

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

MONDAY

SEPTEMBER 29, 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:

- SARA BENJAMIN BARDIN, Director
- SHARON S. SCHELLIN, Secretary
- DONNA HANOUSEK, Zoning Specialist
- ESTHER BUSHMAN, General Counsel
- STEPHEN RICE, Zoning Specialist

NEAL R. GROSS

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

OFFICE OF ZONING (CONT'D)

STEPHEN VARGA, Zoning Specialist
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

MAXINE BROWN-ROBERTS
MATT JESICK
KAREN THOMAS
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.
JACOB RITTING, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

SAM ZIMBABWE
JONATHAN ROGERS

The transcript constitutes the
minutes from the regular meeting held on
September 29, 2014.

NEAL R. GROSS

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

Table of Contents

Final Action, Z.C. Case	9
Number 13-18, WBJ Willard Road, LLC, Consolidated PUD and Related Map Amendment at Square 5925. No Vote	
<u>Proposed Action. Z.C. Case</u>	<u>16</u>
Number 14-04, Professional Associates and IFC Consolidated PUD at Square 74.	
Vote Failed Two to Three	49
Re-vote to Approve Proposed Action	59
Approved Five to Zero to Zero	
Z.C. Case Number 13-1461
Macmillan Partners, LLC. First Stage PUD Related Map Amendment and Consolidate PUD at Square 3128	
Vote - Approved First Stage PUD	91
Four to Zero to One	
Hearing Action on Z.C. Case	96
Number 14-14, Jemal's CDC, LLC, Consolidated PUD & Related Map Amendment @ Square 833	
Office of Planning Report - Ms. Thomas ...	96

NEAL R. GROSS

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

Z.C. Case Number 14-16 110
Office of Planning Text and Map
Amendment to Create a New C2B1 Zone District.

Office of Planning - Matt Jesick 110

Vote to Set Down - Approved 127
Five to Zero to Zero

Zoning Commission Case 12-18, 128
US AC H Street, LLC, Letter From the Zoning
Administrator, Pursuant to 249.8

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

2 6:39 p.m.

3 CHAIRMAN HOOD: Commissioners, are
4 we ready?

5 Okay. This meeting will please
6 come to order. Good evening ladies and
7 gentlemen. This is a Public Meeting of the
8 Zoning Commission for the District of Columbia.
9 My name is Anthony Hood, Chairperson. And I
10 think what I'm going to do is ask my
11 Commissioners to introduce themselves first
12 and then I'll start from my left all the way down
13 for the sake of those who may be here for their
14 first time.

15 Vice Chair, if you could start off.

16 VICE CHAIR COHEN: My name is Marcie
17 Cohen and I'm a Mayoral appointee and I am Vice
18 Chair.

19 COMMISSIONER MAY: Peter May
20 representing the National Park Service.

21 COMMISSIONER MILLER: Rob Miller,
22 Mayoral appointee.

NEAL R. GROSS

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

1 COMMISSIONER TURNBULL: Michael
2 Turnbull, representing the Architect of the
3 Capital.

4 CHAIRMAN HOOD: Okay. We'll go to
5 Mr. Bergstein.

6 MR. BERGSTEIN: My name is Alan
7 Bergstein with the Office of the Attorney
8 General for the District of Columbia.

9 MR. RITTING: My name is Jacob
10 Ritting. I am also an Assistant Attorney
11 General representing the Office of the Attorney
12 General.

13 SECRETARY SCHELLIN: Sharon
14 Schellin, Secretary to the Zoning Commission
15 with the Office of Zoning.

16 MS. STEINGASSER: Jennifer
17 Steingasser with the Office of Planning.

18 MR. LAWSON: Joel Lawson with the
19 Office of Planning.

20 MS. THOMAS: Karen Thomas with the
21 Office of Planning.

22 MS. BROWN-ROBERTS: Maxine Brown

NEAL R. GROSS

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

1 Roberts, the Office of Planning.

2 MR. ZIMBABWE: Sam Zimbabwe,
3 District Department of Transportation.

4 MR. ROGERS: District Department of
5 Transportation.

6 CHAIRMAN HOOD: Okay. Let me thank
7 everyone for introducing themselves.

8 Copies of today's meeting agenda
9 are available to you and are located in the bin
10 near the door.

11 We do not take any public testimony
12 at our meetings unless the Commission requests
13 someone to come forward.

Please be adv

14 disruptive noises or actions in the hearing
15 room including a display of any signs or
16 objects.

17 Please turn off all beepers and
18 cell phones at this time.

19 Does the staff have any preliminary
20 matters?

21 SECRETARY SCHELLIN: No, sir.

22 CHAIRMAN HOOD: Okay. If not,

NEAL R. GROSS

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

1 let's proceed with our agenda. And I'm going
2 to ask everyone to indulge the Commission. I
3 think this is our first time using our iPads so
4 we want to make sure that we bring our cases up.
5 We have now went green. So, we're going our
6 best. Sometime, you know, our technology
7 sometime it may show up and sometime it may not.
8 So, we're working on this.

9 I'm reminded, Mr. Richard Nero
10 retired I think about a week or so ago and I just
11 wanted to say a word about him.

12 In my 16 years of being on the
13 Zoning Commission Mr. Nero had a lot to do with
14 the effectiveness and efficiency of how you see
15 this office running. He will be sorely missed
16 but when you retire and you're in good health
17 that's a blessing. So, we want to send our
18 thank yous to Mr. Nero for all the work he's done
19 in helping to maintain this award-winning
20 Office of Zoning. So, with that, I just read
21 no demonstrations but I would ask those present
22 to give him a round of applause.

NEAL R. GROSS

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

1 Thank you very much for being so
2 kind.

3 Okay. Ms. Schellin, Final Action,
4 Zoning Commission Case Number 13-18, WBJ
5 Willard Road, LLC, Consolidated PUD and Related
6 Map Amendment at Square 5925.

7 Ms. Schellin.

8 SECRETARY SCHELLIN: Yes, sir.

9 There's several submissions that
10 have come in.

11 Exhibits 40 through 40(D) and 43
12 are the Applicant's post-hearing submission.

13 Exhibit 41 is the OP Supplemental
14 Report.

15 Exhibit 42, ANC 8E's response to
16 the post-hearing submission.

17 Exhibit 44 was the request to
18 reopen the record from the Applicant to accept
19 the filing from ANC S and D, Commissioner 8E06
20 which was accepted at Exhibit 45.

21 Exhibit 46 was the request to
22 reopen the record from Sandra Seegers which was

NEAL R. GROSS

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

1 accepted at Exhibit 48.

2 Exhibit 47 was ANC 8E's response to
3 the letter from SMD Commissioner 8E06.

4 Exhibit 49 was the request to
5 reopen the record from Skyler Pawn-Dexter Moore
6 which was denied.

7 We ask the Commission to consider
8 Final Action on this case this evening.

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

11 Again, colleagues, you have heard
12 the run down of the post submissions. What I'd
13 like to first start off, let's deal with the
14 ANC's Chairperson's letter and the ANC's Single
15 Member District's letter.

16 I really believe that there are
17 some deficiencies in the letter from the ANC,
18 especially from the Chairperson. And one of
19 the things we always want to do is make sure that
20 we allow our community and those that volunteer
21 in our community to be able to get it right.

22 What I would suggest and we can open

NEAL R. GROSS

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

1 this up for comment is that we shoot it back to
2 ANC 8E and let me work it out and get it right.
3 And some of the deficiencies are the quorum, the
4 date of the vote and everything that's tied into
5 allowing the ANC great weight because the way
6 it stands now, we will not be able to give the
7 ANC any great weight and we do a disservice. I
8 think we need to allow this Commission an
9 opportunity to be able to get it right, to weigh
10 in and then they can work out the other issues
11 that was presented us and we don't need to work
12 those our ourselves. Let them work it out,
13 come down with a letter, quorum present, the
14 date the vote was taken, whether it's in support
15 or opposition or whatever the case may be.

16 So, let me open it up to any
17 comments.

18 Commissioner Miller.

19 COMMISSIONER MILLER: Mr. Chairman,
20 I would agree with you. I think that's a good
21 approach to take but in addition to their letter
22 indicating the date and documenting the quorum

NEAL R. GROSS

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

1 and the actual vote, it would be helpful. They
2 don't have to do it this way but it would be
3 helpful if they vote on a resolution that's also
4 submitted so we know exactly what it is that is
5 being supported in the project or not
6 supported. So, that's the only comment I would
7 make on the ANC issue.

8 CHAIRMAN HOOD: Okay. Anybody else
9 want to add anything? Good point. Anybody
10 else?

11 COMMISSIONER TURNBULL: Mr. Chair,
12 I would just agree with Commissioner Miller. I
13 think if we could have something that's on point
14 I think it would really help clarify the issues.
15 Strengthens the ANC's part in all this.

16 CHAIRMAN HOOD: Okay. Do we have
17 any other issues in this case?

18 Commissioner May?

19 COMMISSIONER MAY: Mr. Chairman, so
20 going back on the various issues, you know. We
21 received a submission from the Applicant to try
22 to address some of the ongoing concerns, you

NEAL R. GROSS

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

1 know. I still think that there is room for
2 substantial improvement on this project but I'm
3 not going to keep pushing on some of these
4 points. I do prefer the color scheme. In the
5 very least darkens the color of the penthouse
6 level. The rest of the color scheme I don't
7 feel as concerned about.

8 And in terms of the trash I do not
9 agree with the argument that the Applicant made
10 in this case. I think they're
11 misunderstanding, you know, the building
12 codes. But, again, I won't keep pushing on
13 that issue. I do think that having two trash
14 rooms in this project is better because it makes
15 it less likely if they're going to be carting
16 around a lot of trash in the alley by all the
17 cars and all that sort of stuff. So, I just
18 wanted to get those couple of things on there.
19 So, the issue that remains open essentially is
20 just the ANC Report and coming to some agreement
21 with the ANC about this project.

22 CHAIRMAN HOOD: Okay. We also had

NEAL R. GROSS

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

1 an agreement between the ANC and I think the
2 Applicant. Well, the ANC and the Applicant if
3 I remember correctly. Those are not
4 enforceable. What we would do if we get to that
5 point in this order, I will recommend that we
6 just point to it and say it is an agreement
7 because that agreement cannot be enforced
8 through the zoning order. And I think in the
9 past what we've done is just acknowledge that
10 there is an agreement. But it's not
11 enforceable through the zoning order.
12 the Applicant. But anyway, again, so we don't
13 really get into that because it's not
14 enforceable through the zoning order.

So, I want to

15 Anything else?

16 Okay. So, do we have to come up
17 with a date or we need to find out when the ANC
18 meets and we want to do it shortly after that
19 when the ANC has their next meeting.

20 So, why don't we just leave that up
21 to staff and Ms. Schellin can work with ANC 8E,
22 the chairperson, and find out when the next

NEAL R. GROSS

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

1 meeting is and we can take it from there. Is
2 that agreeable?

3 SECRETARY SCHELLIN: Yes.

4 CHAIRMAN HOOD: Anything else, Mr.
5 Bergstein from a legal standpoint?

6 MR. BERGSTEIN: No, sir.

7 CHAIRMAN HOOD: Okay. Let's move
8 on.

9 Proposed Action. Zoning
10 Commission Case Number 14-04, Professional
11 Associates and IFC Consolidated PUD at Square
12 74.

13 Ms. Schellin.

14 SECRETARY SCHELLIN: Yes, sir.

15 At Exhibit 32 through 34 we have the
16 Applicant's post-hearing submission.

17 Exhibit 35 was the request to reopen
18 the record from DDOT for a late filing which was
19 approved.

20 And we have DDOT's supplemental
21 report at 36.

22 We'd ask the Commission to consider

NEAL R. GROSS

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

1 Proposed Action.

2 CHAIRMAN HOOD: Okay.

3 Commissioners, we have in front of us some
4 outstanding issues in this particular case.
5 One is how to calculate the housing linkage and
6 we have a set of conditions. The Applicant has
7 asked for flexibility of some design
8 conditions.

9 Let me open it up for any comments.

10 COMMISSIONER MAY: Shall we take on
11 the easy stuff first or the hard stuff.

12 CHAIRMAN HOOD: I'm actually waiting
13 for my -- okay. There it is. I was waiting for
14 my file to open.

15 If you want to get us started. By
16 the way, congratulations, Mr. May, on your
17 well-written article.

18 COMMISSIONER MAY: Oh, thank you. I
19 thought you were going to talk about my cast.
20 No, the cartoon should be a large cast. Anyway,
21 thank you.

22 CHAIRMAN HOOD: I didn't see a change

NEAL R. GROSS

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

1 in that, but maybe I didn't look. Okay.
2 Congratulations on that too.

3 COMMISSIONER MAY: Congratulate
4 me when I start playing volleyball again, how
5 about that?

6 CHAIRMAN HOOD: We'll have hearings
7 those nights.

8 COMMISSIONER MAY: Okay.

9 So, there were several issues that
10 were outstanding on this just in terms of the
11 project itself. You know, we were concerned
12 about the loading scheme and the parking and the
13 curb cuts and so on. And they did produce
14 further studies that I think demonstrate
15 somewhat that it's not -- that what they've come
16 up with is acceptable and DDOT has indicated
17 that it's acceptable to them, you know. I still
18 don't think it's ideal but, you know, it's not
19 our job to completely redesign it, just to push
20 to see if they can come out with something better
21 and so I think they've done what they can.

22 The Applicant is now proposing the

NEAL R. GROSS

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

1 "embellishment" and I think that certainly is
2 a solution to the issue and I think it's better
3 than having the embellishment. I'll leave it
4 at that.

5 Then I think the remaining issues
6 are the conditions that were suggested and I
7 think there were several conditions in there
8 which go far beyond what we have previously
9 allowed as, I'm sorry, areas of flexibility,
10 not conditions but areas of flexibility and they
11 go well beyond what we've done in the past,
12 specifically, the green roof provision, the
13 ability to vary heights of roof structures, some
14 of the street scape stuff. I think there was
15 one more, I'm not looking at my notes at the
16 moment. But, I mean, all those things need to
17 be tightened up and addressed.

18 Oh, the signage one I think goes
19 beyond what is normally allowed in terms of
20 flexibility and I think we need to get this back
21 closer to what we would normally permit. And
22 if there were specific things that there needs

NEAL R. GROSS

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

1 to variability such as on the height of roof
2 structures we need to put some bounds on that.
3 Doesn't mean that there can't be some
4 flexibility but it just needs to be figured out
5 a little more than just saying, oh, yes, we need
6 some flexibility to vary those things. Because
7 the goal is not to, you know, minimize heights
8 of these structures. It's to comply with the
9 zoning regulations which goes to more than just
10 minimizing height, for example.

11 Then that leads us to the hard one
12 which is the zoning linkage question but I think
13 before we get into that I would just ask if
14 anybody has comments on those items that I
15 mentioned.

16 CHAIRMAN HOOD: Yes, I think we all
17 do. I want to go back and start off with the
18 embellishment and as you all can see on page 2
19 -- and I wasn't sure. I know Commissioner
20 Miller -- I was in agreeance with Commissioner
21 Miller and his proposal. And, obviously, I
22 don't know, at least if I didn't understand it

NEAL R. GROSS

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

1 correctly, I don't think they came back with --
2 I will tell you I'm very disappointed. I don't
3 know, Commissioner May, if I agree with you on
4 the proposed design with no roof embellishment
5 but I don't want to -- I kind of like the
6 embellishment but I like what Commissioner
7 Miller had mentioned about the -- I think you
8 said two sided and I that would really help this
9 facade or this side architecturally on that
10 corner.

11 But anyway, I'll open up since it was
12 your idea, let me open it up and see if you have
13 any comments on that. I can't make them go.
14 It's proposed in front of us but I thought --
15 sorry that the Applicant didn't consider what
16 Commissioner Miller had mentioned.

17 COMMISSIONER MILLER: Well, thank
18 you, Mr. Chairman, but I don't have any
19 architecturally degree so that suggestion was
20 probably given the great weight that it
21 deserved.

22 No, the suggestion was to have that

NEAL R. GROSS

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

1 on both sides and then maybe open up the surface
2 so that -- did not have the glass. Have it just
3 open to the air so that it doesn't look like
4 it's a continuation of the facade above the
5 roof. But I would concur with Commissioner May
6 that the elimination of the roof top
7 embellishment, I'm comfortable with that issue.

8 CHAIRMAN HOOD: Any other comments on
9 the architecture?

10 VICE CHAIR COHEN: No, I just want to
11 clarify because the view from the intersection
12 of 21st and L Street, I actually prefer the
13 alternative design of July 10th as opposed to
14 this September design. I think that to me is
15 a softer design and it's not as hard and I think
16 that it's not as visible from a distance as the
17 July. I don't know my colleagues feel.

18 COMMISSIONER MAY: If I could talk to
19 that a little bit.

20
21 One of the things that I'm concerned
22 about is simply showing a continuation of a

NEAL R. GROSS

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

1 facade over what appears to be the entirety of
2 the building and trying to call that an
3 embellishment. I don't have any problems with,
4 you know, some of the other things that done on
5 roof tops to make them more interesting and we
6 did talk about some of those ideas I think when
7 we considered it last. But, you know, in
8 effect, this is raising the perceived height of
9 the building along that facade. And it is not,
10 you know, it might be different if it were part
11 of a larger composition but it's not. It's
12 essentially a single glass box even though it's
13 going to be connected to the rest of the building
14 and there is some relationship in terms of the
15 modulation and so on between that building and
16 the rest of the block. I mean it does not read
17 as being part of that overall building so I don't
18 see how you can sort of read this as if it were
19 a tower for things that we would normally
20 consider an embellishment. And I am concerned
21 because, you know, I've been seeing a few things
22 around town that are perhaps being approved as

NEAL R. GROSS

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

1 a matter of right where they're calling these
2 things embellishments and, in fact, they're
3 just extensions of the facade that make a 130
4 foot building look more like a 145 foot
5 building. And I think that's the wrong
6 approach. Embellishments and towers and
7 spires and things like that are certainly
8 welcome and help the skyline of Washington but
9 just extending the facade up I don't think is
10 the right solution.

11 You know, I'd be happy to see other
12 solutions to this. I wasn't pushing to get rid
13 of it entirely but, you know, I'm comfortable
14 with what they've proposed.

15 VICE CHAIR COHEN: Visually I think
16 2100 K on the north elevation of K Street, again,
17 the roof embellishment on the September design
18 looks more boxy and I thought the alternative
19 design again was softer and didn't actually
20 look like a blank roof top design. So, I just
21 want to express my opinion. I'm not an
22 architect either but sometimes that's a good

NEAL R. GROSS

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

1 thing.

2 CHAIRMAN HOOD: I don't think in this
3 business we have to always be qualified as an
4 architect to give an opinion and I think again
5 the roof with no embellishment to me looks kind
6 of flat. And it doesn't -- I was told sometime
7 ago. We started when John Parsons was here.
8 We talked at embellishments and someone came
9 down and I haven't forgot. It's been years ago
10 and I think this goes to it. They told me this
11 was the new architecture and I think as long as
12 don't exceed the height limitations I think the
13 design of it is part of the new architecture as
14 opposed to what's being proposed here as a flat
15 roof embellishment proposed design with no roof
16 embellishment but I don't know.

17 You pick and choose your battles. I
18 just think that we are doing this side a
19 disservice by not going with what we had. Even
20 I agree with you, Vice Chair, with the design.
21 I think it's better than what I see in the
22 proposed designs. Anyway.

NEAL R. GROSS

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

1 Commissioner Miller?

2 COMMISSIONER MILLER: I just wanted
3 to say in response to the Vice Chair's comments.
4 I can see looking at this rendering why she
5 thinks the July rendering is softer than the
6 latest September rendering. I think part of
7 that is because they showed the mechanical
8 penthouse in the July rendering and in a darker
9 color than the lighter version they showed in
10 the September which may have been purposeful
11 maybe wanting us to go back to an embellishment.
12 But that also goes to Commissioner Mays points
13 about -- that he repeatedly made about the
14 darker penthouse color being actually somehow
15 fades away more than a lighter, brighter
16 penthouse. I think that that last rendering
17 with the flat roof had the same color as the July
18 rendering it might have the same softness that
19 she was seeking.

20 CHAIRMAN HOOD: Okay. Mr. Turnbull,
21 any comments?

22 COMMISSIONER TURNBULL: Thank you,

NEAL R. GROSS

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

1 Mr. Chair.

2 I would, if you look at the three
3 designs on page 2 of the architect's submittal
4 the rendering, I think that the proposed design
5 with no roof embellishment is a very elegant
6 proposal. It's clean. There is sort of a
7 synthesis with the rest of the street wall.

8 CHAIRMAN HOOD: What exhibit are you
9 on?

10 COMMISSIONER TURNBULL: I'm looking
11 at the three renderings and I think if you look
12 at those there it is in the context with the rest
13 of the street scape there is a -- there is a nice
14 balance between the rest of the buildings and
15 the cavern that's presented, the little insert,
16 is actually even more striking. It's at a nice
17 scale. It's got a nice presentation to it. It
18 just reads and with the revised removal on the
19 ground floor of the center column, I think
20 they've got a really elegant building. I think
21 it's a really -- it just fits in very well with
22 the street scape on both streets.

NEAL R. GROSS

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

1 The angled roof I think is a stretch
2 for me. It's like, well, let's have an option.
3 Well, let's have it high and then low. I don't
4 think that does anything. In fact, it looks
5 more out of place and it looks more awkward than
6 anything else. I think what they've done is
7 achieved a great balance with the whole street
8 scape. And I think we go down a dangerous road.
9 When you look at a parapet wall it is supposed
10 to be about three and a half feet. If you now
11 say that you can raise that parapet wall up a
12 whole elevation, say 10, 12 feet and say it's
13 an embellishment I think you're opening up to
14 a lot of strange interpretations of the zoning
15 regulations and you don't give any direction to
16 architects as to what they can or cannot do.
17 And I think by leaving this wide open like this
18 and allowing -- I think you would set up a very
19 huge precedent by allowing the facade to go to
20 whatever height it wants to -- typically, when
21 we've read an embellishment it's either -- man,
22 if you look at the regulations they are now it

NEAL R. GROSS

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

1 was either a tower, minaret but it was usually
2 a corner feature, was something striking about
3 the building that either identified it as a
4 corner piece and that's what is often done and
5 that's what we've approved in most instances.
6 I think by saying that a whole elevation, the
7 whole street scape, the whole wall is an
8 elevation, unless you're going to redo the
9 zoning regs and start changing the language, I
10 don't think you want to go down that road.

11 I think what you have here and,
12 again, I'm repeating myself, is a very
13 classically designed, it is a very elegant
14 building for that corner.

15 CHAIRMAN HOOD: Mr. Turnbull, you
16 were talking about the proposed design with no
17 roof embellishment?

18 COMMISSIONER TURNBULL: The proposed
19 design with no roof embellishment is -- if you
20 look at that and you look at the others it just
21 is a classic design. The inset with that
22 they've got reads better. It's

NEAL R. GROSS

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

1 proportionately better than all of the other two
2 schemes and it just is more pleasing to the eye.

3 VICE CHAIR COHEN: I just want to, you
4 know, I'm not going to continue this argument
5 but I just felt that it would have been a great
6 addition to a very boring street.

7 I walk down K Street a great deal
8 and, you know, I'm still seeing everything
9 looking alike and that's why I thought the
10 alternative design of July would have at least
11 brought some differentiation on that block and
12 an interest -- a striking interest. I mean, I'm
13 not as seasoned to understand the implications
14 for the future of, you know, the zoning and
15 architectural discussion but I do believe that
16 we need to be as creative as possible and I think
17 this particular architect has done it. But
18 I'll go along just so that this project moves
19 forward.

20 CHAIRMAN HOOD: Okay. Commissioner
21 May, you want to add something?

22 COMMISSIONER MAY: No, I think it's

NEAL R. GROSS

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

1 all pretty much been said and I appreciate the
2 comments of Mr. Turnbull and Commissioner
3 Miller and I appreciate, you know, the
4 alternative point of view. I'm just trying to
5 look at this strictly in terms of zoning
6 regulations and the Height Act and how we
7 perceive height and, you know, I think the
8 extension of the facade is really what is the
9 most troubling about this. I'm not against
10 embellishments at all.

11 CHAIRMAN HOOD: Okay. And I would
12 agree with the Vice Chair. I think, again, this
13 new architectural statement, I guess we need to
14 come up to par. But this is not a show-stopper
15 for me. It looks like the numbers belong with
16 no embellishment but I think we need to start
17 being creative as long as we don't violate the
18 Height Act.

19 I find myself now walking up,
20 looking up when I'm downtown. So, anyway,
21 let's move on to the other issue.

22 VICE CHAIR COHEN: I think you're

NEAL R. GROSS

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

1 talking about the linkage?

2 CHAIRMAN HOOD: Yes, I want to go to
3 the linkage. But I did want to say something
4 about the DDOT Report.

5 VICE CHAIR COHEN: Okay.

6 CHAIRMAN HOOD: Exhibit 36. And I
7 made myself a note. I'm going to read this
8 paragraph. "The Applicant cited 2100 K Street,
9 is adjacent to the existing alley. The
10 Applicant proposed vehicle access from a
11 separate curb cut which we often do not support
12 on 21st Street. The Zoning Commission
13 requested an additional parking study to
14 eliminate the proposed curb cut along 21st
15 Street. DDOT understands that this site is
16 uniquely constrained due to the grade change.
17 Therefore, DDOT worked with the Applicant to
18 minimize the impact of the vehicle and loading
19 access to the site. The originally proposed
20 design while not idea ultimately meets DDOT's
21 standards for the curb cuts."

22 And I don't typically do this but I

NEAL R. GROSS

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

1 am going to go to DDOT. I guess in your
2 discussion what made it -- did you get to a point
3 because that's all I have unless there was
4 something else on the report, Mr. Zimbabwe, but
5 made it now suitable when at first it was not
6 within DDOT's standards? Now it's suitable.
7 Is it that you found that there was no other way
8 to do this? I just didn't understand this
9 paragraph.

10 MR. ZIMBABWE: Yes, I mean, I think
11 they've been able to mitigate the concerns that
12 we had acceptably and understanding it's a
13 challenging site to do that in.

14 CHAIRMAN HOOD: So, after you
15 reviewed it a little more you found out, okay,
16 well, maybe the Applicant does have a point. Is
17 that -- I'm just trying to figure out how we got
18 here when we were so far away from this.

19 MR. ZIMBABWE: Yes, I have to admit
20 I'm hearing for the next discussion in case
21 there are questions, I'm not sure that I have
22 all the details on this one.

NEAL R. GROSS

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

1 CHAIRMAN HOOD: Well, I'll wait for
2 the next time.

3 MR. ZIMBABWE: But I can -- I'll try
4 to have an answer by the next time.

5 CHAIRMAN HOOD: All right. What is
6 this?

7 MR. ZIMBABWE: Not the next but --

8 CHAIRMAN HOOD: Okay. Actually,
9 yes, by the time we do Final?

10 MR. ZIMBABWE: Yes.

11 CHAIRMAN HOOD: Okay. Thank you,
12 Mr. Zimbabwe, appreciate it. Okay.

13 What other issues, Commissioners?
14 Anyone want to start off with the housing
15 linkage?

16 VICE CHAIR COHEN: I just simply want
17 to state that I support the OP calculation
18 because OP has based it on prior precedent with
19 regard to street closings and I don't think I
20 need to elaborate anymore but there seems to
21 have been a rationale that is reasonable.

22 CHAIRMAN HOOD: Okay. Anyone else?

NEAL R. GROSS

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

1 Commissioner May?

2 COMMISSIONER MAY: Just to clarify.

3 I mean, you were saying that OP's calculation
4 on all counts and I guess what I'm wondering is
5 what do you think about the -- do you agree with
6 OP's calculation, the Applicant has asked
7 whether we'd be willing to grant the flexibility
8 of the extra five percent of FAR and whether you
9 have an opinion on that as well?

10 VICE CHAIR COHEN: Yes, I would go for
11 the extra flexibility.

12 COMMISSIONER MAY: Would go for it?

13 VICE CHAIR COHEN: Yes.

14 COMMISSIONER MAY: See, I'm inclined
15 to go with the Office of Planning on their
16 calculation and also not go for the additional
17 flexibility. I mean, I hate to take a hard line
18 about it but, you know, I looked at the argument
19 that was raised by the Applicant and I just can't
20 get there on any of those points. I mean, you
21 know, I understand that it may be difficult.
22 May make it very difficult to do this project

NEAL R. GROSS

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

1 but I just don't see how the rules, you know,
2 there's too many kinds of small exceptions to
3 the rules and exceptions to how we've done past
4 calculations to be able to get there for me. Of
5 course, you know, I'm certainly willing to be
6 convinced by other members of the Commission who
7 see it differently.

8 CHAIRMAN HOOD: Okay. Any other
9 comments?

10 Commissioner Miller.

11 COMMISSIONER MILLER: Let me just try
12 to understand Mr. May's concern. You're
13 concerned with the flexibility to allow them to
14 go from 10.0 FAR to 10.49 FAR. You think it's
15 --

16 COMMISSIONER MAY: Yes, I mean, I
17 don't think that there's a clear path to be able
18 to do that, you know, based on what I've read
19 here and, you know, the advice we received from
20 the Office of the Attorney General. And I'm
21 concerned that that's the difficult precedent
22 because typically this is used to bump from an

NEAL R. GROSS

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

1 8.0 to 8.5. That's explicit in the
2 regulations. But to apply it here, again, it's
3 just kind of another stretch.

4 CHAIRMAN HOOD: Okay. Any other
5 comments?

6 COMMISSIONER TURNBULL: Well, I
7 would agree with Commissioner May. I think I
8 agree with the OP's assessment of how you come
9 up with the calculation. I think there's
10 precedent. That's what we've done before.
11 With the .48 FAR I'm not sure and maybe the
12 Office of the Attorney General can help us weigh
13 in. I'm just confused on how that calculation
14 or how we apply that.

15 MR. BERGSTEIN: The provision that's
16 being relied upon by the Applicant says that the
17 Zoning Commission can grant an additional five
18 percent and the question is, is it five percent
19 off of what? The relevant section 2405.2 says
20 the floor ratio of the building shall not exceed
21 the aggregate of the floor area ratio permitted
22 in the overall zoned districts. But then

NEAL R. GROSS

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

1 points to .3 that you can do an extra five
2 percent. So, the question is, what do you mean
3 by the overall zone district? 2405.2 is
4 followed by a list of zone districts and as each
5 zone district there are PUD maximums and 4C3C
6 the PUD maximum is 8 and if you take five percent
7 of that it's 8.5. What the Applicant is saying
8 is that phrase is how I read their argument.
9 That phrase, the overall zone districts,
10 includes any matter of right zone district
11 that's above 8. In this case because in the TDR
12 Zone is they purchase TDRs which they can do as
13 a matter of right they can go to 6.5 to 10. So,
14 they say our matter of right FAR is 10. You
15 there can grant us five percent off of that.
16 And that would be the precedent. I don't know
17 if the precedent would ever come up again but
18 it will be, we're not just talking about five
19 percent off those zone district PUD maximums.
20 You're talking five percent off of any zoned
21 district that may be above those PUD maximums
22 as a result of TDRs, perhaps other forms of bonus

NEAL R. GROSS

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

1 density and that as a PUD you can grant five
2 percent on top of that. That's the issue. And
3 I don't take any position as to that one way or
4 the other. I can make an interpretation either
5 way. It's your interpretation to make.

6 COMMISSIONER MAY: See, that's where
7 I feel like it's just, you know, it's another
8 kind of stretch and I'm not saying that that
9 stretch is wrong necessarily. But I would be
10 much happier if it were more explicitly
11 considered in the zoning regulations and we had,
12 you know, and the Zoning Commission had taken
13 this question up explicitly and decided, yes,
14 the five percent applies to the maximum no
15 matter how you get to the maximum. But it
16 doesn't say that so it's, you know, again, I'm
17 not saying that this is wrong. It's just
18 another stretch. They are trying to, you know,
19 stretch the rules, you know, in a couple of
20 different places and I can't do all that
21 stretching at this moment.

22 VICE CHAIR COHEN: But what would be

NEAL R. GROSS

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

1 other than stretching rules, what is the actual
2 physical downside of allowing that? Is there
3 one?

4 COMMISSIONER MAY: It does open the
5 door for future cases where we would be asked
6 for that five percent, you know, no matter how
7 they reach the maximum. I mean, it may not come
8 up that often. Maybe it's not that much.

9 CHAIRMAN HOOD: And I think though
10 and I would associate myself now that I've
11 already thought that the Office of Planning's
12 calculation because that's how we proceeded in
13 the past. But I think at some point because of
14 the beatings that we take, we need to stop zoning
15 on the fly and I would agree with -- that's
16 Anthony Hood's take on it. I'm not saying
17 anybody else. But I think we need to stop
18 zoning on the fly.

19 I think Commissioner May is exactly
20 right. Maybe this is something we need to take
21 up. You know, where do we take the five percent
22 from? Those are the kind of things moving

NEAL R. GROSS

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

1 forward that we need to make sure that we nail
2 down and stop just doing it on the fly because
3 while we say, oh, we might not see this again.
4 But you'll see it again in another form or
5 fashion. So, I would support Commissioner May
6 and I think Commissioner Turnbull and all those
7 who support the say of doing things with this
8 housing linkage. Any other comments?

9 VICE CHAIR COHEN: Yes, I guess --

10 CHAIRMAN HOOD: Vice Chair?

11 VICE CHAIR COHEN: Oh, thank you, Mr.
12 Chairman.

13 I guess I bought into the
14 flexibility that would be requested. I thought
15 I understood the argument made by the Applicant
16 and I thought it was not an unreasonable
17 argument, again, I just believe that it will
18 make this project and the design of the project
19 now that we've all agreed that we're going to
20 go with the September alternative, you know,
21 more feasible and so I don't see why we're
22 arguing for not allowing that when we have the

NEAL R. GROSS

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

1 ability to be -- that's why we exist too to make
2 these kinds of balances and these decisions.
3 So, I felt -- maybe I was just splitting the
4 difference.

5 COMMISSIONER MAY: And I don't think
6 that this is a question of whether or not they
7 can get to the design that they want. It's
8 whether they have to pay for additional TDRs to
9 get there. And, I mean, that's the crux of the
10 matter whether they have to pay for that
11 additional FAR.

12 There's no doubt in my mind that the
13 building is the right building at this point,
14 that they have the right density and that it's
15 appropriate for it to be as big as it is
16 proposed. It's a question of whether, you
17 know, how do we get to that? And I don't think,
18 you know, any argument they're making is, you
19 know, a ridiculous argument. I think they're
20 all reasonably good arguments. It's just that
21 I can't quite buy into all of them to get to where
22 they want to be in terms of how much it's going

NEAL R. GROSS

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

1 cost.

2 CHAIRMAN HOOD: Okay. Commissioner
3 Miller?

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

6
7 I think it's important to remember
8 where we started out on this which was that the
9 Applicant said that housing linkage didn't
10 apply at all and I think that this Commission,
11 I speak for myself, thinks it should apply and
12 it does apply but there is ambiguity in the
13 zoning regulations as written because of the
14 downtown development. The TDR provisions are
15 there to support the downtown development
16 overlay district and it just simply isn't quite
17 explicit and there's an exemption from housing
18 linkage for the downtown development district.
19 So, the Applicant has said that they would make
20 the housing linkage requirement -- have a
21 linkage contribution if it was required and I
22 think it is required. And, I guess, I agree

NEAL R. GROSS

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

1 with the Vice Chair. I mean, we're already
2 making interpretations about whether the TDR
3 receding zone is exempt or not from housing
4 linkage. We're saying it's not exempt. So,
5 that's what we're for. I agree with the Vice
6 Chair. That's what we're here for on a
7 case-by-case basis to use our discretion based
8 on all the evidence that we have in the record.
9 So, I would agree that the five percent
10 flexibility should apply to the maximum amount
11 which is 10.0 FAR in this case so they get to
12 the 10.49 as this building is designed which
13 nobody seems to have a problem with that
14 particular design. So, I might not have the
15 majority but that's why there's five of us here.

16 CHAIRMAN HOOD: Okay. Let me just
17 ask. Do we accept the Office of Planning's
18 calculation based on prior cases? Do we all
19 agree on that?

20 COMMISSIONER MILLER: Assuming that
21 there is prior cases. We have referenced
22 statements to that effect. I think the

NEAL R. GROSS

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

1 Applicant has had an argument to make that they
2 should be getting the full credit of the TDR as
3 an offset of the payment that they're making.
4 But assuming that that's the precedent that the
5 Office of Planning has recommended in both the
6 zoning cases and in the street or alley closing
7 cases I would --

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: I mean, we don't
10 have a precedent for the calculation the way it
11 was proposed by the Applicant though.

12 CHAIRMAN HOOD: But we have one for
13 the --

14 COMMISSIONER MAY: But we have one
15 from the Office of Planning, right.

16 CHAIRMAN HOOD: So, are we on
17 agreeance of that?

18 COMMISSIONER MAY: Well, we agree
19 that there's a precedent but, I mean, if there
20 is a different precedent that the Applicant can
21 cite then that would be another way to, you know,
22 I mean that could put that issue back on the

NEAL R. GROSS

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

1 table from my perspective.

2 CHAIRMAN HOOD: Okay. So, do we want
3 to ask the Applicant to provide something where
4 we've done that or this Commission has done that
5 previously in their calculation?

6 COMMISSIONER MAY: Yes, if they can
7 do it.

8 CHAIRMAN HOOD: They said no.

9 COMMISSIONER MAY: They can't do it.

10 CHAIRMAN HOOD: I don't look in the
11 audience so I --

12 COMMISSIONER MAY: Well, I kind of
13 thought that if they could do it they would have
14 done it by now. But --

15 CHAIRMAN HOOD: Okay. So, back to my
16 original question. Are we all in agreeance
17 with the Office of Planning's calculation?
18 Okay. Do I need to call for a vote on that?
19 Okay.

20 Now, the granting of the -- well, in
21 this case I think they asked for 4.8 percent but
22 in the grant of 5 percent. Would someone like

NEAL R. GROSS

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

1 to put that up for a motion?

2 COMMISSIONER TURNBULL: Mr. Chair,
3 not to sound more confused than this already is,
4 isn't the .48 FAR already included in the
5 building, in the design we're looking at?

6 CHAIRMAN HOOD: Yes.

7 COMMISSIONER MAY: It is included.
8 It's in the building. It's a question of
9 whether they have to buy TDRs to do it or we grant
10 them --

11 COMMISSIONER TURNBULL: Okay. I
12 just want to clarify that. In the calculations
13 what we've got is already included in it.

14 CHAIRMAN HOOD: Point. Okay. I
15 lost my point.

16 VICE CHAIR COHEN: You asked for a
17 motion.

18 CHAIRMAN HOOD: Oh, I was asking for
19 a motion to include the increased up to five
20 percent, I think 2405.3 which our regulations
21 say that we can go up to 5 percent. I think I
22 heard at least two of my colleagues in favor of

NEAL R. GROSS

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

1 the additional FAR. So, I was asking for a
2 motion from pro or con.

3 VICE CHAIR COHEN: Then, Mr.
4 Chairman, I would move to approve allowing the
5 additional .48 FAR under Section 2405.3.

6 CHAIRMAN HOOD: Okay. It's been
7 moved and properly seconded. Any further
8 discussion?

9 All those in favor?

10 (AYES)

11 CHAIRMAN HOOD: Any opposed?

12 COMMISSIONER MAY: Opposed, no.
13 Opposed.

14 CHAIRMAN HOOD: Okay. Ms. Schellin,
15 record the vote.

16 SECRETARY SCHELLIN: The motion
17 fails. Two to three.

18 Commissioner Cohen moving,
19 Commissioner Miller seconding. Commissioners
20 May, Hood and Turnbull opposed.

21 CHAIRMAN HOOD: Okay. Any other
22 issues?

NEAL R. GROSS

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

1 COMMISSIONER MAY: Well, I don't have
2 any guidance to do it the other way then. I mean
3 --

4 VICE CHAIR COHEN: You need
5 another--

6 COMMISSIONER MAY: Yes, I need a
7 motion in the other direction. All I know is
8 that you -- well, okay. Well, I guess that's
9 true. I guess that's true.

10 CHAIRMAN HOOD: You already know --

11 COMMISSIONER MAY: You voted to --
12 well, they're asking for something and now --
13 okay. Do I read it that you denied it. Never
14 mind, I withdraw my comment. But we could not
15 take proposed action tonight to approve it
16 because we don't have -- we're not willing to
17 grant them what they've asked for.

18 MR. BERGSTEIN: That means that
19 because you agreed with the OP calculation and
20 you voted to not permit them to get the 5 percent
21 flexibility it means that they are going to have
22 to spend \$2.9 million to get up to 10.48 instead

NEAL R. GROSS

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

1 of \$2.6. That's the only -- that's not the only
2 consequence but that is the consequence of --

3 COMMISSIONER MAY: But that's not
4 what they've actually proposed so --

5 MR. BERGSTEIN: Well, but in other
6 words --

7 COMMISSIONER MAY: Action today --

8 MR. BERGSTEIN: The order is going to
9 have to say or should say what the formula is
10 for housing linkage and what the order will
11 basically say based upon the numbers is that the
12 housing linkage contribution is going to be
13 approximately \$2.3 million. That's what
14 they're going to have to pay. If they want to
15 get the TDRs, they're going to have to buy
16 \$600,000 worth of TDRs. But we don't need to
17 mention that in the order. The only issue is
18 were you going to calculate it so that the
19 housing linkage contribution was \$2 million or
20 \$2.3. You've just indicated it's \$2.3 and that
21 means to buy the TDRs to get to .48 their total
22 cost is going to be \$2.9 but we don't have to

NEAL R. GROSS

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

1 say that in the order. We just need to say that
2 in terms of doing the calculation you're going
3 to have to take the sum total of the assessed
4 value, minus the TDRs, divide that by two and
5 then that's -- I want to determine we got that
6 right. There are so many different ways of
7 doing it. You're going to take the, under the
8 OP calculation, you're going to take the total
9 assessed value minus the TDR credit, take that
10 net figure and divide it by two and that will
11 be what they'll have to pay which is
12 approximately \$2.3 million. Okay.

13 COMMISSIONER MAY: So, today though
14 we can take proposed action --

15 MR. BERGSTEIN: Yes.

16 COMMISSIONER MAY: -- to approve
17 this --

18 MR. BERGSTEIN: Yes.

19 COMMISSIONER MAY: -- under the
20 assumption that all that will happen?

21 MR. BERGSTEIN: Yes. Well, that
22 will be in the order.

NEAL R. GROSS

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

1 COMMISSIONER MAY: Right. That
2 would be the way the order would read?

3 MR. BERGSTEIN: Yes.

4 COMMISSIONER MAY: All right. Mr.
5 Chairman, I would make a motion.

6 CHAIRMAN HOOD: Do we need a motion?

7 COMMISSIONER MAY: We haven't take
8 a motion to approve the case.

9 CHAIRMAN HOOD: Well, we haven't
10 finished.

11 COMMISSIONER MAY: Oh, okay.

12 CHAIRMAN HOOD: That was just on that
13 piece.

14 COMMISSIONER MAY: I thought we were
15 trying to move it on.

16 CHAIRMAN HOOD: No. I thought Mr.
17 Bergstein was asking for a motion in opposite
18 of the motion that was proposed.

19 COMMISSIONER MAY: No, but I decided
20 you basically denied the request by the failure
21 of the motion and that's basically how I read
22 it. I don't think you need a motion the other

NEAL R. GROSS

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

1 way.

2 CHAIRMAN HOOD: Okay. I'm in
3 agreeance but I think we need to talk about the
4 conditions. Don't we have some conditions.

5 VICE CHAIR COHEN: I think we have
6 some TDM measures that were omitted from the
7 draft order.

8 CHAIRMAN HOOD: Okay. Well, let's
9 do that and then we can go talk about the
10 Commission's because they asked for some
11 flexibility and I want to make sure we don't have
12 any problem from A through H of the flexibility
13 that's being requested.

14 Vice Chair.

15 VICE CHAIR COHEN: Okay. On the TDM
16 measures what was not included in the draft was
17 the TDM coordinator who has to organize and
18 market the TDM plan. And we have to provide
19 parking spaces for car pools and provide website
20 links to commuter connections.

21 CHAIRMAN HOOD: Okay. And you want
22 that to be added?

NEAL R. GROSS

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

1 VICE CHAIR COHEN: Yes, please.

2 CHAIRMAN HOOD: Okay. Any
3 objections? Not hearing any.

4 All right. Then let's talk about
5 the flexibility for the design. Any issues
6 because we have a laundry list of things their
7 asking for. The Applicant has a flexibility of
8 design in the PUD in the following areas and they
9 list them. I'm not going to read them.
10 They're in front of us. Any issues?

11 COMMISSIONER MAY: Yes, Mr.
12 Chairman, I mentioned at the very beginning. I
13 think that they were asking for too much in terms
14 of the letter "C", vary the final street scape
15 design. I mean, I can see having some
16 flexibility there but it's really very wide open
17 and I don't think we want to grant that much
18 flexibility.

19 And then F, G and H are also
20 problematic. The building signage again too
21 broad. Locating a green roof on the existing
22 IFC headquarters as well as on the roof of the

NEAL R. GROSS

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

1 project, I guess I can understand flexibility
2 to incorporate on the roof of the project but
3 I don't get the, you know, why in this order we
4 would be doing anything that affects the
5 existing IFC headquarters.

6 And then varying the roof
7 structures, again, I don't mind having some
8 flexibility but there has to be some sort of
9 balance, you know, because we don't want to
10 have, you know, 10 different roof structures
11 heights just because we've allowed this
12 flexibility.

13 CHAIRMAN HOOD: Mr. Bergstein, can I
14 ask a question. Does the five percent that the
15 Zoning Administrator has as far as allowing
16 flexibility does that apply here?

17 MR. BERGSTEIN: I'm sorry, I'd have
18 to look --

19 CHAIRMAN HOOD: Okay. Your mic is
20 not on but --

21 MR. BERGSTEIN: I'm sorry. I'd have
22 to look at the regulations under what the PUD

NEAL R. GROSS

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

1 flexibility that's granted.

2 CHAIRMAN HOOD: Okay. Because,
3 Commissioners, as well as the ones that
4 Commission May noted I look at D and E. I don't
5 know if there are some issues there because I
6 know that's always a tickler what I hear up here
7 all the time. So, you know, to make minor
8 refinements to exterior details and dimensions
9 including balcony enclosures, bell courses,
10 facility bases, cornices, railings, trim, so,
11 you know, again, I think that goes in line with
12 the bounds unless somebody else feels any
13 different.

14 COMMISSIONER MAY: I guess I'd have
15 to look at those compared to past ones but a lot
16 of that language seems very similar to what
17 we've allowed in the past. And the same with
18 varying the final number, size, location of
19 retail entrances. I mean that's, again,
20 there's a little bit of customization that goes
21 on with retail entrances, but I think these are
22 things that are standard. There's a certain

NEAL R. GROSS

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

1 language that we use that's standard and I would
2 just want this to be consistent with that
3 standard.

4 CHAIRMAN HOOD: Okay. So, C, F, G
5 and H you say --

6 COMMISSIONER MAY: Those are the ones
7 that struck me as being out of bounds.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER MAY: The other ones, I
10 think, ought to be reviewed for consistency with
11 what we've done in the past.

12 CHAIRMAN HOOD: Okay. All right.

13 I will withdraw my comments. Thank
14 you, Mr. Bergstein. A lot of it is written.
15 It's not actually applied. It depends on what
16 it is. A lot of it is two percent. Thank you.

17 Okay. I don't really have any
18 concerns of any of this from the regulations I
19 just saw.

20 Any other comments? All right.
21 So, taking note of Commission May's issues on
22 the ones he had the issues on the conditions,

NEAL R. GROSS

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

1 anyone else have any? Okay.

2 I think there's some bounds there
3 and I think it's spelled out in the regulations.

4 Thank you, Mr. Bergstein.

5 Okay. Somebody like to make a
6 motion.

7 COMMISSIONER MAY: I would make a
8 motion to approve Zoning Commission Case Number
9 14-04, Professional Associates International
10 Finance Corporation Consolidated PUD at Square
11 74.

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

15 Are you ready for the question? All
16 those in favor?

17 (AYES)

18 CHAIRMAN HOOD: Not hearing any
19 opposition.

20 VICE CHAIR COHEN: I'm opposing based
21 on what our discussion. I'm not opposing the
22 project. I don't know if that's an appropriate

NEAL R. GROSS

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

1 -- I just want to --

2 CHAIRMAN HOOD: Let me just say this,
3 Vice Chair. We already know you were opposed
4 when I singled them out. So, basically --

5 VICE CHAIR COHEN: Oh, okay.

6 CHAIRMAN HOOD: -- what you're
7 saying now is you're opposed to the whole -- we
8 already know you're opposed to the linkage part.

9 VICE CHAIR COHEN: All right. No,
10 I'm not opposed to the project though.

11 CHAIRMAN HOOD: So, you vote again.

12 VICE CHAIR COHEN: I'm voting in
13 favor then.

14 CHAIRMAN HOOD: Okay. That was the
15 easiest time I got you to switch over. Okay.

16 Ms. Schellin, if you're not confused
17 could you record the vote? Oh, did I call for
18 the vote?

19 SECRETARY SCHELLIN: I didn't hear it
20 then.

21 CHAIRMAN HOOD: I said all those in
22 favor.

NEAL R. GROSS

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

1 SECRETARY SCHELLIN: Okay. Yes.

2 Staff records the vote five to zero
3 to zero to approve proposed action on Zoning
4 Commission Case Number 14-04. Commissioner
5 May moving, Commissioner Miller seconding,
6 Commissioners Cohen, Hood and Turnbull in
7 support. And we'd ask the Applicant to provide
8 the list of public benefits and draft conditions
9 pursuant to Chapter 24.

10 CHAIRMAN HOOD: Okay. Are we ready
11 to move on?

12 Let's go to Zoning Commission Case
13 Number 13-14. This Division Macmillan
14 Partners, LLC. First Stage PUD Related Map
15 Amendment and Consolidate PUD at Square 3128.

16 Ms. Schellin.

17 SECRETARY SCHELLIN: Yes. At
18 Exhibit 847 through 849(g) we have the
19 Applicant's post-hearing submission.

20 Exhibit 850 is an NCPC submission.

21 Exhibit 851 is the DDOT Supplemental
22 Report.

NEAL R. GROSS

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

1 Exhibit 852 is ANC 5 E's response.

2 Exhibit 853 was the request from the
3 Applicant to reopen the record to submit revised
4 plans that responded to NCPC which was approved
5 and that submission is at Exhibit 856 through
6 856(b).

7 At Exhibits 854 and 855 we gave OP's
8 Supplemental Report.

9 Exhibit 857 was the Applicant's
10 response to the NCPC letter.

11 And then Exhibit 858 is Friends of
12 McMillan's response to the Applicant's second
13 post-hearing submission.

14 We'd ask the Commission to consider
15 proposed action on this case.

16 CHAIRMAN HOOD: Okay.
17 Commissioners.

18 VICE CHAIR COHEN: Thank you, Mr.
19 Chairman. I just want to remind the Commission
20 that I did not sit on this project.

21 CHAIRMAN HOOD: Okay. Let's go
22 ahead and get started. I actually am having an

NEAL R. GROSS

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

1 issue with reviewing the NCPC staff comments
2 again. They would open it earlier but anyway.

3 As Ms. Schellin has mentioned we had
4 a number of responses and a number of responses
5 to the responses. Let's open it up.

6 Any comments. Who would like to get it
7 started?

8 You know what. Let me start us off.

9
10 For me a lot of it was the DDOT
11 mitigation and, Mr. Zimbabwe, since you're here
12 for this case, as soon as I get your supplemental
13 report to open. To me and I know you alluded
14 to a lot of things you're still working on and
15 one of the reasons I actually held it up to this
16 point is because I wanted to see some more
17 finality and I know we have a second stage and
18 we said this at the very onset that the
19 transportation was going to be a part of even
20 the second stage which is, I think, somebody
21 phased it "second bit of the apple." Maybe it
22 was the opposition but I know there will be a

NEAL R. GROSS

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

1 third bite and probably a fourth bite and a fifth
2 bite. But I'm just not comfortable again with
3 the mitigations that we're talking about. Is
4 it that it's too general and we're going to get
5 more specific as we get the second stage or what?
6 Because a lot of this was saying we 're still
7 working on this and we're still working on this.
8 I was looking for a little more specificity as
9 far as the transportation and working with the
10 Applicant on some of the mitigation methods as
11 opposed to we didn't disagree or we didn't agree
12 on this. Can we nail it down a little bit more?
13 And I'm not an expert in transportation. All
14 I do is sit in traffic and I understand what that
15 community is going to be going through. So, I'm
16 an expert when I'm sitting here thinking about
17 the Zoning Commission and what I hear down here
18 about how everything is a level of service A.
19 And I'm sitting there for 30 minutes. So, I
20 think this neighborhood has a valid point.

21 I guess my question is, are we
22 getting it now or is that going to happen second

NEAL R. GROSS

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

1 stage and I will be very reluctant to move
2 forward with what I have in front of me tonight.

3 So, I'll stop rambling and ask you
4 to respond.

5 MR. ZIMBABWE: Sure. So, I think
6 this is obviously a large and complex project.
7 I think what the Applicant has committed to in
8 terms of providing transit seats is what we feel
9 like we needed in terms of a commitment from
10 the Applicant.

11 Transit planning, I think, is
12 different than what we are usually here talking
13 about which are roadway improvements which are
14 a bit easier to define and I think by and large
15 what the Applicant has proposed in terms of
16 roadway improvements we are in agreement with
17 and we will work with them on the final design
18 of that during the -- I mean, that's really the
19 permitting process of the actual dimensions and
20 all that. But the components of that are we've
21 agreed to.

22 I think transit planning, again, is

NEAL R. GROSS

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

1 something that's very different because it's
2 hard for the Applicant to commit to running
3 circulator service or WMATA bus service or
4 anything and it's hard for us two or three years
5 out from the delivery of the first buildings
6 that are part of this to commit to operating
7 transit service and exactly what type of transit
8 service that is.

9 So, from our perspective, the
10 commitments that they've made in terms of
11 providing transit seats gives everybody the
12 certainty that there will be the capacity to
13 meet the demand on transit and it gives us the
14 opportunity to figure out the best and most
15 efficient way to do that prior to the opening
16 of the first building.

17 CHAIRMAN HOOD: Also, even
18 calculating that whole discussion around -- the
19 whole discussion around the street car. So
20 we've been factoring that in, the circular bus,
21 the bicycle racks, I mean, I thought that was
22 a far stretch at this point. And I'm not going

NEAL R. GROSS

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

1 to say anything because also said M Street will
2 take a long time to get developed and here it
3 is, it's there now in Southwest. So, I mean,
4 we're factoring in street cars and, you know,
5 I just thought that that was relatively a long
6 way off, at least the way I see it. It may not
7 be.

8 But let's use street cars for
9 example. Do you think that would be a main part
10 of -- is that just a portion of the equation of
11 solving the traffic issues in that because if
12 it is that's not something that's going to be
13 immediate?

14 MR. ZIMBABWE: That's right. A
15 street car would not be immediate for this.
16 That's a really mid- to long-term solution. I
17 don't think that street car service is essential
18 for the development to function and to work with
19 the neighborhood as far a transportation
20 system. I think something like a circulator
21 bus is a more short term. That's a matter of
22 procuring buses to run and have the operating

NEAL R. GROSS

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

1 budget to run it. And then, you know, Metro is
2 already providing a fair amount of, I mean, a
3 large amount of transit service on the H Lines
4 and has done some studies on how to improve
5 that service. Some of that is what's called
6 Regional Service that each of the member
7 jurisdictions pay for it. So, if it's local
8 service that DDOT pays for or the District pays
9 for over and above the Regional Service. So,
10 there's enhancements to that that are possible.
11 There's the potential of circulator service.
12 There's the potential for private shuttles to
13 be added to make the capacity available on buses
14 to meet the demand that we see.

15 CHAIRMAN HOOD: Okay. And, again, I
16 just want to say for the record -- thank you,
17 Mr. Zimbabwe.

18 I want to say for the record though
19 that even with the second stage transportation
20 is going to be a piece that if we get to the
21 second stage. I'm not sure how this discussion
22 is going to go tonight but if we get there I want

NEAL R. GROSS

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

1 to make sure that -- I don't want to hear that
2 we at least as long as I'm here that oh, you've
3 already made the decision on the
4 transportation. Because I think we said at the
5 very onset anything goes. We can go back to
6 transportation depending upon as that site is
7 phased in if it is developed in this fashion.

8 Okay. So, with that, let me open it
9 up to the colleagues. Who would like to start
10 us off on any issues that they have? I have a
11 few more but anybody like to start us off?

12 Mr. Turnbull.

13 COMMISSIONER TURNBULL: Thank you,
14 Commissioner. Thank you, Mr. Chair.

15 Getting back to the transportation
16 issue, the Applicant's submission, Mr.
17 Zimbabwe, it sort of sounds like they pointed
18 the finger at you to take the lead for
19 transportation and that you're committed to
20 enhancing public transit and that you're the one
21 that's really going to help get the buses
22 rolling and everything else. I mean, that's

NEAL R. GROSS

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

1 the implied, but there's nothing in your
2 submission that says you're going to do that,
3 just that you have an interest. You know
4 there's issues but there's really no anything
5 definitive that we can point our finger on that
6 says DDOT is putting it on the line here and this
7 is what's going to happen, when it's going to
8 happen, how many buses and what's the proposal
9 to do that. I don't see that myself. I don't
10 see anything in the language.

11 MR. ZIMBABWE: So, I think the way
12 that the Applicant has committed in their
13 post-hearing submission I guess it is, they have
14 committed to increase the peak house transit
15 capacity by 1,100 passengers per hour through
16 some combination of private shuttles or DDOT and
17 WMATA service.

18 From our perspective --

19 COMMISSIONER TURNBULL: But, again,
20 their committed that you're going to do that.

21 MR. ZIMBABWE: Well, private
22 shuttles would not be. Would not be the

NEAL R. GROSS

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

1 District.

2 COMMISSIONER TURNBULL: But the
3 WMATA and the Department of Transportation
4 you've got some numbers in mind. You know how
5 many buses you're going to be having to put on
6 the streets?

7 MR. ZIMBABWE: We do. I mean,
8 generally --

9 COMMISSIONER TURNBULL: I mean, can
10 you put that in a submission to us that we could
11 have something? Do we have anything that
12 actually documents that that a couple of years
13 down the road if the residents come back and say,
14 we've only got half the number of buses that were
15 promised?

16 MR. ZIMBABWE: Well, I think --

17 COMMISSIONER TURNBULL: I'd like to
18 see that.

19 MR. ZIMBABWE: I'm not trying to be
20 non-committal on this.

21 COMMISSIONER TURNBULL: But you see,
22 that's just it. The neighborhood wants

NEAL R. GROSS

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

1 commitment and in order for us, I mean, people
2 are very concerned in the neighborhood about
3 number of cars, the increase in people. They
4 already have a level of service of that at
5 certain intersections. They don't have enough
6 buses. And so they're looking for us to sort
7 of weigh in on this and take all the bits and
8 pieces and say we've analyzed it and before we
9 can push the green button, I think we really need
10 to know those kinds of numbers as to what's going
11 to happen so that the people out there can look
12 at us and say, yes, the Zoning Commission has
13 got something to work with and they're making
14 the right choice when they say, yes, we're going
15 to go ahead with this.

16 MR. ZIMBABWE: So, what the level of
17 commitment that the Applicant has made in terms
18 of increasing capacity is equivalent to about
19 eight to thirteen round trips. And this is in
20 their submission. So, round trip bus trips
21 during the peak hour. That can be accomplished
22 in a number of ways and they've detailed this

NEAL R. GROSS

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

1 commitment in there. That can happen through
2 increases in WMATA bus service which already
3 exists and could be enhanced.

4 COMMISSIONER TURNBULL: Could be?
5 Okay.

6 MR. ZIMBABWE: That's right.
7 There's several options for how to accomplish
8 this goal or this commitment over all of
9 increasing the transit capacity serving the
10 site and connecting to other destinations.

11 There's WMATA service. There's a
12 potential for circulator service and there's
13 private shuttles. The District has a six-year
14 capital program which includes purchase of
15 buses. We budget for operating transit on an
16 annual basis.

17 COMMISSIONER TURNBULL: How much for
18 this area? Did you specify?

19 MR. ZIMBABWE: City wide?

20 COMMISSIONER TURNBULL: It's
21 city-wide.

22 MR. ZIMBABWE: City-wide. So, I

NEAL R. GROSS

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

1 can't sit here and commit to FY 17 an operating
2 budget that's subject to the District's budget
3 process that has Congressional approval over
4 the District process. I'm not able to sit here
5 and commit that. That's why the Applicant has
6 committed that in the event that there is not
7 service from the District that they will provide
8 that in terms of private shuttle service.

9 COMMISSIONER TURNBULL: So, if you
10 don't get funding, we don't get buses, you have
11 no Plan B?

12 MR. ZIMBABWE: The private shuttle
13 service --

14 COMMISSIONER TURNBULL: It's the
15 private shuttle that's going to make it up and
16 they're just showing another half million
17 dollars on the table to say, you know, we're
18 willing to do that. That's it. I'm just
19 asking the question. Someone has got to ask it.
20 You have no Plan B if you have no funding.

21 MR. ZIMBABWE: There's a Plan A which
22 is to provide transit capacity. The Plan B is

NEAL R. GROSS

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

1 the Applicant's commitment of providing private
2 --

3 COMMISSIONER TURNBULL: You didn't
4 answer my question. There is no Plan B from
5 DDOT?

6 The Applicant also mentions in this
7 letter that they're doing the infrastructure
8 although in the Deputy Mayor's letter it
9 definitely says that D.C. is doing the
10 infrastructure in the roadways. Do you know
11 who is doing the roadways, the internal
12 roadways? Is the Applicant doing that or is the
13 city doing that?

14 MR. ZIMBABWE: My understanding is
15 that the internal roadways will be private and
16 will be -- will not be part of the DDOT roadway
17 network and DDOT maintenance --

18 COMMISSIONER TURNBULL: Okay.
19 Well, I just want to -- I mean, the first point
20 of the Deputy Mayor's letter is that "Within two
21 years after the effective date of the PUD
22 approval order the District will commence

NEAL R. GROSS

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

1 construction of the site infrastructure and
2 internal roadways." Right or wrong?

3 MR. ZIMBABWE: Right. My
4 understanding is that it's correct.

5 COMMISSIONER TURNBULL: So, D.C.
6 will be doing the internal roadways?

7 MR. ZIMBABWE: The District will.
8 That does not mean that DDOT will.

9 COMMISSIONER TURNBULL: Okay. But
10 D.C. will do the internal roadways, not the
11 Applicant?

12 MR. ZIMBABWE: That's my
13 understanding but that's not part of my report.

14 COMMISSIONER TURNBULL: Okay. I
15 mean, they're a co-applicant. The city is a
16 co-applicant, I understand that. But I'm just
17 to separate the responsibility as to who is
18 doing what. I mean, it sounds like I'm getting
19 -- I mean, unless there's just a blanket when
20 we say applicant it's whoever is going to do it.
21 But I just wanted to draw some finality to that
22 so that we had an answer.

NEAL R. GROSS

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

1 In the Applicant's statement they
2 talk about -- they're going to talk about the
3 review of what they're doing and "When
4 conditions are consistent with the requirements
5 for two successive periods the Applicant will
6 be released from the monetary requirement". I
7 take it you're going to review that?

8 MR. ZIMBABWE: That's correct.

9 COMMISSIONER TURNBULL: Mr. Chair, I
10 will relinquish my questions for right now.

11 CHAIRMAN HOOD: Okay. Any other --
12 actually, I started it but we're doing
13 deliberations. So, forgive me for doing that,
14 but this is too important. If we need to go to
15 OP DDOT, we'll just do that.

16 Okay. Commissioner Miller?

17 COMMISSIONER MILLER: Thank you, Mr.
18 Chairman.

19 I just wanted to express my
20 appreciation to the Applicant for addressing
21 the concerns that many of us expressed at the
22 July 28th Public Meeting. And we requested the

NEAL R. GROSS

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

1 re-study or additional information on the
2 height of the health care facility. That has
3 been addressed and one floor has been removed
4 from one of the wings of that health care
5 facility.

6 We expressed concern about the
7 loading facilities for the multi-family grocery
8 store on Parcel 4. And that has been addressed
9 in a way with keeping with a large format grocery
10 store as best it can be. And we did ask for more
11 specific comprehensive transportation traffic
12 mitigation matters. That is, I think,
13 everybody's overwhelming concern. And I think
14 there has been a lot more tightening up of the
15 transportation plan since our July meeting.

16 The Applicant has committed to fund
17 and fill any and all transit demand gaps that
18 are not met by enhanced public transportation
19 that DDOT and WMATA are pursuing. That's a
20 commitment. The Applicant commits to fund a
21 private shuttle service regardless of cost.
22 Yes, their budget only has -- was only increased

NEAL R. GROSS

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

1 as Commissioner Turnbull said by half a million
2 dollars from the previous iteration. But the
3 statement of the Applicant is that regardless
4 of cost they will insure that any transit
5 demands are met through private shuttle
6 service, major road improvements, bike and
7 pedestrian enhancements as detailed in the most
8 recent submission.

9 It's in the Applicant's interest,
10 both the private developers and the District for
11 this transportation network to work for this
12 project to work. And it's going to have to be
13 done through public and private resources but
14 the Applicant has committed to fill any and all
15 transit demands not met by enhanced public
16 transportation that DDOT and WMATA are
17 pursuing.

18 So, I think there has been a lot of
19 movement since our July meeting. We've also
20 asked for a much more details and timing on the
21 community benefits, all of the dollars amounts
22 and commitments to specific activities and tied

NEAL R. GROSS

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

1 to specific measurements such as Certificate of
2 Occupancy or Building Permit and I think all of
3 those largely have been met. So, I think
4 there's a lot here that wasn't here in July that
5 a lot of work has gone into and I think we should
6 acknowledge that. And, obviously, there will
7 still need to be continuous work if we went
8 forward with first stage as we move through
9 other stages of this project in the future.

10 So, those are the comments I just ant
11 to make initially, Mr. Chairman.

12 CHAIRMAN HOOD: Okay. All right.

13 Any other comments, Commissioners?

14 I will say that apparently and I
15 think there's a letter. I'm still getting used
16 to these exhibits. Actually, this is pretty
17 fast here. But anyway NCPC staff I noticed went
18 in front of the Commission yet but NCPC staff
19 and the Applicant, according to the Applicant
20 in the letter here from NCPC have reached an
21 agreement about the views from the Capitol even
22 though unless I looked at the wrong picture.

NEAL R. GROSS

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

1 Maybe the picture was not meant to show me the
2 view of the Capitol because I couldn't see it
3 from the picture that was given to us but,
4 anyway, I don't know if that was the intended
5 purpose of giving me that photograph. But,
6 anyway, apparently that is Exhibit 856(b).
7 There's an agreement between the staff of NCPC
8 as well as the Applicant.

9 I have one other point but let me go
10 to someone else.

11 Commissioner May.

12 COMMISSIONER MAY: Okay. So, I
13 would tend to align my comments with those of
14 Commissioner Miller. I think that there's been
15 significant progress in the project since we saw
16 it last in terms of reduction of the height of
17 the building and even moving the building in
18 response to you're moving the west wall of the
19 building a bit to the east in order to address
20 NCPC staff concerns, as well as getting more
21 information and more detail on the transit and
22 on the delivery of the project and delivery of

NEAL R. GROSS

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

1 certain components of the project including
2 historic preservation elements. There's been
3 progress. I wouldn't say that it's completely
4 there. I think there's a little bit of
5 tightening that still needs to be done certainly
6 in the transportation arena as has been
7 highlighted by some of the discussion tonight
8 and in the community benefits, that whole
9 schedule. I think it's helpful seeing it that
10 way but I think there are a few things there that
11 are a little bit out of the norm for what we would
12 normally do in terms of when those payments are
13 done and what they're tied to. So, I think a
14 little bit of tightening up on that has to be
15 done but I don't think we need to go into great
16 deal here.

17 I was very concerned when I read the
18 NCPC staff report. I mean getting 45 pages
19 worth of concerns about, you know, the view it
20 impacts and then we get, you know, a submission
21 from the Applicant saying, oh, it's all good.
22 We satisfied them. I mean, that was pretty

NEAL R. GROSS

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

1 quick turnaround. And so that leaves me a
2 little bit wanting. I think I kind would like
3 to see since the simulations that were shown in
4 the NCPC submission were so, you know, obviously
5 problematic from NCPC's perspective and, you
6 know, the way the views to the Capitol would so
7 clearly be blocked by the medical office
8 building. I kind of want to see those a little
9 bit better. I don't think we got, you know,
10 what we received actually does sort of address
11 that. I think we see sight line drawings and
12 things like that that show it out of the way but
13 we don't see the view from the Scott Statue or
14 whatever it was.

15 So, you know, I kind of would like
16 to see a little bit more about that. I think
17 there was also some back and forth about exactly
18 what the right method is for calculating heights
19 of buildings and so on. And I think that just
20 a little bit more information there would make
21 me feel most comfortable about it because I am
22 concerned about views from the Armed Forces

NEAL R. GROSS

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

1 Retirement Home toward the Capitol because of
2 its, the historic nature of that particular
3 property.

4 Otherwise, you know, the other
5 improvements that Commissioner Miller cited,
6 the loading for the grocery areas, the grocery
7 store has improved. Not idea. We've
8 certainly seen things that are a lot better on
9 some other projects that were quite frankly
10 smaller. But I guess good enough to go along.

11 And I would also say that I was quite
12 encouraged to see the whole construction
13 phasing plan as aggressive as it is. I think
14 sometimes we see some big projects in here and
15 even some projects that are a lot smaller than
16 this come in with like 10-year plans or 12-year
17 plans and to see something that comes in the door
18 with, you know, essentially, a 5-year plan, I
19 mean, that's pretty impressive to have that
20 information. I know there are things that are
21 a bit uncertain in that but still I was pleased
22 to see that overall.

NEAL R. GROSS

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

1 CHAIRMAN HOOD: Okay. I will say
2 that there have been some improvements since our
3 last time of having this discussion so I'm not
4 going to go against the comments I've heard.
5 And also from what I see in the file but, again,
6 I want to try to get now stuff down as close as
7 possible and I know that's what I started my
8 statement with the second stage PUD because as
9 Commissioner Miller so eloquently talked about
10 in the DDOT report where it says the Applicant
11 will fill in the gaps. If I was to read that
12 the way I read it, okay, well, if the streetcar
13 doesn't work for the city the Applicant is going
14 to take care of it and make sure the streetcar
15 goes. It's always how we interpret that. And
16 I'm sure that's not the case. So, that's just
17 where I am but I think a lot of work has been
18 done. I think we owe it to this community to
19 make sure we try to get it right.

20 So, you know, I think a lot of stuff
21 has been resolved. Well, not resolved by given
22 to us a lot better than what it is. What I realize

NEAL R. GROSS

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

1 depending upon how we move is I looked at the
2 Michigan Avenue. It seems to be something
3 different from the Michigan Avenue perspective
4 going east or west than what I had previously
5 and I know, photography you can always do a shot
6 a little different to give you a different
7 appearance. So, I want to make sure that again
8 I'm looking east and west. And I saw the one
9 rendering in the submission that was submitted
10 with the reduction in the floor of the health
11 facility but I want to make sure that the -- that
12 I'm getting the same view because I really want
13 to see the relationship again on Michigan Avenue
14 and I know it's been set back more. The floor
15 now is reduced but I still want to see how it's
16 going to look to me when I go east or west on
17 Michigan Avenue. And I think the Applicant
18 provided it for us the last time before we had
19 our first deliberation. I'd like to see that
20 either at Final. I mean, before Final or either
21 prior to whatever ever action we take tonight
22 depending upon how this proceeds.

23

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 other things is, I think there's
2 a request for a two-year -- typically our term
3 for the first stage approval lasts for one year.
4 The Applicant has asked for two years. This
5 project is running around for 25 years so I don't
6 think two years is asking for too much for a
7 25-year project. And let me say this. A lot
8 of times these projects have been in the
9 pipeline for a long time and folks want to get
10 upset with the Commission and even though it's
11 been out there for 25 years they get mad with
12 us because we can't get it taken care of for two
13 weeks. Sometime we have issues. We might not
14 always be in agreement but we try to do the best
15 we can to make it more conducive in things. You
16 know, I hear in the street, not necessarily this
17 case that we always rubber stamp. We don't
18 rubber stamp anything. If you pay attention to
19 us we always, I think, for the most part put our
20 independence into this and do what's required
21 in front of this Commission and do the best we
22 can for it. So, if it's been out there for 25

NEAL R. GROSS

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

1 years, if we take a couple of months, give us
2 that time. Don't rush us. Let us try to get
3 it right, too, just like the folks in the
4 community try to get it right and the Applicant
5 trying to get it right.

6 So, anyway, enough said on my soap
7 box.

8 Commissioner Miller?

9 Any other comments?

10 COMMISSIONER MILLER: Mr. Chairman,
11 I just wanted to share with you --

12 CHAIRMAN HOOD: That's the one I'm
13 talking about that I looked at.

14 COMMISSIONER MILLER: Okay.

15 CHAIRMAN HOOD: And to me if you look
16 at that one and the one we had previously it's
17 a different angle for me. I like the previous
18 angle.

19 COMMISSIONER MILLER: We're talking
20 about Michigan Avenue?

21 CHAIRMAN HOOD: Michigan Avenue,
22 yes. Yes. I figured you was going to point

NEAL R. GROSS

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

1 that out to me.

2 COMMISSIONER MILLER: But I didn't
3 know if it showed up as well on your beautiful
4 screen as it did in the --

5 CHAIRMAN HOOD: We'll actually look
6 at both. I specifically yesterday, since the
7 Giants weren't playing --

8 COMMISSIONER MILLER: You had to
9 bring that up.

10 CHAIRMAN HOOD: They did beat the
11 Redskins but since they weren't playing
12 yesterday I looked at both. I had time to look
13 at both and I can tell you that I looked for that
14 specifically. I want that same exactly angle
15 with what's being proposed now with the floor.
16 Okay.

17 All right. Anything else?

18 All right. Who would like to make
19 a motion? I would move that we approve the
20 First Stage PUD, Zoning Commission Case 13-14,
21 the Vision Macmillan Partners, LLC, First Stage
22 PUD for a term of -- I really don't.

NEAL R. GROSS

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

1 Does anyone agree with the two-year
2 term that's asked for by the Applicant? We all
3 agree? Okay. I was just thinking that would
4 move things along if we gave them one year, but
5 it may not. So, let's go ahead and accept that.
6 My colleagues agree.

7 I move that we approve Zoning
8 Commission Case Number 13-14, Vision Macmillan
9 Partners, LLC, First Stage PUD for a two-year
10 first stage approval.

11 COMMISSIONER MILLER: Second.

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

15 All those in favor?

16 (AYES)

17 CHAIRMAN HOOD: Any opposition? Not
18 hearing none, Ms. Schellin, would you record the
19 vote.

20 SECRETARY SCHELLIN: Yes, sir. And
21 after we record it are we going to set some dates
22 for the additional documents that you want in.

NEAL R. GROSS

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

1 Okay.

2 Staff will record the vote four to
3 zero to one to approve Proposed Action on Zoning
4 Commission Case Number 13-14. Commissioner
5 Hood moving, Commissioner Miller seconding.
6 Commissioners May and Turnbull in support.
7 Commissioner Cohen not voting having not
8 participated.

9 CHAIRMAN HOOD: Let me just state
10 though. Transportation and other issues are
11 open throughout this whole process. Because
12 once before we did that --

13 SECRETARY SCHELLIN: Right.

14 CHAIRMAN HOOD: -- we were told you
15 all had already approved it. Transportation is
16 open.

17 SECRETARY SCHELLIN: Right. But I
18 heard that you wanted a view from Michigan
19 Avenue and there were a couple other items that
20 sounded like you wanted prior to Final Action.
21 Am I correct or is there nothing else?

22 CHAIRMAN HOOD: Right. Do we have

NEAL R. GROSS

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

1 some other things that we want prior to Final
2 Action, I think, Commissioner May?

3 COMMISSIONER MAY: Yes. I wanted a
4 little bit more information on the viewshed
5 studies.

6 SECRETARY SCHELLIN: Right.

7 COMMISSIONER MAY: Not just the --

8 SECRETARY SCHELLIN: And did you want
9 that from NCPD or from the Applicant?

10 COMMISSIONER MAY: No, I don't really
11 care who produced it so long as it's --

12 SECRETARY SCHELLIN: So, you'll work
13 together?

14 COMMISSIONER MAY: -- agrees on
15 what it is that's being shown because --

16 SECRETARY SCHELLIN: We don't
17 want --

18 COMMISSIONER MAY: -- the last
19 version I saw of this was that the building was
20 going to completely block the view of the
21 Capitol and I think there's a view that we
22 haven't seen it would seem to me.

NEAL R. GROSS

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

1 SECRETARY SCHELLIN: Okay. So, look
2 into the Applicant --

3 COMMISSIONER TURNBULL: Well, Mr.
4 Chair, the other thing, although the
5 Transportation Plan has improved significantly
6 from what we had before I think that before Final
7 it ought to be tweaked a little bit more and some
8 final items ought to be added as looking at DDOT,
9 working with the Applicant to tighten some of
10 these things about, I mean, this was a big issue
11 for the neighborhood and I just want to before
12 I say yes on this. I want to see a little bit
13 more work done that we give a little bit more
14 comfort to the neighborhood that everything is
15 going to fall in place.

16 I understand there's a lot of
17 unknowns out there but the neighborhood's got
18 a big concern. And I just think that DDOT and
19 the Applicant need to really tweak this a little
20 bit more with this Transportation Management
21 Plan and just fill in some of the gaps that we
22 talked about tonight.

NEAL R. GROSS

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

1 CHAIRMAN HOOD: All right. I would
2 agree. Thank you, Mr. Turnbull.

3 Anything else?

4 COMMISSIONER MAY: I think there were
5 some concerns that we had about the amenities
6 packages and the time of delivery and what
7 they're tied to and so on. And I think that's
8 something that the Office of the Attorney
9 General can work with the Applicant to resolve.

10 MR. RITTING: Yes, as part of the
11 typical PUD proffers and conditions process, I
12 plan to do that.

13 SECRETARY SCHELLIN: Okay. So, if we
14 could have those submission and that submission
15 will only come from the Applicant by 3:00 p.m.
16 on October 20th and then the parties would be
17 able to respond only to that submission by 3:00
18 p.m. October 27th. And Final Action will be
19 taken up at the November 10th meeting and, of
20 course, the Applicant needs to make its filing
21 pursuant to Chapter 24 with regard to the list
22 of public benefits and draft conditions. Those

NEAL R. GROSS

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

1 dates are based on the regulation. Thank you.

2 CHAIRMAN HOOD: Okay. Anything else
3 on this case?

4 Okay. Let's go to I think next is
5 Hearing Action. Hearing Action on Zoning
6 Commission Case Number 14-14, Jemal's CDC, LLC,
7 Consolidated PUD & Related Map Amendment @
8 Square 833.

9 It sounds like they've already
10 started working on Macmillan. Yes, they really
11 started quickly. Okay.

12 Let's go to the Office of Planning.

13 Ms. Thomas.

14 MS. THOMAS: Yes, good evening, Mr.
15 Chair, members of the Commission. The Office of
16 Planning is recommending setdown of the
17 Consolidated PUD and Related Map Amendment
18 requested by Hemal CDC LLC to enable
19 redevelopment of the property at 501 8th Street,
20 Northeast which is either the 8th Street
21 Overlay.

22 The PUD Related Map Amendment from

NEAL R. GROSS

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

1 the underlying C2A to the C2B Zone would allow
2 the replacement of the existing one-story
3 office building with a six-story above grade
4 mixed use building of approximately 32
5 residential units above retail uses on the
6 first, second and floor level. You'd notice
7 that the number of units have been adjusted and
8 this has been at the request of the Applicant.
9 They informed us that there would be instead of
10 26 units as originally proposed it would be
11 approximately between 30 and 32 units.

12 The proposed overall 4.4 FAR and the
13 nonresidential 1.37 FAR are within the maximum
14 permitted under the CTB part.

15 The proposal conforms to the
16 Comprehensive Plan, policy objectives for the
17 Capitol Hill policy focus area which supports
18 the 8th Street Corridor urban living district
19 between 2nd and 7th Street, Northeast. The
20 site is within a main mixed street, mixed use
21 corridor identified in the Comprehensive Plan
22 future land use map where it is anticipated that

NEAL R. GROSS

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

1 redevelopment supports transit use as proposed
2 with this project.

3 Based on the site constraints, the
4 Applicant is requesting flexibility from the
5 8th Street Overlay requirements with a maximum
6 retail FAR and the minimum area requirement for
7 a PUD within the overlay.

8 Flexibility is also requested from
9 the general requirements for parking, loading
10 and rear yard.

11 OP requested the Applicant to
12 provide additional architectural details and
13 perspectives of the project's relationship with
14 existing development including the street level
15 views. We also request that they provide or
16 improve delivery for the project and refine an
17 amenities package commensurate for the
18 requested flexibility.

19 The proposed PUD is not inconsistent
20 with the elements of the Comprehensive Plan,
21 therefore, we are recommending that the
22 application be set down for a Public Hearing.

NEAL R. GROSS

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

1 And at this point I'm available for any
2 questions. Thank you.

3 CHAIRMAN HOOD: Okay. Thank you,
4 Ms. Thomas.

5 Colleagues, any questions of the
6 Office of Planning?

7 Vice Chair Cohen?

8 VICE CHAIR COHEN: Thank you, Mr.
9 Chairman.

10 I would suggest that we get more
11 information on the inclusionary zoning. I do
12 not believe it's an amenity. I believe that we
13 would have gotten more affordability if we do
14 not approve the map amendment. The map
15 amendment under CTB does not require as deep
16 affordability. So, I don't think it's an
17 amenity. I think we lost some affordable units
18 if we do approve the map amendment.

19 In addition, I have some concerns
20 about the design. Maybe during the Public
21 Hearing if I could see the Materials Board, I
22 could see the -- there might be more texture to

NEAL R. GROSS

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

1 the building. But right now it looks very flat
2 and not terrible exciting. And I think one of
3 the things I like about H Street is there is a
4 differentiation of building pop outs and other
5 embellishments.

6 Anyway, I really feel we need to take
7 a look at it. I think the second floor window
8 -- I mean, there is obviously an attempt at being
9 very, you know, consistent but maybe that's not
10 what we need here -- consistency.

11 So, those are my -- I think those are
12 my major comments. I'm learning how to use that
13 pen so I don't really find that I -- I can't read
14 all my notes. So, I'll just defer to somebody
15 and maybe come back to me.

16 Thank you.

17 CHAIRMAN HOOD: Okay. Anybody else?

18 Commissioner Miller.

19 COMMISSIONER MILLER: Yes, thank
20 you, Mr. Chairman.

21 Yes, I would concur with the Vice
22 Chair that the Applicant needs to confirm

NEAL R. GROSS

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

1 whether or not it is proffering compliance
2 with the inclusionary zoning set aside
3 requirement of Section 2603 and if it is, then
4 it needs to identify the amount of additional
5 inclusionary zoning that result from the map
6 amendment, the number of inclusionary zoning
7 units for low income houses that will be lost
8 which Vice Chair Cohen was referring to and to
9 balance the net gain in affordable housing
10 overall against the low income units.

11 Also agree with all of the Office of
12 Planning's requests for additional information
13 including something that I think they didn't
14 refer to here tonight but it's in their report
15 which is that the LEED rating needs to try to
16 get closer to Silver. That's basically what
17 we've been -- that's basically the minimum that
18 we've been accepting in the PUD or that OP has
19 been accepting and that we have agreed with in
20 PUD applications.

21 I'd also like to see a rendering if
22 it isn't already in the file by the time of

NEAL R. GROSS

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

1 hearing on how the building looks from the
2 residential rowhouse neighborhood to the south.
3 There are lot of good step downs and setbacks
4 in this project to try to make it compatible with
5 the lower rise neighborhood to the south. But
6 I'd like to just see a rendering that just shows
7 that.

8 And the Vice Chair's comment about
9 the flatness, some of the renderings show a
10 little bit more articulation but maybe
11 additional elements could be added. Maybe
12 additional balconies could be added beyond the
13 one floor that's there. So, I think those were
14 my major -- oh, I think on the parking. This
15 is one that is providing eighth surface parking
16 lots -- eight surface parking spaces which is
17 not the most efficient use of land. I guess I
18 want more information as to why it isn't
19 feasible to do underground parking on this site.
20 I realize it's a small site, less than 10,000
21 square feet which is one of the things they're
22 asking for flexibility under the PUD standards

NEAL R. GROSS

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

1 that we consider. But I just want more
2 information on whether underground parking
3 could be feasible for both the spaces it is
4 providing and maybe for additional spaces. I
5 think the retail that's being provided here is
6 going to be very attractive and I realize this
7 is a very transit, rich and soon to be streetcar
8 rich zone, within close walking distance of
9 Metro Rail and Metro Bus right out front. But
10 I just want something on the feasibility of --
11 I didn't see it addressed as to why it can't be
12 done underground parking there.

13 CHAIRMAN HOOD: Okay. Any other
14 comments?

15 COMMISSIONER TURNBULL: Mr.
16 Chairman, I'd just like to thank Ms. Thomas for
17 an excellent report.

18 I just would agree with my
19 colleagues. I guess my only concern is that,
20 I think, we'll have to wait for the ANC to weigh
21 in and the neighborhood on their requirements
22 to want to get relief from some of the features

NEAL R. GROSS

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

1 of the 8th Street Overlay. I think that's going
2 to be in the -- I mean, the overlays were set
3 up for certain characteristics and to want
4 relief I think we have to weigh that very
5 carefully with what they're trying to do. So,
6 it will interesting to see how the ANC weighs
7 in with this and what their reactions are.
8 Thank you.

9 CHAIRMAN HOOD: Okay. Anybody else?
10 Commissioner May?

11 COMMISSIONER MAY: Yes, first of all
12 I've heard everything that's been said so far,
13 it's the advantage, I guess, to speaking last,
14 mention less.

15 CHAIRMAN HOOD: I haven't spoken yet.

16 COMMISSIONER MAY: I know and now I
17 know why you go last.

18 No, I would -- I would want to echo
19 a little bit about the architecture. I mean,
20 it certainly is interesting but I just find it
21 really odd that it's so strongly sort of
22 neoclassical. It's very different and I didn't

NEAL R. GROSS

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

1 see, I mean, maybe there's a reason for it and
2 a log for it and, you know, it seems to be, you
3 know, generally coherent as a design of that
4 style. But there are some things that are a
5 little bit, you know, odd. Again, just the
6 style of it does it really fit with the
7 neighborhood? Is it the right thing to do? I
8 mean, you know, very pronounced coins on the
9 corner just very different, not the sort of
10 thing I'd expect to see.

11 And there are a some things that are
12 a bit contradictory about it. I mean, you have
13 this very traditional looking kind of heavy
14 feeling, masonry building but then, you know,
15 the corner at 5th where the Mango Republic is
16 shown in the renderings, there's not a column
17 in there. It's like all this masonry is just
18 floating above the very airy, glassy retail
19 space. Now, I know this is just a rendering.
20 But it still is -- it's kind of missing
21 something. With that much heavy masonry I want
22 to have something that is made of masonry that

NEAL R. GROSS

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

1 comes down at the corner and joins it to the
2 ground. But, I mean, I would just question
3 overall the style of the building. I think it's
4 -- I don't think it absolutely has to change but
5 I need to understand why it's driven in this
6 direction and is that really the right way to
7 go. Maybe it is. I don't know. It's almost
8 like a design philosophy question, I guess.

9 And I agree that parking would be a
10 concern because I know it's an area where it's
11 difficult to get parking right now and even with
12 transit coming in it's still a popular
13 destination and it may just be, you know, part
14 of the broader issue of how you deal with
15 intra-zone parking with all the people who live,
16 you know, south of here who are still in Zone
17 6 who want to drive up there and park. I would
18 never do that, of course. Actually, I do it all
19 the time. Anyway, but I think parking is a bit
20 of a concern and I think it's something you'll
21 have to address with the neighbors and the ANC
22 along with some of the others that have been

NEAL R. GROSS

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

1 mentioned like the 8th Street Overlay. So,
2 thank you.

3 CHAIRMAN HOOD: Okay. Any other
4 comments?

5 The reason I go last is because I
6 think that's the proper thing to do as the
7 Chairman, right, Commissioner Miller?

8 COMMISSIONER MAY: I've never been
9 Chairman.

10 CHAIRMAN HOOD: I actually learned
11 that from the City Council and the leadership
12 of the chairs and also Commissioner Miller when
13 he was at the Council. So, Mr. Mayor, if you
14 want to know why I do that, sometime I don't but
15 most of the time I do.

16 Anyway. All right. Any other
17 comments. I don't have any on this. I'm
18 looking forward to --

19 COMMISSIONER TURNBULL: Mr. Chair?

20 CHAIRMAN HOOD: Mr. Turnbull?

21 COMMISSIONER TURNBULL: It's your
22 prerogative as the Chair to do whatever you

NEAL R. GROSS

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

1 want. You have that right.

2 CHAIRMAN HOOD: My head is big
3 enough. No, my head is not big.

4 No, actually, I just always learned
5 that way from watching the City Council so,
6 council members, something does watch you,
7 believe me. I watched them do that. Okay.

8 VICE CHAIR COHEN: I do have
9 something.

10 CHAIRMAN HOOD: Yes.

11 VICE CHAIR COHEN: I finally found
12 the note that I couldn't ever find.

13 I believe Commissioner Turnbull
14 said that we needed more elaboration on why we
15 needed the flexibility of the 8th Street Overlay
16 District, I think you did say that. Okay.
17 Thank you.

18 CHAIRMAN HOOD: Okay. Somebody like
19 to make a motion?

20 COMMISSIONER TURNBULL: Yes, Mr.
21 Chair, I would move that we approve Jemal's CDC
22 LLC Consolidated PUD and Related Map Amendment

NEAL R. GROSS

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

1 at Square -- I would move that we set down, let
2 me correct that, at Square 833 and look for a
3 second.

4 VICE CHAIR COHEN: Second.

5 CHAIRMAN HOOD: Okay. It's been
6 moved and properly seconded. Any further
7 discussion?

8 All those in favor?

9 (AYES)

10 CHAIRMAN HOOD: Any opposition? So
11 ordered. Staff, would you record the vote?

12 SECRETARY SCHELLIN: Yes, Staff
13 records the vote five to zero to zero to set down
14 Zoning Commission Case Number 14-14 as a
15 contested case. Commissioner Miller moving,
16 Commissioner Cohen seconding, Commissioners
17 Hood, May and Miller in support of set down.

18 CHAIRMAN HOOD: Okay. Next Zoning
19 Commission Case Number 14-16. The is the
20 Office of Planning Text and Map Amendment to
21 create a new C2B1 Zone District.

22 Mr. Jesick.

NEAL R. GROSS

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

1 MR. JESICK: Thank you, Mr. Chairman
2 and members of the Commission.

3 Recent changes to D.C.'s building
4 code have made it possible to construct taller
5 buildings with a wood frame on top of a concrete
6 pedestal. Buildings can now be built up to 85
7 feet tall with five floors of wood frame
8 construction on top of a one-story concrete
9 base.

10 In order to accommodate the new
11 construction type the Office of Planning
12 proposes a new zone, C2B1, that would allow 75
13 feet as a matter of right but have the same FAR
14 and other development parameters as the
15 existing C2B Zone.

16 In addition to the text amendment
17 the Office of Planning proposes to map the new
18 zone on a parcel of land bound roughly by New
19 York Avenue, Montana Avenue and Bladensburg
20 Road, Northeast.

21 The height permitted under the new
22 zone would facilitate development of this site

NEAL R. GROSS

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

1 that has long been an underutilized gateway into
2 the city and has been the subject of a number
3 of past failed development proposals.

4 The contract purchaser of the site
5 has approached the Office of Planning with
6 preliminary development proposal that would
7 utilize the higher height of 5 feet but would
8 need no more than the C2B matter of right
9 density. So, a new zone might be an appropriate
10 mechanism for that development scenario.

11 Plan policies support that site's
12 redevelopment and the proposed zone is not
13 inconsistent with the mixed-use,
14 medium-density residential and moderate
15 density commercial designation on the future
16 land use map. In fact, the future land use map
17 was changed in 2006, specifically, to
18 facilitate and encourage development of that
19 site.

20 Also, the Mayor and Office of
21 Planning has recently completed industrial land
22 transformation study calls for this site to be

NEAL R. GROSS

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

1 a gateway into the city and to Ward 5. And the
2 Office of Planning, therefore, recommends that
3 the Zoning Commission set down for a Public
4 Hearing the proposed text and map amendments.
5 If the case is set down, the Office of Planning
6 will provide text prior to a public hearing with
7 the only substantive change from the C2B Zone
8 being the change to the allowable height.

9 I'd be happy to take any questions.

10 CHAIRMAN HOOD: Now, I'm going to
11 contradict everything I just said about what I
12 learned. No, I think I won't. I think I won't.
13 Let me continue with that.

14 Commissioner May.

15 COMMISSIONER MAY: All right. I get
16 to go first.

17 So, I just have a few questions and
18 I'm not looking for answers right now but I'm
19 interested in seeing how this zone would mesh
20 with the new zones as proposed in the zoning
21 reg rewrite. I'm interested in seeing how this
22 messes with IZ. Is this actually going to

NEAL R. GROSS

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

1 increase affordability because we're getting
2 more stick-built stuff and we can go to 10
3 percent rather than 8 percent? I just want to
4 understand if there's any relationship at all.

5 Are there other areas where the
6 Office of Planning would actually consider
7 mapping this zone is another question that I
8 have?

9
10 And the last thing I have is, again,
11 a philosophical thing maybe which is that, you
12 know, we're doing this in response to the fact
13 that it is possible to build in a slightly
14 different way and I understand that there are
15 probably benefits to builders and developers to
16 build in that fashion, but I wonder whether it,
17 in fact, is a better method overall. I mean,
18 particularly, in terms of sustainability. Are
19 we better off building, you know, stick-built
20 buildings to higher heights? I mean, I know
21 what I read in the architecture magazines about
22 how wonderful it is building things with wood

NEAL R. GROSS

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

1 but, you know, that's all done by the Wood
2 Manufacturers Association so I don't know how,
3 you know, how straightforward it is. And this
4 may have already been, you know, considered in
5 the provision of the building codes and I don't
6 want to go into great detail about it. I just
7 would like to understand a little bit more about
8 the context and whether there is, you know,
9 whether it's actually a beneficial thing in ways
10 other than simply getting, you know, more height
11 for the same density which is essentially what
12 it's allowing. You can answer that one right
13 there?

14 MR. JESICK: Well, I was just going
15 to ask if you could elaborate on that question
16 just a little bit more.

17 COMMISSIONER MAY: When this
18 question was taken up as a building code
19 question did they look at the question of
20 sustainability and are there arguments to be
21 made along those lines? I'm not asking for a
22 lot of new original research about, you know,

NEAL R. GROSS

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

1 what the sustainability is but maybe it's
2 something that's easily understood. It's a
3 question I have because I would hate to be doing
4 something that, you know, people who are in the
5 sustainability business are railing against
6 because it's, you know, massibly wasteful of
7 resources or something like that. And we're
8 promoting it in the zoning regs just because
9 it's cheaper for builders to build that way.

10 CHAIRMAN HOOD: Vice Chair Cohen?

11 VICE CHAIR COHEN: I'd like to thank
12 Commissioner May because he channeled most of
13 my questions for me. But n the sustainability
14 issue because it came up in my list of questions.
15 I think the U.S. Green Building Council can give
16 you some really great insight into that issue.

17 I mean this is just, you know, not
18 a great deal of height but I would like to see
19 it in the context of the neighborhood. So, if
20 there can be some drawings or visuals to help
21 understand that. That's the only thing that he
22 left out. I guess he got tired. You did a

NEAL R. GROSS

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

1 great job.

2 CHAIRMAN HOOD: Any other questions
3 or comments?

4 Okay. I would agree to see the
5 visual thing.

6 COMMISSIONER TURNBULL: No, I'm
7 sorry, Mr. Chair. I don't mean to cut you off.

8 CHAIRMAN HOOD: No, that's all right.
9 I always go last.

10 COMMISSIONER TURNBULL: I just want
11 to follow up. I guess what -- I'm not opposed
12 to setting this down but I guess what bothers
13 me is that we're sort of backing into this. I
14 mean, normally when we do zoning we look at the
15 Comp Plan, the Future Land Map. We look at the
16 Small Area Plan and a multitude of other things
17 and we come together, we say, this is what this
18 area of land needs to be zoned as. Here we're
19 coming in with a construction technique and
20 says, let's make a piece of property that we can
21 build on. I mean, let's just say I have -- I'm
22 an applicant. Commissioner Miller has just got

NEAL R. GROSS

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

1 Glebe Site approved by the building department.
2 Glebe Site is four inches thick. It can span
3 250 feet and carry a dead load of 500 square feet
4 and it's cheap. It's made from bird guano.
5 It's compressed and it is extremely -- it's
6 amazing. We're able to re-utilize some stuff.
7 How about a site. I think I can do a lot of stuff
8 with this. I just don't like the idea. I guess
9 what bothers me is looking at a building
10 construction and saying what can we do with the
11 site now.

12 MS. STEINGASSER: I'm happy to
13 respond to that, Commissioner Turnbull, because
14 we don't consider this equivalent to bird guano.

15 COMMISSIONER TURNBULL: Oh, it's
16 very sustainable. It's very energy efficient
17 if you can do it and it's clean and it's --

18 MS. STEINGASSER: We're seeing these
19 projects and we have been seeing these projects
20 with this type of building for the last five,
21 ten years. This is not new building code.
22 It's a new zone that recognizes the change in

NEAL R. GROSS

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

1 building code. And the burden and delay that's
2 put on development because they have to go
3 through PUDs to get an addition five to ten feet
4 when they're not requesting any increase in
5 density whatsoever.

6 This site in particular has been studied
7 to death. It's part of a land use -- industrial
8 land use study that was done in 2006, I think.
9 It's been studied through the land use -- the
10 industrial land use transformation study
11 recently. It's been changed on the
12 Comprehensive Plan. It's been through a PUD
13 that had at one point eight buildings at 130 and
14 110 feet. It then came back because that
15 enormous height and density didn't work. It
16 came back as a matter of right tilt up big box
17 where we had absolutely no residential. It was
18 supposed to be a three-story parking garage.
19 They said it was surrounded by retail but that
20 surround was a wall of signage. And we had
21 absolutely no recourse to require any kind of
22 value capture for residential or way to get at

NEAL R. GROSS

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

1 that.

2 We've been working with the
3 developer. He has not provided an application.
4 But we do feel it's consistent with the Comp Plan
5 and we started looking at the amount of cases
6 we're seeing where developers are really going
7 through this enormous burden to get this extra
8 five or ten feet that the building code has long
9 anticipated. So, we're saying it's relatively
10 new. It's relatively new in our recognition of
11 a by-right scenario but it's been in the
12 building code. And so we thought, let's
13 propose it. It's consistent with the Comp
14 Plan. We tried to call it out directly. We
15 weren't trying to hide the fact that we have been
16 looking at the site with this particular owner
17 and that it would come forward both as a
18 rule-making both in terms of its map amendment
19 as a Comp Plan consistency case and as a zoning
20 case.

21 COMMISSIONER TURNBULL: I appreciate
22 that and I'm being a little sarcastic and a

NEAL R. GROSS

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

1 little facetious. All I'm saying is don't go
2 down the road of construction techniques. The
3 building is going -- if you're looking at the
4 site and from the standpoint of zoning and the
5 Comprehensive Plan and what is best for the
6 site, talk about the site and talk about the
7 abilities of what we can do with the site and
8 what makes sense from an urban planning
9 standpoint. That's good urban planning.

10 It would let the contractor then
11 have the ability to build it whatever way he can.
12 If this new method is the way to go, he's going
13 to use it. But to me coming out straightforward
14 and saying the building code says you can this
15 is to me is backward. I'd rather say, there's
16 opportunities in certain areas of the city that
17 are underutilized and by meeting the
18 Comprehensive Plan we think these out to be
19 re-zoned for the following reasons. And just
20 as you stated, but I wouldn't start off talking
21 about construction. To me that's -- it's going
22 to get built however it gets built.

NEAL R. GROSS

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

1 I understand you recognize this new
2 technique and that's fine, but to me that's not
3 the way to go into urban planning and talk about
4 a design. I would rather base it upon planning
5 principles and why this make sense. That's all
6 I'm saying.

7 MS. STEINGASSER: Yes, sir, and I
8 apologize for the order of our report because
9 all that planning study and that Comp Plan and
10 all those maps are indeed attached.

11 COMMISSIONER TURNBULL: And I see
12 that. But what I want to do is put an "X"
13 through the first page or so and just say, why
14 even go down that road? I would say, if it needs
15 to be C2B2 or whatever and for the following
16 reasons let's do it. If it makes good urban
17 planning and it meets the comp Plan and
18 everything else we're going to do that. I just
19 could care less about reading about all the
20 construction techniques because a builder is
21 going to build it the way he wants to build it.
22 What makes sense, what's economical and how it's

NEAL R. GROSS

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

1 going to work. That's all.

2 CHAIRMAN HOOD: Now, any other
3 comments? Great.

4 Ms. Steingasser, and I'm not sure if
5 Mr. Jesick or either one, I think mentioned
6 this. Will this zone apply to any other
7 property in the city or just this triangle?

8 MS. STEINGASSER: It would certainly
9 be available for any other site in the city that
10 would meet the conditions but right now we're
11 proposing it only on this particular site.

12 CHAIRMAN HOOD: Okay. If somebody
13 else suited their needs they would be able to
14 use this zone, C2B1. Correct?

15 MS. STEINGASSER: They would be
16 available to petition the Commission for a
17 re-zoning.

18 CHAIRMAN HOOD: Yes. Okay.

19 I will tell you this Commission --
20 I've been here for most of them. We started
21 with the bowling alley, the Harris Teeters.
22 I've been around for all of it. Well, at least

NEAL R. GROSS

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

1 this will probably be the fifth time, I think,
2 that I've done something, been on this
3 Commission with this site. And I figure when
4 that was acquired what came on down would be done
5 and there were some things. But you know, I can
6 tell you that and I would agree with the vice
7 Chair and the viewing but one thing about this
8 site it sits kind of -- if you're up on the
9 hillside, it's just kind of down. It's down in
10 a valley like so I think the additional height
11 shouldn't be a problem. But I'm not on the
12 arboretum side so I'm not sure what those
13 neighbors would say.

14 But anyway, I think it's a long time
15 coming. It's a gateway to the city. Something
16 needs to be done and I know we're only doing a
17 text amendment and map amendment now but I'm
18 just curious because there's something even the
19 Office of Planning is not aware of it but there's
20 something in the pipeline. There's something
21 that somebody is thinking about doing here.
22 And I'm actually going to ask that question at

NEAL R. GROSS

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

1 the hearing. I'm just curious. I know we
2 don't get into projects but there's something
3 in the pipeline.

4 I can tell you there's been a lot of
5 dreams that I can tell you community members
6 have been looking forward to and I forgot who
7 said it that have never happened. So, right now
8 what we have is a fill with a gate around it so
9 being interesting to see how this develops and
10 hopefully this time, the fifth time will be a
11 charm. Okay.

12 Any other comments?

13 COMMISSIONER MILLER: Mr. Chairman?

14 CHAIRMAN HOOD: Commissioner Miller.

15 COMMISSIONER MILLER: I concur with
16 all of your comments and I would like to move
17 that the Zoning Commission set down Zoning
18 Commission Case Number 14-16 from the Office of
19 Planning Proposed Text Amendments to Create a
20 new C2B1 Zone District and ask for a second.

21 CHAIRMAN HOOD: Second. We're going
22 to give Commissioner Turnbull the second. Vice

NEAL R. GROSS

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

1 Chair Cohen seconds everything. If you look at
2 the record I've been noticing. Her name is down
3 for seconding everything and I think if we put
4 a pole up.

5 VICE CHAIR COHEN: Isn't that what a
6 Vice Chair does? Isn't that in my --

7 COMMISSIONER MILLER: Oh, second.

8 VICE CHAIR COHEN: Yes.

9 CHAIRMAN HOOD: Okay. I don't
10 remember that.

11 VICE CHAIR COHEN: Second in command.
12 Second to the second.

13 CHAIRMAN HOOD: So, if the Vice Chair
14 don't mind we'll give that to Commissioner
15 Turnbull. I will withdraw my second and give
16 it to Commissioner Turnbull. We'll give that
17 to Commissioner Turnbull.

18 SECRETARY SCHELLIN: Yes.

19 CHAIRMAN HOOD: So, it's been moved
20 and properly seconded. Any further
21 discussion?

22 All those in favor?

NEAL R. GROSS

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

1 (AYES)

2 CHAIRMAN HOOD: Not hearing any
3 opposition, Ms. Schellin, would you record the
4 vote?

5 SECRETARY SCHELLIN: Yes. Staff
6 records the vote five to zero to zero to set down
7 Zoning Commission Case Number 14-16 as a
8 rule-making case. Commissioner Miller moving,
9 Commissioner Turnbull seconding, Commissioners
10 Cohen, Hood and May in support of set down.

11 CHAIRMAN HOOD: Okay. Next on the
12 agenda is a correspondence item. Zoning
13 Commission Case 12-18, US AC H Street, LLC,
14 Letter from the Zoning Administrator, pursuant
15 to 249.8.

16 Ms. Schellin.

17 SECRETARY SCHELLIN: Yes, this case
18 was deferred from the Commissioner September
19 15th to allow OP to weigh in.

20 Exhibit 62 is a memo from OP and
21 would ask the Commissioner to consider this
22 case.

NEAL R. GROSS

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

1 CHAIRMAN HOOD: Okay.
2 Commissioners, we have the letter from the ZA
3 and I'm not sure who asked for the Office of
4 Planning to do a supplement but that's our
5 Exhibit 62. It's before us.

6 Any question on the ZA's actions?
7 Any comments?

8 COMMISSIONER MAY: I would just
9 comment that I'm very happy that OP has weighed
10 in and that there are no issues with this. It's
11 hard to tell from the information we have from
12 the ZA and I appreciate the Office of Planning
13 taking the time to review it to provide us their
14 insight on it.

15 CHAIRMAN HOOD: Okay. Anyone else?
16 Okay. We don't need to do anything
17 with this? That was just an acknowledgment.

18 SECRETARY SCHELLIN: No.

19 CHAIRMAN HOOD: Okay. All right.
20 Do we have anything else on the
21 agenda?

22 Okay. I want to thank everyone else

NEAL R. GROSS

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

1 for their listening to this meeting. This
2 meeting is adjourned.

3 (Whereupon, the above-entitled
4 matter went off the record at 8:38 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22