

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

MAY 12, 2014

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 Fourth Street, N.W., Washington, D.C. 20001, pursuant to notice at 6:31 p.m., Anthony J. Hood Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTONY J. HOOD, Chairman
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- ROBERT MILLER, Commissioner

OFFICE OF THE ZONING STAFF PRESENT:

SHARON B. SCHELLIN, Secretary

(Continued)

OFFICE OF PLANNING STAFF PRESENT:

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JOEL LAWSON
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQUIRE

The transcript constitutes the minutes
from the Regular Meeting held on May 12, 2014

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

2 (6:31 p.m.)

3 CHAIRMAN HOOD: This meeting will
4 please come to order.

5 Good evening, ladies and gentlemen.
6 This is the public meeting of the Zoning
7 Commission for the District of Columbia.

8 My name is Anthony Hood. Joining
9 me are Commissioner Miller, Commissioner May
10 and Commissioner Turnbull. We are also joined
11 by the Office of Zoning Staff, Ms. Sharon
12 Schellin. Office of Attorney General, Mr.
13 Ritting. Office of Planning Staff, Mr.
14 Lawson, and Ms. Vitale.

15 The contents of today's meeting
16 agenda are available to you and are located in
17 the rear near the door. We do not take any
18 public testimony in our meetings unless the
19 Commission requests someone to come forward.

20 Please be advised that this
21 proceeding is being recorded by a court report.
22 It is also webcast live.

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1 According, we must ask you to
2 refrain from any disruptive noises or actions
3 in the hearing room, including a display of any
4 signs or objects. Please turn off all beepers
5 and cell phones.

6 Does the staff have any preliminary
7 matters?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: If not, I do have
10 one. Again, as I announced previously, the
11 Zoning Commission has moved their relaxation of
12 the dress code two weeks.

13 We did look at the weather and we
14 figured we would be comfortable during the
15 summer months, and so we are asking everyone to
16 join us and wear -- if you are able and can, and
17 it depends on our schedules, we would ask you
18 to come in front of us, you would wear relaxing
19 clothes, like we are doing.

20 Okay. Ms. Schellin, let's go to
21 the consent calendar item. Ms. Schellin.

22 MS. SCHELLIN: Yes, sir. This is a

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1 request from the Applicant for a minor
2 modification to clarify the proposed
3 university use of leased space on two floors of
4 a building proposed to be constructed at 2300
5 H Street, Northwest, does not require
6 second-stage PUD approval.

7 The Applicant has separately filed
8 for a campus plan amendment and for the
9 processing to approve the proposal of
10 university use at this site. And, I believe
11 the owner of this property has filed a BZA case
12 for variance and special exception use or
13 request.

14 The Applicant is asking the
15 Commission only confirm this evening at the
16 request of modification in those cases. In
17 fact, minor, and the vote could be held in
18 abeyance until the vote on the campus plan
19 amendment and for the processing case, which is
20 scheduled for June 23rd.

21 West End Citizen's Association
22 filed a letter today in response to this request

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1 for minor mod and we find that at Exhibit 5.

2 CHAIRMAN HOOD: Okay Thank you,
3 Ms. Schellin.

4 Again, Commissioners, this is in
5 the interest of consolidating the proceedings,
6 but I think the issue is right now, it is a
7 consent calendar item and because of all the
8 different moving parts for me, I would
9 recommend unless -- not opening it up.

10 I would recommend that we hold this
11 decision of whether this minor in abeyance and
12 try to deal with other moving parts and then
13 figure out we go from there. We can get the
14 discussion started.

15 Anyone else?

16 Commissioner Miller.

17 COMMISSIONER MILLER: Yes. I
18 would agree with that, Mr. Chairman. I think
19 that we should consolidate the campus plan for
20 the processing case for GW with the variance and
21 special exception case that -- application that
22 is pending before the VXA.

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1 A hearing is scheduled on both of
2 those, one by the Zoning Commission and -- and
3 they are both in dates in June. I think the
4 Zoning Commission should hear all the issues
5 related to this one project which needs all of
6 these -- and including to hear the campus plan
7 for the processing -- here are issues about
8 whether it is minor or not, and here the
9 variance, the special exceptions in one Zoning
10 Commission hearing that we would -- and then
11 take action at a later date.

12 I think that would be best for all
13 the parties, the Applicant, the co -- the owner
14 of the building, the investor, the public
15 convenience.

16 Each of these parts, as necessary
17 for this project to move forward. So, I think
18 that is a good suggestion you made, to
19 consolidate it and I would support that.

20 CHAIRMAN HOOD: Okay. Let me find
21 out, do we have representatives of both
22 separate cases?

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1 Mr. Avitabile, if you come forward.
2 Let me ask you -- let me ask you this before my
3 other colleagues speak. If you can identify
4 yourself.

5 Does the Applicant have a problem
6 with consolidating both of these cases for the
7 sake of us hearing them?

8 MR. AVITABILE: This is David
9 Avitabile with Wolfson & Suarez. I am
10 representing separately but both GW and Hillel.
11 We have no issue with consolidating the cases.
12 We agree that it would be more efficient and
13 allow, you know, the Commission, as one body,
14 to consider everything together.

15 CHAIRMAN HOOD: Okay.
16 Commissioners, let me -- hold your seat, Mr.
17 Avitabile.

18 Any other comments?

19 Commissioner May?

20 COMMISSIONER MAY: So, I don't want
21 to confuse things any further, but I assume that
22 this hearing is going to cover everything that

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1 we might be deciding about this, including the
2 potential, either minor modification or
3 modification, and if there is additional notice
4 that is necessary, to cover that, but that be
5 done in time for the June 23rd hearing.

6 I that right?

7 I see nods of heads from the
8 Commissioners, but Ms. Schellin is --

9 CHAIRMAN HOOD: Well, anything --
10 anything -- in this case, I think it is very
11 unique. I would hope that other applicants
12 wouldn't come down and say, "Well, you did it
13 here."

14 I think there are a lot of moving
15 parts here and I think it is more beneficial for
16 the Commission, and it is also more efficient
17 to move in exactly your stance.

18 And if we need to -- the Commission,
19 normally, we don't like to waive a lot of rules,
20 but I think in this case, with all the moving
21 parts, I think this is warranted.

22 So, for all other people who are

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1 going to be coming down in front of the Zoning
2 Commission, let's not use this one and wave that
3 up and say "You did it here."

4 I think this is a total different
5 circumstance for us to be able to move forward
6 in this fashion. I probably will never see
7 another situation like this with all these
8 different moving parts.

9 And I think, Commissioner May, you
10 are right. We should be able to deal with
11 everything we want at that particular hearing
12 on June the 23rd.

13 So, I am asking Ms. Schellin,
14 whatever notice needs to be done, let's just get
15 it done.

16 Any questions?

17 Mr. Turnbull.

18 COMMISSIONER TURNBULL: No. I --
19 I would agree with all the comments.

20 CHAIRMAN HOOD: Okay.

21 COMMISSIONER TURNBULL: I think
22 that, especially with a campus plan and this

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1 particular campus plan, I think the community
2 needs to be there present and to hear all these
3 things.

4 So, I think it is better, instead of
5 having bits and pieces, to do it as a
6 consolidated case. It makes sense for
7 everyone.

8 CHAIRMAN HOOD: I do recognize that
9 the staff, while I am on my other job and we are
10 doing other things, the staff is the one who is
11 responsible for getting this done, along with
12 OAG.

13 I want to ask them, do they see any
14 potential problems with what we have done and
15 if we need to remedy it here, we will, once they
16 get finished.

17 Okay. Let's have additional
18 conversation. I think we might have some
19 confusion. I think that what we will do at the
20 hearing, we will deal with the three potential
21 -- well, I think it is three potential moving
22 parts.

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1 And we will hold the -- and I am
2 saying this to you, Commissioner May. We will
3 hold the minor mod in abeyance. While we can
4 still ask questions and deal with it at that
5 point, because I think, if we decide at some
6 point when it is -- if it is not minor, then we
7 have to have a hearing on the minor -- well, on
8 the modification, if we take -- if we say that
9 is not minor.

10 Is everybody on the same page, or
11 any questions?

12 COMMISSIONER MAY: Well, Mr.
13 Chairman, if I could, I understand that, but I
14 think what we don't want to do is wind up having
15 the hearing and then deciding, you know what,
16 this modification is not minor and therefore,
17 have to schedule another hearing.

18 And that is why I was suggesting
19 that we -- we relax those provisions if
20 necessary so that we could have a single hearing
21 where we address everything all at one time.

22 CHAIRMAN HOOD: So, -- so, if we do

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1 -- according to our rules, if we do it that, and
2 I agree with you. I am just trying to figure
3 out, if we do it that way, then we are saying
4 it is not minor already.

5 COMMISSIONER MAY: I don't know.
6 I mean, if we are --

7 CHAIRMAN HOOD: It is going to be an
8 easy night. When I see two things, I say, "Oh,
9 this won't be that hard." But, anyway.

10 COMMISSIONER MAY: Maybe Mr.
11 Ritting wants to answer this, but I seem to
12 recall that we had another case where we set
13 something down because we thought a -- it was
14 not a minor modification, and then we got
15 clarifying information from the Applicant, and
16 we -- we wound up changing it back to a minor
17 -- or, treating it as a minor modification.

18 I mean, I think there is a --
19 something of a parallel there. I guess my
20 point is just that there is -- is there anything
21 that says that we can't have a hearing on a minor
22 modification, and then decide it and say, "You

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1 know what, in the end, this was a minor
2 modification after all"?

3 MR. RITTING: Well, I mean, I think
4 that the -- the Commission's rules about minor
5 modifications and their consent calendar
6 rules, and Chapter 3030 seem to contemplate
7 that either you decide it is a minor
8 modification or you set it down for a hearing.

9 Now, maybe the solution here is you
10 just waive those portions of the rules so you
11 could have a hearing, and then decide that it
12 is minor. I mean, right. From the standpoint
13 of advising the public, and interested parties
14 where those issues are going to be heard and
15 soliciting their comments, I don't --

16 COMMISSIONER MAY: Right.

17 MR. RITTING: -- see what
18 difference it makes whether you call it now a
19 minor modification or not, so long as they have
20 a general summary of what the issues and an
21 opportunity to comment.

22 COMMISSIONER MAY: So, I mean, I

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1 think that the general notion here is that we
2 want to have a single hearing here we address
3 the entirety of the issues and that we --
4 whatever we have to do to cover this question
5 in advance, that those all be addressed so that
6 we don't wind up in the odd circumstance of
7 saying, you know what, in the end, this was not
8 a minor modification and so, therefore, we
9 cannot fully decide this until we have another
10 hearing.

11 MR. RITTING: Yes.

12 COMMISSIONER MAY: That is the trap
13 I am trying to avoid entirely.

14 MR. RITTING: Yes. I don't see
15 how, any way that that would be a problem, given
16 that there has been adequate notice of all --
17 you know, the further processing request
18 already and that it involves the same change
19 that has been requested as a part of this -- this
20 minor modification that is on the agenda
21 tonight.

22 COMMISSIONER MAY: Right. But, I

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1 mean, doesn't that assume that, in the end, we
2 -- if we decide to approve the case, that we are
3 -- we are assuming now that it -- it would, in
4 effect, be minor modification, that particular
5 aspect of it?

6 MR. RITTING: I mean, only if you
7 are affirmatively saying tonight that it -- it
8 is not minor. And what I heard you say
9 previously is that you are -- you are putting
10 off that aspect of the decision until after you
11 have had the hearing.

12 CHAIRMAN HOOD: It seems like we
13 are ending up at the --

14 COMMISSIONER MAY: No. I almost
15 want to -- I almost want to just approve it as
16 a minor modification, knowing that we can't do
17 anything, anyway, until we do the further
18 processing, just so that we know we don't have
19 that issue.

20 CHAIRMAN HOOD: I am not ready to --
21 because we can't figure out this loophole, I am
22 not ready to just go ahead say deal with this

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1 and then move to that.

2 I think that what we said earlier,
3 if we don't take it off to consider, we can hold
4 that in abeyance, and just unfortunately, this
5 is the moving parts.

6 Once we get all the information --
7 I just don't want to stifle us and put us at a
8 disadvantage of not being asking those
9 questions about what specifically is a minor
10 mod.

11 That is kind of why, when you hear
12 those three factors -- and I think at the end,
13 once we get all that information, we can still
14 ask questions about minor modification, and
15 then, after all that is said and done, if
16 somebody thinks we need to take it off the
17 consent calendar item, we will do it at that
18 point in time.

19 I think that makes it legal. I
20 think it keeps it with our regulations, and then
21 we can move forward.

22 Because, what is happening is, we

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1 just did a full circle. We went right back to
2 where we were.

3 MR. RITTING: I agree. I think
4 that is perfectly sensible.

5 CHAIRMAN HOOD: Okay. All right.

6 MS. SCHELLIN: And I don't think
7 that we have to advertize the minor mod. You
8 just said you wanted to just wait and hold --
9 take it up. You just stated that you are going
10 to take it up at the hearing.

11 So, there is nothing for us to
12 advertize because typically you don't have a
13 hearing on minor mods.

14 CHAIRMAN HOOD: Right.

15 MS. SCHELLIN: So, you just stated
16 that, and so we don't need to do anything with
17 that. But we will combine the other -- we will
18 actually not combine. We will -- Mr. Avitabile
19 will amend his application to include this
20 others.

21 And, what we will do, just to put the
22 public on notice, we will just go ahead and send

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1 out an amended public hearing notice just so
2 that they will have notice that it has been
3 amended, as soon as he does that.

4 CHAIRMAN HOOD: Okay. Mr.
5 Turnbull.

6 COMMISSIONER TURNBULL: Sir, do we
7 need to set this down for hearing?

8 CHAIRMAN HOOD: No.

9 COMMISSIONER TURNBULL: We don't
10 need to set it down?

11 CHAIRMAN HOOD: No. We just need
12 to make a motion that we accept consolidating
13 both cases. You have already agreed to it,
14 right?

15 MR. AVITABILE: Yes, we have.

16 CHAIRMAN HOOD: Okay.

17 MR. AVITABILE: We actually -- we
18 completely agree, actually. Part of the
19 problem was we couldn't figure out quite how to
20 get a BZA case up you all when Hillel wasn't --
21 didn't otherwise have a reason to be here.

22 But, we agree that it makes sense to

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1 consider it all at once.

2 CHAIRMAN HOOD: But, let me just
3 say, there may be some questions about the minor
4 mod at the hearing, so I want to make sure that
5 we --

6 MR. AVITABILE: We will be ready
7 and willing to answer them as well.

8 CHAIRMAN HOOD: Good.

9 MR. AVITABILE: And persuade you
10 all that it is minor.

11 CHAIRMAN HOOD: Okay. Mr.
12 Turnbull, I am -- Mr. Turnbull, anything else?
13 Commissioner?

14 COMMISSIONER TURNBULL: No. I am
15 good.

16 CHAIRMAN HOOD: Okay.
17 Commissioner Miller.

18 COMMISSIONER MILLER: No. I -- I
19 think we need to have just one hearing on all
20 the issues related to this project.

21 CHAIRMAN HOOD: Okay. Is that a
22 motion? It this is worded -- yes. Don't we?

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1 Yes. Yes, we need a motion.

2 COMMISSIONER MILLER: I don't
3 think I have all the cases with me.

4 CHAIRMAN HOOD: I don't know where
5 they are. Just whatever you have.

6 COMMISSIONER MILLER: I would move
7 that we consolidate the campus plan for the
8 processing case and the variance -- for GW and
9 the variance and special exception case for
10 that -- for Hillel that is currently scheduled
11 before the BZA, and one case before the Zoning
12 Commission at our previously-scheduled June
13 23rd hearing on the campus plan for the process,
14 say, and take up all issues related to this
15 project, including whether or not it is a minor
16 modification.

17 CHAIRMAN HOOD: Okay. Go ahead.
18 It has been moved and I will second that.

19 Any further discussion?

20 (No response.)

21 CHAIRMAN HOOD: I will say that
22 this does not set precedent in any other cases.

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1 This is unique.

2 It is moved and properly seconded.

3 Any further discussion?

4 (No response.)

5 CHAIRMAN HOOD: All those in favor?

6 (Chorus of Aye's.)

7 CHAIRMAN HOOD: Not hearing any
8 opposition of those present, Ms. Schellin,
9 would you record the vote.

10 MS. SCHELLIN: Yes, sir. The
11 quota is four to zero to win, to consolidate the
12 campus plan for the processing and the variance
13 and special exception case that is currently
14 with the BZA.

15 Mr. Turn -- excuse me. Mr.
16 Avitabile will be filing the amendment to his
17 case. Commissioner Miller moving.
18 Commissioner Hood second, and Commissioner's
19 May and Turnbull in support. Commissioner
20 Cohen not present and not voting.

21 CHAIRMAN HOOD: Okay. Thank you.

22 Let's move to correspondence. This is on

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1 a Commission Case No. 14-01. Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. In this
3 case we have a letter from Holland and Knight
4 requesting that the Commission review the
5 revised plans that they have submitted to
6 determine that they can be considered at the
7 June 12th hearing.

8 They have made some changes to the
9 plans, and they just want to make sure that the
10 Commission is okay with proceeding with that
11 hearing, with those changes.

12 OP has provided a memo with regard
13 to those revisions, and then, tonight, you
14 received a letter in support from the ANC.

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

17 Commissioners, any comments on this
18 request, or any comments, even about what is
19 being presented?

20 And I did note that, in the
21 submission, I think I read where the Applicant
22 stated that they took some of the comments from

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1 the Commission as set-down.

2 COMMISSIONER TURNBULL: Mr. Chair.

3 CHAIRMAN HOOD: Mr. Turnbull.

4 COMMISSIONER TURNBULL: I am ready
5 to accept it.

6 CHAIRMAN HOOD: Okay.

7 COMMISSIONER MAY: Yes. I am
8 essentially read, too. I think that there are
9 still some work that needs to be done to refine
10 the design, but I think, generally speaking,
11 the notion of enlarging the building in this
12 fashion is actually beneficial in many ways,
13 and so I am glad to see that information in
14 advance of a hearing.

15 CHAIRMAN HOOD: Okay. Do we need
16 to make a motion on that or do we just accept
17 it? Commissioner Miller. I am sorry.

18 COMMISSIONER MILLER: Yes. I just
19 wanted to say also, to agree with my colleagues
20 and I think that I -- I appreciate the
21 applicants moving in the direction of revising
22 the plans that -- in the way that the applicant

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1 has by increasing the number of -- of housing
2 units totally, which will increase the -- from
3 207 units to 338 through an addition at the roof
4 of the existing Hecht's Company warehouse
5 building, which has apparently been vetted
6 through the staff of the Historic Preservation
7 Office as well.

8 So, I think it is a good direction
9 that it has been moving in, and I would -- and
10 maybe you have already noted that we have a
11 letter from the ANC in support of -- in support
12 of this direction, as well, 5D.

13 CHAIRMAN HOOD: Okay. And again,
14 in that letter they ask us to support this and
15 they still continue their -- asking us to
16 support the project as a whole.

17 So, I guess we need a motion. I
18 would move that we accept the revisions as
19 presented and move forward in a fashion that was
20 -- that we had already voted on and ask for a
21 second.

22 COMMISSIONER MILLER: Second.

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1 CHAIRMAN HOOD: It has been moved
2 an properly seconded. Any further discussion?

3 (No response.)

4 CHAIRMAN HOOD: All those in favor,
5 "Aye."

6 (Chorus of Ayes.)

7 CHAIRMAN HOOD: Not hearing any
8 opposition, Ms. Schellin, would you record the
9 vote.

10 MS. SCHELLIN: Yes. Staff accepts
11 the request at a four to zero to one, to accept
12 the revisions as submitted and proceed as
13 already -- already scheduled.

14 Commissioner Hood moving.
15 Commissioner Miller seconding. Commissioners
16 May and Turnbull in support. Commissioner
17 Cohen not present, not voting.

18 CHAIRMAN HOOD: Okay. Do we have
19 anything else, Ms. Schellin?

20 MS. SCHELLIN: Just if there is any
21 discussion of the ZR. That would be it.

22 CHAIRMAN HOOD: I need to make a

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1 clarification as soon as I get this in front of
2 me. There was a letter submitted to us from Ms.
3 Hamburger, Sue Hamburger, of my comments at the
4 budget oversight.

5 And I want to make sure that -- and
6 I am going to make sure that -- here it is. --
7 that we are not taking anything out of context.

8 What I simply said at the oversight
9 -- I mean, at the budget hearing. Was it the
10 budget hearing?

11 What I was doing was the correction
12 to something I said at the oversight hearing,
13 when I asked -- and I am not sure how many years
14 ago.

15 I was basically reading to Chairman
16 Mendelson what actually happened about asking
17 for input. I mean, this is okay, but I didn't
18 ask for input about how we are going to
19 deliberate. That is not what I was -- what I
20 was doing at the oversight -- at the budget
21 hearing.

22 What I was asking for, the input of

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1 how much -- the question was how much time we
2 gave residents to be able to speak. And that
3 -- and what I was saying was that, early on in
4 the process, when we were in our deliberations
5 and discussions, that I had said, well, I had
6 asked everyone to help us, whether it be three
7 minutes, four minutes, five minutes, and I have
8 asked people to give recommendations on how
9 much time they got through that hearing process
10 through the ZR zoning revision review process
11 of how much time you would get, an individual
12 or organization.

13 It was not of how to plan the ZRR
14 proceedings. I mean, maybe that -- that may be
15 something we want to look at, but right now, we
16 are still trying to get our arms around how we
17 are going to do some certain things and how we
18 are going to make comments at officer planning.

19 So, I just wanted to -- while I
20 appreciate Ms. Hamburger taking the time to do
21 this, but I just wanted to make sure that this
22 was not confusing because, if you look at the

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1 -- if you go back and look at the budget hearing,
2 I was responding to something that I said at the
3 oversight hearing about something that
4 happened in the past.

5 So, any questions on that?

6 (No response.)

7 CHAIRMAN HOOD: I just wanted to
8 clarify that because sometimes when we get the
9 wrong information out there and it expands,
10 then it gets -- grows bigger and bigger, and we
11 have given the wrong information.

12 So, I -- Ms. Hamburger, if you are
13 watching, I appreciate what you did, but that
14 was not the intent. That is not what I was
15 talking about. I was talking about something
16 that happened prior to this.

17 So, anyway -- and if you have any
18 questions, you can call Ms. Schellin, and I
19 think Ms. Schellin, can you help explain to Ms.
20 Hamburger if she calls? Thank you.

21 Okay. Let's open it up. Any
22 comments thus far on the comments that we

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1 received from the Office of Planning about our
2 hearings?

3 Somebody to start us off and -- and
4 I can tell you that we are going to have to do
5 more of this. This is not going to be -- it
6 is going to be a lot more.

7 COMMISSIONER MAY: Yes. I do
8 think there will be more. I mean, there is a
9 lot to digest and it is -- as much as I would
10 have loved, to have spent the last several
11 months reviewing and studying all of this, and
12 providing astute comments, there are a few
13 other things that I had to do in the last few
14 months, so it has been hard to sort of go in and
15 out of ZRR and be able to make a lot of sense
16 of this.

17 I do appreciate the analysis that
18 was provided by the Office of Planning and it
19 is helpful in some ways. It is -- there is a
20 little bit less analysis and distilling of
21 comments that I would have thought.

22 I mean, you really -- I really feel

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1 like I have to read every single comment once
2 -- you know, once again in order to understand
3 what is being said, and that is -- I am not
4 asking for the analysis to be redone, but I was
5 kind of hoping for something that kind of broke
6 them into more, you know, into sort of distilled
7 comments, not necessarily coming from any given
8 individual or identified as such, just saying,
9 you know, that -- let's -- I will pick a random
10 issue.

11 You know, parking requirements for
12 auditoriums are being relaxed too much, and if
13 15 people said it, then we would get that one
14 comment and then you would explain your
15 rationale why you think you have the right
16 approach.

17 That is kind of what I was
18 expecting. Again, I am not asking this to be
19 redone. I think we have to slog through this
20 the way it is, but I was kind of hoping that we
21 would get something that was more of a
22 distillation of the general -- or of the

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1 specific comments, and an overall
2 consolidation so we can look at it, you know,
3 each issue one-by-one and then see, well, these
4 are the -- these are the issues within the
5 accessory dwelling unit category, and these are
6 the issues within parking as opposed to how to
7 look at six pages of accessory dwelling unit
8 comments.

9 Anyway, that is just a general
10 observation. The -- I have -- the question I
11 have, though, is, on the parking analysis that
12 you provided, I am wondering if, since you
13 provided a series of these examples, and we see
14 some pretty significant reductions in parking
15 requirements based on hypothetical scenarios,
16 I am wondering if you were actually surprised
17 when you ran through some of these analyses.

18 I mean, for example, I am surprised
19 to see that churches in all districts other than
20 C3CC4 and C5, the requirements.

21 Then the proposed requirements are
22 substantially below the existing requirements

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1 for a couple of the scenarios that you showed.
2 This is on -- it is page seven.

3 And so, for a 270-seat church, the
4 existing requirements, 27 seats. The proposed
5 requirement is zero. And I am wondering if --
6 if any of these numbers caught by surprise
7 because they are kind of catching me by surprise
8 in some -- some small ways.

9 MR. LAWSON: Good evening. Joel
10 Lawson from the Office of Planning. I wouldn't
11 say they caught us by surprise. We had run a
12 number of hypothetical kind of options for --
13 for all of the parking proposals, including the
14 much more restrictive, or sorry, much more
15 permissive original proposal.

16 So, I wouldn't say they caught us
17 off-guard. We think it is pretty graphic. We
18 think that it is good information for you to
19 have to see just what these numbers mean.

20 You know, we are excited about the
21 opportunity to get some Zoning Commission
22 feedback on -- on what these actual numbers do

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1 mean.

2 COMMISSIONER MAY: Okay. So, I am
3 going to have to look at those more carefully.
4 I just saw a few of those things and thought that
5 there were pretty significant changes.

6 MR. LAWSON: And so I guess I would
7 just add, just in case people are watching out
8 there, just a reminder that what is being talked
9 about here is a proposal for the minimum
10 requirements.

11 We are not talking about maximums.
12 We are not talking about what parking people
13 would be allowed to do. We are talking about
14 the minimums that are required, that people
15 would be required to do.

16 So, you know, again, we fully expect
17 that most developments just -- as is the case
18 right now, most developments will come forward
19 exceeding the minimum parking requirement.

20 They may exceed it if some lower
21 minimum comes along or is eventually approved,
22 they may exceed it by more than what they do

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1 right now. But, certainly right now, most
2 projects exceed the minimum requirement and
3 they would be able to do that in the future.

4 COMMISSIONER MAY: And I think that
5 is generally true, and there is some comfort to
6 be taken in that, but while that may be true for
7 a medical office building or, you know,
8 higher-end apartments where parking is an
9 absolute requirement or a certain number of
10 parking spaces is an absolute requirement for
11 marketing purposes, that is not necessarily the
12 case when it comes to a church.

13 Not necessarily the case when it
14 comes to an auditorium because there isn't
15 really much -- I mean, I guess, for an
16 auditorium, maybe there is some market reasons
17 why they want to make sure there is sufficient
18 parking for their guests to come but, boy, there
19 are a lot of churches around town that have
20 inadequate parking and it causes a lot of
21 problems in the neighborhoods.

22 And I am not sure that building new

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1 churches they are going to be building, you
2 know, ample parking to handle that.

3 MR. LAWSON: Right. Yes. Well,
4 we don't see a lot of new churches, but they
5 certainly can be built. And I think you hit it
6 on the head.

7 There are an awful lot of churches
8 that provide very little parking now.

9 COMMISSIONER MAY: Right.

10 MR. LAWSON: You know, there are a
11 lot of office buildings and residential
12 buildings and retail buildings and doctor's
13 offices and everything that provide no parking
14 right now, and they -- they seem to get by.

15 But, you know, again, we are happy
16 to received the feedback that the Zoning
17 Commission wants to give us and if there are
18 things that you would like us to reexamine, if
19 there are -- for example, just for parking, if
20 there are particular uses that you feel should
21 be reexamined, we will -- we will happily accept
22 that feedback.

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1 You are absolutely right, that
2 there is an awful lot of comments from people
3 who are concerned about specific aspects of the
4 parking, whether it is a specific use or
5 specific portion of the city or -- or a specific
6 zone, and there are a lot of other people who
7 think that we haven't gotten nearly far enough.

8 So, you know, we are trying to
9 strike that balance and we are trying to bring
10 forward what we think is a reasonable response,
11 given the current situation we are in.

12 COMMISSIONER MAY: Okay. Thank
13 you.

14 So, we will have to review the
15 parking chart more carefully. I may have some
16 areas where I think we need to look at it
17 further.

18 The -- in the area of more general
19 comments, at one point we were considering
20 changes to penthouse regulations and I don't
21 know that we -- I mean, I think that might have
22 gotten tabled at some point, you know, having

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1 to do with the overall height, raising the
2 height from eighteen six to twenty.

3 I think that -- didn't that get
4 dropped?

5 MR. LAWSON: That did get dropped.
6 We heard from a lot of people that that 20-foot
7 height limit really wasn't that necessary.

8 COMMISSIONER MAY: Okay. So --
9 and I am not so concerned about the 20-foot
10 limit, but I guess, given the -- the change to
11 the height at which, as I understand it is
12 awaiting the President's signature that would
13 allow human occupancy of penthouses.

14 Is that something that you intend to
15 now incorporate into the zoning regs?

16 MR. LAWSON: I think we would only
17 do that with instruction from the Zoning
18 Commission. I suspect that it is not going to
19 be a small issue --

20 COMMISSIONER MAY: Right.

21 MR. LAWSON: -- in the community.

22 I am a little bit worried. This is

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1 not the Office of Planning position because, to
2 be honest, we haven't discussed it, as an
3 office.

4 COMMISSIONER MAY: Right.

5 MR. LAWSON: But I would be a little
6 bit concerned about trying to wrap that up into
7 ZRR and when I expect that the community will
8 expect that discussion to happen kind of fully
9 and on its own.

10 On the other hand, if the Commission
11 would like us to wrap all other portions of that
12 into ZRR, we would be happy to do that.

13 COMMISSIONER MAY: Okay.

14 MR. LAWSON: So, we would be happy
15 to take direction.

16 COMMISSIONER MAY: All right. So,
17 I mean, I could see it either way. And
18 certainly there is enough contentious issues
19 within the overall zoning reg rewrite that we
20 maybe want to defer this.

21 But then, again, there is a certain
22 logic to taking it all on at the same time and

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1 being holistic. So, I don't know. Maybe
2 other members of the Commission have thoughts
3 on whether they want to take up human occupancy
4 in penthouses as part of the ZRR or not.

5 COMMISSIONER MILLER: Mr.
6 Chairman, I am not sure whether I want to do that
7 part of ZRR, but I think it has to be taken up
8 pretty soon, and I would -- I would like some
9 analysis from the Office of Planning and OAG and
10 ZA and whoever needs to provide -- have input
11 into it as to what changes are necessary in the
12 -- or desired -- what are the range of changes
13 that are necessary or desired or options in our
14 own zoning regulations to -- to implement the
15 -- the recent Federal change, the recent
16 congressional change to the height.

17 I would like the Zoning Commission
18 to be able to decide, with public input and
19 public hearing input as to -- as to what -- what
20 might be -- if there are choices to be made I
21 would rather -- I think it should be made in a
22 public forum after a public hearing and not by

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1 the Zoning Administrator, getting an
2 application the first day this becomes law and
3 just interpreting what -- whether as human
4 occupancy, whether that application -- or us
5 getting PUD applications the day after the law
6 takes effect without us having some standards.

7 I mean, once -- I had always argued
8 when we were having the discussion at NCPC that
9 -- that the comp plan and the zoning process
10 would -- would govern whatever change was made
11 in -- in the Federal Height Act.

12 And, I -- and I always thought that
13 we -- that -- and citizens, a lot of -- there
14 is a lot of public hearing testimony that we
15 should be getting something for that.

16 It just -- it shouldn't be just a
17 windfall that is suddenly available that -- and
18 I have some, my own ideas about -- and I think
19 I articulated at NCPC that I think, you know,
20 if somebody is getting human occupancy on the
21 rooftop which they weren't getting before, I
22 think affordable housing has to be one of the

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1 things that is tied to that.

2 COMMISSIONER MAY: Right. So, if
3 you are suggesting that we need to have, I don't
4 know, a white paper or something like that, an
5 analysis provided by the Office of Planning and
6 OAG, and ZA in order to move it forward, and then
7 we defer the question of when we actually take
8 it up.

9 COMMISSIONER MILLER: Right.

10 COMMISSIONER MAY: For now. I
11 mean, I think that is -- that is fine. I think
12 you are raising great questions and we should
13 have some -- give some thought to those issues
14 before we jump straight into language changes.

15 COMMISSIONER MILLER: Right.
16 And, just to be -- just to clarify, I wasn't
17 saying that I thought that affordable housing
18 should be what is provided on the rooftop, but
19 it is just that if someone is going to get that
20 in-house apartment now, 20 feet high, that
21 there should be a linkage, an inclusionary
22 zoning linkage in every case and at a deeper

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1 level than is currently provided in our current
2 regulations, and with no exemptions for any --
3 any zone, as there currently are exempt zones,
4 because they were already at the maximum.

5 COMMISSIONER MAY: Right.

6 COMMISSIONER MILLER: This is a new
7 maximum that is going to be everywhere, and so
8 it is -- the Affordable Housing requirement and
9 a deeper housing requirement, almost a
10 one-to-one should be triggered I think as a
11 result of it.

12 COMMISSIONER MAY: Okay.

13 CHAIRMAN HOOD: Can I just add -- I
14 know you have -- I didn't mean to cut you off,
15 but I think what Commissioner Miller mentioned
16 was by public input.

17 And one of the ways I see -- we can
18 do the white paper, and obviously I think we
19 want to do it prior to ZR, which is putting more
20 work on us, and the Office of Planning and the
21 citizens.

22 But, as Commissioner Miller

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1 mentioned, we need to deal with this before --
2 it is in our bill and we need to deal with it
3 first.

4 So, one of the things I would
5 suggest, white paper, let's have a round table.
6 Let's get that public input, and then let's move
7 at that point.

8 Now, I don't know what schedule --
9 might have to do it on a Tuesday night, but I
10 am not sure, but we need to -- we need to get
11 out in front of it before the Zoning
12 Administrator, the cases start coming in.

13 So, I like everything I heard.
14 And, it isn't necessary to do it Tuesday.
15 Maybe do it Wednesday night. But I know our
16 schedule is very much booked. But we need to
17 get out in front of that sooner than later.

18 So, I guess -- do we need to nail
19 down -- I know we are talking about ZR, but I
20 don't know how far, Mr. Lawson, you want to go
21 with nailing down the white paper and then we
22 maybe set up a round table, and then, from that

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1 point, we can get public input.

2 I know we have to wait for the sign
3 of it. That hasn't happened.

4 COMMISSIONER MAY: Right. It
5 wasn't -- it hasn't been signed yet.

6 CHAIRMAN HOOD: Okay.

7 COMMISSIONER TURNBULL: Mr. Chair,
8 I -- I agree with all of you and to -- and part
9 of the thing is that the Federal Height Act sets
10 up a framework, but it is going to be the zoning
11 regulations which are going to define that
12 framework.

13 I mean, to what percent is
14 habitable, what does "habitable" mean? Is it
15 a community room? Is it sleeping? It is not
16 defined.

17 I think it is up to the zoning
18 regulations that are going to define what you
19 can and cannot do within that framework. I
20 think that is our responsibility, and that is
21 the input we are going to need, because right
22 now you have simply got a statement that says,

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1 "Here is what can happen," but it is very loose.

2 I mean, we are the ones that have
3 really got to establish how far -- what you can
4 really do up there, and we are the ones that have
5 got to -- I mean, we have got setbacks and this
6 will be a change now.

7 If you have a habitable space next
8 to -- we have got setbacks, I mean, and party
9 walls. How is that -- how is that going to
10 change? I mean -- or is it going to change?

11 I think those issues are going to
12 come up that we think we are going to need a lot
13 of input on.

14 CHAIRMAN HOOD: So, could we have a
15 proposed schedule, Ms. Schellin and Mr. Lawson,
16 -- when is our next meeting?

17 Oh, that is right. This is -- this
18 is -- wait a minute. I mean, like this is a
19 hearing.

20 Do you think our next -- will our
21 next meeting be too late, because don't meet
22 again until June. We have two meetings in

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1 June, right?

2 I think -- what happens if we go --
3 if we sit -- try to map out a plan for our first
4 meeting in June? Is that the -- does that seem
5 like it is -- is that too far away?

6 I am looking at the commissioners
7 now.

8 COMMISSIONER MAY: I don't know if
9 it is too far away. I mean, I am -- I guess I
10 am not too worried that -- that things are going
11 to be coming across the ZA's desk and they are
12 not going to know what to do because I think that
13 right now the zoning regulations are clear
14 about what you can and can't do on the roof and
15 you can't do human occupancy if you are at the
16 Height Act. I mean, the Height Act height.
17 Right?

18 But I think that, once it is passed
19 it is going to be legal to have it, but it is
20 still not going to be run by Zoning.

21 So, it -- in any case --

22 COMMISSIONER MILLER: But -- well,

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1 that is part of what I don't even understand.

2 COMMISSIONER MAY: Right. Right.

3 COMMISSIONER MILLER: Because of
4 how it relates to the way that our --

5 COMMISSIONER MAY: Right.

6 COMMISSIONER MILLER: -- our Act
7 reads, up to the Height Act.

8 COMMISSIONER MAY: Right.

9 COMMISSIONER MILLER: What does
10 even that mean?

11 COMMISSIONER MAY: Right.

12 CHAIRMAN HOOD: Well, why don't we
13 just do this? Why don't we do this? I will
14 withdraw that I said. Let's just do the white
15 paper. Let's revisit this at our next meeting,
16 since it doesn't seem -- I was thinking it was
17 an urgency, but from what I am hearing now, I
18 -- I really don't know. I can't predict it.

19 But, we -- let's come up with a plan.
20 Let's look at the white paper. Let's have
21 another discussion about this at our next
22 meeting, and then we will go from there and we

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1 may institute maybe having a round table of some
2 sort so we can get public input. Okay.

3 All right. Commissioner May.

4 COMMISSIONER MAY: Thank you.
5 Okay. So, there are just a few things that I
6 will mention.

7 Accessory dwelling units, you know,
8 given the volume of comments that we had and the
9 concerns about accessory dwelling units, I feel
10 like we need to do something to address that
11 concern, and maybe we need to have a broader use
12 of special exceptions for accessory dwelling
13 units, or maybe some stronger conditions to
14 address it, because I think there are a lot of
15 people are concerns that this is going to have
16 an extraordinary impact on their neighborhood
17 and I think that, well, you know, we can say,
18 "Well, no, it really isn't because of X, Y and
19 Z."

20 I am not sure that that is going to
21 be satisfactory for a lot of people. I am not
22 quite --

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1 CHAIRMAN HOOD: So, I won't
2 duplicate -- and I hate to cut you off, but let
3 me echo that. I would like for them to revisit
4 that exactly, so I am not really sure about this
5 argument about the affordability issue.

6 I would like for us to really -- you
7 know, that is a whole 'nother argument. But --
8 so I don't have to go down to ADU's, I have some
9 deep concerns about that.

10 It looks -- one of the impacts of
11 doing some of this in some of the areas -- there
12 are a number of things about ADU's. Let's --
13 let's re-look at that and, like you say, I think
14 there needs to be some public input. Major.
15 But, anyway.

16 COMMISSIONER MAY: Well, and I
17 think there already has been a lot of public
18 input. I think, unfortunately, there is also
19 a lot of public confusion about what it actually
20 means. So, I think that we --

21 CHAIRMAN HOOD: Well, when I say
22 "public input," I mean matter of right stuff

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1 from --

2 COMMISSIONER MAY: Oh, I see.

3 CHAIRMAN HOOD: That is what I
4 mean. Yes, I know we have plenty of public
5 input, but I mean, when it comes time for an ADU
6 --

7 COMMISSIONER MAY: Right.

8 CHAIRMAN HOOD: -- there needs to
9 be a process.

10 COMMISSIONER MAY: And, I mean, I
11 -- I come at this from the perspective that I
12 am -- I actually strongly support ADU's in --
13 in broad, broad circumstances, but I also do
14 recognize that there are issues associated with
15 them, and that we need to either make sure that
16 people understand what they are concerned about
17 is not as big a concern or that the restrictions
18 that we place on it will address those concerns.

19 CHAIRMAN HOOD: You know what I
20 think I need to do, because I think you and I
21 disagree on that to a certain point.

22 So, what I need to do is not

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1 interrupt you and let you answer your
2 questions.

3 COMMISSIONER MAY: Thank you.

4 So, and the other thing is that I
5 know that there was a restriction about having
6 a 24-foot alley in order to provide access.
7 And I think that needs to be revisited.

8 I think that is based on, you know,
9 fire trucks being able to get back there and so
10 on but, you know, there are a lot of
11 circumstances where you can access an ADU by
12 going 20 foot, you know, or 40 feet down a
13 15-foot alley in order to get to it, and it is
14 a relatively safe circumstance.

15 And maybe one way to address that is
16 to say it has got to be on a 24-foot alley, or
17 it has to be within 50 feet of a public way, you
18 know, the entrance point, something like that.

19 And, I mean, I don't want to run
20 afoul and create fire hazards, but I think that
21 is something to loosen that requirement,
22 actually, would be beneficial.

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1 There was a lot of support for big
2 box shopping centers being subjects of special
3 exception across the board and I know that you
4 are revisiting that so I think that that is a
5 good thing to consider.

6 The -- and I am not sure where we
7 wound up landing on -- on this, but I do think
8 that we have to figure out a way to allow the
9 granting of party status in advance of
10 hearings.

11 And I am not sure what -- how we can
12 do that, what the right process is for doing it,
13 but it just -- it still is, practically
14 speaking, very difficult for parties to, you
15 know, plan for the possibility that they are
16 going to get party status, but then have it
17 being denied on the night of, or not planning
18 for it very well because they think they may not
19 get it, and then they get it.

20 So, I think that being able to grant
21 that in advance -- and maybe it is a matter of,
22 you know, party status applications being acted

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1 on independent of the hearing in -- in some
2 other process that is, you know, done on paper
3 or something like that, and it doesn't deny the
4 possibility that somebody could do it under the
5 current system, but maybe if you -- if a case
6 is filed, and you -- and you file your
7 application for party status 45 days in advance
8 and there is enough time for the -- the
9 applicant to respond to that, and then the
10 Commission can take it up at another meeting,
11 you know, at the next regularly-scheduled
12 meeting, something like that, just a slightly
13 different process for handling that.

14 And then, the custom zones and
15 overlay question, I know that there is some
16 clarification of overlays and making sure that
17 the current overlays translate specifically
18 into the -- into those zone districts that we
19 have defined, and I know that has to be
20 completed and clarified and make sure that we
21 do that all.

22 But, I think that there is -- we are,

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1 to some extent, suffering from the success that
2 Georgetown had in defining their own custom
3 zone overlay and everybody kind of wants it that
4 way.

5 So, -- and maybe there are -- maybe
6 there is something that can be done between. I
7 know that doing customized zones for a number
8 of the neighborhoods or a lot of the
9 neighborhoods kind of all at once is very
10 difficult to do, and it takes a lot of effort,
11 and even on the part of the community, as it did
12 in Georgetown, but some effort to try to address
13 some of those concerns may be helpful.

14 Maybe there is already some menu, if
15 you will, of -- of restrictions that might be
16 available to neighbors with some minimal amount
17 of study. I don't -- I don't know if there is
18 some halfway measure. Maybe I am just barking
19 up the wrong tree entirely.

20 But, since we heard so much comment
21 on it and we want people to be comfortable with
22 the new regulations, as well as wanting them to

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1 be good in a positive change, I think it is worth
2 some examination.

3 But those are the initial comments
4 that I have and I am still evaluating and may
5 have further comments to provide, hopefully in
6 a timely fashion.

7 CHAIRMAN HOOD: Okay. Anyone else
8 like to start?

9 Mr. Turnbull.

10 COMMISSIONER TURNBULL: Yes.
11 Thank you, Mr. Chair.

12 Well, first of all, let me thank you
13 for this monumental work that you have put on.
14 I think it is -- it is very good. Are the
15 comments in here, do they reflect some of the
16 comments you had in the meetings that the Zoning
17 Commissioner Hearings weren't at or things that
18 were sent in?

19 MS. VITALE: Good evening. Elisa
20 Vitale with the Office of Planning.

21 This summary reflects only
22 testimony that was officially submitted into

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1 the record.

2 COMMISSIONER TURNBULL: Okay.

3 MS. VITALE: So, this doesn't
4 reflect open houses or other --

5 COMMISSIONER TURNBULL: That is
6 what I was wondering. Are there any other of
7 those comments that you have got that -- are
8 they similar to what we have seen here?

9 MS. VITALE: I think a lot of what
10 we heard during the open houses were similar,
11 but frequently, those discussions were maybe
12 more property-specific, more
13 neighborhood-specific, an individual might
14 have stopped in and said, you know, "I am
15 wondering, in my neighborhood, could I do this
16 with my property?" or "What -- what might result
17 from the -- from the proposals that would be,"
18 you know, more specific to their particular
19 community.

20 COMMISSIONER TURNBULL: Yes.

21 MS. VITALE: So, those aren't
22 reflected in here specifically, but I think

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1 from the general kind of tone of the comments,
2 you can get a sense of what the -- what concerns
3 we heard.

4 COMMISSIONER TURNBULL: So, you
5 have those comments and it is annotated
6 somewhere for -- okay.

7 MS. VITALE: We do. We do have
8 that, but that wasn't in the summary.

9 COMMISSIONER TURNBULL: Okay. I
10 guess some of my comments were similar to
11 Commissioner May's, and I guess I was kind of
12 looking at the red line areas, obviously, and
13 didn't feel that -- those are the ones that I
14 really -- obviously, the ones that either you
15 are changing or -- that there are a lot of these
16 things that are -- relate to either missing
17 items that people have noticed, corrections.

18 You have talked about
19 clarifications and changes. So, it is -- it is
20 hard to get your arms around all of that and what
21 that is going to look like.

22 At some point you are talking about

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1 process, will people provide analysis with
2 respect to matter of right, special exceptions
3 and variance requirements. And I didn't know
4 what that -- how you were going to do that, or
5 what you were going to do.

6 MR. LAWSON: I think what you are
7 referring to is the Zoning Commission -- are we
8 going to be asked to take a look at what aspects
9 of the current regulations are by right or by
10 special exception require BZA review.

11 COMMISSIONER TURNBULL: Yes.

12 MR. LAWSON: And then the proposal,
13 how that might change. So, we are still
14 working on that one. It is actually a bit more
15 complicated than you would think because there
16 are, for example, brand new regulations for
17 things that are requirements.

18 And if you want relief from those,
19 that would be a new form of special exception
20 relief. There are other things that -- you
21 know, there are, right now, subject to special
22 exception in some zones but not in other zones.

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1 In some instances -- you know, it is
2 -- it is just -- there is a lot to it. Now, so
3 we are working on that now, and we hope to get
4 that to you shortly, and that will also be made
5 -- you know, put up on our website and made
6 public as well.

7 COMMISSIONER TURNBULL: Yes. And
8 there are a lot of comments that we had at the
9 hearings about certain things that could become
10 a matter of right, and they are saying, no, no,
11 we still want them to be special exception. We
12 want the ANC's. We want the neighborhood to be
13 able to still weigh on them.

14 So, you have taken all
15 those comments?

16 MR. LAWSON: We have definitely
17 heard all of those comments, and certainly a lot
18 of our -- some of our recommendations are -- are
19 based on issues that we saw in front of the Board
20 of Zoning Adjustment, things that
21 neighborhoods seem to be relatively
22 comfortable with that were typically being

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1 recommended approval of by the ANC's and -- and
2 approved by the BZA and things that were maybe
3 less commonly recommended approval on that.

4 That has really entered into our
5 original decisionmaking about what should and
6 should not change.

7 We are trying to make sure, you
8 know, with special exception, with the BZA
9 cases that it is as effective as possible, of
10 course, so that is what we are after.

11 But, as I say, we will get that
12 document completed and get that to you as soon
13 as we can.

14 COMMISSIONER TURNBULL: Okay.
15 And one of the things, on the ADU's and was
16 getting to this lot occupancy, the 900 square
17 feet, and there was question, and we had a lot
18 of comments from certain neighborhoods like Mt.
19 Pleasant, talking about historic area, very
20 concerned about the things that this might
21 allow and the changes.

22 There was a -- there was a few places

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1 like that.

2 MR. LAWSON: Yes. Actually, we
3 heard kind of two sides of that coin. We heard
4 from some neighborhoods who felt that the lot
5 area for an ADU was much too high. It would
6 restrict too many properties from having an
7 ADU.

8 So, we are absolutely looking at
9 that, and I think you will be seeing a proposal
10 from us to lower that lot requirement, that lot
11 size requirement, because it -- you know, as we
12 know, in the current regulations, more
13 properties are nonconforming than are
14 conforming, you know, in our low-density areas,
15 in most of our low-density -- or some of our
16 low-density areas.

17 And there are significant numbers
18 of nonconforming lots. In other words, they
19 wouldn't meet the current requirement under the
20 current zoning because they existed before the
21 current zoning and when the zoning was
22 established in '58.

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1 They basically used to average
2 things out. So, using the lot area, the
3 current lot area requirement is the minimum
4 requirement for an ADU, would have kicked a
5 number of properties out from even being
6 eligible for an ADU.

7 And so, we are taking a look at that
8 now and, you know, that will be part of the
9 proposal that we bring forward to you.

10 The other issue that we are hearing
11 from some other neighborhoods, though, and this
12 is where we are in the flip side is really more
13 in our four zones where people are talking about
14 conversions of buildings from warehouses to
15 apartments.

16 The R-4 conversion that many of you
17 will have dealt with, you know, in your BZA
18 work, and so some neighborhoods are certainly
19 raising some concerns about the ability to do
20 that, so that is the other kind of side of that
21 that we are looking at. So --

22 COMMISSIONER TURNBULL: Yes, and

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1 that sort of leads into the whole pop-up
2 question.

3 MR. LAWSON: It certainly can
4 because, particularly recently we have seen an
5 awful lot of -- or we have seen -- I shouldn't
6 say "an awful lot." We have seen some cases in
7 the R-4 of conversions that include extensive
8 additions to the row house which some
9 neighborhoods feel are similar to pop-up's.

10 COMMISSIONER TURNBULL: And then
11 you are looking -- you are reviewing those
12 neighborhoods or --

13 MR. LAWSON: We are, yes.

14 COMMISSIONER TURNBULL: Okay.

15 MR. LAWSON: Well, we are reviewing
16 that provision.

17 COMMISSIONER TURNBULL: That
18 provision.

19 MR. LAWSON: Exactly. And we have
20 heard from at least a couple of neighborhoods
21 who have contacted us directly. We are working
22 with them directly --

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1 COMMISSIONER TURNBULL: Okay.

2 CHAIRMAN HOOD: -- on their -- on
3 their neighborhood.

4 One of them, I think, is, you know,
5 has been going on for a while now. Linear
6 Heights. And there are other neighborhoods
7 who are contacting us now with that concern, so
8 we are working with them individually.

9 COMMISSIONER TURNBULL: Okay.
10 Good. I guess one of the things here -- and I
11 am looking at the -- I agree with Commissioner
12 May. This would be good to get the party status
13 thing ahead of time.

14 And those are a couple of comments
15 -- there are several people that commented on
16 party status, and especially as it relates to
17 organizations.

18 And I know we have run into that a
19 couple of times and there is a question of
20 whether the organizations really represent the
21 area or they will often say we have members in
22 the area.

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1 And I don't know if we need to have
2 addresses submitted to verify who is -- either
3 organization -- I am not -- I am not sure how
4 we get a grip on it -- I mean, we know certain
5 organizations in certain areas have been
6 representing their constituents for many,
7 many, many years, and they are
8 well-established, but there are other
9 neighborhood -- organizations that seem to pop
10 up, as per a case, or as per some instance where
11 it is suddenly and issue that, oh, they have
12 only been around for about a year or so.

13 So, it is those kinds of
14 organizations that I think we struggle with,
15 and whether we grant them party status or not,
16 it would be good to have most of that, at least
17 vetted out ahead of time.

18 And, I mean, so that at least when
19 it comes before us, at least they have either
20 already been granted it, or it is simply a nod
21 of the head or consent by us in a very simple
22 way.

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1 So, if there is any way that we can
2 meliorate that whole thing, that would -- I
3 would agree with Commissioner May, it is
4 something to look into.

5 We have talked about the Height Act
6 and the rooftop things and you are going to look
7 at this as kind of a separate issue, but one of
8 the things that has troubled me a lot are these
9 temporary structures that get stuck up on
10 roofs, tents that seem to be up there for four
11 to six months. I am going to say
12 quasipermanent, and some of them seem to avoid
13 the setback requirements and everything else.

14 So, I don't know what -- how that --
15 how that gets governed. Is that a zoning
16 right? I mean, I don't think it is covered
17 anywhere in our zoning rights about a temporary
18 rooftop structure that can be allowed up there.

19 And I don't know if that is
20 something -- I would be interested in hearing
21 your comments on that. On how that is allowed
22 and what we allow.

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1 MR. LAWSON: I don't really have
2 much of a comment on that.

3 COMMISSIONER TURNBULL: Okay.

4 MR. LAWSON: We are certainly happy
5 to follow up with the Zoning Administrator on
6 that question. I assume that those are things
7 that go through the Zoning Administrator.

8 COMMISSIONER TURNBULL: I would
9 assume, too.

10 MR. LAWSON: If they get, you know,
11 official permission at all. It is possible
12 that some of them just kind of go up, but I will
13 check with the Zoning Administrator. We can
14 get back to you on that.

15 COMMISSIONER TURNBULL: And is
16 that something we need to address? Are we --
17 I don't know how many -- how many rooftops you
18 have looked at with these, but I have seen a few
19 of them that are just -- I am just --

20 MR. LAWSON: If the Zoning
21 Commission would like us to address it, we can
22 address it.

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1 COMMISSIONER TURNBULL: I will let
2 the Chair -- I don't know if the Chair wants us
3 to -- to look at that or not, but --

4 CHAIRMAN HOOD: Whatever you ask
5 for, Mr. --

6 COMMISSIONER TURNBULL: I would
7 like to ask for it all. I would like to look
8 at that.

9 I mean, there were a couple of
10 comments -- there were several people who made
11 a comment and they had -- they talked about
12 residential uses versus residentially-zoned
13 properties.

14 And that was one of the issues.
15 There were several people and you were saying
16 you were going to look at that and review that.
17 And I don't know to what extent you have really
18 gotten into that yet.

19 I mean, I guess that there are some
20 of these things that you said you are going to
21 look at and I don't know if it is just you are
22 going to look at it, or if it is not necessarily

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1 going to be changed.

2 So, I guess when we get changes back
3 and we get a new section, are you going to
4 highlight obviously very clearly what changes
5 have been made?

6 MR. LAWSON: Absolutely. We will
7 make sure the Commission clearly understands
8 what changes are being made.

9 You have asked us to look at that
10 issue separately from ZRR, in relation to -- you
11 specifically requested that in relation to the
12 animal boarding situation.

13 COMMISSIONER TURNBULL: Right.

14 MR. LAWSON: And we can't really
15 look at it for that one issue without looking
16 at it a little bit more broadly, so that is
17 something we are looking at somewhat
18 independently of ZRR.

19 COMMISSIONER TURNBULL: In your
20 binder, you gave us several maps, several
21 large-scale maps which I appreciate.

22 But one of them says "Areas proposed

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1 for transit parking reduction." And you have
2 got orange and purple areas. And some of the
3 -- I guess what is -- what I am worried about
4 is some of the purple areas, I am not sure I
5 understand why they are totally going to be
6 reduced parking.

7 I mean, one of the things is a
8 certain area up by a certain reservoir which
9 calls for reduced parking, but I don't want to
10 get into it, but from what we have seen, it
11 doesn't really look like the parking is that
12 reduced, and it could be an impact.

13 So, I -- I am just wondering if you
14 could clarify what neighborhoods are
15 represented.

16 MR. LAWSON: Sure. Well, first of
17 all, we are not proposing to reduce parking.
18 We are proposing to reduce the minimum parking
19 requirement.

20 COMMISSIONER TURNBULL: Okay.

21 MR. LAWSON: I think that is an
22 important distinction that sometimes gets, you

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1 know, confused in the neighborhood.
2 Neighborhoods --

3 COMMISSIONER TURNBULL: Yes. I
4 think we need to clarify that.

5 MR. LAWSON: Basically, we haven't
6 done this by neighborhood. What we proposed is
7 that the 50 percent reduction from the
8 otherwise required amount would be areas that
9 are within a half a mile of a Metro station, or
10 a quarter mile of what is called a priority bus
11 corridor.

12 We presented those maps to you some
13 time ago, and we can certainly resubmit them.

14 So, a lot of the purple that you see,
15 that is what that is -- that is what that is
16 showing. It doesn't include areas that are
17 zoned low-density residential because we are
18 proposing that the reduction not apply in those
19 areas.

20 COMMISSIONER TURNBULL: Okay.

21 MR. LAWSON: So, it is really just
22 commercial and higher-density multi-family

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1 areas.

2 Now, the other part of the map is the
3 orange portion, and that is the downtown. In
4 the downtown, currently, there is no parking
5 requirement for some uses in -- in the current
6 downtown overlay, and we are proposing that the
7 parking requirement be eliminated throughout
8 the downtown for -- for all uses.

9 For the most part -- I am going to
10 get an evil glare here in just a moment. But,
11 for the most part that has been well-received
12 by most people.

13 There is one exception. There are
14 certainly being concerns raised about the
15 elimination of the parking requirement kind of
16 towards the west end of that area which is
17 towards the west end and Foggy Bottom.

18 So, that is where the concerns about
19 that have been mostly coming from. For the
20 most part, we have not heard a lot of concern
21 about that.

22 COMMISSIONER TURNBULL: Okay. I

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1 guess, getting onto -- I mean, one of the things
2 we have, we have had a lot of people talking
3 about the corner stores, and certain
4 neighborhoods more than others, where a lot of
5 people were acceptable -- I mean, accepting of
6 it. Certain neighborhoods were obviously
7 concerned.

8 I am thinking of Fox Hall, for
9 instance. And so, when you go about looking at
10 that, are you making a change totally, or are
11 you looking at specifically addressing those
12 areas that maybe don't fit the overall
13 character of what -- what it was intended
14 originally.

15 MR. LAWSON: First, I think I want
16 to make clear that, to some extent, we are
17 looking for -- we are waiting for the public
18 process to complete.

19 COMMISSIONER TURNBULL: Okay.

20 MR. LAWSON: And to get feedback
21 from the Zoning Commission before we make too
22 many drastic changes.

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1 COMMISSIONER TURNBULL: Okay.

2 MR. LAWSON: We have already
3 amended the corner store provisions
4 significantly to require them, by special
5 exception, rather than be by right.

6 COMMISSIONER TURNBULL: Right.
7 Okay.

8 MR. LAWSON: With the exception of
9 a grocery store. We have heard some very
10 detailed, very specific concerns from -- from
11 individuals about specific conditions.

12 The one that is springing to my mind
13 right now is the sale of alcoholic beverages --
14 sorry, the sale of alcohol.

15 There would be no -- the way we
16 proposed it, there would be no sale of alcoholic
17 beverages, but there has been some concern
18 raised about the 15 percent of floor area being
19 allowed for the sale of alcohol.

20 So, that is something that we could
21 take another look at. I think that Jennifer
22 addressed that to some extent in -- in some of

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1 the comments that she gave back to you in the
2 Zoning Commission comment sheet.

3 But --

4 CHAIRMAN HOOD: Let me just say
5 this, Mr. Lawson. She actually did say that
6 you all want to take another look at it, because
7 that was one of my issues. I think that was in
8 the comment section.

9 MR. LAWSON: Yes. Exactly. Yes.

10 So, it is one thing to take a look
11 at specific comments. It is another thing to
12 maybe take a look at the whole program.

13 So, if the Zoning Commission --
14 again, if the Zoning Commission instructs us to
15 do that, then absolutely, we will do that, but
16 to some extent we are waiting for the public
17 comment period to end and get the -- get your
18 direction before we -- before we go too far
19 afield.

20 COMMISSIONER TURNBULL: Okay.
21 Well, I thank you for your -- all your comments,
22 and I guess -- I guess, I guess I am ending --

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1 my little comment on this is that so many of them
2 are talking about reviewing that, and I am not
3 sure how that is going to get finalized or how
4 you are going to address all of those, and are
5 we going to -- I mean, some of them may say no
6 change to what you proposed.

7 So I -- I am not sure what the next
8 step is for you on the -- on the annotated, in
9 this wonderful book where it says we are going
10 to look at it, we are going to clarify it.

11 So, what would be the next step?

12 MR. LAWSON: I -- well, the next
13 step is that the record is being open, and so
14 we are receiving more comments. If -- if you
15 are asking what is the most useful comment to
16 us, and I think to the Zoning Commission,
17 obviously, the more detailed the comments are,
18 the more useful they are.

19 The ones that are -- are -- that we
20 are finding more useful -- most useful to us are
21 when people make a specific comment like, you
22 know, "I am very concerned about the -- the 15

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1 percent alcohol sale in corner stores."

2 That -- that is very specific. It
3 is really helpful, and we are happy to address,
4 you know, a comment like that.

5 Very general comments are good to
6 get, whether it is, you know, we like everything
7 you are proposing or we hate everything you are
8 proposing and we certainly hear lots of both.

9 COMMISSIONER TURNBULL: Yes.

10 MR. LAWSON: But, it is hard to kind
11 of hone in on just what the actual issue is when
12 -- when we hear that.

13 COMMISSIONER TURNBULL: Well, I
14 guess -- I guess my last comment or question is,
15 I mean, we had some comments about how certain
16 things were dropped from the original regs into
17 the transition, and I am looking at 1-A and C.

18 6-B talked about -- and 26 was not
19 included. And the comment was, "We are going
20 to go back and include that."

21 And have you also done a back check,
22 yourself, on some of those things that got

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1 dropped along the way?

2 MR. LAWSON: Yes. We are
3 certainly continuing to do that. Elisa has
4 spent a lot of time kind of going through the
5 regulations and we are certainly constantly
6 coming up with things and some of those are from
7 the public as they say, "Where is this section?"
8 and sometimes we say, "Well, that is been
9 dropped because" and --

10 COMMISSIONER TURNBULL: Right.

11 MR. LAWSON: -- sometimes we say,
12 "That shouldn't have dropped so we will put it
13 back in." And sometimes we are finding them,
14 ourselves, as we go through it.

15 COMMISSIONER TURNBULL: Yes.

16 MR. LAWSON: So -- so, yes.
17 Absolutely. At some point there will be
18 revised documents.

19 COMMISSIONER TURNBULL: Yes.

20 MR. LAWSON: We have already
21 mentioned in some things we gave you, some of
22 the formatting changes that we are already

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1 starting to look at and, certainly, lots and
2 lots of clarifications are needed.

3 You know, corrections --
4 corrections to references and that kind of
5 stuff and, certainly, in future editions, a lot
6 of the redundancy that people are commenting on
7 will be able to go away.

8 That was purposeful redundancy for
9 the draft to help people kind of walk their way
10 through it, so a lot of that can go away.

11 So, yes, we are -- we are finding
12 them, the public is finding them. You may have
13 found some. We are happy to hear those
14 comments.

15 COMMISSIONER TURNBULL: All right.
16 Well, thank you for all your work on this.

17 CHAIRMAN HOOD: Commissioner
18 Miller.

19 COMMISSIONER MILLER: Thank you,
20 Mr. Chairman.

21 I just wanted to thank the Office of
22 Planning for putting together this notebook of

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1 summarizing all of the public hearing testimony
2 and Zoning Commissioner comments thus far and
3 -- and providing in the red line -- in the red
4 letters what you -- what you are
5 doing in response to that, whether you are
6 reviewing it, whether you are clarifying it,
7 whether you have already made a change because
8 a majority of the commissions already expressed
9 of you, such as on the private school parking
10 issue going back to the employee-based standard
11 versus the square footage standard that had
12 been proposed in the -- in the CRR.

13 So, I appreciate all of that effort.
14 And, just for the benefit of the public, all of
15 this is available, I believe, on both Office of
16 Zoning's website and the Office of Planning's
17 website, and -- and the public can go and look
18 at that, and where they disagree, the public
19 record is still open and they can still comment
20 on that.

21 So, I am still reviewing all of your
22 -- all of the -- going through all of this, and

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1 if I -- I think I will be having more to say later
2 about specifics, but -- and I think -- the
3 parking comparison proposal I think is very
4 helpful in specific -- in specific districts
5 with specific uses, but I need to go through
6 that.

7 I need to go through the
8 neighborhood commercial overlay zones because
9 it was repeatedly stated by the Office of
10 Planning and by some of us that there wasn't any
11 intent to change it, but there is a big feeling
12 among those neighborhoods that there had been
13 a change.

14 So, I needed to just think in my own
15 mind whether or not we need to go back to the
16 way -- the nomenclature that is currently used,
17 just because people are comfortable with that,
18 and if it is going to be providing the same
19 protections, anyway. But I need to evaluate
20 that further, myself.

21 But, let me just ask, Mr. Chairman,
22 so where it says we will review and provide

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1 clarifying text or will make this change, we are
2 going to see these changes by a date certain.
3 Is that set up already in our process?

4 CHAIRMAN HOOD: I think we have a --
5 do we have a date, Ms. Schellin?

6 MS. SCHELLIN: Yes. If we could
7 get the comments back from OP by June 16th.

8 COMMISSIONER MILLER: You mean the
9 actual -- would that be the actual textual --

10 MS. SCHELLIN: Yes.

11 COMMISSIONER MILLER: Where they
12 say, "We will make the textual changes?"

13 CHAIRMAN HOOD: Where they are
14 making the change and it will show up in the text
15 already made.

16 MS. SCHELLIN: Yes.

17 CHAIRMAN HOOD: June 16th?

18 MS. SCHELLIN: Yes. The
19 Commission will have it before the June 30th
20 meeting.

21 COMMISSIONER MILLER: And, of
22 course, that will be available for the public

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1 to see -- well, and --

2 MS. SCHELLIN: Everything that
3 comes in.

4 COMMISSIONER MILLER: -- continue
5 to comment on. So -- so -- and I appreciate all
6 of your work. It is very, very helpful and I
7 just haven't had a chance to digest it all.

8 But, it is very helpful in
9 organizing and focusing our evaluation of it
10 and I appreciate it.

11 CHAIRMAN HOOD: Okay. Let me
12 first start with Commissioner Cohen's
13 comments. She submitted an email. She is
14 unable to -- she is still recuperating, so she
15 submitted an email today.

16 First of all, she wanted to thank --
17 oh, she says, "I want to thank the Office of
18 Planning." She thought that the Office of
19 Planning did a terrific -- terrific job in the
20 summarizing of the comments, and she wrote in
21 parentheses, "Especially using my magnifying
22 glass. So, I hope you will commend them for

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1 their effort."

2 So, I wanted to do that. It is a
3 little small, but I understand. First, when I
4 saw this, I said, "I am going to need glasses,
5 myself, and a magnifying," but I understand why
6 we had to do it like this, on this 11-by-17,
7 which was fine.

8 She also mentions that one of the
9 things that she did not see, live/work space.
10 Her concern was people should be allowed to work
11 from their homes and on garages under certain
12 requirements, such as noise level.

13 That is one of the things that she
14 would like for you all to look at. And, if she
15 is watching, I am sure that she knows -- she
16 mentioned that here, how Steve Jobs invented
17 Apple in his garage and Einstein discovered
18 electricity in his garage.

19 So, I want her to know she is not the
20 only one that knows about Einstein, because
21 Einstein's parents were told from his teachers
22 that he -- he was not going to amount to

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1 anything, and look what he did.

2 So, her -- and actually, he was
3 home-schooled. So, anyway, I want Ms. Cohen to
4 know she is not the only one that reviews things
5 like that.

6 She -- let me see. Business
7 license. Oh, she also has -- talking about
8 business license control number, business
9 hours, number of employees and type of
10 businesses.

11 Many, many cities allow live/work.
12 So, she is really pushing that, and she talks
13 about how San Francisco and Oakland and others
14 have really wanted to do that, so she is asking
15 that you look into that.

16 I have a few quick things I want to
17 run down right quick. I would like to really
18 understand what are we proposing here as a
19 matter of right as opposed to some of the things
20 now that -- that, in the old code, required
21 special exception and public input.

22 If you can just give me that list,

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1 that would be very helpful for me to have to go
2 search and find it.

3 And one of the things that I thought
4 -- and I actually agree with Chris Otten. I am
5 sorry he wasn't here to hear this. He
6 mentioned that the -- we thought that the code
7 was going to get easier.

8 Maybe it is. Maybe it -- I am like
9 everyone else. I need to understand and have
10 a tutorial, which I have asked Ms. Steingasser
11 for, a new Zoning Code 101 so I can understand
12 how we are going from an old code which -- which
13 worked, to a new code which is supposed to be
14 better and more effective and efficient, but it
15 has more pages.

16 Here is another issue that I have.
17 I have learned to deal with the conversion table
18 and the codes. At first I had a problem with
19 it, but I would just ask, for example, where we
20 have subtitle G in mixed use, instead of just
21 saying "M," can say "MU"?

22 I mean, I am just putting this up for

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1 consideration because, to me, "M" -- I mean,
2 would -- initially, when I came in, I wanted to
3 keep the classifications as we had them.

4 But now I am looking and I am saying,
5 "Well, okay, we have got M down here for mixed
6 use. What about "MU"? Yes, there are a couple
7 of them.

8 And I actually mentioned that about
9 the apartment use. I see this on the
10 residential apartment, or whatever we said.

11 But, I think, as close as we can get
12 to what we are doing, like we have neighborhood
13 commercial. Let's say "NC." You know, I
14 don't know of any other codes -- I have never
15 been involved, I wasn't here in '58, but I just
16 think for -- for easiness and being able to
17 apply from the layman's perspective and from
18 the community, I think it just -- when you say
19 "N," okay, what does "N" mean?

20 But if you say "NC" it means
21 neighborhood commercial. I think that will
22 help us retain it and make it easier for -- and

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1 if we can do that with some of the other
2 classifications.

3 But, let me ask, what is the -- on
4 page five, and I know you might not have this
5 handy, but page five of the conversion table
6 that was given to us, you have a legend existing
7 and legend proposed.

8 Help me understand that. If you
9 don't have it in front of you, don't worry about
10 it. That is something I need --

11 MR. LAWSON: I am sorry. I don't
12 have it in front of me.

13 CHAIRMAN HOOD: Okay. All right.
14 That is something I need help with.

15 MR. LAWSON: If somebody had a
16 copy, I am sure we could figure it out quickly.

17 I see what this is now. This is a
18 legend that we added at the end to -- so that
19 people who aren't familiar with either the new,
20 the existing or the new code, understand what
21 these letters refer to.

22 So -- so, for the existing codes,

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1 "R" stands for "residential." In the proposed
2 new code, "R" stands for "residential house,"
3 and so on down the list.

4 We absolutely agree with you that
5 the -- the names for the zones can be made much
6 more descriptive and Elisa and Jennifer have
7 already started to work on that, and that will
8 be part of what we bring forward, you know,
9 along with the reformatting.

10 We got some excellent suggestions,
11 particularly on -- on some of the -- some of the
12 areas that were current covered with overlays
13 of taking those zones and putting them in one
14 place so that all those zones are together.

15 We think that is a great idea. That
16 came from Billy Simpson, I think. That came
17 from Commissioner Simpson, and we thought that
18 was a great idea, so we are going to start
19 looking at that.

20 That will help as well, so that
21 people can navigate their way through the new
22 code.

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1 We still -- we still think that the
2 new code will be easier for people to use. It
3 will take some time because anything new takes
4 some time for people to understand, but we think
5 particularly now that we are in an electronic
6 age and 99 percent of people will be looking at
7 the code electronically, that it will help
8 people use it that way.

9 Although, we think even the paper
10 version will be easier to use than the current
11 one, we are constantly dealing with people who
12 do not understand what an overlay is and, in the
13 new code it won't be relevant anymore because
14 all those provisions will be just part of the
15 zone that they see.

16 So, we think it will be easier to
17 use, but it does have a way to go before it gets
18 there. And, you know, and again, we tried to
19 make it clear when that issue -- when that
20 version was issued that it was very much a draft
21 and it was intended to be that. So --

22 CHAIRMAN HOOD: I am actually glad

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1 to hear it, and I know that we have a lot of other
2 things that we need to do, but let me just run
3 down a quick list.

4 I have a concern about the ADU's. I
5 think I commented while Commissioner May was --
6 the overlays. I am still concerned about --
7 about overlays because I know, over the years,
8 residents of this city worked hard to put
9 overlays in place, and I am still not sure --
10 I am still not following that argument.

11 And I use the one in my neighborhood
12 about the Lincoln overlay. I am just -- I am
13 just not -- I am not there. Again, that may be
14 part of the process for me to have to -- and I
15 am going to be the example.

16 I may be the one that has to go
17 through the code 101. I am not going to sit up
18 here and pretend like I know it all, because I
19 don't, but I know that residents' concerns I
20 have heard at the -- the many hearings that we
21 have had is that the overlays will work hard by
22 communities and they are germane to their

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1 specific needs in their specific areas. So,
2 for me, that is going to be a hard sell.

3 Now, this -- this special condition
4 or overlay or whatever we put in for Georgetown,
5 that has caused a lot of -- I don't want to say
6 "controversy," but other neighborhoods have
7 gotten upset.

8 And I know that Georgetown put the
9 time into it. There are some things that they
10 are getting that is not universal to the whole
11 code, and I think that needs to be looked at
12 because, you know, Georgetown is a part of the
13 city also, and I think other areas of the city
14 deserve the same.

15 While I know they might not have
16 some of the expertise, we still need to make
17 sure that this code is for the -- for the -- for
18 all the residents of the city where it is
19 germane and where it improves.

20 I am glad to hear about the grocery
21 stores. I think that came across stunning.
22 But the way -- but, as mentioned earlier about

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1 the sale of alcohol, but I am glad to hear that
2 public input for the groceries store -- I mean,
3 the corner stores, as opposed to grocery
4 stores, is still going to have some type of
5 special exception tool where we can still have
6 public comment.

7 Again, I have asked about what has
8 changed in this code from a matter of right,
9 from some kind of public input, special
10 exception or variance or some type of public
11 process to a matter of right, which takes away
12 the voice of the community. I am very
13 concerned about that.

14 Let's see. And there was one about
15 data. Ms. Vitale, I am not going to say I
16 didn't like your answer, but maybe I just didn't
17 understand it.

18 Oh. The other one that I asked
19 specifically, in Ward 5, I know we have those
20 little houses that -- they call them "tiny
21 houses," and I mentioned that many times, and
22 what we have here says the building code

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1 controls minimum residential size and when a
2 use is temporary.

3 Those tiny houses are operating and
4 I know specifically in one ward where they are
5 in the alley lot, and they are supposed to be
6 for planting of flowers. They are having
7 parties and everything else, and how to get
8 around the zoning code.

9 And I think I mentioned this in the
10 hearing. We have to deal with that, just like
11 we need to deal with pop-up's. They sit on a
12 trailer and people are living and everything
13 else in there, and I can -- I can assure you that
14 that is happening and that is something we need
15 to deal with.

16 I think that there is -- well,
17 something that needs to be dealt with within the
18 zoning code. And again, how they get around
19 zoning is they sit up on a trailer.

20 I don't figure all that out, but you
21 have this referenced in -- call it micro units
22 on trailers. That is what you had a proposed

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1 lease to address micro units on trailers. That
2 is what I am looking for.

3 And you said you have it, but I don't
4 see any notes, so I guess do's and don't's on
5 alley lots is what I wrote, made myself a note.

6 Okay. You have already looked at
7 the classifications. There was something
8 about data, and I may have -- you all have a few
9 minutes. I am not -- is anybody rushing?

10 Okay. Let me -- let me find it.

11 I was glad to hear about -- see about
12 the big box. It looks like we have heard about
13 big box, and we are looking to do a special
14 exception. Am I correct on big box?

15 MR. LAWSON: We are certainly
16 looking at that. We -- yes. Yes, we are
17 looking at that.

18 CHAIRMAN HOOD: Okay. And I
19 noticed that one of the things we heard, that
20 we were expanding -- and I really didn't see any
21 notes here, but one of the comments was that the
22 Zoning Commission -- well, what is being

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1 proposed is expanding the downtown area and it
2 looks like the CEA, Central Employment Area, is
3 defined by the comp plan.

4 The way I read all of that, the comp
5 plan is adopted by the City Council, so it will
6 take an action from the City Council to expand
7 the downtown area. Is that it? That is what
8 I read.

9 There is nothing here in the
10 conclusions for the Office of Planning notes,
11 but that was -- I forgot who it was that said
12 that we were -- the Zoning Commission in the
13 proposal was expanding the downtown area, but
14 I don't see anything that says that we are not
15 doing that.

16 MR. LAWSON: Well, what we are
17 proposing to do is expand the area within --
18 within which the downtown provisions, the
19 provisions that currently apply to the downtown
20 overlay would apply.

21 And that expanded area is all shown
22 on the comprehensive plan as high-density,

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1 high-density mixed use, high-density
2 residential, high-density commercial.

3 Much of the area we would expand to
4 is already a TDR receiving zone, so it is
5 already tied to the downtown and in those areas
6 you can already do maximum height, maximum
7 density by right, without a POD, without any
8 kind of a process.

9 We are proposing some changes in
10 those areas. In other words, the additional
11 density that you would achieve would be only for
12 residential and that additional density would
13 be -- and it would also be subject to
14 inclusionary zoning for affordable housing.

15 So, yes, we believe there is
16 absolutely language in the comprehensive plan
17 to support what we are proposing and -- but it
18 has certainly generated some discussion, yes.

19 CHAIRMAN HOOD: So, basically we
20 are not expanding it now, we are expanding some
21 of the uses and some of the items that are now
22 taking place in downtown.

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1 So, in essence, we are expanding
2 downtown.

3 MR. LAWSON: Where -- well, first
4 of all, we are not expanding it to any place that
5 is not already downtown. Like, I mean, are
6 subject to provisions similar to the downtown.

7 So, yes, we are capturing the
8 existing downtown, what is the downtown, what
9 functions as the downtown in -- in providing the
10 same, or -- requirements, the same zoning that
11 exists in the current downtown overlay and then
12 updating it and, you know, for these new areas.

13 CHAIRMAN HOOD: Okay. One of the
14 things, Mr. Lawson, that I have heard
15 previously is that whenever -- and I have heard
16 this a lot during the hearings, but the Zoning
17 Commission gave us guidance.

18 I want to correct and say this, the
19 Zoning Commission's guidance on a lot of our
20 concept, things that were being proposed to us
21 was very vague.

22 I really think that we looked at a

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1 lot, and it didn't have any specifics. We
2 always say let's look at text. So, one of the
3 things that I know my colleagues -- I think Mr.
4 Turnbull and myself asked for was a comparison
5 of changes.

6 "We would like to see" -- this is
7 what it says. The comment was, "We would like
8 to see a statement of reasoning included with
9 the comparisons."

10 And the comment is, "OP will provide
11 the background reports and Zoning Commission
12 guidance and rationale for proposed changes."

13 I want to see a little more than
14 that. I want to see why that was even proposed
15 like that. A lot of times we would get ten
16 questions, and I thought it was good going
17 along, but to understand the full intent of what
18 was saying, okay, should we go this way or
19 should we make a left at this street, and then
20 what happens after that.

21 That is the problem. How do we get
22 to even saying we should make a left here? I

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1 mean, go straight on this and then make a left
2 at this street.

3 So, the statement of reason of why
4 some of the things were proposed, besides what
5 the Zoning Commission said, why was it even
6 brought to us in the proposal? What was the
7 statement of reason?

8 I think that came from one of the
9 residents, or somebody during the hearings.
10 And we mentioned it here. And I looked at this
11 last night and I didn't see where we had any
12 comments.

13 So, if we could find out what some
14 of the change -- I know about the BZA. I
15 understand that. I understand about it. We
16 looked at some of the cases that the BZA hadn't
17 tried to make -- I understand that, but what are
18 some of the other statement of reasons of why
19 we are making some of the changes?

20 MR. LAWSON: Sure. Well, that
21 would have been all in the Office of Planning
22 reports that went to you before you issued your

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1 guidance.

2 CHAIRMAN HOOD: Okay.

3 MR. LAWSON: So, -- and we
4 certainly didn't mean to imply that we felt that
5 the Zoning Commission guidance gave us kind of
6 unfettered direction on exactly what direction
7 the Zoning Commission wanted us to go because
8 absolutely, in many cases, you made it clear
9 that what you were interested in was seeing what
10 this looked like, or investigating options.

11 What we are trying to say is that we
12 don't feel that we brought anything further
13 that is inconsistent with the guidance that you
14 gave us, except in some, you know, some very
15 specific areas where we have -- where we have
16 made that very clear.

17 For example, the original guidance
18 was to review sideyard setback requirements for
19 low-density residential, and I think we
20 discussed with you, with the Zoning Commission,
21 why we decided not to go forward with that
22 proposal, and that was due to neighborhood

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1 concerns.

2 So, -- so I think it is all there.
3 I guess I am not quite clear what it is that the
4 Chair is looking for at this time.

5 CHAIRMAN HOOD: I am probably
6 looking for some -- there are so many different
7 moving parts. It is unfortunate I don't do
8 this all day, so -- so I may miss some things.

9 But, anyway, I will go back and look
10 at some of those reports, if I have them. If
11 not, I will ask for them again.

12 The other thing is, let's go to the
13 party status. That party status issue -- and
14 I heard my colleagues mention it again. We
15 looked at that once before. We looked at it
16 again, and I agree. We need to find a way to
17 where we can deal with that party status issue
18 prior to the hearings, some kind of way.

19 I am not sure -- you know, we have
20 tossed a number of things around about ten years
21 ago, and we are still in the same place that we
22 were then. At some point in time we need to at

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1 least come up with a solution and stop, maybe,
2 putting it on down years and years. I think
3 this is the time to do that.

4 MR. LAWSON: Yes. We are happy to
5 work with the Office of Zoning and OAG on that
6 question.

7 CHAIRMAN HOOD: I have a lot more,
8 but I am going to stop this. I can tell you that
9 when we get ready to have some more discussions
10 and then deliberate, we are probably going to
11 need a little more time so we can take our time
12 and really go through this and hash some of the
13 things out.

14 Because, I am sure some of the
15 things that I said that my colleagues may not
16 necessarily agree. Some of the things they
17 said, I may not necessarily agree, or we may not
18 necessarily agree.

19 So, I think -- I think this is going
20 to be a very long process to the point where
21 we need to really make sure that we have
22 adequate times, colleagues, when we discuss

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1 this, because I know we have much more, not just
2 try to run through that right quick.

3 Okay. Again, -- what are the
4 dates, Ms. Schellin? January -- I mean, June.

5 MS. SCHELLIN: June 16th if OP
6 could submit that by June 16th, then we can put
7 this on the June 30th agenda for the Commission
8 to take up.

9 CHAIRMAN HOOD: And you know what
10 would be very helpful now, my colleagues and I
11 have -- and I am going to speak for myself. You
12 all let me know if you disagree.

13 For those who are providing this
14 information, try to get straight to the point.
15 The background from 1930 is helpful, but try to
16 make sound bites. It is very helpful, because
17 we have a lot to read.

18 We have our normal caseload, and it
19 helps us, at least this Commissioner, if we get
20 straight to the point about what your concern
21 is or whatever we are doing because we -- we want
22 to make sure we get public input to continue as

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1 we left the record open till the 16th.

2 MS. SCHELLIN: And this also,
3 because there will be a meeting before the due
4 date, the June -- I think it is the 9th, whatever
5 the first June meeting is.

6 If OP has any questions about
7 anything that the Commission has said they
8 would like them to bring back, if they need any
9 clarification, if they have any questions for
10 clarification, they could bring that up at the
11 first June meeting and ask those questions in
12 time for -- before the due date also.

13 CHAIRMAN HOOD: All right.

14 MS. SCHELLIN: So, if they need to
15 come back and a clarification question they
16 could do that at the first meeting.

17 CHAIRMAN HOOD: First meeting is
18 June the 16th? No?

19 MS. SCHELLIN: The due date is June
20 16th and I am just saying if that -- if they have
21 any questions, if they need to get any
22 clarification, that would be the June 9th

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1 meeting.

2 CHAIRMAN HOOD: June 9th meeting?

3 MS. SCHELLIN: Yes.

4 CHAIRMAN HOOD: Okay. Not the
5 12th. Don't listen to me.

6 MS. SCHELLIN: Yes.

7 CHAIRMAN HOOD: I also want to
8 thank the Office of Planning. I think you all
9 have done a yeoman's job in putting all this
10 together.

11 You have taken some hits from us and
12 from all of us. We all are taking hits, but I
13 think, as my colleagues have already mentioned,
14 we appreciate what you do and it is not
15 personal, but we are trying to make sure we get
16 the best code that we can for the city.

17 I know you say, well, we just did
18 that. We have to go back and look at that
19 again. And, again, you can ask -- tell Ms.
20 Steingasser for me, I need my new code 101 and
21 I am going to publicize that because I think
22 that I will not be the only person who is going

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1 to benefit from that session.

2 MR. LAWSON: We think that is
3 absolutely necessary, as well, and I know the
4 Office of Zoning has also already started to
5 think about how any changes, if there are any
6 changes, get rolled out, how they get
7 explained, how people are made very
8 comfortable, you know, whether they end up
9 liking or not liking what is eventually
10 approved.

11 They, at least understand what it is
12 and can work with it.

13 And I would just like to thank the
14 Commission. I found this just unbelievably
15 helpful tonight. This was -- this was really,
16 really good. Thank you very much.

17 CHAIRMAN HOOD: Okay. Again, we
18 thank you all. We appreciate all the work and
19 the time you all are putting in, as well as the
20 Office of Zoning, as well as the Office of
21 Attorney General, and my colleagues, alike, and
22 the public. We appreciate everything.

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1 Okay. So, do we have anything
2 else, Ms. Schellin?

3 MS. SCHELLIN: No, sir.

4 CHAIRMAN HOOD: Okay. So, we will
5 be back tomorrow night for our hearing. But,
6 anyway, with that, this meeting is adjourned.

7 (Whereupon, the meeting was
8 adjourned at 8:00 p.m.)

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