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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Regular Public Meeting
1421st Meeting Session [21st of 2015]

6:34 p.m. to 8:37 p.m.
Monday, November 23, 2015

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, VICE CHAIR

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13 JENNIFER STEINGASSER

14 STEVE COCHRAN

15 KAREN THOMAS

16 STEPHEN MORDFIN

17 STEPHEN GYOR

18

19 Office of Attorney General

20 JACOB RITTING, ESQ.

21

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23

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

2 CHAIRPERSON HOOD: This meeting will please
3 come to order. Good evening, ladies and gentlemen.
4 This is the public meeting of the Zoning Commission
5 for the District of Columbia.

6 Today's date is November the 23rd. We're
7 located in the Jerrily R. Kress Memorial Hearing
8 Room. My name is Anthony Hood. Joining me this
9 evening are Vice Chair Cohen, Commissioner Miller,
10 Commissioner May, and Commissioner Turnbull. We're
11 also joined by the Office of Zoning staff Ms. Sharon
12 Schellin, Office of Attorney General, Mr. Ritting,
13 Office of Planning staff, Ms. Steingasser, Mr.
14 Lawson, and Ms. Thomas, Mr. Cochran, Mr. Mordfin, and
15 Mr. Gyor.

16 Copies of today's meeting agenda are
17 available to you and are located in the bin near the
18 door. We do not take any public testimony unless we
19 ask someone to please come forward. Please be
20 advised that this proceeding is being recorded by a
21 court reporter and is also webcast live. Accordingly
22 we must ask you to refrain from any disruptive noises
23 or actions in the hearing room, including the display
24 of any signs or objects. Please turn off all beepers
25 and cell phones at this time.

1 Does the staff have any preliminary matters?

2 MS. SCHELLIN: No, sir.

3 CHAIRPERSON HOOD: Okay. Colleagues, first
4 of all what I would like to do is to do -- I know we
5 have a consent calendar item which is dealing with
6 the final action. So what I'd like to do in this
7 order, and to the audience, I'd like to do final
8 action in Zoning Commission Case No. 06-11L first,
9 which is George Washington University and Hillel
10 Campus Plan Amendment. And then we will do the
11 consent calendar immediately preceding, depending
12 upon how that goes. Zoning Commission Case No. 06-
13 11M, 06-12M, in that order. And then we will proceed
14 with the agenda as listed. Any issues with that?

15 Okay. Ms. Schellin, could you call the first
16 final action?

17 MS. SCHELLIN: Yes, sir. Zoning Commission
18 Case No. 06-11L, George Washington University and
19 Hillel, Campus Plan Amendment and Further Processing
20 and Variances at Square 42. If the Commission will
21 recall, this case was on the November 9th meeting.
22 Since that meeting there have been no new
23 submissions. Would ask the Commission to consider
24 final action this evening.

25 CHAIRPERSON HOOD: Okay. Colleagues, I guess

1 what we can do first is let's talk about the variance
2 test, and we have different subject matter,
3 viewpoints on this particular item which is the
4 variance test. Hillel talks about the combination of
5 small narrow lots and institutional need. That's in
6 their exhibit to us. And then Saint Mary's talks
7 about how it's not unique and how the necessity --
8 it's not a necessity, but a want.

9 So we've reviewed and read through that whole
10 argument, back and forth. But then also the ANC
11 brings it for me, brings another caveat because their
12 -- the way I read their letter, their submission or
13 their conditional support, was contingent upon
14 different agreements, construction management plans
15 and different agreements, whether the Saint Mary's
16 and Hillel came to a construction management plan
17 agreement. That's different from the plan, but
18 whether they agree. And I don't think, at least the
19 way I read it, I don't think there is an agreement
20 that has been met. But there is a plan, a
21 construction management plan that's evident.

22 But with all that said, that kind of teed it
23 up. I'll just open it up for comments. Again, let's
24 deal with the variance test first, and the three
25 prong test.

1 MR. MAY: Mr. Chairman.

2 CHAIRPERSON HOOD: Yes.

3 MR. MAY: I'm of the opinion that this
4 project as it's proposed does meet the variance test.
5 I think that the applicant has done what they can to
6 minimize the impacts associated with the relief that
7 they are seeking, but it seems to me that given the
8 size of the site, the limitations on the site, and
9 the institutional need that they have, I'm not sure
10 that they could come up with a design of the building
11 that would not require relief.

12 And I think, you know, compared to what's
13 there right now, I think in some ways this is a
14 substantial improvement. I think that there was an
15 issue with the university's prior management of an
16 adjacent construction project that I think was of
17 concern to all of us. I mean, this goes beyond the
18 variance test so I can come back to that if you'd
19 like.

20 CHAIRPERSON HOOD: Okay. Anyone else like to
21 comment on the test? Vice Chair Cohen.

22 MS. COHEN: Thank you, Mr. Chairman, and I
23 just want to reaffirm what Commissioner -- I'm sorry,
24 May has already stated. I believe again that they
25 did meet the variance test.

1 CHAIRPERSON HOOD: Okay. Anybody else?
2 Commissioner Miller.

3 MR. MILLER: I just wanted to comment that I
4 won't be voting on this case because I was not here
5 for the hearing.

6 CHAIRPERSON HOOD: Okay. All right.

7 MR. TURNBULL: Thank you, Mr. Chairman.
8 Yeah, I mean, I think it's unfortunate that these
9 neighbors didn't come to an agreement on the
10 construction management agreement and so that we
11 could not have to make a decision that's obviously
12 going to displease somebody.

13 But I think there have been project design
14 changes to try to respond -- by Hillel to respond to
15 the concerns of the Commission and the church about
16 light and air, small setback from the church property
17 that was changed. They relocated an entrance from
18 23rd Street to 8th Street. They added articulation
19 and fenestration to the south wall that faces the
20 church and they did -- those changes did reduce the
21 degree of the FAR, the lot occupancy, and the rear
22 yard variance request. And they also relocated the
23 building core to mitigate the design impact of the
24 penthouse. The penthouse has now shifted up against
25 the west wall of the project adjacent to the taller

1 GW owned Amsterdam Hall.

2 So I would agree with Commissioner May that
3 the small size of the lot, the physical limitations
4 of the lot, and the institutional needs of Hillel
5 satisfy the -- go towards satisfying the variance
6 test, so I would be supportive of that.

7 CHAIRPERSON HOOD: Okay. Vice Chair Cohen.

8 MS. COHEN: Yeah, I just, actually I wanted
9 to add something about the use of the rest of the
10 building for GW. Again, what the applicant is
11 attempting to do is to modernize its sanctuary and
12 its kitchens. And I do believe that they did make a
13 case with regard to the need for more space for the
14 sanctuary.

15 I think it's a very -- I think the party in
16 opposition mentioned something about they didn't
17 think they made the case and they only turned away
18 one or two people. I don't believe that I heard the
19 testimony the same way they did with regard to the
20 seating of the sanctuary, within the sanctuary. And
21 this particular Hillel does need the two kitchens.
22 And although they do have it, it doesn't seem to meet
23 the need. Yes, they expect to grow and I think you
24 have to accommodate for that possibility.

25 CHAIRPERSON HOOD: It's very unfortunate and

1 I've read the transcript where I think it was Saint
2 Mary's that looked at the transcript about how we
3 were trying to push. Unfortunately in this case the
4 construction management plan is something that
5 usually happens in a PUD case and it's usually
6 proffered. And I'm just hoping -- and I at first
7 thought about maybe holding this up, but I think from
8 a legal standpoint I think, as already mentioned by
9 my other colleagues, I think it meets the variance
10 test. The issue for me is the concern of the
11 construction management plan, but because it's not
12 necessarily something that this Commission can hold
13 out on, it's just unfortunate that the church and the
14 applicant could not come to some type of agreement.

15 But I guess I would hope that the
16 construction management plan that I see still takes
17 force. I don't think we can enforce it. We can
18 point to it. It might not be what everybody wants.
19 I would like to have held out for that, but it's only
20 but so far this Commission can go in holding out on
21 it.

22 But I think the variance test is made. I
23 looked at page 17 of the applicant's draft as well as
24 Saint Mary's draft on page 12. And I think those
25 arguments went back and forth about necessity and

1 need and I think as already mentioned by my
2 colleagues, I think it meets the variance test.

3 So anything else?

4 MR. MILLER: Yes.

5 CHAIRPERSON HOOD: Yes.

6 MR. MILLER: The only thing I wanted to add,
7 Mr. Chairman, in terms of the third part of the
8 variance test, you know, there's the exceptional
9 circumstances and practical difficulties which we
10 have touched on. But in terms of the third part, the
11 public good and integrity of the zoning plan, it's
12 important to note that building as planned, even with
13 this variance is shorter than what would be permitted
14 as a matter of right. And so there could be, even
15 under a matter of right scenario, rather than what's
16 before us, even more of an adverse impact on the
17 neighbor, Saint Mary's.

18 CHAIRPERSON HOOD: Okay. All right.
19 Anything else? I think the record speaks for itself.
20 The findings, the drafts, from both --

21 MS. COHEN: I would like to say something.

22 CHAIRPERSON HOOD: Okay.

23 MS. COHEN: Yeah. I would just like to add
24 something, and this is again because it's out of our
25 jurisdiction to really require an agreement in a

1 construction management. I think Hillel needs to
2 hear that they must do everything within their power
3 to get the best construction company that's familiar
4 with historic preservation because the church was
5 traumatized, experienced many losses. And so
6 although we can't require you to do that, we could
7 urge you that that's the -- I believe my colleagues
8 feel the same way, strongly as I do.

9 CHAIRPERSON HOOD: Okay. And I would agree
10 with you, Vice Chair. That's called the Good
11 Neighbor Policy. While everybody might not like the
12 outcome of what's getting ready to happen here, so.
13 But I think it's also called a Good Neighbor Policy,
14 so hopefully, even though it looks like there's going
15 to be a -- from what I'm hearing, we're going to
16 approve it here. But I still think there's still
17 work to be done. I'm only asking. I'm not saying
18 it's a requirement because I'm getting ready to vote
19 in favor of it because I think it meets the legal
20 requirement from my standpoint.

21 Okay. Somebody like to make a motion?

22 MS. COHEN: Mr. Chairman, I move to request
23 Zoning Commission Case No. 06-11L -- oh, I'm sorry.
24 I have the wrong thing. George Washington University
25 and Hillel Campus Plan Amendment and Further

1 Processing and Variance at Square 42, and ask for a
2 second.

3 MR. MAY: Second.

4 CHAIRPERSON HOOD: Okay. It's been moved and
5 properly seconded. Further discussion. Does that
6 include the special exception, would meet the test
7 under 411.11 210 and 3104? It talks about it --

8 MS. COHEN: If that's okay, I could put them
9 together. I don't have a problem amending the
10 motion.

11 CHAIRPERSON HOOD: Okay. To include the
12 special exception also. Okay.

13 MS. COHEN: To include the -- yes.

14 CHAIRPERSON HOOD: Thank you.

15 MR. MAY: I would second the amended motion.

16 CHAIRPERSON HOOD: Okay. So it's been moved
17 and properly seconded. Thank you for the reminder.

18 [Vote taken.]

19 CHAIRPERSON HOOD: Ms. Schellin, would you
20 record the vote?

21 MS. SCHELLIN: Yes. Staff records the vote
22 four to zero to one to approve final action in Zoning
23 Commission Case No. 06-11L, Commissioner Cohen
24 moving, Commissioner May seconding, Commissioners
25 Hood and Miller in support, Commissioner Turnbull not

1 voting having not participated.

2 CHAIRPERSON HOOD: Okay. Hold one second.

3 [Pause.]

4 CHAIRPERSON HOOD: Okay. The modification
5 under the consent calendar item. Ms. Schellin.

6 MS. SCHELLIN: Yes.

7 CHAIRPERSON HOOD: Can we do the --

8 MS. SCHELLIN: Sure.

9 CHAIRPERSON HOOD: I mean, the consent
10 calendar item. I'm sorry.

11 MS. SCHELLIN: I'm sorry. It's Case No. 06-
12 11M/06-12M, George Washington University. It's a
13 request for a minor modification at Square 42. This
14 too was deferred from the November 9th public
15 meeting. The applicant is requesting a minor
16 modification of Zoning Commission Order No. 06-11/06-
17 12, clarifying that their use of the two floors of
18 the Hillel project will not require a second stage
19 PUD. Would ask the Commission to consider final
20 action this evening.

21 CHAIRPERSON HOOD: Okay, colleagues, I think
22 the Office of Planning's report, which is Exhibit --
23 is that Exhibit 4? Exhibit 4 spells it out,
24 especially in the application and brief. Any
25 questions or comments on that?

1 And basically let me just say this; the
2 applicant requests -- as stated by Ms. Schellin, the
3 applicant requests a minor modification to exempt the
4 University use of a limited amount of square footage,
5 approximately 9,150 square feet, from a second stage,
6 proposed expansion of the University use will still
7 be reviewed by the Zoning Commission as part of the
8 request to amend the campus plan and further
9 processing. It goes on to what we just did.

10 But anyway, let's tee it up. Any question or
11 comments?

12 MR. MILLER: Mr. Chairman, I would just agree
13 with you. This simply modifies the George Washington
14 University planned unit development to conform with
15 the campus plan amendment and variance and special
16 exceptions that we just took action to approve, so I
17 am supportive of it.

18 CHAIRPERSON HOOD: Okay. So with that I
19 would move the consent calendar item on Zoning
20 Commission Case No. 06-11M, and 06-12M, George
21 Washington University request for minor mod at Square
22 42, with the requirements as noted, especially within
23 the Office of Planning report, and ask for a second.

24 MS. COHEN: Second.

25 CHAIRPERSON HOOD: It's been moved and

1 properly seconded. Any further discussion?

2 [Vote taken.]

3 CHAIRPERSON HOOD: Ms. Schellin, would you
4 record the vote?

5 MS. SCHELLIN: Staff records the vote four to
6 zero to one to approval final action in Zoning
7 Commission Case No. 06-11M/06-12M, Commissioner Hood
8 moving, Commissioner Cohen seconding, Commissioners
9 May and Miller in support, Commissioner Turnbull not
10 voting having not participated.

11 CHAIRPERSON HOOD: I know this is after the
12 fact, but nobody wanted that to come off the consent
13 calendar item, did you?

14 MS. COHEN: No.

15 CHAIRPERSON HOOD: Okay. I'm supposed to ask
16 before we do it but because of what happened the
17 first time I just kept right on going. Okay. I
18 don't take anybody's vote for granted. Even though
19 it was uniramous.

20 Okay. Let's go to B, Zoning Commission Case
21 15-07, MRP Reality Consolidated PUD at Square 777.

22 Ms. Schellin.

23 MS. SCHELLIN: Yes, sir. At Exhibits 44
24 through 47 we have the applicant's post-hearing
25 submissions. Exhibit 48 is an NCPC report advising

1 the project would not be inconsistent with the Comp
2 Plan for the National Capitol, and Exhibit 49 we have
3 ANC 6C's response to the applicant's final revised
4 list of proffers and conditions. Ask the Commission
5 to consider final action.

6 CHAIRPERSON HOOD: Okay. Colleagues, would
7 somebody like to get us started?

8 MR. TURNBULL: Mr. Chair, I have no problem
9 with what was submitted. I think there was a lot of
10 things we talked about at the hearing. My only
11 concern is on one item, which we talked about in the
12 alley, which had to do with the loading plan.

13 And although the applicant submitted a
14 drawing, Exhibit No. 46E, which shows a package
15 truck, actually it's a U-Haul, 24 foot U-Haul truck,
16 how it would move in and out, the discussion that I
17 had -- that we talked about, was basically about a
18 trash truck. And my concern was that it's a bigger
19 vehicle. It's not as easy to maneuver in an alley as
20 small as this. And I particularly mentioned concern
21 about homeowners and protecting the garages, the
22 property of the homeowners in the alley, especially
23 at the corners.

24 And the draft order, although it mentions it,
25 it's a very good loading plan, a management plan, it

1 talks about it, there was no really -- what Exhibit -
2 - 46E shows four bollards along the south side of the
3 alley directly across from the building, the new PUD.
4 And so it protects -- there's four bollard space to
5 they're -- I don't know, they're five, six, hard to
6 tell, eight feet. But there's nothing really at the
7 corners.

8 And when we talked about this the applicant's
9 attorney, Ms. Roddey, and I'm reading from the
10 transcript, page 87 of the transcript of the hearing,
11 and we were talking about moving it in and out, and
12 Ms. Roddey said, yeah, we're talking about Mr. Simms
13 and Ms. Anderson, and they're talking about
14 protecting. And she said -- I said we were talking
15 about them and she said, in particular yes, and they
16 are one of the homeowners and we are looking at ways
17 to provide that protection, whether it be through
18 possibly planters or bollard, and we'll work with
19 them.

20 So although there's bollards along the one
21 side of the house on one, there's really nothing
22 protecting the corners or there was nothing in the
23 language of the order that talks about working with
24 the owners to protect their homes, the back of their
25 homes from the turning trucks that would be going

1 into this.

2 And again, I'm looking at a big trash truck
3 which is hard to maneuver, difficult to see at times,
4 and that's where the most damage is going to occur to
5 those properties, at the corner of those alleys. I
6 just think the language in that draft order should be
7 either they're going to provide something, they're
8 either going to sit down and show us something in a
9 drawing that shows some other protection, or they're
10 going to have some other language in there that
11 strengthens the property owner's -- what's going to
12 happen to those homes at the back in those alleys. I
13 just think there's not enough there for me to really
14 go ahead with this.

15 CHAIRPERSON HOOD: Mr. Turnbull, while you
16 were speaking I pulled up my notes and I do have
17 something down here that said bollards to be worked
18 out in the alley; ask for it before final. And I
19 would concur with you. You have a very good memory.
20 I had to rely on my notes. But let's open it up.

21 MR. TURNBULL: And they do show some alleys
22 along the one side, the one part of the alley. But
23 they don't show what I consider the key parts is
24 across the alley and the other areas where trucks,
25 the pinch points, that could cause damage.

1 CHAIRPERSON HOOD: Right. And I would agree
2 with your point. But let's see if there are any
3 other issues. I know it talks about the storage room
4 with the Capitol Hill Restoration Society,
5 unattractive windows were mentioned. But let's see
6 if there are any other comments on those other things
7 that have been addressed to my colleagues'
8 satisfactory. Vice Chair Cohen.

9 MS. COHEN: Thank you, Mr. Chairman. I just
10 wanted to state that we need to get the applicant to
11 ask for a waiver of the IZ Act. Just because they're
12 providing the 60 percent AMI unit, they still need a
13 waiver request, and we were informed that -- or the
14 Office of Attorney General was informed of DHCD has
15 to implement this under another program called the
16 Affordable Housing Program, as opposed to IZ. So
17 just wanted to bring that to everybody's attention
18 that we do need a request of a waiver of IZ.

19 MR. RITTING: I believe that such a request
20 has been made already in this case.

21 MS. COHEN: It has been made?

22 MR. RITTING: Yeah.

23 MS. COHEN: Thank you.

24 MR. RITTING: And it's been incorporated into
25 the draft order that we prepared.

1 MS. COHEN: Okay. Thanks.

2 CHAIRPERSON HOOD: All right. Any other
3 comments? Commissioner Miller?

4 MR. MILLER: Well, I would be interested in -
5 - thank you, Mr. Chairman. I would be interested in
6 hearing the applicant's response to Commissioner
7 Turnbull's concern that was articulated previously.

8 But I just wanted to note that the revised
9 draft order also has been -- the draft order has been
10 revised to incorporate the revisions that were
11 requested by ANC 6C concerning the conditions for the
12 loading management condition. It's now in the
13 finding of fact, No. 65. Or conclusion of law.

14 At 65 it says, Commissioner Echenwiler
15 (phonetic) submitted a letter responding to the
16 applicant's list of final proffers and conditions.
17 The letter stated the applicant's proposed loading
18 management condition is deficient insofar as it
19 limited 4th Street alley access to the loading dock,
20 only to residential moving trucks, but did not
21 similarly restrict movements of trash, recycling, and
22 other trucks, and that the restriction of access was
23 not sufficiently specific. And in connection with
24 the ANC storage area, that the condition was
25 deficient because it did not require the area to be

1 secure or lockable, did not require the applicant to
2 provide a key and building access in a reasonable
3 fashion, or require the room to be of sufficient
4 dimensions to be useful as storage space.

5 And it's my understanding that as a result of
6 conversations between the Office of Attorney General
7 and the applicant, that those comments of Mr.
8 Echenwiler have been incorporated into the revised
9 draft order, and so I'm pleased about that.

10 CHAIRPERSON HOOD: Okay. Anybody else? Mr.
11 Turnbull?

12 MR. TURNBULL: I just want to point out, it
13 has been pointed out to me that in the draft findings
14 and fact, under C3 it says, "The applicant shall
15 provide bollards along the northern façade of 767 3rd
16 Street Northeast, Square 777, Lot 844 as permitted by
17 DDOT. The bollard plan shall be finalized during the
18 public space process."

19 And I would agree that that's there and they
20 do show bollards along -- the four bollards along the
21 one side of the alley. But what I'm talking about is
22 where these trucks are making this turn and coming
23 back, they're going to be hitting -- there is pinch
24 points on both sides of the alleys down farther, and
25 there is nothing in there about how they're going to

1 address dealing with those and dealing with the
2 neighbors on what their trucks are doing.

3 I don't want to make a big deal out of this,
4 but I mean, I'm looking at what Ms. Roddey said and
5 how they're going to work it, but there's nothing --
6 there was no language in there about protecting the
7 homeowners further down the alley as those trucks are
8 making those turns. I just feel it's, you know, it's
9 a public safety concern, and it's a concern for the
10 property of the people in the neighborhood. And I
11 think putting the bollards on the one side is in one
12 way okay. But if you look at their diagram it's not
13 as critical as some of these other areas that they're
14 showing on their truck loading plan. And I just feel
15 it ought to be addressed.

16 CHAIRPERSON HOOD: I would concur. Why don't
17 we just let them straighten that out and we have
18 another meeting in December.

19 MR. MILLER: Would it be inappropriate if the
20 applicant is ready to straighten it out right now to
21 straighten it out? They're right here. Or you don't
22 want to open it up?

23 CHAIRPERSON HOOD: Yeah, I think there's a
24 drawing. There's the --

25 MR. MAY: I'm not sure that it is a drawing.

1 I mean, I think that there are a number of spots
2 where one might project that that additional bollards
3 might be needed Commissioner Turnbull. I mean, I'm
4 looking at the diagram and where all of those --
5 where the truck swing sort of comes close. And I'm
6 not sure that we can figure all of that out right,
7 you know, in advance of the project and in advance of
8 the public space permitting process.

9 MR. TURNBULL: But I think unless there is
10 some language in the order --

11 MR. MAY: Well, and that's what I'm
12 suggesting is that there be --

13 MR. TURNBULL: There has to be very clear
14 language that they will provide, you know, protection
15 at those pinch points.

16 MR. MAY: Well, I mean, I guess what I'm
17 curious about is whether the applicant would be --
18 and maybe this is a question for OAG, if we simply
19 stipulate that in our deliberations that there be
20 such language and that additional bollards would be
21 installed as required to protect those properties,
22 subject to the public space permitting process, or
23 something like that. I mean, is that something that
24 we can leave to you in the final wording of that
25 order?

1 MR. RITTING: I supposed I can only answer
2 with a question, which is, do you, Mr. Turnbull and
3 other Commissioners feel reasonably confident that
4 you can articulate the position where you want to see
5 the bollards and/or protections to the point where if
6 I wrote a revised condition and showed it to you, you
7 could tell me that that's satisfactory?

8 MR. TURNBULL: Sure.

9 MR. MAY: I mean, I would --

10 MR. TURNBULL: I would have to get the
11 applicant's input.

12 CHAIRPERSON HOOD: I would leave it to the
13 applicant.

14 MR. MAY: Well, but I just don't see the -- I
15 mean, I understand the need to have the protection,
16 but I don't think that we can figure it out any
17 better between now and the meeting in December. I
18 think that it's really just a matter of putting
19 language in the condition about the protections that
20 we're expecting for the other users of the alley and
21 the other residences that abut the alley.

22 CHAIRPERSON HOOD: Okay. Well, I think at
23 least two of us would like to see the language. And
24 I'm not necessary -- I don't do stuff on the cuff on
25 the dais, but you know, I would leave that up to --

1 depends on how majority go. I just hate to vote
2 against something because I'm unsure of -- because
3 I'm not going to vote on anything in the blind. And
4 this is where I am. Unless we can fix it now, you
5 know, if we can have it now and iron it out now.
6 Another couple of weeks we meet when, in two weeks?
7 Three weeks. Okay. I was a week off.

8 MR. TURNBULL: I mean, I'd be willing to do
9 it. It just looks like Mr. Ritting is a little
10 uncomfortable with doing it also.

11 MR. RITTING: I think I could come up with
12 something. What my proposal would be, is I would
13 confer with the applicant's attorney and I would
14 prepare some draft language and I could circulate it
15 to the Commissioners, and you would indicate whether
16 it captured your intention. And if you're willing to
17 proceed in that manner I'm willing to do it.

18 MR. MAY: So I mean, we would be voting
19 tonight but then we'd be --

20 MR. TURNBULL: It's conditional.

21 MR. MAY: -- setting the final language
22 later?

23 MR. RITTING: Well, you'd be voting that I'd
24 be adding this additional bollard language.

25 MR. MAY: Right.

1 MR. RITTING: And I just want to make sure
2 that what I write down in the condition is exactly
3 what you had in mind and so --

4 MR. MAY: Right.

5 MR. RITTING: -- we wouldn't be releasing the
6 order until you had that satisfaction.

7 CHAIRPERSON HOOD: But the approval will
8 already be there.

9 MR. RITTING: Correct.

10 CHAIRPERSON HOOD: Correct? And if you don't
11 -- and I'm sure we'll get it right. We're going
12 through just too much here. I think the best thing
13 to do is just wait three weeks and be done with it.
14 Let's see the language, let the Commission vote on
15 it, and not leave it up -- I think, you know, once we
16 start doing it, leaving it up to the applicant and
17 general counsel, we do a lot of that.

18 But I think the Commission has already stated
19 -- one of the Commissioners already stated they'd
20 like to see something. So three weeks for one
21 Commissioner to see something, I think is not being
22 disingenuous or not being out of the scope of what
23 this Commission does. That's just where I am. We do
24 it for other Commissioners. I think we should do it
25 for this Commissioner.

1 MR. TURNBULL: Well, thank you, Mr. Chair.

2 CHAIRPERSON HOOD: You're welcome. Anybody
3 else? Do I have at least three votes? Okay. I've
4 got three votes. All right.

5 So are we going to meet December the 14th?
6 And we will take it up December the 14th. Unless
7 somebody wants to do a special public meeting. I
8 don't have a problem doing that. We can do it next
9 Monday. Next Monday? Okay. All right. We'll do it
10 on the 14th.

11 All right. Anything else on this? Any other
12 comments?

13 Okay. Let's go to C, Zoning Commission Case
14 15-10. This is Deanwood Hills, LLC., Consolidated
15 PUD and Related Map Amendment at Square 5197. Ms.
16 Schellin.

17 MS. SCHELLIN: Yes. At Exhibits 46 through
18 49 we have the applicant's post-hearing submissions
19 and in Exhibit 50 we have an NCPC report advising the
20 project would not be inconsistent with the Comp Plan
21 for the National Capitol. Would ask the Commission
22 to consider final action.

23 CHAIRPERSON HOOD: Okay. One second. Okay.
24 Any issues or concerns on this particular case,
25 Commissioners? Okay.

1 MS. COHEN: Mr. Chairman.

2 CHAIRPERSON HOOD: Oh, Vice Chair Cohen.

3 MS. COHEN: I think this is the one that I
4 should have been referring to on the IZ. No?

5 CHAIRPERSON HOOD: No. No, this is not the
6 one.

7 MS. COHEN: Thank you.

8 CHAIRPERSON HOOD: She got bad advice from me
9 that time. I thought this was the one. I'm looking
10 at -- okay. I will take the credit for that.

11 MS. COHEN: Okay. Thank you.

12 CHAIRPERSON HOOD: Okay. You took the last
13 one, I'll take this one. I thought this was the one.
14 This is the hearing action.

15 I do have an issue, and it may have been in
16 here and I may have overlooked it. I'm trying to
17 recall, did we see a first source agreement?

18 [Commissioner Cohen speaking off mic.]

19 CHAIRPERSON HOOD: Yeah, but I thought they
20 proffered a first source. Hold on one second.

21 [Pause.]

22 MR. TURNBULL: Mr. Chair, I just want to
23 point out that this case was also on that same night,
24 GW that I wasn't here, so I won't be voting on this
25 case either.

1 CHAIRPERSON HOOD: Okay. I see -- yeah,
2 okay. I made a note about the first source, but I
3 think my note was actually on the positive side this
4 time. So, but maybe I should have wrote down it was
5 positive because it looks like everything is
6 specifically filled out, all the parties. And that's
7 probably what my note was about because when I'm
8 looking back at it, I hope that's what it was about.
9 Okay. Looks good right now, looking at it quickly.

10 Anything else on this? All right. Somebody
11 like to make a motion? Mr. Turnbull, you didn't
12 participate.

13 MS. COHEN: Mr. Chairman, I will move to
14 approve Zoning Commission -- I hope this is the right
15 one. No. 15-10, Deanwood Hills, LLC., Consolidated
16 PUD and Related Map Amendment at Square 5197, Lot 809
17 and ask for a second.

18 MR. MILLER: Second.

19 CHAIRPERSON HOOD: It's been moved and
20 properly seconded. Any further discussion?

21 [Vote taken.]

22 CHAIRPERSON HOOD: Not hearing any opposition
23 of those who are present, Ms. Schellin, would you
24 record the vote?

25 MS. SCHELLIN: Yes. Staff records the vote

1 four to zero to one to approve final action in Zoning
2 Commission Case No. 15-10, Commissioner Cohen moving,
3 Commissioner Miller seconding, Commissioners Hood and
4 May in support, Commissioner Turnbull not voting
5 having not participated.

6 CHAIRPERSON HOOD: Zoning Commission Case No.
7 15-15, JBG Boundary/500 Harry Thomas Way, LLC., and
8 JBG/Boundary Eckington Place, LLC., Consolidated PUD
9 and Related Map Amendment at Square 3576. Mr.
10 Cochran.

11 MR. COCHRAN: Thank you, Mr. Chair. OP
12 recommends that the Commission set down the
13 application 15-15 for a public hearing on this
14 proposed mixed use consolidated PUD with related map
15 amendment from M to C-R. If you wish, you may want
16 to turn to Sheet A1.10 to look at the site plan while
17 I'm going through the rest of my remarks.

18 The project is located on three acres in the
19 Eckington Neighborhood of Near Northeast. It's about
20 five blocks north of the NO-MA/Gallaudet Metro
21 Station. While it's zoned for industrial uses, the
22 Comp Plan designates the area and the site as
23 suitable for land use change to a mix of medium
24 density residential and PDR uses. This is the same
25 land use designation that guided the Commission when

1 you approved PUD 05-23, the now completed Trilogy
2 Residential development immediately to the south of
3 the site you're considering tonight.

4 The proposed PUD would contain almost 700,000
5 square feet of development. It would range from 75
6 to 110 feet high and it would have an FAR of 5.1.
7 There would be about 691 residential units. Of
8 these, 51 would be affordable. There would be 6,300
9 square feet of retail space, of which up to 49,000
10 may be devoted to light industrial space. There
11 would also be 67,000 square feet of below grade self-
12 storage use, and the minimum required parking would
13 be provided.

14 The project would be approximately one FAR
15 smaller than could be constructed under the existing
16 zoning, but the requested zoning would permit the
17 currently prohibited residential uses the applicant
18 is asking for, and enable the project to be about 20
19 feet taller than the current zoning now allows.

20 The applicant is requesting dimensional or
21 numerical relief from closed court, roof structure,
22 and loading requirements, and special exceptions to
23 include self-storage and light industrial uses in the
24 requested C-R zone.

25 As the applicant describes, the principle

1 public benefit would be the creation of a
2 neighborhood center for Eckington through the
3 provision of a mix of retail and residential uses,
4 including what the applicant sometimes calls, "maker
5 space," in an architectural and site plan setting
6 that would create a broad pedestrian way. And as you
7 can see in the diagram, a publically accessible plaza
8 that would be between the streets to the east and the
9 west end of the site.

10 The principle proffer is a deeper level of
11 affordable housing for some of the required IZ units.
12 Now 51 IZ units are required to be provided for
13 moderate income households. The applicant has
14 committed to proffering that nine of these units of
15 the required ones would be available to low income
16 rather than moderate income households.

17 If you do set it down the last page of the OP
18 report notes that the items the applicant will need
19 to address afterwards, before the hearing. At this
20 point OP's most important concerns lie with the
21 relatively unresolved benefits and amenities and
22 proffers package. All of that is pending further
23 discussion between the applicant and the community,
24 and OP after set down.

25 The most important of the unresolved items

1 are the consideration of the additional IZ units,
2 particularly if they were proffered at a deeper level
3 of affordability with a greater number of bedrooms.
4 We would hope that the applicant would consider both
5 expanding the numbers and expanding the numbers that
6 have deeper affordability than they're now
7 proffering.

8 We would be looking for a clarification of
9 the range of the nonresidential uses that they're
10 proposing to line that east/west pedestrian way; the
11 kind of retail and maker space that they're
12 suggesting.

13 We would be looking for a market analysis of
14 the feasibility for providing the maker space,
15 particularly in a relatively close proximity to
16 what's going on over at the Florida Avenue Market
17 area. The applicant should also consider the
18 provision of incentives for starting up this kind of
19 retail or maker space.

20 OP also suggests that the applicant commit to
21 achieving LEED Gold rather than LEED Silver as they
22 are now committed to. And we'd ask for an additional
23 visual analysis of the impact of the 110 foot high
24 portion of the project on the east end of the site;
25 the impact on the surrounding area, particularly from

1 the north.

2 There is a need for a clarification of
3 whether the proposed loading would also involve the
4 use of the Trilogy apartments to the south, and
5 modification of that PUD's order. You can see why
6 we're asking this on Sheet A3.17.

7 And finally, we were looking for other
8 benefits or proffers that would be developed in
9 coordination with the community and that are
10 commensurate with the additional height uses and the
11 zoning flexibility that the applicant is requesting.

12 That completes our setdown report.

13 CHAIRPERSON HOOD: Okay. Thank you, Mr.
14 Cochran. Colleagues, any questions of Mr. Cochran on
15 this particular case and the request for setdown?
16 Vice Chair? Commissioner May?

17 MR. MAY: All right. So I'm not sure where
18 to begin. First of all, this is not an easy project
19 to understand with the drawings the way they are. I
20 mean, I appreciate the artistic sensibility that goes
21 into this particular style of rendering, but it
22 doesn't lend itself to the kind of accurate
23 understanding that we need to have for a project.

24 And then, you know, when you get into the
25 finer details of it there are things about the

1 drawings that are internally inconsistent. The
2 treatment of the bridges, for example, seems to be --
3 you know, they're shown in the elevations. They're
4 not shown in the sections, they're not shown in the
5 plans. Or at least not all of them, and not
6 accurately. It's almost like somebody thought, oh,
7 it would be cool to have some bridges, some
8 pedestrian bridges running across here. Let's throw
9 them in, in the elevations or in the renderings, and
10 then not actually plan them. So I don't really know
11 what's going on with those.

12 I'm also, you know, kind of concerned about
13 the circumstance to the south side and the way these
14 units are all, you know, essentially -- is there like
15 a five foot, 10 foot alley there or something like
16 that along the south side? Is that what it is?

17 MR. RITTING: There is a setback, but there's
18 not an alley.

19 MR. MAY: Well, okay, so it's -- I mean, it's
20 a setback. How far is the setback between the two
21 properties? I mean, there's some on the south side
22 of the property line as well?

23 MR. RITTING: Sorry. The Trilogy was built
24 with a setback. I don't remember exactly how many
25 feet. It's somewhere in the order of five to 10.

1 MR. MAY: Yeah.

2 MR. RITTING: And there would be a similar
3 setback on the north side of the property line --

4 MR. MAY: Right.

5 MR. RITTING: -- for the proposed
6 development. Most of the Trilogy is residential
7 units that are on the north side of the project, have
8 windows that are in the courtyards that are further
9 set back.

10 MR. MAY: Right. Right.

11 MR. RITTING: There is, you know, some
12 concern. And we will certainly be happy to explore
13 it further with the applicant if you do set it down.

14 MR. MAY: Right. And then so that's what I
15 have a concern about is because, I mean, that made --
16 you know, I don't recall that I was on the Trilogy
17 case. I think that happened during, you know, the
18 period when I was not on the Zoning Commission. But
19 in any case, it must have been a quick case.

20 Yeah. There was about three years there.
21 You could have gotten something done in three years.

22 Anyway, you know, what I'm seeing is a number
23 of units. Granted they're smaller units but they
24 seem to front just on to that relatively tight space.
25 And the other ones that front on to the quote, court,

1 are fronting on a very shallow court that essentially
2 is relying on the existence of the court of the
3 Trilogy project to the south to provide light and
4 air. And I'm not sure that's the smartest strategy
5 because even though the building is there and it's
6 probably the same vintage, I mean, who knows, you
7 know, as a matter of right they could build something
8 to their property line at some point in the future,
9 if that PUD were to ever go away.

10 So I think that needs to be thought out a
11 little bit more carefully. And I think that, you
12 know, maybe the strategy, the layout for those floors
13 needs to change a little bit and become more
14 courtyard focused, and the courtyards need to be a
15 little deeper. I'm not sure what that does to their
16 plan, but you know, those are the sort of things that
17 I think need to be figured out.

18 You know, and again, this may be part of the
19 issue that I have with the drawing, but I'm seeing a
20 mess of different styles. I mean, not styles, but
21 different treatments and I think, you know, I mean,
22 maybe my colleagues will disagree because they seem
23 to like a lot of things going on, but I'm looking for
24 a slightly more simplified pallet because they're
25 just -- it seems to me like everything possible is

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1 going on. You've got, you know, rough stone and
2 you've got brick, and you've got looks like
3 cementitious panels that are, you know, imitating
4 wood. And then you've got dark brick. And then
5 you've got, you know, concrete frame things and lots
6 of black -- you know, dark metal. I mean, it -- the
7 pallet is just a little bit much for me. And again,
8 it may be that it's perfectly fine but I can't really
9 tell from the drawings that it is.

10 I'm not trying to, you know, dumb it down to
11 the point of being boring, but it gives me a feeling
12 of chaos. And I think I do need to see -- go back to
13 the bridges for a second. Again, they're
14 inconsistently addressed in the drawings. You know,
15 they're shown in the renderings as being open air
16 tussle-like bridges, and then they're shown as having
17 green roofs in some of the plans. I mean, it's all
18 over the place.

19 You know, I mean, I appreciate the sort of
20 the big gesture of having the pedestrian way or alley
21 or whatever, that it's all centered on. I think
22 that's, you know, that's a promising idea. But at
23 the same time that's driving the project to be
24 configured in a way that isn't necessarily making the
25 best possible housing units. That's a very vague

1 comment, but I don't know, that's sort of at the core
2 of my unease about the project. I mean, none of this
3 is to the point where I think I'm not ready to set it
4 down. I think I'm okay with setting it down. I
5 mean, I just think that it needs -- it certainly
6 needs some refinement.

7 I think that's it for my questions and
8 comments.

9 CHAIRPERSON HOOD: Okay. Thank you. Vice
10 Chair, are you ready?

11 MS. COHEN: As I will ever be. I had a hard
12 time understanding the plans as well. I just thought
13 it was maybe my unfamiliarity with design. But I
14 also thought that there were just too much going on,
15 that your eye was just, you know, moving around a
16 lot, looking at different buildings that were not
17 consistent in some ways. I thought the whole plan
18 itself was exciting, having that pedestrian way. But
19 I did have a hard time with the plans themselves, so
20 I'm pleased to hear that my respected colleague had a
21 hard time too; gives me more self-confidence.

22 I also like the idea and do believe that
23 there is a market out there for the maker units. And
24 I would hope, really hope that the applicant makes a
25 great effort in locating, especially residents or

1 retailers in Ward 5 to come into that space because
2 it could be very, very exciting and I would love to
3 see that opportunity directed at employment
4 opportunities for residents in the neighborhood.

5 I am not -- I didn't understand the staging,
6 either, of this project, about how it's going to be
7 built out. So I would like more information on that.
8 And I also was very confused as to why you would add
9 storage to your building when there is a storage
10 facility next door, other than the fact that I have
11 since learned that storage facilities make a lot of
12 money.

13 I think I agree with everything the Office of
14 Planning has said. I again, would like deeper
15 affordabilities, higher LEED status.

16 I think in the retail we're going to need
17 some guidelines. You're asking for flexibility with
18 regard to the retail signage. But I think we need
19 some design guidelines and not just, you know,
20 provide that flexibility without knowing what the
21 base thinking is.

22 And I'd also like to know, who is going to
23 organize the events on the pedestrian walk-in, and
24 who will actually pay for these events. So that was
25 not clear to me either. Those are my comments, Mr.

1 Chairman.

2 CHAIRPERSON HOOD: Thank you, Vice Chair.
3 Any other comments or questions? Mr. Turnbull?

4 MR. TURNBULL: Thank you, Mr. Chair. I want
5 to thank Mr. Cochran. I would agree with his
6 comments. I think he did an excellent report and I
7 agree 100 percent, especially on -- I'm echoing the
8 Vice Chair's comments on affordability. I think we
9 need clarification and a better understanding of what
10 they really want to do. And I think we are expecting
11 more.

12 I have mixed views on this project. It's
13 like -- it's almost like someone -- it's like this
14 whole warehouse complex was abandoned and now taken
15 over and redone and reworked. It's very much got
16 this feel about it that just goes on forever. And
17 it's just huge. It's a big project. It's just --
18 which gets me to my really first question is that we
19 say it's medium density, which I think is four to
20 seven stories. This is, the one end is at 110. One
21 end is like more than medium density. I think, Mr.
22 Cochran, you even had a concern about the 110 feet.
23 And that's deep. That's big. That's just a big
24 bulky building there.

25 So I'm concerned about the medium density and

1 how this really, really works. It's very
2 complicated. And as Commissioner May was -- it's a
3 very busy building. There's lots of stuff going on.
4 I mean, we're going to need a very detailed roof
5 plan. I think there's a lot of setbacks that don't
6 meet the setback requirements. There's just a lot of
7 stuff going on up there. I would agree, we're going
8 to need better drawings. I think Commissioner May
9 mentioned that. We're going to need a lot of views
10 up on the roof, sections. I want to see everything
11 that's going on on that roof. That's got to be
12 detailed. It's just busy. It's just complicated.

13 I also want to know about these little
14 alleyways. I'm concerned about the littler area way
15 between the existing -- the self-storage building,
16 and those things looks like it's five feet away from
17 it. It's just, I want to see a view looking down
18 that. I want to see what that really looks like;
19 what someone is going to look at when they see that.

20 The same thing with Trilogy. I want to see
21 views down that and see what that really looks like.
22 I'm just concerned about -- it's nice to have a lot
23 more housing. We do need more housing. But it's got
24 to be quality housing. It's got to be livable
25 housing that's not just slammed up against another

1 building. But you look out and you've got five feet
2 and you see another building right there out your
3 window. So, I'm just concerned about the heights,
4 the dimensions, what you're looking at. These
5 trellises on the roof. I worry about the setbacks up
6 there.

7 I'd like to see, again, getting back to the
8 view sheds, what we're really looking at.
9 Architecturally it's unique. It's different. It's
10 just got a lot of stuff going on and I think that
11 needs clarification.

12 We have some drawings that give some more
13 definition to what the buildings look like. But we
14 have a lot of sketches. And I think we do need more
15 of the 3-D drawings that we get for a presentation
16 that actually shows more realistic view of what
17 somebody would really see. Not only from the street,
18 but as I say, up on the roof too. We really need
19 some views.

20 I mean, I'm not opposed to setting it down.
21 I think it's -- I want to see what this thing really
22 look like. This thing could be -- this thing could
23 be really unique and an exciting place. But I'm just
24 concerned that some of the dimensions and the
25 setbacks and how this thing fits in is just really

1 tight. And I'm just worried about the quality of
2 architecture, the quality of the space for the people
3 who are going to live there.

4 But, Mr. Chair, I think those are my
5 comments.

6 CHAIRPERSON HOOD: Okay. Thank you.
7 Commissioner Miller.

8 MR. MILLER: Thank you, Mr. Chairman. Yeah,
9 I support setting down this project for a public
10 hearing. And I agree with just about everything.
11 Well, I think I agree with everything that's in the
12 Office of Planning report and with most of what my
13 colleagues have said.

14 This is a large project, 691 residences, and
15 nearly 64,000 square feet of retail. It will do a
16 lot to revitalized this vacant and underutilized area
17 and bring life and housing and retail activity to it.
18 But there are a lot of additional information that is
19 needed and I think the 10 items that Mr. Cochran
20 outlined on the last page, page 11 of his report, are
21 totally necessary, which some of my colleagues have
22 touched on.

23 And Mr. Cochran's report on page 10,
24 emphasized a few of those. And one was additional --
25 well, the first one was, which I agree with Vice

1 Chair Cohen and Commissioner Turnbull, that although
2 we appreciate the deeper affordability level that has
3 been proffered for 1.6 percent of the total
4 residential square footage at the 50 percent AMI,
5 when I think it wasn't required, it all could have
6 been at the 80 percent AMI, that I would support that
7 OP recommendation that the applicant consider
8 expanding its commitment to the number of
9 inclusionary units provided, and at the lower level.

10 We also need more information, I think, on
11 the size of those units and the location of those
12 units. Generally on the size of the units I think we
13 should note that a substantial amount of the units
14 are two and three bedroom and two-level. And that's
15 something that we don't see in all of these
16 residential projects, or in many of these residential
17 projects that come before us which are often mostly
18 one-bedroom and studios. So there is an effort to
19 try to get the larger units for families, that
20 families need in the city as well.

21 So on the business, I think maybe the better
22 renderings will -- and refinements will clarify that.
23 Commissioner, I think, May, is right that I think I
24 may be one of the ones that he was referring to that
25 tends to like busier things. I think when the

1 project is this big, 700,000 square feet, I think we
2 do need a variety of materials and colors and
3 palettes and setbacks and niches and step downs in
4 order to break up the size of such a huge project.
5 It is a huge project.

6 So I think Mr. Cochran's report it was
7 important to get, and as others of my colleagues have
8 said, we do need additional graphics to demonstrate,
9 as he says on page 10, the existing views and the
10 future views from the established residential areas
11 to the north and west, and also additional graphics
12 to demonstrate the impact of the project on the north
13 facing windows of the Trilogy Gale Buildings, which
14 are south of the proposed PUD.

15 I think there's a reference to the fact that
16 there are setbacks and step downs there, but I really
17 couldn't see them very well. So maybe the additional
18 graphics will just show it. Or maybe there needs to
19 be additional step downs and setbacks in those areas
20 which are adjacent to the less tall residential
21 nearby. But otherwise I'm enthusiastic about this
22 project. Thank you, Mr. Chair.

23 CHAIRPERSON HOOD: I would agree with
24 everything my colleagues said. And when I looked at
25 this project I looked at the renderings. I think

1 maybe it's how the renderings are laid out and given
2 to us, maybe we need to tighten that up a little bit
3 and maybe we can -- at least I can perceive it a
4 little better than what I do now.

5 As stated, this is a large project and I
6 don't want to be redundant, but some of the things
7 that my colleagues, or most of the things that my
8 colleagues asked for, I hope that we can get because
9 I can tell you, when you sit here long enough and you
10 vote on -- there's a particular -- this is a little
11 off the setdown, but there is a particular building
12 that this Commission voted on some years ago. And I
13 want you all to know, I rode by there twice. I've
14 been riding by there but I've been thinking about you
15 all as I ride by there, including myself.

16 So these are the kind of concerns that, you
17 know, when they start becoming a reality, these are
18 some of the things we need to start looking at. I
19 think we asked the right questions. I don't know if
20 we asked the right ones for that particular case.
21 But I think we asked the right questions today. And
22 I'm not Monday morning quarterbacking, because I was
23 here. But I can tell you, we need to do due
24 diligence for this community, and some of the things
25 that you all have asked for, along with the Office of

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1 Planning, I think is perfectly in order.

2 And I do like looking at expanding the deeper
3 affordability. So, I'm in line with that. But I'm
4 looking forward to the hearing. It looks like it
5 won't be a quick night unless something changes
6 between now and then, but I think it will be more of
7 an explaining night and trying to realize how we got
8 to where we are today.

9 So I agree with everything I heard my
10 colleagues. I think you all hit it dead on and I
11 don't have a problem with setting it down, but it
12 needs to be some things -- I need to see some things
13 come to form for me during the hearing process. So,
14 anything else? Commissioner May?

15 MR. MAY: Yeah. I just want to pick up on
16 something that Commissioner Turnbull remembered,
17 which is the -- mentioned, which is the treatment of
18 the roof and the setback relief, and the multiple
19 structures. And you look at there -- I mean, first
20 of all, it's hard to tell exactly what's going on
21 there because there are, again, inconsistent
22 drawings. You know, in some cases the renderings
23 show one thing and then -- or prospective use show
24 one thing and then you have the site plan which shows
25 something very different.

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1 And there are lots of structures and kind of,
2 you know, for no apparent reason, structures of
3 unequal heights that are just a few feet away from
4 each other that could easily be consolidated into a
5 single structure of one height. Not to mention the
6 fact that with the taller building to the north side
7 you have an absolutely stunning view of the condenser
8 farm on the lower building below it. So you know,
9 there's lots of refinement that needs to happen
10 there.

11 And again, I want to underscore my earlier
12 concern about the adjacency of this building to the
13 building, particularly to the south. You know, to
14 some extent it may also be an issue with the more
15 eastern wing and how it fronts on the alley there
16 and, you know, what the circumstances are.

17 We don't have -- I couldn't see actual
18 renderings of those south facades in the set that we
19 have. Maybe I just, you know, I missed them or I
20 couldn't tell which ones are which. But I mean,
21 there's a lot that we have to understand about this
22 and I think they do need to do a lot of work. Even
23 if they didn't change any of the design, they just
24 need to do a lot of work on the package so that we
25 understand exactly what's going on. And it does need

1 work on the design.

2 As for the complexity of it, you know, the
3 one -- this is to Commissioner Miller's response. I
4 mean, I agree that there has to be a lot of variation
5 and there are ways that you can do that. But I
6 think, you know, as you look at just the façade along
7 the west side of the building, I'm seeing like
8 something like seven different façade treatments in
9 the shortest of the facades. Seven different, you
10 know, distinct ideas about how to make the façade.
11 And I just think that's a lot. I mean, it doesn't
12 mean that they're not good ideas there. It just
13 means that maybe they have to relate to each other a
14 little bit more than they do. Anyway. Thanks.

15 CHAIRPERSON HOOD: Okay. Anybody else?
16 Somebody like to make a motion?

17 MR. TURNBULL: Mr. -- oh, go ahead.

18 MR. MILLER: Okay. Thank you, Mr. Chairman.
19 I would move that the Zoning Commission set down
20 Zoning Commission Case No. 15-15, JBG Boundary 500
21 Harry Thomas Way, LLC., and JBG Boundary Eckington
22 Place, LLC. Consolidated PUD and Related Map
23 Amendment at Square 3576, with all the requests that
24 have been made here tonight, and ask for a second.

25 MR. TURNBULL: Second. Second.

1 CHAIRPERSON HOOD: Okay. It's been moved and
2 properly seconded. Any further discussion?

3 [Vote.]

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

6 MS. SCHELLIN: Yes. Staff records the vote
7 five to zero to zero to set down Zoning Commission
8 Case No. 15-15 as a contested case, Commissioner
9 Miller moving, Commissioner Turnbull seconding,
10 Commissioners Cohen, Hood, and May in support.

11 CHAIRPERSON HOOD: Okay. Thank you. Let's
12 move right along. MRP Rhode Island Avenue -- I'm
13 sorry. Rhode Island Investors, LLC., Executive First
14 Stage and Consolidated PUD at Square 3629. Ms.
15 Thomas.

16 MS. THOMAS: Yes. Good evening, Mr.
17 Chairman, members of the Commission. The Office of
18 Planning is recommending setdown for a public hearing
19 of MRP's request for a first stage and consolidated
20 PUD to redevelop the Rhode Island Shopping Center at
21 4th and Rhode Island Avenue Northeast within the C-3
22 PUD parameters, as a map amendment is not requested.

23 This large site would be developed over six
24 phases, so for simplicity you may refer to your
25 illustrative site plan in Exhibit 14E, Sheet L1.01,

1 or at the back of my report, pages 25 and 26. This
2 would show the site's overall layout for the first
3 stage PUD, which is represented in concept for each
4 parcel's layout, massing, and height as described
5 within our report.

6 The overall development envisions seven mixed
7 use buildings, each at seven stories, 90 feet in
8 height, 1,500 residential units, above ground floor
9 retail and below grade parking for a total of about
10 2,000 spaces, and an overall density of approximately
11 3.62 FAR, which excludes the area for private
12 streets. A main east/west private street and private
13 driveways would provide access to below grade parking
14 within each building.

15 Further, Exhibit 14.A2, page 2.01, or page 26
16 of our report outlines the stage 2 PUD which would
17 consist of two buildings with residential units above
18 ground floor retail as well, with an area to be
19 dedicated for temporary retail uses west of those
20 buildings. And again, I'll note that the details are
21 noted in our report.

22 The plaza area would, you see in the
23 drawings, would incorporate WMATA's stairway as an
24 integral feature of the plaza, as the trail would be
25 realigned under the pedestrian walkway. The

1 development's relationship to the trail and
2 pedestrian bridge access to the Rhode Island Metro is
3 important to many objectives of the Comprehensive
4 Plan, as well as the recently drafted Metropolitan
5 Branch Trails Safety and Access Study which is
6 referenced in our report.

7 Affordable housing would be provided, and
8 while currently proposed at 8 percent, the applicant
9 has agreed to explore extending this requirement to
10 an amenity as the PUD is refined. Flexibility is
11 requested to permit more than one building on a
12 single lot of record, for roof structure enclosures,
13 and from the loading requirements for residential
14 uses to provide 40 foot berths instead of 55 foot
15 berths, and to extent the first stage PUD approval as
16 outlined in our timeline table on page 16 of our
17 report.

18 In closing you have our comments at the end
19 of our report in Table 9, and should this application
20 be set down we believe that these items can be
21 addressed by the applicant prior to a public hearing.
22 We will continue to work with the applicant on
23 refining the benefits and amenities package, and
24 again, we reiterate, we would recommend setdown of
25 this application. Thank you.

1 CHAIRPERSON HOOD: Okay. Thank you, Ms.
2 Thomas. Colleagues, any questions on this
3 application in the request for setdown? Let's just
4 go in the usual order.

5 You're not ready? Okay. Anybody else? Mr.
6 Turnbull.

7 MR. TURNBULL: Oh, thank you, Mr. Chair. I
8 think the OP report is fairly concise and
9 comprehensive and I appreciate that.

10 My only concern is that -- well, I have
11 several concerns. This is a big site, 13 acres. And
12 you cite a lot of different aspects, and one of them
13 is the park and providing a city park, a community
14 park, and what I -- I'm not sure how integrated that
15 is. I mean, it's at that far end of the site and I'm
16 not sure how well it's integrated with the rest of
17 the project. I mean, I think you have to -- you
18 can't get to it from Rhode Island Avenue. You have
19 to go in through the project and come around. I
20 really need more info. I'd like to see that plan
21 really developed more so we can really understand how
22 people are really going to enjoy that green space. I
23 mean, I can see if you're on the bike trail, you can
24 come off, you can do it. But as far as the
25 pedestrians and all the people in the neighborhood,

1 how can they get to it easily? I'd like to see
2 connections on how you can actually enjoy that space
3 and what other kind of amenities within that park --
4 I mean, they're showing a few features but I'd like
5 to see a larger scale elements of what that area is
6 really going to look like for the community.

7 I guess I'm worried about the energy
8 efficient -- they talk about energy efficiency and
9 site planning. It just looks fairly straightforward
10 and right now it reminds me of what exercise we had
11 to do when we were in college in architecture. You
12 did massing and you used to have to play with sugar
13 cubes, and you'd put these sugar cubes out and do
14 massing. This looks just like a laid out massing of
15 little blocks, and it's very grid-like. It's an
16 essay in black and white.

17 And when we talk about a carefully integrated
18 with adjacent sites, is the architecture that -- is
19 it articulated that well that it's going to be an
20 exciting place? To me it looks -- it's very
21 organized. So Commissioner May was talking about the
22 previous project where a multitude of things going
23 on. This is a lot more regular, but it almost looks
24 forced. I mean, it's an exercise in black and white.
25 There's a lot of grid. There's changing colors going

1 from black and white. But when you look at the whole
2 project I just feel it's -- I'm concerned. I'm going
3 to need better views. I'm going to need street views
4 to make sure what this thing really looks like. It
5 looks just very clinical. It looks like an office
6 complex, and it just doesn't look -- I can't get that
7 excited about it.

8 I mean, if you're going to have 13 acres, and
9 you're going to have a -- there ought to be a uniform
10 character throughout. But if this is the character
11 I'm a little bit concerned about the image that
12 you're actually seeing when you're walking on the
13 street and looking up at this rectangular grid.
14 There's no setbacks, there's no offset. From what I
15 can tell right now it's just a very -- to me it seems
16 a bland building. Bland buildings.

17 And I just can't get excited that the
18 articulation that I'm seeing -- maybe we get some
19 better drawings and as they go forward, and maybe
20 when we have the actual hearing we'll have a more
21 informative set of drawings. But just the opposite
22 of the other project, which had a lot of -- I'm not
23 sure what you do with it. I mean, I think
24 architecturally they really need to work some more on
25 this. I mean, I can't get excited by it right now.

1 Okay, Mr. Chair.

2 CHAIRPERSON HOOD: Okay. Thank you, Mr.
3 Turnbull. We're going in reverse order.
4 Commissioner Miller, you ready or --

5 MR. MILLER: Thank you, Mr. Chairman. This
6 is a large project as well and again, will continue
7 the revitalization occurring in this neighborhood and
8 in the city as a whole which is very exciting. I
9 would agree with all of the requests for additional
10 information and refinements and recommendations that
11 the Office of Planning report has outlined. And as
12 one who liked all of the variations and materials in
13 the previous case, I certainly would agree with
14 Commissioner Turnbull that this needs -- it needs a
15 more residential feel. There are some balconies,
16 maybe additional balconies would make this read more
17 residential than the office -- or maybe it's refined
18 renderings. I don't know.

19 But the only comment from the Office of
20 Planning that I would emphasize is the -- I
21 appreciate that the applicant is meeting the minimum
22 eight percent inclusionary zoning requirement at 80
23 percent AMI, and I think in their prehearing
24 statement they did say that some of them will be two
25 bedroom units. And were three bedroom units also

1 included, I think, as well. And I guess as required
2 by IZ, it would be in the proportion that the overall
3 project has.

4 So we appreciate that, but we need to see a
5 deeper affordability level for this neighborhood and
6 for the city as a whole, which is why we haven't -- I
7 realize it meets the law, but it doesn't meet the
8 need that exists in the city, which is why we have an
9 IZ case pending that we're going to get to
10 eventually.

11 But other applicants have come forward and at
12 least tried to offer some deeper levels of
13 affordability that really at least makes a gesture
14 toward meeting the need. Every bit helps in this
15 city and we have a lot going on. And so the bits add
16 up to more than bits. So I think we'd like to see
17 that. Other than that, I have no other comments, Mr.
18 Chairman.

19 CHAIRPERSON HOOD: Okay. Thank you. Vice
20 Chair Cohen.

21 MS. COHEN: Thank you, Mr. Chairman. First
22 of all I'm really happy that this project is coming
23 before the Zoning Commission because it's one of the
24 most horrible sites in the city, this shopping
25 center. It was an urban development action grant,

1 and I remember it way back when I worked for HUD,
2 which was probably about 25 years ago. So it needs
3 to be changed and updated to smart growth principles.
4 Whatever you want to call the sustainability.

5 I'm also pleased that they are going for LEED
6 Gold. I think that's extremely important for such a
7 large site. The IZ units, at least there are a
8 couple that are being offered at 60 percent. Again,
9 I concur with my colleague, Commissioner Miller, that
10 it meets a need but we'd like to always see more
11 deeper subsidies.

12 I think that it's important to hear from
13 WMATA about what their plans are with the possibility
14 of contributing to the cost of a new entrance if
15 that's needed, and I think WMATA may not have this on
16 their agenda, so I would like to know more about
17 their plans for the site.

18 The maker spaces, again, please go out and
19 try to find neighbors who can -- or neighborhood
20 businesses, small businesses, or individuals who want
21 to start their business in one of these spaces. It
22 would really be great to have that opportunity
23 delivered to the immediate neighborhood.

24 I would like to know more about loading and
25 explain how the whole flow of truck traffic and other

1 -- you will be coming in with a traffic study. So
2 obviously, you know, we'll wait until that happens.

3 And I guess my comments, again, are similar
4 to, I guess, Commissioner Turnbull's with regard to
5 trying to get your arms around the whole project,
6 even though we're only really approving two
7 buildings. And I didn't think the buildings actually
8 were that poorly designed myself, but I'm only one
9 vote.

10 So I just wanted to get a better feel for the
11 rest of the build out of the project and the timing
12 as well. Thank you.

13 CHAIRPERSON HOOD: Commissioner May.

14 MR. MAY: Okay. So I do have a couple of
15 questions. The current bridge connection to the
16 Metro, I've never taken it. Does it actually just
17 leave just to the Metro entrance, or does it actually
18 connect? I mean, can you cross that bridge and just
19 go from neighborhood to neighborhood?

20 MS. THOMAS: You can cross the bridge and go
21 to Metro from that --

22 MR. MAY: Only to the Metro. You can't
23 actually connect into the neighborhood that surrounds
24 it there?

25 MS. THOMAS: Yeah. The project proposes two

1 connections to the neighborhood to the north.

2 They're proposing a stairway.

3 MR. MAY: Right. Yeah, I saw that, yeah.

4 No, I'm just curious about the connection to the

5 other, because there's, you know, there's

6 development, you know, by the Metro on the other side

7 and not -- you know what I'm talking about?

8 MS. THOMAS: Yes. Uh-huh.

9 MR. MAY: Yeah.

10 MS. THOMAS: No --

11 MR. MAY: But there's no way to walk to it

12 unless you walk through Metro.

13 MS. THOMAS: Walk through Metro, yeah.

14 MR. MAY: That's unfortunate. And I'm sure

15 this project isn't going to fix that.

16 And did they look at doing an actual, you

17 know, like a stairway down to Rhode Island Avenue to

18 connect the park section of it to Rhode Island

19 Avenue?

20 MS. THOMAS: Not exactly to Rhode Island from

21 the park, but there would be access from -- you know,

22 there wouldn't be improvement to the public realm as

23 well, that we are suggesting that would lead to the

24 park. We're trying to work with signage as well.

25 We're trying to get them to do way finding signs.

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1 That would direct people to the site and through the
2 site as well. But there is no -- because of those
3 grade changes from Rhode Island Avenue to the top of
4 that site, it's about 50 to -- about 20 feet
5 difference.

6 MR. MAY: Yeah.

7 MS. THOMAS: They're 70 feet high in the
8 back.

9 MR. MAY: Right. I mean, I'd be curious to
10 know if there is actually some way to do that and do
11 it gracefully. And, I mean, I know that there would
12 be an ADA issue. I wouldn't want to fill the thing
13 with ramps. But I don't know if an ADA connection
14 from that, you know, from one point to the other is
15 actually a requirement. I mean, it's just something
16 to think about because it's, you know, that section
17 of Rhode Island Avenue needs a little love, and
18 connecting it to a park might be one way to do that.
19 And it may be completely impractical. I just thought
20 it was something to look at.

21 The, you know, going back to my fellow
22 Commissioner's comments about the massing of the
23 entirety of the PUD, first of all let me say, I'm
24 really glad that we're not doing a consolidated for
25 the entire site because it's very big and it requires

1 the kind of attention that we can only do if we do it
2 in phases. So I'm really glad that we're seeing only
3 part of it consolidated.

4 As for the massing of it, you know, we did
5 just see a case that was, I think very, very dense,
6 and with very narrow spaces, and very narrow courts
7 and alleys and so on. And then now we have one where
8 we have streets that seem to be exceptionally wide.
9 I mean, I was trying to do the math on the street
10 section but, you know, the street section for the
11 major portion of that avenue coming off 4th Street is
12 very large. I mean, this is over 100 feet there.
13 I've lost my page on it and I didn't finish the math
14 on it. But it just seems like there's a generosity
15 of that public space, of the street space, from
16 building face to building face that in this case is
17 kind of overdoing it. And I think -- I mean, just
18 like the other one was a little too dense, this one
19 is not dense enough. Or at least not varied enough
20 in character.

21 And I think that what happens as a result of
22 that is that you miss an opportunity for a more
23 gracious concentrated public space further to the
24 west in the project. So you have that nice park
25 which, you know, I like that idea of that park along

1 the trail. I think that's a great thing. But I
2 think that there's a lost opportunity for a public
3 space further to the west. And that comes from the
4 way they have laid out the massing and the way
5 they've -- you know, the streets are very, very
6 generous. And they all seem to be that way. I'm not
7 saying that the whole thing should be packed as
8 tightly as the last project, but I think that having
9 some variation or having some units that face wide
10 streets and then having some units that face narrower
11 alley like circumstances, I think it could help it
12 quite a bit.

13 The last thing that I think is just a comment
14 on the architecture. I think that -- you know, I
15 appreciate the fact that the palette is relatively
16 limited, but it's -- I think that there's probably
17 going to be some pushback because it's just very
18 dark. And I think that I could very easily see this
19 coming back after there's been a little bit more
20 public comment on it. You go to a few ANC meetings
21 and people are going to start telling you, well, you
22 need to have some red brick.

23 And I understand what they're trying to do
24 but it's sort of interesting when you look at the
25 precedent images that they're showing. They're a lot

1 of these red brick industrial warehouse kinds of
2 buildings. And we get almost no red brick in this,
3 but we get a lot of that dark, you know, window
4 framing. But also a lot of dark just façade
5 materials, whether it's precast or metal panel or
6 what have you. And I don't think it's -- I mean, I
7 guess the southernmost building of the two that are
8 part of phase one, that is -- that does give you a
9 little bit more of an industrial feel. And that's
10 okay but it's still not quite there in that
11 industrial style. And the one to the north is not
12 really there at all.

13 And I mean, I have to question whether that's
14 really the right approach for this site. I
15 understand that industrial may be particularly
16 popular at the moment, but not everything has to be
17 that way. So I think that a serious examination of
18 what the right style is, is appropriate. And certain
19 an examination of color, so.

20 CHAIRPERSON HOOD: Okay. I will piggy right
21 back up on what Commissioner May had mentioned about
22 the color. So hopefully we can reexamine and see.
23 I'm not saying that I can advocate and say what the
24 right style is, but that is one of my concerns. And
25 again, I thought maybe when it was being printed

1 maybe it was just on the dark mode. But anyway,
2 let's kind of hopefully revisit that and see what
3 really makes it look good.

4 I will say this, though, that Metro bridge,
5 that bridge works very well. I just haven't went
6 across it yet. But this looks so well built and I
7 watched them when they put it together that maybe one
8 of these days I may walk to the other side and enjoy
9 some of that pedestrian walking.

10 What I will say, though, it looks like the
11 Office of Planning, even though they are recommending
12 setdown, that there were quite a few things and I
13 think they mention in their report, that they believe
14 that some of these things can be dealt with, or some
15 of them have been dealt with, or can be dealt with
16 prior to the hearing. So that gives them a comfort
17 level and -- because when I look at a laundry list of
18 things that are still outstanding, or things that
19 still need to be worked with, I usually get
20 skeptical. But I think if they, who have been in
21 tune with the applicant about the project, think that
22 it's worth moving forward I would take their
23 recommendation on this.

24 Again, I know that they're going to have a
25 number of meetings with that community, and I'm

1 looking forward to hearing what some of the feedback
2 is as mentioned by one of my colleagues about some of
3 the design issues, and the circulation issues, and
4 how things are going to actually work. But one thing
5 I will say while we're not doing a whole site, I
6 always like to say the traffic, we're going to always
7 leave that open. I would hope that this Commission,
8 either for further development in that area, would
9 always make sure that traffic is something that we
10 gauge and look at. Especially with a project of this
11 magnitude.

12 So I would concur with Mr. Turnbull's
13 comments, as well as the other ones that I've heard
14 from my colleagues, and looking forward to having a
15 hearing on this particular case. Okay. Vice Chair,
16 you had something else you wanted to add?

17 MS. COHEN: Yeah, I wanted to find out more
18 about the retailers that are still operating on the
19 space. And I understand that there are some plans
20 for having temporary uses. So I just think we need
21 to find out what the plans are for those retailers
22 that are in existence, and are they going to be
23 relocated? Will they remain in the temporary space
24 and go into some of the new space. And just more
25 elaboration on that, please.

1 CHAIRPERSON HOOD: And I think also, somebody
2 mentioned views. I want to see how it looks from the
3 Metro, how it looks from walking around the
4 neighborhood. Just, if I'm walking around on ground
5 level I want to see how these two buildings are going
6 to be projecting out. I want to see how it's going
7 to look if you can give me some views all the way
8 around those buildings. I'd like to see how they fit
9 in.

10 Okay. Anything else? Commissioner Miller.

11 MR. MILLER: Yes, Mr. Chair. I just want to
12 go back and touch on that park issue again. It seems
13 like -- it says, "Piece of land that's left over has
14 been made into a park."

15 But again, getting back to what Commissioner
16 May said, you know, you can't really get to it from
17 Rhode Island Avenue. You've got to go through. I
18 can't see it being used that much. I mean, I'm
19 worried it's going to be a leftover park only used by
20 people on the bike trail. It ought to be an event.
21 There ought to be something to attract -- if I look
22 at the site plans, the massing draw, these aerial
23 views from O21 -- O.21 through 25 or whatever, you've
24 got this interior street and I'm just worried it's a
25 canyon and there's like -- I almost want to invert

1 block 1A and invert it the other way so that you
2 almost create a more of a plaza down at that far end
3 that you could have an event that people then would
4 want to come down and be part of this whole thing.
5 It would draw people.

6 I think this site plan is missing an
7 opportunity to try to utilize the park, make it more
8 of an event, and make a plaza down there. Right now
9 it's just another canyon. It's a canyon street that
10 goes through there. But if you could open this up at
11 this end so that would draw people in, and I mean, I
12 could see this as a cultural area for things to
13 happen. I mean, I just think providing housing is
14 one thing, but providing housing that has an event
15 and part of a city scape that's inviting and attracts
16 retail and everything else would be even more. You'd
17 have life on the street, you'd have people coming
18 down to this one end.

19 I just think site plan wise they could do a
20 little bit more trying to integrate the park with the
21 whole life of that street with the retail. And I
22 think you almost want to -- I almost want to break
23 the building and turn it the other way and do a
24 little shifting to try to make that whole space down
25 there more lively. I'm worried that this park is

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1 just going to become a dead-end park and not really
2 that exciting. Just a leftover. I mean, to me it's
3 an unutilized opportunity.

4 CHAIRPERSON HOOD: Okay. Any other comments?
5 Commissioner Miller.

6 MR. MILLER: Thank you, Mr. Chairman. I just
7 had one clarification question. I thought I had
8 heard the Vice Chair commend the project for being
9 LEED Gold, but I didn't see that. I saw LEED Silver.
10 Maybe I'm reading the wrong material, but could the
11 Office of Planning clarify? I thought the prehearing
12 statement and OP's own report said it's targeting
13 LEED Silver, and we of course would be pushing for
14 them to go to the Gold.

15 MS. THOMAS: That's correct. We did discuss
16 with the applicant that to confer with DDOE because
17 there are lots of programs and programming that is
18 available right now that they can take advantage of.
19 We looked -- I'd like to look -- for them to look at
20 solar panels because it's such a large roof area that
21 would be on the site. So I think that's something
22 that they could look at to improve their
23 sustainability.

24 MR. MILLER: Thank you for that comment.
25 We'll look forward to that too.

1 CHAIRPERSON HOOD: Is this the same applicant
2 that did the -- I might have asked this before. It
3 just seems like I keep seeing MRP Realty. Is this
4 the same applicant that did the building at the
5 bottom of New York and Florida as you get ready to go
6 up the hill?

7 MS. THOMAS: Yes.

8 CHAIRPERSON HOOD: Fabulous project. That's
9 one that we voted on that contradicts what I said
10 earlier. The project I have to sneak by and hide
11 when I walk. That one I can stand out there and say,
12 I voted on this one. I do like that project and
13 sometimes it's good to give feedback after it's done.
14 So that project, I love it. So hopefully this will
15 be the same way. Okay. When you're going up the
16 hill, we voted on that some years ago. Going up the
17 hill on the right-hand side. I love that project.
18 Yeah. Unlike the other one. Maybe I'll ride by this
19 one as opposed to the other one.

20 So, anyway, waiting for Mr. Turnbull to come
21 back. What does the Council do, two minutes? Is it
22 two minutes? Let's do two minutes.

23 [Off the record from 8:06 p.m. until 8:08
24 p.m.]

25 CHAIRPERSON HOOD: Anything else on this?

1 We'll go back on the record.

2 All right, would somebody like to make a
3 motion?

4 All right. I would move that we set down
5 Zoning Commission Case 15-16, MRP Rhode Island Avenue
6 Investors, LLC., First Stage and Consolidated PUD at
7 Squares 3629 with everything noted and ask for a
8 second.

9 MR. TURNBULL: Second.

10 CHAIRPERSON HOOD: It's been moved and
11 properly seconded. Any further discussion?

12 [Vote taken.]

13 CHAIRPERSON HOOD: Ms. Schellin, would you
14 record the vote?

15 MS. SCHELLIN: Yes. Staff records the vote
16 five to zero to zero to set down Zoning Commission
17 Case No. 15-16, Commissioner Hood moving,
18 Commissioner Cohen seconding, Commissioners May,
19 Miller, and Turnbull in support.

20 CHAIRPERSON HOOD: Okay. Next, Zoning
21 Commission Case 15-21, Kenilworth Revitalization,
22 IJV, LLC., and DCHA, First Stage and Consolidated
23 PUDs and Related Map Amendment at Squares 5113, 5114,
24 and 5116. Mr. Mordfin.

25 MR. MORDFIN: Good evening, Chair and members

1 of the Commission. The Office of Planning recommends
2 setdown for a public hearing of a first stage PUD for
3 the majority of this site, a consolidated PUD for a
4 portion of the site, and PUD related map amendment
5 from R-5-A to R-5-B and C-2-A, and R-1-B to R-5-B.

6 The project involves the redevelopment of
7 Kenilworth Courts into a mixed use, mixed income
8 neighborhood of approximately 530 row house and
9 apartment dwelling units, and office retail and/or
10 community space.

11 The site, which you can see on the
12 applicant's submission is on page S09, there is an
13 illustrative site plan. And the site is, as you can
14 see, irregularly shaped and consists of approximately
15 14 acres and is located west of Kenilworth Avenue
16 just inside the district line. It is improved with
17 290 public housing units, all of which are to be
18 demolished. A detailed strategy for the relocation
19 of the residents during construction is still needed.

20 The proposed development includes a mix of
21 public housing replacement units, tax credit units,
22 work force units, for sale -- that would be for sale
23 and for rent. It includes units affordable for not
24 less than 30 years and also not less than 40 years.
25 However, the applicant has not yet identified those

1 units to be exempt affordable units for the IZ
2 regulations for as long as the project exists.

3 A variety of housing types are proposed,
4 including apartments, a senior citizen building, town
5 houses, some with a garage, stacked flats,
6 townhouses, and townhouses over flats. The apartment
7 buildings will be located along Kenilworth Avenue
8 with lower density housing towards the interior of
9 the site. New public streets and public alleys all
10 would be constructed, eliminating the existing
11 superblock design. All off street parking would be
12 accessible from the public alley.

13 The PUD will be developed in three phases.
14 Phase 1, the consolidated portion is located along
15 Kenilworth Avenue and it includes two four-story
16 apartment buildings, including the senior building
17 with community retail or office space on the ground
18 floor. Lower density housing would be located behind
19 those buildings.

20 All housing within the first phase will be
21 replacement public housing units, affordable at 60
22 percent AMI. The other two phases include the
23 remainder of the PUD with units affordable at 80
24 percent AMI and also market rate units.

25 Phase 1 includes a map amendment to C-2-A to

1 accommodate potential retail uses on the ground floor
2 of the apartment buildings, the building height, and
3 also FAR. All three phases include a request to R-5-
4 B for the townhouses, the stacked flat apartments,
5 and to accommodate building height and FAR.

6 Flexibility is requested for the consolidated
7 portion of the site and includes lot occupancy,
8 parking, side, and rear yard. Additional information
9 is needed regarding specifically where this relief is
10 requested.

11 The application is in conformance with
12 several elements of the Comprehensive Plan, including
13 land use, transportation, and housing, and will blend
14 into existing surrounding development while providing
15 modern apartment buildings at the city's gateway. It
16 will provide housing directly facing the street,
17 improving the safety of the residents.

18 OP supports this proposal and will provide --
19 as it will provide for a mixed income community,
20 including a variety of housing types and sizes, while
21 eliminating an outdated development. OP will
22 continue to work with the applicant to refine the
23 application and provide additional information prior
24 to the public hearing, including the list contained
25 on page 1 of the set down report, and more

1 information on the affordable units, should the
2 Commission set down this application. Thank you.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr.
4 Mordfin. Ms. Schellin, is this the letter we got
5 from Ms. Giordano? Is this the one that just came
6 in?

7 MS. SCHELLIN: Yes, sir.

8 CHAIRPERSON HOOD: Okay. Colleagues, if you
9 haven't -- let me turn your attention to Exhibit --
10 is that Exhibit 14?

11 MS. SCHELLIN: Yes.

12 CHAIRPERSON HOOD: Okay. You hadn't had a
13 chance to read it. Let me open it up. Any questions
14 or comments on this case?

15 MS. COHEN: Mr. Chairman, because this is a
16 project that will address the needs of mixed income,
17 but focused on very low income households I would
18 suggest that we accept the waiver request.

19 CHAIRPERSON HOOD: So are you making a motion
20 that we grant the waiver?

21 MS. COHEN: I won't make a motion yet because
22 other people have to weigh in on it.

23 CHAIRPERSON HOOD: Oh, you be the accepted
24 the -- well, yeah.

25 MS. COHEN: Yeah.

1 CHAIRPERSON HOOD: Do we need to open the
2 record for that? Okay.

3 MR. MAY: No.

4 CHAIRPERSON HOOD: I was just trying to --
5 okay. That's fine. So noted. Okay.

6 MR. MAY: So, I mean, but it doesn't -- we
7 only have a letter from the applicant. We don't have
8 the DHCD letter that we would normally expect to be
9 able to act on this, right?

10 CHAIRPERSON HOOD: No, we just have one. I
11 think our rules require both.

12 MS. SCHELLIN: Correct. The --

13 CHAIRPERSON HOOD: And that's to setdown, and
14 we have to do it at setdown.

15 MS. SCHELLIN: Correct. The request is
16 supposed to be made at the time the application is
17 filed, and so the waiver request is, she's asking
18 that you waive that she file the request at the time
19 she filed the application. And then I think she's
20 asking -- I don't have the letter in front of me, but
21 that the Commission at a subsequent meeting consider
22 the waiver of the fees when she submits the letter
23 from DHCD. But you're correct, the rules say that
24 you consider it at the time of setdown.

25 CHAIRPERSON HOOD: Do we know how long it's

1 going to take to get the letter?

2 MS. SCHELLIN: No.

3 CHAIRPERSON HOOD: Should have it by next
4 Monday?

5 MS. SCHELLIN: No.

6 CHAIRPERSON HOOD: Should have it by December
7 the 14th?

8 MS. SCHELLIN: She's saying hopefully.

9 CHAIRPERSON HOOD: Commissioner Miller, you
10 wanted to add something?

11 MR. MILLER: Well, I just wanted to say that
12 I would be inclined to support the waiver request and
13 condition, or having gone forward with the hearing,
14 upon receiving the appropriate DHCD letter. I think
15 we did something similar very recently.

16 CHAIRPERSON HOOD: Vice Chair Cohen?

17 MS. COHEN: Yeah, I was just going to say
18 that I don't know why it would take DHCD such a long
19 time since they have done this in the past and it's
20 not rocket science. So they must have a standard
21 letter and they could adapt it. So I would suggest
22 that you get it here if we are going to move ahead to
23 vote on this, that you get it in and promise it for
24 early as possible. Make it an emergency. I think
25 Polly will -- I mean, the director will be very

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1 cooperative.

2 MR. MAY: Mr. Chairman.

3 CHAIRPERSON HOOD: Yes.

4 MR. MAY: You know, this is not the first
5 time we've had to deal with this and I think last
6 time we had to deal with it we were not happy. I
7 mean, it was different applicant obviously, and I
8 don't know, I don't remember who the attorney was
9 that was involved, but you know, this is not -- it's
10 not like the rules are unclear on this subject, and
11 we're not talking about the fact that they didn't get
12 the letter in by today. We're talking about the fact
13 that they didn't have the letter when they made the
14 application, which is what they're supposed to be
15 doing.

16 So you know, that and given the fact that
17 there are other, I think substantial unresolved
18 issues with this project all together, I would be
19 more inclined to defer setdown until we have the
20 letter and until more of the issues that were raised
21 in the OP report had been addressed. I mean, is
22 there some compelling reason why we have to set this
23 down right now other than the fact that, you know,
24 it's an important project and we'd like to move ahead
25 but we also like it to be fully baked when we move on

1 it.

2 CHAIRPERSON HOOD: I'm going to answer like
3 this so far. I agree with everything I've heard.
4 Mr. Turnbull.

5 MR. TURNBULL: Thank you, Mr. Chair. I would
6 just like to ask a question of OAG as far as a
7 precedent and what we've done in the past. We've
8 normally had both letters in order to rule on it?

9 MR. RITTING: There have been cases in the
10 past. I think there's one very recent case in which
11 you waived the rule. I think it's 3042.5 that
12 requires you to make the decision at the setdown. So
13 this wouldn't be the first time that you've ever done
14 that.

15 MR. TURNBULL: But if it was not here at the
16 time of hearing there is no hearing. If the letter
17 is not here --

18 MR. RITTING: In that previous case you said
19 that you would waive the rule insofar as they didn't
20 need to have the letter at the time of setdown, but
21 that you would not proceed with the hearing unless
22 the letter was received.

23 MR. TURNBULL: It was received.

24 MR. RITTING: Yeah. So.

25 MR. TURNBULL: Okay.

1 MR. RITTING: What they're asking for in this
2 situation is something different, actually. The
3 letter says that they're proposing to consider the
4 DHCD letter at a future meeting agenda, meaning prior
5 to the hearing. So this is a slightly different
6 situation than before.

7 CHAIRPERSON HOOD: They're still asking this
8 Commission to deal with it, but prior to the hearing.
9 So if we put it off until December the 14th we
10 accomplish what they've asked us to do.

11 MR. RITTING: Yes, and you would consider
12 that as a correspondence item.

13 CHAIRPERSON HOOD: So can we do that on
14 December the 14th, Commissioner Miller, since they've
15 already asked us to do that?

16 MR. MILLER: I agree that we need all the
17 information, extensive information that Commissioner
18 May said, before we get to a hearing, and that if we
19 get to a hearing date that we don't think it's there,
20 we defer it, like with your leadership, we've done
21 that in the past, I just hesitate on such an
22 important project when there's momentum. I just like
23 to keep it going and the pressure is on them to
24 produce this stuff by the hearing. And if it's not
25 here then we'll have to be -- you know, you've done

1 that more than once and I've only been here the
2 shortest amount of time. You've said, it's not here
3 and we've asked for all this stuff, and we won't go
4 forward.

5 And I just think it is a lot of information
6 that's been requested by OP. I hope the applicant
7 will take that seriously. And you know, if the
8 majority wants to put -- it's just three weeks. It's
9 just three weeks. So if they want to wait until
10 then, I'm amenable to whatever you want to do, Mr.
11 Chair.

12 CHAIRPERSON HOOD: Okay. And then maybe the
13 Vice Chair can -- no, she can't. I was going to say,
14 maybe she could help with the letter, but anyway, so
15 we'll just put it off until the 14th of December.

16 MR. TURNBULL: So that's for the letter,
17 putting it off for the 14th.

18 CHAIRPERSON HOOD: Well, I mean the setdown.
19 We're going to do the whole thing. Can we -- we'll
20 do the whole thing.

21 MR. TURNBULL: Okay. But do you think
22 they're going to be able to have the information that
23 OP needs to give for --

24 MR. MILLER: No, I didn't think they were
25 going to be able to have that in three weeks.

1 MR. TURNBULL: Oh.

2 MR. MILLER: I just thought that by the time
3 we have a hearing scheduled they should have it and
4 we --

5 MR. TURNBULL: Okay.

6 MR. MILLER: -- wouldn't go forward with the
7 hearing at that point, at the actual hearing.

8 MR. TURNBULL: Well, I think Commissioner --

9 MR. MILLER: I mean, that would be great if
10 they had it all --

11 MR. TURNBULL: I think Commissioner May then
12 needs to point out a lot of the other things that are
13 needed.

14 MR. MAY: Well, it's more than just pointing
15 out what I think is needed. I mean, you know,
16 basically this project feels like an incomplete
17 project. This is an incomplete set of drawings. I
18 mean, we're not talking about things that are
19 problematic essentially with the design. We're
20 talking about stuff that just isn't in here that is
21 normally received by the Office of Planning in order
22 for them to evaluate it.

23 I mean, you know, they're asking for specific
24 drawing sheets enumerating critical information for
25 evaluation that's just not here. So I mean, it just

1 feels half-baked and as much as I want to keep the
2 project moving forward, you know, and I've said this
3 on other cases in the past, I think sometimes the
4 fastest way to make it move forward is to not set it
5 down because it sends a message that, you know, we're
6 not going to take half-baked stuff.

7 And, you know, we could -- you know, do we
8 really think that we're going to let this go all the
9 way to a hearing and then we get more half-baked
10 stuff at the hearing. And we're going to say, no,
11 we're not ready to have the hearing? I mean, we have
12 done that a couple of times, but that's a pretty
13 extreme measure. And I think at that point there's
14 even more pressure on us to move it forward. And you
15 know, and we're going to wind up having to have a
16 painful hearing process and a painful approval
17 process.

18 So I think this is one of the ones that, you
19 know, is just not ready enough. Let them come back
20 when they've completed the very basics that the
21 Office of Planning has asked for in their report.

22 CHAIRPERSON HOOD: And I believe that what
23 they ask -- I'm talking about setdown. We're talking
24 about having a setdown hearing December the 14th.
25 Okay? And then that's when we can articulate what

1 our issues are, and then we go from there. Are we
2 all on the same page or --

3 MR. MAY: Well, I don't mind delaying to the
4 14th if they can, you know, make an additional
5 submission and the Office of Planning can look at it
6 and at least on the dais give us some update, you
7 know, if not an actually updated report. I mean, I'm
8 okay with trying that but there's a lot of work that
9 they have to do in the next three weeks.

10 CHAIRPERSON HOOD: Well, here's what I'm -- I
11 don't think that they can have all that done in three
12 weeks. I think that the first step is for us to get
13 the proper document. And then I think after that,
14 then we have our setdown discussion. Half-baked,
15 half cooked, raw, or whatever you want to call it.
16 But I think they've already heard some of that
17 already. So I don't know what may happen in three
18 weeks, and go from that point.

19 Excuse me one second.

20 [Pause.]

21 CHAIRPERSON HOOD: Okay. Just given a good
22 point. If they don't have the letter that I'm sure
23 that if they were watching they know the Vice Chair
24 wants them to have the letter by the 14th, if they
25 don't have it they can work with staff and then we

1 will do it in January, because we don't have another
2 hearing in December. So we'll have to move it to the
3 January meeting. So hopefully working with OP or
4 whomever the applicant will be able to get the
5 letter. Okay?

6 MR. MAY: But we are going to try to plan for
7 December.

8 CHAIRPERSON HOOD: Yeah. We're planning --

9 MR. MAY: It's only if they don't get it all
10 done. Okay.

11 CHAIRPERSON HOOD: Right. If they don't get
12 that, and sometimes I know it's kind of rough when
13 you have to depend on someone else to give you what
14 you need. That may delay the process even more.
15 That's only if that does not happen. And we'll leave
16 that up to staff to work that out for us. Okay? We
17 all in agreeance?

18 MR. MILLER: Right. I would hope that since
19 this is a District Government subsidized project in
20 part that the District Government would get its act
21 together to get the DHCD letter to us. So I'm
22 hopeful that that will happen as it has in the past.

23 CHAIRPERSON HOOD: All right. So we all on
24 the same page with that, Ms. Schellin?

25 MS. SCHELLIN: Yes.

1 CHAIRPERSON HOOD: And the applicant
2 understands where we are with that? Okay. All
3 right. So let's move to the next -- because this is
4 the last case for us. No, I'm saying this next one
5 is the last one. Okay.

6 All right. Let's go to Zoning Commission
7 Case No. 15-22, 301 FL Manager, LLC., Consolidated
8 PUD and Related Map Amendment at Square 722N. Mr.
9 Gyor.

10 MR. GYOR: OP recommends setdown for public
11 hearing of the application for a consolidated PUD and
12 PUD related map amendment from C-M-1 to C-3-C, to
13 facilitate redevelopment of the property located at
14 301 Florida Avenue Northeast.

15 The applicant proposes to construct an eight
16 story mixed use residential building with ground
17 floor retail development along Florida Avenue, N
18 Street, and 3rd Street. The building would have an
19 FAR of 7.57 and a combined gross floor area of 66,000
20 square feet.

21 The application requests flexibility from the
22 Zoning Regulations in regard to the minimum plot
23 area, offsite parking, loading, as well as
24 flexibility from the proportionality provisions under
25 the inclusionary zoning development standards in

1 order to provide larger units.

2 OP will continue to work with the applicant
3 on issues raised in our report, including more
4 detailed renderings, the locations and sizes of the
5 affordable units, a detailed loading management plan,
6 more information regarding the public space
7 encroachments along Florida Avenue, the inclusion of
8 maker spaces in the project's retail tenant mix, and
9 a more detailed benefits and amenities package,
10 including additional information regarding street
11 scape improvements for a partially closed N Street
12 Northeast, the affordable housing proffer, and a
13 potential alternative plan for a new entrance to the
14 NO-MA/Gallaudet Metro Station.

15 The applicant previously worked with OP as
16 well as the community to address the height, massing,
17 and design of the building prior to filing this
18 application. The proposal for the mixed use project
19 is not inconsistent with the Comprehensive Plan's
20 objectives for the area, and to the generalized land
21 use and policy maps. In general the project would
22 better utilize available space and close proximity to
23 transit.

24 The Office of Planning recommends that the
25 Commission set down the application for a public

1 hearing. I'd be happy to take any questions. Thank
2 you.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr.
4 Gyor. Colleagues, any comments or questions on this?
5 Or Vice Chair Cohen?

6 MS. COHEN: Yes, Mr. Chairman. I actually
7 have to apologize that I used this list to respond to
8 another project. And I'm just, you know,
9 embarrassed. However, you know, these things happen,
10 so just brush it off.

11 This is the project that has the LEED Gold
12 and the IZ with the deeper subsidy. But I believe
13 they have to -- I could have sworn they have to
14 request the waiver. Am I correct about that?

15 And also, this is the project where I think
16 that they need to touch base with WMATA with regard
17 to the cost of the new entrance, and is it on WMATA's
18 financial agenda.

19 And again, I need to understand the loading,
20 how that will take place, if there's going to be
21 special signage or hours or whatever. And those are
22 my comments for this particular project.

23 CHAIRPERSON HOOD: Okay. Anyone else?
24 Comments? Did you mention this, about the wavier?

25 MS. COHEN: I did.

1 CHAIRPERSON HOOD: Oh, you did? Okay. All
2 right. I don't need to remention it.

3 MS. COHEN: Do you want me to say it again?

4 CHAIRPERSON HOOD: No, if you already
5 mentioned it.

6 MR. MILLER: Mr. Chairman, I just had a brief
7 comment. Just I would just further -- just to follow
8 up on what the Vice Chair said. It's our
9 understanding that although we appreciate the deeper
10 subsidy units at 60 percent when only 80 percent was
11 required, apparently DHCD has stated that it can't
12 administer such a unit as we learned in an earlier
13 case, under the IZ program. But they can administer
14 it under another affordable housing program that they
15 administer. So the applicant needs to just get --
16 needs to amend its application to seek the relief
17 from that IZ requirement to get that waiver so that
18 it can be -- so they can offer what they want to do
19 and DHCD can implement it under their other
20 affordable housing program.

21 I think in general on design wise, in general
22 I think it's a very attractive design and I'm
23 prepared to set it down.

24 CHAIRPERSON HOOD: Okay. Mr. Turnbull.

25 MR. TURNBULL: Yeah. Thank you, Mr. Chair.

1 I'm not opposed to setting it down. I think it's --
2 I always appreciate someone trying to make use of a
3 very small site like this and try and make something
4 usable out of it and I think they're going in the
5 right direction.

6 But that being said it is an awkward site, so
7 I think we definitely need to know about the loading
8 management plan and all of the impacts that are going
9 to happen from this project. So I think we need to
10 know very clearly how they're going to deal with that
11 and how they're going to -- with the surrounding
12 area.

13 So I'm assuming -- and since it's not a -- I
14 mean, is this not eligible for RPP then? Or, I think
15 we need to -- I think the applicant needs to address
16 the issues dealing with the -- I mean, again, I
17 commend the site and the project the way it's going
18 from its architecture right now, I have no issues.
19 But I think just from the logistics of the site
20 itself and it's siting, there are issues that need to
21 talk about -- explain to us how it's going to
22 operate.

23 CHAIRPERSON HOOD: Okay. Any other --
24 Commissioner May, any comments?

25 MR. MAY: I think that I would echo the

1 comments of my colleagues. I am curious. This is
2 the one with the encroachment on public space, right?

3 MR. GYOR: Right. That's correct.

4 MR. MAY: So would that have to do with these
5 little bays if you will, on the ground floor?

6 MR. GYOR: They're actually on floors two
7 through eight. They actually are --

8 MR. MAY: Two through eight?

9 MR. GYOR: They would essentially be overhead
10 as you're walking down the sidewalk.

11 MR. MAY: So they don't meet the standards
12 for projecting bays?

13 MR. GYOR: We actually -- that was a question
14 that we wanted the applicant to confirm.

15 MR. MAY: Okay. All right. Because I mean,
16 there are standards for that. That's what I was a
17 little bit confused about because there are some
18 parts of the façade that seem to project out on the
19 ground floor, which I don't know, I was a little
20 confused by that.

21 So yeah, I think generally speaking the
22 project has a lot of potential. I mean, of course I
23 would think the big issue for this is the parking
24 relief, but we need to make sure that there are the
25 appropriate measures in place to address the parking

1 relief.

2 And I think that, you know, this is one of
3 those really unusual circumstances where we have a
4 small triangular parcel that is, you know, big enough
5 to be developed, and developed into a really
6 interesting building. And I think they have a good
7 concept that they're working here, but it's, maybe
8 it's just the renderings but it seems to be lacking a
9 little bit of the oomph. It's a little bit bland in
10 some ways. And maybe it just has to do with the
11 color choices and so on. I mean, you know, one case
12 I'm arguing that it's too black and sometimes I'm
13 arguing that it's too light. I just feel like this -
14 - it could be -- no, well, I mean, it's close but
15 it's got a -- it could still use being punched up a
16 bit.

17 And I think that -- I mean, of course we
18 don't have really complete sets of elevations for it
19 either. We obviously need all of that. I mean,
20 there are some really interesting buildings that
21 they're showing as sort of precedent images, and when
22 you look at those -- I mean, one thing about
23 precedent images is that you can get somebody excited
24 about what you're trying to do, but if the precedent
25 images are really a lot better than what you've done,

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1 you're kind of hurting yourself.

2 So I mean, you know, I love some of these
3 precedent images. I recognize some of the buildings.
4 They're great. I'm not saying it needs to get wilder
5 and weirder or anything like that, but this is a
6 really terrific opportunity for this unusual site and
7 I'd love to see it taken advantage of.

8 And I am very interested in seeing what the
9 public benefits and amenities package will be
10 ultimately. Thanks.

11 CHAIRPERSON HOOD: Okay. I don't have
12 anything to say. I kind of like what I see. I'm
13 looking forward to the hearing. I will be supporting
14 to set this down with some of my colleagues' concerns
15 and comments, looking forward to the hearing. So
16 with that, unless there is anything else I would move
17 that we set down Zoning Commission Case No. 15-22 and
18 ask for a second.

19 MR. MILLER: Second.

20 CHAIRPERSON HOOD: It's been moved and
21 properly seconded. Any further discussion?

22 [Vote taken.]

23 CHAIRPERSON HOOD: Not hearing -- any
24 opposition, not hearing any, Ms. Schellin, would you
25 record the vote?

1 MS. SCHELLIN: Yes, sir. Staff records the
2 vote five to zero to zero to set down Zoning
3 Commission Case No. 15-22 as a contested case,
4 Commissioner Hood moving, Commissioner Miller
5 seconding, Commissioners Cohen -- I'm sorry, Cohen,
6 May, and Turnbull in support.

7 CHAIRPERSON HOOD: Okay. Colleagues,
8 anything else? Ms. Schellin, do we have anything
9 else?

10 MS. SCHELLIN: No.

11 CHAIRPERSON HOOD: Okay. I want to wish
12 everyone a Happy Thanksgiving, and with that this
13 meeting is adjourned.

14 [Hearing adjourned at 8:37 p.m.]

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