

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

MONDAY,

MAY 12, 2008

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
GREGORY N. JEFFRIES, Vice Chairman  
CURTIS L. ETHERLY, JR., Commissioner  
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
DONNA HANOUSEK, Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
ARLOVA JACKSON  
JOHN MOORE  
TRAVIS PARKER

The transcript constitutes the minutes from the regular meeting held on May 12, 2008.

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

2 6:48 p.m.

3 CHAIRPERSON HOOD: All right.

4 This meeting will please come to order.

5 Good evening, ladies and  
6 gentlemen. This is the May 12th, 2008 public  
7 meeting of the Zoning Commission of the  
8 District of Columbia.

9 My name is Anthony J. Hood.  
10 Joining me are Vice-Chairman Jeffries,  
11 Commissioners Etherly and May. We're also  
12 joined by the Office of Zoning staff, Ms.  
13 Schellin and Ms. Hanousek, and Mr. Ritting  
14 from OAG, and the Office of Planning under the  
15 leadership of Mrs. Steingasser.

16 I'm going to ask Mrs. Steingasser  
17 to open us up. I think we have a special  
18 occasion today and I'm going to ask her to  
19 give the viewing audience and those who are  
20 watching us on webcast live a little bit of  
21 history.

22 Some of us have been around for

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1 over 50 years, but I'll let Ms. Steingasser go  
2 ahead and tell us.

3 MS. STEINGASSER: Hopefully we  
4 haven't all been working with Zoning that  
5 long.

6 Well today, as you may know, is a  
7 red-letter day, celebrated second only to  
8 Christmas. It's the 50th anniversary of the  
9 1958 Zoning Regs, which became effective on  
10 May 12th, 1958. And those of us who sit on  
11 the BZA often hear the phrase on or before May  
12 12th, 1958. So that's how we recognize it.

13 A little history. The original  
14 Zoning Regs in D.C. were written in 1920 by  
15 Harlan Bartholomew. There were four zoning  
16 districts, one residential, two commercial and  
17 one industrial. They were first amended in  
18 1923 and the first citizen committee  
19 involvement that we know of was 1929. And the  
20 regs that we have today were drafted by Harold  
21 M. Lewis, a planning consultant out of New  
22 York. He brought forward what is now referred

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1 to as the Lewis Plan, which are the Zoning  
2 Regs we use today.

3 And to balance that symmetry,  
4 we're in the middle of our first comprehensive  
5 review of those plans to celebrate that 50th  
6 year. So we just felt it was a nice day to  
7 celebrate at a Commission hearing.

8 CHAIRPERSON HOOD: Thank you, Ms.  
9 Steingasser. And I'm glad everybody's in the  
10 celebrating mood. Again, happy anniversary to  
11 everyone who's been involved with the zoning  
12 process. I guess we might have a few people  
13 who have been around since '58. I think we  
14 do. I don't want to put anybody on the spot,  
15 but I do know we've had people in this city  
16 who have been around and been doing this stuff  
17 for a long time. So, congratulations.

18 COMMISSIONER MAY: I'm just sorry  
19 Mr. Parsons was not here, because he probably  
20 was there for the drafting.

21 CHAIRPERSON HOOD: You're right.

22 Okay. Again, we want to apologize

1 for starting a little late and let me finish  
2 reading my opening statement. Thank you, Mrs.  
3 Steingasser.

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

9 Please be advised that this  
10 proceeding is being recorded by a court  
11 reporter and also webcast live. Accordingly,  
12 we must ask you to refrain from any disruptive  
13 noises or actions in the hearing room. Please  
14 turn off all beepers and cell phones.

15 Does the staff have any  
16 preliminary matters?

17 If not, let us proceed with the  
18 agenda.

19 First we have the consent  
20 calendar, Zoning Commission Case No. 04-24B,  
21 Rhode Island Avenue Metro, LLC, minor  
22 modification to the PUD.

1 Ms. Schellin?

2 MS. SCHELLIN: Just to add that we  
3 do have a letter in support from the ANC and  
4 also from Council Member Thomas.

5 CHAIRPERSON HOOD: Thank you.  
6 Colleagues, what they're asking for is that we  
7 allow the flexibility to be able to permit up  
8 to 20 percent of commercial component of the  
9 Rhode Island Avenue Metro development to be  
10 devoted to office use.

11 And as we have in our submittal,  
12 it talks about some of the proposed office  
13 uses that may or may not go here. And we also  
14 have a letter from our staff which is required  
15 by regulations, and our staff also makes a  
16 recommendation. It recommended this requested  
17 modification be granted as consistent with the  
18 intent of the Commission and approval of this  
19 original order.

20 I'll open it up for comments. If  
21 not, I'll open it up for a motion.

22 If not, I will move that we

1 approve the minor modification for Zoning  
2 Commission Case No. 04-24B and I'll ask for a  
3 second.

4 VICE-CHAIR JEFFRIES: Second.

5 CHAIRPERSON HOOD: Moved and  
6 properly seconded. Any further discussion?  
7 Any further discussion?

8 All those in favor?

9 ALL: Aye.

10 CHAIRPERSON HOOD: So ordered.

11 Staff, would you record the vote?  
12 And if we have absentee?

13 MS. SCHELLIN: Yes, Staff records  
14 the vote 4-0-1 to approve Zoning Commission  
15 Case No. 04-24B. Commissioner Hood moving;  
16 Commissioner Jeffries seconding.

17 Commissioners Etherly and May in favor and  
18 Commissioner Turnbull not present, not voting.

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

21 Now hearing action. Zoning  
22 Commission Case. No. 08-03, Beulah Baptist

1 Church of Deanwood Heights, Inc., map  
2 amendment at Dix Street, N.E.

3 Office of Planning? You know,  
4 every time I look, you know, I got somebody  
5 new and I don't think I know the young lady's  
6 name.

7 MS. STEINGASSER: She's new. Her  
8 name is Arlova Jackson.

9 CHAIRPERSON HOOD: Ms. Jackson.

10 MS. STEINGASSER: She's joining us  
11 from Chicago. She's a new development review  
12 specialist.

13 CHAIRPERSON HOOD: We was doing  
14 all right until we said Chicago, but welcome,  
15 Ms. Jackson. You will be happy to know that  
16 the two gentlemen that sit to my left are also  
17 from Chicago and I'm sure you will hear that  
18 from time to time.

19 MS. JACKSON: Okay.

20 CHAIRPERSON HOOD: Okay. Ms.  
21 Jackson, welcome.

22 MS. JACKSON: I hope I don't let

1           them down.

2                   CHAIRPERSON HOOD: I'm sure you  
3           won't.

4                   MS. JACKSON: Good evening, Chair  
5           and Commissioners. My name is Arlova Jackson.  
6           I am a development review specialist in the  
7           D.C. Office of Planning.

8                   The case before you is a map  
9           consistency rezoning request brought forth  
10          jointly by Beulah Baptist Church of Deanwood  
11          Heights and the Office of Planning.

12                   The area proposed for a rezoning  
13          is located in Ward 7 in the northeast quadrant  
14          of the city and generally includes properties  
15          on the north and south sides of Dix Street,  
16          N.E. between 57th and 60th Streets, N.E. The  
17          project area is highlighted in blue on the  
18          maps attached to the staff report.

19                   The majority of the project area  
20          is currently located within the R-2 Residence  
21          District with a small portion the south side  
22          of Dix Street between 57th and 58th Streets

1 currently located in the C-1 neighborhood  
2 shopping district. The entire area is  
3 proposed to be rezoned to the C-2-A community  
4 business center district.

5 The C-2-A District is a mixed use  
6 district designed to meet a variety of needs,  
7 including shopping, housing and business for  
8 areas outside of the central core. The  
9 proposed rezoning is supported by the 2006  
10 Comprehensive Plan, which designates the  
11 future land use of the area for mixed uses  
12 containing low-density commercial and  
13 moderate-density residential. I'll also note  
14 that the proposed change supports the  
15 extension of an existing commercial node at  
16 61st and Dix Streets, which is addressed in a  
17 recent small area plan for the Deanwood area.

18 The initial petition was submitted  
19 in mid-February 2008 by Beulah Baptist Church.  
20 This petition was for approximately 140,000  
21 square feet of land they own on six squares.  
22 These properties are shown in orange hashing

1 on a map we distributed to you today labeled  
2 Exhibit 3.

3 The Office of Planning has  
4 augmented this proposal as a co-petitioner to  
5 recommend the inclusion of the remaining  
6 properties located within the three-block  
7 radius I mentioned previously and those  
8 properties are shown on Exhibit 3 in purple.  
9 We've also provided a corrected table today  
10 that hopefully more clearly illustrates all of  
11 the squares and the lots proposed for rezoning  
12 separating out and defining the lots  
13 petitioned for rezoning by Beulah and those  
14 recommended for rezoning by the Office of  
15 Planning.

16 The Office of Planning finds the  
17 proposed rezoning is not inconsistent with the  
18 future land use of the area as indicated on  
19 the future land use map and the 2006  
20 Comprehensive Plan, with the exception of a  
21 portion of one property. OP suggests the  
22 removal of the northwest portion of Lot 41 in

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1 Square 5263 because the proposed zoning change  
2 is not consistent with the Comp Plan  
3 designation for this portion of the square.  
4 For the northern portion of the square, the  
5 Comp Plan shows the area remaining low-density  
6 residential.

7 The map provided in the staff  
8 report submitted previously shows the area  
9 suggested for exclusion. The map provided  
10 today changes the boundary to give a better  
11 indication of where we feel the cutoff should  
12 be for the proposed zoning change.

13 ANC 7-C met regarding this  
14 proposal last Thursday and submitted a letter  
15 in support of the zoning request and based on  
16 the analysis presented in the staff report,  
17 the Office of Planning recommends that the map  
18 amendment be set down for public hearing.

19 CHAIRPERSON HOOD: Thank you very  
20 much, Ms. Jackson.

21 I'm going to do a disclosure. I  
22 am an officer at the Greater First Baptist

1 Church from which Reverend Winston Christopher  
2 Ridley is the pastor. Dr. Turner and my  
3 pastor are colleagues in the ministry. I  
4 wanted to do this disclosure because I have  
5 never discussed any aspect of this case with  
6 him, nor have I any ex parte contact regarding  
7 this case with anyone given the small amount  
8 of small amount of social contact I've had  
9 with the church's past. I see no reason for  
10 me to recuse myself. I am disclosing this now  
11 to avoid any appearance of impropriety in the  
12 future of this case.

13 So first, let me ask, do any my  
14 colleagues have any issues with my  
15 participating in this case?

16 Does any present have any issues  
17 with my participating in this case?

18 So I will remain. Vice-chair?

19 VICE-CHAIR JEFFRIES: Mr. Chair,  
20 absolutely no problem at all with you  
21 participating in this case. I mean, I've  
22 served on this Commission with you for nearly

1 five years and you've always conducted  
2 yourself with the utmost respect and have  
3 great character. So I have no problems.

4 CHAIRPERSON HOOD: Okay. Any  
5 other comments?

6 Okay. Anyone else?

7 Okay. Thank you.

8 Okay. What we will do, at this  
9 point we will open it up for any comments of  
10 Ms. Jackson. This is Ms. Jackson's first  
11 time, so we want to make sure we take it easy  
12 on her, this time. So what I will do is open  
13 it up. Any questions?

14 COMMISSIONER MAY: I have a couple  
15 of small ones. The first one is that the plan  
16 that we received tonight shows more clearly  
17 how that one portion of property would be  
18 taken out of the case, as you've proposed it.  
19 But there's a small triangle that's then  
20 formed by the existing property and I'm  
21 wondering, you know, on this map that we  
22 received it's still colored white, it's not

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1 hatched in any way. So I'm not sure what's  
2 happening or what should happen there. It  
3 looks like nothing's happening there and is  
4 that what you really want? I just want to  
5 understand better that little triangle.

6 MS. JACKSON: Subsequent to filing  
7 the initial petition, the property owner of  
8 that property has approached the church and so  
9 there's the possibility that that lot might  
10 come under control of the church or that the  
11 owner would agree to the zoning change. So  
12 there was an additional letter sent asking for  
13 some flexibility about adding that parcel if  
14 that occurs in the near future. So we  
15 wouldn't object to making that consistent.

16 COMMISSIONER MAY: Okay. So it  
17 would be okay with you if we -- I mean, we  
18 could theoretically just include that for  
19 discussion tonight and then make a decision  
20 later on about whether it really needs to be  
21 part of it.

22 MS. JACKSON: Sure.

1 CHAIRPERSON HOOD: Then the next  
2 question has to do with -- I mean, I don't  
3 want make this sound too much like I'm second  
4 guessing the planning behind this, but it's  
5 more or less what it boils down to. I mean,  
6 it doesn't strike me that there's a critical  
7 mass of retail along Dix Street, and we're  
8 going from R-2 to C-2-A for the sake of  
9 consistency with the Comp Plan, I understand  
10 that. But I guess what I want to get a sense  
11 of is that this really is a -- an up and  
12 coming commercial area, albeit, I know, C-2-A  
13 is not very dense, but it's still, you know,  
14 potentially 50 feet and, you know, property  
15 line to property line which is significantly  
16 different from the development that's there  
17 right now. So, I mean, is that really where  
18 this is all heading and is that what's  
19 happening to the east of 60th Street right  
20 now?

21 MS. JACKSON: To the east it's  
22 definitely being proposed for the area between

1 60th all the way to Eastern. The C-2-A  
2 District also allows for higher density  
3 residential uses, which it's not limited to  
4 just retail. So I would provide for a  
5 variety.

6 COMMISSIONER MAY: Yes.

7 MS. JACKSON: That could  
8 conceivably support more businesses.

9 COMMISSIONER MAY: I guess I was  
10 less concerned about the use as to understand  
11 the intensity of the development. C-2-A,  
12 we're up to -- at what, 2.5 FAR, of which 1 or  
13 1.5 can be commercial, right? 1.5 could be  
14 commercial. So I mean, that level of  
15 intensity is much more than what we have now  
16 in the R-2. I mean, particularly the way it's  
17 been developed. So I want to understand  
18 better that that's really what we intend to  
19 see 20-30 years from now is, you know, like a  
20 little Main Street. You know, like the  
21 equivalent of 8th Street, Barracks Row kind of  
22 development intensity. Is that what we're

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1 looking for.

2 MS. STEINGASSER: I don't think  
3 they project anything quite as dense an active  
4 as 8th Street. I think they are looking for  
5 both increased residential, the ability to do  
6 some residential above limited retail, as well  
7 as community service uses that wouldn't be  
8 allowed as a matter of right in residential  
9 zones. And then it would be an extension off  
10 of the Deanwood commercial node, and we can  
11 get you a lot more information on that  
12 Deanwood plan by the time of the hearing.

13 COMMISSIONER MAY: That would be  
14 helpful. I just -- I mean, because when we go  
15 to C-2-A, I mean, even though they may not  
16 necessarily want it to be, you know, an 8th  
17 Street kind of level of intensity, it  
18 certainly opens the door for that. In fact  
19 8th Street is under built compared to what it  
20 could be for C-2-A.

21 MS. STEINGASSER: Well, certainly  
22 ask the original petitioner for more

1 information on what their plans are if it  
2 gives the Commission comfort, we could set it  
3 down as R-5-B in the alternative. But I don't  
4 think that would get to some of the uses that  
5 the church is after, the community service  
6 uses that they were hoping for.

7 COMMISSIONER MAY: Yes, I'm not  
8 sure if we want to go that far.

9 MS. STEINGASSER: Okay.

10 VICE-CHAIR JEFFRIES: But I am  
11 sort of curious, now H Street, N.E., is that  
12 a C-2-A?

13 MS. STEINGASSER: H Northeast?

14 CHAIRPERSON HOOD: Yes.

15 MS. STEINGASSER: That's a C-3-A  
16 and a C-2-B and a C-2-A.

17 VICE-CHAIR JEFFRIES: Oh, so it's  
18 all over the place?

19 MS. STEINGASSER: Yes.

20 VICE-CHAIR JEFFRIES: So I'm  
21 trying to get a sense of what the character of  
22 this street will be as a C-2-A. I mean, do we

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1 have any examples of just a thoroughfare in  
2 the District? I mean, because we're not  
3 looking at, you know, outright intensity.

4 MS. STEINGASSER: A lot of parts  
5 of Georgia Avenue are C-2-A, like away from  
6 the Metro stations.

7 VICE-CHAIR JEFFRIES: Yes, further  
8 north.

9 MS. STEINGASSER: Metro stations  
10 are C-3. As you get between the Metro  
11 stations, that's C-2-A, similar pattern of  
12 low-density residential, small, narrow homes.

13 VICE-CHAIR JEFFRIES: So this is  
14 more like almost a transitional kind of zone  
15 of some sort? I mean, I'm thinking of Georgia  
16 Avenue because it's intense and then it steps  
17 down.

18 MS. STEINGASSER: Kind of steps  
19 down.

20 VICE-CHAIR JEFFRIES: And then  
21 steps up again. I'm just trying to get a  
22 sense of the character.

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1 MR. STEINGASSER: We'll get you a  
2 copy of the Deanwood plan. It's been  
3 submitted to council last week.

4 VICE-CHAIR JEFFRIES: Yes.

5 MS. STEINGASSER: So it will give  
6 you a good sense of what's looked at, and  
7 that's just a block away. And this is seen  
8 more as a kind of a mixed-use transition into  
9 that commercial center.

10 VICE-CHAIR JEFFRIES: Because, you  
11 know, the next question is, you know, what  
12 type of businesses, what type of retail. I  
13 mean, just neighborhood serving and yes.

14 MS. STEINGASSER: Yes.

15 VICE-CHAIR JEFFRIES: Yes. Okay.  
16 Thank you.

17 CHAIRPERSON HOOD: Ms. Steingasser  
18 or Ms. Jackson, while I know that this is not  
19 a requirement, I guess apparently from what I  
20 read there are some negotiations about Beulah  
21 Baptist trying to buy some additional  
22 property. If that's not so -- let's say right

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1 now, what are you hearing from the property  
2 owners, the other property owners as far as  
3 this zoning change? What are you hearing?

4 MS. STEINGASSER: We haven't heard  
5 from many directly. There was a vote at the  
6 ANC last Thursday that was unanimous in  
7 support of moving this forward. The church  
8 has been in contact with the community and the  
9 ANC directly and have had good support from  
10 both.

11 CHAIRPERSON HOOD: The other  
12 question I have is looking at this I know you  
13 say the original petitioner. What is Office  
14 of Planning's role?

15 MS. STEINGASSER: Well, the  
16 original petition came in, as you can see in  
17 the application, and it was kind of a  
18 sawtooth, you know, it was the yellow pieces.  
19 It wasn't a consistent pattern. We were  
20 concerned that the Commission wouldn't want to  
21 have that kind of hobbled-together zoning. So  
22 since the Comp Plan called for a clear

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1 commercial mixed-use corridor, we agreed to be  
2 a co-petitioner and petition for consistency  
3 for the remaining parcels.

4 CHAIRPERSON HOOD: Right.

5 MS. STEINGASSER: So that's why  
6 there's two separate petitioners representing  
7 two separate pieces of the overall rezoning.

8 CHAIRPERSON HOOD: Okay.  
9 Anticipation is that we'll do this all in one  
10 night?

11 MS. STEINGASSER: Yes.

12 CHAIRPERSON HOOD: Okay.

13 MS. STEINGASSER: Absolutely.

14 CHAIRPERSON HOOD: My other  
15 question is, soon as I remember it -- go  
16 ahead, while I try to remember what I was  
17 going to ask.

18 VICE-CHAIR JEFFRIES: So, in terms  
19 of the consistency cases, I mean, you know,  
20 you could also be a joint petitioner on a  
21 number of consistency cases that come before  
22 us, correct? I mean, you have and I don't

1 recall -- I mean, there's been a few.

2 MS. STEINGASSER: We've not,  
3 because they've come in fairly  
4 comprehensively.

5 VICE-CHAIR JEFFRIES: Oh, okay.

6 MS. STEINGASSER: This one Beulah  
7 Baptist filed on for the parcels that they  
8 own.

9 VICE-CHAIR JEFFRIES: I  
10 understand. I understand.

11 MS. STEINGASSER: Yes.

12 VICE-CHAIR JEFFRIES: Okay.  
13 Because it would, you know, obviously with a  
14 consistency case, I mean, you know, that is  
15 supporting the 2006 Comprehensive Plan and  
16 that would be obviously something that, you  
17 know, you would, you know, be part of, you  
18 know, moving forward. But I understand what's  
19 happened here. So, thank you.

20 CHAIRPERSON HOOD: My other  
21 question was, obviously, and I'm getting ready  
22 to break a rule that the Commission doesn't

1 like, but then again I'm going to ask this  
2 question anyway, because I'm just curious.  
3 Even though I know this is a zoning change,  
4 I'm just curious, what does Beulah Baptist  
5 Church have in mind for us if we were to  
6 change this zoning? You mentioned some  
7 services or some things I guess they're trying  
8 to plan to do for the neighborhood. is that  
9 what the intent is behind all of this?

10 MS. STEINGASSER: Yes. Yes, I  
11 don't want to speak for them, because I've not  
12 had that in-depth of discussion with them  
13 about the details of their plans, but it is to  
14 provide for comprehensive redevelopment of the  
15 area, to provide additional housing to be  
16 built, possibly some community services and  
17 possibly an expansion of the church in a  
18 school context.

19 CHAIRPERSON HOOD: Okay. That's  
20 fine.

21 MS. STEINGASSER: But I rather let  
22 the church speak for themselves.

1 CHAIRPERSON HOOD: Okay. We can  
2 do that. What's the name of the school that's  
3 down there? It's the elementary school. Oh,  
4 that's all right. I can ask all that later.  
5 Okay.

6 VICE-CHAIR JEFFRIES: It will be  
7 helpful, I mean, to take a look at the  
8 Deanwood plan. That will be very helpful.  
9 Because you're looking at three lots here and,  
10 you know, it would be good to see the overall  
11 context in terms of what's planned. Again,  
12 just, you know, really curious about the type  
13 of uses, a retail office that's going to be  
14 here. So, that's it.

15 CHAIRPERSON HOOD: Okay. Any  
16 other questions of Office of Planning?

17 Okay. So what I would like to do,  
18 I would move that we set down the petitioner's  
19 request for the map amendment and also set  
20 down OP's request for the companion map  
21 amendment with the lots and squares shown on  
22 the Office of Planning report dated May 12th,

1 2008, and I would ask for a second.

2 COMMISSIONER ETHERLY: Second, Mr.  
3 Chair.

4 CHAIRPERSON HOOD: Let me just do  
5 this. Mr. Ritting, is that legally sufficient  
6 the way I worded it?

7 MR. RITTING: Yes, sir.

8 CHAIRPERSON HOOD: Okay. Moved  
9 and properly seconded. Any further  
10 discussion?

11 COMMISSIONER MAY: Yes, I have a  
12 question though. Not having reviewed this  
13 very carefully, the way you phrase that, does  
14 that include that small triangle of space that  
15 my first question was about?

16 CHAIRPERSON HOOD: You mean the  
17 space that was taken out of that? What space  
18 are we talking about?

19 COMMISSIONER MAY: The most recent  
20 report included that.

21 VICE-CHAIR JEFFRIES: You're  
22 talking about lots 821, 813 and 31 through 34?

1 COMMISSIONER MAY: I don't know  
2 them by number.

3 MS. STEINGASSER: The triangle in  
4 question that's shown as a white triangle, as  
5 the --

6 CHAIRPERSON HOOD: It includes  
7 everything here.

8 MS. STEINGASSER: -- it would 817.

9 CHAIRPERSON HOOD: Just like it is  
10 here. It would include everything that's  
11 dated May the 12th, 2008 and on the back of  
12 this? Right, it would include all of that.  
13 The one that we got tonight, actually.

14 COMMISSIONER MAY: But 817 is not  
15 what's on the chart.

16 MS. STEINGASSER: Is not in the  
17 table. Oh, yes.

18 COMMISSIONER MAY: But it's inside  
19 the blue area.

20 MS. STEINGASSER: Right.

21 COMMISSIONER MAY: Okay.

22 VICE-CHAIR JEFFRIES: Okay.

1 COMMISSIONER MAY: So what's on  
2 the chart, plus 817?

3 VICE-CHAIR JEFFRIES: Eight-  
4 seventeen.

5 CHAIRPERSON HOOD: And let me make  
6 sure I understand,

7 Mrs. Steingasser. This is what we were  
8 asked tonight, right.

9 MS. STEINGASSER: That's correct.  
10 The area within the blue represents the  
11 petitioner's and the OP alternative.

12 CHAIRPERSON HOOD: You talking  
13 about his right here?

14 VICE-CHAIR JEFFRIES: Yes.

15 MS. STEINGASSER: They have since  
16 -- this afternoon they submitted a letter  
17 requesting that that triangle also be  
18 included. That triangle is 817.

19 CHAIRPERSON HOOD: Eight-  
20 seventeen? Okay. Yes. I was just going with  
21 everything that was inside the blue dotted  
22 line.

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1                   COMMISSIONER MAY: Right. And I  
2 thought you were going by everything that was  
3 on the chart which listed the squares and the  
4 lots.

5                   CHAIRPERSON HOOD: Well, it's not  
6 as confusing as it could have been. Anyway,  
7 we thank you. Are we straight, Commissioner  
8 May? Okay.

9                   Any further discussion?

10                  VICE-CHAIR JEFFRIES: So your  
11 motion is really, I mean, for lots proposed by  
12 Beulah and then lots proposed by Office of  
13 Planning?

14                  CHAIRPERSON HOOD: Office of  
15 Planning.

16                  VICE-CHAIR JEFFRIES: Okay.

17                  CHAIRPERSON HOOD: And I'm not  
18 sure how we're going to work it out at the  
19 hearing, but I'm sure -- we'll leave that up  
20 to staff.

21                  VICE-CHAIR JEFFRIES: Okay. Okay.

22                  CHAIRPERSON HOOD: Okay. It's

1 been moved and -- any further discussion? All  
2 those in favor?

3 ALL: Aye.

4 CHAIRPERSON HOOD: There's no  
5 opposition.

6 Ms. Schellin, would you record the  
7 vote?

8 MS. SCHELLIN: Staff records the  
9 vote 4-0-1 to set down Zoning Commission Case  
10 No. 08-03 and the co-petitioner's case 08-03-  
11 1. Commissioner Hood moving; Commissioner  
12 Etherly seconding. Commissioners May and  
13 Jeffries in support, Commissioner Turnbull not  
14 present, not voting.

15 CHAIRPERSON HOOD: Okay. Thank  
16 you, Ms. Schellin.

17 Let's move right along with our  
18 agenda. Zoning Commission Case No. 08-12.  
19 This is the Office of Planning, map amendment  
20 for various squares in Ward 8.

21 We're going to give Mr. Moore a --  
22 the new Ward 8, excuse me. We're going to

1 give Mr. Moore -- is it Mr. Moore? Okay. Mr.  
2 Moore a chance to -- have a seat. Mr. Moore?  
3 Good evening. You might want to turn your  
4 microphone on. We definitely want to hear  
5 you, Mr. Moore.

6 MR. MOORE: Okay. As you can  
7 tell, I too am new at this.

8 Pursuant to the Comprehensive Plan  
9 of 2006, the Office of Planning is requesting  
10 that the Zoning Commission consider a proposal  
11 to rezone portions of the R-5-A District in  
12 Ward 8 to R-3 or R-4 in some cases.

13 There are three maps in your  
14 package that indicate the areas that are  
15 proposed for rezoning. You were distributed  
16 today, I believe, a replacement map for one of  
17 those and that's only because one area -- and  
18 I don't have a map. I can just reference  
19 which one it is. Map 1, I'm sorry about that,  
20 revised. There is one square in there, 5730,  
21 that's along the Alabama Avenue corridor where  
22 we've reduced the area to be included in this

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1 initiative after some further analysis.  
2 That's the only change to that particular map.  
3 All the others remain the same.

4 This proposal includes land areas  
5 within all of the ANC Districts in Ward 8.  
6 The area is characterized by single family,  
7 semi-detached and row dwellings and there are  
8 also many apartment buildings in the affected  
9 area. Most of the apartment buildings in Ward  
10 8, and by the way, they are obviously many,  
11 many more than any other ward in the city,  
12 were built in the 1940s for those who came to  
13 the city to work on the war effort. Primarily  
14 at either the Naval Observatory -- Navy  
15 Laboratory, I'm sorry, Boling Field, which for  
16 those who don't know, was an Air Force Base at  
17 one time and along the river corridor there.

18 In 1950, there was additional  
19 apartments built in Ward 8 to accommodate many  
20 of those District residents who were  
21 displeased from southwest to make way for  
22 urban renewal, which I guess in some cases is

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1 still underway.

2 We, in doing an analysis of these  
3 areas -- well, let me just mention, Mr.  
4 Chairman, that this presentation and request  
5 tonight is a part of a three-prong approach  
6 first being Marshall Heights that this  
7 Commission approved recently. The citizens in  
8 Marshall Heights are grateful to you for that.  
9 And the next one to come back to you will be  
10 the remaining ANCs in Ward 7 after tonight's  
11 presentation.

12 There is strong support in the  
13 Comprehensive Plan that is in your package  
14 before you that supports and is the foundation  
15 for this proposed rezoning initiative. The  
16 Comprehensive Plan actually asks the Office of  
17 Planning to take a look at Ward 7 and Ward 8  
18 in terms of zoning consistencies, or lack of.  
19 And we did find many areas through a survey  
20 that we conducted last summer with the interns  
21 where we looked at every R-5-A District in 7  
22 and 8. And we did some analysis of what we

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1 found looking at the size of lots, use of  
2 building, condition of building and we made  
3 some determinations that was our first -- in  
4 the Marshall Heights report and the same kind  
5 of information is being presented to you  
6 tonight on behalf of the Ward 8 portion of  
7 this initiative.

8 I would like to mention that we  
9 did not do this in isolation. We've been in  
10 contact with the ANCs. We've had several  
11 meetings with them and the ANCs seem to be  
12 strongly in support of this initiative, as  
13 they were when Marshall Heights was done.

14 With that, I would open up for  
15 questions.

16 CHAIRPERSON HOOD: Thank you, Mr.  
17 Moore.

18 Vice-Chairman Jeffries?

19 VICE-CHAIR JEFFRIES: Yes, thank  
20 you, Mr. Moore. First of all, I'm just happy  
21 to see a real live zoning consistency map.  
22 This is the kind of thing I wanted to see.

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1 And while I clearly understand, you know, how  
2 the consistency map amendment applications  
3 come to us in other forms, this is very  
4 comprehensive and it looks studied and so  
5 forth and I think all of the Commissioners  
6 have experienced being on the BZA and seen  
7 these applications submitted that, you know,  
8 in the R-5-A Zone that are just not really in  
9 keeping with the character of these  
10 neighborhoods and so forth. So I'm really  
11 very happy to see this.

12 I did have a question in terms of  
13 non-conformity. I mean, do you have a sense  
14 in terms of, you know, down zoning a number of  
15 these locations, you know, a sense of how much  
16 will result in non-conformity?

17 MR. MOORE: We believe in this  
18 case the non-conformity would be somewhere  
19 about 40 percent.

20 VICE-CHAIR JEFFRIES: Four?

21 MR. MOORE: Forty.

22 VICE-CHAIR JEFFRIES: Forty?

1 Forty percent.

2 MR. MOORE: We also mention that  
3 during this initiative, the first thing we  
4 looked at in the R-5 was where there were  
5 clusters of R-5-A structures, it made no sense  
6 to put a new zoning -- make a non-conformity  
7 out of something that shouldn't be there.

8 VICE-CHAIR JEFFRIES: Yes.

9 MR. MOORE: We also looked at  
10 other areas that were specialized in terms of  
11 planning. It could be new communities. The  
12 housing department has several areas that  
13 they're working on. We didn't include those  
14 in this initiative.

15 VICE-CHAIR JEFFRIES: Okay. Okay.

16 MR. LAWSON: Just to build on  
17 that, I just want to reinforce some of the  
18 work that John has been doing in the  
19 neighborhood over the last year or so.

20 We essentially did pretty much a  
21 property-by-property search through the entire  
22 area to look at what was happening on every

1 single property and then augmented that up by  
2 additional research in the office in terms of  
3 lot size and development patterns to come up  
4 with what's the appropriate zone for each one  
5 of these areas.

6 So, like John was saying, areas  
7 that are predominantly apartment or are  
8 anticipated to be predominantly apartment,  
9 we're not proposing to be rezoned. So I think  
10 it's fair to say that there were large areas  
11 of the area that are currently non-conforming  
12 to the R-5-A Zoning. That's what we're trying  
13 to rectify.

14 VICE-CHAIR JEFFRIES: Oh, okay.

15 MR. LAWSON: In those areas I  
16 suspect that the numbers of properties that  
17 will be made non-conforming by this will be  
18 quite small. It won't be zero, because one of  
19 the things we're trying to eliminate are the  
20 in-fill, or trying to reduce the number of at  
21 least are these kind of in-fill apartment  
22 buildings in low-density areas. Some of the

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1 exist, and they're going to be rendered non-  
2 conforming by this initiative. They'll be  
3 legal non-conforming. They're allowed to  
4 continue.

5 VICE-CHAIR JEFFRIES: Yes.

6 MR. LAWSON: You know, they  
7 certainly will have, you know, every right to  
8 continue in the way that they are right now.  
9 But the intention is that future development  
10 in these areas, particularly on the vacant  
11 lots that are very, very common in some of  
12 these neighborhoods, that the development that  
13 goes on those lots will be more consistent and  
14 more in keeping with the existing surrounding  
15 pattern, which in the areas we've identified  
16 is not apartment, but is actually a lower-  
17 density form of development.

18 VICE-CHAIR JEFFRIES: Okay. Yes,  
19 my experience on the BZA, I mean, you know,  
20 and particularly it just seems in the last  
21 year, I'm just always looking at these, you  
22 know, apartment buildings that are a block

1 from an R-2 Zone and, you know, it's just so  
2 dense of a development, residential  
3 development and it just doesn't seem like it's  
4 in keeping. So from where I sit this is a  
5 very good thing. So, thank you.

6 CHAIRPERSON HOOD: Thank you,  
7 Vice-Chair.

8 Commissioner Etherly?

9 COMMISSIONER ETHERLY: Thank you  
10 very much, Mr. Chair.

11 I will most certainly echo the  
12 comments of the Vice-Chair, Mr. Jeffries, with  
13 respect to the kudos for the work, Mr. Moore.  
14 This is most certainly definitely overdue and  
15 hopefully positions us ahead of the curve, if  
16 you will, in terms of where development is  
17 heading.

18 Very quick question about the  
19 portion that is slated or recommended to go to  
20 R-2 along what is Good Hope Road, and I  
21 believe this would be on the southern side of  
22 Good Hope Road. It is across the street from

1 an R-5-B. I'm going to take a guess, is that  
2 in the vicinity of Marbury Plaza where that R-  
3 5-B designation is?

4 MR. MOORE: About four blocks down  
5 and to the southwest.

6 COMMISSIONER ETHERLY: Okay.  
7 Okay. So and that R-2 area now, and I may  
8 just have my orientation wrong, is that  
9 currently the direction of the property in  
10 that area and the current development R-2  
11 presently? I'm just trying to get a sense of  
12 whether that's the right fit in that  
13 particular segment.

14 MR. MOORE: Are you familiar with  
15 the 22nd and T which is right down below the  
16 high rise? West of the high rise on the --

17 COMMISSIONER ETHERLY: Coming back  
18 towards Minnesota Avenue?

19 MR. MOORE: Yes.

20 COMMISSIONER ETHERLY: Coming back  
21 down Good Hope towards Minnesota Avenue where  
22 you used to have a number of car dealerships?

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1 MR. MOORE: Well, not on Good Hope  
2 Road itself. One block off of Good Hope Road.

3 COMMISSIONER ETHERLY: Okay.

4 MR. MOORE: Think of the library.

5 COMMISSIONER ETHERLY: Okay. Yes,  
6 sir.

7 MR. MOORE: In back of the library  
8 to the northeast. 22nd and T was a vacant  
9 tract with semi-detached dwellings built on it  
10 over the last four to five years.

11 COMMISSIONER ETHERLY: I see.

12 MR. MOORE: That was zoned R-5-A.

13 COMMISSIONER ETHERLY: Okay.

14 MR. MOORE: So that's the area you  
15 see indicated on the map here.

16 COMMISSIONER ETHERLY: Terrific.  
17 Thank you. That helps me. Thank you very  
18 much.

19 Thank you, Mr. Chair.

20 CHAIRPERSON HOOD: Thank you. I  
21 too want to pass on my accolades to the Office  
22 of Planning. I know, Mr. Moore, you took the

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1 lead on a number of these cases and I'm sure  
2 the neighborhood is very happy that the Office  
3 of Planning came out and we're re-looking at  
4 these things. So I too want to pass on my  
5 congratulatory comments in looking forward to  
6 our dealing with this at the hearing.

7 MR. MOORE: One response, Mr.  
8 Chair. Recently there was an application  
9 submitted for I think an eight-unit apartment  
10 building in Marshall Heights.

11 CHAIRPERSON HOOD: Recently?

12 MR. MOORE: It went that way.  
13 Never got off the drawing board, because they  
14 said that's already done.

15 MR. LAWSON: Just to build on  
16 that, that was actually a good example where  
17 because the initiative went forward, we were  
18 able to work with the applicant. They  
19 withdrew their application. Actually ended up  
20 doing, or is considering doing a conforming  
21 development and was actually made quite happy  
22 by it, because he's able to do on this

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1 property -- I can't remember, but it's a  
2 certain number of row house units, which is  
3 permitted under the R-3 Zone instead of doing  
4 a multi-family building for which he had to go  
5 to the BZA. So he was actually quite content  
6 with the rezoning. So, that was actually a  
7 win-win situation.

8 CHAIRPERSON HOOD: Well, good. We  
9 don't hear much of those stories. That's nice  
10 to share that with us. Thank you for sharing  
11 that with us.

12 Okay. Colleagues, we have in  
13 front of us a request and I'll entertain a  
14 motion if somebody wants to make one. Vice-  
15 Chair?

16 VICE-CHAIR JEFFRIES: Yes, I'd  
17 like to make a motion that we set down Zoning  
18 Commission Case No. 08-12, Ward 8, R-5-A  
19 zoning consistency map amendment. If I can  
20 get a second?

21 COMMISSIONER ETHERLY: Seconded,  
22 Mr. Chair.

1 CHAIRPERSON HOOD: Okay. It's  
2 moved and properly seconded. Any further  
3 discussion? All those in favor?

4 ALL: Aye.

5 CHAIRPERSON HOOD: Any opposition?

6 Okay. Hopefully, it didn't have  
7 anything to do with the vote. Does it have  
8 something to do with the vote, before I carry  
9 it?

10 MS. STEINGASSER: We would also  
11 like to respectfully request a waiver of the  
12 posting requirements for the property itself,  
13 the physical posting of the property. We  
14 would be doing public notice through mail  
15 outs, through the web site, through the ANC.  
16 But the physical posting would be close to  
17 thousands of green placards.

18 VICE-CHAIR JEFFRIES: Be labor-  
19 intensive.

20 MS. STEINGASSER: It would be  
21 labor-intensive.

22 CHAIRPERSON HOOD: I'd like to see

1 that done. Let me do this. Let's go ahead  
2 and carry this motion and we'll do another  
3 Okay. Moved and properly  
4 seconded. We voted. All those in favor said  
5 aye.

6 VICE-CHAIR JEFFRIES: Aye.

7 CHAIRPERSON HOOD: There's no  
8 abstentions.

9 Mrs. Schellin, would you record  
10 the vote, and also if we have an absentee?

11 MS. SCHELLIN: Yes, we do. Staff  
12 records the vote 5-0-0 to set down Zoning  
13 Commission Case No. 08-12 as a rule making  
14 case. Commissioner Jeffries moving;  
15 Commissioner Etherly seconding. Commissioners  
16 Hood and May in favor, and Commissioner  
17 Turnbull in favor by absentee ballot.

18 CHAIRPERSON HOOD: Colleagues, I  
19 would also recommend, we heard from Ms.  
20 Steingasser it would be labor-intensive to do  
21 the posting. I will recommend that we waive  
22 the posting because there are going to be

1           adequate ways of notifying the people in the  
2           squares and in the lots and in the community.

3                     Mr. Ritting, can we do that?

4                     MR. RITTING: Yes, the only  
5           absolute requirement that you can't waive is  
6           that it's advertised in the *D.C. Register*.  
7           You can waive your own rules which require  
8           additional notice, which is what you're doing.

9                     CHAIRPERSON HOOD: I think the  
10          only thing we're waiving is the posting.

11                    VICE-CHAIR JEFFRIES: The posting.

12                    CHAIRPERSON HOOD: That's it, the  
13          physical putting up -- even though Mr. Moore  
14          would like to do that, we're going to waive  
15          that. So, that's all we'll be waiving.

16                    Okay. So I would ask for a  
17          second?

18                    VICE-CHAIR JEFFRIES: Second.

19                    CHAIRPERSON HOOD: Moved and  
20          properly seconded. Any further discussion?

21                    Commissioner May?

22                    COMMISSIONER MAY: Yes, Mr.

1 Chairman. I guess I just would want to make  
2 sure that I know we've been assured that the  
3 word will get out, but I think it would be  
4 useful to have it in the record the extent to  
5 which notice will be provided so that when OP  
6 provides its report, it notes that it wasn't  
7 posted, but that notice was provided in the  
8 following ways just to make sure that we got  
9 the word all the way out.

10 CHAIRPERSON HOOD: Thank you,  
11 Commissioner May, and we'll add that to the  
12 motion exactly how it was done.

13 Any further discussion? All those  
14 in favor?

15 ALL: Aye.

16 CHAIRPERSON HOOD: Any opposition?  
17 So ordered.

18 Staff, would you record the vote?

19 MS. SCHELLIN: Yes, staff records  
20 the vote 4-0-1 to waive the physical posting  
21 of the property in Zoning Commission Case 08-  
22 12. Commissioner Hood moving; Commissioner

1 Jeffries seconding. Commissioners Etherly and  
2 May in support, Commissioner Turnbull not  
3 present, not voting.

4 CHAIRPERSON HOOD: Okay. Let's  
5 move right on through to final action. We  
6 have no proposed action this evening. Final  
7 action, Zoning Commission Case No. 07-26.

8 And let me pause and thank Mr.  
9 Moore and the Office of Planning.

10 Zoning Commission Case No. 07-26.  
11 This is the O Street Roadside, LLC,  
12 consolidated PUD and related map amendment at  
13 1400 7th Street, N.W.

14 Ms. Schellin?

15 MS. SCHELLIN: Staff has nothing  
16 further on this one.

17 CHAIRPERSON HOOD: Okay.

18 VICE-CHAIR JEFFRIES: Mr. Chair,  
19 I'd like to make a motion that we approve the  
20 final action in Zoning Commission Case No. 07-  
21 26, O Street Roadside, LLC, consolidated PUD  
22 and related map amendment at 1400 7th Street,

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1 N.W. and ask for a second.

2 COMMISSIONER ETHERLY: Seconded,  
3 Mr. Chair.

4 CHAIRPERSON HOOD: Moved and  
5 properly seconded. Any further discussion?

6 I would only say that one of the  
7 questions that I asked about was the O Street  
8 Community Amenities Package. I think the  
9 applicant has provided sufficient information  
10 on how it's being administered. The amounts  
11 are broken up and I think this is a -- a few  
12 of the agreements are signed, so I just wanted  
13 to add that. And it's stated in the May 6th,  
14 2008 submittal.

15 Okay. Any further discussion?  
16 Okay. It's been moved and properly seconded.  
17 All those in favor?

18 ALL: Aye.

19 CHAIRPERSON HOOD: Any opposition?  
20 So ordered.

21 Staff, would you record the vote  
22 with any absentees?

1 MS. SCHELLIN: Staff records the  
2 vote 5-0-0 to approve final action in Zoning  
3 Commission Case No. 07-26. Commissioner  
4 Jeffries moving; Commissioner Etherly  
5 seconding. Commissioners Hood and May in  
6 support and Commissioner Turnbull in support  
7 by absentee ballot.

8 CHAIRPERSON HOOD: Thank you, Ms.  
9 Schellin. And not to slight the National  
10 Capital Planning Commission. NCPC says, and  
11 I'll just read the last paragraph.  
12 "Therefore, I find that the proposed PUD and  
13 the related map amendment would not be  
14 inconsistent with the Comprehensive Plan for  
15 the National Capital nor adversely effect any  
16 other federal interest."

17 Okay. Moving right along. Zoning  
18 Commission Case No. 07-25. This is Scott  
19 Whittier, et al., map amendment at Square  
20 2794.

21 Ms. Schellin?

22 MS. SCHELLIN: We did receive and

1 NCPC report dated April 9th, 2008 that stated  
2 that it would not be inconsistent with the  
3 Comp Plan, nor have any adverse impact on  
4 federal interest.

5 CHAIRPERSON HOOD: Okay.

6 Colleagues, we fleshed a lot of this out on  
7 proposed. I would move final approval of  
8 Zoning Commission Case No. 07-25 and ask for  
9 a second?

10 COMMISSIONER MAY: Second.

11 CHAIRPERSON HOOD: Moved and  
12 properly seconded. Any further discussions?

13 And thank you, Ms. Schellin, for  
14 acknowledging the NCPC report.

15 All those in favor?

16 ALL: Aye.

17 CHAIRPERSON HOOD: Any opposition?

18 So ordered.

19 Staff, would you record the vote  
20 with any proxies?

21 MS. SCHELLIN: Yes, staff records  
22 the vote 4-0-1 to approve final actin, Zoning

1 Commission Case 07-25. Commissioner Hood  
2 moving; Commissioner May seconding.  
3 Commissioners Jeffries and Etherly in support,  
4 Commissioner Parsons -- I'm sorry Commissioner  
5 Turnbull -- Commissioner Parsons too in this  
6 case, did not participate.

7 CHAIRPERSON HOOD: It's good to  
8 know that Mr. Parsons still hanging around  
9 with us.

10 Okay. All right. Next is Zoning  
11 Commission Case No. 07-02, Columbia Heights  
12 Ventures Parcel 26, LLC, consolidated PUD and  
13 related map amendment at Square 2562.

14 Ms. Schellin?

15 MS. SCHELLIN: There is also an  
16 NCPC report received in this case dated May  
17 5th, 2008. And in this case they found that  
18 it was not inconsistent with the Comp Plan,  
19 nor adversely affect any identified federal  
20 interest.

21 CHAIRPERSON HOOD: Okay. I will  
22 reiterate how happy I was with it and I'm

1 hoping that the amenity with the homeless  
2 shelters gets done, because I really think  
3 that that is a key piece and I'm just really  
4 happy about the way this amenity worked for  
5 the community. And I think I've said that  
6 enough. Nobody probably wants to hear it  
7 anymore.

8 So what I'll do is open it up for  
9 any discussion, or if not I'll obtain a  
10 motion.

11 VICE-CHAIR JEFFRIES: I'll make a  
12 motion. I'd like to make a motion that we  
13 approve under final actions Zoning Commission  
14 Case No. 07-02, Columbia Heights Ventures  
15 Parcel 26, LLC, consolidated PUD and related  
16 map amendment at Square 2562, and ask for a  
17 second.

18 COMMISSIONER ETHERLY: Seconded,  
19 Mr. Chair.

20 CHAIRPERSON HOOD: It's moved and  
21 properly seconded. Any further discussion?  
22 All those in favor?

1 ALL: Aye.

2 CHAIRPERSON HOOD: Any opposition?

3 So ordered.

4 Staff, would you record the vote  
5 and any proxies that we have?

6 MS. SCHELLIN: Yes, staff records  
7 the vote 4-0-1 to approve final action in  
8 Zoning Commission Case 07-02. Commissioner  
9 Jeffries motioning; Commissioner Etherly  
10 seconding. Commissioner Hood in favor,  
11 Commissioner Turnbull in favor by absentee  
12 ballot, Commissioner May not voting, having  
13 not participated.

14 CHAIRPERSON HOOD: Ms. Schellin,  
15 did you mention about the NCPC on 07-02?

16 MS. SCHELLIN: On 07-02.

17 CHAIRPERSON HOOD: You did? Okay.  
18 Good. Because I don't want to slight NCPC.

19 Okay. Next Zoning Commission Case  
20 No. 07-21. This is Per Star M Street  
21 Partners, LLC and 2213 M Street, LP,  
22 consolidated PUD at Square 50.

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1 Mrs. Schellin?

2 MS. SCHELLIN: A couple items in  
3 this one. NCPC did submit a report saying  
4 that they felt the project would be adverse to  
5 federal interests. And then we have a request  
6 from the applicant to reopen the record to  
7 accept their response to NCPC's report.

8 CHAIRPERSON HOOD: Okay. I would  
9 move that we reopen the record to accept the  
10 applicant's response to NCPC report and ask  
11 for a second?

12 COMMISSIONER ETHERLY: Seconded,  
13 Mr. Chair.

14 CHAIRPERSON HOOD: Any further  
15 discussion? All those in favor?

16 ALL: Aye.

17 CHAIRPERSON HOOD: Any opposition?  
18 So ordered.

19 Staff, would you record the vote?

20 MS. SCHELLIN: Staff records the  
21 vote 4-0-1 to reopen the record to accept the  
22 applicant's response to the NCPC report.

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1 Commissioner Hood moving; Commissioner Etherly  
2 seconding. Commissioners Jeffries and May in  
3 support, Commissioner Turnbull not present,  
4 not voting.

5 CHAIRPERSON HOOD: Thank you, Ms.  
6 Schellin.

7 Let me just comment, colleagues.  
8 Again, we've seen this. This is not stranger  
9 to the Commission. The NCPC report recommends  
10 that the Zoning Commission require the  
11 applicant to modify the project design to set  
12 back the penthouse from all exterior walls of  
13 the building a distance equal to the height  
14 above the adjacent roof as required by the  
15 Height of Buildings Act, the Height Act.

16 Again, normally our response has  
17 always been, and I'll just take a part of it  
18 from our order, nevertheless the Zoning  
19 Administrator should not view the Commission's  
20 approval of this modification as operating the  
21 need for a careful review of these plans for  
22 compliance with the Height Act and the Zoning

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1 Regulations. We have always held that in the  
2 jurisdiction of the Zoning Administrator,  
3 unless it is blatant. We did not see it as  
4 being blatant, I don't believe. So again, we  
5 would do like we've done in the past, let the  
6 Zoning Administrator make the determination.

7 Okay. With that, I would ask for  
8 a motion to approve.

9 VICE-CHAIR JEFFRIES: Mr. Chair,  
10 I'd like to make a motion that we approve  
11 under final action Zoning Commission Case No.  
12 07-21, Per Star M Street Partners, LLC and  
13 2213 M Street, LP, consolidated PUD at Square  
14 50, and ask for a second.

15 COMMISSIONER ETHERLY: Seconded,  
16 Mr. Chair.

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

19 I will just say that again we have  
20 another letter which we had it set down of  
21 Sandy Hollins who was in opposition  
22 withdrawing their opposition in this case.

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1 Any further discussion?

2 VICE-CHAIR JEFFRIES: Other than  
3 that, I know that I'm the lone Commissioner  
4 that really loved the design of this building,  
5 so I'll be very happy to see it move forward.

6 CHAIRPERSON HOOD: Okay.

7 COMMISSIONER ETHERLY: For the  
8 record, Mr. Chair, I don't dispute Mr.  
9 Jeffries' -- actually, you know, I'll take a  
10 little bit of question with that. The design  
11 was nice.

12 VICE-CHAIR JEFFRIES: Very modern  
13 and just I thought it was very, very nice.

14 COMMISSIONER ETHERLY: There you  
15 go. Thank you, Mr. Jeffries.

16 CHAIRPERSON HOOD: Let's not fight  
17 over it. Let's go ahead and carry it.

18 Okay. All those in favor?

19 ALL: Aye.

20 CHAIRPERSON HOOD: Any opposition?  
21 So ordered.

22 Staff, would you record the vote

1 with any proxies?

2 MS. SCHELLIN: Yes, staff records  
3 the vote 5-0-0 to approve final action in  
4 Zoning Commission Case 07-21. Commissioner  
5 Jeffries moving; Commissioner Etherly  
6 seconding. Commissioners Hood and May in  
7 support, and Commissioner Turnbull in support  
8 by absentee ballot.

9 CHAIRPERSON HOOD: Okay. Thank  
10 you, Ms. Schellin.

11 Our next case is Zoning Commission  
12 Case No. 07-08A. This is the Office of  
13 Planning text amendment to allow temporary  
14 ballpark accessory surface parking lots.

15 Mrs. Schellin?

16 MS. SCHELLIN: Again, we received  
17 an NCPC report dated May 5th, 2008 and they  
18 stated that it will not affect the identified  
19 federal interest based on D.C.'s commitment to  
20 require storm water management measures for  
21 the permitting of temporary parking lots.

22 CHAIRPERSON HOOD: Okay. Thank

1 you, Ms. Schellin. Ms. Schellin, let me just  
2 ask, did Mr. Turnbull have any comments on  
3 this?

4 MS. SCHELLIN: No, sir.

5 CHAIRPERSON HOOD: Okay. Good.  
6 All right. Colleagues, I'm going to open it  
7 up for discussion. I would move that we  
8 approve 07-08A and ask for a second.

9 COMMISSIONER ETHERLY: Seconded,  
10 Mr. Chair.

11 CHAIRPERSON HOOD: Any further  
12 discussion? Any further discussion? All  
13 those in favor?

14 ALL: Aye.

15 CHAIRPERSON HOOD: Any opposition?  
16 So ordered.

17 Staff, would you record the vote  
18 with any proxies?

19 MS. SCHELLIN: Staff records the  
20 vote 5-0-0 to approve final action in Zoning  
21 Commission Case No. 07-08A. Commissioner Hood  
22 moving; Commissioner Etherly seconding.

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1 Commissioners Jeffries and May in support,  
2 Commissioner Turnbull in support by absentee  
3 ballot.

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

6 We don't have anything under the  
7 correspondence.

8 Let's be mindful, I think we're  
9 doing a great job with BZA attendance. Report  
10 of the Secretary of BZA attendance.

11 Oh, and also our reminder the  
12 schedule. That's our schedule. Oh, okay.  
13 Well, we have our reminder schedule. Oh,  
14 okay. Well anyway, both of them are in the  
15 packet.

16 Let me do this right quick. Let's  
17 do the status report, because I think I can --  
18 I mean, I'm sorry, the other business item,  
19 which is (A) new applications for petition  
20 forms. I want to commend the staff on getting  
21 these forms updated, especially for some new  
22 technology and new ways that we're going to be

1 moving forward. And if you notice, one of the  
2 things I looked for was the revision date;  
3 it's in the upper left hand corner. I think  
4 this is sufficient and by our rules we have to  
5 approve it. I think the staff and the OZ has  
6 done a great job in moving this forward.

7 And with that, I would move that  
8 we approve the new application and petition  
9 forms and ask for a second.

10 COMMISSIONER ETHERLY: Seconded,  
11 Mr. Chair.

12 CHAIRPERSON HOOD: Moved and  
13 properly seconded. Any further discussion?  
14 Any further discussion? All those in favor?

15 ALL: Aye.

16 CHAIRPERSON HOOD: Any opposition?  
17 So ordered.

18 Staff, would you record the vote?

19 MS. SCHELLIN: Staff records the  
20 vote 4-0-1 to approve the new Zoning  
21 Commission applications and/or petitions.  
22 Commissioner Hood moving; Commissioner Etherly

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1 seconding. Commissioners Jeffries and May in  
2 support, Commissioner Turnbull not present,  
3 not voting.

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

6 Let's thank the Office of Planning  
7 for indulging for that two minutes and, Ms.  
8 Steingasser?

9 MS. STEINGASSER: I just want to  
10 draw your attention to under reports and  
11 supplementals, our first item is we'd talked  
12 in the past about doing some field trips,  
13 taking the Commissioners to see areas that are  
14 currently in their planning stage before cases  
15 get to you, before there's a contested case or  
16 any issue of ex parte, and two of those would  
17 be the Southwest Waterfront, which you've  
18 heard a lot about in the paper recently, and  
19 Poplar Point. And we'd like to work with the  
20 Office of Zoning and try to schedule some  
21 tours that would include both the Office of  
22 Zoning and the Office of Attorney General.

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1 We'd duly notice the meeting, where it would  
2 be, about what time we'd be there so if the  
3 public wanted to join us, they could. But it  
4 would be a way we think these two areas are  
5 going to be very important and time consuming  
6 for you in the upcoming years, so we'd like to  
7 get your out there before there's any  
8 conflicts.

9  
10 It could be during the afternoon;  
11 it could be on a Friday; it could be around  
12 lunch, whatever works. We can work with the  
13 Office of Zoning and schedule that? Not on a  
14 Friday. No, on a different day. But if the  
15 Commissioners are interested in such a thing,  
16 we think it would be really helpful.

17 CHAIRPERSON HOOD: If I can just  
18 comment, I think in the past I have been on  
19 those field trips and no, Commissioner  
20 Etherly, we don't need permission slips; I  
21 don't think we do. But I have been on one of  
22 those and it was very helpful for me. I don't

1 even know if the case ever -- I think it did  
2 come. But anyway, I think it was very helpful  
3 to be able to actually see exactly. Sometimes  
4 it's good to see exactly what may be coming  
5 down the pike. And as Ms. Steingasser said,  
6 before it becomes an ex parte or a problem, I  
7 think if they do it well in advance.

8 Do we need to vote on that?

9 MS. SCHELLIN: No.

10 CHAIRPERSON HOOD: Any comments?

11 VICE-CHAIR JEFFRIES: Any sense of  
12 where those are in terms of being submitted  
13 applications?

14 MS. STEINGASSER: They're probably  
15 a ways off from a zoning application. They're  
16 in the master planning.

17 VICE-CHAIR JEFFRIES: You mean  
18 like a year, two years?

19 MS. STEINGASSER: Probably not as  
20 far as a year, but probably eight to 10  
21 months. The master plan is completing, and  
22 that's why we'd rather get the Commission

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1 involved in the planning pieces of it, to  
2 understand it from that standpoint, but yes.

3 VICE-CHAIR JEFFRIES: Okay.  
4 Great. Great. Thank you.

5 CHAIRPERSON HOOD: Okay. You can  
6 continue. You all finished? Oh, okay.

7 MR. PARKER: Just a quick monthly  
8 update on the zoning rewrite process. We're  
9 continuing forward basically on schedule.  
10 Seven of the 20 working groups have now  
11 completed their work and we're working on  
12 recommendations for all of those subject  
13 areas. Two subject areas have been reviewed  
14 by the task force and are up on the public web  
15 site for review and three more will be  
16 reviewed later this month by the task force  
17 and will be up on the web site at the end of  
18 May.

19 The first subject that will be  
20 before the Zoning Commission will be height,  
21 and I think that's currently scheduled on July  
22 10th. So, we're starting with a fun one, and

1 I look forward to it. Two months from  
2 Saturday.

3 CHAIRPERSON HOOD: Okay. Thank  
4 you, Mr. Parker. You have any more good news  
5 for us?

6 MR. PARKER: Parking is after  
7 that.

8 CHAIRPERSON HOOD: Let me just say  
9 again, for whatever it's worth, I do  
10 participate on the task force and I've seen a  
11 few of the emails and seems like you're  
12 getting a pretty good response.

13 MR. PARKER: There's actually been  
14 quite a heavy response on the web site to the  
15 height. I think we've gotten 30 plus  
16 responses and obviously a lot of the task  
17 force has commented, and we expect that to  
18 continue on each of the other subject areas.

19 CHAIRPERSON HOOD: Okay. All  
20 right. Ms. Steingasser, anything else?

21 MS. STEINGASSER: No, sir.

22 CHAIRPERSON HOOD: Okay. Any

1 other questions or comments for Office of  
2 Planning?

3 Okay. With that, I want to thank  
4 the Office of Planning, the community and the  
5 Office of Zoning for again helping us to  
6 prepare to make the best informed decisions  
7 that we can.

8 Anything else, Ms. Schellin?

9 MS. SCHELLIN: No, sir.

10 CHAIRPERSON HOOD: Okay. With  
11 that, this meeting is adjourned.

12 (The meeting was adjourned at 7:45  
13 p.m.)

