

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING
1160th MEETING SESSION (5TH OF 2004)

+ + + + +

MONDAY,
MARCH 8, 2004

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL MITTEN	Chairperson
ANTHONY HOOD	Vice Chairperson
KEVIN HILDEBRAND	Commissioner
JOHN PARSONS	Commissioner

OFFICE OF PLANNING STAFF PRESENT:

ANDREW ALTMAN	Director, Office of Planning
ELLEN MCCARTHY	Deputy Directory, Office of Planning
STEVEN COCHRAN	Office of Planning
JOEL LAWSON	Office of Planning
STEPHEN MORDFIN	Office of Planning
JENNIFER STEINGASSER	Office of Planning
KAREN THOMAS	Office of Planning
MAXINE BROWN-ROBERTS	Office of Planning

OFFICE OF ZONING STAFF PRESENT:

ALBERTO BASTIDA	Secretary, ZC
SHARON SCHELLIN	Office of Zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

DC OFFICE OF CORPORATION COUNSEL:

ALAN BERGSTEIN, ESQ.
MARY NAGELHOUT, ESQ.

ON BEHALF OF SQUARE 643 ASSOCIATES, LLC:

CYNTHIA A. GIORDANO, ESQ.
Arnold and Porter, LLP

ON BEHALF OF GEORGE WASHINGTON UNIVERSITY:

ALLISON PRINCE, ESQ.
Shaw Pittman, LLP

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

C-O-N-T-E-N-T-S

- I. PRELIMINARY MATTERS - MR. BASTIDA
- II. ACTION ON MINUTES
 - A. Public Meeting Minutes (draft)
of December 8, 2003 (1155th Session)
Postponed
 - B. Public Meeting Minutes (draft)
of December 11, 2003 (1156th Session)
Postponed
 - C. Public Meeting Minutes (draft)
of January 12, 2004 (1157th Session)
Postponed
 - D. Public Meeting Minutes (draft)
of January 29, 2004 (1158th Session)
Postponed
- III. STATS REPORT - OFFICE OF PLANNING
 - A. Office of Planning Monthly Status Report
- IV. CONSENT CALENDAR - MR. BASTIDA.
 - A. Z.C. Case No. 04-06/02-17
(Minor Modifications - 5401 Western
Avenue, N.W.)

C-O-N-T-E-N-T-S (Cont.)

- V. HEARING ACTION - MR. BASTIDA.
 - A. Z.C. Case No. 04-05 (Reservation 13)
 - B. Z.C. Case No. 03-27 (4600 Brandywine Associates, LLC - Consolidated PUD & Related Map Amendment at 4600 Wisconsin Ave., N.W.)
 - C. Z.C. Case No. 03-30 (Square 643 Associates, LLC - Consolidated PUD & Related Map Amendment at 734 First Street, S.W.)
 - D. Z.C. Case No. 04-01 (American Pharmacists Assoc. - Consolidated PUD & Map Amendment at 2215 Connecticut Ave., N.W.)

- VI. PROPOSED ACTION - MR. BASTIDA
 - A. Z.C. Case No. 03-29 (GWU - Residence Hall)

- VII. FINAL ACTION - MR. BASTIDA.
 - A. Z.C. Case No. 03-06 (Southeast Federal Center)
 - B. Z.C. Case No. 03-26 (P.N. Hoffman) Postponed

- VIII. LITIGATION - MR. BASTIDA.

- IX. CORRESPONDENCE - MR. BASTIDA.

- X. REPORT OF THE SECRETARY - MR. BASTIDA
 - A. Reminder Schedule

- XI. OTHER BUSINESS.
 - A. New Cases Filed:
 - B. Orders Published:
Z.C. Order No. 03-24 (Kalorama)
 - C. Election of Officers.

Adjourn

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

6:46 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is the March 8, 2004 meeting of the Zoning Commission of the District of Columbia.

My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Kevin Hildebrand and John Parsons.

Copies of today's meeting agenda are available to you and are located in the wall bin near the door. I would just like to remind everyone present that we do not take public testimony at our meetings unless the Commission specifically requests that someone come forward.

Please be advised that this proceeding is being recorded by a court reporter and is also being webcast live. Accordingly, we ask that you refrain from making any disruptive noises or actions in the hearing room, and I ask that you now turn off all beepers and cell phones.

Mr. Bastida, do you have any preliminary matters?

MR. BASTIDA: Madam Chair, the staff has no preliminary matters. Thank you.

CHAIRPERSON MITTEN: Thank you. I'm just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 going to make a few announcements and changes to the
2 agenda. We'll take the action on the minutes and the
3 Office of Planning Status report at the end so we can
4 get to the meat of the agenda right off the bat.

5 And I want to announce that the second
6 item under final action, which is case number 03-26,
7 we will take that up at a special public meeting on
8 Thursday night, March 11th at 6:15 p.m. And I
9 apologize for anyone who came out for that tonight.
10 We didn't get a copy of the draft order in order to
11 review that for this evening. So we'll take that up
12 again March 11th, this Thursday, at 6:15 p.m.

13 Then we're ready to move to our first
14 item, which is the consent calendar item, which is the
15 Consent Calendar item, case number 02-17. This is a
16 request for a minor modification to the PUD at 5401
17 Western Avenue.

18 Mr. Bastida, I believe we have a
19 recommendation from the Office of Zoning.

20 MR. BASTIDA: Yeah, right. Madam Chair,
21 the staff has provided you with all the required
22 information. The staff had provided you with the
23 documents saying that we believe that it is a minor
24 modification, and we recommend that you use -- decide
25 it on the Consent Calendar.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The Office of Planning also has
2 recommended favorable on the proposal. The other
3 parties that were part of this application also have
4 recommended favorable, that you take favorable action
5 on this application. And ANC 3 -- and I mean 4G is --
6 has advised this office that they intend not to take
7 an official position on this matter. That was the
8 party, the second ANC party on this case.

9 Thank you.

10 CHAIRPERSON MITTEN: Thank you. We have
11 a series of changes that are being requested to the
12 order, and the changes arise out of an agreement, a
13 settlement agreement, that the Applicant has made with
14 the parties who were in opposition to this case. And
15 I guess the gist of it is that the building has been
16 reduced somewhat in size and somewhat in height, and
17 there have been some changes regarding the manner in
18 which parking will be handled, and a change in the
19 landscape plan, as well as the construction management
20 plan.

21 Any preliminary comments?

22 COMMISSIONER PARSONS: Well, I think this
23 is a joyous end, actually. That is, it's a better
24 design. Citizens are supporting it. I'm remembering
25 the long hearings that we --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: It was long. It was
2 long and --

3 COMMISSIONER PARSONS: The landscape plan,
4 it seems to be a conceptual idea for a water fountain.
5 And I don't know, with the limited materials that we
6 have, that we can really understand what that is. And
7 I don't want to delay this, but I just note that it's
8 pretty sketchy to say what a waterfront looks like in
9 this context.

10 But otherwise, I think this is vastly
11 improved.

12 CHAIRPERSON MITTEN: I would agree with
13 that, and especially as contentious as the case was,
14 happy that with some -- I know that the Applicant,
15 even though they're asking for minor changes, I'm sure
16 it wasn't easy to make the compromises. But if
17 everyone can be satisfied at the end of the day, I'm
18 satisfied, too, and I think the design is improved.

19 Anyone else?

20 COMMISSIONER HILDEBRAND: Madam Chair, I
21 would heartily agree with that, and only add that I
22 hope that the same level of attention will be paid to
23 the daycare center and the adjacent structure of when
24 that is more fully developed.

25 CHAIRPERSON MITTEN: Thank you. I would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 just note, and I think we need just to go through
2 these individually just to make sure that it's clear
3 what we want in and what we want out.

4 We have a report from the Office of
5 Planning on the requested modifications, and they had
6 added in certain places some additional language that
7 I think we need to decide whether we want it in or
8 out. So I'm just going to run through those very
9 quickly.

10 In paragraph number two of the decision,
11 they've added the sentence, "The design of the roof
12 structure shall not enable the inclusion of occupiable
13 space not otherwise permitted by 11 DCMR, Section
14 411."

15 My view would be there's no harm in
16 leaving it in, and there's no harm in taking out,
17 because I think it goes without saying that there
18 wouldn't be space included as occupiable space that
19 was not otherwise permitted by 11 DCMR, Section 411.

20 Anyone have any thoughts? Okay. Then
21 I'll vote to leave it in just because it doesn't hurt
22 to be absolutely clear.

23 Under paragraph three, "The affordable
24 housing shall be constructed on site and shall
25 comprise no less than five percent of the additional

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 gross square footage permitted by this project --
2 permitted this project by its approval as a planned
3 unit development under this order."

4 I think that was the nature of the proffer
5 that was made, and this is just clarifying it.

6 VICE CHAIRPERSON HOOD: I would agree to
7 leave that in or to add it.

8 CHAIRPERSON MITTEN: Last is -- I guess
9 not -- not last. Next is what would be new paragraph
10 ten, near the end, "Landscaping improvement shall be
11 in accordance with the plans and shall include a
12 fountain or water feature accessible to the public."

13 I think, again, this is adding clarity
14 because the landscape plan does show a water feature,
15 and it's intended to be accessible to the public. So
16 this just adds clarity.

17 COMMISSIONER PARSONS: Well, I'm wondering
18 if we could add to that of at least the size shown on
19 the plan.

20 CHAIRPERSON MITTEN: Okay.

21 COMMISSIONER PARSONS: Otherwise, we'll
22 have a drinking fountain, if we're not careful.

23 CHAIRPERSON MITTEN: Right. Just give me
24 the plan --

25 COMMISSIONER PARSONS: Right after the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 word public, of at least the size shown on the plan.

2 CHAIRPERSON MITTEN: Just give me the
3 plan.

4 COMMISSIONER PARSONS: Oh. Same one
5 referenced above. In this paragraph, it says
6 "according to the landscape plans."

7 CHAIRPERSON MITTEN: Okay.

8 MR. BASTIDA: The staff will be glad to
9 add the specific plan.

10 CHAIRPERSON MITTEN: Thank you. And then
11 lastly is in new paragraph, letter (C), "To vary the
12 number and location of parking spaces not to decrease
13 below the minimum of 1.1 accessible parking spaces per
14 unit, plus four parking spaces for the daycare spaces
15 and eight additional visitor parking spaces." Again,
16 this is adding clarity.

17 Anyone have any reservations about
18 including it? Okay.

19 COMMISSIONER HILDEBRAND: Might I add on
20 (D) that we might say something about final selection
21 of exterior materials within the color ranges and
22 material types is proposed based on availability, time
23 of construction, without reducing quality of
24 construction?

25 COMMISSIONER PARSONS: That's good. This

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 has become a boilerplate. We've never used the word
2 quality. That's a good suggestion.

3 CHAIRPERSON MITTEN: Now that will become
4 our new boilerplate. Okay. Anything else?

5 Then I would move approval of the minor
6 modification, which is case number 04-06, with the
7 inclusions that we just discussed by Office of
8 Planning as well as by the Commission.

9 COMMISSIONER PARSONS: Second.

10 CHAIRPERSON MITTEN: Any further
11 discussion? All those in favor, please see aye.

12 (Chorus of ayes.

13 CHAIRPERSON MITTEN: None opposed. Mrs.
14 Schellin?

15 MS. SCHELLIN: Yes. Staff will record the
16 vote four to zero to one to approve case number 04-
17 06/02-17. Commissioner Mitten moving. Commissioner
18 Parsons seconding. Commissioners Hildebrand and Hood
19 in favor. Commissioner Hannaham not present, not
20 voting.

21 CHAIRPERSON MITTEN: Thank you. The next
22 case is one that Mr. Hood is going to take over. And
23 notwithstanding that this is going to be a rulemaking,
24 I just don't want there to be any concern about my
25 dual role on the Zoning Commission and as the Director

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of the Office of Property Management. So I'm going to
2 recuse myself, Reservation 13, and Mr. Hood will take
3 over.

4 VICE CHAIRPERSON HOOD: Okay. Thank you,
5 Madam Chair. Colleagues, we have in front of us
6 Zoning Commission case number 04-05 for set down.
7 We'll go to the Office of Planning.

8 MS. BROWN-ROBERTS: Good evening, Mr.
9 Chairman and members of the Commission. It is with
10 great pleasure, excitement and a privilege that we
11 present you the outline of a plan we believe will lead
12 to the implementation of a vision of the development
13 of one of our city's most important public resources.

14 The Hill East master plan was adopted by
15 the City Council on October 15th, 2002 for reservation
16 13, also known as the former D.C. General Hospital
17 site.

18 The proposal before you today is to
19 provide a zoning proposal on the property to lead to
20 the implementation of the planning principles outlined
21 in the master plan.

22 After careful analysis of these principles
23 and guidelines, such as the massing and height, uses
24 and extension of the street grid into the site using
25 conventional zoning as provided in the zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 regulations, we were stymied as to -- as that they did
2 not provide us with the tools to fully implement the
3 plan in a manner that fully reflects the vision of the
4 plan.

5 After further analysis, we decided that
6 form-base codes was the best tool to implement the
7 master plan. Form-base codes emphasize traditional
8 design integrated with the streets and public spaces,
9 a variety of housing types, mixed use development to
10 minimize the use of automobiles and encourage transit
11 use, orientation of commercial uses to sidewalk and
12 streets, provision of open space and links to
13 residential and commercial uses for the strong
14 pedestrian orientation.

15 Additionally, design-oriented codes
16 emphasize specifics of the design related to row
17 houses, apartments and store fronts, streetscapes and
18 plazas.

19 The codes are prescriptive in that they
20 prescribe build-to lines instead of setbacks, typical
21 facade treatment, public use design, and landscaping
22 and planting along the right of ways.

23 Because of the federal government owns the
24 tract, it was never surveyed and included in the
25 District property identification system, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 identifies properties by square and lot numbers.
2 Additionally, there are no internal streets on the
3 site. And therefore, as recommended in the master
4 plan, the additional existing Capitol Hill grid system
5 will be extended through the site.

6 In order to describe development areas on
7 the reservation, the property has been divided into
8 blocks that are identified as blocks O to A. The
9 regulations governing the development of the tract
10 will be in two sections, general regulations governing
11 development and the design guidelines that will give
12 graphic prescriptions and priorities for heights,
13 sighting, and other building elements to address the
14 basic necessities for forming a good public space.

15 Appendix 1 of the submission outlines the
16 text for a new Hill East district that consists of
17 general regulations for development and addresses the
18 other requirements and uses.

19 The accompanying design guidelines add
20 further regulations for development. The design
21 guidelines has a regulating plan for the development
22 that is based on the street types on which it fronts.

23 A streets, which are the primary streets
24 that set the tone and character of the community and
25 serve pedestrians and automobiles equally, and are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 mainly Independence Avenue, Water Street and
2 Massachusetts Avenue.

3 The B streets are secondary streets that
4 are -- that connect primary streets and provide
5 options for access throughout the neighborhoods, such
6 as Burke and C Streets.

7 C streets are -- streets that provide a
8 means of ccess to service entries and parking
9 structures throughout the neighborhood.

10 A second portion of the regulating plan
11 addresses building heights that are defined in ranges
12 and increases from 19th Street towards Water Street,
13 and are in three bands ranging from two to four
14 stories, or 24 feet to 50 feet on the western portion
15 of the site, to seven to ten stories, or 80 feet to
16 110 feet, on the east.

17 In order to provide transitions from
18 smaller to larger scale buildings, setbacks are
19 required at specified locations.

20 The plan also identifies special places on
21 the site, such as retail areas that will be allowed in
22 specified places, such as the neighborhood center at
23 the -- Metro Station along 19th Street, and at
24 Massachusetts Avenue near the waterfront, with general
25 entertainment and waterfront uses.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Retail areas are in specified areas to
2 maximize the effect of a concentration of uses. The
3 plan provides general guidelines for architectural
4 character and treatment, including facade treatment,
5 roofline expression and materials based on building
6 types generally found in Capitol Hill neighborhood and
7 other parts of the city.

8 Additionally, sites along Mass Avenue,
9 Water Street, Independence Avenue and 19th Street have
10 been identified for architecturally significant facade
11 and/or having significant architectural features.

12 Streetscape guidelines include street
13 trees, planting strips, brick and concrete pave,
14 raised front yards and trees, shrubs and flowers,
15 gates and steps, et cetera.

16 The public realm areas include an
17 approximately three acre central public park for
18 community use that will be similar in character to
19 other parks on Capitol Hill, such as Lincoln Park, and
20 the monument circle at the terminus of Massachusetts
21 Avenue.

22 The proposed regulations will provide
23 sufficient detail and provide for greater
24 predictability of potential development and
25 concurrently allow flexibility in development.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The proposed regulation will also
2 facilitate a predictable process for the review of
3 development application, and the Office of Planning
4 recommends that all projects will be contested cases
5 and subject to special exception review by the Zoning
6 Commission.

7 Corporation Counsel has expressed some
8 concern regarding the formatting of the design
9 guidelines into a format acceptable to the Office of
10 Documents for rulemaking. We will continue to work
11 with the Corporation Counsel towards an acceptable
12 solution.

13 The Office of Planning has made
14 presentations to ANC 6B of the committee, in addition
15 to having the Reservation 13 Steering Committee, but
16 has representatives of the community and other federal
17 and District agencies.

18 Generally, there is support for the use of
19 form-based coding on the site. There has been some
20 concerns expressed by the community regarding some of
21 the uses that will be permitted. If this proposal is
22 set down, we will continue to work with the community
23 and refine the proposal prior to the public hearing.

24 Known uses on the site will include a --
25 of the school, which is located at -- which will be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 located at 19 and Independence Avenue, as approved by
2 the Zoning Commission in January of 2004 and is slated
3 to open in 2005 school year.

4 The existing 60,000 square feet -- hall
5 will be completely renovated to accommodate the
6 reentry and -- center of the Court Services and
7 Offender Supervision Agency of the District of
8 Columbia.

9 The building will accommodate 30 to 90 day
10 residential treatment program for drug abusers and
11 counseling to parolees, and is scheduled to start
12 operation in June 2005.

13 As recommended by the master plan, the
14 hospital should be permitted on the site. Howard
15 University is proposing a hospital on block C and/or
16 B and will be developed consistent with the design
17 guidelines.

18 The proposed Hill East district will
19 provide standards to guide the development to
20 Reservation 13, as envisioned by the community and
21 outlined in the comprehensive plan, the Reservation 13
22 master plan, and further detailed in the proposed
23 design guidelines.

24 The Office of Planning therefore
25 recommends that the proposal for a new Hill East

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 district be set down.

2 Thank you, Mr. Chairman.

3 VICE CHAIRPERSON HOOD: Thank you, Ms.
4 Brown-Roberts. Colleagues, we have a request from the
5 Office of Planning in front of us. I would just begin
6 by saying this new form-based codes is actually very
7 unfamiliar to me, this new concept. Well, I don't
8 know if it's new or what you have.

9 Ms. Brown-Roberts, let me ask you. Has
10 this concept been done before in the city, first?

11 MS. BROWN-ROBERTS: It has not been done
12 in the District of Columbia. No.

13 VICE CHAIRPERSON HOOD: Okay. What is the
14 closest jurisdiction in --

15 MS. BROWN-ROBERTS: It has been used in
16 Alexandria, in Virginia, and Arlington.

17 VICE CHAIRPERSON HOOD: I won't ask
18 whether it works or not. I'm just, you know, I'm
19 curious. But I'll ask that if its set down for a
20 hearing. I'll state it at the time.

21 Something else you mentioned, if it's set.
22 I think you said it like this. If it's set. I think
23 you said it like this. If it's set down, you will
24 continue to work with the community. What happens if
25 it's not set down?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 (Laughter.)

2 VICE CHAIRPERSON HOOD: Okay. That's --
3 I won't -- you don't have to give me an answer.

4 MS. BROWN-ROBERTS: If it's not set down,
5 we will continue to work. I think we will take into
6 consideration what your concerns are --

7 VICE CHAIRPERSON HOOD: Okay.

8 MS. BROWN-ROBERTS: -- and continue to
9 work on it, to bring it to a -- something that we
10 think is satisfactory, that will be acceptable to the
11 Commission.

12 VICE CHAIRPERSON HOOD: And it's
13 obviously, you mentioned it, I know one of the issues
14 that occurred about Reservation 13 was the issue about
15 the hospital. Obviously, it's in this form base --
16 form-based codes plan. There is a place there for a
17 hospital?

18 MS. BROWN-ROBERTS: Yes. The master plan
19 did specify that hospital use was to be permitted on
20 the site. And in coming up with the uses and in
21 looking at where we did specify the area along
22 Independence Avenue to accommodate the hospital.

23 VICE CHAIRPERSON HOOD: Okay.

24 MS. MCCARTHY: And we probably should add,
25 Mr. Hood, in answer to your question before about what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the impact would be of not setting it down that Howard
2 University Hospital is anxious to get in their
3 planning, and one thing that they need to know is what
4 the zoning envelope is that will be available to them,
5 to guide them and then doing their drawings.

6 VICE CHAIRPERSON HOOD: Okay. Unless
7 there's any questions, we have a proposal. Any
8 comments? Mr. Parsons?

9 COMMISSIONER PARSONS: I'm very concerned
10 about this. I have to reflect on how long it took,
11 and it isn't done yet, to do the simple WO zone. That
12 process started two years ago next month. This whole
13 idea of form-based code is new, obviously, to us. And
14 we have no understanding of it, no understanding of
15 the value of it.

16 My understanding, limited that I have, is
17 it has been used occasionally or as a new idea in an
18 area that's built out. That is, a Wisconsin Avenue.
19 Shouldn't bring up Wisconsin Avenue. That is, how do
20 we take advantage of the architectural fabric we've
21 got and what is the kind of form that we want,
22 Washington Street and Alexandria Columbia Pike and
23 Arlington. And I find it strange to apply it to this
24 circumstance.

25 But I go beyond that. I had no idea when

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I saw this mater plan, I don't know in what form,
2 wherever I've seen it over the past year, that we were
3 going to result in 110 foot high buildings along the
4 waterfront. That's exactly the opposite of what we
5 did at Buzzards Point. So I'm very troubled about the
6 height of the buildings.

7 But, you know, this master plan has a
8 residential feel to it, a sense of community. But
9 when I look at the diagrams of the 110 foot buildings,
10 I just say -- I don't get it. I don't understand it.

11 So I'm very troubled by it. And I would
12 say that we should have -- unless you're not in a
13 hurry. I mean, if you're not in a hurry, maybe this
14 is the place to try it. But I see at least 18 months
15 before we have a text that we can apply to this, based
16 on past experience. That's my concern. As opposed to
17 a straight zoning and get on this, like we did with
18 the Southeast Federal Center.

19 MS. MCCARTHY: I think, Mr. Parsons, that
20 straight zoning, as Ms. Brown-Roberts indicated,
21 straight zoning is what we tried first. But this plan
22 was adopted by the City Council as the plan that is to
23 be followed on Reservation 13.

24 And because our zoning code tends to
25 equilibrate height and intensity of use, there was no

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 way, since the height marches in one direction, west-
2 east, and the intensity of use marches in another
3 direction, there was no -- each of the existing zoning
4 classifications that we attempted to put on various
5 sections of the plan ended up being inappropriate for
6 one reason or another.

7 So it was only out of great frustration
8 with not having anything in our existing zoning that
9 accomodated those needs and having a plan that had
10 been worked out through a consensus process with the
11 community and adopted by the City Council with those
12 heights, with the 110 feet and all of what we're
13 taking about in this plan --

14 COMMISSIONER PARSONS: I'm actually
15 shocked at the heights. I don't know I was asked and
16 I didn't listen or what. But I'm just -- I'm really
17 troubled by that.

18 MR. ALTMAN: I would just add that I think
19 that part of -- I don't know at the time the issue
20 about the height or the specifics, I don't -- whether
21 it's a form-based code or the regular zone that you're
22 familiar with, we had the same discussion. So I don't
23 know that -- in other words, I think that's a
24 discussion worth having, and we can go into the
25 reasons how that came about in terms of the setback

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from the water and the park and all the things that
2 give it distance from the water so it's not at the
3 water's edge. Different from a completely urbanized
4 area like the Buzzard Point, where you're trying to
5 ensure that they're set back here. You have some
6 significant setbacks.

7 But putting that aside, so I think that's
8 a good discussion to have about the heights and how
9 they came about. The idea of -- I don't think that
10 the time issue, in terms of will it take that much
11 longer to go through form-based zoning versus the zone
12 you know -- it may be -- maybe it will be quicker
13 because you're more familiar.

14 But I don't know that it would produce the
15 outcome that you want. I mean, we struggled with it.
16 We frankly, as Ellen McCarthy said, were going to go
17 with zones that we knew but realized that in light of
18 what we were trying to achieve at this site, in terms
19 of design, in terms of use issues, location of retail,
20 articulation of the buildings, setbacks of the
21 buildings, that you were actually -- our concern was
22 that -- was to take a new approach, which is an
23 approach that's frankly been done all around the
24 county, and to apply it here so that we -- that one of
25 the concerns that we had heard was that it was in fact

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 more complicated trying to use some of the existing
2 zones to achieve this outcome than just saying let's
3 start with a chapter that you could easily look to in
4 the zoning code and say, Hill East zoning, here's a
5 chapter on it. I can read it. I understand exactly
6 what it is you're looking for.

7 I don't go in with the notion of CR, a CR
8 modified 12, 13, 14 times, but tell me exactly what it
9 is you're looking for and we can respond to that with
10 a clear direction and certainty.

11 And, you know, I think the details of what
12 that -- what's in that zone are a good discussion to
13 have, and that's what we were hoping in terms of set
14 down.

15 And frankly, in light of discussions with
16 the hospital and with the medical campus, we thought
17 it was important to have at least a framework set down
18 that can then be the basis for discussion, sooner
19 rather than later.

20 COMMISSIONER PARSONS: Well, could we set
21 down a -- this with a zoning category for the hospital
22 in case this falls apart on us? I mean, if that's
23 urgent. I don't know what the zoning -- it's pretty
24 easy to zone a hospital, I would think. But --

25 VICE CHAIRPERSON HOOD: You might want to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 turn your mic on so you're on the record.

2 COMMISSIONER PARSONS: Did you try base
3 zoning with a special HE overlay, which is more
4 traditional? Of course you did.

5 MS. McCARTHY: Yes, we did, and yes. And
6 the overwhelming reaction from the community meeting
7 was you're trying to get the overlay to do way too
8 many things.

9 COMMISSIONER PARSONS: All right.

10 MS. McCARTHY: I mean, a good example is
11 the open space, the park in the middle. As you
12 pointed out before, with the exception of WO, we have
13 no open space zones.

14 COMMISSIONER PARSONS: Right.

15 MS. McCARTHY: And so the only zone that
16 was available to us that was even remotely close was
17 WO, but even that would have provided for .5 FAR of
18 development, and we wanted a park there, and so did
19 the community.

20 COMMISSIONER HILDEBRAND: One question
21 that comes to mind for me is form-based code to find
22 in the zoning code, or would we have to write the
23 zoning ordinances before we tried to enact them?

24 MS. McCARTHY: Well, this would be a new
25 chapter of the code just like when CR was created, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 we would have to deal with those aspects of the code
2 that would be changed, but the rest of it would --
3 we'd rely on the rest of it in terms of nonconforming
4 uses and that sort of thing.

5 It is very different, but I should add, in
6 addition to the examples that we've used, it's also
7 being used in Nashville, Davison County, in
8 Minneapolis -- no, not Minneapolis -- in Duluth, in a
9 variety -- in some big cities as well as in some
10 suburban areas.

11 So it's new, but it's increasingly being
12 used in different places where the recognition is that
13 you can more accurately prescribe what it is that you
14 want to see, rather than just using Euclidean zoning.

15 MR. ALTMAN: I think the answer also of
16 what you're saying is that you don't need to create
17 sort of what would be enabling legislation in order to
18 then do the form-based code because it's not -- really
19 all it is, is specifying, if you will, the envelopes
20 and the uses. And so it's almost like just creating
21 a special zone, and we're just defining it as a
22 discrete chapter.

23 COMMISSIONER HILDEBRAND: I'm just
24 wondering if it wouldn't be worthy to have a generic
25 conversation and meeting about the form-based codes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 before we took action on one specifically.

2 VICE CHAIRPERSON HOOD: That sounds like
3 a good point. But I was thinking about that -- like
4 we normally have roundtables. But when I look at
5 what's presented in front of us, and I'm understanding
6 of all charrettes and all the many, many, many, many,
7 many, many, many meetings that have been going on with
8 Reservation 13.

9 Colleagues, I'm wondering if we could
10 probably hash a lot of that out if we were to set it
11 down. And one thing that's unique about this, all of
12 us are going to have to agree because there's only
13 three of us. It's not like we can leave one person
14 out this time.

15 But I would think that we would maybe be
16 able to learn this form-based code system and also,
17 from my standpoint, be educated if we -- obviously
18 it's new and it's going on in other areas,
19 jurisdictions.

20 Change is inevitable. It's going to
21 happen. So I would be inclined to set it down and be
22 educated as opposed to just doing a roundtable, and
23 then come back and deal with this secondhand, because
24 there are some pertinent issues that are very
25 important to the city. And that's -- one of them, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 know, is the hospital.

2 COMMISSIONER HILDEBRAND: And certainly,
3 being new on the Board, I don't mean to question the
4 work that you've done for the last couple of years on
5 this process. It's just that I'm stepping into it,
6 and it's very new to me, and I appreciate your taking
7 the time to explain it to me.

8 MR. ALTMAN: The only thing I was going to
9 add is that I appreciate that and we take no -- ask as
10 many questions as you like, and we'll spend as much
11 time. I sincerely -- because it is complicated coming
12 into this.

13 I would say the reason that we wanted to
14 set it down, and then I think we're very open to
15 having however forum the Commission would like on
16 form-based zoning and on this in particular. And I
17 can make modifications as we go along.

18 In a sense, it's almost a do no harm
19 argument in that I'm concerned from the community
20 perspective in the work that we've done. They're very
21 concerned about uses they don't want coming on to the
22 site, and in a sense, without it being zoned, it's
23 unprotected from those kinds of uses.

24 People just see an unzoned site, and there
25 are all kinds of various things people may want to put

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 on there that would not be protected.

2 So in a way, we can always make
3 modifications. We can always make changes. But at
4 least there's a message about what the overall at
5 least use and intent is, and then it can be modified.

6 COMMISSIONER PARSONS: I guess I'll agree
7 to do this with a couple of conditions. When we first
8 did the overly zones a long time ago, the Committee of
9 a Hundred brought witnesses brought witnesses from New
10 York and I think San Francisco, to tell us how overlay
11 zones work, because we were frightened of them. What
12 is this?

13 And we -- I think would be -- if we could
14 do that, not the one that was adopted in Arlington
15 last week, but the one that was developed in Nashville
16 five years ago and is built out, to show, you know,
17 what they would have done different or something. I
18 think that would be very important.

19 And I don't know whether we can afford to
20 bring people in, but maybe the Committee of a Hundred
21 could do it again. But, I mean, they were very in
22 favor of overlay zoning. And that was a great move
23 for us.

24 And I sense this is the same. This isn't
25 the only place we're going to use this, if it works.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. McCARTHY: No. We, in fact, Mr.
2 Parsons, we had already -- we had always figured that
3 we would do that at the hearing as being in some
4 outside experts and some information about how this
5 worked in other cities.

6 In fact, one of the primary experts
7 actually lives on Capitol Hill, although he does
8 consulting all over the country. So I think it would
9 be fairly easy to bring them in.

10 COMMISSIONER PARSONS: And the second
11 thing is, you've got to change page 28 of the report
12 because it makes me so nervous I can't sleep. But
13 this isn't Grant Park in Chicago. Those images just
14 drive me nuts. So if you're wondering why I get so
15 excited is when your consultant borrowed some -- I'm
16 kidding. You don't have to change the report. I
17 think I've made my point.

18 VICE CHAIRPERSON HOOD: So all right. Mr.
19 Parsons, you made the point. Can you make the motion?

20 COMMISSIONER PARSONS: With hesitancy, I'm
21 not going to make the motion.

22 VICE CHAIRPERSON HOOD: You're not going
23 to make the motion?

24 COMMISSIONER PARSONS: No. I might vote
25 for it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER HILDEBRAND: Is there time
2 for a little discussion on some of the body of the
3 report?

4 VICE CHAIRPERSON HOOD: Sure, sure.

5 COMMISSIONER HILDEBRAND: One of the
6 things I was really pleased to see was the concept of
7 integrating the Capitol Hill streetscaping grid into
8 the Reservation 13 site. But then when I looked at
9 the plan, I saw that almost instantly it was violated
10 by the interruption of 20th Street, by a block
11 protruding into that whole grid system to minimize the
12 -- I guess the footprint of the park.

13 And I would ask that you might look at
14 that to see if that's really valid. I know parks
15 typically on the Hill are bounded within the street
16 grid, if you look at Stanton Park or Lincoln Park.
17 They don't obstruct traffic flow. They actually work
18 with it in harmony.

19 And I think that could be -- expanding the
20 park could be quite a nice feature for this area of
21 the community.

22 And also, on your page 10, I note we were
23 talking about architecturally sensitive facades or
24 significant facades. We're creating this Hill East
25 park, and yet we're not designating the facade fronts

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that face the park as architecturally significant.

2 And I think that that's a bit of an oversight.

3 The other question I had was how Karrick
4 Hall falls within -- with the language about the uses
5 north of Massachusetts Avenue, and if you could
6 comment on how that works within your -- the
7 language, I'd appreciate it.

8 VICE CHAIRPERSON HOOD: Commissioner
9 Hildebrand, just so you know, this is the time for us
10 to ask questions, so when we get to the hearing point,
11 some of those questions or issues that we have will be
12 resolved.

13 So with that, I make a motion that we set
14 down Zoning Commission case 04-05 with the conditions
15 and the conditions expressed by Commissioner Parsons.
16 If you want to repeat them, I think it was basically
17 that we bring somebody that's up to speed on this
18 form-based codes issue.

19 COMMISSIONER PARSONS: And the other one
20 was in jest.

21 VICE CHAIRPERSON HOOD: Well, I wasn't
22 even going to mention the other one, but -- and also,
23 the concerns of Commissioner Hildebrand. I think
24 that's been duly noted.

25 I'll ask for a second. I'll ask again for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a second.

2 COMMISSIONER HILDEBRAND: I'll second it.

3 VICE CHAIRPERSON HOOD: Thank you. It has
4 been moved and seconded. All those in favor, aye?

5 (Chorus of ayes.)

6 VICE CHAIRPERSON HOOD: Any opposition?
7 Abstentions?

8 (No response.)

9 VICE CHAIRPERSON HOOD: So ordered.

10 MS. SCHELLIN: Staff will record the vote
11 three to zero to two. Commissioner Hood making the
12 motion. Commissioner Hildebrand seconding.
13 Commissioner Parsons in favor. Commissioner Hannaham
14 not present, not voting. Commissioner Mitten not
15 voting, having recused herself. And I would just
16 confirm that this will be a rulemaking case.

17 VICE CHAIRPERSON HOOD: I think it's a
18 contested --

19 MR. BERGSTEIN: It will be a rulemaking.

20 VICE CHAIRPERSON HOOD: Rulemaking?

21 MR. BERGSTEIN: It will be a rulemaking
22 case. Yes.,

23 VICE CHAIRPERSON HOOD: Okay. Thank you.
24 And Ms. Schelling, forgive me for not calling for the
25 vote.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: That's okay.

2 VICE CHAIRPERSON HOOD: I'm a little out
3 of practice.

4 MS. SCHELLIN: Sorry I just jumped in
5 there.

6 VICE CHAIRPERSON HOOD: For the record,
7 our Chairperson has rejoined us.

8 CHAIRPERSON MITTEN: Thank you, Mr. Hood.
9 Next is case number 03-27, which is 4600 Brandywine
10 Associates, LLC, a consolidated PUD and related map
11 amendment at 4600 Wisconsin Avenue. And we'll turn to
12 the presentation by the Office of Planning.

13 MR. MORDFIN: Good evening, Chair and
14 members of the Commission. My name is Steven Mordfin
15 with the Office of Planning. And the Applicant has
16 applied for a planned unit developing and related map
17 amendment to assign the C2B District to 4600 Wisconsin
18 Avenue for the construction of a six-story mixed use
19 building.

20 Subject property zone C2N is located with
21 the Tenley Town Metro Station off-station housing
22 opportunity area, a multi-neighborhood commercial
23 center and the generalized land use map recommends the
24 mixed use/land use for the site, including medium
25 density residential and moderate density commercial.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The application requests waiver to the
2 minimum required PUD area and variances to maximum lot
3 occupancy minimum rear yard and minimum residential
4 recreation space.

5 The application proposed the following
6 public benefits and amenities. Replacement of a
7 playground equipment at Janey Elementary School, IT
8 resources for Tenley Library, repair to the Wilson
9 Senior High buildings, contributions towards the
10 renovation -- of Fort -- Park, and provision of three
11 affordable housing units, and the purchase of historic
12 District street signs for the -- Historic District.

13 The Office of Planning believes that the
14 proposed PUD and related map amendment are not
15 inconsistent with the economic development of the
16 comprehensive plan, and that it would provide retail
17 and residential development near a Metro rail station,
18 the housing element in that it will provide multiunit
19 housing near a Metro rail station and within a housing
20 opportunity area, the environmental protection element
21 in that it will provide for clustering of residences
22 near a Metro rail station, the transportation element
23 in that it will provide a mixed use building near a
24 Metro rail station, the land use element in that it
25 will provide for new housing within a housing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 opportunity area and near a Metro rail station, and
2 will replace two non-residential structures with a
3 structure containing new housing near a Metro rail
4 station, and the Ward 3 plan in that it will provide
5 housing, including affordable housing units near a
6 Metro rail station and expand housing stock, and
7 contribute a greater variety of housing types,
8 opportunities and choices.

9 The application is also not inconsistent
10 with many of the principles and recommendations for a
11 transit-oriented neighborhood as defined in
12 transformation or creating transit-oriented
13 neighborhood centers in Washington, D.C.

14 The Office of Planning recommends that the
15 Zoning Commission set down for public hearing to
16 propose PUD and related map amendment.

17 And that concludes the presentation from
18 the Office of Planning.

19 CHAIRPERSON MITTEN: Thank you, Mr.
20 Mordfin. Are there any questions for Mr. Mordfin or
21 comments on the application. Mr. Parsons?

22 COMMISSIONER PARSONS: Well, I'm quite
23 anxious to hear about a planning process that's going
24 on in the same vicinity, and I can't help but notice
25 in the newspaper that that's fallen on some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 controversy. Why is it that we're going to deal with
2 this case without the context of a plan?

3 MS. McCARTHY: Mr. Parsons, we're very
4 comfortable in proceeding without the completion of
5 the upper Wisconsin area corridor study because even
6 if that study is submitted and adopted by the Council
7 as a small area plan, it only constitutes supplemental
8 guidance to the comprehensive plan. That's its
9 official legal status, as the Office of Corporation
10 Counsel has advised us in the past.

11 And therefore, it can't supplant or change
12 in major ways the recommendations of the comprehensive
13 plan. It can supplement it. It can provide
14 additional guidance.

15 But we feel that looking at the
16 comprehensive plan, the guidance provided by the
17 comprehensive plan about the intended uses of Tenley
18 Town are quite clear, and they quite clearly encompass
19 a project like the one that is provided for set down
20 today.

21 COMMISSIONER PARSONS: So the intent at
22 the end of the planning process, which I assume has to
23 be approved by the City Council?

24 MS. McCARTHY: We -- it wouldn't
25 necessarily have to be, but we have indicated that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 plan to submit it to the City Council.

2 COMMISSIONER PARSONS: So at the end of
3 the planning process, you wouldn't be bringing to us
4 zoning changes to conform to it?

5 MS. McCARTHY: We have indicated that it
6 was not our plan to rezone in response to the plan,
7 that we will be indicating what is, we hope with
8 agreement from all parties, what is an appropriate
9 development envelope.

10 And that if any of that development
11 envelope happens to be greater than what is permitted
12 under the current zoning envelope, that we would reach
13 that through a PUD process on each site, where we can
14 assess amenities, do a detailed examination of traffic
15 impacts and other infrastructure impacts, and do
16 detailed design review.

17 COMMISSIONER PARSONS: So in this case,
18 however, you're changing the zoning?

19 MS. McCARTHY: And in those cases that one
20 would come in with a PUD and map amendment, we would
21 then go throughout that process.

22 COMMISSIONER PARSONS: Oh. So rather than
23 taking a look at C2B and this entire stretch of
24 Wisconsin Avenue, we'll take them one at a time?

25 MS. McCARTHY: Our intention is one of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- what is generally regarded -- our intention is to
2 get the best of both worlds. What is criticized is a
3 process where one goes project by project with PUDs
4 without any reference to a greater whole.

5 What we've tried to do in the plan is to
6 say here's the greater whole. Let's look at the
7 corridor comprehensively. Let's indicate what would
8 be appropriate heights, and at this point we haven't
9 -- we've been dealing with heights and stories.

10 We haven't even really provided detailed
11 guidance on density because we thought that was better
12 determined on a project-by-project basis where one can
13 assess the particular impacts of that project through
14 the PUD process.

15 So we want to provide predictability and
16 an overall sense of the framework, and then within
17 that, to have the additional protection that's
18 provided by the PUD process so that if someone wants
19 to go to the full zoning envelope, they have to go
20 through that process to reach it.

21 COMMISSIONER PARSONS: And when do you
22 expect this plan to be completed?

23 MS. MCCARTHY: It's really not clear. We
24 have -- the mayor has indicated that he would like us
25 to aim for consensus. We are in the process of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 digesting over a hundred written submissions, several
2 hours worth of transcript, several resolutions by ANCs
3 and various civic organizations.

4 And once those are all digested and put
5 into a database, then we will begin to revise the
6 plan. And we've indicated that that will be at least
7 six weeks from the time that the comments were
8 submitted February 20th. But want to take the time to
9 do it right, and if it has to be more than six weeks,
10 it will be more than six weeks.

11 COMMISSIONER PARSONS: Okay.

12 MS. MCCARTHY: We then indicated that we
13 would provide at least a month after that time, after
14 we release the revised report, for all of the parties
15 to take a look at the revised plan and get comments
16 in. And we would, depending on the comments, then do
17 one more revision before we send it to the City
18 Council, which would then have further public hearings
19 before they would adopt it.

20 COMMISSIONER PARSONS: Okay.

21 MS. MCCARTHY: So that's another reason,
22 I think, why we felt we needed to go forward, because
23 the Applicant had been waiting for that process, and
24 we really could not tell him with any certainty when
25 that plan might be completed and adopted.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: So when you
2 undertook this planning process, you anticipated it
3 would be completed by now and --

4 MS. McCARTHY: Yes.

5 COMMISSIONER PARSONS: Okay. Now there's
6 some rumor and newspaper accounts that this developer
7 may decide to go build this project as a matter of
8 right. Are you familiar with that?

9 MS. McCARTHY: I've seen that mentioned in
10 the Northeast current, yes.

11 COMMISSIONER PARSONS: But you have no
12 knowledge of that?

13 MS. McCARTHY: No.

14 COMMISSIONER PARSONS: You think this is
15 a valid PUD and they still want to proceed?

16 MS. McCARTHY: Nobody from the Applicant
17 has indicated to us that they would not go forward
18 with this PUD.

19 COMMISSIONER PARSONS: Thank you.

20 CHAIRPERSON MITTEN: Anyone else have
21 questions or comments? Mr. Hildebrand?

22 COMMISSIONER HILDEBRAND: Well, it just
23 seems that on the onset that it doesn't meet the area
24 requirement for a PUD, and I'm not sure that it rises
25 to the level of meritorious architecture that would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 warrant consideration beyond that.

2 MS. McCARTHY: While it doesn't meet the
3 technical standard of 15,000 square feet, there are
4 provisions in the regulations that permit the
5 Commission to determine if the project is sufficiently
6 meritorious at the end of the public hearing that they
7 are willing to waive those minimum size requirements.
8 And, I'm sorry, that was your first concern. And your
9 second one?

10 COMMISSIONER HILDEBRAND: You addressed
11 the second one.

12 THE WITNESS: Would you turn on your --

13 COMMISSIONER HILDEBRAND: You addressed
14 the second one as well. I was concerned that the
15 level of architecture exhibited in the drawings, I
16 think, is it's questionable whether or not it comes up
17 to the level of exceptional that might be deemed
18 necessary in the code.

19 MS. McCARTHY: Right. Well, and that is
20 definitely something that the Commission will have the
21 ability to determine and can send -- by asking those
22 questions now, will clearly send a message to the
23 applicant that you expect higher quality of
24 architecture by the submission of the pre-hearing
25 statement for the public hearing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: Mr. Hood?

2 VICE CHAIRPERSON HOOD: Thank you, Madam
3 Chair. Ms. McCarthy, the -- there's a lot of planning
4 going on up in that area. I wish that kind of
5 planning went on all over the city, to be frankly
6 honest.

7 Let me just say that -- and I threw that
8 in as a side note. But let me just say that I
9 understand also there's a -- has the traffic -- is
10 there also a traffic plan that's also taking place or
11 --

12 MS. McCARTHY: The --

13 VICE CHAIRPERSON HOOD: I know about the
14 development.

15 MS. McCARTHY: Right. The D.C. Department
16 of Transportation did a traffic study of the
17 Friendship heights area. They weren't able to proceed
18 with one for the entire corridor at that point in
19 time. They are about to initiate a traffic study of
20 the rest of Wisconsin Avenue at this point in time.

21 VICE CHAIRPERSON HOOD: I was under the
22 impression that the traffic study -- I know was in
23 Ward 3 -- was already undertaken, was already
24 underway?

25 MS. McCARTHY: Instead of doing one region

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 wide or area wide study, D-DOT has one in Friendship
2 Heights.

3 VICE CHAIRPERSON HOOD: Oh.

4 MS. MCCARTHY: They've done one of
5 Connecticut Avenue and sort of Upton Street area.
6 They've done another one of Military Road. So they've
7 been doing an area wide look, but it's been in
8 individual pieces focusing on particular problem
9 areas.

10 VICE CHAIRPERSON HOOD: I'll tell you the
11 reason I ask. When I looked in the Applicant's
12 submission, it talks about level of service D, and
13 I've always had a problem with level of service D,
14 even though I know it's up to code, that it's
15 acceptable.

16 But I've always had a problem with that,
17 and I was hoping that if it's set down, that we could
18 really look at that and hopefully we could come up
19 with some mitigation. I don't know what could be
20 done, but I wanted to at least express it now, some
21 litigation issues.

22 Because what it's saying is if this is the
23 developer saying that we -- at least what the
24 Applicant's submission is saying is unacceptable level
25 of service D, similar to background additions during

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the peak hours. If there's any kind of way that that
2 can be mitigated, because if I see it here, then I
3 would infer that it would only be an attempt to try to
4 even make some kind of mitigation effort. So that's
5 kind of just what I wanted to throw out there, at
6 least make an attempt.

7 MS. MCCARTHY: Right. When -- exactly.
8 When the Department of Transportation did the study
9 for Friendship Heights, they concluded that by
10 approving the timing of the traffic signals in that
11 section of the corridor, they could improve the level
12 of service on that street, and we would hope that they
13 extend that and do the same thing.

14 In the Tenley Town area, there are also
15 proposals, I know, from the Heckinger's project to
16 make some changes to the configuration of the
17 intersection of where River Road and Wisconsin Avenue
18 come together.

19 So presumably, that's what D-DOT -- after
20 D-DOT does the projection of demand, they will then
21 look for a variety of methods between traffic single
22 timing and turning radii and the signaling -- or
23 channelizing intersections and other kinds of traffic
24 engineering techniques to improve the flow of traffic
25 along that section.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON HOOD: Okay. All right.
2 Thank you, Madam Chair.

3 CHAIRPERSON MITTEN: Thank you, Mr. Hood.
4 I was wondering if you would address the concern that,
5 you know, given that the planning process is not yet
6 complete for this area, and so we are -- you know, we
7 really need to focus on the existing comprehensive
8 plan and the fact that at least a prior Commission
9 thought that the proper interpretation of the
10 generalized land use map in the overall context of the
11 direction that was being given by the comprehensive
12 plan was to zone the site C2A.

13 And what's been -- you know, given that
14 many of the things that we, you know, looked to or
15 that you've pointed to as the justification for this
16 being not inconsistent, this proposal being not
17 inconsistent with the comprehensive plan, those were
18 already embedded in the comprehensive plan of 1988.
19 So what's been the shift that would justify this
20 proposal?

21 THE WITNESS: Well, I think if you look at
22 the second -- the generalized land use map, the policy
23 map, what you see around the Tenley Town area are
24 three distinct signals that are sent to indicate that
25 a greater intensity of use than what is necessarily

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 provided in the existing zoning is acceptable.

2 One is that Tenley Town is delineated as
3 a multi-neighborhood center. C2A zoning tends to be
4 more for local centers, not for multi-neighborhood
5 centers. It's also delineated as Housing Opportunity
6 Area 2, and housing opportunity -- and unlike our
7 previous case in Tenley Town, where there was a
8 question about the boundaries of the housing
9 opportunity area, in this case, the special treatment
10 area, which is the third category that applies to the
11 specific location in Tenley Town, are delineated in
12 the comp plan as specifically applying to that site.
13 So it's far clearer than it was in the case of the
14 Albermerle case.

15 And so, over and above what we would find
16 from guidance in the comprehensive plan in terms of
17 the generalized land use map, we find in the policy
18 map clear guidance that says this is an area where we
19 want to emphasize increased housing, where we want to
20 see special treatment in that area.

21 It's a Metro stop. We find in the zoning
22 regulations, the C2B District is defined as compact,
23 located on arterial streets in uptown centers and at
24 rapid transit stops. You know, all of those are
25 precisely applicable to this particular location along

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Tenley Town.

2 CHAIRPERSON MITTEN: When was the policy
3 map that you're making reference to? Was that -- when
4 was that put into place? Is that since the down
5 zoning of Wisconsin Avenue in 1988, or was that in
6 place?

7 MS. MCCARTHY: It does not -- it doesn't
8 give a date for each of the symbols and when they were
9 placed on there. I -- we would certainly be happy to
10 go back and see on what edition of the comprehensive
11 plan those were noted.

12 But I think there's the down zoning, which
13 actually was a largely political event and not really
14 based on extensive planning about impacts, if you go
15 back to the history of that case.

16 But there's the zoning itself, but the
17 policy symbols and the policy map were intended to
18 provide additional guidance for land use over and
19 above what was already -- how should I say this? The
20 zoning which is established on the site is done to be
21 comparable to the generalized land use map. The
22 policy map is then a set of symbols over and above
23 that, that guide projects like major redevelopment
24 projects.

25 So the Office of Planning has always

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 interpreted that as additional guidance to the
2 generalized land use map and to the zoning that exists
3 there.

4 Over and above all that, we note that even
5 C2 -- this project is 65 feet and 4.9 FAR. We note
6 that even C2A zoning, you could achieve the 65 feet.
7 You could not -- you could only achieve 3.0. You
8 couldn't achieve a full 4.9. But you could go up to
9 6.6 FAR in C2B.

10 So we think what the Applicant has done is
11 stay within the height of C2A, choose a density which
12 is below that, which could be achieved by a PUD under
13 C2B, so they are responsive to the policy guidance
14 that the generalized land use policy map gives us and
15 not inconsistent with the comprehensive plan and with
16 the zoning on the site now.

17 MR. ALTMAN: And I think what that allows
18 that to be achieved and for consideration is that in
19 the comprehensive plan, where it does indicate the
20 striped, mixed use zoning, what you were trying to do
21 is a careful balance in here to actually have
22 buildings that have, as this does, proposed ground
23 floor retail, residential above, at the same time
24 balancing many of the concerns, as Ellen articulated
25 between the height on one hand and yet providing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what's needed in terms of the incentive to create the
2 mixed use and not just a pure residential building,
3 particularly when you're on an arterial block away
4 from the Metro station, and so you are literally on
5 Wisconsin Avenue.

6 And secondly, and this response to a
7 concern before about why this rises to the level of a
8 PUD, is that we also want to encourage affordable
9 housing and inclusion of affordable housing. That's
10 one of the PUD benefits that's being proffered.

11 And so, therefore, when you're trying to
12 balance all these objectives of respect scale on the
13 one hand so you're not maxing out the envelope, on the
14 other hand get the mixed use and get the affordable
15 units, that's where the give and take of where PUD
16 comes in, in terms of why we put this forward.

17 MS. MCCARTHY: That's right, because we
18 just would, in emphasizing -- direct your attention to
19 page 5 of the Office of Planning report, where we cite
20 section 303.2 of the comp plan, saying that policies
21 established in support of our low and moderate income
22 housing objectives include providing zoning incentives
23 as appropriate to developers prepared to build low and
24 moderate income housing, such as permitting additional
25 densities in exchange for incorporating low and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 moderate income housing and development projects.

2 So we think this gives us very clear
3 guidance, along with the recent adoption of transit
4 oriented development policies, articulation of those
5 by the Office of Planning and the Mayor's Taskforce on
6 Transit Oriented Development, that the weight of that
7 policy guidance provides for the proposed project to
8 be not inconsistent with the comprehensive plan.

9 COMMISSIONER HILDEBRAND: Now that you've
10 mentioned the affordable housing component, I just ask
11 that you look at your plan, S9, which seems to have
12 all of the affordable housing clustered on the ground
13 floor, facing the back of Friendship Animal Hospital
14 behind a mechanical room and the elevators. You might
15 look at -- you might ask the Applicant to look at a
16 more equitable way to split that out through the
17 entire building.

18 MS. McCARTHY: We would be happy to do
19 hat.

20 CHAIRPERSON MITTEN: Thank you,
21 Commissioner Hildebrand. I think that's a valid
22 observation.

23 I just want to make a couple of comments,
24 and then if anyone else has any additional comments.
25 I share Commissioner Hildebrand's concern, and I look

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 forward to the Applicant responding with a very
2 specific proposal as to the way in which this project
3 is of exceptional merit. It needn't be a design -- it
4 needn't be through the design, but I don't see -- that
5 doesn't -- that should jump on the page, and at the
6 present time, it's not.

7 And then also just want to share a concern
8 that I've heard everything that you said about height
9 and density and so forth, but this site, it's packed.
10 It's packed on there, which is why they need the
11 variance from the lot occupancy and they don't want to
12 have rear yard and so on. So that's a concern of
13 mine, and I'll share that now and look forward to
14 hearing more about that when we -- when and if we have
15 the hearing.

16 Anyone else? Mr. Parsons?

17 COMMISSIONER PARSONS: Well, I just want
18 to let you know I'll be voting against this because I
19 think it's premature. I think the planning process is
20 in a fragile state. I don't think this Commission
21 should be conducting hearings on that planning
22 process, which is I think is where we'll end up. I
23 think the architecture doesn't even begin to rise to
24 any threshold of exceptional. And as you said, it's
25 stuffed on the site. It's really pushing the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 envelope. So I don't think it's ripe for a hearing.

2 CHAIRPERSON MITTEN: All right.

3 VICE CHAIRPERSON HOOD: I would just
4 comment. I was looking 8 and 9. One of the things
5 that did jump out at me was the hospital -- is the
6 animal hospital in the back. It -- well, and I will
7 be frankly honest. Bits and pieces, as all of us do,
8 about things in the newspaper. But it's not in Ward
9 5, so I don't really follow it that much.

10 But I will tell you -- and I'm serious.
11 I really haven't followed it that much. I'm very --
12 I don't have all the inside on exactly what's actually
13 taking place, and what's going on, and what the issues
14 are, other than what I read here in the reports.

15 Butted up to that Friendship Hospital for
16 Animals, and this -- which is A9 -- it looks -- I
17 don't know what the height difference is, but I can
18 tell you that it looks like there could be some room
19 for improvement there. And if it's set down for a
20 hearing, maybe the Applicant can look at that. You
21 know, and when I say room for improvement, I'm talking
22 about the height issue, which obviously is an issue.

23 And I would agree with Chairperson about
24 it looks -- and there's another rendering where it
25 shows, looks like it's just packed in there. Is that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the issue? Is that what the main thrust of the issue
2 is of the community over development? Is that what
3 the issue is, height?

4 MS. MCCARTHY: I think they have many
5 issues. Changing the underlining zoning is a major
6 concern. But we did hear a lot of concerns about what
7 the shadow and visual impact of the building would be,
8 which is why we put that condition on our
9 recommendation, that definitely before the public
10 hearing, we want to see what the impact of the lack of
11 rear yard and that additional density would be on any
12 of the -- because on the other side of the animal
13 hospital are three single family houses, so we
14 definitely -- there's an alley and there's the animal
15 hospital, which provides a buffer, but we need to see
16 what the views are going to be like from those houses
17 to see what the impact of the building will be to
18 them.

19 MR. ALTMAN: Let me just say, Commissioner
20 -- I just want to respond a little bit to Commissioner
21 Parsons with respect to the planning process. As
22 Commissioner Parsons knows, there's many planning
23 processes going on throughout the city at all times,
24 so we often bring -- this isn't new that we bring a
25 project to the Commission while there is a planning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 process going on.

2 We have been going, ongoing, four year,
3 and every neighborhood. Right now, we have nine
4 different planning processes going on, so, you know,
5 we believe that, you know, that you have to make that
6 balancing between doing the long-range view of
7 different neighborhoods, and at the same time projects
8 and development is occurring in the neighborhoods.
9 And one needs to make a judgement.

10 We believed that bringing this forward for
11 set down -- remember, this is set down for the hearing
12 -- was appropriate at this point because it did exist,
13 did fit within at least our interpretation of the
14 comprehensive plan, the PUD, that allows for this
15 kind, exactly this kind of engagement of the issues
16 that were discussed, architecture, affordable housing,
17 distribution of the affordable housing, the amenities,
18 the setbacks.

19 All of that could be discussed, which
20 would be an outcome that I believe the plan would not
21 resolve for you. As Ellen said, supplemental
22 guidance, it wouldn't be sort of resort on a whole new
23 rezoning or a fundamental difference in that, in
24 respect to this site.

25 And we thought that you could look at this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 on the merits and make a judgement accordingly, allow
2 the community to voice their concerns, go through
3 whether these amenities seem commensurate with relief,
4 and frankly be able to shape a project that would fit
5 within what we think is the comprehensive plan and
6 guidelines for the area.

7 VICE CHAIRPERSON HOOD: Let me just ask
8 this question, Mr. Altman. If this is set down, is
9 there a chance that we won't -- that the gap will be
10 closer, and we won't hear what Commissioner Parsons is
11 saying as far as residents or people in the area
12 coming out and talking about the plan but talking
13 about this plan as the PUD itself?

14 MR. ALTMAN: Well, you cant avoid people
15 discussing --

16 VICE CHAIRPERSON HOOD: Right, right. I
17 agree, but --

18 MR. ALTMAN: -- and raising what issues
19 they have. I think, though, the concerns that people
20 have and that they voice about the plan or about a
21 particular project, I think those can be addressed.
22 The concerns that people have, as Ellen said, there
23 are any number of issues that may be there, may be
24 about the setback and may be about the relief ad maybe
25 other things. But I think those can be accomplished

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 within the context of the specific proposal that's
2 before you.

3 I don't think that the plan, per se -- in
4 other words, the next -- you know, whether it's six
5 months, nine months, a year of process -- at the end
6 of that time would necessarily shed new light on this
7 particular project that you have before you today.
8 I'm not saying it wouldn't, but I think that, as you
9 know, we have planning process going on all the time
10 in the city, and we have to make a judgement as to
11 moving forward different proposals as they come to us.

12 We felt that in light of the relief being
13 requested, in the light of the amenities being
14 provided and the context of the comprehensive plan,
15 that we felt gave very -- you know, gave a
16 justification for this in terms of the mixed use
17 development, that this considered on its merits by
18 you, and that the communities have a chance to voice
19 their concerns as we've heard them. But you'd be able
20 to hear from them, as opposed to us articulating those
21 for you.

22 VICE CHAIRPERSON HOOD: Let me rephrase my
23 question. As far as this plan is concerned, if this
24 is set down here today, if it's set down here today,
25 will there still be negotiations going on to work with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the overdevelopment group and others to try to narrow
2 the gap or where they're divided?

3 MR. ALTMAN: On this project?

4 VICE CHAIRPERSON HOOD: On this project.
5 That's my concern.

6 MR. ALTMAN: Oh, absolutely. I mean, this
7 does not -- as you know, in a set down no way
8 precludes further discussion or further modifications
9 to a project. It is not the end of the discussion at
10 all. What it says is that this project merits having
11 a public hearing. That hearing is set for whenever
12 the Commission decides to set it.

13 And we've, as you know, we entertained
14 very significant discussions, continuing with the
15 Applicant and with the community up to the hearing.
16 There's a hearing report that reflects those changes,
17 modifications, whatever may be agreed upon by the
18 Applicant or the community.

19 So it hardly says that the project today
20 at set down is the project that will be necessarily be
21 the exact project before you. And, you know, we've
22 made many changes and significant changes to projects
23 as a result. I'm not saying we would here, but this
24 doesn't preclude that in any way.

25 VICE CHAIRPERSON HOOD: Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: Thank you. Well,
2 just to move things along, I will move that we set
3 down case number 03-27 for public hearing.

4 VICE CHAIRPERSON HOOD: I'll second it.

5 CHAIRPERSON MITTEN: Is there further
6 discussion? All those in favor, please say aye.

7 (Chorus of ayes.)

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

10 (Chorus of nays.)

11 CHAIRPERSON MITTEN: Mrs. Schellin?

12 MS. SCHELLIN: Yes, staff would record the
13 vote three to one to one, to set down case number 03-
14 27.

15 CHAIRPERSON MITTEN: I think you misheard.

16 MS. SCHELLIN: Did I?

17 CHAIRPERSON MITTEN: Yes. It's two to two
18 to one.

19 MS. SCHELLIN: Oh, I'm sorry. I thought
20 Mr. Hildebrand was in favor.

21 COMMISSIONER HILDEBRAND: No.

22 MS. SCHELLIN: Two, two, one. Okay.
23 Commissioner Mitten moving. Commissioner Hood in
24 favor. Commissioners Hildebrand and Parsons against.
25 Commissioner Hannaham not present, not voting.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: Thank you.

2 VICE CHAIRPERSON HOOD: Madam Chair, can
3 I just mention that -- say something about that vote
4 as far as it --

5 CHAIRPERSON MITTEN: If you feel compelled
6 to do so.

7 VICE CHAIRPERSON HOOD: Yeah. I just want
8 to tell my colleagues, we have -- and I'm not trying
9 to push it. I'm not saying that -- I know the issues
10 are there. And who knows, we may have a hearing. I
11 think the famous George White said everything deserves
12 a hearing.

13 So I would -- a lot of times when we set
14 stuff down, actually the negotiation, it gives those
15 residents in the area leverage to be able to get
16 exactly what they want on a project.

17 And I was hoping that that was -- that was
18 where I was going with this, to try to see if the
19 height -- because they heard our concerns.

20 So I -- but I have just have a problem
21 with us waiting on a report, from what I'm hearing,
22 that may take three to four years.

23 Now I applaud the efforts of the folks in
24 the community, and everyone knows I'm a community
25 person. But I applaud the efforts of everything

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 everybody is doing.

2 But some time, it puts pressure on an
3 Applicant and the neighborhood to bridge that gap.
4 That's why I asked that question. But now we -- the
5 gap is probably going to get even further, and we're
6 going to see another proposal. I guarantee it.

7 So I just think that we're doing a
8 disservice at least not to afford the opportunity to
9 come down and give them, the Applicant and the
10 citizens, the chance to come together. So did I
11 change anybody's mind? I guess I didn't.

12 CHAIRPERSON MITTEN: It was a valiant
13 effort. Thank you. We're ready to move to the next
14 case, which is 03-30. This is request by Square 643
15 Associates, LLC, for consolidated PUD and related map
16 amendment at 734 First Street, Southwest.

17 And I would like to begin by just
18 disclosing that I did pro bono appraisal work for the
19 Redeemed Temple -- Redeemed Temple? Redeemed Church
20 -- whatever. The church that sold -- I'm sorry, I'm
21 blanking on the name -- but the church that sold the
22 property to the current developer.

23 And they're no longer involved, so I don't
24 believe that I have a conflict. So I plan to
25 continue, but I did want to disclose that I had done

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that work in the past.

2 So we'll turn to the Office of Planning
3 for the overview presentation.

4 MR. LAWSON: Madam Chair, members of the
5 Commission, my name is Joel Lawson. I am a
6 Development Review Planner with the D.C. Office of
7 Planning.

8 This rezoning and consolidated PUD
9 application would permit the construction of a new
10 condominium in the Southwest Waterfront neighborhood.
11 The property is located on Square 643 in Ward 5 in the
12 Southwest Waterfront neighborhood. It fronts onto H
13 Street, Southwest, which deadends directly to the east
14 of this site.

15 The area has a diverse housing stock,
16 including townhouses and both and low and high-rise
17 apartments, constructed as part of the Southwest Urban
18 Renewal Plan of the 1950s through the '70s.

19 To the south is the former Randal Junior
20 High School with the Millennium Arts Center, the
21 Randall Recreation Center, a homeless shelter and a
22 drug rehabilitation center.

23 To the east of the site are play fields
24 associated with the recreation center. The site is
25 currently developed with a vacant church constructed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the late -- or, sorry, the later 1880s.

2 This proposal is for the construction of
3 a 60 unit condominium building. The existing church
4 structure would be demolished. Access to ground level
5 and below grade parking would be from H Street,
6 Southwest. The application includes a rezoning of the
7 site from R4 to R5D. Relief would be required for
8 rear yard, side yard, number of roof structure
9 enclosures and roof structure setback.

10 Immediately prior to this meeting, OP as
11 made aware that the Height Act of 1910 appears to
12 limit height to 70 feet versus the 88.5 feet proposed.
13 OP will work with the Applicant to ensure Height Act
14 conformity prior to the public hearing.

15 The proposed development is not considered
16 inconsistent with comprehensive plan objectives
17 related to neighborhood stability, housing and urban
18 design, particularly Ward 6 objectives related to
19 neighborhoods in need of improved character.

20 However, the proposal to remove the
21 existing church structure may be, pending resolution
22 of the historic status of the building, contrary to
23 aspects of the comprehensive plan goals and objectives
24 related to historic preservation in Ward 6.

25 To date, no application for historic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 landmark -- sorry -- to date, no application for
2 historic landmark designation has been received by the
3 Historic Preservation Office.

4 The amenity package by the Applicant
5 includes a provision of new landscaping and a
6 sculptural focal point for the traffic circle at the
7 terminus of Delaware Avenue, and possible improvements
8 to playground equipment or open space on the adjacent
9 Capitol Park 4 property.

10 The common property -- a common amenity in
11 recent PUD applications is the provision of affordable
12 or subsidized housing. OP has begun discussions with
13 the Applicant regarding the provision of affordable
14 housing units within the development, that is
15 standard, commensurate with other recent PUD
16 applications.

17 Although the application has many merits,
18 particularly the provision of additional housing in
19 this neighborhood, concerns remain related to the
20 demolition of a potentially significant historic
21 church on the site and the value of the amenity
22 package.

23 OP feels that it is acceptable and
24 appropriate to set this proposal down for public
25 hearing, but that additional resolution of these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 issues, as well as the Height Act issue, are required
2 prior to OP making a final recommendation regarding
3 the merits of this application.

4 This concludes the Office of Planning
5 testimony, and we are available for questions. Thank
6 you.

7 CHAIRPERSON MITTEN: Thank you, Mr.
8 Lawson. I'm glad you mentioned the Height Act,
9 because I had a concern that the width of H Street is
10 80 feet, and therefore the maximum height of this
11 building could only be 70 feet under the Height Act
12 provisions.

13 I think, and I stand to be corrected by my
14 colleagues, but it's a lot to ask to just say, oh,
15 well, we'll sort that out after we set it down and
16 have the hearing. I mean, I think there's going to be
17 dramatic changes that need to take place to the
18 proposal before it's ready for hearing.

19 So I would like to propose is that we just
20 defer action on this pending a -- I mean, I don't know
21 if there's any legal issue, if we deny it and then
22 they make a different submission. But if there's no
23 prejudice to them to do that, then either to deny it
24 or to defer it, pending a new design. I just don't
25 think this is ready.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: I would agree. And
2 the historic preservation issue is hanging out there.
3 I mean, this is a 125-year-old church, and until
4 that's resolved, I just think it's very premature to
5 have this before us.

6 VICE CHAIRPERSON HOOD: I don't know how
7 much more I can add. It seems like we're all
8 agreeing, for a change, so I would agree with what I'm
9 hearing. I really think that it is premature, and
10 there's some issues, some outstanding issues that we
11 need to be dealt with before we set it down for a
12 hearing.

13 COMMISSIONER PARSONS: I'm also concerned
14 about the potential longer term threat to this
15 community of the low density townhouses being rezoned
16 over time and demolished, saying they have asbestos
17 and other structural problems, that we end up
18 completely redoing RLA's plan for a mixed community
19 here. And I'm sure it won't be this generation, but
20 yet another tower amongst these lower townhouses
21 troubles me.

22 CHAIRPERSON MITTEN: Anyone else?

23 VICE CHAIRPERSON HOOD: I'm just
24 wondering. Is there a planning -- like we've had in
25 previous cases -- is there a planning study or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 anything going on this area? Because there are a lot
2 of things that we are having in front of us for this
3 area, Mr. Lawson. Do you know of a planning study or
4 anything?

5 MR. LAWSON: There are a number of
6 planning studies in the general area, none of which I
7 believe covers this particular site. Most of the
8 planning studies are much closer down towards the
9 water. There are also, of course, a lot of important
10 development applications, such as Waterside Mall,
11 which is very close by. But no studies that I know
12 that cover the site.

13 VICE CHAIRPERSON HOOD: Okay. All right.
14 Thank you.

15 (Whereupon, the foregoing matter went
16 briefly off the record and then went back on the
17 record.)

18 CHAIRPERSON MITTEN: Had a little sidebar
19 with our attorney. All right. Since I see the
20 direction that we're headed in, and I'd like to give
21 the Applicant's representative a chance to speak, why
22 don't you come forward?

23 MS. GIORDANO: Madam Chair, members of the
24 Commission, Cynthia Giordano, Arnold & Porter Law
25 Firm, for the record, representing the Applicant.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We'd very much like to move forward with
2 the set down. We think that it would actually help to
3 resolve the historic preservation issue. There has
4 been a very small minority in the community that have
5 expressed an interest in designation. Have indicated
6 numerous months ago, about six months ago, that there
7 might be a designation application forthcoming. And
8 we just haven't see that yet. We are meeting with the
9 group that suggested that, after trying to meet with
10 them for several months, tomorrow evening. We think
11 that there is a solution, a non-designation solution
12 that might be a good compromise in everybody's best
13 interest.

14 But we would like to just continue to keep
15 the pressure on, to get the designation issue
16 resolved, either an application forthcoming or not.
17 And we think the set down would help with that.

18 With regard to the height issue, we have
19 been talking to the adjacent condominium property next
20 door, which has frontage right adjacent to our site on
21 the circle that could resolve that Height Act issue.

22 So I think that it could be easily
23 resolved within the existing design.

24 CHAIRPERSON MITTEN: Okay. Thank you. My
25 preference is still not to go forward, notwithstanding

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Ms. Giordano's request. I just think that there's too
2 many loose ends, and I think that the design -- I
3 mean, just to go back to the point that Mr. Parson's
4 made, the -- I focused on the Height Act because the
5 building was too high, and I thought how could you
6 have this just sitting back in this little corner.
7 But even if that's resolved by figuring out a way to
8 get frontage on the circle, there's still the issue of
9 this property being isolated.

10 It really doesn't carry out the same
11 theme, in my mind, as the other tall buildings in
12 Southwest because they had, you know, they were tall
13 buildings, but then they had a lot of open area around
14 them to offset that. That's not true of the subject
15 property. And in fact, much of the surface of the
16 site is devoted to the ramp to get down into the
17 parking garage. So it's not quite the same as having
18 open land.

19 So my view is it's not ready, and I would
20 move that we deny the request for set down without
21 prejudice, and hope that they can come back to us with
22 a more -- a better design.

23 COMMISSIONER PARSONS: Second. I wondered
24 if we could ask the Office of Planning to consult with
25 the staff of the Historic Preservation Office to see

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- I mean, waiting for an application or the Zoning
2 Commission forcing an application just, you know,
3 troubles me, that we are the mechanism to force
4 somebody to do something. Why can't we inquire of the
5 staff there as to what they feel about this structure?

6 CHAIRPERSON MITTEN: We can certainly --

7 COMMISSIONER PARSONS: Whether it's
8 eligible for the National Register and those kinds of
9 processes they go through.

10 CHAIRPERSON MITTEN: We can certainly do
11 that, I guess now, depending on what action we take
12 and what context would they respond to us. But --
13 okay. Any further discussion?

14 All those in favor, please say aye.

15 (Chorus of ayes.)

16 CHAIRPERSON MITTEN: None opposed, Mrs.
17 Schellin.

18 MS. SCHELLIN: Yes. Staff will record the
19 vote four to zero to one to deny without prejudice
20 case number 03-30 for set down. Commissioner Mitten
21 moving. Commissioner Parsons seconding.
22 Commissioners Hildebrand and Hood in favor of denial.
23 And Commissioner Hannaham not present, not voting.

24 CHAIRPERSON MITTEN: All right. Next case
25 for hearing action is case number 04-01. This is the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 American Pharmacist Association, consolidated PUD and
2 map amendment at 2215 Constitution Avenue, Northwest.
3 Ms. Thomas?

4 MS. THOMAS: Good evening, Madam Chair,
5 members of the Commission. I'm Karen Thomas,
6 presenting OP's recommendation regarding the American
7 Pharmacist Request for approval of a consolidated PUD
8 and map amendment to permit construction of an annex
9 to an existing building and headquarters at 2115
10 Constitution Avenue, Northwest.

11 The headquarters of the American
12 Pharmacist Association sits on 52,973 square feet of
13 land in Square 62, Lot 19, and is zoned SP2, Special
14 Purpose District.

15 An existing three-story rear annex will be
16 demolished and reconstructed as a larger five-story
17 addition, consisting of approximately 166,000 square
18 feet of -- area.

19 The Applicant intends to acquire federally
20 owned lots to the north and west of the existing
21 structure for consolidation with Lot 19 as part of its
22 site development.

23 Zoning regulations require that each
24 building be located on its own lot of record.
25 Therefore, the proposed consolidation of the abode-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 mentioned lots into a single lot of record would meet
2 this criteria.

3 Due to the lot's unzoned status, map
4 amendment is also being requested in conjunction with
5 the PUD. A map amendment to zone the federally owned
6 parcels SP2 logically follows the zoning of Lot 19.

7 The proposed development will add another
8 element to the historic landmark designed by John
9 Russell Pope. The architecture and history of the
10 existing structure is well documented and supported in
11 the application's review by the Historic Preservation
12 Review Board.

13 The Office of Planning feels that the
14 Commission should permit the public hearing as a PUD
15 because of the control which the process provides to
16 the Commission over design, transportation, storm
17 water management and related issues.

18 This process would allow the Commission to
19 determine the minimum amount of adverse impact on the
20 immediate surroundings, and this would not be possible
21 if the application was put simply as a map amendment.

22 As outlined in our report, we believe that
23 the density and office use proposed in this
24 development is not inconsistent with the generalized
25 land use plan.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We believe the proposal enables
2 preservation of the historic character of the
3 District, as well as the objectives of sections of the
4 comprehensive plan to foster the District's promotion
5 and stimulate private sector growth.

6 We recognize that the proposal before us
7 had significant review by other agencies, including
8 Historic Preservation, Commission of Fine Arts and
9 NCPC, to ensure that construction of this historic
10 landmark is compatible with the architectural
11 character and cultural heritage of the landmark.

12 The proposed annex seeks to complement the
13 valuable features of the existing structure and those
14 in the immediate vicinity, to which it will be
15 visually related.

16 Based on review of the application, the
17 Office of Planning believes that the proposed PUD is
18 not inconsistent with the elements of the
19 comprehensive plan, and is consistent with the
20 requirements of the zoning regulations, and recommends
21 that the application be set down for public hearing.

22 We recommend that the Applicant provide
23 for further review, prior to public hearing, a details
24 landscape plan and a detailed storm water management
25 and sediment control plan.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Thank you.

2 CHAIRPERSON MITTEN: Thank you, Ms.
3 Thomas. Any questions for Ms. Thomas? Any questions?
4 Any comments? Mr. Hildebrand?

5 COMMISSIONER HILDEBRAND: Actually, if --
6 I have -- I would like to know a little bit more about
7 the rear elevation of the original Pope building.

8 I note that the existing addition
9 respected the back facade of the Pope building with a
10 minimum connection between the addition and the
11 original building, whereas this is completely
12 encapsulating the rear facade. I'm wondering if the
13 other architectural review commissions commented on
14 that concealment?

15 MS. THOMAS: I believe that they did, but
16 I don't have that information before me at this time,
17 and will be happy to provide that information.

18 CHAIRPERSON MITTEN: As I recall, the
19 Historic Preservation Review Board had insisted on a
20 little bit of a hyphen there to try to create some
21 sense of separation between the two buildings, and had
22 look for a greater hyphen but was -- eventually
23 approved the design that was there because the
24 Applicant couldn't -- it was the only way to respect
25 all of the other aspects of the site and get the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 program that the Applicant had looked to achieve on
2 the site in there.

3 COMMISSIONER HILDEBRAND: I think it would
4 be nice to augment the package with photographs of the
5 existing rear facade of the original Pope building.

6 COMMISSIONER PARSONS: Well, it might be
7 helpful to share those exercises they've gone through,
8 then. I mean, if they've been through that drill.

9 CHAIRPERSON MITTEN: Okay. Anything else?

10 COMMISSIONER PARSONS: Madam Chairman, I
11 move we set this application down for hearing.

12 CHAIRPERSON MITTEN: Second. Any further
13 discussion? All those in favor, please say aye.

14 (Chorus of ayes.)

15 CHAIRPERSON MITTEN: None opposed, Mrs.
16 Schellin.

17 MS. SCHELLIN: Staff will record the vote
18 four to zero to one. Commissioner Parsons moving.
19 Commissioner Mitten seconding. Commissioners
20 Hildebrand and Hood in favor. Commissioner Hannaham
21 not present, not voting.

22 CHAIRPERSON MITTEN: Thank you. Now we'll
23 move to proposed action -- Mr. Parsons?

24 COMMISSIONER PARSONS: Madam Chairman, I
25 unfortunately have another commitment that I have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 get to.

2 CHAIRPERSON MITTEN: Okay.

3 COMMISSIONER PARSONS: So I've left proxy
4 votes on the remaining cases.

5 CHAIRPERSON MITTEN: Thank you.

6 COMMISSIONER PARSONS: Thank you.

7 CHAIRPERSON MITTEN: Thank you. Okay.

8 Under proposed action, case number 03-29, which is the
9 residence hall -- the PUD for the residence hall at
10 George Washington University in Square 103.

11 Couple things, housekeeping things. We
12 had a late filing by the Foggy Bottom Association that
13 we specifically had requested the filing, and they
14 have asked for us to waive our rules to accept the
15 late filing, which I would be inclined to do because
16 we had specifically asked for it. So is there a
17 consensus to accept the late filing from the Foggy
18 Bottom Association?

19 Then I understand there are a number of
20 other filings that came in after the date.

21 MR. BASTIDA: That is correct, Madam
22 Chairman. Would you also waive the rules to accept it
23 into the record, because they are related to the late
24 filing?

25 CHAIRPERSON MITTEN: They're related --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 they're all related to the enrollment issue?

2 MR. BASTIDA: Correct.

3 CHAIRPERSON MITTEN: Okay. We have to get
4 copies of them.

5 MR. BASTIDA: Okay.

6 CHAIRPERSON MITTEN: If we -- what's the
7 consensus, to waive the rules? We have -- looks like
8 we're going to have an objection. Ms. Prince?

9 MS. PRINCE: On behalf of George
10 Washington University, Allison Prince of Shaw Pittman.
11 We have no objection to waiving the rules for the
12 Foggy Bottom's late filing. That was specifically
13 requested by this Commission.

14 I would note, however, that at the time
15 you requested that material, I confirmed the
16 Applicant's right to comment on it, and the Applicant
17 was granted a right to comment on it.

18 Instead, we now have not only the
19 Applicant's comment but a comment on the Applicant's
20 comment from ANC's counsel, and I believe there was no
21 provision for that.

22 CHAIRPERSON MITTEN: Okay. Thank you.
23 Given that I haven't seen the additional submissions,
24 besides the Foggy Bottom Association, based on the
25 representation of Ms. Prince, then I'm not inclined to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- I'm not inclined to allow those into the record.

2 So what's the consensus?

3 UNIDENTIFIED SPEAKER: There was a --

4 CHAIRPERSON MITTEN: You're not Mr.

5 Norton, so I have a problem recognizing you. Mr.

6 Norton is their designated counsel. You got any new

7 documentation on that?

8 (Whereupon, the foregoing matter went
9 briefly off the record and then went back on the
10 record.)

11 CHAIRPERSON MITTEN: If you don't have it,
12 then we're just going to move on. Thanks.

13 All right. What's the consensus regarding
14 taking the other late submissions? I think, you know,
15 I don't think anyone is going to be prejudiced by us
16 not taking these because if there is a legitimate
17 concern about overenrollment there are two other
18 avenues that the neighborhood can pursue. They can
19 ask for a compliance review by this office with the
20 conditions of the campus plan order, and they can also
21 ask for enforcement by DCRA. So I don't think, you
22 know, I don't think that there's anyone prejudice to
23 anyone by us going forward.

24 So there were a number of issues that were
25 raised, and at the hearing, and I just want to revisit

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 one briefly, which is the consideration of a planned
2 unit development within an approved campus plan. And
3 I just wanted to again make clear that, you know,
4 campus plans provide -- the campus plan approval
5 process is a special exception process, and it
6 provides certain kinds of flexibility regarding use
7 and density, which can be aggregated, parking which
8 can be aggregated, loading and a variety of things.

9 But it doesn't provide variance relief.
10 So there are two ways that anyone can seek variance
11 relief. One is to go to the BZA and try and meet the
12 three prong test. And another is to employ the PUD.

13 So this doesn't in any way supplant the
14 campus plan process. This is just a way of seeking
15 variance, an alternative way of seeking variance
16 relief.

17 So after I thought about it after the
18 hearing was over, I felt even more comfortable that we
19 could go forward.

20 So within the context of the -- of this
21 PUD, the relief being sought is rear yard setback.
22 There is no rear yard being provided. And then some
23 minimal relief for penthouse setback lot occupancy and
24 court requirements.

25 And just to review some of the issues that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have been raised regarding the benefits and amenities
2 being offered.

3 The benefits and amenities that are
4 proffered are: housing, because of the desire to
5 promote additional on-campus housing; the provision
6 for retain space on the ground floor of the dormitory,
7 as well as Quigleys; the quality of design and
8 materials as being superior relative to what otherwise
9 would have been offered as a matter of right; the
10 streetscape; the fact that housing on campus will have
11 a positive impact on parking; and environmentally
12 sensitive materials.

13 So the -- those have been called into
14 question to varying degrees by the ANC and the Foggy
15 Bottom Association, but I just wanted to start with
16 that overview.

17 VICE CHAIRPERSON HOOD: Other than those
18 two, Madam Chair, the only one that I would have a
19 question. I think we usually don't, and I'm sure you
20 all will help me out, the superior architecture. We
21 usually -- I don't think we usually -- I don't
22 believe, unless it escapes me, that we usually say the
23 architecture is superior. For some reason, I think
24 that we usually reword that. I'm not sure.

25 CHAIRPERSON MITTEN: Well, that's an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 amenity that can be proffered by the Applicant, and
2 usually they use more superlatives than we end up
3 using in our order. But that's what is being
4 proffered in this case, and it's up to us to judge
5 overall, based on everything that's being proffered,
6 whether or not they have met the burden for the relief
7 being sought.

8 VICE CHAIRPERSON HOOD: It seems as
9 though, if I recall, a lot of times we do not grant the
10 superior architecture. But you know what I think I'm
11 going to do? I think I spoke too soon. I'm going to
12 let Mr. Hildebrand comment.

13 CHAIRPERSON MITTEN: Okay. Mr.
14 Hildebrand?

15 COMMISSIONER HILDEBRAND: Well, thank you
16 very much, Mr. Hood. Actually, I would like to say
17 that I think that the Applicant has made a general
18 effort to approve the north elevation. And in my
19 opinion, they've brought it up to a level that I would
20 have considered acceptable.

21 CHAIRPERSON MITTEN: Acceptable as opposed
22 to exceptional?

23 COMMISSIONER HILDEBRAND: Yes. You know,
24 I think it meets the acceptable end of exceptional.

25 CHAIRPERSON MITTEN: Okay. Any other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 comments on any of the issues that have been raised?

2 COMMISSIONER HILDEBRAND: I would like to
3 ask if there's any way we can put a condition on some
4 control being put in place by George Washington for
5 the move in and move out days to mitigate the impact
6 on the surrounding community, to try to utilize the
7 loading berths to the greatest extent possible, to
8 minimize impact on the street front.

9 CHAIRPERSON MITTEN: I think that's
10 sensible. What I would like to do in that regard --
11 I support that.

12 Depending on where we end up on this, what
13 I would propose doing is instead of us trying to craft
14 that particular condition, we can reopen the record
15 for that one narrow thing that the Applicant, given
16 that they know how their adjacent facility that I
17 forget -- the service building -- that they could make
18 the first attempt at crafting that condition, but
19 understanding that we expect that on site there would
20 be some accommodation for the move in and move out of
21 the students. And when we say on site, we're meaning
22 the site of the dormitory, as well as the adjacent
23 building, the PUD site.

24 One of the concerns that I had relates to
25 the retail amenity, which if you look in the proposed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 order, on page 20, it says, "No certificate of
2 occupancy shall be issued to the plan unit development
3 unless the Applicant has filed an application for a
4 special exception necessary for the expansion and
5 renovation of Quigleys, located at 619 21st Street,
6 Northwest. Quigleys will be renovated and expanded to
7 provide a food establishment." It doesn't then
8 require them, in the event that the special exception
9 is not granted for them to do anything. So an
10 amenity, you know, it may not be realized depending on
11 the, you know, on the outcome of that process.

12 So I think we just need to add some
13 language that would, in the event that the special
14 exception is not granted, that the Applicant would
15 have to return to the Commission to provide an
16 alternative amenity, an alternative equivalent
17 amenity.

18 And the same is true on number 7 in terms
19 of just having a few little loose ends. "If the
20 Applicant has not been successful in locating a retail
21 tenant for the ground level of the project within one
22 year of the date of the issuance of the certificate of
23 occupancy for the project, the Applicant shall be
24 required to return to the Zoning Commission to request
25 permission for any alternative use for the space."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Again, after a year, they can -- they have
2 to come back and they're supposed to request for an
3 alternative. The amenity could be totally lost in
4 that. I think we have some language in two other
5 PUDs, the IMF PUD and the 1957 E Street PUD, that
6 speaks more to the effort that the Applicant has to
7 make to get the retain tenant.

8 And I would like to have similar language
9 incorporated here so that we're sure we're going to
10 get the amenity, not just the one year attempt to get
11 the amenity.

12 And I did want to comment as well on
13 whether or not the question of providing additional
14 student housing is an amenity. And in this particular
15 case, I think that it is because of what -- of the
16 testimony that we heard. And I would like -- we'll
17 make sure that it's incorporated into the order that
18 this is a site that was not a preferred site for
19 student housing that is now going to have student
20 housing.

21 And what still remains is that there is
22 another site within Square 103 that is a preferred
23 site for housing. So this truly is an increase in
24 what was anticipated through the campus plan. And
25 that's why I find it to be an amenity.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Any other thoughts, comments, conditions
2 to propose?

3 VICE CHAIRPERSON HOOD: I think we've
4 already spoken. I'm not sure how we're going to craft
5 the issue from the centralized service delivery
6 facility about the offloading of students when
7 they're, I guess, moving in and moving out. I think
8 we can incorporate this letter from the Department of
9 Transportation dated February 23rd so we can kind of
10 wade into the water.

11 We talked about that, I believe?

12 CHAIRPERSON MITTEN: Yes.

13 VICE CHAIRPERSON HOOD: Okay. The other
14 thing is, Mr. Hildebrand, I hate to go back to this
15 superior architecture, but I wasn't clear exactly.
16 Did you say it was superior? You wanted an end of it
17 --

18 COMMISSIONER HILDEBRAND: I think I left
19 it at acceptable range of --

20 CHAIRPERSON MITTEN: It's on the cusp.

21 COMMISSIONER HILDEBRAND: It's on the cusp
22 of exceptional. But what I would like to ask is that
23 we look at item 5 on page 19, (A), (B), (C) and (D),
24 and again consider adding language that these elements
25 of flexibility, to address market availability of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 materials and different elements of design in no way
2 diminish the quality of the design that's being
3 proposed and approved.

4 CHAIRPERSON MITTEN: Excellent. You're
5 setting a new standard here, Mr. Hildebrand.

6 VICE CHAIRPERSON HOOD: He sure is, Madam
7 Chair, because I'm not -- I'm going back to that
8 superior architecture. I don't think that this is
9 superior architecture. I really don't. And I know --
10 the cusp is not going to cut it for me.

11 CHAIRPERSON MITTEN: That's fine. And
12 when we have the order drafted and we take final
13 action, we can --

14 VICE CHAIRPERSON HOOD: Deal with that.
15 Okay.

16 CHAIRPERSON MITTEN: We can talk about
17 that. I just, as we've had discussions in other
18 cases, we each have to weight all of the benefits and
19 amenities being proffered for ourselves, and decide
20 whether or not on balance they have met the -- they
21 have provided an adequate number of amenities and
22 benefits for the relief being sought.

23 So in exchange for no rear yard setback,
24 a minor penthouse setback, some flexibility on lot
25 occupancy and court requirements, you have to balance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that. It doesn't have to be -- we don't all have to
2 agree on each one.

3 VICE CHAIRPERSON HOOD: Right. But I
4 thought we'd do that in proposed action as opposed to
5 final action?

6 CHAIRPERSON MITTEN: Well, I'm just saying
7 in terms of the specific language of the order. You
8 know, e may each feel that they've met the burden for
9 different reasons, or we may feel that they haven't
10 met the burden for different reasons.

11 VICE CHAIRPERSON HOOD: Okay. Also, on
12 page 19, "The project shall provide approximately 379
13 beds." I think we need to say something a little more
14 than that. Beds to who?

15 CHAIRPERSON MITTEN: We can say --

16 VICE CHAIRPERSON HOOD: I don't know.
17 Maybe everybody thinks it's sufficient, but 379 beds.

18 CHAIRPERSON MITTEN: Perhaps -- I don't
19 know if this gives you any comfort or not, but the
20 design of the building is dictated by the plans that
21 we have on the record, and that shows that the
22 configuration of the rooms and that they're going to
23 be two bedrooms with two students per bedroom. And
24 that's actually part of the order.

25 Did you want to say for university

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 students or --

2 VICE CHAIRPERSON HOOD: Yeah, I was just
3 thinking it would be -- because of all the problems we
4 keep seeing with people coming down here, if we can be
5 as specific as possible. It doesn't leave room for a
6 future Commission to have to decide -- even though I
7 know it's self-evident or it's there on the paper, you
8 should be understood. But for some reason, and I'm
9 not trying to hash old wounds, but it seems that every
10 time something comes up that's been approved prior, we
11 go back to language, and then we always have a problem
12 figuring it out.

13 CHAIRPERSON MITTEN: Right.

14 VICE CHAIRPERSON HOOD: You know, and then
15 we run into those kinds of problems. And whatever we
16 can do from this point forth to alleviate concerns and
17 make it as specific and detailed as possible, I think
18 would help at last mitigate some of the confusion
19 that's going on over there.

20 CHAIRPERSON MITTEN: Okay. So shall we
21 add the project shall provide approximately 379 beds
22 for university students?

23 VICE CHAIRPERSON HOOD: I would -- yeah,
24 university students.

25 CHAIRPERSON MITTEN: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON HOOD: Even though I
2 think it's supposed to be explicit for freshmen and
3 sophomore.

4 CHAIRPERSON MITTEN: That's what they're
5 planning on.

6 VICE CHAIRPERSON HOOD: Planning, right.

7 CHAIRPERSON MITTEN: Yeah.

8 VICE CHAIRPERSON HOOD: But I don't know
9 if we need to limit it to that.

10 CHAIRPERSON MITTEN: I don't know that we
11 need to.

12 VICE CHAIRPERSON HOOD: Ten years from now
13 could be -- I don't know what my happen.

14 COMMISSIONER HILDEBRAND: The only thing
15 I think, saying students is probably acceptable
16 because sometimes upper classmen function as proctors
17 and community advisors for each floor. And I would
18 hate to say something in the language that would
19 preclude them from having an upper level classmen who
20 is more mature and older providing that service.

21 CHAIRPERSON MITTEN: True. Okay.
22 Anything else? All right. Then I would move approval
23 of case number 03-29 with the changes that we have
24 proposed, and included in this is the -- that we
25 reopen the record just to allow the Applicant the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 opportunity to assist us by drafting a condition
2 regarding the use of the loading berth at the service
3 building during move in and move out.

4 Is there a second?

5 COMMISSIONER HILDEBRAND: Second.

6 CHAIRPERSON MITTEN: Any further
7 discussion? All those in favor, please see aye.

8 (Chorus of ayes.)

9 CHAIRPERSON MITTEN: How does Mr. Parsons
10 vote?

11 MS. SCHELLIN: Mr. Parsons left an
12 absentee ballot in favor to approve as written, with
13 the provision that the Commission may make minor
14 technical corrections, which I think covers what you
15 guys have discussed.

16 CHAIRPERSON MITTEN: Thank you.

17 MS. SCHELLIN: So I would record the vote
18 four to zero to one. Commissioner Mitten moving.
19 Commissioner Hildebrand seconding. Commissioner Hood
20 in favor. Commissioner Parsons in favor by absentee
21 ballot. And Commissioner Hannaham not present, not
22 voting.

23 CHAIRPERSON MITTEN: Thank you. I think
24 we can now say the third mayoral appointee not
25 present, not voting, because Mr. Hannaham is not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 coming back.

2 Okay. Under final action. First, if
3 there's anyone here who is still interested in the
4 second, we've deferred that -- postponed that to a
5 special public meeting, March 11, 6:15 p.m. for the
6 second case under final action.

7 So now we're dealing with 03-06, which is
8 the Southeast Federal Center. And first we need to
9 decide if we will reopen the record to accept a letter
10 from the Consortium of Universities, as well as a
11 supplemental report from the Office of Planning. And
12 I would support reopening the record for those two
13 things.

14 VICE CHAIRPERSON HOOD: No objection.

15 CHAIRPERSON MITTEN: All right.

16 COMMISSIONER HILDEBRAND: No objection.

17 CHAIRPERSON MITTEN: All right. Then what
18 we have is a request that we allow colleges and
19 university uses to be considered as a special
20 exception in the Southeast Federal Center Overlay, the
21 CR -- is it CR exclusively? CR and SCFCR 5D and R5E.

22 And we have a proposed -- we have proposed
23 amendments in the first page of the Office of Planning
24 supplemental report that would accomplish that,
25 subject to the regulations in the case of CR, Section

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 615, and in the case of R5D and R5E, Section 210,
2 which are the campus plan regulations for each of
3 those zones.

4 Is there any discussion or any concerns?

5 VICE CHAIRPERSON HOOD: Madam Chair, you
6 need a motion to reopen the record first?

7 CHAIRPERSON MITTEN: No, we did that by
8 consensus.

9 VICE CHAIRPERSON HOOD: You did that.
10 Okay.

11 CHAIRPERSON MITTEN: What we need now is
12 a motion to basically to incorporate into the final
13 order the language proposed in the Office of Planning
14 report.

15 VICE CHAIRPERSON HOOD: And that's -- I
16 will make a motion that we incorporate the language
17 proposed in the Office of Planning's report dated
18 march the 3rd, 2004, 1903.2 and 1804.2.

19 CHAIRPERSON MITTEN: Second. Any further
20 discussion? All those in favor, please say aye.

21 (Chorus of ayes.)

22 CHAIRPERSON MITTEN: How does Mr. Parsons
23 vote?

24 MS. SCHELLIN: Mr. parsons votes to
25 approve the amendment as written, so I would record

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the vote four to zero to one. Commissioner Hood
2 moving. Commissioner Mitten seconding. Commissioner
3 Hildebrand in favor. Commissioner Parsons in favor by
4 absentee ballot. And Commissioner Hannaham not
5 present, not voting, because it hasn't been confirmed
6 yet.

7 CHAIRPERSON MITTEN: No, but he's just
8 gone --

9 MS. SCHELLIN: He's just gone.

10 CHAIRPERSON MITTEN: Okay. Well, we got
11 it. We understand. Okay. Thank you. Now I guess
12 we're ready to move back to action on the minutes.

13 VICE CHAIRPERSON HOOD: Madam Chair, I'd
14 like to move the minutes in a block with any necessary
15 corrections.

16 CHAIRPERSON MITTEN: Oh, would you? The
17 only concern that I have is -- well, I'll second your
18 motion, but I'm going to state my concern -- is the
19 last set of minutes, which is January 29th, there were
20 three people, three commissioners at the meeting, and
21 those three people are not -- Mr. Hood as one, Mr.
22 Parsons was one, and Mr. may was one.

23 So I don't know how we can have a vote of
24 three people if those three people are not available.
25 How does that work? You're not following me?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BERGSTEIN: No, could you repeat that
2 again?

3 CHAIRPERSON MITTEN: I would be happy to.
4 We have one set of minutes where there were three
5 Zoning commissioners at the meeting. And one was Mr.
6 Hood, one was Mr. Parsons, and one was Mr. May. So
7 it's not appropriate for me or Mr. Hildebrand to vote
8 on the minutes of a meeting that we did not attend.

9 So how can we get the votes to approve the
10 minutes if Mr. May is no longer on the Commission?
11 It's just one of those technical things.

12 MR. BERGSTEIN: I don't know. Well, I was
13 going to say not at the moment. I think for Mr.
14 Bastida, I'm thinking that you would have to be
15 provided with a transcript. And you would review the
16 transcript and certify that based upon the transcript.

17 CHAIRPERSON MITTEN: Okay. Well, I'm glad
18 I asked to Mr. Hildebrand, and he'll be happy to vote
19 on the -- or, no, give the new guy, when he gets here,
20 we'll give it to him.

21 COMMISSIONER HILDEBRAND: Exactly. I
22 second that.

23 CHAIRPERSON MITTEN: Okay.

24 VICE CHAIRPERSON HOOD: The only other
25 thing, Madam Chair, and I'm not sure which set of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 minutes this is, Mr. Parsons was recorded as not
2 present, not voting, and I think in this particular
3 case, the Georgetown Boathouse, he should have been
4 recorded as having recused himself.

5 CHAIRPERSON MITTEN: That is correct.

6 VICE CHAIRPERSON HOOD: And I think that's
7 very important that that be stated in that matter.

8 CHAIRPERSON MITTEN: That's correct.
9 That's the meeting -- well, there's a couple things
10 that need corrected in the meeting minutes of December
11 11th, the first being that Mr. Parsons was not there,
12 and then he did not vote on each of the cases for that
13 -- for the reason of having recused himself.

14 So, yes, in each of those. So in final
15 action, A1, A2 and then proposed action A1. And then
16 I have a few additional edits.

17 So what I would propose, Mr. Hood, if
18 you'll accept it, is that we pull out from your block
19 the meeting minutes of January 29th.

20 VICE CHAIRPERSON HOOD: And you're going
21 to read the transcript?

22 CHAIRPERSON MITTEN: No, the new guy.

23 VICE CHAIRPERSON HOOD: Oh, yeah. He's
24 not here. Yeah, okay.

25 CHAIRPERSON MITTEN: Right. So let me

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 just make sure that we have -- okay, we're not going
2 to be able to vote on the 11th, either, because Mr.
3 Parsons wasn't there, and Mr. May was the third
4 person. So we can't vote on those either.

5 COMMISSIONER HILDEBRAND: Can I move that
6 we give those to the new guy as well?

7 CHAIRPERSON MITTEN: Yes. Yes. Because
8 that was extra long. Okay. So we're --

9 VICE CHAIRPERSON HOOD: Wait a minute,
10 which new guy, you?

11 COMMISSIONER HILDEBRAND: That would be
12 the other guy.

13 CHAIRPERSON MITTEN: The new, new guy.
14 Okay, so we're voting on December 8th and January
15 12th. Would you accept that?

16 VICE CHAIRPERSON HOOD: Yes, I will accept
17 that.

18 CHAIRPERSON MITTEN: All right. And so do
19 I, as the seconder. So all those in favor, please say
20 aye.

21 (Chorus of ayes.)

22 CHAIRPERSON MITTEN: And Mr. Hildebrand,
23 I think, is not eligible to vote on the minutes. But
24 we probably, hopefully -- tell me yes -- we have an
25 absentee vote from Mr. Parsons?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: No, we do not.

2 CHAIRPERSON MITTEN: Oh, all that for
3 nothing.

4 MS. SCHELLIN: Yes.

5 CHAIRPERSON MITTEN: Okay. Well, we'll
6 just put all these over. Yeah. Okay. Did you have
7 a status report for us?

8 MS. McCARTHY: Yes, Madam Chair. I think
9 it will be a really brief status report. Just ant to
10 flag for the Commission, for next month, we expect to
11 return to the Commission with proposed set down
12 reports for a PUD at Carver Terrace, a PUD and map
13 amendment, and which would be an expansion of an
14 affordable housing project.

15 And Steuart Investment Company is
16 requesting a map amendment. They had at one point in
17 time taken a project out of the DDD through getting
18 the comprehensive plan amendment. And they would now
19 like to change that and put the square --

20 CHAIRPERSON MITTEN: Oh, really?

21 MS. McCARTHY: -- back into the downtown
22 development --

23 CHAIRPERSON MITTEN: That's going to be
24 fun. That'll be fun.

25 MS. McCARTHY: Those will be coming up in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 April.

2 CHAIRPERSON MITTEN: Okay.

3 MS. McCARTHY: And I'd be happy to answer
4 any questions that the Commission has about the rest
5 of the report.

6 CHAIRPERSON MITTEN: Would you just say
7 where is Carver Terrace?

8 MS. McCARTHY: It is in Ward 7, I believe.

9 CHAIRPERSON MITTEN: Really?

10 VICE CHAIRPERSON HOOD: Yes, ma'am.

11 MS. McCARTHY: I stand corrected by Mr.
12 Hood, who says it's in -- oh, I'm sorry. It's not
13 Carver Terrace. It's Carver --

14 CHAIRPERSON MITTEN: It says Carver 200 --

15 MS. McCARTHY: Carver 200 --

16 VICE CHAIRPERSON HOOD: Oh, I don't know
17 where that is.

18 CHAIRPERSON MITTEN: Let's see. Wait a
19 minute. Right. Oh, yeah -- well, it's on East
20 Capitol Street, Northeast.

21 VICE CHAIRPERSON HOOD: That's not Carver
22 Terrace. Carver Terrace is on --

23 MS. McCARTHY: Right. No, I had Carver
24 Terrace on the brain because we're doing the Cluster
25 23 planning process there.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: Okay. It will be a
2 surprise.

3 MS. MCCARTHY: Yeah, it'll be a surprise.
4 Great. Okay.

5 VICE CHAIRPERSON HOOD: I had a question.
6 We had set down Fort Totten a while back, and I was
7 wondering where that was or where are we with that?

8 MS. STEINGASSER: We're still waiting for
9 the pre-hearing statement to e filed for Fort Totten.
10 From what I understood, the engineers were out of the
11 country who were working with the consulting engineers
12 with DPW. We have checked with them about two months
13 ago to see if they expected to come back.

14 VICE CHAIRPERSON HOOD: But we had set
15 that down for a hearing?

16 MS. STEINGASSER: Yes.

17 CHAIRPERSON MITTEN: Yes, we did.

18 MS. STEINGASSER: A PUD.

19 MR. BASTIDA: Now Mr. Hood, we need to get
20 the application signed by Metro, which I have been in
21 negotiation with DPW to get both a signature on the
22 pre-hearing statement and I'm still waiting for it.
23 I had communications with them about a week to ten
24 days ago, reminding them again that in fact we haven't
25 been able to schedule a hearing because of the lack of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 those documents.

2 VICE CHAIRPERSON HOOD: Okay. Thank you.

3 MR. BASTIDA: Thank you.

4 VICE CHAIRPERSON HOOD: Thank you.

5 MS. MCCARTHY: And I actually, I was
6 remiss. I should note that at the bottom of page 2,
7 second to the last item, our inclusionary housing text
8 amendment, we have finally made it through the
9 procurement process, and just last week signed the
10 contract with Robinson and Cole, our prime contractors
11 for the inclusionary zoning proposal. So we will
12 reconvene our inclusionary zoning taskforce, and aim
13 to get something, a new inclusionary zoning program,
14 to you in the next several months.

15 CHAIRPERSON MITTEN: That's great.

16 MS. MCCARTHY: Yes, we're very excited
17 about that.

18 CHAIRPERSON MITTEN: Okay. Anything else?
19 Mr. Bastida, anything else?

20 MR. BASTIDA: The staff had no additional
21 matters that needs action by the Commission at this
22 time.

23 CHAIRPERSON MITTEN: Thank you, Mr.
24 Bastida.

25 MR. BASTIDA: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: And our meeting is
2 now adjourned.

3 (Whereupon, the above-entitled matter was
4 adjourned at 8:45 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24