

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

+ + + + +

MONDAY

OCTOBER 15, 2007

+ + + + +

The Regular 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 6:30 p.m., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY N. JEFFRIES	Commissioner
MICHAEL G. TURNBULL	Commissioner (AOC)
JOHN PARSONS	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

## OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
TRAVIS PARKER  
KAREN THOMAS  
MAXINE BROWN-ROBERTS  
STEVEN COCHRAN

## D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

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

The transcript constitutes the  
minutes from the Regular meeting held on  
October 15, 2007.

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

2 6:42 p.m.

3 CHAIRPERSON MITTEN: Good evening,  
4 ladies and gentlemen.

5 This is the regular public meeting  
6 of the Zoning Commission of the District of  
7 Columbia for Monday, October 15th, 2007. My  
8 name is Carol Mitten and joining me this  
9 evening are Vice Chairman Anthony Hood and  
10 Commissioners Mike Turnbull, John Parsons and  
11 Greg Jeffries.

12 Copies of our agenda are available  
13 to you and they are in the wall bin by the  
14 door and I'm going to make a couple of  
15 revisions in a second. And I'd just like to  
16 remind folks that we do not take any public  
17 testimony at our meetings, unless the  
18 Commission specifically requests someone to  
19 come forward.

20 And I'd also like to advise you  
21 that we're being recorded by the Court  
22 Reporter and we're also being webcast live.

1 So I'd ask you to refrain from making any  
2 disruptive noises during the hearing and also  
3 ask you to turn off your beepers and cell  
4 phones at this time.

5 All right. Let me just run down  
6 the revisions to our agenda.

7 First is that we will take the  
8 status report from the Office of Planning at  
9 the end so we can get right to the other  
10 matters.

11 We are moving up from the second  
12 item under correspondence on the second page.  
13 The piece of correspondence from Howard  
14 University will become our second item under  
15 the Consent Calendar.

16 The second item under Proposed  
17 Action will be taken up first in that  
18 category, so we'll take up 017-14A first.  
19 And then under Final Action, the first case  
20 under Final Action, 05-05, will be taken up at  
21 a subsequent meeting. We will not take that  
22 up this evening.

1                   And I think those are all of the  
2                   revisions to our agenda.

3                   Mrs. Schellin, did you have any  
4                   preliminary matters before we go?

5                   Okay.

6                   VICE CHAIRMAN HOOD: Madam Chair,  
7                   I had a preliminary matter.

8                   I just wanted to -- I know tonight  
9                   is your last night as being the Chair and from  
10                  someone who has served you for eight years,  
11                  I've learned a lot and I think this city is a  
12                  better place because Carol Mitten has served  
13                  on the Zoning Commission.

14                  While I will miss you, I won't  
15                  miss the fights that we have, but it was all  
16                  collegial. But I just wanted you to know from  
17                  this Commissioner's standpoint, I think this  
18                  city is better served. And when I go down the  
19                  street and see different buildings and what  
20                  not, I know that you had some input in some of  
21                  those. And I think you brought a lot to this  
22                  Commission, a lot of expertise and, again, you

1 will be missed. And I'm sure that we're good  
2 friends, we will always be in touch. So, you  
3 will be missed.

4 CHAIRPERSON MITTEN: Thank you.

5 I don't want to take a lot of time  
6 because I'll probably get choked up, but I do  
7 appreciate you saying that Anthony. And, you  
8 know, this little group right here, Anthony  
9 Hood, John Parsons and Carol Mitten have been  
10 the same little group in the center of the  
11 dias for eight years. And it's been terrific  
12 for me and just have to thank Mayor Williams  
13 for putting me on the Commission because it  
14 has been a delight, even the late nights and  
15 the hard work.

16 So, thank you very much and  
17 thanks.

18 COMMISSIONER PARSONS: You know,  
19 as long as we're off onto this, I just want to  
20 thank you. Your intellect and commitment and  
21 leadership for this Commission has been  
22 extraordinary in my experience in 30 years,



1 more than I'd like to remember. But I wish  
2 you well and I'm sure we'll see you again.

3 CHAIRPERSON MITTEN: I hope so.  
4 Okay. Thanks.

5 I don't want to get a bad  
6 reputation now for running an inefficient  
7 meeting.

8 Okay. The first item under the  
9 Consent Calendar, Mr. Hood will take that. I  
10 did not sit on the case. So, it's Case No.  
11 06-23, a correction.

12 VICE CHAIRMAN HOOD: Okay.  
13 Colleagues, I think we can handle this on the  
14 Consent Calendar.

15 This is simply the order indicated  
16 the maximum number of seats allowed as a  
17 matter of right in prepared food shops in a  
18 C2A Zone District. It was published as 12 and  
19 I think the Commission intent was 18. So,  
20 this is a very simple correction.

21 Do we need to take a vote?

22 Okay. I would move that we make

1 the necessary correction from 12 to 18 as  
2 recorded in what we have in our correction  
3 order and ask for a second.

4 COMMISSIONER TURNBULL: Second.

5 VICE CHAIRMAN HOOD: It's moved  
6 and properly seconded.

7 All those in favor?

8 (AYES)

9 VICE CHAIRMAN HOOD: Any  
10 opposition?

11 So ordered. Staff, would you  
12 record the vote?

13 SECRETARY SCHELLIN: Staff records  
14 the vote four to zero to one to approve the  
15 correction order in Zoning Commission Case 06-  
16 23.

17 Commissioner Hood moving,  
18 Commissioner Turnbull seconding.  
19 Commissioners Jeffries and Parsons in favor.  
20 Commissioner Mitten not voting having not  
21 participated.

22 CHAIRPERSON MITTEN: Thank you.

1           Now, the second item under the  
2       Consent Calendar will be the piece of  
3       correspondence from Howard University in BZA  
4       Case No. 16110. And their correspondence is  
5       a request for a one-year extension to file the  
6       campus plan revision. And so we're going to--  
7       I would like to recommend to my colleagues  
8       that we treat that as a request for a minor  
9       modification. And I would move that we amend  
10      BZA Order 16110 to require the filing of the  
11      new campus plan no later than February 18th,  
12      2009, and ask for a second.

13           COMMISSIONER PARSONS: Second.

14           CHAIRPERSON MITTEN: Thank you.

15           Is there any discussion?

16           All those in favor please say aye.

17           (AYES)

18           CHAIRPERSON MITTEN: Any opposed?

19           Mrs. Schellin.

20           SECRETARY SCHELLIN: Staff records  
21      the vote five to zero to zero to approve the  
22      one-year time extension in BZA Case 16110.

1 Commissioner Mitten moving,  
2 Commissioner Parson seconding, Commissioners  
3 Jeffries, Turnbull and Hood in favor.

4 CHAIRPERSON MITTEN: Thank you.

5 The first item under Hearing  
6 Action is Zoning Commission Case No. 84-19A.  
7 We always like these blasts from the past.  
8 And this is a modification to the World  
9 Wildlife Fund, PUD.

10 Ms. Brown-Roberts.

11 MS. BROWN-ROBERTS: Good evening,  
12 Madam Chairman and Members of the Commission.  
13 I'm Maxine Brown-Roberts representing the  
14 Office of Planning.

15 The World wildlife Fund has  
16 requested a modification to Zoning Commission  
17 Order 453 to modify condition related to  
18 provisions of the case for a 17,000 square  
19 feet of retail space or service restaurants or  
20 public or private theaters by removing the  
21 requirement to allow unlimited uses so long as  
22 they're permitted in CR District. Or in the

1 alternative, to expand the uses to allow for  
2 a variety of retail uses and some professional  
3 offices or service uses.

4 The PUD application was approved  
5 in 1985 for an office building with 209,000  
6 square feet of office space and an FAR of 4.5  
7 in addition to the retail space.

8 The retail requirement was at the  
9 request of the community to serve residents  
10 and employees in the area. A similar  
11 modification was requested in 1989 by the then  
12 owner because they were unable to meet this  
13 provision. However, during the process then  
14 the space was leased and the Commission denied  
15 the application. However, the situation has  
16 not sustained itself due to a number of  
17 factors including the fact that the West End  
18 has had some difficulty in attracting retail  
19 uses to the area. And those that have come  
20 have been located close to residential  
21 buildings or in areas where there is active  
22 pedestrian and vehicular traffic.

1 Over the past 22 years, there has  
2 -- within which the building has existed, they  
3 have not been able to secure viable retail  
4 uses that occupy the site for any sustainable  
5 length of time.

6 The building fronts on 24th Street  
7 which is a north/south and a one-way street  
8 and dead ends across from the property. There  
9 is little pedestrian traffic or vehicular  
10 traffic in the vicinity of the site.

11 The space that is a 17,000 feet is  
12 small to accommodate a legitimate theater use.  
13 There is also some limitations on the signage  
14 for any uses, any of the restaurant uses by  
15 the Historic Preservation.

16 The ground floor is also below the  
17 street grade and away from the sidewalk which  
18 severely limits the visibility of the retail  
19 uses from 24th Street.

20 The development continues to meet  
21 the purposes and standards of the PUD and the  
22 proposed modification will help to correct an

1 outcome that has -- what was envisioned at the  
2 time of the PUD.

3 The public benefits and amenities  
4 offered as part of the original approval has  
5 largely been met. The retail use on the  
6 ground floor was offered as an amenity.

7 The proposed modification does not  
8 change any -- does not propose to make any  
9 changes to the density or height of the  
10 building and is therefore consistent with the  
11 medium density commercial recommended in the  
12 Comprehensive Plan.

13 At the time of the recent  
14 Comprehensive Plan review, it was acknowledged  
15 that the level of retail uses in that area has  
16 not materialized. However, a study has not  
17 been undertaken to determine what course of  
18 action should be taken.

19 The Office of Planning has  
20 requested additional detail regarding the  
21 proposed expansion of uses such as  
22 professional offices, detail information and

1 efforts to lease the space, the length and  
2 amount of time of vacancy, outreach to the  
3 arts community.

4 The Office of Planning recommends  
5 that the application be set down and we will  
6 continue to work with the applicant to  
7 consider an alternative amenity.

8 The Applicant has proposed to look  
9 at having a green building and also whenever  
10 leases are up to be making those spaces green.  
11 So, that's something we'll continue to work  
12 with the Applicant on.

13 Thank you, Madam Chairman.

14 CHAIRPERSON MITTEN: Thank you.

15 Questions for Ms. Brown-Roberts?

16 COMMISSIONER JEFFRIES: Question.  
17 What's the floor to -- do you know the floor  
18 to ceiling of this ground floor retail?

19 MS. BROWN-ROBERTS: I'm not sure.  
20 We weren't provided with the --

21 COMMISSIONER JEFFRIES: Okay.

22 MS. BROWN-ROBERTS: -- plans.



1 COMMISSIONER JEFFRIES: So, beyond  
2 -- so, you're not really certain of just --  
3 the reason that you've given is just lack of  
4 pedestrian traffic.

5 Isn't there some sort of body  
6 retail in and around this area like 23rd  
7 Street, 24th?

8 MS. BROWN-ROBERTS: Yes. There is  
9 some but this building is located where the  
10 end of 24th Street. So, they don't have --

11 COMMISSIONER JEFFRIES: It's  
12 almost a cul-de-sac.

13 MS. BROWN-ROBERTS: Right. Right.

14 COMMISSIONER JEFFRIES: Okay. And  
15 has there been any discussion? I mean, are we  
16 talking about professional -- I mean medical  
17 office? What type of, I mean?

18 MS. BROWN-ROBERTS: I think that  
19 the Applicant said that they have had I think  
20 some conversations with some architectural  
21 firms trying to get that, that type of uses  
22 there. Or to expand, maybe expand their uses

1 -- some of their uses down to the ground  
2 floor.

3 COMMISSIONER JEFFRIES: Okay.  
4 Great. Thank you.

5 CHAIRPERSON MITTEN: Anyone else?

6 COMMISSIONER PARSONS: Well, Madam  
7 Chair, I mean, when this came up before it was  
8 called the BMW Garage where the BMW Taxi  
9 Company occupied it from 1925 on.

10 And although retail was proffered  
11 here and we approved it, I can't believe it's  
12 taken them this long to come back and say it's  
13 not going to work. It just didn't -- never  
14 seemed to me to be the kind of -- because of  
15 the historic preservation issues, a place  
16 where retail would thrive. So, I would  
17 support setting this down for a public  
18 hearing.

19 CHAIRPERSON MITTEN: Okay. Just  
20 to that end, did you want to set down the  
21 abolition of the requirement wholesale or the  
22 alternative that would expand -- there would

1 still be a restriction, but would expand the  
2 uses that might be permitted.

3 COMMISSIONER PARSONS: So, those  
4 are in the alternative?

5 CHAIRPERSON MITTEN: We can -- we  
6 can have them -- we could --

7 COMMISSIONER PARSONS: Yes.

8 CHAIRPERSON MITTEN: -- set them  
9 down that way or we could, you know, if you  
10 are leaning in one direction or another?

11 COMMISSIONER PARSONS: Well, I  
12 didn't want to --

13 CHAIRPERSON MITTEN: You just want  
14 to set them down in the alternative?

15 COMMISSIONER PARSONS: Yes.

16 CHAIRPERSON MITTEN: Okay. Just  
17 wanted to clarify. And I will second that  
18 motion.

19 Is there any discussion?

20 All those in favor please say aye.

21 (AYES)

22 CHAIRPERSON MITTEN: Those opposed

1 please say no.

2 Mrs. Schellin.

3 SECRETARY SCHELLIN: Staff records  
4 the vote five to zero to zero to setdown  
5 Zoning Commission Cast 84-19A as a contested  
6 case. Commissioner Parsons moving,  
7 Commissioner Mitten seconding, Commissions  
8 Hood, Jeffries and Turnbull in favor.

9 CHAIRPERSON MITTEN: Thank you.

10 Next is Case No. 07-21 and this is  
11 for a hotel near-by where we were just  
12 discussing at -- this will be at 22nd and M  
13 Street.

14 Mr. Cochran.

15 MR. COCHRAN: Thank you, Madam  
16 Chair.

17 Yes. This case is also in the  
18 West End and Per Start M. Street partners are  
19 applying for a consolidated PUD for a new  
20 hotel as you said at 22nd and M Street. It  
21 would be 110 feet high. It would have 7.96  
22 FAR at about 1,024 gross square feet of space.

1           There would be 182 hotel rooms, 70  
2           parking spaces. There would be a restaurant  
3           on the ground floor with a bar and some retail  
4           space and a cafe and terrace for the cafe and  
5           for the public up on the 2nd level.

6           It would be a very environmentally  
7           progressive building setting a new level for  
8           at least the state of hotel design in the  
9           District.

10           There would be a number of  
11           benefits and amenities. As I kind of alluded  
12           to just now the architecture, the urban design  
13           and environmental seatability would be  
14           absolutely -- well, really outstanding.

15           The needed hotel rooms would be  
16           useful for the convention center and other  
17           meetings. And there would be about \$246,000  
18           contributed to ANC-2A and West End Citizens  
19           Association for a number of benefits and  
20           amenities around the hotel primarily physical  
21           and tangible in nature, although some would  
22           also be for services and programs.

1           It meets the PUD requirements in  
2 terms of size of the area. It's 15,550 square  
3 feet roughly which meets the 15,000 square  
4 foot threshold. It also meets the procedural  
5 and administrative requirements needed for an  
6 application and for a setdown.

7           The zoning is CR which says that  
8 you can't have more than 3.0 FAR for  
9 commercial uses. But in the CR zone a hotel  
10 also counts as residential so it meets those  
11 requirements.

12           With respect to the Comprehensive  
13 Plan, it's congruent with the future land use  
14 which shows this area as being high density  
15 residential and medium density commercial.  
16 It's also congruent with several of the  
17 written elements all of which were outlined in  
18 the OP report.

19           With respect to relief, the  
20 Applicant is seeking relief from rear yard  
21 requirements. It's a corner lot. It's  
22 seeking relief from the rear yard requirement

1 and looking out -- pointing out rather the  
2 terrace that's on the second level as well as  
3 the roof terrace as compensation for not  
4 having the rear yard.

5 It's seeking relief from two roof  
6 structure requirements. First from the number  
7 of roof structures. It's having either two or  
8 three roof structures, I can't quite tell.  
9 So, that will need clarification. But it  
10 wants more than one roof structure in order to  
11 facilitate the -- the introduction of light  
12 and air to the atrium.

13 The Applicant actually refers to  
14 the atrium as functioning as if a lung for the  
15 building and this is a feature that you see in  
16 many environmentally progressive buildings in  
17 Europe, but this would be the first one that  
18 would function this way, at least in D.C.

19 It's also seeking setback relief  
20 from the roof structure. It's looking for a  
21 12 foot rather than 18'6" setback in order to  
22 maximize the amount of space that can be

1 devoted to environmental features like solar  
2 water. They're calling it solar harvesting  
3 for hot water for the hotel.

4 It's looking for relief from  
5 parking access. Rather than having a drive  
6 aisle they are seeking to access the garage  
7 via vehicular elevators. There are several  
8 projects that you've considered recently that  
9 are also seeking the same kind of access and  
10 same kind of relief.

11 And finally with respect to public  
12 space in the CR zone. The CR zone requires  
13 that 10 percent of the ground floor be devoted  
14 to public space like areas near primarily the  
15 entrance to the ground floor and these would  
16 be either open to the sky or at a minimum of  
17 amount 10 feet worth of overhang and sort of  
18 open air but still roof area.

19 The Applicant is stating that it  
20 meets this in spirit because it's having  
21 extensive use of French doors and sliding  
22 doors on the first floor to get the restaurant



1 and bar on the corner of 22nd and M as open as  
2 possible to the street. That the lobby will  
3 have extensive public space in it. That the  
4 public will have access without pay to the  
5 terrace on the second floor as well as to the  
6 roof. So, the Applicant is generally saying  
7 that the public will have many, many features  
8 in both pay terms and not for pay terms that  
9 will substitute for the 10 percent CR open  
10 space like requirements for the public at the  
11 ground floor.

12 OP is also encouraging the  
13 Applicant to include some environmental  
14 educational elements, sort of like wall  
15 didactics and maybe a brochure that describes  
16 what the environmentally sustainable and  
17 progressive features are of the building so  
18 that the public would actually be encouraged  
19 to use the space for something other than just  
20 paying for restaurant and cafe space.

21 With respect to impacts, the only  
22 one that I think really needs consideration is

1 transportation off of 22nd Street. The  
2 Applicant is proposing that both the parking  
3 and the loading be accessed from 22nd Street.  
4 That's a one way northbound street. There are  
5 other hotels that load off this street. We'd  
6 be looking to DDOT to help determine whether  
7 this is okay and won't get in the way of  
8 traffic.

9 There is some additional  
10 information that we're hoping the Applicant  
11 will provide before a public hearing. A  
12 little bit more consideration to the design of  
13 the opaque elements on the ground floor.

14 There ought to be a way of getting  
15 a little bit more transparency and lightness  
16 into that ground floor design where it's not  
17 absolutely transparent with windows or  
18 openings to the lobby.

19 In order to meet some OP concerns  
20 about height, the Applicant very quickly  
21 redesigned the facade of the top floor and the  
22 area above the top floor. We'd be looking

1 for a little bit more consideration to be  
2 given to that, but the Applicant has met our  
3 concerns about whether the area above the  
4 parapet would meet the height requirement or  
5 not and we believe it does.

6 We'd be looking for more  
7 specificity for the benefits and amenities  
8 package and especially their delivery  
9 mechanisms for both the physical part of those  
10 and for the service type part of those  
11 amenities.

12 I've already described some of the  
13 additional consideration that we think needs  
14 to be given to the 10 percent public space in  
15 terms of access to the roof and the garden and  
16 the public education element.

17 And finally we'd like the  
18 Applicant to specify what LEED level they will  
19 be seeking certification for. They've simply  
20 said LEED certification at this point.

21 All and all OP thinks that this  
22 would be an outstanding project for the

1 District, both in terms of design and  
2 progressive environmentalism. So, we strongly  
3 encourage you to set this down for a public  
4 hearing.

5 CHAIRPERSON MITTEN: Thank you.

6 Comments or questions for Mr.  
7 Cochran?

8 VICE CHAIRMAN HOOD: Madam Chair,  
9 I --

10 CHAIRPERSON MITTEN: Mr. Hood?

11 VICE CHAIRMAN HOOD: Not  
12 necessarily for Mr. Cochran, but depends upon  
13 how we move forward on this.

14 I do want the traffic consultant  
15 if it's set down for a hearing to come and  
16 really explain the last three pages to me of  
17 the circulation pattern. The traffic  
18 circulation plan, the truck circulation plan  
19 is really what I'm interested in. And also --  
20 yes. The truck circulation plan and exhibit.

21 Those last three pages of his  
22 report I would be really interested and seeing

1       how that's going even going to evolve or how  
2       it's going to work.

3               So, that's my comment.

4               Thank you.

5               CHAIRPERSON MITTEN:   Anyone else.

6               Mr. Turnbull?

7               COMMISSIONER TURNBULL:   Thank you,  
8       Madam Chair.

9               I think I would echo Mr. Cochran's  
10       estimation.   This is obviously a very  
11       progressive building and it's got some very  
12       unique design features that we've been pushing  
13       for for a long time.   I think this is a very  
14       fascinating green building that we're getting.

15               I guess my concern is in spite of  
16       all the fascinating things that are being done  
17       in this building, I still read the facade as  
18       being a bigger building than what it should  
19       be.   That screen really looks like it's 12 to  
20       18 feet higher than what we normally see when  
21       we look at -- when we set a height limit for  
22       things.   And it just seems to be overbearing

1 at times.

2 MR. COCHRAN: Oh, I'd be happy to  
3 address that.

4 The design that the Applicant  
5 originally filed did have 18 feet, 6 inches  
6 worth of call it wind screening either for  
7 people or for those ornamental trees. OP  
8 expressed its concern about that very rapidly.

9 The Applicant has at least to use  
10 since submitted revised designs for that that  
11 eliminate that 18 foot 6 projection above the  
12 top floor. I believe they also filed them  
13 with the Office of Zoning but I can't  
14 guarantee that.

15 I have a copy of those revised  
16 plans if you would like to see them.

17 COMMISSIONER TURNBULL: Oh, I did not see  
18 these in my set.

19 MR. COCHRAN: Oh, okay.

20 COMMISSIONER TURNBULL: Thank you.

21 Okay. Thank you.

22 CHAIRPERSON MITTEN: Anyone else?

1 Mr. Jeffries?

2 COMMISSIONER JEFFRIES: Well,  
3 first of all, I have to applaud the architect  
4 and the developer. I mean, I think this  
5 building is quite stunning personally. I  
6 mean, it's a beautiful modernist building and  
7 this -- what they call a green lawn, I think  
8 this building can be quite informative to a  
9 lot, you know, some of the -- you know,  
10 upcoming buildings that are coming on line in  
11 the District. So, my hope is that they're not  
12 many changes from setdown to hearing. I just  
13 think it has a wonderful vocabulary and think  
14 it does a lot for the West End, which is not  
15 quite known for simple architecture.

16 I do have some concerns about the  
17 traffic. My office is a couple of blocks from  
18 this place. So, I'm a little familiar with  
19 the traffic on M Street. And so I do think  
20 that we really need to sort of, you know, pay  
21 close attention tot he impact.

22 My suspicion is that it should be

1 all right. But still -- and I have another  
2 question and that is and this is not a zoning  
3 question. But it seems like there are a lot  
4 of hotels popping up in this general area. It  
5 seems that there is.

6 I mean, do you have any sense or  
7 perhaps, you know, you know, some sense of,  
8 you know, how many rooms are being delivered  
9 in this area over the next two or three years?  
10 It just seems like there's a lot.

11 MR. COCHRAN: I don't have a sense  
12 of how many rooms there are. I knew that  
13 there are eight hotels that are within just a  
14 couple of blocks of here. There are probably  
15 three or four that I'm aware of that would  
16 likely be coming on line in the next three  
17 years.

18 COMMISSIONER JEFFRIES: But the  
19 demand is that great?

20 MR. COCHRAN: Well, I can't attest  
21 to that.

22 COMMISSIONER JEFFRIES: Wow, okay.



1                   So, yes. That's, you know -- you  
2 know, my comment is really perhaps in terms of  
3 concerns around traffic.

4                   This opaqueness that you speak  
5 about. I mean, you've looking at a ground  
6 floor that there should be some fenestration  
7 or just some transparency?

8                   MR. COCHRAN: Or Texture.

9                   COMMISSIONER JEFFRIES: Okay.  
10 Okay.

11                   Okay. Thank you.

12                   CHAIRPERSON MITTEN: Mr. Parsons?

13                   COMMISSIONER PARSONS: Well, I too  
14 echo the design and I'm glad the 18 and a half  
15 feet is gone.

16                   But how much residential is there  
17 -- actual residential in this CR zone in the  
18 West End? It seems like we're tipping the  
19 balance here, either a matter of right or PUD  
20 to make this a hotel district.

21                   MR. COCHRAN: Well, I'd be happy  
22 to get back to you with an answer as to what

1 we would typically consider residential in the  
2 CR zone. But, the Commission in its wisdom  
3 decided that in a CR zone hotels would count  
4 as residential so they're not doing anything  
5 outside of what they're allowed to do in terms  
6 of --

7 COMMISSIONER PARSONS: Well, I  
8 understand that. But we had hoped that there  
9 would also be a residential community in CR.  
10 And here it's almost a hotel zone not because  
11 of this but because of what's happened over  
12 the past 25 years. There's very little  
13 residential. You had the project just  
14 recently. I can't remember the name of it  
15 that was converting office to residential  
16 which is welcome. But why is it that  
17 residential isn't a better option here?

18 MR. COCHRAN: I can't answer that  
19 without doing an economic study on the return  
20 on residential versus hotel. I would assume  
21 that the builders are acting in their economic  
22 best interests in doing hotel rather than

1 rental or condominium or office for that  
2 matter. No. Office they couldn't do full  
3 building in that.

4 COMMISSIONER PARSONS: I don't  
5 know what the solution is. I just -- we just  
6 keep building hotels and then we'll worry  
7 about the traffic when they all accumulate.  
8 Because you can't deal with them one at a  
9 time. You could say at what point is this  
10 becoming something that is undesirable --

11 MS. STEINGASSER: Let me jump in  
12 here.

13 One of the things we're doing in  
14 our comprehensive review of the zoning  
15 regulations is looking at each individual  
16 neighborhood distinctly and looking at how the  
17 zoning and the zoning patterns have played out  
18 and have they resulted in a neighborhood  
19 that's desired? What are the characteristic  
20 of that neighborhood? What needs to be  
21 changed? What needs to be protected? And the  
22 West end will be added to that list.

1                   If you'd like, we could move that  
2 up a little sooner rather than later?

3                   COMMISSIONER PARSONS: Well, I  
4 think it would be advisable. I mean, Mr.  
5 Cochran spoke of three or four hotels that are  
6 coming in a matter of right plus this one.  
7 There's at least a half a dozen there now,  
8 aren't there?

9                   MS. STEINGASSER: When we --

10                  CHAIRPERSON MITTEN: There's  
11 eight. Mr. Cochran testified there were  
12 eight.

13                  MR. COCHRAN: Excuse me, Madam  
14 Chair. There are eight there currently.

15                  CHAIRPERSON MITTEN: Right.  
16 That's what I meant.

17                  MR. COCHRAN: Yes.

18                  MS. STEINGASSER: We can have that  
19 information for the hearing. I know when we  
20 brought to the Commission 1616 Rhode Island  
21 which is a completely different neighborhood,  
22 we did a general or general very quick study

1 of hotels in the District. And at that time  
2 there was a great deal -- still demand for  
3 hotel in the District, especially, large  
4 hotels. In that particular case, it was a  
5 small side of the hotel was very difficult.  
6 But large-scale hotels were still in demand.  
7 But we can get more current update from that  
8 from the developer and the hotel industry to  
9 provide us with that information.

10 COMMISSIONER PARSONS: Okay. I  
11 think that would be helpful.

12 Thanks.

13 CHAIRPERSON MITTEN: Just to pick  
14 up on what Mr. Parsons introduced as a  
15 subject.

16 I will vote against the setdown  
17 tonight and maybe it's just because I'm  
18 feeling feisty on my last night. But, you  
19 know, we specifically when we zoned Capital  
20 Gateway Overlay we said that we did not want  
21 to allow the residential uses in the CR in  
22 that neighborhood for a hotel to count as

1 residential because we wanted to create a  
2 neighborhood. And, you know, it's ironic that  
3 we had the World Wildlife Foundation PUD in  
4 for relief for this retail requirement and I  
5 know there are other issues because of the,  
6 you know, where the street is exactly and the  
7 configuration of the retail and so on.

8 But, you know, there's not a lot  
9 of neighborhood serving retail in the West  
10 End. That's why we tried to do the high  
11 density residential retail overlay and all  
12 that stuff. And the main reason is there  
13 aren't enough people living there. And so for  
14 the statement that I'd like to make is that we  
15 might not have made the move that Ms.  
16 Steingasser is suggesting where we revisit the  
17 zoning and maybe make a change in the  
18 underlying zone in the West End. But that  
19 doesn't mean we have to allow the PUD process  
20 to be used to facilitate a use that is not in  
21 the best interest of the neighborhood.

22 I love the building. I don't want

1 anyone to think that I don't. I think  
2 everyone's comments were right on. It's  
3 fantastic. I just wish it was a place for  
4 people to live.

5 And so I'll vote against it  
6 because in this particular case I'd rather see  
7 them use residential. And then if there's  
8 something before the Commission in that  
9 regard, then that gives us the prerogative to  
10 vote up or down.

11 So, perhaps someone would like to  
12 make a motion?

13 COMMISSIONER JEFFRIES: I will

14 CHAIRPERSON MITTEN: Mr. Hood.

15 VICE CHAIRMAN HOOD: Going to make  
16 a motion? Okay. Before you make a motion.

17 I'm just curious. And I was  
18 looking at the report, Mr. Cochran, the sense  
19 of the ANC. I know what the Chair is saying  
20 and I'm just wondering if we're going to have  
21 the normal battle and I was here for the Ritz  
22 Carlton. And there are a lot of hotels right

1       there. And I'm really taking into  
2       consideration what the Chair has just  
3       mentioned.

4               But what is the feeling because I  
5       see in your report it says the discussion is  
6       the project with the members of the ANC and  
7       they're -- they have not yet taken a position.  
8       How is that kind of moving, not that that's a  
9       major point for me, but I'm just curious.

10              MR. COCHRAN: I don't know right  
11       now. I can certainly find out and get back to  
12       you.

13              VICE CHAIRMAN HOOD: Okay. All  
14       right. That's not going to help me right now,  
15       but I was just wondering if you got a feel.

16              Okay. Thank you.

17              MR. COCHRAN: I don't personally.  
18       The Applicant has been my source of that.

19              VICE CHAIRMAN HOOD: Okay.

20              CHAIRPERSON MITTEN: Mr. Jeffries.

21              COMMISSIONER JEFFRIES: Yes. You  
22       know, I certainly think there's enough here



1       that warrants a setdown and particularly when  
2       I look at the type of relief that they're  
3       looking for. I have some concerns about a  
4       hotel, probably not to the extent that the  
5       Chair and Commissioner Parsons have. But I do  
6       think that we can certainly move forward with  
7       the hearing to allow the Applicant to sort of  
8       speak and, you know, really talk about just  
9       the impact of hotel in this area and what does  
10      it mean.

11               So, I'd like to move that we  
12      setdown Zoning Commission Case No. 07-21, 2213  
13      M Street, N.W. And can I get a second?

14               CHAIRPERSON MITTEN: Is there a  
15      second from Mr. Jeffries' motion?

16               COMMISSIONER TURNBULL: I wonder  
17      if I could just clarify.

18               Are you asking that the Applicant  
19      come prepared at the time to talk about hotels  
20      versus residential?

21               COMMISSIONER JEFFRIES: Yes.

22               COMMISSIONER TURNBULL: With that

1 data?

2 COMMISSIONER JEFFRIES: Yes.

3 COMMISSIONER TURNBULL: But that's  
4 part of the setdown requirement?

5 COMMISSIONER JEFFRIES: Yes. I  
6 mean, I think we normally use -- well,  
7 historically in my experience is that we use  
8 these setdown hearings to voice concerns and  
9 so forth. And our hope is that the Applicant  
10 will come forward during the hearing and  
11 express -- and to respond to some of the  
12 commentary from the dias.

13 COMMISSIONER TURNBULL: I will  
14 second that with that corollary that the  
15 Applicant is coming prepared to talk about  
16 hotel versus residential.

17 COMMISSIONER JEFFRIES: Okay.

18 CHAIRPERSON MITTEN: Is there any  
19 further discussion?

20 Mr. Parsons?

21 COMMISSIONER PARSONS: I don't  
22 want to let the Office of Planning off the

1 hook either.

2 CHAIRPERSON MITTEN: Right.

3 Never.

4 COMMISSIONER PARSONS: They have a  
5 commitment to analyze this neighborhood.

6 MS. STEINGASSER: We feel hooked.

7 COMMISSIONER PARSONS: Thank you.  
8 So, there's two reports coming forth.

9 CHAIRPERSON MITTEN: Okay. Then  
10 all those in favor of setting down Case No.  
11 07-21 please say aye.

12 (AYES)

13 CHAIRPERSON MITTEN: And I am  
14 opposed.

15 Anyone else opposed?

16 Mrs. Schellin.

17 SECRETARY SCHELLIN: Staff records  
18 the vote four to one to zero to set down  
19 Zoning Commission Case No. 07-21 as a  
20 contested case.

21 Commissioner Jeffries moving,  
22 making the motion. Commissioner Turnbull

1 second, Commissioners Hood and Parsons in  
2 favor. Commissioner Mitten against and again  
3 this is a contested case.

4 CHAIRPERSON MITTEN: Thank you.

5 Next is Case No. 07-22 and this is  
6 a request from ANC-6A for a Text Amendment to  
7 the H Street, NE, Commercial Overlay District.

8 Ms. Thomas.

9 MS. THOMAS: Good evening, Madam  
10 Chair, Members of the Commission.

11 ANC-6A has petitioned for a Text  
12 Amendment which requires the Commission to  
13 hear a zoning application and a PUD  
14 application in separate proceedings.

15 The Commission was petitioned in  
16 April of this year for an emergency Text  
17 Amendment to suspend acceptance of an upzoning  
18 application -- upzoning applications within  
19 the H Street Overlay District for a period of  
20 five years over concern that there was an  
21 immediate danger to the overlay's intent.

22 The current request is also an

1 expression of similar concern for the overlay.  
2 While we remain to the sensitive to the  
3 neighborhood's concern regarding the intent of  
4 the H Street Overlay, we do not believe that  
5 the Text Amendment would adequately address  
6 ANC-6A's concern.

7 We believe that adopting separate  
8 procedures preempts the Commission's ability  
9 to decide when to amend the zoning map as well  
10 as why public hearings are necessary and when  
11 they are held.

12 If the Commission adopts the  
13 proposal it could not hold the hearings  
14 concurrently even if it believed the proposed  
15 Map Amendment is appropriate for the property,  
16 consistent with the Comprehensive Plan and  
17 that a combined hearing was the most effective  
18 way to receive public comment.

19 OP does not support limiting that  
20 authority conveyed by the Zoning Act which  
21 allows the Commission to make decisions about  
22 Map Amendments and PUDS and to convey

1 flexibility.

2 A PUD and Related Map Amendment  
3 allows for a covenant to be tied to a  
4 particular project whereas a Map Amendment and  
5 upzoning on its on does not.

6 The creation of the overlay is a  
7 direct response to the long-standing vacant  
8 properties and development potential and it  
9 provides the guides for development that  
10 respects the neighborhood's character. It  
11 provides additional guidance and support for  
12 neighborhood character when development  
13 involves the PUD process and related map  
14 amendment.

15 The petitioners cite correlation  
16 among land speculation, vacant properties in  
17 the PUD process. We content that separate  
18 hearings would delay development projects  
19 within the overlay district and create  
20 inefficiencies in the development process for  
21 the District and does not further the  
22 revitalization and stabilization of the H

1 Street Corridor. Therefore, we are not  
2 recommending that the Commission set down this  
3 petition which would limit the Commission  
4 decision-making authority for the H Street  
5 Corridor.

6 Thank you.

7 CHAIRPERSON MITTEN: Thank you.

8 Questions or comments for Ms.  
9 Thomas? Anybody have any questions or  
10 comments?

11 Okay. I'll start then.

12 I would -- I think the Office of  
13 Planning is -- I think their recommendations  
14 are appropriate for us.

15 One of the things that comes up,  
16 you know, actually quite a lot in our PUD  
17 cases when there's a related map amendment is  
18 that communities become focused on the map  
19 amendment alone instead of looking at the map  
20 amendment as a means to an end where there  
21 will be one reason perhaps for a map  
22 amendment. Sometimes it's just to get a use

1 introduced. Sometimes it's to get height but  
2 not density or density but not height. Or  
3 there's various and sundry reasons why a  
4 particular map designation is selected.

5 And so it's very important that  
6 the amendment and the PUD be allowed to be  
7 considered together. And removing that  
8 opportunity is not -- I don't think it's  
9 productive for the Commission's -- what do I  
10 want to say? The efficiency of our  
11 proceedings as the Office of Planning noted.  
12 But it's also not in the best interest of the  
13 community because it removes the flexibility  
14 that is -- that's afforded through the PUD  
15 process.

16 So, I'm not in favor of setting  
17 this down for a hearing. But I need to hear  
18 from others.

19 COMMISSIONER JEFFRIES: Well, I  
20 would agree, Madam Chair. You know, I see  
21 these things mutually inclusive and sort of  
22 separating them out. I just don't see, you



1 know, how it really serves the community.

2 And I have to tell you, I mean  
3 most of the PUDs that I've seen that are in an  
4 overlay, you know, that overlay typically  
5 informs the PUD and it just seems to me that  
6 I don't see quite the necessity for this. I  
7 understand what ANC-6A is looking to achieve  
8 here, but I just don't think this is the  
9 correct vehicle.

10 I am a strong believer in, you  
11 know, flexibility and looking at each case on  
12 a -- each application on a case-by-case basis  
13 looking within the context. And so I would  
14 not like to see some blanketed process here  
15 for H Street. So, I will be voting to deny  
16 setdown.

17 VICE CHAIRMAN HOOD: I too, Madam  
18 Chair, and I think the Office of Planning  
19 report spells it out adding another process.  
20 And I think this Commission has really been  
21 very consistent over the years in using our  
22 setdown -- using our setdown mechanism as our

1 discretion whether we include something,  
2 separate it out alternatives. So, I think we  
3 already have those precautionaries in place  
4 and I don't see any reason for adding anything  
5 -- another layer.

6 CHAIRPERSON MITTEN: Before we go  
7 any further, I just want to see.

8 Is Commission Ronnaberg here?  
9 Okay. Because I'm getting the sense that we  
10 are going to vote against this setdown and so  
11 the ANC is given the opportunity in this case  
12 as the Applicant to come forward and make a  
13 statement before we take that negative vote.  
14 But given that the authorized representative  
15 is not here, we can proceed.

16 So, I will move to deny setdown in  
17 Case No. 07-22 and ask for a second.

18 VICE CHAIRMAN HOOD: Second.

19 CHAIRPERSON MITTEN: Is there any  
20 further discussion?

21 Then all those in favor of the  
22 motion to deny setdown please say aye.

1 (AYES)

2 CHAIRPERSON MITTEN: Those opposed  
3 please say no.

4 Mrs. Schellin.

5 SECRETARY SCHELLIN: Yes. Staff  
6 records the vote five to zero to zero to deny  
7 setdown in Zoning Commission Case No. 07-22.

8 Commissioner Mitten moving,  
9 Commissioner Hood seconding. Commissioners  
10 Jeffries, Parsons and Turnbull in favor of  
11 denial.

12 CHAIRPERSON MITTEN: Thank you.

13 Next is Case No. 07-28 and these  
14 are a couple of Text Amendment to facilitate  
15 the redevelopment at Camp Simms.

16 Ms. Brown-Roberts.

17 MS. BROWN-ROBERTS: Thank you,  
18 Madam Chairman.

19 Again for the record I'm Maxine  
20 Brown-Roberts.

21 The proposed Text Amendment  
22 regards a portion of the property formerly

1 known as the Camp Simms Reservation also in  
2 Square 5912. The commercial portion of the  
3 property split zone C2B and C1.

4 The property is developed as a  
5 shopping center which is bisected by the  
6 zoning line. Fast food establishments are  
7 permitted in the C2B District but are not  
8 permitted in the C1 District.

9 The split zoning on the retail  
10 side presents a dilemma to the property owner  
11 because fast food establishment is permitted  
12 on a portion and not permitted under other and  
13 does not give them the flexibility to sub-  
14 divide a space in appropriate ways depending  
15 on the amount of space that each lessee  
16 requires.

17 The redevelopment of the center is  
18 nearly complete and operations of fast food  
19 establishment have entered into contracts  
20 prior to the adoption of Zoning Commission  
21 order 0623 that has redefined the fast food  
22 establishments.

1           The proposed text amendments will  
2           allow the fast food establishment to operate  
3           anywhere within the shopping center.

4           The District of Columbia  
5           government has invested heavily in this area  
6           to bring about its revitalization through both  
7           residential development and this shopping  
8           center. The shopping center is an important  
9           development in Ward 8 -- to Ward 8 residents  
10          and the Office of Planning believes that the  
11          exemption to all fast food establishment on  
12          this lot will hasten the leasing of the  
13          shopping center and will not have a  
14          detrimental effect on adjacent neighborhoods  
15          and the zone plan.

16          The request is therefore to add  
17          onto the matter if right uses for the C1  
18          District a new section 701.4(bb) to read: In  
19          Square 5912 prepared food shops with no drive-  
20          thru and fast food establishment with no  
21          drive-thru.

22                 Secondly, the developer is also

1        requesting an exemption from the requirements  
2        of Section 721.32(s) because the shopping  
3        center is directly adjacent to property in the  
4        R5A District and there is no adjacent alley.

5                Further, the request is also to  
6        exempt the property from the dumpster location  
7        requirements. The Office of Planning believes  
8        that this is an important protection for the  
9        adjacent residential use and will continue to  
10       work with the developer to make sure that if  
11       this exemption is supported, it will not have  
12       a negative effect on the adjacent residences.

13               The Office of Planning will  
14       continue to work with the developer to fully  
15       clarify the necessity and justification for  
16       these exemptions.

17               The Comprehensive Plan fully  
18       supports the development of the shopping  
19       center and has made specific references to its  
20       development in areas of the plan.

21               The Office of Planning therefore  
22       recommends that the proposed amendment be set

1 down for public hearing and we will continue  
2 to work with the developer to further clarify  
3 and expand and a justification.

4 Thank you, Madam Chairman.

5 CHAIRPERSON MITTEN: Thank you,  
6 Ms. Brown-Roberts.

7 Questions/comments?

8 VICE CHAIRMAN HOOD: Madam Chair--

9 CHAIRPERSON MITTEN: Mr. Hood.

10 VICE CHAIRMAN HOOD: I will say  
11 that I appreciate the Office of Planning and  
12 when we dealt with the eating and drinking  
13 establishments we mentioned that if there were  
14 problems it would come back that. And  
15 obviously I don't think it's been too long and  
16 they're right back.

17 But the other thing is, from a  
18 legal standpoint we're only talking about one  
19 square the way I see it at least for right  
20 now.

21 Do we have to have a hearing or  
22 can we handle this another way?

1 MR. RITTING: Yes. I believe you  
2 do since the Text Amendment is being  
3 proffered, the hearing is required. Yes.

4 VICE CHAIRMAN HOOD: Okay. Thank  
5 you.

6 CHAIRPERSON MITTEN: Anyone else?

7 COMMISSIONER TURNBULL: Madam  
8 Chair.

9 CHAIRPERSON MITTEN: Mr. Turnbull.

10 COMMISSIONER TURNBULL: Ms. Brown-  
11 Roberts, I wonder on the dumpster issue, what  
12 guarantees would the neighborhood have other  
13 than you're going to work with them? The  
14 developer?

15 MS. BROWN-ROBERTS: I think we  
16 want to take a look because I think behind a  
17 portion of the -- of the shopping center,  
18 there is maybe some open space to see how we  
19 can accommodate that. I don't think it's  
20 something that we really want to exempt them  
21 from. But we may be able to accommodate it  
22 somewhere else on the property and not



1 directly behind there.

2 So, that's what we want --

3 COMMISSIONER TURNBULL: So, are  
4 you not looking to put that exemption in or --

5 MS. BROWN-ROBERTS: Pardon me?

6 COMMISSIONER TURNBULL: Are you  
7 looking not to put that exemption in for the  
8 dumpster or you are?

9 MS. BROWN-ROBERTS: On the face of  
10 it, we are not looking to do that. But if  
11 there are alternatives that we can work with  
12 the Applicant on, then we will see how that  
13 goes.

14 COMMISSIONER TURNBULL: Well, do  
15 we want to wait until you got back with  
16 meeting with them before we go on that or --

17 CHAIRPERSON MITTEN: I think the  
18 idea would be to set it down and you could  
19 remove --

20 MS. BROWN-ROBERTS: Yes.

21 CHAIRPERSON MITTEN: -- it before  
22 you vote on it.

1 MS. BROWN-ROBERTS: Yes.

2 COMMISSIONER TURNBULL: Okay.

3 That's fine.

4 Okay. Thank you.

5 CHAIRPERSON MITTEN: Anyone else?

6 All right. Then I would move that  
7 we setdown Case No. 07-28 for a public  
8 hearing.

9 COMMISSIONER JEFFRIES: Second.

10 CHAIRPERSON MITTEN: Thank you,  
11 Mr. Jeffries.

12 Any further discussion?

13 All those in favor, please say  
14 aye.

15 (AYES)

16 CHAIRPERSON MITTEN: Any opposed?

17 Mrs. Schellin.

18 SECRETARY SCHELLIN: Staff records  
19 the vote five to zero to zero to setdown  
20 Zoning Commission Case No. 07-28 as a rule-  
21 making case.

22 Commissioner Mitten moving,

1 Commissioner Jeffries seconding.

2 Commissioners Hood, Parsons and Turnbull in  
3 favor.

4 CHAIRPERSON MITTEN: Thank you.

5 Next up is Case No. 07-26 and this  
6 is the PUD and Related Map Amendment for  
7 Square 389 which is where the O Street Market,  
8 and the Giant and Shaw are located.

9 Ms. Thomas.

10 MS. THOMAS: Yes. Madam, Chair,  
11 again, Karen Thomas with the Office of  
12 Planning.

13 Roadside Development is the  
14 Applicant in this case and they've proposed  
15 their rehabilitation of the O Street Market at  
16 7th and O Street, NW, with a mixed use  
17 development consisting of housing, ground  
18 floor retail, grocery store and possibly a  
19 hotel.

20 The Applicant is requesting a  
21 proposal to be reviewed as the Consolidated  
22 PUD and Related Map Amendment. The property

1 is within the C2A District and a Map Amendment  
2 to C3C is supported by OP.

3 We are recommending setdown of  
4 this application for a public hearing. There  
5 has been extensive consultation and reviews  
6 with the Office of Planning, Historic  
7 Preservation staff, the History Preservation  
8 review Board, the mayor's agent and the  
9 community.

10 The 800,000 square foot  
11 development would have two residential  
12 buildings with varying heights between 70 to  
13 110 feet with approximately 600 to 650  
14 residential units.

15 Flexibility is being requested to  
16 accommodate design features of the project  
17 including flexibility to permit multiple  
18 principal buildings on a single lot of record  
19 from the roof structure requirement and the  
20 ability to phase the project at different  
21 times.

22 We believe a public hearing will

1 permit further discussion of the design and  
2 amenities appropriate to this important site  
3 and the PUD.

4 One of the main amenities being  
5 considered with this project is the reopening  
6 and reuse of the 8th Street right-a-way for  
7 pedestrian and retail activity. We consider  
8 superior urban design and architecture  
9 involving the re-dedication of the street, the  
10 site design and the affordable housing that's  
11 being projected with this development.

12 The density being granted is  
13 within the medium density designated for the  
14 site but additional height is necessary to  
15 accommodate the FAR needed to include  
16 affordable elements.

17 The provision of new retail space  
18 in the neighborhood will increase the  
19 pedestrian activity to create a lively  
20 residential experience within an improved  
21 urban streetscape.

22 The future land use map designates

1 the redevelopment of the site as mixed use,  
2 medium density residential and commercial.

3 The proposed development respects  
4 the plan's designation as a 5.35 FAR is well  
5 below the 8.0 of FAR assigned to the C3C zone  
6 category.

7 In order to realize the affordable  
8 residential requirements and respect the  
9 historic elements of the site, we are  
10 supporting the Map Amendment with the 5.35 FAR  
11 as within the range of medium density  
12 regardless of the zone designation which is  
13 specific to the development of the submitted  
14 site plan.

15 This development has been long  
16 awaited in the community and has received  
17 unanimous approval by ANC-2C and we recommend  
18 that the Commission set down the application  
19 for a public hearing.

20 Thank you, Ms. Thomas.

21 Questions or comments?

22 Thank you, Mr. Parsons.

1 COMMISSIONER PARSONS: Well, I'm  
2 sorry that this has been through such a long  
3 extended process to result in this. I just  
4 think these 110 foot buildings are just  
5 totally out of scale with this community and  
6 may be a necessity in order to get a market  
7 restored, but I just -- I just think it's too  
8 big a project for an R-4 District here.

9 So, I have little enthusiasm for  
10 this project, but those are my comments.

11 CHAIRPERSON MITTEN: Okay.

12 Others?

13 Go ahead, Mr. Jeffries.

14 COMMISSIONER JEFFRIES: It looks  
15 like I'm next.

16 I'll try to be collegial here.

17 First of all I like the project,  
18 the development program. You know, the  
19 rededication of H Street, affordable housing,  
20 increased retail.

21 There is historic preservation. I  
22 mean I know that they got approval or getting

1 approval to tear down the west wall. But  
2 there will be -- I mean, that will be  
3 retained.

4 MS. STEINGASSER: Yes. That's  
5 correct.

6 COMMISSIONER JEFFRIES: Yes. Yes.

7 MS. STEINGASSER: The market will  
8 be reconstructed back to its original shape  
9 with the skylights and back to market use  
10 which is also --

11 COMMISSIONER JEFFRIES: All right.

12 So, from that viewpoint, I think  
13 it's a, you know, quite an appealing project.  
14 I do have concerns about sort of sandwiched in  
15 between the R-4 District and Shaw. I mean,  
16 obviously, there are a number of tall  
17 buildings in and around where this is located.  
18 But I think those buildings are 90 feet. I  
19 think that's what I saw. But, it does seem as  
20 if we might be getting somewhat aggressive  
21 marching northward from the Convention Center  
22 into this sort of R-4 neighborhood.

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1                   And what throws me is that, you  
2                   know, I kept thinking when I read this about  
3                   14th Street -- 14th Street, Columbia Heights,  
4                   that's a commercial corridor and, you know,  
5                   we're looking at 90-foot buildings there. And  
6                   so I'm just trying to, you know, and I know  
7                   it's, I mean, those R-5's next to that C2B, I  
8                   believe, and so I'm looking at this and it  
9                   just seems that it might be somewhat out of  
10                  place.

11                  I'm probably not as hard on this  
12                  as Commissioner Parsons and so I might be  
13                  compelled to go forward with a setdown here.  
14                  But I'd probably like to hear comments from my  
15                  colleagues here.

16                  But it does appear as if, you  
17                  know, as we march northward here that we might  
18                  be getting just a big aggressive.

19                  And I clearly understand from just  
20                  economic feasibility perhaps why they're  
21                  getting to 110 given all that they have to do  
22                  to, you know, achieve some of the development

1 program objectives. But, you know, rezoning  
2 so, anyway.

3 MS. THOMAS: If you can look on A-  
4 3 of the plan.

5 COMMISSIONER JEFFRIES: A?

6 MS. THOMAS: A-3 --

7 COMMISSIONER JEFFRIES: A-3.

8 MS. THOMAS: -- of the submitted  
9 plan.

10 COMMISSIONER JEFFRIES: Okay.

11 MS. THOMAS: You can see the mass  
12 as expressed was the center of the site where  
13 it's at 110 if there's concern there.

14 COMMISSIONER JEFFRIES: Yes. Yes.  
15 I noted that. I noted that.

16 MS. STEINGASSER: Can I also add  
17 if it's okay?

18 The staff was also very concerned  
19 about the Office of Planning and when you get  
20 to the public hearing hopefully you'll hear it  
21 from the developer themselves. We wrestled  
22 with the height issue for many months back and

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1       forth and we also felt that 90 feet was the  
2       maximum.

3               They did make a compelling case  
4       about the degree of preservation that they  
5       were going through, the affordable housing,  
6       you know, the economic components and how they  
7       were dealing with the massing.

8               The compromise we came to was that  
9       they could exceed the 90-foot limit provided  
10      they stayed within the roof structure  
11      parameters that would be normally permitted  
12      for penthouses and roof structures, that .37.  
13      And what that did is it really made the  
14      building only a foot and a half to two feet  
15      taller than it would have if it had a normal  
16      18-1/2 foot penthouse up there. It allowed  
17      them to go to 110 but it stayed within those  
18      penthouse parameters so that it would -- it  
19      would kind of feel the same as the 90-foot  
20      building.

21              The HPRB was comfortable with that  
22      massing and then further pushed it into the

1 center so that it faced each other on the  
2 construction of -- reconstruction of 8th  
3 Street, which is also, not to make their case,  
4 but they are reintroducing 8th Street which  
5 took out a huge amount of buildable area for  
6 them. And also resulted in a large loss of  
7 what otherwise would be buildable square  
8 footage at a much lower height. And for OP we  
9 felt that it was a very sufficient trade off  
10 to get the preservation, the affordability and  
11 the reintroduction of that L'Enfant Street.

12 CHAIRPERSON MITTEN: Anybody else?  
13 Mr. Hood?

14 VICE CHAIRMAN HOOD: Madam Chair,  
15 I do share the same concern. I'm not sure if  
16 I'm not ready to set this down, but I do want  
17 the Applicant to know that I share the same  
18 concern about the height. And I heard you,  
19 Ms. Steingasser, about the going back and  
20 forth and the concerns of the Office of  
21 Planning.

22 But I know that they're trying to

1 get hotel use and everything near the  
2 Convention Center but I'm hoping that we can  
3 also get a compelling story of why we are up  
4 to 110 feet, especially when the underlying is  
5 on the C2A and I think that's 50 feet.

6 And I would like for the setdown  
7 for the Applicant to bring something. I know  
8 that Ms. Thomas mentioned A-3, but something  
9 to show the surrounding area along with that.  
10 I want to see how that's going to fit in  
11 there. And I know -- I tried to look at A-6  
12 and kind of get a perspective of how it's  
13 going to look. But I think I need a little  
14 something more than this because this is like  
15 a three-dimensional.

16 So, it depends upon what happens.  
17 I would like to see that if it's set down for  
18 a hearing.

19 Thank you.

20 CHAIRPERSON MITTEN: Mr. Turnbull?

21 COMMISSIONER TURNBULL: Thank you,  
22 Madam Chair.

1 I've often taken O Street coming  
2 over to Dupont Circle from the Capitol and  
3 there is a dramatic change going through those  
4 neighborhoods as far as scale.

5 I'm echoing the same concerns that  
6 my colleagues are.

7 Before I would put this down for a  
8 setdown, I mean, I'd like to see some studies  
9 done or have something that would show -- and  
10 I know what you're saying, Ms. Steingasser,  
11 about the height and how you struggled with  
12 it. But I'm still a little bit concerned  
13 about the jump to 110. It seems like it might  
14 be a little bit overpowering unless there's  
15 some studies that they can do with the massing  
16 of the building, you know, would make me feel  
17 more comfortable.

18 MS. STEINGASSER: I'm sure they'd  
19 be willing to provide you. They've done quite  
20 a bit of massing study. They've been working  
21 with the History Preservation Review Board for  
22 over a year so there is a -- over a year that

1 I've been plugged in and I think it's been  
2 even longer prior to that as they've worked  
3 through the various layouts within the lot,  
4 with 8th Street open, with 8th Street closed  
5 and how high and how low they come in  
6 different parts. So, I'm sure they'd be more  
7 than happy to share that information and walk  
8 through their massing exercise with the  
9 Commission.

10 COMMISSIONER JEFFRIES: Okay.

11 Thank you.

12 CHAIRPERSON MITTEN: I also think  
13 what would be helpful in order for the  
14 Commission to either get comfortable or  
15 understand better why they're uncomfortable  
16 is, first of all, even though, you know,  
17 technically speaking this would just be a  
18 theoretical exercise. But to remove the area  
19 of the easement for 8th Street from the  
20 overall land area and calculate the density  
21 without it. So, it would be -- think of it as  
22 two blocks. Take the street out because the

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1 street is being counted in the land area for  
2 purposes of calculating the FAR.

3 And then the other thing would be  
4 to treat that 8th Street as a street with a  
5 normal right-of-way. What is that? And then  
6 how would the Height Act relate? Because  
7 that's how we kind of read these things. So,  
8 how do 110 foot buildings relate to a street  
9 that would be that wide?

10 I don't know how wide it is. I  
11 don't know how wide the 8th Street easement  
12 is.

13 MS. STEINGASSER: I'm not  
14 absolutely sure, but I can assure you that it  
15 still would be compliant with the Height Act  
16 because it still has the other surrounding  
17 streets that it would draw its height from  
18 consistent with the Act.

19 CHAIRPERSON MITTEN: I'm not -- I  
20 said it's a theoretical exercise. So, it's  
21 like do we put -- we don't typically put 110-  
22 foot buildings on narrow streets. You know,



1 just for purposes of understanding it better  
2 and relating it to perhaps another location,  
3 if people knew how wide the street was then  
4 they could say, oh, that's just like that  
5 neighborhood. Mr. Jeffries was making  
6 reference to 14th Street.

7 MS. THOMAS: Madam Chair, it's 100  
8 feet.

9 CHAIRPERSON MITTEN: A hundred  
10 feet wide?

11 MS. THOMAS: Yes.

12 CHAIRPERSON MITTEN: That's the  
13 full -- that's the full area of building to  
14 building or the --

15 MS. THOMAS: It's the -- that's  
16 the right-a-way. That's right-a-way.

17 CHAIRPERSON MITTEN: So, that's--  
18 is that building to building?

19 MS. THOMAS: I think the building  
20 is set back. That's building to building.

21 CHAIRPERSON MITTEN: Oh, I see.  
22 It's on A-2. It says 8th Street, 100-foot

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1       easement.

2                   So, that's, you know, that's  
3       downtown. That's where you find it -- is  
4       where you find it.

5                   COMMISSIONER JEFFRIES: It just  
6       seems somewhat a little counter-intuitive. I  
7       mean, and again, 14th Street. I just kept  
8       thinking about it. And all the 90-foot PUDs  
9       that we approved. It's a main -- it's a  
10      commercial corridor that, you know, and I want  
11      to say this. I mean, I certainly appreciate  
12      the Office of Planning with your work in terms  
13      of trying to be creative and work through  
14      these issues. I mean, it reminds me of the  
15      Dreyfus case where you sort of worked at the  
16      corner, to get the height there to sort of --  
17      I know you have many, many masters as well as  
18      the Applicant. But I just don't know if we  
19      need to be precedent.

20                  CHAIRPERSON MITTEN: Well, I think  
21      the question is whether or not you're prepared  
22      to set it down. You know, is the--Commission

1 convinced yet that this is appropriate to set  
2 down because, I mean the one thing that I do  
3 want to remind is the time to be firm is now.

4 COMMISSIONER JEFFRIES: Right.  
5 Right.

6 CHAIRPERSON MITTEN: It become  
7 more difficult later. So, I just -- I guess  
8 I need to know, you know, if people are  
9 willing to set it down at 110 or if you need  
10 to get more information before you can make  
11 that choice?

12 VICE CHAIRMAN HOOD: I think --  
13 Madam Chair, I think Mr. Turnbull requested  
14 something and I think we can also do -- a  
15 quick applicant respond. We can do this at a  
16 special public meeting. I hate to do that,  
17 but possibly if there's not a comfort level.

18 And actually, Madam Chair, I'm  
19 going to disagree with you one last time. But  
20 it's actually not more difficult because what  
21 happens is we waste everybody's time and then  
22 we vote it down.

1 CHAIRPERSON MITTEN: Right. Well,  
2 okay. It's more efficient to be firm now.  
3 How's that?

4 VICE CHAIRMAN HOOD: I'll let you  
5 have the last word.

6 CHAIRPERSON MITTEN: Okay. So, we  
7 have -- I think we have a general sense from  
8 this end of the dias that waiting a short  
9 period of time. We're heard that the  
10 Applicant has a lot of massing diagrams that  
11 they could share with the Commission  
12 relatively quickly.

13 What are we hearing from this end?

14 COMMISSIONER JEFFRIES: Let me be  
15 clear.

16 What is Commissioner Turnbull?  
17 Where are you?

18 COMMISSIONER TURNBULL: I was -- I  
19 guess I was echoing some of your concerns and  
20 Commissioner Parsons concern about that this  
21 just seems overwhelming for this neighborhood  
22 and that you're going right to these R-4

1 neighborhoods and there's a dramatic change.  
2 And as you were alluding to, this thing is  
3 just going to continue to grow.

4 And how do you have a terminus?  
5 How do you meet these neighborhoods without --  
6 and I'm just wondering if the massing needs  
7 to be studied further that it maybe does have  
8 to be lower.

9 COMMISSIONER TURNBULL: So, you're  
10 basically saying you're probably not prepared  
11 to vote for a setdown tonight?

12 COMMISSIONER JEFFRIES: At this  
13 point, yes.

14 COMMISSIONER TURNBULL: I don't  
15 think I have --

16 CHAIRPERSON MITTEN: We could get,  
17 Mrs. Schellin, in say 10 days from now. Is  
18 there a hearing where there could be a special  
19 public meeting beforehand?

20 SECRETARY SCHELLIN: We could do  
21 it at 6:00 on October 25th.

22 CHAIRPERSON MITTEN: Well, I'm

1 pretty sure I'm not going to be here, so what  
2 do you guys think?

3 Does that make -- I mean, then  
4 there could be some additional submissions and  
5 people could see some additional materials?

6 COMMISSIONER JEFFRIES: Vice Chair  
7 Hood, is he going to be here? Are you going  
8 to be here?

9 VICE CHAIRMAN HOOD: I won't be  
10 here on the 25th. But if three people are  
11 here --

12 COMMISSIONER JEFFRIES: It could  
13 be scary.

14 CHAIRPERSON MITTEN: Mr. Jeffries,  
15 I just remind you that after I cycle off then  
16 you will become the Vice Chair, so you will  
17 be --

18 COMMISSIONER JEFFRIES: Yes. Got  
19 it. But still three people up here is a  
20 dangerous thing.

21 CHAIRPERSON MITTEN: I thought you  
22 meant it was going to be scary because--

1 COMMISSIONER JEFFRIES: That will  
2 be scary too.

3 VICE CHAIRMAN HOOD: I will  
4 provide an absentee ballot.

5 CHAIRPERSON MITTEN: Okay. So, if  
6 I have a consensus that we will defer taking  
7 action -- taking hearing action on Case No.  
8 07-26 and there will be additional submissions  
9 from the Applicant to address the concerns  
10 that have been raised tonight by the  
11 Commission. And then there will be a special  
12 public meeting at 6:00 p.m. on Thursday,  
13 October 25th.

14 COMMISSIONER JEFFRIES: That's  
15 fine. But, Madam Chair, are we also going to  
16 be asking for the Office of Planning to submit  
17 -- is there any additional work that you might  
18 be doing as it relates for two weeks?

19 MS. STEINGASSER: I would ask for  
20 more clarity on exactly what the Commission  
21 would like to see from the Applicant.

22 CHAIRPERSON MITTEN: Okay.

1 Mr. Turnbull?

2 COMMISSIONER TURNBULL: Well, I  
3 think and going back to what Commissioner  
4 Parsons said earlier about 110 feet and  
5 although it's stepped back, do they really  
6 need that? I mean, does that mean -- from my  
7 standpoint looking at this and if you look at  
8 the section on A-7 and you look at that  
9 wonderful market and then you can -- you're  
10 developing this huge structure. This huge  
11 complex which just seems to be overwhelming in  
12 the neighborhood.

13 COMMISSIONER PARSONS:

14 I'll give you some clarity. I  
15 mean, if they knock the penthouse off it isn't  
16 enough for me. I mean, this project to me is  
17 just too big and I'll warn you. I don't know  
18 -- no massing diagrams or anything they bring  
19 here will change my opinion or vote on the  
20 25th.

21 So, if there's only three of us  
22 here, you got one vote against it.



1 CHAIRPERSON MITTEN: The time for  
2 convincing the Commission has past. So, if  
3 you want to ask for more clarity, that's fine.  
4 But okay.

5 MS. STEINGASSER: I was just  
6 trying to answer the questions.

7 CHAIRPERSON MITTEN: Okay.

8 So, we have -- we have Mr. Parsons  
9 firmly on the record. Mr. Hood, I believe,  
10 said was going to send an absentee ballot.

11 VICE CHAIR HOOD: I'm going to  
12 send an absentee. You know, I agree with my  
13 colleagues. But I think my issue probably  
14 could have been resolved in a hearing. But we  
15 don't want to go there and waste everybody's  
16 time.

17 CHAIRPERSON MITTEN: Okay.

18 VICE CHAIRMAN HOOD: That's kind  
19 of where I am.

20 CHAIRPERSON MITTEN: So, Mr.  
21 Turnbull, basically what you've said so far is  
22 that you want to know why they're asking for

1 110?

2 COMMISSIONER TURNBULL: I'm sure  
3 it's for economic reasons. It always comes  
4 down to economic reasons.

5 CHAIRPERSON MITTEN: Right. But  
6 is that what -- is that what --

7 COMMISSIONER TURNBULL: I think  
8 that if they want to have a development here  
9 with this, it needs to be tailored to the  
10 neighborhood and tailed to the neighborhood  
11 around it and respect it.

12 And I think as Commissioner  
13 Parsons was saying, they're really lower  
14 buildings.

15 CHAIRPERSON MITTEN: So, they need  
16 -- they need to submit whatever they can to  
17 convince you given that you have that view?

18 COMMISSIONER TURNBULL: Right.

19 CHAIRPERSON MITTEN: Okay.

20 Mr. Jeffries, is there anything  
21 specific that you would like to ask for?

22 COMMISSIONER JEFFRIES: I'm not

1 having any difficulty with the overall  
2 density. I mean, I'm just probably reacting  
3 more to the 110.

4 CHAIRPERSON MITTEN: Okay.

5 COMMISSIONER JEFFRIES: Now, as I  
6 look at the 110 and the square footage here,  
7 I wondered just how much of it is really above  
8 90 feet that is a question. But for me, I  
9 think if they can, you know, get to a 90-foot  
10 building that I would be strongly supportive  
11 of the project.

12 So, my response is really around  
13 110.

14 CHAIRPERSON MITTEN: Okay. I  
15 think that's as specific as we're going to  
16 get.

17 COMMISSIONER TURNBULL: But, are  
18 we saying that 90 feet is our -- is our limit?  
19 I mean, if we're going to be clear?

20 COMMISSIONER JEFFRIES: Well,  
21 you're not saying --

22 COMMISSIONER TURNBULL:

1 Commissioner Parsons is shaking his head.

2 COMMISSIONER JEFFRIES:

3 Commissioner Parsons his issue is beyond 90  
4 feet.

5 COMMISSIONER TURNBULL: Ninety  
6 feet. Right.

7 COMMISSIONER JEFFRIES: I think he  
8 thinks that the building is too bulky. I  
9 mean, it's too dense. And what I'm saying is  
10 that I don't have issues with the FAR, the  
11 density of the project. It's just really  
12 height --

13 COMMISSIONER TURNBULL: Okay.

14 COMMISSIONER JEFFRIES: -- along  
15 8th Street.

16 VICE CHAIRMAN HOOD: And I just  
17 want to see, Madam Chair, how it relates to  
18 other parts of the neighborhood and close  
19 proximity.

20 CHAIRPERSON MITTEN: Okay. And  
21 you would like to see something that conveys  
22 that a little bit better than the --

1 VICE CHAIRMAN HOOD: A-6.

2 CHAIRPERSON MITTEN: Then A-6.

3 VICE CHAIRMAN HOOD: A-6.

4 CHAIRPERSON MITTEN: Okay. Okay.

5 COMMISSIONER JEFFRIES: I think

6 that covers it.

7 CHAIRPERSON MITTEN: I agree.

8 COMMISSIONER JEFFRIES: They have

9 it on direction.

10 CHAIRPERSON MITTEN: Okay. Thank

11 you.

12 The next is Case No. 07-08A. And  
13 the first order of business on this one, if I  
14 could just put my hand on it is to waive the  
15 late submittal of the Office of Planning  
16 report. So, let me ask if there's a consensus  
17 to waive our rules for the late submittal?

18 I'm not hearing -- I'm not seeing  
19 anyone say no. So, we'll assume we have a  
20 consensus there.

21 So, who is up? Mr. Lawson.

22 MR. LAWSON: Thank you, Madam

1 Chair. My name is Joel Lawson with the D.C.  
2 Office of Planning.

3 On July 30th, 2007, the Zoning  
4 Commission approved Case 07-08, which  
5 permitted temporary parking spaces on  
6 specified squares and portions of squares in  
7 proximity to the ballpark along the Anacostia  
8 River.

9 At the same time, the Commission  
10 established a list of conditions associated  
11 with those temporary parking spaces including  
12 ones to limit the cumulative total of all  
13 temporary parking spaces to 3,775, establish  
14 an expiration date of April 1st, 2013, require  
15 DDOT approval of a traffic writing plan prior  
16 to issuance of a certificate of occupancy to  
17 insure that no traffic to the parking lots is  
18 directed through I Street, P Street or 4th  
19 Street, SW, to require any temporary parking  
20 lot to be available for the exclusive use of  
21 ball game attendees from one and a half hours  
22 prior to the scheduled start time to three

1 hours after the event. At other times, the  
2 lots could be used for general parking or for  
3 a seasonal market. And, finally, to establish  
4 parking space size and drive out standards as  
5 well as surface treatment, landscaping and  
6 lighting requirements.

7 The current proposed text  
8 amendment would extend the permission of  
9 temporary parking lots to additional sites  
10 identified by the Nationals, including eight  
11 new sites in the Capital Gateway CR District,  
12 Square 603, 605, 657 , 661, 662, 662 East and  
13 664, as well as Lot 7 in Square 658. As well  
14 as to one additional square in the Capital  
15 Gateway W-2 District, Square 664-E.

16 However, the proposed new squares  
17 would be subject to all of the restrictions  
18 and requirements currently contained in order  
19 07-08 including the parking space limit of  
20 3,775. As such, the proposal is not to  
21 provide for more parking spaces, but it is  
22 intended to increase the flexibility in terms

1 of their location and citing.

2 The new cites would also be  
3 subject to DDOT and DOE review at the building  
4 permit stage.

5 The Nationals have also agreed to  
6 a requirement that a portion of the parking  
7 spaces be restricted to use by a car ride-  
8 share program such as Go Loco and to promote  
9 and publicize the use of this program on their  
10 website and other promotional materials.

11 The exact language and the details  
12 of the requirement require additional  
13 resolution with the Nationals organization.  
14 OP will provide these details prior to a  
15 public hearing.

16 To say that OP is generally not  
17 supportive of surface parking lots is an under  
18 statement for all of the reasons noted in the  
19 report. However, the current proposal would  
20 not increase the number of parking spaces  
21 beyond that already approved by the Zoning  
22 Commission but, again, would provide greater



1 flexibility in citing.

2 All of the proposed sites are  
3 relatively flat and are currently paved over.  
4 Most are unused or underutilized. The sites  
5 are all within easy and convenient walking  
6 distance of the ballpark and per access  
7 limitations already in place in Order 07-08,  
8 these would not be accessed through adjacent  
9 low-density residential areas.

10 As such, OP recommends that the  
11 Zoning Commission adopt the following  
12 amendments to the zoning regulations on an  
13 emergency basis and schedule a public hearing  
14 to consider adoption of the amendments on a  
15 permanent basis.

16 OP recommends this action on an  
17 emergency basis due to construction expense  
18 and possible environmental challenges  
19 associated with the construction of surface  
20 parking lots in winter as well as the need for  
21 certainties so the spaces can be appropriately  
22 allocated to advance ticket holders.

1           Because the proposed ballpark is  
2           scheduled to open in April of next year, OP  
3           further -- probably skip all that. Actually,  
4           I'll skip all that.

5           So, with that, I would say that's  
6           enough for now and we're available for  
7           questions.

8           CHAIRPERSON MITTEN: Okay. Thank  
9           you, Mr. Lawson.

10           Questions for Mr. Lawson? Anyone  
11           have any questions for Mr. Lawson?

12           Anyone have any comments?

13           Okay. We have a request to take  
14           emergency action, as Mr. Lawson said, set down  
15           the rule-making for permanent consideration  
16           and then to also authorize the issuance of the  
17           notice of proposed rule-making.

18           And I would so move.

19           COMMISSIONER JEFFRIES: Second.

20           CHAIRPERSON MITTEN: Any  
21           discussion on the motion?

22           All those in favor, please say

1 aye.

2 (AYES)

3 CHAIRPERSON MITTEN: Any opposed?

4 Mrs. Schellin.

5 SECRETARY SCHELLIN: Staff records  
6 the vote five to zero to zero to set down  
7 Zoning Commission Case No. 07-08A as a rule-  
8 making case for emergency action setdown and  
9 authorization to publish the proposed rule-  
10 making.

11 Commissioner Mitten moving,  
12 Commissioner Jeffries seconding.  
13 Commissioners Hood, Parsons and Turnbull in  
14 favor.

15 CHAIRPERSON MITTEN: Thank you.

16 Next is the first item under  
17 Proposed Action which as I said at the  
18 beginning will actually be listed as letter B  
19 on the Agenda which is 07-14A.

20 And just to remind my colleagues,  
21 this is one that we had a request from an  
22 Applicant to rezone a property and then we

1 expanded it and the Office of Planning became  
2 the Applicant. This is some land over by the  
3 Rhode Island Metro Station and the change in  
4 zoning would be from M and CM2 to C2B.

5 And at the hearing, you also might  
6 remember that we had to limit the testimony to  
7 exclusively the discussion of the Map  
8 Amendment because several people in the  
9 community had come forward because they were  
10 concerned about various specific projects that  
11 may or may not be associated with the  
12 property. And so there was a fair amount of  
13 concern about that. But we reminded folks  
14 that that was not the subject of the hearing.

15 We have had a couple of letters  
16 submitted into the record before it closed and  
17 one in particular, Mr. Buchanan had asked for  
18 a transcript of the September 13th hearing.  
19 I'd just like to say for the record that that  
20 is available on the Office of Zoning website.

21 So, if you remember, three was  
22 consternation about what could possibly be

1 build on the property and also that there  
2 would be a change and that the neighborhood  
3 was happy with the existing use of the  
4 property notwithstanding the fact that the  
5 existing zoning of the property if it were put  
6 to a different or more intense use would  
7 actually have a potentially very significant  
8 adverse impact on the community.

9 So, I just wanted to lay out that  
10 background and move approval of Case No. 07-  
11 14A.

12 VICE CHAIRMAN HOOD: Second.  
13 Madam Chair, if I can just --

14 CHAIRPERSON MITTEN: Please.

15 VICE CHAIRMAN HOOD: -- add to the  
16 discussion?

17 I will second that and I will also  
18 ask the Applicant in this case. This is  
19 actually the neighborhood in which I live in,  
20 if they could -- I'm just asking, if they  
21 could maybe help to educate the folks who  
22 they're dealing with and exactly consistency

1 in what's going on.

2 I know there's some things that  
3 are planned by our council member to help  
4 educate those neighborhoods who are not  
5 necessarily all up to zoning and planning  
6 issues. But I think for the community to come  
7 down talking about one issue which was totally  
8 not in front of us, I think it's key though  
9 that maybe the Applicant -- I'm pleading to  
10 the Applicant maybe to -- to maybe help. I'm  
11 not sure if this has been done before but  
12 we'll find out. To maybe continue to help the  
13 dialogue so to make sure that the residents  
14 exactly understand that this was a consistency  
15 case and which by law we are mandated to deal  
16 with.

17 Thank you.

18 CHAIRPERSON MITTEN: Thank you,  
19 Mr. Hood.

20 Is there any further discussion on  
21 the motion?

22 All those in favor please say aye?

1 (AYE)

2 CHAIRPERSON MITTEN: Any opposed?

3 Mrs. Schellin.

4 SECRETARY SCHELLIN: Staff records  
5 the vote five to zero to zero to approve  
6 approved action in Zoning Commission Case 07-  
7 14A.

8 Commissioner Mitten moving,  
9 Commissioner Hood second.

10 Commissioners Jeffries, Parsons  
11 and Turnbull in favor.

12 CHAIRPERSON MITTEN: Thank you.

13 And then Mr. Hood will lead the  
14 discussion on the remaining three items under  
15 Proposed Action.

16 VICE CHAIRMAN HOOD: Thank you,  
17 Madam Chair.

18 Next under Proposed Action we have  
19 Zoning Commission Case 06-30. This is the  
20 Pollin Memorial Community Development  
21 Consolidated PUD, Related Map Amendment.

22 Ms. Schellin.

1 SECRETARY SCHELLIN: Staff has  
2 nothing further.

3 VICE CHAIRMAN HOOD: Okay.  
4 Colleagues, if -- those of us who are left, if  
5 you can remember, the proposed project is a  
6 residential. It includes 91 row dwellings,  
7 eight three-unit apartment buildings and five  
8 flats for a total of 125 units and 104  
9 buildings.

10 The property included in the  
11 application consists of land owned by the  
12 District and land owned by the D.C. Housing  
13 Authority, Lots 804 in Square 5040.

14 The National Park Service has  
15 administrative jurisdiction over a portion of  
16 parcels 1727 and 1728. And just to give you  
17 a refresher, the relief sought was PUD Map  
18 Amendment from unzoned to R5A. Lot area, rear  
19 yards, court requirements, lot occupancy,  
20 individual lots and lots not conforming on a  
21 public street.

22 We had a few things that were



1 requested.

2 And let me just read over some of  
3 the submittals that we received -- that we  
4 actually asked for for things that we had in  
5 the post submissions.

6 The Applicant has provided the  
7 drawings, provided more detail regarding the  
8 proposed retaining wall, a sheet providing  
9 more detail regarding the rear yard fencing,  
10 a revised final site and grading plan and  
11 illustrative storm drains and storm water  
12 management plan incorporating an additional  
13 amended soil area to the triangle corner park,  
14 a draft of the parks additions relocation  
15 plan. There was concern about what happens  
16 when people are relocated. How is that going  
17 to all work? And they have a draft plan that  
18 we saw.

19 And that's all I have.

20 Oh, also, I see that we had asked  
21 for the local small business development to  
22 finalize and the Applicant states that

1       apparently the Applicant worked diligently  
2       with the D.C. Department of Local Small  
3       Development -- Business Development to  
4       finalize a draft memorandum of understanding  
5       submitted with Exhibit 21 in the record of  
6       this case. However, the D.C. Department of  
7       Local and Small Business Development has yet  
8       to issue a final agreement.

9               So, the Applicant now has asked us  
10       to incorporate that as a condition. And I  
11       think either way, I'm just hoping that maybe  
12       by final that will be dealt with. So, we can  
13       keep pressing for that but, if not, we will  
14       make sure that that is in the order.

15              Also, the last thing and I don't  
16       want to leave this out.

17              The ANC -- I can't remember  
18       whether they were in support there. They're  
19       definitely in support here. Apparently,  
20       whatever missing factors that they had, they  
21       got them in a particular meeting but the vote  
22       was four to support the project one opposed.

1 And they have some more stuff down h ere about  
2 the percentage of the AMI.

3 Okay. With that, let me open up  
4 to my colleagues.

5 Any comments? Any concerns? We  
6 have our post-submission. Some of those I  
7 know that others have asked for and I did not.  
8 So, there it is.

9 Mr. Turnbull.

10 COMMISSIONER TURNBULL: And I  
11 think it's addressed on S-20. I think we had  
12 talked about that triangular park as the  
13 corner being incorporated into the -- at least  
14 to look at being incorporated into that  
15 perforated drain tile system.

16 And if I'm looking at what I see  
17 on S-20, it's now shaded -- pauche green with  
18 the rest of it so I'm assuming it is part of  
19 it.

20 Mr. Quinn is nodding so I -- we'll  
21 assume that it is then.

22 VICE CHAIRMAN HOOD: So, all your

1 concerns have been addressed?

2 COMMISSIONER TURNBULL: Yes.

3 VICE CHAIRMAN HOOD: Okay.

4 The only other thing that  
5 relocation.

6 When I read the relocation, after  
7 reading through it, it gave me a sense that it  
8 was tailored just to this site. But then I  
9 got the impression it was generic. So, that  
10 may be too -- I'm not going to ask for  
11 anything, but I want to make sure that this is  
12 specifically tailored to this site.

13 And in reading it, I had to read  
14 it more than once because when they were going  
15 to offer somebody a \$1 for moving, but you  
16 have to read a little longer to understand it.

17 I didn't think that was  
18 sufficient, but just for the record I think  
19 that that is clear and I'm ready to move  
20 forward with this.

21 Any other comments?

22 Okay. I make a motion that we

1 approve Zoning Commission Case 06-30 and I'll  
2 ask for a second.

3 COMMISSIONER PARSONS: Second.

4 VICE CHAIRMAN HOOD: It's been  
5 moved and properly seconded.

6 All those in favor?

7 (AYES)

8 VICE CHAIRMAN HOOD: Any  
9 opposition?

10 So ordered.

11 Staff, would you record the vote?

12 SECRETARY SCHELLIN: Staff records  
13 the vote three to zero to two to approve  
14 proposed action in Zoning Commission Case 06-  
15 30.

16 Commissioner Hood moving,  
17 Commissioner Turnbull seconding. Commissioner  
18 Jeffries in favor. Commissioners Mitten and  
19 Parsons having not participated not voting.

20 VICE CHAIRMAN HOOD: Okay. Thank  
21 you.

22 The next case -- you know what I

1 would like to do, colleagues, if it doesn't  
2 throw too much into it.

3 I would like to rearrange 02-30A  
4 and move 07-07 Broadcast Center Partners.  
5 Let's do that one first.

6 It might take us a little while on  
7 the next one.

8 Okay. This is an application that  
9 was in front us for Broadcast Partners, LLC,  
10 position of the Zoning Commission for  
11 Consolidated Planned Unit Development to  
12 construct a new mixed-use building on 7th  
13 Street, NW, between S and T Streets, NW. The  
14 site is in Square 441, Lots 21, 66, 97, 814,  
15 815 and 854.

16 Mrs. Schellin.

17 SECRETARY SCHELLIN: The Staff has  
18 nothing further to add to this one.

19 VICE CHAIRMAN HOOD: Okay. I  
20 think this was pretty straightforward. There  
21 were a few things --

22 SECRETARY SCHELLIN: I'm sorry,

1 Vice Chairman Hood.

2 One thing is that just to state  
3 that Mr. Turnbull has read the record if he  
4 would just acknowledge that on the record.

5 COMMISSIONER TURNBULL: Yes. I  
6 have.

7 VICE CHAIRMAN HOOD: Okay. Let  
8 the record reflect Mr. Turnbull has read the  
9 record in this case -- the full and complete  
10 record.

11 Colleagues, if you remember, there  
12 was a tenant in this case, Radio One, was a  
13 major tenant for this project and I think it  
14 had overwhelming support, at least from the  
15 ANC. We had testimony from the representative  
16 from ANC-1B, I believe it was. And we have a  
17 draft in front of us.

18 Any comments or issues? I think  
19 they were pretty much flushed out at the  
20 hearing. No sense belaboring.

21 I will move approval of Zoning  
22 Commission Case No. 07-07 and ask for a

1 second.

2 COMMISSIONER PARSONS: Second.

3 VICE CHAIRMAN HOOD: It's moved  
4 and properly seconded.

5 All those in favor?

6 (AYES)

7 VICE CHAIRMAN HOOD: So ordered.

8 Staff, would you record the -- any  
9 objections?

10 So ordered. Staff, would you  
11 record the vote?

12 SECRETARY SCHELLIN: Staff records  
13 the vote three to zero to two to approved  
14 proposed actions in Zoning Commission Case 07-  
15 07.

16 Commissioner Hood moving,  
17 Commissioner Parsons seconding. Commissioner  
18 Turnbull in favor. Commissioners Mitten and  
19 Jeffries, not voting, having not participated.

20 VICE CHAIRMAN HOOD: Okay.

21 Our next case is Zoning Commission  
22 Case No. 02-38A, Waterfront Associates. This



1 is Waterside Mall.

2 Mrs. Schellin.

3 SECRETARY SCHELLIN: There is one  
4 preliminary matter and that's with regard to  
5 Exhibit 100 from Hansen and Malloy. They are  
6 making a request with regard to another Zoning  
7 Commission Case No. 05-38 that the Commission  
8 needs to address.

9 VICE CHAIRMAN HOOD: Thank you.

10 They were requesting that we  
11 relook -- open the record in this case for  
12 another case. I'm not sure how that went, but  
13 I will tell you, that is the Marina Towers  
14 case. That request needs to come in for the  
15 Marina Towers case to the Commission not in  
16 reference to the Zoning Commission Case No.  
17 02-38 which is the Waterfront Associates,  
18 Waterside Mall. So, that is the wrong case to  
19 refer that to. You need to make a request to  
20 the Commission -- a formal request to the  
21 Commission and make it to the Marina Towers  
22 case.

1           Okay. The record is closed. You  
2           have to ask us to reopen the record. That  
3           request needs to come into that case. Okay.  
4           So, enough said on that.

5           Anything else, Mrs. Schellin?  
6           Okay.

7           Hold on one second.

8           Maybe after awhile I'll get  
9           efficient like our Chairperson, Ms. Mitten.  
10          I won't have to look at everything.

11          Let me just state for the record  
12          that there were some submissions that we had  
13          asked for.

14          Exhibit 68 which came in talks  
15          about the affordable housing location.

16          One thing that I did notice it  
17          didn't show the -- where the units were  
18          actually located.

19          Exhibit 80 which is dated June  
20          28th, 2007, addressed the Metro Plaza with the  
21          illustration and the roof terraces with no  
22          illustration. We don't have an illustration.

1           Exhibit 81, June 27th, 2007. The  
2           DDOT addressed the acceptance of a 90-foot  
3           right-of-way and the Exhibit 93 addresses the  
4           taller slimmer buildings with the schematic.

5           As you all remember, we had  
6           different parties in this case and it seems as  
7           though they were all in agreeance when it was  
8           all said and done after the final rebuttal and  
9           cross examination. At least that's the  
10          impression that I got.

11          ANC-6D, we have Carrollsburg  
12          Square, Tiber Islands and there was another  
13          one. Or was that it? Okay. I believe that's  
14          it.

15          So, what I would do at this time  
16          is open it up for any comments. I know the  
17          setback was an issue. And I think they  
18          addressed the taller and slimmer buildings  
19          with the schematic and this schematic is the  
20          one that's 1.2. This is the one that we got  
21          early on and we were told that this is  
22          probably why we had the rebuttal and had to go

1 into that because of our inquiry of taller and  
2 slimmer buildings.

3 So, let me just open it up for  
4 comments.

5 COMMISSIONER PARSONS: When you  
6 say taller and slimmer buildings, are you  
7 talking about this exhibit that Mr. Baranes  
8 prepared?

9 VICE CHAIRMAN HOOD: Right. I  
10 think we inquired at the end of the hearing  
11 about it.

12 COMMISSIONER PARSONS: It's very  
13 tentative but it's taken care of in the draft  
14 order that they may come back with this kind  
15 of scheme but it's not certain.

16 VICE CHAIRMAN HOOD: That's the  
17 way I understand it.

18 COMMISSIONER PARSONS: But I think  
19 I was certainly persuaded that the setbacks  
20 that were offered here are okay as long as we  
21 head in this direction of a notch back  
22 building.

1 VICE CHAIRMAN HOOD: Okay. So, is  
2 this what -- I think is what we all agreed to.

3 COMMISSIONER PARSONS: Yes. We're  
4 all looking at it.

5 VICE CHAIRMAN HOOD: Right. Okay.  
6 So, we're all on board?

7 COMMISSIONER PARSONS: Yes.

8 COMMISSIONER TURNBULL: It's  
9 Exhibit 93.

10 VICE CHAIRMAN HOOD: Thank you the  
11 accuracy, Mr. Turnbull.

12 We also had a -- we also had a  
13 findings from I think it was Tiber Islands.  
14 I can't put my hand on it right now. I know  
15 it's up here somewhere. So, I'll take my time  
16 and find it.

17 Mrs. Schellin, can you put your  
18 hand on that right quick for me?

19 SECRETARY SCHELLIN: It was the --  
20 I believe it was the same letter that -- I  
21 misplaced mine already that referenced the --

22 VICE CHAIRMAN HOOD: I'm not the

1       only person.   Okay.   I have it.

2                       SECRETARY SCHELLIN:   You have it.

3       Yes.

4                       VICE CHAIRMAN HOOD:   Thank you.   I  
5       have it.

6                       Thank you, Mr. Parsons.

7                       Colleagues, and I just wanted to  
8       know when you reviewed the findings of fact  
9       from Tiber Islands and I just wanted to know  
10      did it compel anyone?   The 22 - dealt with a  
11      22-foot setback so, I mean, I think that's  
12      already in agreement, so we'll make sure that  
13      that's in the final order.

14                      The maximum height of the  
15      northeast and northwest buildings shall be 127  
16      feet as shown revised first stage plans  
17      submitted and accepted in a public record  
18      hearing on September 17th.

19                      I think this is what they are  
20      referring to.   Okay.

21                      I just wanted to make sure that  
22      the community, because I know that the

1 community does not get paid. I want to make  
2 sure that they know that we did review this.

3 Does any of this -- needs -- and  
4 their conclusions of law, findings of fact,  
5 does it compel anyone to move any differently  
6 or any comments?

7 Hearing none. Okay.

8 Anything else? Okay.

9 Let me just remind you of some of  
10 the issues because I know this is a voluminous  
11 record and see if it compels anybody to move.  
12 If not, I will be moving this for approval.

13 Traffic light issue across for the  
14 pedestrian traffic crossing north to south  
15 when 4th Street is reopened. I think that's  
16 been dealt with.

17 Density more than doubled,  
18 allowable. It's too much. That's been dealt  
19 with.

20 Industry facade. Too much height  
21 and bulk and needs a 22-foot setback. That's  
22 been dealt with.

1                   And I'm not going to entertain --  
2       unless my colleagues feel compelled to  
3       entertain the architecture. I think that  
4       we've made ourselves real clear during the  
5       hearing process and I think of lot of this has  
6       been flushed out to the point that there has  
7       been a lot of consensus built the way I see  
8       it.

9                   Anything else? Okay.

10                  So, with that, I will move  
11       approval with the changes of Zoning Commission  
12       Case No. 02-38A and ask for a second.

13                  COMMISSIONER PARSONS: Second.

14                  VICE CHAIRMAN HOOD: It's been  
15       moved and properly seconded.

16                  All those in favor?

17                  (AYES)

18                  VICE CHAIRMAN HOOD: Any  
19       opposition?

20                  So ordered.

21                  Staff, would you record the vote?

22                  SECRETARY SCHELLIN: Staff records



1 the vote three to zero to two to approve  
2 proposed action in Zoning Commission Case No.  
3 02-38A as modified.

4 Commissioner Hood moving,  
5 Commissioner Parsons seconding. Commissioner  
6 Turnbull in favor. Commissioners Jeffries and  
7 Mitten not voting having not participated.

8 VICE CHAIRMAN HOOD: Okay. Thank  
9 you. I will turn it back over.

10 CHAIRPERSON MITTEN: Thank you,  
11 Mr. Hood, and I'm good. I'm good. I'm  
12 getting there.

13 VICE CHAIRMAN HOOD: I'm sorry,  
14 Madam Chair. I have final action.

15 SECRETARY SCHELLIN: We removed  
16 Item A from the final action so the next item  
17 on the agenda is final action on Item B 07-19.

18 CHAIRPERSON MITTEN: Right. Which  
19 I participated in that one. Right? I didn't?  
20 Oh, okay. Well, there you go.

21 VICE CHAIRMAN HOOD: Oh, okay.  
22 You don't know whether you're here or not.

1                   Okay. Anyway, this is for final  
2                   action.

3                   This is Zoning Commission Case No.  
4                   07-19. And this is a Office of Planning Text  
5                   Amendment to repeal 411.10. And just a  
6                   reminder -- hold tight one second.

7                   And basically what this does is  
8                   just amend because it repeals 411.1 and I'm  
9                   not sure who all participated.

10                  SECRETARY SCHELLIN: It was  
11                  Commissioners Hood, Parsons and, I'm sorry,  
12                  Mr. Jeffries.

13                  VICE CHAIRMAN HOOD: Okay. I  
14                  think it's pretty straightforward, colleagues.

15                  Any comments?

16                  I will move that we repeat Zoning  
17                  Commission Case No. 07-19. It's a Text  
18                  Amendment to repeat 411.10.

19                  COMMISSIONER PARSONS: Second.

20                  VICE CHAIRMAN HOOD: It's been  
21                  moved and properly seconded.

22                  All those in favor.

1 (AYES)

2 VICE CHAIRMAN HOOD: Any

3 opposition?

4 So ordered.

5 Staff, would you record the vote?

6 SECRETARY SCHELLIN: Staff records  
7 the vote three to zero to two to approval  
8 final action in Zoning Commission Case No. 07-  
9 19.

10 Commissioner Hood moving,  
11 Commissioner Parsons seconding. Commissioner  
12 Jeffries in support. Commissioners Mitten and  
13 Turnbull having not participated, not voting.

14 CHAIRPERSON MITTEN: Thank you.

15 So, we have a couple of items of  
16 correspondence left. We have the first item  
17 A which relates to Case No. 07-23, which I  
18 guess is up for hearing in a couple of weeks,  
19 which are one or more further processing  
20 applications of Georgetown University.

21 And we have the Citizens  
22 Association of Georgetown asking us to

1       reinstate some procedures that were deleted by  
2       the BZA from their order, I guess, on remand.  
3       And the whole -- if I could maybe try and put  
4       it in my own words.

5               In certain orders for campus plan  
6       orders and it was the case in Georgetown until  
7       the BZA amended their order that there would  
8       have to be a showing of substantial compliance  
9       with the campus plan order in order for the  
10      university to proceed with a further  
11      processing application.

12             And after some litigation and a  
13      remand from the Court of Appeals, they -- the  
14      BZA, decided to remove those provisions. And  
15      without passing judgment on that, that was  
16      certainly their prerogative to do it. But  
17      what exists now is a situation where there is  
18      no requirement for -- there is no prohibition,  
19      I should say, on the university going forward  
20      with further processing applications and for  
21      us to go forward with hearings and taking  
22      action separate and apart from understanding

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1 the degree of compliance with the campus plan.

2 So, maybe I'll just take just one  
3 mind and say.

4 The reason -- I think the  
5 principal reason why this provision was  
6 introduced into campus plans and maybe I'm  
7 overgeneralizing, but it had to do with the GW  
8 case where we were trying to inhibit their  
9 ability to come forward with further  
10 processing applications that were not related  
11 to putting student housing on campus, which  
12 was the big thing.

13 So, we were trying to give them a  
14 disincentive not to -- not to be in compliance  
15 with our big condition. If I remember  
16 correctly, it was Condition No. 9 in which had  
17 to do with the number of beds on campus.

18 So, now this is a different campus  
19 plan and so on. But I think that perhaps the  
20 BZA had incorporated some of those provisions  
21 without having a similar compelling reason to  
22 do so.

1           So, now we have the Citizens  
2 Association of Georgetown who is interested in  
3 understanding whether or not having a showing  
4 about whether or not the university is in  
5 compliance with the campus plan before these  
6 matters in 07-23 go forward.

7           But, what they're asking for is  
8 essentially an amendment to the campus plan as  
9 has been pointed out by the university in  
10 their opposition to this motion. And we've  
11 been advised by the Office of the Attorney  
12 General that that is in fact the case and so  
13 this is generally speaking out of order  
14 because it doesn't relate to the further  
15 processing applications.

16           I would say that the -- if the  
17 Citizens Association of Georgetown believes  
18 that the university is out of compliance then  
19 they should make that known and give whatever  
20 evidence that relates to that to the Zoning  
21 Administrator because in between -- well, I  
22 guess in general they're in charge of assuring

1 compliance. And there is no rule at the  
2 current time, no generic rule, that requires  
3 a showing of compliance before the processing  
4 applications can go forward. That may be  
5 something that the Commission wants to  
6 consider sometime in the future but that  
7 doesn't currently exist.

8 So, I would just suggest to my  
9 colleagues that these are -- that the motion  
10 is not appropriately before the -- the  
11 Commission in the context of Cast No. 07-23  
12 and move to deny the motion.

13 VICE CHAIRMAN HOOD: I will second  
14 that, Madam Chair, but I would also -- maybe  
15 you can help me remember to tap into your  
16 memory before you go.

17 There are some campus plans which  
18 dictate if the university is not in compliance  
19 and they can't have further processing.

20 Was that something that was  
21 mentioned or is there a campus plan out there  
22 like that?

1 CHAIRPERSON MITTEN: I know that  
2 it's true in GW.

3 VICE CHAIRMAN HOOD: Okay. Okay.

4 CHAIRPERSON MITTEN: And that's --  
5 that's where I -- I might be wrong but I think  
6 that's where it originated. But there's a  
7 very specific reason for it in that campus  
8 plan.

9 And sometimes what happens is  
10 these things get swept up as new campus plans  
11 come forward. People sweep in a whole bunch  
12 of conditions that related -- that had a very  
13 specific function in one and just get swept  
14 into a further campus plan orders.

15 VICE CHAIRMAN HOOD: Thank you.

16 CHAIRPERSON MITTEN: So, is there  
17 any further discussion on the motion to deny  
18 the Citizen's of Georgetown's motion to  
19 reinstate these provisions?

20 Then I would ask for all those in  
21 favor please say aye.

22 (AYES)



1 CHAIRPERSON MITTEN: Any opposed?  
2 Mrs. Schellin.

3 SECRETARY SCHELLIN: Staff records  
4 the vote five to zero to zero to deny the  
5 motion filed by the Citizens Association of  
6 Georgetown.

7 Commissioner Mitten moving,  
8 Commissioner Hood seconding. Commissioners  
9 Jeffries, Parsons and Turnbull in favor.

10 CHAIRPERSON MITTEN: Thank you.

11 Then the last piece of  
12 correspondence that we have is a -- this  
13 relates to Case No. 06-27 and this is a  
14 request from the Foggy Bottom Association to  
15 stay the effective date of the decision in  
16 that case until the order for the campus plan  
17 and the related PUD. So, that's Cases No. 06-  
18 11 and 06-12 is issued.

19 And first of all, the motion for a  
20 stay does not address the four-prong test for  
21 a stay. That is probably the most compelling  
22 reason. But I read -- I have since -- I've

1 had a whole series of orders to read. I've  
2 since read the 06-11 and 06-12. I think I  
3 probably signed it tonight or sometime very  
4 recently. So, there's not going to be a lot  
5 of slippage time wise in between the two  
6 orders being issued. So, I really think that  
7 there's an issue here.

8 But inasmuch as the Foggy Bottom  
9 Association did not address the four-prong  
10 test for a stay and I move to deny the motion  
11 to stay the effective date of the decision in  
12 Case No. 06-27.

13 COMMISSIONER TURNBULL: Second.

14 CHAIRPERSON MITTEN: Is there any  
15 discussion?

16 All those in favor please say aye.

17 (AYES)

18 CHAIRPERSON MITTEN: Any opposed?

19 Mrs. Schellin.

20 SECRETARY SCHELLIN: Staff records  
21 the vote five to zero to zero to deny the  
22 motion filed by Foggy Bottom Association.

1 Commissioner Mitten moving,  
2 Commissioner Turnbull seconding.

3 Commissioners Hood, Jeffries and  
4 Parsons in favor of denial.

5 CHAIRPERSON MITTEN: Thank you.

6 So, now last but not least. The  
7 status report by the Office of Planning.

8 Mr. Lawson. Did you have anything  
9 you'd like to call our attention to?

10 MR. LAWSON: Thank you, Madam  
11 Chair, actually I would.

12 Just very briefly. I'm going to  
13 note the study for the Planning Commission and  
14 the overall planning processes.

15 The consultants are now being  
16 brought on board for that study. They're well  
17 underway. I just wanted to, I guess, warn her  
18 -- alert Commission members that you will be  
19 contacted shortly to arrange some times, have  
20 some discussions with our consultants. He's  
21 been in town once already and he's coming back  
22 in early November to round out all of his

1 interviews and discussions.

2 And so as I said, he'll be  
3 contacting all the Commission members as well  
4 as all kinds of other people to arrange  
5 interviews. We're also going to be setting up  
6 a number of small group discussions with a  
7 very broad range of concerned citizens and  
8 we're going to be meeting with the ANC  
9 Commissioners. And we're going to be meeting  
10 with various people who have gone through the  
11 process, owners, developers, architects. And  
12 so we're hoping that by the -- probably by the  
13 end of this year we'll get a pretty good sense  
14 of kind of the background of what the  
15 situation is here and we're hoping for a  
16 report back from the consultant early in the  
17 spring on that study.

18 So, just a bit of a warning  
19 because you're going to be contacted and hope  
20 you can all be available for that.

21 Thanks. Will it be one-on-one  
22 some of those?

1                   MR. LAWSON: I think that we would  
2                   take some direction from you, if you like. I  
3                   know that he certainly plans on meeting one-  
4                   on-one with the Chair of the Commission. And  
5                   if the other Commission members would like to  
6                   meet one-on-one, we'd be happy to arrange  
7                   that. Or if you'd like to meet with him as a  
8                   group, we'd be happy to arrange it that way as  
9                   well.

10                  CHAIRPERSON MITTEN: I'm sensing  
11                  they wanted it as a group.

12                  MR. LAWSON: I sense the same  
13                  thing too.

14                  CHAIRPERSON MITTEN: Anything else  
15                  on the Status Report?

16                  MR. PARKER: Yes. Just an update  
17                  on the zoning review process.

18                  We've got three items that are  
19                  moving forward right now. The first and most  
20                  immediate is the formation of the task force.

21                  There are 24 seats on the task  
22                  force and so far we've filled twelve of them.

1 It's going a little slower than we'd hoped but  
2 things are progressing.

3 It's a very diverse group on the  
4 task force. Ten -- excuse me, fourteen of the  
5 twenty-four are Council appointees, one from  
6 each council person with two from the chair.  
7 And the remaining 10 are split between  
8 government, building industry and community  
9 groups. The Zoning Administrator, the Chair  
10 of the Zoning Commission, Mr. Hood, will be a  
11 member. The Chair of the BZA, Ruthanne  
12 Miller, a representative from NCPC.

13 From the building side a member of  
14 the DBIA, member of AIA and a member of D.C.  
15 BAR. And finally a member from the Committee  
16 of 100, Federation of Civics Association and  
17 Federation of Citizens Association.

18 So, we hope by the next time we  
19 meet to have a full roster to present to you  
20 and we want to have our kickoff task force  
21 meeting in November.

22 The other two things that are

1 moving forward we're contracting right now for  
2 a best practice study for zoning around the  
3 country and possibly around the world that  
4 will come in very handy for the task force and  
5 all of our working groups.

6 And finally we're also about to  
7 release an RP for some public participation  
8 software that will allow us to get public  
9 comment on the process as it moves forward.

10 CHAIRPERSON MITTEN: Thank you.

11 Any questions for any of the folks  
12 from Office of Planning on the Status Report  
13 or anything?

14 Okay. Very good. I think we're--

15 VICE CHAIRMAN HOOD: Madam Chair,  
16 I don't if the record calls, but I see  
17 somebody coming forward. This is the last  
18 issue.

19 CHAIRPERSON MITTEN: Oh, that's so  
20 sweet. Thank you.

21 Thank you, Mr. Williams. Thank  
22 you.

1                   Thank you very much.    And we're  
2   now adjourned.

3                   (Whereupon, the above matter was  
4   concluded at 8:31 p.m.)

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