

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

MARCH 14, 2011

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD SCHLATER, Vice Chairman
PETER MAY, Commissioner (NPS)
GREG SELFRIDGE, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel
JAMISON WEINBAUM, Director of Office of Zoning

OFFICE OF PLANNING STAFF PRESENT:

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JENNIFER STEINGASSER
JOEL LAWSON
STEVEN COCHRAN
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the
minutes from the Regular meeting held on
March 14, 2011.

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

6:38 p.m.

CHAIRMAN HOOD: Okay. We're going to go ahead and get started. This meeting will please come to order. Good evening ladies and gentlemen. This is the March 14, 2011 public meeting of the Zoning Commission of the District of Columbia. My name is Anthony Hood. Joining me are Vice-Chairman Schlater, Commissioner Selfridge, and Commissioner May. I'm going to ask, to my left, if we can have our introductions, besides the Commissioners. I'm going to start with Mr. Bergstein, and the office you represent.

MR. BERGSTEIN: My name is Alan Bergstein and I represent the Office of the Attorney General for the District of Columbia.

MS. BUSHMAN: Ester Bushman, Office of Zoning.

MS. SCHELLIN: Sharon Schellin, Office of Zoning.

1 DIRECTOR WEINBAUM: Jamie
2 Weinbaum, Director of the Office of Zoning.

3 CHAIRMAN HOOD: Let me go to my
4 right. Office of Planning, starting with Mr.
5 Lawson.

6 MR. LAWSON: Good evening, Joel
7 Lawson with the Office of Planning.

8 MR. JESICK: Mat Jesick, with the
9 Office of Planning.

10 MR. COCHRAN: And Steve Cochran
11 with the Office of Planning.

12 CHAIRMAN HOOD: Great. Thank you.
13 I'm sure if you all don't like it, you'll let
14 me hear it after this meeting. Copies of
15 today's meeting agenda are available to you
16 and are located in the bin near the door. We
17 do not take any public testimony in our
18 meetings unless the Commissioner requests
19 someone to come forward. Please be advised
20 that this proceeding is being recorded by a
21 court reporter and is also webcast live.
22 Accordingly, we must ask you to refrain from

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1 any disruptive noises or actions in the
2 hearing room. Please turn off all beepers and
3 cell phones.

4 Does the staff have any
5 preliminary matters?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay. If not,
8 let's move right into the agenda. I don't
9 think we need to move any items around,
10 Commissioners, so let's just go right into
11 final action on Zoning Commission Case 10-22,
12 Office of Planning -- Map Amendment & Related
13 Text Amendment to Allow Expansion of an Ice
14 Rink & Construction of a Youth Baseball
15 Academy at Ft. Dupont Park. Ms. Schellin?

16 MS. SCHELLIN: Yes, sir. As you
17 will recall, the Commission took final action,
18 actually, on this case at the February 28th
19 meeting. However, after Staff looked at it,
20 even though NCPC had taken action and provided
21 their report, Staff realized that there were
22 four days still left during the 30-day comment

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1 period. So the action was actually taken four
2 days early. So we would ask the Commission to
3 retake final action this evening.

4 CHAIRMAN HOOD: Okay. Thank you,
5 Ms. Schellin. Commissioners, you've heard the
6 rationale why this is on the agenda again.
7 Could I get a motion?

8 COMMISSIONER MAY: Mr. Chairman, I
9 would move approval of Zoning Case No. 10-22,
10 Map Amendment and Related Text Amendment to
11 Allow Expansion of an Ice Rink and
12 Construction of a Youth Baseball Academy at
13 Ft. Dupont Park.

14 CHAIRMAN HOOD: Okay. It's been
15 moved. Can I get a second?

16 COMMISSIONER SELFRIDGE: Second.

17 CHAIRMAN HOOD: Okay. It's been
18 moved and properly seconded. Any further
19 discussion? Are you ready for the question?
20 All those in favor, aye?

21 ALL: Aye.

22 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you please
2 record the vote?

3 MS. SCHELLIN: Yes, sir. Staff
4 will record the vote four to zero -- excuse
5 me, five to zero to zero. I have an absentee
6 ballot from Commissioner Turnbull.
7 Commissioner May moving; Commissioner
8 Selfridge seconding; Commissioners Hood and
9 Schlater in support; and Commissioner Turnbull
10 in support by absentee ballot.

11 CHAIRMAN HOOD: Okay. Thank you,
12 Ms. Schellin. Let's move right into Proposed
13 Action. Zoning Commission Case No.
14 0611A/0612A, George Washington University --
15 Second Stage PUD at Square 103. Ms. Schellin?

16 MS. SCHELLIN: Yes, sir. Again,
17 we have an absentee ballot from Commissioner
18 Turnbull. And there are several supplemental
19 documents that came in. And we would ask the
20 Commission to consider proposed action on this
21 case.

22 CHAIRMAN HOOD: Thank you, Ms.

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1 Schellin. Commissioners, we have some
2 submissions that are Exhibit No. 39, and also
3 Exhibit No. 42, as well as Exhibit 40 from
4 West End Citizens' Association. Also, we have
5 a DDOT response, which is exhibit 41. And I
6 think that's all we have that came in after
7 the proposed -- for our proposed review.
8 Okay. Commissioners, the way I remember this
9 case is a lot of it we ask for -- some things
10 we asked for. And I think we asked, in
11 particular, Vice-Chairman Schlater asked for
12 the response from District Department of
13 Transportation when they did the walk-through
14 or what was presented to us as a walk-through.
15 If you look at -- in your readings, you would
16 find that they -- actually, that was not a
17 walk-through for this particular case, which
18 is being noted to us. That was a walk-through
19 for something totally different. And the
20 comments of that walk-through from the
21 authorities as the District Department of
22 Transportation were that that was not speaking

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1 on behalf of the Department of Transportation.

2 So I think we can dispel with that right
3 away, because that was one of the issues that
4 was dealt with. But let me open it up. Any
5 comments? Oh, okay. Let me go to
6 Commissioner Selfridge. I'm sorry.

7 COMMISSIONER SELFRIDGE: I just
8 wanted to say that I did review the record on
9 this case.

10 CHAIRMAN HOOD: Okay. Thank you,
11 Commissioner Selfridge, who reviewed the
12 record and will be participating in the
13 discussion. And I guess some of the questions
14 -- and I'm glad Mr. -- I thought I saw Mr.
15 Jennings. I guess I didn't see him. Is Mr.
16 Jennings here? He's hiding behind the pole,
17 right? You didn't know I saw you, Mr.
18 Jennings. Do you want to take your -- is
19 there space up there?

20 MR. JENNINGS: Good evening.

21 CHAIRMAN HOOD: Okay. Have a
22 seat. We might have some questions. And we

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1 might go out of the line of things because we
2 didn't have the opportunity. We did get a
3 response from DDOT about your position on this
4 particular case. Mr. Jennings, I'm trying to
5 remember. We have so many cases. Were you
6 here the night of this particular case?

7 MR. JENNINGS: No, I was not.

8 CHAIRMAN HOOD: Okay. Okay. All
9 right. There were some options that were --
10 and I also am going to be talking to my
11 colleagues as we deliberate. And Mr. Jennings
12 is there if we want to field a few questions
13 to him. Option four is what? I think West
14 End had mentioned. And I will tell you that
15 I've read the rationale with DDOT about why
16 they're saying not to do that option, the
17 turns and the timing, but I would say that --
18 and I just want to know if any of my other
19 colleagues concur -- I would say that I really
20 think option four is a possibility. Now, I
21 don't see option four as changing the design
22 or anything. I just think it makes -- it just

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1 makes smart sense, as far as traveling. And
2 again, I know we depend on DDOT, like the
3 Office of Planning report says, we depend on
4 DDOT, they're the experts. But, from a
5 traveling standpoint, for me, option four
6 would be, I think, realistic. But let's just
7 -- let me just open it up and let me hear how
8 my colleagues want to discuss this.

9 COMMISSIONER SELFRIDGE: I'm
10 sorry. Which option are you referring to as
11 option four?

12 CHAIRMAN HOOD: Option four is the
13 -- well the option that --

14 COMMISSIONER SELFRIDGE: Too many
15 case, too many option.

16 CHAIRMAN HOOD: If you turn to --
17 if you look behind Tab B --

18 COMMISSIONER SELFRIDGE: Yes?
19 Okay.

20 CHAIRMAN HOOD: And I think it --
21 what is that, east to west -- west to east?
22 But I think you enter on -- you enter on 20th

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1 street and you go out on 21st Street. I think
2 that's is. Let me find the West End -- is
3 that right? Okay. And, if you look at the
4 DDOT report, they have a lot of reasons and
5 rationale why certain things -- why the
6 original one is the way it is. And they
7 actually cite traffic being more controlled.
8 At one way, they say there's like a speed
9 zone. But I also listened to the community
10 when they talked about double parking in the
11 alley, which raises a concern for me. I think
12 Tonic Restaurant, I believe is what it's
13 called. And I do know people do double park
14 in the alley. And I just can -- I see a one-
15 way being more conducive than a two-way,
16 especially if you have people double parking.
17 And I'm not sure. I think DDOT has the last
18 word, at some point, when it's a public space.
19 I think you all have the last word. I'm not
20 sure. But it's what we approve, is what's
21 going to be presented.

22 Anyway, let me just ask my

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1 colleagues. I've done enough talking. Let me
2 ask my colleagues, how do you feel about
3 option four, or would you rather stay with the
4 original option? Vice-Chairman Schlater?

5 VICE-CHAIRMAN SCHLATER: Mr.
6 Chairman, option four, I think, is actually
7 the option I had hoped would be analyzed when
8 I asked for the study of one-way traffic. Or,
9 if it wasn't, it's the one I meant to ask for.

10 It's one-way alley ingress and egress, with
11 traffic entering on 20th Street and exiting on
12 21st Street. I think, in the DDOT report,
13 they basically said DDOT does not support
14 changing the existing two-way alley operations
15 for vehicles to a one-way, eastbound or
16 westbound operation. You know, I think,
17 ultimately, I would defer to DDOT on the
18 direction of traffic within these alleys. I
19 think that's where I come out on it. I would
20 have like to have seen it studied,
21 personally. But I guess I would ask DDOT is,
22 if it was studied, would DDOT take another

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1 look at it? Or do you -- is your mind made up
2 on one-way alley systems?

3 MR. JENNINGS: I think with this
4 particular one, we're very decided. That's
5 the best way I can describe the agency's
6 position. One-way versus opposite traveling
7 traffic, in a -- you know, width of 20 feet.
8 If it was any more narrow, perhaps that would
9 be the way to look at it, one-way either
10 eastbound or westbound. One of those two
11 would weigh a little bit heavier in our minds.

12 But having a 20 foot wide alley, safety is
13 clearly one of the bigger pieces with
14 vehicular travel. And others who may be using
15 the alley, we know it's not just limited to
16 personal passenger vehicles. We know that
17 there are other users.

18 VICE-CHAIRMAN SCHLATER: Okay.
19 Thank you, Mr. Jennings.

20 CHAIRMAN HOOD: Okay. Let me open
21 it up. Anyone else? Commissioner May?

22 COMMISSIONER MAY: Yes. You know,

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1 when we had the hearing, I was very concerned
2 because I didn't feel like the alternative of
3 -- I guess it was Number two, as it was
4 studied, which had an entrance off of G
5 Street. I didn't feel that that had been
6 given enough consideration and that DDOT was
7 simply falling back on their standard pecking
8 order of recommendations. You know, enter off
9 alleys first, then secondary streets, and then
10 primary streets. And I thought there was a
11 case to be made that it actually shouldn't be
12 entered off the street here. Having seen what
13 was presented, I didn't -- I didn't find any
14 single argument compelling. But, after having
15 reviewed it all and looked at it all, I'm now
16 falling into the camp of going with the
17 original proposal, which is, you know, the
18 two-way alley, widened to 20 feet with
19 appropriate precautions taken at the entrances
20 to the alley to make sure that people slow
21 down and that pedestrians are adequately
22 protected. Because I think that when you --

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1 you know, what I wasn't really thinking about
2 when I thought G Street was a viable option,
3 was the fact that there's a lot of pedestrian
4 traffic on G Street, and you're going to have
5 the same kind of a crossing issue. And people
6 are going to be coming out of a building and
7 not coming out of an alley. So the issues of
8 visibility are going to be as bad or worse in
9 that circumstance. I do think that there's
10 more that can be done at the alley entrances,
11 to make sure that there is an unobstructed
12 view. For example, on 20th Street, there's a
13 series of evergreen trees that block the view
14 of the sidewalk and of the street. And I
15 think that's, you know, just the wrong stuff
16 to be planted there. And I think that there's
17 also a potential for other views to be
18 blocked by shrubs that are planted also on
19 20th Street on the north side of the alley.
20 They're low enough now, but I know how, you
21 know, shrubs will grow and they'll get taller
22 and taller until there's a -- there is a

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1 safety problem. And then, finally, I think
2 that they really do need to look at something
3 on the 21st Street side to make sure that
4 there is clear visibility of pedestrians
5 coming up, you know, heading northbound on
6 21st Street. Because the yard of the adjacent
7 property is high enough. It's about four feet
8 up and, for many cars, you won't be able to
9 see over that. I mean, fortunately, you're
10 going to be coming out of the right side of
11 the alley, so you've got probably ten feet --
12 ten or 15 feet of visibility. I think the
13 visibility diagrams that, you know, sort of
14 conform to DDOT standards that were presented
15 by the Applicant are nonsensical. It shows a
16 view line that starts 15 feet into the
17 building. So I didn't -- I mean, that just
18 seemed ridiculous. It was the photographs, I
19 think, that were the most telling for me. So,
20 at this moment, I'm inclined to go back to the
21 original proposal, not because it's just DDOT
22 policy and not because of the, you know, some

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1 of the other facts that were presented, but
2 just the fact that you're still going to wind
3 up having to cross the sidewalk and it's
4 unbalanced. The safest thing for pedestrians,
5 I think, is going to be for the vehicles
6 coming and going in a two-way 20 foot wide
7 alley.

8 CHAIRMAN HOOD: Okay. And there
9 was also an issue about pedestrian safety.
10 And I think, Commissioner May, you expounded
11 on that. What gets it for me is the warning
12 signs, the stop bar. I'm not too fond of the
13 scored concrete. But I guess if it works, it
14 works. But I think the stop bar and the
15 pedestrian warning sign gives, I think, a
16 comfort level of safety for pedestrians.

17 The other thing. Back on the
18 traffic pattern into the garage and whether it
19 should be two-way or not, in the DDOT report,
20 it talks about DDOT does not support changing
21 existing two-way alley operations for vehicles
22 to a one-way eastbound or westbound operation.

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1 One-way streets and alleys tend to contribute
2 to increased driving speeds and all around
3 unsafe conditions for all transportation users
4 in the alley. Opposite traveling vehicles
5 cause drivers to pay more attention to
6 oncoming traffic and the surrounding
7 environment. I understand this analysis, but
8 I would also ask that we be considerate of
9 what the community mentioned when they
10 mentioned how people double park. So I guess,
11 hopefully, that analysis, Mr. Jennings, and
12 you don't necessarily have to respond, but I'm
13 hoping that analysis that you all gave us also
14 takes that into consideration. Because we
15 were testified to that people or cars double
16 park in that alley. So hopefully, that's all
17 -- that whole analysis takes that into
18 consideration.

19 Okay. Anything else,
20 Commissioners?

21 COMMISSIONER SELFRIDGE: Mr.
22 Chairman?

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1 CHAIRMAN HOOD: Commissioner
2 Selfridge?

3 COMMISSIONER SELFRIDGE: Yes. I
4 Just wanted to say, I reviewed the DDOT
5 report, as well. And it seems to me that
6 maintaining the alley access to the garage
7 would -- with the mitigation efforts that DDOT
8 talked about -- would probably be the safest
9 for the pedestrians. So I would be in favor
10 of that, as well.

11 CHAIRMAN HOOD: Okay. Thank you.
12 Is there anything else? The only other thing,
13 we do have a request -- and I'm not sure, I
14 might have to lean on Mr. Bergstein on this.
15 We have a request from West End Citizens
16 Association who would like the opportunity to
17 respond to the DDOT report. And I'm not sure
18 if they -- I mean, I'm not sure how we exactly
19 can handle that. I guess maybe we can have
20 their response before final if we -- if this
21 is approved. If it's not approved, we won't
22 need it. So --

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1 MR. BERGSTEIN: Sorry?

2 CHAIRMAN HOOD: No. I was just
3 making a statement. If it's not approved, we
4 won't need it. So I don't want to take
5 anything for granted.

6 MR. BERGSTEIN: You are taking
7 proposed action -- Sorry. You're taking
8 proposed action for the purpose of sending
9 this over to NCPC. You can reopen the record
10 and allow for that supplemental response if
11 you care to.

12 CHAIRMAN HOOD: Okay.

13 MR. BERGSTEIN: And you should
14 either make it clear or not clear that -- or
15 you should make it clear whether or not
16 responses from the Applicant are permitted to
17 that submission. So we know that either they
18 can be submitted or they cannot be.

19 CHAIRMAN HOOD: Why don't we do
20 this, unless my colleagues disagree? I think
21 we can honor this request from Ms. Kahlow. We
22 can have a response to the DDOT report so she

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1 can comment on the DDOT report only, and only
2 West End. And the Applicant can respond, if
3 they see fit, respond to Ms. Kahlow's response
4 to the DDOT report. And we'll leave it at
5 that. And we'll deal with that at final.
6 Okay. Anything else, Commissioners? Anything
7 else, I guess, Ms. Kahlow, you can work with
8 Staff. Anything else, Commissioners?

9 MS. KHALOW: Excuse me.

10 CHAIRMAN HOOD: We have a time
11 schedule?

12 MS. SCHELLIN: We'll set one. I
13 think, if we give two weeks from today, the
14 28th of March, and then the Applicant will
15 have until April 4th.

16 CHAIRMAN HOOD: Okay. So we have
17 a schedule. i think --

18 MS. SCHELLIN: And also, I'd like
19 to add that the ANC would have until April 4th
20 also, if they'd like to respond to WECA's
21 response because we need to allow them an
22 opportunity also.

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1 CHAIRMAN HOOD: Okay. Okay.
2 Anything else, Commissioners? Any other
3 comments? With that, I would move proposed
4 action to approve the original design or
5 original, as far as the traffic pattern,
6 Zoning Commission Case No. 06-11A/06-12A,
7 George Washington University -- Second Stage
8 PUD at Square 103), and ask for a second.

9 COMMISSIONER MAY: Second.

10 CHAIRMAN HOOD: It's been moved
11 and properly seconded. Any further
12 discussion? Any further discussion? Are you
13 ready for the question? All those in favor,
14 Aye.

15 ALL: Aye.

16 CHAIRMAN HOOD: Not hearing any
17 opposition, so ordered. Staff, would you
18 record the vote?

19 MS. SCHELLIN: Yes, sir. Staff
20 records the vote five to zero to zero to
21 approve proposed action in Zoning Commission
22 Case No. 06-11A/06-12A, Commissioner Hood

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1 moving, Commissioner May seconding,
2 Commissioners Schlater and Selfridge in
3 support, and Commissioner Turnbull in support
4 by absentee ballot.

5 CHAIRMAN HOOD: Okay. Thank you,
6 Ms. Schellin. And thank you too, Mr.
7 Jennings. Mr. Jennings likes to hide behind
8 that pole. We'll have to reconfigure the room
9 so we can -- so I can see him. Okay. Let's
10 go right into our next case. It's Zoning
11 Commission Case No. 09-21, Office of Planning
12 - Text and Map Amendments to Establish the
13 Union Station North Distraction. Ms.
14 Schellin?

15 MS. SCHELLIN: Yes, sir. If you
16 will recall, this was on our agenda of
17 February 28th, and you asked the Office of
18 Planning to provide some additional
19 information. And you have that at Exhibit 40.

20 CHAIRMAN HOOD: Okay. Thank you,
21 Ms. Schellin. And I want to thank the Office
22 of Planning for really hearing my colleagues

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1 and looking at it. But I don't want to put
2 the cart before the horse. Let's wait and
3 hear the comments. But I think that, from my
4 standpoint, they have addressed a lot of the
5 concerns that I've heard. But I'll let my
6 colleagues speak for themselves. So let's
7 open it up for any discussion. Let's -- any
8 discussion?

9 COMMISSIONER MAY: Mr. Chairman?

10 CHAIRMAN HOOD: Commissioner May?

11 COMMISSIONER MAY: Yes. I
12 appreciate the further modifications that have
13 been made by the Office of Planning to try to
14 step back the building and -- or the potential
15 development, as it gets closer to Union
16 Station. And I also appreciate the further
17 review opportunities that the Commission will
18 have to make sure that what gets built here is
19 appropriate. I still am uncomfortable with
20 the notion that we are establishing the
21 measuring point from a structure like this.
22 And it's -- I know it's been done before, not

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1 necessarily with the greatest results. But
2 that was probably not a result of the
3 measuring point. I think the thing that
4 concerns me the most, at this point, is that
5 if we are to move forward on this, that the
6 exceptional circumstances in this case, the
7 fact that there really aren't reasonable ways
8 to have access to a ground level street, and
9 the fact that you have so much infrastructure
10 that's underneath it, I think are the really
11 extenuating circumstances that could prompt a
12 different way to measure here. I'm still not
13 convinced that -- that the height is the right
14 height. I know we're talking about -- I mean,
15 we saw several different scenarios and there
16 was the -- certainly the small, medium, large.
17 And I was still on the medium family. So I'm
18 not sure -- I'm interested in hearing what the
19 other Commissioners have to say about this.
20 But I'm -- I'm not completely sold, at this
21 moment, on those couple of points.

22 CHAIRMAN HOOD: Okay. I don't

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1 want to put you on the witness stand,
2 Commissioner May, but I'm just curious -- and
3 I think we had this discussion. So I'm going
4 to ask you the same questions that we've
5 already had. Even knowing that -- and I know
6 I can go to what Mr. Turnbull said when we
7 talked about this previously -- even knowing
8 that we -- there's an option there to go the
9 full 130, and there's an option there also to
10 turn that down and not go to the full 130, I
11 think it's 110 or 90, that we have that option
12 when we do review. Does that give you a
13 comfort level?

14 COMMISSIONER MAY: You know, I
15 think that once we have the ability to go to
16 130 feet, measured from the top of the
17 roadway, I don't think that the Commission is
18 going to back away from that. I think that
19 the -- the property owner is going to insist
20 on it and you know, we're just not going to
21 want to deny them all of that -- that
22 potential. I mean, how often do we have that?

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1 CHAIRMAN HOOD: We -- I know
2 specifically of a case where we denied them,
3 because my --

4 COMMISSIONER MAY: I know. I
5 know. It doesn't -- it's just not that often.
6 So I -- I'm concerned.

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER MAY: I would be much
9 happier if we were measuring -- I don't know,
10 if we were going up to 110 feet from that
11 measure -- from that height, or that we were
12 measuring from a lower point. But I'm not
13 sure how to set a lower point. So it's -- it
14 would have to be the -- you know, limiting the
15 overall height.

16 CHAIRMAN HOOD: And I'll take very
17 seriously what you and I've heard Mr. Turnbull
18 when he -- when we talked about this
19 previously. It seems like our meetings
20 sometimes rewind themselves. Because you're
21 right. Somebody's going to come in here with
22 130 and that's probably going to be it. We

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1 probably won't see any development lower than
2 that. But then again, I don't know. You
3 know, as Vice-Chairman has already stated, you
4 come in with a superb building, maybe it
5 requires or deserves 130. I don't know. But,
6 you know, let me open it up to someone else.
7 Anybody else?

8 COMMISSIONER SELFRIDGE: Mr.
9 Chairman?

10 CHAIRMAN HOOD: Commissioner
11 Selfridge?

12 COMMISSIONER SELFRIDGE: I too
13 would like to thank the Office of Planning and
14 the Applicant for going back and working on
15 this. Specifically, 2925.3 where it talks
16 about building unit heights and their visual
17 relationship to the surroundings and the
18 suitable height for each building at
19 appropriate massing relationship between
20 proposed building units and adjacent
21 neighborhoods. You know, I think my greatest
22 concern was that we did give a blank check in

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1 this. I think that this new language makes
2 clear that there's an additional review that's
3 going to occur and that will deal specifically
4 with the building heights and that, if we were
5 to approve this today, that that would not
6 automatically allow the Applicant to go up to
7 130 feet.

8 I also think the step downs that
9 were discussed are an improvement. I wasn't
10 convinced that they even needed to go that
11 far. But they're there. They were willing to
12 do it. But you start with 190 feet -- or 90
13 feet, I'm sorry, from the southern property
14 line and then 150 feet from that, you can go
15 to 110 feet. If you can show -- if the Zoning
16 Commission approves additional height, they
17 can get it, but they have to prove their case.

18 Once again, I think that's the important part
19 here, that we're not just giving them carte
20 blanche to go to 130 feet, but there's another
21 stage one review where we're going to address
22 these issues, specifically. And that gives me

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1 some comfort in moving this forward.

2 CHAIRMAN HOOD: Thank you. Very
3 well said, Commissioner Selfridge. Are there
4 any other comments on that issue? Vice-
5 Chairman Schlater?

6 VICE-CHAIRMAN SCHLATER: Mr.
7 Chairman, thank you. I think, when we talk
8 about the height and being able to go up 130
9 feet from the top of the bridge, we have to
10 articulate exactly what gives us unease. And
11 I think we heard various things at the
12 hearing. One was, we talked about whether or
13 not the community that lives adjacent to Union
14 Station air rights was concerned about the
15 heights. And I think we've heard from the ANC
16 that there was a discussion on that and there
17 was some concern, particularly at the
18 northeast corner of the zone, that 130 feet
19 heights would be too much and it would tower
20 over the neighborhood. I think those concerns
21 were addressed and the community came in here
22 through the ANC, supporting the heights that

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1 proposed, even before they had been pulled
2 down. And then we have a lot on the record,
3 as well -- we have a number of people and
4 organizations making a historic preservation
5 case that these buildings will be too large
6 behind Union Station, which is one of our
7 most excellent historic buildings in the
8 District. I think everybody will agree. I'm
9 given comfort by the fact that the State
10 Historic Preservation Office is going to have
11 review over any building that's built in the
12 Union Station Air Rights zone. I'm also given
13 comfort by the fact that the heights are going
14 to be stepping down the closer you get to the
15 Union Station. And, in general, I think that
16 I'm not scared of height behind these --
17 behind Union Station. I'm actually more
18 concerned about bad buildings being behind
19 Union Station. And so I think that I'm very
20 happy to see a more rigorous design review
21 provision placed within the text. And I
22 think, when these cases come through, we're

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1 just going to have to make sure, you know, the
2 Office of Planning and the Commission, and,
3 you know, people who come and testify, that we
4 hold the developer to a very high standard on
5 the buildings. And I think the whole idea
6 here is that you're allowed to go to 130 feet,
7 but you're limited on your FAR and when you do
8 that, you should be able to get more
9 articulation in your buildings; there should
10 be more light and air between them; and it
11 should give the architects the ability to do
12 something special there. And I think that's
13 what we need to focus on is are we going to
14 get excellent architecture as part of this
15 zone, something that differentiates itself
16 from the architecture we're getting in NOMA
17 currently, where people are maxing out their
18 FAR in a limited height situation at a ten FAR
19 instead? I feel comfortable that we've laid
20 the ground rules here for multiple levels of
21 review and set up something that could be a
22 good model for creating good buildings in the

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1 District.

2 CHAIRMAN HOOD: Okay. Any other
3 comments on that issue?

4 COMMISSIONER MAY: Yes. I think,
5 actually, that's -- you know, the way you
6 explained this, in some ways, makes me more
7 uneasy. Because describing this as a model,
8 as if we're going to wind up granting greater
9 height in other parts of the city as a way of
10 getting better architecture. I mean, I
11 understand the desire for better architecture.

12 But the idea that we would actually trade of
13 height for that is a concern. Because I think
14 that the -- you know, there is constantly this
15 discussion of the -- of whether the Height Act
16 is somehow limiting the growth and development
17 of the city, which I don't agree with. And I'm
18 -- you know, it's one of those things where,
19 if you don't stay vigilant and protect what we
20 have, which is so special about this city,
21 that we can wind up losing it in the long run.

22 And you have to continue to protect it

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1 constantly. So I'm not, you know -- you know,
2 I'm almost sold on the idea of doing this in
3 this unique circumstance, with the protections
4 that have been put into place. And there --
5 my concern here is driven more by the unique
6 circumstances and the challenge of what we're
7 dealing with in terms of the -- you know, the
8 site itself, the way it's -- you know, what
9 it's surrounded by and the lack of real
10 roadway frontage and so on. So I'm more
11 persuaded by the exceptional circumstance
12 here, than the idea that we really need this
13 height to get great architecture. We
14 shouldn't need that height for that reason. I
15 don't know, I'm -- I may be inclined to go
16 ahead today. But I'm -- as I said, I'm not
17 totally convinced and I get -- you know, we do
18 get to vote on it a second time. So I may
19 wait and see what happens then.

20 CHAIRMAN HOOD: Okay. Any other
21 comments? I also wanted to -- and I think I
22 need to probably pose this to the Office of

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1 Planning because I appreciate the fact of the
2 change in the language about the notifications
3 to the ANC. Let me just read it so I can make
4 sure I understand it. The Applicant shall
5 demonstrate that community outreach has
6 occurred through participation in multiple
7 venues and through multiple formats, including
8 affected ANC and which could include but not
9 limited to meetings with the community and an
10 informational website, e-mails or mailed
11 flyers. What about posting? And is this what
12 the Applicant is going to have to do or -- the
13 Applicant is going to have to mail the flyers?

14 MR. JESICK: That's correct. What
15 we're looking for in that criteria is the
16 Applicant to make lots of different efforts to
17 reach out to the community, not just to the
18 ANC, but all forms of communication. They
19 would certainly have to post the property
20 decision with any Zoning Commission case.

21 CHAIRMAN HOOD: Okay.

22 MR. JESICK: And they could also

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1 put up their own supplemental informational
2 postings if they feel that's appropriate.

3 CHAIRMAN HOOD: And the reason we
4 left posting out is because they have to do
5 that anyway?

6 MR. JESICK: Right. That's an
7 existing requirement.

8 CHAIRMAN HOOD: All right. Well,
9 I appreciate going the extra step beyond the
10 ANCs to other community groups, as well.
11 Because I think that way we cover everybody.
12 Okay. Okay. Any other comments? Any other
13 comments? Okay. Can I get a motion? Will
14 somebody like to make a motion?

15 VICE-CHAIRMAN SCHLATER: Mr.
16 Chairman. I'd like to propose that we take
17 proposed action on Zoning Commission Case No.
18 09-21 Text and Map Amendments to Establish the
19 Union Station North District.

20 COMMISSIONER SELFRIDGE: Second.

21 CHAIRMAN HOOD: Okay. It's been
22 moved and properly seconded. Any further

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1 discussion? Are you ready for the question?

2 All those in favor, Aye.

3 ALL: Aye.

4 CHAIRMAN HOOD: Not hearing any
5 opposition -- oh, I'm sorry.

6 MS. STEINGASSER: Does that
7 include as amended by the Office of Planning
8 report?

9 VICE-CHAIRMAN SCHLATER: It does.

10 MS. STEINGASSER: Thank you.

11 CHAIRMAN HOOD: Okay. Did we call
12 all those in favor? Aye. Not hearing any
13 opposition, Ms. Schellin, would you please
14 record the vote?

15 MS. SCHELLIN: The Staff records
16 the vote five to zero to zero to approve
17 Zoning Commission Case No. 09-21, as amended
18 by the Office of Planning Report, for proposed
19 actions and that was Commissioner Schlater
20 moving; Commissioner Selfridge seconding;
21 Commissioners Hood and May in support;
22 Commissioner Turnbull in support by absentee

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1 ballot.

2 CHAIRMAN HOOD: And thank you, Ms.
3 Steingasser for making sure that we are clear
4 on exactly what we are approving. Thank you.

5 Okay. Okay. Next on our agenda is Hearing
6 Action. Zoning Commission Case No. 10-28 --
7 901 Monroe Street, LLC - Consolidated PUD and
8 Related Map Amendment at Square 3829. Mr.
9 Cochran?

10 MR. COCHRAN: Good evening Mr.
11 Chair and members of the Commission. In Case
12 10-28, the Applicant wishes to build a mixed
13 use apartment and retail building across from
14 the Brookland Metro Station in Northeast
15 Washington. OP recommends that the Commission
16 schedule a public hearing on the application
17 for a consolidated PUD at 901 Monroe Street
18 NE. Including a Map Amendment from the
19 existing C1 and R2 zones, to the proposed C2B
20 zone and relief for the number and set back of
21 roof structures and for the length of the
22 residential loading berth. OP also recommends

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1 the Commission set down, in the alternative,
2 the Associated PUD related C2A zone, rather
3 than C2B, as well as a request for five
4 percent FAR relief the Commission may grant
5 under Section 2405.3, since the application is
6 only .12 FAR shy of the limits for a C2A PUD
7 and the future land use map shows a portion of
8 the site as being appropriate for moderate
9 rather than medium density housing and
10 commercial uses.

11 The proposed PUD would be on the
12 east side of WMATA's Red Line tracks, across
13 from the historic Colonel Brooks mansion and
14 the Brookland Metro Station, and two blocks
15 west of 12th Street, the neighborhood's
16 principal retail street. It would include the
17 demolition of the neighborhood restaurant,
18 service parking, and five houses now on the
19 site. All but six row houses in the square
20 would be part of the project. The project
21 would contain 215 to 230 dwelling units, with
22 affordable units consistent with IZ and street

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1 level retail on Monroe Street.

2 The building would be set back 14
3 to 16 feet from the property line and, for all
4 but the northern most row house, would be
5 separated from the back yards and the
6 remaining row houses by an alley the Applicant
7 would rebuild and by additional landscaping.
8 The building would be 50 feet tall on Lawrence
9 Street and 60'8" tall on the other three
10 streets, with a one half to one set back at
11 the 50 foot level on those streets. There
12 would be just over one parking space for every
13 two apartments, plus 13 retail and 68 bike
14 parking spaces.

15 The Application meets Chapter 24's
16 criteria for setting down a proposal for a
17 public hearing. The proposed development
18 would be, on balance, not inconsistent with
19 the Comprehensive Plan, including its economic
20 development, land use, and upper northeast
21 area elements. It attempts to balance
22 elements that support the construction of new

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1 housing and mixed uses at higher densities,
2 adjacent to particular Metro stops and
3 elements that stress the importance of
4 conserving lower density residential
5 neighborhoods. The Application also notes
6 that the project would strengthen street level
7 continuity between new development the
8 Commission approved for the Catholic
9 University South Campus and the retail
10 offerings on 12th Street.

11 The Applicant has proffered
12 several project amenities and public benefits,
13 summarized in Table 3 of OP's report. The
14 Applicant is also continuing discussions with
15 residents and OP about offering more benefits
16 for the nearby community. These may include
17 the provision of additional improved public
18 recreation space or assistance to neighborhood
19 efforts to preserve WMATA-owned green space
20 adjacent to the Metro. The application has
21 had a mixed reception in the Brookland
22 neighborhood, with some residents feeling that

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1 it would inject new life into Brookland's core
2 at a location that is very transit accessible,
3 while other residents have noted concerns
4 regarding the project's height and mass, the
5 request for the associated C2B zone, and other
6 matters noted on page 12 of OP's report, such
7 as traffic, parking, hydrology, and impact on
8 nearby structures. The Applicant has been
9 discussing these issues with the residents,
10 OP, and other District agencies.

11 OP is recommending that the
12 application be set down so that these
13 discussions can continue with more certainty
14 and so that the public can submit material for
15 the record and discuss the project at a public
16 hearing. OP's analysis indicates that the
17 application does meet the requirements for set
18 down. Therefore, OP recommends that the
19 Commission schedule a public hearing for the
20 application with both the requested
21 association of the C2B zone with the project
22 and, in the alternative, with the association

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1 of C2A zoning with the PUD and five percent
2 FAR relief. Of course, OP will continue to
3 work with the Applicant and the community to
4 have concerns raised by OP's report by other
5 District agencies and by the public addressed
6 prior to a public hearing. That concludes
7 OP's testimony. I'd be happy to answer any
8 questions that the Commission may have.

9 CHAIRMAN HOOD: Okay. Thank you,
10 very much, Mr. Cochran. Let me just ask right
11 off, we're also being asked to set down in the
12 alternative the associated C2A Map Amendment.
13 Has the Applicant agreed to that? Are they
14 in favor of doing both?

15 MR. COCHRAN: The Applicant
16 suggested that it would be up to OP if it
17 wanted to offer that alternative.

18 CHAIRMAN HOOD: So, on the record,
19 they are in agreement to us advertising the
20 alternative?

21 MR. COCHRAN: I believe so.

22 CHAIRMAN HOOD: Okay. I saw some

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1 strong heads move. So yes, they are in
2 agreement. Okay. Let's open it up. Any
3 questions or comments. And I'm going to let
4 my colleagues go first, but I do want to talk
5 about this proposed benefit and amenities
6 package. But I will leave it up to -- we will
7 open it up to my colleagues first. Any
8 questions or comments? Commissioner May?

9 COMMISSIONER MAY: Yes. I didn't
10 see a future land use map in your report or in
11 the Applicant's case. And I'm wondering why
12 we didn't see that and I'm also curious as
13 what it looks like.

14 MR. COCHRAN: We went -- okay.
15 There was certainly no intention to omit the
16 land use map from OP's report. The square in
17 which the Applicant is proposing the
18 development shows a moderate density mixed use
19 commercial and residential development for
20 about a quarter of the square and low density,
21 residential development for the remainder of
22 the square.

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1 COMMISSIONER MAY: So three
2 quarters of the square is low density,
3 residential on the land use map?

4 MR. COCHRAN: As shown in the land
5 use map. Yes.

6 COMMISSIONER MAY: Okay. Well, I
7 need to see that. I'm sure the other
8 Commissioners would like to see it as well.
9 Do you agree with the Applicant's method of
10 calculating what's cellar space and what's
11 not? Because, I mean, I was a little confused
12 by it and I don't necessarily agree with it.

13 MR. COCHRAN: I agree with the
14 Applicant's method of calculating the square
15 footage that should be excluded for the ramp
16 going down and I've seen no reason to question
17 the Applicant's calculation of the cellar
18 space. But I have not gone over that
19 thoroughly because I didn't see a need to.

20 COMMISSIONER MAY: Okay. Well, I
21 --

22 MR. COCHRAN: I'd certainly be

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1 happy to if it were set down.

2 COMMISSIONER MAY: I need to
3 understand that better because, I mean, it's
4 been a while since we got into -- I've been on
5 a case where we got into the weeds of what's
6 cellar space and what's not. But it was -- I
7 don't remember the solution being what's
8 proposed here. In other words, that so long
9 as something is -- you know, meets the
10 definition of cellar, you know, at the -- at
11 one end of the building, that therefore, any
12 units that face on it meet that definition. I
13 always thought that, you know, you take the
14 elevation at the one side and the elevation at
15 the other and you draw a line between them,
16 and whatever falls on less than, you know,
17 four feet, that four-foot threshold between
18 the ceiling of the space and the grade, you
19 know, whenever that line between them drops to
20 the point where there's more than four feet of
21 space, then that's counted in the FAR.

22 MR. COCHRAN: Okay. I will

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1 explore that further if you set it down.

2 COMMISSIONER MAY: I'd like to
3 understand that better and, if they're doing
4 it some different way and we've accepted that
5 before, I'd like to know the circumstances of
6 that being done before. Because again, it
7 doesn't -- it doesn't coincide with my memory
8 of calculating cellar space, but I don't claim
9 that my memory is perfect.

10 And then I'm very interested in
11 seeing more about what the benefits of the
12 project might be, because given the amount of
13 land that's being significantly upzoned here,
14 the benefits package doesn't seem to be
15 proportionate

16 CHAIRMAN HOOD: Okay. Vice-
17 Chairman?

18 VICE-CHAIRMAN SCHLATER: Mr.
19 Chairman, thank you. I just want to note, on
20 the record, my general concurrence with the --
21 with looking at the site for C2A in the
22 alternative. It seems like a better fit,

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1 given that I know we did C2B across the tracks
2 for Catholic University. But I think it
3 allows up to 90 feet height and I don't think
4 we want people getting in the mind set that 90
5 feet would be appropriate here. So I just
6 think C2A looks like a better fit. I'm happy
7 to set down C2B, as well, if we get to that
8 point. Also, I would like to put in a plug
9 for -- on these applications and the OP
10 reports, getting to see both the generalized
11 land use map and the future land use map. We
12 need to see that. Otherwise, we're flying
13 blind, so to speak. So that's something I
14 would certainly like to see. And I'm not
15 decided as to whether I need to see that
16 before set down or not. But it's certainly
17 something that should be in every application.
18 It's fairly important.

19 The other thing I'm having a hard
20 time getting my head around is we've got a
21 small area plan for Brookland and we get
22 snippets of it here and there in both the OP

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1 report and in the Applicant's statement, but I
2 don't get a good sense for what is in the
3 small area plan. And we do read that the
4 small area plan recommends 50 feet of height,
5 yet this application is for 60 feet of height.

6 It sounds fairly prescriptive, so I'd like to
7 understand some of the context. And maybe
8 that just means -- I don't know if I can get a
9 copy of the small area plan or you could even
10 send me a link and we don't have to waste the
11 paper on it and I can read it from my
12 computer. But it would be good to see that,
13 just to understand what's recommended there.
14 Because I do have some concerns about the
15 scale of the building in relation to its
16 surroundings. I think this is an -- this site
17 is an excellent candidate for mixed use
18 retail, residential, particularly on Monroe
19 Street. But it's -- you would have to be very
20 sensitive to the fact that there are existing
21 row homes on that block and this building is
22 going to be a lot taller than those row homes.

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1 To that end, I think I'd like to see some
2 shade studies to understand how these
3 buildings will be impacted by having this 60
4 foot structure next to it. And anything -- I
5 think anything that the Applicant and OP could
6 provide to give us comfort to the fact that
7 this isn't going to be an uncomfortable
8 relationship. I mean, I read in the report
9 that the Applicant has set back the building
10 off the property lines significantly, and I
11 think that's a great first step. And you can
12 see from the plans that the last story of the
13 building is set back even further. And I
14 think that's a good step. But just based on
15 what I'm seeing here, I'm left a little
16 uncomfortable with how this building is
17 relating to those row homes adjacent to it.

18 And then, one thing I'd like to
19 understand about the benefit and amenities
20 packages is these -- there's some mention of a
21 study to look at undergrounding of utility
22 lines for the properties frontage along Monroe

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1 Street. And it says if the analysis
2 determines that it is economically feasible to
3 place the utilities underground for this block
4 of Monroe Street, the Applicant shall work
5 with DDOT, PEPCO, and other appropriate
6 governmental agencies to complete this task.
7 I guess what I'd like to understand is what
8 does economically feasible mean in this
9 context? There's got to be a dollar value
10 associated with that. I think we just need to
11 know specifically -- if it costs more than X
12 dollars, that would make it economically
13 infeasible. Because there seems to be a lot
14 of other alternatives within the package that
15 are outlines or that hinge off of that.
16 Likewise, on the affordable housing, I
17 probably sound like a broken record. OP has
18 to hear it all the time. But when affordable
19 housing is required as part of the Zoning
20 Code, I don't think you can turn around and
21 then say that is a project amenity that you're
22 providing, as if it's, you know, something

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1 that you're getting to compensate for the
2 additional density. No. It doesn't -- it
3 actually doesn't work that way. It's just
4 required. So I would ask that that get struck
5 from the list, because I personally won't be
6 considering it as an amenity.

7 And then the last question I had
8 was really about the community outreach on
9 this project. Has OP been in attendance at
10 all of the community meetings on this project
11 and the lead-up to this submission?

12 MR. COCHRAN: Several, but not
13 all. The application had been preliminarily
14 handles by someone else. So I wasn't at the
15 first and longest meeting that the community
16 had. But I've been at two -- three other
17 meetings on the application with the
18 community.

19 VICE-CHAIRMAN SCHLATER: Three?
20 So, how many meetings were held?

21 MR. COCHRAN: Our Ward Planner was
22 also there at a fourth meeting.

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1 VICE-CHAIRMAN SCHLATER: A fourth
2 meeting? I guess what I would say is I'm
3 feeling a little skittish about this
4 application, just as to whether it's ready.
5 It sounds like there's been plenty of
6 community outreach, although certainly not
7 community consensus on this. I like the
8 building. I like how it relates to Monroe
9 Street. I like the idea of putting housing
10 adjacent to a Metro and transit oriented
11 development. I think the architecture is
12 excellent. I think the quality of the
13 materials in sort of an emerging neighborhood
14 like Brookland for real estate development to
15 be willing to create a building of quality on
16 all sides is something that's to be commended.

17 And there's a lot of good parts about this
18 project. And I want to support it. I'm just
19 wondering if we're there yet.

20 CHAIRMAN HOOD: Commissioner
21 Selfridge?

22 COMMISSIONER SELFRIDGE: Thank

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1 you, Mr. Chairman. I think Vice-Chairman
2 Schlater covered a very wide berth of issues
3 with his comments. So I would simply say that
4 C2A, as an alternative, makes a lot of sense
5 to me. I also think shade studies are
6 appropriate, considering the size of the
7 building and its proximity to the row homes.
8 And then we would also, of course, look for
9 this benefit and amenity plan to be beefed up,
10 if this were to go to a hearing stage. I know
11 we're just at set down, but I think we'd like
12 to probably see more and understand, I think,
13 the idea of the value on undergrounding the
14 utility lines. I think it makes a lot of
15 sense, so we can really evaluate this as part
16 of that package.

17 CHAIRMAN HOOD: Okay. One of the
18 things I would like to see, if we set it down,
19 is a perspective. I want to see how --
20 exactly how this building is going to fit.
21 This is a very quiet neighborhood and now
22 we're getting ready to put a large building

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1 there and I'd like to see how it actually is
2 going to fit. And what I mean by that, I mean
3 I want to see a perspective. And I've looked
4 through here a number of times in the
5 submission, trying to see exactly how that's
6 going to fit. I need to see, if I'm going --
7 and this is actually for the Applicant -- if I
8 am standing at Brookland Station, looking that
9 way, looking towards the site, how is that --
10 how is all that going to relate? How am I
11 going to -- how is that going to fit? You
12 know, I'd like to see it in relationship to
13 the houses and to the school and what's behind
14 it. I need to see different angles of how
15 it's going to fit. Now, I think we tried to
16 accomplish it in your submissions. But,
17 actually, that didn't do it for me. I need to
18 see a perspective of how it's going to exactly
19 fit. And I will tell you that I looked
20 through your submissions and none of them did
21 it for me so I can see how that's going to
22 fit. That's the first thing.

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1 The second thing is, when I look
2 at amenities, the amenities package, and I
3 don't want to undo what the neighborhood has
4 done, but I've been here long enough to know
5 and I've said this in many other cases and I'm
6 going to say it in this one, when you're
7 looking at amenities packages, you're looking
8 at stuff for the life of the project. You
9 know, some of these amenities -- and not just
10 here, but I've seen amenities over the years
11 where the project's still there and the
12 amenity lasted ten minutes and is gone. Now,
13 you're kind of getting there when you talk
14 about this underground -- the power lines
15 being dug underground. But again, it goes
16 back to the Vice-Chairman's statement, these
17 feasibility issue. And there are a number of
18 things, I think, that can be -- I'm not going
19 to necessarily say beefed up, but can really
20 be attributes in contributions to the
21 community, besides some of the things I see
22 here. But I don't want to undo what has been

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1 done thus far. But I can tell you that this
2 definitely needs some work. And also, how
3 it's going actually be done and carried out,
4 and that's one of the things we're doing in
5 our ZRR, is looking to see exactly how this is
6 going to be done. Case in point, a financial
7 contribution to the Turkey Thicket Recreation
8 Center for specific purposes as determined by
9 the Applicant and the Brookland Neighborhood
10 Civic Association. We need to know what that
11 is, dollar amount, exactly how it is going to
12 be carried out. And I just think we want to
13 make sure that this is not a missed
14 opportunity.

15 Another think that puzzled me was
16 -- and I'll be really looking forward to
17 hearing about this at the hearing, if we set
18 it down, was car sharing. I think right
19 across the street, and I will stand to be
20 corrected, but right across the street is
21 Brookland Station. And I think they have some
22 car sharing over there. But maybe this was

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1 negotiated for a reason. And I'm looking
2 forward to hearing the rationale. Because I
3 think, you know, I'm not trying to undo the
4 amenities package, I'm just trying to make
5 sure that this community gets exactly what
6 they have negotiated to get and make sure that
7 some of this lasts the life of the project.
8 And it is substantial to the community. So,
9 enough said of that. Again, I'm not trying to
10 undo it. I just think that -- and I've always
11 said that, and I'm sure that my colleagues who
12 are down here and the Office of Planning and
13 Office of Zoning and all who come regularly
14 hear me say this quite a bit, not just in this
15 Ward, the ward in which I live, but all over
16 the city. It needs to be something that is
17 going to sustain the project.

18 Okay. I think that's pretty much
19 all I had. Let me ask, Mr. Cochran, I'm
20 asking like this, would you say that the
21 support of this project, does it vary 50/50 or
22 is it more support, less supported and

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1 problems with the -- and I know you are new at
2 this, so I'm just trying to get a reference
3 point.

4 MR. COCHRAN: I honestly can't
5 give you a numerical ratio on that. If we're
6 talking about volume, both of e-mails and
7 volume period, there seems to be more concern
8 expressed by those opposed to the project.
9 But I was surprised to see the amount of
10 support that came at one of the community-wide
11 meetings. The level of opposition is
12 stronger, the closer you get to the project
13 boundaries. For people who live in parts of
14 Brookland that are more than a block away from
15 the project, you hear more support for the
16 project. But there have been probably more e-
17 mail exchanges on this, prior to a set down,
18 than on almost any project I can think of,
19 that I've been involved with.

20 CHAIRMAN HOOD: Okay. And then,
21 also, thank you, Mr. Cochran. Also, we want
22 to make sure -- and I'm going back to the

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1 amenities package -- we want to make sure that
2 Applicant will enter the First Source
3 Employment Agreement with the Department of
4 Employment Services. We need to make sure,
5 and I'm not just picking this Applicant
6 because I've said it for years, we need to
7 make sure that these things have some teeth in
8 them; make sure that it's done; and not only
9 -- not just enter into an agreement, but
10 actually make it happen. And I think what I'm
11 going to do again is to ask the Office of
12 Planning, like we did some years ago, and I'm
13 not going to stop with this one. In a few
14 weeks or so from now, I'm going to start
15 asking the Office of Planning, when applicants
16 come down -- I may start it with this one, for
17 those who have track records of doing PUDs in
18 the city, what has been their -- and I'm not
19 necessarily saying for this particular
20 Applicant, but for some of those that we see
21 here quite a bit -- we need a statement on
22 their track record on the DOES and the CBE.

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1 That's one of the things we need to start
2 seeing again. We did that some years ago, and
3 it's about time. It's been about eight years
4 ago and now it's about time for us to start
5 looking at that again.

6 Okay. Commissioners, any other
7 questions? Commissioner May?

8 COMMISSIONER MAY: I just want to
9 go back to one issue that was raised, which,
10 to me, goes to the heart of whether we're
11 really ready to set this down tonight, which
12 is the land use maps question. And hearing
13 the response that three quarters of the square
14 is -- in the land use map is designated for
15 low density residential and, in fact, what's
16 being proposed here is three quarters of the
17 square being developed at moderate or more and
18 mixed use. I mean, I'm not sure how I see how
19 it fits. So I think I'd need to understand
20 that a little bit better from the Office of
21 Planning, seeing the map and seeing why, if
22 it's -- if it differs from the map, why it's

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1 appropriate. Maybe it goes to the Small Area
2 Plan, I don't know. But I just don't -- I
3 don't feel totally comfortable given that
4 divergence from what we know of the
5 Comprehensive Plan. I don't know. That's my
6 thought.

7 CHAIRMAN HOOD: Okay. Anybody
8 else? Commissioner Selfridge? Anybody else
9 feel strongly on that? Vice-Chairman?

10 VICE-CHAIRMAN SCHLATER: I'd like
11 to see it, as well. I think it would just be
12 helpful to have all the facts in front of us
13 before we make the set down decision. So, if
14 we have the map that we could look at, that
15 would be helpful. But I think, you know, if
16 we want -- hold on one second. I think that's
17 right. So, Mr. Chairman, here's what I would
18 propose. We've got another meeting this
19 month, in two weeks. I don't think it's going
20 to cause a significant delay to the approval
21 process here if we wait two weeks; get some
22 additional information for us to look at,

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1 before we make our set down decision. And
2 then we can work to get a hearing scheduled if
3 we do set it down, as quickly as possible.

4 CHAIRMAN HOOD: Okay. Anybody
5 else? Commissioner Selfridge?

6 COMMISSIONER SELFRIDGE: I think
7 that makes a lot of sense. There's a lot of
8 outstanding items; specifically, this map.
9 And we could certainly revisit this in two
10 weeks and allow time to collect that
11 information.

12 CHAIRMAN HOOD: Okay. So, I
13 guess, if we were to set it down, we would be
14 zoning in the blind, So what we need to do is
15 ask for the map. Anything else we need to
16 request?

17 COMMISSIONER MAY: No. I think
18 anything else that supports -- I mean, the
19 Office of Planning obviously believes that
20 this is consistent with the Comprehensive
21 Plan. And I think that a little more
22 information along those lines -- you know,

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1 Vice-Chairman Schlater pointed out the Small
2 Area Plan and how we didn't have quite as much
3 information about that as we probably would
4 like. So I think further information on that
5 would be helpful, as well.

6 CHAIRMAN HOOD: Okay. So anything
7 else that can contribute to us moving forward
8 to set this down in this particular area,
9 Small Area Plan, the Comp Plan, and the land
10 use map -- anything pertaining to the
11 Brookland area would be helpful. And I think
12 that way we would cover all our bases. And we
13 will set this -- well, I don't know what's
14 going to happen. We will entertain this, I
15 think, again in two weeks. Ms. Schellin, can
16 you give us the schedule?

17 MS. SCHELLIN: Yes. If we could
18 have those additional filings by the 21st at
19 3:00 p.m., then we can take this up at our
20 March 28th meeting.

21 CHAIRMAN HOOD: Okay. I don't
22 think we need to have anyone come forward,

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1 because we are not denying anyone. We are
2 just putting it off for two weeks for
3 additional information. Okay. Anything else
4 on this, Ms. Schellin?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Okay. Thank you.

7 Let's move right along with our agenda. ZRR
8 Guidance -- Zoning Commission Case No.
9 08-06-15, Office of Planning - ZRR:
10 Administration Enforcement, and Procedures.
11 Who's going to take us through this? Director
12 Weinbaum, are you?

13 DIRECTOR WEINBAUM: I can take you
14 through the first seven. And then, if Matt
15 wants to take over after that, is that okay?

16 MS. STEINGASSER: That's fine.

17 CHAIRMAN HOOD: Okay.

18 DIRECTOR WEINBAUM: All right.
19 Sure. I'm looking at the worksheet. Is that
20 correct, Chairman?

21 CHAIRMAN HOOD: Yes. We all have
22 the worksheet in front of us and we're ready

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1 to go.

2 DIRECTOR WEINBAUM: Okay. Sure.
3 The first topic was, if you recall,
4 Recommendation One, Selection of a
5 Chairperson, and there's a joint OP/OZ
6 recommendation that we create a requirement
7 that the chairperson of the Zoning Commission
8 (ZC) and BZA be one of the three District
9 Resident Mayoral Appointees of each body.
10 Option two on here is to not create additional
11 rules for chairperson selection.

12 CHAIRMAN HOOD: Okay.
13 Commissioners, I think it's always been in the
14 past that the chairperson of the Zoning
15 Commission and the BZA has been a Mayoral
16 Appointee. And I think this will, for a
17 change, finally has it somewhere in writing,
18 as opposed to being passed down. So any
19 issues? Now, Chairperson, it didn't say vice-
20 chair. It said chairperson. Any issues?
21 Okay. Are we fine with option one?

22 COMMISSIONER MAY: Fine.

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1 CHAIRMAN HOOD: Commissioner May,
2 would you like to add something?

3 COMMISSIONER MAY: No, I don't.
4 That's okay.

5 CHAIRMAN HOOD: Okay.

6 COMMISSIONER MAY: I'm all right
7 with that.

8 CHAIRMAN HOOD: All right. So
9 we'll go with option one, Director.

10 DIRECTOR WEINBAUM: Okay. Duly
11 noted. Recommendation Number two, respecting
12 Testimony for ZC and BZA Cases. Option one is
13 to not require individuals wishing to testify
14 in a ZC or BZA case where public testimony is
15 permitted to identify their position prior to
16 speaking. Option two is to allow individuals
17 wishing to testify to identify themselves as
18 "in favor," "in opposition", or "undeclared."

19 And option three is to retain the existing
20 system in which those testifying can either --
21 must either select "In favor" or "in
22 opposition."

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1 CHAIRMAN HOOD: Okay. We have the
2 three proposals in front of us. Now which one
3 is the recommendation from the Office of --
4 there's no recommendation from --

5 DIRECTOR WEINBAUM: There wasn't a
6 recommendation. I will tell you what we went
7 out with, initially, was option one, which was
8 not requiring them to state it at all. But
9 once, you know, I heard from you all, we're --
10 I would say, from speaking at the
11 representative of the Office of Zoning, we're
12 comfortable with option one or two. I don't
13 want to speak for the Office of Planning.

14 CHAIRMAN HOOD: Okay.

15 MS. STEINGASSER: We're also
16 comfortable with option one or two.

17 CHAIRMAN HOOD: One or two? Okay.
18 So, Commissioners, can we just do away with
19 three?

20 COMMISSIONER MAY: Yes.

21 CHAIRMAN HOOD: Okay. Let's do
22 away with three and let's look at one and two.

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1 I'm more comfortable with two than one. I
2 think we get some benefit from having a panel
3 of people in favor or in opposition. And
4 having, you know, them all there and having a
5 discussion with them, as a group.

6 CHAIRMAN HOOD: Okay. And then
7 that other caveat or undeclared.

8 COMMISSIONER MAY: Absolutely.
9 Yes.

10 CHAIRMAN HOOD: Undecided or
11 opposition would -- whatever you want to call
12 it -- opposition is --

13 COMMISSIONER MAY: Undeclared.

14 DIRECTOR WEINBAUM: Undeclared.

15 CHAIRMAN HOOD: Undeclared, in
16 support, or -- okay. Undeclared. Some people
17 may want to be in support with a few concerns.

18 And, you know, that's how it always works --
19 boils down. But I think, for the sake of this
20 exercise, it can be undeclared. Anybody else,
21 option two? Option two? Option two, it is.

22 DIRECTOR WEINBAUM: Okay. We'll

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1 go with that. Great. Our third
2 recommendation is clarifying that the Zoning
3 Commission can determine, at its sole
4 discretion, to hear any case the BZA can hear.

5 As you know, that's certainly something that
6 exists, but it hasn't been something that's
7 been clarified in the Zoning Regulations.
8 Option two here is to not put that in the
9 Zoning Regulations.

10 CHAIRMAN HOOD: Okay. I think
11 this basically spells it out somewhere,
12 because we can do it anyway. So -- and I've
13 heard -- I've seen Ms. MacWood's and Ms.
14 Kahlow's and I think I also saw Ms. Simon's
15 comments on a lot of these issues. But,
16 Commissioners, I would be in favor of
17 clarifying that the Zoning Commission can
18 determine, at its sole discretion, to hear any
19 case that the BZA can hear. I'm sure that we
20 won't be going out of our way to be doing
21 anything like that. But at least it is there
22 if it ever need be. But let me open it up.

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1 Commissioner May?

2 COMMISSIONER MAY: You know, the
3 authority exists. I don't necessarily see a
4 reason to codify it, except to, in effect,
5 encourage people to try to get their cases
6 heard by the Zoning Commission instead of the
7 BZA, for whatever reason. So I just don't --
8 I don't see a particular need to fix this
9 perceived problem. But I wouldn't feel very
10 strongly about it. So if the balance of the
11 Commission feels differently, I'd at least
12 wait and see what the -- how it turns out in
13 text form.

14 CHAIRMAN HOOD: Okay. Anybody
15 else? Vice-Chairman?

16 VICE-CHAIRMAN SCHLATER: I think
17 my only concern with this proposal is that it
18 would ever give an opportunity for applicants
19 to basically shop for a jurisdiction. So
20 whatever we can do to draft the text in such a
21 way that it makes it very clear that, you
22 know, BZA cases go to BZA and, you know -- the

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1 reason why the Zoning Commission would pick up
2 a BZA case is usually in the course of a PUD
3 process.

4 DIRECTOR WEINBAUM: Right.

5 VICE-CHAIRMAN SCHLATER: And I
6 don't know if we're going to limit it to that.
7 Is that the idea?

8 DIRECTOR WEINBAUM: Well, no. Or,
9 I think it's a map amendment where there might
10 be an associated -- let's say a variance, I
11 guess, or a special exception that would
12 probably be more likely.

13 VICE-CHAIRMAN SCHLATER: I think,
14 in that limited circumstances, I'm comfortable
15 with that.

16 CHAIRMAN HOOD: And some of that
17 shopping around actually goes on now. But I
18 think that the Staff handles it very well, in
19 dealing with that. So, I think that I would
20 be in agreement. I think we're all in
21 agreement with -- okay.

22 DIRECTOR WEINBAUM: Okay? So

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1 we'll go forward with that option one.

2 CHAIRMAN HOOD: Okay.

3 DIRECTOR WEINBAUM: The next
4 recommendation is the one that, I think, got
5 the most feedback. This is the ANC Set Down
6 Form recommendation. And this is -- OZ
7 doesn't take a position between option one and
8 two, but OP does. Option one is that we allow
9 affected ANCs to submit an ANC set down form
10 prior to the set down meeting in contested
11 cases other than stand alone map amendments,
12 in which the ANCs can provide comments on
13 particular items related to the proposed
14 project. Option two is to allow affected ANCs
15 to submit an ANC set down form prior to set
16 down in all contested cases, including map
17 amendments, in which the ANCs can provide
18 comments. Option three would be to continue
19 the current practice of limiting documents
20 before the Commission at set down to those
21 provided by the applicant/petitioner, the
22 Office of Planning, and the Office of the

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1 Attorney General. And, I think, again OP is
2 recommending option one. Office of Zoning is
3 comfortable with option one or two.

4 CHAIRMAN HOOD: Okay. I just had
5 a question on that. During the hearing, it
6 was mentioned that, at one time, the Zoning
7 Commission used to have comments, other than
8 from Office of Planning and from the
9 applicant. And I think I asked for that. And
10 I didn't see it in any submissions that I got.

11 Was that actually done? I just don't
12 remember it ever being done.

13 MR. BERGSTEIN: It hasn't been
14 done since I've been involved, which is since
15 1999. I know there was no customary ANC
16 report that was submitted in any set down that
17 I can remember since I've been involved with
18 the Commission. I have no idea what happened
19 before 1999.

20 CHAIRMAN HOOD: Well, I know it
21 hasn't happened since 1998, because that's how
22 long I've been here. So I was just trying to

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1 -- and I haven't heard any of the predecessors
2 every talk about it. It's always been this
3 way. And I was kind of leaning towards the
4 people who testify to let us know. Because I
5 was just curious of how that worked. But
6 obviously, I'm not sure if that even -- even
7 transpired at all. Because one of the
8 comments that was used was a comment I made in
9 2002. And I know I didn't say that at a set
10 down hearing. I don't believe I said that at
11 a set down hearing. But anyway, let's --
12 colleagues, we have options. We have option
13 one, option two, and option three.

14 VICE-CHAIRMAN SCHLATER: Mr.
15 Chairman?

16 CHAIRMAN HOOD: Vice-Chairman?

17 VICE-CHAIRMAN SCHLATER: I think,
18 at this point, I've not been convinced that we
19 need to change the set down process. I think
20 that the ANCs have the opportunity to
21 participate fully in the hearings and we have
22 the hearings to fill the case record. And I'm

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1 just not -- I don't think -- I think that the
2 applicant deserves to have, in my opinion, an
3 opportunity to put the application before you
4 and see whether it passes the smell test. And
5 I don't think you need a full record in order
6 to determine whether it passes the smell test.
7 And I -- my bias is towards keeping the
8 system the way it is. I'm concerned that the
9 process that's been described in ZRR is one
10 that would likely slow things down. I mean,
11 by definition, there is a chance that it will
12 be slowing down some of these projects. And
13 I'm also concerned, if we get to the point
14 where it's set down and the ANC has not
15 weighed in with their form, that we're going
16 to have a bias towards waiting for the ANC to
17 submit that form. Or, if they haven't been
18 able to have, you know, a meeting in the
19 intervening period in which to discuss it,
20 that we'll have a bias to slow it down. So it
21 seems like we're adding a layer of review that
22 I'm not sure is adding a terrible amount of

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1 value. Because we're having a set down; we're
2 looking at the application; we're setting it
3 down on its merits; and then, once we set it
4 down, we have a full public hearing, at which
5 point the ANC is automatically a party and can
6 present its case. It can cross examine
7 applicants. I don't think they're being
8 limited in any way, in the current process,
9 from having their voice heard. And I don't
10 think that set down needs to be used as just
11 another -- I don't think we need to set the
12 hurdle higher, necessarily.

13 CHAIRMAN HOOD: Okay. Anybody
14 else? Commissioner May?

15 COMMISSIONER MAY: Yes. I am
16 inclined to go with option one or two. I'm
17 not sure which. And I frankly don't recall
18 why there's a difference -- why we made that
19 or were considering that distinction. Yes.
20 If we can get some clarity on that, that would
21 be good. But I -- I don't know. I think that
22 it would be helpful. I mean, one of the

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1 things that -- the pieces of information that
2 I often feel is lacking at set down is
3 understanding something about how the
4 community is reacting to a given proposal. I
5 don't think that it's going to -- I mean, if a
6 given community is, you know, not happy with a
7 particular proposal, but it's - but the Office
8 of Planning makes the case that it's
9 consistent with the Comprehensive Plan and
10 it's appropriate, then you know, then you
11 know, we go forward and we hear it all out at
12 the hearing stage. But hearing something
13 directly, I think, is helpful. And it's a
14 piece of information that I -- as I said, I
15 often feel is lacking when we're considering
16 cases at set down.

17 CHAIRMAN HOOD: Commissioner
18 Selfridge?

19 COMMISSIONER SELFRIDGE: Maybe if
20 Director Weinbaum could start by touching on
21 option one and option two, that would be
22 helpful.

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1 DIRECTOR WEINBAUM: Sure. I would
2 say, what we heard from -- just to respond to
3 a couple of the comments -- what we heard from
4 the community, in response to what you're
5 saying, is that they did feel that there
6 wasn't a vehicle and there had been times when
7 there were maybe clarifications or things that
8 could be pointed out in, you know, a very
9 simple ANC report that they didn't feel were
10 making into what OP was putting before you. I
11 think that was a point. But, in terms of the
12 timing, as I mentioned during the guidance
13 hearing, the way we had structured it was that
14 in no instance would set down be less than 35
15 days from when a case was filed; therefore,
16 allowing the 30-day window for the ANCs to
17 meet. So there are instances, based on our
18 analysis, where there were cases set down in
19 less than 34 days. And so you're right in
20 that instance, it would potentially slow the
21 process down. What we did also talk about
22 writing in is very clearly that, in no

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1 instance, would the lack of an ANC set down
2 form be, you know, grounds for not providing
3 set down, you know, or not -- not granting set
4 down or not going forward with the case. So
5 that would be something, if you wanted to do
6 that, we would certainly write in that they
7 have this window. But after that, we go
8 forward. And if the ANC didn't meet, you
9 know, the Commission would proceed and
10 wouldn't be, in any way, limited there.

11 But, in terms of your question,
12 Commissioner Selfridge, the difference here, I
13 -- I'm going to let OP talk about it as well -
14 - is OP didn't feel comfortable with map
15 amendments being included here. What we tried
16 to do was say contested cases, as opposed to
17 rule making. So we looked at the contested
18 map amendments and, you know, usually -- and
19 we know what's going to be a contested map
20 amendment, as opposed to a rule making larger
21 map amendment. We were comfortable with all
22 contested cases, including map amendments.

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1 And, I don't know, Jennifer, if you want to
2 speak about why map amendments was
3 problematic?

4 MS. STEINGASSER: Yes. A lot of
5 it has to do with the timing, because many map
6 amendments that come before the Commission --
7 and there's not a lot but of those -- they
8 move very quickly. And, often times, they're
9 filed at the minimum date possible and they're
10 set down, and then referred over to the ANC.
11 Now, they would be held back, as well as PUD
12 modifications that come before the Commission.

13 But you would not see, and where many times
14 the Applicant requests a minor modification
15 and the Commission can set it down at that
16 hearing, it's now required to go into a 35-day
17 referral back to the ANC before the Zoning
18 Commission can consider it for set down. We
19 were also concerned about what happens in
20 August. If an application is filed after the
21 last meeting of an ANC in July, they're not
22 going to get a hearing until October because

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1 they're going to have to wait for the ANC to
2 even convene in September. So there's -- and
3 then there's the holidays. So there's all
4 kinds of scheduling issues that come up where
5 the 35 days is not automatic, because the ANCs
6 don't meet the same week of the same month and
7 they don't meet every month of every year. So
8 we were concerned about that. The map
9 amendments, often times, aren't determined
10 contested until they get to the Commission.
11 And it's the Commission that determined
12 whether something is a contested case. So
13 there was the confusion of well, what happens
14 if the map amendment is filed and the
15 Commission decides it's contested; then it
16 goes back? You know, there's kind of a
17 looping that just seems to keep a lot of these
18 smaller projects in limbo for what we felt was
19 an inordinate amount of time. So we felt,
20 through the changes that the ZRR has made to
21 the PUD process, where we've required
22 documentation of community outreach prior to

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1 set down, that that captured the bulk --
2 almost 95 percent of the Zoning Commission
3 cases. And it left the Commission then with
4 map amendments, PUD modification requests, and
5 the smaller projects were left to the
6 discretion of the Zoning Commission to move
7 more quickly.

8 COMMISSIONER MAY: That doesn't
9 sound like a ringing endorsement of option
10 one.

11 MS. STEINGASSER: Option one
12 addresses mostly the ZRR changes -- the ZRR
13 changes to the PUD process will capture the
14 bulk of that.

15 COMMISSIONER MAY: I see. Okay.

16 MS. STEINGASSER: So that's how it
17 comes in.

18 COMMISSIONER SELFRIDGE: Thank
19 you, Ms. Steingasser. You know, when we first
20 reviewed this, I was concerned about the
21 delays as well, that either option one or
22 option two would have on the process. I think

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1 we saw some statistics that only 20 percent of
2 the projects though, that came before the
3 Commission within 35 days of filing. So it
4 seemed like it was a relatively small amount.

5 So I think I could get comfortable with
6 option one or option two. But option one
7 seems fine. But I would think that the
8 language that Director Weinbaum suggested
9 regarding the non-filing of a ANC set down
10 form or the -- not filing the ANC set down
11 form would not be sufficient reason to delay
12 the set down. So, to me, that would be
13 important. Because I think the idea of
14 keeping the process moving -- 35 days seems
15 like -- particularly, considering only 20
16 percent of the cases get to us in that period
17 of time -- it doesn't seem like a huge burden.

18 But I would want to have comfort that this
19 does not become the first in many delays for
20 an application to get to set down.

21 CHAIRMAN HOOD: Okay. I would
22 agree, to a point. But I will tell you, when

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1 I looked at this, actually what let me know
2 that we needed to either, you know, at least
3 start with the form for the ANCs to weigh in
4 was when I read Mr. Sher's -- and I'm sorry
5 he's not here - when I read Mr. Sher's
6 comments. That made it even more. There's a
7 question I ask at every set down, pretty much.

8 It's the question I asked tonight. That will
9 give me a kind of reference point of exactly
10 where it is now. The issue for me, though, is
11 whether it's option one or two, and I heard
12 Ms. Steingasser's -- although that small
13 amount, in dealing with map amendments, I
14 believe is what she mentioned. That small
15 amount, which would cause a tremendous delay,
16 I probably would be -- after hearing that, I
17 would be in reference -- in support of option
18 one. But, it depends on it being a small
19 amount. I will tell you that it's very
20 important, to me, and for this Commission, is
21 to make sure that the communities weigh in,
22 especially the ANCs. Now, we also have some,

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1 I think Ms. Kahlo and Ms. MacWood. They
2 alluded to how we should expand it. And I
3 said the same thing at the hearing. I just
4 don't see how we can expand it to civic
5 associations. And again, let me say the
6 caveat. I'm a president of a civic
7 association. So I know. I just don't see how
8 we can expand it to civic associations. And I
9 think Ms. Simon is mentioned in there. She
10 actually quoted what we said, why deal with --
11 what did she say? Don't worry about who's
12 going to be responsible. But I think the ANC
13 -- they're an elected body; there is some
14 continuity; and they are the officials. But I
15 will ask this, Director Weinbaum. Are they
16 going to have to have a -- it needs to be a
17 quorum present? The same rules that apply for
18 this? Or just a single member district can
19 willy nilly just bring it in here?

20 DIRECTOR WEINBAUM: No. It's the
21 same rules as an ANC report.

22 VICE-CHAIRMAN SCHLATER: Are we

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1 obligated to give the ANC great weight?

2 DIRECTOR WEINBAUM: No. The form
3 is not entitled to great weight, was our
4 review when we talked to our attorney about
5 that. Alan?

6 MR. BERGSTEIN: That's correct,
7 that it's going to distinguish between -- this
8 is not going to be the ANC report that is
9 allowed for under the ANC Act and has the
10 separate requirement for great weight. This
11 is simply going to be an opportunity that's
12 going to be provided as administrative -- as
13 an administrative instrument from the Office
14 of Zoning, to permit the ANC to complete this
15 form. And it's an entirely separate process.

16 VICE-CHAIRMAN SCHLATER: My
17 understanding, also, from I think our
18 conversation, is that the OP report also, at
19 set down, is not entitled to great weight
20 because there isn't a case. If it's later the
21 same report, than it is. Is that what we
22 said?

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1 MR. BERGSTEIN: Yes. Well the
2 great weight goes to the fact that you can't
3 make your final decision until the 30-day
4 period is completed. Set down is an
5 interlocutory decision. It's a procedural
6 requirement. And so the ANC Act doesn't apply
7 to that. We're providing an opportunity,
8 really, for the ANCs to put in input before
9 the normal time when great weight would be
10 given, which is at the time of the actual
11 decision to go forward with the zoning change.

12 CHAIRMAN HOOD: Yes. I just want
13 to make it clear, I'm not getting into the
14 great weight issue. That's a whole other
15 issue. You know, but I'm not -- my question
16 was just focused on making sure that they give
17 a form, prior to being able to weight in.

18 MR. BERGSTEIN: Yes.

19 CHAIRMAN HOOD: So it gives us a
20 reference, so we'll know what to expect. I
21 think this is a start. I will tell you, for
22 the little -- the time that I'm going to be

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1 around, I may be looking to maybe see how we
2 can touch on what Ms. Simon mentioned. But,
3 right now, I think this is fresh out of the
4 gate. This is a start. This is more than
5 what we've done in the past. So I think --
6 but the issue, for me though, I think, is
7 option one. And hearing from you, Ms.
8 Steingasser, I would also probably want to
9 look at option two, at some point, also. You
10 know, I just like to discover new things --
11 new adventures, because I think -- I think
12 that, you know, at some point, it may work or
13 it may not work. But at least this is a
14 starting point. ANCs have never been able to
15 give us any form or anything, other than
16 waiting until the hearing starts. And I
17 agree, to some degree, with Commissioner
18 Schlater. But again, it gives us a reference
19 point. So option one or two or three?

20 VICE-CHAIRMAN SCHLATER: I have a
21 question, if that's okay.

22 CHAIRMAN HOOD: Sure. Vice-

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1 Chairman, sure.

2 VICE-CHAIRMAN SCHLATER: The form,
3 itself, that's going to be developed, what is
4 the ANC weighing in on? Whether they support
5 the project or whether they think the project
6 is consistent with the Comprehensive Plan?

7 DIRECTOR WEINBAUM: I believe we
8 had -- and anyway, I'm happy to draft up the
9 form when we go to the text hearing and show
10 that to you as well. But I believe we said
11 they would be weighing in on -- do you know
12 what the three areas were? I think we did say
13 whether it was consistent; whether it should
14 be set down as a rule making or a contested
15 case; and if they had any other comments about
16 -- that should be raised at set down. So I
17 think we did it as a form, rather than asking
18 for a report, so it was kind of a pre-
19 populated thing and we would just have one
20 sheet for your to review and, you know, get
21 out concerns in a brief manner.

22 CHAIRMAN HOOD: And I think it's

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1 going to be a lot of an educational process.

2 Don't tell us why you don't think it should
3 or should not be there. You know, get into
4 the merits of the case. I think that's going
5 to be incumbent upon us to do an educational
6 piece for the ANCs across the city.

7 DIRECTOR WEINBAUM: Yes. We can
8 absolutely do that.

9 CHAIRMAN HOOD: Okay. Okay. But
10 the issue is still remains, one, two or three.

11 Commissioners, I think I'm hearing most
12 people are looking at one and two.

13 COMMISSIONER SELFRIDGE: I would
14 be comfortable with option one, at this point.

15 CHAIRMAN HOOD: Okay.

16 COMMISSIONER MAY: I'm fine with
17 option one.

18 CHAIRMAN HOOD: Okay.

19 VICE-CHAIRMAN SCHLATER: I'm fine
20 with option three.

21 CHAIRMAN HOOD: Okay. So we've
22 got two -- and I really don't have to break a

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1 tie. But I'm fine with option one. So we'll
2 do that. Okay.

3 DIRECTOR WEINBAUM: Okay. Option
4 one, it is. Our next recommendation,
5 recommendation five, is with respect to an
6 Affidavit of Maintenance of Posting. Option
7 one, which is a joint recommendation from the
8 Office of Zoning and Office of Planning, is to
9 require applicants in Zoning Commission cases
10 to submit an Affidavit of Maintenance of
11 Posting between two and six calendar days
12 prior to the Zoning Commission hearing.
13 Option two would be to continue to only
14 require the applicant or petitioner to swear
15 or affirm to its weekly maintenance at the
16 Zoning Commission hearing.

17 CHAIRMAN HOOD: Okay. Option two
18 is what we do now.

19 DIRECTOR WEINBAUM: Yes.

20 CHAIRMAN HOOD: And I think we
21 have a joint recommendation from OP and OZ.

22 DIRECTOR WEINBAUM: Correct.

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1 CHAIRMAN HOOD: And, from my
2 standpoint, they're the ones who handle a lot
3 of our administrative work. And this is both
4 a joint recommendation. So can I speak for
5 all of us and say option one to save us some
6 time? Okay.

7 DIRECTOR WEINBAUM: Okay. All
8 right. Great. Moving on. Recommendation six
9 is again a joint OP/OZ recommendation that we
10 add language to the Zoning Regulations
11 regarding existing ethical requirements of
12 Commissioners and Board Members which are
13 stated in other codes, and put them into our
14 code to strengthen it. Option two would be to
15 not refer to anything further on that.

16 CHAIRMAN HOOD: Okay.
17 Commissioners? Commissioner May, do you want
18 to add something?

19 COMMISSIONER MAY: No.

20 CHAIRMAN HOOD: Okay.

21 DIRECTOR WEINBAUM: Okay. We'll
22 go forward with option one. The last of my

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1 group is recommendation seven, which is a
2 joint OP/OZ recommendation to clarify the
3 ability of the Zoning Commission and BZA to
4 stay a final decision pending appeal. Option
5 two would be to not clarify those rules in the
6 zoning text.

7 CHAIRMAN HOOD: Okay. Any
8 comments? We'll take the OZ/OP
9 recommendation.

10 DIRECTOR WEINBAUM: Okay. We'll
11 go forward with that. Thank you. I'll turn
12 it over to OP.

13 CHAIRMAN HOOD: Thank you,
14 Director. Let's go to Ms. Steingasser.

15 MS. STEINGASSER: Recommendation
16 number eight is the organization of the
17 chapter on nonconformities, Chapter 20. We're
18 recommending that Chapter 20 be separated into
19 two sections, one dealing with nonconforming
20 use and one dealing with nonconforming
21 structures. Option two would be to leave
22 Chapter 20 in its current form.

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1 CHAIRMAN HOOD: Okay. Option one.

2 MS. STEINGASSER: Recommendation
3 nine is additions to nonconforming structures.

4 Right now, there's a prohibition against any
5 addition to nonconforming structures when the
6 existing building has nonconforming lot
7 occupancies. We're seeing an abundance of
8 variance requests before the Zoning Commission
9 to PUDs and before the Board of Zoning
10 Adjustment. And we're recommending that that
11 prohibition be deleted. Option two would be
12 to require that it remain the same.

13 CHAIRMAN HOOD: Okay.
14 Commissioners? Anybody. Okay. Option one.

15 VICE-CHAIRMAN SCHLATER: Mr.
16 Chairman, I'd just point out that we did get a
17 letter -- let's see who it was from -- from
18 Nancy MacWood, outlining why she's in
19 opposition to this particular proposal. I
20 read this. I guess I wouldn't mind getting a
21 response from the Office of Planning on that
22 specific point.

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1 CHAIRMAN HOOD: About what Ms.
2 MacWood raised?

3 VICE-CHAIRMAN SCHLATER: Yes.

4 CHAIRMAN HOOD: Okay.

5 MS. STEINGASSER: I'm sorry. I
6 don't think we have that point.

7 CHAIRMAN HOOD: You don't have it?
8 Could you tell her what page we're on here?

9 VICE-CHAIRMAN SCHLATER: Exhibit
10 10, page three. I guess here's the part of
11 it. I can read it. "There's an outrageous
12 presumption underpinning this recommendation
13 that more building should be facilitated at
14 the expense of an adjoining neighbor, who
15 would no longer be allowed to demonstrate how
16 such a building would envelop valued open
17 space and negatively impact quality of life."

18 MS. STEINGASSER: I think it's a
19 misunderstanding. We're not recommending it
20 be allowed as a matter of right. You would
21 still go forward with the variance. But it
22 would just no longer be a prohibition. Right

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1 now, an applicant has to get a variance to the
2 prohibition, just to request the variance for
3 the addition. So we're just reducing that
4 time.

5 VICE-CHAIRMAN SCHLATER: That
6 makes a lot of sense. Thank you.

7 CHAIRMAN HOOD: Okay. What number
8 was that? Eight?

9 MS. STEINGASSER: That was number
10 nine.

11 CHAIRMAN HOOD: Number nine, I'm
12 sorry. No, I don't want to go that way.
13 Okay. Number nine. Is option one everybody's
14 choice? Okay. Thank you, Ms. Steingasser.

15 MS. STEINGASSER: Recommendation
16 ten, we're recommending that any change from
17 one nonconforming use to another nonconforming
18 use continue to get approval by the Board of
19 Zoning Adjustment, but that it be allowed more
20 flexibility in the hierarchy of those uses.
21 Right now, it's limited to a -- it's allowed
22 to change to a use in the same category as

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1 first permitted. And we're recommending a
2 little bit more flexibility on that. That
3 often comes to us in a case of residential and
4 retail, where retail use is existing. But the
5 way the code now lists all the retail uses,
6 some are allowed in some zones and some are
7 not allowed in another zone, so it creates a
8 lot of confusion. So we're recommending that
9 that be a little bit more flexible.

10 CHAIRMAN HOOD: Okay. Any
11 comments, Commissioners? Okay.

12 COMMISSIONER MAY: Yes. I'm just
13 getting -- I got a little confused by it.

14
15 MS. STEINGASSER: The way we're
16 changing the Zoning Regs now, we're putting
17 them into use categories in the new ZRR.

18 COMMISSIONER MAY: Right. Broader
19 categories, and focusing on the impacts.

20 MS. STEINGASSER: Right. And this
21 would allow that change of use to be
22 consistent with that format, still requiring

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1 BZA approval.

2 COMMISSIONER MAY: Yes.

3 MS. STEINGASSER: It would change
4 slightly, the criteria.

5 COMMISSIONER MAY: Okay.

6 CHAIRMAN HOOD: Okay. So we're
7 good with option one? Okay. Thanks, Ms.
8 Steingasser.

9 MS. STEINGASSER: Number 11 is
10 non-expandable conforming uses. This is to
11 allow, basically, a new type of category that
12 recognizes conforming uses that are permitted
13 in many zones, but they're also restricted
14 from expanding.

15 VICE-CHAIRMAN SCHLATER: So,
16 currently, these uses are nonconforming uses
17 and we're --

18 MS. STEINGASSER: Well, they're
19 conforming uses, but they have limitations
20 that are unique from the other uses that would
21 be permitted in that zone. Hotels in the R5
22 zones are the best example. Also, industrial

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1 uses in the CRR District -- I'm sorry, in the
2 CG overlay are allowed to continue as a matter
3 of right, they cannot expand. So their matter
4 of right uses, they're conforming into the
5 zone, but they have limitations that keep them
6 from being recognized similar -- in the same
7 manner as the other matter of right uses.
8 They can be rebuilt. Whereas, a nonconforming
9 use cannot be rebuilt. So it's just kind of
10 recognizing that they are a little bit of a
11 hybrid and that they have their own unique
12 characteristics.

13 VICE-CHAIRMAN SCHLATER: So this
14 isn't changing the --

15 MS. STEINGASSER: No. It's just
16 clarification.

17 VICE-CHAIRMAN SCHLATER: Okay.

18 CHAIRMAN HOOD: Any comments?
19 Okay. Thank you, Ms. Steingasser.

20 MS. STEINGASSER: Number 12 is
21 alley lots. In this recommendation, we're
22 recommending that an alley lot be required to

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1 have a tax lot before it can get a building
2 permit. Right now, we're seeing all kinds of
3 building permits being issued, which have
4 triggered all kinds of problems for the Board
5 of Zoning Adjustment, as well as the property
6 owners, where the building permits are being
7 issues on record lots -- on tax lots, rather
8 tax lots, rather than record lots. And then,
9 when they're in the alley, they don't become
10 conforming. So we're recommending that it be
11 clarified that alley lots must be record lots.

12 VICE-CHAIRMAN SCHLATER: Again, on
13 this one, the law is that you have to have a
14 record lot, correct?

15 MS. STEINGASSER: The law is that
16 you have to have a record lot. But our
17 surveys and research, to date, have shown
18 unbelievable combinations of lots overlying
19 lots where a property owner has done a tax lot
20 for the back half of their lot. They've sold
21 those rights, much like a condominium.
22 Someone's gone and gotten a building permit

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1 for the entire record lot, and been able then
2 to get to the BZA to get a variance to have a
3 second lot -- a second principal structure on
4 a primary lot. There's any number of hybrids
5 that we've seen. So we want to clarify that,
6 in order to have a structure -- residential
7 structure, an alley lot has to have a record
8 lot.

9 VICE-CHAIRMAN SCHLATER: I think I
10 was more interested in the modified Section
11 401.6 to state that any record lot created o a
12 alley must meet minimum frontage standards on
13 the alley. What's going on there?

14 MR. JESICK: Right now, Section
15 401.6 states that any record lot must front on
16 a public street. This would just expand that
17 so, if the lot meets all the other area width
18 requirements, etc., it could front on an alley
19 instead of a public street.

20 VICE-CHAIRMAN SCHLATER: Very
21 good.

22 COMMISSIONER MAY: So, if I

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1 understand this correctly, you're going to
2 clarify that tax lots aren't going to be good
3 enough. You have to have a record lot, but
4 it's going to be easier to get a record lot?

5 MS. STEINGASSER: Well, right now,
6 you're allowed to have alley lots.

7 COMMISSIONER MAY: Right.

8 MS. STEINGASSER: We want to make
9 sure that the record lot provision also
10 recognizes that if you have the alley lot, you
11 have permission, provided you meet these
12 requirements.

13 COMMISSIONER MAY: Okay. Thanks.

14 CHAIRMAN HOOD: Okay. Thank you,
15 Ms. Steingasser. We can go to the next -- oh,
16 option one? Okay.

17 MS. STEINGASSER: Recommendation
18 13 is a modification for a dwelling inside a
19 theoretical lot sub-division. Right now,
20 Section 2516 allows for the creation of
21 theoretical lots. In many cases, it's just
22 five or six or a dozen town houses or single

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1 family houses on a private drive. In other
2 cases, such as Fort Lincoln, you have hundreds
3 of row houses all within one theoretical lot.

4 And, if one home owner wants to get a
5 variance to put a deck on, they've got to get
6 some kind of signature recognizing all of the
7 home owners in all of that. So we're
8 recommending that there be permission created
9 that allows an individual home owner to apply
10 for that.

11 CHAIRMAN HOOD: Okay.
12 Commissioners? Consideration of option one
13 and option two is do not allow. But, after
14 that explanation, I think we all will agree
15 with option one.

16 MS. STEINGASSER: Recommendation
17 14 is recognizing institutional and
18 educational uses and giving them permissions
19 under 2516 if they've already received special
20 exception approval and a campus plan -- or,
21 I'm sorry, or a campus plan approval. Which
22 allows them to have multiple buildings on a

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1 single lot.

2 CHAIRMAN HOOD: I'm not sure about
3 that one.

4 MS. STEINGASSER: Okay.

5 CHAIRMAN HOOD: I -- so,
6 initially, Ms. Steingasser, what are we doing
7 here?

8 MS. STEINGASSER: Right now, a
9 campus plan -- a property or an institution --
10 say a hospital -- let's take Sibley, which is
11 a specific example, would have multiple
12 buildings on a single lot. If they went
13 through a special exception under the new
14 process for an institutional use, for a campus
15 plan for the hospital, they would still be
16 required, under the 2516 provisions, to come
17 back and get special exception for multiple
18 buildings. We're recommending that those
19 provisions be linked together so that it's
20 only one public hearing and all criteria would
21 be addressed simultaneously.

22 CHAIRMAN HOOD: Okay. Any other

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1 comments? Is everybody fine with option one?

2 COMMISSIONER MAY: I just want to
3 say, this is another one where we had gotten
4 comments from Nancy MacWood. And her
5 statement was, "It's hardly onerous for the
6 institution -- private clubs, private
7 libraries, etc., -- to include a request for a
8 waiver form Section 2516 as part of its
9 special exception application." I mean,
10 that's essentially what you're saying though,
11 right?

12 MS. STEINGASSER: That is what
13 we're saying. And we can -- we can use that
14 language if it makes people more comfortable,
15 that an applicant can request that waiver as
16 part of the special exception. I mean, that
17 gives people more comfort.

18 COMMISSIONER MAY: Yes. I think
19 that might be better.

20 CHAIRMAN HOOD: Okay. Well, thank
21 Ms. MacWood. Okay. So we're basically saying
22 option one, with the language that Peter just

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1 read from Ms. Nancy MacWood. Okay. Make a
2 note. We did adopt -- that's one thing. I'm
3 going to start keeping a tally of things that
4 we adopt from the task force. Because we
5 adopted that.

6 MS. STEINGASSER: Many of these
7 are from the task force.

8 CHAIRMAN HOOD: Oh, okay. Excuse
9 me. I'm sorry.

10 MS. STEINGASSER: Yes. Many are.

11 CHAIRMAN HOOD: I stand to be
12 corrected.

13 MS. STEINGASSER: Number 15 is the
14 FAR calculation. This one came directly from
15 the Zoning Commission. As you may recall, a
16 PUD would apply for a simultaneous
17 consideration of the Section 2516, which is
18 the multiple buildings on a single lot, which
19 would then remove the access way from the FAR
20 calculation, driving the FAR artificially
21 down. The Zoning Commission made that very
22 clear in a case about three years ago, that

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1 they wanted that clarified; that any access
2 roads or alleys public or private, needed to
3 be removed from the FAR calculations. This is
4 what that does.

5 CHAIRMAN HOOD: Okay. So I think
6 I remember that also, Commissioners. So I
7 think option one just became our
8 recommendation. I probably should say ZC's
9 recommendation. But anyway.

10 MS. STEINGASSER: I think
11 everybody agreed with you because the
12 neighborhoods were frustrated, trying to do
13 multiple calculations on every project. On
14 16, we're actually requesting, this evening,
15 that the Commission not take a position on
16 this one. We're working with DDOT on the
17 narrow streets legislation and we're trying to
18 bring those two together so the
19 recommendations will come back to you in a
20 different form at a different time. So we're
21 stepping over that one.

22 CHAIRMAN HOOD: Okay. So we'll

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1 pass on 16.

2 MS. STEINGASSER: Matt, do you
3 want to take 17?

4 MR. JESICK: Recommendation 17 is
5 to clarify and consolidate the Zoning
6 Administrator flexibility provisions in the
7 Regulations. It would be a sort of a three-
8 part recommendation. Part one would just be
9 to consolidate the Zoning Administrator
10 flexibility standards into one location within
11 the Zoning Regs, to the greatest extent
12 possible.

13 Part two would be to establish
14 consistency in the Zoning Administrator
15 flexibility across different types of orders,
16 including BZA orders and, three, to further
17 define the criteria by which the Zoning
18 Administrator judges whether flexibility is
19 appropriate or not. Option two would be to
20 require different standards than those that
21 we've suggested in our previous report. And
22 option three would be not allow the

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1 flexibility that the Zoning Administrator
2 already has the power to grant.

3 CHAIRMAN HOOD: Okay.

4 VICE-CHAIRMAN SCHLATER: Sorry. I
5 don't have the previous report in front of me.

6 The level of flexibility that's being
7 granted, is it different from the current
8 standards?

9 MR. JESICK: We would not be
10 changing the degrees to which the Zoning
11 Administrator could grant flexibility. There
12 are various numerical standards that he has
13 the power to do that for. Lot width, lot
14 area, etc. That would all be staying the
15 same. What we would be clarifying is the
16 criteria by which he judges whether
17 flexibility is appropriate.

18 Right now, I believe the only
19 language states that the flexibility must be
20 in keeping with the intent of the regulations.

21 If we can further define that somehow by
22 referencing neighbor's access to light and air

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1 and that sort of thing -- other impacts that
2 the flexibility could cause, that request was
3 from the Zoning Administrator. So we thought
4 that would be a helpful clarification in the
5 regulations.

6 VICE-CHAIRMAN SCHLATER: Very
7 good. Thank you.

8 CHAIRMAN HOOD: Okay,
9 Commissioners. Any issues or should we go
10 with option one? Okay. Option one is fine.
11 Should we go to 18?

12 MR. JESICK: Recommendation 18 is
13 to institute a two-year sunset clause for set
14 downs. And option two would be to not
15 institute a sunset clause for set downs.

16 CHAIRMAN HOOD: Do we institute a
17 two-year sunset clause for set downs? That
18 means, once we set something down, it needs to
19 be acted on within two years?

20 MR. JESICK: Correct.

21 CHAIRMAN HOOD: Do we have a lot
22 of -- we don't have much of that now, do we?

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1 I think we've only had one.

2 MS. STEINGASSER: I'll turn to Ms.
3 Schellin, but we've had some that have been
4 out there for many years.

5 MS. SCHELLIN: There have been a
6 couple of -- it's mainly, as she said, for the
7 map amendments. Because, once you set it
8 down, the more restrictive is then in place.
9 So -- but there have been a couple that have
10 been set down that have been out there for a
11 while. So --

12 CHAIRMAN HOOD: Okay. I
13 understand now. Okay, Commissioners, option
14 one or two? Option one? Okay. Option one.
15 Okay. Building permits. The last
16 recommendation, I think. Yes. The last one.

17 MR. JESICK: OP's recommendation
18 here is to specifically define which building
19 permits would vest the zoning regulations on a
20 property, should that zoning change after the
21 building permit is acquired. And you can see
22 there the four types of permits that we are

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1 proposing. Option two is to allow vesting of
2 zoning on a property by other building permits
3 or other non-building permits such as sheeting
4 and shoring.

5 CHAIRMAN HOOD: Okay. Any
6 comments? Do you want to take time to look
7 through some of the responses? I don't think
8 --

9 COMMISSIONER MAY: I mean, right
10 now, the vesting is broader, is it not?

11 MR. JESICK: Vesting just
12 references building permits. And there are
13 about 12 or 13 different types of building
14 permits in the building code.

15 COMMISSIONER MAY: Right. So any
16 one of them -- any one of those 13, and we're
17 limiting it to these four?

18 MR. JESICK: Right. Because some
19 of them are extremely minor things.

20 COMMISSIONER MAY: Right. Right.
21 Okay.

22 CHAIRMAN HOOD: Okay, option one?

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1 Okay. Thank you. Is that it? Okay. Let me
2 thank Office of Planning and Office of Zoning
3 for going through that exercise with us. Ms.
4 Schellin, do we have anything else? Oh.

5 MS. SCHELLIN: Yes. We have one
6 other item under other business.

7 CHAIRMAN HOOD: Yes. We have the
8 ZRR process. Let me just say that we have
9 taken the task to try to further move the ZRR
10 process to make sure that everyone is engaged
11 and make sure that the participation gets back
12 to where it was when we first started off.
13 And what we are planning on doing, thanks to
14 the Office of Zoning who helped facilitate
15 this with the Office of Planning and others
16 and the Office of the Attorney General, we're
17 planning to attend the task force meeting on
18 March 30, at 6:30 p.m. Could you give us the
19 location?

20 MS. SCHELLIN: That's going to be
21 in the Office that -- or in the building that
22 the Office of Planning is located at. I

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1 believe that's -- is that 1100 4th Street, SW.
2 It's on the Green Line.

3 CHAIRMAN HOOD: 11 4th Street, SW,
4 on the Green Line, on March 30 --

5 MS. SCHELLIN: Waterfront Station.

6 CHAIRMAN HOOD: Waterfront
7 Station. I think that's on a Wednesday. All
8 of my colleagues have consented to be there.
9 We're going to do our best to be there. And,
10 if someone can't make it, we will make sure
11 that they will get the full effect of what
12 happens at the meeting.

13 And one of the things that we want
14 to do is we've heard, while people may not
15 think that the Zoning Commission listens, we
16 listen very attentively. And we've heard
17 from a number of residents who feel like
18 there's some flaws in the process. One of the
19 things that we would not be doing is going
20 back over all the stuff we've done over the
21 past two or three years or however long it's
22 been.

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1 But what we're trying to do is
2 look at that and revisit that and see how we
3 can make sure we encompass input from the
4 community; make sure that there's a -- that we
5 can forge a better working relationship
6 between task force -- no, let me not leave out
7 the work groups, and I'm not sure if that's
8 just about final, but the task force, the work
9 groups, all interested parties in the ZRR
10 process, as well as the Office of Planning and
11 us, the Zoning Commission. We're trying to
12 forge that relationship the way we work
13 together.

14 Because, at the end of the day,
15 the way I see it, even though there may be
16 some disagreement, disagreement does not mean
17 we need to throw away the process.
18 Disagreement just means we need to try to find
19 some finality to make it work. Now, we're not
20 going to agree 100 percent. I mean, nobody
21 does. But what we want to make sure that we
22 do do is engage everyone in the process. I

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1 know for a fact that there were members that
2 were representing Council Members. I'm not
3 sure some of it has fallen off for various
4 reasons.

5 We need to find out why. We need
6 people to be engaged, because, at the end of
7 the day, when the cold is done, we want to
8 make sure that everyone has had an input.
9 But I can tell you now, we're not going to get
10 100 percent. But, for those who are
11 interested, we want to do our best to make
12 sure that we move this process forward. And,
13 at the end of the day, it would be nice if
14 everybody goes in front of Council and we all
15 adopt -- and we're all singing together. But
16 I doubt if that happens. But I want to make
17 sure and my colleagues agree with me that we
18 want to make sure we have exhausted
19 everything -- as much outreach as possible. I
20 think the Office of Planning, thus far, and
21 the Office of Zoning, has already done a great
22 deal of outreach.

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1 And I know personally, I have went
2 to different meetings and asked people to get
3 involved in the ZRR process. But we've heard
4 a number of different things. And I think,
5 for us, on March 30, it's going to be a
6 listening tour. We want to come and see and
7 listen and then see how we can revamp, if we
8 need to revamp, or whatever we need to do to
9 make sure that people feel like they're
10 involved with the process. I don't have all
11 the answers. I don't think anyone does.

12 But I think together, the task
13 force, the work group, Office of Planning, the
14 Zoning Commission, the Office of Zoning,
15 together, I think, at the end of the day, we
16 can at least come up with a volume that I
17 think people would appreciate and would want
18 to use. And I've heard and seen -- I'm on the
19 task force's e-mails and I saw one person,
20 which I agree with, say how do we make it
21 easier. We actually started off that way.

22 You know, at the end of the day,

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1 I'm hoping that's what we're doing. And I
2 think we are. For those who are not always
3 involved with the zoning process, who are not
4 down here every week, and for those who just
5 show up for one case that may come in their
6 neighborhood in five years, they want to make
7 sure that code is easy for them to understand.

8 And that's one of the things that we started
9 off when we first started this process some
10 years ago. So that's enough said on that. We
11 will be there on March 30, for the listening
12 tour, at 6:30 to 8:30, and then we will go
13 from there.

14 So stay tuned. I'm looking
15 forward to seeing everyone. And for those who
16 know other task force members who have not
17 been attending, please ask them to come to
18 this meeting. Just please ask them. You can
19 tell them that the Commission asked them to
20 come to this meeting because we will be there.

21 Okay. Anybody else want to
22 comment on that? Ms. Steingasser, did you

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1 want to add anything, or Office of Planning?
2 Office of Zoning? Mr. Weinbaum? Okay. Ms.
3 Schellin, anybody? Okay. All right. Ms.
4 Schellin do we have anything else?

5 MS. SCHELLIN: That's it.

6 CHAIRMAN HOOD: I want to thank
7 everyone for their participation in this
8 meeting tonight. And this meeting is
9 adjourned.

10 (Whereupon, the meeting was
11 adjourned at 8:30 p.m.)

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