

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

MONDAY

JANUARY 27, 2014

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- MARCIE COHEN, Vice Chair
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

MAXINE BROWN-ROBERTS

BRANDICE ELLIOTT

PAUL GOLDSTEIN

STEPHEN GYOR

MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes
from the Regular meeting held on January 27,
2014.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Zoning Case 12-14/12-14A 7
 Zoning Case 0833B 10
 Zoning Case 0640C and 0640B 15
 Zoning Case 0834C 21
 Zoning Case 13-06 24
 Zoning Case 07-13D 30
 Zoning Case 0834E 40
 Zoning Case 1313 48
 Zoning Case 13-14 61

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

2 6:40 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is the Regular
5 Public Meeting, the 1377th meeting of the
6 Zoning Commission. This is the second of
7 the 2014 year, Monday, January 27th, 2014 at
8 6:30 p.m. We are located in the Jerrily R.
9 Kress Memorial Hearing Room.

10 My name is Anthony Hood. Joining
11 me are Vice Chair Cohen, Commissioner
12 Miller, Commissioner May, and Commissioner
13 Turnbull. We do not take any
14 public testimony at our meetings unless we
15 have someone come forward. We ask you not
16 to have any disruptive noises because we are
17 also being webcast and recorded.

18 Also, I want to acknowledge the
19 Offices of Zoning staff, Ms. Sharon
20 Schellin, Office of the Attorney General,
21 Mr. Ritting, Office of Planning staff, Ms.
22 Steingasser, Mr. Gyor, and Ms. Thomas, and

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1 Mr. Goldstein. Okay.

2 Let's go right into our agenda.
3 Preliminary matters, we have one preliminary
4 matter. We need to take care of a vote on a
5 closed meeting for February 18th, 2014, and
6 we will be doing that in training.

7 Ms. Schellin, I'm going to read
8 the motion. "As chairman of the Zoning
9 Commission for the District of Columbia and
10 in accordance with rule 7 of the District of
11 Columbia's Procedure Act, I move that the
12 Zoning Commission hold a closed meeting on
13 Tuesday, February 18th, 2014, at 9 a.m., for
14 the purpose of receiving training as
15 permitted by D.C. Official Code 2-575B12."

16 Is there a second?

17 VICE CHAIR COHEN: Second.

18 CHAIRMAN HOOD: Will the
19 secretary please take a roll call vote on
20 the motion before us now that it has been
21 seconded?

22 MS. SCHELLIN: Yes, sir.

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1 Chairman Hood?

2 CHAIRMAN HOOD: Yes.

3 MS. SCHELLIN: Vice Chair Cohen?

4 VICE CHAIR COHEN: Yes.

5 MS. SCHELLIN: Commissioner

6 Miller?

7 COMMISSIONER MILLER: Yes.

8 MS. SCHELLIN: Commissioner May?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Commissioner

11 Turnbull?

12 COMMISSIONER TURNBULL: Yes.

13 MS. SCHELLIN: The motion

14 carries.

15 CHAIRMAN HOOD: Thank you Ms.

16 Schellin. It appears the motion has passed.

17 I request that the Office of

18 Zoning provide notice of this closed meeting

19 in accordance with the Act.

20 And I think I read this same

21 notice for about four or five times and I

22 think things have come up and the weather

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1 has been an issue. So hopefully, this time
2 we will receive training on the 18th. Okay.

3 Ms. Schellin, do we have any
4 other preliminary matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Okay. Let's go
7 right into final action of Zoning Commission
8 Case 12-14/12-14A, 3rd and M, LLC and Park
9 Inc. Associates, consolidated PUD related
10 map amendment at square 552.

11 Ms. Schellin.

12 MS. SCHELLIN: Yes, sir. We have
13 received and NCPC report at Exhibit 65,
14 which they do not have any issues with the
15 project. And at Exhibit 66, the applicant
16 did provide a response to the Commission
17 regarding their proposed timetable for the
18 order in phasing their proposed timetable,
19 rather for the phasing in order. And ask
20 the Commission to take action this evening.

21 CHAIRMAN HOOD: Okay. Thank you
22 Ms. Schellin.

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1 Colleagues, you may remember we
2 postpone this because we wanted some clarity
3 of the schedule on the phasing in this
4 before us, in Exhibit 66 tonight. I'm sure
5 you've all read it. And discussions?

6 Commissioner Miller.

7 COMMISSIONER MILLER: Yes, Mr.
8 Chairman. Thank you.

9 I think that the applicant has
10 been responsive to our concerns in that the
11 time lines be hastened for developing a
12 project, and they've submitted language for
13 both the first building and the second
14 building.

15 If none of my colleagues have any
16 concerns, I would move approval of the
17 Zoning Commission Case Number 12-14/-12/14A,
18 3rd and M LLC, Park and Associates,
19 consolidated PUD and map amendments at
20 square 542 [sic] with the change in the
21 language. They tie the second building
22 timing to, they say, "The applicant has

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1 filed for a building permit for the second
2 building within two years after completion
3 of the first building." And they repeat
4 that in the next phrase as well. I would
5 just tie it to a more certain date and that
6 would be the issuance of the certificate of
7 occupancy for the first building.

8 So with that change, I would move
9 approval.

10 COMMISSIONER TURNBULL: I will
11 second that, Mr. Chair.

12 CHAIRMAN HOOD: Okay. It's been
13 moved and properly second with the change so
14 noted by the motion and the person who made
15 the second.

16 Any further discussion?

17 COMMISSIONER MAY: I certainly
18 agree with the notion of tying it to
19 something more definitive than the
20 completion of the -- the notion of
21 completion of building.

22 Do we know that the applicant is

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1 amendable to that?

2 CHAIRMAN HOOD: Ms. Schellin, can
3 you look in the audience to see if they're
4 nodding their head?

5 MS. SCHELLIN: Yes, they are.

6 CHAIRMAN HOOD: Okay. Thank you.
7 That's how we do business, get it done.

8 COMMISSIONER MAY: Yes. Okay.
9 I'm all set.

10 CHAIRMAN HOOD: Any further
11 discussion?

12 (No audible response.)

13 Okay. All those in favor?

14 (Chorus of ayes.)

15 Not hearing any opposition, Ms.
16 Schellin, would you please record the vote.

17 MS. SCHELLIN: Yes. Staff
18 records the vote 5-0-0 to approve final
19 action in zoning commission case numbers 12-
20 14 and 12-14A. Commissioner Miller moving;
21 Commissioner Turnbull seconding;
22 Commissioners Cohen, Hood, and May in

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1 support.

2 CHAIRMAN HOOD: Okay. Thank you.
3 Let's move right along. Zoning Commission
4 Case Number 0833B. This is the Conference
5 Center Associates I, LLC, two-year PUD time
6 extension, in partial, 1/21/31.

7 Ms. Schellin.

8 MS. SCHELLIN: Yes. This was a
9 request from the applicant for a two-year
10 time extension of the consolidated PUD and a
11 one-year time extension of the first stage
12 PUD. The applicant has cited it has been
13 unable to obtain sufficient financing for
14 this project despite its diligent and good-
15 faith efforts. At Exhibit 7, we have an OP
16 report. Today OP revised their report at
17 Exhibit 8 and they did submit a waiver,
18 requesting a waiver of the request for the
19 late submission of that report. When it was
20 initially submitted, they just left off a
21 page, and so, they wanted to make sure that
22 the full report was in the record. And so

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1 it just asks for the Commission to waive the
2 lateness of the report.

3 CHAIRMAN HOOD: Okay.
4 Commissioners, any objection -- excuse me --
5 any objections to waiving the correction to
6 the Office of Planning report and the
7 lateness? Any objections to the report?

8 VICE CHAIR COHEN: No.

9 CHAIRMAN HOOD: Okay. So no
10 objections. So we'll do that by general
11 consensus.

12 Okay, Vice Chair.

13 VICE CHAIR COHEN: Thank you,
14 Mr. Chairman.

15 I would have some concerns about
16 what was submitted as evidence of difficulty
17 in finding financing. I acknowledge that
18 hotels are the most difficult use to get
19 financing.

20 But one of my concerns is that I
21 don't think that these elaborated upon,
22 other than stated for the record, that the -

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1 - let's see on page 4 of the applicant's
2 submission, I think it's 4 -- it's
3 untenable the debt-to-equity ratios that are
4 out there. Well, debt-to-equity ratios in
5 hotels are, you know, the most tight in the
6 market. And I think that we need to have
7 more information with regard to, like, how
8 many lenders have they pursued or mortgage
9 bankers. And, you know, they don't have to
10 provide the names but I think we should know
11 what actually are the loan-to-cost/loan-to-
12 value that are being offered. Because
13 untenable may be untenable for this
14 particular site, this particular project,
15 this particular developer. It's unclear to
16 me. One of the things that I am
17 concerned about is I think the use and the
18 pioneering location are difficult areas. So
19 that may be contributing to it. And who
20 knows? In two years, we might see another
21 request for an extension.

22 So I would suggest that we delay

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1 this until we can get more elaborate,
2 thorough information from the applicant.

3 CHAIRMAN HOOD: So noted.

4 Commissioners, anyone else agree with
5 getting additional information?

6 (No audible response.)

7 Okay. Okay. I would also agree
8 with the Vice Chair.

9 But I will tell you, I think,
10 well, I know this is a problematic part of
11 this project, I think it's very instrumental
12 to the surrounding area and to the city. I
13 will be looking forward to getting that
14 information, to me, hopefully, in more of a
15 positive way. I would like to really see
16 this project stay on track, and eventually
17 get done. That's kind of where I am on this
18 project, having been with it since its
19 inception.

20 Any other comments?

21 VICE CHAIR COHEN: Well, Mr.
22 Chairman, I concur with you. I'd like to

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1 see the project done as well. It's just I
2 think that we need to understand the
3 difficulty with greater clarity.

4 CHAIRMAN HOOD: Okay. And I
5 think we're saying the same thing. Okay.

6 Anybody else?

7 (No audible response.)

8 Like to make a motion? Actually,
9 you wouldn't like to make a motion. I'm
10 sorry. I'm moving too fast. I must really
11 want this done.

12 So can we postpone it? Do we
13 have a date certain?

14 MS. SCHELLIN: I just want to
15 look at Mr. Tillman's. Do you want to shoot
16 for February 10th or the 24th?

17 (No audible response.)

18 10th? So you can have your
19 filings to me by February 3rd?

20 (No audible response.)

21 Okay. Then we're good.

22 CHAIRMAN HOOD: Okay. Let's move

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1 right into Zoning Commission Case -- let me
2 call the next two together -- Zoning
3 Commission Case Number 0640C, as well as
4 Zoning Commission Case Number 0640B.

5 Ms. Schellin.

6 MS. SCHELLIN: Yes, sir. On the
7 first case 06-40C, at Exhibits 30 through
8 32G and Exhibit 37, we have the applicant's
9 post-hearing submissions. Exhibit 33, we
10 have an NCPC report. Again, no issues
11 there. Exhibit 34 is a DDOT report,
12 supplemental report. And then Exhibit 36,
13 ANC SMD 6C06, they provided a letter in
14 support. He advised that the full ANC would
15 not be reviewing the proposal for the site
16 even though in the past that ANC had been
17 granted party status.

18 In the second case, 0640B,
19 Exhibits 7 and 11 are supplemental filings
20 from the applicant. Exhibits 8 and 9 are
21 letters in support from the Trinidad
22 Neighborhood Association and Two Rivers

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1 Public Charter School.

2 And even though this was filed as
3 the two-year extension, I believe they're
4 going to look at tying this into the
5 modification. Or the applicant is asking
6 you to tie this in with the modification
7 case that you're considering.

8 CHAIRMAN HOOD: Okay.
9 Commissioners, Ms. Schellin has done a great
10 job t'ing us up for things that we have
11 submitted. We will able to be looking at
12 both these cases together, the time
13 extension as well as the modification.

14 Any comments?

15 (No audible response.)

16 Again, I think some of the things
17 that we ask for were submitted as far as the
18 modification was concerned.

19 VICE CHAIR COHEN: Mr. Chairman.

20 CHAIRMAN HOOD: Yes.

21 VICE CHAIR COHEN: We had
22 originally postponed acting on the extension

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1 because we believed it was more appropriate
2 to wait for the actual -- to hear the case
3 itself. So just to clarify that the
4 extension's not just at two-year extension
5 but it's two-year and nine-month extension.
6 That's just for the record.

7 CHAIRMAN HOOD: That's because of
8 the way -- excuse me -- mathematically works
9 out with the modification. And I think
10 trying to do it unilaterally or together
11 simultaneously, I think that's what it comes
12 out to.

13 First, let me say, any objections
14 to that?

15 (No audible response.)

16 Before we probably end up what is
17 two years and nine -- and let me just say,
18 when we look at this, I think this is not
19 precedent-setting for this Commission. So
20 hopefully we won't get a whole lot of
21 requests for two years and nine months
22 because we're going to do it this particular

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1 case. This is a very unique case. So this
2 is not precedent-setting.

3 COMMISSIONER TURNBULL: I would
4 agree, Mr. Chair. I think the
5 circumstances, the timing of when this came
6 up, and how long it's taken to get here, I
7 think it's totally separate. So I would
8 agree with you.

9 CHAIRMAN HOOD: So any comments
10 on modification or time extension?

11 (No audible response.)

12 I know we talked about the brick
13 facade or the wall, one of the walls. I
14 think it was somebody had mentioned
15 something about that.

16 Any concerns, any outstanding
17 concerns?

18 COMMISSIONER MAY: I mean, they
19 submitted some new drawings for the western
20 façade. And I think it's a bit better than
21 what we had before. If you know, I think
22 they could have gone a little bit further

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1 but I think it's acceptable the way it is.

2 They also did submit the, I
3 believe, the courtyard elevations and it was
4 useful to see that.

5 CHAIRMAN HOOD: Well, somebody
6 like to make a motion?

7 COMMISSIONER TURNBULL: Yes, Mr.
8 Chair. Do you want me to combine both?

9 CHAIRMAN HOOD: Yes, you can do
10 both.

11 COMMISSIONER TURNBULL: I would
12 vote to approve -- I make a motion to
13 approve Zoning Case Number 0640C Gateway
14 Market Center, including the PUD
15 modification at square 3587. And as part of
16 that it would be Zoning Case, also included
17 with Zoning Case Number 0640B Gateway Market
18 Center Inc., two-year PUD time extension at
19 square 3587 with the corollary that's
20 actually a two-year nine-month time
21 extension.

22 CHAIRMAN HOOD: I'll second that

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1 motion.

2 It's been moved and properly
3 seconded.

4 Any further discussions?

5 COMMISSIONER MAY: Mr. Chairman,
6 I would just note, I think that this project
7 is significantly improved over what we had -
8 - improved over what we had previously
9 approved and I'm glad to see it moving
10 forward.

11 CHAIRMAN HOOD: Okay. Any other
12 discussion?

13 (No audible response.)

14 Thank you. It's been moved and
15 properly seconded.

16 All those in favor?

17 (Chorus of ayes.)

18 Not hearing any opposition, Ms.
19 Schellin, would you record the vote?

20 MS. SCHELLIN: Yes. Staff
21 records the vote 5-0-0 to approve final
22 action in Zoning Commission Case Number 06-

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1 40C and 06-40B.

2 Commissioner Turnbull moving;
3 Commissioner Hood seconding; Commissioners
4 Cohen, May, and Miller in support.

5 CHAIRMAN HOOD: Okay. Next we
6 have Zoning Commission Case Number 0834C,
7 it's for Capitol Crossings IV, LLC and the
8 Archdiocese of Washington Holy Rosary
9 Church, second stage PUD, at square 566.

10 Ms. Schellin.

11 MS. SCHELLIN: Yes. At Exhibits
12 30, 30A and 32, we have the applicant's
13 post-hearing submissions. Exhibit 31, we
14 have an NCPC report. And once again, NCPC
15 had no issues with this project. They asked
16 the Commission to consider final action this
17 evening.

18 CHAIRMAN HOOD: I just want to
19 thank the applicant for giving me the view
20 from the westside. And when I looked at it,
21 I asked myself why did I ask for this, but,
22 anyway, I appreciate the applicant for

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1 submitting this to me.

2 Let's open it up for any
3 questions or comments.

4 COMMISSIONER TURNBULL: Mr.
5 Chair, I think I had asked for a couple of
6 elevations of the, of parts of the building
7 and those are in the submission. And I'm
8 satisfied with those.

9 CHAIRMAN HOOD: Well, we don't
10 need to just talk just to be talking.

11 So any other comments?

12 Commissioner Miller.

13 COMMISSIONER MILLER: Yes, I
14 would agree that the applicant has been
15 responsible. Also they added, they showed
16 the perspective showing the addition of the
17 stone cornice cap to articulate the top of
18 the building, which I think is an
19 improvement.

20 So I'm ready to move forward, Mr.
21 Chairman, if you want a motion.

22 CHAIRMAN HOOD: Yes.

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1 COMMISSIONER MILLER: I would
2 move the final action on the Zoning
3 Commission Case Number 08-34C Capitol
4 Crossings IV, LLC and the Archdiocese of
5 Washington Holy Rosary Church, second stage
6 PUD at square 566, and ask for a second.

7 VICE CHAIR COHEN: Second.

8 CHAIRMAN HOOD: Okay. It's been
9 moved and properly seconded.

10 Any further discussion?

11 (No audible response.)

12 All those in favor?

13 (Chorus of ayes.)

14 Not hearing any opposition, Ms.
15 Schellin, would you record the vote?

16 MS. SCHELLIN: Yes. Staff
17 records the vote 5-0-0 to approve final
18 action in Zoning Commission Case Number 08-
19 34C. Commissioner Miller moving;
20 Commissioner Cohen seconding; Commissioners
21 Hood, May, and Turnbull in support.

22 CHAIRMAN HOOD: Okay. Let's move

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1 to proposed action Zoning Commission Case
2 Number 13-06. This is the Office of
3 Planning text amendment in reference to the
4 retaining walls.

5 Ms. Schellin.

6 MS. SCHELLIN: Yes, sir. On this
7 case, we only have one exhibit that was
8 submitted. And that was Exhibit 26, which
9 is an OP supplemental report. We'd ask the
10 Commission to consider proposed action.

11 CHAIRMAN HOOD: Okay.
12 Commissioners, I'm going to go out of order.
13 I have a question for Ms. Elliott.

14 Ms. Elliott, I think the only
15 person we got a response from one from was
16 Ms. Gates. And I'm just curious, did we
17 implement some of the concerns that she had
18 in her second letter, when we heard the case
19 again, into the language we have in front of
20 us?

21 MS. ELLIOTT: Yes. Yes, we
22 considered everything that was presented at

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1 the previous hearing. Ms. Gates actually
2 shared some very common concerns at the
3 Commission.

4 And the supplemental report is
5 intended to answer all of the questions that
6 were posed by both Ms. Gates and the
7 Commission. And it addresses some of the
8 changes that were made concerning the height
9 of retaining walls adjacent to alleys in the
10 R3 and R4 Districts, as well as the issue of
11 lot occupancy and whether or not that was an
12 appropriate measurement of retaining walls.

13 CHAIRMAN HOOD: All right. Thank
14 you, Ms. Elliott.

15 Commissioners, any questions or
16 comments?

17 Commissioner May.

18 COMMISSIONER MAY: Yes. I wanted
19 to get one clarification on the new
20 language, which in 413.2A refers to -- it's
21 how the height is measured. And it refers
22 to the lowest level of ground immediately

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1 under the wall to the top of the wall.

2 By under the wall, you mean the
3 bottom of the wall? At whatever grade it
4 is? Or do you mean, like, you know, down
5 where the foundation is for the wall? Or
6 what, I mean, what does that mean?

7 MS. ELLIOTT: It's not intended
8 to include the foundation. It's just the
9 exposed part of the wall.

10 COMMISSIONER MAY: Yes. I mean,
11 the language came from another jurisdiction
12 where they used it in reference to fences,
13 right? Under the fence to the top of the
14 fence.

15 MS. ELLIOTT: Correct.

16 COMMISSIONER MAY: Or you know,
17 it also applies to walls there. It just
18 seems a awkward here referring to something
19 under a wall.

20 MS. ELLIOTT: Okay.

21 COMMISSIONER MAY: So I'm not
22 sure how to fix that but I think that's the

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1 only thing that's a bit of, a bit confusing.
2 I think the rest of the changes are pretty
3 good. At this point, do we --
4 the next step is to advertise again? Is
5 that right? Did we previously advertise the
6 language?

7 MS. SCHELLIN: There'll be a
8 proposed rule making after, if action is
9 taken, there will be a 30 day comment
10 period.

11 COMMISSIONER MAY: Right. And
12 then we take the final action --

13 MS. SCHELLIN: Then final action,
14 yes, sir.

15 COMMISSIONER MAY: So I think it,
16 you know, whenever, if you can do something
17 to treat that language before it gets
18 published, yes.

19 CHAIRMAN HOOD: I actually have a
20 question too.

21 If you can go to paragraph 413.6,
22 why are we measuring the retaining wall?

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1 And it shouldn't exceed 42 inches, yet
2 again, the street frontage on a block is 48
3 inches in the paragraph above. I'm not sure
4 I understood the distinction.

5 MS. ELLIOTT: The reason for this
6 section of the regulation, 413.6, is because
7 we coordinated with public space
8 requirements on this one. And so that's why
9 if the wall is, is located within the
10 building line, it's 42 inches, but
11 otherwise, if there isn't one, it could be
12 48.

13 CHAIRMAN HOOD: Okay. Anything
14 else? Any other comments?

15 (No audible response.)

16 Okay. I will make a motion that
17 we take proposed action on 13-06 with what's
18 before us and knowing it will be advertised
19 again for comments for 30 days and ask for a
20 second.

21 VICE CHAIR COHEN: Second.

22 CHAIRMAN HOOD: It's been moved

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1 and properly seconded.

2 Any further discussion?

3 (No audible response.)

4 All those in favor?

5 (Chorus of ayes.)

6 Not hearing any opposition, Ms.
7 Schellin, would you please record the vote?

8 MS. SCHELLIN: Yes. Staff
9 records the vote 5-0-0 to approve proposed
10 action Zoning Commission Case Number 13-06.
11 Commissioner Hood moving; Commissioner Cohen
12 seconding; Commissioners May, Miller, and
13 Turnbull in support. And we'll have OP work
14 with that revised language with OAG to
15 publish the proposed rule making.

16 CHAIRMAN HOOD: Okay. Thank you.
17 Let's go right onto Zoning Commission Case
18 Number 07-13D TR Southwest II, LLC, PUD
19 modification at square 643S.

20 MS. SCHELLIN: Yes.

21 CHAIRMAN HOOD: Ms. Schellin.

22 MS. SCHELLIN: The applicant and

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1 the ANC submitted a joint request to reopen
2 the record to receive a letter regarding the
3 community benefits package. That request
4 was approved and the letter has been placed
5 into the record at Exhibit 33, which you
6 have before you this evening. We've also
7 have, at Exhibits 29 through 30, the
8 applicant's post-hearing submissions. At
9 Exhibit 31, was the ANC 6D's response to the
10 applicant's post-hearing submission. They
11 ask the Commission to consider proposed
12 action this evening.

13 CHAIRMAN HOOD: Okay.
14 Commissioners, as noted, we have some
15 submissions.

16 Let me open it up. Any comments?

17 (No audible response.)

18 And the ANC, the way I see it
19 now, different from the letter I read
20 earlier. I'm looking at the one dated the
21 24th, which we received today. And
22 basically, it says, "The parties requested

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1 the Commission to take proposed action on
2 the application at the January 27, 2014
3 meeting and leave the record open to accept
4 the revised agreement based on the
5 additional terms above prior to final action
6 in this case." So that's coming from Vice
7 Chair. Okay.

8 Any other comments? Questions?

9 (No audible response.)

10 And I would ask before a final --
11 I wrote a few questions. And I'm just
12 curious. Having seen this case a number of
13 times and over the years, and I'm not sure
14 if this was presented to us previously, but
15 I want to ask this.

16 I want to know is the applicant
17 able to, financially, to do this project
18 once and for all? And who is the equity
19 partner? I don't think that was there.
20 Who's going to help with getting the project
21 done? Who is taking the lead on the non-
22 housing development? I don't think that was

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1 mentioned. Who's the -- which is a major
2 portion of this project.

3 And again, I wanted to know the
4 interaction with the ANC. Obviously, that
5 has improved. I wrote these comments a
6 little earlier. The interaction has
7 improved but, again, we have a letter from
8 the neighborhood Commissioner who was asking
9 us to keep the record open. So my comment
10 about the interaction with the community is
11 not as strong but it's still there. I want
12 to know the interaction. I'm looking
13 forward to hearing comments and seeing what
14 happens with the ANC. Okay.

15 So those are my four questions
16 that I'm looking for before final.

17 Any other comments?

18 (No audible response.)

19 Somebody like to make a motion?

20 COMMISSIONER TURNBULL: Mr.
21 Chair, the only, the only other question,
22 the applicant is gone back and talks about

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1 the relief, some of the relief. And there's
2 still an area of relief on the roof where
3 they're not meeting the setback requirement.
4 And my only concern is that it's on the
5 street side.

6 CHAIRMAN HOOD: Which page is
7 that?

8 COMMISSIONER TURNBULL: I'm
9 looking at a looking at their exhibit --
10 it's 29, 29A, 1 day 2, 29B.

11 And on page 2, under penthouse
12 treatment and pool section, it says, "There
13 are now only two heights." They've made an
14 attempt to accommodate some of the questions
15 and remarks that we talked about with
16 penthouse structures and height.

17 And I just want to make sure --
18 they're talking about 18 foot 6, and 16 foot
19 6. And because of the change in height, the
20 applicant no longer complies with the
21 minimum, they're saying, now the minimum
22 roof structure setback by 2 feet, as shown

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1 on the drawing. I think in this one
2 area though it's not an internal looking
3 into the courtyard, it's actually facing the
4 street. So I wish they could take another
5 look at that and see if they could try to
6 accommodate the setback requirement.

7 CHAIRMAN HOOD: Would you like
8 them to do that before final?

9 COMMISSIONER TURNBULL: Yes.

10 CHAIRMAN HOOD: Okay.

11 COMMISSIONER TURNBULL: Yes.

12 CHAIRMAN HOOD: Anything else,
13 Mr. Turnbull?

14 COMMISSIONER TURNBULL: No,
15 that's it, Mr. Chair. Thank you.

16 CHAIRMAN HOOD: Commissioner May?

17 COMMISSIONER MAY: Yes. So I
18 liked to talk for a second about the, couple
19 of areas where we also asked for changes.

20 I guess the treatment of that gap
21 between the buildings on the north side,
22 yes, I think it's a, now a handsome

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1 treatment, but it's still not a great space.
2 And I'm not enthusiastic that they weren't
3 able to accommodate some windows. I mean,
4 there's an assumption that, you know, a
5 kitchen is a windowless room which isn't
6 nearly correct. But a kitchen certainly can
7 be a kitchen with -- I mean, a windowless
8 room but it doesn't have to be. Bathrooms
9 the same way. Although the, you know, the
10 model for how you do windows in this
11 building doesn't lend itself to having
12 windows like that in the bathroom maybe.
13 But I don't know why you couldn't have that
14 in the kitchen.

15 But you know clearly there's a
16 design intent here. I'm not going to keep
17 pushing the matter. I just think it's in,
18 you know, it's unfortunate. It's going to
19 wind up with a very weird space there.

20 I do appreciate some of the other
21 changes that they made to the -- I guess the
22 treatment of the ground plane, and that gap

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1 between the buildings, and trying to address
2 the skyline of penthouses, just to simplify
3 that. And I agree with Mr. Turnbull, that
4 they should make some effort to shift things
5 around so that further relief is not needed
6 along and that the street facing façades.

7 And let's see if there's anything
8 else that I wanted to mention. No, that's
9 it. Thank you.

10 CHAIRMAN HOOD: Any other
11 comments?

12 (No audible response.)

13 All right. Would somebody like
14 to make a motion?

15 COMMISSIONER MILLER: Mr.
16 Chairman, I would move approval of Zoning
17 Commission -- proposed action on Zoning
18 Commission Case Number 07-13D TR SW II, LLC,
19 PUD modification at square 643S, with
20 requests for all the items that you
21 mentioned and others, Mr. Turnbull and May
22 mentioned to be provided before final

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1 action.

2 And ask for a second.

3 VICE CHAIR COHEN: Second.

4 CHAIRMAN HOOD: Okay. Thank you

5 Commissioner Miller and Vice Chair Cohen.

6 It's been moved and properly second.

7 Any further discussion?

8 MR. RITTING: I'd just like to
9 make a request that, that as you know, that
10 there's a new rule of requiring the
11 applicant to submit draft proffers and
12 conditions. And that, by rule, occurs seven
13 days after you take proposed action.

14 Given that the negotiations that
15 are going on between the ANC and the
16 applicant, it might be prudent to wait until
17 those negotiations are completed before
18 requiring them to submit their final list of
19 proffers since it would obviously change to
20 reflect the agreement.

21 Because of that, I would suggest
22 that perhaps you waive the ruling and you

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1 offer -- rather, alter it to so that the
2 initial deadline for the submission of the
3 proffers and draft conditions is February
4 10th. And then the subsequent seven day
5 deadline would then flow from that as
6 indicated in the rules with the change that
7 that period would begin on the 10th.

8 And I just wanted to mention that
9 now so there's no inconsistency between the
10 rules as they're drafted and the process
11 that makes more sense for this application.

12 COMMISSIONER MILLER: I would
13 incorporate that into my motion. And I'm
14 sure the second would. Oh, the second --

15 CHAIRMAN HOOD: Okay. All right.
16 I want to thank you, Mr. Ritting, for
17 helping us stay on course.

18 And thank you Commissioner Miller
19 and Vice Chair Cohen for accepting it.

20 So it's been moved and properly
21 seconded.

22 Any further discussion?

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1 (No audible response.)

2 All those in favor?

3 (Chorus of ayes.)

4 Not hearing any opposition, Ms.
5 Schellin, would you record the vote?

6 MS. SCHELLIN: Yes. And before I
7 record the vote, I just want to set a date
8 for those additional documents of February
9 24th. And the only party being the ANC,
10 they would have until March 3rd to provide a
11 response if they choose to do so. February
12 24th would also be the date for the
13 community benefits agreement that was
14 addressed in a joint letter that was
15 submitted this evening. So they would also
16 provide that on that date of February 24th.
17 And again, the ANC could respond to those
18 two items that were requested by
19 Commissioner Turnbull and Commissioner May
20 by March 3rd. So there's no issue there,
21 3:00 PM for all deadlines.

22 And for the --

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1 CHAIRMAN HOOD: Also, the things
2 that I asked for.

3 MS. SCHELLIN: You asked for some
4 items too. I'm sorry. And those items also
5 being due March -- I mean, sorry, February
6 24th.

7 So Commissioner Miller made the
8 motion; Commissioner Cohen seconding;
9 Commissioners Hood, May and Turnbull in
10 support, proposed action being approved for
11 0713D.

12 CHAIRMAN HOOD: Okay. Thank you.
13 Thank you, everyone.

14 Let's move right into hearing
15 actions. Zoning Commission Case Number
16 0834E Center Place Holdings and Property
17 Group Partners, PUD modification at square
18 564.

19 Mr. Goldstein.

20 MR. GOLDSTEIN: Good evening, Mr.
21 Chairman, and members of the Commission.

22 Center Place Holdings and

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1 Property Group Partners request that you
2 review and approve a modification to
3 consolidated planning and development order
4 number 08-34. The Commission has seen this
5 extensive project several times now,
6 including even earlier tonight. So I will
7 forgo a broader explanation of the overall
8 project.

9 The applicant now proposes to
10 make several changes to the north block
11 design. The north block building was
12 approved for high density office use, of
13 ground-floor retail, with a massing design
14 that essentially divided the building into
15 halves flanking a pedestrian walkway. The
16 building was approved for 130 foot heights
17 and 8.9 floor area ratio.

18 Now the applicant requests
19 changes to the approved design, although the
20 general use, height, density, and project
21 amenities would remain unchanged. Most
22 notably, the applicant proposes to replace

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1 and approved ground-level canopy crossing
2 in the pedestrian way with an elevated
3 enclosed pedestrian bridge. The building's
4 3rd Street entry would be enhanced
5 particularly by the proposed relocation to G
6 Street of a parking entrance at the
7 centralized below grade garage.

8 Several other minor refinements were
9 also referenced in the OP report. OP
10 recommends that the modification application
11 be set down for a public hearing. The
12 design changes are relatively limited in
13 scope and the proposal will continue to
14 conform with the general parameters approved
15 in the original plans.

16 As noted in our report, the OP
17 has requested that the applicant provide
18 some additional details related to the
19 modification, particularly related to the
20 design and impact of the pedestrian bridge.

21 I'm now available for any
22 questions you may have at this time.

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1 Thank you.

2 CHAIRMAN HOOD: Thank you very
3 much, Mr. Goldstein.

4 Commissioners, any questions or
5 comments?

6 COMMISSIONER TURNBULL: Mr.
7 Chair.

8 CHAIRMAN HOOD: Mr. Turnbull.

9 COMMISSIONER TURNBULL: Thank
10 you. Mr. Goldstein, I just noticed the one
11 thing that strikes you when you look at the
12 perspective view on 2..2 and 2.3 of 3A1 to
13 3A9, exhibit, the penthouses have really
14 grown tremendously. And I wonder if we
15 could -- I'd like to see a lot more
16 information. I know that it looks like
17 they're trying to put an atrium in part of
18 it but I think we're going to need some more
19 explanation as to why there is penthouses
20 are getting to be so large.

21 CHAIRMAN HOOD: Mr. Turnbull, are
22 you finished?

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1 COMMISSIONER TURNBULL: Yes, Mr.
2 Chair.

3 CHAIRMAN HOOD: Commissioner May?

4 COMMISSIONER MAY: Yes, I would
5 agree with Commissioner Turnbull. That was
6 a question for me.

7 It's almost like I can look at
8 the plan and see that there's a lot of stuff
9 there that makes sense that it would be
10 there. And when you think about it, the
11 penthouses that they're proposing now are
12 more aligned with the sort of things that we
13 would expect to see in many ways. So it's
14 almost like, you know, things were
15 forgotten the first time around.

16 Anyway, further explanation, I think,
17 would be very helpful.

18 I would also want to comment on a
19 couple of other things. I think that the
20 treatment of the corners where they're
21 proposing to modify that along the southern
22 façades, as seen on page 2.21, I think that

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1 that needs some further study because it's,
2 particularly, that rendering, maybe it's
3 just how that rendering is not very good,
4 but it really kind of leaves something to be
5 desired in terms of how that corner is
6 treated now that they're taking out of that,
7 taking out that cutback.

8 In the Office of Planning's
9 report, on page 4, there are a number of
10 issues where they noted things that need to
11 be further studied. I agree wholeheartedly
12 with those.

13 And then, I'm really really
14 puzzled, and well, I guess, I'm really
15 looking for more information on why it's
16 necessary to move the eco-chimneys because I
17 don't think they look good going down the
18 middle of the former cart way or the
19 imagined cart way whatever you want to call
20 it. It just doesn't look right to me.

21 So, and then the last thing on
22 the bridge, wow, that's a really big, and I

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1 think, onerous change. I think what we had
2 before with the canopy that went between
3 them was a pretty significant thing to have
4 in that crossing and I am not persuaded at
5 all of that. And so I think there has to be
6 a really really compelling case made for
7 putting a bridge across there. Because
8 otherwise, I would -- I am not inclined to
9 support it. So just letting you folks know
10 up front.

11 CHAIRMAN HOOD: Okay. Vice
12 Chair.

13 VICE CHAIR COHEN: Thank you,
14 Mr. Chairman.

15 I concur with my colleagues,
16 Commissioners Turnbull and May. Especially
17 with regards to those eco-chimneys. I think
18 I need to understand them better. And why
19 they must be placed there as you mentioned
20 in your review. And again, bridges often
21 removed pedestrians from being on the
22 ground. So I have some concerns about that

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1 as well.

2 CHAIRMAN HOOD: Okay. Any other
3 comments? That bridge is going to make a
4 very good discussion, I think, for us. Any
5 other discussion, questions, comments?

6 COMMISSIONER TURNBULL: In light
7 of our comments, I would move that we
8 approve Zoning Case Number 835E Center Place
9 Holdings and Property Group Partners, PUD
10 modification at square 564. And --

11 COMMISSIONER MAY: Mr. Turnbull,
12 could I clarify? Are you proposing --

13 COMMISSIONER TURNBULL: Set down.

14 COMMISSIONER MAY: I would second
15 the motion to set down.

16 COMMISSIONER TURNBULL: Right.

17 COMMISSIONER MAY: In light of
18 the comments that have been made.

19 CHAIRMAN HOOD: I don't want to
20 get carried away and move this forward too
21 far but --

22 CHAIRMAN HOOD: I didn't even

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1 hear -- did you say approve?

2 COMMISSIONER TURNBULL: I said
3 approved. I meant to say set down.

4 CHAIRMAN HOOD: Oh, that's really
5 putting it in a fast-track. I'm sure the
6 applicant would appreciate that.

7 COMMISSIONER TURNBULL: I'm sure
8 they would.

9 CHAIRMAN HOOD: Okay. Did we get
10 a second?

11 VICE CHAIR COHEN: Yes.

12 CHAIRMAN HOOD: For set down?
13 Okay. It's been moved and properly
14 seconded. Any further discussion?

15 (No audible response.)

16 All those in favor?

17 (Chorus of ayes.)

18 Not hearing any opposition, Ms.
19 Schellin, would you record the vote?

20 MS. SCHELLIN: Yes. Staff
21 records the vote 5-0-0 to set down Zoning
22 Commission Case Number 08-34E as a contested

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1 case. Commissioner Turnbull moving;
2 Commissioner May seconding; Commissioners
3 Cohen, Hood, and Miller in support.

4 CHAIRMAN HOOD: Okay.
5 Colleagues, let's go right along in our
6 agenda. Next is Zoning Commission Case
7 Number 1313 Oxbridge Development at 9th
8 Street LLC, map amendment at square 3831.

9 Mr. Jesick.

10 MR. JESICK: Thank you Mr.
11 Chairman and members of the Commission.

12 The applicant in this case is
13 requesting a zoning map amendment from the
14 CM1 zone to the R4 zone. The subject
15 property is located in the Brookland
16 neighborhood at the corner of 9th and Kearny
17 Streets. It consists of five lots totaling
18 about 12,000 square feet.

19 The land is currently vacant and
20 it backs on to the red line and CSX railroad
21 tracks. The surrounding neighborhood is
22 primarily detached and semi-detached homes

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1 in the immediate vicinity. Although there
2 are some rowhouses directly north of the
3 site at Monroe Street. There are also mixed
4 use developments, either under construction
5 or approved including the Monroe Street
6 Market and the development on the former
7 site of the Colonel Brooks Tavern. The
8 Metro station is also just over two blocks
9 to the north.

10 The comprehensive plan future
11 land-use map calls for low density
12 residential uses on this site. And the plan
13 policies encourage compatible residential
14 in-fill development on sites such as this
15 one. The Brookland CUA Metro station small
16 area plan, which was adopted by Council and
17 supplements the comprehensive plan, also
18 suggests that rowhouse residential would be
19 an appropriate type of in-fill on this
20 property.

21 The development permitted by the
22 R4 zone would not be inconsistent with, and

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1 would help implement those policy goals of
2 the comprehensive plan and the Brookland
3 small area plan. And the Office of Planning
4 therefore recommends that the case be set
5 down for public hearing.

6 I'd be happy to take any
7 questions.

8 CHAIRMAN HOOD: Okay. Thank you,
9 Mr. Jesick.

10 Commissioners, any comments?

11 Commissioner Miller?

12 COMMISSIONER MILLER: Yes. I
13 just had a couple of questions to Office of
14 Planning.

15 The report mentions on page 2,
16 and the applicant mentions in their
17 statement as well, that there are existing
18 houses that are on the same side of the
19 street directly north of this vacant site
20 that are also zoned CM1 and the comp plan
21 map does show low density residential. Is
22 there a reason why we aren't going to re-

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1 zone that portion as well or we just don't
2 have that applicant -- we don't have the
3 owner of that property in agreement? Or --

4 MR. JESICK: Well, I guess the
5 simple answer is we, you know, received this
6 application so we're moving forward with
7 what we received.

8 I know that the property or that
9 the contract purchaser of the subject lots
10 did reach out to some of the adjacent
11 property owners but didn't get much feedback
12 in terms of working together to re-zone that
13 whole strip. I don't know if his
14 conversations with property owners extended
15 the whole way up toward Monroe Street where
16 those other rowhouses are, but I know he has
17 reached out to some of the adjacent owners.

18 COMMISSIONER MILLER: All right.
19 I'm just wondering whether it would be
20 appropriate to advertise it -- and if we can
21 somehow give notice to that owner -- I mean,
22 I guess they're grand-fathered in, those

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1 houses, because they wouldn't be allowed
2 under the preexisting, the zoning; is that
3 correct?

4 MR. JESICK: Yes. Those are
5 older rowhouses up there north of this site.

6 COMMISSIONER MILLER: The Office
7 of Planning doesn't want to keep that, half
8 of that block CM1 and half of it R4, does
9 it?

10 MR. JESICK: Well, this would be
11 about half of the block between Kearny and
12 Lawrence; the other rowhouses are the
13 northern half of the block between Lawrence
14 and Monroe. We anticipate that property
15 owners in the future would come forth with
16 similar applications to this one, but we can
17 accept, you know, guidance from the
18 Commission as well.

19 COMMISSIONER MILLER: Okay.
20 Well, I'll wait to hear from my other
21 Commissioners. My other question was
22 the report references that there was an ANC

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1 meeting on the -- applicant was scheduled to
2 appear before the ANC on January 22nd. Have
3 we gotten any report -- or have you gotten
4 any report as to how that went or the
5 feedback that the ANC might have provided?

6 MR. JESICK: I'm sorry. I don't
7 have an update on that.

8 COMMISSIONER MILLER: Okay. All
9 right. Those are my comments, Mr. Chairman.
10 I'll wait for my colleagues.

11 CHAIRMAN HOOD: Okay. Thank you.
12 Vice Chair.

13 VICE CHAIR COHEN: Thank you,
14 Mr. Chairman.

15 I would actually like to see an
16 aerial view of this property. And to
17 understand how the adjacent residential
18 units are buffered from the right away of
19 the Metro and the railroad. And also, I
20 guess, you know, greater design to make
21 sure, you know, that we don't have too much
22 impact, noise impact. So that's what I'd

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1 like to see.

2 And as far as zoning change, I
3 actually would defer to my colleagues and
4 see what they think is best. I don't have a
5 strong opinion regarding that.

6 CHAIRMAN HOOD: Commissioner
7 Turnbull.

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

10 Yes, I just want to get back to
11 Commissioner Miller. We did have a zoning
12 case previously that incorporated the houses
13 between Monroe and Lawrence, the neighbors
14 across the street from where the PUD was.
15 And they were very concerned at the time
16 about the residential quality of what was
17 left there. And although I don't think the
18 first house on Monroe was commercial, I
19 think it is still residential.

20 And I'm just wondering -- I think
21 Commissioner Miller's brought up an
22 interesting point about trying to integrate

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1 that whole area and not look like little
2 spot zoning with an R4 and CM1. It looks
3 like there's an inconsistency in the way
4 that's going.

5 MS. STEINGASSER: We're happy to
6 take a look at the overall industrial
7 corridor there. We would ask that the --
8 they'd be treated as two separate cases.

9 COMMISSIONER TURNBULL: Sure.

10 MS. STEINGASSER: This is just a
11 straight up map amendment.

12 COMMISSIONER TURNBULL: Right.

13 MS. STEINGASSER: And so, they
14 would like to continue forward.

15 We could then take a look at the
16 remaining properties but what we -- our
17 recent experience is when we start merging
18 cases together they tend to get a little
19 bogged down.

20 COMMISSIONER TURNBULL: No, I
21 understand.

22 MS. STEINGASSER: So if we could

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1 treat them separately, we'll be happy to
2 take a look at that.

3 COMMISSIONER TURNBULL: Okay.
4 Thank you.

5 CHAIRMAN HOOD: Let me just add
6 feedback on that. I would agree to that,
7 Ms. Steingasser, but I do want to make sure
8 that that doesn't fall off the radar screen.
9 Because I agree with Commissioner Miller's
10 comments. And I think that first house, if
11 I'm not mistaken, is a commercial. I don't
12 think any of that's residential. I know
13 there's an art gallery there.

14 COMMISSIONER TURNBULL: I
15 couldn't remember. I can't recall.

16 CHAIRMAN HOOD: Well, I think
17 that Commissioner Miller's comments are well
18 advised for us to move forward in that
19 fashion. So I would agree, Ms. Steingasser,
20 we don't want to chop it up, and punish this
21 applicant to wait on everything else. But
22 that's something that we do need to look at.

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1 Okay.

2 Commissioner May.

3 COMMISSIONER MAY: Yes, I would
4 generally agree with everything that's been
5 said. I mean, it just seems really really
6 odd that we would, you know, not take these
7 other properties north of this applicant
8 into consideration at this point for a re-
9 mapping. A comp plan more or less directs
10 us to do so. And I think this is an
11 opportune moment to do so.

12 I, you know, maybe I don't
13 appreciate how much more complicated it
14 would make it for this applicant to be able
15 to try to fold it into this case, but I
16 would really like to know that this is
17 moving forward for the balance of the
18 properties. Because I think the last thing
19 we want to have is, you know, six townhouses
20 and then a bunch of other potentially
21 objectionable commercial uses that are
22 allowed as a matter of right happening in

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1 that application.

2 I mean, let's try to move forward
3 on realizing the comp plan.

4 MS. STEINGASSER: We can bring
5 something back to you at the next meeting to
6 set down the remainder of the site.

7 COMMISSIONER MAY: Perfect.

8 MS. STEINGASSER: But I don't
9 think we actually -- I think OAG has always
10 advised us that we don't have the authority
11 to amend an application that we ourselves
12 didn't file.

13 COMMISSIONER MAY: Okay.

14 CHAIRMAN HOOD: The only other
15 thing I would just add is let's make sure
16 that we -- I went to make sure the applicant
17 has those discussions with the ANC and with
18 the community groups. I do know many
19 projects that were tried on this spot over
20 the years -- and let's just make sure that
21 that dialogue happens. This Brookland area
22 is a very active group, they're very

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1 involved, and let's make sure that they are
2 part of the process of the discussions. So
3 I'm going to be looking for that as we move
4 to this process. Okay.

5 Would somebody like to motion?

6 COMMISSIONER MILLER: I would
7 move that we set down Zoning Commission Case
8 Number 13-13 Oxford Development LLC, map
9 amendment at square 3831, and ask for a
10 second.

11 COMMISSIONER MAY: Second.

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

14 Any further discussion?

15 (No audible response.)

16 All those in favor?

17 (Chorus of ayes.)

18 Mr. Schellin, not hearing any
19 opposition, would you record the vote?

20 MS. SCHELLIN: Yes. Staff
21 records the vote 5-0-0 to set down Zoning
22 Commission Case Number 13-13 as a contested

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1 case. Commissioner Miller moving;
2 Commissioner Cohen seconding; Commissioners
3 Hood, May, and Turnbull in support.

4 CHAIRMAN HOOD: I know we have
5 one more hearing action.

6 Are we going to have any Office
7 of Planning report tonight?

8 MS. STEINGASSER: We have --

9 CHAIRMAN HOOD: Oh, I know we're
10 going to have one in the next case. I'm
11 just trying to see if this was our last
12 item.

13 MS. STEINGASSER: This would be
14 your last item, yes, sir.

15 CHAIRMAN HOOD: Oh, okay. Okay.
16 All right. Thank you. All right.

17 Let's go to Zoning Commission
18 Case Number 13-14. This is for Vision
19 McMillan Partners LLC and DC Deputy Mayor
20 for Planning and Economic Development, first
21 stage PUD related map amendment and
22 consolidated PUD at square 3128.

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1 Ms. Brown-Roberts.

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

4 Vision McMillan Partners and the
5 District of Columbia proposes a mixed-use
6 development of the property known as the
7 McMillan Reservoir.

8 To accommodate the development,
9 the applicant has requested a first stage
10 PUD on two parcels and a consolidated PUD
11 for the remainder of the site. The
12 applicant also requested related map
13 amendment to re-zone the property from un-
14 zoned to the CR and C3C zone district.

15 Mr. Chairman, we, prior to the
16 submission of this application, we met with
17 the applicant regarding the proposed zoning
18 that they were recommending. Initially, the
19 site was divided up into a number of
20 different zones. We thought that was a bit
21 unwieldy on the site and therefore we made a
22 recommendation that the northern portion of

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1 the site, the BC3C, you know, it -- based on
2 the width of the adjacent Michigan Avenue.
3 And it also allows the applicant to put the
4 higher buildings on the northern side. And
5 then taper the building down as it moves, as
6 the development moves south.

7 In addition to that, the C3C
8 zoning on the entire site we thought would
9 be a bit much since this is -- the other
10 buildings were going to be much lower than
11 those that were on the northern portion of
12 the site.

13 As part of the development, the
14 applicant proposes a number of groups of
15 townhouses and they have requested that each
16 group be considered a single building.

17 In our report, the Office of
18 Planning recommended that the applicant
19 request a special exception from 2517.
20 However, we had some conversations with OAG
21 and the applicant, and we have decided that
22 we will work with them to see what is

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1 appropriate, what's the appropriate relief
2 that they need, and get back to you as this
3 application is set down.

4 The historic site is undergone
5 extensive review both by the Historic
6 Preservation Office, by HPRB in the
7 community, and which was done prior to this
8 submission. The proposal is based on those
9 reviews and HPRB recommendations and
10 approval.

11 The property is currently
12 separated into three portions by two east-
13 west service corridors and would be
14 furthered be divided or subdivided into some
15 parcels for development. Of these parcels,
16 all except two, parcels 2 and 3, would be
17 included into the consolidated PUD.

18 The historic site would be
19 redeveloped at an overall FAR 1.91 with a
20 variety of uses, including residential;
21 retail, including a grocery store; office,
22 and in particular, medical offices; a

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1 community center; and a vast amount of open
2 space.

3 As a historic site the proposed
4 development would incorporate, complement,
5 and preserve, and repurpose many of the
6 historic elements which currently exist on
7 the site. Regarding the IZ
8 requirements, the proposal would exceed the
9 requirements by providing 15 percent of the
10 146 rowhouses at 80 percent of AMI. That
11 works out to 10 percent overall.

12 Regarding the multifamily units,
13 approximately 525 units are proposed, of
14 which 105 units will be for affordable. Of
15 the multifamily units, 84 of those would be
16 professors for senior housing at 50 to 60
17 percent of AMI. While the remainder of the
18 units, at least 21, would be at 80 percent
19 of AMI. And those will come in at the
20 second stage, on the portion of the property
21 that is to be developed in the future.

22 Other public benefits would

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1 include preservation and reinstatement of
2 historic elements, affordable housing, the
3 community center, grocery store, parking,
4 open space, and transportation improvements.

5 The applicant has requested
6 flexibility from the roof structure
7 requirements on some buildings and from yard
8 requirements on the rowhouses.

9 The provision of affordable
10 senior housing would also be further
11 evaluated as they would be concentrated in
12 one building. The future land-use
13 map designates the site for a mix of
14 moderate density residential, moderate
15 density commercial, and parks and recreation
16 and open space. The generalized policy map
17 identifies the site as a non-use change
18 area. The proposed zoning is not
19 inconsistent with these recommendation.

20 The development would also meet many
21 of the policies outlined in the
22 comprehensive plan regarding land-use,

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1 housing, open space, urban design, historic
2 preservation. And in particular, the mid-
3 city element which gives specific
4 recommendations for the development of the
5 McMillan site. Subsequent to the
6 filing of the application, the applicant has
7 updated their zoning tabulation charts which
8 we had highlighted in our report.

9 The Office of Planning recommends
10 that a proposal be set down and we will
11 continue to work with the applicant to
12 address such issues as the location of the
13 affordable units on the floor plans, the
14 loading requirements, and the phasing of the
15 consolidated portion of the proposal.

16 Thank you Madam Chairman -- thank
17 you Mr. Chairman.

18 And I'm available for questions.

19 CHAIRMAN HOOD: All right. Thank
20 you, Ms. Brown-Roberts.

21 MS. BROWN-ROBERTS: I'm looking
22 at --

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1 CHAIRMAN HOOD: Ms. Brown-
2 Robbins. You know, a lot of people use to
3 get Carol and me mixed up quite a bit. I'm
4 sure that's probably still happening.

5 VICE CHAIR COHEN: And I
6 understand why.

7 CHAIRMAN HOOD: Okay.

8 MS. BROWN-ROBERTS: I was looking
9 at you.

10 CHAIRMAN HOOD: So let's open up
11 any questions for Ms. Brown-Roberts.

12 Vice Chair.

13 VICE CHAIR COHEN: Thank you.
14 And thank you, Ms. Brown-Roberts.

15 I think you mentioned in your
16 review that you would like the breakout of
17 the area height, you know, FAR lot occupancy
18 by parcel. That would be very helpful. So
19 please look into that.

20 One of my concerns, not concern -
21 - well, yes, it's always a concern -- I
22 think the affordable housing, it would be

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1 more valuable as a proffer if it was for
2 families. And the reason why is there is a
3 greater need in the city for family housing.
4 A few years ago -- well, it's been quite a
5 few wears now, I guess five or six -- the
6 housing authority had to modify one of its
7 building from senior to workforce housing
8 because there weren't enough seniors that
9 were eligible for the assisted housing. So
10 I just put that out there because I'm all
11 for affordable housing, I'm all for seniors,
12 being one myself. I just feel though that,
13 you know, there's this imbalance in what's
14 being delivered and the need. So I'd like
15 that to be looked into more.

16 I have a concern with regard to
17 the -- and maybe I just didn't look at it
18 more carefully -- but there seems to be a
19 lot of blank walls on Everett Street. And
20 so I would like, you know, that to be
21 explained.

22 And there are two things that I

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1 really liked about this, the design. First
2 of all, the geometry of the cells was taken
3 very seriously into the design vocabulary.
4 And then, if there are 2100 manhole covers
5 on that site, I wonder who was the one who
6 got to, you know, go through and number
7 them. I loved the public art idea. I just
8 thought that was great. But that's just an
9 aside, so I don't always come off as a
10 negative.

11 There's -- something that was
12 missing for me is lighting in the whole
13 entire project. I just want to make sure
14 that I have a handle on the lighting.

15 And certainly, I think when we
16 get DDOT's report, they're going to comment
17 on the amount of parking, and certainly,
18 which I think is awfully high. And also,
19 you know, the access roads. I think that I
20 would like to obviously know from their
21 point of view how they view that.

22 I'm surprised that they're

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1 putting the, whatever it's called, Zen or
2 Peace Garden on Michigan Avenue. That's
3 like a highly trafficked avenue. So I would
4 like more explanation there.

5 And then lastly, for me, the, you
6 know, huge cement vaults that are going to
7 remain on site but there doesn't seem to be
8 a focus on what they can be used for as an
9 adaptive re-use, they're punting them into
10 the future. And because they're such a huge
11 but historic presence, you don't want them
12 to be blank or empty because that will have
13 it tremendous negative effect on pedestrian
14 circulation and the enjoyment of the open
15 space. I think we need much more detail as
16 to the possibilities.

17 Now, I have very good imagination
18 and I've already come up with some uses.
19 But there my, you know, that's where I'm
20 coming from as opposed to what the applicant
21 thinks. So those were my
22 initial reactions to this submission.

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1 CHAIRMAN HOOD: Okay. Thank you.

2 Any other comments?

3 Commissioner Miller.

4 COMMISSIONER MILLER: Thank you,
5 Mr. Chairman.

6 Well, this is a, this is a major
7 project. And I'm glad to see the zoning
8 moving forward 27 years after the, I think
9 it's 27 after the District purchased this
10 from the federal government in 1987. So
11 it's good that it finally is moving forward
12 and there's a lot of work that's gone into
13 this, obviously. And a lot of community
14 meetings and the whole master planning
15 process. It's all very very exciting.

16 And I think -- I'm very I'm very
17 impressed with a lot of the design aspects
18 of the, particularly, the public spaces and
19 the community center space.

20 So I look forward to the hearing
21 on this.

22 I had a concern also about the

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1 affordable housing proffer. I think the low
2 income senior alternative proposal is a good
3 one but I don't think it should be an
4 election I think it should be, when we get
5 down to it, required. And the 80 percent
6 AMI for the rest of it -- for a District-
7 owned property -- just seems -- I realize
8 that what's being offered, what's being
9 proffered exceeds inclusionary zoning. But
10 I think for District-owned property, we
11 should be, I think there's comp plan
12 language and other policies that call for a
13 more substantial dedication of a project to
14 low and moderate income housing. So the 80
15 percent AMI just seems, to me, to be too
16 high. On the parking, I
17 understand what the Vice Chair is saying but
18 I had an opposite concern, whether there was
19 a sufficient amount of parking for the
20 community center. I think that it only
21 provided 29 spaces.

22 Are they all surface parking

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1 spaces for the community center?

2 MS. BROWN-ROBERTS: Yes, Mr. --
3 yes.

4 COMMISSIONER MILLER: And so, was
5 I right? I think I saw a reference
6 somewhere that 95 would be required under
7 the zoning regulations but only 29 -- I
8 guess we'll see what DDOT says about that.
9 But I'm just concerned about where the
10 balance is. I think it will be a well-used
11 community center not just for the people
12 that are going to be living and working at
13 McMillan but for the surrounding
14 neighborhoods. And, as it should be. So I
15 just us don't know how people are going to
16 get there and you don't want them to be
17 necessarily parking in the adjacent
18 neighborhoods.

19 So those were just a couple of
20 concerns.

21 One other concern, Ms. Brown-
22 Roberts, you referenced the comp plan map as

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1 saying that it's moderate density
2 residential, moderate density commercial,
3 and parks recreation and open space but I
4 think the applicant statement and map, as I
5 have look at it, I thought it said medium.
6 Was it medium density residential instead?
7 Or is it -- I think I saw something
8 inconsistency there. If you can check on,
9 if you can check on that, you know. And
10 there just seems to be an inconsistency with
11 what the applicant's saying and between the
12 -- and the medium and the moderate. I don't
13 know if you can enlighten me at this point
14 on that, on that point. That's it,
15 Mr. Chairman.

16 Thank you.

17 CHAIRMAN HOOD: Okay. Any other
18 comments or discussion?

19 Commissioner May?

20 COMMISSIONER MAY: Right. Thank
21 you.

22 I have one question about the

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1 mapping. C3C for the northernmost block, I
2 mean, does C3C fall into the category of
3 moderate density commercial? Which is the
4 way it is in the comp plan or are we pushing
5 the limit there?

6 MS. STEINGASSER: If we were just
7 to be re-zoning it, yes, it would be pushing
8 the limit. It would be over the limit.

9 COMMISSIONER MAY: Right.

10 MS. STEINGASSER: But what it
11 enables in the comprehensive PUD is the
12 height. And it's a way to allow the height
13 with the commercial percentage. But
14 overall, the PUD remains in the appropriate
15 density.

16 COMMISSIONER MAY: So the massing
17 otherwise -- I mean, a moderate density
18 commercial, what would be ordinarily be the
19 height that you could achieve?

20 MS. STEINGASSER: A moderate
21 density commercial by right?

22 COMMISSIONER MAY: Yes.

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1 MS. STEINGASSER: We'd say 65 to
2 70 feet. And through a PUD and a C2B, you
3 can get up to 90 feet.

4 COMMISSIONER MAY: Right.

5 MS. STEINGASSER: But when we
6 were looking at this and the adjacency to
7 the hospital center, the ability to provide
8 for the medical office buildings, and
9 looking at the site overall, the density
10 remained appropriate. So it was just a
11 matter providing that flexibility for
12 height.

13 COMMISSIONER MAY: Right. Okay.
14 I think we'll need to, you know, when we
15 make the decision we'll have to be very
16 clear on exactly why this is appropriate,
17 even though it's C3C, because it's kind of
18 pushing the limit compared to the comp plan
19 for reasons I now understand. But, you
20 know, overall, I understand how -- I mean,
21 we wind up with some very large buildings at
22 one end of the site but we have a lot of

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1 open space in other parts and steps down
2 towards the lower height community.

3 The -- and maybe it was part of
4 what was in the -- in what we received, but
5 I'm always interested in seeing the
6 calculation of FAR, you know, in terms of
7 what's included and what's not included.
8 And I know that alleys between these yard-
9 less, rear yard-less townhouses, that's
10 typically not, I mean, that's included in
11 the FAR, typically. But any, even private
12 streets or what have you, are -- we want to
13 see that calculation without those spaces
14 included. Because I think that some of the
15 FAR numbers and the lot occupancy numbers
16 are a bit exaggerated because we're throwing
17 in the, the private streets.

18 Overall, I think it's a really
19 interesting and a very complicated project.
20 And I think that some of things that would
21 ordinarily give me great pause, such as the
22 townhouses -- which I think I've made clear

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1 in the past that I'm not a particular fan of
2 that type of unit, being very narrow and
3 very tall and not having any rear yards and
4 being, you know, 20 to 30 feet apart,
5 whatever they are. But I think these --
6 what I see in the design so far is a level
7 of design sophistication that kind of lends
8 itself well to this model. As opposed to
9 some of the other things that we've seen in
10 the past. There are a number of
11 these similar developments in my
12 neighborhood and the detailing on them, I
13 think, is just not working at all.

14 There are still some concerns I
15 have about treatment of end units and such.
16 You know, when builders and architects
17 design townhouse developments in years past,
18 very often when you got to the corner there
19 was a very special treatment of the corner.
20 And here, it's better than average for what
21 we see for this kind of it development,
22 coming from this designer and this developer

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1 of townhouses, but it's still not great.
2 And I just think a little more attention to
3 that, you know, turn the corner, making, you
4 know, maybe some of those end units that
5 face the street should actually have a door
6 on that side as opposed to just windows and
7 bays.

8 I'm very interested in seeing
9 those in some substantial detail, if you get
10 to it. But generally speaking, it's better
11 than I expected.

12 There's so much to this project
13 and I think they we're getting snippets of
14 views of things but not necessarily all of
15 the views that I'd like to see. So, and I
16 don't know whether they've all been done and
17 rendered but it would be nice to see more
18 street perspectives from kind of all sides
19 of it as you walk through it. Any
20 information like that would be helpful to
21 understand it. Which kind of brings
22 me to the last question I have, which is

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1 just how we wind up doing hearings on this
2 topic, this case, because this is way too
3 much to have a single hearing even though
4 it's going to wind up being multiple nights.
5 I mean, it will take two or three nights
6 just to get through the presentations and
7 our questions. So I don't know what the
8 right way is to do it but maybe it's not
9 something we have to work out right here now
10 but I think doing something that's more akin
11 to what we did on the Southwest waterfront
12 would be appropriate here. And it's
13 different for some reason because it's not
14 first stage and then second stages. You've
15 got to consolidate it for most of the site
16 but still there's just too much. We can't
17 be focusing on the, you know, the big
18 commercial building at the northern end and
19 be doing the townhouses, and be doing the
20 park all at the same time. It's just too
21 much.

22 We can get really really tired of

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1 my voice after awhile because there's just
2 too many questions.

3 Thank you.

4 MS. STEINGASSER: Could we ask
5 the Office of Zoning -- the applicant to
6 work with the Office of Zoning to propose a
7 schedule and then that could be run by the
8 Commissioners?

9 COMMISSIONER MAY: Yes.

10 MS. STEINGASSER: And then go
11 back --

12 COMMISSIONER MAY: That would
13 make great sense.

14 And the last thing is, there's,
15 somewhere in the presentation, there's a
16 photo of the old Macmillan fountain or at
17 least part of it. So, you may be aware that
18 the Park Service has another part of it. Is
19 there any plan to do anything with it more
20 than just show pictures of it and tease us
21 about it?

22 MS. STEINGASSER: There was one

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1 point, we'll have to follow up on that.

2 COMMISSIONER MAY: Okay. Because
3 we're very interested in seeing the
4 Macmillan fountain being established in some
5 fashion in an appropriate place. And it
6 could be where the pieces that was in the
7 photograph, and we would be very happy to
8 provide what we have for that being
9 reassembled.

10 But I think it was a great
11 feature of the original park that was the
12 McMillan Reservoir and it's an important
13 commemoration of McMillan himself. And we'd
14 like to see that realized.

15 And if you want to get more
16 information about the parts that we have, I
17 can put you in touch with somebody on our
18 staff who knows it all in great detail.

19 And I know that actually we met
20 with members of your staff on the topic as
21 well. So we have -- someone ask me on it.

22 So thank you.

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1 CHAIRMAN HOOD: Any other
2 questions?

3 Mr. Turnbull?

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

6 I would agree with my colleagues
7 who have been, I think Commissioner May has
8 brought up -- I mean, when we look at your
9 report we basically talk about the first
10 stage PUD parcels 2 and 3, and then we jump
11 down to consolidated PUD parcels 1, 4, 5,
12 and 6. And I think it's a big chunk. And I
13 think we do need to look at how we're going
14 to set this down with the townhouses one and
15 then these other properties and park. I
16 think that's going to be a significant way
17 on how we -- it's significant chunk of land
18 here. And I think it's going to be a major
19 significant project that are going to be
20 developed. So I think Commissioner May has
21 got a good point on how we approach this and
22 have the hearings scheduled so that we can

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1 get the input for -- you know, we need to
2 look at the big picture, but -- as we go
3 forward and look at the different parcels,
4 it's going to be interesting how, I mean,
5 how we tie that altogether and make it work.
6 I think that's going to need some real
7 input.

8 And in looking and talking about
9 the -- obviously, there is a lot of things
10 going on here architecturally. And I think
11 the townhouses have some interesting aspects
12 to it. And the HPRB is going to be involved
13 in reviewing this. But I think what I've
14 seen so far, I'm a little bit concerned
15 about -- not so much the townhouses
16 developing, I think that's going to
17 eventually mature and we're going to get
18 some better development along that -- but
19 some of the other buildings, you know, we
20 got to talk about the scale. I see there's
21 some buildings that look like they have
22 precast webs on them that just look very

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1 brutal. There's a brutalist aspect to some
2 of the buildings. Call it the postmodern or
3 there's a feeling of Europe after World War
4 II in some of the developments. They look
5 very bland. They look nondescript.

6 There's a vocabulary on some of
7 these buildings that is a little bit
8 irritating. I mean, I look at the
9 townhouses. I see some richness that's
10 being developed there with the architectural
11 development of what they're trying to do.
12 But some of the other buildings just look --
13 they don't look well thought out. Some of
14 them look very simple and plain, and there's
15 some greenery, there some sustainable
16 features being built into this, but there's
17 just some things that are very, the metallic
18 look to it, it's sort of like a futuristic
19 vision. It's like watching some of these
20 movies and there are certain elevations that
21 were just a little bit too brutal. And I
22 think if we were trying to create a

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1 comprehensive neighborhood here, I think
2 there's got to be some more integration of
3 the architectural forms. And this has got
4 be part of a neighborhood.

5 And so I'm just concerned about
6 the whole, the integration of the vocabulary
7 of the different elements of this and how it
8 blends together.

9 CHAIRMAN HOOD: I don't know what
10 to say Mr. Turnbull, following this
11 complements that you gave. Actually, I
12 would agree with you. I would agree with
13 you. When I look at that, I would hope that
14 the applicant -- it depends on how we
15 eventually hear these, we hear this case. I
16 would hope that they would re-look at some
17 of your comments. I actually agree with
18 you.

19 But again, I know that this has
20 been a long time coming and I know that I'm
21 hoping with what we have presented here
22 tonight in front of us, to start with, was

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1 the result of many many many meetings that I
2 understand took place or that have had over
3 the years and this is the conclusion. Or
4 this is the start of what a lot of input in
5 what the communities around, like a
6 stronghold, the ANCs have had the input in
7 this project.

8 So I'm also going to be looking
9 to see what type of support that this
10 project has went we set it up. And when we
11 eventually get the programmatic way of how
12 we're going to hear this hearing -- and I
13 would agree also with Commissioner May as
14 well as Mr. Turnbull -- and I want to thank
15 Ms. Steingasser for recommending that they
16 work with the -- Office of Zoning work with
17 the applicant and see how we can hear some
18 of these hearings. It's kind of like what
19 we did with the waterfront.

20 So I don't necessarily have a
21 whole lot to say other than I agree with
22 the comments of Mr. Turnbull.

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1 And let's see if somebody would
2 like to open up for a motion or any other
3 comments.

4 Vice Chair Cohen.

5 VICE CHAIR COHEN: Mr. Chairman,
6 I move to set down Zoning Case Number 13-14
7 McMillan Reservoir at 2501 First Street
8 Northwest, square 3128, lot 800, first
9 stage, and consolidated PUD, and related map
10 amendment.

11 May I have a second?

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

14 Any further discussion?

15 (No audible response.)

16 All those in favor?

17 (Chorus of ayes.)

18 Not hearing any opposition, Ms.
19 Schellin, would you please record the vote?

20 MS. SCHELLIN: Yes. Staff
21 records of the 5-0-0 to set down Zoning
22 Commission Case Number 13-14 as a contested

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1 case. Commissioner Cohen moving;
2 Commissioner Miller seconding; Commissioners
3 Hood, May, and Turnbull support.

4 CHAIRMAN HOOD: So I guess, going
5 forward, colleagues, we set this down and
6 after we have the proposal from the
7 applicant and the Office of Zoning, we will
8 come back at one of our hearings and hash
9 out, publicly, of how we're going to
10 proceed. Okay.

11 Are we all on the same page?
12 Okay. Thank you.

13 Do we have anything else Ms.
14 Schellin?

15 MS. SCHELLIN: No, sir.

16 CHAIRMAN HOOD: All right. I
17 want to thank everyone for their
18 participation tonight and this meeting is
19 adjourned.

20 (Whereupon, the above-entitled
21 matter was concluded at 7:59
22 p.m.)

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