

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF :
:
Text and Map Amendments to : Case No.
Establish and Map the Hill : 04-05
East (HE) District :
:
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Monday,
May 5, 2008

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 04-05
by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

HARRIET TREGONING, DIRECTOR
JENNIFER STEINGASSER
JOEL LAWSON
TRAVIS PARKER
STEPHEN MORDFIN
KAREN THOMAS
MAXINE BROWN-ROBERTS
DOUGLAS WOODS
STEVEN COCHRAN
ARTHUR ROGERS
MATT JESICK
ARTHUR JACKSON
STEPHEN RICE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.
JACOB RITTING, ESQ.
MARY NAGELHOUT, ESQ.
LORI MONROE, ESQ.

The transcript constitutes the minutes from the Public Hearing held on May 5, 2008.

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

2 6:38 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen.

5 This is a Public Hearing of the
6 Zoning Commission of the District of Columbia
7 for Monday, May the 5th, 2008.

8 My name is Anthony J. Hood.
9 Joining me this evening as Commissioners May
10 and Commissioner Turnbull. We are also joined
11 by the Office of Zoning staff, Ms. Sharon
12 Schellin and Ms. Donna Hanousek, Office of the
13 Attorney General, Ms. Monroe of the Office of
14 Planning Ms. Steingasser and Mrs. Brown-
15 Roberts.

16 The proceeding is being recorded
17 by a Court Reporter and it's also webcast
18 live. Accordingly, we must ask you to refrain
19 from any disruptive noises or actions in the
20 hearing room.

21 The subject of this evening's

1 hearing is Zoning Commission Case No. 04-05.
2 This is a request by the Office of Planning
3 for Text and Map Amendments to zoning
4 regulations to establish the Hill East Overlay
5 District for the site known as Public
6 Reservation 13.

7 Notice of today's hearing was
8 published in the D.C. Register on March 21st,
9 2008, and copies of the announcement are
10 available to my left on the wall near the
11 door.

12 The hearing will be conducted in
13 accordance with the provisions of 11 DCMR 3021
14 as follows.

15 Turn off all beepers and cell
16 phones at this time so not to disrupt these
17 proceedings. At this time, the Commission
18 will consider any preliminary matters.

19 Does the staff have any
20 preliminary matters?

21 MS. SCHELLIN: Yes, sir. We do
22 have two.

1 One being a request for a waiver
2 from the Office of Planning just filed at
3 Exhibit 9. And also a request from ANC 6-B at
4 Exhibit 7, requesting a further hearing.

5 CHAIRMAN HOOD: Okay. I'd like to
6 take those up in the order in which Ms.
7 Schellin just described them.

14 || First, let's do this.

15 Can we agree to waive our rules
16 for the posting -- for the posting? Any
17 problems? Okay. So be it. And we'll come
18 back to this. There's a second piece of that
19 that we need to deal with.

20 Let's take up the request from the
21 ANC 6-B. We have a letter as Ms. Schellin
22 said. Exhibit Number 7. And what struck me in

1 my reading and I open it up for my colleagues'
2 comments.

3 ANC 6-B supports the basic thrust
4 of the proposed zoning to connect and
5 integrate Reservation 13 with adjacent
6 neighborhoods and to connect Hill East
7 Neighborhood and the city at large to the
8 waterfront. However, we are not clear that
9 this goal has been met. We believe that
10 further discussion of the Office of Planning
11 and Office of the Deputy Mayor for Economic
12 Development and neighbors would likely resolve
13 the outstanding issues.

14 We would, therefore, request that
15 after the Acquisition hears the Office of
16 Planning's presentation on May the 5th, the
17 Commission continue the case and set a date
18 for a future hearing. At that point, the ANC
19 will have had time to discuss the matter
20 further and make recommendations.

21 Colleagues, as you know, we --
22 this Commission, in particular, is not able to

1 split up hearings. I like to hear them all so
2 we can all of the gist and all the guts in one
3 hearing and we can focus on that one
4 particular hearing.

5 I think the request from ANC 6-B
6 is legitimate and i will be willing to grant
7 their request. But let's open it up and let
8 me hear the discussion.

9 Any other comments?

10 Mr. Turnbull.

11 COMMISSIONER TURNBULL: Thank you,
12 Mr. Chair.

13 I would have no -- I think you're
14 right. I think that if we had a hearing
15 tonight and OP presented the plan before us,
16 and we don't have a rebuttal or questions,
17 people and for, I think it's too long a time
18 to then wait several weeks or a month and then
19 have the ANC come back and start asking
20 questions about things that were a month ago.

21 So, I think from a continuity of
22 going before this, I think it would be better

1 to do it in one night rather than trying to
2 split it up.

3 CHAIRMAN HOOD: Okay.

4 Commissioner May, you want to add
5 to that?

6 Your time is up, Commissioner May.

7 COMMISSIONER MAY: Actually, I
8 don't have a lot of add. I like the idea of
9 hearing it all in one sitting and I do like
10 the idea of getting all of the appropriate
11 input. And as I understand it, we wouldn't
12 have to wait too long to have the full
13 hearing. And given the fact that this process
14 has taken some time and the development will
15 take some time, I don't see how, you know, an
16 extra few weeks are going to be a real
17 detriment.

18 CHAIRMAN HOOD: Okay. So, that's
19 what we'll do. We will continue this hearing.

20 I know we have a few questions we
21 want to ask before we continue. But let me
22 just go back to the second part about the

1 waiver.

2 I will ask -- it appears that
3 we're going to continue from discussions. So,
4 I would ask the Office of Planning even though
5 we waive the posting, that you post the site
6 at this point.

7 MS. BROWN-ROBERTS: Yes, Mr. Hood.

8 That's what we intend to do.

9 CHAIRMAN HOOD: Okay.

10 MS. BROWN-ROBERTS: Thank you.

11 CHAIRMAN HOOD: Okay. Ms.
12 Schellin, do we have any dates?

13 First, let me just ask is the ANC
14 represented? Okay.

15 We don't really -- I think -- I
16 think we have a good win-win for everybody
17 here.

18 MR. JARBOE: Can I speak to that?

19 CHAIRMAN HOOD: Let me get you a
20 date and then you can speak to that, we'll go
21 from there.

22 Ms. Schellin.

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1 MS. SCHELLIN: June 30th.

2 CHAIRMAN HOOD: June 30th. And we
3 know that the ANC will have met twice before
4 that.

5 Okay. Mr. Jarboe, come up.

6 If you would just identify
7 yourself.

8 MR. JARBOE: For the record, my
9 name is Ken Jarboe. I'm Vice Chair of ANC-6B.

10 I'd just like to ask you to
11 slightly reconsider the idea of having
12 consistent hearings. The reason being is this
13 is a very complicated case. And it may
14 behoove you to hear the OP presentation now
15 and that may, in fact, engender a number of
16 questions in your own mind that then you can
17 ask those questions of OP and then they can
18 get back to you at the second -- I understand
19 your reluctance to do that, but I throw that
20 out for the record.

21 That was our recommendation to
22 give the Commission a chance to hear it. We

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1 went through a very long special call meeting
2 on this and we're now at the point where my
3 fellow commissioners now understand the
4 issues. And so now we can frame the questions
5 and start to look for answers.

9 I would echo Commissioner May's
10 argument as we've taken awhile here to do this
11 and we've been people who have been pushing to
12 get this done. But to take a little bit
13 longer and do it right is probably worthwhile.

14 Thank you.

15 CHAIRMAN HOOD: Thank you, Mr.
16 Jarboe.

20 We also know how we do. Between
21 now and the second hearing, it may be, we're
22 going to have so many hearings and it's just

1 the information. We get a voluminous amount
2 of information. It's just that we want to
3 make sure that we're able to grapple with
4 everything in one night.

5 And I think you heard it strongly
6 from my colleagues. And we want to make the
7 best informed decision.

10 So, basically, we will be dealing
11 with it at two different times. But I think
12 as you heard, we would rather have one
13 hearing. And we went by what you guys had.
14 We were trying to accommodate everyone.

15 MR. JARBOE: I appreciate that,
16 Mr. Chairman.

17 | Thank you.

18 || CHAIRMAN HOOD: Okay. All right.

19 So, we're going to continue on June
20 30th with this hearing and hopefully there
21 will be some more clarification given to the
22 ANC and the community.

1 And we also have the Capitol Hill
2 Restoration who submitted something this
3 evening. I have not had a chance to review
4 it, but I think they also are in agreement
5 with ANC 6-B. Okay.

14 Who would like to start us off.

15 Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Thank you,
17 Mr. Chair

18 I was just going through the
19 Office of Planning Report. I'm just trying to
20 and maybe I'm not understanding -- maybe one
21 is a subset of another, but on page 2 of the
22 OP Report, it talks about the Master Plan

1 providing a general land use framework and it
2 goes on and it talks about the development and
3 Massachusetts Avenue. And it says, the
4 preliminary development program. I don't know
5 if that's like Phase 1. Talks about 800 new
6 housing units and over three million square
7 feet of non-residential space, roughly
8 doubling the total square footage for the
9 building on the site.

10 But then on page 5, the summary of
11 the proposal, talks about five million square
12 feet of gross building area resulting in
13 approximately 3,000 new dwelling units. Two
14 million square feet of health care
15 institutional office use and about 100,000
16 square feet of retail.

17 And I'm just wondering, how do the
18 two subsets where one talks about 800,000 and
19 the other one talks about 3,000. Is one Phase
20 1 or how does that relate? I'm confused.

21 That's -- you don't have to
22 answer. But that's the one piece that I'm not

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1 sure about.

2 I guess another thing in trying to
3 go through all of this and I think that's one
4 of the reasons where I think maybe -- there is
5 a lot in this plan.

6 One thing which going back to our
7 notes at setdown, and as the Chair had pointed
8 out, I made concerns about the roof top, the
9 embellishments. And when I look in the
10 guidelines, what's troubling or it sounds like
11 it's a free hand to do -- I think it's page 31
12 on the design guidelines.

13 When it talks about roof line
14 expression. It talks about distinctive roof
15 forms, profiles and cornices shall be
16 encouraged to provide visual interest to the
17 tops of buildings.

18 I think I hear Mr. Parsons rolling
19 over somewhere. I'm just curious about what
20 bunch of a free hand does that -- does that
21 mean? Because from our setdown meeting, you
22 know, Mr. -- just gets in to the height issue

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1 too. Mr. Parsons was very concerned about
2 building heights along C Street and how they
3 would relate.

4 And so I guess it's difficult to
5 get a handle on the heights and what we're
6 looking at with embellishments and the --
7 there's the 12 foot setback. There's still
8 the concern about how penthouses would work or
9 anything else on the roof top per se.

I don't know if that's totally
addressed in those guidelines. And I guess
what I'm -- the other -- it looks in going
through this also that Phase 1 is developing
along 19th Street and Massachusetts Avenue.
And I'd just like -- is that -- what would be
the impetus for that rather why not
independence? What leads that development to
happen along that street -- those streets
first?

20 And health care. I guess there's
21 often mention to health care. What is
22 envisioned by health care? Are these simply

1 outpatient? Is this just doctor's offices?
2 What -- when we talk about health care being
3 developed in the area, to what extent are we
4 looking at health care uses? What encompasses
5 that?

6 And let me see. Go through it.

1 difficult to visualize in certain areas what's
2 happening.

3 All right. Mr. Chair, I think
4 those are mine for now.

5 CHAIRMAN HOOD: Okay. Thank you.

6 Commissioner May.

7 COMMISSIONER MAY: Yes. I just
8 had a couple of quick ones to start off and
9 one is just a graphic request, I guess.

10 It's a little confusing between
11 the original plans that were approved or, I
12 guess, the draft design guidelines for the
13 Zoning Commission setdown from 2004, which
14 some of our information is based on. And I
15 know that that plan of streets doesn't apply
16 anymore because of saving Ann Archibald Hall.
17 But we don't have -- and we have the updated
18 plan for within Reservation 13, but we don't
19 have anything that shows the alignment and how
20 it relates to the armory to the north.

21 And I think it works out just
22 fine. I just don't see it on a plan. So, a

1 plan that shows a little bit bigger context
2 that is the current plan.

3 It would also be very helpful, I
4 think, to see and you know we have street
5 sections and we have diagrams that show the
6 building heights, but we don't have any sort
7 of three-dimensional representation of what
8 that means, you know, for the whole area. So,
9 an aerial that just shows sort of a massing
10 diagram.

11 We have something like that that
12 was submitted by I think the Restoration
13 Society but I'm not sure whether that's truly
14 accurate and I'm not sure what takes into
15 consideration graves and so on.

16 So, I think it would be helpful to
17 see how the form based code creates this form.

18 And then the last question I have
19 is. What the current plan is for the jail in
20 the long term? So, what's the thinking now
21 about what will happen 20 years from now or 25
22 years from now because it's already 30 years

1 old and I know that in a past life, I tried to
2 get an answer to that question. I wasn't
3 successful. I don't know if there's been any
4 further thinking on that.

5 But I think it's worth at least
6 asking the question now. So, that's it for
7 me.

8 CHAIRMAN HOOD: Thank you both.

9 I just have one question that I'm
10 going to ask at the hearing and would like an
11 answer.

12 And it goes into our review
13 procedures. We say the Zoning Commission
14 Review Plan, Unit Development Applications but
15 will not be able to grant flexibility for
16 building height or FAR. This limitation needs
17 an order to provide consistency to the
18 building form in terms of height and bulk
19 consistent with the Master Plan.

20 Real simple. I just want to know
21 why are we even doing PUDs? Why do we even
22 consider it when we have other tools, I think,

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1 if we're going to do review under the Capital
2 Gateway, we have a review mechanism that we
3 can use. I'm not sure if it's applicable in
4 this case. But I'm just wondering why we even
5 delve into the PUD? Okay.

6 Okay. Any other questions?

7 Mr. Turnbull.

10 Going through and I don't know if
11 it's in the -- I think it's in the design
12 guidelines they talk about monument location.
13 And I think there was three areas picked up at
14 the end of Mass. I wonder if any discussions
15 with NCPC or the Memorial Commission to review
16 possible thoughts on locations for memorials?

17 CHAIRMAN HOOD: Okay. Again, we
18 will -- I'm hoping and I looked at what the
19 ANC and a lot of this was contemplated or
20 pushed because of what we read in the ANC,
21 trying to get a win-win and work -- for all
22 sides to work it out. And I understand they

1 want us to hear it tonight and come back, but
2 I think for us to be better advised, I think
3 it's better for us to try to do it in one
4 hearing.

22 Okay.

1 All right. Anything else, Ms.

2 Schellin?

3 MS. SCHELLIN: No.

4 CHAIRMAN HOOD: Is everything in
5 order?

6 MS. SCHELLIN: Yes.

7 CHAIRMAN HOOD: Okay. I will not
8 adjourn this hearing like I did once before.
9 I will continue this.

10 So, appreciate everybody's time
11 tonight and this hearing will be continued to
12 June 30th at 6:30.

13 Good night.

14 (Whereupon, the above matter was
15 concluded at 6:58 p.m.)

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