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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

REGULAR PUBLIC MEETING
1425TH Meeting Session [4th OF 2016]

6:39 p.m. to 8:51 p.m.
Monday, February 8, 2016

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 the Attorney General:

12 JACOB RITTING

13

14 Office of Planning:

15 JOEL LAWSON

16 JENNIFER STEINGASSER

17 BRANDICE ELLIOT

18 MAXINE BROWN-ROBERTS

19 MATT JESICK

20 STEPHEN MORDFIN

21 MEGAN RAPPOLT

22 ELISA VITALE

23

24

25

P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: Good evening. This
3 meeting will please come to order. This is the
4 public meeting of the Zoning Commission for the
5 District of Columbia. My name is Anthony Hood, and
6 joining me are Vice Chair Cohen, Commissioner Miller,
7 Commissioner May, Commissioner Turnbull, Office of
8 Zoning staff, Ms. Sharon Schellin, Office of Attorney
9 General, Mr. Ritting, Office of Planning, Ms.
10 Steingasser and Mr. Lawson, Ms. Elliot, and Ms.
11 Brown-Roberts, and I think we're going to be joined
12 periodically by other members of the Office of
13 Planning who will introduce themselves at the
14 appropriate time.

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

25 Please turn off all beepers and cell phones.

1 Does the staff have any preliminary matters?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: If not, I do have one
4 preliminary matter. I am going to rearrange the
5 agenda. I'm going to have to leave so what I would
6 like to do, Vice Chair, it's okay with my colleagues,
7 I would do everything last except for -- I mean,
8 everything except for hearing action. And at the
9 hearing action I will turn that over. I have left my
10 proxies with Ms. Schellin for hearing action.

11 Okay. First what I'd like to do is other
12 business, election of officers. Commissioners, what
13 is your pleasure? Commissioner Miller.

14 MR. MILLER: Mr. Chairman, I would move that
15 we elect -- reelect Anthony Hood as chairman and
16 Marcie Cohen as Vice Chairman, and ask for a second.

17 MR. TURNBULL: Second.

18 CHAIRMAN HOOD: Okay. It's been moved and
19 properly seconded. Any further discussion.

20 [Vote taken.]

21 CHAIRMAN HOOD: So ordered. Ms. Schellin,
22 would you record the vote?

23 MS. SCHELLIN: Yes, sir. Staff records the
24 vote five to zero to zero to reelect Chairman -- or
25 Anthony Hood as Chairman and Marcie Cohen as Vice

1 Chairman, Chairperson, Commissioner Miller moving,
2 Commissioner Turnbull seconding, Commissioners Hood,
3 May, and Miller -- I'm sorry, Hood, May, and Cohen in
4 support.

5 CHAIRMAN HOOD: Okay. I think -- I'm sure I
6 can speak on behalf of Ms. Cohen this time. We would
7 like to thank our colleagues again for entrusting us
8 in those leadership roles. So we appreciate that.
9 Can I speak on your behalf?

10 MS. COHEN: You always do.

11 CHAIRMAN HOOD: No, I don't.

12 MS. COHEN: Yes.

13 CHAIRMAN HOOD: Okay. We appreciate that.
14 Thank you.

15 Okay. Let's go to correspondence. Zoning
16 Commission Case No. 15-09. This is ANC 1C and
17 residents of Lanier Heights, request for waiver of
18 posting requirements. Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. We have a request
20 from ANC 1C asking for a waiver of the posting
21 requirements on this case. They have stated -- or
22 this is a rulemaking case and it involves a large
23 number of lots and they're asking for a waiver of the
24 posting requirements, so we'd ask the Commission to
25 consider this request.

1 CHAIRMAN HOOD: Okay, Commissioners, we have
2 the request in front of us as outlined. Let me open
3 it up for any comments. Commissioner Miller.

4 MR. MILLER: Mr. Chairman, I think that this
5 proposed rezoning is -- effects portions of only
6 eight squares, and I think it's about six plus, six
7 and a half blocks. So I think, although I can see
8 that every property doesn't necessarily have to have
9 a sign posted on it, every individual property, I
10 think at the end of each block there could be a
11 posting that would be only, you know, that would be
12 13 signs and it would say on the hearing notice,
13 presumably, which squares are involved or where you
14 can go to see exactly which squares are involved, or
15 blocks. So I think at a minimum that we should have
16 at least that kind of public notice for a rezoning.

17 CHAIRMAN HOOD: Okay. Any other comments on
18 that? Commissioner May?

19 MR. MAY: Mr. Chair, I agree. You know, I
20 understand the difficulty of posting individual
21 properties for a map amendment like this, but at the
22 same time I think there is a responsibility to make
23 sure that everybody whose property may be affected is
24 well informed and posting the properties in the
25 manner that Commissioner Miller suggests is one way

1 to do it. An alternative would be for every property
2 owner that is potentially affected, be notified by
3 mail. Or you know, leaflets in the door, assuming
4 that it's going to the property owner when that
5 happens. So I'm, you know, one way or another I
6 think that we need to make sure that every property
7 owner is informed.

8 CHAIRMAN HOOD: Okay. Vice Chair, you want
9 to have --

10 MS. COHEN: Mr. Chairman, I concur with my
11 colleagues. I think it's important and it will
12 protect the ANC. This is a controversial request and
13 I think that by sending something out or posting each
14 block it will help them as well, so that when people
15 come forward to testify if they don't support the
16 ANC's position the ANC has proof that they have made
17 every single effort to inform every single household.

18 CHAIRMAN HOOD: Okay. Mr. Turnbull.

19 MR. TURNBULL: Oh, thank you, Mr. Chair.
20 Just to clarify then, we had two different ideas.
21 I'm assuming we're coming both? We're posting at the
22 blocks and mailing?

23 CHAIRMAN HOOD: I would just suggest that
24 they do one or the other, and I guess, do they need
25 to verify to the office that they've done this? I

1 would suggest that. And again, you know, as my
2 colleagues know, and I'll put it bluntly, we get
3 accused of so much stuff that we don't do and we try
4 to get public notice. So I would encourage them
5 also, of what my colleagues said to do is to make
6 sure that they do what they can to get the word out
7 there. I know what they have mentioned in their
8 letter. But they really need to try to make sure
9 because the night of the hearing we'll have a number
10 of people who come down and tell us they don't know
11 anything about it. So --

12 MR. TURNBULL: Yeah. And I agree. I just
13 wanted to clarify whether we are doing one or the
14 other or both.

15 CHAIRMAN HOOD: I think we can leave it up to
16 them. And I mean, unless you all want to -- I don't
17 think we need to necessarily direct them. I think we
18 can leave it up to them and they just verify with the
19 office that they've done it one or the other. And
20 then I'm sure the night of the hearing we'll find out
21 whether they really did a good job at it or not.
22 Okay?

23 MR. TURNBULL: Okay.

24 CHAIRMAN HOOD: Okay. So do we need to do
25 anything, a motion or anything on this or --

1 MS. SCHELLIN: Yes, since they've made a
2 request to waive to posting either you do it by
3 consensus or, you know, to waive that, the posting
4 requirement, and then advise that they need to do one
5 of the other. If you'd just do that.

6 CHAIRMAN HOOD: Are they here?

7 MS. SCHELLIN: I don't know if Mr. Suski is
8 in there. He may be watching from home.

9 CHAIRMAN HOOD: Okay. Well, somebody like to
10 put a motion on the table? I don't think we need to
11 recommend it a specific way but --

12 MS. SCHELLIN: Well, that's what I mean, one
13 or the other; that they do one or the other.

14 CHAIRMAN HOOD: That they do one or the
15 other. Why don't we give them the option to do one
16 or the other, because one of them is -- call
17 financial, and the other one may be less financial
18 than the other. So why don't we -- I move that we
19 give them the option of doing one of the other and
20 verify -- do an affidavit -- not even an affidavit,
21 but verify with this office that they've done one or
22 the other as prescribed by my colleagues in this
23 discussion and ask for a second.

24 MS. COHEN: Second.

25 CHAIRMAN HOOD: It's been moved and properly

1 seconded, any further discussion?

2 [Vote taken.]

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

5 MS. SCHELLIN: Yes, sir. Staff records the
6 vote five to zero to zero allowing the petitioners to
7 either post or send notice to the owners of the
8 properties involved in the map amendment request
9 before the Commission in Zoning Commission Case No.
10 15-09, Commissioner Hood moving, Commissioner Cohen
11 seconding, Commissioners May, Miller, and Turnbull in
12 support.

13 CHAIRMAN HOOD: And, Ms. Schellin, if the
14 Office can contact and let them know what our resolve
15 was on that? Thank you.

16 Okay. Next, under corresponding Zoning
17 Commission Case No. 14-11, letter from Fay Armstrong,
18 et al., seeking clarification on the conversion of
19 residential buildings. Ms. Schellin.

20 MS. SCHELLIN: Yes, sir. As you stated, this
21 is a letter from Ms. Armstrong and several others
22 requesting clarification on the requirement that
23 conversion of buildings to apartment buildings must
24 not extend more than 10 feet past the furthest rear
25 wall of any principle residential building on an

1 adjacent property. Would ask the Commission to
2 consider this letter before you.

3 CHAIRMAN HOOD: Okay. Colleagues, we have
4 this letter. We don't need to open the record, do
5 we?

6 MS. SCHELLIN: No, sir.

7 CHAIRMAN HOOD: Okay.

8 MS. SCHELLIN: Because the record is closed.
9 It came in at -- it's just a correspondence item.

10 CHAIRMAN HOOD: But this is a correspondence
11 item for clarification, colleagues, and we have
12 reviewed this. I think it's called pop, pop, pop,
13 pop back. Got so many pops around here. But anyway,
14 this is a pop back issue. What is your pleasure or
15 how would you all like to proceed with this
16 clarification issue?

17 MR. TURNBULL: Well, Mr. Chair, in one way I
18 feel comfortable with answering, going ahead with it.
19 But I think what I would like from a procedural
20 standpoint is to have the Office of Planning and OAG
21 go back and maybe give us a report about what
22 happened in the last -- where we approved this, there
23 is some confusion I think about what's really
24 included in a special exception matter of right. The
25 whole procedural part that we agreed upon, there's

1 some confusion in the language that you can read that
2 certain items may have been added or may not have
3 been added.

4 And I think just for clarification for our
5 own procedural basis as we go forward, I mean, I
6 think I'm happy going forward, but I think before we
7 really do anything I think we should just take a step
8 back, have OAG and OP maybe come back and give us a
9 synopsis of that last hearing and what was the intent
10 and go back and look at some of the language as to
11 what we actually said. Just to confirm.

12 CHAIRMAN HOOD: Okay. Thank you, Mr.
13 Turnbull. I actually would agree because, you know,
14 as we went through that whole ordeal it was quite a
15 bit and if we left -- it could be an either/or. We
16 might have left something out or -- but I want to
17 make sure it's what we say so I would concur. Any
18 objections Commissioners? Does anybody need to know
19 where we are on this?

20 Okay. So I'm sure the Office of Planning --
21 Vice Chair?

22 MS. COHEN: Yeah, I think this is a very
23 conservative step that we're taking, because on the
24 other hand I think special exceptions do cover that
25 10-foot area to evaluate. But I have no problem

1 being extra cautious, so I will go along with it.

2 CHAIRMAN HOOD: I think it does cover it, but
3 I want to make sure that there's some reason that we
4 -- that it's not there. And I want to make sure the
5 reason is, is because a reason of this Commission,
6 not any interpretation. Okay? Anybody else?

7 [No audible response.]

8 CHAIRMAN HOOD: All right. So we don't need
9 to do anything on that. So we'll just move forward.

10 MS. SCHELLIN: What meeting do you want to
11 consider that at?

12 CHAIRMAN HOOD: When is our next meeting?

13 MS. SCHELLIN: Our next one is the 29th. So
14 and have time for OP. Yes.

15 CHAIRMAN HOOD: 29th of February?

16 MS. SCHELLIN: Yes. February. Yes, February
17 29th.

18 CHAIRMAN HOOD: Twenty-nine days? Okay. All
19 right. So 29th is good for all of us. Okay. All
20 right. Anything else on that?

21 Okay. Let's go to the consent calendar.
22 Zoning Commission Case No. 14-13A, Office of Planning
23 Request for Technical Corrections to Zoning
24 Commission Order No. 14-13. Ms. Schellin.

25 MS. SCHELLIN: Yes, sir. This is a request

1 from OP for a technical correct to clarify changes to
2 the Affordable Housing requirement for a habitable
3 penthouse space for residential building when the
4 developer chooses to make a contribution to a housing
5 trust fund, rather than provide the affordable square
6 footage on site as permitted in the approved text.
7 Would ask the Commission to consider this technical
8 correction, and if approved permit the Office of
9 Zoning and OAG to publish a notice of proposed
10 rulemaking.

11 CHAIRMAN HOOD: Okay. Vice Chair Cohen?

12 MS. COHEN: Thank you, Mr. Chairman. Again,
13 I think clarity on this issue is very important so I
14 -- and I think what we have to do is approve it and
15 it has to be advertised. So I would, unless there's
16 further discussion, I would approve the technical
17 correction to Zoning Commission No. 14-13 and ask for
18 a second.

19 MR. MAY: Second.

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

22 MR. MILLER: Just briefly, Mr. --

23 CHAIRMAN HOOD: Okay.

24 MR. MILLER: I'm sorry.

25 CHAIRMAN HOOD: Commissioner.

1 MR. MILLER: I would agree that it's a
2 technical correction, Mr. Chairman. It's the method
3 of calculation and we were using a reference to
4 nonresidential FAR, which wouldn't make sense in this
5 particular situation. Needs to be referencing
6 residential FAR. So I think it makes sense.

7 CHAIRMAN HOOD: I guess maybe I may have
8 missed this. I do miss a few things along the line.
9 Is there a calculation of about how much would go
10 into the housing production trust? What would depend
11 on that? What would be the factor, and I'm going to
12 ask Ms. Steingasser. Oh, I'm going to ask Mr.
13 Lawson.

14 MR. LAWSON: Sure. I'll take it. The main
15 factor that would affect it would be the size of the
16 space itself. So the larger, the penthouse are
17 that's devoted to residential space, the larger the
18 contribution would end up being.

19 Other factors can also enter into it, such as
20 the part of the city it's in, because that affects
21 land values so there are, you know, some different
22 things that affect it. The upshot is that, you know,
23 on your instructions we use this existing
24 calculation. I just, honestly I just didn't notice
25 the reference to nonresidential FAR where it should

1 be residential FAR. So it's really just the
2 established method of calculation that we discussed
3 at the hearing that needs -- it's a technical
4 correction to make sure the people can't get out from
5 under the requirement.

6 CHAIRMAN HOOD: Okay. Any further
7 discussion?

8 [Vote taken.]

9 CHAIRMAN HOOD: Not hearing any opposition of
10 anyone, any opposition, I might not hear that well.
11 Okay, opposition, not hearing any, Ms. Schellin,
12 would you record the vote?

13 MS. SCHELLIN: Yes, sir. Staff records the
14 vote five to zero to zero to approve the technical
15 correct and to publish the notice of proposed
16 rulemaking in Zoning Commission Case No. 14-13A,
17 Commissioner Cohen moving, Commissioner May
18 seconding, Commissioners Hood, Miller, and Turnbull
19 in support.

20 CHAIRMAN HOOD: Okay. Next under final
21 action, Zoning Commission Case No. 08-33E, MRV
22 Holdings, LLC., One Year PUD Time Extension at Parcel
23 121/31. Ms. Schellin.

24 MS. SCHELLIN: Yes, sir. As you stated, this
25 is a request for a one-year PUD time extension. The

1 applicant states that it has diligently attempted to
2 negotiate with the necessary parties to amend the
3 statement of nondisturbance to allow residential uses
4 on the property in order to move forward with the
5 project. At Exhibit 4 there's an OP report advising
6 that they don't oppose the extension to December
7 25th, 2016, would ask the Commission to consider this
8 request.

9 CHAIRMAN HOOD: Okay. Colleagues, the only
10 issue I have is the date. Is there -- yeah, I mean,
11 because let's be realistic. I mean, should we just
12 take it to the end -- we even know that's New Year's
13 Eve. But I just think maybe the end of the month,
14 that's Christmas Day, December 25th, 2016. The end
15 of the month for me.

16 MS. COHEN: That's fine.

17 CHAIRMAN HOOD: I don't think that's going to
18 give us any heartburn.

19 MS. COHEN: Mr. Chairman, I think that's, you
20 know, a good idea. I just want to state for the
21 record that I don't understand how a city and a
22 government agency can't come to an agreement much,
23 much sooner. I think this has been going on a while
24 so I just wanted to state that. It's confusing to me
25 that it would take this long, even.

1 CHAIRMAN HOOD: And as stated we do have a
2 supplemental from the Office of Planning. And that
3 actually recommends that we grant the extension to
4 the 25th. But we can always move it to the end of
5 the year.

6 Any further comments on this? If not,
7 somebody like to make a motion on this?

8 MR. TURNBULL: Mr. Chair, I would move that
9 we approve final action for Zoning -- or the
10 extension for Zoning Commission 08-33E, MIRV
11 Holdings, LLC., one-year PUD time extension at Parcel
12 121/31 for a period up to 12/31/2016.

13 CHAIRMAN HOOD: I'll second it. It's been
14 moved and properly seconded. Any further discussion?

15 [Vote taken.]

16 CHAIRMAN HOOD: So ordered. Ms. Schellin,
17 would you record the vote?

18 MS. SCHELLIN: Staff records the vote five to
19 zero to zero to approve the time extension to
20 12/31/16, Commissioner Turnbull moving, Commissioner
21 Hood seconding, Commissioner's Cohen, Miller, and
22 Turnbull in support.

23 CHAIRMAN HOOD: Okay. Okay. Next, Zoning
24 Commission Case No. 15-14, D.C. Water and Sewer
25 Authority, Consolidated PUD and Related Map Amendment

1 at Square 744S and 744SS. Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. At Exhibits 39,
3 through 39B and 40, the applicant's filings after
4 proposed action was taken, and at Exhibit 41 we have
5 an NCPC report finding that the project is not
6 inconsistent with the Comp Plan for the National
7 Capitol. Ask the Commission to consider a final
8 action this evening.

9 CHAIRMAN HOOD: Okay. Somebody like to get
10 us started on this. Let me pull up the case. Any
11 comments? Anything that we've asked for?

12 MR. TURNBULL: Well, Mr. Chair, I just want
13 to -- we did get a submission of new drawings for the
14 rooftop, and I think they've met all of the concerns
15 that we had in the hearing on the revised drawing.
16 It will be incorporated into the order, so I feel
17 comfortable that they've addressed what we wanted
18 them to.

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

21 MS. COHEN: Thank you, Mr. Chairman. I think
22 this is a building that is one of great beauty and
23 will enhance the neighborhood that it's part of, and
24 I would then -- unless there are additional questions
25 or comments, move to approve Zoning Case No. 15-14,

1 District of Columbia Water and Sewer Authority,
2 Consolidated PUD and Related Map Amendment at Squares
3 744S and 744SS, and ask for a second.

4 MR. MR. MILLER: Second.

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

7 Just give me one moment, please.

8 MR. MILLER: In the pause, I'll fill the
9 pause, Mr. Chairman. I would note that it's a LEED
10 Platinum building, which we don't see every day down
11 here. I hope we don't see it reflected in our water
12 and sewer rates.

13 CHAIRMAN HOOD: Okay. I was looking for my
14 notes but I don't know how my notes are missing on
15 the surface. But anyway, okay. Anything else? Any
16 further discussion?

17 [Vote taken.]

18 CHAIRMAN HOOD: Ms. Schellin, would you
19 please record the vote?

20 MS. SCHELLIN: Staff records the vote five to
21 zero to zero to approve final action in Zoning
22 Commission Case No. 15-14, Commissioner Cohen moving,
23 Commissioner Miller seconding, Commissioners Hood,
24 May, and Turnbull in support.

25 CHAIRMAN HOOD: Proposed action, Zoning

1 Commission Case No. 14-24, 1900 11th Street
2 Northwest, LLC., Map Amendment and Variances at
3 Square 2848. Ms. Schellin.

4 MS. SCHELLIN: At Exhibit 46 we have an OP
5 supplemental report, Exhibits 47, 49, and 50 are the
6 applicant's post-hearing submissions. And at Exhibit
7 51 we have the Kenyon Street's post-hearing
8 submission. Would ask the Commission to consider
9 proposed action on this case this evening.

10 CHAIRMAN HOOD: Okay. Commissioners, any
11 comments of anything that we've asked for? Ready to
12 discuss this?

13 MR. MAY: I'll talk about one issue.

14 CHAIRMAN HOOD: Sure. Thank you.

15 MR. MAY: Which is the questions that we had
16 raised about the court and how that is measured. And
17 I guess I have to concur with what the Office of
18 Planning reported and what the applicant reported,
19 and what the you know, transiting information from
20 the Zoning Administrator. But I think it does point
21 out a glitch, if you will, in the Zoning Regulations,
22 because theoretically, you know, one could have a
23 court of, you know, almost no size at all, no
24 dimension whatsoever along part of it so long as you
25 can fit that circle in.

1 And that's what happened here. They have a
2 circle and then part of the court is only three and a
3 half feet wide, which I mean, this is not really
4 critical to the map amendment, nor is it critical to
5 the relief that's granted. But I appreciate the fact
6 that it was investigated and I think that we need to
7 have some further discussion with the Office of
8 Planning because I think there ought to be, even with
9 an irregular court there ought to be some minimum
10 dimensions that are required. Particularly when
11 you're abutting another property.

12 So, I'm not sure what that minimum is. Maybe
13 it's the minimum that's required for a given, you
14 know, for a side yard in that circumstance. I'm not
15 sur. But it seems sort of crazy to me that you could
16 have a, you know, a -- they could theoretically have
17 like a six-inch portion of that court, six inches
18 wide and it would still meet the definition the way
19 it's been defined, and that just doesn't seem right.

20 I can see some circumstances where that's
21 perfectly fine, where, you know, you're abutting an
22 ally or something like that. But when you're
23 abutting another property it doesn't make any sense.
24 So.

25 CHAIRMAN HOOD: Any other comments?

1 MR. TURNBULL: Yeah, Mr. Chair, I would agree
2 with Commissioner May. I think -- Commissioner May
3 on this in that we're sort of -- we've fallen victim
4 to our own zoning regs at uncertain aspects that I --
5 which -- and I think it's something that we can -- we
6 need to look at more thoroughly, and to address it so
7 that we don't have these situations reoccurring.
8 It's awkward at best, I think, to end up with a
9 situation like this.

10 MR. MAY: So just on that subject, Mr.
11 Chairman, I'm wondering if we might actually request
12 of the Office of Planning tonight that they
13 investigate that issue and report back to us, and if
14 appropriate, submit appropriate language to amend the
15 regulations.

16 CHAIRMAN HOOD: Are we -- I mean, holding
17 this case up or you just --

18 MR. MAY: No. Again, it really doesn't have
19 much bearing on this case.

20 CHAIRMAN HOOD: Court issue.

21 MR. MAY: I mean, you know, I think the
22 question that had to be proved to me was that, you
23 know, is this court as they've shown it in their
24 drawings, does it actually comply with the
25 regulations? And it does. I don't -- you know, I

1 think in principal it should not, but it does. So I
2 don't see any reason to hold up this case on the
3 basis of that. But I think it's an issue that I
4 would appreciate the Office of Planning take another
5 look at and see if it's appropriate to amend the
6 text; amend the regulations to address this sort of
7 circumstance.

8 CHAIRMAN HOOD: Okay. I guess we will make
9 that our formal request. Any objections?

10 MS. COHEN: No.

11 CHAIRMAN HOOD: Okay. Any other comments on
12 this? Any comments about the -- I think the group
13 was the Yes We Can Cooperative, which was opposed
14 during the hearing. Comments on any of that? And I
15 think Commissioner May talked about the -- already
16 talked about the court issue and the response from
17 the Zoning Administrator.

18 MS. COHEN: Mr. Chairman.

19 CHAIRMAN HOOD: Yes.

20 MS. COHEN: I think we need to consider
21 whether we should have a time limit in granting the
22 variance. And I think that a two-year time limit
23 might be appropriate.

24 MR. MAY: So I mean, that, as we would have
25 in a BZA case. And as I understand there can be some

1 -- one extension of that under the BZA rules?

2 CHAIRMAN HOOD: I thought we changed that.

3 MR. RITTING: Contemporaneous, I just can't
4 answer. I just don't know the answer.

5 CHAIRMAN HOOD: It used to be just one.

6 MR. RITTING: But there is a possibility of
7 extension.

8 MR. MAY: Yeah.

9 MR. RITTING: I can't remember what it was.

10 MR. MAY: I thought it was that there used to
11 be none and now there is one. Now they can do a one-
12 year extension.

13 CHAIRMAN HOOD: I thought it was one and we
14 extended it so they can have more than one. But
15 anyway, we're in the ball park.

16 MR. MAY: Right.

17 CHAIRMAN HOOD: So we'll -- yeah.

18 MR. MAY: Yeah.

19 CHAIRMAN HOOD: There's a lot of stuff to
20 remember up here. Commissioner Miller.

21 MR. MILLER: Thank you, Mr. Chairman. Did we
22 also want to add to the variance request, the
23 condition that the applicant has voluntarily offered
24 to require that the project be built generally
25 according to the plans that were submitted because

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1 there were some mitigating design issues that helped
2 mitigate some of the neighbors' concerns. We don't
3 normally do a condition on a map amendment, but we do
4 do conditions on a variance, although the variance
5 that's being asked for related to parking has really
6 nothing to do with the building design. But I think
7 your time limit suggestion, along with the condition
8 is one way to try to mitigate because a matter of
9 right scenario under the existing R-4 zoning or under
10 the requested map amendment to R-5-B zoning could
11 have a more detrimental effect on the neighborhood
12 than what's been proposed. So that would be my
13 suggestion that we add the condition to your
14 suggestion on the time limit.

15 CHAIRMAN HOOD: Okay. Any objection to the
16 addition?

17 Okay. We do have a -- I was reviewing again
18 the findings of facts from the Kenyon Street Yes We
19 Can Cooperative party. Colleagues, is there anything
20 in there that we'd like to see, put in anything that
21 we're moving forward, before we take final?

22 [No audible response.]

23 CHAIRMAN HOOD: Okay. And that's Exhibit 51.
24 Okay. Anything else? And I would agree with
25 Commissioner Miller's last statement. I think that

1 might help alleviate, as he mentioned, some of the
2 concerns we had heard from Yes We Can Cooperative.

3 Anything else? Nothing else?

4 MR. MAY: Mr. Chairman.

5 CHAIRMAN HOOD: Yes.

6 MR. MAY: Yeah. So I think this is a real --
7 this is a difficult case to decide because what's
8 being proposed here, I think in terms of the, you
9 know, the actual plans that are being proposed, I
10 think is better than -- a better outcome than might
11 occur if this were simply a matter of right
12 development under R-4, or you know, or R-5-B.

13 And so, I mean, I think generally speaking
14 it's not a bad idea. I mean, I think that the -- you
15 know, we can meet the threshold for the map amendment
16 being -- and its consistency with the Comp Plan,
17 those sorts of questions. But it's -- and I
18 understand and appreciate the concerns of the
19 immediate neighbors, but the majority of the concerns
20 that they had are concerns that are not -- don't
21 directly relate to the map amendment. There are
22 concerns about light and air across a neighbor's
23 property, which, you know, we're not entitled to.
24 We're entitled to have, you know, to make good use of
25 our property. But the fact is that the abutting

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1 property is designed such as way that it's almost
2 guaranteed to be adversely affected by any kind of
3 development on the adjacent property.

4 And I think the applicant in this case,
5 assuming they go ahead and build the building,
6 they're actually going to wind up with a better
7 result. The abutting neighbor is going to wind up
8 with a better result than would happen under matter
9 of right.

10 It is a bit of a gamble because if the
11 applicant doesn't actually develop the property
12 according to the plans, essentially the property has
13 been rezoned and a matter of right R-5-B development
14 could occur. But I think we, in light of all of the
15 testimony that we heard and things like the
16 recommendation from the Office of Planning, I mean, I
17 guess I'm inclined to move forward with this.

18 CHAIRMAN HOOD: I think that is a very good
19 point and I think your analyzation of that whole
20 scenario puts us, or puts that community in a better
21 place than they possibly may be. So hopefully, as
22 you said, this gets built, what's being proposed the
23 way it is, so then I think it would be less impact
24 this way as opposed to the matter of right, which I
25 believe may be more of an impact so.

1 MR. MAY: Right. Yeah, and I think we have
2 testimony to that affect and evidence to that affect.

3 CHAIRMAN HOOD: So somebody like to make a
4 motion or do you have additional comments?

5 MR. TURNBULL: I would just add that I hope
6 that if keeping with the basic scheme that they've
7 developed, they might do something more with the
8 façade; keep it in keeping with the neighborhood.
9 But other than that I think the plan works, but I
10 just think architecturally from an elevation on the
11 street they could make it more sensitive to the
12 neighborhood.

13 CHAIRMAN HOOD: Somebody like to make a
14 motion? Anybody?

15 MR. MILLER: Okay, Mr. Chairman, I would move
16 that the Zoning Commission take -- are we on proposed
17 action?

18 CHAIRMAN HOOD: Proposed.

19 MR. MILLER: Take proposed action on Zoning
20 Commission Case No. 14-24, 1900 11th Street
21 Northwest, LLC., map amendment and variances at
22 Square 2848 with the amendment to add the condition
23 that I previously mentioned on the variance and with
24 the time limit -- with a time limit on that variance
25 as well, as suggested by the Vice Chair, and ask for

1 a second.

2 MS. COHEN: Second.

3 CHAIRMAN HOOD: Okay. It's been moved and
4 seconded for proposed action on 14-24. Any further
5 discussion?

6 [Vote taken.]

7 CHAIRMAN HOOD: Ms. Schellin, would you
8 record the vote?

9 MS. SCHELLIN: Yes, sir. Staff records the
10 vote five to zero to zero to approve proposed action
11 in Zoning Commission Case No. 14-24 with the
12 condition and the two-year time limit on the
13 variance. As discussed this evening, Commissioner
14 Miller moving, Commissioner Cohen seconding,
15 Commissioners Hood, May, and Turnbull in support, and
16 I would just remind the applicant that since proposed
17 action was taken that they need to provide the
18 information in Sections 2403.15 through 2403 -- they
19 don't need to?

20 Oh, that's right. I'm sorry. Forget about
21 it.

22 CHAIRMAN HOOD: We're used to doing PUDs. So
23 okay. Let's do -- I think this is the last thing
24 before we go to hearing action, Ms. Schellin?

25 MS. SCHELLIN: Yes. Yes.

1 CHAIRMAN HOOD: Nothing else after this one,
2 after -- okay. Let's go to Zoning Commission Case
3 No. 13-14A, Jair Lynch's Development Partners on
4 behalf of Vision McMillan Partners and DMPED, and
5 Second Stage PUD at Square 3128, Lot 800. Ms.
6 Schellin.

7 MS. SCHELLIN: Yes. At Exhibits 57 through
8 60 we have the applicant's post-hearing submissions
9 and we'd ask the Commission to consider proposed
10 action.

11 CHAIRMAN HOOD: Okay. Colleagues, some of
12 the things that I -- my notes that I have that we
13 asked for, I think we asked for different views, the
14 roof plan, art component, are some of the things that
15 I jotted down. You may remember some of the things
16 that you've asked for. And I know there was a
17 question about -- that might have been Commissioner
18 Miller, adding the floor to reduce the AMI. I didn't
19 see that. Maybe it was in there but, anyway, let me
20 open it up for discussion or comments.

21 MR. TURNBULL: I'll start off if no one wants
22 to.

23 We basically had the two options, A and B,
24 and then the option, I'll call it C, that
25 Commissioner Miller had brought up about possibly

1 adding an extra floor. I like Option B. I think
2 with the narrower connection between the buildings, I
3 think some of their -- the perspectives that they
4 show, shows it more transparent. I think that's what
5 the Office of Planning was looking for too, trying to
6 open up the street. It's less of an impact on the
7 street.

8 In fact, going through the applicant's even
9 statement, he says that they talk about that they
10 recapture -- "Reconfiguring the building interior
11 space allows them to recapture some of the dwelling
12 units that were removed from the span. In the end
13 there is a net difference of approximately three
14 dwellings between Option A and B. Furthermore, as
15 shown on the alternate ground floor plan, the
16 elimination of the elevator core has provided
17 opportunities for more efficient ground floor on the
18 west side of the building, and the potential to
19 activate 1st and 3/4 Streets to approximately 5,200
20 to 6,100 gross square feet of live, work, dwelling
21 units or additional retail space. Thus the
22 Commission, if they prefer it."

23 Then they talk about adding an extra two
24 additional ADU targets at 80 percent AMI. But as I
25 say, I think from a planning standpoint it works

1 better, it works better, it's less intrusive on the
2 space. I'm only saying, why can't they give us 250
3 percent AMI in that? I mean, they're getting a more
4 efficient -- I mean, when I looked at this building
5 before I looked at it, I said, it's awkward. Two
6 buildings connected like this. I think there is
7 inefficiency in it, that the narrow link has helped
8 some of their efficiencies get better. They're
9 getting some bonuses on it.

10 My feeling is, we need Option B. But I would
11 still like them to proffer two units at 50 percent,
12 one in each building. I mean, they're getting --
13 this is an awkward space, which they really haven't
14 dealt with that well. I mean, the building looks
15 better, I think, with the narrower connection. I
16 think it works better. And I think we ought to ask
17 for the 50 percent AMI. I mean, I think it's worth
18 it to ask for that. I think it's worth it to get
19 that. I mean, but that's just one commissioner
20 talking.

21 CHAIRMAN HOOD: Commissioner Miller.

22 MR. MILLER: I would concur with Commissioner
23 Turnbull entirely on that. I think a number of us
24 did have a problem aesthetically with the way that
25 bridge looked. My Option C was deemed to be

1 unfeasible I think, because of the construction
2 method that they're using. So I think I agree with
3 everything Commissioner Turnbull said and agree with
4 him on the 50 percent AMI units as opposed to 80
5 percent AMI. I think that's closer to what they're
6 targeting throughout this project anyway. So I think
7 they can do it.

8 MS. COHEN: I concur with my colleagues with
9 regard to Option B. I do want to see greater depth
10 in affordability so I'll go along with the 50
11 percent. The only other issue I want to bring to the
12 applicant's attention happens to deal with, and this
13 is not a, you know, killer for me, but I don't think
14 that they did enough homework when it came to LEED
15 Gold. They do commit to Lead Gold for the entire
16 property. But I think the most important place for
17 LEED Gold is in residential.

18 And had they done their homework they would
19 have seen that residential can be accomplished, has
20 been accomplished, and I don't know who they're
21 talking to, but the people I talk to recognize that
22 LEED Gold is attainable and affordable. There's been
23 pushback all along by the development community with
24 regard to LEED, period. First it was too expensive,
25 then they recognized that it provides cost savings in

1 out years, then they did it like Silver and now
2 that's a minimum for everybody. So again, I urge the
3 development community to really do their homework and
4 recognize that LEED Gold is very important for all
5 residential units. It's where people spend most of
6 their time.

7 As I said, it's not a deal killer for me. I
8 think what my colleagues raised is very important and
9 I go along with that. Well, I think the people that
10 you should talk to is not only the LEED people but
11 the Center for Maximum -- Center for Maximum Building
12 Systems is very up to date. They have been doing
13 this work for more than 35 years. And I think that
14 if you got in touch with them or went on their
15 website, but also you can go to the -- it's not the
16 coalition for sustainable -- the LEED certifiers.
17 They can tell you, you know, where to go as well.
18 Thank you.

19 CHAIRMAN HOOD: Thank you, Vice Chair. And I
20 actually asked the Vice Chair if she could assist,
21 because a lot of times people don't know. I'm going
22 to believe this time people just don't know. It's
23 not that they don't want to know or they don't want
24 to find out, they just don't know.

25 MS. COHEN: Well, I think you're being very

1 kind. I just think the development community drags
2 its heels on certain issues and I don't see that it
3 does anybody any good.

4 CHAIRMAN HOOD: Okay. I'm not going to say
5 anything else. I tried.

6 Okay. Any other comments on this?

7 MR. MAY: Mr. Chairman.

8 CHAIRMAN HOOD: Commissioner May.

9 MR. MAY: Yeah. So, you know, I was a little
10 bit torn on which option was better, and I certainly
11 do agree that the bridge looks a lot better in Option
12 B than in Option A. And I like the idea of
13 incorporating some flexibility to do live/work units
14 on the ground floor. I think that's an interesting
15 concept, and agree that some greater level of
16 affordability would be beneficial as well.

17 The thing that troubles me about Option B is
18 that you basically have one elevator core and it's at
19 one end of the H. And so if you have to go to the
20 opposite end of the building it's like walking
21 another two blocks, you know, after you get off the
22 elevator. But you know, if the applicant thinks that
23 they can market those units, maybe they just need to
24 issue everybody who lives over on that side, a FitBit
25 so that they can get credit for all those extra

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1 steps. I don't know.

2 Anyway, you know, I guess I leave it up to
3 the applicant. But I do, I think aesthetically I
4 think Option B is superior. I am a little
5 disappointed that they didn't try to do anything with
6 the white metal panel cladding, which I think is --
7 you know, it just doesn't age well. I mean, but
8 again, it will look really nice when it opens up. I
9 hope it looks really nice 10 years later.

10 CHAIRMAN HOOD: Okay. Any other comments?
11 Anything else we need to address in this case? Yeah,
12 anything else?

13 So I guess it won't do any good if I said I
14 liked Option A. But anyway, I guess we'll go with B.
15 So. All right. So, anyway. Anything else?

16 MR. MILLER: Mr. Chair.

17 CHAIRMAN HOOD: Commissioner Miller.

18 MR. MILLER: Mr. Chairman, I would move that
19 the Zoning Commission take proposed action this
20 evening on Zoning Commission Case No. 13-14A, Jair
21 Lynch Development Partners on behalf of Vision
22 McMillan Partners and DMPED Second Stage PUD at
23 Square 3128, Lot 800, and articulate that part of
24 that motion is approving Option B as presented in the
25 applicant's January 14, 2016 letter to us. And

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1 although several of us, probably all of us, would
2 like see the two additional units that were proffered
3 at the 50 percent level, we can't necessarily require
4 that. But we think that that's -- given the public
5 benefits and the flexibility that we're granting that
6 we expect to see it -- we are taking this action with
7 the assumption that we will see before final action,
8 the proffer that those two additional affordable
9 units will be at the 50 percent level.

10 So that's a long way of making a motion, but
11 I would ask for a second.

12 CHAIRMAN HOOD: I'll second that. And I want
13 to also echo your last statement. Hopefully by final
14 action we will see the lower affordability at 50
15 percent. So we'll be looking for that. That's one
16 of the things we will be looking for before we take
17 final or ask -- that's what we're asking. Again,
18 it's not a requirement. We're asking. Especially
19 with what's being offered here. So.

20 MR. MILLER: And they'll be asking for final,
21 so.

22 CHAIRMAN HOOD: Okay. All right. It's been
23 moved and properly seconded. Any further discussion?

24 [Vote taken.]

25 CHAIRMAN HOOD: Ms. Schellin, would you

1 record the vote?

2 MS. SCHELLIN: Yes. Staff records the vote
3 five to zero to zero to approve proposed action in
4 Zoning Commission Case No. 13-14A, approving Option B
5 and asking that the two units at 50 percent AMI
6 that's been proffered is spelled out. I am assuming
7 in the best and final offer process, pursuant to
8 2403.15 through 2403.20, Commissioner Miller moving,
9 Commissioner Hood seconding, Commissioners Cohen,
10 May, and Turnbull in support.

11 CHAIRMAN HOOD: Okay. We're going to take a
12 five-minute break and then I'm going to turn the rest
13 of the proceedings over to the Vice Chair. Thank
14 you.

15 [Off the record from 7:26 p.m. for a brief
16 recess.]

17 MS. COHEN: Reconvening the meeting. We have
18 quite a few hearing cases so Ms. Schellin, let's
19 begin with the first one, please. Well, the first
20 two. We're going to --

21 MS. SCHELLIN: Actually, it goes to OP.
22 Hearing actions are OP.

23 MS. COHEN: Okay. I somehow thought you also
24 read the little, you know, blurb regarding -- all
25 right. So OP, we're going to Case No. 15-24, 15-24A.

1 MS. ELLIOT: Thank you, Madam Chair and
2 Members of the Commission. For the record, I'm
3 Brandice Elliot with the Office of Planning.

4 OP recommends setdown for a public hearing of
5 the application for a first stage PUD and PUD --
6 excuse me, PUD related map amendment to facilitate
7 development or additional development in the Florida
8 Avenue Market area.

9 The development consists of four different
10 parcels, and we're providing some visual aids to mix
11 things up a little bit tonight. So the map on the
12 screen shows all four parcels. Parcels 1 and 2 are
13 located on the east side of 6th Street, adjacent to
14 Gallaudet University. And Parcels 3 and 4 -- now
15 just to note, Parcel 4 is actually the separate case,
16 15-24A that I'm wrapping up into this presentation.
17 Both of these parcels are located on the west side of
18 6th Street and sort of sandwich the existing Union
19 Market building.

20 So this is what happens when I stray from
21 script. All of the parcels are currently zoned C-M-
22 1, and the applicant proposes to rezone Parcels 1 and
23 2 to C-3-A, and Parcels 3 and 4 to C-3-C.

24 Development on Parcels 1 and 2 would be a
25 maximum of 70 feet high and would consist of

1 University support uses, retail, residential, and
2 office uses, with a combined FAR of 2.63.
3 Development on Parcels 3 and 4 would be 120 feet high
4 and future ground floor retail with residential use
5 above, and a combined FAR of 7.6.

6 Parcel 3 does include an open market arcade
7 that would feature booths of local artisans and small
8 gathering places. And this is an image from the
9 applicant's statement showing the arcade. It's in
10 the middle of Parcel 3 and it sort of connects across
11 6th Street to the campus promenade. And this map
12 also shows some of the landscaping that's being
13 proposed with this project.

14 The applicant has requested flexibility that
15 would introduce office use should market conditions
16 be favorable, and has provided an alternative
17 scenario identified as Scheme B in this submission.

18 The applicant has also requested flexibility
19 for streetscape design as a cohesive street scape
20 design was proffered as a benefit and amenity by the
21 applicant of the Union Market development. The
22 process of developing the streetscape design is
23 underway through DDOT.

24 OP has noted some concerns in the report that
25 will need to be addressed by the applicant. In

1 particular, the applicant's vision of Neal Place,
2 which includes a vehicular roadway, does not conform
3 to the intent of the Small Area Plan. The Small Area
4 Plan consistently refers to the intersection of Neal
5 Place and 6th Street as a pedestrian gateway, and the
6 block between 5th and 6th Street as pedestrian
7 oriented.

8 And again, we have some images. These are
9 also included in OP's staff report. But just for
10 reference, some images for the Small Area Plan, as
11 well as the applicant's proposed design for Neal
12 Place.

13 Union Market continues to thrive despite not
14 having a roadway in front of it. So the applicant's
15 rationale that retail on Parcel 3 will not be
16 successful without a roadway conflicts with what has
17 already been demonstrated to the north.

18 Other concerns noted in OP's report include
19 the need for infrastructure improvements,
20 consideration of the impact of development on the
21 Gallaudet University Historic District,
22 sustainability issues, and further development of the
23 alley network around Parcel 3. OP also notes that
24 additional information regarding the phasing plan
25 should be provided.

1 The Small Area Plan anticipates high density
2 development in exchange for significant benefits and
3 amenities. Through this PUD process the applicant
4 would stand to gain up to 80 feet of additional
5 building height above the C-M-1 limits, and up to
6 approximately 730,000 square feet above matter of
7 right floor area. The applicant has provided an
8 updated list of contributions that include a deeper
9 level of housing affordability, a monetary
10 contribution to the study, and design of a new
11 entrance at the No MA/Gallaudet Metro Station, LEED
12 Silver Building Certification, continued coordination
13 of the International Design Competition for Parcels 1
14 and 2, 5,000 square feet of retail space to the deaf
15 and hard of hearing community at a reduced rate, and
16 maker shops when it's feasible.

17 OP has noted in the report that the applicant
18 should provide a CBE and first source employment
19 agreement. However, the applicant has indicated that
20 they intend to provide a job program tailored to the
21 deaf or hard of hearing in lieu of participating in
22 this program. Additional information regarding the
23 job plan should be provided.

24 The Comprehensive Plan designation for
25 Parcels 1 and 2 is institutional, and for Parcels 3

1 and 4 is medium density residential, high density
2 commercial, and PDR. The proposal for this First
3 Stage PUD is not inconsistent with the Comprehensive
4 Plan's objectives for the area, and to the
5 generalized land use and policy maps. The project
6 generally furthers the goals and objectives of the
7 Small Area Plan, with the exception of Neal Place.

8 OP will continue to work with the applicant
9 to provide the information noted in the report as
10 well as anything additional requested by the
11 Commission. And I would be happy to answer any
12 questions you have.

13 MS. COHEN: Thank you. Commissioners, any
14 questions?

15 Mr. May, we'll start with you.

16 MR. MAY: Yeah, I don't think I have
17 questions so much. I mean, but I have a few
18 comments. First of all, this is a really, really big
19 and complicated thing. And I don't feel like I have
20 a whole lot of information yet to be able to
21 understand it. But the fact that it's only a Stage 1
22 I think is more comforting because you know, we
23 certainly don't have to have the architecture well
24 defined at this point. It's really just about
25 massing.

1 I think I would agree with all of the Office
2 of Planning's comments and concerns having to do with
3 the proposal as it is, and I would add to it a little
4 bit. I mean, certainly I would underscore the issue
5 about Neal Street, although I'm open to some
6 discussion about what it might be. And they
7 introduce -- or they use this shared street concept.
8 I wouldn't completely close the door on that but I
9 think it will depend on where the Office of Planning
10 and DDOT actually come down when it comes to
11 recommending, you know, whether you recommend
12 approval of Stage 1 when we get to the hearing.

13 I am concerned about the development
14 schedule. And, you know, reading over it several
15 times I'm still a little bit unclear about what it
16 means. So I think we need to understand that. And
17 actually seeing the development schedule in a
18 schedule form would be very helpful because it's a
19 little bit hard to -- for me to, you know, add two
20 years to the end of the date of doing this, and one
21 year to the end of the -- you know, it just gets --
22 my mind doesn't work that way.

23 So that would be a helpful thing to have. I
24 also think that -- I mean, I'm seeing some things
25 that are implied with the massing diagrams with

1 regard to rooftop structures, and I think that, you
2 know, the applicant needs to understand that that the
3 new -- we are trying to adhere very strictly to
4 things like setback requirements on the new -- under
5 the new penthouse regulations. So I expect
6 everything to be fully compliant with that regard.

7 I think the one other thing that I would also
8 underscore from the Office of Planning's report, is
9 that this is really a very very significant increase
10 in density that's being requested. And so far, I
11 mean, unless I'm not understanding the value of some
12 of the things that are being proposed, what I see so
13 far is quite meager. And I think that I'm looking
14 for something substantially better in terms of the
15 benefits and amenities that would be associated with
16 such a huge increase in density. So.

17 MS. COHEN: Thank you. Mr. Turnbull.

18 MR. TURNBULL: Thank you, Madam Chair. I
19 would echo Commissioner May's comments but first of
20 all, Ms. Elliot, I want to thank you for your report.
21 Very thorough. Thank you. I agree with all your
22 comments. I guess one of my questions is, is any of
23 this housing for the university? Do you know?

24 MS. ELLIOT: I believe that some of the
25 housing on Parcels 1 and 2 may accommodate students,

1 but I would have to confirm with the applicant for
2 you.

3 MR. TURNBULL: Okay. Here is one of the
4 things that first struck me. I mean, if this were in
5 another part of town, like up by DuPont Circle, I'm
6 sure the West End Citizen's Association and Foggy
7 Bottom would be here complaining about expansion of
8 the university into the neighborhood. Especially I'm
9 looking primarily at Parcels 1 and 2, and why this is
10 -- this shouldn't be part of the campus plan as an
11 amendment or something added to the campus plan.
12 This seems like it's a lot of university support.

13 And it looks like Mr. Lawson is ready to jump
14 out and answer, here.

15 MR. LAWSON: Not really. I was just going to
16 note that of course under the current zoning the
17 zoning is such that it wouldn't be included within
18 the campus plan, because the campus plan covers the
19 low density residential zoned area. But I think --

20 MR. TURNBULL: But how do you account for all
21 the retail use, the support use? Where does that get
22 counted?

23 MR. LAWSON: Sure. I'm not disagreeing with
24 that and I think as part of the -- as my memory
25 serves me right, is part of when you reviewed the

1 campus plan last time, there was some discussion
2 about how these pieces of properties would be used
3 and would be coordinated with the rest of the campus
4 plan. But we can certainly look into that much more
5 carefully.

6 MR. TURNBULL: Could you? I'm curious. I
7 mean, I'm all for universities being successful and
8 holding their own. At the same time, I think there
9 has to be a checks and balances on some of this, and
10 I just want to be able to assure that things are
11 being counted in the right column and that's how this
12 really works out. So if you could take a look at
13 that I would appreciate it.

14 And Ms. Elliot, what did -- you mentioned the
15 affordable housing and did you say there was extra
16 beyond what was required? Or did I misunderstand
17 that?

18 MS. ELLIOT: No, I did slip that in there.
19 So the applicant is proposing -- well, they would
20 comply with the IZ requirement of 8 percent at --

21 MR. TURNBULL: Eighty.

22 MS. ELLIOT: -- 80 percent.

23 MR. TURNBULL: Right.

24 MS. ELLIOT: Yes, at 80 AMI. But 20 percent
25 of that eight percent would be at 50 percent AMI. So

1 it's deeper afford --

2 MR. TURNBULL: Okay.

3 MS. ELLIOT: It's a deeper level of
4 affordability, but not an additional --

5 MR. TURNBULL: Okay. So well, you know,
6 getting back to what Commissioner May said, they're
7 looking for a lot of density here. This is a big
8 project. This is a university. I think they can
9 look with their developer. I mean, I would like to
10 see a proffer a little bit better. I mean, I think
11 when you look at the benefits and amenities of what
12 is actually happening here, I think the city, as the
13 Vice Chair often says, definitely needs more housing
14 and affordable housing. So I think this as a proffer
15 would make a lot of sense to be able to come and look
16 at this a little bit better.

17 We're looking at LEED Silver. Again, I would
18 echo about going for LEED Gold. And this is -- and
19 again, is echoing Commissioner May. This is a large
20 project. It's hard to get your hands around what we
21 can see on these drawings right here. So I hope as
22 we go forward we get better plans and drawings and
23 more concise sections or whatever, to know what
24 they're actually looking at. So, Madam Chair, I
25 think I'm finished.

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1 MS. COHEN: Thank you. Mr. Miller.

2 MR. MILLER: Thank you, Madam Vice Chair, and
3 thank you, Ms. Elliot for your comprehensive report.

4 I think I agree with most of the
5 recommendations. Or almost all of the
6 recommendations in your report, with maybe the
7 exception as Commissioner May said, I would be open
8 to getting more information about the -- and they did
9 provide more information on why they think vehicular
10 use of Neal Place is necessary for the retail to be
11 successful. And I realize that there are examples in
12 Union Market where there isn't the vehicular. But
13 there's also examples of large projects, like in, I
14 guess the Wharf Project in Southwest where there's a
15 lot of shared uses. Of course we don't know how
16 successful that all is going to work out.

17 But I think we need more discussion about
18 that or a response from Office of Planning to the
19 letter from the applicant dated January 20th, which
20 tried to make the case again for the introduction of
21 a single one-way vehicular drive compatible with the
22 green space and the outdoor space along Neal Place.
23 So, and I think they make a good point about
24 pedestrian plazas often not being -- sometimes not
25 being successful. We removed several of them

1 downtown as I recall, that were put in decades ago.

2 So, and I would agree that among the ways
3 that the benefits and amenities can be strengthened
4 is the LEED Gold that Commissioner Turnbull
5 mentioned, as well as the setting aside more than
6 just the 20 percent of the 8 percent for 50 percent
7 AMI. We have a pending inclusionary zoning case
8 which is looking at greater set asides and deeper
9 affordability levels which we're going to finally get
10 to a hearing, I think, next month.

11 So the 80 percent AMI just is so close to
12 market rate in the city. It really is not fulfilling
13 the need that exists in the city. So I think it
14 could be a greater proffer than the 20 percent of the
15 8 percent at the 50 percent AMI level. That's a lot
16 of percentages throughout there.

17 So that's all. I guess I have -- I look
18 forward to the hearing; getting more information at
19 that time.

20 MS. COHEN: Thank you. Okay. I really am on
21 the fence when it comes to Neal Place. I know a
22 number of the 1960 closures of streets did not work.
23 But on the other hand, in different cities around the
24 world it does work. So I'm hoping that DDOT can
25 provide us more information with regards to why does

1 one work and why another one may not work, because I
2 think we should be open-minded about opening up Neal
3 Place if the retail will eventually suffer and we'll
4 be doing it anyway. So I'd like more information on
5 that.

6 I think that because Gallaudet does own the
7 property for some of the housing, I would like to see
8 more of an analysis from Gallaudet as part of the
9 applicant. About the affordability of some of its
10 own employees being able to live in the neighborhood
11 near work. Employee assisted housing has been, in
12 the last maybe decade at least, maybe two, very, very
13 important to most employers. And it would seem to me
14 that Gallaudet has an opportunity to encourage people
15 to live near work if they choose. I know students
16 live on campus. But again, some of the employees
17 probably can't even afford this neighborhood.

18 And so I would like that type of an analysis
19 from the applicant with regard to, are we providing
20 the right housing mix as far as affordability. And I
21 would suggest we're not.

22 I really appreciate, always, when OP provides
23 us with what is going on with PUDs in the surrounding
24 area. A few of them have been approved in 2006
25 through 2012. I'd like to know if they've been

1 built; their actual status. And maybe even if they
2 have been built, pictures of them so we can continue
3 to evaluate design in relation to what is there, in
4 existence.

5 Again, this is -- you know, having office in
6 this area would seem to be largely related to the
7 university. So I would like to have some greater
8 idea of what the applicant is thinking with regard to
9 who to market the office space to, as well as some of
10 the incubator space, who they're hoping to attract.
11 We already do have some incubator space in that
12 neighborhood and I think that's a real attraction.
13 So I'd like to know more about how that all weave
14 into what is there. And if it's just expanding
15 what's there, I think that could be great.

16 Somewhere, and maybe in your review, I have a
17 little note to myself, asking about utilities. And I
18 think it's really important. And again to get as
19 much acceptance of any large project from the
20 Metropolitan Police Department, and how again they
21 may also have an opinion about Neal Place. So I
22 would like to see, you know, what the utilities say,
23 what the police department says about this area and
24 can it accommodate this greater density.

25 And I agree with my colleagues that we do

1 need deeper affordability and we do need higher LEED
2 -- Gold LEED, we should aim for. And again, if it
3 can't happen, why it can't be. You know, I just
4 don't like open statements that are sometimes
5 substantiated by, "take my word for it."

6 So in light of what we've asked for, I think
7 I would move to set down Zoning Cases 15-24 and 15-
8 24A for First Stage Plan Unit Development and Related
9 Zoning Map Amendment for Gallaudet.

10 MR. TURNBULL: Second.

11 [Vote taken.]

12 MS. COHEN: What am I doing wrong? Any
13 opposition? Hearing none, Ms. Schellin.

14 MR. TURNBULL: I think one of the things is
15 that although there's two cases we would have one
16 hearing combining both.

17 MS. COHEN: Oh, okay. Yes. Thank you for
18 clarifying that. So, Ms. Schellin.

19 MS. SCHELLIN: Okay. So staff records the
20 vote five to zero to zero to set down Zoning
21 Commission Case No. 15-24 and 15-24A, two separate
22 cases, both as contested cases, Commissioner Cohen
23 moving, Commissioner Turnbull seconding,
24 Commissioners May and Miller in support, Commissioner
25 Hood in support by absentee ballot.

1 MS. COHEN: Thank you, Ms. Schellin. All
2 right. Let's move on to --

3 MS. SCHELLIN: And just to clarify, all
4 documents will just be filed in the one case now.

5 MS. COHEN: Yes.

6 MS. SCHELLIN: Okay. Thank you. Okay. The
7 next hearing action will be Case No. 11-03E. And I
8 don't know if you want to combine that with -- no, we
9 don't want to combine it. Okay. Mr. Jesick.

10 MR. JESICK: Thank you, Madam Chair and
11 Members of the Commission. This is an application
12 for a second stage planned unit development at the
13 7th Street Pier along the wharf. The pier was
14 approved as part of the first stage PUD, Case 1103,
15 and the applicant has now returned with a final
16 design for the pier.

17 The pier would extend 432 feet out from 7th
18 Street Park into the Washington Channel with a
19 slightly arcing design. The pier would include a
20 shade structure, a small retail kiosk, bench seating,
21 swings, a fire pit, as well as a floating dock where
22 kayaks or other small boats could enter the water.

23 The decking and much of the furniture would
24 be clad in an engineered hardwood. And the proposal
25 also includes floating wetlands just to the south of

1 the pier.

2 Overall, OP supports the design of the pier
3 and its construction would not be inconsistent with
4 the Comprehensive Plan or the first stage approval
5 for the PUD. The Comprehensive Plan calls for
6 additional recreation amenities near the water.

7 OP therefor can recommend that the
8 application be set down for a public hearing. And
9 should the Commission schedule a hearing, OP has
10 asked the applicant to provide more information on
11 their discussions with the Gangplank Marina,
12 including the live-aboard residents and specifically
13 their comments regarding the relocation and
14 transition plan that's laid out in the application.

15 Thanks, and I'd be happy to take questions.

16 MS. COHEN: Thank you. Any questions from my
17 colleagues? Commissioner Turnbull, are you all
18 right? Do you have anything that you want to add?

19 MR. TURNBULL: I guess the only -- we're
20 going to get better information as we go along,
21 better drawings and the floating wetlands is -- I see
22 these little oval type things that I'm sure are
23 anchored to the ground somehow. And I'm not sure how
24 anybody takes care of those, but maybe a little bit
25 more information on that.

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1 You mentioned the kind of wood that it is and
2 I see it's an imported wood that's been treated.
3 It's from Finland or Sweden, or something like that.
4 Forget where it's from.

5 MR. JESICK: Yes, one of those countries.

6 MR. TURNBULL: One of those Scandinavian
7 Countries. I don't have too much angst. I mean, I
8 guess the railing is only one side. There's only a
9 railing on one side. The rest of it is open for
10 access to the water. And there is a fire feature
11 down toward one end. I guess that's like an eternal
12 -- I mean, is that always on, eternal fire?

13 MR. JESICK: I mean, the detail was a little
14 vague on the exact nature of that fire feature, but
15 we can --

16 MR. TURNBULL: Yeah.

17 MR. JESICK: -- asked the applicant to
18 clarify.

19 MR. TURNBULL: Okay. I was just curious.
20 This is -- I saw this just as glowing fake logs with
21 this fire, even when it's 90 degrees or something out
22 there. So I was just curious as to when it becomes
23 in use and when it isn't.

24 So I really don't have a lot of comments
25 about it. I guess we'll just wait until we get to

1 the hearing. I have no problem with setting it down.
2 But hopefully we'll get a little bit more
3 clarification on one of these drawings and the
4 architecture, what it really looks like, and some
5 better views. So Madam Chair, that will be it.

6 MS. COHEN: Okay. Commissioner Miller, would
7 you like to be next?

8 MR. MILLER: Sure. Thank you, Madam Vice
9 Chair. I don't have a lot of comments either. I
10 think in concept this is another exciting component
11 of a very large and exciting project that will
12 activate the waterfront.

13 I too had a question about the fire feature
14 and the safety of it. But I think we'll get more
15 information at the hearing. So, I'm prepared to move
16 to setdown.

17 MS. COHEN: Thank you. And, Commissioner
18 May, any comments? Questions?

19 MR. MAY: No. It's unusual that we would
20 have a stage two on something that is just an amenity
21 feature of the project. So, but no, I don't have any
22 initial comments. I look forward to seeing the
23 presentation at the hearing and responses to the
24 comments of my colleagues.

25 MS. COHEN: Thank you. And I just would like

1 clarification that, you know, they don't need any
2 additional approvals from the Army Corps. I am
3 concerned about the, again, having anything that's
4 not protected and one can fall into the water. So,
5 you know, the guardrails, I really am sensitive
6 because -- maybe it's because I'm awkward and klutzy
7 myself and need to have protection. So, and also as
8 Commissioner Turnbull mentioned, the little islands,
9 how are they going to, I mean, be maintained? And I
10 just want to make sure that if we could be walked
11 through all the flood protection issues that we
12 discussed very early on in the process. So I would
13 like just to be reminded of them.

14 Other than that, do I have a motion to set
15 down this project?

16 MR. TURNBULL: Yes, Madam Chair. If there is
17 no other comments I would move that we set down
18 Zoning Case 11-03E, Wharf District Master Plan, LLC.,
19 Second Stage PUD at Square 473, and ask for a second.

20 MR. MILLER: Second.

21 MS. COHEN: Hearing the motion for first and
22 second, I'd like to take a vote now of all those in
23 favor of setting down.

24 [Vote taken.]

25 MS. COHEN: Ms. Schellin.

1 MS. SCHELLIN: Staff records the vote five to
2 zero to zero to set down Zoning Commission Case No.
3 11-03E as a contested case, Commissioner Turnbull
4 moving, Commissioner Miller seconding, Commissioners
5 Cohen and May in support, Commissioner Hood in
6 support by absentee ballot.

7 MS. COHEN: The next project is hearing
8 action for the 11-03F, Wharf District Master
9 Development, Second Stage PUD, and Modification to
10 First Stage PUD at Square 473.

11 MR. JESICK: Thank you again, Madam Chair,
12 Members of the Commission. This application requests
13 a modification of the first stage PUD and requests
14 approval of a second stage PUD in order to construct
15 a commercial building on Pier 4 at the Wharf, and to
16 extend the pier further into the Washington Channel.

17 As part of the first stage PUD Pier 4 was
18 approved for a residential use. However, during
19 review by the Army Corps of Engineers, it was
20 determined that the pier would not be approved for
21 residential uses and the residential use was denied
22 by the Corps.

23 The applicant therefore seeks to replace the
24 residential use with commercial use related to the
25 cruise lines on the first floor of the building, and

1 to construct additional floors above for office uses.

2 The height would be the same as that approved
3 with the original stage 1 PUD, and the massing of the
4 proposed commercial building would be reduced from
5 the massing approved with the residential project.

6 The proposed use would not be inconsistent
7 with the Comprehensive Plan, and the Office of
8 Planning has no objection to the modification of the
9 First Stage PUD.

10 The second stage PUD, again, is a proposal
11 for a three-story commercial building that would
12 house cruise line operations and waiting areas on the
13 ground floor, and office uses on floors two and
14 three. The building would reuse most of the existing
15 one-story concrete canopy structure for the ground
16 floor, and construct the two additional floors using
17 a modern design with concrete and metal panels and
18 wood trim surrounding the large windows.

19 The existing head house would be rehabbed for
20 the use of the cruise lines for ticketing and other
21 purposes. And OP generally supports the design of
22 the new building and the reuse of the existing
23 structures.

24 Less detail has been provided for the design
25 of the pier itself, or the new extension into the

1 channel. And that information should be provided
2 prior to a public hearing. But overall OP supports
3 the proposal. It is not inconsistent with the
4 Comprehensive Plan or the general tenants of the
5 first stage PUD, and therefore we can recommend that
6 it be set down for a public hearing. Thank you.

7 MS. COHEN: And, thank you. Commissioners.
8 Commissioner Miller, you want to start?

9 MR. MILLER: Sure. Thank you, Madam Vice
10 Chair.

11 Why did the Army Corps deny residential use?
12 I think that's a disappointment.

13 MR. JESICK: It's my understanding that the
14 Army Corps' position is any use over the water must
15 be a water dependent use, and residential just
16 doesn't fall into that category, you know, by the
17 Corps' definition. So they did not permit the
18 applicant to move forward with that use on the pier.

19 MR. MILLER: So I guess I just want a little
20 more information about whether it's a statutory
21 prohibition or regulatory prohibition. Or our
22 warrior on the hill, Congresswoman Norton, was very
23 instrumental in getting a lot of legislation that was
24 needed to effectuate this project. Probably one
25 more, she could probably pull off.

1 But where were there cruise line operations
2 going to be located?

3 MR. JESICK: They were going to be on -- I
4 believe it was called Pier 3, which was just to the
5 north of Pier 4. That was the plan. Today they're
6 on both piers. They were going to be consolidated on
7 the other pier to the north. When the residential
8 use was taken away the applicant decided, let's just
9 keep these cruise lines where they are on Pier 4,
10 consolidate all the cruise operations here, reuse the
11 existing structures, et cetera. It made for a
12 slightly more efficient use of the current pier.

13 MR. MILLER: Have we already approved Pier 3,
14 or is that going to have to be modified in terms of
15 what's going on -- so what's the plan for what's
16 going to go on Pier 3 instead?

17 MR. JESICK: I believe Pier 3 would then
18 become an extension of maybe the Gangplank Marina; be
19 used for residential, the live-aboards, and of the
20 other uses that currently are at the Gangplank. But
21 yes, that would require further second stage
22 approval.

23 MR. MILLER: I guess I don't have too much
24 other comment. I mean, it seems like -- I mean, you
25 need to have those uses one place or the other. But

1 was the design that we're seeing here pretty much the
2 design of what the residential was going to be, or
3 had we not seen that yet?

4 MR. JESICK: The residential building was
5 never designed, so to speak. The massing was
6 approved as part of the stage one. And that was a
7 slightly more massive building. The full height
8 seemed to extend for the entire length of the pier,
9 where as this one steps down towards the end of the
10 main pier.

11 MR. MILLER: Right.

12 MR. JESICK: So certainly this one has a more
13 commercial look to it than I think we would expect
14 for a more residential building, and the massing is
15 slightly different.

16 MR. MILLER: Right. Well, from what detail
17 we have, I mean, it's basically attractive. I guess
18 I'd like to know more about the outdoor spaces that
19 are shown on, particularly on the upper floors and
20 who will have -- will the public have access to them?
21 They look like they might have great views of what's
22 happening down there. And if they can be publically
23 accessible though. If it's the private cruise lines
24 operations they probably don't want the public --
25 well, the public is going to be waiting in line

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1 somewhere, inside or outside. I guess I want more
2 information about the public accessibility of those
3 spaces, those terraces, because I think that could be
4 an attractive, very attractive public benefit.

5 And I think I would, in general, like to see
6 more transparency in this building. It just seems a
7 little bit boxy. And the only other comment I have
8 on design is that mechanical penthouse on the roof.
9 It looks rather large. I can't tell if it's meeting
10 setback requirements or of if we got information on
11 that. So I guess I'd want information about that and
12 if it's visibility, it could be reduced. I realize
13 it's a small space up there. I mean, the whole
14 footprint is pretty small. So it just seems like a
15 large mechanical for the 45,000 square feet of office
16 use. So I guess I want more information on that.
17 And more information on what sustainable features are
18 going to be in this building that is over the water.

19 So that's about it, Madam Chair. Thank you.

20 MS. COHEN: Thank you. Commissioner
21 Turnbull.

22 MR. TURNBULL: Thank you, Madam Chair.

23 What a different one pier to another can be.
24 I was very excited by the last pier. This pier falls
25 a little short. And picking up on what Commissioner

1 Miller was saying, and I want to carry it a little
2 bit further is that, I don't feel this is a very
3 friendly place. They're reusing the head house.
4 Preservation, reuse, that's good. And they're
5 reusing the first floor of the existing, but it looks
6 so banal and if I'm going on a cruise we want to
7 attract people to go out and get on the river, this
8 looks so mundane. I almost don't feel invited to
9 come out here.

10 I think as Commissioner Miller was saying,
11 she wanted something more open, more -- I mean,
12 you're going to the river. You want to get out and
13 you want to see, you want to see the boats come in,
14 you want to -- you know, it's a big deal. You're
15 bringing kids along or whatever, it's an environment
16 that you want to celebrate going out. This whole
17 thing along the wharf was to celebrate the new
18 getting to the water.

19 And just after going down the whole pier with
20 what they were trying to do and you come down to
21 here, I just feel it falls short. I just think
22 architecturally I want something more fun. I want to
23 see something more open and something to enjoy, and
24 again, more information on the other little add-on
25 pier. I just think there's so much opportunity at

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1 this pier. And I don't know whether it's a cost-
2 cutting measure or -- but I think when you come to
3 these piers you want to get out there and enjoy these
4 pieces that are -- these things that jut into the
5 river, and I think this falls short. I just think
6 that they've missed the boat; that there was an
7 opportunity here to make this an expression of the
8 waterfront and celebrate this and I just think it
9 looks like a little mundane little office building
10 that they wanted to plop on the pier. And I am very
11 saddened by this.

12 So I hope they hear these comments and go
13 back and rethink some of what they could be doing out
14 here. Thank you.

15 MS. COHEN: Thank you. I love the way you
16 described a fun building. And then, Commissioner
17 May?

18 MR. MAY: Okay. So, I'm not as bothered by
19 this. You know, the Wharf Project is huge and it
20 extends so far down the waterfront and there is so
21 much going on, and there are so many piers and so
22 many opportunities, and it's -- you know, the idea of
23 making use of this pier with a slightly more intense
24 development than what was there before, doesn't
25 really bother me. I mean, I don't think it needs --

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1 not everything needs to be a moment of recreation and
2 celebration here. I mean, it's right next to a park
3 where that will be occurring. So I'm just really not
4 terribly bothered by it. I mean, if I had any
5 concerns about it at all it would have to do with how
6 tall it is. But as I understand it, it's less tall
7 than what was originally approved in stage one. Is
8 that right, Mr. Jesick?

9 MR. JESICK: The zoning height would be the
10 same. They're showing a lower penthouse than what
11 was shown in the stage one.

12 MR. MAY: Got it. Yeah. So like I said, I'm
13 not really that bothered by it and I don't really
14 have any other comments. But I certainly don't have
15 any objection to the applicant trying to make some
16 changes to address the concerns of my fellow
17 commissioners.

18 MS. COHEN: Thank you. I wanted a little bit
19 more elaboration from the applicant. I too thought
20 that the housing on the water, I know that it was
21 probably going to be multi-million dollar apartments
22 or condos, but on the other hand we could have gotten
23 a lot of tax money from that.

24 The Army Corps seems to -- if it's a law
25 they're certainly not implementing it the same way in

1 every place. Certainly waterfront development has
2 occurred, including apartments in Boston, Seattle,
3 Portland, so again, I don't know, maybe the
4 particular regional office of the Corps, or maybe the
5 Corps is concerned about some of the flood
6 prevention, that it may not -- it may have dire
7 consequences. So I think the applicant needs to be
8 more transparent about the conversations they've had
9 with the Army Corps.

10 I agree with my colleagues, Mr. Turnbull and
11 Mr. Miller with regarding to the design of the Pier
12 4. I do think it could be lighter. The idea of it
13 being fun, I don't think is, you know, necessarily a
14 Disneyesque fun. But something that is more
15 attractive to investigate what it is.

16 And then I'd like some information on how
17 they will manage the people who will be there waiting
18 in line for tickets or to embark. You know, how are
19 they going to manage those lines that often prevent
20 people from getting from point a to point b because
21 there's a line that they have to go through or
22 around. So I think that will be helpful.

23 And then finally, I was under the impression
24 that even though the applicant requests flexibility
25 to locate the Pier 4 parking elsewhere, other than on

1 the subject property, I thought that was part of the
2 original plan for this, that they weren't going to
3 have parking for Pier 4, but I assume DDOT will
4 comment on that.

5 So those are my questions and I will now
6 entertain a motion. Does anybody want to provide a
7 motion?

8 MR. MAY: Madam Chair, I would move that we
9 set down Zoning Commission Case No. 11-03F, Second
10 Stage PUD and Modification to First Stage PUD at
11 Square 473, and this is for the Pier 4 Development.

12 MS. COHEN: I will second that and take a
13 vote now.

14 [Vote taken.]

15 MS. COHEN: Ms. Schellin.

16 MS. SCHELLIN: Yes, staff records the vote
17 five to zero to zero to set down Zoning Commission
18 Case No. 11-03F as a contested case, Commissioner May
19 moving, Commissioner Cohen seconding, Commissioners
20 Miller and Turnbull in support, Commissioner Hood in
21 support by absentee ballot.

22 MS. COHEN: Thank you. We move along to Case
23 No. 15-29, hearing action on Jemal's Gateway D.C.,
24 LLC., Consolidated PUD and Related Map Amendment at
25 Square 2960. Mr. Mordfin.

1 MR. MORDFIN: Good evening, Members of the
2 Commission. The applicant is requesting a
3 consolidated planned unit development and related map
4 amendment for the development of a mixed use building
5 consisting of residential retail and office uses.
6 The site is an irregular shaped lot at the corner of
7 Georgia and Eastern Avenues, a gateway location on a
8 great street.

9 The proposed building would include 199
10 apartment units, a full sized grocery store,
11 community space, below grade parking, and internal
12 loading facilities. The proposal will provide four
13 percent GFA for households earning up to 50 percent
14 AMI, four percent for up to 80 percent AMI, plus an
15 additional eight percent at 80 percent AMI to be set
16 aside for senior citizens.

17 A map amendment is requested from the C-2-A
18 to the C-2-B PUD for the portion of the site fronting
19 on Georgia, Alaska, and Eastern Avenues, and from the
20 R-1-B to the C-2-B for the remainder of the site to
21 accommodate building height and FAR.

22 Flexibility requested includes open courts,
23 compact parking, and loading. The applicant proposes
24 benefits as are enumerated in the OP report under
25 Section 8.

1 The future land use map recommends mixed use
2 for the subject property, including moderate density
3 residential and low density commercial.

4 The application is in conformance with
5 several elements of the Comprehensive Plan, including
6 the upper Georgia Avenue Plan, Great Streets
7 Redevelopment Plan, and that -- Upper Georgia Avenue
8 Great Streets Redevelopment Plan, and that it would
9 provide for a mixed use building of up to 200 new
10 dwelling units and a 56,000 square foot grocery
11 store.

12 However, as a PUD site along a great street
13 and at a gateway location, this application is the
14 opportunity to anchor this property at an entrance to
15 the District. Although the applicant has submitted
16 some revised drawings since the filing of the
17 application addressing the residential windows
18 proposed to face the one-family dwellings to the
19 west, OP still finds that the design of the building,
20 instead of reading horizontal separating the
21 residential from the commercial uses of the building,
22 reads vertically resulting in an office-like
23 appearance to the façade.

24 The applicant has met with the Public Space
25 Committee in redesigning the space between the

1 building restriction line and Alaska Avenue to their
2 satisfaction, including the provision of in-ground
3 plantings. OP will continue to work with the
4 applicant to refine the application and provide
5 additional information prior to the public hearing,
6 including the remaining items contained on page 1 of
7 the setdown report should the Commission set this
8 application down.

9 Therefore, the Office of Planning recommends
10 that the Commission set down the subject application.
11 Thank you, and I'm available for questions.

12 MS. COHEN: And, thank you. Okay. Any
13 questions? Commissioner May, do you mind starting,
14 please?

15 MR. MAY: Yeah. I don't have a lot to say
16 about this one. I agree with the Office of
17 Planning's comments about the project from their
18 report, and I also agree with the concern about how
19 it reads as largely commercial.

20 I do think we would be concerned about
21 exactly what's going on with some of the courtyard
22 finishes and things like that, the sort of things
23 that we're typically a bit concerned about. You
24 know, it calls out what the materials are. I mean,
25 it's actually a pretty thorough set and hits a lot of

1 the right points, but the renderings leave a little
2 bit to be desired and I think that some of the
3 detailing on the building, particularly the tops of
4 the building, are -- there is just not, there's not
5 much of a top to any of it. So I just think some
6 architectural refinement would be helpful.

7 And otherwise, I mean, I think there's some
8 very exciting aspects to it in terms of the, you
9 know, the IZ provision, which I mean, if I understand
10 correctly we're talking about a total of 16 percent
11 will be IZ.

12 MR. MORDFIN: Sixteen percent will be
13 affordable. The senior --

14 MR. MAY: Affordable.

15 MR. MORDFIN: Yeah, because this -- I'm not
16 sure how going to --

17 MR. MAY: But okay, so 12 percent would be at
18 80 percent and four percent would be at 50 percent.

19 MR. MORDFIN: Yes.

20 MR. MAY: Right. Which is more than we
21 usually get. So I mean, I think that's a pretty
22 substantial proffer compared to what we usually see
23 when a project gets started.

24 You know, I do think that there is a certain
25 element of this being kind of a regular development.

1 And it is -- I mean, as you say, it's a great street
2 and it's a gateway moment, and it kind of calls for
3 more than just Harris Teeter, you know, because
4 that's kind of what it reads as. But there's no
5 reason -- I mean, it's well worth setting down at
6 this point, so thank you.

7 MS. COHEN: Thank you, Commissioner May.
8 Commissioner Turnbull.

9 MR. TURNBULL: Thank you, Madam Chair.

10 Mr. Mordfin, I want to thank you for your
11 report, and I agree with all your comments. I think
12 they are very good. You noticed a lot of things that
13 I had noticed also, so -- and I would agree with
14 Commissioner May with his comments. I guess one of
15 the things that I would, again, like I mean, other
16 than some better drawings, maybe some better views,
17 alleys along the -- along the alleys that as the
18 building meets the residential area, the property
19 line for that residential area along there, I'd like
20 to see really a little bit better views as how
21 they're really meeting it and the impact and what it
22 really looks like back there.

23 But other than that I'm not going to repeat
24 much. I think I am for setting it down and I think
25 as long as we get some better clarity on the

1 drawings, I'm okay with it.

2 MS. COHEN: Thank you, Commissioner Turnbull.
3 Commissioner Miller.

4 MR. MILLER: Thank you, Madam Chair. Vice
5 Chair. Yeah, I would echo the Office of Planning's
6 comments and those of Commissioner May and Turnbull
7 so far. Particularly that it needs to read more
8 residential. I don't know, I always like adding more
9 balconies but I can't really tell from these
10 renderings how many balconies there really are. I
11 mean, I see some but I think the more you can have
12 the better, and the lighter -- I agree, the lighter
13 version material just looks a little too much like --
14 reads too much commercial, even though some of that
15 façade is obviously meant to be residential because
16 where it's located and where I do see balconies.

17 So but getting a grocery store and I guess we
18 have a letter -- we've got Harris Teeter, right,
19 pictured on this thing. They have a letter of intent
20 already, or a commitment, or some sort?

21 MR. MORDFIN: Yes.

22 MR. MILLER: That's fantastic. And this
23 gateway project has been a long time coming. It's
24 really been -- people been talking about something
25 prominent and a gateway there for many decades. So I

1 would agree with Mr. Turnbull that we do need better
2 perspectives from the adjacent lower scale
3 residential and I guess I would also want to know
4 whether some of the existing retail there will be
5 accommodated in the new retail. Or the other retail
6 space beyond the grocery store, or whether what's
7 going to happen to them.

8 And I also compliment the applicant on this
9 being a LEED Gold. It already is at LEED Gold, which
10 is good. Which is great.

11 I appreciate the greater set aside of
12 affordable units. I think the senior units that are
13 being set aside, I think if they can include some 50
14 percent AMI -- this is a broken record, isn't it?

15 MS. COHEN: I think everybody has to hear
16 this, though, all the development community.

17 MR. MILLER: Yeah. But we appreciate the
18 greater set aside than the minimum currently required
19 by the current IZ regulations, but I think the senior
20 focus units is great, but I think they need to be --
21 there need to be some targeted at below 80 percent --
22 at the 50 percent level of median family income in
23 addition to the 80 percent.

24 So other than that I look forward to this
25 gateway project finally moving forward.

1 MS. COHEN: Thank you. Just wanted to repeat
2 something that Commissioner Miller said. The
3 application indicates that the building will be
4 designed to LEED Gold standards. That's a
5 residential project with commercial attached to it.
6 Again, it's designed to LEED Gold standards. It can
7 be done. If only people would put pencil to paper.

8 I agree with my colleagues with regard to the
9 importance of this corner and the fact is, let me
10 just be blunt, I think it needs to be a six-year
11 design. It's the entrance into the city and I think
12 it really needs to make a statement, a greater
13 statement. Or it needs to be explained why it is
14 this sort of office looking structure. I don't want
15 to in any way imply that it's totally unacceptable.
16 It just, I think, needs greater pizzazz.

17 I'm just looking forward to hearing from DDOT
18 with regard to the parking spaces. I think there are
19 130. And I don't know how close this is to the
20 Metro, but if we could -- you know, I'm just not
21 sure. Do you know?

22 MR. MORDFIN: It's approximately .7 miles
23 from the Silver Springs station.

24 MS. COHEN: Yeah, so, you know, I think it's
25 well parked and always more -- you know, I think

1 we're more concerned about, you know, housing our
2 residents than housing cars. But I don't know what
3 the impact is on the neighborhood. Look forward to
4 seeing the traffic study.

5 So in light of the comments that have been
6 made, and I think you know, you did a thorough
7 report, I will move to set down Zoning Case No. 15-
8 29, Consolidated PUD and PUD Related Map Amendment
9 from C-2-A and R-1-B to C-2-B for 7828 Georgia Avenue
10 Northwest, and ask for a second.

11 MR. MILLER: Second.

12 MS. COHEN: Thank you.

13 [Vote taken.]

14 MS. COHEN: Ms. Schellin.

15 MS. SCHELLIN: Staff records the vote five to
16 zero to zero to set down Zoning Commission Case No.
17 15-29 as a contested case, Commissioner Cohen moving,
18 Commissioner Miller seconding, Commissioners May and
19 Turnbull in support, Commissioner Hood in support by
20 absentee ballot.

21 MS. COHEN: Thank you, Ms. Schellin. All
22 right. The next case we have is 15-28, Foulger-Pratt
23 Development, LLC., Consolidated PUD and Related Map
24 Amendment at Square 772.

25 Office of Planning, because I forgot your

1 last name. So please introduce yourself.

2 MS. RAPPOLT: Sure. Megan Rappolt for the
3 record, with OP.

4 Thank you, Vice Chair Cohen and Members of
5 the Commission. OP recommends the Zoning Commission
6 set down the applicant's request for a PUD and
7 related zoning map amendment to the C-3-C zoning
8 district for the property known as 301 and 331 N
9 Street Northeast, which is currently zoned to the C-
10 M-1 district.

11 The PUD consists of primarily two 11-story
12 residential buildings totaling 340 to 390 residential
13 units, an 11-story hotel of 175 rooms, approximately
14 26,0000 square feet of ground floor retail throughout
15 the project, and the preservation and adaptive reuse
16 of the Capitol Self-Storage building with retail,
17 office space, and/or creative uses.

18 The proposed FAR of the project is 6.8.
19 Sorry, 6.68, which is an increase of 3.68 FAR,
20 approximately 250,000 square feet above the matter of
21 right density associated with the property.

22 The property is one of the few properties
23 included in the No-Ma Small Area Plan that is located
24 east of the railroad tracks and the No-Ma Metro
25 Station.

1 As detailed in OP's report, several
2 properties located east of the tracks are currently
3 in process PUDs, or will include PUDs anticipated to
4 be filed in the near future. Additionally, the
5 property is in close proximity to the Florida Avenue
6 Market area which is currently undergoing a
7 significant amount of development interest, and we
8 brought this slide for you to take a look at the PUDs
9 that are taking place.

10 The applicant's property for this case is in
11 red. Purple are future PUDs, and then we've noted
12 the other PUDs in green for you and noted their
13 number.

14 In terms of the Comprehensive Plan future
15 land use map, the property is appropriate for a
16 medium density commercial, medium density
17 residential, and PDR uses. Additionally, the
18 property is within the No-Ma land use change area on
19 the General Policy Map where ultimately the
20 development of a high quality mixed use area is
21 anticipated.

22 There is guidance in the No-Ma Small Area
23 Plan for the redevelopment of the property which
24 includes a call for -- excuse me, PUD development of
25 No-Ma sites, with the greatest densities and building

1 heights closest to the Metro Station. The property
2 is within 1,000 feet from the Metro station.

3 It also calls for the inclusion of creative
4 uses like technology companies, graphic designers,
5 architects, et cetera. Also retail, mix of uses, and
6 the preservation of the Capitol Self Storage
7 building. And through its PUD the applicant achieves
8 these primary Small Area Plan goals.

9 As detailed in OP's report the applicant has
10 requested flexibility to allow for the phasing of the
11 project and relief from rear yard, penthouse, court
12 loading requirements, as well as flexibility for a
13 range of uses, including the creative uses already
14 mentioned within the preserved Capitol Self Storage
15 building.

16 In terms of public benefits and amenities,
17 the proposal would see landmark designation for the
18 Capitol Self Storage building. In terms of other
19 benefits, prior the public hearing OP seeks more
20 certainty of the applicant's contribution towards the
21 efforts to facilitate an eastern No-Ma Metro
22 entrance.

23 OP also seeks more certainty with regard to
24 the implementation of the N Street streetscape
25 improvements to which the applicant of Zoning

1 Commission Case No. 15-22 is also willing to
2 contribute to.

3 Finally, OP has made the applicant aware that
4 a housing benefit beyond the minimum IZ requirement
5 is recommended. The proposal is not inconsistent
6 with the proposed zoning district, the Comprehensive
7 Plan, and the guidance of the No-Ma Small Area Plan,
8 and as such the Office of Planning recommends the PUD
9 related map amendment request be set down for public
10 hearing. And we'd be happy to take any questions.
11 Thank you.

12 MS. COHEN: And thank you for your report.
13 Who would like to start? Commissioner May? I'm sort
14 of getting your --

15 MR. MAY: Okay. I can't read some of my
16 notes. Man. So, you know, I think this project is
17 fine for set down. I appreciate the Office of
18 Planning's report and agree with the comments.

19 The, let's see, got to go take a look at one
20 more thing. Excuse me.

21 In terms of the Office of Planning's
22 recommendation, I think in particular concern is
23 information and detail regarding the public benefit
24 described as a provision of regular arts and related
25 programming. I thought that was an important

1 component of it.

2 I think that in terms of the design I'm a
3 little bit concerned about what I'm seeing going on
4 on the roof and I want to make sure that as this
5 develops that the, you know, all of the setback
6 requirements are strictly met and that there isn't --
7 I mean, we don't try to play around with the new
8 setback, or the new penthouse rules. You know,
9 calling the -- well, I don't know. It seems like
10 there's a lot going on, on the roof, and I think it
11 needs to be tamed a little bit and needs to be
12 consistent with the new regulations. I won't go into
13 the details of it. I'll leave that up to the Office
14 of Planning to work closely with the applicant on
15 that as it develops.

16 I will also say that I found the drawings to
17 be rather confusing at certain points where, you
18 know, it's hard to -- you know, you have buildings
19 with interior courtyards and as you go up through the
20 building it's a little bit hard to tell inside from
21 out and what we're seeing in terms of some of the
22 lines in the page. So it looks like we're seeing,
23 you know, the roof treatment over the historic
24 building, and you know, what can we see out from
25 there. I mean, it just -- you know, it should be

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1 very clear when you look at the drawings, what's
2 inside the building and what's out. And I think it
3 just kind of falls short on that -- in that regard.

4 And what else did I have about it? Oh, yeah,
5 you know, of particular concern when it comes to the
6 rooftop structure there's an elevation on page A15
7 which shows an extension of the building that goes --
8 that's behind the historic building and goes all the
9 way up to the full height of the penthouse. And it
10 is continuous with the façade of the building it
11 seems, there. So it looks like there's no setback
12 whatsoever for that portion.

13 It's hard to argue that that's an
14 architectural embellishment. It's not the sort of
15 place where you'd see a tower element that might
16 actually go that high. So I think that's something
17 that needs to be fixed. And otherwise, I don't think
18 I have any other comments. Thank you.

19 MS. COHEN: And thank you. I'll go next
20 because I'm used to go going after you.

21 I just, again, believe there's a lot of
22 flexibility being asked. And in light of that, here
23 she goes again. I think we need deeper affordability
24 on some of the IZ units and I think we should push
25 for LEED Gold. And I agree with Commissioner May

1 with regard to the penthouse. And I will now defer
2 to my colleagues. So decide between yourselves who
3 wants to go next.

4 MR. MILLER: I'll go next, I guess, just
5 since we're going down the line this time.

6 Thank you, Madam Vice Chair. I would agree
7 with all of the comments of Office of Planning,
8 Commissioner May, and Vice Chair Cohen. Thanks.
9 Other than that it will transform a very
10 underutilized site in this neighborhood that is
11 changing rapidly.

12 MR. TURNBULL: I would agree with Ms.
13 Rappolt's comments, and Commissioner May, yourself,
14 and Commissioner Miller's comments. I would agree,
15 it's an important part of Florida Market area that
16 needs to be developed. The only -- I guess we do and
17 just echoing Commissioner May's comments, we need
18 better roof views, sections, plans. We really need
19 to know what's going on up at the roof. It would be
20 nice to really get some better idea of how they're
21 meeting all the setbacks.

22 My only other question is -- and I have to
23 look -- pull out a drawing here. You know, you have
24 this very well-articulated building on 825. It N
25 Street. It's 301 and 331 N Street. So you've got

1 this very well-articulated building.

2 And then we're transitioning to what could be
3 block or brick, or maybe an option for metal panel, I
4 think, at some point. And as you turn the corner and
5 you go by the preservation, the old storage building,
6 and I'm looking at, on A27, 301 and 331, I just, I'm
7 not saying it needs to be articulated more. I'm just
8 -- I don't know. I mean, I don't mind the insets. I
9 guess I really need to know what the material is. Is
10 it block? Is it metal panel? I'm not sure really
11 what they're going for here.

12 But obviously we're going to get sample
13 boards and a few other things. So I just again, you
14 know, we often talk about how the building is -- you
15 view the building from all sides. It's not just
16 certain streets. This building is in the round. And
17 so I would like to make sure that the transition,
18 that the articulation on one side doesn't go --
19 there's a certain aspect that I don't mind with this.
20 But I would like to know a little bit more about
21 this, and not lose some of the character of the
22 building as it changes and goes around. So I'd like
23 them to maybe take another look at that.

24 But other than that, I have no more comments
25 and I'm ready to set this down.

1 MS. COHEN: So, would you like to make a
2 motion?

3 MR. TURNBULL: I would. I would move that we
4 set down Zoning Case No. 15-28, Foulger-Pratt
5 Development, LLC., Consolidated PUD and Related Map
6 Amendment at Square 772.

7 MR. MILLER: Second.

8 MS. COHEN: Thank you. Hearing that we have
9 first, second -- oh, wait, we have one other comment
10 from Commissioner May.

11 MR. MAY: Right. So I just, looking back
12 over the future land use map, it's called out in the
13 OP report as medium density commercial and medium
14 density residential, and production distribution
15 repair. And just looking at the color coding on the
16 map, I'm a little confused by that because I'm not
17 convinced that it's -- I mean, it looks like it might
18 actually be moderate density commercial. I don't
19 know. And I don't know that it really makes a
20 difference here. But I think we should just get
21 clarity on that because it is definitely colored a
22 bit differently than the development that's north of
23 Florida Avenue.

24 So, I'm again, I'm not sure exactly what it
25 means, but some clarification, I think, when we get

1 to the hearing will be helpful to understand it.

2 MS. COHEN: Thank you. All right. We have a
3 motion and a second. So all those in favor of set
4 down.

5 [Vote taken.]

6 MS. COHEN: Ms. Schellin.

7 MS. SCHELLIN: Yes. Staff records the vote
8 five to zero to zero to set down Zoning Commission
9 Case No. 15-28 as a contested case, Commissioner
10 Turnbull moving, Commissioner Miller seconding,
11 Commissioners Cohen and May in support, Commissioner
12 Hood in support by absentee ballot.

13 MS. COHEN: Thank you. And last but not
14 least, is Zoning Case No. 15-33, Consolidated PUD and
15 Related Map Amendment from C-M-1 to R-5-B, Bowie
16 Redevelopment site, square 1043, Lots 128, 156, 157,
17 818, and 819. Ms. Vitale.

18 MS. VITALE: Good evening, Madam Chair and
19 Members of the Commission. OP is recommending
20 setdown of the consolidated PUD and related map
21 amendment requested by Insight, LLC. to permit
22 development of property in the 1300 block of E Street
23 Southeast. The PUD related map amendment from the C-
24 M-1 to the R-5-B district would allow for the
25 construction of approximately 153 residential units

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1 and 90 parking spaces on a site that's currently used
2 for a trash truck facility and auto collision repair
3 business.

4 There is an existing row house at 1355 E
5 Street Southeast, currently serving as office space
6 that the applicant proposes to retain. The four-
7 story residential building with habitable penthouse
8 would be accessed from a residential lobby on E
9 Street. Five residential units would also have
10 direct access to E Street, and vehicular access for
11 the below grade parking would be via the existing
12 improved alley at the western property line, and the
13 applicant is proposing to widen that alley from 15 to
14 20 feet.

15 The proposed 3.0 FAR is permitted by the R-5-
16 B PUD. The project would comply with IZ requirements
17 for both the residential area and the habitable
18 penthouse space. The applicant is requesting
19 flexibility for lot occupancy, rear inside yard,
20 parking and loading, penthouse enclosing wall
21 heights, and to have two buildings on one record lot.

22 The site is designated as a neighborhood
23 conservation area on the policy map, and for moderate
24 density residential on the future land use map. The
25 proposal conforms to the Comprehensive Plan's policy

1 detailed information regarding the IZ compliance, and
2 additional information regarding the benefits and
3 amenities package.

4 The proposed PUD is not inconsistent with the
5 Comprehensive Plan; therefore, OP is recommending
6 that the application be set down for public hearing.
7 Thank you, and I can answer any questions at this
8 time.

9 MS. COHEN: Thank you for your report.
10 Commissioners, who would like to go first? Mr.
11 Turnbull?

12 MR. TURNBULL: Sure. Well, it's another
13 project up in the Capitol Hill area, and we've got a
14 couple now that have been going on up there. Good to
15 see. I guess my -- I'm okay with setting it down. I
16 guess my only question is, architecturally, again,
17 just talking about the dark area of the project is
18 called out as metal panels. And I'm not sure if
19 that's the most appropriate or what it's going to
20 look like. I mean, you've got brick around most of
21 the orange-reddish -- they've got brick to match a
22 lot of the brick in the neighborhood, but then
23 there's this -- I'm not opposed to the darker color,
24 I'm just wondering if it might be from a texture
25 standpoint, better if it was in brick or terracotta

1 or something. I'm just concerned about the metal
2 panel. So I would like to have some more information
3 on that.

4 I would also like to see some more
5 information on the alley, views down the alley with
6 the loading, the garage access, the parking area, how
7 you get in and out, and what the impact would be on
8 the alley back there. And other than that I'm ready
9 to see it at a hearing. And hopefully we'll get some
10 more explanatory drawings.

11 MS. COHEN: Thank you, Commissioner Miller.

12 MR. MILLER: Thank you, Madam Vice Chair.
13 You know, I would agree with, again, all of Office of
14 Planning's comments and with Commissioner Turnbull's
15 comments, particularly on that material, not having a
16 problem with the color but I think it would
17 definitely look more residential and warm if it had
18 the -- if it continued the brick or the terracotta
19 like you said. And I'd be interested in the
20 perspectives that you're talking about.

21 This has habitable space on the penthouse?

22 MS. VITALE: Yes, that is correct.

23 MR. MILLER: And how much is up there? And
24 did that trigger any deeper affordability under our
25 new regulations.

1 MS. VITALE: The penthouse total GFA is 8,398
2 square feet, 6,962 of that is residential floor area.
3 That does trigger an IZ requirement, and any of that
4 penthouse residential IZ requirement would be at the
5 50 percent. A hundred percent of that amount that's
6 triggered would have to be at 50 percent AMI.

7 MR. MILLER: Thank you very much.

8 MS. VITALE: Sure.

9 MR. MILLER: I guess I want to see more of
10 what that looks like from up there and maybe more --
11 just a detailing of that IZ compliance by the
12 applicant at the hearing.

13 MS. COHEN: Thank you. Commissioner May.

14 MR. MAY: I don't think I have anything else
15 to add.

16 With regard to -- well, I do. With regard to
17 the views, you know, one of the things that has been
18 lacking actually, in several of the set downs tonight
19 is just a really good bird's eye view that -- so that
20 it allows you to understand the massing of the
21 things. I mean, this one has it but I think some of
22 the other ones don't really. I mean, I think this
23 one has it. Gives you some sense of what the
24 building looks like in three dimensions. It's very
25 hard to understand what the totality of some of the

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1 other projects were without having that kind of an
2 aerial view like we see on page A003. So this is
3 really a comment about the other set downs. Thanks.

4 MS. COHEN: You're finished?

5 MR. MAY: Yes.

6 MS. COHEN: All right. Well, the only thing
7 that I will add is, again, in the proffers I would
8 suggest that the applicant look strongly at upgrading
9 to LEED Gold. Other than that, can I get a motion to
10 set down this project? Commissioner Miller, are you
11 ready?

12 MR. MILLER: No.

13 MS. COHEN: All right. Then I'll set it
14 down.

15 MR. MILLER: I just lost my agenda.

16 MS. COHEN: I move to set down Zoning Case
17 15-33, Consolidated PUD and Related Zoning Map
18 Amendment from C-M-1 to R-5-B, Bowie Redevelopment
19 Site, Square 1043, Lots 128, 156, 157, 818, and 819,
20 and ask for a second.

21 MR. MILLER: Second.

22 MS. COHEN: Thank you. Okay. Motion and
23 second. And let's take a vote.

24 [Vote taken.]

25 MS. COHEN: Ms. Schellin.

1 MS. SCHELLIN: Yes. Staff records the vote
2 five to zero to zero to set down Zoning Commission
3 Case No. 15-33 as a contested case, Commissioner
4 Cohen moving, Commissioner Miller seconding,
5 Commissioners May and Turnbull in support.
6 Commissioner Hood in support by absentee ballot.

7 MS. COHEN: Any other items, Ms. Schellin?

8 MS. SCHELLIN: Staff has nothing unless OP
9 has something. We have nothing. Okay.

10 MS. COHEN: Thank you and this meeting is now
11 adjourned.

12 [Hearing adjourned at 8:51 p.m.]

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