

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

SPECIAL PUBLIC MEETING

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MONDAY
SEPTEMBER 10, 2007

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The Special Public 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	Chair
ANTHONY J. HOOD	Vice-Chair
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN H. BERGSTEIN, ESQ.
JACOB RITTIG, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
TRAVIS PARKER
STEPHEN MORDFIN
MAXINE BROWN-ROBERTS
ARTHUR JACKSON

This transcript constitutes the minutes from the Regular Meeting held on September 10, 2007.

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

6:38 p.m.

CHAIRPERSON MITTEN: Good

evening, ladies and gentlemen. This is regular monthly meeting of the Zoning Commission of the District of Columbia and today is Monday, September 10, 2007. Welcome back from our summer break. My name is Carol Mitten and joining me this evening are Vice-Chairman Anthony Hood and Commissioners Mike Turnbull and John Parsons.

Copies of our meeting agenda are available to you and they're in the wall bin by the door. I'd just 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 the proceeding is being recorded by the court reporter and is also being webcast live. Accordingly, we ask you to refrain from making any disruptive noises during our

1 meeting and ask you to turn off all beepers
2 and cell phones at this time for the same
3 reason.

4 So, Ms. Schellin, do you have any
5 preliminary matters before we start?

6 MS. SCHELLIN: No, ma'am.

7 CHAIRPERSON MITTEN: Okay. Then
8 I'd just like to make a change that I'm sure
9 will come as a relief to everyone. It's
10 that we'll take action on the minutes at the
11 end. So we'll get to the substance of our
12 agenda first, then come back to the
13 housekeeping stuff at the end. So we'll
14 begin then with -- I guess we'll have the
15 Office of Planning's status report at the
16 end also, if you don't mind. And we'll just
17 get right to the hearing action. And the
18 first item under hearing action is Zoning
19 Commission Case No. 07-18, and this is for a
20 PUD at 1000 F Street NW. Mr. Mordfin, good
21 evening.

22 MR. MORDFIN: Good evening. I'm
23 Stephen Mordfin with the Office of Planning.

1 And the Applicant's requesting a Planned
2 Unit Development so as to construct an 11-
3 story mixed use building consisting of
4 office space, retail space, and below grade,
5 off street parking within the C-4 and DD
6 Overlay District and within the Pennsylvania
7 Avenue Historic Site Overlay District.

8 The application requests a waiver
9 from the minimum area requirements of a PUD,
10 reducing the minimum area required from
11 15,000 square feet to 11,790. The Office of
12 Planning supports this waiver, as the
13 project includes significant historic
14 preservation work, including the
15 preservation of the existing 1000 F Street
16 structure and the relocation and restoration
17 of the Waffle Shop Building. The plan has
18 been approved in concept by HPRB.

19 The application also requests
20 flexible to floor area ratio, roof
21 structure, open court widths, and off street
22 parking and off street loading requirements.
23 In exchange for this flexibility, the

1 Applicant has proffered several public
2 benefits and amenities. These include urban
3 designer architecture. The massing of the
4 proposed building is designed to compliment
5 surrounding historic landmarks and the
6 Waffle Shop Building is to be restored and
7 relocated to the Mount Vernon Historic
8 District.

9 Transportation features: the
10 application proposes brick pavers for 10th
11 Street and London pavers for F Street, as
12 recommended by the Downtown Street Scape
13 Standards.

14 Site planning: the site is
15 designed to respect surrounding historic
16 landmarks, while complimenting more recent
17 development by varying the heights of the
18 building and through the use of various
19 materials.

20 Other benefits proposed include
21 the dedication of 4,000 square feet of
22 rehearsal space to Ford's Theater, either
23 within the proposed building or at another

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1 location within close proximity and
2 acceptable to the theater. And lastly, the
3 First Source Employment Program and the
4 Local Business Employment Program will be --
5 the Applicant will participate in these two
6 programs in the proposed development, or in
7 the development of the property.

8 The Applicant proposes to reduce
9 the amount of required parking from 45 to
10 38. And approval of this reduction will
11 require the granting of a special exception
12 pursuant to Section 2104 of the Zoning
13 Regulations. The application also proposes
14 to locate 39 parking spaces within the vault
15 space along F Street and also along 10th
16 Street. And approval of this will be
17 required by the Public Space Committee.

18 The application is consistent
19 with the provisions of the Comprehensive
20 Plan, including support of the continued
21 growth of the office sector through infill
22 and renovation within established commercial
23 districts; the preservation of important

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1 historic features of the District, while
2 permitting compatible new infill
3 development; and also, to protect and
4 enhance Central Washington's historic
5 resources.

6 Therefore, the Office of Planning
7 recommends that the Commission set down the
8 subject application, as submitted by the
9 Applicant. Thank you.

10 CHAIRPERSON MITTEN: Thank you,
11 Mr. Mordfin. Questions or comments?
12 Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Madam
14 Chair, Mr. Mordfin, on the -- I know it's
15 very early in the process, but have you --
16 there's not much -- have you had much
17 discussions from a design aspect? There's a
18 lot of trellises and design features that
19 really aren't articulated right now. And
20 there's nothing really on sustainable design
21 that I can see in any of the -- what I've
22 read.

23 MR. MORDFIN: We did request

1 additional information on the things such as
2 the trellises, additional detail for review
3 so that we could see more and also the
4 Commission could see what those details are.
5 And also, we had talked with them about --
6 they had discussed providing a green roof on
7 part of the roof of the building. One side,
8 I think it's the F Street side, I don't
9 recall exactly, will be green roof. So --

10 COMMISSIONER TURNBULL: So you
11 expect to see some things coming back that
12 will give us a better idea of what's going
13 on over there?

14 MR. MORDFIN: Yes.

15 COMMISSIONER TURNBULL: Okay.
16 Thank you.

17 CHAIRPERSON MITTEN: Mr. Parsons?

18 COMMISSIONER PARSONS: Well, 10th
19 Street's a very historic street, as we all
20 know, and I am certainly glad they're going
21 to restore the property at the corner of
22 10th and F. I am a little troubled with the
23 stepped-up addition; that is the glass

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1 addition -- or not addition. I don't know
2 what else to call it. It seems to me to be
3 about a story too high. But maybe, during
4 the hearing, we can discuss that. And of
5 course Mr. Baronus and I will -- I thought
6 he was here, no -- debate the rooftop
7 embellishments, I'll call them. I just --
8 well, I won't go on, but I just have trouble
9 with those. Anything that gives more
10 appearance of height, I don't -- and the
11 color of the brick. I think the -- if we
12 could have a simulation of this street that
13 is not as computer generated as this one,
14 but is more real to see how this orange
15 brick really fits here, I think it would be
16 beneficial. Those were my only comments.

17 CHAIRPERSON MITTEN: Thank you.
18 Mr. Hood, did you have anything? Just to
19 follow up on the issue about 10th Street, I
20 remember when this street in particular was
21 -- well, the eastern side of the square, the
22 western side of this block of 10th Street,
23 was included in the Historic Preservation

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1 section of the DD Overlay with the 6 FAR
2 limitation. And it was really, I think,
3 largely driven by the Peterson House being
4 in the block.

5 COMMISSIONER TURNBULL: Right.
6 Yes.

7 CHAIRPERSON MITTEN: And I've a
8 specific concern about basically letting
9 that go; letting the control largely be
10 compromised. Because, if it happens at the
11 northern corner, it'll happen at the
12 southern corner. And then the Peterson
13 House will be very isolated in the block.
14 I'm concerned about what happens with other
15 sites that are in the DD that were selected
16 to be controlled with the 6 FAR.

17 COMMISSIONER TURNBULL: Yes.

18 CHAIRPERSON MITTEN: And then I
19 also have a concern about whether or not the
20 Applicant has already sold the transferrable
21 development rights between the 6 and the 10,
22 and now is coming back.

23 COMMISSIONER TURNBULL: Oh?

1 CHAIRPERSON MITTEN: You know, I
2 mean, that wasn't included anywhere, but
3 that's a question I'd like to have answered.

4 COMMISSIONER TURNBULL: Yes.

5 CHAIRPERSON MITTEN: Or I think
6 the Commission should want to have answered
7 for the hearing. So maybe the Office of
8 Planning could, you know, flesh out a little
9 bit more about it, you know, to make the
10 Commission comfortable with compromising
11 what was, I thought, a fairly firm decision
12 to keep certain historic sites in the DD
13 limited to 6 FAR.

14 And then -- what's the other? I
15 guess that was the only other thing. When I
16 was reading -- oh, the other thing. In
17 light of the fact that, apparently, HPRB did
18 not resist the Waffle Shop being torn down,
19 we have at least the people at Ford's
20 Theater saying that they don't think that
21 there's any detriment to the Pennsylvania
22 Avenue Historic Site or whatever it's
23 called, to the loss of the Waffle Shop, how

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1 is the Commission supposed to evaluate the
2 Historic Preservation proffer when the
3 people who are supposed to care the most
4 about this don't care about it? There's, I
5 think, I guess there's, you know -- I mean,
6 is that really historic preservation, or is
7 that just placating one sort of special
8 interest group, which I think is the Art
9 Deco Society and maybe the Preservation
10 League. But to my understanding, when you
11 move a historic structure, you've really
12 done damage to the historic integrity of it
13 by removing it from it's context?

14 MR. MORDFIN: That's what they
15 agreed.

16 CHAIRPERSON MITTEN: They agreed
17 to do it, but how does the Commission
18 evaluate the proffer as an amenity? How
19 valuable is that amenity if it --

20 MR. MORDFIN: Oh, I see.

21 CHAIRPERSON MITTEN: -- you know?
22 If it's a historic preservation amenity, but
23 the people who would normally be setting the

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1 standard for that say we don't care about
2 that so much. In fact, you could tear that
3 down and we wouldn't miss it. So how does
4 one call that an amenity to save it by
5 moving it elsewhere?

6 And then I was sort of
7 disappointed to realize that there wasn't a
8 housing linkage related to this project.
9 Because there's an exemption under, I guess,
10 the PUD regulations. But it stuck out,
11 originally to me, as a -- based on my
12 recollection of the regs -- that there would
13 be a housing linkage requirement here. But,
14 in fact, there's not.

15 So those are things that I would
16 recommend for further study for the hearing.
17 So, does anyone else have any comments? All
18 right. Then I would move that we set down
19 Case No. 07-18 for a hearing, and ask for a
20 second.

21 COMMISSIONER TURNBULL: Second.

22 CHAIRPERSON MITTEN: Thank you,
23 Mr. Turnbull. Is there any further

1 discussion? All those in favor, please say
2 aye.

3 ALL: Aye.

4 CHAIRPERSON MITTEN: Those
5 opposed, please say no. Ms. Schellin?

6 MS. SCHELLIN: Yes. Staff
7 records the vote four to zero to one to
8 approve set down for Zoning Commission Case
9 No. 07-18, as a contested case; Commissioner
10 Mitten moving; Commissioner Turnbull
11 seconding; Commissioners Hood and Parsons in
12 favor; Commissioner Jeffries not present,
13 not voting.

14 CHAIRPERSON MITTEN: Thank you.
15 The next case for hearing action is Case No.
16 05-15A, and this is a modification to the
17 PUD at 318 I Street, NE. Mr. Jackson? Hi.

18 MR. JACKSON: Good evening, Madam
19 Chair and members of the Commission. My
20 name is Arthur Jackson, and I will be giving
21 a brief summary of the Office of Planning
22 report on this -- preliminary report on this
23 application.

1 Applicant, Broadway One
2 Associates, LLC, requests Zoning Commission
3 review and approval of a modification to a
4 consolidated Planned Unit Development, or
5 PUD, approved in 2006. The new proposal
6 would redevelop property occupied by the
7 former Uptown Bakers Wholesale Bakery with a
8 seven-story, 70-foot tall building, with
9 106-180 rental apartments and onsite vehicle
10 parking equal to a ration of one-to-one, or
11 between 140 and 180 spaces.

12 The site continues to exceed the
13 minimum 15,000 square feet required for a
14 Planned Unit Development in the current
15 community business district, C-2-B zoned
16 district. No zone change is requested
17 because the previous PUD approval increased
18 the allowable residential floor area ratio
19 to six and the allowable height to 90 feet.

20 This modification would also
21 reduce the proposed lot occupancy from 85 to
22 80 percent, consistent with the maximum
23 allowed in the zone district, thus

1 eliminating the zoning relief requested --
2 required under the previous approval. The
3 2006 Generalized Use Plan designates the
4 subject property for moderate density
5 commercial land use, characterized by
6 retail, office, service, and businesses, and
7 moderate density residential land use
8 characterized by row houses and garden
9 apartments as predominant uses.

10 The underlying C-2-B zoned
11 district is designated to a moderate to
12 medium density mixed use zoned district.
13 The proposal continues to support certain
14 Comprehensive Plan goals and objectives by
15 replacing a vacant and underutilized former
16 industrial site with a residential project;
17 improving the street scape with well
18 designed building facades and landscaping;
19 using paving materials and landscaping to
20 make the existing alley appear to be an
21 extension of the development; providing
22 sufficient vehicle and bicycle parking
23 resources onsite; and providing up to 180

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1 new residential opportunities.

2 With regard to the standards for
3 Planned Unit Development approval, in
4 Chapter 24 of the Regulations, benefits and
5 amenities provided by the overall project,
6 including urban design, superior
7 architecture, and including home residential
8 opportunities including 9,150 square feet of
9 affordable residential opportunities,
10 residential reuse of an underutilized
11 industrial site, pedestrian access, and
12 employment and training opportunities will
13 essentially be the same, and continue to be
14 significantly greater than the relief
15 granted under the current PUD, which
16 increased the allowable residential density.
17 Thus, this project appears to meet the
18 minimal requirements for approval.

19 The Office of Planning concludes
20 that this modification proposal does not
21 appear inconsistent with the Comprehensive
22 Plan and supports more specific housing,
23 employment, urban design, and neighborhood

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1 stabilization goals identified in the
2 Comprehensive Plan, and recommends that the
3 project be scheduled for public hearing,
4 noting that further examination is needed in
5 certain areas. This concludes my summary of
6 the Office of Planning report and I will be
7 able to answer questions.

8 CHAIRPERSON MITTEN: Thank you,
9 Mr. Jackson. Any questions or comments? I
10 didn't have a good enough recollection and
11 we didn't have what the original design had
12 looked like. But I seem to remember, and it
13 could be a different case, but I don't
14 remember this abrupt transition between the
15 northern end of the building along 4th
16 Street and the row houses next to it. Was
17 that different before? Could you turn on
18 your mike?

19 MR. JACKSON: Do you mean the
20 vertical wall along 4th Street?

21 CHAIRPERSON MITTEN: Right.
22 Where it just drops off; the very abrupt
23 change in height. There's no transition.

1 MR. JACKSON: I think what the
2 Applicant attempted to do in the previous
3 design and now is to work more at the street
4 level to break up the facade, so that the
5 walls, the windows, and the other pattern of
6 openings and voids at that level are similar
7 to the adjacent building. I think the
8 building always did jut up rather quickly.

9 CHAIRPERSON MITTEN: So there was
10 a very abrupt -- let me see. I can maybe
11 speak with more -- be more specific about
12 it. Or maybe not. I can't.

13 MR. JACKSON: The perspective is
14 the only thing that doesn't respond to it.

15 CHAIRPERSON MITTEN: Yes. Right.
16 There's a transition, you know, at the
17 northern end of the little town houses.
18 There's two two-story row houses that look
19 white on the cover sheet of the drawings.

20 MR. JACKSON: Right.

21 CHAIRPERSON MITTEN: And then
22 this building goes up more than twice the
23 height of that. So there's absolutely no

1 transition there.

2 MR. JACKSON: I --

3 CHAIRPERSON MITTEN: I'm sorry?

4 MR. JACKSON: I'm sorry. I hate
5 to interrupt, but I did bring the -- a
6 rendering from the previous approval. And I
7 can pass this over to you.

8 MS. KESSLER: Yes. Would you?

9 MR. JACKSON: It does --

10 CHAIRPERSON MITTEN: The same
11 thing?

12 MR. JACKSON: Yes. Now, the
13 materials, the design are somewhat
14 different. But again, the Applicant was
15 focusing on what you would see at street
16 level. And this was breaking up the facade
17 with stairs going up to a landing --

18 CHAIRPERSON MITTEN: Yes?

19 MR. JACKSON: And the windows.
20 So that the pattern down there would be
21 similar to the two-story buildings next
22 door. Their explanation was that you're so
23 -- the street zoned area -- you're so close,

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1 you're so close, you really aren't going to
2 see that -- the larger difference in height
3 between the two buildings. But you will be
4 very much influenced by what you would see
5 at street level. And so that's where they
6 were focusing their work. And you'll note
7 in the current design that the ground floor
8 is actually lower -- appears to be lower, so
9 it's actually more on line with the adjacent
10 residences, at least on the first and second
11 floor. Above that --

12 CHAIRPERSON MITTEN: Is that why
13 the height changed?

14 MR. JACKSON: I believe -- my
15 understanding is that they adjusted the
16 building down, but they also wanted to have
17 a -- to keep the same number of floors. So,
18 you know, they -- no, that they wanted to
19 add another floor. No. It's the same
20 number of floors. I think, for the purposes
21 of their putting in 180 units, they -- their
22 program meant they wanted to add an
23 additional five feet.

1 CHAIRPERSON MITTEN: I'm just
2 wondering what's driving that exactly,
3 because that wasn't obvious to me, what was
4 driving the additional five feet.

5 MR. JACKSON: Well, let me see.

6 MS. STEINGASSER: I believe,
7 Madam Chair, they were able to sink the
8 building four feet, and then add the five
9 feet on the top, which would --

10 CHAIRPERSON MITTEN: Oh, that's -
11 -

12 MS. STEINGASSER: -- together, it
13 gave them an additional floor.

14 CHAIRPERSON MITTEN: -- to
15 accommodate the additional floor. I see.
16 Okay. Okay. Anyone else? We don't appear
17 to have any more comments. Okay. Then we
18 have a recommendation to set down this case.
19 And I would so move, and ask for a second.

20 COMMISSIONER PARSONS: Second.

21 CHAIRPERSON MITTEN: Thank you,
22 Mr. Parson. Any discussion? All those in
23 favor, please say aye.

1 ALL: Aye.

2 CHAIRPERSON MITTEN: Those
3 opposed, please say no. Ms. Schellin?

4 MS. SCHELLIN: Yes. Staff
5 records the vote four to zero to one to set
6 down Zoning Commission Case No. 05-15A, as a
7 contested case; Commissioner Mitten moving;
8 Commissioner Parsons seconding;
9 Commissioners Hood and Turnbull in favor;
10 Commissioner Jeffries not present and not
11 voting.

12 CHAIRPERSON MITTEN: Thank you.
13 Last under Hearing Action is Case No. 07-24,
14 and this is a text amendment related to
15 Certificates of Occupancy for CBRS.

16 MS. STEINGASSER: Madam Chair,
17 Commissioners, I'm going to stand on the
18 record regarding the general background of
19 the case and recommend that the case be set
20 down for public hearing and that emergency
21 action also be taken, and that the
22 Commission authorize a Notice of Public Rule
23 Making to be issued and allow immediate

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1 advertisement of the text.

2 CHAIRPERSON MITTEN: Okay. Are
3 there any questions? Mr. Hood?

4 VICE-CHAIRPERSON HOOD: Madam
5 Chair, do we want to vote on the emergency
6 first, or do you want to do it all together?

7 CHAIRPERSON MITTEN: Actually,
8 I'd just like to lump it all together.

9 VICE-CHAIRPERSON HOOD: Okay.
10 Well, I would move that we grant the
11 emergency on Zoning Commission Case No. 07-
12 25, and also --

13 CHAIRPERSON MITTEN: 24.

14 VICE-CHAIRPERSON HOOD: -- 24,
15 what did I say? 25?

16 CHAIRPERSON MITTEN: Yes.

17 VICE-CHAIRPERSON HOOD: Okay. --
18 07-24, that we grant the emergency and also
19 that we set 07-24 down for a hearing.

20 CHAIRPERSON MITTEN: And does
21 that include the authority to issue the
22 Notice of Proposed Rule Making immediately
23 to advertise the text without delay?

1 VICE-CHAIRPERSON HOOD: Yes, it
2 does.

3 CHAIRPERSON MITTEN: Okay.

4 VICE-CHAIRPERSON HOOD: Thank
5 you.

6 CHAIRPERSON MITTEN: Okay. Then I
7 would second that motion. Is there any
8 discussion? All those in favor, please say
9 aye.

10 ALL: Aye.

11 CHAIRPERSON MITTEN: Those
12 opposed, please say no. Ms. Schellin?

13 MS. SCHELLIN: Yes. Staff
14 records the vote four to zero to one to set
15 down Zoning Commission Case No. 07-24 as a
16 rule making case, and also to take emergency
17 action and ask Staff to issue the Notice of
18 Proposed Rule Making immediately;
19 Commissioner Hood moving; Commissioner
20 Mitten seconding; Commissioners Parsons and
21 Turnbull in favor; Commissioner Jeffries not
22 present and not voting.

23 CHAIRPERSON MITTEN: Thank you.

1 Now we're ready to go to Final Action. And
2 we have a couple of cases. First up is Case
3 No. 05-03A, which is a request for a time
4 extension for a case that used to be near
5 and dear to my heart, and now I'm just
6 completely neutral about. Are there any
7 questions or comments from the Commission?

8 VICE-CHAIRPERSON HOOD: Madam
9 Chair, I think while it was near and dear to
10 your heart, I think that in the submittal by
11 the Applicant it talks about some of the
12 difficulties with the property with so much
13 delays in developer selection. And the one
14 that really caught me was the administration
15 change. I know, I think this administration
16 is definitely in tune with that headquarters
17 or that project moving forward. I think
18 sometimes it takes time for others to be
19 able to get in and kind of dissect and find
20 out what's going on and see if they want to
21 make any alternative changes. So even
22 though they're not making any material
23 changes, I think that I would be in favor of

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1 the request for the time extension. And I'm
2 ready to put a motion, unless somebody else
3 wants to comment.

4 CHAIRPERSON MITTEN: Go ahead.

5 VICE-CHAIRPERSON HOOD: Okay. I
6 move that we would grant the request for the
7 time extension for Zoning Commission Case
8 No. 05-03A. And I think they've asked for
9 two years.

10 CHAIRPERSON MITTEN: Thank you.

11 COMMISSIONER PARSONS: Second.

12 CHAIRPERSON MITTEN: Thank you,
13 Mr. Parsons. Is there any discussion? All
14 those in favor, please say aye.

15 ALL: Aye.

16 CHAIRPERSON MITTEN: Those
17 opposed, please say no. Ms. Schellin?

18 MS. SCHELLIN: Yes. Staff would
19 record the vote five to zero to zero to
20 approve the two year time extension in
21 Zoning Commission Case No. 05-03A;
22 Commissioner Hood moving; Commissioner
23 Parsons seconding; Commissioners Turnbull

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1 and Mitten in favor; and Commissioner
2 Jeffries in favor by absentee ballot.

3 CHAIRPERSON MITTEN: Thank you.
4 Next is Case No. 05-35. This is the Stanton
5 Square PUD. And we have a Proposed Order
6 and there are just a couple of things that
7 we need to be sure to include. Condition
8 No. 5 does not specify when the Capital
9 Contribution will be made to the reserve
10 fund. You'll remember that this was for the
11 maintenance of the streets that originally
12 were considered to be -- they were going to
13 be made public, and then the decision was
14 made to keep them private, in part because
15 of our guidance vis-a-vis trying to
16 accommodate DDOT versus having more green
17 space on the site. So the proposal would be
18 to just designate that that contribution
19 would be made prior to the issuance of a
20 Certificate of Occupancy, so that change
21 would be included.

22 Then, the -- one of the
23 conditions related to the -- you'll

1 remember, we had quite a bit of discussion
2 about the trash receptacles that would be
3 put around the perimeter of the site. And
4 there is -- oh, it's in Number 2. And it
5 doesn't specifically designate that the --
6 maybe it does -- that the Homeowners'
7 Association -- I think what it says is --
8 help me out here, Mr. Bergstein or Mr.
9 Rittig. It does say that the Homeowners'
10 Association bylaws will provide that they'll
11 pick up trash from 14 of 30 receptacles.

12 MR. RITTIG: Yes. You know, I
13 think I was looking at an earlier version of
14 this when I wrote that comment.

15 CHAIRPERSON MITTEN: Okay.

16 MR. RITTIG: And now it does
17 include it in the Condition No. 2.

18 CHAIRPERSON MITTEN: Okay. So
19 that's all been taken care of.

20 MR. BERGSTEIN: No. I think the
21 issue is that the Commission can't require
22 the Homeowners' Association to do anything.
23 What the condition has to say is that the

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1 Applicant shall insure that that is in the
2 bylaws.

3 CHAIRPERSON MITTEN: And it does.
4 The Stanton Square Homeowners' Association
5 bylaws will include a provision that it will
6 be responsible for --

7 MR. BERGSTEIN: It just needs to
8 be directed to the Applicant. In other
9 words, we don't have any authority over the
10 Homeowners' Association.

11 CHAIRPERSON MITTEN: Oh, okay.
12 I've got you. Okay. Okay. And then it was
13 -- OIG noted the fact that there needs to be
14 some reconciliation between some of the
15 language about designating the Applicant
16 versus the developer. And they'll reconcile
17 that language. And I think basically
18 everything else is taken care of. Let me
19 just see.

20 Okay. Anyone else? And we also
21 have a report -- Mr. Hood is kind enough to
22 remind me that we have a report from NCPD
23 dated July 26, 2007 -- the action is dated

1 July 26, 2007, I think, stating that there's
2 no impact to the Federal interest. And I
3 knew people were really concerned about
4 that. So I move approval of Zoning
5 Commission Case No. 05-35.

6 VICE-CHAIRPERSON HOOD: Second.

7 CHAIRPERSON MITTEN: Thank you,
8 Mr. Hood. Any further comments or
9 discussion? All those in favor, please say
10 aye.

11 ALL: Aye.

12 CHAIRPERSON MITTEN: Those
13 opposed, please say no. Ms. Schellin.

14 MS. SCHELLIN: Yes. Staff
15 records the vote five to zero to zero to
16 approve final action on Zoning Commission
17 Case No. 05-35; Commissioner Mitten moving;
18 Commissioner Hood seconding; Commissioners
19 Parsons and Turnbull in favor; and
20 Commissioner Jeffries in favor by absentee
21 ballot.

22 CHAIRPERSON MITTEN: Thank you.

23 Next, we have Case No. 06-34. And this is

1 the PUD in the 1700 block of East Capitol
2 Street. And I had a couple of questions.
3 The sort of late breaking issue, which I
4 suppose we have to reopen the record to
5 receive the filings.

6 MS. SCHELLIN: They were -- yes,
7 probably. You guys requested responses at
8 proposed action.

9 CHAIRPERSON MITTEN: Oh, we did?

10 MS. SCHELLIN: And I think that
11 you actually opened the record to receive
12 them at that time.

13 CHAIRPERSON MITTEN: Okay. Okay.
14 Good. It's always nice when I'm thinking
15 ahead. So the -- we had asked for a certain
16 degree of specificity on the proffer
17 regarding upgrading the alley behind the
18 project. And I believe that the Applicant
19 had represented that they would do
20 resurfacing. And then they subsequently
21 elaborated on that. And DDOT, in weighing
22 in, sort of upped the ante to what I guess
23 I'll call reconstruction of the alley, which

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1 is fairly different that -- it's
2 significantly different than what the
3 Applicant had proffered. So we need to
4 decide if the Applicant's -- if the order
5 accurately reflects the Applicant's proffer
6 that we generally had accepted when we took
7 proposed action. So is there anyone who
8 wants to suggest any changes related to the
9 language in the Proposed Order, specifically
10 about the alley proffer?

11 COMMISSIONER PARSONS: Yes. What
12 number is that?

13 CHAIRPERSON MITTEN: The -- well,
14 the -- here's how -- you've got to trace it
15 backwards. The condition is Condition No.
16 6, which makes reference to an exhibit
17 number. And that exhibit number -- that
18 exhibit has the specificity for each of the
19 proffers. So I don't have that, although
20 Staff has that at hand, if you needed to see
21 it. So it's not actually articulated in
22 this. There's a little bit of discussion on
23 --

1 COMMISSIONER PARSONS: So the
2 original proposal was to resurface an alley?

3 CHAIRPERSON MITTEN: Yes.

4 COMMISSIONER PARSONS: After the
5 hearing then, outside of this process, DDOT
6 decides it needs to be reconstructed?

7 CHAIRPERSON MITTEN: That's what
8 they're trying to get the Applicant to pay
9 for.

10 COMMISSIONER PARSONS: Right.
11 Isn't that between them and them?

12 CHAIRPERSON MITTEN: Well, it's
13 --

14 COMMISSIONER PARSONS: I mean,
15 why should we be intruding into that process
16 and requiring something that --

17 CHAIRPERSON MITTEN: Right. I
18 mean, they didn't proffer that, I guess, is
19 the main thing.

20 COMMISSIONER PARSONS: Right.

21 CHAIRPERSON MITTEN: Right. So
22 yes, I agree. I had --

23 COMMISSIONER PARSONS: So, how do

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1 we fix that?

2 CHAIRPERSON MITTEN: Well, we
3 decide if we want to change anything in
4 terms if is the Applicant's proffer
5 sufficient?

6 COMMISSIONER PARSONS: Oh, okay.

7 CHAIRPERSON MITTEN: Or do we
8 want to change anything? So that's why I
9 was asking does anybody want to change
10 anything.

11 COMMISSIONER PARSONS: No.

12 CHAIRPERSON MITTEN: Okay.

13 COMMISSIONER PARSONS: No. And I
14 think we should leave the Applicant's
15 proffer as it is.

16 CHAIRPERSON MITTEN: Okay. Okay.
17 I think that's it. Anyone else have any
18 issues that they want to discuss about the
19 proposed order?

20 COMMISSIONER PARSONS: No.

21 CHAIRPERSON MITTEN: All right.

22 Then I would move approval of Case No. 06-
23 34.

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1 COMMISSIONER TURNBULL: Second.

2 CHAIRPERSON MITTEN: Thank you,
3 Mr. Turnbull. You guys are taking turns
4 tonight. You worked that all out.

5 COMMISSIONER TURNBULL: Yes.
6 Right.

7 CHAIRPERSON MITTEN: All those in
8 favor, please say aye.

9 ALL: Aye.

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

12 MS. SCHELLIN: Staff records the
13 vote five to zero to zero to approve final
14 action on Zoning Commission Case No. 06-34;
15 Commissioner Mitten moving; Commissioner
16 Turnbull seconding; Commissioners Hood and
17 Parsons in favor; and Commissioner Jeffries
18 in favor by absentee ballot.

19 CHAIRPERSON MITTEN: Thank you.
20 Now the rest of the cases on final action I
21 did not participate in. And Mr. Hood will
22 lead the discussion.

23 VICE-CHAIRPERSON HOOD: Okay.

1 Thank you, Madam Chair. Again, for final
2 action, Zoning Commission Case No. 06-41,
3 Camden Development, consolidated PUD and
4 related map amendment at Square 653 and Lot
5 111. This is in the area of the 1300 block
6 of South Capitol Street SW. And I don't
7 think I have any pertinent issues that stop
8 -- that come to mind. Any of my colleagues
9 have any issues?

10 Okay. With that, I will move
11 approval of Zoning Commission Case No. 06-41
12 and ask for a second.

13 COMMISSIONER PARSONS: Second.

14 VICE-CHAIRPERSON HOOD: Moved and
15 properly seconded. All those in favor say
16 aye.

17 ALL: Aye.

18 MR. RITTIG: Any opposition? So
19 ordered. Staff, would you record the vote?

20 MS. SCHELLIN: Yes. Staff
21 records the vote three to zero to two to
22 approve final action on Zoning Commission
23 Case No. 06-41; Commissioner Hood moving;

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1 Commissioner Parsons seconding; Commissioner
2 Turnbull in favor; Commissioner Jeffries and
3 Commissioner Mitten not present, not voting,
4 having not participated.

5 VICE-CHAIRPERSON HOOD: And also,
6 I don't want NCPC to think that we didn't
7 read what they submitted. They said it
8 didn't have any impact on any of the Federal
9 interests.

10 Next, Zoning Commission Case No.
11 07-09. This is a text amendment to the DD
12 Residential Use Requirements. Ms. Schellin.

13 MS. SCHELLIN: Staff has nothing
14 further to add.

15 VICE-CHAIRPERSON HOOD: Okay.

16 COMMISSIONER TURNBULL: Mr.
17 Chairman, I move approval.

18 VICE-CHAIRPERSON HOOD: Okay.

19 COMMISSIONER PARSONS: Second.

20 VICE-CHAIRPERSON HOOD: All
21 right. I don't need to say anything.
22 Anybody want to carry the vote. Okay. It's
23 been moved and properly seconded. All those

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1 in favor, say aye.

2 ALL: Aye.

3 VICE-CHAIRPERSON HOOD: Any
4 opposition? So ordered. Staff, would you
5 record the vote?

6 MS. SCHELLIN: Staff records the
7 vote four to zero to one to approve final
8 action on Zoning Commission Case No. 07-09;
9 Commissioner Parsons moving; Commissioner
10 Turnbull seconding; Commissioner Hood in
11 favor; Commissioner Jeffries in favor by
12 absentee ballot; Commissioner Mitten not
13 voting, having not participated.

14 VICE-CHAIRPERSON HOOD: Okay.
15 Next we have Zoning Commission Case No. 07-
16 15. If you recall, this was the purpose of
17 the amendment is to allow a special
18 exception approval of construction or
19 enlargement of the attached garages and
20 other accessory structures pursuant to 223
21 of the Zoning Regulations. Ms. Schellin.

22 MS. SCHELLIN: Just to add that
23 we did have a couple of additional filings

1 or comments rather, one from ANC-2E, which
2 you have before you, and also a filing from
3 CAG, and I believe it was the Committee of
4 100, but in one filing.

5 VICE-CHAIRPERSON HOOD: Okay.

6 MS. SCHELLIN: Yes.

7 VICE-CHAIRPERSON HOOD: Okay.

8 Thank you, Ms. Schellin. In looking at
9 this, we did receive, as Ms. Schellin said,
10 a submittal from Ms. Zartman from the --
11 actually who's representing two groups, the
12 Committee of 100 in Federal City, and the
13 Chair of the Committee on Historical
14 Preservation, Planning, and Zoning on the
15 Citizens' Association of Georgetown. And,
16 in her letter, what I was looking for, I
17 think she mentioned that we should be
18 getting something from 2-C. But we
19 actually, in turn, got something from 2-E.
20 Did anybody see anything from 2-C?

21 MS. SCHELLIN: No.

22 VICE-CHAIRPERSON HOOD: Okay. I
23 think she may have meant 2-E. But anyway,

1 one of the issues that is raised is, as she
2 states in her letter, the history of the
3 side yard and other requirements is
4 currently available for attached garages.
5 And I think they share both a common
6 interest about the R-3 and R-4 zones,
7 between row houses and then some that are
8 detached. And I think -- I forgot who
9 mentioned it, but someone said, in us moving
10 forward this amendment, is that we're
11 blurring the image. Do any of my colleagues
12 feel empowered to maybe do as they've asked,
13 at least to revisit this with the Office of
14 Planning? Because I think, in her letter,
15 she states that they want to work with the
16 Office of Planning.

17 Let me do this first. Let me ask
18 Ms. Steingasser -- I'm going out of protocol
19 here, but let me ask Ms. Steingasser, was
20 there any input with the -- I'm sure they
21 had time to comment. But were there ever
22 any working sessions with groups of CAG and
23 maybe ANCs?

1 MS. STEINGASSER: No, sir. Not
2 on this particular text amendment. What
3 this text amendment does though, it doesn't
4 distinguish between the R-3 and the R-4,
5 because it's not distinguishing between one
6 zone or another. You can currently have
7 that increase in lot occupancy by special
8 exception. What we're saying is it can be
9 both attached -- it can be rather attached
10 or detached. And we've worked through this
11 with our Historic Preservation staff and
12 they concluded that it actually provides
13 more protection to historic structures for
14 an addition to be allowed now to be detached
15 and not artificially connected to a
16 building. So there's actually more
17 flexibility and more opportunity to protect
18 historic structures, rather than less.

19 VICE-CHAIRPERSON HOOD: Okay.

20 COMMISSIONER PARSONS: Have you
21 read these letters and understand the -- I
22 mean, there's quite a bit of concern in
23 Georgetown over this. I mean, they came and

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1 testified at the Planning Commission the
2 other day. And I just wondered if it would
3 behoove us to have you respond to this and
4 delay this a month.

5 MS. STEINGASSER: Well, Mr.
6 Travis did have a conference call with CAG
7 the day after this.

8 COMMISSIONER PARSONS: Oh, good.

9 MS. STEINGASSER: And the NCPC
10 staff, so he can relay his experiences.

11 MR. PARKER: Actually, I just
12 spoke directly with the NCPC staff. But
13 I've worked with them closely and have
14 reviewed these letters. I haven't met with
15 anyone specifically in Georgetown, but I've
16 tried to alleviate the concerns of anyone
17 I've talked to that this isn't changing
18 anything that's allowed in terms of lot
19 occupancy in R-3 or R-4. It's just allowing
20 for a more both equitable and ease of use of
21 the existing allowed lot occupancy.

22 COMMISSIONER PARSONS: So, do you
23 think you were successful in persuading them

1 this is a misunderstanding? Or --

2 MR. PARKER: Everyone that I've
3 talked to. But I don't think I've talked to
4 a lot of the people that have written those
5 letters.

6 COMMISSIONER PARSONS: Okay.
7 Because the Planning Commission dealt with
8 it very simply. I mean, this is not a
9 Federal issue. I mean, you know, we just
10 moved on.

11 MR. PARKER: Right.

12 COMMISSIONER PARSONS: But you
13 don't feel that you responding to us with a
14 special report to respond to this would be
15 helpful, because on its fact it's a
16 misunderstanding?

17 MR. PARKER: That's my
18 impression.

19 COMMISSIONER PARSONS: All right.

20 VICE-CHAIRPERSON HOOD: Okay. Is
21 there something you want to add,
22 Commissioner Turnbull?

23 COMMISSIONER TURNBULL: Yes. It

1 seems to me that this also stems from
2 several BZA cases up on Capitol Hill where
3 the ANC and Capitol Hill was all in favor of
4 adding on a garage at the base of the space.
5 And there were garages there, but if you
6 read the strict interpretation of what was
7 there, they couldn't do it by three feet or
8 four feet or something. And there was a --
9 it was a frustration on the Applicant's part
10 that says, you know, they're there. If you
11 look down the alley, they're all there. And
12 why can't they do it? If you do it, you're
13 making us jump through hoops to do something
14 even stranger. So I thought this was trying
15 to alleviate some of those rather anomalies
16 in that, which made perfect sense.

17 MR. PARKER: That's exactly the
18 intent. Right now, you are allowed to put a
19 structure in the rear yard. It just has to
20 be attached by some artificial trellis or
21 breezeway connection. This allows the exact
22 addition without the artificial attachment.

23 COMMISSIONER TURNBULL: It seemed

1 that would allow some more at least
2 consistency or historic -- it wouldn't be
3 this kind of implied you were actually doing
4 something. Again, it was a consistency, I
5 think. You could make this detached garage
6 or whatever the structure was more in
7 harmony with the whole neighborhood, other
8 than jumping through hoops and trying to add
9 this extra, extraneous piece of architecture
10 on to it.

11 MR. PARKER: Right. Yes. And
12 you can end up with the same result that you
13 could if you had a lot that already had an
14 accessory structure, right now you can add
15 on to the building. But if you have a
16 building that already has the addition, but
17 not the accessory structure, you can end up
18 with the same results.

19 MS. STEINGASSER: It's also
20 important to note that this section in no
21 way bypasses the Historic Preservation
22 review process, whether it's before the
23 city's Historic Preservation Review Board or

1 the Old Georgetown Board, those processes
2 stay intact.

3 COMMISSIONER PARSONS: Okay.

4 VICE-CHAIRPERSON HOOD: Okay.

5 Let me just ask my colleagues, is anyone in
6 line with what Mr. Parsons was going, about
7 maybe giving it a little bit more time? And
8 let me ask the Office of Planning, do you
9 think a little more time to talk to the two
10 groups that wrote the letter, CAG and ANC-
11 2E, would maybe bring the gap a little
12 closer? Or do you think that's needed? Or
13 do you think we are where we are?

14 COMMISSIONER TURNBULL: We are
15 where we are.

16 VICE-CHAIRPERSON HOOD: Yes. We
17 are where we are.

18 COMMISSIONER PARSONS: I move
19 approval, Mr. Chairman.

20 VICE-CHAIRPERSON HOOD: Okay.

21 Well, I don't need the Office of Planning
22 because I've got a motion. It's been moved.
23 Can I get a second?

1 COMMISSIONER TURNBULL: Second.

2 VICE-CHAIRPERSON HOOD: Okay.

3 Moved and seconded. All those in favor, say
4 aye.

5 ALL: Aye.

6 VICE-CHAIRPERSON HOOD: Any
7 opposition? So ordered. Staff would you
8 record the vote?

9 MS. SCHELLIN: Yes. Staff will
10 record the vote three to zero to two;
11 Commissioner Parsons moving; Commissioner
12 Turnbull seconding; Commissioner Hood in
13 favor; Commissioner Jeffries in favor by
14 absentee ballot; Commissioner Mitten not
15 having participated, not voting.

16 VICE-CHAIRPERSON HOOD: Okay.
17 Next, Zoning Commission Case No. 04-33B.
18 This is the Office of Planning text
19 amendment to the inclusionary zoning
20 provisions. Ms. Schellin?

21 MS. SCHELLIN: Staff has nothing
22 further.

23 VICE-CHAIRPERSON HOOD: Okay. I

1 know there seems to be --

2 MS. SCHELLIN: Except to add that
3 we did get a couple comments; one from the
4 Navy and one from Capitol Hill Restoration
5 Society.

6 VICE-CHAIRPERSON HOOD: Capitol
7 Hill.

8 MS. SCHELLIN: Department of the
9 Navy. Yes. In opposition to the 55 foot
10 height in the 8th Street SE Commercial
11 Overlay district.

12 VICE-CHAIRPERSON HOOD: Thank
13 you. Mr. Parsons?

14 COMMISSIONER PARSONS: Well, you
15 know, we voted on the 8th Street issue
16 separately, as I recall. And I'm a little
17 disappointed the Planning Commission took
18 exception to this at their meeting last
19 Thursday, but apparently did not notify the
20 Zoning Commission about it. So I'm not here
21 to testify on their behalf. So I still feel
22 very strongly that we shouldn't do this at
23 that location. So I wanted to ask for a

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1 separate vote on that, as well.

2 VICE-CHAIRPERSON HOOD: On the 45
3 foot --

4 COMMISSIONER PARSONS: 45 or 55,
5 yes.

6 VICE-CHAIRPERSON HOOD: Right.

7 And I think, if I remember correctly, I
8 think you wanted it to remain at 45?

9 COMMISSIONER PARSONS: Yes.

10 VICE-CHAIRPERSON HOOD: Right.

11 And with the submittals from the Department
12 of the Navy and also the Capitol Hill
13 Restoration and now what we're preliminarily
14 hearing what the Planning Commission has
15 done, that gives me concern also.

16 COMMISSIONER TURNBULL: And
17 myself. I think the reference to the
18 Latroube gate and the height of the historic
19 monument, as far as the height issue and the
20 Navy's concern about it, is very real.

21 VICE-CHAIRPERSON HOOD: Right.

22 COMMISSIONER TURNBULL: And I
23 think we ought to respect that.

1 VICE-CHAIRPERSON HOOD: So, when
2 we voted -- I'm trying to help me recollect
3 -- when we voted, we voted to advertise an
4 alternative, I believe. Right? 45 -- we
5 said 55; 45 or 55; we didn't just --

6 COMMISSIONER PARSONS: I think we
7 asked for further study.

8 VICE-CHAIRPERSON HOOD: Further
9 study? Okay. Well, I think, Mr. Parsons,
10 we have a consensus here that we -- and
11 especially due to the submittals, that we do
12 not go along with what was proposed for 55
13 feet and that we stick with the 45 in the H
14 Street Overlay.

15 COMMISSIONER PARSONS: All right.
16 Okay.

17 VICE-CHAIRPERSON HOOD: Any
18 additions? Do you agree, Mr. Turnbull?
19 Okay. All right. The other issue, and I
20 may need Mr. Bergstein to help me flesh this
21 out, the timing issue. I think we had
22 proposed 90 days.

23 MR. BERGSTEIN: Yes, Mr. Hood.

1 Originally, the adopted IZ program provided
2 that it would become effective when a price
3 schedule was adopted because it was, at that
4 time, unknown when the Counsel Legislation
5 would be completed, when the rule makings
6 would be completed, and when the price
7 schedule would be adopted. During the
8 summer, the Executive Office of the Mayor
9 had advised the community developers and
10 myself that they expected the purchase price
11 schedule to be adopted as of October 1,
12 which is when the legislation became
13 applicable, because IZ then became funded.

14 Because of the relative shortness
15 of time, the Office of Planning, in its
16 report, suggested a 90-day period between
17 the adoption of the purchase price schedule
18 and the full implementation of IZ. And that
19 was again assumed that the purchase price
20 schedule would be adopted on October 1.

21 I have become more greatly
22 involved in the process of drafting these
23 regulations. And, based upon that

1 involvement, I know that there will not be a
2 purchase price schedule on October 1,
3 because there needs to be a Notice of
4 Proposed Rule Making issued, and that is not
5 likely to happen until October 1, which
6 means, in the best scenario, the purchase
7 price schedule won't become adopted until
8 mid-November. So there's already going to
9 be an additional six weeks delay between
10 what everybody though was the date that IZ
11 would become effective, October 1, and when
12 the rule making process would be ended.

13 So, in view of that, I wanted to
14 alert you to that. And you may want to
15 consider whether or not the 90 day period is
16 needed, in view of the fact that there's
17 going to be this other delay and there will
18 also be an opportunity for the public to ask
19 the Mayor to delay the issuance of the
20 purchase price schedule if more time is
21 needed to accommodate property owners
22 becoming accustomed to the process of IZ.

23 So if you were going to do that,

1 you would simply eliminate on the next to
2 the last line of proposed 2608.1, the
3 reference to 90 days after. And then it
4 would go back to what it now is, which means
5 that all those changes would become
6 effective on the publication of the first
7 price schedule in the D.C. Register, which
8 as I said is not likely to occur until mid-
9 November, at the earliest.

10 VICE-CHAIRPERSON HOOD: Okay. So
11 we would be doing away with 90 days after
12 and it would just be shall become effective
13 with the publication of the first purchase
14 or rental schedule in the D.C. Register?

15 MR. BERGSTEIN: That's right.
16 And that would basically put it back to what
17 the language was before the proposed rule
18 making.

19 VICE-CHAIRPERSON HOOD: Okay.
20 Okay.

21 COMMISSIONER PARSONS: I think
22 that's very reasonable. I mean, there's
23 been plenty of time since we adopted this as

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1 a proposed action for everybody to get used
2 to the fact that this is coming.

3 VICE-CHAIRPERSON HOOD: Right.

4 COMMISSIONER PARSONS: So I would
5 agree with that. So we'd put upon back in
6 there.

7 VICE-CHAIRPERSON HOOD: Shall
8 become effective upon the publication --
9 okay.

10 COMMISSIONER PARSONS: Right.

11 VICE-CHAIRPERSON HOOD: And we're
12 taking out the 90 days.

13 MR. BERGSTEIN: That is correct,
14 Mr. Hood.

15 VICE-CHAIRPERSON HOOD: Okay.
16 All right. Any other comments? Any other
17 issues that this -- Ms. Steingasser?

18 MS. STEINGASSER: Chairman, if I
19 could just interject quickly, is it the
20 Commission's intention to exclude the 8th
21 Street overlay all together? Okay. We just
22 wanted to be clear.

23 COMMISSIONER PARSONS: The answer

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1 was yes.

2 VICE-CHAIRPERSON HOOD: I'm
3 sorry. I'm a little slow. I'm trying to
4 think.

5 MS. STEINGASSER: As opposed to
6 just simply restricting the height, which
7 makes the IZ physically impossible to
8 incorporate. We didn't want to create a you
9 must do it, but you can't do it.

10 COMMISSIONER PARSONS: Right.
11 No. No.

12 MS. STEINGASSER: You can't
13 physically -- so, if the intention was to
14 exclude it all together, that's preferred.

15 COMMISSIONER PARSONS: Exclude it
16 all together. Exactly.

17 MS. STEINGASSER: Thank you.

18 VICE-CHAIRPERSON HOOD: Was that
19 it then? Okay. I'm just making sure we're
20 on the same page. All right. If there's
21 nothing else, I would move approval of
22 Zoning Commission Case No. 04-33B with the
23 additions and the changes as discussed.

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1 COMMISSIONER PARSONS: Second.

2 VICE-CHAIRPERSON HOOD: It's
3 moved and properly seconded. All those in
4 favor?

5 ALL: Aye.

6 VICE-CHAIRPERSON HOOD: Any
7 opposition? So ordered. Staff will you
8 record the vote?

9 MS. SCHELLIN: Yes. Staff
10 records the vote four to zero to one to
11 approve final action on Zoning Commission
12 Case No. 04-33B; Commissioner Hood moving;
13 Commissioner Parsons seconding; Commissioner
14 Turnbull in favor; Commissioner Jeffries in
15 favor by absentee ballot; Commissioner
16 Mitten not voting, having not participated.

17 Chairman Mitten, before we go on,
18 I need to correct a vote. Maybe I just
19 misheard, but Mr. Parsons did not
20 participate in the Comstock case, and I
21 think I recorded him in the vote. And I
22 just wanted to correct that as being four to
23 zero to one; Commissioner Mitten moving;

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1 Commissioner Turnbull seconding;
2 Commissioner Hood in favor; Commissioner
3 Jeffries in favor by absentee ballot;
4 Commissioner Parsons not voting, having not
5 participated.

6 CHAIRPERSON MITTEN: Oh, okay.

7 COMMISSIONER PARSONS: Thank you.

8 CHAIRPERSON MITTEN: Okay.

9 Great. Thank you. Okay. So let's let the
10 Office of Planning forego the minutes if
11 they want to. So we'll take your status
12 report next.

13 MS. STEINGASSER: Thank you,
14 Madam Chair. The status report is pretty
15 straight forward. We're going to be, as our
16 top item under cases ongoing, putting in,
17 starting in October, updates on where we are
18 on the Comprehensive Zoning Review. And we
19 hope to come back with a list of the task
20 force members and our first work plan
21 briefing in October.

22 CHAIRPERSON MITTEN: Fabulous.

23 Anybody see anything on the report that they

1 want to ask a question about? What's the
2 second from the last item on the set down
3 that's Per Star Consolidated?

4 MS. STEINGASSER: Per Star? It's
5 a consolidated PUD that's coming in, I think
6 it's 22nd and M Street.

7 CHAIRPERSON MITTEN: Per Star?

8 MS. STEINGASSER: Per Star is the
9 corporation name.

10 CHAIRPERSON MITTEN: Okay.

11 MS. STEINGASSER: It's going to
12 be a -- it's kind of an exciting -- it's a
13 hotel. It's going to be an environmentally
14 forward hotel.

15 CHAIRPERSON MITTEN: Okay.
16 Anybody have questions? Okay. Thank you.
17 Now let's turn quickly to the minutes. So
18 Ms. Schellin has very kindly grouped these
19 together. So, in the first group we were
20 all present, so we can all -- actually,
21 let's make this A and B together, since
22 Commissioner Jeffries isn't here, is the
23 four of us who are present. So for the

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1 minutes listed under Action on Minutes in
2 categories A and B, I move approval.

3 COMMISSIONER HOOD: Second.

4 CHAIRPERSON MITTEN: Thank you,
5 Mr. Hood. Is there any discussion? All
6 those in favor, please say aye.

7 ALL: Aye.

8 CHAIRPERSON MITTEN: Those
9 opposed, please say no. Ms. Schellin?

10 MS. SCHELLIN: Staff records the
11 vote four to zero to one to approve the
12 minutes in Item Actions A and B;
13 Commissioner Mitten moving; Commissioner
14 Turnbull seconding; Commissioners Hood and
15 Parsons in favor; and Commissioner Jeffries
16 not present, not voting.

17 CHAIRPERSON MITTEN: Okay. Item
18 C is all of us except Commissioner Turnbull.
19 So I would move approval of the minutes of
20 the Special Public Meeting from February 26,
21 2007.

22 COMMISSIONER PARSONS: Thank you,
23 Mr. Parsons. Any discussion? All those in

1 favor, please say aye.

2 ALL: Aye.

3 CHAIRPERSON MITTEN: Ms.

4 Schellin?

5 MS. SCHELLIN: Yes. Staff

6 records the vote three to zero to two to

7 approve the minutes in Action Item C;

8 Commissioner Mitten moving; Commissioner

9 Parsons seconding; Commissioner Hood in

10 favor; Commissioners Jeffries and Turnbull

11 having not participated, not voting.

12 CHAIRPERSON MITTEN: Okay. Then

13 we have the next group, which is everyone

14 but Mr. Parsons. Well actually, it's just

15 one. So I move approval of the minutes of

16 the Special Public Meeting for May 21, 2007

17 and ask for a second.

18 COMMISSIONER TURNBULL: Second.

19 CHAIRPERSON MITTEN: Thank you.

20 Any discussion? All those in favor, please

21 say aye.

22 ALL: Aye.

23 CHAIRPERSON MITTEN: They're

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1 quiet, but they all say aye.

2 MS. SCHELLIN: Staff records the
3 vote three to zero to two to approve the
4 minutes listed on the agenda in Item D;
5 Commissioner Mitten moving; Commissioner
6 Turnbull seconding; Commissioner Hood in
7 favor; Commissioners Jeffries and Parsons
8 not voting, having not participated.

9 CHAIRPERSON MITTEN: Thank you,
10 Mr. Hood, would you do the honors?

11 VICE-CHAIRPERSON HOOD: Okay.
12 The minutes listed under Item E, the May 24,
13 2007, I will move approval and ask for a
14 second.

15 COMMISSIONER PARSONS: Second.

16 CHAIRPERSON MITTEN: It's tough.
17 It is tough.

18 VICE-CHAIRPERSON HOOD: That was
19 a long second. Anyway, moved and properly
20 seconded. All those in favor?

21 ALL: Aye.

22 VICE-CHAIRPERSON HOOD: Any
23 opposition? Staff, would you record the

1 vote?

2 MS. SCHELLIN: Staff records the
3 vote three to zero to two to approve the
4 minutes listed on the agenda in Item E;
5 Commissioner Hood moving; Commissioner
6 Parsons seconding; Commissioner Turnbull in
7 favor; Commissioners Jeffries and Mitten not
8 voting, having not participated.

9 CHAIRPERSON MITTEN: Thank you,
10 very much. And I believe we have no further
11 business this evening, so we are adjourned
12 in less than an hour.

13 (Whereupon, the meeting was
14 adjourned at 7:31 p.m.)

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