

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

JULY 14, 2008

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
GREGORY N. JEFFRIES, Vice Chairman
CURTIS L. ETHERLY, JR., Commissioner
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
STEVEN COCHRAN
MATT JESICK
STEPHEN MORDFIN
JOHN MOORE
TRAVIS PARKER

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on July 14, 2008.

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

2 6:06 p.m.

3 CHAIRMAN HOOD: We're going to
4 get started. This meeting will please come
5 to order.

6 Good evening, ladies and
7 gentlemen. This is the July 14, 2008 Public
8 Meeting of the Zoning Commission of the
9 District of Columbia. My name is Anthony J.
10 Hood. Joining me are Vice Chairman
11 Jeffries, Etherly and Turnbull. We are also
12 joined by the Office of Zoning staff, Ms.
13 Schellin, Office of Attorney General, Mr.
14 Rittig, and the Office of Planning, Mr.
15 Lawson and his staff.

16 Copies of today's meeting and
17 agenda are available to you and are located
18 in the bin near the door.

19 We do not take any public
20 testimony in our meetings unless the
21 Commission requests someone to come forward.
22 Please be advised that these proceedings are

1 being recorded by a court reporter, and are
2 also webcast live. Accordingly, we must ask
3 you to refrain from any disruptive noises
4 or actions in the hearing room.

5 Please turn off all beepers and
6 cell phones at this time.

7 Does the staff have any
8 preliminary matters?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Okay. I do have
11 a preliminary matter. I would like to move
12 the agenda around. First, we will deal with
13 our consent calendar, second we will deal
14 with final action, third we will deal with
15 proposed actions, and fourth we will deal
16 with hearing action. And then, after that
17 we will go into the proceeding as already
18 noted on our agenda.

19 Okay. Let's start right off. We
20 have no preliminary matters.

21 Consent Calendar, Zoning
22 Commission Case No. 05-38A. This is the

1 Marine View Trustee LLC -- Minor
2 Modifications to a PUD.

3 MS. SCHELLIN: Yes, sir, that is
4 before you for consideration of a minor
5 modification, and we do have a comment from
6 Commissioner May.

7 CHAIRMAN HOOD: Okay. As noted,
8 the comment, Commissioner May, tonight we
9 will be reading a number of his responses,
10 and I will tell you all it takes is for one
11 Commissioner to take it off of the Consent
12 Calendar, because of the requested
13 modifications, refinements to some of the
14 facades and roof structures, removal of the
15 for sale component, relocation of the pool
16 from the inside in the amenities building to
17 the outside, modifications to community
18 amenities package, and increasing the number
19 of residential units from 575 to 580. Those
20 are some of the concerns that I think that
21 Commissioner May had, and all it takes is
22 one Commissioner. But, since he's not here,

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1 he does not want to see this on the Consent
2 Calendar, he believes we should have a
3 hearing on the limits and scope of the
4 necessary changes.

5 But, what I would do, since he's
6 not -- that's his issue, but I wanted to see
7 if anyone else had any issues with it.

8 Hearing none, what do we need to
9 do?

10 MS. SCHELLIN: Well, are you
11 going to move it to set down, to hearing
12 action --

13 CHAIRMAN HOOD: Yes, we are going
14 to move it to hearing action.

15 MS. SCHELLIN: -- and consider it
16 then? Okay.

17 CHAIRMAN HOOD: Do we --

18 MS. SCHELLIN: If you are willing
19 to do that.

20 CHAIRMAN HOOD: -- is everybody
21 in agreement?

22 MS. SCHELLIN: To move it to --

1 CHAIRMAN HOOD: I already
2 explained it only takes one Commissioner to
3 remove it from the Consent Calendar.

4 MS. SCHELLIN: -- so you can
5 consider it for set down when you do hearing
6 action?

7 CHAIRMAN HOOD: Let's move it to
8 set down.

9 Thank you, Ms. Schellin, and if
10 you could help me remember that.

11 Okay, that will be E, Zoning
12 Commission Case 05-38A, and that will be E
13 on the set down.

14 Okay, next, Zoning Commission
15 Case No. 05-36B. This is the K Street
16 Developers LLC for Minor Modification to the
17 PUD.

18 Ms. Schellin.

19 MS. SCHELLIN: The staff has
20 nothing further to add, other than to advise
21 that Commissioner May has made a comment on
22 this case.

1 CHAIRMAN HOOD: Okay. This case,
2 if you'll remember, this was a two-stage
3 application, and in the second stage there
4 was an issue about the open courtyard, and
5 I'm not sure which Commissioner it was right
6 off the top of my head, but there was an
7 issue about the access for public use, and
8 we asked, and I think the applicant was
9 asked, if we'd clean this up by OAG, I think
10 it's pretty straightforward, and what it,
11 basically, does is, it allows for the
12 residents who are in the phase one of the
13 project to be able to only have access after
14 the 7:00 p.m. hour, and that kind of cleans
15 it up and, basically, it's a modification
16 from our first stage PUD, in which we had,
17 initially, dealt with in our second stage.

18 Any other comments? Anybody see
19 any difficulty, especially those who may
20 have raised it?

21 Commissioner Turnbull?

22 COMMISSIONER TURNBULL: Mr.

1 Chair, weren't the hours, though, the same
2 originally, or am I -- wasn't it only going
3 to be open for a set period of time to the
4 public?

5 CHAIRMAN HOOD: Right, the hours
6 from I think 11:00 a.m., and I'm going off
7 the top of my head because, unfortunately, I
8 can't find my paper, but anyway, at 11:00
9 a.m., to 7:00 p.m., but the issue is the
10 part with the phase one that was being
11 built, only the residents who live in that
12 area will have access to that part.

13 VICE CHAIRMAN JEFFRIES: It was a
14 two-level court.

15 CHAIRMAN HOOD: Right.

16 VICE CHAIRMAN JEFFRIES: And, the
17 first level that was the ground floor would
18 be open to the public, but then the second
19 level was restricted to residential use, to
20 the residents only.

21 CHAIRMAN HOOD: Well, and the
22 applicant also mentions, Mr. Turnbull, they

1 are going to be working with the
2 Metropolitan Police Department and other
3 security entities to make sure that's a
4 win/win.

5 As I read further on, I had a
6 concern at first until I found out they were
7 bringing in those subject matter experts.

8 COMMISSIONER TURNBULL: Does Mr.
9 May have a concern about this?

10 MS. SCHELLIN: No.

11 CHAIRMAN HOOD: He doesn't have a
12 concern? Thank you.

13 VICE CHAIRMAN JEFFRIES: I
14 thought we had talked about this
15 extensively.

16 If I can ask the Office of
17 Planning, I thought we had talked about, you
18 know, this court, you know, being, you know,
19 having two different distinct areas, and I
20 guess I'm not certain of why we are here for
21 a minor modification.

22 MR. COCHRAN: The Chairman is

1 correct in that the Office of Planning had,
2 basically, asked this to be cleaned up.

3 When you passed the original PUD,
4 you specified and gave us a condition, I
5 think it was eight, that 27,000 square feet
6 of the courtyard be open to the public.

7 With the bi-level courtyard,
8 roughly, 15,000 is open to the public and
9 13,000 is private. So, we are just asking
10 for that condition to be modified to reflect
11 what has been proposed by the applicant.

12 And, as the Office of Planning
13 said in its report for the hearing, that we
14 would certainly have no problem with this.

15 VICE CHAIRMAN JEFFRIES: Yes,
16 okay, that's fine. Actually, I was here for
17 the first one, and I do recall that we were
18 concerned about the entire courtyard being
19 accessible to the public.

20 COMMISSIONER TURNBULL: Well, I
21 guess that was my concern, so like why are
22 we here, I mean, it sounded like we had

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1 already agreed on this, and I'm trying to
2 figure out what the change was.

3 VICE CHAIRMAN JEFFRIES: Well,
4 it's been bifurcated now.

5 MR. COCHRAN: You made it clear
6 when you decided the last time that the
7 applicant was expected to file something to
8 clarify which was public, which was private.

9 VICE CHAIRMAN JEFFRIES: Okay.

10 MR. COCHRAN: And, they are just
11 following up on what you asked them to do.

12 VICE CHAIRMAN JEFFRIES: Okay,
13 thank you.

14 CHAIRMAN HOOD: Any other
15 comments?

16 I think this is pretty
17 straightforward. I would move approval of
18 Zoning Commission Case No. 05-36B, for the
19 use of a portion of the central plaza
20 located within the consolidated PUD shall be
21 limited to the residents of the consolidated
22 PUD, and I would ask that we take reference

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1 exhibit, I guess this is Exhibit 1, as the
2 correction that we are going to move forward
3 for this minor modification and ask for a
4 second.

5 COMMISSIONER TURNBULL: Second.

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

8 All those in favor?

9 (Ayes.)

10 CHAIRMAN HOOD: Any opposition?

11 So, staff, would you record the
12 vote and also the proxy vote.

13 MS. SCHELLIN: Yes, sir. Staff
14 records the vote 5-0-0 to approve Zoning
15 Commission Case No. 05-36B, Commissioner
16 Hood moving, Commissioner Turnbull
17 seconding, Commissioners Jeffries and
18 Etherly in support, Commissioner in May in
19 support by absentee ballot.

20 CHAIRMAN HOOD: Okay, thank you.

21 As I rearranged the agenda, we
22 will now go to final action. And again, I

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1 apologize if we inconvenienced anyway, but
2 we figured this would be a more efficient
3 way to move rather quickly and get everybody
4 out of here in a reasonable period of time.

5 Final action, Zoning Commission
6 Case No. 05-30A. This is the West*Group
7 Development Co., LLC -- Time Extension.

8 Ms. Schellin?

9 MS. SCHELLIN: Staff has nothing
10 further to add to this, other than just to
11 say that we have received a response from
12 the ANC and the party in opposition. I
13 don't have it in front, I think it's
14 Citizens -- yes, Citizens Aware, and ANC-4B,
15 along with response from the applicant to
16 ANC-4B's letter.

17 CHAIRMAN HOOD: For my
18 colleagues, this came in, a lot of this
19 material came in in response to this e-mail.
20 I think we have a request -- no, this is not
21 the request to open the record is it, Ms.
22 Schellin?

1 MS. SCHELLIN: No, sir, this is
2 just the straight final action, one vote for
3 a time extension.

4 CHAIRMAN HOOD: Okay, yes, this
5 is a request from West Group Development for
6 a time extension, and they mention in their
7 submittals some reasons, necessarily, why
8 they were held up, and some things that
9 changed for them, there was litigation, some
10 other things, which some of it is not within
11 our purview, but they are asking for an
12 extension because I think a lot of things
13 have been resolved.

14 So, I will tell you, looking at -
15 - and I will tell you, looking at the
16 submittal from the Citizens Aware Block
17 Organization, and I understand the ANC also
18 submitted, the ANC has asked us to have a
19 special hearing on the West Group's request
20 to extend the amount of time it has to build
21 its PUD.

22 I think with what was submitted

1 to us, I think Citizens Aware, I could not
2 word it any better than what they did and
3 I'll read from this submittal, which is
4 Exhibit 3, on page four, and it says:
5 "Citizens Aware Response to Zoning: As
6 noted above, Section 248.12 ...," which is
7 about our code, our regulations, "... of the
8 Zoning Regulations provided that a public
9 hearing on the extension validity is
10 necessary only if there's a material factual
11 conflict that has been generated by the
12 parties to the PUD regarding the extension
13 criteria, which in this instance is the
14 subject property has been subject to
15 litigation, inability of applicant to secure
16 financing ...," these are things that the
17 applicant has pointed out.

18 "We have confirmed the existence
19 of the lawsuit and are well aware of the
20 conditions in today's real estate market. I
21 think that's the key for us. Therefore, we
22 are not requesting a public hearing on this

1 matter. We hope and expect this process to
2 result in more improved communication
3 between applicant and the community."

4 And, we would hope the same
5 thing, too. So, I am not in objection. I
6 think the time frame goes to 2011, I think
7 it's January, 2011.

8 But, let me just say that the
9 ANC, taking note of Chairman Sloan, Advisory
10 Neighborhood Commission 4B, held a special
11 public meeting on 6/30, they are requesting,
12 "We are adopted the following resolution
13 411, roll call vote, Advisory Neighborhood
14 Commission 4B asks that the Zoning
15 Commission hold a special public hearing on
16 the West Group's request to extend the
17 amount of time it has to build its PUD."

18 I will tell you, colleagues, I am
19 in favor of Citizens Aware, I think they
20 quoted correctly. I think nothing has
21 really changed, other than the inability and
22 the existing market, and with that I would

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1 be in favor of moving for a time extension.

2 COMMISSIONER TURNBULL: I agree,
3 Mr. Chairman.

4 CHAIRMAN HOOD: Any other
5 comments?

6 VICE CHAIRMAN JEFFRIES: The
7 Citizens Aware Block Organization is just a
8 -- what's that organization?

9 CHAIRMAN HOOD: If you recall,
10 that was the party that was -- they actually
11 were in opposition.

12 VICE CHAIRMAN JEFFRIES: Okay.

13 CHAIRMAN HOOD: At the hearing.
14 The group, I think they were concerned about
15 slope and some other things.

16 VICE CHAIRMAN JEFFRIES: But,
17 that's right, they were a party, okay.

18 CHAIRMAN HOOD: All right. Okay.

19 with that, and, Ms. Schellin, the
20 date, if I'm correct, is -- the year is
21 January, 2011?

22 MS. SCHELLIN: I'm sorry, I don't

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1 have it in front of me, but I think that is
2 correct. They've lost a year, I think, is
3 what they were saying.

4 CHAIRMAN HOOD: Okay, thank you,
5 Commissioner Etherly. Thank you.

6 PUD no later than January 19,
7 2011, construction must start no later than
8 January 19, 2012. What I would do is move
9 approval of the time extension as requested
10 in the applicant's submittal dated January
11 13, 2008, which is Exhibit No. 1 in the
12 Zoning Commission Case 05-30A, and ask for a
13 second.

14 COMMISSIONER ETHERLY: Second,
15 Mr. Chair.

16 CHAIRMAN HOOD: Moved and
17 properly seconded.

18 Any further discussion? Any
19 further discussion?

20 All those in favor?

21 (Ayes.)

22 CHAIRMAN HOOD: Any opposition?

1 Hearing none, Ms. Schellin could
2 you record the vote with the proxy?

3 MS. SCHELLIN: The staff records
4 the vote 5-0-0 to approve the two-year time
5 extension in Zoning Commission Case No. 05-
6 30A to January 19, 2012, Commissioner Hood
7 moving, Commissioner Etherly seconding,
8 Commissioners Jeffries and Turnbull in
9 favor, Commissioner May in favor by absentee
10 ballot.

11 CHAIRMAN HOOD: You know, now
12 that I -- you know, this always happens, and
13 then I found my submittals. I had wrote a
14 note down, what was the vote? I wish we
15 could find out what the vote was.

16 MS. SCHELLIN: That was -- that
17 was for our order, that's what that note is
18 probably for.

19 CHAIRMAN HOOD: Oh, okay. Okay.
20 But, I know when it was given back to us I
21 know the vote -- oh, that was on us?

22 MS. SCHELLIN: That was on us.

1 CHAIRMAN HOOD: Okay, disregard
2 that. Okay.

3 Okay, next, Zoning Commission
4 Case No. 07-30. This is the Office of
5 Planning Map Amendment for the Marshall
6 Heights Area.

7 Ms. Schellin?

8 MS. SCHELLIN: Staff has nothing
9 further on this one, other than I do have an
10 absentee ballot for Mr. May.

11 CHAIRMAN HOOD: Okay, thank you,
12 Ms. Schellin.

13 We have a request for rezoning.
14 Basically, colleagues, if you remember, the
15 purposes of this map amendment was to rezone
16 the properties in the Marshall Heights
17 neighborhood currently zoned R-5-A to a
18 lower intensity zone consistent with the
19 District elements of the Comprehensive Plan.

20 We had a full-fledged case where
21 we are going from the R-5-A to the R-2, and
22 some squares and lots to the R-3 Zone

1 District, and we have here, from the
2 National Capitol Planning Commission, that
3 they found that the amendment would not be
4 inconsistent with the Comprehensive Plan for
5 the National Capitol, nor would it have an
6 adverse impact on other Federal interests.

7 I think this is -- our hats are
8 off, and I applaud the community, and also
9 the Office of Planning, Mr. Moore and
10 others, for getting this done. I think the
11 folks in Ward 8, this is a long time, and
12 this has been coming for a while, and it
13 needed to be done.

14 So, what I will do is, I will
15 open it up for any comments.

16 Hearing none, I will move
17 approval of Zoning Commission Case No. 07-
18 30, the Map Amendment as stated previously
19 in my comments, and ask for a second.

20 COMMISSIONER TURNBULL: Second,
21 Mr. Chair.

22 COMMISSIONER ETHERLY: Second,

1 Mr. Chair.

2 CHAIRMAN HOOD: Okay, moved and
3 properly seconded.

4 Any further discussion? Further
5 discussion?

6 All those in favor.

7 (Ayes.)

8 CHAIRMAN HOOD: Any opposition?

9 So ordered.

10 Staff, would you record the vote
11 with the proxy?

12 MS. SCHELLIN: Yes. Staff
13 records the vote 5-0-0 to approve final
14 action in Zoning Commission Case No. 07-30,
15 Commissioner Hood moving, Commissioner
16 Etherly seconding, Commissioners Jeffries
17 and Turnbull in favor, Commissioner May in
18 favor by absentee ballot.

19 CHAIRMAN HOOD: Okay, thank you,
20 Ms. Schellin.

21 I think this next case I will
22 turn over to the Vice Chairman.

1 VICE CHAIRMAN JEFFRIES: Thank
2 you, Mr. Chair.

3 The next case is a rulemaking
4 case on Zoning Commission Case No. 07-34,
5 Sellin & Busch, it's a Map & Text Amendment
6 at Dupont Circle.

7 Ms. Schellin?

8 MS. SCHELLIN: Yes, sir, we did
9 get a -- have an NCPC report showing no
10 adverse effects, and also there was one
11 comment to our proposed rulemaking submitted
12 at Exhibit No. 41.

13 VICE CHAIRMAN JEFFRIES: Okay.

14 (Whereupon, off-the-record
15 comments.)

16 VICE CHAIRMAN JEFFRIES: Okay, so
17 we might recall this case. It was a
18 proposed map amendment that would rezone the
19 area generally bounded by STU and 15th and
20 16th Streets and New Hampshire Avenue.

21 I recall from our hearing that we
22 were pretty much on board with what was

1 actually being proposed, in terms of the
2 map and text amendment.

3 There was a question, however, I
4 recall, as related to non-conformities. I
5 mean, as we know, when we do sort of
6 sweeping rezoning of areas there are results
7 in residual non-conformities. I think there
8 was a question as related to English
9 basements, and certificate of occupancies,
10 and I don't know, was there anything -- I
11 don't think there was anything in the file?

12 MS. SCHELLIN: Right, nothing was
13 submitted. However, I think that the Office
14 of Planning may be able to shed some
15 response or light on that issue.

16 VICE CHAIRMAN JEFFRIES: Yes, if
17 the Office of Planning could speak about
18 that, because I believe that was one of the
19 conditions before we took a vote.

20 MR. JESICK: Good evening,
21 members of the Commission. My name is Matt
22 Jesick.

1 Yes, I believe the Commission
2 asked whether a Certificate of Occupancy
3 would be required for a flat in the R-4
4 District, and we did confer with the Zoning
5 Administrator about that. He said that,
6 yes, a C of O would be required.

7 The only uses for which a C of O
8 is not required is a single-family dwelling
9 or a CBRF of six persons or less.

10 So, yes, a flat would require a C
11 of O. He did say, however, that if that C
12 of O was granted before final action that
13 the user would be, "grandfathered in." So,
14 anyone who has that use established by that
15 point would be set going forward.

16 VICE CHAIRMAN JEFFRIES: Okay, so
17 that means you just have to have your
18 application in, or a decision has to be
19 made?

20 MR. JESICK: I believe that you
21 have to have the C of O by the time the
22 action is taken by the Zoning Commission.

1 VICE CHAIRMAN JEFFRIES: Okay, so
2 do we have any sense of how many owners are
3 impacted by this?

4 MR. JESICK: Well, we have a
5 submission from the applicant, I believe the
6 Commission has it as well, it's dated March
7 12, 2008. although Office of Planning didn't
8 receive it until April 1st.

9 It appears to show about 30
10 units, or 30 properties, within the rezoning
11 area that would be made non-conforming. We
12 didn't actually double check this, but the
13 applicant at set down was required -- was
14 asked to provide that information, and so
15 they submitted it.

16 VICE CHAIRMAN JEFFRIES: Okay,
17 well, Commissioners, we've heard from the
18 Office of Planning. Any comments?

19 Mr. Turnbull?

20 COMMISSIONER TURNBULL: No, I'm
21 still in agreement with the change. I think
22 it's something we need to do.

1 VICE CHAIRMAN JEFFRIES: Yes, I
2 am, too. I mean, I appreciate the
3 individual that came before us expressing
4 their concerns, and, you know, obviously, I
5 think we understand that these map and text
6 amendments, you know, in terms of their
7 sweeping nature, sometimes, you know, some
8 of us get caught up, but, you know, we
9 really have to look to the larger good.

10 So, if there is no opposition,
11 then I would move approval of final action
12 for Zoning Commission Case No. 07-34, Sellin
13 & Busch, map & text amendments at Dupont
14 Circle, and ask for a second.

15 COMMISSIONER TURNBULL: Second.

16 VICE CHAIRMAN JEFFRIES: Okay,
17 and then all those in favor?

18 (Ayes.)

19 VICE CHAIRMAN JEFFRIES: Opposed?

20 Abstain?

21 Okay, Ms. Schellin, the vote?

22 MS. SCHELLIN: Hold on for one

1 second, I'm sorry, I have to read this.

2 Commissioner May abstains.

3 VICE CHAIRMAN JEFFRIES: Okay.

4 MS. SCHELLIN: So, we'll record
5 the vote, 3-0-2, to approve final action in
6 Zoning Commission Case No. 07-34,
7 Commissioner Jeffries moving, Commissioner
8 Etherly seconding -- I've got this mixed up
9 -- Commissioner Turnbull seconded that,
10 Commissioner Etherly voted in favor, and
11 Commissioner May abstained, Commissioner
12 Hood not voting, having not participated.

13 VICE CHAIRMAN JEFFRIES: Okay,
14 thank you very much, Ms. Schellin, and I'll
15 hand it back over to the Chair.

16 CHAIRMAN HOOD: Okay, thank you,
17 Vice Chair, and, Ms. Schellin, you are not
18 that confused, because you didn't call Mr.
19 Parsons name. I'm the only one --

20 Okay, next on the agenda is
21 Zoning Commission Case No. 03-12/03-13, this
22 is Square 769, LLC, a PUD Modification on

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1 the Capper Kosberg HOPE IV Redevelopment
2 Project.

3 Ms. Schellin.

4 MS. SCHELLIN: Yes, sir.

5 We do have, from the applicant, a
6 request to open the record to accept their
7 filing at Exhibit 32, which is a response to
8 NCPC's report, which was received after
9 their response.

10 So, if we could have the
11 Commission make a decision on whether to
12 reopen the record to accept their filing or
13 not.

14 CHAIRMAN HOOD: Colleagues, I
15 will tell you, I'm more of a one-pager on
16 the night of hearing, I mean, of a meeting,
17 I'm more of a one-pager, and this right
18 here, we will not -- it would not be due
19 diligence for us to say that we have
20 reviewed this tonight.

21 So, I am in the process of not
22 accepting this for the record. I have not

1 read it, and give it back to Ms. Schellin,
2 and I think you return it.

3 Normally, we don't like to do
4 that, but, you know, night of a meeting, a
5 one-pager would do a lot better for us,
6 because we spend a lot of our weekends
7 reading.

8 So, I would like to have this
9 sent back, in my opinion, gentleman, is to
10 send this back to the applicant. I think we
11 can deal with this accordingly.

12 Any other discussion?

13 Okay, just general consensus.

14 Okay. All right, we're going to send this
15 back.

16 So noted.

17 The other issue is, we have
18 before us final action -- anything else, Ms.
19 Schellin?

20 MS. SCHELLIN: Just that we did
21 receive the NCPC report, and they do have
22 the issues with regard to this project.

1 CHAIRMAN HOOD: Okay.

2 Colleagues, we took proposed action to
3 approve a modification to a planning and
4 development located at 250 M Street. The
5 proposed modification is to increase the
6 overall height to 130 from the approved 110,
7 to increase the numbers of floors to 11. I
8 think as you all remember, the gross floor
9 area modified an 11-floor design and roof
10 structure design, we had a full hand on
11 that, that modification. I think that one
12 of the issues that has arisen by the
13 National Capitol Planning Commission is an
14 issue that we have seen in the past about
15 the violation of the Height Act.

16 I believe that the same thing is
17 applicable here. While the surveyor decides
18 the width of the streets, and the Zoning
19 Administrator decides the violation, unless
20 we blatantly see one up front during our
21 hearing process, I think this applies here.
22 We've had this very recently. It seems

1 like we are having it quite a bit here
2 recently, so I would be in favor of
3 proceeding as this Commission has done since
4 I've been here, and that is to make sure
5 that we put in those areas and delegations
6 of authority where it belongs, as opposed to
7 the Zoning Commission.

8 So, with that, I would open up
9 for comments. Anything further?

10 With that, and we are not -- we
11 are not just pushing NCPC aside, we take it
12 very seriously, but I also think there are
13 other venues, the Surveyor's Office deciding
14 the width of the street, the ZA decides,
15 unless we see it up front, the violation of
16 -- if there are any violations of the Height
17 Act, and we did not mention that in our
18 hearings, and I don't think it's time for us
19 to deviate from our normal process.

20 Anything further?

21 COMMISSIONER TURNBULL: I would
22 agree, Mr. Chair. I think at this point in

1 time that when the applicant submitted its
2 material they were representing the best
3 faith effort to us as to the width of the
4 street. If there's a change, I think that's
5 -- if there's something different, or an
6 interpretation based upon the actual width
7 of the street, I think the Zoning
8 Administrator will weigh in on that.

9 CHAIRMAN HOOD: Okay. Anything
10 else?

11 Okay, with that, I would approve
12 Zoning Commission Case No. 03-12F/03-13F,
13 Square 769 LLC PUD Modification and ask for
14 a second.

15 COMMISSIONER ETHERLY: Second,
16 Mr. Chair.

17 CHAIRMAN HOOD: Moved and
18 properly seconded.

19 Any further discussion? Any
20 further discussion?

21 All those in favor?

22 (Ayes.)

1 CHAIRMAN HOOD: Any opposition?

2 So ordered.

3 Staff, would you record the vote
4 with the proxy?

5 MS. SCHELLIN: Yes, sir.

6 Staff records the vote 5-0-0, to
7 approve final action on Zoning Commission
8 Case No. 03-12F/03-13F, Commissioner Hood
9 moving, Commissioner Etherly seconding,
10 Commissioners Jeffries and Turnbull in
11 favor, Commissioner May in favor by absentee
12 ballot.

13 CHAIRMAN HOOD: Okay, thank you,
14 Ms. Schellin.

15 Next, Zoning Commission Case No.
16 08-08, this is 3910 Georgia Avenue
17 Associates, et al., Consolidated PUD at 3910
18 and 3912 Georgia Avenue, N.W.

19 Ms. Schellin.

20 MS. SCHELLIN: Yes, sir.

21 We did receive a letter from ANC-
22 4C which supports the construction

1 management plan that was provided to them
2 from the applicant, also an NCPC report that
3 found that it would not be inconsistent or
4 have any adverse effects, and just this
5 evening I was handed a signed copy of what
6 is listed as Memorandum of Understanding, I
7 believe the new phrase is CBE Utilization
8 Agreement. So, that has been signed.

9 CHAIRMAN HOOD: Okay, so I'll
10 just scratch that off, because that was the
11 first thing I was going to open up with.

12 Thank you, Ms. Schellin.

13 We've heard the latest updates, I
14 think that was one of our issues, was the
15 CBE being signed, and as we have copies of
16 it we see that it has now been signed. That
17 was one of the things in the construction
18 management plan. I'm not sure if the
19 Commission would push for that, but anyway,
20 the applicant has complied -- I think we
21 did, the construction management plan, as
22 Ms. Schellin noted, already spoken about the

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1 NCPC report, and Advisory Neighborhood
2 Commission 4C.

3 But, let me do that, we have some
4 submittals that were in our packet of
5 renderings, and I would just like to open it
6 up for any final comment, or any concern, or
7 pause that any of us have.

8 Commissioner -- Vice Chair.

9 VICE CHAIRMAN JEFFRIES: Yes, I
10 believe I was one of the Commissioners who,
11 you know, had some concerns about, you know,
12 sort of articulation of the elevation. It
13 had a little bit of an animated, or almost
14 sort of cartoon kind of quality about it,
15 but they've blown it up, and you can see
16 more detail. In particular, the green
17 screen with clematis vines and so forth.

18 So, I think it gives a much
19 better representation as to what's going to
20 be at the site. We might sort of deal with
21 a very similar thing later on this evening.

22 But, I do wish that the ground

1 floor was a little more beefed up a bit, but
2 I do think that this is a great building in
3 terms of its energy, its green qualities and
4 so forth. And so, I'm ready to move forward
5 on this one.

6 CHAIRMAN HOOD: Okay,
7 Commissioner Turnbull?

8 COMMISSIONER TURNBULL: Mr.
9 Chair, I have no real problems. The only
10 thing that I -- and I believe we talked
11 about it with the applicant when they were
12 here, it's on the elevation which is -- is
13 that to the south -- it shows up on their
14 sheet 2 of 3, which they submitted, south,
15 yes, this is the south elevation. And, I
16 think we talked, was this, they have
17 something indicated as a temporary ad
18 location for permanent art installation at
19 17 feet by 21 feet, and I thought we'd --
20 we've gone through this before, although we
21 are covered by signs under the Building
22 Code, but we've looked at this as a PUD on

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1 different things as far as signs and what
2 these things are, how huge they get to be.

3 And, I think that's the only
4 thing that -- we don't know what it is, it's
5 permanent, temporary, to me it's just too
6 much in the open. I mean, my feeling is to
7 approve it, and if they want to come back as
8 a minor modification for a sign, then they
9 do that, but I just feel they ought to leave
10 that out until we know what's going on.

11 CHAIRMAN HOOD: So, Mr. Turnbull,
12 you are saying we should leave out this
13 temporary ad location.

14 COMMISSIONER TURNBULL: Right.

15 CHAIRMAN HOOD: Permanent art
16 installation, whatever it is.

17 COMMISSIONER TURNBULL: And, when
18 they have something that they can show us,
19 they come back for a minor modification.

20 VICE CHAIRMAN JEFFRIES: Look,
21 Mr. Chair, could Office of Planning, can
22 anyone speak about exactly what are the

1 plans here? I mean, it says temporary, and
2 then it says permanent. Do you have any
3 sense about it? I mean, is it just some
4 sort of canvas that can be easily removed?
5 Do you have any sense of what they are
6 thinking about?

7 MR. LAWSON: No. I've got to say
8 no.

9 VICE CHAIRMAN JEFFRIES: Okay.
10 Okay.

11 CHAIRMAN HOOD: Well, let me ask
12 this --

13 COMMISSIONER TURNBULL: I guess
14 it doesn't stop the project from going
15 forward, and if they have something genuine
16 in mind they can always come back. I just
17 hate leaving something like that out in the
18 open, like just hanging there.

19 CHAIRMAN HOOD: And, I think they
20 can come back as a consent calendar, am I
21 right, Mr. Rittig, just for that piece here?

22 MR. RITTIG: In the view of the

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1 Commission, it was a minor modification, and
2 it could be approved as a consent item, yes.

3 CHAIRMAN HOOD: Well, I hate to
4 tell them to come back with another minor
5 modification. I think something like that
6 is pretty straightforward, once we get
7 clarification.

8 COMMISSIONER TURNBULL: I would
9 think so.

10 CHAIRMAN HOOD: I sure hope so,
11 because that's --

12 COMMISSIONER TURNBULL: I mean,
13 if it's a sign, it ought to be smaller. I
14 mean, that's huge.

15 CHAIRMAN HOOD: Okay. So, Mr.
16 Turnbull, let me make sure I understand.
17 You would rather move in approval, but we
18 are going to approve it without the
19 temporary or the permanent art display or
20 whatever that's called.

21 COMMISSIONER TURNBULL: Yes.

22 CHAIRMAN HOOD: Okay. Anyone

1 else? Are we all in agreement with that?

2 Okay.

3 Okay, with that, I would approve
4 Zoning Commission Case No. 08-08, with the
5 exception of rendering sheet 2 of 2, what is
6 not approved -- oh, I'm sorry, 2 of 3 --
7 what is not approved is the temporary ad
8 location or the permanent art installation,
9 and we will recommend that the applicant
10 come back to us.

11 Okay, we are going to -- let me
12 straighten my motion out -- approve Zoning
13 Commission Case No. 08-08, with the
14 condition that the temporary ad location or
15 permanent art installation be deleted, or
16 not exist, or whatever the correct language
17 is, that it's not there. I just don't want
18 anybody to come back and say they didn't
19 understand what I said.

20 Okay, can I get a second?

21 VICE CHAIRMAN JEFFRIES: Second.

22 CHAIRMAN HOOD: Any further

1 discussion?

2 Mr. Turnbull, did that take care
3 of --

4 COMMISSIONER TURNBULL: I'm happy
5 with that.

6 CHAIRMAN HOOD: Okay. All right.
7 Any further discussion?

8 All those in favor?

9 (Ayes.)

10 CHAIRMAN HOOD: Any opposition?
11 So ordered.

12 Staff, would you record the vote,
13 and I think, do we have a proxy?

14 MS. SCHELLIN: Yes, we do.

15 Staff records the vote 4-0-1, to
16 approve Zoning Commission Case No. 08-08 for
17 final action as amended, Commissioner Hood
18 moving, Commissioner Jeffries seconding,
19 Commissioner Turnbull in favor, Commissioner
20 May in favor by absentee ballot,
21 Commissioner Etherly not voting, having not
22 participated.

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1 VICE CHAIRMAN JEFFRIES: Mr.
2 Chair, are we going to do proposed action or
3 hearing next?

4 CHAIRMAN HOOD: We are going to
5 do proposed, we had one proposed, and then
6 we'll go to the hearings.

7 VICE CHAIRMAN JEFFRIES: I am not
8 participating in that case.

9 CHAIRMAN HOOD: You are not
10 participating in the proposed.

11 VICE CHAIRMAN JEFFRIES: Yes.

12 CHAIRMAN HOOD: And, Mr.
13 Turnbull, did you -- you read -- I think you
14 read it, right?

15 COMMISSIONER TURNBULL: Mr.
16 Chair, yes, I did go through the little
17 epistle that was sent to me, and I enjoyed
18 it very much. Thank you, and we're ready to
19 participate.

20 CHAIRMAN HOOD: That makes for
21 good reading, Mr. Turnbull.

22 COMMISSIONER TURNBULL: Well, my

1 colleague, Commissioner May, there's quite a
2 few pages of testimony by Mr. May. I think
3 I missed a good hearing.

4 CHAIRMAN HOOD: He may be
5 watching this webcast at the beach, so --

6 COMMISSIONER TURNBULL: I see you
7 quoted me several times, that you hoped I
8 read this.

9 CHAIRMAN HOOD: I did.

10 COMMISSIONER TURNBULL: Thank
11 you.

12 CHAIRMAN HOOD: I better watch
13 what I say, what we say from now on, people
14 read the record. Okay. All right.

15 Okay, anyway, thank you, Mr.
16 Turnbull, for reading the record, I greatly
17 appreciate that.

18 The next proposed action -- let's
19 give Ms. Schellin a few moments -- proposed
20 action, Zoning Commission Case No. 05-28A,
21 Parkside Residential LLC, this is a 2nd
22 Stage PUD & Related Map Amendment at Square

1 5041.

2 Ms. Schellin.

3 MS. SCHELLIN: The staff has
4 nothing further to add on this one, other
5 than to say that you have everything in
6 front of you that the applicant has -- that
7 you guys asked for, and that I do have an
8 absentee ballot for Mr. May on this one.

9 CHAIRMAN HOOD: Okay, thank you,
10 Ms. Schellin.

11 Colleagues, if you remember, this
12 was the Parkside 2nd Stage PUD hearing, and
13 we have a few things that have been
14 submitted to us. We have samples of the
15 materials. Let me just read what we have,
16 we have the Senior Building affordable units
17 phase of the Parkside development pertaining
18 to the Senior Building that will be
19 financed. We have that. We have the town
20 homes, exhibit on the design issues that
21 someone raised, and I do remember the tree
22 boxes. I'm not sure who raised it. Okay,

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1 then we also have the masonry frontage of
2 town homes, simplification of town home
3 facades. And, it talks about the colors of
4 the materials, and a lot of this is
5 architectural.

6 So, since we know it's
7 architectural, I'm going to start off and
8 pick on the guy who is not here, I'm going
9 to start off with Commissioner May's, what
10 he wanted read into the record, and this is
11 -- he's actually in favor, and he says, "For
12 the record, I appreciate the applicant's
13 changes to the facades, the elimination of
14 the concrete block, in favor of brick.
15 Elimination of the picture windows in favor
16 of double-hung windows. The simplification
17 of details, and showing the down spouts on
18 the facades. I would suggest that the
19 applicant be granted flexibility to make
20 further refinements to the facades, and that
21 further examination be given to, (1) the
22 vertical alignment of the upper floor

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1 windows with first floor windows and doors;
2 (2) detailing of the vertical siding above
3 the second-floor windows as it appears on
4 Units 2 through 4 and 7 through 10 numbered
5 from the left on sheet 84; and (3) the newly
6 divided light windows."

7 So, reading that I think a lot of
8 Commissioner May's concerns that he may have
9 made the submittals have addressed his
10 issues.

11 So, with that I'd like to open it
12 up. I will tell you that the mix addressed
13 my issues.

14 Let me open it up for any other
15 comments.

16 Commissioner Etherly?

17 COMMISSIONER ETHERLY: I'd be
18 happy to jump in, because as my colleagues
19 may recall I somewhat piggybacked on Mr.
20 May's comments, perhaps, from a somewhat
21 different perspective.

22 You'll recall that there was

1 quite a bit of discussion with the applicant
2 around what the intention was for kind of a
3 target demographic, if you will, the type of
4 resident they felt they were looking to
5 attract. We had a lot of conversation about
6 kind of a more young professional, kind of
7 urban market. We talked quite a bit about
8 comparative examples of architecture within
9 the region, and I tried to -- after Mr.
10 May's comments -- fashion, perhaps, some of
11 my own reaction to a little bit of the
12 architectural detail. I don't tend to
13 necessarily get too blustery about
14 architectural pieces, I'll reserve that for
15 my more knowledgeable colleagues on the
16 Commission, but I would agree with you, Mr.
17 Chair, that the direction in which the
18 applicant has moved I think most certainly
19 is very much in keeping with, I think, a
20 positive advancement, if you will, and
21 thinking around the project.

22 So, I am comfortable moving

1 forward. Again, this applicant, I think,
2 has undertaken some excellent work, in terms
3 of trying to, if you will, change a little
4 bit of the vocabulary from an architectural
5 standpoint with respect to the design, but
6 do it in such a way that tries to establish
7 a very individual identity for this
8 property, but at the same time with clearly
9 some thinking, I believe, towards the
10 existing neighborhood, the existing
11 community, which sometimes is not an easy
12 task to do successfully.

13 I think the applicant was very
14 well on their way at their initial
15 presentation. I think the refinements that
16 have been suggested by Mr. May and
17 implemented by the design team here are most
18 certainly continuing to move in the right
19 direction.

20 So, I'm prepared to move forward.

21 Again, there are some other
22 aspects of this project that are just

1 extremely exciting. My colleagues will
2 recall some of the conversation about rain
3 barrels -- I'm sorry, rain gardens, some of
4 the other green features in the property,
5 and those are things that are still very
6 well in the mix here, and I just think this
7 is going to be a very exciting addition to
8 this community.

9 So, with that, Mr. Chair, I'm
10 prepared to move forward.

11 Thank you.

12 CHAIRMAN HOOD: Thank you,
13 Commissioner Etherly.

14 Any other comments?

15 Mr. Turnbull.

16 COMMISSIONER TURNBULL: Mr.
17 Chair, I just wanted to, looking back on one
18 of Mr. May's comments, I wanted to make sure
19 it was addressed, talked about the panels,
20 the banding, the lines with the middle of
21 the sash, and then having the darker panel
22 above it, sort of gives you this strange

1 look like something like a big hairdo on top
2 of the window. Has that been -- I have a
3 feeling I think I know where it is, but do
4 you seem to recall what Mr. May was looking
5 at?

6 CHAIRMAN HOOD: Mr. May had quite
7 a bit that night.

8 COMMISSIONER TURNBULL: Yes.

9 CHAIRMAN HOOD: So, I'm not --
10 so, can you repeat that, though?

11 COMMISSIONER TURNBULL: Well,
12 reading from the record, it says -- it talks
13 about wood on the outside, he says, "But
14 some of these things, bringing down the
15 banding here on these units, so that it
16 aligns with the middle of the sash, and then
17 having that darker panel above it sort of
18 gives you this strange look, like it's got a
19 big hairdo on top of the window." And, it
20 makes a reference to a group in this -- and
21 I'm just wondering if kid in play, I'm
22 assuming this was taken care of, or it's

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1 addressed?

2 CHAIRMAN HOOD: I would really
3 think it was, because kid in play I'm sure
4 when Mr. May was giving us his response he
5 voted in favor, so kid in play must have
6 went away.

7 COMMISSIONER TURNBULL: I trust
8 Mr. May, he's very observant, and his
9 descriptions are -- in a non-architectural
10 way this is extremely graphic. It conjures
11 up in the mind.

12 But, I have no comments on it.

13 CHAIRMAN HOOD: Okay. All right,
14 and again, Mr. Turnbull, I want to thank you
15 for redirecting. I did have some
16 architectural concerns. Obviously, nobody
17 noticed.

18 COMMISSIONER TURNBULL: I'm going
19 to keep this record. This is something --

20 CHAIRMAN HOOD: It makes for fun
21 reading. Maybe --

22 COMMISSIONER TURNBULL: I will

1 keep this record.

2 CHAIRMAN HOOD: Okay. Again, I
3 want to thank the applicant for the housing
4 type, as you look at L1-7.

5 Anything else?

6 Okay, with that, I would move
7 approval on proposed action for Zoning
8 Commission Case 05-28A, and ask for a
9 second.

10 COMMISSIONER TURNBULL: Second,
11 Mr. Chair.

12 CHAIRMAN HOOD: Moved and
13 properly seconded.

14 Any further discussion? Any
15 further discussion?

16 COMMISSIONER ETHERLY: Mr. Chair,
17 very quickly, I just want to be sure I'm
18 clear. I'm comfortable moving forward, very
19 comfortable moving forward.

20 It is, however, our understanding
21 that there is, as the applicant had
22 indicated, there were concerns with respect

1 to Benning Road access, so there is no
2 Benning Road access as this is currently set
3 up, which I don't have a problem with, but
4 some of my colleagues may recall we had some
5 discussion about the relationship to the
6 adjacent PepCo property and alignment
7 issues, so I just want to be sure I'm clear
8 in understanding that there is no Benning
9 Road access here, as it is currently set up.

10 CHAIRMAN HOOD: I don't believe
11 so, but we can --

12 COMMISSIONER ETHERLY: I believe
13 that's the case.

14 CHAIRMAN HOOD: Who -- Mr.
15 Mordfin, is this your case?

16 MR. MORDFIN: Yes.

17 CHAIRMAN HOOD: Help us with
18 that.

19 MR. MORDFIN: Okay. Currently,
20 the applicant had looked into different
21 options to try and get to Benning Road from
22 the subject property, and concluded that

1 there were a lot of issues in doing that.
2 Some of them had to do with who owned the
3 property. Some of it had to do with the
4 location of the river, and whether or not
5 you would be in flood plain, and the width
6 of the -- that's coming in that goes up
7 along the side of the existing PepCo plant,
8 and determined that it really, at this
9 point, was not feasible.

10 And so, right now there is no
11 access proposed to connect it, and maybe in
12 the future when we've got more density on
13 the site, that we might want to revisit that
14 and look at that again. But, for this, this
15 is the lowest density portion of the entire
16 Parkside development.

17 COMMISSIONER ETHERLY: Okay,
18 thank you, Mr. Chair.

19 Again, I have no issues or
20 problems with that, I just wanted to be sure
21 I was clear on that, because I recall there
22 was some discussion about that.

1 Thank you.

2 CHAIRMAN HOOD: Okay. Any
3 further discussion?

4 All those in favor?

5 (Ayes.)

6 CHAIRMAN HOOD: Any opposition?

7 So ordered.

8 Staff, would you record the vote
9 with the proxy?

10 MS. SCHELLIN: Yes, sir.

11 Staff records the vote 4-0-1 to
12 approve proposed action in Zoning Commission
13 Case 05-28A, Commissioner Hood moving,
14 Commissioner Etherly seconding, Commissioner
15 Turnbull in favor, Commissioner May in favor
16 by absentee ballot, and Commissioner
17 Jeffries not voting, having not
18 participated.

19 CHAIRMAN HOOD: Okay. Now we are
20 going to move to hearing action. Okay,
21 hearing action on Zoning Commission Case No.
22 08-13, and that's the Marriott

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1 International, Inc., Consolidated PUD &
2 Related Map Amendment at Square 370.

3 I believe the young lady's name
4 is Ms. Jackson? I got it right.

5 Okay, Ms. Jackson?

6 MS. JACKSON: Thank you.

7 Good evening, Commissioner --
8 Chair Hood and fellow Commissioners. My
9 name is Arlova Jackson, I'm here with the
10 D.C. Office of Planning.

11 Zoning Commission Case 08-13 is a
12 Planned Unit Development and Related Map
13 Amendment to construct the Convention Center
14 Hotel on Square 370 in the northwest
15 quadrant of the City.

16 The subject square is bounded by
17 Massachusetts Avenue on the south, 10th
18 Street on the west, L Street on the north,
19 and 9th Street on the east. An existing
20 PepCo substation is located at the northwest
21 corner of the site, and is not a part of
22 this application.

1 The Washington Convention Center
2 is located to the east across 9th Street,
3 and Mt. Vernon Square is located to the
4 southeast of the site.

5 The property is located in the
6 DDC2C and DDC3C Zoning Districts, and the
7 proposal is to designate the entire site as
8 within the DDC3C Zone.

9 In a separate, but related,
10 Zoning Commission case, No. 08-05, a text
11 amendment has been set down and is pending
12 your review on July 24th, which would remove
13 the residential use requirement of the
14 downtown development overlay for this site,
15 and allow additional density through the PUD
16 process. Specifically, it would allow
17 increases in floor area ratio and building
18 height in excess of 5 percent for PUDs, but
19 only for a Convention Center Hotel and only
20 on this particular square.

21 The current request assumes that
22 this text amendment will occur, and is for a

1 development entity that's consistent with
2 that permitted per as of right residential
3 development within the downtown development
4 overlay.

5 Major components of the proposed
6 hotel include 1,125 to 1,150 guest rooms,
7 the adaptive reuse of the historic American
8 Federation of Labor or Plumbers Building at
9 the southeast corner of the site. The
10 building will contain a boutique hotel that
11 will be connected to the larger new hotel.
12 The project will include 388 valet
13 underground parking spaces, six levels of
14 subgrade improvements, including parking
15 levels and 100,000 square feet of meeting
16 and ballroom space, an underground
17 pedestrian connection to the Washington
18 Convention Center, shared loading access
19 with the Convention Center, and two
20 entrances, the main entrance located on
21 Massachusetts Avenue for vehicles and
22 pedestrians, and a secondary entrance on L

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1 Street, which would include a bus lay by,
2 and would serve as the entrance for large
3 groups.

4 Ground floor retail will be
5 located on the Massachusetts Avenue, 9th and
6 L Street frontages, and would include eating
7 establishments, bars, and a coffees shop.

8 Grade level improvements also
9 include areas for sidewalk cafes, street
10 trees and plantings.

11 The proposal suggests a change in
12 traffic direction to allow two-way travel on
13 10th and L Streets, and also includes the
14 closing of a public alley extending into the
15 square from 9th Street.

16 The applicant requests
17 flexibility to allow a floor area ratio of
18 9.3, a building height of 130 feet, the
19 ability to vary the number of hotel rooms
20 within 1,125 and 1,150, and to vary the
21 location of interior components and building
22 materials.

1 Public amenities associated with
2 the project include a building design that
3 attempts to achieve lead silver status,
4 which includes a stormwater recycling
5 program that would reuse all water possible
6 in the design of the building's mechanical
7 systems.

8 Another public amenity would be
9 the preservation of a historic building, and
10 overall the proposed Convention Center is an
11 economic development priority of the
12 District as a whole, and would support the
13 Convention Center itself, make it more
14 competitive, and enhance its economic
15 viability.

16 In addition, while the 2006
17 Convention Center Hotel Omnibus Financing
18 and Development Act includes a training and
19 hiring program specifically for this
20 project. The applicant has also volunteered
21 to participate in the First Source
22 Employment Program, and enter into a

1 certified business enterprise agreement with
2 the Office of Local and Small Business
3 Development.

4 The project is not inconsistent
5 with the Comprehensive Plan. The site is
6 designated for land use change on the
7 generalized policy map, and the future land
8 use map shows the site to be high-density
9 residential and high-density commercial use.

10 The project supports several
11 policies and actions found within the land
12 use economic development and historic
13 preservation sections of the City-wide
14 elements of the Comprehensive Plan, and is
15 also specifically referenced in the Central
16 Washington Area-wide Element that addresses
17 the need for a Convention Center Hotel.

18 This site is also addressed in
19 two other planning initiatives in the Mount
20 Vernon Square area that reference and
21 support the development of a Convention
22 Center Hotel, including the Convention

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1 Center area Strategic Development Plan
2 adopted in 2006, which discusses the ability
3 of the Convention Center Hotel to provide a
4 southern anchor for the 9th Street Retail
5 Corridor and the Mount Vernon Square Design
6 Workbook completed in 2004, which indicates
7 the presence of a Convention Center Hotel
8 and its potential to help design the Mount
9 Vernon Square District.

10 To conclude, the Office of
11 Planning is supportive of the request and
12 will continue to work with the applicant and
13 other District agencies to refine building
14 elevations, the vehicular entrance,
15 landscaping and streetscape, particularly,
16 along Massachusetts Avenue, the uses of
17 public space, and the underground pedestrian
18 access to the Convention Center.

19 The applicant has been and is
20 currently working with DDOT to resolve
21 issues regarding circulation in public
22 space, and we're comfortable that these can

1 be addressed prior to the public hearing
2 date.

3 Therefore, the Office of Planning
4 recommends that the Planned Unit Development
5 and Related Map Amendment be set down for a
6 public hearing.

7 Thank you, and I'm available for
8 questions.

9 CHAIRMAN HOOD: Okay, thank you
10 very much, Ms. Jackson.

11 Vice Chairman, do you want to
12 lead off?

13 VICE CHAIRMAN JEFFRIES: Thank
14 you.

15 First of all, normally in these
16 set down hearings, you know, the
17 Commissioners -- the Commission normally
18 will let the applicant have a sense as to
19 its issues and concerns, so by the time the
20 hearing comes up a number of these things
21 are addressed.

22 The first thing that I want to

1 say is that this is such an absolutely
2 promising project, and catalytic project,
3 it's been in the making for several years.
4 I think many of us know this location. I
5 drive by it, you know, several times a week.

6 I'm very happy to see, you know,
7 that this design is going to incorporate the
8 historic structure, and from what I could
9 tell I have a sense that I like how they are
10 trying to encase it when you look at the
11 perspective on the PUD initial submission,
12 A001.

13 So, I think it's a promising
14 project, and I want to say from the start
15 that I am supportive of setting it down.

16 I do have a couple of things, a
17 few things that I'd like to share with the
18 applicant, if they are here.

19 The first thing is, the
20 architectural drawings and illustrations are
21 somewhat impressionistic. I mean, they are
22 not quite firm, or not quite refined. And,

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1 I'm -- it's hard to have a sense of the
2 materials, and it's hard to understand how,
3 you know, building materials connect, even
4 looking at the perspective or the rendering
5 on the first page of the drawings. You
6 know, you are not really certain how the
7 historic building merges or interfaces with
8 the new building.

9 And so, I just think all in all,
10 when you look at a number of the
11 illustrations, you go to A501, 502, they are
12 just very impressionistic, and I think that
13 we need a lot more refinement by the time we
14 get to the hearing, so that we have a clear
15 sense of what we are looking at, because,
16 again, this is a very important project, and
17 we have another case that's coming up that,
18 you know, is a good indication of sort of
19 the level of development that we look for,
20 particularly, for a project as important as
21 this.

22 So, the other piece of this is

1 that I note here that the applicant is
2 looking for relief in terms of the ability
3 of -- or, in terms of flexibility to vary e
4 final building materials and colors. I'm a
5 little hesitant with that point, and I'm
6 willing to, you know, listen to my fellow
7 Commissioners, but I have been -- I've
8 experienced one hotel deal where, you know,
9 the project was sort of value engineered to
10 death by the time it got close to
11 construction, and it was a very different
12 building than what it started out to be.

13 So, because of the importance of
14 this building, I would really like to have
15 this applicant, if they are going to be
16 making any, you know, material changes to
17 materials and colors that it might come back
18 to this Commission. But again, I'm willing
19 to listen to my fellow Commissioners on that
20 point.

21 The other issue that I have is
22 the ground floor articulation. I'm always

1 talking about that. And, you know, it is
2 very difficult to understand on the
3 Massachusetts Avenue elevation exactly what
4 the ground floor pedestrian experience is
5 like. There seems to be some decent floor
6 plan -- site plan showings of like paving
7 and things of that sort, but you don't have
8 a sense of what that experience is, and then
9 you also don't have a sense of how it
10 connects to the pedestrian experience to the
11 Convention Center. And, it seems as if
12 there should not be a hard line that is
13 drawn at 9th Street between this ground
14 floor experience and the actual Convention
15 Center.

16 So, I would just like to
17 understand if there's any continuity in
18 terms of treatments, and sort of connecting
19 the buildings. That's just, you know,
20 something that I -- you know, I'd like to,
21 you know, get some clarity on.

22 And then finally, I did take -- I

1 did look a bit at the transportation plan,
2 and I did note that I think buses are
3 supposed to be parking on L Street. And, I
4 also looked at the projects that were being
5 -- that were in the pipeline, you know, that
6 they were using to really set future
7 projections of traffic. And, it seemed to
8 be a short list to me. There were a number
9 of residential projects that weren't in that
10 transportation report.

11 So, I'd just like to be clear,
12 maybe I missed something, but I just want to
13 make certain, I mean, there's so much
14 development that is taking place in and
15 around Mount Vernon Triangle, even some of
16 the traffic that will come from O Street
17 Market. There's a lot of things being
18 planned, so I just want to make certain that
19 the context in which the transportation plan
20 is being developed is all-encompassing and
21 the radius is a little larger than what I
22 think it is.

1 I stand to be corrected on that,
2 but I just wanted to make certain that all
3 the projects that are in the pipeline in
4 this area are being considered, because, you
5 know, traffic in that area -- and I think
6 this Commission should pay very close
7 attention to the transportation plan for
8 this particular project.

9 Mr. Chair, I think that is all
10 that I have.

11 CHAIRMAN HOOD: Okay, thank you
12 very much, Vice Chairman Jeffries.

13 Commissioner Etherly.

14 COMMISSIONER ETHERLY: Thank you
15 very much, Mr. Chair. As always, the Vice
16 Chair was very thorough with respect to his
17 analysis, and I most certainly will be
18 interested in hearing quite a bit of the
19 conversation along some of those points.

20 I'll add to a little bit of the
21 discussion as relates to the pedestrian
22 experience, primarily, just to echo and

1 really put a very heavy pin in what the Vice
2 Chairman said. It is no understatement to
3 say that this is an absolutely critical,
4 critical project. And, I think we are off
5 to a very good start, most certainly, but
6 that pedestrian experience is going to be, I
7 think, a huge, huge component of just how
8 vital and just how energetic this project
9 can be, and should be, and in all likelihood
10 will be.

11 I will definitely be interested
12 in, perhaps, exploring some of the
13 conversation around some of the materials
14 that are planned or being given
15 consideration with respect to the sidewalks,
16 but to an extent I'm kind of coming under
17 Mr. Jeffries and getting right down to the
18 feet of the pedestrians.

19 As I look at some of the material
20 representations, I will definitely want to
21 explore a little bit about the thinking,
22 kind of the design aesthetic, if you will,

1 around what that sidewalk will look like.

2 Let me also, perhaps, link a
3 little bit to some of the lead conversation
4 that's been touched upon in the initial
5 submittal. I'm very excited to see the
6 plans for achieving, hopefully, a silver
7 certification. Definitely, if there's some
8 opportunities to even be somewhat more
9 aggressive around, perhaps, the use of
10 pervious pavement, I'd be interested in
11 hearing a little bit about that.

12 It may be the case that that
13 can't work out, or might not be appropriate
14 for the type of traffic that's expected for
15 this type of property, but I would
16 definitely be interested.

17 I can't recall the case that we
18 dealt with some time back, but we were
19 dealing -- but it was residential in nature,
20 and my colleagues may call there was
21 definitely some discussion about kind of the
22 different treatment of curb to tree box, and

1 then tree box line, if you will, all the way
2 to the edge of the building. Again, it may
3 be the case that for this type of property,
4 for the type of traffic that's envisioned
5 from a pedestrian standpoint, those types of
6 materials or those types of options may not
7 be appropriate, but I'd be interested in
8 talking a little bit about that. But, I
9 think it's part and parcel, again, of Mr.
10 Jeffries excellent point about the
11 pedestrian experience.

12 And then finally, in the
13 transportation piece, again, I think we are
14 off to a very, very good start, but as is
15 always the case the devil is in the details,
16 and as you go through the preliminary -- as
17 you go through the Traffic Management Study
18 and look at, I'm looking at some of the
19 conditions and level of service summaries,
20 as you look at the current level of service
21 summary for this area, it is no surprise
22 that during the a.m. and during a number of

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1 the p.m. peak hours, and I'm looking at page
2 19 of the Thomas & Associates report, you'll
3 see that the level of service is very, very
4 challenging, so I think there's going to be
5 a lot that will need to be parsed out with
6 respect to how we are programming for
7 traffic ingress/egress as it relates to
8 taxis, as it relates to buses.

9 Again, much of this discussion
10 has been started and flagged already by the
11 applicant, so I think we are, again, off to
12 a very, very good start, but this is just a
13 devilish, devilish location. And again,
14 that's part of the blessing of it being such
15 a perfect spot for this critical economic
16 engine that we are looking at.

17 That's it, Mr. Chair, so again,
18 kudos to the Vice Chair. I think he's right
19 on target, and I just wanted to flag those
20 kind of two additional pieces.

21 That's it.

22 CHAIRMAN HOOD: Commissioner

1 Turnbull?

2 Thank you, Commissioner Etherly.

3 COMMISSIONER TURNBULL: Thank
4 you, Mr. Chair.

5 I will concur with both
6 Commissioner Etherly and Commissioner
7 Jeffries that this is, obviously, a
8 significant project that we want to see set
9 down and go forward. This is a critical
10 site in the City, and it's very important
11 for it to be developed.

12 I think I would echo a couple of
13 things that both my colleagues have said,
14 and Mr. Jeffries talked about the quality of
15 the drawings. And, since they are working
16 with Holland & Knight, I think Holland &
17 Knight will be able to get the architects to
18 give us the kind of drawings that we usually
19 expect when we go to a hearing.

20 The sketches for the perspectives
21 are one thing, they give a feeling of a
22 mass, but we really do like to see drawings

1 that do show us more of what's going on with
2 the building.

3 And, I'm concerned about 9th
4 Street, the truck dock location coming in,
5 how that works. I think it's a critical
6 element with pedestrians, especially, right
7 across the street from the Convention
8 Center.

9 I'm very concerned about the
10 entryway, how that works, seeing the
11 detailing, the overhang, how it's
12 identified. Is it clear? What does it read
13 like?

14 But, I'm also, from a contextual
15 aspect, looking at how the building edges
16 meet the existing structure. I'd like to
17 see how -- what kind of a neighbor it is,
18 how does it really touch that building, what
19 does it really look like?

20 So, I won't -- I'm not going to
21 go on. I mean, I think all the comments
22 before I echo, it's just we need to get the

1 drawings to a higher level so that we get a
2 better picture of what's really happening.

3 CHAIRMAN HOOD: Thank you,
4 Commissioner Turnbull.

5 Let me read Commissioners, for
6 the record, "For the record, the materials
7 presented in this case are inadequate to
8 evaluate the project, so I cannot vote in
9 favor at this time. Specifically, I'm
10 concerned with the forms and surfaces of
11 major and minor facades, and the
12 relationship to the context and terms of
13 both site plan and elevations.
14 Unfortunately, the drawing package does not
15 illustrate the building in sufficient detail
16 and in relationship to the context.

17 Furthermore, the perspective fees
18 included in the package are simplistic and
19 cartoonish, and are of little assistance in
20 describing the massing of the building."

21 He did want me to read this to
22 you.

1 "Furthermore, the perspective
2 views included in the package are simplistic
3 ..., " okay, I read that, "The massing of the
4 building, its relationship to the
5 surrounding neighborhood, and the color and
6 substance of the facades."

7 You told me to stop, so I want to
8 finish reading it for myself. Okay. Okay.

9 COMMISSIONER ETHERLY: Mr.
10 Jeffries, we've been polite so far.

11 CHAIRMAN HOOD: And, just for the
12 record, so it doesn't make it look like he
13 said anything that's totally -- he just said
14 he wanted to discuss it with us and,
15 unfortunately, it looks like we are going to
16 be moving forward. Yes, I think if we move
17 forward, from what I'm hearing, with those
18 concerns.

19 The only concern, and I would
20 agree with everything I've heard my
21 colleagues say. One of the things, though,
22 that I would really insist, Ms. Ricks over

1 at DDOT has been very good about it, is to
2 make sure that we have something from DDOT
3 long before we get here so we can study it
4 and see how we want to proceed at the
5 hearing time. Getting it the night of the
6 hearing some time puts us at a disadvantage.
7 So, I mean, Ms. Ricks has been real good
8 about it when we brought it to her
9 attention, and I'm sure she will concur, and
10 I would ask staff to make sure, because you
11 heard my colleagues on the traffic issues,
12 and this particular project, as my
13 colleagues already stated, we really need to
14 get this one right.

15 Vice Chairman?

16 VICE CHAIRMAN JEFFRIES: Just one
17 last thing, and we've touched on it, but I
18 really want to put an exclamation point on
19 it, there really needs to be a drawing or
20 some sort of exhibit that really talks about
21 how the pedestrian maneuvers through this
22 area with the traffic as it is.

1 I mean, you know, it's not a very
2 friendly kind of place to walk around. Now,
3 if that's not the intent of this hotel, you
4 know, state it.

5 And also, I understand that it's
6 not solely the hotel's responsibility to
7 deal with that, but I would like for the
8 applicant to really give some thought about
9 how, you know, people shuttle between the
10 hotel on the street, because I know they get
11 in at the ballroom level, but between the
12 hotel and the Convention Center, but I'm
13 really, really interested in making certain
14 that the hotel really tries to somehow, you
15 know, bring the scale down at the ground
16 floor so that the people feel comfortable
17 traversing and moving back and forth,
18 because the way that the traffic runs around
19 there, it's just not a comfortable feeling.

20 And again, I don't expect the
21 applicant to take sole responsibility for
22 this, but I'd like for it to do its part to

1 figure out a way in which, you know, people
2 feel comfortable walking, you know, because
3 I just think it's just absolutely critical.

4 So, I just wanted -- we stated
5 that, but I just wanted to put an
6 exclamation point.

7 CHAIRMAN HOOD: And, I think one
8 of the things that we have seen in the past,
9 and I don't know whether it's called CAD or
10 what it is, but they show us, and we sit
11 here and watch it, and we see that
12 experience. It's almost like a video, it
13 moves and it shows us exactly how that's
14 going to function.

15 I think, I'm not saying that you
16 have to do it, it may cost you a lot of
17 money, and I don't want you to have to do
18 that, but that would be one way that would
19 be great for this Commissioner, is to see
20 that, to sit here and experience, because I
21 sit here and imagine myself walking there,
22 and I think that would be very helpful, if

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1 you know what I mean, Vice Chairman. You
2 know, I don't know what it's called, it used
3 to be called CAD.

4 VICE CHAIRMAN JEFFRIES: Florida
5 Rock, they actually did it.

6 CHAIRMAN HOOD: Somebody said it
7 was -- and it was actually like really doing
8 it, so that would be very helpful, at least
9 for this Commissioner, if it's doable.

10 COMMISSIONER ETHERLY: And, if I
11 may, Mr. Chair, I think both you and Mr.
12 Jeffries, and I normally don't want to wax
13 so long on set down, but I think, especially
14 in highlighting Florida Rock, I think you
15 hit a very interesting point here, and you
16 said it clearly as a hotel, I think, I'm
17 very sensitive, and I know my colleagues
18 are, it can't be everything to everyone.
19 There are very practical purposes behind a
20 hotel, there are certain decisions that are
21 governed by, to an extent, the hospitality
22 function itself.

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1 That being said, at the same
2 time, given the prominence of the location,
3 given clearly the relationship and the
4 interplay that's going to take place between
5 the Convention Center and this hotel, both
6 above ground and below ground, as well as
7 the interplay between kind of the traffic
8 context, if you will, and some of the other
9 properties, there, hopefully, is an
10 opportunity to find a middle ground where
11 this building can begin to reach out for
12 some of those other purposes, if you will,
13 and that's where I think the pedestrian
14 experience discussion comes into play,
15 that's where kind of some of my concerns
16 about really looking at the streetscape,
17 really being sure that we understand what
18 the landscaping plan is for the perimeters
19 of the building, I think will be very
20 helpful. To an extent, it probably touches
21 on Mr. May's comments about some of the
22 elevations, and the look and feel of the

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1 building, both from afar as well as up close
2 and personal.

3 It may very well not be an easy
4 balance to strike, but I think that's,
5 perhaps, a little bit of the challenge
6 that's in front of us.

7 Again, I believe it's a very
8 excellent start, so I won't -- I most
9 certainly will not associate myself as
10 stridently with some of Mr. May's comments,
11 but I think that's going to be part of the
12 challenge as we move towards getting this
13 project to completion.

14 But again, I just want to say, I
15 think we are off to a very, very good start.

16 Thank you, Mr. Chair.

17 CHAIRMAN HOOD: Thank you.

18 One of the things that I did
19 notice, Ms. Jackson, I didn't see in the
20 report, and I presume here, forgive me, the
21 meeting or discussion with the ANC, how is
22 that going? Normally, I usually look for

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1 it, and maybe I may have omitted it, but let
2 me just ask you, how is that going?

3 MS. JACKSON: The applicant met
4 with ANC-2F on May 28th and received a
5 favorable response. I haven't received the
6 letter yet.

7 And, they are planning to meet
8 with ANC-2C in September.

9 CHAIRMAN HOOD: Okay. Did we get
10 a sense of how those discussions -- are they
11 positive, are there still concerns?

12 MS. JACKSON: I haven't received
13 any formal comments.

14 CHAIRMAN HOOD: Okay, and they
15 also met with other neighborhood groups,
16 too, is that right?

17 MS. JACKSON: They've met with
18 the Washington Convention Center Authority
19 Advisory Board and the Blagden Alley Civic
20 Association.

21 CHAIRMAN HOOD: That's what I
22 wanted to know.

1 Thank you very much.

2 Any further discussion?

3 Mr. Turnbull?

4 COMMISSIONER TURNBULL: Mr.

5 Chair, getting back to a couple of the
6 comments that have been raised, this is a
7 signature site for this hotel. This hotel
8 is, obviously, looking to become a host
9 hotel for any number of conferences or
10 events, it's a signature site, it's a
11 destination point, and I think it has -- I
12 think we've probably heard that by Mr. May's
13 comments, that he's a little let down by
14 what he's seen so far for such a prominent
15 site and what it is.

16 I am more than willing to set
17 this down, but I think the bar has been
18 raised, and I think that the applicant
19 really has to get into what this site is and
20 all the different interactions that are
21 involved with this site.

22 CHAIRMAN HOOD: Vice Chairman?

1 VICE CHAIRMAN JEFFRIES: I was
2 trying to remember a community group, I
3 think it was the Mount Vernon -- what's the
4 name of the group -- Mount Vernon
5 Neighborhood Association? Is that what they
6 are called? I've dealt with them at one
7 point, and I'm wondering if they are still
8 in existence. It would seem that they would
9 have --

10 MR. LAWSON: Hi, Joel Lawson with
11 the office of Planning. We understand that
12 there is a Mount Vernon Neighborhood
13 Association and we'll make sure that the
14 applicant, if they haven't already consulted
15 with that group, that they do so.

16 VICE CHAIRMAN JEFFRIES: I'm
17 somewhat surprised that they haven't, but --

18 MR. LAWSON: They may have.

19 VICE CHAIRMAN JEFFRIES: -- oh,
20 they may have? Okay. Okay.

21 MR. LAWSON: Yes, but if they
22 haven't we'll make sure that they do so.

1 VICE CHAIRMAN JEFFRIES: Okay,
2 great. Great.

3 Mr. Chair, do you have any other
4 comments?

5 CHAIRMAN HOOD: Yes, I just want
6 to say, and I'll agree with you, we have to
7 -- we can't stress it -- I don't mind taking
8 the time, we have to stress that we need to
9 get this right, we need the help of the
10 community, the applicant, all those pulled
11 together, because I just think about what's
12 going on in this City this week. There's a
13 big convention here this week, and, you
14 know, that will be a signature piece, as has
15 already been stated, and I'm willing to take
16 as much time as possible to make sure we get
17 it right.

18 VICE CHAIRMAN JEFFRIES: Yes, I
19 agree, and as long as, you know, I mean
20 sometimes, you know, things get to the
21 Zoning Commission and they are expected to
22 be rubber stamped, but, you know, we have a

1 certain job that we do here, and there have
2 been many instances where we've actually
3 made some of these projects better.

4 But, with that, Mr. Chair, if
5 there's no more questions, I will move that
6 we set down Zoning Commission Case No. 08-
7 13, Marriott International, Incorporated --
8 Consolidated PUD and Replotted Map Amendment
9 at Square 370.

10 COMMISSIONER ETHERLY: Seconded,
11 Mr. Chair.

12 CHAIRMAN HOOD: It's moved and
13 properly seconded.

14 Any further discussion?

15 All those in favor?

16 (Ayes.)

17 CHAIRMAN HOOD: Hearing no
18 opposition, Ms. Schellin, would you record
19 Mr. May's vote along with ours? Thank you.

20 MS. SCHELLIN: Yes.

21 Staff records the vote 4-0-1 to
22 set down Zoning Commission Case No. 08-13,

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1 Commissioner Jeffries moving, Commissioner
2 Etherly seconding, Commissioners Hood and
3 Turnbull in support of set down,
4 Commissioner May abstaining.

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

7 Okay, next we have Zoning
8 Commission Case No. 08-14, Kelsey Gardens
9 Property Company, LLC -- Consolidated PUD &
10 Related Map Amendment at 1500 Block of 7th
11 Street, N.W.

12 Mr. Jackson.

13 MS. JESICK: Thank you, Mr. Chair
14 and members of the Commission. My name is
15 Matt Jesick. The applicant for Case 08-14
16 has submitted a consolidated PUD and related
17 map amendment, in order to develop a 90-foot
18 tall mixed-use building in the 1500 block of
19 7th Street, N.W., between P and Q Streets.

20 The location is the current site
21 of the Kelsey Gardens Affordable Housing
22 Development, so in addition to 207 market

1 rate units the building would include a one-
2 for-one replacement of all 54 existing
3 affordable units.

4 The project also includes 14,500
5 square feet of retail space, and would
6 include seven row house units facing P
7 Street.

8 The total proposed FAR is 6.0,
9 and the applicant is seeking to change the
10 zoning from C-2-A to C-2-C.

11 The Office of Planning is
12 recommending that the application be set
13 down for a public hearing.

14 The application is supported by
15 the guiding principles of the Comprehensive
16 Plan, including items like diversity of
17 housing types, provision of affordable
18 housing, increasing public safety. The
19 project is also supported by policies from
20 various elements of the Comprehensive Plan,
21 like the land use element and transportation
22 element.

1 The generalized policy map
2 describes 7th Street as a main street mixed-
3 use corridor, and P Street as a neighborhood
4 enhancement area. This project would
5 further those objectives.

6 The future land use map for this
7 site is somewhat complicated, and I would
8 refer you to the map on page seven of the
9 Office of Planning report, which shows an
10 excerpt from the land use map. The southern
11 third of the site, approximately, is medium
12 density residential, and medium density
13 commercial, so fairly significant density on
14 that part of the site.

15 The northern two thirds of the
16 site are designated as moderate density
17 residential and low density commercial, so
18 somewhat smaller in character.

19 The Convention Center Area
20 Strategic Development Plan sheds a little
21 more light on the subject, and it helps
22 clarify things. We often look to small area

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1 plans to add additional detail in our
2 analysis.

3 The Convention Center plan was
4 adopted by Council in 2006, just about six
5 months before it adopted the Comprehensive
6 Plan, so the two are, virtually, concurrent
7 and the Convention Center plan is one of our
8 newer small area plans.

9 And, that plan really encourages
10 a retail fabric along 7th Street, including
11 filling in some of the missing retail gaps
12 along that street. It also emphasizes the
13 need to maximize mass transit and develop
14 parcels that are under developed near Metro
15 stations.

16 Specifically, for this site, it
17 talks about primary commercial uses and
18 secondary commercial uses, primary being a
19 high-intensity or high-density development
20 with ground floor retail and either
21 residential or office above, and secondary
22 commercial being ground floor retail with a

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1 medium-density residential component above.

2 And, that plan goes on to say
3 that areas along 7th Street, including the
4 subject site, are suitable for medium to
5 high-density residential, so we feel that
6 the project is non inconsistent with the
7 Comprehensive Plan, along with the
8 Convention Center Area Plan.

9 They are proposing, like I said,
10 a 90-foot height and a 6 FAR, and those
11 typically fall within the range that we
12 would consider for medium to high-density
13 use. But, even so, the design response to
14 the surrounding community by stepping down
15 both to the west and the north.

16 Now, to develop as proposed, the
17 application will require some zoning relief.
18 Of course, we have the PUD related map
19 amendment from C-2-A to C-2-C. The
20 application would also need rear yard,
21 court, roof-top structure and loading
22 relief, and the applicant has also asked for

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1 flexibility to provide either office or
2 residential uses in the town homes along P
3 Street.

4 We've asked the applicant to
5 provide some more information about this
6 relief, specifically, in regards to the
7 roof-top structure information, and we will
8 provide a complete analysis of those items
9 at the time of the public hearing.

10 In regard to amenities, the
11 applicant has listed several items that they
12 feel count towards their amenity package,
13 including the affordable housing, 20 percent
14 of the units will be affordable units,
15 available to households earning less than 60
16 percent of the area median income.

17 They are also citing
18 environmental design, they say that the
19 building will be LEAD certified, and we have
20 informed them that we would like to have a
21 LEAD checklist and also a calculated total
22 score for the building.

1 The applicants are also setting
2 transportation improvements, they will be
3 widening and improving the alley behind the
4 project, that they will also be contributing
5 to community organizations, a total of
6 \$250,000, and we have informed them that
7 those agreements would need to be finalized
8 by the time of the public hearing.

9 And, they will also enter into
10 first source agreement and a CBE agreement.

11 So, while substantial additional
12 detail is required in the amenity package,
13 we feel that it is sufficient for set down,
14 and we will continue to work with the
15 applicant to refine the amenity package.

16 So, teh Office of Planning
17 recommends that the case be set down for a
18 public hearing, and I'd be happy to take any
19 questions.

20 CHAIRMAN HOOD: Okay, thank you
21 very much, Mr. Jesick.

22 Who would like to start off? Any

1 questions for Office of Planning?

2 Commissioner Turnbull.

3 COMMISSIONER TURNBULL: Mr.

4 Jesick, I just had one -- a couple
5 questions. I think Mr. Jeffries has more
6 questions.

7 I like the scale of the project,
8 and I think the green roof, the mixed
9 materials, I think it's done a good service
10 at stepping down back by the alley to meet
11 the heights of the residential neighborhood.
12 I think there's a lot of positive things,
13 but I think, and Mr. Jeffries has some --
14 can go into it -- by their new townhouses up
15 on P Street, it doesn't quite look like they
16 sort of -- it's sort of like a blank wall by
17 the alley there.

18 But, architecturally, I think the
19 project is going in a good direction. I
20 think after we took so long on the O Street
21 Market, I think it's going to -- the context
22 of how it fits in will work very well.

1 But, so I guess looking at this,
2 I have no issues with it. I think you've
3 done a good job in meeting with the
4 applicant and resolving a lot of these
5 things, and I think we'll probably get into
6 it more as we see -- as we actually sit down
7 and go through it.

8 But, those are my comments for
9 now.

10 CHAIRMAN HOOD: Commissioner
11 Etherly.

12 COMMISSIONER ETHERLY: Thank you
13 very much, Mr. Chair.

14 Very quickly, Mr. Jesick, I just
15 want to be sure I preliminarily understand
16 the alley widening, as it relates to the
17 northern -- I'm sorry, the southern side of
18 the site, and I'm looking, primarily, right
19 now as my reference at Sheet A01, which kind
20 of has the site plan.

21 I understand that the alley at
22 the southern portion will be widened, I

1 mean, the entire alley is widened, the
2 northern portion will just be widened to 16
3 feet, correct?

4 And loading, if I recall
5 correctly from the Office of Planning
6 report, loading for those retail uses at
7 this point is contemplated for Q Street, is
8 that correct?

9 MR. JESICK: You are correct.

10 I think Sheet A2 might show it a
11 little more clearly.

12 COMMISSIONER ETHERLY: Okay.

13 MR. JESICK: Yes, at the southern
14 end, at P Street, the alley would be widened
15 to 20 feet, it's 10 feet for the whole
16 length right now, it would be widened to 20
17 feet at the southern end, then for the
18 interim portion about 18 feet, and then for
19 the northern, a little bit more than half of
20 the alley length would be 16 feet.

21 COMMISSIONER ETHERLY: Okay.

22 MR. JESICK: Now, it is actually

1 contemplated that the trucks would enter
2 from Q Street, and as you see on page A2 the
3 longer trucks would back in to the loading
4 dock, and then they would pull out and drive
5 straight up to P Street and exit the alley
6 on P Street.

7 COMMISSIONER ETHERLY: Okay, let
8 me make sure I'm clear on that.

9 The vision would be for your
10 delivery trucks to enter off of Q and
11 proceed -- I may have my orientation
12 incorrect -- and proceed towards P Street,
13 or entering from P proceeding up to Q.

14 MR. JESICK: That's correct.

15 COMMISSIONER ETHERLY: Okay. And
16 so, for your larger vehicles, the plan would
17 be, in all likelihood, backing in to the
18 loading dock, but for those two smaller
19 retail spaces, or at least for the
20 approximately 3,000, 3,100 square feet
21 retail and the 1,600 and the 1,950, loading
22 would be done -- I just want to make sure

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1 I'm clear, loading would be done on Q, or
2 would loading b done somewhere off of the
3 same loading dock back towards P?

4 And, the only reason I'm looking
5 at it is, your report, at page 4, I believe
6 it was, indicated that the three northern
7 retail spaces would load from the street,
8 and I just wanted to be sure I understood
9 which street.

10 MR. JESICK: In preliminary
11 discussions that we've had with DDOT, they
12 felt that loading from 7th Street would be
13 acceptable in that location. So, yes, I
14 should have specified that they'd use 7th
15 Street.

16 COMMISSIONER ETHERLY: No
17 problem.

18 MR. JESICK: There would have to
19 be some kind of signage that, you know, this
20 length of street is reserved for loading
21 between 9:00 and 11:00 a.m.

22 COMMISSIONER ETHERLY: Gotcha.

1 MR. JESICK: And, is available
2 for parking in other hours.

3 COMMISSIONER ETHERLY: Okay,
4 that's helpful. Again, it is most certainly
5 not anything that gives me concern with
6 respect to set down, as OP and as you are
7 always aware loading issues, access, the
8 alley redesign I think is tremendously
9 helpful, in terms of releasing a lot of the
10 potential pressure that probably already
11 exists, but would definitely increase with
12 the addition of this project. But, I just
13 wanted to be sure I'm prepared for thinking
14 about -- and as you indicate in your report,
15 DDOT most certainly will weigh in, I hope,
16 much more deeply on that idea of loading on
17 7th Street, because I can anticipate the
18 calls as we speak, with respect to that.

19 Thank you.

20 That concludes my questions, Mr.
21 Chair.

22 CHAIRMAN HOOD: Okay, thank you,

1 Commissioner Etherly.

2 Vice Chairman?

3 VICE CHAIRMAN JEFFRIES: I would
4 align my comments, architectural comments,
5 with Mr. Turnbull. I think that this is
6 definitely moving in the right direction.

7 I do like the animation of the
8 7th Street elevation.

9 However, when I look at the
10 elevation and tie it to the floor plan,
11 there is a couple of small bays that
12 protrude out of the line. It's a long line
13 there.

14 And so, if you look at the
15 elevation, it looks like, you know, there's
16 like several different buildings and so
17 forth, but I'm just wondering, and it might
18 be that there are sort of some setbacks and
19 so forth, much more articulation. It's not
20 a major point, but that's a rather long
21 elevation to go uninterrupted, that lot.

22 So, I just sort of reference

1 that, that I just sort of note it, that when
2 you look again at the floor plan, and just
3 sort of tie it to the elevation, it's a
4 little deceptive.

5 So, I mean, you see shadow lines
6 and things of that sort, you know, looking
7 at the elevation, and, you know, I mean, I
8 do see, again, there are a couple of bays,
9 but I just wanted to point that out.

10 And then the other thing, you
11 know, that I was concerned about, and if you
12 go to, let's see, I had it, and then I lost
13 it again, I think it's the P Street
14 elevation, I've lost it -- can someone get
15 there before me?

16 MR. JESICK: A14?

17 VICE CHAIRMAN JEFFRIES: Yes,
18 A12, if you look at A12, and you look at the
19 building in question, and I guess next to it
20 is the R-4, correct?

21 MR. JESICK: Actually, the row
22 houses immediately to the north of these

1 proposed row houses are still C-2-A.

2 VICE CHAIRMAN JEFFRIES: P Street
3 elevation?

4 MR. JESICK: Correct.

5 VICE CHAIRMAN JEFFRIES: That's
6 north? Wait a minute. Okay. So, if I'm
7 looking at P Street elevation on A12, the
8 project is to -- I mean, the tallest
9 structure is to the east, correct?

10 MR. JESICK: That's correct.

11 VICE CHAIRMAN JEFFRIES: And
12 then, the row houses are to the west, and
13 you are saying all of this is in a C-2?

14 MR. JESICK: Right now, that's
15 all C-2-A.

16 VICE CHAIRMAN JEFFRIES: Okay.

17 MR. JESICK: Yes.

18 VICE CHAIRMAN JEFFRIES: But,
19 right north of that is R-4. What is -- I'm
20 trying -- I guess, take me to where the R-4
21 -- okay, I see, I see, okay, I'm looking at
22 02 and I see that the R-4, okay, it's just

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1 north of these. Okay. And so, that's why
2 you are trying to pick up, and the reason is
3 that I'm looking at these fingers, and the
4 fingers go up I think six stories, the
5 middle three fingers, but then the edges are
6 higher, and, particularly, that one on P
7 Street, and I'm just wondering why that is.

8 I mean, I know that they are
9 asking for, I mean, a zoning change here,
10 but it looks somewhat abrupt, and I was
11 wondering, you know, if the applicant could
12 at least speak to, you know, why not a
13 similar treatment or, perhaps, a floor or
14 something, just so that, you know, it
15 doesn't look like such an abruptness from --
16 and again, I know that you've got -- you've
17 carved it out, such that the C-2 -- is it C-
18 2-C? Is that what we are asking for here?

19 MR. JESICK: Yes, they are
20 looking for that.

21 VICE CHAIRMAN JEFFRIES: Yes. I
22 see that you carved it out, such that, you

1 know, you could, you know, so that it's in
2 one zone, but that's not really the
3 experience, right? I mean, when you look at
4 this, you have, you know, one, two, three, I
5 mean, you have a several story building next
6 to these small row homes, and I'm just
7 wondering, in terms of transition, whether
8 you could look at, perhaps, that one finger,
9 you know, coming down or setting back or
10 something, because it just looks -- it's
11 just a bit abrupt.

12 And, even if you look at the rear
13 elevation alley, A13, you know, it's
14 stepping down there, and I think that's a
15 good treatment, but I'm just wondering
16 whether we could, you know, I know it's cost
17 involved here, but I just would like for the
18 applicant to sort of, you know, speak to
19 that.

20 Besides that, and I tell you, I'm
21 really happy that we've stayed true on the O
22 Street Market, because, you know, just a few

1 months later here they come, but in any
2 event, I do think this is going in the right
3 direction, and I think it's a very important
4 project.

5 My barber is across the street,
6 so I know this neighborhood very well.

7 And, that's it, Mr. Chair.

8 CHAIRMAN HOOD: Thank you very
9 much, Vice Chairman.

10 Let me -- did I read Mr. May's?
11 Okay, let me read Mr. May's comments.

12 "In favor of set down, for the
13 record, the architects have gone the great
14 length to break up the mass of the building
15 by representing this single large building
16 as if it were five separate buildings. The
17 result is less than satisfactory, to say the
18 least. The rear facades, although certainly
19 less visible, are no less chaotic.

20 While the goal of breaking up the
21 lengthy facade is laudable in some ways, one
22 does not need to render the different

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1 sections of the building as if they were
2 separate buildings.

3 I would recommend a significant
4 redesign that simplifies the overly
5 historicistic detailing of the sections, and
6 creates a more unified language among them.

7 I would also note that the shadow
8 studies appear to be incorrect. The studies
9 show the sun moving from north to south
10 across the eastern sky."

11 Okay.

12 VICE CHAIRMAN JEFFRIES: Mr.
13 Chair, I normally, you know -- of course, I
14 mean, I appreciate the comments of my fellow
15 Commissioner, but I certainly don't see the
16 need for an overall redesign of this
17 building. I don't see where that's
18 necessary. I think that, you know, we've
19 each had some comments and so forth, and,
20 you know, hopefully, if we can get to set
21 down here we can sort of sit down and really
22 go through this, but I certainly don't want

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1 to leave the applicant with the thought
2 that, you know, there should be a
3 significant redesign.

4 I mean, at least this
5 Commissioner feels that way, so I just
6 wanted to put that on the record. I think a
7 lot of work has gone into this project, it's
8 a very important project. I think it
9 continues the redevelopment. I think that
10 the project has, in large part, been
11 sympathetic to the R-4 District, and
12 architectural styles, and I think they are
13 trying to do a lot of things, and I just --
14 I just, you know, regretfully, just disagree
15 with my fellow Commissioner.

16 CHAIRMAN HOOD: Okay, we will --
17 anybody else want to comment? Okay.

18 COMMISSIONER TURNBULL: Mr.
19 Chair, I just wanted to -- as I said
20 previously, I like the way the project is
21 going, and I don't mind the divisions, how
22 it's broken up, I think architecturally.

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1 The only thing, and I think
2 Commissioner Jeffries got into it a little
3 bit, is I think it's like on the entry,
4 there's a one-point entry for this, what you
5 suddenly realize is one whole building.

6 And, I think if you look at Sheet
7 A04, which is either -- you can look at the
8 one before that, either the second floor, or
9 the third and fourth floor, you suddenly
10 realize that there is just one long, huge
11 corridor down this whole thing.

12 I wonder if they don't have a
13 problem with exit stairs. It's so long and
14 massive, you almost think that they need
15 another exit stair in the middle. They've
16 only got two at either end, but it's so
17 long, I wonder if they've extended the dead-
18 end corridor. I mean, it's just -- and
19 there's two elevators, two passenger
20 elevators in the middle, and there's a
21 freight way at the far end, but I just
22 wonder, when you suddenly realize that it's

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1 one huge building, if they really looked at
2 the capacity and how many people are going
3 to be coming in that one entry.

4 As I say, I like the way it's
5 going, but I just think that the interior
6 part of it, how this thing actually works,
7 what is the effect of that huge, long
8 corridor the way it is? It's just -- it's
9 frightening, and again, I wonder if they've
10 actually met the access requirements for
11 getting people out of the building.

12 VICE CHAIRMAN JEFFRIES: You
13 know, Commissioner Turnbull, you know, I was
14 speaking more architecturally, but as you
15 bring this up, I mean, again, this is a very
16 long building, and I am wondering whether
17 they might need to, you know --

18 COMMISSIONER TURNBULL: Fire
19 separation or something.

20 VICE CHAIRMAN JEFFRIES: -- yes,
21 separate something there.

22 COMMISSIONER TURNBULL: I just

1 think it's an awful long corridor.

2 VICE CHAIRMAN JEFFRIES: And,
3 particularly, you know, bringing groceries
4 in --

5 COMMISSIONER TURNBULL: Oh, yes.

6 VICE CHAIRMAN JEFFRIES: -- and
7 having to, you know, I mean that gets to be
8 -- so, if there is some redesign it might
9 be, you know, interior to some degree.

10 COMMISSIONER TURNBULL: Yes, I
11 mean, the building, as I say, it's got -- I
12 like the way it's going, but I just think as
13 a user friendly building the amenities
14 inside for how this works is questionable.

15 Thank you, Mr. Chair.

16 CHAIRMAN HOOD: Okay, thank you,
17 Mr. Turnbull.

18 One thing I know about Mr. Jesick
19 is, we will get comments from all
20 organizations. That's one thing he's good
21 about.

22 You've heard the -- the applicant

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1 has heard all of our comments. I'm not
2 going to say pro or con on any particular
3 comment, especially, my colleague whose
4 comments I tried to read, but I wanted to
5 make sure that everyone has heard our
6 comments, and I would like to know what your
7 pleasure is.

8 And -- never mind, I'll deal with
9 this later.

10 COMMISSIONER ETHERLY: I most
11 certainly will echo the Vice Chairman's
12 comments with respect to, most certainly,
13 moving forward with set down tonight, Mr.
14 Chair. I don't see any reason to, most
15 certainly, hold that step up.

16 And then, I think, clearly, there
17 are some things to be fleshed out further as
18 we go forward, but nothing stands in -- for
19 me, stands in the way of us putting this
20 down.

21 VICE CHAIRMAN JEFFRIES: So, Mr.
22 Chair, if there's no other comments, I think

1 that we have pretty much, you know, put on
2 record our concerns.

3 I think in general, I think we
4 think that this application is moving in the
5 right direction, obviously, with some of the
6 issues we've brought up, so I would like to
7 make a motion that we approve for set down
8 Zoning Commission Case No. 08-14, Kelsey
9 Gardens Property Company, LLC, Consolidated
10 PUD & Related Map Amendment, at the 1500
11 block of 7th Street, N.W., and ask for a
12 second.

13 COMMISSIONER TURNBULL: I'll
14 second it.

15 CHAIRMAN HOOD: Okay, Mr.
16 Turnbull seconded.

17 Okay, it's been moved and
18 properly seconded by Mr. Turnbull.

19 Is there any further discussion?
20 Any further discussion?

21 All those in favor, aye?

22 (Ayes.)

1 CHAIRMAN HOOD: Certainly hearing
2 no opposition, and, Ms. Schellin, can you
3 record the proxy also?

4 MS. SCHELLIN: Yes.

5 Staff records the vote 5-0-0 to
6 set down Zoning Commission Case No. 08-14,
7 Commissioner Jeffries moving, Commissioner
8 Turnbull seconding, Commissioners Hood and
9 Etherly in favor, Commissioner May in favor
10 by absentee ballot.

11 CHAIRMAN HOOD: Thank you, Ms.
12 Schellin.

13 Next case is Zoning Commission
14 Case No. 08-22, this is the Office of
15 Planning Zoning Consistency Map Amendment at
16 Ward 7, and Mr. Moore is Mr. Consistency.

17 MR. MOORE: I don't quite know
18 about that.

19 Good evening, Mr. Chairman and
20 members of the Zoning Commission.

21 Pursuant to the 2006
22 Comprehensive Plan, the Office of Planning

1 has recommended that Zoning Commission will
2 set for public hearing this application that
3 would include the remaining ANCs in Ward 7
4 that were not subject of the original
5 application Ward 7, which was the Marshall
6 Heights rezoning initiative.

7 This application follows two
8 similar applications that was presented to
9 the Board. I just mentioned the Marshall
10 Heights one, and I want to thank the
11 Commission for approving final action on
12 that tonight.

13 The Ward 8 application, which is
14 Zoning Commission Application 08-12, is set
15 for final action before this body on the
16 28th of July, this being the final piece in
17 that whole series of rezoning applications.

18 The area that we are discussing
19 this evening, until the mid-1900s, was
20 actually countryside and used for, actually,
21 farm land. The area began to start to take
22 on a change in terms of housing character in

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1 the mid-'20s, especially, when the 2nd World
2 War started later, and houses were built in
3 the area to support those who came in to the
4 city to work toward the war effort, and in
5 the defense industry.

6 The area began to take on rapid
7 changes that lasted until around the 1950s,
8 where houses were still being built.

9 The issue has been that since
10 around the 1950s many of the houses that's
11 been built have been multi-family, where the
12 area was first developed as a single-family
13 neighborhood, many of the houses built by
14 the owners in the '20s and '30s.

15 Citizens in Ward 7 participated
16 in the Comprehensive Plan process, and many
17 of them stated very clearly that they were
18 interested in maintaining the low-density
19 character that most of the area took on at
20 that time.

21 When you look at -- and I won't
22 read all of them -- the Comprehensive Plan

1 policies that accompany this application, in
2 particular, there's a lot of focus in the
3 Comp Plan language that talks about infill
4 development. There's some of the land use
5 that encourages infill development, as long
6 as it's compatible with the existing
7 character that exists in the neighborhood
8 right now.

9 A couple of policies, I'll just
10 read a couple of them. "Ensure that zoning
11 of vacant infill sites is compatible with
12 the prevailing pattern of surrounding
13 neighborhoods." And, one other, this is
14 particularly important to single-family and
15 row-house neighborhoods that are currently
16 zoned for multi-family development.

17 So, what we are doing is exactly
18 in response to what the Comprehensive Plan
19 has asked that we do, and as I mentioned,
20 just as the -- I did want to mention this,
21 not in the report, that it is very important
22 in this application that infill component be

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1 addressed because there is so much vacant
2 land in the subject area, and the recent
3 history has been that that land has been
4 developed with multi-family builders,
5 sometimes in serious conflict with the
6 single-family neighborhoods.

7 So, it's important that as this
8 gets addressed, that the potential for the
9 destiny, actually, of that vacant land is
10 decided in favor of something that's a
11 little more stable in the community, as
12 opposed to what's been the most recent past
13 experience.

14 The Office of Planning did do
15 some serious analysis of this area, as we
16 did with the first two, by doing surveys of
17 the entire area, and coming up with some
18 conclusions with respect to lot size, use of
19 buildings, condition of buildings, and the
20 like, before making a recommendation that
21 certain areas could benefit from lower
22 densities or down zoning.

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1 On the chart on the bottom of
2 page one are the areas that we recommended
3 for change. There's one added to this
4 application, and that's one area where
5 there's a split zone between the R-O-1-B and
6 the R-0-5-A, and we recommended those areas
7 be changed over to R-O-1-B.

8 As again, we are recommending
9 that the Zoning Commission set it for public
10 hearing, and with that I'll try to entertain
11 any questions you may have.

12 CHAIRMAN HOOD: Mr. Moore, let me
13 just ask a quick question.

14 Is the square number listed where
15 the split zone is already on page one of
16 your report? Do we already have that?

17 MR. MOORE: I don't think you
18 already have that.

19 CHAIRMAN HOOD: Okay.

20 MR. MOORE: That was --

21 CHAIRMAN HOOD: Okay.

22 MR. MOORE: -- wait a minute, it

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1 was added.

2 CHAIRMAN HOOD: It was already
3 added?

4 MR. MOORE: Yes.

5 CHAIRMAN HOOD: Okay, good.

6 Colleagues, any questions for Mr.
7 Moore?

8 If not, again, this is a zoning
9 consistency case, as we dealt with
10 previously, something similar to, I think it
11 was in Ward 8, this is real similar.

12 I want to commend the Office of
13 Planning on this.

14 Mr. Moore, you wanted to add
15 something?

16 MR. MOORE: Yes, I can answer the
17 question Mr. Chairman was supposed to ask,
18 about 10 percent of the apartment buildings
19 in the ward in the application.

20 CHAIRMAN HOOD: Yes.

21 MR. MOORE: And, that was a
22 question you normally would ask.

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1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER ETHERLY: No
3 questions, Mr. Chair. I'll just echo your
4 comment, your congratulatory comment for Mr.
5 Moore, the work that he's done on this case
6 and other cases that have come before this
7 Commission around consistency. I mean, it's
8 really critical as we look at some of these
9 other projects here in the downtown core and
10 in other parts of the City, where
11 development is moving fast. We are seeing
12 the same things happen in residential areas
13 around Ward 7, 8, and even portions of 6,
14 but, most certainly, Ward 7 and 8, and the
15 pressure is just tremendous and the speed
16 with which Mr. Moore and the Office of
17 Planning has moved to kind of get ahead of
18 that tidal wave is commendable, to say the
19 least.

20 Thank you, Mr. Chair.

21 CHAIRMAN HOOD: Okay. Any
22 further discussion?

1 With that, I would approve Zoning
2 Commission Case No. 08-22, with the squares
3 and portions of squares zoned in R-5-A, as
4 listed in the Office of Planning report,
5 with additions for the split zone that we
6 may need to add, and I don't know if I --
7 anyway, portions of Ward 7 from R-5-A to R-
8 2, R-3, or R-4, and ask for a second.

9 VICE CHAIRMAN JEFFRIES: Second.

10 CHAIRMAN HOOD: Moved and
11 properly seconded.

12 Any further discussion?

13 All those in favor?

14 (Ayes.)

15 CHAIRMAN HOOD: Certainly, I
16 don't hear any opposition, and, Ms.
17 Schellin, could you record the vote and the
18 proxy?

19 MS. SCHELLIN: Yes.

20 Staff records the vote 5-0-0 to
21 set down Zoning Commission Case 08-22,
22 Commissioner Hood moving, Commissioner

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1 Jeffries seconding, Commissioners Etherly
2 and Turnbull in favor, Commissioner May in
3 favor by absentee ballot.

4 CHAIRMAN HOOD: Okay, next we
5 have -- thank you, Ms. Schellin -- next we
6 have Zoning Commission Case No. 08-23, this
7 is another Office of Planning text amendment
8 -- text and map amendments to remove Square
9 384, Lot 44, from Housing Priority Area B.

10 Mr. Cochran.

11 MR. COCHRAN: Good evening again.

12 Ten years ago, after the opening
13 of the Walter Washington Convention Center,
14 the District began to plan for the
15 redevelopment of the former Convention
16 Center site, envisioning a significant
17 addition to downtown retail, housing,
18 recreation, and office space.

19 By 2005, the goals for this site
20 were generally clear, and the Council had
21 executed a land disposition agreement. But,
22 a subdivision plan hadn't been filed, and

1 the actual mix of uses in the physical plan
2 were still in flux.

3 Therefore, in 2005, at OP's
4 request the Commission issued Order No. 05-
5 43, which added the entire 10-acre former
6 Convention Center site to Housing Priority
7 Area B.

8 This action gave flexibility for
9 moving certain required uses around the
10 site, or to move them off site through
11 combined lot development, and I'm giving you
12 background now, Mr. Jeffries. You,
13 obviously, had a puzzled expression. Okay.

14 That's the end of the preamble.

15 The Order gave the District a
16 useful tool to respond to change in
17 circumstances during the pre-development
18 stage at the old Convention Center site, but
19 that totally is no longer needed for one
20 part of the site. It's the area that's
21 outlined in purple on page two of OP's July
22 3rd report.

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1 It's also known as Square 374,
2 Lot 44, or some people call it B Parcel
3 West.

4 Therefore, OP is recommending
5 that the Commission set down a map and text
6 amendment to remove Lot 44 from Housing
7 Priority Area B.

8 When the Commission approved 05-
9 43, the District was contemplating a public
10 use for Lot 44. However, since such a use
11 wasn't definite, the City gave the developer
12 the southern portion of the old Convention
13 Center site, the first right to develop Lot
14 44 if it were not publicly developed.

15 Either way, whether publicly or
16 privately developed, the District
17 anticipated that it might have to return to
18 the Commission to ask for removal of Parcel
19 44 from the Housing Priority Area B.

20 We are now asking the Commission
21 to do just that. The District has decided
22 that the Comprehensive Plan's objectives for

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1 Central Washington would be better served if
2 Lot 44 provided for a significant expansion
3 of retail space and the construction of a
4 mid-sized hotel to serve the new Convention
5 Center.

6 Accordingly, we are recommending
7 that the Commission schedule a public
8 hearing on removing Lot 44, Square 374, from
9 the Housing Priority Area B, and on amending
10 Sections 1706.2 and 1706.8B to be consistent
11 with the recommended map change. The
12 specific language for all of this is on page
13 one of OP's July 3rd report.

14 The proposal is consistent with
15 the future land use map's designation of the
16 site for high-density residential and
17 commercial. With the 100,000 square feet of
18 additional retail space and the 400 hotel
19 rooms proposed for the site, and it would be
20 enabled by the requested action.

21 The overall 10-acre former
22 Convention Center site would have 350,000

1 square feet of retail, two office buildings,
2 at least 674 residential units, re-opened
3 streets, and a significant amount of space
4 open to the public.

5 However, there would be no
6 reduction in the amount of housing required
7 by the site's land disposition agreement
8 should you pass the OP request.

9 The proposal is consistent with
10 other written elements of the Comprehensive
11 Plan. All these are noted on page five and
12 six of the OP July 3rd report.

13 I'd note that this is
14 particularly true of the Comprehensive
15 Plan's emphasis on retail uses at the former
16 Convention Center site, and on locating
17 additional hotels in the area around the new
18 Convention Center and Gallery Place.

19 The passage of these
20 recommendations will strengthen the
21 District's abilities to view these sites in
22 the words of the Comprehensive Plan, "... as

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1 a portfolio of assets that must be
2 strategically managed to meet the long-term
3 needs of the District. It will enable the
4 District and private developers to move
5 ahead with realizing the potential of one of
6 the most sought after central city sites on
7 the East Coast."

8 That concludes OP's report. I'm
9 here for questions.

10 CHAIRMAN HOOD: Thank you, Mr.
11 Cochran.

12 Vice Chairman.

13 VICE CHAIRMAN JEFFRIES: So, in
14 terms of Lot 44, what's being planned? You
15 said retail, perhaps, a hotel?

16 MR. COCHRAN: Right now, about
17 100,000 square feet of retail and a 400-room
18 hotel are being contemplated for the site.
19 The hotel would also have smaller retail in
20 it also.

21 VICE CHAIRMAN JEFFRIES: So, the
22 hotel -- so, okay, obviously, a hotel does

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1 not, you know, qualify under Housing
2 Priority.

3 MR. COCHRAN: Correct.

4 VICE CHAIRMAN JEFFRIES: Okay.

5 That's it.

6 CHAIRMAN HOOD: Any other
7 discussion?

8 Mr. Turnbull?

9 COMMISSIONER TURNBULL: So,
10 basically, the zoning stays the same.

11 MR. COCHRAN: Right, it remains
12 DTC-3-C, it just isn't in the Housing
13 Priority Area.

14 VICE CHAIRMAN JEFFRIES: Right.
15 Okay, thank you.

16 CHAIRMAN HOOD: Okay, what I will
17 do, I will move that we set down Zoning
18 Commission Case No. 08-23, and ask for a
19 second.

20 VICE CHAIRMAN JEFFRIES: Second.

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

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1 Any further discussion?

2 All those in favor?

3 (Ayes.)

4 CHAIRMAN HOOD: No opposition.

5 Ms. Schellin, could you record
6 the vote and the proxy?

7 MS. SCHELLIN: Yes, sir.

8 If I may, before I record the
9 vote, one of the things I failed to do is to
10 state on the prior hearing actions that Case
11 No. 08-13 was being set down as a contested
12 case, as well as 08-14. 08-22 is set down
13 as a rulemaking case, and 08-23 has been
14 approved for set down by a vote of 5-0-0 as
15 a rulemaking case, Commissioner Hood moving,
16 Commissioner Jeffries seconding,
17 Commissioners Etherly and Turnbull in favor
18 of set down, Commissioner May in favor by
19 absentee ballot.

20 CHAIRMAN HOOD: Okay, thank you
21 very much, Ms. Schellin.

22 Let me say this before I forget.

1 I know with the re-arrangement of the
2 agenda, I want to apologize to those who
3 have stayed here with us, I apologize to
4 you, I thought we were going to move a
5 little faster, and, actually, I think we
6 did, because we would probably still have
7 been on hearing action had we started with
8 hearing action.

9 Anyway, the last thing we have is
10 -- well, the last major thing I think that
11 we have, is moving the -- we took Zoning
12 Commission Case No. 05-38A off of the
13 Consent Calendar to set down.

14 Mr. Lawson, do you have anybody
15 that can give us a brief view on Marina
16 Towers as a set down?

17 MR. LAWSON: Sure, I can give you
18 a brief summary if you wish. I'm not
19 totally prepared for it, but that's fine.

20 CHAIRMAN HOOD: That's fine.
21 Believe me, the Commission wants it brief.

22 MR. LAWSON: No, no, that's fine.

1 CHAIRMAN HOOD: Thank you.

2 MR. LAWSON: Well, the Commission
3 approved the original PUD for this case back
4 in 2007. The applicant has now returned
5 with a number of minor and different kinds
6 of amendments to the application. Some of
7 them are design oriented, and they are
8 outlined in the applicant's submission, as
9 well as briefly described in the OP report
10 of July the 3rd.

11 Some of the other changes relate
12 to the amenity package itself. In the
13 original proposal, the project was intended
14 to be partly rental and partly owner
15 occupied. That has changed, due to the
16 current market conditions and the applicant
17 is now proposing that the entire development
18 be rental.

19 That's changed the nature of some
20 of the amenity items, and so the applicant
21 has proposed alternative amenity items, the
22 main ones being the restoration of the small

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1 park to the north, it's currently Federal
2 land, but it has been identified for
3 transfer to the District, and that is --
4 that transfer is pending.

5 And then the second replacement
6 amenity item is a \$50,000 contribution
7 towards a shuttle bus service around the
8 Waterside Mall site, which would be in place
9 during the construction process of Waterside
10 Mall.

11 As you know, there's a lot of
12 construction going on in this specific area,
13 including Waterside Mall, the Marina View
14 Tower site and Arena Stage right across the
15 street from Marina View. So, the shuttle
16 bus will help residents get around kind of
17 all this construction.

18 So, with that, I think I'll leave
19 it at that, and I'll be available for
20 questions.

21 CHAIRMAN HOOD: Thank you very
22 much, Mr. Lawson.

1 It's very interesting in the
2 submittal, the applicant pointed out with
3 the former Chair of this Commission,
4 mentioned, "I'm not one to gush about
5 projects that we see, but this is a fabulous
6 project." Let's keep that in mind. That's
7 what the former Chair said, not to mention
8 that she and I disagreed often, but anyway,
9 and I'm not talking about this project, I
10 just figured I would throw that in there.
11 But anyway -- and I know Carol will be
12 watching, I was just joking.

13 But anyway, any questions of Mr.
14 Lawson? One of our colleagues wanted to
15 take this off the Consent Calendar. I
16 really think that this hearing, and I
17 shouldn't say this, I don't want to jinx us,
18 but I really don't think this hearing is
19 going to be that long, we just need to have
20 some clarifications with some five or six
21 things that have been changed.

22 And, with that, I will just open

1 it up for any questions, comments?

2 VICE CHAIRMAN JEFFRIES: I
3 appreciate you providing some direction to
4 the hearing, so that, you know, we are not
5 moving in a secuitous fashion, just focus on
6 the things that are before us, and let's
7 deal with that, and then let's move
8 forward.

9 So, don't spend a lot of time
10 going over, you know, architectural
11 backgrounds and things of that sort.

12 CHAIRMAN HOOD: And, I think
13 that's going to be signified by -- I think
14 we are going to try to double this up, Ms.
15 Schellin.

16 So, with that, any other
17 comments, questions?

18 Mr. Turnbull.

19 COMMISSIONER TURNBULL: No, I
20 just have, I guess, only one comment, is
21 that, you know, I remember when we went --
22 we had several hearings on this. Didn't we

1 have more than one? I think we --

2 CHAIRMAN HOOD: I think they came
3 back before us.

4 COMMISSIONER TURNBULL: Yes, I'm
5 pretty sure we did.

6 CHAIRMAN HOOD: Right.

7 COMMISSIONER TURNBULL: And, you
8 know, realizing what market conditions are,
9 but we heard a lot of testimony from
10 residents in the buildings that were so
11 excited about wanting to move back and
12 invest in the building, buy another unit,
13 and now they are not going to have that
14 opportunity, other than rental.

15 So -- I mean, it's the way it is,
16 but it's just so unfortunate that you had --
17 we had so many people there that were
18 looking forward to becoming ownership in the
19 neighborhood.

20 VICE CHAIRMAN JEFFRIES: Yes, and
21 lots of people lost their money to the bank
22 in California.

1 COMMISSIONER TURNBULL: Oh, I
2 know.

3 VICE CHAIRMAN JEFFRIES: I mean,
4 this can go on and on. I mean, it's just so
5 much it's unfortunate right now with our
6 market as it is.

7 COMMISSIONER TURNBULL: Yes.

8 VICE CHAIRMAN JEFFRIES: Our
9 economy as it is.

10 CHAIRMAN HOOD: But, there are
11 some things to signify that need
12 clarification from my standpoint, and I will
13 be asking OP about the two recommendations
14 when we talk about the for sale and not for
15 sale, but those are some options that we can
16 discuss at this limited scope of a hearing.
17 It's going to be very limited to those four
18 to five, and you notice I'm going down,
19 issues, and that's going to be it.

20 So, what I would do, I would move
21 that we set down Zoning Commission Case No.
22 05-38A to the limited scope of -- for the

1 limited things, you know, for the limited
2 scope of the issues that have been raised to
3 a modification for this particular case, and
4 ask for a second.

5 COMMISSIONER ETHERLY: Second.

6 CHAIRMAN HOOD: Hopefully, that
7 motion satisfies all the requirements as
8 needed.

9 Okay, any further -- moved and
10 seconded -- any further discussion? Any
11 further discussion?

12 All those in favor?

13 (Ayes.)

14 CHAIRMAN HOOD: Any opposition?

15 So ordered.

16 Staff, would you record the vote
17 ,and I'm not sure how we would do this.

18 MS. SCHELLIN: Yes, actually,
19 Commissioner May did say that if it was
20 moved to hearing action he was in favor of
21 set down, and he also made the statement
22 that he would hope that the Commission will

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1 be able to hold such a hearing promptly.

2 CHAIRMAN HOOD: Did he have any
3 dates in mind?

4 MS. SCHELLIN: Yes, they do.

5 CHAIRMAN HOOD: Okay, can you
6 give us those?

7 MS. SCHELLIN: But, I'll work
8 with the applicant --

9 CHAIRMAN HOOD: You are going to
10 work with the applicant?

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: Okay.

13 MS. SCHELLIN: So, the vote --

14 CHAIRMAN HOOD: It won't be
15 before our recess, though, will it?

16 MS. SCHELLIN: -- no, it will be
17 in September, there's not enough time.

18 The vote is 5-0-0 to set down
19 Zoning Commission Case No. 05-38A as a
20 contested case, Commissioner Hood moving,
21 Commissioner Turnbull seconding,
22 Commissioners Jeffries and Etherly in favor,

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1 Commission May in favor by absentee ballot.

2 CHAIRMAN HOOD: Okay. What we
3 have for the correspondence is, we have a
4 letter from Ms. Carolyn Brown, Mary Carolyn
5 Brown, from Holland & Knight, withdrawal of
6 the minor modifications, Zoning Commission
7 Order No. 904.

8 Is any action needed from us, Ms.
9 Schellin?

10 MS. SCHELLIN: None at this
11 point.

12 CHAIRMAN HOOD: Okay. We also
13 take note of the Report of the Secretary, we
14 have that.

15 The Status of the Office of
16 Planning, Mr. Parker, I'm sure is going to
17 bring us up to date on the task force.

18 MR. PARKER: Absolutely, good
19 evening, Travis Parker with the Office of
20 Planning.

21 Just very quickly, tonight the
22 first of our 20 working groups has wound its

1 long way through the public process, and
2 will be in front of you for public hearing
3 on the 31st. We'll be hearing parking that
4 night.

5 And then, we have several more
6 keyed up for hearings that will start after
7 the August break, and we'll probably be
8 looking at averaging about two hearings a
9 month for the rest of the year.

10 So that, things are progressing
11 on schedule, and we look forward to kicking
12 it off on the 31st.

13 CHAIRMAN HOOD: Okay, I thought
14 you said the 21st, 31st.

15 MR. PARKER: 31st.

16 CHAIRMAN HOOD: Now, Mr. Parker,
17 let me ask you, are we going to have -- let
18 me ask this question, and I haven't,
19 unfortunately, been able to attend some of
20 the last few task force meetings, but let me
21 ask this question, do we anticipate the task
22 force, not necessarily coming in as a united

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1 front, but coming in specifically on -- are
2 we going to have a few people, do you expect
3 us to have a large number who sign up to
4 testify and comment?

5 What do you forecast, rather?

6 MR. PARKER: I suspect some task
7 force members will be here to share their
8 comments with you.

9 We have many written comments
10 from working group members and task force
11 members and the public at large that will be
12 part of our report, but I'm sure some task
13 force members and other people will be here
14 to testify for themselves.

15 CHAIRMAN HOOD: Okay. Now, Mr.
16 Parker, let me just ask this too, so I make
17 sure I still understand, are we -- the first
18 -- our first hearing on the 31st will be
19 more of a concept.

20 MR. PARKER: Yes, we expect to
21 submit a report to you tomorrow, it will be
22 a series of recommendations, recommended

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1 policy changes to the Zoning Regulations.

2 From there, we'll take your
3 guidance on whether to move forward with
4 those recommendations, change them, or drop
5 them, and then OP will work with OAG to take
6 the results of that hearing and draft zoning
7 text. That will then be resubmitted to the
8 task force and, ultimately, to you.

9 CHAIRMAN HOOD: Now, in those
10 recommendations you are submitting, that's
11 comments from the task force, from people
12 who have went on line and submitted comments
13 on line, and Office of Planning? It's going
14 to involve all parties.

15 MR. PARKER: The recommendations
16 are OP's recommendations, based on our work
17 with the working group, and the public, and
18 the task force. We will have multitudes of
19 comments, some in favor, and some against
20 our recommendations, that will be included
21 in the report, and we'll address those, and
22 any that we haven't adopted we'll certainly

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1 address.

2 CHAIRMAN HOOD: Okay. All right.

3 Any other questions? any other questions?

4 All right, thank you very much,

5 Mr. Parker.

6 MR. PARKER: Thank you.

7 CHAIRMAN HOOD: Do we need to --

8 was that the Status Report? It must be

9 getting late.

10 Do we have anything else, Ms.

11 Schellin?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Okay, again, I

14 want to thank staff, Mr. Rittig, and Ms.

15 Schellin, for all their helping us make sure

16 we stay on course, also all those who stuck

17 with us tonight I appreciate it, and again,

18 apologizing for reorganizing the agenda.

19 With that, if my colleagues don't

20 have anything else, this meeting is

21 adjourned.

22 (Whereupon, the above-entitled

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1 meeting was concluded at 8:54 p.m.)