

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

+ + + + +

MONDAY, DECEMBER 13, 2007

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The Special Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:00 p.m., Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairperson
GREGORY JEFFRIES	Vice Chairperson
CURTIS ETHERLY	Commissioner
MICHAEL TURNBULL	Commissioner
PETER MAY	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS

The transcript constitutes the minutes from the Special meeting held on December 13, 2007.

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Approved - Five to Zero to Zero	

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

2 6:12 p.m.

3 CHAIRMAN HOOD: Good evening,  
4 ladies and gentlemen. This is Special Public  
5 Meeting of the D.C. Zoning Commission.

6 Tonight we are considering the  
7 proposed action of Zoning Commission Case No.  
8 07-16. And joining me are Commissioners Peter  
9 May, Commissioner Curtis Etherly, Commissioner  
10 Greg Jeffries and Commissioner Mike Turnbull.

11 My name is Anthony J. Hood. Also,  
12 we're joined by staff Mrs. Sharon Schellin and  
13 Office of Planning Ms. Karen Thomas.

14 Okay. Ms. Schellin, do we have  
15 any preliminary matters?

16 SECRETARY SCHELLIN: No, sir.

17 We just have one case that's  
18 before you for consideration for proposed  
19 action.

20 CHAIRMAN HOOD: Thank you, Ms.  
21 Schellin. Okay.

22 Let's get right down to it.

1                   We have some submittals that came  
2                   in this evening. I think we have some  
3                   submissions actually that were in our packet,  
4                   some of the things that we have requested.

5                   And I will tell you what I have in  
6                   front of me, some of the things that we have  
7                   requested.

8                   Completed plans that resolve any  
9                   discrepancy based on our protected plans and  
10                  our landscape plans that were submitted.

11                  Specificity on the transportation  
12                  demand management strategies and more on the  
13                  transportation plans from DDOT.

14                  Precautionary methods the  
15                  applicant can employ to protect the houses, I  
16                  think it was Nicholson. But anyway that was  
17                  Reverend -- that was the pastor or the  
18                  minister, Mr. Johnson, Reverend Johnson. And  
19                  a redesign to raise the ceilings on those  
20                  units only four feet above the grade.

21                  Let me start with the last one  
22                  first. And I'm going to go to my colleague

1 and see how he, since I know he raised the  
2 issue, and we'll go from there.

3 COMMISSIONER MAY: Well, it's a  
4 little bit hard to tell exactly how they  
5 solved this because it looks like they may  
6 have raised the ceiling some. But not as much  
7 as they could have conceivably. But they also  
8 did add the area way outside those units and  
9 they made the windows into larger windows and  
10 windows that were more consistent with the  
11 rest of the facade.

12 So, you know, I can't say that  
13 it's -- that it's really perfect, but I think  
14 it is a lot better and I'm much much more  
15 comfortable with what's proposed now than what  
16 was there before.

17 CHAIRMAN HOOD: Okay. Anybody  
18 else that wants to comment on that? Okay.

19 And I'm being frankly honest. I  
20 am not sure who brought up these other issues.  
21 I know I brought up Number 3. We'll come back  
22 to that. Completed plans that resolve any

1       discrepancy between the architectural plans  
2       and landscape plans. I think they submitted  
3       that.

4               Anyone have any additional  
5       concerns? Landscape and the architectural  
6       drawings?

7               COMMISSIONER TURNBULL: Mr. Chair,  
8       I think we they --

9               CHAIRMAN HOOD: Mr. Turnbull.

10              COMMISSIONER TURNBULL: We had a  
11       concern about how you got access to the  
12       interior courtyard and think they've clearly  
13       shown that on their plan.

14              CHAIRMAN HOOD: Okay.

15              Mr. Turnbull, where are you  
16       referencing? What page is that on?

17              COMMISSIONER TURNBULL: I'm  
18       looking at drawing A2-02.

19              CHAIRMAN HOOD: A2-02. Okay.

20              VICE CHAIRMAN JEFFRIES: And then  
21       they also, Mr. Chair, improved the entrance  
22       into the residential component of the project.

1 They had a bowed wall that separates the lobby  
2 from the community center. So, we had sort of  
3 talked about that as well.

4 CHAIRMAN HOOD: Does everybody  
5 have a color copy of that A2-02? I don't know  
6 why I always -- who else has a --

7 COMMISSIONER MAY: I don't have a  
8 color.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER MAY: I have a black  
11 and white.

12 CHAIRMAN HOOD: Good. Thank you.

13 Anybody -- okay? I always get a  
14 black and white copy.

15 VICE CHAIRMAN JEFFRIES: Let's  
16 find out from Commissioner Etherly what he  
17 has. That will let you know what the --

18 CHAIRMAN HOOD: The colors, I mean

19 COMMISSIONER ETHERLY:  
20 where you stand in the rankings -- is that?

21 CHAIRMAN HOOD: I must not stand  
22 too well, I can tell you. A2-02. That's

1       okay. I'm just curious.

2                   But everything else I have is in  
3       color. The PowerPoint presentation. Okay.

4                   COMMISSIONER ETHERLY: For the  
5       record, Mr. Chair, I do have a color  
6       representation of A2-02.

7                   CHAIRMAN HOOD: Okay. And I think  
8       that the -- let me just take time and look at  
9       what was given to us this evening.

10                  COMMISSIONER MAY: Going back to  
11       the courtyard for a second. I did get a color  
12       version of a rendered landscape plan which  
13       shows maybe a little bit clearer what's going  
14       on with the courtyard.

15                  COMMISSIONER TURNBULL: Yes. Is  
16       there a number on it? I don't really see-

17                         There's no number on it. Well,  
18       maybe it's LT.01.

19                  COMMISSIONER MAY: Yes. Maybe.  
20       That's a little vague.

21                  COMMISSIONER TURNBULL: Yes. It's  
22       hard to read but I think it could be if you



1 read it, I believe.

2 Okay. And are we clear on --  
3 okay.

4 And on the Number 3.

5 VICE CHAIRMAN JEFFRIES: Well,  
6 just one other question.

7 Perhaps one of my colleagues can  
8 help me out with this. Those are the courts.  
9 They have these tree pits but this cord is  
10 really not meant to, you know, it's really  
11 just a visual court with the exception of  
12 what's to the right here if you're looking at  
13 A2-02.

14 Is that correct? I mean, it's  
15 just sort of an access to -- yes.

16 COMMISSIONER TURNBULL: It's just  
17 a line.

18 VICE CHAIRMAN JEFFRIES: Yes. So,  
19 you're just walking --

20 COMMISSIONER TURNBULL: Yes.

21 VICE CHAIRMAN JEFFRIES: Okay.

22 Okay. I just wanted to just make sure that I

1 was clear on that.

2 CHAIRMAN HOOD: I think we also  
3 talked about the -- I'm looking at Exhibit 6  
4 about on Pratt Street about how the loading  
5 zone would work. And I think they showed  
6 that. They explained -- they say it will work  
7 and I think that was one of the questions that  
8 was mentioned.

9 Okay. The other thing is the  
10 cautionary method, the applicant to employ to  
11 protect the housing on Nicholson.

12 Then when I look at the  
13 construction management plan, I tried to see  
14 if it was just too vague. But I don't know if  
15 they proffered. I can't remember whether or  
16 not this was proffered.

17 Ms. Schellin, was this proffered  
18 or what --

19 MS. SCHELLIN: The Transportation  
20 Management Plan?

21 CHAIRMAN HOOD: No. The  
22 construction management --

1 MS. SCHELLIN: The construction  
2 management.

3 I -- did you actually, yes. I'm  
4 getting a yes from the applicant's attorney in  
5 the audience that yes they did proffer that.

6 CHAIRMAN HOOD: And this was --  
7 and if I remember correctly, I don't think  
8 this was a first done. This wasn't --

9 MS. SCHELLIN: It wasn't complete  
10 at the time. Right.

11 CHAIRMAN HOOD: Okay. And I guess  
12 this is and I'm looking at you, Ms. Schellin,  
13 you can get the answer from whomever.

14 MS. SCHELLIN: Yes.

15 CHAIRMAN HOOD: But I guess this  
16 is -- and Mr. May is actually shaking his  
17 head, but he needs to help us out a little  
18 bit.

19 This -- is this a response to what  
20 I asked for?

21 MS. SCHELLIN: Yes. They are  
22 submitting in that packet a construction --

1 well, construction management goals and the  
2 plan. I think there was some question about  
3 helping protect the 100-year old homes that  
4 were around the corner.

5 You had asked for them to look  
6 into working with the community with that.  
7 And so they've provided this goals and plans  
8 with regard to that.

9 CHAIRMAN HOOD: The only thing in  
10 this management plan that I see and I will go  
11 for it because it's something more than what  
12 we have. A point of liaison are receiving  
13 addressed concerns from the community  
14 regarding construction. The rest of them I  
15 don't know and my colleagues maybe can help  
16 me. I don't see it really ties in. Maybe  
17 provide traffic and pedestrian probe measures.  
18 But I think the testimony of Reverend Johnson  
19 was a concern of the 100-year old homes. And  
20 I just don't see that the temporary  
21 construction -- I don't think this is a show  
22 stopper because I think number 3 is -- but

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1 erect a temporary construction -- it's around  
2 construction materials and construction  
3 equipment. I don't know how -- I don't know  
4 if this was -- but this is not a show stopper  
5 for me, but I realize that before final that  
6 we kind of fine tune it a little more.

7 UNIDENTIFIED PERSON: The mike  
8 went out. My line went out.

9 CHAIRMAN HOOD: Your line went  
10 out.

11 It's back on? It's still out?

12 MS. SCHELLIN: You need to check  
13 your connections because ours were working.

14 CHAIRMAN HOOD: Testing --

15 UNIDENTIFIED PERSON: Make sure  
16 that you're connection --

17 UNIDENTIFIED PERSON: I guess  
18 something in the back because they just all of  
19 a sudden went out.

20 It's back.

21 UNIDENTIFIED PERSON: Yes.

22 CHAIRMAN HOOD: Thank you.

1 COMMISSIONER MAY: Mr. Chairman?

2 CHAIRMAN HOOD: Commissioner May.

3 COMMISSIONER MAY: First of all,  
4 3, 4 and 5 are the sort of things that they're  
5 pretty much required to do anyway. 3, 4, 5,  
6 6, I mean it's -- it's all pretty basic, you  
7 know, how you run a construction site to  
8 protect your own, your own construction site,  
9 let alone protect the neighborhood.

10 Two is a good thing, having the  
11 liaison and having that information clearly  
12 posted is a very positive thing.

13 The soil and water table analysis  
14 to assess the stability of the development  
15 relationship to the residential properties  
16 actually is a very important thing because I  
17 think that that's the biggest risk with  
18 anytime you dig a big hole like this next to  
19 older homes is that if they are dewatering the  
20 site and they not have to depending on what  
21 the water table analysis shows. But if they  
22 dewater the site, that means they try to take

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1 some of the water out of ground, it could lead  
2 to settlement of the adjacent properties.

3 And often when we get a  
4 construction management plan from a project,  
5 what we get is not just an agreement to  
6 monitor it, but to take correction actions as  
7 needed to address settlement issues that may  
8 be caused by the construction.

9 I don't know how strongly we feel  
10 that that's necessary in this case. Usually  
11 we're dealing with, I think, more extreme  
12 cases where the holes are deeper and the  
13 houses, you know are in closer proximity and  
14 that's where it becomes a really big issue.  
15 But I don't know how much of an issue it is in  
16 this circumstance, but that's what we would  
17 often see.

18 VICE CHAIRMAN JEFFRIES:

19 Commissioner May, even if you didn't  
20 understand that process in totality, I mean,  
21 number one. It's just incomplete. I mean,  
22 obviously, it needs, you know, conduct soil

1 and water table analyses and obviously if  
2 there is a problem, then, I mean, the point  
3 needs to go a step further and talk about sort  
4 of, as you may, corrective measures. And so it  
5 would, you know, make sense, you know, that --  
6 that there will be a part two to number one.

7 CHAIRMAN HOOD: So, what I'm  
8 hearing --

9 COMMISSIONER TURNBULL: Mr. Chair,  
10 we just went through this on H Street, NE,  
11 between Second and Third.

12 VICE CHAIRMAN JEFFRIES: Dreyfus.

13  
14 COMMISSIONER TURNBULL: Dreyfus.  
15 There was a whole bunch of historic town homes  
16 and we put -- maybe we should check what  
17 language we used or look at some of the things  
18 that we used there.

19 CHAIRMAN HOOD: What I'm going to  
20 do and I think -- I really think this is  
21 incomplete. But let me ask this.

22 This is this a show stopper for



1       tonight on proposed action? I don't think so.

2                       So, what I --

3                       COMMISSIONER TURNBULL: It just  
4       needed more flushed out.

5                       CHAIRMAN HOOD: Right. I think we  
6       need a little more and I'm very concerned from  
7       what we heard and particular I asked for  
8       something -- to look at that and they came  
9       back with this more fine tuned, but it's just  
10      not where we need to be. And I'm going to ask  
11      that the Applicant revisit that and come back  
12      with something a little more substantive.

13                      COMMISSIONER MAY: Yes. I think  
14      there has to be at least, you know, some  
15      commitment to take action to address soil  
16      stability issues, not necessarily going into  
17      every house and taking measurements every day  
18      and, you know, that kind of a commitment  
19      which, you know, sometimes you have to do in  
20      a historic building next to a big home. But,  
21      some further commitment is appropriate, I  
22      think.

1 CHAIRMAN HOOD: Okay. All right.

2 So, we will ask for that before  
3 final. Needs a little more here than what we  
4 have.

5 Anything else?

6 Okay. Not seeing anything, I  
7 would move approval of Zoning Commission Case  
8 No. 07-16, contingent on what we asked for on  
9 the construction management goals and plan  
10 before final action.

11 And I would ask for a second?

12 VICE CHAIRMAN JEFFRIES: Second.

13 CHAIRMAN HOOD: It's moved and  
14 properly seconded.

15 Any further discussion? Any  
16 further discussion?

17 All those in favor?

18 (AYES)

19 CHAIRMAN HOOD: Any opposition?

20 So ordered.

21 Staff, would you record the vote?

22 MS. SCHELLIN: Staff records the

1 vote five to zero to zero to approve proposed  
2 action on Zoning Commission Case No. 07-16.

3 Commissioner Hood moving,  
4 Commissioner Jeffries seconding, Commissioners  
5 Turnbull, Etherly and May in favor.

6 CHAIRMAN HOOD: Mrs. Schellin, do  
7 we have anything else for our Special Public  
8 Meeting?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: Okay. It looks  
11 like we'll be starting our hearing in about  
12 two minutes according to my watch.

13 Thank you.

14 This Special Public Meeting is  
15 adjourned.

16 (Whereupon, the above matter was  
17 concluded at 6:26 p.m.)  
18  
19  
20  
21