

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING
12233rd MEETING SESSION (13th OF 2007)

+ + + + +

MONDAY

JULY 9, 2007

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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., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chair
ANTHONY J. HOOD	Vice Chair
GREGORY N. JEFFRIES	Commissioner
MICHAEL G. TURNBULL	Commissioner (AOC)
JOHN PARSONS	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist
ESTHER BUSHMAN	General Counsel

D.C. OFFICE OF THE ATTORNEY GENERAL:

ALAN BERGSTEIN, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

JOEL LAWSON

MATT JESICK

TRAVIS PARKER

ART RODGERS

KAREN THOMAS

MAXINE BROWN-ROBERTS

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

2 6:34 p.m.

3 CHAIR MITTEN: Good evening,
4 ladies and gentlemen. I think we're ready to
5 start.

6 This is the July 2007 Public
7 Meeting of the Zoning Commission of the
8 District of Columbia. And my name is Carol
9 Mitten.

10 And joining me this evening are
11 Vice Chairman Anthony Hood and Commissioners
12 Mike Turnbull, John Parsons and Greg Jeffries.

13 And this is a very auspicious
14 evening for us when we're celebrating John
15 Parsons being on the Commission 30 years
16 tonight.

17 (APPLAUSE.)

18 CHAIR MITTEN: Copies of today's
19 meeting agenda are available to you, and
20 they're in the wall bin by the door.

21 I'd just like to remind folks that
22 we don't take any public testimony at our

1 meetings unless the Commission specifically
2 requests someone to come forward.

3 And I'd like to advise you that
4 the proceeding is being recorded by the court
5 reporter and is also being webcast live.
6 Accordingly, we ask you to refrain from making
7 any disruptive noises during our meeting. And
8 I would also ask you to turn off all beepers
9 and cell phones at this time.

10 Ms. Schellin, do you have any
11 preliminary matters before we start?

12 MS. SCHELLIN: No, ma'am.

13 CHAIR MITTEN: Good. And I don't
14 have any changes to announce to the agenda.
15 So we will dive right in.

16 And we have the report in front of
17 us from the Office of Planning. Ms.
18 Steingasser, is there --

19 MS. STEINGASSER: Madam Chair,
20 Commissioners, I don't have anything in
21 particular to draw your attention to. So I'm
22 available for any questions.

1 CHAIR MITTEN: Thank you.

2 Anyone have any questions?

3 COMMISSIONER PARSONS:

4 Occasionally I have to thank Ms. Steingasser
5 for including open space, even though it's
6 last. Thank you very much.

7 CHAIR MITTEN: Wait until the day
8 comes when you're not here, and --

9 COMMISSIONER PARSONS: It's going
10 to happen.

11 CHAIR MITTEN: -- it's going to
12 just drop right off like lead.

13 Anyone else have any questions or
14 comments on the Office of Planning Status
15 Report?

16 (No audible response.)

17 CHAIR MITTEN: Okay. Then we're
18 going to move on to the consent calendar item,
19 which is Case No. 05-14A. And this is a minor
20 modification to the PUD that you'll remember.
21 This grew out of a sua sponte that we had that
22 grew out of a BZA case.

1 So the request here is to broaden
2 the condition that was originally intended for
3 a day care center, and to allow the -- I'm
4 sorry -- a child care center -- and to allow
5 that to include as well a child development
6 center or public charter school serving pre-
7 Kindergarten students.

8 And I don't know -- we have a
9 report from the Office of Planning. Is there
10 anything that you guys wanted to mention?

11 MR. PARKER: No. We have no
12 objection to the change.

13 CHAIR MITTEN: Okay. And I guess
14 we haven't heard from the ANC on this one?

15 MS. SCHELLIN: Well, the ANC did
16 not have a quorum in order to take a full vote
17 on this. But I did speak with the SMD, Mr.
18 Spalding. And he says that they've been very
19 supportive of this project. So -- but without
20 a report, but supporting.

21 CHAIR MITTEN: Okay. Any comments
22 or questions before we move ahead?

1 (No audible response.)

2 CHAIR MITTEN: Then I would move
3 approval of the minor modification in Case No.
4 05-14A.

5 COMMISSIONER TURNBULL: Second.

6 CHAIR MITTEN: Is there any
7 discussion? All those --

8 COMMISSIONER PARSONS: The key
9 word is "at least." And I'm glad that's in
10 there. "At least 8,000."

11 CHAIR MITTEN: Yes.

12 All those in favor, please say
13 aye.

14 (A CHORUS OF AYES.)

15 CHAIR MITTEN: Those opposed,
16 please say no.

17 (No audible response.)

18 CHAIR MITTEN: Ms. Schellin?

19 MS. SCHELLIN: The staff scores
20 the vote 5 to 0 to 0 to approve the consent
21 calendar action requested in Zoning Commission
22 Case No. 05-14A. Commissioner Mitten moving;

1 Commission Parsons seconding; Commissioners
2 Hood, Jeffries and Turnbull in favor.

3 CHAIR MITTEN: Thank you.

4 Under Hearing Action, the first
5 case is Zoning Commission Case No. 07-11. And
6 this is for some text and map amendments to
7 the Southeast Federal Center Overlay District.

8 Mr. Lawson?

9 MR. LAWSON: Good evening, Madam
10 Chair, and members of the Commission.

11 My name is Joel Lawson. I'm
12 actually filling in today for Doug Woods,
13 who's the planner for this case who's not able
14 to attend this evening.

15 The Zoning Commission adopted the
16 Southeast Federal Center Overlay in 2004 to
17 add stability and predictability to long-term
18 decisionmaking and help facilitate the
19 development of this unique waterfront site
20 into a vibrant, urban, mixed-use waterfront
21 neighborhood.

22 Forest City, LLC is now being

1 chosen as the master developer for the site,
2 and has submitted a request for specific map
3 and text amendments to the Southeast Federal
4 Center Overlay District to reflect their
5 current planning program.

6 The Office of Planning has had a
7 number of discussions with the applicant on
8 the proposed text and map changes. We have no
9 concerns with the map changes, which reflect
10 refined street layouts for the site. OP is
11 also generally supportive of the proposed text
12 amendments, but has recommended in our report
13 to the Commission alternative language that
14 addresses the following specific concerns.

15 Section 1803.4 deals with combined
16 lot provisions within the Southeast Federal
17 Center's CR District. OP does not support
18 deletion of the words, "height of," which
19 would have allowed height to exceed the
20 established and agreed to limits of the
21 overlay. And the applicant has subsequently
22 agreed essentially to removal of that change.

1 Sections 1803.13 and 1804.6 would
2 allow 100 percent lot occupancy for mixed-use
3 buildings in the CR R-5-E and R-5-D districts,
4 where residential uses normally would have
5 more restrictive -- i.e., smaller lot
6 occupancy limits. In this case, the overlay
7 permits, and in fact requires retail uses
8 within certain portions of these districts,
9 and such retails should be encouraged to
10 establish a pedestrian-friendly and consistent
11 streetscape.

12 As such, OP supports the concept
13 of the applicant's proposal, but recommends
14 that the 100 percent lot occupancy should only
15 be applied to the first two floors, including
16 the ground floor, and only for floors occupied
17 by preferred retail uses. Additional stories
18 above this and lower stories devoted to other
19 uses would be required to conform to the
20 otherwise established lot occupancy
21 requirements. This recommended solution would
22 be similar to some of the existing commercial

1 zones, which permit 100 percent lot occupancy
2 for nonretail floors, and require a lower lot
3 occupancy for residential floors.

4 Third, new Section 1803.15, as
5 proposed by the applicant, would exempt any
6 building with preferred uses from complying
7 with the CR requirement for open space
8 adjacent to the front entrances. In keeping
9 with the desire to create a uniform retail
10 streetscape, OP agrees with the intent, but
11 again recommends that this exception only be
12 applied where preferred uses are required.

13 Section 1804.2F stipulates which
14 portions of the property within properties
15 within the Southeast Federal Center R-5-E and
16 R-5-D districts are required to submit for
17 Zoning Commission review to assess impacts on
18 the adjacent park space. The Office of
19 planning again is generally supportive of the
20 applicant's amendment to clarify this
21 provision, except that the description of the
22 area should also include the delineation of

1 the east of Third Street, S.E. Again, in
2 subsequent discussions, the applicant has
3 expressed their concurrence with the OP
4 position.

5 Section 1804.3A established where
6 in the Southeast Federal Center R-5-E and D
7 districts preferred use retail is required.
8 OP supports the amendments to require the
9 retail along Tingy Street, which is now
10 envisioned as the neighborhood serving retail
11 street, but recommends that preferred uses
12 should be provided on both Tingy Street and
13 Water Street, east of Third Street, S.E.

14 In subsequent discussions with the
15 applicant, concerns regarding the ability to
16 meet all of the technical requirements for
17 retail within the existing historic structure
18 Building 160 were discussed, particularly
19 since the building is to be converted to
20 residential use, necessitating a large
21 internal courtyard which will limit design
22 options for retail space on the ground floor.

1 This issue requires additional study between
2 OP and the applicant. But OP recognizes that
3 there would be difficulty in meeting all of
4 the technical requirements for the preferred
5 uses and that it would be preferable to
6 address these issues in the overlay text.

7 OP is proposing that for the
8 advertisement, the OP proposal be set down,
9 but OP will continue discussions with the
10 applicant and will submit refined language to
11 note which aspects of the technical
12 requirements this unique building should not
13 be required to conform to. And those would be
14 provided prior to the public hearing.

15 And finally, Section 1804.3B would
16 allow preferred uses to be located in portions
17 of the Southeast Federal Center R-5-E and D
18 districts, where such uses are not actually
19 required. The applicant has proposed a change
20 to eliminate a requirement that such optional
21 preferred use space not be required to be
22 retained for the life of the building. OP

1 believes it is important to establish
2 consistent retail streets in the neighborhood,
3 and does not support the elimination of this
4 clause within the provision.

5 As noted in our report of June 29,
6 2007, there are a number of other proposed
7 text changes that OP fully supports.

8 In summary, the proposal is
9 consistent with the goals and objectives for
10 the area as outlined in the comprehensive
11 plan. And as such, the Office of Planning
12 recommends that this application be set down
13 for public hearing as amended.

14 That concludes my testimony. And
15 we're available for questions. Thank you.

16 CHAIR MITTEN: Thank you.

17 Any questions for Mr. Lawson?

18 Mr. Parsons?

19 COMMISSIONER PARSONS: Well, I
20 found this very difficult to follow. And at
21 the hearing, will we have more definition as
22 to what their proposal is from a site planning

1 standpoint?

2 I'm very intrigued by Building 160
3 and what's going to happen to it. And what's
4 going to happen to the east of it. And when
5 you start wrapping language around it, you
6 glaze over.

7 But the exhibits are land-use
8 diagrams. Is there going to be any more
9 refinement to this, do you think?

10 MR. LAWSON: We can certainly
11 discuss with the applicant having more
12 detailed site plans available. I know that
13 they're working on such plans. They're
14 developing their master plan now, and they're
15 looking for some additional certainty with
16 regards to certain issues as they're
17 developing those plans.

18 But I'm sure they'd be able to
19 provide some more definitive site plan
20 information for you prior to the public
21 hearing.

22 COMMISSIONER PARSONS: So I assume

1 that the future of Building 160 is really
2 dependent on what the State Historic
3 Preservation Officer is doing with that, or
4 the Review Board. Is that correct?

5 MR. LAWSON: Yes. They're going
6 through a process right now which includes the
7 SHPO and the Office of Planning in determining
8 just the exact nature of all of the historic
9 buildings. Certainly Building 160 isn't the
10 only one. It just happens to be at a very
11 critical site right in the center of the site.
12 And those issues are being worked on right now
13 between the applicant and the SHPO. Yes.

14 COMMISSIONER PARSONS: So is there
15 any hope, given our schedule, that maybe that
16 would be resolved before we get to this?

17 MR. LAWSON: I'm not sure if it'll
18 be resolved. But we can certainly again
19 provide more information --

20 COMMISSIONER PARSONS: All right.

21 MR. LAWSON: -- prior to the
22 hearing.

1 COMMISSIONER PARSONS: Thank you.

2 CHAIR MITTEN: Anyone else?

3 Comments or questions?

4 (No audible response.)

5 CHAIR MITTEN: Okay. Then I would
6 move that we set down Case No. 07-11 with the
7 language in 1803.4, the words, "height of,"
8 that they would not be deleted as recommended
9 by the Office of Planning. So it's as
10 proposed by the applicant with the following
11 changes.

12 So in 1803.4, "height of" will not
13 be deleted in the set down. The words "east
14 of Third Street, S.E.," would be added to
15 Section 1804.2F. And the language proposed by
16 OP for 1804.3A would be included.

17 And I ask for a second.

18 COMMISSIONER TURNBULL: Second.

19 CHAIR MITTEN: Is there any
20 discussion?

21 (No audible response.)

22 CHAIR MITTEN: All those in favor,

1 please say aye.

2 (A CHORUS OF AYES.)

3 CHAIR MITTEN: Those opposed,
4 please say no.

5 (A CHORUS OF AYES.)

6 CHAIR MITTEN: Ms. Schellin?

7 MS. SCHELLIN: Staff scores the
8 vote 5 to 0 to 0 to set down Zoning Commission
9 Case No. 07-11. Commissioner Mitten moving;
10 Commissioner Turnbull seconding; Commissioners
11 Hood, Jeffries and Parsons in favor.

12 And this is being set down as a
13 rulemaking case.

14 CHAIR MITTEN: Yes. Thank you.

15 Next is Case No. 07-16. And this
16 is a PUD proposed for the 2300 block of
17 Pennsylvania Avenue, S.E.

18 Ms. Thomas?

19 MS. THOMAS: Good evening, Madam
20 Chair, members of the Commission. I'm Karen
21 Thomas with the Office of Planning.

22 And the Office of Planning is

1 recommending that the Commission set down for
2 a public hearing the proposal for the
3 redevelopment of the identified lots in square
4 5560. The property is currently zoned CTA,
5 and a PUD-related map amendment is requested
6 to the C-2-B District.

7 One hundred forty-four units are
8 planned for this apartment building to be
9 dedicated to work-force housing with 11,000
10 square feet of retail on the ground floor. It
11 appears that the site would require
12 flexibility from the loading platform
13 requirement, as well as the rear-yard
14 requirement as requested.

15 The density at 4.79 FAR is within
16 the expected range of the C-2-B PUD
17 designation. And this is not inconsistent
18 with the comprehensive plan and policy map.

19 Reading the maps to get in
20 combination with other comprehensive plan
21 policies, it is not inconsistent that this
22 plan increases the range of housing options

1 within the FAR Northeast and Southeast
2 planning area as identified in the plan.

3 The major public benefit is the
4 100 percent affordability of the units, which
5 will be dedicated towards work-force housing.
6 And all units are targeted towards potential
7 residents with incomes of 60 percent of the
8 area medium income, without the applicant to
9 provide more specifics regarding the
10 composition of the units, how they would be
11 allocated, and whether the units are 100
12 percent rental or divided between rental and
13 owner.

14 We will continue to work with the
15 applicant to refine the design on any other
16 issues including the environmental
17 improvements which may arise prior to the
18 public hearing. We support the request to
19 redesign the site, but we've also asked for a
20 revised site plan with additional information
21 as identified in our report.

22 Thank you.

1 CHAIR MITTEN: Thank you.
2 Questions or comments for Ms.
3 Thomas?

4 Mr. Parsons?

5 COMMISSIONER PARSONS: Well, I'm
6 trying to figure out why C-2-A with a PUD
7 wouldn't work here. It seems like 75 feet is
8 a major change to me, visually. The
9 comprehensive plan says we need a somewhat
10 denser use than exists today. But why
11 couldn't that be achieved with a C-2-A --
12 planned unit development?

13 MS. THOMAS: Let me just check my
14 -- what the development data says on the C-2-
15 A.

16 MS. STEINGASSER: Mr. Parsons, if
17 I can go ahead and try to answer while Karen
18 looks up the specifics.

19 The C-2-A PUD doesn't give the
20 same amount of height or the same amount of
21 density as the --

22 COMMISSIONER PARSONS: That's

1 correct.

2 MS. STEINGASSER: -- project's
3 proposing. So the economics -- because of the
4 affordability -- that the applicant is trying
5 to achieve are substantially different.

6 COMMISSIONER PARSONS: So, like
7 other cases on Georgia Avenue and other places
8 -- I mean, are we setting the stage for a C-2-
9 B for this entire zone -- entire area?

10 MS. STEINGASSER: Not as a matter
11 of right.

12 What the applicant's proposing is
13 only a 4.57 FAR under the PUD, which in the C-
14 2-B would accommodate a 6. But I think in
15 this particular neighborhood, we're looking at
16 this to be a fairly catalytic project to
17 really start to turn the corridor here.

18 COMMISSIONER PARSONS: But this
19 entire area of Minnesota and Pennsylvania is
20 all zoned C-2-A. What is its future?

21 MS. STEINGASSER: It is currently
22 going through a small area plan context that

1 does call for the redevelopment of the
2 corridor. It doesn't get into height zone
3 specifics, but it does talk about potential
4 for increased height and densities to create
5 the critical mass that the corridor needs.

6 CHAIR MITTEN: Let me just -- I
7 just want to piggyback on here.

8 Am I reading this right that the
9 future land-use map designates this for low
10 density commercial?

11 MS. STEINGASSER: It does.

12 CHAIR MITTEN: When I was reading
13 that, I couldn't help but think about 5220
14 Wisconsin Avenue, which I think the
15 comprehensive plan was developed with that
16 project somewhat in mind -- if not
17 specifically, certainly generally.

18 And there was a specific change
19 made to the future land-use map relative to
20 the old map from low-density commercial to
21 low-density commercial and some medium- or
22 moderate-density residential. Why didn't that

1 happen here?

2 MS. STEINGASSER: At the time the
3 comprehensive map was concluded, this project
4 was not in play.

5 CHAIR MITTEN: Well, I guess it
6 goes to Mr. Parsons' point though, which is
7 this is a dramatic shift from whatever you
8 were thinking. So, as I was thinking about it
9 -- like trying to justify this relative to
10 5220 and what we were doing here -- and the
11 heights are not dissimilar. But we had a
12 Metro station nearby, and we had the future
13 land-use map guiding us in that direction. We
14 don't have it guiding us this time.

15 MS. STEINGASSER: We don't have
16 the land-use map.

17 The Pennsylvania Avenue corridor
18 plan is in its draft form, and that will be
19 completed in the next month. And that will
20 give additional guidance as to how the
21 development of this site and this corridor
22 should proceed. And that will be done prior

1 to the public hearing.

2 So if we could perhaps set it down
3 and not schedule the hearing until that
4 corridor plan is complete, that --

5 CHAIR MITTEN: Sorry, Mr. Parsons.
6 Keep going.

7 COMMISSIONER PARSONS: What you've
8 done is to reduce the height of the building
9 with its amenities, if you will -- its roof-
10 top amenities -- to try to get it down. And
11 in my view, it's too tall from a bulk
12 standpoint, not the embellishments on the
13 roof.

14 So, I disagree with your proposal.

15 MS. STEINGASSER: Okay.

16 COMMISSIONER PARSONS: I just want
17 you to know I think it's the wrong thing to
18 do. So, I won't be supporting this.

19 CHAIR MITTEN: Anyone else have
20 comments or questions? Mr. Turnbull?

21 COMMISSIONER TURNBULL: Thank you,
22 Madam Chair. I just had a question.

1 What's happening on the alley?
2 There's a 20-foot alley behind the project.
3 And it looks like there's -- looking on the
4 aerial view, are these garages? Or --

5 MS. STEINGASSER: They are
6 garages.

7 MS. THOMAS: Yes.

8 COMMISSIONER TURNBULL: So it's an
9 R-5-B area behind it --

10 MS. STEINGASSER: Right.

11 COMMISSIONER TURNBULL: -- but a
12 section on A401, it looks like these garages
13 are almost two stories higher. Is that an
14 accurate depiction? Or --

15 MS. THOMAS: I'm sorry. Used car
16 lots?

17 COMMISSIONER TURNBULL: On A401,
18 drawing A401. Or even --

19 MS. STEINGASSER: I don't know
20 what the height of those garages are. We
21 could certainly get that.

22 COMMISSIONER TURNBULL: But I was

1 just wondering, are they -- there's no chance
2 anybody's living back there?

3 MS. STEINGASSER: Not legally.

4 COMMISSIONER TURNBULL: Not
5 legally.

6 MS. THOMAS: Don't think so.

7 COMMISSIONER TURNBULL: I was just
8 curious.

9 MS. STEINGASSER: That I don't
10 know. But we could get you that information.

11 COMMISSIONER TURNBULL: Okay. I
12 was --

13 MS. STEINGASSER: There's actually
14 a photograph attached that shows the alley
15 with the garages. And they're -- I think it's
16 just a misrepresentation of the scale.

17 COMMISSIONER TURNBULL: Okay.

18 MS. STEINGASSER: It looks like
19 they're all one-story.

20 COMMISSIONER TURNBULL: Well, I
21 guess getting back to the bulk issue too is
22 that if there's an R-5-B at this -- some of

1 these things get changed -- wouldn't you want
2 to be stepping down?

3 MS. STEINGASSER: Well, the R-5-B
4 would allow for that step down. That would
5 allow 50 feet or 65 for the PUD. Tall
6 buildings.

7 We understand the Commission's
8 concern about the low-density. The future
9 land-use map also identifies the project as
10 being part of -- I'm sorry, the generalized
11 policy map as being part of the commercial
12 mixed-use main street corridor.

13 COMMISSIONER TURNBULL: Okay.

14 MS. STEINGASSER: And that does
15 allow -- as we talked about -- a traditional
16 commercial business corridor with the
17 concentration of street fronts -- of store
18 fronts along the street with enhancement
19 desired to foster economic development and
20 housing opportunities.

21 And we feel as if --

22 MS. THOMAS: The draft Southeast

1 Pennsylvania corridor plan also identifies
2 that site as a particular redevelopment site
3 between 2300 and 2500 Pennsylvania Avenue as
4 the L'Enfant Square. And it identifies that
5 site for both -- they sort of worked out a
6 market analysis of how much square feet of
7 residential it could take as well as retail.

8 But again, it's in its draft
9 stages and it will be sent to Council pretty
10 soon.

11 COMMISSIONER PARSONS: I also
12 wanted to ask the linear nature of the
13 building as it intersects Prout and
14 Pennsylvania.

15 What is going on there? That's
16 very unusual in the city to set back like
17 that. Does it have something to do with
18 L'Enfant Square?

19 MS. THOMAS: One of the parcels on
20 the corner is called L'Enfant Square actually.
21 So it's -- I don't -- I'm not sure I see a
22 history of how it got named L'Enfant Square.

1 But there's a little triangle area
2 that's slightly off the map. It's off of the
3 plan right there. It's called L'Enfant
4 Square. And I notice it's in the Southeast
5 plan.

6 COMMISSIONER PARSONS: I'm looking
7 at A202. The building is set back in a
8 curvilinear nature from that corner?

9 MS. THOMAS: Yes. From this
10 corner, yes. I think that's where they're
11 going to have the retail area focused -- part
12 of it on Pennsylvania and on Prout Street.

13 COMMISSIONER PARSONS: It's
14 certainly losing a lot of square footage by
15 doing this. It's very foreign to how we do
16 business in this city.

17 We normally build to the back of
18 sidewalk. And I wondered why they have chosen
19 this technique.

20 MS. THOMAS: I can speak to that
21 later.

22 COMMISSIONER PARSONS: Thank you.

1 CHAIR MITTEN: Mr. Jeffries?

2 COMMISSIONER JEFFRIES: Yes.

3 Actually I would echo that as
4 well. I was somewhat perplexed. I thought
5 perhaps it was something in the context that
6 it just seems somewhat foreign. I thought I
7 was going to get the answer at some point.

8 But I just wanted an understanding
9 of the character of the housing in the R-5-B.
10 Are they row dwellings? Or are there some
11 multi-family?

12 MS. THOMAS: A mixture of both.

13 COMMISSIONER JEFFRIES: A mixture
14 of both?

15 MS. THOMAS: Yes.

16 COMMISSIONER JEFFRIES: More?

17 MS. THOMAS: More row in that
18 area.

19 COMMISSIONER JEFFRIES: More row?

20 MS. THOMAS: They have a lot of
21 row. Yes.

22 COMMISSIONER JEFFRIES: Okay.

1 Okay. Thank you.

2 CHAIR MITTEN: Anyone else? Mr.
3 Hood?

4 VICE CHAIR HOOD: Thank you, Madam
5 Chair.

6 Ms. Thomas, I'm looking at your
7 report, and I see ten things -- I won't call
8 it a laundry list, but I will -- a laundry
9 list of concerns that the Office of Planning
10 has.

11 Do you think this is flavored and
12 ready to be set down for us to proceed with a
13 hearing?

14 MS. THOMAS: Well, we believe we
15 can work with the applicant a little bit more
16 in refining the design. We did have some
17 concerns with it, but in the interests of
18 spurring development on the corridor, we could
19 work a little bit more with them on getting it
20 to where we would more like it to be in terms
21 of its site plan and in terms of material --
22 its density.

1 VICE CHAIR HOOD: I just was
2 wondering, because there's quite a bit here.

3 It seems like we're going to be
4 hashing it all out at the hearing, which may
5 add an hour and a half. But we've got plenty
6 of time. Thank you.

7 CHAIR MITTEN: I have a few
8 questions.

9 I can't tell, and maybe I'm just
10 losing my ability to read these things.

11 On A202, which Mr. Parsons was
12 referencing, how does one get to the retail
13 parking? I see where the garage entrance is,
14 but I don't see how you could actually -- if
15 you were going down a ramp into a garage, then
16 how do you get to that parking along the
17 alleys?

18 MS. STEINGASSER: There's a set of
19 stairs. I hate to use this as a reference
20 point, but adjacent to the trash room, which
21 is internal. It's not exposed.

22 CHAIR MITTEN: Yes.

1 MS. STEINGASSER: When you come in
2 the garage entrance --

3 CHAIR MITTEN: Okay.

4 MS. STEINGASSER: -- there's a set
5 of stairs there. I think this shows three or
6 four steps. And that carries you through a
7 corridor out to the main plaza.

8 And the retail is --

9 CHAIR MITTEN: No. I meant, how
10 do you drive your car?

11 MS. THOMAS: From Prout Street
12 into --

13 CHAIR MITTEN: Well, it says
14 garage entrance. Right?

15 MS. STEINGASSER: Yes.

16 CHAIR MITTEN: So doesn't that
17 take you down into the garage?

18 MS. STEINGASSER: There's a great
19 deal of slope as it comes back here. So
20 you're not going down quite as hard.

21 MS. THOMAS: Well, which one did
22 you want to know? How you get to the compact

1 spaces?

2 MS. STEINGASSER: They're interior
3 spaces.

4 CHAIR MITTEN: I see. Okay. I
5 don't know.

6 Just to follow up on the issues
7 raised by Mr. Parsons and Mr. Jeffries about
8 this corner, first of all in addition to your
9 list, we don't have a landscaping plan. But
10 the way that the landscaping is depicted on
11 A202, it looks like there will be a barrier
12 for people coming from the corner.

13 And so they have to go off the
14 corner and around that little circular thing
15 to get to the access point to the retail,
16 which that's not how people like to walk. So
17 that whole corner is not working for me. But
18 whatever they plan to do by way of
19 landscaping, we need a landscaping plan.

20 And you note in your list that
21 they need to provide samples of materials and
22 colors, and there is nothing indicated in the

1 submission. Have you had any conversations
2 with them about materials on the facade?

3 MS. THOMAS: Not beyond the
4 report. No. Not as yet.

5 We will get with them to meet
6 about more of the design aspects of this plan.

7 CHAIR MITTEN: Are there going to
8 be any design guidelines that are to come out
9 of great streets in one form or another --
10 about what materials are not acceptable on a
11 great street? Because I just feel something
12 yucky coming.

13 MS. STEINGASSER: There would be
14 no design guidelines addressing materials in
15 the plan that I recall. But obviously as a
16 PUD, the Zoning Commission would have a great
17 deal of influence.

18 And there's materials that we
19 summarily reject as qualifying for a PUD.

20 CHAIR MITTEN: Okay. Okay.
21 That's all my questions.

22 COMMISSIONER JEFFRIES: So what's

1 the closest Metro, or is there? I'm --

2 CHAIR MITTEN: Potomac Avenue.

3 MS. STEINGASSER: I don't know.

4 CHAIR MITTEN: The closest one is
5 Potomac Avenue. But it's not close.

6 What I would suggest that we do --
7 and I don't know if enough Commissioners will
8 agree with this -- but between the
9 reservations that Mr. Parsons has, I have
10 reservations about the context in which we're
11 making this decision because the comprehensive
12 plan is clearly going to be refined by the
13 corridor plan which we don't have in front of
14 us. And so we don't know how this fits into
15 the guidance of that plan.

16 And as Mr. Hood noted, there are a
17 number of things that are not submitted that
18 we typically would see at set down that we
19 wait until the plan is completed and submitted
20 to Council -- the corridor plan -- before we
21 set this down. Not that we deny it, but that
22 we just postpone it because I just don't think

1 it's ready.

2 And there is always a sense when
3 you set something down that there's a general
4 comfort level with it, particularly regarding
5 height and density. And I don't have that yet
6 without seeing the corridor plan.

7 So I don't know how others feel
8 about that.

9 VICE CHAIR HOOD: Do we have a
10 projected time on the corridor plan?

11 CHAIR MITTEN: I heard a month
12 until it's submitted. Is that right?

13 MS. STEINGASSER: Until it's
14 completed.

15 CHAIR MITTEN: Completed.

16 MS. STEINGASSER: Until the draft
17 is completed.

18 VICE CHAIR HOOD: It still has to
19 go to Council.

20 CHAIR MITTEN: Right. I
21 understand that. But at least we'd know with
22 a fair degree of certainty what's coming.

1 COMMISSIONER PARSONS: I would
2 agree, because I have a fear that we will be
3 the ones having the controversial public
4 hearing on the corridor plan. We're too far
5 ahead of this.

6 CHAIR MITTEN: I just don't think
7 it's ready.

8 COMMISSIONER PARSONS: Okay.

9 CHAIR MITTEN: Anyone else?
10 Anyone disagree?

11 COMMISSIONER TURNBULL: No. I
12 would agree, Madam Chair, because I'm looking
13 at some -- on some of the sections, it's
14 confusing that it looks like there's almost
15 units on the first floor of the alley. But
16 the plans actually show that they really don't
17 start until the second floor.

18 I think there really needs to be
19 some more coordination on drawings.

20 CHAIR MITTEN: Okay. Okay. So we
21 will defer action on this until the corridor
22 plan is completed.

1 And hopefully between now and when
2 it comes back to us, we'll have some
3 additional refinements from the applicant.

4 Then the third case under Hearing
5 Action is Case No. 07-19. And this is a
6 request from the Office of Planning to repeal
7 Section 411.10.

8 Ms. Thomas?

9 MS. THOMAS: Yes. Good evening
10 again.

11 The Office of Planning is asking
12 to repeal this requirement that OP provide
13 reports under restructured installations. We
14 believe that of late it has caused severe
15 delays in the building permit review process.

16 And our report is solely advisory.
17 Repeal of it would not bypass any critical
18 aspect of the Zoning Administrator's review
19 and issuance of a building permit. And we see
20 it as an unnecessary step in the process. And
21 we're asking for it to be repealed.

22 CHAIR MITTEN: Okay. Anyone have

1 any questions on this?

2 (No audible response.)

3 CHAIR MITTEN: Okay. Then I would
4 move that we set down Case No. 07-19 and
5 authorize the notice of proposed rulemaking to
6 be advertised with a 30-day notice period, and
7 ask for a second.

8 COMMISSIONER PARSONS: Second.

9 CHAIR MITTEN: Thank you, Mr.
10 Parsons.

11 Any discussion?

12 (No audible response.)

13 CHAIR MITTEN: All those in favor,
14 please say aye.

15 (A CHORUS OF AYES.)

16 CHAIR MITTEN: Those opposed,
17 please say no.

18 (No audible response.)

19 CHAIR MITTEN: Ms. Schellin?

20 MS. SCHELLIN: Staff records the
21 vote 5 to 0 to 0 to set down Zoning Commission
22 Case No. 07-19, and to publish a notice of

1 proposed rulemaking for a 30-day comment
2 period. Commissioner Mitten moving;
3 Commissioner Parsons seconding; Commissioners
4 Hood, Jeffries and Turnbull in favor.

5 And this is being set down as a
6 rulemaking case.

7 CHAIR MITTEN: Thank you.

8 The first case under Proposed
9 Action is Case No. 05-35. And this is the
10 Stanton Square PUD that we had spent some time
11 on recently. And I just want to remind folks
12 of what the case is about.

13 This is a little over eight acres
14 of land that there's a PUD-related map
15 amendment being requested from R-3 to R-5-A.
16 And the total project will include 187
17 townhouses, 43 of which will be affordable to
18 families at 80 percent AMI and 20 of which
19 will be affordable to families at 60 AMI.

20 There is, if you'll remember --
21 there was an introduction of a street grid
22 required. And one of the challenges that we

1 faced when we set it down and then through the
2 hearing process and the applicant and DDOT
3 were proposing alternatives in providing the
4 street grid is the challenge of providing
5 adequate streets and parking, and also trying
6 to strike the right balance with providing the
7 right amount of green space. And there's some
8 steep slopes and so on.

9 So in addition to the PUD-related
10 map amendment, the applicant was seeking
11 relief from the rear- and side-yard
12 requirements, having more than one principal
13 structure on a single lot, and also having
14 less than the required distance between access
15 driveways for the front-loaded garage units.

16 So among the benefits and
17 amenities that were proffered were the
18 affordable housing I described, \$30,000 for
19 trash receptacles and banners, \$30,000 to the
20 Fort Stanton Rec Center, \$15,000 for
21 neighborhood signage, a home buyer's program
22 with MANNA, and then \$250 per townhouse

1 contribution to reserve funds to tend to the
2 private streets.

3 And DDOT had raised a number of
4 issues in their report to us, which was quite
5 extensive. And they always have the strong
6 desire to have the streets and alleys built to
7 their standards so that they can be dedicated.
8 And in this case, the applicant sought our
9 advice on that. And we came down on the side
10 of more green space, and so they won't be
11 building them to the design standards.

12 Then there were issues regarding
13 the roadway design at the roadway that comes
14 in at Gainesville Street. They wanted a two-
15 way section of roadway converted to a one-way
16 section of roadway, which would result in sort
17 of needlessly long travel from one section of
18 the development to another. They wanted two
19 alley ways connected. They asked for a signal
20 warrant analysis at Elvins and Gainesville and
21 Elvins and Stanton, which was done by the
22 applicant in an additional submission. They

1 wanted the sidewalks widened from four feet to
2 six feet, and then the planting strips would
3 be narrowed in the same proportion. And they
4 wanted an L-shape alley that was proposed to
5 be redesigned.

6 So I think as we worked through
7 these issues at the hearing, the applicant
8 took cues from us and came down in certain
9 cases not accommodating the requests of DDOT.
10 So we just need to be mindful of that as we
11 move forward.

12 The applicant had requested that
13 the record be reopened to accept their
14 additional submission -- their pledge to empty
15 the trash receptacles, which you will remember
16 that was an issue too about whether the city
17 was going to do that. So I just quickly will
18 move to reopen the record to receive that
19 submission and ask for a second.

20 COMMISSIONER PARSONS: Second.

21 CHAIR MITTEN: Any discussion?

22 (No audible response.)

1 CHAIR MITTEN: All those in favor,
2 please say aye>

3 (A CHORUS OF AYES.)

4 CHAIR MITTEN: Ms. Schellin?

5 MS. SCHELLIN: Staff records the
6 vote 5 to 5 to 0 to reopen the record to
7 accept Exhibit 37 in the record from the
8 applicant. Commissioner Mitten moving;
9 Commissioner Parsons seconding; Commissioners
10 Hood, Jeffries and Turnbull in favor.

11 CHAIR MITTEN: Thank you.

12 So with that background, I'll just
13 ask if there are any comments or questions --
14 concerns about the proposal. We only had one
15 person testify in opposition. And she was
16 looking at I think detached single-family
17 houses on the site, which actually isn't
18 altogether consistent with what else is in the
19 neighborhood.

20 VICE CHAIR HOOD: I believe this
21 is the right case. We're getting a lot of
22 trash pick-up here lately.

1 I forgot exactly what the
2 applicant came back and said how that process
3 was going to work. If the city didn't pick it
4 up, then I think -- what is it -- the
5 homeowners' association or somebody would pick
6 it up?

7 CHAIR MITTEN: Right.

8 VICE CHAIR HOOD: Okay.

9 When I read it -- I just can't put
10 my hand on it -- but I looked over it this
11 weekend. I just don't think -- that didn't
12 set well with me. I think the process -- at
13 least the way I interpreted it -- and I can't
14 directly put my hands on it.

15 But I think we need to fine tune
16 it even a little more than what it was given
17 to us if I remember correctly.

18 CHAIR MITTEN: Okay. Just a
19 second.

20 It says, "The applicant hereby
21 agrees that the Stanton Square Homeowners
22 Association will undertake the responsibility

1 of emptying the 30 commercial trash
2 receptacles in the surrounding neighborhood in
3 the event that DDOT does not agree to empty
4 these trash receptacles."

5 VICE CHAIR HOOD: When will we
6 find out if DDOT -- at what stage in this
7 process will we know that DDOT will not do
8 this?

9 CHAIR MITTEN: Well, I think it's
10 -- maybe it's not written as -- unless and
11 until DDOT were to agree. So if DDOT doesn't
12 agree, the homeowners association will have to
13 empty the trash receptacles indefinitely.

14 VICE CHAIR HOOD: Okay. All
15 right. I just see some problems with that.

16 In other words, what I'm trying to
17 do is make sure that happens. But I'm sure
18 the neighbors will make sure. I guess I don't
19 need to be concerned.

20 CHAIR MITTEN: So maybe what
21 you're looking for is that -- and actually I
22 was going to ask for a clarification of

1 condition number 5, which is, "The applicant
2 will make an additional capital contribution
3 to the reserve fund for the Stanton Square
4 Homeowners Association. This capital
5 contribution will be \$250 per residential
6 unit, for a total contribution of \$46,750."

7 But it doesn't say that that's for
8 the street maintenance. And it doesn't also
9 say that there will be in the homeowners
10 association documents the obligation. So I
11 think that's what you're looking for is that
12 in each of these cases that that will be --
13 they're committing to include that among the
14 obligations of the homeowners association in
15 their bylaws.

16 For instance, in number 6, it says
17 they will be required to have an architectural
18 review board. So I think that's -- we're just
19 looking for some expanded language that's
20 parallel to the beginning of number 6.

21 VICE CHAIR HOOD: Yes. I would
22 agree. Just in case DDOT does not agree to do

1 it, there needs to be some way that it's going
2 to be noted in their constitution and bylaws.

3 CHAIR MITTEN: Okay. I think we
4 can get that clarified by the time we take
5 final action.

6 And I also just wanted to clarify
7 on condition number 6 -- because I wouldn't
8 want anyone to be mislead -- it says, "The
9 Stanton Square Homeowners Association bylaws
10 will be required to include an architectural
11 review board." I think we need to clarify
12 that the architectural review board will be
13 charged with, among other things, ensuring
14 compliance with our order. It's not that they
15 get to do whatever they want after they get it
16 built. So, I just would like to make that
17 clear also.

18 COMMISSIONER JEFFRIES: Including
19 the fences. Right?

20 CHAIR MITTEN: Yes. Right. The
21 fences. Right. They can't change that.

22 Because I think sometimes folks

1 don't realize what they're really being
2 committed to when they give us those
3 elevations.

4 Okay. Anyone else?

5 (No audible response.)

6 CHAIR MITTEN: Okay. Then I would
7 move approval of Case No. 05-35, with the
8 amended language in condition number 2. And
9 I would include that we reopen the record to
10 receive clarification of condition number 2,
11 number 5, and number 6, as we discussed.

12 VICE CHAIR HOOD: I will second
13 it.

14 CHAIR MITTEN: Thank you, Mr.
15 Hood.

16 Any further discussion?

17 (No audible response.)

18 CHAIR MITTEN: All those in favor,
19 please say aye.

20 (A CHORUS OF AYES.)

21 CHAIR MITTEN: Those opposed,
22 please say no.

1 (No audible response.)

2 CHAIR MITTEN: Ms. Schellin?

3 MS. SCHELLIN: Staff records the
4 vote 5 to 0 to 0 to approve proposed action in
5 Zoning Commission Case No. 05-35.
6 Commissioner Mitten moving; Commissioner Hood
7 seconding; Commissioners Jeffries, Parsons and
8 Turnbull in favor.

9 And the record has been reopened
10 to accept some responses with regard to
11 conditions 2, 5 and 6.

12 CHAIR MITTEN: Yes. Thank you.

13 Okay. Next up under Proposed
14 Action is Case No. 06-34. And this is
15 Comstock East Capitol. This is a PUD for
16 roughly an acre of land in the 1700 block of
17 East Capitol Street. And the request is for
18 a PUD-related map amendment from R-4 Zone to
19 R-5-B.

20 The existing 81-unit building
21 would be demolished, and 133 units would be
22 built in its place at a FAR of 2.64 and a

1 height of just shy of 50 feet. Eleven of the
2 units will be affordable at 80 percent AMI.

3 The relief requested in this case
4 was relief from the minimum area requirement
5 in the R-5-B zone, because you need an acre
6 and this is just shy of that. And so that
7 requires a finding of exceptional merit among
8 other things.

9 The lot occupancy exceeds the 60
10 percent maximum. Sixty-six percent is
11 proposed. They're looking for relief from the
12 rear-yard. And if you'll remember, there's an
13 alley behind, and then they actually have more
14 generous side-yards because that's where the
15 greater immediate impact on their neighbors
16 was. They are asking that to have a 55-foot
17 loading berth, and they're asking to have
18 multiple roof structures.

19 So among the proffered amenities
20 and benefits are to resurface and replace
21 equipment at two of the basketball courts at
22 Eastern High School, to provide up to \$500

1 each for landscaping on the houses on the
2 south side of A Street between 17th and 18th
3 Streets, S.E., \$15,000 contribution for
4 landscaping and exterior improvements to Mount
5 Moriah Baptist Church, \$15,000 for landscaping
6 and exterior improvements to the Drummond
7 Condominium, \$10,000 for the Super Leaders
8 Program at Eastern High School, and \$25,000
9 for improvements to playing fields at Eastern
10 High School and Elliot Junior High School.

11 I think we do need to have just a
12 little bit of discussion about whether or not
13 some of these contributions for landscaping
14 and improvements are really amenities and
15 benefits, as opposed to just nice things to do
16 for the neighbors. So, I'll ask folks to
17 weigh in and give their comments.

18 Mr. Parsons is reminding me that
19 he did not participate in this case.

20 COMMISSIONER JEFFRIES: I just
21 want to be clear.

22 Has ANC -- they still have not

1 provided a letter of support. Correct? Are
2 they still holding out?

3 CHAIR MITTEN: No, I think at the
4 hearing -- I don't have it with me -- but at
5 the hearing, they had submitted a list of
6 things to which the applicant had agreed.

7 COMMISSIONER JEFFRIES: I'm
8 looking at a letter from June 15th. Is that
9 --

10 CHAIR MITTEN: They submitted at
11 the hearing.

12 COMMISSIONER JEFFRIES: So they
13 submitted something after the June 15th? When
14 was the hearing?

15 CHAIR MITTEN: I think so.

16 COMMISSIONER JEFFRIES: Okay.

17 CHAIR MITTEN: I think the hearing
18 was the 17th.

19 COMMISSIONER JEFFRIES: Okay.

20 Okay.

21 MS. SCHELLIN: The 18th.

22 CHAIR MITTEN: The 18th.

1 COMMISSIONER JEFFRIES: The 18th.
2 But they have not submitted a letter since
3 that point saying that there's been --

4 CHAIR MITTEN: Didn't they submit
5 something to us at the hearing? Do you guys
6 remember?

7 VICE CHAIR HOOD: Something dated
8 June 18th. Right?

9 CHAIR MITTEN: I'll have to check
10 the record.

11 COMMISSIONER JEFFRIES: There were
12 two ANCs. Right?

13 CHAIR MITTEN: Right. The ANC
14 that was -- right.

15 VICE CHAIR HOOD: Which one was
16 affected? 6A?

17 CHAIR MITTEN: Well, we've
18 determined that they were both affected,
19 because of the ones across the street. But it
20 was the one facing the development, rather
21 than the one in which the development was
22 located that had more issues.

1 VICE CHAIR HOOD: 6A had the
2 issues. And I think it was 6B that --

3 CHAIR MITTEN: Right.

4 Can I look at your paper?

5 Right. I'm just going to pass
6 this down to you. I don't know what the
7 exhibit number is. But it's a letter from the
8 ANC from the 18th. Maybe it'll ring a bell
9 when you see it.

10 COMMISSIONER JEFFRIES: Okay. But
11 the other ANC, which was 6A -- I forget the
12 Commissioner's name.

13 CHAIR MITTEN: That's 6A, isn't
14 it?

15 COMMISSIONER JEFFRIES: I'm sorry.
16 Then 6C.

17 There was a woman that came up
18 with a number of demands. Was she part of
19 this?

20 CHAIR MITTEN: Yes.

21 COMMISSIONER JEFFRIES: Okay.

22 Okay.

1 CHAIR MITTEN: Anyone have any
2 lingering concerns?

3 COMMISSIONER JEFFRIES: Well, I
4 think I was somewhat impressed with the actual
5 project. I think that what's being proposed
6 here is I think architecturally pretty
7 attractive. I think they've taken a lot of
8 time and detail in terms of working with the
9 community. I think they've been very
10 responsive from what I've gathered.

11 I look at sort of the relief
12 that's being requested -- first, there's the
13 amenities package. And I think it's
14 commensurate. I will be voting in favor of
15 this package.

16 CHAIR MITTEN: Thank you.

17 Anyone else? Mr. Turnbull?

18 COMMISSIONER TURNBULL: Thank you,
19 Madam Chair.

20 Yes. I would agree with
21 Commissioner Jeffries. There was a lot of
22 favorable aspects to the project.

1 I guess I'm not sure where we
2 stand on the additional supplemental drawings
3 that came in that were requested for brackets
4 and that went underneath --

5 CHAIR MITTEN: Right.

6 COMMISSIONER TURNBULL: -- the
7 balconies, which I think at the time we had an
8 opinion one way or the other. But we do have
9 those submittals in for the additional
10 bracketing.

11 I forget who requested more
12 articulation architecturally of the balconies.
13 I don't have my notes in front of me. But
14 we've got a detail on that. And I'm not
15 swayed one way or another that they need to do
16 that. But --

17 CHAIR MITTEN: So you'd need to
18 see that more --

19 COMMISSIONER TURNBULL: Yes. I
20 can't really --

21 CHAIR MITTEN: -- do something
22 with the balcony? Remember that? That we

1 have --

2 COMMISSIONER TURNBULL: We had
3 some little drawings that show the --

4 COMMISSIONER JEFFRIES: I see the
5 bracket.

6 COMMISSIONER TURNBULL: Which I
7 don't know whether it's the applicant's --

8 CHAIR MITTEN: This was in
9 response to -- the agreement they had with 6A
10 is that they would incorporate a plinth
11 element. Remember that?

12 COMMISSIONER TURNBULL: Plinth.
13 Right.

14 CHAIR MITTEN: And then we were
15 like what is that. That's what that little
16 bracket is supposed to be responding to.

17 So if you'd like to see something
18 else, there is something else that I think we
19 need to get in before we take final action,
20 which is on the -- and I thought I had been
21 more explicit. Apparently, I wasn't. They
22 agreed to repair and resurface the alley. And

1 they say they have a verbal agreement with
2 DDOT. But it's for what exactly? I mean, to
3 say repair and resurface, those are nice
4 words. But when it comes down to actually
5 doing the work, one man's resurfacing might
6 not be another man's resurfacing. So I think
7 there needs to be more -- maybe just some more
8 specificity given to that so if they had a
9 written agreement, it might flush it out.

10 So we can have them show us the
11 balcony with the detail on it when we get the
12 additional submission.

13 COMMISSIONER TURNBULL: They
14 prefer to commit the undertaking to sustain
15 design in its filings with the Commission. So
16 it's not a proffer. But they're at least
17 going to put it in their documentation.

18 CHAIR MITTEN: Right.

19 Well, I just want to get some
20 feedback from the Commission on these three
21 contributions to Drummond, Mount Moriah, and
22 the folks on A Street for the landscaping.

1 Those are really -- I know how one
2 could stretch that to be a public benefit,
3 because people look at these properties. But
4 I just find that that is really -- that's a
5 private contribution. I don't think that
6 those particular contributions should be
7 considered by us to be public amenities or
8 benefits.

9 COMMISSIONER JEFFRIES: Which ones
10 again? Landscaping, A Street --

11 CHAIR MITTEN: The landscaping for
12 the A Street folks, the Mount Moriah Church
13 for exterior improvements, and the Drummond
14 Condominium for exterior improvements --
15 landscaping and exterior improvements.

16 I don't know how you all feel
17 about it, but I think we need to say.

18 COMMISSIONER JEFFRIES: And you
19 consider it to be like a gift? It's not
20 really a public amenity. It's really for the
21 individual users of the property.

22 CHAIR MITTEN: The lion's share of

1 the benefit is derived privately, not publicly
2 -- is my view.

3 COMMISSIONER JEFFRIES: Well,
4 exterior improvements to a senior housing
5 building for me is not just for that
6 individual building. I mean, it speaks to the
7 landscape -- I mean, physical landscape of the
8 area and so forth. I mean, someone that's
9 doing that --

10 CHAIR MITTEN: So would you say
11 that the A Street residences are the same
12 then?

13 COMMISSIONER TURNBULL: That's the
14 alley part.

15 COMMISSIONER JEFFRIES: Right.

16 COMMISSIONER TURNBULL: It's
17 public spirited. But is it really a public
18 amenity?

19 CHAIR MITTEN: And maybe you want
20 to divide them into different categories.
21 Maybe -- I don't know.

22 COMMISSIONER JEFFRIES: Yes. I'm

1 fine with the exterior improvements. I mean,
2 we can --

3 CHAIR MITTEN: Okay.

4 COMMISSIONER JEFFRIES: -- argue
5 with what the landscaping, but --

6 CHAIR MITTEN: Well, I think we
7 need to. I think we need to be explicit about
8 it, because we need to acknowledge what's in
9 a public amenity or a benefit, and then what
10 isn't to the extent that we differ. We need
11 to say that.

12 So let me just see if I can get a
13 consensus. Is the consensus that the exterior
14 improvements that would be oriented to say the
15 sidewalk on the senior housing building and
16 the condominium -- is there a consensus that
17 that is a public amenity, whereas maybe the
18 landscaping along A Street, since it's going
19 to be along the alley, maybe isn't?

20 COMMISSIONER JEFFRIES: That's
21 fine.

22 CHAIR MITTEN: Is that the

1 consensus?

2 COMMISSIONER JEFFRIES: Yes. Yes.

3 CHAIR MITTEN: Okay.

4 Anything else?

5 (No audible response.)

6 CHAIR MITTEN: Then I move
7 approval of Case No. 06-34. And that we --

8 COMMISSIONER JEFFRIES: With the
9 caveat.

10 CHAIR MITTEN: I'm sorry?

11 COMMISSIONER JEFFRIES: With your
12 caveat.

13 CHAIR MITTEN: Well, acknowledging
14 that the landscaping contribution is not a
15 public amenity.

16 But also that we reopen the record
17 to receive some additional drawings --
18 renderings of the balconies, and that the
19 alley resurfacing proffer be fleshed out in
20 greater detail.

21 COMMISSIONER JEFFRIES: Second.

22 CHAIR MITTEN: Thank you, Mr.

1 Jeffries.

2 Any further discussion?

3 (No audible response.)

4 CHAIR MITTEN: All those in favor,
5 please say aye.

6 (A CHORUS OF AYES.)

7 CHAIR MITTEN: Those opposed,
8 please say no.

9 (No audible response.)

10 CHAIR MITTEN: Ms. Schellin?

11 MS. SCHELLIN: Staff records the
12 vote 4 to 0 to 1 to approve Proposed Action
13 Zoning Commission Case No. 06-34.
14 Commissioner Mitten moving; Commissioner
15 Jeffries seconding; Commissioners Hood and
16 Turnbull in favor; Commissioner Parsons not
17 voting, having not participated.

18 CHAIR MITTEN: Thank you.

19 And then on the next case, this
20 had to come back to us as a PUD, and both
21 myself and Mr. Jeffries did not participate in
22 the hearing. So Mr. Hood is going to take

1 over and lead the discussion with Mr. Turnbull
2 and Mr. Parsons.

3 VICE CHAIR HOOD: Okay. Thank
4 you, Madam Chair.

5 Okay. Zoning Commission Case No.
6 06-41, Camden Development, Consolidated PUD
7 and related map amendment at Square 653, Lot
8 111.

9 Ms. Schellin?

10 MS. SCHELLIN: Staff has nothing
11 further to add.

12 VICE CHAIR HOOD: Okay. Let me
13 see if I can recap, like the Chair does. But
14 I usually don't do this.

15 Anyway, this was a request by the
16 applicant proposal for four roof structures,
17 one of which is not of uniform height, court
18 size proposed, northern court does not meet
19 the 36-foot, 8-inch size requirement inclusion
20 area zoning. The applicant is proposing to
21 offer affordable housing equating to the half
22 the bonus density and is able to capture at

1 this street are the rear-yards. The proposed
2 rear-yards are 15 feet, 23 feet, 7 inches,
3 which is required. The set-up proposed
4 balconies extended beyond the set-back line,
5 and the Capitol Gateway facade requirement.
6 The proposed building has just over 59 percent
7 of its facade meeting the 15-foot set-back
8 line. Sixty percent is required.

9 Again, the zoning is current.
10 Capitol Gateway C-2-C proposes Capitol Gateway
11 C-3-C.

12 Office of Planning recommended
13 approval. DDOT had no objections. And we
14 received other government insight from other
15 agencies -- Department of Parks and Recreation
16 ask that the project include outdoor
17 recreational activities as the area parks are
18 already at capacity.

19 And I'll also mention that the 12-
20 inch sanitary line needed to be replaced.

21 You all will remember we had a
22 party at that time in opposition -- a request

1 for opposition -- which was denied. Later on
2 we found out that the husband of that party
3 testified in support.

4 Okay. We had a number of issues
5 which I think that the applicant -- and what
6 I'd like to do is we have a proposed order in
7 front of us. I'd like for us to just look at
8 that. I had a few things.

9 But right off, I know Mr. Turnbull
10 had a serious concern about the suburban urban
11 design of federal colonial design on the main
12 streets. And I think to use his words
13 exactly, he wanted them to step up the
14 architecture.

15 Am I close?

16 COMMISSIONER TURNBULL: You're
17 absolutely right, Mr. Hood.

18 I guess my issue with this
19 building is that this is another point
20 building on South Capitol Street. And my
21 biggest concern was that there it was
22 basically a facade design. It was mainly

1 articulating South Capitol Street, and not
2 really concerned about the lower density
3 housing behind it, and the fact that it was
4 sort of like a scrim for a play. And I said,
5 no, there's people -- this building is in the
6 round. You have to be able to design to all
7 facades. It's not like in downtown where
8 there's alleys and you can lessen some of the
9 facades. This is definitely a building that's
10 going to be seen from any vantage point.

11 So I was just very concerned that
12 the quality of the architecture as you turn
13 the corner was sort of like there's a front
14 and a back. And I think they've -- although
15 it's still not the same as the front -- as
16 Capitol Street -- they've moved a little bit
17 forward on this. It's still -- I don't think
18 it's still the same -- it's still not the same
19 quality that we've seen on other point
20 buildings that are going to be seen in the
21 round. So I'm not sure. I'm not sure how far
22 we want to go.

1 There's improvements. But this is
2 a gateway building. This is on a major entry
3 to the city that's -- I don't know how far we
4 want to go with this. And I'll defer to my
5 colleagues for any more comments.

6 COMMISSIONER PARSONS: My opinion
7 is what they've done is enhanced the
8 rendering. That's all.

9 COMMISSIONER TURNBULL: That could
10 be too.

11 COMMISSIONER PARSONS: I mean,
12 that's what they've done. They've placed
13 people in it, a few shrubs and trees on the
14 balconies, and a little more horizontal
15 striping on the facade of different colored --
16 that's all they've done.

17 COMMISSIONER TURNBULL: Right.

18 COMMISSIONER PARSONS: A couple of
19 windows added and so forth on the upper
20 levels.

21 But I didn't sense that's where
22 you were headed -- where we were headed. You

1 were in the lead. It was not the superior
2 design that we expect for the PUD. Right?

3 COMMISSIONER TURNBULL: Compared
4 to what they're doing on South Capitol Street.

5 COMMISSIONER PARSONS: Right.

6 COMMISSIONER TURNBULL: All the
7 money has gone on South Capitol Street. And
8 that's it. It's not a holistic design that
9 looks to be a part of the community.

10 COMMISSIONER PARSONS: All right.
11 So shall we push a little harder?

12 COMMISSIONER TURNBULL: I'd like
13 to.

14 COMMISSIONER PARSONS: Same here.
15 I just don't think it's responsive to -- we
16 were pretty strong -- or you were. This isn't
17 the response that you expected, I didn't
18 think.

19 VICE CHAIR HOOD: No. Okay.

20 COMMISSIONER TURNBULL: I just
21 think this is the point building as you come
22 across the bridge, and it's not just to be

1 seen from a bridge. It's seen from the whole
2 developing neighborhood. And to me, it's a
3 very important piece of the landscape on the
4 urban fabric that needs to make a statement
5 that it's part of the new neighborhood. And
6 I think it can't neglect what's to the west.

7 VICE CHAIR HOOD: Okay. Looks
8 like we're going to push a little harder.

9 Let's do this. Let's make sure we
10 flush out all of the issues. And we're going
11 to ask the applicant again -- and I want to
12 use Mr. Turnbull's words, to step up the
13 architecture. But let's peruse a few more
14 items.

15 Mr. Turnbull, from my notes you
16 mentioned about the heat pumps on the roof
17 with minimum green design. Is that still an
18 issue for you?

19 COMMISSIONER TURNBULL: Well, I
20 think both Commissioner Parsons and myself
21 were concerned about the fact that -- I mean,
22 part of the roof is green. They've got the

1 pool. They've done some landscaping.

2 But it's just the nature of the
3 mechanical design that they've gone to that
4 you're going to have 100 heat pumps up on the
5 roof. And I think they've tried to isolate it
6 and screen it as best they can. But, it's
7 just the nature -- it's an economic issue. I
8 mean, it's just what they've done.

9 VICE CHAIR HOOD: So that is not--

10 COMMISSIONER TURNBULL: Yes. You
11 can't beat that much more to death there.

12 VICE CHAIR HOOD: Okay. I'm on
13 page 12. Anything else, Mr. Turnbull?

14 COMMISSIONER TURNBULL: No.

15 VICE CHAIR HOOD: Mr. Parsons?

16 COMMISSIONER PARSONS: No. Thank
17 you.

18 VICE CHAIR HOOD: I'm on page 12
19 of the proposed order.

20 I'm concerned about this market
21 rate for a period of 20 years upon completion
22 of the residential building. I'm not sure if

1 that needs to be for the life of the existing
2 residents. I would ask the applicant to look
3 at that. I may be going down the wrong road.
4 But I just think that the project is going to
5 be there for a while, and I think those
6 amenities need to be longer lasting than 20
7 years. I'm just asking them to look at that.

8 And also, page 7, it says, "The
9 applicant shall coordinate with the adjacent
10 property owners regarding this provision of a
11 decorative fence, identical to the line of the
12 applicant's property line from the applicant's
13 property and continuing north to N Street."
14 That's the applicant's fence.

15 I'm reading that -- I believe
16 they're talking about the fence across from
17 the applicant's project. So I'm assuming that
18 that is not consistent. I'm just making sure
19 they're not asking for flexibility on the
20 project to deal with the fence. And I believe
21 that's across from the site. And I'm just
22 going to reconfirm that.

1 The only other thing that I did
2 ask for -- and I'm not sure if my colleagues
3 did -- was the distribution of affordable
4 units. The applicant did respond, and they
5 mentioned that the applicant is providing 40
6 units on the first five floors along the east,
7 west, north and south facades. They had a
8 breakdown of exactly where those units would
9 be.

10 But the units interposed
11 throughout the building. As required by the
12 Pending Inclusionary Zoning regulation, the
13 applicant is committed to distributing
14 affordable units throughout the building. And
15 basically, they're asking us for the
16 flexibility to distinguish exactly where
17 they're placed. And usually I thought we had
18 a picture or a diagram showing us exactly
19 where those affordable units were going to be.

20 I would ask -- if we ask them to
21 do that. The excuse -- I'm not going to say
22 excuse. The response that they provided us I

1 think is very inadequate especially consistent
2 with what we've done in the past.

3 So those are the few things that I
4 would ask along with my colleagues. And I
5 guess what we need to do is to try to find us
6 -- can we do a special public meeting, Ms.
7 Schellin? One that we already have planned --
8 I mean, a hearing that we already have?

9 MS. SCHELLIN: End of the month?

10 VICE CHAIR HOOD: We can do it end
11 of the month?

12 Okay. Well, if the applicant can
13 respond at the end of the month, we'll try and
14 expedite it and help get this thing moving.

15 MS. SCHELLIN: July 30th is good.

16 VICE CHAIR HOOD: Okay. We'll put
17 this off. And this will be on our agenda for
18 the July 30th special public meeting.

19 MS. SCHELLIN: We could just set a
20 date for them to submit their items.

21 VICE CHAIR HOOD: So we're going
22 to need to reopen the record just for those

1 specific things only.

2 MS. SCHELLIN: Right. If they
3 could file those items by 3:00 o'clock July
4 23rd at the latest.

5 VICE CHAIR HOOD: And what I've
6 asked for sound bites would be greatly
7 appreciated.

8 Okay. Anything else on this?

9 Thank you. Thank you, Madam
10 Chair.

11 CHAIR MITTEN: Thank you, Mr.
12 Hood.

13 Now we're ready to move to Final
14 Action. And the first case under Final Action
15 is Case No. 06-33. And this is the text
16 amendment for parking in historic buildings.
17 And we got a couple of letters after we
18 advertised our proposed rulemaking.

19 And I just have to ask this one
20 question because it's repeated twice. Well,
21 it's repeated in these two letters. And I
22 just have to ask because I just want to be

1 sure I'm not missing something.

2 They say that the proposed change
3 would waive the parking requirements only for
4 the smallest of projects. But that's the
5 smallest of additions. Right? Not anybody
6 can renovate an historic structure, and if
7 they don't --

8 MR. PARKER: Agreed. The historic
9 structure itself is always exempt.

10 CHAIR MITTEN: Okay. That's what
11 I thought. That's what I thought. It just
12 seemed quite extreme. And I just wanted to
13 make sure I understood.

14 So, myself, am not moved to make
15 any changes in what we had advertised other
16 than I think there's a little technical thing
17 about a reference that has been suggested by
18 the OAG. But other than that, I would move
19 approval of Case No. 06-33, and ask for a
20 second.

21 COMMISSIONER TURNBULL: Second.

22 CHAIR MITTEN: Thank you, Mr.

1 Turnbull.

2 Any discussion?

3 (No audible response.)

4 CHAIR MITTEN: All those in favor,
5 please say aye.

6 (A CHORUS OF AYES.)

7 CHAIR MITTEN: Those opposed,
8 please say no.

9 (No audible response.)

10 CHAIR MITTEN: Ms. Schellin?

11 MS. SCHELLIN: I'm sorry. We need
12 to maybe redo the vote. Mr. Turnbull didn't
13 participate.

14 CHAIR MITTEN: We need another
15 second.

16 MS. SCHELLIN: Yes.

17 VICE CHAIR HOOD: Second.

18 CHAIR MITTEN: Thank you, Mr.
19 Hood.

20 Okay. Let's try that one more
21 time.

22 All those in favor, please say

1 aye.

2 (A CHORUS OF AYES.)

3 CHAIR MITTEN: Those opposed,
4 please say no.

5 (No audible response.)

6 CHAIR MITTEN: And we have Mr.
7 Turnbull not participating.

8 MS. SCHELLIN: Actually Mr.
9 Turnbull and Mr. Jeffries.

10 Staff records a vote 3 to 0 to 2
11 to approve Final Action Zoning Commission Case
12 No. 06-33. Commissioner Mitten moving;
13 Commissioner Hood seconding; Commissioner
14 Parsons in favor; Commissioners Jeffries and
15 Turnbull not voting, having not participated.

16 CHAIR MITTEN: Okay.

17 Okay. The next case is 03-12C/03-
18 13C. And this is the office building at 250
19 M Street, S.E., which you'll remember we asked
20 the applicant to step -- how did you put it in
21 the last -- step up the architecture? We got
22 them to step it up.

1 Okay. But I think we were
2 satisfied in the end. And we don't have any
3 additional information. And we have a letter
4 from NCPC saying that there's no effect on the
5 federal interests.

6 So I would move approval of the
7 order in that case.

8 COMMISSIONER PARSONS: Second.

9 CHAIR MITTEN: Thank you, Mr.
10 Parsons.

11 Any discussion?

12 (No audible response.)

13 CHAIR MITTEN: All those in favor,
14 please say aye.

15 (A CHORUS OF AYES.)

16 MS. SCHELLIN: Staff records the
17 vote 5 to 0 to 0 to approve Zoning Commission
18 Case No. 03-12C/03-13C for Final Action.
19 Commissioner Mitten moving; Commissioner
20 Parsons seconding; Commissioners Hood,
21 Jeffries and Turnbull in favor.

22 CHAIR MITTEN: Thank you.

1 Next is Case No. 06-47. And this
2 had to do with the minimum lot area and lot
3 occupancy requirements for apartment houses in
4 the R-4 zone district. This is one I'll be
5 glad to finally have fixed.

6 We didn't get any additional
7 information, and NCPC had no issues. So I
8 will move approval of 06-47.

9 COMMISSIONER TURNBULL: Second.

10 CHAIR MITTEN: Thank you, Mr.
11 Turnbull.

12 Any discussion?

13 (No audible response.)

14 CHAIR MITTEN: All those in favor,
15 please say aye.

16 (A CHORUS OF AYES.)

17 CHAIR MITTEN: Those opposed,
18 please say no.

19 (No audible response.)

20 CHAIR MITTEN: Ms. Schellin?

21 MS. SCHELLIN: Yes. Staff records
22 the vote 5 to 0 to 0 to approve Final Action

1 for Zoning Commission Case No. 06-47.
2 Commissioner Mitten moving; Commissioner
3 Turnbull seconding; Commissioners Hood,
4 Jeffries and Parsons in favor.

5 CHAIR MITTEN: Thank you.

6 Next is Case No. 07-03. And this
7 is the minimum lot dimensions in residential
8 districts.

9 And in that case, we had a letter
10 -- another letter from Apple Tree requesting
11 a savings clause because of the fact that
12 there was a loophole -- I'll call it a
13 loophole -- created by an oversight when we
14 made the amendments regarding public schools.
15 And this is basically closing that loophole.
16 And I'm not inclined -- as I wasn't before --
17 to include the savings clause. So I don't
18 know if anyone else is.

19 But I'll move approval of Case No.
20 07-03 without amendment, and ask for a second.

21 COMMISSIONER PARSONS: I'll second
22 that.

1 CHAIR MITTEN: Thank you, Mr.
2 Parsons.

3 Any discussion?

4 (No audible response.)

5 CHAIR MITTEN: All those in favor,
6 please say aye.

7 (A CHORUS OF AYES.)

8 CHAIR MITTEN: Those opposed,
9 please say no.

10 (No audible response.)

11 CHAIR MITTEN: Ms. Schellin?

12 MS. SCHELLIN: Staff records the
13 vote 5 to 0 to 0 to approve Final Action in
14 Zoning Commission Case No. 07-03.
15 Commissioner Mitten moving; Commissioner
16 Parsons seconding; Commissioners Hood,
17 Jeffries and Turnbull in favor.

18 CHAIR MITTEN: Thank you.

19 Okay. Mr. Hood, the next one's
20 yours. This is a case that I did not
21 participate in.

22 VICE CHAIR HOOD: Okay. Zoning

1 Commission Case No. 06-35, a Consolidated PUD
2 at 1227 through 1231 25th Street, N.W.

3 Ms. Schellin?

4 MS. SCHELLIN: Staff has provided
5 all of the additional filings that have been
6 received from the applicant and Mr. Hitchcock.

7 VICE CHAIR HOOD: Okay.

8 Colleagues, the way I look at
9 this, the construction management plan, which
10 has been encouraged, has now been signed off
11 on. While Mr. Hitchcock informs us that he is
12 still not in agreement with it, but he's going
13 to sign the construction management plan.
14 That's the way I read it. So I guess they're
15 going to get on board.

16 But anyway, let's just take these
17 -- the roof trellis. I'm not sure who brought
18 that up. But the applicant submitted it and
19 commented on the roof trellis. I mentioned
20 the construction management plan. And we
21 wanted to know if they had engaged in the
22 transportation management plan, which they

1 have. Okay.

2 And they provided us with a
3 landscape plan of the roof, which is L12,
4 behind Tab B, Penthouse Roof Plan. I don't
5 remember who may have asked for it or how we
6 asked for it, but we have it.

7 COMMISSIONER PARSONS: Well, I
8 think the -- excuse me. I think the trellis
9 is vastly improved. It doesn't -- although
10 Mr. Baranes disagrees. He's not here. I
11 don't mean he's here to disagree.

12 He believes that this building
13 facing Rock Creek Park should have an amenity
14 on the roof to embellish it. And I think the
15 way he's pulled it back is a good compromise.
16 I don't know how you feel, Mr. Turnbull, but
17 --

18 COMMISSIONER TURNBULL: I would
19 agree, Commissioner Parsons. I think he's
20 pulled it back substantially.

21 And I think it doesn't detract
22 from this design at all. I think it looks

1 quite nice.

2 COMMISSIONER PARSONS: Yes. It's
3 a very handsome building. It really is.

4 COMMISSIONER JEFFRIES: Absolutely
5 very handsome.

6 COMMISSIONER TURNBULL: We said
7 that in the building. I thought we thought
8 that the building was a great complement
9 looking across the park.

10 VICE CHAIR HOOD: Okay. Anything
11 else?

12 COMMISSIONER PARSONS: I move
13 approval, Mr. Chairman.

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

16 COMMISSIONER JEFFRIES: Second.

17 VICE CHAIR HOOD: Moved and
18 properly seconded.

19 All those in favor?

20 (A CHORUS OF AYES.)

21 VICE CHAIR HOOD: Any opposition?

22 (No audible response.)

1 VICE CHAIR HOOD: Staff, would you
2 record the vote?

3 MS. SCHELLIN: Staff records the
4 vote 4 to 0 to 1 to approve Final Action of
5 Zoning Commission Case No. 06-35.
6 Commissioner Parsons moving; Commissioner
7 Jeffries seconding; Commissioners Hood and
8 Turnbull in favor; Commissioner Mitten not
9 voting having not participated.

10 CHAIR MITTEN: Thank you.

11 Next is Case No. 07-05. And this
12 is a text amendment that would accommodate the
13 need to move parking around on Reservation 13
14 while the streets are extended through the
15 property.

16 VICE CHAIR HOOD: I would move
17 approval, Madam Chair, of Zoning Commission
18 Case No. 07-05.

19 CHAIR MITTEN: Thank you, Mr.
20 Hood. And I will second that motion.

21 Is there any discussion?

22 (No audible response.)

1 CHAIR MITTEN: All those in favor,
2 please say aye.

3 (A CHORUS OF AYES.)

4 CHAIR MITTEN: Those opposed,
5 please say no.

6 (No audible response.)

7 CHAIR MITTEN: Ms. Schellin?

8 MS. SCHELLIN: Staff records the
9 vote 3 to 0 to 2 to approve Final Action on
10 Zoning Commission Case No. 07-05.
11 Commissioner Hood moving; Commissioner Mitten
12 seconding; Commissioner Turnbull in favor;
13 Commissioners Jeffries and Parsons not voting,
14 having not participated.

15 CHAIR MITTEN: Thank you.

16 Last under Final Action is Case
17 No. 07-01. And this is the map amendment for
18 the Heritage Foundation Site in square 755.

19 And if you remember, this was a
20 split-zoned site, and basically this moves the
21 line for the R-4 off the property, so now the
22 property's zoned CHCC-2-A in it's entirety.

1 And I would move approval of Case No. 07-01.

2 COMMISSIONER TURNBULL: Second.

3 CHAIR MITTEN: Thank you, Mr.
4 Turnbull.

5 Any discussion?

6 (No audible response.)

7 CHAIR MITTEN: All those in favor,
8 please say aye.

9 (A CHORUS OF AYES.)

10 CHAIR MITTEN: Those opposed,
11 please say no.

12 (No audible response.)

13 CHAIR MITTEN: Ms. Schellin?

14 MS. SCHELLIN: The staff records
15 the vote 5 to 0 to 0 to approve Final Action
16 in Zoning Commission Case No. 07-01.
17 Commissioner Mitten moving; Commissioner
18 Turnbull seconding; Commissioners Hood,
19 Jeffries and Parsons in favor.

20 CHAIR MITTEN: Thank you kindly.

21 Now we have a few pieces of
22 correspondence to address.

1 If you remember, at our last
2 meeting we had a letter from the Florida Rock
3 folks asking us if they were going in the
4 right direction with their modifications as we
5 had requested. And there's a series of things
6 that they have done. And we referred this to
7 the Office of Planning. And they wrote a
8 report. So we're grateful for that.

9 And so among the things that were
10 done is they responded to our request to put
11 more residential in the project, and to open
12 up the vista from the grand staircase of the
13 ball park. And they have done that.

14 And they've also introduced a
15 glass tower on the eastern side. And so we've
16 had some specific requests from the Office of
17 Planning to comment on some of these things.

18 So, the glass tower would be one.
19 And then, they have modified the arrangement
20 of the buildings and so forth to relate
21 differently to the promenade. But the Office
22 of Planning would like us to comment on

1 whether or not we think that the retail space
2 is successfully relating to the promenade.

3 The piazza now is not closed off
4 within the project so much, but it's more open
5 to the water. And specific comment's been
6 invited about that as well.

7 And then they removed the
8 pedestrian pier as we had asked. And they've
9 changed the massing along Potomac Avenue. And
10 they've also increased the height of two of
11 the buildings to 130 feet.

12 So I think we need to endorse all
13 of those things if we agree. And to the
14 extent that something is still troubling us,
15 I think we need to make a specific comment
16 about it.

17 I'll just start off by saying I
18 think we need to see -- we were concerned
19 about vistas to and from the ball park. But
20 then we were also concerned about how as you
21 come across the bridge -- how do you see the
22 project, and how does the ball park look. Can

1 you see it? And what does it look like?

2 So I think to really address these
3 things fully, we need to see those kinds of
4 perspectives again.

5 The glass tower to me, I don't
6 have a full appreciation for it yet. But it
7 seems to be almost like -- it's almost like
8 it's waving. Like the ball park's there and
9 it's like it's saying look over here. Look at
10 me. So I'm not sure that that's what we want
11 right at that point. But others can comment
12 on it. It just seems to be competing for
13 folks' attention at that particular location.

14 To think about how the retail
15 space is relating to the promenade, I really
16 think what would be helpful is a lot of it's
17 going to be restaurant that's sort of oriented
18 to the water. And so people tend to go to
19 that more than just random retail.

20 But I think we need to see some
21 examples. Like Bryant Park -- isn't it
22 Bryant. No, not Bryant Park. What's the one

1 in New York that's along the water? Battery
2 Park? Battery Park.

3 Yes. Bryant Park's in -- now that
4 seems to work for me. So I don't know like
5 why does that work and maybe something else
6 doesn't? But if maybe specific examples were
7 shown, then it would be easier to visualize
8 whether this is going to work by looking at
9 other successful treatments.

10 And then opening up the piazza,
11 that reminds me of Washington Harbor, which
12 I've never really warmed up to Washington
13 Harbor. I don't know if you feel the same way
14 about it. But it's kind of open, and then it
15 goes down towards the water. And that doesn't
16 work for me as well. But maybe it's just
17 because I don't go there that often. But they
18 seem to have trouble with restaurants, and all
19 that. Yes. But there's a reason why I don't
20 go there.

21 So that would be my example of
22 what doesn't work so well. And it reminds me

1 a bit of Washington Harbor and that doesn't
2 strike me as a success story.

3 Let's have some other comments.

4 COMMISSIONER PARSONS: Well, let
5 me jump in on the Washington Harbor thing.
6 You mean the elliptical shape of the pool? I
7 mean, that's really the --

8 CHAIR MITTEN: No. You know how
9 you walk in between those two buildings?

10 COMMISSIONER PARSONS: Yes. Down
11 Thomas Jefferson Street.

12 CHAIR MITTEN: Yes. I've never
13 really liked that.

14 COMMISSIONER PARSONS: Well, this
15 seems quite different to me. It's a much
16 larger space. I'm not sure whether I like the
17 notion of it being used as a circulation space
18 for automobiles. But that's what it is.

19 But I think the difference between
20 what they've showed us in the past and how
21 this now really inter-relates with the
22 waterfront has come a long way.

1 I agree with you on the tower. It
2 looks as though this campanile, as it's stated
3 -- it's not that as I understand them. But
4 this looks like an opportunity for the public
5 to go up in an elevator and look at the ball
6 game -- look into the stadium. Plus it's
7 attracting those who can see out, I guess, to
8 it. But I don't know as the building needs
9 that kind of an embellishment on the end
10 either.

11 But otherwise I think they've come
12 a long way. And there's a lot of details to
13 work out for sure.

14 But I don't think we'll have any
15 better view from the South Capitol Street
16 Bridge of the stadium. And I didn't
17 anticipate it that we would, unless they
18 eliminated the O'Dell -- something major like
19 that. But the fact that they've taken the
20 east end of the building -- of the complex --
21 and moved it down the line up with the stadium
22 portal, I think is what I was striving for.

1 CHAIR MITTEN: Okay. Anyone else?
2 Mr. Turnbull?

3 COMMISSIONER TURNBULL: Thank you,
4 Madam Chair.

5 I guess the one thing which I like
6 which I've seen now is this development of
7 this Potomac Quay. I think there's a feeling
8 -- a very rich feeling -- that that could be
9 something very exciting along the riverfront.
10 I think that kind of commercial aspect is
11 something nice.

12 And I guess I just want to say
13 that if I can talk about notching the
14 architecture, I think the project we were
15 talking about is just catty-cornered from
16 this. Here you've got a very holistic design,
17 and the whole sense that you're going to be
18 seeing it. And I think that we're seeing a
19 very holistic urban approach, or trying to
20 develop something that is an entity in the
21 urban fabric. And there's little things.

22 But for the most part, I think

1 it's getting there. I think the campanile
2 question -- I know you're struggling with.
3 But I know what I think the architect's trying
4 to develop a point there as a draw. And it's
5 maybe not quite there yet.

6 But I think overall, that there's
7 a very rich sense of development that's
8 getting there. And I think I like -- the quay
9 part is something that's got a feature to it
10 that we haven't seen before. Which I really
11 like.

12 CHAIR MITTEN: Mr. Jeffries?

13 COMMISSIONER JEFFRIES: I
14 appreciate sort of the notion of what they're
15 trying to achieve in this campanile. It's
16 like some sort of sculptural piece. I think
17 in terms of how it's been presented here, it
18 looks almost like an appendage of some sort.
19 It doesn't seem to be fully integrated. And
20 I don't think there's enough here to really
21 sort of appreciate it.

22 So I would hope that the applicant

1 would not necessarily just do away with it.
2 I like the notion of what they're trying to do
3 is sort of like a landmark with some sort of
4 figural element. That's a vertical element
5 that towers there. I don't have a problem
6 with that. I just think it would probably be
7 a little more integrated into the overall sort
8 of configuration of all these buildings. That
9 seemed to be pretty cohesive.

10 I do think that they're moving in
11 the right direction. And I also like this
12 notion of the Potomac Quay. I'm still very
13 curious as to again the pedestrian experience
14 and walking through all of this. I mean,
15 we're looking at it from plans and
16 axonometrics, which is fine. But, I'm hoping
17 that as the applicant moves forward that we
18 get a lot more vistas, not only from the
19 bridge and from the -- whether you can see the
20 stadium, but I'm just really curious sort of
21 the pedestrian experience walking through
22 this. And we should really see drawings and

1 illustrations that really talk about that,
2 because I think that's going to be really
3 critical.

4 But I do think that they're moving
5 in the right direction. I don't know about
6 this cascade. I mean, I like the form. I
7 just don't know exactly again how someone
8 approaches it when they come upon it.

9 So I just think that they're
10 moving in the right direction. And I think
11 they're probably in the right place at this
12 point in their overall refinement of this
13 plan.

14 And I wanted to also ask the
15 question about were we all pretty comfortable
16 with use in terms of I think we're a 50-50
17 here at this point?

18 CHAIR MITTEN: Yes.

19 COMMISSIONER JEFFRIES: And I
20 thought there was some question about hotel --
21 is that really considered residential? I
22 thought someone had that -- I read it

1 somewhere.

2 CHAIR MITTEN: Just bear with me a
3 second.

4 COMMISSIONER JEFFRIES: So it's
5 not only the business of the percentages, but
6 sort of where they're placed. I mean, the
7 residential is sort of sandwiched between the
8 two office buildings that -- the west building
9 is sort of set back, which I think is a good
10 thing.

11 I mean, Commissioner Turnbull,
12 what are your thoughts on just in terms of
13 placement of the office buildings?

14 COMMISSIONER TURNBULL: I guess I
15 don't really have an issue other than I think
16 the west office is a logical --

17 COMMISSIONER JEFFRIES: Yes. I
18 guess that makes really --

19 COMMISSIONER TURNBULL: Maybe
20 you're struggling with the east office
21 building.

22 COMMISSIONER JEFFRIES: Yes.

1 That's a little, because it seems in terms of
2 where it sits, it just seems to -- I don't
3 know. I'm --

4 COMMISSIONER TURNBULL: You want
5 to make the waterfront side residential?

6 COMMISSIONER JEFFRIES: Yes. Yes.
7 But I just put that out there. I mean, the
8 applicant can sort of respond.

9 It just seemed that the west
10 office building seems to be in the right
11 location. The east office building -- I mean,
12 I guess this site is -- it's a difficult site
13 in terms of placement of uses.

14 CHAIR MITTEN: I did just want to
15 respond to your question.

16 The guidance that I gave -- and I
17 just have the part of the transcript where I
18 said it sort of by summarizing what we had
19 decided when we sent them back. I had said,
20 "We are not comfortable with anything less
21 than 50 percent residential, which in this
22 case is apartment or condominium and hotel."

1 COMMISSIONER JEFFRIES: And hotel.
2 Okay.

3 CHAIR MITTEN: So if I misspoke,
4 somebody should have said something earlier.
5 But I'm not sure I did.

6 Okay?

7 COMMISSIONER TURNBULL: Madam
8 Chair, I wonder if I could -- I'm getting back
9 to the Office of Planning's comment about the
10 pier.

11 I'm not sure -- I mean, now at the
12 end of the quay, they've got this rounded
13 esplanade that comes up. But I'm not sure if
14 the Office of Planning is still looking to
15 revisit the pier. They wanted other views
16 looking down the river. And I'm just trying
17 to -- I wonder if maybe somebody could comment
18 on what they're --

19 COMMISSIONER PARSONS: They seemed
20 to be. I kind of led the charge to eliminate
21 the pier.

22 COMMISSIONER TURNBULL: That --

1 yes. Well, I remember we went through that.

2 COMMISSIONER PARSONS: And I
3 didn't articulate this at the time. But what
4 we found in the Park Service, people are
5 terribly intimidated by this kind of thing.
6 They're afraid if they go out there, they can
7 be trapped. That is, somebody who's going to
8 do them in finds them in a dead-end situation.

9 So if this pier was to curve
10 around and have an exit -- in other words, if
11 it was a curvilinear device that went out and
12 celebrated the whole waterfront, if you will,
13 and had a beginning and an end, or an entrance
14 -- two entrances, I think it would be worth
15 considering.

16 But that's why I made the comment.
17 I didn't really say it at the time. It was
18 getting late, I guess. But that's why I made
19 the comment.

20 COMMISSIONER JEFFRIES: Is that
21 just germane to Washington, or is that --

22 COMMISSIONER PARSONS: No. It's

1 all of our waterfront parks.

2 COMMISSIONER TURNBULL: The only
3 reason I brought it up is that the Office of
4 Planning wanted us to reconsider or think
5 about it again. And we hadn't really talked
6 about it yet.

7 So maybe what you're saying is --

8 COMMISSIONER PARSONS: Do you see
9 what they look like -- refresh your memory?
10 I brought it with me.

11 COMMISSIONER TURNBULL: If they
12 were looking to -- right.

13 So instead of being just a line
14 going out -- something actually that jutted
15 out and sort of a take off on that little --
16 by the esplanade curved -- another feature.
17 Something like that might be something to look
18 at.

19 COMMISSIONER JEFFRIES: Well, how
20 would you feel about this bow at the end of
21 the quay? I mean, being more -- jutting out
22 a little bit more, but still a curvature. Or

1 are you --

2 COMMISSIONER PARSONS: Well,
3 knowing what the limitations are with the
4 Corps of Engineers, I'm not sure you could do
5 much more unless you did it with this pier
6 configuration. They aren't interested in
7 filling in the river, but they'll allow you to
8 cantilever over it, or deck over it.

9 COMMISSIONER JEFFRIES: Okay.

10 CHAIR MITTEN: Anyone else?

11 (No audible response.)

12 CHAIR MITTEN: Okay. Now I'm --
13 I'm sorry, Mr. Hood. Please.

14 VICE CHAIR HOOD: Through all
15 that, because -- someone just tell me what
16 we're talking about. Somebody give me just a
17 quick --

18 CHAIR MITTEN: On that discussion
19 about the pier.

20 VICE CHAIR HOOD: On that
21 discussion. Just something quick.

22 CHAIR MITTEN: He didn't

1 understand.

2 VICE CHAIR HOOD: I admit I didn't
3 understand.

4 CHAIR MITTEN: And then what Mr.
5 Jeffries was saying about the end of the quay.

6 VICE CHAIR HOOD: If you could
7 just tell me what --

8 COMMISSIONER PARSONS: Well, did
9 you understand my point about being --

10 VICE CHAIR HOOD: Yes. I
11 understand that.

12 COMMISSIONER PARSONS: -- trapped
13 in this situation?

14 VICE CHAIR HOOD: Yes. I
15 understand that.

16 COMMISSIONER PARSONS: So what
17 we're talking about is this curvilinear
18 portion at the end of the Potomac Quay. Is
19 there some way they could embellish that with
20 a pier-like device that went farther out into
21 the river and repeated its curve?

22 VICE CHAIR HOOD: So it's more

1 prominent, or --

2 CHAIR MITTEN: And has two ends,
3 as opposed to --

4 COMMISSIONER PARSONS: Two ends.
5 Yes.

6 CHAIR MITTEN: -- one end, so you
7 could walk in a little half-loop opposed to
8 having to go out and back.

9 VICE CHAIR HOOD: So if it moves
10 forward and it happens, I'll remember this
11 conversation.

12 CHAIR MITTEN: Okay. I'm just
13 going to ask you -- the Office of Planning --
14 do you feel that we commented sufficiently on
15 the things that you wanted us to? Because
16 this is your chance if you feel like we left
17 something hanging that you wanted us to talk
18 about.

19 MR. LAWSON: No. I think you've
20 done an excellent job. Thank you.

21 CHAIR MITTEN: Thank you so much.
22 That means a lot coming from you, Mr. Lawson.

1 Okay. Then I think we've --
2 COMMISSIONER JEFFRIES: One thing.
3 I would like the applicant to just
4 provide some level of commentary about just
5 the residential building and the east office
6 building and sort of how those particular
7 buildings -- I think I know the answer
8 particularly around the east office building.
9 I mean, it just needs that certain
10 configuration for offices. But I'm just
11 thinking just sort of respond to that in their
12 application.

13 CHAIR MITTEN: Okay.

14 Next we have a letter from Council
15 Member Graham asking us to postpone the
16 hearing in Case No. 06-48.

17 And we have a memo from the Office
18 of Planning in that they support the
19 postponement. And although Mr. Hood will
20 convene the hearing to announce this as well,
21 but we do have the date for the postponement.
22 And that is, Ms. Schellin?

1 MS. SCHELLIN: October 25th, 6:30
2 p.m.

3 CHAIR MITTEN: Okay. Thank you
4 very much.

5 MR. BERGSTEIN: Madam Chair, as an
6 alternative to Mr. Hood coming in, you could
7 also just waive all your notice rules other
8 than the public hearing notice, and that would
9 avoid a reposting. But it would also avoid
10 Mr. Hood having to come in, if you wanted to
11 do it that way.

12 VICE CHAIR HOOD: Thank you, Mr.
13 Bergstein.

14 CHAIR MITTEN: Okay. That sounds
15 good.

16 Do we have a consensus to waive
17 the notice requirements?

18 VICE CHAIR HOOD: Yes.

19 CHAIR MITTEN: All right. Fine.

20 Then we have a memo from the
21 Office of Planning, and then we have a letter
22 from the applicant in Case No. 02-17. And

1 this was the PUD at 5401 Western Avenue.

2 And Mr. Parsons and Mr. Hood and I
3 actually sat on the case, although everyone is
4 certainly able to weigh in on this.

5 There's a specific question before
6 us which is to comment on this case. And the
7 fact is that this is an enforcement issue now
8 regarding whether or not a one-bedroom plus
9 den constitutes a two-bedroom apartment for
10 purposes of IZ. And so we are -- this is not
11 properly before us as it relates to this case
12 for enforcement because we don't perform that
13 function.

14 However, I think it would be
15 helpful for the Commission to comment on
16 whether in the future we would consider -- and
17 we obviously will have to make this explicit
18 in our orders -- whether we would consider a
19 one-bedroom plus den -- and when I say "den,"
20 I mean a room that does not have a window.

21 COMMISSIONER JEFFRIES: A room
22 without a view?

1 CHAIR MITTEN: A room without a
2 view, and without a window -- would be
3 considered a two-bedroom apartment for
4 purposes of IZ. And I would suggest that it
5 not.

6 So if it's a bedroom, it's got a
7 window is the way I would like us to --

8 PARTICIPANT: Agreed.

9 CHAIR MITTEN: -- consider that.

10 Okay? So that would be going
11 forward. We'll make that explicit in our
12 orders. But just to repeat, we cannot do
13 anything in the context of 5401 Western
14 Avenue.

15 Okay. And then the final pieces
16 of correspondence relate to a case that I did
17 not participate in. So Mr. Hood, you can
18 handle those.

19 VICE CHAIR HOOD: Okay. This was
20 Zoning Commission Case No. 02-38, Waterfront
21 Associates, LLC, Waterside Mall.

22 There was a letter from Tiber

1 Island which initiated all the other letters
2 from ANC 6D. And I forgot who else added the
3 letters. But we had a number of letters to
4 come in.

5 What it was, I omitted to do cross
6 examination of the rebuttal. And I will tell
7 the Tiber Island and for the record, I was
8 being very flexible with Mr. McGovern and Mr.
9 Greenberg when Mr. McGovern was supposed to be
10 doing the cross examination. And that's our
11 normal procedures. Because I didn't know who
12 was going to eventually be doing it. It went
13 back and forth. And through the whole
14 process, if my colleagues will remember, Mr.
15 Greenberg did most of -- did all of the cross
16 examination.

17 Mr. Greenberg also left before the
18 end of the hearing. So I don't know how he
19 was here to know that I didn't let anybody
20 cross examine. But anyway, that's another
21 issue.

22 Mr. McGovern mentioned to me that

1 I omitted to let that happen. So what I think
2 the best way for us to move is to go ahead and
3 let them cross examine just on a narrow issue.

4 And again, I apologize. But this
5 hearing is going to be -- we already have a
6 date. We have to be here anyway. And this
7 cross examination -- the way I see it -- is
8 only going to take maybe 15 minutes or so.

9 But I will tell you from now on --
10 the old saying nice guys finish last. And I
11 finished last on this one, Mr. McGovern. And
12 normally it's our procedures. So I hope you
13 and Mr. Greenberg have it correctly. You come
14 down -- who's going to cross examine? Because
15 that's who I'm going to call on. And that's
16 who's going to do it.

17 Okay? All right. I omitted it.
18 My fault. My mistake. So Ms. Schellin --

19 MS. SCHELLIN: The date would be
20 Monday, September 17th at 6:30 p.m.

21 VICE CHAIR HOOD: Okay. Monday,
22 September 17th at 6:30.

1 For my colleagues' benefit, we
2 have a special public meeting at 6:00 o'clock,
3 which may take us over a few minutes or so.
4 But we'll still be here. Actually, that's all
5 we really have that night anyway. So.

6 MS. SCHELLIN: That's true.

7 VICE CHAIR HOOD: So hopefully I'm
8 not inconveniencing anyone.

9 All right. Thank you.

10 Thank you, Ms. Schellin. Thank
11 you, Madam Chair.

12 CHAIR MITTEN: Thank you, Mr.
13 Hood.

14 And I think we have no further
15 matters before us this evening. So we are
16 adjourned. Thank you.

17 (Whereupon, at 8:16 p.m., the
18 hearing was adjourned.)

19

20

21

22