there is some benefit to that
4 in terms of the raw number of apartments that can
5 be created, you know, instead of a three-bedroom
6 with a one-bedroom basement apartment, you wind up
7 with two two-bedroom apartments or maybe slightly
8 larger than that; I'm not sure that we're really
9 gaining a lot of net units in the process of doing
10 that.

11 Furthermore, I think what we're doing is
12 we are significantly diminishing the stock of
13 three-bedroom units that might be available. And
14 we're also driving up the price of the remaining
15 ones. We also had testimony, essentially a
16 statistical argument, that there's a certain
17 number of three-bedroom row house units available
18 in the City, and there's a lesser number of, a
19 substantially lesser number of families that are
20 large enough to need that type of housing.

21 And I understand that argument, but it
22 avoids the essential issue, which is that many of
23 the people who are in three-bedroom and four-
24 bedroom townhouses, and it's only, you know, a
25 two-person household or one-person or three-person

1 -- yeah, technically, they don't need it. But
2 they own it, and they live in it, and they're not
3 going anywhere. And so, the available supply of
4 three-bedroom townhouses is extremely small.

5 And I think that we -- you know, we see
6 that in the way prices have been accelerating.
7 And we see that -- we've heard it in testimony on
8 a variety of issues about how difficult it is for
9 people to move, make that move from their one-
10 bedroom condo downtown to a nearby townhouse where
11 they can raise a family.

12 And I think that we do need to reduce the
13 incentive to take regular row houses and make them
14 into these multi-unit buildings. And I think we
15 even should act to reduce or make a little bit --
16 make it a little bit more difficult to convert
17 units that have 2,700 square feet of land and up,
18 because I think that even there we don't want to
19 create artificial incentives to make row houses
20 into apartment buildings.

21 So I think a very clear case has been
22 made, and I don't think that -- I think that the
23 argument that we just need more housing units,
24 period -- I don't think that actually gets us
25 more, or more affordable housing. I think it

1 actually gets us less affordable housing,
2 particularly on the large-unit end of the scale.

3 CHAIRPERSON HOOD: Okay. Anyone else?

4 Okay. Commissioner Miller.

5 MR. MILLER: Thank you, Mr. Chairman.

6 I continue to be concerned about this
7 down-zoning case. I know some of the Office of
8 Planning pushed back when that -- whenever that
9 term has been used.

10 But when you're taking property rights
11 that exist today in a whole zoning district away,
12 whether it's the 40-foot height or the ability to
13 convert under certain circumstances as a matter of
14 right or through special exception -- I mean or
15 through variance right now, that you are
16 diminishing property rights and you are
17 diminishing the overall ability to have additional
18 housing stock.

19 I don't think we have good information on
20 what the conversions have resulted in, even though
21 Commissioner May referred to that there's data
22 that no net new housing -- no greater number of
23 housing units are being created. I don't know if
24 we have good data on that.

25 I don't understand why -- I think that

1 the issue is obviously a design issue. You go
2 around the City, and on some of the blocks -- the
3 ones you referenced, you know, Capitol Hill -- you
4 can't tell that it's a pop-up because it was
5 designed to be compatible with the building that
6 it's on and the adjacent structures. It's done
7 with good quality materials, similar materials.
8 Or if it's not, it's set back.

9 I think we could -- I think this proposal
10 has taken a sledgehammer approach to a legitimate
11 concern about the design of some of the pop-ups.
12 I was given a list by OP way back when, I think
13 even before this case was set down, of pop-ups,
14 with pictures, with photos. And I went around,
15 and half the time I couldn't find the pop-up in
16 the block because I think maybe since the photo
17 was taken, others had filled in next to it in a
18 compatible way or it was just done in a well-
19 designed way.

20 So I think there are ways that we could
21 have -- if we're going to have a text amendment
22 that deals with pop-ups in R4, which isn't where
23 the only problem is where there are badly designed
24 pop-ups. The one that keeps getting featured in
25 certain publications, as I recall, is in an R5

1 district. So, and even that one, when the other
2 buildings on that block get filled in, it won't
3 stand out like it does now.

4 So I think that you could have -- if
5 you're going to have a text amendment, I think the
6 Office of Planning needs to provide alternatives
7 that really address the design issue, instead of
8 just diminishing the ability to increase the
9 number of housing units that are permitted under
10 current zoning.

11 One of those things could be -- one of
12 those alternatives could be that it could be no
13 more than a certain average of the two adjacent
14 heights that are next to the building without a
15 special exception, or have some design and massing
16 and scale requirements, setting it back or
17 something. You could design a design solution to
18 what is a design problem is my point.

19 I don't understand why R4 needs to have
20 the lowest height in the City, lower than R3, R2,
21 and R1. R1 is at 40 feet. I just don't
22 understand how this sledgehammer approach is going
23 to address the issue of design. And I think the
24 Chairman's suggestion that there be a working
25 group established that looks at some of these

1 alternatives, with a representative group of
2 stakeholders who -- a representative group of
3 stakeholders might be a good idea.

4 I would like to see alternatives from OP
5 that go more to the design than this particular
6 proposal. I think we need information. There's
7 conflicting testimony on the issue of if you're
8 going to allow additional units, one of them
9 should be inclusionary zoning at a 60 percent AMI
10 level.

11 We have conflicting testimony on whether
12 that's just -- I mean, in concept, that's a good
13 idea. I think I was initially attracted to it.
14 But then when I heard that that would make these
15 conversions totally economically feasible, that's
16 why we set the minimum number of units for IZ gets
17 triggered at 10 or more units -- or some of you
18 who did inclusionary zoning -- set it at 10 or
19 more units.

20 So I think for OP to endorse that concept
21 without providing us data, which I know they've
22 run the numbers of what's feasible in terms of
23 changes to the IZ, because they're looking at
24 changes to IZ. So I would like information on the
25 feasibility of including -- economic feasibility

1 of requiring IZ -- there to be IZ units when there
2 are -- if we're going to continue to allow
3 additional conversions and units in our poor
4 neighborhoods.

5 I suspect that it's not economically
6 feasible. And so I would, in general, on that
7 subject of IZ, in general, I think we should not
8 do anything on inclusionary zoning in R4 until we
9 get to the broader IZ case.

10 Those are my major concerns, Mr.
11 Chairman. I think there's a way we could craft a
12 proposal that would really address the problem
13 that exists, as opposed to diminishing the supply
14 of housing and diminishing property rights in the
15 City.

16 CHAIRPERSON HOOD: Okay. Thank you.

17 Next. Any comments?

18 (Pause.)

19 CHAIRPERSON HOOD: Vice chair, he's
20 yielding to you.

21 MS. COHEN: I'll go after him.

22 MR. TURNBULL: Thank you, Mr. Chairman.

23 We heard a lot of testimony on this. We
24 heard a lot of realtors and contractors talking
25 about profitability, economic feasibility, and

1 what they can and cannot do. But on the other
2 hand, we heard a lot of impassioned pleas from
3 neighborhoods, ANC's, community groups, saying,
4 "Do something to protect our neighborhoods."

5 So, I agree with Commissioner Miller on
6 one hand. I don't totally agree that this is
7 taking away their rights. But we have a problem.
8 As he said, he couldn't see it, but a lot of our
9 neighbors out there have seen problems with some
10 of these units. So something has to be done.

11 As OP had pointed out, that 94 percent of
12 the units out there are 35 feet and under, I'm not
13 opposed to having some kind of a design solution
14 if that, somehow working with two adjacent
15 properties and how you match it up. But something
16 has to be done. I think something -- we've heard
17 loud and clear from a lot of people out there
18 about their neighborhoods being taken away from
19 them, that the residential character of the R4
20 units are being lost.

21 I agree at a lot of points. It is an
22 architectural issue. It's a character, it's a
23 quality issue, who does it, how they do it. But
24 that's not necessarily a zoning purview, per se.
25 I'm not sure how we, architecturally, put that

1 into Zoning Regulations to be able to govern that.

2 So, what we need is to give safeguards,
3 we need to protect the housing stock. We need to
4 protect neighbors. And I agree, too. I mean, we
5 heard the argument of taking away a person's right
6 to develop. But a lot of them, I mean, we had so
7 many ANC's come out and just say, "You know, this
8 is -- we have a problem and we need to do
9 something."

10 I agree with the other thing about the
11 affordability issue. Since we're just talking in
12 general terms, I mean, a lot of the contractors
13 and realtors are telling you, "You're not going to
14 get any affordable housing out of this." That was
15 the basic line that it's too cost-prohibitive for
16 them to remodel and do something and make it
17 affordable.

18 So the affordability issue is kind of a
19 question mark. So maybe it becomes, what can we
20 make out of this then? What is the economic
21 profitability of selling these units once we
22 remodel them?

23 So, if you want to go down the road about
24 having a roundtable, I think it's got to be really
25 representative of community interests. And if you

1 want to have some business interests developed,
2 that's fine, too. But it's really got to
3 represent the community. I mean, those are the
4 people that were really impassioned. We had some
5 really heartfelt testimony by a lot of people that
6 were just utterly devastated by the fact that
7 their neighborhoods were being taken away from
8 them.

9 So I think I'll turn it over to the vice
10 chair.

11 MS. COHEN: Thank you, Mr. Chairman and
12 Mr. Turnbull.

13 I've sat up here for three years. And I
14 have always pushed for affordable housing. And I
15 think that this is a very dangerous step to take
16 by reducing not-very-high 40-feet to 35 feet.
17 Some people may argue that's not a lot.

18 But I strongly believe that if you
19 continue to add to the supply of housing, that if
20 there was ever going to be a nexus, that's the way
21 to do it. We need more housing. I think this
22 particular proposal does not concur with what is
23 going on today in the City, the actual problems
24 we're facing. And many, many people are
25 suffering. We need to continue to increase the

1 And so, again, I agree with both of my
2 fellow commissioners that this is a design issue.
3 And that if you are going to take these steps to
4 do anything, we should require some kind of a
5 setback if you're going to go up to the 40 feet.

6 But one of the things that I think we
7 definitely need is maybe this group, this
8 professional group, or group made of residents, is
9 that we don't really have a vision of what this
10 City is going to look like. We have the
11 Comprehensive Plan, certainly. We have the Future
12 Land Use Plan. But the demographics aren't there.
13 And our demographics are changing. We've
14 increased our population to almost 650,000.
15 They're younger households. They're smaller
16 households.

17 I'm not saying that we shouldn't
18 accommodate families; it's very important to
19 accommodate families. And families that have two-
20 income households don't necessarily want to live
21 in a single-family house where they have to do a
22 lot of work to keep it up. They may want to move
23 into a multi-unit building that has three
24 bedrooms, like we discussed today.

25 I think that we can come up with

1 alternative solutions by providing us with the
2 necessary information on demographic trends. I
3 think that a much easier thing might be just
4 having DCRA issue a building permit only after
5 they have seen two signed statements from the
6 neighbors next door. Even that would be simpler
7 than down-zoning.

8 I can't support the down-zoning because I
9 think it does put a ceiling on how many units we
10 can build in the City. And I think it reduces the
11 choices. I don't think it's fair for some
12 families who want to increase the size of their
13 home by going up. It's not fair to them.

14 And then the argument on the value,
15 decreasing the value of homes, we've heard that in
16 testimony, but we've received no kind of -- and
17 that would be helpful, for the Office of Planning
18 to possibly provide us with those types of
19 analyses on what this will do to people's property
20 values.

21 And again, it was very heartbreaking to
22 hear about people who are -- some people lose sun
23 shining on their backyards. But that's a problem
24 everybody will face at some point. And they have
25 to do their homework about what their neighbors

1 can do if they want to put up solar.

2 But again, I would like more information
3 on solar panels and what kind of -- what do they
4 need to actually -- how many hours, how many -- we
5 heard testimony from some solar panel
6 manufacturers or financiers; I don't recall what
7 their precise position was. But we need this
8 information to make a very -- this is a very, very
9 important move that we're making, and I don't
10 think we have the tools to make the decision.

11 Again, I think that we need people to
12 have options, opportunities. They need to use
13 their property to the maximum extent that they're
14 comfortable with, without, again, having these
15 horrendous-looking buildings.

16 But I don't think they're the majority,
17 not based on my walk-arounds. Because I really
18 look up, unfortunately, sometimes, to my own
19 tripping. But it's just important for us to have
20 the equipment to make the proper decision. But at
21 this point in time, I'm very, very uncomfortable
22 with changing an R4 district down to 35 feet.

23 CHAIRPERSON HOOD: Okay. Thank you for
24 all the comments I've heard. Some I agree with;
25 some I don't. Pop-ups -- I'm going to call it

1 pop-ups. I think what the Office of Planning has
2 proposed to us is exactly -- from my standpoint,
3 being on this commission since 1998, the late Ms.
4 Ann Hardgrove started talking about pop-ups in
5 '98. And here we are now in 2015, and I'm still
6 hearing about pop-ups.

7 I think it's time. This is something
8 that we asked Office of Planning to do. I think,
9 from my standpoint, I will work with what the
10 Office of Planning have and work my way backwards.
11 I hear some comments about trying to find some
12 common ground.

13 I think the common ground and the
14 workgroup, yes, I said the workgroup the other
15 night. But I think the workgroup has been, over
16 those years since 1998 that I've heard about R4
17 and pop-ups.

18 Now, yeah, it's germane to more than just
19 R4. But, you know, at some point in time, this
20 City or we need to move forward and do something.

21 Now, here's another thing. What we need
22 to understand up here, a lot of people don't live
23 in historic districts. A lot of us don't live in
24 -- us, I'm one, don't live in historic districts.
25 And another thing is affordable housing --

1 affordable to who? We're putting all these
2 additional units, and it still costs \$2,200. Come
3 on! We know that's not affordable. Affordable to
4 whom and to who?

5 We're talking about things we're
6 achieving. But the reality in the street, how
7 things are done in the street, it's not happening
8 that way. Now, when I talk about the workgroup,
9 because I was concerned about the smaller
10 developer. And that's one thing I would ask the
11 Office of Planning, if there is some midway here.
12 Because, you know, there are smaller people who
13 have testified that we may be putting them out of
14 business.

15 Anthony Hood's job, and I'm sure my
16 colleagues, we're not here to put anybody out of
17 business. But, you know, I hear all this stuff
18 about affordable, design. And speaking of design,
19 one of the things we get beat up the most, but all
20 we care about, is whether the brick is red or not.
21 We do a little more than that. We need to really
22 see if we're accomplishing what we sit up here and
23 say we're accomplishing.

24 Are we accomplishing affordable housing
25 if we're adding units and making units higher in

1 R4? What are we really accomplishing? Or are we
2 just coming up with a poor design and thinking
3 we're achieving something and we actually aren't?
4 That's the reality of it. You know, we can sit up
5 here and have our opinions. But at the end of the
6 day, the residents of this City made investments,
7 whether it's pro or con.

8 And I think the Office of Planning,
9 through all the years, they have come back with
10 something. And I think, from my standpoint, I
11 will adopt it and move backwards, if we need to
12 lessen it up just like we did with the IZ. One of
13 the things we talked about with the Office of
14 Planning about the IZ was, if it's stopping
15 development, then let's come back and let's
16 immediately change it. I think this is the same
17 route.

18 And one of the things that I want to
19 clarify for the record, because I know if I said
20 it, it will be tweeted out incorrectly. This case
21 is in front of us. We don't just arbitrarily go
22 around looking for pop-ups. I want to make that
23 clear. We don't just go out. I'm sure, hopefully
24 I'm speaking for my colleagues. We didn't just go
25 out and start looking around to see if we could

1 find a pop-up so we can make a decision on this
2 case.

3 We also live here. And we notice things,
4 too. So I wanted to put that out there for those
5 who said they're going around viewing pop-ups.
6 So, you know, the workgroup, yeah, that was
7 something I brought up. But after I started
8 thinking about the years, I think the workgroup
9 has already been had. But if that's something the
10 Office of Planning wants to look at, and looking
11 at those small developers, I say let's do it.

12 But I want to commend the Office of
13 Planning. Because I know Council Member Cheh,
14 Council Member Graham, and a lot of people have
15 been -- the late Ms. Hardgrove, a lot of people
16 have been talking about pop-ups and addressed
17 letters to me for years -- years. And now we're
18 starting to make some headway.

19 Again, remember, colleagues. Everybody
20 don't live in a historic district. Everybody
21 don't have some of the same protections that some
22 people may have. And then affordable housing
23 unit? I just don't buy it. Twenty-two hundred --
24 can I finish? I just don't buy it.

25 So, the only thing I would ask the Office

1 of Planning for is -- and here's the other thing.
2 The only thing I rebutted that anybody said was
3 about we don't go around looking up pop-ups. I
4 didn't rebut anybody else, and I would appreciate
5 don't nobody rebut my comments. Those are Anthony
6 Hood's comments.

7 Any other comments other than rebuttal?

8 MS. COHEN: Yes, sir.

9 CHAIRPERSON HOOD: Okay. Vice Chair.

10 MS. COHEN: Again, I just want to state
11 for the record that the reason why we have rents
12 at \$2,200 is because the demand exceeds the
13 supply. I don't know if we'll ever come into any
14 kind of balance. But that is a major concern,
15 that unless you continue to add units, you will
16 constantly have \$2,200, \$2,400, \$2,600.

17 On the other hand, of course, you could
18 argue that the other thing we need is higher
19 wages. But that's not in our purview.

20 And I really want to make that --
21 affordable to whom? I totally agree with what is
22 coming online is not affordable to very many
23 people. And the problem continues to be, and will
24 in the future, unless we add more units that are
25 meeting the demand of our demographics.

1 CHAIRPERSON HOOD: Okay. I wasn't going
2 to do this, but I am. Rebuttal is "in the form of
3 evidence that is presented to contradict and
4 nullify other evidence that has been presented by
5 an adverse party." That's the definition of
6 "rebuttal."

7 Any other questions or comments that
8 somebody would like to make?

9 MR. MAY: Mr. Chairman?

10 CHAIRPERSON HOOD: Mr. May.

11 MR. MAY: Yeah. I would like to say that
12 I've heard a lot of things from all of my fellow
13 commissioners that I agree with. I think the idea
14 that this is something that can be solved with
15 design guidelines or some sort of design solution,
16 I actually think that has some promise because I
17 think that the issue that we're dealing with
18 extends far beyond R4. And it's hard to do it on
19 the other zones, like C2A or the R5 zones, without
20 addressing it as a design issue.

21 And I would like to see the Office of
22 Planning develop some additional language that
23 might try to address that. I mean, I've been
24 racking my brains trying to think of it, and I
25 can't. You know, I don't writing zoning for my

1 day job. So it's hard to come up with the right
2 words. But I think the Office of Planning might
3 be able to come up with good stuff.

4 I think that also, you know, as we get
5 into the more specific suggestions, I think the
6 idea of trying to mandate an inclusionary zoning
7 provision into the conversions, I think that's a
8 very difficult thing to achieve. I think we heard
9 enough testimony that it's hard to make that a
10 requirement when you're talking about something
11 with only a handful of units. And so I'm not
12 inclined to push for that.

13 And, Mr. Chairman, I appreciate all the
14 things that you said, in particular, and I'm glad
15 that you're not pushing at this moment for a
16 roundtable or something, because I think that we
17 need to act on this very quickly. Because I think
18 that this is something that's happening right now
19 with great speed in many neighborhoods. And I
20 think that if we're going to take some action to
21 try to address this, we need to do it quickly. We
22 can't be waiting.

23 So I think that we should try to move as
24 quickly as possible toward decision making.

25 I'd also say that it's quite notable; I

1 think several commissioners noted this. But with
2 a number of ANC's who came out to testify or
3 provide testimony, there was no support for
4 keeping things the way they were. There was all
5 varying levels of support for what the Office of
6 Planning was proposing. And I think that's a
7 substantial statement about the need for this and
8 the need to move quickly on it.

9 And I honestly, you know, I simply
10 disagree with my colleagues that this is going to
11 actually reduce affordable housing. I think this
12 is actually a move that will, in the long run,
13 make housing more affordable, particularly with
14 larger units. I don't think that having an extra
15 five feet makes a big difference in terms of
16 creating additional units. And I think that if we
17 leave things as it is, I think that we'll actually
18 wind up with a reduction of overall affordability
19 in the City.

20 CHAIRPERSON HOOD: Okay. Any other
21 comments?

22 Commissioner Miller.

23 MR. MILLER: Yeah, I won't go long on
24 this; we have a long agenda. But I would just
25 note that at least one ANC, 6B, Capitol Hill

1 Southeast, did support continuing to permit the
2 conversion of residential structure to -- they
3 used the word in the Zoning Code, "apartment house
4 by right."

5 We're not talking about apartment houses,
6 although we heard an example of something that was
7 turned into an apartment house. I guess they
8 bought up a lot of the property in the
9 neighborhood to allow the conversion of so many
10 units from what was an original row house. But
11 we're talking about a third or a fourth unit.

12 And I think the Office of Planning is
13 skilled enough to come up with alternative
14 language -- not additional language, alternative
15 language -- that addresses the design issue, the
16 design review. You can have standards and a
17 referral to the ANC and to the OP and see if they
18 meet the standards and see if they can come to a
19 meeting of the minds.

20 So, just one thing, since I didn't touch
21 on it -- so I don't think it changes the
22 residential character of a neighborhood,
23 necessarily, to have a third or a fourth unit. I
24 don't think that's the tipping point.

25 And I think there is a growing -- we have

1 been growing for some time, for a few years now,
2 at 1,100 or more population a month. And the
3 disproportionate number of those, proportion of
4 that growing population is single younger people
5 who don't, can't necessarily afford to be in one
6 of the luxury multi-family buildings up on 14th
7 Street. And some of these row house conversions
8 provide a more affordable alternative than that.

9 So, I think that these are for
10 neighborhoods. We all care about them so much
11 because they're so beautiful. And they're so
12 close in and they're amenity rich. They're near
13 transit. That's where the younger people want to
14 go, too, and they can't necessarily afford the
15 large, new multi-family units.

16 So I'd like to see some alternative
17 language from OP in addition to the numbers on the
18 inclusionary zoning. I suspect that that -- like
19 Commissioner May said, I don't think that probably
20 is going to work to add it to this proposal.

21 CHAIRPERSON HOOD: Any other comments?

22 Commissioner Turnbull?

23 MR. TURNBULL: Thank you, Mr. Chairman.

24 I agree with your comments that you made
25 that, you know, we've been doing this for seven

1 years. In one way, a roundtable is --

2 CHAIRPERSON HOOD: Seventeen.

3 (Laughter.)

4 MR. TURNBULL: Oh, yeah. I think at this
5 point in time, we can't go down that road. I
6 think OP has done a lot of work, a lot of hard
7 work on this, and a lot of meetings on this
8 already. We don't need to beat this horse into
9 the ground.

10 I think they ought to retain the language
11 that they have. But I'm not opposed to having
12 them look at some design issues or some design
13 guidelines that could be incorporated, with that
14 in complement to it as a -- working with it
15 somehow. But I could see them, if they wanted to
16 go back and look at some kind of a design
17 guideline issue in conjunction with this, or
18 whatever.

19 But they could look at that. I could see
20 that. I think you're right. We have to move
21 forward on this. There's too many people waiting
22 for us to do something on this. Let's get on with
23 it.

24 CHAIRPERSON HOOD: Okay. Vice chair?

25 MS. COHEN: Thank you. I have some

1 rebuttal for Mr. Turnbull.

2 (Laughter.)

3 MS. COHEN: First of all, I think that
4 beating this dead horse -- this is so significant
5 that I think we also need to have what -- what I
6 believe we need is additional information, as I
7 mentioned, the demographic projections. I think
8 we also need to have someone doing analysis. The
9 people have said, "You're taking away the value of
10 properties." I happen to concur with that, but I
11 would like more information. I'm not always
12 right. I usually am, but not always.

13 And then the third thing I asked was for
14 more information on solar. People have put up
15 solar, and I think we need to understand more
16 fully what that does to adjacent houses and their
17 rights if they wanted to expand.

18 Lastly, I just want to mention one other
19 thing that I heard, is that there are a number of
20 people that came forward. And not only were they
21 concerned about the architectural issues adjacent
22 to them, but I just want to mention for the record
23 that someone needs to also address how people are
24 taken by negligent, if not corrupt, contractors.
25 And a lot of people are not familiar with the

1 process of how to negotiate, even. They need help
2 in finding out how to be more on top of these
3 issues, because there were some sad stories that
4 we heard.

5 MR. TURNBULL: Mr. Chairman, let me rebut
6 the rebuttal, since we're going to be doing this
7 all night. When I mentioned a dead horse, I was
8 talking about the process of this for seven years.
9 I think we've had a lot of information on this. I
10 think we can get some more information from OP,
11 but I think we're ready to move forward on this.
12 As the vice chair said, she is not always right.

13 MS. COHEN: I said "often."

14 MR. TURNBULL: She's often not right
15 then.

16 (Laughter.)

17 CHAIRPERSON HOOD: Well, I would agree
18 with your statement. But one thing I do agree, we
19 do need to look at --

20 (Laughter.)

21 CHAIRPERSON HOOD: I shouldn't have
22 probably said that.

23 We do need to look at solar panels. Out
24 of three years, you and I finally agreed on
25 something. But I do think there are some issues.

1 But my comments that I made earlier from my
2 standpoint stand. But I do think there are some
3 valid points that I heard, at least with the solar
4 panels.

5 And that's something again that the
6 Office of Planning -- let me just say this. The
7 Office of Planning has done exactly what this
8 commission, for the most part, has asked them to
9 do. They might not have come back with the result
10 we asked for, but they have done exactly what we
11 asked them to do. And I want to thank them for
12 doing it. I appreciate it. They've always been
13 amenable to looking at things.

14 And some people may say that's their job.
15 But every time -- you know, when you're sitting
16 here asking somebody to keep doing something over
17 and over -- go back and look at this, go back and
18 look at that -- that means a lot when they come
19 back. They never gripe. At least I don't know
20 about it. But they never gripe, and they always
21 come back with something trying to help us to make
22 an informed and educated decision.

23 And I think right here, they caught it.
24 Now, there are some things that we may back off
25 of; I'm not sure. But that remains to be seen.

1 And the reason I did not want rebuttal, because
2 we're going to have that when we get ready to make
3 a decision. I think we were just making our
4 comments of things we were looking for. There
5 will be time to rebut each other and go back and
6 forth when we make our decision.

7 But I do agree with Commissioner May
8 about the time frame, I think Commissioner
9 Turnbull. You know, I understand nobody is trying
10 to rush. But there's a crisis out there. We've
11 heard it loud and clear. Some people have heard
12 it for 17 years, some people have heard it for 3.
13 But I can tell you this: Something needs to be
14 done. The residents of this City are waiting for
15 this commission to move forward.

16 So, I would agree with your comments,
17 Commissioner May, that we need to at least -- and
18 I think, Commissioner Turnbull. So, Ms. Schellin,
19 can we work with the Office of Planning to find
20 out some of the things that we've asked for, the
21 time frame and how quick we can move? And when I
22 say "how quick," okay, if we can't do it in the
23 next two weeks, just let us know.

24 You know, I don't know if we want to work
25 that out now or do we need to work it out later.

1 MS. STEINGASSER: I'll have to consult
2 with some of the people at -- the other staff at
3 the Office of Planning, and then I'll let Ms.
4 Schellin know how quickly we can get the
5 information back.

6 CHAIRPERSON HOOD: And we'll be making a
7 public announcement. How do we announce that? Or
8 do we do it now, follow -- Mr. Bergstein, how do
9 we announce that?

10 MR. BERGSTEIN: Well, first of all,
11 because you're not at a hearing stage, you're at
12 proposed action, you don't actually have to
13 announce --

14 CHAIRPERSON HOOD: Oh, okay.

15 MR. BERGSTEIN: -- what your proposed
16 action is. So that's totally discretionary.

17 CHAIRPERSON HOOD: Okay. For those who
18 are watching, those who are in the audience, just
19 watch the agenda. Just keep an eye on the agenda.
20 This case is 14-11. So if you just watch the
21 website, you can see exactly when it will come up
22 again. Or you can call the office.

23 MS. SCHELLIN: We can just announce our
24 next couple of meetings, and they can just -- they
25 will know. Our next meeting, which it probably

1 will not be on, which is February 23rd, I'm
2 assuming that is too early. And we have two
3 meetings in March, which are March 9th and March
4 30th. So, we'll leave it at that.

5 CHAIRPERSON HOOD: And it may go further.
6 It depends on what Ms. Steingasser comes back
7 with, and working with the Office of Planning.
8 Okay.

9 Anything else? Any other comments on
10 this, colleagues? Any other rebuttal? Any other
11 comments?

12 (No audible response.)

13 CHAIRPERSON HOOD: Okay. Thank you.

14 Let's move right into --

15 (Inaudible interjection.)

16 CHAIRPERSON HOOD: That's what I'm
17 talking about. That's the vice chair that I need.

18 Case No. 05-22A, this is under hearing
19 action. View 14 Investments, LLC, modification to
20 PUD at Square 2868. Mr. Gyor.

21 MR. GYOR: Good evening, Mr. Chairman and
22 members of the commission.

23 The applicant, View 14 Investments, LLC,
24 proposes to modify the commission's order to allow
25 a dog daycare, pet grooming, and overnight

1 boarding facility on the ground floor of a
2 previously approved PUD, View 14, located at 2303
3 14th Street, Northwest, and in the C2B zone.

4 The proposal would not be inconsistent
5 with the general intent of the approved PUD. The
6 facility would occupy space identified in the PUD
7 for retail and service uses, or with the
8 Comprehensive Plan. The proposal would not
9 detrimentally alter the approved external
10 appearance of the building or alter the approved
11 benefits or amenities of the site, but would help
12 to fulfill occupation of ground floor commercial
13 space with a use that is generally desired by many
14 District residents.

15 The applicant's proposal for the dog
16 daycare, pet grooming, and overnight boarding
17 facility was previously denied by the Board of
18 Zoning Adjustment as not meeting their
19 requirements for these types of uses, which are
20 currently permitted only by special exception
21 within the CTB zone.

22 The BZA denied the applicant's special
23 exception request in part due to issues of
24 adjacency with residential zones and uses. In
25 light of tonight's Zoning Commission final action

1 regarding the text amendment to modify the
2 regulations pertaining to animal boarding, which
3 further defines the requirements relating to the
4 distance from residential uses, as well as sound
5 attenuation measures, the Office of Planning
6 supports setting down the proposed PUD
7 modification.

8 I'd be happy to take any questions.
9 Thank you.

10 CHAIRPERSON HOOD: Okay. Commissioners,
11 any questions?

12 Mr. Turnbull, you had a question.

13 MR. TURNBULL: No, I just -- there was a
14 lot of information in the file supplied by the
15 applicant for the mitigation efforts. And I think
16 that's going to be an important thing that we'll
17 want to go through in the hearing. So they ought
18 to be prepared to talk about that. And what part
19 of the order, whatever we have to modify for this
20 thing, we need to be very clear on what's
21 happening if we go forward with this.

22 CHAIRPERSON HOOD: Okay. Any other
23 comments?

24 (No audible response.)

25 CHAIRPERSON HOOD: We have a request to

1 set down this modification at Square 2868. Would
2 somebody like to make a motion?

3 MR. TURNBULL: Yes, Mr. Chairman.

4 CHAIRPERSON HOOD: Okay. Mr. Turnbull.

5 MR. TURNBULL: Oh. I would move that we
6 set down Zoning Case No. 52A (sic), View 14
7 Investments, LLC, modification to PUD at Square
8 2868, and look for a second.

9 MS. COHEN: I will second, but I will
10 change it to 05-22A.

11 MR. TURNBULL: What did I say?

12 MS. COHEN: Fifty.

13 MR. TURNBULL: Oh. Pardon me, 05.

14 CHAIRPERSON HOOD: You know the vice
15 chair is always right, 05-22A.

16 MS. COHEN: Often.

17 (Laughter.)

18 CHAIRPERSON HOOD: Anyway, let's move on.
19 Let's not go back down that line.

20 Okay. It's been moved and properly
21 seconded. Any further discussion?

22 (No audible response.)

23 CHAIRPERSON HOOD: All those in favor?

24 (Chorus of "Aye.")

25 CHAIRPERSON HOOD: Any opposition?

1 (No audible response.)

2 CHAIRPERSON HOOD: Not hearing any, Ms.
3 Schellin, would you record the vote?

4 MS. SCHELLIN: Staff records the vote
5 five to zero to zero to set down Zoning Commission
6 Case No. 05-22A as a contested case. Commissioner
7 Turnbull moving; Commissioner Cohen seconding;
8 Commissioners Hood, May, and Miller in support.

9 CHAIRPERSON HOOD: You know, I was just
10 sitting here thinking. And I probably shouldn't
11 think out loud, but I'm going to do it anyway; I
12 get in trouble for everything else. You know,
13 sometime we hear a lot of passionate testimony,
14 and then sometimes we are passionate, too. At the
15 end of the day, though, we still work together.
16 So I just wanted to say that for the record for
17 those who think we are arguing.

18 We probably do. We're passionate just
19 like everyone else is. I respect the passion that
20 we have up here, and that's just part of the
21 process. You know, some people work on cases for
22 two years. We have to be passionate in one month.
23 And it's difficult sometimes. So I really respect
24 that.

25 So anyway, are you going to rebut that,

1 too?

2 MS. COHEN: Well, I'm always passionate.

3 (Laughter.)

4 CHAIRPERSON HOOD: Okay. All right.

5 MS. COHEN: And that's always, not often
6 -- always.

7 CHAIRPERSON HOOD: Okay.

8 Zoning Commission Case No. 14-01A,
9 Jemal's Hecht's, LLC, PUD modification at Square
10 4037. Ms. Thomas. You know, the Office of
11 Planning really lets me know who's -- whoever is
12 smiling at me is the person whose case it is.

13 (Laughter.)

14 MS. THOMAS: Good evening, Mr. Chairman,
15 members of the commission. Karen Thomas with the
16 Office of Planning.

17 The Office of Planning is recommending
18 setdown of the modification request for the
19 Hecht's warehouse site which was the subject of
20 the commission's approval for a PUD and related
21 map amendment in July of 2014.

22 In this instance, the applicant is
23 requesting a theoretical lot subdivision pursuant
24 to Section 2517, to permit two principal buildings
25 on the lot. In addition, approximately 1,400

1 square feet would be added to the site's area, and
2 the related map amendment from CM3 zone to the C3
3 zone is requested to make this area addition
4 conform to the approved PUD.

5 A two-story retail building would be
6 constructed to the southeast area of the site.
7 And the driveway in this location would be
8 redesigned as a one-way driveway with ingress from
9 Hecht's Avenue and egress onto Oaky (phonetic)
10 Street. This driveway would separate the two
11 buildings, including the existing building from
12 the proposed building.

13 No other flexibility is requested beyond
14 the related map amendment and to Section 2517.
15 The approved FAR for this site would not be
16 increased, and no changes to other aspects of the
17 approved PUD, including the amenity package, are
18 proposed. Therefore, we are in support of
19 proceeding with this application of the scheduled
20 public hearing. Thank you.

21 CHAIRPERSON HOOD: Okay. Thank you, Ms.
22 Thomas.

23 Commissioners, are there any questions of
24 the Office of Planning? Clarification?

25 Vice Chair.

1 MS. COHEN: Yeah. Ms. Thomas, if you can
2 do a little bit of research about PDR uses, I know
3 that, despite the fact that this particular PDR or
4 use says it will have no impact on other PDR uses,
5 but I believe it's been shrinking over time. And
6 that may be appropriate.

7 But I would just like to have a little
8 bit of information of how many PDR's have been
9 rezoned and, of course, where they're located.
10 Because it may be the most appropriate places
11 where they have been modified by a map amendment.
12 That's all I'd like to know.

13 CHAIRPERSON HOOD: Any other comments or
14 questions?

15 Commissioner Miller.

16 MR. MILLER: Yeah, Mr. Chairman. I just
17 wanted to note that we have in our file the
18 support for this hearing being set down by the
19 applicant by ANC 5D. And just note that they set
20 out as the original PUD application, the applicant
21 has done an excellent job in presenting its plans
22 to the community, responding to ANC's questions
23 and concerns.

24 The revitalization of the site -- they're
25 talking about the Hecht Company site -- including

1 the addition of the proposed new building will
2 positively transform Ivy City and greatly benefit
3 Ward 5 and the District as a whole. And I would
4 just totally agree with that.

5 CHAIRPERSON HOOD: Okay. I would
6 associate myself with your comments. It's
7 starting to look very nice over there.

8 Okay. Mr. Turnbull.

9 MR. TURNBULL: Mr. Chairman, I think it's
10 an interesting change to the original plans, put
11 it that way. A turnaround just by itself, trying
12 to incorporate a restaurant like this in there. I
13 guess my only question is, on the turnaround, it
14 looks like the loading now is going to -- there's
15 a little loading area at the alley. And I don't
16 know how that -- it would be interesting to see
17 how that really works. One needs to talk about
18 that a bit when it comes up.

19 And the only other thing is it looked
20 like the base of the building, it looks like just
21 plain concrete block. Is that trying to -- I
22 don't know whether that's trying to pick up any
23 kind of an industrial aspect of the area or what.
24 But it just looked a little -- I mean, I think
25 it's an interesting use of the metal on the

1 building. But I'm just curious about the base.
2 Just architecturally, what that's trying to
3 associate itself with. So that's it.

4 CHAIRPERSON HOOD: Okay. Any other
5 comments or questions of the Office of Planning?

6 MR. MAY: Yes.

7 CHAIRPERSON HOOD: Commissioner May.

8 MR. MAY: So, I really do appreciate the
9 idea of incorporating this small building into the
10 turnaround. I mean, the turnaround was always an
11 odd thing about this project. And so, the idea of
12 actually making some real use of it, I think, is a
13 fantastic idea.

14 The thing that is a bit of a concern to
15 me is that the architecture as a whole of this
16 building has some very friendly aspects to it.
17 There's a lot of glass as it faces south and east.
18 And there's a bit less on the north and west. But
19 there are also some very large facades that, you
20 know, look from the outside like blank walls.

21 I understand that there's some perf metal
22 and things like that that are going to make it a
23 little bit more engaging, and maybe part of it is
24 just that the renderings aren't very good and you
25 have to imagine that it's more porous than it is.

1 But, you know, this has the potential to
2 be a very festive kind of piece that looks good
3 from all sides. And, I mean, it's always a
4 challenge when you have to design a four-sided
5 building that has to be served every day with
6 deliveries and so on.

7 But I just have the feeling that it's not
8 there yet. And I'm not suggesting that you just
9 need to go completely back to the drawing board.
10 But if it looked very different when it came back
11 for the actual hearing, I wouldn't be bothered by
12 it, because I just think it's trying to do the
13 right things.

14 I just don't feel like it's getting
15 there. And I feel like a little bit more study of
16 how you do -- you know, you plan a four-sided
17 building into a small lot like this surrounded by
18 other buildings, it's -- I want it to be a festive
19 kind of a pavilion thing. And I just feel like
20 it's not quite doing it.

21 And I wish I had some good examples off
22 the top of my head. I can't think of anything
23 that are really great. I mean, you know, the fear
24 that I have is that this is going to wind up
25 being, you know, Jemal's Wendy's, you know, like

1 the one over at Florida and New York, which we
2 really don't want. Right? We want it to be a
3 really beautiful building that's going to engage
4 the neighborhood.

5 And maybe it's there. Maybe I'm just not
6 seeing it yet and I'll see it more when we see it
7 more fully developed. But I would encourage
8 exploration, and just to be sure.

9 CHAIRPERSON HOOD: Okay. Vice Chair.

10 MS. COHEN: I hate to be a contrarian,
11 but one of the things I do like is the triangular
12 roofs. And I don't know if the size or textured
13 or not; you can't tell from these. So if you can
14 draw that out more. But having something more
15 unusual than our rectangles throughout the City, I
16 think, is really much more exciting.

17 And I don't know what kind of Wendy's
18 you've passed on the highway. But I don't think
19 this is quite as -- well, bland.

20 MR. MAY: Let me just say I don't
21 disagree with anything that you said. In fact,
22 you know, I think that the triangular aspects of
23 the roof are, you know, one of the stronger pieces
24 of it. I think it actually has to have more of
25 that. It has to be more of an object and less of

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1 a box that's been sort of carved out.

2 So, I think, you know, doing something a
3 little bit deconstructivist in this --

4 MS. COHEN: Yes. That's a good idea.

5 MR. MAY: -- in this environment might
6 actually be good.

7 MS. COHEN: I like that idea,
8 deconstructive.

9 CHAIRPERSON HOOD: I'm sure it doesn't
10 come back looking worse than what we've got here
11 because I like this. I actually like what I see.
12 And sometimes, we can -- I'm hoping that we're
13 going the right way with it. So, anyway.

14 MR. MILLER: Can I make a motion, Mr.
15 Chairman?

16 CHAIRPERSON HOOD: I thought we wanted to
17 talk about the color of the brick next.

18 (Laughter.)

19 CHAIRPERSON HOOD: Okay. Mr. Miller.

20 MR. MILLER: I'd like to move that the
21 Zoning Commission set down Zoning Commission Case
22 No. 14-01A, Jemal's Hecht's, LLC, PUD modification
23 at Square 4037, and ask for a second.

24 MS. COHEN: Second.

25 CHAIRPERSON HOOD: It's been moved and

1 properly second. Again, hopefully, you heard the
2 comments. I don't know where that's going to lead
3 you because I think you've got five different
4 comments, well, at least three I know of.

5 Any further discussion?

6 (No audible response.)

7 CHAIRPERSON HOOD: All those in favor,
8 Aye?

9 (Chorus of "Aye.")

10 CHAIRPERSON HOOD: Any opposition?

11 (No audible response.)

12 CHAIRPERSON HOOD: None hearing, Ms.
13 Schellin, would you record the vote?

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

20 CHAIRPERSON HOOD: Okay. Let's go,
21 Zoning Commission Case No. 14-07. This is 1250
22 4th Street, St. Edens, LLC. Hold on. Ms.
23 Brandice? Ms. Elliott?

24 (Laughter.)

25 CHAIRPERSON HOOD: Which one comes first?

1 MS. ELLIOTT: You got it.

2 CHAIRPERSON HOOD: I got it?

3 (Laughter.)

4 CHAIRPERSON HOOD: I got it right the
5 first time or the second time?

6 MS. ELLIOTT: I answer to both Ms.
7 Brandice or Ms. Elliott. So I'm not too picky.

8 (Laughter.)

9 CHAIRPERSON HOOD: You really confused
10 me. But I'll get it.

11 (Laughter.)

12 MS. ELLIOTT: If you're going for the
13 formal route, it would be Elliott.

14 CHAIRPERSON HOOD: Ms. Elliott. Okay.
15 So I said it right the first time.

16 MS. ELLIOTT: No.

17 (Laughter.)

18 CHAIRPERSON HOOD: Okay. Anyway, you may
19 begin.

20 MS. COHEN: Excuse me, but he's often
21 right.

22 MS. ELLIOTT: He was partially right.
23 I'll give him that.

24 Thank you, Mr. Chairman, for the fun
25 introduction.

1 OP recommends setdown for a public
2 hearing of the modified application for a PUD and
3 PUD-related map amendment for the redevelopment of
4 the property located at 1270 4th Street,
5 Northeast, in the Florida Avenue Market area.
6 This case was first set down on June 30th, 2014,
7 and included a consolidated PUD and map amendment
8 requesting to rezone the property from CM1 to C3C.

9 Since that time, OP, DDOT, and DDOE have
10 worked with the applicant to refine the
11 application and encourage revisions that would
12 realize the essential elements of the Small Area
13 Plan. At the request of District agencies, the
14 ANC, and surrounding community, the applicant has
15 modified the plan from what was originally set
16 down to include the extension of Neal Place.

17 The extension of Neal Place would be a
18 tremendous asset to the area, as it expands the
19 street network and provides an additional point of
20 access to the western portion of the market area,
21 which is anticipated by the Small Area Plan as
22 having the most density.

23 The property that was originally set down
24 as a consolidated PUD would be reallocated to
25 provide the Neal Place right of way. The property

1 located to the north of the original site boundary
2 would now be included as a first-stage PUD,
3 allowing the applicant to gain area in a
4 development that would otherwise be dedicated to
5 the Neal Place extension.

6 The proposed first-stage PUD would be a
7 110-foot-high mixed-use development with ground-
8 floor retail and 11 stories of residential, with
9 the maximum FAR of 8. The resident portion of the
10 development would yield 130 to 160 residential
11 units.

12 The setdown report that was originally
13 filed by OP noted that the affordable housing
14 square footage would be 4,300 square feet. And I
15 think that that was wishful thinking on our part,
16 because the project would comply with IZ
17 requirements, but 80 percent of the floor area
18 actually works out to be about 11,300 square feet.
19 So I just wanted to make note of that correction.

20 The parking garage at the consolidated
21 PUD would connect the low grade to the first-stage
22 PUD site, creating a larger garage that would
23 serve both sites.

24 The applicant is currently investigating
25 the inclusion of an above-grade bridge between the

1 consolidated and first-stage portions of the PUD,
2 which would increase the ground-floor height of
3 the south building by one foot two inches, and
4 reduce the ground-floor height in the north
5 building by about four feet. OP has requested
6 additional information concerning this connection.

7 The applicant has also requested to use
8 the Neal Place right of way as a park until it's
9 necessary for circulation and access to the west
10 side of the market. OP has also requested
11 information concerning the interim use of the
12 right of way, including landscape and hardscape
13 materials, and programming for the space.

14 The proposal is not inconsistent with the
15 Comprehensive Plan's objectives for the area and
16 the land use and policy maps, and furthers the
17 goals and objectives of the Florida Avenue Market
18 Small Area Plan. OP will continue to work with
19 the applicant to provide information noted in the
20 report, including items that were requested when
21 the project was first set down.

22 The Office of Planning recommends that
23 the commission set down the application for a
24 public hearing, and I would be happy to answer any
25 questions you may have. Thank you.

1 CHAIRPERSON HOOD: Thank you, Ms.
2 Elliott.

3 Commissioners, are there any questions?
4 Office of Planning?

5 Vice Chair Cohen.

6 MS. COHEN: Thank you, Mr. Chairman.

7 I think you've, you know, made a pretty
8 comprehensive list of what's needed. I just would
9 like to emphasize a few things. On the above-
10 grade building connection, I mean, if it's going
11 to be really above grade, the shadows, any shadows
12 that it may end up casting I'd appreciate more
13 information on that.

14 And then, I assume the applicant will
15 take care of Neal Place Park and the upkeep of it,
16 but that's my assumption.

17 And lastly, beware of asking for variable
18 heights on rooftop structures. I caution that on
19 behalf of myself and, of course, my colleagues.
20 Thank you.

21 CHAIRPERSON HOOD: Any other questions?
22 Mr. Turnbull.

23 MR. TURNBULL: Yeah, thank you, Mr.
24 Chairman.

25 It's really hard to comment on this since

1 there's so very little that we have. You've
2 already highlighted all of the things that aren't
3 there. But I do appreciate the applicant for
4 going along and opening up Neal Place per a lot of
5 people's requests to do that. So I think they're
6 to be complimented on that.

7 So I guess we're going to have a lot of
8 questions when we see these drawings coming in,
9 reflecting everything that you've noted.

10 The only other thing is, since now it's
11 putting together the consolidated in the first
12 stages, the benefits amenity package that was
13 originally listed for the consolidated, as
14 anything changes, is there going to be anything
15 additional? That would be interesting.

16 I mean, I'm not really sure if anything
17 changes or what. But you didn't comment on it
18 because it was already mentioned before. But I
19 think it would be interesting to note if there's
20 anything else.

21 MS. ELLIOTT: I think that the applicant
22 is still working through the benefits and
23 amenities, except now what's changed -- well, a
24 significant change is the fact that Neal Place is
25 being provided.

1 MR. TURNBULL: Right. Yeah.

2 MS. ELLIOTT: But we are still working
3 out some of the other benefits and amenities.

4 MR. TURNBULL: Okay. Thank you.

5 CHAIRPERSON HOOD: Any other comments?
6 (No audible response.)

7 CHAIRPERSON HOOD: I would also, unless
8 this was already mentioned, that the Office of
9 Planning has asked for some additional information
10 that was requested. And hopefully, we'll have all
11 that for the hearing. Okay? And they have it
12 listed in their report.

13 Ms. Schellin, are we still asking for
14 those things?

15 MS. SCHELLIN: We are still asking for
16 everything, yes.

17 CHAIRPERSON HOOD: Okay.

18 MS. SCHELLIN: Oh, we've been working
19 with the applicant pretty consistently and
20 regularly through this process. So we expect that
21 we'll have a complete package by the time the
22 hearing comes around.

23 CHAIRPERSON HOOD: Okay. Great. Any
24 other questions, colleagues? Thank you. Any
25 other questions?

1 (No audible response.)

2 CHAIRPERSON HOOD: Okay. I would move
3 that we set down Zoning Commission Case 14-07,
4 with the abbreviated notice period of 30 days and
5 a public notice with our filing of a pre-hearing
6 statement.

7 MR. TURNBULL: Second.

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

10 (No audible response.)

11 CHAIRPERSON HOOD: All those in favor,
12 Aye?

13 (Chorus of "Aye.")

14 CHAIRPERSON HOOD: Any opposition?

15 (No audible response.)

16 CHAIRPERSON HOOD: So ordered. Staff,
17 would you record the vote?

18 MS. SCHELLIN: Yes. Staff records the
19 vote five to zero to zero to set down Zoning
20 Commission Case No. 14-07 as a contested case and
21 for an abbreviated notice period without needing
22 to receive the pre-hearing statement beforehand.
23 Commission Hood moving; Commissioner Turnbull
24 seconding; Commissioners Cohen, May, and Miller in
25 support.

1 CHAIRPERSON HOOD: Okay. Next, we have
2 Zoning Commission Case No. 14-19, M Street
3 Development Group, LLC, and Square 772 Development
4 Group, LLC, consolidated PUD and related map
5 amendment at Square 772.

6 Mr. Cochran.

7 MR. COCHRAN: Thank you, Mr. Chairman.

8 OP recommends that the commission set
9 down M Street Development Group's application for
10 a PUD at 300 M Street, Northeast, with a map
11 amendment from CM1 to C3C and with relief from
12 rear-yard loading and roof structure requirements.

13 The site is north of K Street, Northeast.
14 It's about two blocks east of the NoMa-Gallaudet
15 Metro and diagonally across from the U line and
16 Reno. Their higher-density uses are to the west
17 and north. There's a mix of high and moderate
18 density residential uses to the south. And then
19 there are many, many blocks of R4 row houses to
20 the east and southeast.

21 The project itself would have
22 approximately 400 residential units, 8 percent of
23 which would be devoted to inclusionary zoning, and
24 about 10,000 square feet of retail space and 175
25 parking spaces, which is more than are required.

1 information about benefits and amenity proffers
2 that are commensurate with a project whose FAR
3 would be about twice that permitted by the
4 existing zoning.

5 That concludes our report, and of course,
6 I'm here for questions.

7 CHAIRPERSON HOOD: Okay. Thank you, Mr.
8 Cochran.

9 Vice Chair Cohen.

10 MS. COHEN: Yes. I don't recall there
11 being any kind of lead checklist. Am I -- could
12 you just check that?

13 MR. COCHRAN: Certainly.

14 CHAIRPERSON HOOD: Commissioner Miller.

15 MR. MILLER: Yeah. I don't know if I saw
16 that, Madam Vice Chair, either. But I think in --
17 I know in their statement, they said they were
18 pursuing Lead Silver.

19 I had a question for Mr. Cochran. So, 8
20 percent of 400 -- of the square footage that 400
21 units is occupying would be inclusionary zoning?

22 MR. COCHRAN: That's correct.

23 MR. MILLER: And at what AMI level?

24 MR. COCHRAN: At 80 percent.

25 MR. MILLER: At 80 percent.

1 MR. COCHRAN: It meets the IZ
2 requirements, period.

3 MR. MILLER: Right. To the extent that
4 the applicant is able to exceed the existing IZ
5 generous 80 percent requirement and go to a deeper
6 level so that we can get some truly affordable
7 units here would be great.

8 I'd like to see, on the -- well, you have
9 -- I commend, Mr. Cochran, this chart that details
10 all the additional information that's needed. And
11 as part of that, on the renderings, I'd like to
12 see a better rendering of the 3rd and M Street
13 perspective. I love the 4th and M Street
14 perspective with that -- I think it's called
15 magnetized brick or something, and with the bay
16 windows. That looked beautiful.

17 But the 4th and M perspective -- maybe
18 it's just the rendering -- it looked a little --
19 or maybe I can't see the inset balconies clear
20 enough on this rendering. But just at my first
21 glance, I thought I was looking at one of the bad
22 examples of brutalist architecture that we --

23 MR. COCHRAN: I'm sorry. But would you
24 mind clarifying? Did you say you want more on the
25 3rd and M, or you liked the 4th --

1 (Cross-talk.)

2 MR. MILLER: No. I like -- I just said I
3 like the 3rd and M. And to the extent that more
4 of that -- I know it has a much lower height. I'm
5 not talking about the height. I'm just talking
6 about the materials. To the extent some of that
7 can carry over to the 4th Street side, it just
8 looked a little brutalist. That's my comment
9 about the 4th Street side. But it may be the
10 rendering or maybe my own lack of understanding of
11 all the articulation that is going on there.

12 CHAIRPERSON HOOD: Mr. Turnbull.

13 MR. TURNBULL: Yeah. Thank you, Mr.
14 Chairman.

15 The lead score is on A38, sheet A38.

16 FEMALE SPEAKER: Thank you.

17 MR. TURNBULL: I would echo Commissioner
18 Miller's comments about your little chart. I
19 think it's excellent. Thank you so much.

20 On the roofscape, you highlight that,
21 that they need some more drawings on that. And I
22 would especially, since they've got a very active
23 roof, and I think that's to be complimented, for
24 the residents. But there are so many things going
25 on. There's the dog park. There's the pool with

1 the raised ramps. And so I really would like to
2 see some sections or maybe some perspectives up
3 there showing setbacks and making sure that we've
4 hit everything and that the heights and the
5 setbacks are in order.

6 I'd like to know about any lighting, what
7 kind of lighting. Hopefully, it's all down-
8 lighting. But whatever they can do to highlight
9 that rooftop, it looks like it can be a very
10 exciting place. But I'd like to see some better
11 views of it. Thank you.

12 CHAIRPERSON HOOD: Any other comments,
13 questions?

14 (No audible response.)

15 CHAIRPERSON HOOD: All right. Would
16 somebody like to make a motion?

17 MR. MILLER: Mr. Chairman, I would move
18 that the Zoning Commission set down Zoning
19 Commission Case No. 14-19 -- is that what we're
20 on?

21 CHAIRPERSON HOOD: Yeah. 14-19.

22 MR. MILLER: Okay. M Street Development
23 Group, LLC, and Square 772 Development Group, LLC,
24 consolidated PUD and related map amendment at
25 Square 772, and ask for a second.

1 CHAIRPERSON HOOD: Second.

2 It's been moved and properly second. Any
3 further discussion?

4 (No audible response.)

5 CHAIRPERSON HOOD: All those in favor,
6 Aye.

7 (Chorus of "Aye.")

8 CHAIRPERSON HOOD: Any opposition?

9 (No audible response.)

10 CHAIRPERSON HOOD: So ordered. Staff,
11 would you record the vote?

12 MS. SCHELLIN: Staff records the vote
13 five to zero to zero to set down Zoning Commission
14 Case No. 14-19 as a contested case. Commissioner
15 Miller moving; Commissioner Hood seconding;
16 Commissioners Cohen, Miller, and Turnbull in
17 support -- I'm sorry. Cohen, May, and Turnbull in
18 support.

19 CHAIRPERSON HOOD: Thank you, Ms.
20 Schellin.

21 I'd like to call Zoning Commission Case
22 No. 14-24, 1900 11th Street, Northwest, LLC, map
23 amendment at Square 2848.

24 Ms. Thomas?

25 MS. BROWN-ROBERTS: Brown-Roberts.

1 MS. COHEN: Oh. I'm sorry.

2 (Laughter.)

3 MS. BROWN-ROBERTS: Good evening, Madam
4 Chairman and members of the commission.

5 The 11th Street, Northwest, LLC, filed a
6 petition requesting the Zoning Commission to
7 rezone specified lots from the R4 zone to the R5B
8 zone. Two lots are vacant, while the other lots
9 are developed, with four- and six-story apartment
10 buildings that are currently occupied.

11 The applicant intends to subdivide the
12 vacant lots into a second-record lot for
13 development purposes. The R5B zoning would
14 accommodate a small amount of family building on
15 the now-vacant lots and would bring the existing
16 buildings into greater zoning conformity.

17 The existing buildings are nonconforming
18 to the R4 standards and would remain nonconforming
19 to FAR and lot occupancy under the R5B zone.
20 However, the R5B zone would allow conforming
21 buildings to be constructed on the vacant lots.

22 The R5B zone is prevalent in the area and
23 typically covers similar apartment buildings
24 located in a transitional area between the high-
25 density development along 14th Street to the west

1 and the row house development to the east. The
2 R5B zone would serve as a buffer from the lower-
3 density residential neighborhood to the east and
4 be similar to the R5B zone lots to the north of
5 the site.

6 The Comprehensive Plan designates these
7 properties for a mix of moderate-density
8 residential and medium-density commercial. The
9 proposed R5B zone is not inconsistent with this
10 designation.

11 The generalized policy map designates the
12 property within the neighborhood conservation
13 area. The proposal will be consistent with this
14 recommendation as the existing buildings are a
15 part of the existing neighborhood character, and
16 the R5B zone would allow the vacant lots to be
17 developed at the complementary scale and
18 character.

19 The Comprehensive Plan also provides
20 policy guidance related to land use, housing, and
21 the mid-City neighborhood with which the proposal
22 would not be inconsistent. Therefore, the Office
23 of Planning recommends that the Zoning Commission
24 set down the request to rezone the properties from
25 the R4 to the R5B zone for public hearing. Thank

1 you. And I am available for questions.

2 CHAIRPERSON HOOD: Okay. Thank you, Ms.
3 Brown-Roberts.

4 Commissioners, any questions?

5 Mr. Turnbull.

6 MR. TURNBULL: Mr. Chairman, I just have
7 one. You say they're going to subdivide lots 39
8 and 40 into a single lot?

9 MS. BROWN-ROBERTS: Yes. Combine them.
10 (Cross-talk.)

11 MR. TURNBULL: Subdivide, I'm thinking
12 dividing. You mean combine?

13 MS. BROWN-ROBERTS: Combine, yes.

14 MR. TURNBULL: Combine the lots?

15 MS. BROWN-ROBERTS: Yes.

16 MR. TURNBULL: Okay. I was just thrown
17 by the wording there. It just sounded confusing.

18 CHAIRPERSON HOOD: Ms. Brown-Roberts, I
19 missed part of your report, and I recall reading
20 it. Have all the property owners been notified
21 that we know of?

22 MS. BROWN-ROBERTS: You mean along the
23 block or --

24 CHAIRPERSON HOOD: What is --

25 MS. BROWN-ROBERTS: -- the ones that are

1 included in this application?

2 CHAIRPERSON HOOD: Yes.

3 MS. BROWN-ROBERTS: Yes. There are
4 signatures.

5 CHAIRPERSON HOOD: Okay. All right.
6 Great.

7 Okay. Commissioner Miller.

8 MR. MILLER: Yeah, Mr. Chairman. I just
9 had a question, Ms. Brown-Roberts. Was -- I
10 understand what you're saying about the buffer,
11 that the R5B might provide a buffer between the
12 adjacent C3A and the adjacent -- is that adjacent
13 R4?

14 MS. BROWN-ROBERTS: R4.

15 MR. MILLER: Yes.

16 MS. BROWN-ROBERTS: Um-hm.

17 MR. MILLER: But the R5B would not permit
18 ground-floor retail, would it?

19 MS. BROWN-ROBERTS: That's correct. No
20 commercial use.

21 MR. MILLER: Even though the comp plan
22 for the area calls for mixed-use medium-density
23 residential and commercial?

24 MS. BROWN-ROBERTS: Yes. Yes.

25 MR. MILLER: Yeah.

1 MS. BROWN-ROBERTS: But the commercial
2 buildings are sort of concentrated along 14th
3 Street.

4 MR. MILLER: 14th Street.

5 MS. BROWN-ROBERTS: And then they get
6 more residential as you come into the side
7 streets.

8 MR. MILLER: Okay. That makes sense.
9 Thank you.

10 CHAIRPERSON HOOD: Okay. Any other
11 comments, questions on this? Would somebody like
12 to make a motion?

13 MS. COHEN: Mr. Chairman, I move to set
14 down Case No. ZC 14-24, map amendment from the R4
15 to the R5B, for Squares 2848, lots 39, 40, 72, and
16 838, and ask for a second.

17 CHAIRPERSON HOOD: I'll second it.

18 It's been moved and properly second. Any
19 further discussion?

20 (No audible response.)

21 CHAIRPERSON HOOD: All those in favor,
22 Aye?

23 (Chorus of "Aye.")

24 CHAIRPERSON HOOD: Not hearing any
25 opposition, Ms. Schellin, would you record the

1 vote?

2 MS. SCHELLIN: Yes, sir. Staff records
3 the vote five to zero to zero to set down Zoning
4 Commission Case No. 14-24. Commissioner Cohen
5 moving; Commissioner Hood seconding; Commissioners
6 May, Miller, and Turnbull in support.

7 CHAIRPERSON HOOD: Okay.

8 Ms. Steingasser, do you have anything?

9 MS. STEINGASSER: No, sir.

10 CHAIRPERSON HOOD: Okay. Ms. Schellin?
11 Oh, I'm sorry. Okay, colleagues. Other business?
12 We have election of officers. What is your
13 pleasure?

14 (Pause.)

15 CHAIRPERSON HOOD: I'm not running.

16 MR. MILLER: Mr. Chairman, I would
17 nominate that you continue your excellent service
18 as chairman, Anthony Hood be chairman, and that
19 the vice chair, Marcie Cohen, continue to be the
20 vice chair for this term, and ask for a second.
21 Is that the way we do it?

22 CHAIRPERSON HOOD: Yes.

23 MR. MAY: Second.

24 CHAIRPERSON HOOD: It's been moved and
25 properly second. I think -- I guess I can speak

1 for the vice chair. On behalf of the vice chair
2 and myself, we thank you for your nice comments,
3 and we appreciate your motion and your second.

4 Any further discussion?

5 (No audible response.)

6 CHAIRPERSON HOOD: All those in favor,
7 Aye?

8 (Chorus of "Aye.")

9 CHAIRPERSON HOOD: Any opposition?

10 (No audible response.)

11 CHAIRPERSON HOOD: Ms. Schellin, would
12 you record the vote?

13 MS. SCHELLIN: Yes. Staff records the
14 vote five to zero to zero to continue Commissioner
15 Hood as chairman and Commissioner Cohen as vice
16 chairman. Commissioner Miller making the motion;
17 Commissioner May seconding; Commissioners Cohen,
18 Hood, and Turnbull in support.

19 CHAIRPERSON HOOD: Okay. Do we have
20 anything else?

21 MS. SCHELLIN: No, sir.

22 CHAIRPERSON HOOD: Okay. So we
23 appreciate the confidence.

24 Okay. Anything -- oh, I asked you that
25 already. Okay. With that, this meeting is

1 adjourned.

2 (Whereupon, at 8:26 p.m., the meeting was
3 adjourned.)

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