

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JANUARY 8, 2007

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist
ESTHER BUSHMAN	General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
STEVE COCHRAN
TRAVIS PARKER
KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the minutes from the Regular meeting held on January 8, 2007.

C-O-N-T-E-N-T-S

<u>AGENDA ITEM</u>	<u>PAGE</u>
CALL TO ORDER	4
FINAL ACTION	
Case No. 05-21A Pet Grooming, et al	6
Case No. 06-04 Florida & Q Street LLC	
Case No. 06-21 Douglas Development Co.	
Case No. 04-22A: Broadway Capitol LLC	
Case No. 05-17A/0532A: Broadway Atlantic One, LLC	
Case No. 02-19: Forest Hills . . .	7
Tree and Slope Overlay	
Case No. 01-02: Antennas	11
Case No. 06-20: Text Amendment . .	13
Case No. 05-10: Capitol Gateway Overlay	
Case No. 05-02: Residential . .	15
Recreation Space	
HEARING ACTION	
Case No. 06-40: Gateway Market .	27
Center, Inc.	
Case No. 06-45: DCHA & CEMI-NMI .	55
Highland LLC	
Case No. 06-15: Abdo New York LLC	68
Case No. 06-25: Office of Planning	82
ACTION ON MINUTES	86
STATUS REPORT	95
ADJOURN	98

P R O C E E D I N G S

(6:34 p.m.)

CHAIRPERSON MITTEN: Good

evening, ladies and gentlemen. This is the
January 8th, 2007, public meeting of the
Zoning Commission of the District of
Columbia. My name is Carol Mitten and
joining me this evening are Vice- Chairman
Anthony Hood and Commissioners Mike
Turnbull, John Parsons and Greg Jeffries.

Copies of our meeting agenda are
available to you in the wall bin by the
door, and I'm about to announce a few
changes to the lineup.

But first, I would like to remind
folks that we don't take any public
testimony at our meetings unless the
Commission specifically requests someone to
come forward.

And I'd also like to advise you
that this meeting is being recorded by the
court reporter and it's also being Webcast

1 live. So we ask you to refrain from making
2 any disruptive noises in the meeting room
3 while we're conducting business, and I would
4 also ask you to turn off beepers and cell
5 phones at this time for the same reason.

6 All right. Mrs. Schellin, any
7 preliminary matters?

8 MRS. SCHELLIN: No.

9 CHAIRPERSON MITTEN: Okay.

10 Here's how we are going to revise the
11 agenda. First, we will take all of the
12 final actions--we're moving all the final
13 actions to the front of the agenda and then
14 I'll announce how we'll take up the matters
15 under final action.

16 And then under Proposed Action,
17 the second case under Proposed Action, which
18 is 04-14, we will postpone that to a
19 subsequent meeting. We have two
20 Commissioners that need to read portions of
21 the record, and we're not ready to move
22 forward on that tonight.

1 Okay. So we will postpone till
2 the end action on the minutes, and the
3 Office of Planning status report, and so
4 we'll move, then, directly into Final
5 Action, and what we will do on Final Action
6 is we're going to start--we're breaking
7 these into blocks, based on who has
8 participated, and so I will begin with Case
9 No. 05-21A, which is Pet Grooming, Case No.
10 06-04, this is the PUD at Florida and Q
11 Street. Case No. 06-21. This is the
12 Douglas Dev PUD at 6th and L Streets,
13 Northwest.

14 Case No. 04-22A, which is the PUD
15 modification for Broadway Capitol, LLC, and
16 then it's sister, Case No. 05-17A, and 05-
17 32A, which is the Broadway Atlantic One PUD
18 modification.

19 Those I will move, en bloc, for
20 approval.

21 VICE-CHAIRPERSON HOOD: Second.

22 CHAIRPERSON MITTEN: Thank you,

1 Mr. Hood. Is there any discussion?

2 (No response)

3 CHAIRPERSON MITTEN: All those in
4 favor, please say aye.

5 (Chorus of ayes)

6 CHAIRPERSON MITTEN: Aye. Those
7 opposed, please say no.

8 Mrs. Schellin.

9 MRS. SCHELLIN: Staff will record
10 the vote five to zero to zero to approve
11 Zoning Commission Case No. 05-21A, 06-04,
12 06-21, 04-22A, and 05-17A/05-32A,
13 Commissioner Mitten moving, Commissioner
14 Hood seconding, Commissioners Jeffries,
15 Parsons and Turnbull in favor.

16 CHAIRPERSON MITTEN: Thank you.

17 Next is Case No. 02-19, and on
18 this particular case Mr. Turnbull did not
19 participate, but is the Forest Hills Tree
20 and Slope overlay that we have before us for
21 final action and I would move approval of
22 that case for final action.

1 COMMISSIONER PARSONS: I would
2 second, Madam Chair, but I do have some
3 things I'd like to go through.

4 CHAIRPERSON MITTEN: All right.

5 COMMISSIONER PARSONS: I'm on
6 page nine, and I'd like to--I'm in the
7 second paragraph and the fourth line.

8 I just wanted to change "steep
9 slopes are highly erodible land," rather
10 than "soil." Do you follow me there?

11 CHAIRPERSON MITTEN: Yes.

12 COMMISSIONER PARSONS: Okay.
13 Then on page 13, 1519.2(b), the second
14 sentence.

15 "The need for removal of any tree
16 shall be certified by an arborist or other
17 tree professional."

18 The term of art there is--an
19 International Society of Arboriculture--is
20 the word I have difficulty with--which is
21 ISA, certified out arborist, rather than,
22 you know, us giving the word

1 "certification." What does that mean? Our
2 order shouldn't have the word "certified" in
3 it unless it references back to the fact
4 that there's an International Society of
5 Arborculture that does certify these people,
6 so--

7 CHAIRPERSON MITTEN: Well, I just
8 wanted to be clear on something.

9 COMMISSIONER PARSONS: Shall be
10 an International Society of Arborculture
11 certified arborist.

12 CHAIRPERSON MITTEN: Okay.
13 There's just one distinction here, which,
14 you know, we can certainly include that.
15 What 1519.2(b) is saying is that the removal
16 shall be certified by an arborist. The
17 certification is not speaking to the
18 arborist's credential. It's the need for
19 the removal. So are you--

20 COMMISSIONER PARSONS: All right.
21 We can use the word "certified" twice.

22 CHAIRPERSON MITTEN: Okay. I

1 just wanted to be sure that--

2 COMMISSIONER PARSONS: And I want
3 to get rid of "or other tree care
4 professional," because there's a lot of
5 folks that have chain saws and pickup
6 trucks, that are tree care professionals.
7 They may have tried to sell you some
8 firewood over the weekend.

9 CHAIRPERSON MITTEN: Say what the
10 group is again.

11 COMMISSIONER PARSONS: The
12 International Society of Arborculture.

13 CHAIRPERSON MITTEN: Of
14 Arborculture. Okay.

15 COMMISSIONER PARSONS: Who
16 certifies arborists.

17 CHAIRPERSON MITTEN: Okay; thank
18 you.

19 COMMISSIONER PARSONS: And they
20 will, in turn, certify.

21 CHAIRPERSON MITTEN: Anything
22 else?

1 COMMISSIONER PARSONS: I caught a
2 couple of other typos but I'll just pass
3 those to the staff.

4 CHAIRPERSON MITTEN: Okay; great.
5 That'd be great. Anyone else?

6 (No response)

7 CHAIRPERSON MITTEN: Then all
8 those in favor please say aye.

9 (Chorus of ayes)

10 CHAIRPERSON MITTEN: Aye. Those
11 opposed, please say no.

12 Mrs. Schellin.

13 MRS. SCHELLIN: Staff will record
14 the vote four to zero to one to approve
15 Zoning Commission Case No. 02-19,
16 Commissioner Mittin moving, Commissioner
17 Parson seconding, Commissioners Hood and
18 Jeffries in favor, Commissioner Turnbull not
19 voting, having not participated.

20 CHAIRPERSON MITTEN: Thank you.

21 And next is Case No. 01-02, which
22 is a favorite that we had sort of lost track

1 of, which is the antenna regulations, and
2 there's only three of us that date back that
3 far. Mr. Hood, Mr. Parsons, and myself.

4 VICE-CHAIRPERSON HOOD: Madam
5 Chair, I would move approval of Zoning
6 Commission Case 01-02.

7 CHAIRPERSON MITTEN: Thank you.
8 I second. Any discussion?

9 (No response)

10 CHAIRPERSON MITTEN: All those in
11 favor, please say aye.

12 (Chorus of ayes)

13 CHAIRPERSON MITTEN: Aye. Mrs.
14 Schellin, there were none opposed.

15 MRS. SCHELLIN: Staff will record
16 the vote three to zero to two to approve
17 final action in Case No. 01-02, Commissioner
18 Hood moving, Commissioner Mitten seconding,
19 Commissioner Parsons in favor, Commissioners
20 Jeffries and Turnbull not voting, having not
21 participated.

22 CHAIRPERSON MITTEN: Thank you.

1 That's one we wouldn't have wanted to put
2 you guys through in terms of reading the
3 record.

4 All right. Then there are two
5 cases that I did not participate in. I'm
6 saving the first one for last. Mr. Hood, if
7 you would lead the discussion for 06-20 and
8 05-10.

9 VICE-CHAIRPERSON HOOD: Thank
10 you, Madam Chair. I'm going to try to move
11 these en bloc. Zoning Commission Case No.
12 06-20, the text amendment for the temporary
13 access Metro bus parking lot, and also
14 Zoning Commission Case No. 05-10, Capital
15 Gateway Overlay.

16 Mrs. Schellin, have anything to
17 add?

18 MRS. SCHELLIN: No, sir.

19 VICE-CHAIRPERSON HOOD: With
20 that, I've noticed that we did receive
21 something from NCPC on 05--we did not
22 receive something from NCPC on 06-20.

1 Unless anyone else had in their packet. I
2 didn't have anything. And the other one, on
3 05-10, they are saying that there's no
4 federal impact.

5 So with that, I would move
6 approval and ask for a second.

7 COMMISSIONER JEFFRIES: Second.

8 VICE-CHAIRPERSON HOOD: It's been
9 moved and properly seconded. All those in
10 favor.

11 (Chorus of ayes)

12 VICE-CHAIRPERSON HOOD: Aye. Any
13 opposition?

14 (No response)

15 VICE-CHAIRPERSON HOOD: So
16 ordered. Staff, would you record the vote.

17 MRS. SCHELLIN: Yes. Staff will
18 record the vote four to zero to one to
19 approve Zoning Commission Case No. 05-10 and
20 06-20, Commissioner Hood moving,
21 Commissioner Jeffries seconding,
22 Commissioners Turnbull and Parsons in favor,

1 Commissioner Mitten not voting, having not
2 participated.

3 CHAIRPERSON MITTEN: Thank you.

4 Last, then, under Final Action is
5 Case No. 05-02, which is the Text Amendment
6 regarding residential recreation space.
7 First of all, we have two requests to reopen
8 the record, which I do not support because
9 there was ample time for people to submit
10 comments.

11 So if there's anyone who like to
12 move to reopen the record, they can do so
13 now.

14 Okay. Then we have
15 correspondence from NCPC that the action of
16 the Commission finds that the text amendment
17 that would eliminate the requirement for
18 residential recreation space in the
19 commercial CR and SP Zone Districts could be
20 inconsistent with the federal and district
21 elements of the Comp Plan, and their concern
22 that it will exacerbate existing gaps in the

1 park system.

2 COMMISSIONER PARSONS: Well, let
3 me try to help with that since I
4 participated in this discussion, which went
5 on quite a while with the Planning
6 Commission.

7 CHAIRPERSON MITTEN: Thank you,
8 Mr. Parsons.

9 COMMISSIONER PARSONS: I guess
10 the recommendation, the first that was
11 before us is quite different than the one
12 before us now, so, you know, you should have
13 seen it before I dealt with it, or we dealt
14 with it. But what it is is a concern that
15 evolved out of some of the letters that were
16 submitted into our record, because what we
17 have been basing our decision on--at least I
18 think we have--is that the marketplace will
19 take care of this problem.

20 That is, the marketplace is
21 saying you will have recreational amenities
22 within your projects or you won't be

1 competitive.

2 And what we were focusing on was
3 a letter, and unfortunately, I don't have it
4 with me, but I guess it's not that
5 important, that said that the reason
6 developers were putting recreational
7 amenities into their projects, coming before
8 the BZA for relief, was they felt if they
9 didn't put any recreational amenities into
10 them, they wouldn't get approval, they
11 wouldn't get the relief requested, from the
12 20 percent, for instance.

13 That they didn't think they were
14 necessary but they were putting them in only
15 for that reason.

16 And once a Commission focuses on
17 that kind of sentence structure, the
18 argument that the market will take care of
19 this was kind a falling apart, frankly.

20 So I ended up voting for this
21 recommendation to the Zoning Commission but,
22 admittedly, it was based on one letter that

1 said the only reason we're doing this is
2 cause we think you want us to, which I don't
3 know why I missed it in the proceedings that
4 were before us; but it was there.

5 So what they're saying is why
6 eliminate it completely? Why not take it
7 down from 20 to 5 percent. Downtown,
8 they're talking about. I mean, that's the
9 concern, is there aren't enough parks in the
10 downtown area for people to have this
11 alternative of using public space. That's
12 what this is about.

13 And more importantly, they're--
14 well, not more importantly. But they're
15 also recommending that we have a study with
16 the Department of Recreation, the National
17 Park Service, and others, didn't feel the
18 Zoning Commission needed to be involved in
19 that, but you're welcome to participate.

20 So it's a request that we
21 consider reducing the required gross square
22 footage of residential recreation space to a

1 more realistic level, and then repealing it
2 entirely.

3 So, in summary, that's what this
4 is about. I don't know how you all feel
5 about it, but I've thought about this quite
6 a bit, and the point is if we repeal it,
7 we'll probably never revisit it. I mean, it
8 isn't as though people will come back and
9 say they're trampling the parks, we need
10 residential recreation space.

11 So it's an interesting
12 discussion, if you will. But we have been
13 at this issue for five or more years, I
14 think. It seems like it.

15 CHAIRPERSON MITTEN: It's been a
16 while.

17 COMMISSIONER PARSONS: Or was
18 that antennas?

19 CHAIRPERSON MITTEN: No; that was
20 antennas. It's been a little while, though.

21 Commissioner Jeffries.

22 COMMISSIONER JEFFRIES: So

1 Commissioner Parsons, what--so they want us
2 to go from 20 to 5 percent. So--

3 COMMISSIONER PARSONS: Well, they
4 weren't recommending a specific but saying
5 yes, don't eliminate it completely.

6 COMMISSIONER JEFFRIES: I guess
7 I'm just having difficulty figuring out what
8 5 percent or 10 percent rec space even looks
9 like.

10 I mean, and really, what--I mean,
11 what difference will it make? It seems that
12 it really won't really make a huge
13 difference as it relates to this whole issue
14 that they're--I mean, either they're going
15 to say just leave it at 20 percent or let it
16 go. I don't really know what the reduced
17 number is and--

18 COMMISSIONER PARSONS: No. It
19 would require reopening this whole issue and
20 having hearings about what 5 percent, 3
21 percent, 7 percent would look like. I mean,
22 that's what they're suggesting.

1 COMMISSIONER JEFFRIES: Well, I
2 just thought there was just considerable
3 testimony by many in the development
4 community about this issue. I think quite
5 voluminous, about their concerns about the
6 rec space and the needs of--that the market
7 would bear it out as to whether they really
8 needed to have it, or not.

9 And my suspicion is those
10 individuals who live in downtown, you know,
11 are downtown for other reasons besides
12 wanting to be near public space. And so I'm
13 just not in favor of changing what we've set
14 forward at this point.

15 CHAIRPERSON MITTEN: Thank you.
16 Anyone else?

17 Mr. Turnbull.

18 COMMISSIONER TURNBULL: Thank
19 you, Madam Chair. I guess one question is
20 when they're talking--when we said that the
21 marketplace would take care of it, maybe
22 it's not the projects per se but the

1 marketplace, in general, as far as
2 developers who are developing recreational
3 space facilities as a separate from a PUD,
4 are still out there, providing that. I
5 mean, I guess the question is not
6 necessarily the PUDs but there are still
7 businesses out there that have facilities
8 that are still going to go into business,
9 providing recreational, whether it's indoor
10 tennis or, you know, squash courts, or
11 whatever.

12 I mean, that's still out there,
13 and I guess--I don't know how you gauge
14 that, I don't know how you judge what that
15 does or doesn't do as related to the PUD.

16 And again, as Commissioner
17 Jeffries was saying: How do you--what does 5
18 percent of a PUD in the downtown actually
19 get you, I guess?

20 COMMISSIONER PARSONS: I should
21 also add that the Planning Commission
22 discussion was flavored, if you will, with

1 the fact that they thought this was a 20
2 percent windfall for developers, that is,
3 they no longer had to provide this, so it
4 would come forward in many more units, and
5 there was no particular result in the public
6 good, which is what the Office of Planning
7 was recommending, was let's take that 20
8 percent windfall out--my term--and apply it
9 to inclusionary housing. Remember?

10 CHAIRPERSON MITTEN: Yes. I do.

11 COMMISSIONER PARSONS: So that
12 was a flavor of the, Wait a minute, why are
13 we giving the developers this 20 percent
14 windfall, without any return?

15 CHAIRPERSON MITTEN: I just want
16 to clarify one thing, which is I don't have
17 all the numbers in my head, but depending on
18 the zone, it's 20 or it's 15 or it's ten.
19 It's not 20--

20 COMMISSIONER PARSONS: Oh,
21 absolutely; absolutely.

22 CHAIRPERSON MITTEN: Okay.

1 Mr. Hood, did you want to jump
2 in.

3 COMMISSIONER JEFFRIES: Yes. All
4 I would say, Madam Chair, I think the
5 hearing was very compelling, to do away with
6 residential rec space. It's just
7 unfortunate that I haven't had more time to
8 dwell on what NCPC's point is. I'm in favor
9 of sticking to what we originally had
10 planned on doing. I can kind a understand
11 keeping on the books, to some degree, but at
12 least the testimony that was provided to the
13 hearing that I sat in on was very
14 compelling, and I'm convinced to go ahead
15 and move, in a fashion which I think this
16 Commission set out to do.

17 COMMISSIONER JEFFRIES: And Madam
18 Chair, I would also add that, you know, one
19 of the policy initiatives, that the District
20 government is not just providing affordable
21 housing but housing, increased housing, a
22 100,000 new residents, so I do think there

1 is a net plan to provide more space. I
2 mean, so-

3 CHAIRPERSON MITTEN: That's a
4 good point. I mean, I agree with proceeding
5 as we have, as we did for proposed action.
6 I think, you know, the point that
7 Commissioner Turnbull was raising, you know,
8 brings to mind the fact that there is a very
9 significant distinction between the kind of
10 space that you can provide as residential
11 recreation space and the kind of space that
12 people see, that would--if you're seeking
13 the kind of space that you go to a park for,
14 you can't replicate that in residential
15 recreation space.

16 If you want to go jogging, okay,
17 that's not going to be in your apartment
18 building. If you want to go swimming,
19 chances are it's not going to be, although,
20 you know, from time to time we see swimming
21 pools.

22 If you want to play softball,

1 you're not going to do that on the roof of
2 your apartment building. You know. So
3 there's distinctly different needs, and I
4 don't think, you know, withdrawing, you
5 know, a place where someone could read a
6 book or get a suntan, that's not going to
7 overburden the park system.

8 The thing that--people are really
9 seeking active recreation when they go to
10 the park. That's what's taxing the park
11 system, as I understand it, and so I just
12 have to add, that in no case that I saw on
13 at the BZA did an NCPC representative ever
14 articulate any concern in granting relief
15 from the residential recreation space
16 requirement.

17 So I just wanted to toss that
18 into the mix, too.

19 So unless there's further
20 discussion, I would move that we approve the
21 order in Case No. 05-02.

22 COMMISSIONER JEFFRIES: Second.

1 CHAIRPERSON MITTEN: Any further
2 discussion?

3 (No response)

4 CHAIRPERSON MITTEN: All those in
5 favor, please say aye.

6 (Chorus of ayes)

7 CHAIRPERSON MITTEN: Aye. Those
8 opposed, please say no.

9 COMMISSIONER PARSONS: No.

10 CHAIRPERSON MITTEN:
11 Mrs. Schellin.

12 MRS. SCHELLIN: Staff will record
13 the vote four to one to zero to approve
14 Zoning Commission Case No. 05-02 for final
15 action, Commissioner Mittin moving,
16 Commissioner Jeffries seconding,
17 Commissioners Hood and Turnbull in favor,
18 Commissioner Parsons opposed.

19 CHAIRPERSON MITTEN: Thank you.

20 All right. Then we'll go, now,
21 to Hearing Action, and the first case for
22 hearing action is Case No. 06-40, which is

1 the Gateway Market Center PUD and Related
2 Map Amendment.

3 Mr. Parker.

4 MR. PARKER: Good evening, Madam
5 Chairman, members of the Commission. For
6 the record, my name is Travis Parker with
7 the Office of Planning. The PUD before us
8 tonight is a planning and development and
9 map amendment from CM1 to the C3C Zone. The
10 proposed building calls for two floors of
11 retail use, two floors of office use, and
12 six residential floors, totaling
13 approximately 116 residential units.

14 It seeks a 7.47 FAR and goes to a
15 height of 120 feet. The project's located
16 on Florida and 4th Streets, N.E.

17 The project calls for
18 approximately 200 below-grade parking
19 spaces. The parking and loading are
20 proposed to be located off of Moore Street
21 to the north, which is a change from the
22 original application, after discussions with

1 DDOT opposing access from Florida Avenue.

2 The flexibility being requested,
3 in addition to FAR and height above the
4 matter of right in the 3C3 Zones, there are
5 minor flexibility needed for roof structures
6 and for loading from the strict requirements
7 of the loading ordinance, or the loading
8 chapter. The project is offering
9 significant amenities, including affordable
10 housing of 20 percent of the units, for a
11 total of 24 units at 80 percent AMI. A
12 fully operative green roof that will
13 stormwater management functions for the
14 building.

15 Community space, including a 1900
16 square foot community room, MPD substation,
17 and ANC office space, as well as first
18 source and DBE agreements.

19 I would like to correct the
20 written portion of the Comp Plan statement
21 in my report.

22 The new Comp Plan does identify

1 the site for high-density residential and
2 commercial development and certain aspects
3 of the new Comp Plan call for the Capital
4 City market area to be a regional
5 destination, that may include residential,
6 dining, entertainment, office, hotel, and
7 wholesale food uses.

8 So the project is consistent with
9 the newly-created Comprehensive Plan.

10 In addition, the applicant has
11 worked steadily and successfully with the
12 Office of Planning to improve on the design.
13 Many changes have been made in conjunction
14 with the Historic Preservation staff, to the
15 design of the building, and we will continue
16 to work with the applicant prior to a public
17 hearing on design and materials of the
18 building.

19 I'm happy to answer any specific
20 questions you might have on the project. OP
21 recommends that the project be set down for
22 public hearing.

1 CHAIRPERSON MITTEN: Thank you,
2 Mr. Parker. Questions or comments for Mr.
3 Parker?

4 I just want to ask a sort of
5 general question. Let me just clarify one
6 thing, which is I take it the action of the
7 Council was to basically reject the
8 recommendation of the industrial land use
9 study, to retain and reinforce the existing
10 industrial fabric?

11 MR. PARKER: I don't know if that
12 was specifically considered but the two
13 would be at odds.

14 CHAIRPERSON MITTEN: Okay. And
15 it's the Comp Plan that governs, not the
16 industrial land use study; yes?

17 MR. SMITH: Yes.

18 CHAIRPERSON MITTEN: And I seem
19 to remember reading in the newspaper that
20 the Council took some action on this large
21 proposal for this area related to the
22 redevelopment of the market. Is that--

1 that's separate from the Comprehensive Plan?

2 MS. STEINGASSER: Yes, Madam
3 Chair. The Council did, and while I don't
4 have the exact legislation in front of me,
5 part of the agreement was that there would
6 be a small area plan that would include the
7 overall market area, and we'd work with the
8 developers and the developers of this site
9 as part of that planning study area.

10 CHAIRPERSON MITTEN: And is this
11 parcel within that area?

12 MS. STEINGASSER: It is; it is.

13 CHAIRPERSON MITTEN: And is there
14 a time limit proposed--is there a timeframe
15 proposed for completing the small area plan?

16 MS. STEINGASSER: The RFPs have
17 been let and it's in contracts. We expect
18 that plan would be a fairly short-term plan
19 that would be concluded by April.

20 CHAIRPERSON MITTEN: Okay.

21 COMMISSIONER PARSONS: Well, why
22 wouldn't we be better served by waiting for

1 that?

2 MS. STEINGASSER: I think the
3 applicant of this particular site has full
4 control of the site. It's directly across
5 the street from a Metro. They were eager to
6 get a hearing date and at least get this
7 project set in motion for hearing, rather
8 than wait for the larger area plan.

9 CHAIRPERSON MITTEN: We can come
10 back to that.

11 COMMISSIONER JEFFRIES: So
12 because they have site control is the driver
13 for why you would consider this--

14 MS. STEINGASSER: This particular
15 parcel is under full site control of the
16 applicant. That's correct.

17 COMMISSIONER JEFFRIES: But I
18 mean, site control is not going to change in
19 April. I mean, are they going to lose
20 control over it in April?

21 MS. STEINGASSER: No, sir, but
22 the overall market area is not fully under

1 single control. So I think they felt that
2 this site was a little unique in its ability
3 to move forward independently.

4 COMMISSIONER JEFFRIES: Well, I
5 mean, certainly the site will be catalytic
6 and could be somewhat of an anchor or
7 whatever the small area plan would set
8 forth. I'm just trying to fully understand,
9 are we getting a little ahead of ourselves.

10 CHAIRPERSON MITTEN: Any other
11 questions or comments for the Office of
12 Planning?

13 Mr. Hood.

14 VICE-CHAIRPERSON HOOD: Ms.
15 Steingasser, in the recommendation, you
16 recommended the Commission set this case
17 down for a public hearing. But it also goes
18 on to say that OP will continue to work or
19 acting towards a more detailed review prior
20 to the public hearing.

21 Are those some of the things that
22 you discussed, prior to me asking this

1 question--are those some of the things that
2 you meant in that detailed sentence in your
3 recommendation? Or is there something else?

4 MS. STEINGASSER: At the time
5 that OP needed to file its report for this
6 meeting, the final version of the
7 Comprehensive Plan had not yet been voted on
8 by Council, and we knew that there was an
9 amendment pending, that Mr. Parker just
10 referenced, that gave additional guidance to
11 the site, about including residential. We
12 did not have that and we did not have the
13 final vote at that time. So that was part
14 of the reason we stated it that way, is that
15 once we had that final language we'd be able
16 to work through whatever consistency issues
17 might be out there.

18 VICE-CHAIRPERSON HOOD: And Madam
19 Chair, let me just put on the record, one of
20 the things that I've been asking for since
21 I've been down here, at least the last two
22 years, is a listing of jobs that are going

1 to be needed in LSDBs, and I want to commend
2 this applicant, because when I looked at the
3 list, I got so excited, I spent a lotta time
4 just on those three pages.

5 Because I think this is the first
6 time, at least from my standpoint, that I
7 remember seeing a list. And I'm not saying
8 that because it's in Ward 5. But I'm glad
9 to see that the applicant has provided a
10 list, so that LSDB will be able to provide
11 in time, so we can make sure that District
12 residents and Ward 5 businesses will have
13 some first dibs, and in time, and in time,
14 and we don't come up and say, well, we
15 didn't know, we don't have any qualified
16 applicants. So LSDBs, this is the list and
17 it's in for the record, and I appreciate the
18 applicant, whoever he is, for doing that.

19 Thank you. Thank you, Madam
20 Chair.

21 CHAIRPERSON MITTEN: Thank you,
22 Mr. Hood.

1 Mr. Turnbull.

2 COMMISSIONER TURNBULL: Thank
3 you, Madam Chair. I just wanted to ask, on
4 page three, which has the map which reflects
5 the current zoning of the area, how does
6 that relate to the new Comp Plan? Is the
7 land use on Florida Avenue changing?

8 MR. PARKER: Well, unfortunately,
9 when this map was created, I didn't have
10 access to the new Comp Plan map as it's been
11 subsequently amended. But some of the area
12 around the proposed site is now, in the
13 proposed land use map, designated for high
14 density residential/commercial use.

15 COMMISSIONER TURNBULL: Will that
16 about the R4 neighborhood or--

17 MR. PARKER: I'm not entirely
18 clear on where that ends. I don't have
19 that--

20 COMMISSIONER TURNBULL: I guess
21 I'm just curious as to how Florida Avenue's
22 being seen, as being zoned on both sides of

1 the street there. You have a CM3. You have
2 a pocket between a C3, a C3C, and then the
3 CM1 is a huge area, and then it's the R4,
4 and I'm just wondering, how is this little
5 pocket now, which we want to make C3--how
6 does it all relate? It just seems--

7 MR. PARKER: Yes. I'm under the
8 impression that there's a little more
9 commercial and mixed use, land use intended
10 for the Florida Avenue Corridor itself, as
11 opposed to the industrial around it. But,
12 unfortunately, I don't know--the changes are
13 recent enough, that I don't know that
14 mapping of its available yet.

15 MS. STEINGASSER:

16 MS. STEINGASSER: It might be
17 helpful--where you see 4th Street, that
18 southeast corner, that's currently under
19 construction for a charter school. So that
20 no longer has an industrial character.
21 That's a charter school. The C3C includes
22 the tracks, the railroad tracks. So that's

1 why there's that odd line running along the
2 east-west there. And I think the character
3 of Florida Avenue is definitely seen as
4 changing from an industrial corridor to more
5 of a commercial/residential, mixed use
6 corridor.

7 A lot of that's being finalized
8 through the NOMA Area Plan, which covers
9 everything south of the site, and then north
10 of Florida will be more fully addressed,
11 internal to the market, through the capital
12 market study.

13 COMMISSIONER TURNBULL: I guess
14 I'm just wondering, are we going to run into
15 a situation--I think we had it on Georgia
16 Avenue--or was it Georgia?--where we had
17 some residential homes abutting, that were
18 also trying to be made into commercial, and
19 we had a big issue with the ANC, and they
20 wanted to--we had to redo the map for those
21 areas. I mean, it looks like I'm seeing
22 some blocks like this, some of these little

1 triangular blocks that could be an issue at
2 some point later on.

3 MS. STEINGASSER: Well, I'm not
4 sure what the zoning action is going to be,
5 south of Florida Avenue as it results from
6 the Comp Plan and the NOMA plan, both. This
7 cite, being north of Florida, I don't--well,
8 I know you don't have the same situation
9 because you don't have rowhouses in here.
10 These are old historic warehouse structures.

11 COMMISSIONER TURNBULL: Okay.

12 MS. STEINGASSER: When you're in
13 here, that's clearly--there's no residential
14 in there, whatsoever. The rowhouses that
15 are down here on 5th Street and M Street,
16 N.E., that are all zoned R4, are very well-
17 established and there's not--the problem
18 with the Georgia Avenue case was it was
19 zoned commercial but the Comp Plan clearly
20 had called it out to be zoned residential.
21 So you're not going to have that same
22 intrusion that you would have in that

1 particular case.

2 COMMISSIONER TURNBULL: Okay.

3 Thank you.

4 CHAIRPERSON MITTEN: When
5 Department of Defense you anticipate
6 completion of the NOMA plan?

7 MS. STEINGASSER: The plan itself
8 is complete. They'll be taking it to the
9 City Council early this spring for approval.

10 CHAIRPERSON MITTEN: Okay.

11 COMMISSIONER JEFFRIES: But this
12 is not technically part--

13 MS. STEINGASSER: This is not.

14 COMMISSIONER JEFFRIES: Yes; yes.
15 So that's--

16 MS. STEINGASSER: No. That would
17 cover the south of Florida, the pieces
18 across the street, giving more direction to
19 that area.

20 CHAIRPERSON MITTEN: Anyone else?

21 Mr. Parsons.

22 COMMISSIONER PARSONS: I'm

1 looking in the book at G 106, because I
2 think it explains my concern. This enormous
3 area of CM1 which this site is in the heart
4 of, I'll call it. Is this small area
5 planned to deal with all CM1? Is that your
6 understanding? Or beyond that? Or is it
7 smaller than that?

8 MS. STEINGASSER: The primary
9 focus will be north of Florida and that CM1
10 area. The market itself.

11 COMMISSIONER PARSONS: Okay. So
12 won't you be under pressure, that the Zoning
13 Commission has already agreed to set down a
14 hearing, C3C, therefore this should all be
15 converted to C3C? I mean, we've taken the
16 lead by setting something down?

17 MS. STEINGASSER: OP's position
18 would most likely be, if they wanted to come
19 forward to a PUD, so that we could do some
20 site specific analysis, we might consider
21 that, but we would not consider a blanket
22 C3C zoning shy of that plan, just because of

1 this PUD. We don't like to use the base of
2 a map, a PUD-related map amendment as any
3 kind of precedent for a major land use
4 change.

5 COMMISSIONER PARSONS: I want to
6 make sure I get that sentence in the
7 transcript cause I may quote you on it many
8 times.

9 MS. STEINGASSER: You know, I was
10 just thinking that same thing.

11 COMMISSIONER PARSONS: It's just
12 a wonderful--

13 MS. STEINGASSER: Some day,
14 that's going to haunt me.

15 COMMISSIONER PARSONS: A
16 wonderful quote. Thank you.

17 CHAIRPERSON MITTEN: Mr.
18 Jeffries, go ahead.

19 COMMISSIONER JEFFRIES: Well,
20 perhaps, you know, my review of the
21 application, and my concerns about the
22 development program are just questions,

1 really, you know, the bread crumbs that go
2 back to understanding the context and where
3 this sits, you know, because I was trying to
4 get my arms around sort of office, two
5 levels of office--there's retail, which I
6 didn't quite fully understand how it was
7 going to work, and then with residential
8 above it.

9 You know, so you had three
10 different uses and that's a really catalytic
11 design, anchor kind of project, and I was
12 trying to understand how was office going to
13 work in the thick of this, and perhaps it--I
14 just didn't understand who the typical
15 office tenant would be here, and why they
16 would choose to be in this location, sort of
17 sandwiched between this market at the ground
18 floor, if that's what it is, and then
19 residential above.

20 It might make sense but I think
21 one of the concerns I have is that without
22 the proper sort of directive from an area

1 plan or an overall master plan, it's
2 difficult to understand how the pieces fit,
3 and I think that's what probably gives me
4 some pause with this project, because I just
5 don't know what it means as it sits on to
6 itself like in an island.

7 And I can be convinced; but I'm
8 thinking that perhaps we're getting a little
9 ahead of ourselves.

10 CHAIRPERSON MITTEN: Commissioner
11 Jeffries, I just want to pick up on that and
12 make a recommendation to the Commission,
13 that this is here prematurely and that we
14 just defer action on this because we don't
15 have a context.

16 We don't know what the NOMA plan
17 is going to say for south of Florida Avenue
18 and we certainly don't know, we don't even
19 have an inkling of what the small area plan
20 is going to be, and, you know, the issues
21 that you raise are legitimate. You know,
22 this is an island and there's nothing for us

1 to consider this in relation to, and it's
2 actually, you know, the Council's action for
3 the Comprehensive Plan is a fairly
4 significant departure from all of the other
5 planning that has taken place up to this
6 point for this area.

7 So it would be very important to
8 me t know how that context is changing and
9 all we have area--you know--all we have is,
10 you know, the language that's going to go on
11 the generalized land use map. But we don't
12 have much else.

13 So I would like to recommend that
14 we just defer action on this until the small
15 area plan is concluded, and then we can take
16 it up at that time.

17 VICE-CHAIRPERSON HOOD: Madam
18 Chair, I'm not sure if I exactly am in favor
19 of deferring action. I think the Comp Plan,
20 the new one, Office of Planning, the people
21 who did the planning there, but even--let me
22 back up a step. Planning and studying--and

1 I got this from Council Member Jim Graham.
2 We've studied enough, we've planned enough,
3 and I think that this project is the jump-
4 start for that particular area, and I don't
5 see us posturing ourselves to delay it. We
6 need to have a hearing, I believe, on this
7 particular project. That's my two cents.

8 CHAIRPERSON MITTEN: And I don't
9 want to--I will respectfully disagree with
10 you. We haven't planned this area for this.
11 This is a change. So I think the planning
12 needs to happen, and, you know, we've had
13 other cases in Ward 5, where we--for
14 instance, we did not have a hearing on the
15 Fairfield case until the planning was done
16 for that area because there was planning
17 that needed to be done, small area planning,
18 type planning, plus a transportation study
19 that needed to be done, and we didn't have
20 the hearing until that was done.

21 So it's not a departure from the
22 Commission's normal practice and it's not

1 belaboring planning. It's doing planning.

2 VICE-CHAIRPERSON HOOD: I
3 understand that, Madam Chair, but this is
4 not the first time that this Commission--
5 I've been here since 1998--well, I know I've
6 been trumped by Mr. Parsons--but I've been
7 here since 1998.

8 This is not the first time that
9 this Commission has moved forward while we
10 have some pause and some reservation, that
11 we have not moved forward on a island or an
12 area that's going to jump-start a community,
13 and if you look at that market, it's in dire
14 need of something to come in and jump-start.
15 By the time we wait for a plan or a study,
16 none of us who are up here, including Mr.
17 Parsons, will be on the Commission.

18 CHAIRPERSON MITTEN: Well, maybe
19 you guys aren't planning to be here in
20 April, but I heard it was going to be April,
21 so--but anyway.

22 Mr. Jeffries.

1 COMMISSIONER JEFFRIES: Well,
2 Vice-Chair Hood, I mean, I clearly
3 understand your sentiments, and I've
4 clearly, you know, heard the history here in
5 the District about lots of plans and no
6 execution, although in my few years here I
7 have seen a number of plans that have
8 brought about lots of buildings and
9 execution.

10 The Mount Vernon Action Agenda is
11 a case in point. I think that given that
12 this is in an area that is really adjacent
13 to a Metro station, I think it's a critical
14 location, and I think we should get it
15 right.

16 And I think we need to be very
17 thoughtful and somewhat--but thoughtful, in
18 terms of, as we move forward in looking at
19 how this area develops. It is a very
20 unusual area.

21 I mean, it's sandwiched in
22 between, it's right next to Gallaudet, and,

1 you know, I think it has some wonderful
2 possibilities, and I don't think that we're
3 talking about a long time, and, in fact, I
4 think our action here might put some
5 pressure on those to move a little bit more
6 rapidly and sort of figure this out.

7 But I would hate for us to get
8 too ahead of ourselves and then sort of
9 regret, just for a few months, something
10 that is not quite working.

11 Again, I don't--the office piece
12 of it, you know, I just--and I don't fully
13 understand it. But it might make sense. I
14 just need to get some more information.

15 MS. STEINGASSER: Madam Chair,
16 may I offer an alternate recommendation?

17 CHAIRPERSON MITTEN: If you feel
18 the need.

19 MS. STEINGASSER: We would also
20 recommend that the Commission set the case
21 down but the hearing not be held until the
22 planning is done. We have hearings

1 scheduled all the way through march. This
2 would allow the applicant to get in line.
3 If we get to April and the hearing is
4 scheduled and the planning is done, then
5 we're good to go, if we need to defer it
6 then, at that point, a month or two. That
7 keeps the applicant from having to wait and
8 get four or five months behind. That would
9 be an alternate to consider.

10 CHAIRPERSON MITTEN: I wasn't
11 unaware of that alternative and when I made
12 my suggestion, my concern is that there is
13 an expectation when we set something down--
14 you know, the set down process here is very
15 productive, and it tells applicants what
16 we're comfortable with, and right now, I
17 couldn't say if I'm comfortable with this,
18 or not, because I don't have the context.
19 So thanks for the suggestion but I'm not
20 recommending that to my colleagues, but if
21 anyone would like to advocate for that, they
22 can.

1 VICE-CHAIRPERSON HOOD: Madam
2 Chair, let me just ask Ms. Steingasser.

3 Ms. Steingasser, maybe I missed
4 something. Are you saying the study, these
5 long studies that we do in this city that
6 last forever, you're saying this one will be
7 done in April?

8 MS. STEINGASSER: We've made an
9 agreement with the applicant, that we would
10 run this particular study, and that it would
11 be a 90 to a 100 day study, and we expect it
12 to be done by the middle of late spring.

13 VICE-CHAIRPERSON HOOD: I don't
14 know exactly where everybody is, but, you
15 know, and I'll say again, I know where
16 Commissioner Jeffries and Chair Mitten are,
17 but I don't know where Mr. Parsons and--and
18 I'm not trying to get you guys to come over
19 to my side unless you just want to. But I
20 can just tell you that--

21 CHAIRPERSON MITTEN: But we do
22 need to know what you think.

1 VICE-CHAIRPERSON HOOD: Well,
2 that's what I'm getting ready to tell you.
3 I really think that this will, as Ms.
4 Steingasser just mentioned, it puts this
5 area in the pipeline. I hate to see this
6 lost, which I know it won't be, for
7 prolonged, all we're doing is prolonging and
8 waiting on a study, and I specifically
9 remember sitting up here on this dias, and
10 there was a study for a particular area, and
11 I don't like to call particular areas--and
12 we went ahead and moved forward with the
13 case. We sat it down and some of the ins
14 and outs were negotiated and dealt with, and
15 when we came back, it was flavored and ripe,
16 and ready for us to move forward.

17 It also gives the applicant a
18 chance to be in the pipeline. This is a
19 major project for that area and it's going
20 to jump-start that area. I don't disagree
21 with you but I'm saying at least give this
22 applicant a chance to be in the pipeline,

1 like we do all the other ones that come down
2 here.

3 CHAIRPERSON MITTEN: Mr. Parsons
4 and Mr. Turnbull, we need to hear from you.

5 COMMISSIONER PARSONS: Well, I
6 guess I wouldn't agree with that unless we
7 postponed it to a date certain in June.

8 I mean, to put pressure on a
9 study--I mean, it's in contracting, right?
10 I mean, I've been there. To say, well, yes,
11 we're going to hear this in May because the
12 study'll be done in April, I just don't
13 think--because, again, we're putting
14 pressure on a planning process by sending
15 some nod, that we think C3C is good here,
16 and this project is good here.

17 Well, I'm going too far, but C3C
18 is a good idea, and we have no basis for it.
19 So I'm not with you, Mr. Hood.

20 VICE-CHAIRPERSON HOOD: Even
21 though the Comp Plan does, the new Comp
22 Plan, which we have been apprised to state

1 that that's suitable, and also the
2 industrial land use study, which we have
3 been over, I think, once or twice. I don't
4 know. I know the vote, Madam Chair. We
5 don't need to keep going.

6 CHAIRPERSON MITTEN: Okay. Mr.
7 Turnbull, did you want to "weigh in," or--

8 COMMISSIONER TURNBULL: I think I
9 expressed some of my concerns earlier.

10 CHAIRPERSON MITTEN: All right.
11 Then we have a general but not unanimous
12 consensus, that we'll defer this until the
13 study, the small area plan is concluded,
14 which we anticipate will be in April.

15 All right. The next case is 06-
16 45, and this is the Consolidated PUD and
17 Related Map Amendment for the property in
18 Washington Highlands at 9th Street and
19 Bailey Avenue.

20 1B MS. THOMAS: Good evening, Madam
21 Chair, members of the Commission. I'm Karen
22 Thomas for the Office of Planning.

1 The Office of Planning is
2 recommending that the Commission set down
3 for public hearing the proposed development
4 project in the Washington Highlands
5 neighborhood located in Square 6123, 6125,
6 and 6126, pursuant to a PUD-related map
7 amendment from R5A to R5B.

8 The 9.25 acre parcel within these
9 squares would be developed with 142 units,
10 including townhouses, and stacked two-level
11 units with adequate parking, according to
12 the zoning regulations.

13 The proposal has merit as it
14 proposes a variety of units, including two
15 bedroom handicap-accessible flats, to four
16 bedroom row homes, designed to include
17 diversity of home owners in the development.

18 We are satisfied that the
19 proposed design includes interconnectivity
20 with the surrounding neighborhoods, with
21 pedestrian-friendly streets, to promote a
22 workable neighborhood with access to

1 neighborhood parks, and recreation
2 facilities, in order to decrease dependence
3 on the automobile.

4 The project has significant
5 amenities, including assistance for first-
6 time home buyers through the HPA assistance
7 program, Section 8 vouchers for low-income
8 renters, and tax credits for households in
9 the 60 percent AMI range.

10 DCHA has reserved some of the
11 units as priority rental to tenants earning
12 less than 30 percent of AMI, and homes
13 dedicated to rental would be
14 indistinguishable, architecturally, from
15 market rate homes.

16 In addition to these amenities,
17 we have substantial, what we consider as a
18 substantial amenity is the dedication and
19 construction of public streets and alleys,
20 tree-line public streets with streetlights,
21 low-income rental units integrated for the
22 development as well as the provision of ADA-

1 accessible homes, as I've previously
2 mentioned.

3 The existing and recent Council-
4 approved Comprehensive Plan principles
5 support this type of development in this
6 ward of the District. While the project
7 would require relief from sections of the
8 zoning regulation, including the yard
9 requirements, the process enables such
10 flexibility in design, that the project
11 provides the public benefits of a new
12 development in a long-standing neighborhood
13 of the District.

14 The project will be forwarded for
15 comments to relevant agencies prior to
16 public hearing and we would look forward to
17 working with the applicant to iron out any
18 other issues prior to the public hearing.
19 Thank you.

20 CHAIRPERSON MITTEN: Thank you,
21 Ms. Thomas. Questions or comments for Ms.
22 Thomas?

1 Mr. Parsons, I can tell already
2 you've got your--

3 COMMISSIONER PARSONS: Well, yes,
4 I'm a little bit concerned about the
5 stormwater. What the report says, or the
6 materials say, is that the stormwater will
7 be discharged into the local system, which I
8 believe is headed towards Oxon Run Park.
9 That is, it doesn't imply that there's any
10 kind of stormwater retention in the project
11 at all. Maybe there is. But it's certainly
12 not in any of the materials that I saw.

13 MS. THOMAS: I believe that there
14 is because of the slope of the site. But it
15 is going to be forwarded to WASA and the
16 environment agency for further review. The
17 site is steeply sloped at various points and
18 there is concern about erosion on the site
19 and they have made provisions for--

20 COMMISSIONER PARSONS: Well, is
21 that something you think they could bring
22 forward to us, or they're waiting until we

1 approve it, and then they would go--

2 MS. THOMAS: No, we've asked for
3 that as well.

4 COMMISSIONER PARSONS: So you
5 think that would be available at time of
6 hearing?

7 MS. THOMAS: Yes.

8 COMMISSIONER PARSONS: Could we
9 go to sheet S9, please. Now this is a very
10 steep site as you well know. I guess it
11 pitches 80 feet across it. And there are
12 some "gray areas," I'll call them, and I see
13 a label over on the left side that says
14 "proposed retaining wall."

15 Are all these gray indications
16 retaining walls? Is that what is meant by
17 that?

18 MS. THOMAS: Yes.

19 COMMISSIONER PARSONS: So we have
20 no real indication of how high they are, or
21 am I missing something? Some of them seem
22 to be going parallel to the slope, which I

1 have trouble understanding, but that's not
2 as important as--can we have some more
3 detail on that.

4 MS. THOMAS: Okay.

5 COMMISSIONER PARSONS: There's a
6 section AA which follow that, is terrifying,
7 actually. It's a vertical exaggeration,
8 obviously, but I mean it just--would you
9 live here? It just looks like Yosemite
10 Valley or something. I don't know what it
11 is. That section there. Excuse me. S10.
12 Anyway, it's hard to grasp what's going on
13 here in the way of how we're going to hold
14 the soil back and keep these houses, and we
15 are going to have rear yards that are
16 meaningful, or are they going to all have
17 some kind of fences or other devices to keep
18 people from rolling down the hill?

19 CHAIRPERSON MITTEN: Anyone else,
20 questions, comments?

21 Mr. Hood.

22 VICE-CHAIRPERSON HOOD: Madam

1 Chair, I probably shouldn't say this before
2 one of the architects on the Commission, but
3 let's go to A5. I'm looking at the design,
4 and I'm in dangerous waters here, but I'm
5 looking at some of the homes have shutters
6 and some of them don't. And I'm just saying
7 this basically for the applicant. I would
8 think it should be more consistent, unless
9 I'm looking at it incorrectly. But maybe
10 that's something we need to consider, if
11 this case is set down for a hearing.

12 Because like, for example, on A5,
13 three of the homes have shutters, the ones
14 to the left and to the right don't. And I
15 just think that the pattern--I don't "get
16 it."

17 COMMISSIONER PARSONS: I'm
18 impressed, Mr. Hood. I think--

19 VICE-CHAIRPERSON HOOD: Thank
20 you. I knew we would agree. Do we agree?

21 COMMISSIONER PARSONS: I missed
22 it, damn it.

1 VICE-CHAIRPERSON HOOD: So that's
2 just something--I mean, you know, I would
3 just throw that out there. Thank you.

4 CHAIRPERSON MITTEN: While we're
5 on that set of drawings there, I was having
6 trouble matching up with all the different
7 types of buildings, because it goes later in
8 the pages, it takes unit types, and talks
9 about which will have the cementitious
10 siding on the front and the molded brick,
11 and the impression that's left is that it's
12 a lot of cementitious siding which makes
13 everything look cheap.

14 So do you have a sense of how
15 many of the units are going to be faced with
16 the hardy plank?

17 MS. THOMAS: Off the top of my
18 head, no, but I can--

19 CHAIRPERSON MITTEN: Cause I mean
20 a preponderance--you know, it's one thing--
21 you know, typically, we like to see more
22 brick, especially on the fronts, but when

1 you have too much of it, it just really is
2 going to make it look cheap, and we
3 shouldn't do that to these folks.

4 I had one additional comment.
5 I'm looking on S1, now, although it's on a
6 lotta the site plans, and I'm focused on the
7 corner, what is the lower right-hand corner
8 of the development, and there's Building One
9 and then there's 2A and B and 3, and they're
10 just kind of--they're not as orderly on the
11 site, and I'm just worried about the little
12 pocket of--you know, it's not really street
13 fronting in a traditional sense there.

14 Three, it doesn't front on the street at
15 all, and 2A and B don't front on the street
16 at all, and I'm just concerned about, you
17 know, if we want these things oriented to
18 the street, and we want eyes on the street,
19 is that creating a pocket of, you know, just
20 a potential problem, the way that that's
21 laid out?

22 So I just recommend that to you

1 for additional consideration. That might be
2 perfectly fine.

3 Anyone else?

4 VICE-CHAIRPERSON HOOD: Madam
5 Chair, I move that we set down Zoning
6 Commission Case No. 06-45.

7 COMMISSIONER JEFFRIES: Second.

8 CHAIRPERSON MITTEN: Is there any
9 further discussion?

10 COMMISSIONER TURNBULL: Madam
11 Chair.

12 CHAIRPERSON MITTEN: Mr.
13 Turnbull.

14 COMMISSIONER TURNBULL: I would
15 just make a comment that the applicant
16 definitely provide more definitive drawings
17 as far as the clarity of the architecture.

18 CHAIRPERSON MITTEN: Oh,
19 absolutely.

20 COMMISSIONER TURNBULL: That I
21 know these are very early, they're very
22 preliminary. But we've made some comments,

1 I think they're very good comments. I mean,
2 we had a case here, recently, where we had a
3 unique--I think the applicant went beyond,
4 and the whole development was all brick,
5 which was a significant--I mean, I don't
6 expect to see that all the time, but I think
7 that was a significant investment in the
8 community and I think here we've got
9 something going a little bit the other way,
10 and I'd like to see a little bit more
11 investment by the applicant into the type of
12 structures, but let's give it a little bit
13 more clarity as to what we're actually going
14 to be seeing here.

15 COMMISSIONER JEFFRIES: But
16 keeping in mind that, you know, a large part
17 of this project is affordable.

18 CHAIRPERSON MITTEN: True, but
19 we've seen more brick in other affordable
20 projects than we're seeing in this one, so I
21 don't--you know, I think there's a
22 reasonable compromise to be struck and I

1 think they're in the wrong--they're a little
2 leaning on the cementitious siding end of
3 things at the moment.

4 COMMISSIONER JEFFRIES: I was
5 just referring to the project that
6 Commissioner Turnbull was discussing and
7 that--

8 CHAIRPERSON MITTEN: Sure.

9 COMMISSIONER JEFFRIES: But I
10 understand what you're saying.

11 COMMISSIONER TURNBULL: Yeah.
12 And I'm just saying that, you know, you can
13 go from one end to the other but I think
14 there has to be a balance. There should be
15 a balance.

16 CHAIRPERSON MITTEN: Absolutely.

17 Anyone else?

18 (No response)

19 CHAIRPERSON MITTEN: Then all
20 those in favor of setting down Case No. 06-
21 45, please say aye.

22 (Chorus of ayes)

1 CHAIRPERSON MITTEN: Aye. I
2 believe we have none opposed, Mrs. Schellin.

3 MRS. SCHELLIN: Staff will record
4 the vote five to zero to zero to set down
5 Zoning Commission Case No. 06-45,
6 Commissioner Hood moving, Commissioner
7 Jeffries seconding, Commissioners Mitten,
8 Parsons and Turnbull in favor. And this is
9 a contested case, being set down as
10 contested.

11 CHAIRPERSON MITTEN: Yes.

12 Okay. Now we're ready to move to
13 Proposed Action and just in case anybody
14 came in late, we are postponing action on
15 the second case, which is 04-14, because the
16 Commission's not prepared to go forward with
17 that tonight.

18 So first is Case No. 06-15, which
19 is the Abdo PUD on New York Avenue, and I
20 think we received a pretty extensive packet
21 of additional materials that we requested at
22 the conclusion of the hearing. And I

1 believe, Mr. Parsons, just for the record,
2 that you did read the record and are
3 prepared to--

4 COMMISSIONER PARSONS: Yes; with
5 great joy.

6 CHAIRPERSON MITTEN: Okay. So we
7 received a number of additional submissions
8 related to the design and clarifying some of
9 the amenities that were being proffered, and
10 so I guess I'll just open it up for comments
11 or discussion.

12 Okay. Mr. Jeffries.

13 COMMISSIONER JEFFRIES: Well,
14 first of all, this particular application
15 has been with us for quite a long time, and
16 I think it has been a dramatic improvement
17 in design. I think that it has, from the
18 roof line to the ground floor, I think that--
19 -I sort of compared sort of what I'm looking
20 at today to what was submitted to us
21 previously, and I'm just very pleased with
22 how this has moved along.

1 I think it's very animated, I
2 think there's lots of articulation, I think
3 they've broken down the volume in such a way
4 that it's not monolithic. I think they've
5 done a good job of really delineating the
6 sort of pedestrian pathways. I just think
7 they've done a very good job and I'm hoping
8 that we could move forward with this.

9 I had some question about the top
10 of the New York Avenue, I guess right above
11 where the grocery store is. It looks like
12 sort of an airport tower or something there.

13 CHAIRPERSON MITTEN: You mean the
14 treatment that's replaced the signs that
15 they have at the top.

16 COMMISSIONER JEFFRIES: Yes.
17 Right. You know, I think we could perhaps,
18 you know, look at something else down the
19 road there. But beyond that, I think that
20 this is a very good project, and I know that
21 we initially had concerns, would make it
22 even beyond where it is now, there's a Metro

1 station a block or two away, but that's not
2 what we have. But clearly, I think this
3 really brings about the kind of design and
4 project that we'd like to see in a gateway
5 coming into the District, and I think that
6 this project really knocks the ball out of
7 the park.

8 CHAIRPERSON MITTEN: Thank you,
9 Commissioner Jeffries.

10 Anyone else?

11 Mr. Hood.

12 VICE-CHAIRPERSON HOOD: The only
13 thing, Madam Chair, I know that a lot of
14 businesses are being relocated and I didn't
15 see anywhere in the proposal, or anywhere
16 where--I know that there was a commitment
17 made by the applicant. But I want to make
18 sure that he continues in his commitment,
19 which I'm sure he will, to assist those who
20 are on that parcel of land, to help them
21 relocate, and I think he committed to that.
22 I'm not sure. I didn't see it anywhere in

1 the proposal, proposed order, but I think he
2 had committed to that, and I just want to
3 know if we need to maybe put it in the
4 order. You know. But I'm sure he would do
5 it.

6 But I want to make sure there was
7 some protection there for those existing
8 businesses that are going to have to
9 relocate.

10 CHAIRPERSON MITTEN: I guess I'll
11 have to confess to not recalling that,
12 because some of the businesses--I mean, I'm
13 speaking from some experience--are not that
14 desirable. So I'm not sure he wants to be
15 the one responsible for relocating them.

16 VICE-CHAIRPERSON HOOD: Let me
17 just say this. I think the correct thing--
18 and I'm sure we can correct it before final--
19 -is that he said he would assist.

20 CHAIRPERSON MITTEN: Okay.

21 VICE-CHAIRPERSON HOOD: And I
22 would definitely agree. I think that's what

1 I heard.

2 CHAIRPERSON MITTEN: Okay. We'll
3 get clarification on that then.

4 VICE-CHAIRPERSON HOOD: Other
5 than that, I'm sorry they did away with the
6 pool. I wasn't saying do away with it. But
7 I was just putting a word of caution. I
8 don't want my community folks to get mad
9 with me, cause I notice the pool has
10 disappeared. But unfortunately--I mean, I
11 wasn't advocating or against it. I was just
12 saying a word of caution.

13 But other than that, I'm looking
14 forward, I'm personally looking forward to
15 this being in our neighborhood. Thank you.

16 CHAIRPERSON MITTEN: Thank you,
17 Mr. Hood. I just want to endorse Mr.
18 Jeffries' comments about the design. I
19 think it has improved significantly, and I
20 think that the applicant's been very
21 responsive to our comments.

22 I just wanted to maybe comment on

1 one or two things and then fine-tune a
2 condition or two.

3 One of the comments is that after
4 the applicant provided the additional
5 information about the median income for the
6 neighborhood versus the median income
7 numbers in the targeted population, what's
8 unfortunate--and I don't know that I have a
9 solution--but just to take note of it and
10 maybe if, in the future, as, you know, the
11 Commission refines their approach to
12 affordability, the folks in the
13 neighborhood, the average person in the
14 neighborhood would not be targeted for the
15 80 percent AMI.

16 The average household income in
17 this neighborhood is at the low end of the
18 range, which means that the range for this
19 neighborhood is actually lower than the AMI
20 range for 80 percent, depending on the
21 number of individuals, and that's
22 unfortunate.

1 Condition number five, which says
2 that approximately 148,121 square feet of
3 gross floor area will be devoted to retail
4 use, and then it says the retail space in
5 Building A shall be designed for a full
6 service grocery store.

7 My understanding of what was
8 proffered was that it would be reserved for
9 a full service grocery store, and given we
10 now have another case like this, and I'd
11 like us to treat the two cases consistently,
12 and this is something that we'll have to
13 take up, get clarified, along with Mr.
14 Hood's point, for final action, is that I
15 think if they're unable to rent it to a
16 grocery store after a certain period of
17 time, I think there needs to be a cutoff.
18 They reserve it for a certain period of time
19 and then they would come back and this is
20 more than just retail space. The grocery
21 store is very important I think to the
22 community support and to this project.

1 So I would want us to revisit
2 that, if the grocery store was not--if they
3 were not able to get one. So if we could
4 do, not unlike what we were talking about
5 with Square 54, and have them--I would like
6 them to tell us when that cutoff should be,
7 but that there would be a cutoff if they are
8 unable to secure a grocery store tenant
9 within a certain period of time, that they
10 would come back.

11 COMMISSIONER JEFFRIES: And
12 obviously, I mean, you know, it's in the
13 applicant's best interest.

14 CHAIRPERSON MITTEN: Sure.

15 COMMISSIONER JEFFRIES: They're
16 not going to let the space, you know, sit
17 without some activity, and whatever. So
18 they'll probably be here sooner rather than
19 later, once the market determines that.

20 CHAIRPERSON MITTEN: All right.
21 I think that's it for me. Anyone else?

22 Commissioner Turnbull.

1 COMMISSIONER TURNBULL: Madam
2 Chair, I just wanted to clarify, with Mr.
3 Jeffries, and I guess with your comment
4 later. Are we asking the applicant, then,
5 to fund Building A, to revisit the 11th
6 floor terminus, the conning tower, or the
7 reserved box seats? The wall of glass?

8 CHAIRPERSON MITTEN: I'm open to
9 your suggestions.

10 COMMISSIONER PARSONS: I'll jump
11 in the middle of that.

12 CHAIRPERSON MITTEN: Okay. Cause
13 we got rid of those signs for you. I just
14 want you to know, we got rid of those signs.

15 COMMISSIONER PARSONS: Enjoy the
16 transcript. Mr. Parsons won't like this.
17 It was wonderful, I just--terrific. But as
18 I--and this is really going to be a
19 wonderful place to live. I'm really excited
20 about this project. I was fearful of it in
21 the beginning. I guess we all were. But,
22 anyway, I think it's--

1 COMMISSIONER JEFFRIES: Well,
2 some more than others.

3 COMMISSIONER PARSONS: Yes. It's
4 really going to be fine. So the signage, as
5 I understood it in the transcript, it was
6 explained back to you, by the applicant, as
7 a device to not only give excitement, and so
8 forth, and verticality to the space, but to
9 screen the penthouse, which I found
10 interesting.

11 Did you grasp that? And why not
12 go back and deal with the penthouse, and
13 treat that architecturally, is my response
14 to that, rather than try to somehow screen
15 that with the device shown now, which was
16 likened earlier to a control tower at an
17 airport. I mean, this barrel, this glass
18 barrel is so powerful as it is, it doesn't
19 need a finish on top, I don't think. So I
20 would urge that we, before we take final
21 action, have a restudy of this, that, you
22 know, doesn't include either of these, and

1 go back and take a look at the penthouse and
2 see what could be done with that, if that's
3 the objective.

4 COMMISSIONER JEFFRIES: Also, I
5 would like to see somewhat of a cap there.
6 So I just don't want to leave the applicant
7 thinking that--I mean, I understand what
8 you're saying.

9 COMMISSIONER PARSONS: That
10 parapet isn't enough for you?

11 COMMISSIONER JEFFRIES: Well,
12 let's just do a further study. But I guess
13 what I'm saying is that I could see there
14 being some sort of cap or topping element at
15 that location. It might be a little more
16 pronounced than what you just said.

17 COMMISSIONER PARSONS: What I was
18 doing, for the record, is pointing to the
19 new parapet that's been shown at the top of--
20 -above the what? residential floor.

21 COMMISSIONER JEFFRIES: Yes. I
22 like the verticality there. I like that it

1 just sort of sets itself off from the
2 adjacent building. And so I would like to
3 see some variation of height there. I don't
4 think it should be subtle. So maybe it
5 doesn't look like this. But I hope we're
6 giving enough direction there.

7 CHAIRPERSON MITTEN: Okay.

8 VICE-CHAIRPERSON HOOD: Madam
9 Chair, since my colleagues didn't talk, so I
10 can understand it, I will tell you, I like
11 what's in front. So that's--

12 CHAIRPERSON MITTEN: Well, that
13 could be one alternative, and depending on
14 what else we see, we might go back to it.

15 COMMISSIONER JEFFRIES: I can go
16 with what's in front of us, and so right
17 now, I think we might have at least three to
18 two, but I'm certainly willing to, you know,
19 see what happens in final action.

20 VICE-CHAIRPERSON HOOD: I just
21 don't want this not to be shown, and
22 somebody comes back and then we don't like

1 it, and we have given them that direction.

2 But I like what's in front of us.

3 CHAIRPERSON MITTEN: Anybody
4 else?

5 (No response)

6 CHAIRPERSON MITTEN:

7 Okay. Then I would move approval
8 of Case No. 06-15, and as part of that,
9 we'll reopen the record to receive the
10 applicant's response for three things. One
11 is the commitment, to the extent that
12 they've made one, to assist the existing
13 businesses in relocating; the response
14 related to the timing on the grocery store;
15 and then this design response on the roof
16 line treatment on Building A. And ask for a
17 second.

18 COMMISSIONER TURNBULL: Second.

19 CHAIRPERSON MITTEN: Thank you.

20 Any further discussion?

21 (No response)

22 CHAIRPERSON MITTEN: All those in

1 favor, please say aye.

2 (No response)

3 CHAIRPERSON MITTEN: Aye. Those
4 opposed, please say no.

5 Mrs. Schellin.

6 MRS. SCHELLIN: Staff will record
7 the vote five to zero to zero to approve
8 Zoning Commission Case No. 06-15 for
9 proposed action, Commissioner Mitten moving,
10 Commissioner Turnbull seconding,
11 Commissioners Hood, Jeffries and Parsons in
12 favor.

13 CHAIRPERSON MITTEN: Thank you,
14 and just before he runs away, I just want to
15 say hello to former Council Member Vincent
16 Orange from Ward 5. Thanks for joining us
17 tonight.

18 Okay. The last case for proposed
19 action is 06-25, and this actually builds on
20 the previous case that we took final action
21 on, 05-10, and we have the Public Hearing
22 Notice in front of us, and I just want to

1 remind my colleagues, that at the time of
2 the hearing, the Office of Planning had
3 recommended a couple of minor changes, and
4 those would be to amend the proposed
5 boundary within Square 655 to include only
6 those properties fronting directly on to
7 South Capitol Street, and to clarify that
8 replacement of or improvements to an
9 existing rowhouse located in Squares 653 and
10 655 would not require Zoning Commission
11 review, and minor vertical upper story
12 additions to such rowhouses would not
13 require the 15 foot setback.

14 And I also want to take a moment-
15 -we got a response to the Notice of Proposed
16 Rulemaking from Pillsbury Winthrop Shaw
17 Pittman on behalf of Camden Development, and
18 given that the Commission isn't familiar yet
19 with this particular application, I just
20 wanted to ask the Office of Planning, are
21 you moved by their request to recommend to
22 us any changes in the text in Case No. 06-

1 25?

2 MR. LAWSON: Good evening, Madam
3 Chair. I would say that we're not
4 particular moved, mostly because the
5 regulations require Zoning Commission
6 approval, and through that approval,
7 specific amendments from any of the
8 regulations, including the ones mentioned,
9 can be brought before the Commission. We're
10 a bit nervous about making blanket changes
11 at this point, that would be different, to
12 make this different from the treatment on
13 other parts of South Capitol Street.

14 CHAIRPERSON MITTEN: Okay. Thank
15 you.

16 COMMISSIONER PARSONS: Let me
17 follow up on that because they're asking for
18 relief from a 15 foot setback, and that's
19 either a principle of design or it isn't.
20 You know, you don't mean that if they came
21 forward during the process, you might waive
22 that idea?

1 MR. LAWSON: No, actually, I was
2 just saying kind of the opposite. I'm
3 saying that we should hold the firm line on
4 these things for now. If, for some reason,
5 there is some real compelling reason that
6 the applicant wishes to bring forward at the
7 time of an application, they would have that
8 opportunity to do so. I'm not saying that
9 we would necessarily support it.

10 COMMISSIONER PARSONS: All right.
11 Thank you. A little stronger the second
12 time. Or maybe I misunderstood. Thanks.

13 CHAIRPERSON MITTEN: All right.

14 Then I would move approval of
15 Case No. 06-25, with the minor amendments
16 that the Office of Planning had recommended
17 in their November 6, 2006 report to the
18 Commission that I read into the record a
19 minute ago.

20 COMMISSIONER PARSONS: Second.

21 CHAIRPERSON MITTEN: any further
22 discussion or questions?

1 (No response)

2 CHAIRPERSON MITTEN: All those in
3 favor, please say aye.

4 (Chorus of ayes)

5 CHAIRPERSON MITTEN: Aye. Those
6 opposed, please say no.

7 CHAIRPERSON MITTEN: Mrs.
8 Schellin.

9 MRS. SCHELLIN: Staff will record
10 the vote five to zero to zero to approve
11 proposed action in Zoning Commission Case
12 No. 06-25, Commissioner Mitten moving,
13 Commissioner Parsons seconding,
14 Commissioners Hood, Jeffries and Turnbull in
15 favor.

16 CHAIRPERSON MITTEN: Thank you.
17 All right. Now we'll go back to the
18 minutes, very briefly.

19 VICE-CHAIRPERSON HOOD: Madam
20 Chair, if it's appropriate, I move that we
21 would start the process to do away with the
22 minutes. That's my motion. I ask for a

1 second.

2 CHAIRPERSON MITTEN: I second
3 that motion. What do we have to do?

4 COMMISSIONER PARSONS: Well,
5 let's carry it. I mean, you know, carry it
6 through. I made the motion. You second it.

7 CHAIRPERSON MITTEN: Yes. But
8 you started the process to do away with it.

9 COMMISSIONER PARSONS: Right. So
10 what I'm saying, the motion wasn't carried
11 through.

12 CHAIRPERSON MITTEN: I know that,
13 but I don't even know what, exactly, we're
14 voting on.

15 COMMISSIONER PARSONS: My motion
16 is that we start the process to do away with
17 the minutes.

18 CHAIRPERSON MITTEN: Okay. All
19 right. Fine. We have a motion and we have
20 a second, that we start the process to do
21 away with the minutes.

22 COMMISSIONER TURNBULL: Can I

1 ask, are we--do away with the minutes, or do
2 away with approving the minutes?

3 COMMISSIONER PARSONS: Do away
4 with the minutes. We've been through this
5 before, and I don't know why minutes--I
6 understand minutes show back up, but I think
7 it takes considerable staff time--we went
8 through this before, and Alan's here, but I
9 remember us having this discussion, and the
10 minutes show back up.

11 COMMISSIONER TURNBULL: Can you,
12 for myself--I mean, I wasn't a part of those
13 discussions--what was the problem?

14 CHAIRPERSON MITTEN: Well, I
15 guess the problem is that they're not really
16 an official anything, because all the
17 actions are contained in orders.

18 COMMISSIONER TURNBULL: In the
19 order. Right. Okay. Well, I'm certainly
20 in favor of anything that can cut back on
21 this paperwork.

22 CHAIRPERSON MITTEN: Okay.

1 Mr. Parsons.

2 COMMISSIONER PARSONS: The
3 genesis of these minutes was twofold. One,
4 some of the Commissioners couldn't remember
5 exactly what they did. Understandable.
6 Over a period of time. I mean, you know, a
7 case would roll up later, and so forth. And
8 some were demanding--I wasn't amongst them--
9 this is like, you know, 20 years ago--that
10 they wanted the debate as to why people
11 voted three to two. In other words, what
12 was the minority opinion, and so forth.

13 I don't support any of that. I
14 think that the new innovation is what Ms.
15 Schellin has done, is to report to us almost
16 immediately what action we took tonight, and
17 that was missing at the time we decided we
18 would have minutes, and I would--

19 CHAIRPERSON MITTEN: That's
20 because they hadn't invented the Internet
21 yet.

22 COMMISSIONER PARSONS: Right.

1 And so that's why we're in this mess, and I
2 would urge the staff to continue doing what
3 they're doing, to report back to us, for
4 those who have short memories, what
5 happened, and get rid of the minutes. I
6 mean, that's all they are. They're an
7 unofficial reminder to the Commission
8 members.

9 CHAIRPERSON MITTEN: And we can't
10 just eliminate them without a vote. So
11 let's find out who's in favor of eliminating
12 the minutes.

13 VICE-CHAIRPERSON HOOD: I think
14 Mr. Bergstein has more to add.

15 CHAIRPERSON MITTEN: Oh. Mr.
16 Bergstein.

17 MR. BERGSTEIN: It's in the regs,
18 and it's a procedural rule, it's 304, that
19 provides there has to be minutes and the
20 minutes shall be of summary nature, and if
21 you want, I suppose you could at this point
22 set down a proceeding to remove the

1 requirement that the Commission keep
2 minutes.

3 Your orders do include your votes
4 on proposed and final action. So that's
5 there.

6 CHAIRPERSON MITTEN: Okay.

7 MR. BERGSTEIN: And I don't think
8 you would need a hearing on this because
9 it's not a substantive amendment to the text
10 of the zoning regulations. You're not
11 dealing with area, you're not dealing with
12 use, and so I see no reason why you'd have
13 to have a hearing, or even refer it to NCPC.

14 So if you wanted to, rather than
15 actually set down the case for hearing--now
16 that I'm thinking outloud--is simply take
17 proposed action for the purposes of
18 rulemaking--

19 CHAIRPERSON MITTEN: What's that
20 section called? What is that section
21 number?

22 MR. BERGSTEIN: That I'm

1 referring to? 3004.

2 CHAIRPERSON MITTEN: And would we
3 just repeal that section?

4 MR. BERGSTEIN: Well, not all of
5 it because a lot of it also has to do with
6 transcripts.

7 CHAIRPERSON MITTEN: Okay.

8 MR. BERGSTEIN: And I would
9 invite you to read that, because it talks
10 about transcripts and motions to correct
11 transcripts. There's a lot of things here,
12 that in the time I've been here, has never
13 come up.

14 CHAIRPERSON MITTEN: Okay.

15 MR. BERGSTEIN: So I don't know
16 if you would like to all, perhaps, have this
17 made available for your next meeting package
18 and decide how much of this you really feel
19 needs to be there, and at that time we could
20 have this as a proposed item, and you could
21 decide, pretty much, which of these
22 provisions you want to repeal or modify.

1 CHAIRPERSON MITTEN: Okay. So
2 Mr. Hood, I know you don't like deferring
3 things but--

4 VICE-CHAIRPERSON HOOD: It's too
5 late. Let's defer this. Let's defer this;
6 it's too late.

7 CHAIRPERSON MITTEN: You know,
8 most people have left. So we'll defer this
9 to our next meeting and we'll proceed as Mr.
10 Bergstein has suggested. But we all look
11 forward to eliminating the need for minutes,
12 and thank you, Mr. Hood, for taking the lead
13 on that, and until we do take that action,
14 though, we have minutes on the agenda, and I
15 would move approval of the public meeting
16 minutes from June 12, July 6, and July 12.

17 MRS. SCHELLIN: Actually, you
18 didn't participate in the middle one.
19 Sorry. That was the baseball stadium. So
20 you weren't involved in that one.

21 CHAIRPERSON MITTEN: Okay. Then
22 I'll withdraw the July 6 from the motion.

1 VICE-CHAIRPERSON HOOD: Second.

2 CHAIRPERSON MITTEN: Thank you.

3 All those in favor, please say

4 aye.

5 (Chorus of ayes)

6 CHAIRPERSON MITTEN: Aye. Okay.

7 That's unanimous, Mrs. Schellin.

8 MRS. SCHELLIN: Staff will record
9 the vote five to zero to zero to approve the
10 regular meeting minutes of June 12, 2006 and
11 July 10, 2006, Commissioner Mitten moving,
12 Commissioner Hood seconding, Commissioners
13 Turnbull, Jeffries and Parsons in favor.

14 CHAIRPERSON MITTEN: Thank you.

15 Could someone who was in
16 attendance at the special public meeting on
17 July 6 move approval. Mr. Parsons--

18 VICE-CHAIRPERSON HOOD: So moved.

19 CHAIRPERSON MITTEN: Thank you,

20 Mr. Hood.

21 All those in favor, please say

22 aye.

1 (Chorus of ayes)

2 CHAIRPERSON MITTEN: Mrs.
3 Schellin.

4 MRS. SCHELLIN: Staff will record
5 the vote four to zero to one to approve the
6 special public meeting minutes of July 6,
7 2006, Commissioner Parsons moving,
8 Commissioner Hood seconding, Commissioners
9 Turnbull and Jeffries in favor, Commissioner
10 Mitten not voting, having not participated.

11 CHAIRPERSON MITTEN: Thank you.

12 Now we have before us the Office
13 of Planning status report. Is there
14 anything that you would like to call to our
15 attention?

16 MS. STEINGASSER: I'd just like
17 to point out that we added the removal, to
18 remove the temporary detention use from the
19 CM Zone. We'll be bringing that back--or
20 bringing that to the Commission in February
21 for set-down. Other than that, there's
22 nothing new.

1 CHAIRPERSON MITTEN: Okay. I
2 remember that one. Okay.

3 Anyone have any questions for the
4 Office of Planning?

5 COMMISSIONER PARSONS: Yes. I've
6 noted that there's a new planning director
7 in our future, and I just want to make sure
8 that the last item on the list, "open space,
9 to be assigned, possible coordination with
10 NCPS," is not something that the new
11 director might wonder why it's on there and
12 could be eliminated.

13 MS. STEINGASSER: We'll make sure
14 she understands.

15 COMMISSIONER PARSONS: I have
16 renewed enthusiasm for this and look forward
17 to it in the context of everything else on
18 the four pages in front of it.

19 Thank you.

20 VICE-CHAIRPERSON HOOD: Ms.
21 Steingasser, can you tell us what the new
22 director's name is.

1 MS. STEINGASSER: Her name is
2 Harriet Tregoning. T-r-e-g-o-n-i-n-g.

3 VICE-CHAIRPERSON HOOD: Thank
4 you.

5 CHAIRPERSON MITTEN: We look
6 forward to meeting here at one of our
7 hearings.

8 MS. STEINGASSER: We expect
9 she'll come to the February meeting.

10 CHAIRPERSON MITTEN: Great.

11 Anything else?

12 (No response)

13 CHAIRPERSON MITTEN: I see you've
14 really put off in the future that house on
15 Fort Reno.

16 MS. STEINGASSER: It actually has
17 a hearing date in March, I think; right?

18 COMMISSIONER PARSONS: Yes. We
19 do.

20 CHAIRPERSON MITTEN: Okay.

21 MS. STEINGASSER: It's not that
22 far off.

1 CHAIRPERSON MITTEN: There's a
2 typo that makes it look really far off into
3 the future. That's all. I was just making
4 a little funny--okay? Not very. Okay.
5 Anyone else--questions?

6 (No response)

7 CHAIRPERSON MITTEN: All right.
8 Thank you very much. I don't think we have
9 any further business and anybody that wants
10 to watch football will make it in front of
11 their television in time. We're adjourned.

12 (Whereupon, at 7:56 p.m., the
13 Zoning Commission meeting was adjourned.)

14
15
16
17
18
19
20
21
22