

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JANUARY 13, 2014

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)
PETER G. MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
PAUL GOLDSTEIN
STEPHEN GYOR
JOEL LAWSON
MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on January 13, 2014.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

TABLE OF CONTENTS

Preliminary Matters	
Consent Calendar:	
Z.C. Case No. 12-20A (13th and U Lessee, LLC-Request for Minor Modification to PUD @ Square 237)	8
Final Action:	
Z.C. Case No. 10-32A (Georgetown University-Campus Plan Amendment & Further Processing @ Square 1321)	11
Z.C. Case No. 10-31 (DC Ballpark 2, LLC-CG Overlay Review@Square 700	14
Z.C. Case No. .12-14/14A (3rd & M, LLC & Park Inn Assoc.- Consolidated PUD & Related Map Amendment @ Square 542)	24
Proposed Action:	
Z.C. Case No. 12-21 (Covenant Baptist United Church-Consolidated PUD & Related Map Amendment @ Square 6129)	31
Miscellaneous:	
Z.C. Case No. 06-10B (The Morris & Gwendolyn Cafritz Foundation - 2nd Stage PUD & Modification to 1st- Stage PUD @ Square 3765 & 3767)	41
Correspondence:	
Z.C. Case No. 08-06A (ZRR - Email from Council Member Graham re: Pop-Ups)	44
Z.C. Case No. 08-06A (ZRR - Letter from Council Member Cheh re: Universities)	44
Adjourn	45

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

2 6:38 P.M.

3 CHAIRMAN HOOD: First, let me say on
4 behalf of the Commission, Happy New Year to each
5 and every one of you. And we're glad to be back.
6 This meeting will please come to order.

7 Good evening, ladies and gentlemen.
8 This is the January 13, 2014 public meeting of
9 the Zoning Commission for the District of
10 Columbia. We are located at the Jerrily R.
11 Kress Memorial Hearing Room.

12 My name is Anthony Hood. Joining me
13 this evening are Vice Chair Marcie Cohen,
14 Commissioners Robert Miller, Peter May, and
15 Michael Turnbull. We're also joined by the
16 Office of Zoning staff, Ms. Sharon Schellin,
17 Office of Attorney General, Mr. Ritting, Office
18 of Planning Staff, Ms. Steingasser and Mr.
19 Lawson and Ms. Brown-Roberts, Mr. Gyor, and Mr.
20 Goldstein.

21 Mr. Gyor, did I get your name right?
22 Good. We're starting the year off right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Copies of the meeting agenda are
2 available to you and are located in the bin near
3 the door. We do not take any public testimony
4 at our meetings unless the Commission requests
5 someone come forward.

6 Please be advised that this
7 proceeding is being recorded by a court
8 reporter. It is also webcast live.
9 Accordingly, we must ask you to refrain from any
10 disruptive noises or actions in the hearing room
11 including display of any signs or objects.
12 Please turn off all beepers and cell phones.

13 Does the staff have any preliminary
14 matters?

15 MS. SCHELLIN: Yes, sir. Just that
16 we've asked that the Commission would consider
17 voting for the closed meetings for the remainder
18 of 2014 and the first meeting of January 2015.

19 CHAIRMAN HOOD: Okay, thank you,
20 Ms. Schellin. Let's do that first.

21 In accordance with 4058 of the Open
22 Meetings Act, D.C. Official Code 2-5758 I move

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that the Zoning Commission hold closed meetings
2 on each Monday that is scheduled to hold a public
3 meeting for the remainder of this calendar year
4 and January 12, 2015. The closed meetings will
5 begin at 6 p.m. and are for the purpose of
6 obtaining legal advice from our counsel on all
7 cases and to deliberate upon, but not voting on
8 the contested cases scheduled for hearing
9 action, proposed action, final action, or
10 consent calendar consideration, as those cases
11 identified on the Commission's agendas for those
12 meetings.

13 Is there a second?

14 VICE CHAIR COHEN: Second.

15 CHAIRMAN HOOD: Will the secretary
16 please call the vote on a motion before us now
17 that has been seconded.

18 MS. SCHELLIN: Chairman Hood?

19 CHAIRMAN HOOD: Yes.

20 MS. SCHELLIN: Vice Chair Cohen?

21 VICE CHAIR COHEN: Yes.

22 MS. SCHELLIN: Commissioner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Miller?

2 COMMISSIONER MILLER: Yes.

3 MS. SCHELLIN: Commissioner May?

4 COMMISSIONER MAY: Yes.

5 MS. SCHELLIN: Commissioner

6 Turnbull?

7 COMMISSIONER TURNBULL: Yes.

8 MS. SCHELLIN: The vote carries.

9 CHAIRMAN HOOD: Thank you. It
10 appears the motion has passed. I request that
11 the Office of Zoning provide notice of those
12 closed meetings in accordance with the Act.

13 Ms. Schellin, do we have anything
14 else on that?

15 MS. SCHELLIN: No, sir.

16 CHAIRMAN HOOD: Okay, are we ready
17 to move forward to today's agenda?

18 MS. SCHELLIN: Yes, sir.

19 CHAIRMAN HOOD: Okay, first Consent
20 Calendar item, Zoning Commission Case No.
21 12-20A, 13th and U Lessee, LLC, request for minor
22 modification to PUD in Square 237.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Ms. Schellin?

2 MS. SCHELLIN: Yes, sir. The
3 applicant is requesting a minor modification for
4 Zoning Commission Order No. 12-20, condition
5 number 8, regarding the required art display
6 windows along U Street. At Exhibit 4, we have
7 an OP report in support. And we'd ask the
8 Commission to consider action on this case.

9 CHAIRMAN HOOD: Okay, I think I was
10 supposed to ask this question first. Does
11 anyone see that this item needs to come off the
12 Consent Calendar? Not seeing anyone, thank
13 you, Ms. Schellin, let's proceed.

14 Commissioners, I think this is very
15 minor, at least in my view, but I'll open it up
16 and again, as stated, we do have a submission
17 which is Exhibit 1 which explains and outlines
18 -- and basically, if you look at page two it says
19 "in order to accommodate the revised store
20 layout, however, two windows at the back of the
21 store can no longer be transparent and the
22 applicant requests the use of art display

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 windows for those two windows. The
2 proposed change will result in a net increase of
3 two transparent windows.

4 Any other comments or questions?

5 COMMISSIONER TURNBULL: Mr. Chair?

6 CHAIRMAN HOOD: Mr. Turnbull?

7 COMMISSIONER TURNBULL: I think
8 this has to be a unique submittal to have a
9 pharmacy wanting to have more transparent
10 windows. They have to be complimented. I mean
11 mostly pharmacies want storage on those front
12 facing windows and I think -- it will be
13 interesting to see how the store gets arranged
14 and worked up, but they're to be complimented for
15 having more transparent windows. So I think
16 they're to be commended.

17 CHAIRMAN HOOD: Okay. Thank you,
18 Mr. Turnbull. Any other comments?

19 Mr. Turnbull, would you like to make
20 a commendable motion?

21 COMMISSIONER TURNBULL: I would.
22 Mr. Chair, I would recommend that we approve

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Zoning Case No. 12-20A, 13th and U Street Lessee,
2 LLC, request for minor modification to the PUD
3 at Square 237. And I would look for a second.

4 COMMISSIONER MILLER: Second.

5 CHAIRMAN HOOD: Okay, it's been
6 moved and properly seconded. Any further
7 discussion? All those in favor?

8 (Chorus of ayes.)

9 Not hearing opposition, Ms.
10 Schellin, will you record the vote?

11 MS. SCHELLIN: Yes, staff records
12 the vote 5 to 0 to 0 to approve final action on
13 Zoning Commission Case No. 12-20A; Commissioner
14 Turnbull moving; Commissioner Miller seconding;
15 Commissioners Cohen, Hood, and May in support.

16 CHAIRMAN HOOD: Okay,
17 Commissioners, Final Action of Zoning
18 Commission Case No. 10-32A, Georgetown
19 University campus plan amendment and further
20 processing at Square 1321.

21 Ms. Schellin.

22 MS. SCHELLIN: At Exhibit 32, we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 have an ANC 2E Supplemental Report. Exhibit 33
2 is the applicant's post-hearing submission and
3 we'd ask the Commission to consider final
4 action.

5 CHAIRMAN HOOD: Okay, colleagues,
6 we have some submissions. I'm not sure who
7 asked for what, but if you look at Exhibit 33,
8 there's some things -- I think there was an
9 update that was asked for by the Old Georgetown
10 Board and others and that was submitted to us so
11 we have some renderings. With that, I'll open
12 up for any comments. If not, I'll entertain a
13 motion.

14 Also, excuse me, we do have a letter
15 from the ANC which we asked -- I mean the way this
16 has been working out with the community and the
17 ANCs and all the other groups that were parties,
18 I wanted to make a statement to Mr. Lewis. He
19 said he apologized. No apology needed. We
20 just appreciate all the efforts and work that
21 they have done to get us to where we are at this
22 point.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So anyway, he submitted and the vote
2 from the ANC was unanimous. Okay, any other
3 comments, questions? Anything outstanding?
4 If not, I'll entertain a motion.

5 Mr. Turnbull?

6 COMMISSIONER TURNBULL: Well, Mr.
7 Chair, you asked -- well, one of the things I had
8 asked for was for more information on the
9 landscape plan and we did get to part of their
10 submittal and I'm okay with what we've got. I'm
11 satisfied with the submittal on the landscape
12 plan.

13 CHAIRMAN HOOD: Any other comments?

14 COMMISSIONER MAY: I agree. They
15 did provide the updates we were looking for.
16 I'm prepared to move ahead.

17 CHAIRMAN HOOD: Would somebody like
18 to make a motion?

19 COMMISSIONER MILLER: I'll move
20 approval of final action on Zoning Commission
21 Case No. 10-32A, Georgetown University
22 residence halls and campus plan amendment and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 further processing at Square 1321, and as for a
2 second?

3 VICE CHAIR COHEN: Second.

4 CHAIRMAN HOOD: Okay, it's been
5 moved and properly seconded. Any further
6 discussion? All those in favor?

7 (Chorus of ayes.)

8 Not hearing opposition, Ms.
9 Schellin, will you please record the vote?

10 MS. SCHELLIN: Staff records the
11 vote 5 to 0 to 0 to approve final action in Zoning
12 Commission Case No. 10-32A. Commissioner
13 Miller moving, Commissioner Cohen seconding,
14 Commissioners Hood, May, and Turnbull in
15 support.

16 CHAIRMAN HOOD: Next, Zoning
17 Commission Case No. 10-31, DC Ballpark 2, LLC,
18 Capital Gateway Overlay Review at Square 700.

19 Ms. Schellin?

20 MS. SCHELLIN: Yes, sir. This case
21 was previously before the Commission for action
22 at the November 18th meeting at which time the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Commission decided it was not ready to take
2 action at that time and asked the applicant to
3 respond to some additional comments made at that
4 meeting. And Exhibits 39 through 41, the
5 applicant has made a supplemental -- made some
6 supplemental filings which address those
7 comments and we'd ask the Commission to consider
8 final action this evening.

9 CHAIRMAN HOOD: Okay, I think Ms.
10 Schellin has tee'd it up very well for us. Any
11 comments?

12 COMMISSIONER MAY: Mr. Chairman?

13 CHAIRMAN HOOD: Yes, Commissioner
14 May.

15 COMMISSIONER MAY: Yes. I
16 appreciate the fact they've made modifications
17 to lighten up the canopy. However, I don't
18 believe that what they've done is quite enough.
19 I would prefer that there would be no canopy at
20 all because I think that what they're doing is
21 kind of getting around the setback provisions
22 that we put in place for South Capitol Street.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So I can't support it the way it is, just out of
2 deference to our previous decision making on how
3 to treat South Capitol Street. Otherwise, they
4 didn't make modifications to the north face of
5 the building. That's not -- I can go along with
6 that, but it's the canopy which I still -- that
7 treatment, I believe, is contrary to the
8 intention of the setbacks.

9 COMMISSIONER TURNBULL: Mr.
10 Chairman, on page 35 of their submittal,
11 Commissioner May, last page, they're showing two
12 renderings, one without and one with. You're
13 saying that you would go along with the one on
14 the right?

15 COMMISSIONER MAY: I don't believe
16 the one on the right without the canopy is
17 particularly attractive.

18 COMMISSIONER TURNBULL:
19 Attractive. Well, I was going to say --

20 COMMISSIONER MAY: But I don't
21 think that should be the basis upon which this
22 is decided. I don't know what the intention was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to provide this. Is this intended to be a pick
2 one?

3 COMMISSIONER TURNBULL: Well, the
4 idea that the glass canopy is more attractive
5 than the other one.

6 COMMISSIONER MAY: It is more
7 attractive, but I also don't think it's
8 particularly well done. I think they could make
9 the version without the canopy more attractive.

10 COMMISSIONER TURNBULL: More
11 attractive.

12 COMMISSIONER MAY: But in any case,
13 I don't support the canopy.

14 COMMISSIONER TURNBULL: Okay.

15 CHAIRMAN HOOD: Okay. Mr.
16 Turnbull, you meant page 34, right?

17 COMMISSIONER TURNBULL: Yes, what
18 did I say, 35?

19 CHAIRMAN HOOD: Yes, 35.

20 COMMISSIONER TURNBULL: I meant 34.
21 I was about to get upset because I didn't have
22 that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER TURNBULL:

2 Thirty-five would be the glass back cover.

3 CHAIRMAN HOOD: I see a problem with

4 35 if that's 35. Okay --

5 COMMISSIONER TURNBULL: It's very

6 transparent.

7 CHAIRMAN HOOD: Any other comments,

8 colleagues, on that?

9 Commissioner Miller?

10 COMMISSIONER MILLER: Thank you,

11 Mr. Chairman. I think the applicant was

12 responsive to the Commission's request that they

13 provide something that's a lot of more

14 transparent. It certainly is much more

15 transparent and it is more attractive in the

16 renderings that were provided. And they also

17 took care of the -- they added some color

18 differentiation on that at-risk wall which we

19 had asked for something to break up that facade

20 in case it's there for a long time. So I have

21 no problem with it actually moving forward

22 tonight, but that's just me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Vice Chair, do you
2 want to weigh in?

3 VICE CHAIR COHEN: Yes, I had liked
4 the rendering with the glass canopy as long as
5 it's set back and it doesn't overhang the
6 building. Anyway, I'm prepared to move ahead as
7 well.

8 CHAIRMAN HOOD: I'm just going to
9 close this. I also like the one with the glass
10 canopy as opposed to the first rendering with no
11 canopy. But taken again consideration, I
12 always like a five zero vote and I know I can't
13 always get that.

14 If we leave this and do this -- I know
15 we don't like special public meetings, but it
16 will give the applicant a little time if we agree
17 -- well, I can go forward tonight, but I want to
18 be considerate of Mr. May, even though I know the
19 votes will pass to get this done. But maybe
20 taken in the light of asking the applicant to
21 maybe look at what Commissioner May mentioned
22 and see what when we come back, as long as we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 don't go from the glass canopy back to no canopy,
2 go the other direction and maybe look at some of
3 his comments.

4 Is anyone in favor of that?

5 COMMISSIONER MAY: I'm sorry, I'm
6 not sure what you're asking them to do.

7 CHAIRMAN HOOD: I'm asking them to
8 do exactly whatever it is you asked them --

9 COMMISSIONER MAY: At this point
10 I'm suggesting there be no canopy.

11 CHAIRMAN HOOD: Okay.

12 COMMISSIONER MAY: I agree. I
13 think what they've shown is -- here's a version
14 with a glass canopy which we think looks pretty
15 good. But it does, in my mind, does not follow
16 the setback requirement for South Capitol Street
17 under the Capitol Gateway Overlay. That's the
18 reason I object to it.

19 Instead, as an alternative, they're
20 showing us a fairly unattractive looking version
21 of it without a canopy. I think that that's --
22 here, pick the one with the canopy or pick the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 other one. I'm not going to go for that choice.
2 So in my mind I'm perfectly happy to be the sole
3 vote against the one with the canopy. I just
4 think it's a matter of principle. They're not
5 following the setback requirements for South
6 Capitol Street and I want to stand up for that.

7 CHAIRMAN HOOD: Okay, all right. I
8 must have misjudged. I was trying to see if we
9 can find some common ground, but obviously we
10 can't. Can I get a motion?

11 COMMISSIONER TURNBULL: I just want
12 to make a comment that although I don't mind the
13 canopy the way it looks, I think Commissioner May
14 is raising a fine, technical point which I think
15 is good. The Capitol Gateway has regulations in
16 it and I would have to agree with him, but to
17 respect those -- what we already set up
18 ourselves, the guide in Capitol Gateway, I think
19 that to start sort of making exclusions to this
20 we go against the best interests of what we're
21 trying to do from a zoning standpoint. And I
22 would have to agree with Commissioner May, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I think they need to go back and look at the no
2 canopy version and come up with a better version
3 of it. I would be not voting for this.

4 CHAIRMAN HOOD: All right.
5 Commissioners, other Commissioners?

6 COMMISSIONER MILLER: Given that,
7 we could give them a chance to come back with a
8 no canopy rendering that may be more attractive.
9 I have no problem. I think the canopy is very
10 attractive and I think they did cut back on the
11 actual width of it from the original.

12 COMMISSIONER MAY: It's better than
13 the original version of it. But glass is really
14 transparent. It's not going to be as
15 transparent as we feel. We're still going to
16 see that and it's still going to be -- it's going
17 to look like a taller building than we wanted
18 when we set the regulations for South Capitol
19 Street.

20 And I think it also kind of opens the
21 door for more of this -- these kinds of changes
22 along South Capitol.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Okay. Vice Chair
2 Miller, do you want to allow more time.
3 Commissioner May and now Mr. Turnbull would like
4 to see done, would like applicant to go back and
5 revisit.

6 I just don't want to do what we've
7 done in other cases, go back and it comes back
8 looking worse than what we have. That just
9 happened two or three -- well, before we went on
10 vacation. My opinion. My opinion. My
11 opinion. Actually my opinion and Mr. Miller's
12 opinion. I think you agree with me.

13 Vice Chair.

14 VICE CHAIR COHEN: Again, I do like
15 the canopy rendering. I think that
16 Commissioner May has made some extremely
17 important points with regard to the consistency
18 of the Overlay District. If they could do a
19 better job of the no canopy, I think we should
20 give them that opportunity and I don't think a
21 delay of a short period of time will harm the
22 project.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Okay, Ms. Schellin,
2 could you look and see how much time the
3 applicant may need? I would just suggest not to
4 throw away the glass canopy. Don't throw that
5 in File 13.

6 MS. SCHELLIN: Mr. Hughes, do you
7 want to shoot for the February meeting? March?
8 Okay. If we could have your submission by
9 February 24th and then we'll take this up at the
10 March 10th meeting.

11 CHAIRMAN HOOD: So March 10th we'll
12 revisit this final action and we appreciate the
13 applicant taking another look about the canopy
14 issue. Anything else for this case?

15 Okay, Ms. Schellin, can we move to
16 the next one?

17 MS. SCHELLIN: Yes, sir.

18 CHAIRMAN HOOD: Next case is Zoning
19 Commission Case No. 12-14/12-14A, 3rd & M, LLC
20 & Park Inn Associates Consolidated PUD and
21 Related Map Amendment at Square 542.

22 Ms. Schellin?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: Yes, sir. At
2 Exhibit 62 through 63B, we have the applicant's
3 supplemental filings. Exhibit 64 is a motion
4 from the applicant to allow a submission stating
5 that it proposes the changes to its prior
6 submission pursuant to Section 2403.20. That
7 has not been ruled on, so we'd ask the Commission
8 to rule on that this evening. It's going
9 through the process of after proposed action is
10 taken where they submit their proffers and
11 conditions and it's just that last phase if they
12 don't have any changes after talking with OAG
13 that they just submit something stating that
14 they propose nothing further and that's
15 basically all that letter states.

16 And then Exhibit 65, we have an NCPC
17 report that came in that states that they have
18 no issues with the project. And we'd ask the
19 Commission to consider final action after ruling
20 whether to accept that letter.

21 CHAIRMAN HOOD: Okay,
22 Commissioners, any objections to accepting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Exhibit 64? Any objections?

2 VICE CHAIR COHEN: No.

3 CHAIRMAN HOOD: No objections. So
4 accepted. And we also have NCPC report that
5 came in I think this evening that says there were
6 no adverse impacts to the federal interests.

7 So let's open it up for discussions.
8 We do have a submission from 63-63B which was
9 submitted to it. Let's open it up. Any
10 questions or comments?

11 Vice Chair Cohen?

12 VICE CHAIR COHEN: Thank you, Mr.
13 Chairman. I still have some difficulty
14 accepting the term of the entire buildout of the
15 project. It's consistent having the two years
16 that the PUD shall be valid for two years from
17 the effective date of the order. And then what
18 they're hoping to do though is extend and
19 possibly get extensions of their building permit
20 so that there's a seven year effective date
21 before they begin construction of the first
22 building. And then about another up to ten

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 years for the second.

2 And we're at a point in the city's
3 growth where we're receiving increases of
4 population and there is a tremendous demand for
5 housing. I mean you see that in a lot of
6 publications today. And although I recognize
7 that there's always a change in the market, the
8 applicant can come back to us for an extension
9 and provide us with significant information,
10 demographic data, absorption data, vacancy data
11 for not being in a position to begin
12 construction. I'd rather have them come back
13 to us than continually get extensions to their
14 permit. And so I was hoping that they would come
15 up with a tighter schedule and that's really
16 where I'm coming from on this one.

17 CHAIRMAN HOOD: Any other comments,
18 Commissioners?

19 COMMISSIONER MAY: I would agree
20 with the Vice Chair that something tighter would
21 be better in terms of the schedule for this and
22 I also agree that having -- we certainly are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 opening the idea of making extensions when
2 they're appropriate, but those extensions are
3 justified by real data, so I think we can't
4 simply give this such a long time frame. I don't
5 see a compelling reason in these circumstances.

6 I would also note that there were
7 other issues that have to be addressed which I
8 believe have been in terms of the diagram of the
9 rooftop space, the penthouse, et cetera. So all
10 of those issues are fixed. I think this is the
11 only remaining issue.

12 CHAIRMAN HOOD: Okay.
13 Commissioners, any other comments?
14 Commissioner Turnbull?

15 COMMISSIONER TURNBULL: Mr. Chair,
16 I would just agree with my two colleagues on the
17 time frame and I think that should be
18 significantly tightened up. I would agree that
19 the way it is now it's a little bit loose. And
20 I would agree with both the Vice Chair and Mr.
21 May.

22 CHAIRMAN HOOD: Okay. Any other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 comments. Mr. Miller?

2 COMMISSIONER MILLER: Thank you,
3 Mr. Chairman. I wanted to thank the applicant
4 for responding to the Commission's request for
5 additional revisions and responding to certain
6 issues about the penthouse, the rooftop
7 accessories space, the IZ compliance or the
8 public benefit. But I would share the views
9 that I also would like to see a shorter time frame
10 for the beginning of construction of the first
11 building that's shorter than seven years. And
12 agree that there is a method for extending it
13 before us and where we can look at the market data
14 that the applicant provides at that time. So
15 that's where I am.

16 CHAIRMAN HOOD: Okay, so the way I
17 understand it, colleagues, everything else
18 we're okay with. We just need to deal with the
19 phasing plan and come back with a shorter time
20 back to the Commission. We want to allow
21 opportunity for that. I think that's actually
22 unanimous. I would concur.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 We're not doing special public
2 meetings. We're having another meeting?

3 MS. SCHELLIN: I'm sorry, we have
4 another meeting on January 27th.

5 CHAIRMAN HOOD: Okay. Is the 27th
6 okay? Everybody is all right?

7 MS. SCHELLIN: Ms. Prince, can you
8 get something in a week? Okay, if you could
9 submit something. Monday is a holiday, so the
10 21st, could you submit something by 3 p.m.?
11 Okay, then we'll put it on for the 21st.

12 CHAIRMAN HOOD: I guess we just cut
13 out special public meetings?

14 MS. SCHELLIN: We have enough
15 meetings that we don't have special public
16 meetings for that reason.

17 CHAIRMAN HOOD: I'm trying to get
18 one in. Okay, so we're all on the same page.
19 All right, I appreciate it.

20 Colleagues, let's go to the next
21 agenda -- and let me ask this question. Should
22 we do the miscellaneous and correspondence first

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 or should we just -- let's go right into proposed
2 action. Okay.

3 Zoning Commission Case No. 12-21,
4 Covenant Baptist United Church, Consolidated
5 PUD related map amendment at Square 6129.

6 Ms. Schellin?

7 MS. SCHELLIN: I'm sorry, before
8 we go into the additional documents, this
9 evening the Office of Planning, in their report,
10 their supplemental report at Exhibit 45 that you
11 received in your package, if I recall, they
12 stated that they were waiting for some
13 additional information with regard to the size
14 of the total square footage of the church and
15 they received that information today and so they
16 handed me a second supplemental report which if
17 the Commission is open to receiving that I will
18 pass that out to you if you'll reopen the record
19 to accept that.

20 CHAIRMAN HOOD: Any objections?
21 We'll take a few minutes to review that.

22 MS. SCHELLIN: So I'll hand that out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to you. And Exhibit 43 in the record is the
2 letter from the MPD. Exhibit 45, as I stated,
3 was the supplemental OP report. Exhibit 44
4 through 44B2, 46A through 46AC and 48 was the
5 applicant's post-hearing submissions. And
6 we'd ask the Commission to consider proposed
7 action.

8 (Pause.)

9 CHAIRMAN HOOD: Okay, has everybody
10 finished reading? Okay, let's open it up.
11 Again, this is proposed action. Who would like
12 to start us off, any comments, questions, still
13 concerns?

14 COMMISSIONER MAY: Mr. Chairman?

15 CHAIRMAN HOOD: Commissioner May?

16 COMMISSIONER MAY: So there were
17 several requests that I had made that I believe
18 have been addressed. Take another look at the
19 retaining walls, especially the last -- I think
20 that's been done and been improved
21 significantly. Revising the trash enclosure
22 and actually relocating it which also helped

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 with the retaining wall issue. Modification of
2 ramp in the front, revision of the curb radius.
3 To some extent examining alternatives to the CMU
4 at the front of the retaining walls, but that was
5 a lesser issue. I think we've gotten
6 greater clarity in terms of what the actual
7 parking requirements would be for this facility
8 based on what is being provided now. So at least
9 those issues that I had a particular interest in
10 have been addressed. There are others that
11 perhaps others would want addressed. But those
12 are the ones that I had a particular interest in.

13 CHAIRMAN HOOD: Okay, any other
14 comments? Commissioner Miller?

15 COMMISSIONER MILLER: Thank you,
16 Mr. Chairman. Yes, I wanted to thank the
17 applicant for making those design changes that
18 Commissioner May just referenced, and as well as
19 meeting with the neighbors at the Chairman's
20 request at our hearing.

21 As I understand in the materials,
22 they had an extensive community meeting that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 lasted, I think, four hours. And they developed
2 a parking study and proposed parking management
3 plan that would deal with some of those traffic
4 and parking issues that some of the neighbors
5 were concerned about and if those -- if some of
6 those measures that are listed in the proposed
7 parking plan could be incorporated into our
8 draft order, I'm comfortable with moving forward
9 with this excellent project that's going to
10 provide affordable senior housing in the
11 community and the wellness center as an
12 accessory use to the church.

13 So at an appropriate time, I'm
14 prepared to move forward with it. Thank you.

15 CHAIRMAN HOOD: Thank you,
16 Commissioner Miller. Vice Chair.

17 VICE CHAIR COHEN: Thank you, Mr.
18 Chairman. I concur with my colleagues with
19 regard to the responsiveness of the applicant to
20 the concerns expressed by the members of the
21 Commission. The only thing is I'd like a little
22 bit more detail on the remote parking areas.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 You mentioned one is within walking distance,
2 but you didn't give us the actual quarter mile,
3 half a mile, you know, some people walk and
4 others can't. And then the other parking
5 garage, you did mention a van would have to come,
6 but you gave -- or I did not see -- maybe I missed
7 it, the actual timing periods, like is it every
8 15 minutes, will there be a van? So if you could
9 be a little bit more specific, I'm prepared to
10 move ahead with this project as well.

11 CHAIRMAN HOOD: Okay, any other
12 comments? Mr. Turnbull?

13 COMMISSIONER TURNBULL: Thank you,
14 Mr. Chair. Yes, I would also want to thank the
15 applicant for addressing the concerns of the
16 Commission and the neighbors and holding the
17 meetings and talking with everyone and trying to
18 come up with a compromise so it meets everyone's
19 needs.

20 I agree with the Vice Chair. I
21 think the proposals for the parking are very,
22 very good. It would be helpful to -- the key to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this is the coordinator who is going to be
2 dealing with people going back and forth. My
3 question, there was one comment they made that
4 says that the church would prohibit members from
5 parking on 1st Street and east side of 2nd
6 Street. I'm not sure how they're going to do
7 that. It says they're going to announce it in
8 church and a trustee will walk the streets.
9 It's going to be an interesting control measure,
10 but I appreciate their efforts.

11 We didn't receive anything from the
12 parties in opposition which we had thought we
13 would get back, but it looks like that at a lot
14 of the meetings the parties in opposition were
15 invited and their comments, the applicant
16 obviously heard this, the church heard all the
17 comments and have incorporated those into their
18 proposal. So as Commissioner Miller has said,
19 if we can incorporate these into our order, I
20 would be in favor of going ahead.

21 CHAIRMAN HOOD: Okay, Vice Chair,
22 did you want to add something and then I'll wrap

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it up.

2 VICE CHAIR COHEN: Yes, I just think
3 in the zoning order we should address Ms.
4 Cuthbert's concern even though she's not
5 speaking on behalf of the ANC, she did have a
6 concern. I'd just like it to be noted.

7 CHAIRMAN HOOD: I think that at the
8 hearing, I think they explained the issue about
9 not changing something that this Commission has
10 done and the ward of going from five, I think
11 going from R5A, scaling down to R52 and 53. I
12 think that was her concern. I think that was
13 explained to her and I think she was fine with
14 it even though her letter -- we also asked for
15 her letter to be submitted. But I thought when
16 she left here and I'm saying this for the record,
17 I thought when she left here that she had a pretty
18 good feeling about how this was being done and
19 handled. I'm sure if she's watching, if I
20 didn't get it right, I'm sure I'll be in a lot
21 of trouble.

22 Let me just say that my concern still

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is that I did not see from the community and I'm
2 just trying to figure out and I'm trying to lean
3 to my own understanding. I'm just trying to
4 figure out is it because of the four-hour
5 meeting, as my colleague mentioned, was that
6 satisfactory to those who came in in opposition?
7 So I guess -- and actually not showing up
8 tonight, does that mean a lot of issues were
9 resolved?

10 One of the things that I did like is
11 when -- in the submission, it says in summary we
12 were charged by residents and attendees in the
13 community meeting to not just hear the issues,
14 but to listen and improve our overall
15 communication with the entire neighborhood. So
16 I think that's a good step, a good start. But
17 also, they mentioned that we will seek a
18 neighborhood resident to participate on the
19 advisory committee. And I was wondering if that
20 is doable or can that be done by final action?

21 I see nod of heads. Okay. I didn't
22 see the pastors. Being a deacon, I always look

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to the pastors. I see one pastor nodding his
2 head. I don't see the other one nodding. If
3 you just nod, that will help me. Okay, all
4 right. Usually, it's the other way around.
5 But now, the deacon is asking. Okay.

6 All right, with those assurances I
7 feel comfortable moving forward. Anything
8 else? Would someone like to make a motion?

9 COMMISSIONER MILLER: I would move,
10 Mr. Chairman, the proposed action by the Zoning
11 Commission Case No. 12-21 Covenant Baptist
12 United Church of Christ PUD and related map
13 amendment and ask for a second.

14 CHAIRMAN HOOD: Second. Hey, you
15 got five seconds. It's been moved and properly
16 seconded. Who wants to second it?

17 COMMISSIONER TURNBULL: I think the
18 chair got that.

19 CHAIRMAN HOOD: Chair got that?
20 I'll take the second. Okay, it's been moved,
21 not first, but I'll take the second. It's been
22 moved and properly seconded. Any further

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 discussion?

2 All those in favor?

3 (Chorus of ayes.)

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

6 MS. SCHELLIN: Yes, staff records
7 the vote five to zero to zero to approve proposed
8 action Zoning Commission Case No. 12-21.
9 Commissioner Miller moving, Commissioner Hood
10 seconding, Commissioners Cohen, May, and
11 Turnbull in support. And I would just remind
12 Cynthia Giordano to abide by Section 2415, I
13 believe it is. I have a copy of that if you want
14 a copy of it, since proposed action was taken.
15 You have seven days to file the conditions and
16 proffers. Okay.

17 CHAIRMAN HOOD: Okay, thank you.
18 Let's go to Miscellaneous. Zoning Commission
19 Case No. 06-10B, the Morris and Gwendolyn
20 Cafritz Foundation Second Stage PUD and
21 Modifications of First Stage at Square 3765 and
22 3767.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. This case
3 is on the agenda because of the length of time
4 that's passed and set down in the absence of any
5 progress towards a hearing. The applicant was
6 advised that the case will be placed on the
7 agenda and they've provided a status update
8 which you have before you and we would just ask
9 the Commission to decide how they'd like to
10 proceed.

11 CHAIRMAN HOOD: Okay, thank you,
12 Ms. Schellin. Would anyone like to start. Ms.
13 Vice Chair?

14 VICE CHAIR COHEN: Mr. Chairman,
15 thank you. I do have a concern about this
16 particular project. Basically, it is open
17 ended and we have no idea when construction will
18 start. We actually, I believe, need a phasing
19 plan by which the first stage will expire. We
20 just need to have a better handle on the
21 development of this particular project. We
22 really don't have any idea. It's so open ended

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and I think we need to ask for that as part of
2 this whole move.

3 CHAIRMAN HOOD: I would agree with
4 the Vice Chair. We need an end date for when the
5 first stage and also how the remaining phases
6 will be set for a time of expiration. I would
7 agree. I'm not sure if we send a letter. Let
8 me ask, are there any other comments,
9 Commissioners?

10 COMMISSIONER TURNBULL: Well, Mr.
11 Chair, I would agree with both you and the Vice
12 Chair. I think we need a better status report
13 and I'd say give them six months to get back to
14 us.

15 CHAIRMAN HOOD: So we're going to
16 ask for all of this within six months. And Ms.
17 Schellin, if you can work out a date for us, we'll
18 leave that up to staff. Ms. Schellin, work out
19 a date in six months and we want to hear back what
20 we asked for, end date and phasing plan, time of
21 expiration. And we'll move forward in that
22 fashion at that time. We'll give them about six

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 months. Does anybody have a problem with six
2 months?

3 MS. SCHELLIN: No.

4 CHAIRMAN HOOD: All right, so we
5 agree by general consensus.

6 MS. SCHELLIN: July 15th.

7 CHAIRMAN HOOD: July 15th.

8 MS. SCHELLIN: And you want them to
9 provide dates, phasing plan with dates --

10 CHAIRMAN HOOD: End date for the
11 first stage.

12 MS. SCHELLIN: Okay, so the phasing
13 plan would have the end date of the first stage.
14 Okay.

15 CHAIRMAN HOOD: All right, so we
16 look forward to that update on July 15th.
17 Zoning Commission Case No. 08-06A, this is an
18 email from Council Member Graham and also B,
19 Zoning Commission Case No. 08-06A. This is a
20 letter from the Honorable Council Member Cheh.
21 The one from Council Member Graham is on pop-ups.
22 The one from Council Member Cheh is still asking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to make a recommendation on universities. The
2 office has responded. And colleagues, this is
3 something I think that we had asked the Office
4 of Planning to look at. In Council
5 member Graham's letter, he asked for specifics.
6 I'm not sure if the Office of Planning has that
7 letter yet.

8 MS. STEINGASSER: Yes, sir. We do
9 have a copy of that letter and we are looking at
10 the specifics that he raised and we planned to
11 do that as part of the ZRR. We've notified him,
12 but that is the process that we'll be going
13 through.

14 CHAIRMAN HOOD: Thank you. And I
15 know the Office of Zoning has also notified him,
16 so I appreciate it. And also Council Member
17 Cheh makes a recommendation in her letter in the
18 second paragraph and we're going to include that
19 as we move forward.

20 MS. STEINGASSER: Yes, sir. And
21 we've also notified her office.

22 CHAIRMAN HOOD: Great. And I know

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the Office of Zoning has done the same. So okay,
2 great.

3 Do we have anything else before us?
4 Does Office of Planning have anything they want
5 to add?

6 Okay, colleagues, anything else?
7 Ms. Schellin, are we good?

8 MS. SCHELLIN: Yes, sir.

9 CHAIRMAN HOOD: All right, I want to
10 thank everyone for their participation tonight,
11 and this meeting is adjourned.

12 (Whereupon, at 7:19 p.m., the
13 meeting was concluded.)

14

15

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com