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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Case No. 08-06B (Office of Zoning - Text Amendment
to 11 DCMR, Subtitles Y and Z to Establish Board
of Zoning Adjustment and Zoning Commission Fees)

6:30 p.m. to 7:04 p.m.
Monday, April 6, 2015

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

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Board Members:

- ANTHONY HOOD, Chairperson
- MARCIE COHEN, Vice-Chairperson
- ROBERT MILLER, Commissioner
- PETER MAY, Commissioner
- MR. TURNBULL, Commissioner

Office of Zoning:

- SHARON SCHELLIN, Secretary

Office of Planning:

- JENNIFER STEINGASSER

Other:

- SARA BARDIN
- ZELALEM HILL
- SARA MADDUX
- MARILYN SIMON

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P R O C E E D I N G S

CHAIRPERSON HOOD: Good evening, ladies and gentlemen, this is a public hearing of the Zoning Commission of the District of Columbia. Today is Monday, April the 6th, 2015.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, May, and Turnbull. We're also joined by the Office of Zoning staff, the director, Ms. Bardin, Ms. Sharon Schellin, and also Ms. Hill, special assistant. We will soon be joined by the Office of Planning staff, Ms. Jennifer Steingasser and Mr. Lawson.

This proceeding is being recorded by a court reporter. It is also webcast live. Accordingly we must ask you to refrain from any disruptive noises or actions in the hearing room, including the display of any signs or objects. Tonight's hearing we have Zoning Commission case 08-06B and also 08-06C, in that order.

Notice of today's hearing was published in the D.C. Register. Both hearings was published in the D.C. Register. Copies of that announcements are -- those announcements are available to my left on the wall near the door.

The hearing will be conducted in

1 accordance with provisions of 11-DCMR, and the
2 first case, 3021 as follows. We will have
3 preliminary matters, presentation, the first case
4 will be by the Office of Zoning, report of other
5 government agencies, report of the ANC,
6 organizations and persons in support,
7 organizations and persons in opposition.

8 The petitioner has up to 60 minutes
9 within this first case. We don't need 60 minutes
10 so we leave that up to the discretion of the
11 director. Organizations, five minutes;
12 individuals, three minutes.

13 All persons in this case -- in both cases
14 appearing before the Commission are to fill out
15 two witness cards. These cards are located on the
16 table near the door.

17 The staff will be available throughout
18 the hearing to discuss procedural questions.
19 Please turn off all beepers and cell phones at
20 this time so not to disrupt these proceedings.

21 At this time the Commission will --
22 excuse me, the Commission will consider any
23 preliminary matters. Does the staff have any
24 preliminary matters?

25 MS. SCHELLIN: No preliminary matters.

1 We're ready to proceed if the Commission is ready.

2 CHAIRPERSON HOOD: Okay. For this first
3 case do we need to wait for the Office of
4 Planning?

5 MS. SCHELLIN: No, sir.

6 CHAIRPERSON HOOD: We don't. Okay. So
7 we'll turn it over to the director, or whoever is
8 going to take the lead. Ms. Schellin.

9 MS. SCHELLIN: I'm going to start. In
10 this case, if the Commission will recall, this
11 started out of the ZRR Case No. 08-06A. And this
12 is to establish the fees for the Board of Zoning
13 Adjustment and the Zoning Commission. It's adding
14 Chapter 16 to both Subtitle Y and Subtitle Z so
15 that we can put our fees -- insert those in and we
16 anticipate doing this prior to the publication of
17 those subtitles with the Office of Documents and
18 Administrative Issuances.

19 So we'd ask the Commission to consider
20 the text that's been published in the public
21 hearing notice, and Director Bardin will be
22 available for any questions you may have.

23 CHAIRPERSON HOOD: Okay. Anything else?
24 Okay, colleagues, anything else?

25 MS. SCHELLIN: No, that's it.

1 CHAIRPERSON HOOD: Okay. Well, I
2 remember us doing this. When was the last time we
3 did a fee increase? Was it about three, four
4 years ago?

5 MS. BARDIN: It was in 2010.

6 CHAIRPERSON HOOD: Okay. It's been
7 about, roughly about four and a half, five years.
8 Okay.

9 All right. Any other questions,
10 Commissioners?

11 MR. TURNBULL: Yes. So the fees are
12 basically the same as -- have they risen much, or
13 percentage or?

14 MS. BARDIN: No. What we did is we took
15 the fees as they are right now and for any new
16 relief that was proposed in the ZRR we added fees
17 for those based on the current fees.

18 We also proposed, if you would like, to
19 raise them by three percent. But the Office of
20 Zoning is recommending that we keep them stagnant
21 at this time and we would like to take a look at
22 it again in another three years.

23 MR. TURNBULL: Okay. So it's basically
24 status quo, right?

25 MS. BARDIN: Right.

1 MR. TURNBULL: Same thing. Okay.

2 CHAIRPERSON HOOD: Okay. Any other
3 questions? Okay. Not seeing any.

4 Did we have any other reports, any other
5 -- I don't think we had anything, any other
6 reports, any other government agencies. I don't
7 believe we had. Any reports from the ANC.

8 Or is anyone here on this first case who
9 would like to testify as an organization or person
10 in support?

11 Anyone here who would like to testify,
12 organization or person in opposition?

13 Not seeing anyone, I would move that we
14 grant the recommendation by the Office of Zoning
15 in Case No. 08-06B and ask for a second.

16 MS. COHEN: Second.

17 CHAIRPERSON HOOD: It's been moved and
18 properly seconded. Any further discussion?

19 All those in favor. Aye.

20 ALL: Aye.

21 CHAIRPERSON HOOD: Any opposition? So
22 ordered. Ms. Schellin, would you record the vote?

23 MS. SCHELLIN: Yes. Staff records the
24 vote five to zero to zero to approve proposed
25 action in Zoning Commission Case No. 08-06B,

1 Commissioner Hood moving, Commissioner Cohen
2 seconding, Commissioners May, Miller, and Turnbull
3 in support.

4 And again, we'll publish this with the
5 rest of 08-06A and it will be in with the full 90
6 day comment period if that's okay with the
7 Commission.

8 CHAIRPERSON HOOD: Okay. We're going to
9 go off the record and give the Office of Planning
10 a chance to get parked and come in. So we'll give
11 them about two minutes to get straight.

12 [Off the record from 6:34 p.m. until 6:35
13 p.m.]

14 MS. STEINGASSER: Commissioners,
15 basically Office of Planning is willing to stand
16 on the record. The map amendment reflects the
17 text and all the zones. There's no difference in
18 the zones that are advertised in the map amendment
19 than what was set down -- and maybe I should have
20 taken two minutes -- and the proposed action on
21 the text.

22 CHAIRPERSON HOOD: Okay. I thank you,
23 Ms. Steingasser. Again, this is Case No. 08-06C.

24 This case, I did notice that we had some
25 comments from WECA, and I thought when we went

1 through this, from my standpoint as a layman,
2 especially looking at how we changed from C-2-A,
3 and what we did with the acronyms and kind of
4 making it sound how the use or what the intent
5 was. I think this would be easier, at least from
6 my standpoint. I don't know if anybody else feels
7 this way. I know we went through like residential
8 apartment and those kind of things, we talked
9 about early on. I'm not sure when it was.

10 But I think that we have come to
11 realization -- for me, it's making it easier. I
12 just don't understand the points that were made in
13 the letter, but anyway, regardless of -- I'm sure
14 we will hear comments at a later time if I
15 understand it. WECA may not be here this evening
16 but at a later time I'm sure we will hear some of
17 their comments to that.

18 But let me open it up. Any comments on
19 this, Commissioners?

20 MS. COHEN: Mr. Chairman, I concur with
21 your analysis that it seems more easier and more
22 seamless to me, and it really doesn't change
23 anything other than getting, again, more
24 comfortable with the zone names.

25 CHAIRPERSON HOOD: Okay. Any other

1 comments?

2 MR. MILLER: Yes.

3 CHAIRPERSON HOOD: Commissioner Miller.

4 MR. MILLER: Yes, thank you, Mr.

5 Chairman. I would agree that, you know, it is a
6 whole new nomenclature and I think we're getting
7 more comfortable with it the more we've been
8 exposed to it after seven years, or eight years,
9 whatever it is.

10 But I just wanted to take this
11 opportunity to get an update from Office of Zoning
12 staff, where we are with the publication of the ZR
13 text.

14 MS. BARDIN: Right now we have completed
15 our review of all but one subtitle. The majority
16 of them are up at ODAI. They've sent back maybe
17 three or four. Three. So I would imagine it's
18 going to be another two weeks.

19 MR. MILLER: Thank you.

20 CHAIRPERSON HOOD: Okay. Commissioner
21 Turnbull.

22 MR. TURNBULL: Yeah, thank you, Mr.
23 Chair. I just want to make a comment. I mean,
24 basically the action that we took, proposed action
25 we took for text, this is basically working hand

1 in glove with that. It's basically corresponding
2 as a map amendment, reflecting what we've already
3 done as a text amendment, just to make that clear
4 for everybody.

5 CHAIRPERSON HOOD: Okay.

6 MR. TURNBULL: Okay.

7 CHAIRPERSON HOOD: All right. Thank you,
8 and I would concur. Vice Chair Cohen?

9 MS. COHEN: Yeah, I just would like
10 Director Bardin to pronounce what ODAI is, exactly
11 for the record, for the public.

12 MS. BARDIN: Sure. It's the Office of
13 Documents and Administrative Issuances.

14 CHAIRPERSON HOOD: Okay. Anything else?

15 MR. MAY: Yes.

16 CHAIRPERSON HOOD: Commissioner May.

17 MR. MAY: So the one thing I noticed in
18 your report is that there are a few -- well, for
19 the most part what we're doing is we're taking the
20 new names for the zones and applying them to the
21 old areas.

22 MS. STEINGASSER: For the most part, that
23 is correct, yes.

24 MR. MAY: For the most part. But there
25 are some small areas where we are actually

1 remapping some squares, correct? They're changing
2 -- you know, it's not a straight map. They're
3 going into a different zone.

4 MS. STEINGASSER: Yes, that is true.

5 MR. MAY: Okay. So my question is, I
6 didn't see anything in the record that indicated
7 that on a map. Is it --

8 MS. STEINGASSER: Well, they were listed
9 on the back of the public hearing notice.

10 MR. MAY: Yeah.

11 MS. STEINGASSER: Yeah.

12 MR. MAY: And I can't -- I want to like
13 understand where they are on a map rather than by
14 the squares because I don't know my square
15 numbers.

16 MS. STEINGASSER: Okay. We can get you a
17 map.

18 MR. MAY: Yeah.

19 MS. STEINGASSER: Uh-huh.

20 MR. MAY: Yeah. I know the Vice Chair
21 has them all memorized, but --

22 MS. STEINGASSER: But most of them are
23 related to the current DD overlay and aligning.

24 MR. MAY: Right. And I think since
25 that's part of one of the contentious parts of

1 this it's helpful to see actually what's changing;
2 see where there is a concern.

3 So I mean, I would like to see that. I
4 don't know -- I mean, from my perspective it
5 doesn't prevent me from taking proposed action on
6 this, but I would like to see it before we take
7 final action, certainly.

8 MS. STEINGASSER: Certainly happy -- we
9 can get that for you. There's a lot of confusion
10 if we're referring to some of the written comments
11 about the central employment area, the central
12 area --

13 MR. MAY: Right.

14 MS. STEINGASSER: -- and the center
15 Washington planning area.

16 MR. MAY: Right.

17 MS. STEINGASSER: And those were
18 unrelated to the DD as a zoning exercise. The
19 central -- and we did provide those maps. They're
20 set out in the comprehensive plan, they're defined
21 in the zoning regs. And those were in our
22 previous staff report.

23 This is really loud.

24 And we could also provide that, if that
25 helps.

1 MR. MAY: Yeah. I mean, my confusion is
2 fairly limited to just understanding where the --
3 you know, what squares are actually changing in
4 their zone.

5 MS. STEINGASSER: Okay.

6 MR. MAY: So if there was a map that
7 simply described that, that's probably sufficient,
8 but feel free to submit as much as you'd like.

9 MS. STEINGASSER: Okay.

10 CHAIRPERSON HOOD: I do remember -- and I
11 can't remember, I think we had exhausted that
12 question about expanding downtown. I think we had
13 the Office of Attorney General deal with that
14 early on, I believe, if I'm not mistaken. And it
15 seems like the question keeps coming back.

16 But I thought we had exhausted and dealt
17 with that. That's why I felt comfortable moving
18 on, but I see it's coming back. And am I correct
19 or am I the only one remembering that? Or am I
20 dreaming this stuff?

21 MS. STEINGASSER: No, sir, I remember it
22 the same.

23 CHAIRPERSON HOOD: Okay. Just wanted to
24 make sure I wasn't dreaming.

25 All right. Any other questions?

1 MR. TURNBULL: Yeah, Mr. chair, just kind
2 of following up on both what you and Commissioner
3 May were talking about.

4 This also rolls into the West End
5 Citizen's Association's comments about heights.
6 And I remember in a couple hearings we talked
7 about that boundary and how the area that they
8 were concerned about was not affected by any of
9 those changes.

10 MS. STEINGASSER: That's correct. There
11 was no rezoning it in those areas. The Central
12 Washington area does not include Foggy Bottom of
13 West End. But to help allay some of the concerns
14 we also established a step-back at certain heights
15 so that the property would -- the higher density
16 elements would step back from the residential
17 areas of the West End.

18 MR. TURNBULL: Right. That's what I
19 recall. Thank you.

20 CHAIRPERSON HOOD: All right. And I
21 think that's important. We want to make sure that
22 we address what citizens and the neighborhood
23 groups bring concerns to us. So I think we have
24 vetted that and have addressed that previously.

25 Okay. Any other questions up here?

1 Okay. Not seeing any, any other government -- do
2 we have any other government reports? Okay.
3 Report of advisory neighborhood commissions. I
4 don't think we had any in this case either.

5 Let's to go to organizations and persons
6 who are here in support. Organizations and
7 persons who are here in opposition. Ms. Simon.

8 Anyone else here in either support or
9 opposition. It's so crowded I guess we can bring
10 everybody up either way. Either one, organization
11 or in support. Okay.

12 So, Ms. Simon, you may begin. You want
13 to make sure your mic is on. If it's -- oh wait a
14 minute. You know what? Hold tight. It's up
15 here.

16 MS. SIMON: Better. My name is Marilyn
17 Simon and I'm speaking on behalf of Friendship
18 Neighborhood Association. Tonight I would like to
19 address the section of the proposed map amendment
20 that would change the names of the current zones
21 on the zoning map. Renaming the zones was
22 proposed as part of the ZRR, and this map
23 amendment provides an example of how the ZRR has
24 failed to reach its stated objectives.

25 One goal in rewriting the Zoning

1 Regulations was to make the regulations more user
2 friendly, and to ensure that the regulations are
3 transparent, readable, and accessible to both
4 professional and lay users.

5 The proposed change in the zone names
6 illustrates how the Office of Planning has moved
7 in the opposite direction, making the regulations
8 more complex and difficult to understand, and
9 masking the underlying relationship between
10 related zones.

11 The current zone categories have two
12 characteristics that assist the user in
13 understanding the relationship between various
14 zones. The name of the underlying zone is clear
15 and there is a clear relationship between zones
16 where generally zones with higher numbers in the
17 same category allow more intense uses and
18 increased heights and/or densities.

19 The description of the underlying zone
20 and the overlays on the Office of Zoning website
21 have proven to be very useful to many D.C.
22 residents, providing them with an understanding of
23 how the zones in their neighborhood relate to each
24 other and to zones in other neighborhoods. It
25 helps them to understand how zoning shapes future

1 development in their neighborhood.

2 The clear designation of an underlying
3 zone and an overlay zone where applicable, as well
4 as the general pattern with higher numbers
5 associated with more intense and dense
6 development, make the Zoning Regulations
7 reasonably transparent, readable, and accessible.
8 These attributes will be lost with this proposed
9 map amendment.

10 The current name includes the zone of the
11 -- the name of the underlying zone, such as C-2-A,
12 which is a commercial zone consistent with low-
13 density commercial and moderate density commercial
14 in the future land use map of the comprehensive
15 plan.

16 For areas subject to an overlay, the
17 designation for the overlay is added. The user
18 then knows, for example, that a property in a C-2-
19 A/NO zone will be similar to other C-2-A zones,
20 but with some modifications related to the
21 specific concerns described in the Naval
22 Observatory Precinct Overlay District related to
23 its location near the Naval Observatory.

24 The proposed map amendment would rename
25 the current C-2-A zones. They would become C-2-A,

1 M-4, M-U-4, M-U-7 Chain, M-U-24, M-U-25, M-U-26,
2 M-U-27, N-C-2, N-C-3, N-C-4, N-C-7, N-C-9, N-C-14,
3 N-C-16, Arts 1 and Reed-Cook 2.

4 If the ZRR is adopted as proposed over
5 time most users of the Zoning Regulation will not
6 understand the other underlying relationship
7 between these 16 C-2-A zones. The unifying
8 characteristics of these zones and how they were
9 tweaked to account for particular concerns in each
10 of the 15 overlay districts. Nor will the users
11 see the relationship between different underlying
12 zones in the same overlay district.

13 With the current zone names within
14 categories, density or intensity generally
15 increases as the zone number increases. For lower
16 moderate density zones the density increases as we
17 go from R-1-A to R-1-B to R-2, R-3, R-4, and R-5-
18 A.

19 Under the proposed systems higher numbers
20 can denote higher or lower density in the same
21 category. For example, in the commercial zones M-
22 U-10 is significantly more dense and intense than
23 M-U-17 and M-U-27.

24 The revised Zoning Regulations, if
25 adopted, will impact the shape of our city for

1 decades to come. So it is important that we are
2 certain that it is delivering on its promises and
3 that the new regulations are clear, transparent,
4 readable, and accessible. They also should be
5 unambiguous, enforceable, and consistent with the
6 comprehensive plan.

7 This proposal to rename the zones makes
8 the regulations more confusing to most users who
9 have not participated in the ZRR, read all the
10 drafts, and studied all the cross-walks. The new
11 zone naming system disguises important
12 relationships between different zones. This is
13 just one of the serious ways in which the recently
14 circulated drafts of the document that is being
15 prepared for an MPRM do not achieve the zones of
16 the zoning rewrite and will not be consistent with
17 the comprehensive plan.

18 Eliminating this unnecessary change in
19 the zone naming system will make the regulations
20 more transparent and readable, but it will not
21 address the many other fatal flaws in this
22 document. Thank you very much.

23 CHAIRPERSON HOOD: Thank you. Ms.
24 Maddux, did you want to provide testimony, or did
25 you want to --

1 MS. MADDUX: It's not written but may I
2 say a few things?

3 CHAIRPERSON HOOD: Sure. Come forward
4 because we were doing -- I'm not sure whether
5 you're opposition or in support, but we were doing
6 both so you can come forward. It doesn't really
7 matter because we --

8 MS. MADDUX: Whatever would be best for
9 you. In terms of opposition or support, I'll
10 solve the mystery right up front.

11 CHAIRPERSON HOOD: Good. Good. Okay.
12 So come right on up and just -- that's okay.

13 MS. MADDUX: As well detailed, a lot of
14 the community has spent a decade working on this.

15 CHAIRPERSON HOOD: Ms. Maddux, could you
16 identify yourself?

17 MS. MADDUX: Oh, I apologize.

18 CHAIRPERSON HOOD: Even though I've
19 identified you, could you do it?

20 MS. MADDUX: All right. My name is Sara
21 Maddux. I live at 522 21st Street Northwest. I'm
22 President of the West End Citizen's Organization.
23 I believe we filed a letter and I hope I've met
24 all the requirements for being here tonight. If
25 I'm missing something please let me know and we'll

1 try to fill in. Thank you.

2 As you know, and from listening to her
3 excellent testimony, we have spent over a decade
4 working on this with the revision of it and it's -
5 - everybody has such an interest in it and we're
6 still looking for what it was, how it changed,
7 what it's become, and why did it change. Because
8 we're looking for the logical explanation of the
9 changes that the Office of Planning has provided.

10 Therefore we have asked that the period
11 of review be extended from 30 days to 90 days. I
12 understand the opposition to that request is that
13 when you've had all those years to look at it.
14 But now that we finally have it we indeed still
15 need the time to look at it for the 90 days.

16 CHAIRPERSON HOOD: We actually did.

17 MS. MADDUX: Thank you. Did you? Okay.

18 My --

19 CHAIRPERSON HOOD: You mean which
20 request? You mean the request when it's
21 advertised, or you talking about the request for
22 this?

23 MS. MADDUX: Request for when the
24 regulations are published.

25 CHAIRPERSON HOOD: We did 90 days. We

1 just didn't do the 120.

2 MS. MADDUX: Oh, I should have gone for
3 180. Okay. I'm sorry.

4 CHAIRPERSON HOOD: Oh, okay. I asked for
5 more than -- I understand. Okay. But we did.
6 Ninety was granted.

7 MS. MADDUX: Okay. Well, again, my --

8 CHAIRPERSON HOOD: So you got what you
9 wanted.

10 MS. MADDUX: Yes. But again, my
11 apologies for being late. But this means so much
12 to so many people who have put so much time into
13 it. Thank you, kindly.

14 CHAIRPERSON HOOD: Okay. Ms. Maddux, I
15 do know since I've been there I know you've been
16 very involved, and I think back to Ms. Simon's
17 point, the circle that I've run in, the circle
18 that I've run around, they actually don't come
19 down here as much and so when they see M-U, they
20 automatically convey it.

21 Maybe I'm missing your point. And I'll
22 be frankly honest. If I'm missing your point in
23 R-A, for me, that's a starter to get an
24 inclination of what it exactly means.

25 MS. MADDUX: Yeah. I have no problem

1 with changing of the initials so that if you
2 wanted to change C to M-U, since all the C zones
3 are really mixed use zones, that's not a problem.

4 But what is happening is that we're
5 losing the relationship between underlying zones
6 and underlying zones with overlays. So people in
7 one part of town in a C-2-A zone don't understand
8 the similarities between their neighborhood and,
9 say, my neighborhood, with a C-2-A zone.

10 The other thing is you're missing the
11 ability to look at these zones and understand. I
12 mean, look at the mish-mash of zones that the
13 current C-2-A is mapping into. They're all over
14 the place. And then you have other zones, for
15 example, M-10 is a C-R zone which is one of the
16 most dense commercial mixed-use zones you have.
17 And that has a lower number than several of the C-
18 2-A zones which are low to moderate density
19 commercial.

20 So you can't -- right now, and as an
21 example in my written testimony, a person can look
22 at the zoning map and think about neighborhoods
23 they want to live in and say, oh, that's near a C-
24 2-A zone and know that it's low to moderate
25 density residential. If they see C-3-A they know

1 it's going to be more intense, or if you want to
2 call it M-U-3-A instead of C-3-A.

3 And so you get this logical relationship
4 between the zones, as well as the excellent web
5 page that describes all the relationships, so
6 there's one page that describes the underlying
7 zone, and another page that describes how its
8 tweaked for different neighborhoods.

9 And you're just numbering these
10 consecutively so there's no way of looking at this
11 and knowing which ones are overlays, which ones
12 are related overlays, which ones are related
13 underlying zones. So that's what makes it harder.

14 Right now the draft regulations have all
15 the cross-walks in them. So I can read them and
16 say, oh yeah, that's a C-2-A with an overlay. But
17 that's going to be stripped out as soon as these
18 become our real regulations. And certainly people
19 10 years down the line won't have a clue as to why
20 M-U-17 is a low density zone and M-U -- excuse me,
21 Y-M-U-27 is a low density zone and M-U-17 or M-U-
22 10, whatever, is a high density zone.

23 CHAIRPERSON HOOD: Okay. Okay. Any
24 other questions? Comments? Anyone?

25 MS. COHEN: I have a very simple

1 question. NPRM, what --

2 MS. MADDUX: Notice of proposed
3 rulemaking. I'm sorry. I work for a regulatory
4 agency.

5 CHAIRPERSON HOOD: Okay. Any other
6 questions of either Ms. Maddox or Ms. Simon?

7 Okay. Thank you for your testimony.
8 Appreciate it.

9 Okay. Well, that's actually it. Sorry,
10 Commissioner Miller.

11 MR. MILLER: Thank you, Mr. Chairman.
12 Just I wonder if Ms. Steingasser would take a
13 moment just to respond to Ms. Simon's point about
14 whether the numbering could be done in a way that
15 would show from lower density to higher density.
16 Or just any kind of response that you might want
17 to give.

18 MS. STEINGASSER: We actually stepped
19 purposely away from that because as the overlays
20 keep piling on it created a lot of confusion. I
21 mean, there's familiarity with what people know
22 now. But taking the C-R, that's a great example.
23 The C-R means commercial/residential. But the C
24 zones are also commercial/residential. But they
25 have only a C. And so there is confusion there,

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1 that people understand only because they use the
2 regulations.

3 But the idea of having the number have no
4 particular meaning was to allow for the
5 chronological adding of new zones without having
6 to have to try to go back and weave them back into
7 the code. So right now there's only three C-2
8 zones, and there's only three C-3 zones. And if
9 you wanted to add something in between there you
10 couldn't do it without a massive renumbering and a
11 massive readvertisement. So we felt that merging
12 them by the overlay, which was the neighborhood
13 characteristic issues, that's why Reed-Cook is now
14 R-C-1, 2, and 3. And then allowing for the
15 customized zones just to go chronologically at the
16 end.

17 MS. COHEN: So this new numbering is more
18 in line with, I think many other zoning ordinances
19 throughout the country. Is that correct?

20 MS. STEINGASSER: It's not uncommon, yes.

21 MR. MILLER: And if I could just -- so
22 the crosswalks, which won't be in the final text,
23 will they -- and is that a correct statement? And
24 if they're not can they be and will they be
25 available on OAZ's website for a while and OP's

1 website for a while.

2 MS. STEINGASSER: Absolutely. And there
3 may be able to be an appendix at the end of the
4 code to make it go back and forth.

5 MR. MILLER: I think that would be
6 helpful. Particularly in the beginning.

7 CHAIRPERSON HOOD: Okay. This brings
8 this particular second hearing to a closing. I
9 know that there will -- you know, we will have
10 proposed on the second case, 08-06C, and there
11 will be another time for comments.

12 Do we need additional information,
13 Commissioners?

14 MR. MAY: Mr. Chairman, I had requested a
15 map of the tweaking of the zones. And given that
16 it's going to be a while before we take action on
17 the Zoning Regulations I don't see a reason to
18 rush it. So I just assume see that before we take
19 proposed action. I mean, I think that I am
20 comfortable moving forward but it would be good to
21 see the map. So.

22 CHAIRPERSON HOOD: Yeah, I don't think
23 we're -- personally, for this part of it, I
24 wouldn't have a problem with approving this and
25 doing 30 days. But I'll open it up for

1 discussion, given the 30 days for this piece, so
2 we can start moving some of this along. And then
3 it will be out there and we can start. Especially
4 when the text we've already granted, 90 days,
5 whenever it's put out there, whenever it's put out
6 there, I think we've already granted the 90 day --
7 we granted the 90 days.

8 I think that was asked earlier. What was
9 the date that we're looking at that this is going
10 to be published?

11 MS. SCHELLIN: Right now we are waiting
12 on the Office of Documents and Administrative
13 Issuances.

14 CHAIRPERSON HOOD: Okay. Okay.

15 MS. SCHELLIN: So they're doing their
16 review. They'll send it back to us and then we'll
17 send it all up at one time to have all of them
18 published together. So we're waiting on them.

19 CHAIRPERSON HOOD: So if we did move
20 this, this would be another piece that we can move
21 and then it will be 30 more days to comment. Am I
22 correct?

23 MS. SCHELLIN: For this case if you
24 choose to, we would treat it like a normal
25 rulemaking case. We would issue a proposed

1 rulemaking and have this for 30 day comment period
2 if that's what you're asking. Yes.

3 CHAIRPERSON HOOD: Right. Okay.

4 MS. SCHELLIN: Separate from the other
5 case --

6 CHAIRPERSON HOOD: Okay.

7 MS. SCHELLIN: -- because this is a
8 separate case.

9 CHAIRPERSON HOOD: Okay. Let's see. Let
10 me hear some more comments, Commissioners, how you
11 feel on moving forward.

12 MR. MILLER: Mr. Chairman, I personally
13 don't have a problem moving forward tonight, but I
14 don't see why we wouldn't have this on the same
15 track as the text. Even though it's a separate
16 case, it's the mapping part. Is there a downside
17 to publishing this at the same time that we
18 publish the other and just have it all be on the
19 same comment period? That seems to, in my own
20 mind, just seems more efficient and people are
21 commenting on the whole thing.

22 MS. SCHELLIN: Well, they wouldn't be
23 commenting on it all together. They are separate
24 cases so they would have to comment on them
25 separately because they are two separate cases.

1 I think -- and I'll leave it to Ms.
2 Steingasser. I think from their perspective, if
3 they had comments on this case then that would
4 allow them to go ahead and respond to the comments
5 that come in and have this case taken care of.
6 You know, get the comments to be working on those,
7 prior to working on the comments on the ZRR case.

8 I mean, it's -- unless she wants to add
9 something more to that.

10 MS. STEINGASSER: That's correct. It
11 allows for this interim time to be used.
12 Obviously it wouldn't become effective until after
13 the principle 08-06A became effective. But it
14 would allow us to get that work, get those
15 comments in, and get that completed.

16 CHAIRPERSON HOOD: And I think -- I'm
17 sitting here trying to think, are we putting the
18 cart before the horse? But I think, if we do them
19 both at the same time, I think we may be confusing
20 the issue. We'd be going exactly to the point
21 that was made here tonight. I think the
22 separation, if we go ahead and approve this, or at
23 least do proposed until we get what Commissioner
24 May is looking forward to, and get the third amend
25 comment, and then they can do some mix and match

1 later on and some of that time could be utilized.

2 At least that's my opinion, the way I see
3 it. And again, I say this a lot, I haven't
4 written a code before so -- or have any
5 involvement with a code. So we're still trying to
6 figure some of this out as we go along. So that's
7 kind of where I am.

8 Commissioner Turnbull.

9 MR. TURNBULL: Yeah. Thank you, Mr.
10 Chair. I think I am with you. I think I'm ready
11 to move along with this and I think that we have
12 then time enough for Commissioner May to get the
13 maps before final action. So I feel okay with
14 going along with this.

15 CHAIRPERSON HOOD: Okay. Anybody else?

16 MS. SCHELLIN: And, Chairman Hood, may I
17 jump in real quick?

18 CHAIRPERSON HOOD: Let me finish between
19 us. Anybody else? Vice Chair Cohen?

20 MS. COHEN: No, I support what you had
21 proposed.

22 CHAIRPERSON HOOD: Okay. I wish I could
23 have got the support what, a week or so ago?
24 Anyway --

25 MS. SCHELLIN: I'm sorry. I was just

1 going to say that I do know for a fact that final
2 action on this case and the ZRR case will be done
3 at the same time; that they won't be separate.
4 Just, Commissioner Miller, if that makes a
5 difference for you.

6 MR. MILLER: That makes --

7 MS. SCHELLIN: That the final action --

8 MR. MILLER: That makes sense.

9 MS. SCHELLIN: Right. Even though the
10 proposed may be separate, the final action --

11 MR. MILLER: They kind of can't do one
12 without the other.

13 MS. SCHELLIN: Exactly. Even though the
14 time periods may be different, the final action
15 will be done at the same time.

16 MR. MILLER: That was my only point.

17 MS. SCHELLIN: Yes.

18 CHAIRPERSON HOOD: So really, the only
19 thing we're going to wait for, I think, is what
20 Commissioner May has asked for in this case,
21 before final.

22 Okay. So any other questions or
23 comments?

24 MR. MAY: I have about 20 or 30 other
25 questions. It shouldn't take more than a couple

1 hours. Is that all right? Probably done sometime
2 around 9:00, 9:30. Is that all right?

3 CHAIRPERSON HOOD: Commissioner May must
4 be absent tonight, so I'm not hearing anything.

5 Okay. So I will move approval of Zoning
6 Commission Case No. 08-06C, and take note of
7 what's been said to us both by Ms. Simon and Ms.
8 Maddux, and ask for a second.

9 MR. TURNBULL: Second.

10 CHAIRPERSON HOOD: It's been moved and
11 properly seconded. Any further discussion?

12 MR. MAY: I just want to clarify, we will
13 get the map before final.

14 CHAIRPERSON HOOD: Yeah, before final.

15 MR. MAY: Right.

16 CHAIRPERSON HOOD: Right. It's moved and
17 properly seconded. Any further discussion?

18 All those in favor, aye.

19 ALL: Aye.

20 CHAIRPERSON HOOD: Any opposition? Not
21 hearing any, Ms. Schellin, would you please record
22 the vote?

23 MS. SCHELLIN: Yes. Staff records the
24 vote five to zero to zero to approve proposed
25 action in Zoning Commission Case No. 08-06C for a

1 30 day comment period, Commissioner Hood moving,
2 Commissioner Turnbull seconding, Commissioners
3 May, Cohen, and Miller in support.

4 CHAIRPERSON HOOD: Okay. Ms. Schellin,
5 do we have anything else before us tonight?

6 MS. SCHELLIN: No, sir.

7 CHAIRPERSON HOOD: Okay. I want to thank
8 everyone for their participation tonight in this
9 case and these cases are -- this hearing for these
10 cases are adjourned.

11 (Hearing adjourned at 7:04 p.m.)

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