

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

FEBRUARY 11, 2008

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
MAXINE BROWN-ROBERTS  
STEVEN COCHRAN  
MATT JESICK  
JOEL LAWSON  
TRAVIS PARKER  
KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular Meeting held on February 11, 2008.

TABLE OF CONTENTS

	<u>Page No.</u>
Preliminary Matters, <b>SHARON SCHELLIN</b>	4
Status Report, Office of Planning	6
Consent Calendar, <b>SHARON SCHELLIN</b>	
A. Z.C. Case No. 03-32A	11
Hearing Action, Office of Planning	
A. A.Z. Case No. 03-12F/03-13F	13
B. Z.C. Case No. 07-34	27
C. Z.C. Case No. 07-35	36
Proposed Action, <b>SHARON SCHELLIN</b>	None
Final Action, <b>SHARON SCHELLIN</b>	
A. Z.C. Case No. 07-08A	65
B. Z.C. Case No. 07-14A	67
Correspondence, <b>SHARON SCHELLIN</b>	70

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

6:37 p.m.

CHAIRMAN HOOD: This meeting will please come to order.

Good evening, ladies and gentlemen. This is the February 11, 2008 Public Meeting of the Zoning Commission, of the District of Columbia.

My name is Anthony J. Hood, and joining me this evening are Vice Chairman Jeffries, Commissioners Etherly, May and Turnbull.

We are also joined by Office of Zoning staff, Ms. Sharon Schellin and Ms. Donna Hanousek, the Office of Attorney General, OAG, Mr. Rittig, and the Office of Planning Staff under the leadership of Ms. Steingasser.

Forgive me for not calling the roll down there, because there's quite a few.

Copies of today's meeting agenda are available to you and are located in the

1 bin near the door.

2 We do not take any public  
3 testimony in our meetings, unless the  
4 Commission requests someone to come forward.  
5 Please be advised that these proceedings are  
6 being webcast -- are being recorded by a court  
7 reporter, and is also webcast live.  
8 Accordingly, we must ask you to refrain from  
9 any disruptive noises or actions in the  
10 hearing room. Please turn off all beepers and  
11 cell phones.

12 Does the staff have any  
13 preliminary matters?

14 MS. SCHELLIN: No, sir.

15 CHAIRMAN HOOD: Okay, if not, let  
16 us proceed with the agenda.

17 Let's go to our Status Report,  
18 Office of Planning, I guess Mr. Parker.

19 MR. PARKER: Good evening, Mr.  
20 Hood, Members of the Commission.

21 Just a quick report on the status  
22 of the zoning review that's underway. We had

1 our second task force meeting at the end of  
2 January, and since that we have started the  
3 working group meetings, so the public working  
4 group meetings are underway for the first two  
5 working groups of height and flood plain.

6 On next Wednesday, the 20th, we  
7 will start the third working group, which will  
8 deal with parking and loading, shortly  
9 followed in early March by low-density  
10 residential.

11 On Thursday of this week we will  
12 have our public participation website up and  
13 running, and the public will be able to get  
14 more information on the entire process, and  
15 sign up for updates, and sign up for  
16 individual working groups, as well as review  
17 documents, et cetera, on the website. The URL  
18 for that website is [www.dczoningupdate.org](http://www.dczoningupdate.org),  
19 and as I said that should be available on  
20 Thursday morning.

21 I'd be happy to answer any further  
22 questions you've got about the process.

1                   CHAIRMAN HOOD: Okay, colleagues,  
2 any questions of Mr. Parker?

3                   Mr. Parker, let me just ask, let  
4 me just state again for the record, I do  
5 participate in some form or fashion with the  
6 task force, but one of the things I wanted to  
7 get in one of the subgroups, which was height,  
8 I've been, unfortunately, unable to make the  
9 meetings on Tuesday night, and I think that's  
10 open to any of my colleagues, right?

11                  MR. PARKER: Absolutely.  
12 Absolutely. We'd love to have the  
13 participation of Commission Members on the  
14 working groups.

15                  CHAIRMAN HOOD: Right now,  
16 colleagues, they are dealing with height and  
17 the flood plain.

18                  MR. PARKER: Height is meeting on  
19 Tuesday nights. We've had two meetings so  
20 far. There will be, the next three Tuesdays  
21 we will continue that session.

22                  Flood plain has had its first

1 working group meeting, there will be two more,  
2 Thursday the 21st and Thursday the 28th.

3 CHAIRMAN HOOD: Okay.

4 MR. PARKER: And, as I stated,  
5 parking starts next Wednesday, the 20th.

6 CHAIRMAN HOOD: Okay, so that's  
7 open to any of us colleagues also, to be a  
8 part of those work groups.

9 COMMISSIONER MAY: Where are those  
10 meetings held?

11 MR. PARKER: Each working group is  
12 different. The height are being held on the  
13 9th floor of 801 North Capitol. The flood  
14 plain working group has been on the 4th floor  
15 of 801 North Capitol. Parking is going to be  
16 meeting on the 1st floor of the COG Building  
17 at 777 North Capitol.

18 CHAIRMAN HOOD: And, much to my  
19 amazement, I've watched how the Office of  
20 Planning has advertised this, and I think I  
21 saw an e-mail go across to the group about  
22 advertisement. I'm not sure, how was the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 height meeting attended?

2 MR. PARKER: Well, we've been  
3 sending notifications to every single ANC  
4 Commissioner in the City. We've sent them to  
5 the ANCs in general. We've sent them to the  
6 community groups through -- or the citizens  
7 group through the Federation of Citizens and  
8 the Federation of Civics Associations.

9 We have not yet advertised it in  
10 public newspapers, but we may be doing that  
11 moving forward now that we have the website up  
12 and running to refer to, because that will be  
13 our main source of information as we go  
14 forward.

15 CHAIRMAN HOOD: Okay, thank you.

16 Anything else?

17 Is that the conclusion of the  
18 Status Report?

19 MR. PARKER: Yes.

20 CHAIRMAN HOOD: Okay. Any other  
21 questions on the Status Report?

22 Okay, thank you, Ms. Steingasser

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and staff, and Mr. Parker.

2 Okay, next on our agenda we have  
3 on the Consent Calendar Zoning Commission Case  
4 No. 03-32A, cornell University -- Consent  
5 Calendar Request to Modify Order No. 03-32A.

6 Ms. Schellin.

7 MS. SCHELLIN: Staff has provided  
8 all the documents, the request from the  
9 applicant for your consideration.

10 CHAIRMAN HOOD: Okay, colleagues,  
11 we have the submittal in front of us. I think  
12 the intensity use does not change, they are  
13 just asking for the same intensity, but asking  
14 for different uses. Case in point, one  
15 condition states Cornell University and other  
16 educational institutions, it just gives them  
17 the flexibility, I guess, to have other  
18 educational institutions to be able to work on  
19 that particular floor, which is the 1st floor.  
20 And, the other one just, basically, says,  
21 researchers or other academic or  
22 administrative personnel may occupy the lower

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 level.

2 I think that is very simple, and I  
3 will move approval of the Consent Calendar  
4 matter, to modify Order No. 03-32A, and ask  
5 for a second.

6 COMMISSIONER TURNBULL: Second.

7 CHAIRMAN HOOD: It's moved and  
8 properly seconded.

9 Discussion? Any discussion?

10 All those in favor?

11 (Ayes.)

12 CHAIRMAN HOOD: Any opposition?

13 So ordered. Staff, would you  
14 record the vote.

15 MS. SCHELLIN: Staff records the  
16 vote 5:0:0, to approve the Consent Calendar  
17 request in Case No. 03-32A, Commissioner Hood  
18 moving, Commissioner Turnbull second,  
19 Commissioners Jeffries, Etherly and May in  
20 favor.

21 CHAIRMAN HOOD: Okay, next under  
22 Hearing Action, Zoning Commission Case No. 03-

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 12F/03-13F (Square 769, LLC & DCHA --  
2 Modifications to PUD at Square 769, Lots 18,  
3 20 and 21.)

4 Mr. Cochran.

5 MR. COCHRAN: Thank you, Mr.  
6 Chair.

7 For the record, my name is Steve  
8 Cochran. I'm with the Office of Planning.

9 This involves a modification to a  
10 building that you've approved as part of the  
11 Capper/Carrollsborg Planned Unit Development  
12 that was Order No. 03-12, 03-13. This  
13 actually had come through as a second stage  
14 PUD approval in 03-12 -- 13C, I believe, yes,  
15 and the applicant is now coming back in and  
16 asking for a modification to increase the  
17 height that you approved from 110 feet to 130  
18 feet, to increase the number of floors from  
19 nine to 11, to increase the gross floor area  
20 from 207,785 square feet to 233,405 square  
21 feet, and to modify the roof structure design.

22 The square footage in the FAR,

1 while greater than the project that you last  
2 approved in Order No. C, letter C, is still  
3 smaller than what was originally approved when  
4 this was considered as part of a consolidated  
5 and preliminary PUD approval, so it's still  
6 under the original path that you set. It's  
7 just that the applicant had not been able to  
8 achieve the square footage and FAR that you  
9 had originally permitted within the then 110  
10 feet, nine floors, that were allowed for the  
11 building, so they, subsequently, came back in  
12 with a set of plans that show the smaller  
13 building.

14 The reason they are in right now  
15 is because since your last order 2nd Street  
16 has been reopened on the east side of what we  
17 now call -- some day, rather, will call the  
18 Canal Blocks Park.

19 The Zoning Administrator has  
20 determined that the applicant can now draw  
21 height off of 2nd Street rather than M Street.  
22 2nd Street is back to more like its historical

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 dimension, which allows for a building to go  
2 up to 130 feet, rather than 110 feet which  
3 would be if the building had no choice but to  
4 take its height off of M Street.

5 So, that's the basic change. It's  
6 also proposing some changes to the roof  
7 structure itself. The applicant will need to  
8 clarify some matters about setback for the  
9 roof structure. It appears as though it is  
10 set back on a 1:1 basis from the level of the  
11 10th floor roof. I think the applicant will  
12 need to give a little bit more clarification  
13 about the set back from the roof that is at  
14 the 130 foot level.

15 But, other than that, OP feels  
16 that this case is well put together and  
17 recommends that you set it down for a public  
18 hearing.

19 CHAIRMAN HOOD: Thank you, Mr.  
20 Cochran.

21 Colleagues, you heard Mr.  
22 Cochran's report. Any questions for Mr.

1 Cochran, and those two issues that he's saying  
2 need further clarification are on page seven  
3 of his report.

4 COMMISSIONER TURNBULL: Mr. Chair?

5 CHAIRMAN HOOD: Mr. Turnbull.

6 COMMISSIONER TURNBULL: I have a  
7 serious question about how they are measuring  
8 the height, and I refer everyone to section --  
9 to the section on Drawing A3.02.

10 CHAIRMAN HOOD: Give us a second  
11 to catch up with you, A3 -- what was that  
12 again?

13 COMMISSIONER TURNBULL: A3.02.

14 CHAIRMAN HOOD: Okay, thank you,  
15 Mr. Turnbull.

16 COMMISSIONER TURNBULL: You'll see  
17 the 11th floor, which has an elevation of  
18 138.10, and you'll see at the walls they talk  
19 about a roof terrace guard rail, and you'll  
20 see a penthouse which goes up about another  
21 15-18 feet, and you'll see the penthouse roof  
22 on top of that. But, you'll see a line to an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 overhang on the penthouse, call it a trellis,  
2 call it an overhang, and that is being called  
3 top of roof.

4 That is very creative, but I'm  
5 sorry that's not going to fly for this  
6 Commissioner. The top of roof in this case is  
7 the 11th floor, where that roof terrace wall  
8 goes all the way around it, that is the God  
9 damn roof of the building. The fact that  
10 they've put a penthouse up there that's  
11 occupiable, and are putting a little -- this  
12 trellis or this other little out cropping and  
13 saying that is the roof is ridiculous.

14 And, if you believe that, you are  
15 kidding yourself. That is not the roof of the  
16 building. The roof of the building happens at  
17 just above the 11th floor. It's very clear.

18 VICE CHAIRMAN JEFFRIES: How did  
19 they measure the top of roof previously?

20 COMMISSIONER TURNBULL: Well,  
21 you'd have to go back to the old plans. If  
22 you go back to the old 302 in the first

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 booklet, you will see that the roof, where  
2 they had a terrace up there also, is at 130  
3 feet. The top of the parapet was at 131.3,  
4 top of roof is 130 feet, 1 inch, and then  
5 you've got the penthouse.

6 You can't come back and simply put  
7 a little, you know, put an intermediate layer,  
8 like an overhang or a trellis, and say that's  
9 now the roof. That's absurd. I don't know  
10 who came up with that creative idea. That's  
11 totally ridiculous.

12 So, I have a problem with how it's  
13 being measured on those drawings, from an  
14 architectural standpoint. And, I guarantee  
15 I'll bring in any number of architects who  
16 will say that that's ridiculous.

17 I don't know how they got that  
18 created. That flies in the face of reality.

19 CHAIRMAN HOOD: Okay, thank you,  
20 Mr. Turnbull. I will just have to say, thank  
21 you for catching that, and if you don't think  
22 that this Commission is on their A game you

1 try, keep trying. But anyway, I'm sure that  
2 the applicant, hopefully, heard it, if not  
3 the Office of Planning will make sure that  
4 they get that concern.

5 Anything else?

6 COMMISSIONER TURNBULL: No, I may  
7 have some other things, but I'll pass and  
8 leave it open to any of the other  
9 Commissioners.

10 CHAIRMAN HOOD: Nobody is speaking  
11 up here.

12 Okay, Commissioner May.

13 COMMISSIONER MAY: Sorry I'm a  
14 little slow on the button.

15 You know, what strikes me about  
16 this is that this is a project that went  
17 through the first phase and certain rules were  
18 developed on how, you know, what will happen  
19 in the second phase. And then, the second  
20 phase came in and this project, you know,  
21 abided by those guidelines the second time  
22 around.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   And then, the rules changed  
2                   because the road was reopened, which, you  
3                   know, opened the door for greater height, and  
4                   I'm wondering, you know, at what point was the  
5                   applicant aware that the street was going to  
6                   be reopened, and, therefore, the door was  
7                   going to be open to legally raise the height  
8                   of the building beyond, you know, what had  
9                   been the limitation based on the Height Act,  
10                  because it seems to me almost like a big  
11                  switch, where it got sold one way, and then  
12                  the whole time people were working on  
13                  reopening the street, knowing full well that  
14                  they were going to come back later on and  
15                  modify this.

16                  So, I mean, was it ever in the  
17                  thinking before, because I wasn't here for the  
18                  second stage of this, but I think I was here  
19                  for the first stage of this in a different  
20                  chair.

21                  MR. COCHRAN: The project  
22                  contemplated 2nd Street being reopened as

1 early as the first approval that the  
2 Commission gave it.

3 COMMISSIONER MAY: The very first?

4 MR. COCHRAN: Yes.

5 COMMISSIONER MAY: First stage.

6 MR. COCHRAN: Correct, as part of  
7 the combination of consolidated and  
8 preliminary, there was always an assumption  
9 that 2nd Street would be open.

10 COMMISSIONER MAY: Yes, okay.

11 But, and there was not an  
12 intention on the part of the applicant at that  
13 point to reopen the height of this building,  
14 to reopen that issue as a relatively late  
15 development?

16 MR. COCHRAN: The applicant didn't  
17 discuss it, certainly, with anybody in the  
18 Office of Planning before this modification  
19 request came in.

20 COMMISSIONER MAY: Okay. The  
21 particular concern I have is the height  
22 limitation that was proposed along Canal

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Blocks Park, which is 110 feet, according to  
2 the design guidelines, if I understand that  
3 correctly. Is that right?

4 MR. COCHRAN: The buildings were,  
5 they step down from 110 feet on the south and  
6 step down gradually to about, I think, 65 feet  
7 on the north side.

8 However, on the west portion of  
9 Canal Blocks, of course, you know that there  
10 are buildings, one of which would look like a  
11 fraternal twin of this one, that go up to 130  
12 feet.

13 COMMISSIONER MAY: Yes, well, that  
14 was -- I mean, according to their elevation it  
15 looks a little bit shorter, but not a lot, a  
16 little bit.

17 I guess what I'm trying to  
18 remember, and, you know, I just can't off the  
19 top of my head, is what the rationale was for  
20 limiting the height of buildings along Canal  
21 Blocks Park to 110.

22 MR. COCHRAN: I don't recall there

1 being a rationale, an aesthetic decision made  
2 to limit the heights on the east, there was  
3 just the condition on the ground at that time,  
4 which was that these streets have been closed  
5 when this was part of a Federal Public Housing  
6 project, back in the '50s I believe.

7 COMMISSIONER MAY: Okay, well, it  
8 just -- what I'm struggling with is that it  
9 seems to me that, you know, we already have  
10 certain heights that we have to live with on  
11 one side of the street. On this side of the  
12 street we had -- there had been set with  
13 limitations, which I think, you know, wasn't  
14 a bad idea because it borders on this park,  
15 and it's on the east side of the park, and it  
16 would be nice to get some, you know, some of  
17 the eastern sun onto that park, and now we are  
18 just going to throw it up, you know, with an  
19 extra ten feet.

20 Granted, that's not going to make  
21 a huge difference, given the angle of the sun,  
22 it's probably only going to still be a shadow

1 anyway, but it just -- it seems to me that  
2 they are really putting --

3 VICE CHAIRMAN JEFFRIES:

4 Commissioner May, could you stay on that mic?

5 COMMISSIONER MAY: Sorry.

6 VICE CHAIRMAN JEFFRIES: Thank  
7 you.

8 We are just -- we are building  
9 this canyon around the park, and I -- you  
10 know, I really am hard pressed to understand  
11 why that's a desirable thing.

12 MR. COCHRAN: Well, of course, if  
13 you set this down that's a conversation that  
14 you may well want to have with the applicant.

15 COMMISSIONER MAY: Right, well,  
16 I'm airing it here now.

17 MR. COCHRAN: Because you have the  
18 design review of it as well as the height  
19 review.

20 COMMISSIONER MAY: Well, and  
21 that's why I'm bringing it up now, to make  
22 sure everybody knows that's going to be an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 issue.

2 I think that's it for me.

3 Thanks.

4 CHAIRMAN HOOD: Anybody else? Any  
5 other concerns you want to get out now?

6 Okay, with that then, I would move  
7 that we set down Zoning Commission Case No.  
8 03-12F and 03-13F, noting the comments that  
9 you've heard and we expect to see you all get  
10 a response to Commissioner Turnbull's  
11 comments, which he so eloquently stated, and  
12 also to Commissioner May's comments.

13 Okay. I would ask all those in  
14 favor?

15 (Ayes.)

16 CHAIRMAN HOOD: Oh -- any second -  
17 - can I get a second?

18 VICE CHAIRMAN JEFFRIES: Second.

19 CHAIRMAN HOOD: Moved and properly  
20 seconded.

21 Further discussion?

22 And, if the applicant or



1 representative of this case was not in the  
2 room at the time, hopefully, they can get a  
3 copy of the transcript.

4 Okay, it's moved and properly  
5 seconded.

6 Further discussion? No further  
7 discussion.

8 All those in favor?

9 (Ayes.)

10 CHAIRMAN HOOD: No opposition.

11 Ms. Schellin, would you record the  
12 vote?

13 MS. SCHELLIN: Yes, staff records  
14 the vote 5:0:0, to set down Zoning Commission  
15 Case No. 03-12F/03-13F, as a contested case,  
16 Commissioner Hood moving, Commissioner  
17 Jeffries seconding, Commissioners Etherly, May  
18 and Turnbull in favor.

19 CHAIRMAN HOOD: Okay. Next we  
20 have Zoning Commission Case No. 07-34. This  
21 is a map amendment from Dupont -- East Dupont  
22 Zoning Consistency Remapping.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Mr. Jesick.

2 MR. JESICK: Thank you, Mr. Chair,  
3 and Members of the Commission.

4 My name is Matt Jesick.

5 The applicants in this case are  
6 seeking to rezone a portion of their  
7 neighborhood in order to be consistent with  
8 the Comprehensive Plan. The area known as  
9 East Dupont is near or bounded by several  
10 streets, including S, T, U, 15th and 16th  
11 Streets, as well as New Hampshire Avenue.

12 The area consists, primarily, of  
13 row houses and small apartment buildings, but  
14 the subject neighborhood, however, is zoned  
15 for higher density development than what is  
16 currently on the ground.

17 Therefore, the applicants are  
18 proposing to rezone areas that are currently  
19 R-5-D to R-5-B, and they are also seeking to  
20 rezone areas that are currently R-5-B to R-4.  
21 They also ask that the Dupont Circle overlay  
22 be expanded to include all of the designated

1 area.

2 The new zone designations would be  
3 compatible with the existing housing stock and  
4 would be not inconsistent with the  
5 Comprehensive Plan's future land use map.

6 The future land use map designates  
7 most of the subject area for moderate density  
8 or residential and R-5-B and R-4 are  
9 considered moderate density zones.

10 The proposed remapping is also  
11 consistent with the guiding principles of the  
12 Comprehensive Plan, as well as policies from  
13 the land use housing, urban design, and  
14 historic preservation elements.

15 Generally speaking, the policies  
16 from those elements call for the protection of  
17 single-family homes, and the preservation of  
18 row house neighborhoods.

19 Specifically, the plan does call  
20 for blocks that are zoned R-5-B or higher, but  
21 developed with row houses, to be given a more  
22 appropriate zone, such as R-3 or R-4.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   Because this application is not  
2                   existent with the Comprehensive Plan, the  
3                   Office of Planning recommends that it be set  
4                   down for a public hearing.

5                   The application also has the  
6                   support of ANC-2B, as well as neighborhood  
7                   groups such as the Dupont Circle Citizens  
8                   Association, the Dupont Circle Conservancy and  
9                   others.

10                   I'd be happy to take any  
11                   questions.

12                   CHAIRMAN HOOD: Okay, thank you,  
13                   Mr. Jesick.

14                   I just want to say, I always like  
15                   it when I see the ANC, the Dupont Circle  
16                   Association, or other neighborhood groups,  
17                   coming together and working together to try  
18                   to achieve something.

19                   But, one of my questions, and I  
20                   should probably ask this at the hearing, but  
21                   I'm going to ask it now just in case, but on  
22                   Square 0177, I want to know how do we get to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that, how do we car right up that and go to  
2 the left, you know, how do we get there? And,  
3 I don't know if -- and I know that they  
4 mention in their attachment No. 3, they talk  
5 about the streets and block locations which  
6 they want to include in this remapping, but  
7 I'm just trying to figure out how we got  
8 there, especially, with Square 0177.

9 VICE CHAIRMAN JEFFRIES: Is that  
10 off of New Hampshire?

11 CHAIRMAN HOOD: It's off of 17.

12 VICE CHAIRMAN JEFFRIES: Oh, I  
13 could -- well --

14 CHAIRMAN HOOD: -- but it's off of  
15 17.

16 VICE CHAIRMAN JEFFRIES: I don't  
17 want to testify.

18 CHAIRMAN HOOD: You don't  
19 necessarily have to answer, but that's one of  
20 the question I want to know, and I'm sure it's  
21 a very logical reason.

22 Are you familiar?

1                   VICE CHAIRMAN JEFFRIES: Well, I  
2 know the area.

3                   CHAIRMAN HOOD: Oh, okay, and  
4 that's something I'm going to be looking for  
5 at the hearing, at the set down.

6                   Any other questions?

7                   VICE CHAIRMAN JEFFRIES: Yes, I've  
8 walked this area, it's very close to my house,  
9 so I'm always walking it, and I probably know  
10 the answer to that question, but, yes, I'll  
11 let the applicants speak to that.

12                  But, I do have a question as  
13 related to, is there a concern that there are  
14 -- because I don't know of, if at all, any  
15 vacant land, or any developments, that are  
16 going to be taking place in these areas, are  
17 there a number of vacant lots where there  
18 could be, you know, developments that, you  
19 know, obviously, you know, steps beyond what  
20 is the existing character of these residential  
21 row dwelling districts?

22                  MR. JESICK: I think there are

1 very few vacant lots in this neighborhood. I  
2 also visited the area recently, and it seems,  
3 you know, very built out.

4 I think the neighbors just want  
5 extra layers of protection, extra assurances  
6 that at some point in the future a development  
7 out of character with the existing housing  
8 would not come forward.

9 VICE CHAIRMAN JEFFRIES: Well, you  
10 know, I'm really happy to see this case,  
11 because, you know, this looks like a real live  
12 zoning consistency remapping case to me,  
13 versus, perhaps, some of the things that we've  
14 seen as of late.

15 So, anyway, just a statement.  
16 Thank you.

17 CHAIRMAN HOOD: Commissioner May.

18 COMMISSIONER MAY: Yes. The big  
19 question that came from me is, in the process  
20 of doing this sort of a down zoning, it's  
21 inevitable that there will be some properties  
22 that will be rendered non-conforming,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 particularly, when you go from R-5-A to R-4,  
2 because there are some restrictions that exist  
3 in R-4 that don't exist in R-5-A. And, I  
4 know, I saw there was a very detailed survey  
5 of the properties and the square footages and  
6 things like that, and the number and height of  
7 buildings and so on, and I'm very happy to  
8 see that level of information.

9 But, it is something of a concern,  
10 because of the potential impacts on the  
11 property owners, that all of a sudden they may  
12 now be, you know, non-conforming, and if they  
13 do want to do something with their property it  
14 complicates their lives.

15 So, not to say that I'm trying to  
16 leave the door open for them to, you know, go  
17 crazy on their properties, it's just that, you  
18 know, they have a certain expectation, do with  
19 it what they can currently do, regardless of  
20 what the Comp Plan says.

21 So, I don't know how easy it is to  
22 get a handle on that, but I would be, you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 know, looking at issues like lot occupancy,  
2 and to some extent even the number of stories,  
3 because sometimes people look at a building  
4 and say it's a three-story building, but it  
5 has an English basement, and an English  
6 basement actually counts as a story in certain  
7 circumstances. And so, I don't know if that  
8 happens a lot, but there were some pictures,  
9 some photos in there where I think that might  
10 be happening.

11 If you go into an R-4 there, that  
12 becomes a non-conforming use.

13 MR. JESICK: Yes, if that's a  
14 concern of the Commission we can certainly  
15 have the applicant maybe put the other summary  
16 of the number of units that are rendered non-  
17 conforming.

18 COMMISSIONER MAY: Yes, and the  
19 reasons why, and so we can understand that and  
20 see what the potential impacts would be.

21 I think that's it. I share  
22 Commissioner Jeffries concerns -- I'm sorry,

1 maybe it's Chairman Hood, who mentioned the  
2 couple of spots where the mapping looks a  
3 little funny, and I was wondering about that,  
4 too.

5 MR. JESICK: I did bring up Square  
6 177 with the applicant, and I guess they felt  
7 that there was a significant diversity of unit  
8 types in that block, that they thought it  
9 wouldn't be entirely compatible with R-4, but  
10 I can get them to spell out their reasoning in  
11 more detail.

12 COMMISSIONER MAY: Okay, thank  
13 you.

14 CHAIRMAN HOOD: All right, thank  
15 you.

16 Anything else? Vice Chair  
17 Jeffries?

18 VICE CHAIRMAN JEFFRIES: Yes.  
19 Chairman, I'd like to make a motion that we  
20 set down Zoning Commission Case No. 07-34, East  
21 Dupont Zoning Consistency Remapping. Look for  
22 a second.

1 COMMISSIONER ETHERLY: All right,  
2 it's been moved and properly seconded.

3 Further discussion? Any further  
4 discussion?

5 All those in favor?

6 (Ayes.)

7 CHAIRMAN HOOD: Any opposition?

8 Wasn't any.

9 Ms. Schellin, would you record the  
10 vote?

11 MS. SCHELLIN: Staff records the  
12 vote 5:0:0, to set down Zoning Commission Case  
13 No. 07-34, as a rulemaking case, Commissioner  
14 Jeffries moving, Commissioner Etherly second,  
15 Commissioners Hood, May and Turnbull in favor.

16 CHAIRMAN HOOD: Okay, thank you,  
17 Ms. Schellin.

18 Our next hearing action case is  
19 Zoning Commission Case No. 07-35 (Sheridan  
20 Redevelopment, LLC & DCHA -- Consolidated PUD  
21 & Related Map Amendment at Squares 5869 and  
22 5872.)

1 Ms. Brown-Roberts.

2 MS. BROWN-ROBERTS: Good evening,  
3 Mr. Chairman, and Members of the Commissioner.

4 For the record, I'm Maxine Brown-  
5 Roberts.

6 The District of Columbia Housing  
7 Authority and William C. Smith Company has  
8 petitioned for a consolidated Planned Unit  
9 Development and related map amendment for the  
10 construction of 342 residential units of  
11 mixed-income development.

12 The applicant is seeking to rezone  
13 the property from the R-5-A District to the R-  
14 5-B and C-2-A Districts.

15 The proposed development will  
16 replace the former Sheridan Terrace Public  
17 Housing, which was demolished some time ago.  
18 And, in fact, some of the former residents who  
19 qualify may be returning to this new  
20 development.

21 The new Sheridan Terrace  
22 development will have a significant amount of

1 affordable dwelling units, as well as market  
2 rate units, and would break down into  
3 approximately 110 units or 32 percent would be  
4 below 30 percent of AMI, 119, or 35 percent,  
5 would be between 30 to 80 percent of AMI, and  
6 113, or 33 percent, would be market rate above  
7 80 percent of AMI.

8 As well as affordability, the  
9 development will have a variety of unit types,  
10 ranging from efficiencies to four bedroom  
11 units, as well as two and one bedroom units  
12 that are dedicated to low-income seniors.

13 The building types will include  
14 low-scale apartment building, townhouses,  
15 stack townhouses, and manor homes,  
16 complimentary to the residential development  
17 will be flex spaced to accommodate community  
18 and social programs for the residents.

19 The development is in close  
20 proximity to the Anacostia Metro Station and  
21 pedestrian walkways have been provided for  
22 easy access to this facility.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The applicant is proposing to  
2           rezone the property from R-5-A to the R-5-B  
3           and C-2-A Districts. The C-2-A District is a  
4           small portion of the site, which is to  
5           accommodate the apartment building and  
6           community service uses. It will not be for  
7           retail uses.

8           The subject property is severely  
9           constrained by steep slopes, and the applicant  
10          has requested a change in zoning to provide a  
11          viable development and preserve the  
12          environmentally sensitive areas.

13          The applicant has also requested  
14          flexibility regarding lot occupancy, side  
15          yard, rear yard and roof structure set back on  
16          the apartment building.

17          The development is not  
18          inconsistent with the housing and land use  
19          elements of the Comprehensive Plan, as well as  
20          the far southeast, southwest elements of the  
21          Comp Plan, and is called out as an housing  
22          opportunity area.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   The development provides  
2                   affordable housing as an amenity, as well as  
3                   social services by DHCD and its development  
4                   partners, environmental preservation related  
5                   to storm water management, landscaping and  
6                   erosion controls, and has committed to  
7                   participation in a first source agreement and  
8                   LSDBE program.

9                   The Office of Planning recommends  
10                  that the proposal be set down for a public  
11                  hearing, that the following information be  
12                  provided prior to the public hearing: plans  
13                  showing the correct PUD boundary, traffic and  
14                  parking study, exterior lighting details, roof  
15                  plan for the multi-family building, tables  
16                  showing the dimensions and requested deviation  
17                  for each lot, a signed agreement for the  
18                  LSDBE, and first source agreements, storm  
19                  water management plan, elevations and  
20                  materials for the retaining walls.

21                               Thank you, Mr. Chairman.

22                               CHAIRMAN HOOD: Thank you, Ms.

1 Brown-Roberts.

2 I'm going to open it up for -- let  
3 me start it off -- oh, I'll open it up -- let  
4 me just ask, on page 34 of the submission, as  
5 I was reading, I wanted to know how the  
6 reentry program was going to work, and that's  
7 -- I still want to know, but I see all the,  
8 it's like three pages of organizations that  
9 are involved with the reentry program, so I  
10 guess we need to just kind of fine tooth, walk  
11 me through, and I'm not asking you to do it,  
12 Ms. Brown-Roberts, but at the hearing, just  
13 walk me through that process.

14 From the looks of it, I think it's  
15 great, but I just don't understand the  
16 process, because there's quite a few  
17 organizations and groups involved, and it  
18 looks to be very well done and well organized,  
19 I just don't see it. I just need to be walked  
20 down the road.

21 MS. BROWN-ROBERTS: You are  
22 talking about the people who will be



1 returning.

2 CHAIRMAN HOOD: Returning.

3 MS. BROWN-ROBERTS: Those who were  
4 in the program.

5 CHAIRMAN HOOD: The whole program.

6 MS. BROWN-ROBERTS: Okay.

7 CHAIRMAN HOOD: Because when I  
8 look at what comes after page 34, it names the  
9 groups and what they do, which I think is  
10 great, but it doesn't tell me, you know, which  
11 group --

12 MS. BROWN-ROBERTS: Yes, there is  
13 a program that is set out, we can get that  
14 information.

15 CHAIRMAN HOOD: Okay, great,  
16 great. Okay.

17 Let me open it up to my  
18 colleagues. Any issues, questions, problems?

19 Commissioner May?

20 COMMISSIONER MAY: You know, when  
21 I was looking at the site plan for this  
22 project, just looking at the plan what struck

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 me is that, you know, once again we are  
2 looking at one -- you know, at a site plan  
3 where we seem to be substituting parking and  
4 alleys for open space. I understand there's  
5 a significant need for parking for all these  
6 number of units, but I have to say that, you  
7 know, with all of these townhouses there's  
8 really no significant private outdoor space,  
9 it's all been taken over by the alleys behind,  
10 which is a building model that I just -- I'm  
11 having a very negative reaction to, and this  
12 is -- it's not just this project. It seems to  
13 happen with increasing frequency, and I'm not  
14 sure how one can mitigate that, or, you know,  
15 design differently and still achieve the goals  
16 that you have, in terms of the density and so  
17 on, but I'm really not convinced that this is  
18 the best way to do it.

19 I'd just sort of register that,  
20 and see whether there's any kind of  
21 flexibility there.

22 But, looking at this overall, I

1 don't think that that's even the big problem  
2 with it. The big problem with it is what we  
3 see at page L-14, right? You guys have seen  
4 this, the Commission has seen it, where we have  
5 a giant wedding cake style retaining wall with  
6 shrubs planted in it along the way up, and all  
7 of this has to do with the existing slope.  
8 And, I understand that the slope is a very  
9 significant challenge, and I also understand  
10 that from what you said that there's been some  
11 effort on the part of the applicant to try to  
12 deal with the slope issues and to try to  
13 organize the site in a way that preserves some  
14 of that natural topography.

15 But, I don't see very much  
16 topography being preserved here, in what I  
17 see. What I see is a giant cut in the  
18 landscape so that we could have a nice flat  
19 area to plant, you know, townhouses.

20 And, you know, this kind of  
21 topography can be used to be a great amenity  
22 to the houses that are situated on them, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 when you think about some of the hillier areas  
2 of the City, and the way the topography works,  
3 I mean I won't -- I mean I know that there's  
4 additional costs associated with trying to  
5 build in that fashion, and I understand that  
6 there may be some constraints in the project  
7 overall, but, really, what I see here is just,  
8 you know, it just is untenable in my view. I  
9 mean, I just cannot see approving this,  
10 changing the zoning map, and proceeding  
11 forward on this like this, and I just want to  
12 register that now.

13 There are other issues that we'll  
14 have to consider, I think, that other  
15 Commissioners may have, so I just -- that's my  
16 big issue with this.

17 CHAIRMAN HOOD: Let me just say on  
18 that same note, and it depends on how this is  
19 moved forward, this kind of reminds me of  
20 another project that the BZA heard some years  
21 back, and when I look at this slope and  
22 what's, you know, what do you call this, the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 wall, what do you call the wall?

2 COMMISSIONER MAY: It's a  
3 retaining wall.

4 CHAIRMAN HOOD: Retaining wall,  
5 okay, it reminds me of something similar to  
6 Fort Lincoln.

7 My only question is, depending  
8 upon the set down, maybe the applicant, is  
9 this something similar, because it looks to me  
10 just to be the exact same thing, and that's  
11 just a question that I want to know at the set  
12 down.

13 Okay, any other -- Commissioner  
14 Turnbull?

15 COMMISSIONER TURNBULL: Thank you,  
16 Mr. Chair.

17 First of all, let me -- I'd like  
18 to say that I think this is an exciting  
19 project. I think it's got a lot of features  
20 to it that are, you know, very well -- these  
21 are things that we look for in a project, I  
22 think the affordable housing aspect, the

1 character that they are trying to achieve, I  
2 think the brick, and I believe they are using  
3 hardy plank instead of vinyl siding, which I'm  
4 always encouraging.

5 So, I think from that standpoint  
6 there are aspects of this development that are  
7 very -- that are very nice. But, I would  
8 agree with Commissioner May, if you look on  
9 page -- on sheet A-31 on Section 10, I think  
10 that it sort of underlies the worrisome thing  
11 about the drainage, the cut. I look at the  
12 top of Section 10 where you see a three-story  
13 building, and then there's about a 10-foot or  
14 more, maybe 12, 15 feet, and then you've got  
15 a retaining wall that goes up about another  
16 12-15 feet. And, there's other aspects like  
17 that throughout the site. There's other  
18 sections that sort of reflect.

19 And, I know we've had projects  
20 like this before. we've gone through this,  
21 and we've had to have the applicant go back,  
22 look at the drainage, look at how this thing

1 is actually going to be graded, because  
2 there's some serious issues with getting rid  
3 of the water, especially on structures like  
4 that in those kind of low-lying areas.

5 So, I think Commissioner May has  
6 brought up a good point, have they really done  
7 the -- again, it's an excellent project, it's  
8 got features in it I think that are very  
9 commendable, and I think the design intent is,  
10 again, going the right way. I just -- I think  
11 there's some things with the siting and the  
12 landscaping, and recognizing it's a difficult  
13 site, that make you just -- at least it leads  
14 me to have some concerns about water,  
15 drainage, flow, things coming in to other  
16 homes within the area. I hate to see a nice  
17 project, which this seems to want to be,  
18 create some features -- I know they are doing  
19 their due diligence in looking at, you know,  
20 getting rid of the water, but when you look at  
21 these sections it just raises some issues  
22 that I think need to be more carefully

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 addressed, or at least they ought to address  
2 them when they come before us.

3 I'm a little bit concerned about  
4 seeing that kind of a cut next to a  
5 residential structure, and I hope when they  
6 come they are going to bring some color  
7 samples. We, basically, have black and white  
8 drawings. I hope we have some color  
9 renderings to get an idea of the tone and the  
10 scope of the way that this project is going.

11 But, I would agree with  
12 Commissioner May that I think that there's  
13 some things with the topography that have me  
14 a little troubled, and maybe they can be  
15 explained, but I think there's going to be  
16 some -- the retention, and the walls on some  
17 of these things look awfully steep.

18 Thank you.

19 CHAIRMAN HOOD: Okay, Mr. Vice  
20 Chair.

21 VICE CHAIRMAN JEFFRIES: Mr.  
22 Chair, you know, I would somewhat echo some of



1 the comments from my colleagues. You know,  
2 you clearly sort of understand what the issues  
3 are from an economic point of view, just the  
4 costs associated with, you know, having a much  
5 more or less abrupt retaining wall to the back  
6 of this, and something that's -- that sort of  
7 allows for there to be some enjoyment by this  
8 community of the green space that's behind it.

9 My suspicion is that, you know,  
10 the cost is probably somewhat prohibitive,  
11 given just the nature of the development  
12 program. I think, you know, my thought is to  
13 the extent that the applicant could, you know,  
14 find ways in which to soften this wall, to  
15 make it not look, you know, so incredibly  
16 abrupt, there might be other ways to sort of  
17 handle this.

18 It is truly a lost opportunity, I  
19 can say that for certain, but I'm just  
20 wondering, given, you know, again, the nature  
21 of the development program, that this kind of  
22 retaining wall is something that, you know,

1 perhaps, makes the overall program possible.

2 I would just really like for the  
3 applicant to, perhaps, look at some other ways  
4 of, again, softening this, so that it doesn't  
5 look so much of a wedding cake, and even sort  
6 of looking at -- I mean, the wall really does  
7 look intrusive, I mean, and, you know, I think  
8 there might be some other way to address that.

9 That would be pretty much my only  
10 comments. I would agree with you,  
11 Commissioner Turnbull, that, you know, I think  
12 this is a much needed project, and I think in  
13 some ways I hear Commissioner May's concern  
14 about, you know, too much alleyway and so  
15 forth, but as I look over the site plan it  
16 looks like they are really trying to cover a  
17 lot of ground, you know, with the program  
18 that's in place here.

19 So, I think the real critical part  
20 to me is just finding a way in which to deal  
21 with this, either, you know, provide some  
22 greater justification for this wall, probably

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in addition to finding ways to soften it, you  
2 know, or, perhaps, doing away with the wall  
3 and finding some other way to get this done,  
4 because I do think it's a lost opportunity.

5 Thank you.

6 COMMISSIONER TURNBULL: I would  
7 agree with you, Commissioner Jeffries. I  
8 think economics does play a big aspect of  
9 this, and how you can deal with the grades,  
10 and how you can work with that big of a hill.

11 And, you know, I don't think we  
12 are looking for anything extraordinary. I  
13 think a lot of it is just reassurances that  
14 when I look at Section 10 for me, that water  
15 is being handled and diverted away from the  
16 buildings, in such a way that we are not going  
17 to see a problem later on.

18 And, we've had some projects like  
19 this before, where we've asked people to go  
20 back and look at the swales, and just make  
21 sure that water is being diverted away from  
22 the structures.

1                   But, no, I would agree with you.

2                   CHAIRMAN HOOD:   Okay, Commissioner  
3                   Etherly?

4                   COMMISSIONER ETHERLY:   Thanks very  
5                   much, Mr. Chair.

6                   Just very briefly, to piggyback on  
7                   some of the comments of my colleagues, which  
8                   I agree with in some small part.   I absolutely  
9                   would echo what Mr. Turnbull commented upon,  
10                  with respect to the excellent opportunity that  
11                  exists here, and one which I think we are well  
12                  on our way towards taking advantage of.

13                  By way of disclosure, I'll  
14                  indicate for the benefit of my colleagues,  
15                  that as a young child growing up at Ballou  
16                  Senior High School, which I'm always, always  
17                  anxious to look for opportunities to sneak  
18                  into the record, I lived in the vicinity of  
19                  the subject property, which, of course, has  
20                  nothing to do with this case, but I resided on  
21                  Bowen Road, so there's some familiarity with  
22                  one of the major issues that's emerged here,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and that is the issue of the topography of the  
2 subject property.

3           Again, I think the record will be  
4 very complete in it's own right, and that, of  
5 course, is what I will be looking at only, but  
6 with respect to the issue of topography I  
7 think it will be very helpful for the  
8 applicant to provide a very -- as much as  
9 possible a sense of the context, especially,  
10 of the topography as you are looking from  
11 above the project back down towards the  
12 Suitland Parkway, I think that's going to be  
13 very helpful, one, in terms of providing a  
14 sense of the vista for some the surrounding  
15 residential that look back over the proposed  
16 project, and then, perhaps, some of the  
17 photographic evidence that we begin to see in  
18 some of the pictorial illustrations at C-6 and  
19 C-7, I think are providing some sense of  
20 context, but I think even further  
21 illustrations, perhaps, from Suitland Parkway,  
22 that given an even wider panoramic view, will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 be very helpful in terms of illustrating just  
2 how steep, how substantial, this grade is.

3 I think it's clear from the site  
4 plans and the illustrations that we have in  
5 the initial submittals, but I think you are,  
6 indeed, correct, Mr. Turnbull, that it would  
7 be very helpful to make sure that we are  
8 absolutely dealing completely with the issue  
9 of storm water, and I think the site most  
10 certainly has some significant challenges, and  
11 I think they can be addressed.

12 So, I just wanted to kind of add  
13 that slight voice to the chorus, but I think  
14 we are in very good position to bring some  
15 much needed development to a section of the  
16 City that is most certainly in sore need of  
17 it.

18 Thank you, Mr. Chairman.

19 CHAIRMAN HOOD: Thank you, Mr.  
20 Etherly.

21 Any other comments?

22 Colleagues, the only other thing

1 with this case I will bring up is, we received  
2 a letter dated January 3, 2008, that was  
3 provided in the record from William C. Smith  
4 & Company, and, basically, it states that they  
5 are requesting subsidized relief from DHCD,  
6 but our rules and regulations require us to  
7 have a letter from DHCD, not from the District  
8 of Columbia Housing Authority.

9 And, I think that at set down we  
10 are supposed to deal with this waive of  
11 hearing fees, and I would recommend, and  
12 especially from what I've heard from my  
13 colleagues, that we defer setting this down  
14 for one month, so they can attend to the  
15 concerns that we've heard you say, and also so  
16 we can get the correct letter we need for the  
17 waiver, because I would hate to deal with that  
18 tonight and have to not grant that waiver,  
19 especially with the three or four pages of  
20 Social Services that I see in the record, and  
21 I would like to move in that fashion.

22 Does anyone have a problem with

1 that?

2 Ms. Schellin, could you address --  
3 I see a hand up, could you deal with that, and  
4 I'll wait a minute.

5 We haven't denied anything yet.

6 MS. SCHELLIN: The applicant's  
7 representative feels that they can address the  
8 issues that you guys have raised this evening  
9 prior to the hearing, and they can provide the  
10 letter for the waiver, although, we still need  
11 the waiver before they set it down, so that's  
12 still an issue we can't go forward.

13 She wanted to go forward and  
14 provide the letter later.

15 CHAIRMAN HOOD: I think to keep  
16 things consistent in the past, and I'm not a  
17 historian, but in the past I think we have  
18 been pretty consistent on that.

19 Let me turn to -- okay -- what if  
20 we move it up to -- if he can provide the  
21 information tonight, why don't we set this  
22 down with the letter in hand on February the



1 21st for a set down. Would that ease up --  
2 okay, let's do that.

3 MS. SCHELLIN: I'm not sure they  
4 are going to be able to address the issues  
5 that you guys raised tonight with regard to --  
6 you can address all of those issues, too?

7 Okay, Commission, the applicant's  
8 representative is asking whether the comments  
9 that were made this evening, other than the  
10 waiver, if you want those addressed prior to  
11 set down or just prior or at the hearing,  
12 because that could make a difference on how  
13 much time they need.

14 CHAIRMAN HOOD: The question is,  
15 do we want them prior or at the hearing.

16 COMMISSIONER MAY: Mr. Chairman?

17 CHAIRMAN HOOD: Let me ask those  
18 who made a lot of them.

19 Mr. May.

20 COMMISSIONER MAY: Yes, I have to  
21 say that what I see here I don't think is a  
22 quick fix, and I think it's something that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 needs to be addressed more thoughtfully before  
2 the project is set down, because once we get  
3 to the hearing I think that there's, you know,  
4 there's a certain -- the nature of the debate  
5 changes a bit, and I would prefer to see this  
6 -- some of these issues addressed more  
7 thoroughly before we even consider set down,  
8 because I mean as it is right now I couldn't  
9 vote in favor of setting this down based on  
10 what I see.

11 I don't know if any other  
12 Commissioners feel the same way, but I feel  
13 very strongly that what we are dealing with in  
14 terms of the retaining wall is not a -- it's  
15 not something that simply can be dressed up  
16 better, I think that there has to be some  
17 significant consideration given to the overall  
18 site plan, and I think that takes some time.

19 CHAIRMAN HOOD: Commissioner  
20 Etherly?

21 COMMISSIONER ETHERLY:  
22 Respectfully, I would tend to have a different

1 perspective than my colleague, Mr. May, but  
2 again, I'm more than open to additional  
3 commentary from members, just to see if  
4 there's a middle ground that we can strike in  
5 terms of moving forward.

6 CHAIRMAN HOOD: Okay, Commissioner  
7 Turnbull?

8 COMMISSIONER TURNBULL: Thank you,  
9 Mr. Chair.

10 I'm torn on this. In one way I  
11 agree with Mr. May, but in another sense,  
12 because of the nature of the project, and what  
13 it's doing, I'd like some very clear answers  
14 when we go to hearing. I'd like to come very  
15 prepared when they come to hearing. I'd like  
16 to, because I feel they may have to go back to  
17 the drawing board at the time of hearing, in  
18 order to solve some of these things, but I  
19 think we need to make it clear, I mean, I'm  
20 ready to go ahead, but I just think that  
21 there's some serious issues with the  
22 topography that I think need to be addressed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   But again, it could be -- it could  
2 be debated, it could be talked about at time  
3 of hearing, but I think the applicant needs to  
4 come very prepared to talk about it.

5                   CHAIRMAN HOOD: All right, thank  
6 you.

7                   Mr. Vice Chairman.

8                   VICE CHAIRMAN JEFFRIES: And, I  
9 would, you know, echo Commissioner Turnbull's  
10 sentiment. I don't have a problem setting  
11 these cases down, and, you know, if we get to  
12 a hearing situation and if it's a problem that  
13 we've stated pre set down, and it's not  
14 addressed, you know, we won't go to proposed  
15 action, we won't vote. I mean, we can do  
16 that.

17                   So, I don't have this problem of,  
18 you know, I'm not going to even let you get to  
19 ground zero. I think the importance of this  
20 project is such that, you know, I think that  
21 I'm prepared to go forward and set it down,  
22 and making certain that the applicant has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 heard the comments from three -- two to three  
2 of the Commissioners up here about some of the  
3 concerns around the topography.

4 So, there you have it.

5 CHAIRMAN HOOD: I would agree with  
6 my last three colleagues, not that I disagree  
7 with Commissioner May, but I have seen it done  
8 in the past, like I stated in other cases,  
9 that's why I asked about that, maybe that will  
10 come out at the hearing.

11 But, my other issue, my main issue  
12 is about the waiver of the fees, and because  
13 I think that when I see three or four entities  
14 involved, and groups, and all those groups  
15 they had involved with this, I think we want  
16 to make sure that we proceed and be able to  
17 grant that sufficiently with the request  
18 coming from DHCD.

19 So, I think February the 21st,  
20 colleagues, we should be able to deal with  
21 this at 6:00, and will this be first on the  
22 agenda?

1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: Okay, and then the  
3 rest of the things that we've asked for,  
4 unless they are able to accomplish that,  
5 Commissioner May, we will probably hear at the  
6 hearing.

7 Now, as stated by Commissioner  
8 Turnbull, and I think you heard from  
9 Commissioner May, come with your A game, be  
10 able to explain, have it thoroughly fleshed  
11 out so you can explain it and deal with it,  
12 because there are some major concerns which  
13 one of my colleagues don't think we'll be able  
14 to address at a hearing. But again, I'm just  
15 forewarning the applicant, come with your A  
16 game.

17 COMMISSIONER ETHERLY: And, if I  
18 may, Mr. Chair, I believe that Mr. May is  
19 absolutely correct in terms of identifying  
20 what is a considerable issue that does need to  
21 be vetted somewhat very clearly, and I think,  
22 perhaps, some greater incite into the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 rationale for certain decisions around certain  
2 design directions I think would be very  
3 helpful, because the direction in which the  
4 design did not want to move for certain  
5 considerations I think it would be really  
6 helpful to show that and illustrate that, as  
7 we dig into this.

8 But, you put it right, Mr. Chair,  
9 the A game would be very well appreciated.

10 CHAIRMAN HOOD: Okay, thank you,  
11 and anything you can do before the 21st to  
12 help soften the questions that you may have if  
13 it's set down, it appears this is going to  
14 happen, that also will be very helpful.

15 VICE CHAIRMAN JEFFRIES:  
16 Absolutely, I mean, you know, you can put --  
17 the applicant can, you know, do a section of  
18 the retaining wall. I mean, there's all kind  
19 of things that can, you know, address storm  
20 water management. I mean, there's lots of  
21 things to get, I think, this Commission  
22 comfortable. You don't have to reinvent the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 overall project for now, but just, you know,  
2 talk about what's contemplated. That's how I  
3 see it.

4 CHAIRMAN HOOD: All right. We are  
5 going to defer this to February the 21st at  
6 6:00, and I think this is first on the agenda?

7 MS. SCHELLIN: Yes.

8 CHAIRMAN HOOD: Okay, good, so we  
9 won't hold you long.

10 Okay, thank you.

11 Okay, we have no proposed action  
12 tonight.

13 Final action, Zoning Commission  
14 Case -- give Ms. Schellin a minute,.

15 MS. SCHELLIN: I'm sorry --

16 CHAIRMAN HOOD: No, and give  
17 myself as minute, too.

18 MS. SCHELLIN: -- the first case  
19 under Final Action, Case No. 07-08A, I believe  
20 the Office of the Attorney General is going to  
21 speak to that.

22 CHAIRMAN HOOD: Okay, Mr. Rittig.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 MR. RITTIG: Good evening,  
2 everyone. My name is Jacob Rittig. I'm a  
3 representative of the D.C. Attorney General's  
4 Office.

5 The reason that this is placed on  
6 the agenda is for a second emergency  
7 rulemaking to extend the emergency for what we  
8 hope is going to be a short period of time.

9 As you know, the hearing is  
10 scheduled for February 21st, to consider this  
11 text amendment, and as you know it's a very  
12 important thing, that temporary ball park  
13 parking lot can obtain their certificates of  
14 occupancy in this crucial time period before  
15 the stadium opened.

16 So, that's all I have to say.

17 CHAIRMAN HOOD: Okay, thank you.  
18 We've heard the explanation of Mr. Rittig, so,  
19 colleagues, with that, unless there's any  
20 discussion, I would move approval of the  
21 emergency rulemaking extension for Zoning  
22 Commission Case No. 07-08A, and ask for a

1 second.

2 COMMISSIONER MAY: Second.

3 CHAIRMAN HOOD: Moved and  
4 seconded.

5 Further discussion?

6 All those in favor?

7 (Ayes.)

8 CHAIRMAN HOOD: I didn't hear any  
9 opposition.

10 Ms. Schellin, would you record the  
11 vote.

12 MS. SCHELLIN: Staff records the  
13 vote 5:0:0 to approve this second emergency  
14 proposed rulemaking -- I'm sorry, the  
15 emergency rulemaking in Zoning Commission Case  
16 No. 07-14A -- 08A, I'm getting ahead of myself  
17 here, Commissioner Hood moving, Commissioner  
18 May seconding, Commissioners Jeffries, Etherly  
19 and Turnbull in favor.

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

22 Next on the final action is Zoning

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Comission Case No. 07-14A. This is a map  
2 amendment from the Office of Planning at  
3 Squares 3848 and 3854.

4 Ms. Schellin.

5 MS. SCHELLIN: We have received a  
6 response from NCPC saying that they found that  
7 the modification would not be inconsistent  
8 with the Comp Plan for the National Capitol,  
9 nor have any adverse impact on Federal  
10 interests.

11 And, to ask the Comission to take  
12 final action on this. Commissioners Etherly  
13 and May did not participate, so they will not  
14 be voting.

15 CHAIRMAN HOOD: Okay, thank you.

16 Okay, colleagues, and remember,  
17 this is located at 901 and 915 Rhode Island  
18 Avenue, and 1050 and 1060 Brentwood Road, and  
19 this is the northwest side of Brentwood Road,  
20 southeast of Rhode Island Avenue, washington  
21 Court at the southwest of 10th and Bryant  
22 Streets, and northeast D.C., very similar to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the -- in proximity to Rhode Island Avenue  
2 Metro, and I think this was fleshed out a lot  
3 during the hearing and proposed action, and  
4 Ms. Schellin already has commented on what the  
5 National Capitol Planning Commissioner said  
6 about not having impacts on the Federal  
7 interests, and I would move approval of Zoning  
8 Commission Case 07-14A, and ask for a second.

9 COMMISSIONER TURNBULL: Second.

10 CHAIRMAN HOOD: It's been moved  
11 and properly seconded.

12 Any further discussion?

13 All those in favor?

14 (Ayes.)

15 CHAIRMAN HOOD: Staff, would you  
16 record the vote?

17 MS. SCHELLIN: Staff records the  
18 vote 3:0:2, to approve final action in Zoning  
19 Commission Case No. 07-14A, Commissioner Hood  
20 moving, Commissioner Turnbull seconding,  
21 Commissioner Jeffries in favor. Commissioners  
22 Etherly and May not voting, having not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 participated.

2 CHAIRMAN HOOD: Okay, under  
3 correspondence, the Commission is in receipt  
4 of Zoning Commission Case No. 6-11 and 6-12,  
5 letter from the West End Citizens Association  
6 responding to George Washington University's  
7 response to the Foggy Bottom Association, ANC-  
8 2A's request for reconsideration.

9 We are in receipt. Is anyone  
10 moved to delve in this anymore?

11 Okay, thank you.

12 Again, for the record, we are in  
13 receipt.

14 Election of officers, if someone  
15 can get Mr. Curtis -- Commissioner Etherly,  
16 and let him know we are going to do election  
17 of officers.

18 I thought this was going to be a  
19 quick meeting.

20 Okay, we -- next on our agenda,  
21 the last thing for this evening, our election  
22 of officers, and what I'd like to do is just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 open it up to my colleagues and hear a  
2 discussion on how you want to proceed on this.

3 COMMISSIONER ETHERLY: Mr. Chair,  
4 I'd be more than happy to open up our  
5 discussion, and I would say, as the newest --  
6 one of the newer members on the Commission,  
7 it's been a pleasure to date serving under  
8 your leadership, and that of the Vice Chair,  
9 Mr. Jeffries, and I think it would be entirely  
10 appropriate, but again, I would, of course,  
11 welcome conversation from my colleagues, but  
12 I think it would be entirely appropriate to  
13 continue our current organizational structure  
14 with respect to the leadership of this body.  
15 I think the leadership has been, indeed, able,  
16 and more than qualified in terms of leading us  
17 forward through what continues to be a very  
18 demanding schedule for this Board, especially,  
19 as we deal with all of the many pressing  
20 issues that are before this body, both in  
21 concert with the work that's being done by teh  
22 Office of Planning and, of course, on behalf

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of the citizens of the District of Columbia in  
2 whole.

3 So, it would be my suggestion, my  
4 recommendation, proudly so, to continue with  
5 our current Chair, Mr. Hood, and our Vice  
6 Chair, Mr. Jeffries, in those leadership  
7 positions moving forward.

8 Thank you, Mr. Chair.

9 CHAIRMAN HOOD: Okay, thank you,  
10 Mr. Etherly.

11 Anyone else?

12 COMMISSIONER TURNBULL: I would  
13 second that.

14 COMMISSIONER ETHERLY: That was,  
15 indeed, a motion.

16 CHAIRMAN HOOD: Okay, thank you,  
17 Mr. Etherly, and than you, Mr. Turnbull, for  
18 your second.

19 Okay, it's been moved and properly  
20 seconded.

21 Any further discussion?

22 All right, Commissioner May.

1                   COMMISSIONER MAY: I would like to  
2 agree with that and if I can third it, I would  
3 third it.

4                   CHAIRMAN HOOD: All right, good.  
5 Okay.

6                   I'm sure I can say this discussion  
7 would be, I'm sure that Commissioners Jeffries  
8 and myself will continue to do the best we can  
9 with the great competent staff that we have,  
10 and all the folks who help us do what we do,  
11 and I appreciate the confidence that you have,  
12 as I'm sure Commissioner Jeffries and I  
13 continue to appreciate the confidences you  
14 have in our ability. We do try, but again,  
15 there's five us up here, and I think we do a  
16 great job together. This is, again, a good  
17 Commission, and I'm looking forward to, and  
18 I'm sure -- I don't want to keep speaking for  
19 Commissioner Jeffries, but I'm sure both of us  
20 are looking forward to continuing serving in  
21 these roles, and we appreciate the vote of  
22 confidence.



1 VICE CHAIRMAN JEFFRIES: Ditto.

2 CHAIRMAN HOOD: Okay. It's been  
3 moved and properly seconded.

4 All those in favor?

5 (Ayes.)

6 CHAIRMAN HOOD: Ms. Schellin would  
7 you record the vote?

8 MS. SCHELLIN: Yes, staff records  
9 the vote 5:0:0 for Commissioner Hood to remain  
10 the Chairman, Commissioner Jeffries to remain  
11 Vice Chairman, Commissioner Etherly moving,  
12 Commissioner Turnbull seconding, Commissioners  
13 Hood, Jeffries and May in favor.

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

16 Do we have anything left on the  
17 agenda?

18 Okay. This meeting is adjourned.

19 (Whereupon, the above-entitled  
20 matter was concluded at 7:43 p.m.)

21

22