

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Office of Zoning
3 Zoning Commission of the District of Columbia
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9 REGULAR PUBLIC MEETING
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15 6:36 TO 7:44 p.m.
16 Monday, June 29, 2015
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20 441 4th Street, N.W.
21 Jerrily R. Kress Memorial Room
22 Second Floor Hearing Room, Suite 220 South
23 Washington, D.C. 20001
24
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1 APPEARANCES:

2

3 Board Members:

4 ANTHONY HOOD, Chairman

5 MARCIE COHEN, Vice Chair

6 ROBERT MILLER

7 PETER MAY

8 MICHAEL TURNBULL

9

10 Office of Zoning:

11 SHARON SCHELLIN, Secretary

12

13 Office of Planning:

14 JENNIFER STEINGASSER

15 JOEL LAWSON

16 ELISA VITALE

17 KAREN THOMAS

18 MATT JESICK

19

20 OTHER:

21 PAUL TUMMONDS

22 REGINA JAMES

23

24

25

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

2 CHAIRMAN HOOD: Okay. Good evening,
3 everyone. We are ready to get started. This is
4 our Public Meeting of the Zoning Commission. Good
5 evening, ladies and gentlemen. This is the Public
6 Meeting of the Zoning Commission for the District
7 of Columbia.

8 My name is Anthony Hood. Joining me are
9 Vice Chair Cohen, Commissioner Miller,
10 Commissioner May, and Commissioner Turnbull. We
11 are also joined by the Office of Zoning staff, Ms.
12 Sharon Schellin; from the Office of Attorney
13 General, Mr. Ritting [ph]; from the Office of
14 Planning, Ms. Steingasser, Mr. Lawson, Ms. Vitale,
15 Ms. Thomas, and Mr. Jesick.

16 Copies of today's meeting agenda are
17 available to you and are located in the bin hear
18 the door. We do not take any public testimony at
19 our meetings unless the Commission requests
20 someone to come forward.

21 Please be advised this proceeding is
22 being recorded by a court reporter and is also
23 webcast live. Accordingly, we must ask you to
24 refrain from any disruptive noises or actions in
25 the hearing room. Please turn off all beepers and

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1 cell phones.

2 At this time we will take any preliminary
3 matters. Does the staff have any preliminary
4 matters?

5 MS. SCHELLIN: Yes, sir.

6 CHAIRMAN HOOD: Okay. We're going to
7 kind of juggle. I think we can go how it's
8 presented, how the agenda is presented, but
9 depending upon the timing we will see what we may
10 have to move.

11 Okay. So let's go first to Final Action.
12 Zoning Commission Case No. 15-08, Office of
13 Zoning, Text Amendment re: Chancery Fees. Ms.
14 Schellin.

15 MS. SCHELLIN: Yes, sir. The emergency
16 and proposed rulemaking was published in the
17 Register on April 24th, after which a public
18 hearing was held, and there have been no comments
19 received into the record. We'd ask the Commission
20 to consider final action this evening.

21 CHAIRMAN HOOD: Okay. Colleagues, I
22 think this is pretty straightforward. Any
23 comments?

24 [Chorus of nos.]

25 CHAIRMAN HOOD: Not hearing any, I would

1 move that we approve final actions on Commission
2 Case No. 15-08, Office of Zoning, Text Amendment
3 re: Chancery Fees and ask for a second.

4 COMMISSIONER COHEN: Second.

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

7 [No audible response.]

8 CHAIRMAN HOOD: All those in favor, aye.

9 [Chorus of ayes.]

10 CHAIRMAN HOOD: Any opposition?

11 [No audible response.]

12 CHAIRMAN HOOD: Not hearing any, Ms.

13 Schellin, would you record the vote.

14 MS. SCHELLIN: Staff records the votes 5-
15 0-0 to approve Final Action, Zoning Commission
16 Case No. 15-08, Commissioner Hood moving,
17 Commissioner Cohen seconding, Commissioners May,
18 Miller, and Turnbull in support.

19 CHAIRMAN HOOD: Okay. Next. Let's go to
20 Zoning Commission Case No. 14-14, Jemal's CDC,
21 LLC, Consolidated PUD and Related Map Amendment @
22 Square 833. Ms. Schellin.

23 MS. SCHELLIN: Yes, sir. In exhibits 38
24 through 40E, we have the Applicant's post-hearing
25 submissions, and then Exhibit 14, we have an NCPC

1 report, advising the project would not be
2 inconsistent with the Comp Plan for the National
3 Capital. We ask the Commission to consider final
4 action.

5 CHAIRMAN HOOD: Okay. Commissioners, I
6 believe some things were asked for. Let me open
7 it up and see if there's any discussion. Anyone?

8 COMMISSIONER TURNBULL: Yeah, Mr. Chair.
9 We received some follow-up submittals from the
10 Applicant and they clarified the paving, brick
11 paving of the alley behind the building, and they
12 confirmed the proffer, that the additional proffer
13 to the school, that it made an extra \$70,000. I
14 think everything is here, in order, that we talked
15 about, that they were going to do. I'm ready to
16 move on this.

17 CHAIRMAN HOOD: Okay. Commissioner May.

18 COMMISSIONER MAY: Mr. Chairman, as you
19 know I was not present for this hearing. I did
20 review the record and I'm prepared to vote on the
21 Final Action, and I don't have any comments except
22 to note that I appreciate your concern about my
23 desire to read the record and vote on this, and
24 all the other comments made during the hearing.

25 CHAIRMAN HOOD: I forgot you reviewed

1 that.

2 COMMISSIONER MAY: Yeah. I watch out,
3 see what happens.

4 CHAIRMAN HOOD: Okay. All right.

5 Anything else?

6 COMMISSIONER COHEN: Yeah.

7 CHAIRMAN HOOD: Vice Chair.

8 COMMISSIONER COHEN: Thank you, Mr.
9 Chairman. I just wanted to state, in paragraph
10 29, when they talk about the sustainability
11 rating, it's all sort of wishy-washy as to the
12 certification, and I believe the Applicant agreed
13 to certify the green building, Gold-equivalent
14 rating.

15 CHAIRMAN HOOD: Okay.

16 COMMISSIONER COHEN: I think it should be
17 reflected in the Zoning Order, the certification
18 language.

19 CHAIRMAN HOOD: Okay. Does the Applicant
20 have an issue with that? I don't know if you
21 could tell -- Ms. Schellin, is the Applicant here,
22 14-14?

23 [No audible response.]

24 CHAIRMAN HOOD: Okay. That's not going
25 to be a show-stopper for me. I guess maybe what

1 we can do, since the Applicant is not here -- oh,
2 they are here. Okay. Is that --

3 MS. SCHELLIN: She doesn't remember
4 agreeing to certify.

5 COMMISSIONER MAY: Honestly, you know,
6 having just reviewed the record, I didn't hear
7 that promise either.

8 COMMISSIONER COHEN: It's not a show-
9 stopper but I think that it's -- again, I think
10 these things need to be accountable by a third-
11 party certification.

12 CHAIRMAN HOOD: Okay. Since our record
13 would reflect it I think we need to be
14 predictable, so we'll move forward and we'll note
15 -- I'm sure that the Applicant would consider it,
16 but we'll note it, in this case, since it was not
17 brought up, and Commissioner May just reviewed the
18 record.

19 Okay. Anything else? Would somebody
20 like to make a motion?

21 COMMISSIONER TURNBULL: Mr. Chair, I
22 would move that we approve Zoning Case No. 14-14,
23 Jamal's CDC, LLC, Consolidated PUD and Related Map
24 Amendment @ Square 833, and ask for a second.

25 COMMISSIONER MILLER: Second.

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

3 COMMISSIONER MILLER: I just wanted to
4 note that our -- again, the appreciation that the
5 Applicant is providing affordable housing at a
6 steeper level than that required by zoning. I
7 just wanted to note that.

8 CHAIRMAN HOOD: Okay. All those in
9 favor, aye?

10 [Chorus of ayes.]

11 CHAIRMAN HOOD: Any opposition?

12 [No audible response.]

13 CHAIRMAN HOOD: Not hearing any, Ms.
14 Schellin, would you record the vote?

15 MS. SCHELLIN: Yes. Staff records the
16 vote 5-0-0 to approve Final Action on Zoning
17 Commission Case No. 14-14, Commissioner Turnbull
18 moving, Commissioner Miller Seconding,
19 Commissioners Hood, Cohen, and May in support.

20 CHAIRMAN HOOD: Okay. Next. Zoning
21 Commission Case No. 14-01A, Jemal's Hecht's LLC,
22 PUD Modification and Related Map Amendment @
23 Square 4037. Ms. Schellin.

24 MS. SCHELLIN: Yes, sir. Exhibit 32 we
25 have an NCPC report advising once again the

1 project would not be inconsistent with the Comp
2 Plan for the National Capital, and Exhibits 33
3 through 33B we have the Applicant's post-hearing
4 submissions. We'd ask the Commission to consider
5 Final Action on this case.

6 CHAIRMAN HOOD: Okay. Commissioners, I
7 think we may have asked for some views or some
8 retreatments of the proposed project, and I don't
9 think that was submitted, and I would leave that
10 up to those who may have asked for it.

11 Okay. Would somebody like to make a
12 comment, or are we satisfied?

13 COMMISSIONER MAY: So, you know, I think
14 the changes that, that were noted, you know, a
15 number of them were fairly minor and clarifying
16 notes, changes to the drawings that needed to be
17 addressed. You know, I do note that they added a
18 green wall on a portion of the, of the one façade,
19 and, you know, I think that's fine. I still --
20 I'm a little disappointed in the design overall,
21 but I have no problem with moving forward.

22 CHAIRMAN HOOD: Okay. I think we asked
23 for that green wall, didn't we?

24 COMMISSIONER MAY: Yeah.

25 CHAIRMAN HOOD: Okay. All right.

1 Anything else?

2 [No audible response.]

3 CHAIRMAN HOOD: All right. Would
4 somebody like to make a motion? Mr. Miller.

5 COMMISSIONER MILLER: Mr. Chairman, thank
6 you. I would move that the Zoning Commission take
7 Final Action on Zoning Commission Case No. 14-01A,
8 Jamal's Hecht's LLC, and ask for a second.

9 COMMISSIONER TURNBULL: Second.

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

12 [No audible response.]

13 CHAIRMAN HOOD: All those in favor, aye.

14 [Chorus of ayes.]

15 CHAIRMAN HOOD: Not hearing any
16 opposition, Ms. Schellin, would you record the
17 vote?

18 MS. SCHELLIN: Yes. Staff records the
19 vote 5-0-0 to approve Final Action on Zoning
20 Commission Case No. 14-01A, Commissioner Miller
21 moving, Commissioner Turnbull seconding,
22 Commissioners Hood, Cohen, and May in support.

23 CHAIRMAN HOOD: Okay. Zoning Commission
24 Case No. 06-46B, Half Street Residential PJV, LLC,
25 Capital Gateway Overlay Review @ Square 701. Ms.

1 Schellin.

2 MS. SCHELLIN: Yes, sir. On this case we
3 have Exhibits 20 through 22, the Applicant's post-
4 hearing submissions; Exhibit 23 is an OP
5 supplemental report; Exhibit 24 is DDOT supplement
6 report. We ask the Commission to consider Final
7 Action.

8 CHAIRMAN HOOD: I'm trying to -- didn't
9 we do a bench decision on this case? Was this a
10 bench decision?

11 COMMISSIONER COHEN: No, sir. It's a CG
12 overlay [crosstalk] --

13 CHAIRMAN HOOD: Oh, that's right. It was
14 one vote.

15 COMMISSIONER COHEN: -- on this one.

16 CHAIRMAN HOOD: One vote. Okay. That's
17 the one I wanted to do. Okay. All right. Let's
18 open it up for comment. This is the one I was
19 going to do a bench decision. Okay. Any
20 comments? I didn't have anything, actually.

21 COMMISSIONER MAY: Mr. Chairman, I note
22 that they addressed the issues that were raised in
23 the hearing, and have submitted some modified
24 drawings to reflect what they did in terms of the
25 rooftop plan and so on, and that they made some

1 changes to the, to the lighting on that alley. I
2 forgot the name of that short roadway there. They
3 removed the catenary lights and bollards since
4 those were something of a concern for DDOT or for
5 the Commission. So I think everything has been
6 addressed and everything has been tightened up.

7 CHAIRMAN HOOD: Okay. Anyone else?

8 [No audible response.]

9 CHAIRMAN HOOD: Okay. Would somebody
10 like to make a motion?

11 COMMISSIONER MILLER: Mr. Chairman, I
12 would move that the Zoning Commission take Final
13 Action on Zoning Commission Case No. 06-46B, Half
14 Street Residential PJV, LLC, Capital Gateway
15 Overlay Review @ Square 701, and note that this
16 will do a lot to enliven the Half Street entrance
17 to the Nationals Park, and ask for a second.

18 COMMISSIONER COHEN: Second.

19 CHAIRMAN HOOD: Okay. It's been moved
20 and properly seconded. Any further discussion?
21 And I will note that we held it up for those
22 particular issues, which Commissioner May --
23 because, again, I was going to do a bench decision
24 but we needed to get those other submissions
25 before we moved forward.

1 Okay. Anything else? Any other
2 discussion?

3 [No audible response.]

4 CHAIRMAN HOOD: All those in favor, aye?

5 [Chorus of ayes.]

6 CHAIRMAN HOOD: Any opposition?

7 [No audible response.]

8 CHAIRMAN HOOD: So ordered. Ms.

9 Schellin, would you record the vote?

10 MS. SCHELLIN: Yes. Staff records the
11 vote 5-0-0 to approve Final Action on Zoning
12 Commission Case No. 06-46B, Commissioner Miller
13 moving, Commissioner Cohen seconding,
14 Commissioners Hood, May, and Turnbull in support.

15 CHAIRMAN HOOD: Okay. Let's go to Zoning
16 Commission Case No. 14-21, Barry Place Partners
17 LLC, Consolidated PUD and Related Map Amendment @
18 square 2882. Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. In this case
20 there was a companion case, 11-15D, if you want to
21 do those both together. Exhibits 46 and 49
22 through 51 are the Applicant's post-hearing
23 submissions in Case No. 14-21; Exhibit 48 is an
24 NCPC report advising the project would not be
25 inconsistent with the Comp Plan for the National

1 Capital; Exhibit 52 is the supplemental report
2 from DDOT; and in the companion case, 11-15D,
3 there were no new exhibits received.

4 CHAIRMAN HOOD: Okay. Thank you, Ms.
5 Schellin. I think you've already teed up 11-D
6 [sic], and I want to include that, that we
7 considered that case, because I think we have to
8 do 11-D [sic] before we do --

9 MS. SCHELLIN: We can do it together.

10 CHAIRMAN HOOD: We can do them together?

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: Okay. All right.

13 Colleagues, again, what's before us is the Barry
14 Place Partners, 14-21, as well as 11-D [sic],
15 Howard University, Campus Plan Amendment @ Square
16 2882, along with the Barry Place Partners, LLC,
17 Consolidated PUD and Related Map Amendment @
18 Square 2882.

19 Let me open up. Any comments?

20 COMMISSIONER MAY: Mr. Chairman, just a
21 few things I'd note for the record. I mean, I
22 think they responded to the issues that we had
23 raised, for the most part. I had made some
24 suggestions about rearranging the loading dock to
25 make it more accessible to the spaces that it

1 served but they explained why that's not possible.
2 I'm not sure I agree with that explanation but I
3 appreciate them looking at it, at least. They
4 addressed the elevator setback issue by using a
5 machine room-less elevator, which dropped the
6 height that they need for the overrun, so I think
7 that's an improvement. They addressed the Barry
8 Place sidewalk repairs, worked that out with DDOT,
9 and it's, I think they said ultimately it would be
10 about \$25,000 to fix that, and I think that's a
11 good solution. They provided the courtyard
12 elevations that we had asked for.

13 There were a few things where I'm not so
14 sure how responsive the information was. One is
15 that they provided a written response to the DDOE
16 letter by essentially saying that, well, we're
17 doing some of that stuff and other stuff we're
18 still working on. I'm summarizing, obviously, but
19 it was not a very substantive response and I know
20 that Commissioner Miller was interested in that,
21 so maybe he'd want to talk to that.

22 And then I didn't see the -- well, I
23 mean, were we going to talk more about the
24 university use of staff housing? I mean, I think
25 this was an issue that Commissioner Turnbull had

1 raised about whether that really works for us, but
2 maybe that's fine.

3 So those were a couple of things that I
4 thought. They did also talk about the security
5 plans for the garage, and I can't say that I
6 really followed it all very clearly, but that
7 wasn't my biggest concern. So, anyway, I'll leave
8 it to others to respond to some of those points.

9 CHAIRMAN HOOD: Okay. Does anyone have
10 any concerns about something that may not have
11 been responded to? Commissioner Miller.

12 COMMISSIONER MILLER: No. I just wanted
13 to add another element that they, in more
14 specificity, that they did change, in terms of the
15 building design. They went back to the original
16 use of the wood paneling material at the corner of
17 Barry Place and 9th Street, which was in the
18 original design and then it was off, and then we
19 asked if they'd consider putting it back on and
20 they did. So I just wanted to express
21 appreciation for that change.

22 The DDOE, I think that's a work in
23 progress on all of these applications.

24 CHAIRMAN HOOD: And on that note with the
25 DDOE, I think what Commissioner May had asked for

1 in our training, hopefully we'll get to that
2 point. I don't know if you remember what you
3 asked for. I think that is a very valid ask when
4 we're looking at DDOE, so we can be more specific.
5 And then I think that will help Applicants
6 respond, and then that way we'll be clear, instead
7 of just like a general. So hopefully, at some
8 point in time, Mr. Wilson, we will start evolving
9 to that point, and again, it's still fairly new.
10 So again, an opportunity to transition to exactly
11 what Commissioner May asked for at our training
12 session.

13 Okay. Anything else? Mr. Turnbull, did
14 you have something, anything that was --

15 COMMISSIONER TURNBULL: No. I'm not
16 going to go down that road.

17 [Laughter.]

18 COMMISSIONER TURNBULL: I made my
19 comments before.

20 CHAIRMAN HOOD: So --

21 COMMISSIONER TURNBULL: It is what it is.

22 CHAIRMAN HOOD: Okay. All right. Anyone
23 else?

24 [No audible response.]

25 CHAIRMAN HOOD: All right. Would

1 somebody like to make a motion, on both cases, if
2 you don't mind.

3 COMMISSIONER TURNBULL: I'd be delighted
4 to make a motion. I would move that we take Final
5 Action on Zoning Cases -- well, let me mention
6 each one separately -- Zoning Case No. 14-21,
7 Barry Place Partners, LLC, Consolidated PUD and
8 Related Map Amendment @ Square 2882; and Zoning
9 Case No. 11-15D, Howard University Campus Plan
10 Amendment @ Square 2882, and look for a second.

11 COMMISSIONER COHEN: Second.

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

14 [No audible response.]

15 CHAIRMAN HOOD: All those in favor, aye.

16 [Chorus of ayes.]

17 CHAIRMAN HOOD: Any opposition?

18 [No audible response.]

19 CHAIRMAN HOOD: Not hearing any, Ms.

20 Schellin, would you record the vote.

21 MS. SCHELLIN: Yes, sir. Staff records
22 the vote 5-0-0 to approve Final Action on Zoning
23 Commission Case Nos. 14-21 and 11-15D,
24 Commissioner Turnbull moving, Commissioner Cohen
25 seconding, Commissioners Hood, May, and Miller in

1 support.

2 CHAIRMAN HOOD: Okay. Let's go right
3 into Zoning Commission Case No. 10-28. This is
4 the 901 Monroe Street LLC Review of an OAG
5 Proposed Order. Ms. Schellin.

6 MS. SCHELLIN: Yes, sir. Staff has
7 nothing further to add other than the fact that
8 you do have a Proposed Order from the Office of
9 the Attorney General before you and would ask that
10 you make a decision whether to adopt the order.

11 CHAIRMAN HOOD: Okay. Colleagues, my
12 position is that we adopt this order. We've
13 flushed out a lot of things, so I would think that
14 it's ready, as a request of the courts. So any
15 comments?

16 COMMISSIONER TURNBULL: I would concur
17 with you, Mr. Chair. The only thing I would add
18 is that I would include -- we made some comments
19 in our closed meeting and I think there was going
20 to be maybe some revisions, based upon that, to
21 the order, based upon our comments in that closed
22 meeting.

23 CHAIRMAN HOOD: Okay, and I think a lot
24 of them were editorial.

25 COMMISSIONER TURNBULL: A lot of them

1 were editorial, right.

2 CHAIRMAN HOOD: Yeah. Okay. Any other
3 comments on this?

4 COMMISSIONER MILLER: I just want you to
5 know, Mr. Chairman, that I'm not a participant in
6 this particular case because I wasn't on the
7 Commission yet when the case was heard and
8 decided.

9 CHAIRMAN HOOD: Okay. Okay. Any other
10 comments?

11 [No audible response.]

12 CHAIRMAN HOOD: Okay. I would move that
13 we adopt the Order on Remand, Zoning Commission
14 Case No. 10-28, OAG's Proposed Order, and ask for
15 a second.

16 COMMISSIONER COHEN: Second.

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

19 [No audible response.]

20 CHAIRMAN HOOD: All those in favor, aye.

21 [Chorus of ayes.]

22 CHAIRMAN HOOD: Ms. Schellin, would you
23 record the vote.

24 MS. SCHELLIN: Yes, sir. Staff records
25 the vote 4-0-1 to adopt the OAG Proposed Order on

1 Remand, Commissioner Hood moving, Commissioner
2 Cohen seconding, Commissioners May and Turnbull in
3 Support, Commissioner Miller not voting, having
4 not participated in the case.

5 CHAIRMAN HOOD: Okay. Can we do -- we'll
6 do this last -- oh, no, I'm sorry. This was a
7 Proposed Action. Let's do Proposed Action and
8 then let's do Correspondence, and then let's go
9 back to Hearing Action. I think we're looking
10 good on time.

11 Okay. Proposed Action, Zoning Commission
12 Case No. 14-18. This the Mid-City Financial
13 Corporation, 1st Stage PUD and Related Map
14 Amendment @ Square 3953, as stated. Ms. Schellin.

15 MS. SCHELLIN: Yes, sir. At Exhibits 104
16 through 104C we have the Applicant's post-hearing
17 submissions; Exhibit 105 we have an OP
18 supplemental report; Exhibits 107 and 108, we have
19 the Applicant's Draft Findings of Facts and
20 Conclusions of Law; and Exhibit 109, we have the
21 Opponents Draft Findings of Facts and Conclusions
22 of Law. We would ask the Commission to consider
23 Proposed Action this evening.

24 CHAIRMAN HOOD: Okay. Colleagues, this
25 is the Mid-City 1st Stage PUD and Related Map

1 Amendment @ Square 3953, as stated. Any comments
2 or questions?

3 COMMISSIONER TURNBULL: Mr. Chair, I
4 would just note one thing in their supplemental,
5 one of the supplemental submissions. We had
6 talked about -- I think it came up in the hearing
7 about some sidewalk repairs, and I think they did
8 note, they have noted several sidewalks -- I don't
9 have it right in front of me -- to be repaired. I
10 think the total cost of that was about \$35,000 to
11 repair, and some striping, and some other
12 miscellaneous street work that we had asked about
13 at the hearing.

14 I just want to make a note that that was
15 submitted.

16 CHAIRMAN HOOD: Okay. Any other comments
17 or questions?

18 COMMISSIONER MAY: I think they submitted
19 a number of things that were responsive to the
20 comments that we raised, and I think the one thing
21 that I would like to discuss a little bit further
22 is the phasing plan, which they did provide in
23 some detail and I think that was very helpful, and
24 the way it was described was helpful. But the way
25 I read it, they're asking for 8 years to file for

1 the Final Stage 2, August 1st of 2023, which means
2 that it would take another, I don't know, 3 or 4
3 years to get built once they file for that second
4 stage, so a total of 12 years out.

5 And I'm just -- you know, we certainly
6 have had PUD cases that have lasted that long,
7 especially larger ones like this, but I wanted to
8 make sure that we were all well aware that, that
9 this one could well be that long and extend much,
10 much farther into your tenure, Chairman Hood. In
11 2023, you'll be around, right?

12 CHAIRMAN HOOD: It'll be done in 2018,
13 then, I think.

14 [Laughter.]

15 COMMISSIONER MAY: Yeah, right.

16 CHAIRMAN HOOD: Okay. So what do we want
17 to do with the phasing plan? What is the
18 suggestion that we may have?

19 COMMISSIONER MAY: I don't necessarily
20 have a suggestion. I mean, it's a big project and
21 it has to be done in pieces, and I think it's
22 being thoughtfully planned out to minimize
23 displacement and relocation, so the people are not
24 moving off-site and moving back on, but they're
25 moving within the site. But still, it's a long

1 time before they even file for that last second
2 stage.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: I mean, I wish it was
5 sooner than that, but that -- maybe it just is
6 what it is. It's not, it's not the biggest time
7 period that we've been asked for. Certainly we've
8 been asked for things that are approaching 20
9 years and we've pushed back on those.

10 CHAIRMAN HOOD: Vice Chair Cohen.

11 COMMISSIONER COHEN: Thank you, Mr.
12 Chairman. I concur that it is a fairly long, long
13 time frame, and I did read the Applicant's
14 explanation but I still think that they can be
15 slightly more aggressive, and would like them to
16 revisit the timeline and see if they can shrink it
17 somewhat.

18 CHAIRMAN HOOD: Okay. So that's one of
19 the requests that we'll have, I guess, before
20 Final Action. Commissioner May, you wanted to add
21 something to that?

22 COMMISSIONER MAY: No.

23 CHAIRMAN HOOD: Okay. Anybody?

24 COMMISSIONER TURNBULL: Yeah. I just
25 wanted to clarify that the additional work that I

1 was talking about is all on Rhode Island Avenue.

2 CHAIRMAN HOOD: Okay. Colleagues, we
3 have Exhibit No. 109, which is the Opponent's
4 Proposed Findings of Facts and Conclusions. I've
5 kind of looked through it, but I know they raised
6 some points. Those points do not give me pause.
7 I think, as far as I understand the concern about
8 relocation, I think, I feel pretty confident, and
9 I've seen many applicant's down here about
10 relocation, and I have -- I think this one is
11 going to work, especially with the time.
12 Hopefully it won't get lost through the time
13 sequence and we're going to looking for phasing,
14 but I don't have any issues about the relocation.
15 And I understand the concern and the skepticism,
16 but I think, of all the applicants I've seen --
17 and I've seen many -- I think this one has really,
18 at least showed an interest. When you look in the
19 audience -- and I've said this five or six times -
20 - we pay attention to who shows up at other
21 hearings, and this applicant has done that, so I
22 feel good about that.

23 Okay.

24 COMMISSIONER MILLER: Mr. Chairman?

25 CHAIRMAN HOOD: Yes.

1 COMMISSIONER MILLER: I just wanted to
2 agree with you on that point. I think that this
3 is a very strong relocation and residents being
4 able to stay on the property element in this
5 Application.

6 On the phasing, I just wanted to note
7 that because they are -- unless something
8 extraordinary happens -- going to be keeping
9 everybody on site, unlike other projects which
10 couldn't manage to do that, for whatever reason, I
11 think that is, I think, what's driving most of the
12 phasing, and that it's such a large project, and
13 creating a whole new revitalized, mixed-use and
14 mixed-income community, with real neighbor-serving
15 retail there.

16 And the first requirement on the phasing
17 is that the first phase, the first second stage be
18 filed by August, I believe, August 1st of next
19 year, and that's the seniors building, which is
20 probably one of the more important residential
21 elements here. And then the phase right after
22 that I think includes Phase 2A, I believe it's 2A,
23 that includes that whole community green. So a
24 lot of the important elements get done, most
25 important elements get done on the earlier part,

1 so I'm comfortable with moving forward.

2 CHAIRMAN HOOD: Okay. Any other comments
3 on this?

4 [No audible response.]

5 CHAIRMAN HOOD: I will recall for the
6 record that when we first saw this, if I'm not
7 mistaken we didn't even set this case down,
8 because, you know, the Zoning Commission gets beat
9 up all the time, and they say we don't see a PUD
10 we don't like, and I try to explain to people it's
11 not exactly how it came in here. So I want to be
12 on record. This is one that we didn't even set
13 down when we first got it.

14 COMMISSIONER MILLER: We agreed with OP's
15 concerns about the inconsistency with the
16 Comprehensive Plan.

17 CHAIRMAN HOOD: Right. Yeah, we had
18 other issues too but that was the main one. But
19 the point is, we didn't even set it down. So
20 anyway -- any other comments on that?

21 [No audible response.]

22 CHAIRMAN HOOD: Would somebody like to
23 make a motion?

24 COMMISSIONER COHEN: Mr. Chairman, I move
25 that we take Proposed Action on Zoning Case No.

1 14-18, Mid-City Financial Corporation, 1st Stage
2 PUD and Related Map Amendment @ Square 3953, et
3 cetera.

4 COMMISSIONER MILLER: Second.

5 CHAIRMAN HOOD: Okay. It's been moved --
6 sorry -- moved and properly seconded by
7 Commissioner Miller. Any further discussion?

8 [No audible response.]

9 CHAIRMAN HOOD: All those in favor, aye.

10 [Chorus of ayes.]

11 CHAIRMAN HOOD: Not hearing any
12 opposition, Ms. Schellin, if you'll record the
13 vote.

14 MS. SCHELLIN: Yes, sir. Staff records
15 the vote 5-0-0 to approve Proposed Action on
16 Zoning Commission Case No. 14-18, Commissioner
17 Cohen moving, Commissioner Miller seconding,
18 Commissioners Hood, May, and Turnbull in support,
19 and if I heard correctly there was only one or two
20 items that was asked for?

21 CHAIRMAN HOOD: Yeah, and I think all
22 those could be done by Final. Do we need to go
23 over the list?

24 MS. SCHELLIN: If we could just give a
25 date, since I was so sure if we could have them do

1 that in 2 weeks and then the parties would have 1
2 week to respond, if I could go ahead and give
3 those dates this evening.

4 CHAIRMAN HOOD: Yes. You can go ahead
5 and do that.

6 MS. SCHELLIN: So if those items could be
7 provided by July 13th, 3:00 p.m. And then the
8 parties, I believe there was opposition party and
9 the ANC, if they could provide the responses by
10 3:00 p.m., July 20th, 3:00 p.m. And then also the
11 Applicant knows to do the proffers and conditions.

12 MR. TUMMONDS: I believe -- Paul
13 Tummonds, for the record, Counsel with Goulston
14 and Storrs. Is it just one thing we're providing,
15 which is --

16 MS. SCHELLIN: Maybe it was just to
17 respond about the phasing, is that you're --

18 MR. TUMMONDS: That's correct.

19 MS. SCHELLIN: But just in case I missed
20 something, I was typing notes.

21 MR. TUMMONDS: We're on the same page.
22 Thank you.

23 CHAIRMAN HOOD: Okay. Anything else on
24 this case?

25 MS. SCHELLIN: No, sir.

1 CHAIRMAN HOOD: Okay.

2 MS. JAMES: Commissioner Regina James,
3 and the ANC needs to provide what?

4 MS. SCHELLIN: If you choose to respond
5 to the document that they provide on the 13th, by
6 3:00 p.m. -- they'll serve you with a copy of it -
7 - if you choose to respond then you have until the
8 20th of July, 3:00 p.m. if you choose to respond.
9 You don't have to.

10 MS. JAMES: Okay. Thank you, Commission.

11 CHAIRMAN HOOD: Thank you. Okay. And
12 that's anybody, if you choose to respond.

13 MS. SCHELLIN: The opposition party
14 doesn't have to.

15 CHAIRMAN HOOD: The opposition party
16 also.

17 MS. SCHELLIN: But if they choose to,
18 they can.

19 CHAIRMAN HOOD: If you don't want to
20 respond, you don't have to. That's your choice.

21 MS. SCHELLIN: Right.

22 CHAIRMAN HOOD: ANC and the opposition.
23 Okay. I need 2 minutes.

24 [Off the record from 7:09 to 7:10 p.m.]

25 CHAIRMAN HOOD: Okay. Let's go back on

1 the record. Let's do the Correspondence first, on
2 Zoning Commission Case No. 14-02, A&R Development,
3 et al., Barry Farm. Ms. Schellin.

4 MS. SCHELLIN: Yes, sir. Exhibits 109
5 and 110, BFTAA filed a Motion for Reconsideration;
6 Exhibit 111, the Applicant filed its opposition to
7 that motion and they also filed, within that same
8 filing, a Motion to Strike the report attached to
9 BFTAA's motion; and Exhibit 112, BFTAA filed a
10 Motion in Opposition to the Applicant's Motion to
11 Strike, so we'd ask the Commission to take up
12 those items.

13 CHAIRMAN HOOD: Okay, and I believe, Mr.
14 Ritting, we have to take up the Motion to Strike
15 first? Order of procedure?

16 MR. RITTING: That seems to make the most
17 sense, given that embedded in the record would be
18 an item that you would then be striking from the
19 record if you did it in the reverse order. So,
20 yes, I agree that that is the proper course.

21 CHAIRMAN HOOD: Okay. Commissioners, on
22 Exhibit 111, I believe is the Motion to Strike.
23 Yeah. The Opposition, also, a Motion to Strike
24 the report attached to BFTAA's motion. Okay. And
25 where we have a request in front of us -- hold on

1 one second.

2 [Cell phone rings.]

3 CHAIRMAN HOOD: That was me this time. I
4 apologize.

5 Okay. Any comments on the motion?

6 [No audible response.]

7 CHAIRMAN HOOD: Do we want to talk about
8 the Motion to Reconsider, or any issues with the
9 Motion to Strike?

10 [No audible response.]

11 CHAIRMAN HOOD: Okay. Let's -- I think
12 we -- it sounds like we want to go to the merits
13 of the reconsideration. Am I correct? That's
14 kind of where I would like to go. So we can deny
15 the Motion to Strike and we can go to the
16 reconsideration request.

17 Okay. So we will, we will move to deny
18 the Motion to Strike, and I'll ask for a second.

19 COMMISSIONER COHEN: Second.

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

22 [No audible response.]

23 CHAIRMAN HOOD: All those in favor, aye.

24 [Chorus of ayes.]

25 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you record the
2 vote.

3 MS. SCHELLIN: Yes. Staff records the
4 vote 5-0-0 to deny the Applicant's Motion to
5 Strike, Commissioner Hood moving, Commissioner
6 Cohen seconding, Commissioners Miller, May, and
7 Turnbull in support of the denial.

8 CHAIRMAN HOOD: Okay. Next we'll take up
9 the Motion to Reconsider. Would someone like to
10 get it started?

11 I think in the Exhibit 109, which is
12 BFTAA's Motion to reconsider, I think if you're
13 going to present something to the Commission we
14 need to present it in whole. 163 -- and I'm going
15 to take it straight from their Submission for
16 Reconsideration -- 163 simply says -- and this is
17 their statement after the decision, it says, "The
18 Commission made the legal finding that
19 reintegration, financing, and dislocation of
20 residents was outside the purview of zoning." It
21 actually is, but since it was proffered then we're
22 requiring it. We've exhausted it. It goes along
23 with the uniform -- I think this Commission dealt
24 with the relocation issue sufficiently, and since
25 they have proffered it and offered it, we are now

1 requiring them to do it.

2 So I think this Motion for
3 Reconsideration, for me, I don't think that should
4 even be -- that doesn't rise to the cause for
5 reconsideration, and neither do the other points
6 that they have in their submission, which is
7 Exhibit No. 109. That's what I see. I don't know
8 if anyone else has anything else on the Motion to
9 Reconsider.

10 [No audible response.]

11 CHAIRMAN HOOD: Okay. Any other
12 comments?

13 [No audible response.]

14 CHAIRMAN HOOD: I would move that we deny
15 the BFTAA's Motion to Reconsider and ask for a
16 second.

17 COMMISSIONER COHEN: Second.

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

20 [No audible response.]

21 CHAIRMAN HOOD: All those in favor, aye.

22 [Chorus of ayes.]

23 CHAIRMAN HOOD: Any opposition?

24 [No audible response.]

25 CHAIRMAN HOOD: So ordered. Ms.

1 Schellin, would you record the vote.

2 MS. SCHELLIN: Staff records the vote 5-
3 0-0 to deny the BFTAA's Motion for
4 Reconsideration, Commissioner Hood moving,
5 Commissioner Cohen seconding, Commissioners May,
6 Miller, and Turnbull in support of denial.

7 CHAIRMAN HOOD: Okay. Let's go to
8 Hearing Action. Zoning Commission Case No. 15-02,
9 MHI-Brookland, LLC, Consolidated PUD and Relate
10 Map Amendment @ Square 3645 and 3748, and Parcel
11 132/89. Ms. Vitale.

12 MS. VITALE: Good evening, Mr. Chair and
13 Members of the Commission. OP is recommending
14 setdown of the Consolidated PUD and Related Map
15 Amendment requested by MHI-Brookland and The
16 Redemptorists to permit development of the
17 property at 3112 7th Street, N.E. The PUD-related
18 Map Amendment from the R-5-A to the R-5-B zone
19 would allow for the construction of 40 townhomes
20 on the site of the Holy Redeemer College. The
21 proposed FAR of 0.96 is consistent with the
22 maximum FAR permitted for an R-5 PUD. The
23 proposal would meet the 10 percent inclusionary
24 zoning requirement and would provide five
25 designated affordable dwelling units, with two

1 units for households making 80 percent of the area
2 median income, and three units for households
3 making 50 percent of AMI.

4 The Applicant is requesting flexibility
5 from the front, side, and rear yard requirements.
6 This site is designated for institutional use on
7 both the Policy Map and the Future Land Map in the
8 Comprehensive Plan. The Holy Redeemer building
9 would remain on-site and the religious,
10 residential, and office functions would continue
11 in that building.

12 The proposal conforms to the
13 Comprehensive Plan's policy objectives for the
14 Upper Northeast area. Those objectives include
15 the provision of transit-accessible infill
16 housing, and this proposed development would be
17 within 1/2 mile of the Brookland Metro.

18 The Applicant is proposing to submit a
19 landmark nomination for the existing Holy Redeemer
20 building and historic preservation staff have been
21 involved in discussions about the site plan and
22 townhome design. The Applicant continues to work
23 with ANC 5E and the Edgewood community to refine
24 the amenities package for the project.

25 OP has requested that the Applicant

1 provide some additional information, to include a
2 revised site plan that eliminates the surface
3 townhome visitor parking spaces; minimizes the
4 width of the drive aisles; and introduces
5 appropriate lawn or landscaping in place of the
6 paved surfaces mentioned previously; provides
7 information regarding visitor bike parking
8 facilities; more detailed storm water management
9 site and landscaping plans, demonstrating storm
10 water management NGAR compliance for the project;
11 detailed elevations for the townhomes; as well as
12 updated information regarding the IZ units,
13 including a revised ADU location plan that better
14 distributes these units through the project and
15 provides larger units that are in keeping with the
16 overall project proposal as a whole; and then,
17 finally, additional information regarding the
18 extent of employment and training opportunities
19 that would be provided by the project.

20 The proposed PUD is not inconsistent with
21 the Comprehensive Plan. Therefore, OP is
22 recommending that the Application be set down for
23 public hearing.

24 Thank you, and I can answer any
25 questions.

1 CHAIRMAN HOOD: Okay. Thank you, Ms.
2 Vitale. Colleagues, do we have any questions of
3 the Office of Planning? Commissioner Miller.

4 COMMISSIONER MILLER: Thank you, Mr.
5 Chairman. I may have one question but I just
6 wanted to thank Office of Planning for its report,
7 and I think all the additional information or
8 changes that OP has requested are appropriate. I
9 would personally agree with each of them, and I
10 think it's a very attractively designed project,
11 from what we've seen so far.

12 I just had a question about the historic
13 landmark, the fact that your report, and you just
14 mentioned that the Applicant has proposed a
15 submittal and marked nomination for the Holy
16 Redeemer building, and is coordinating with your
17 office on that, and the DC Historic Preservation
18 Office, within our office, on that effort. So
19 what's the timing on that, and I assume that your
20 HPO staff is giving advice so that what's coming
21 before us isn't going to have to be significantly
22 altered? I mean, I assume the grand lawn in front
23 of the Holy Redeemer building might be affected
24 somehow by that landmark nomination, but I also
25 assume that you're advising the Applicant to make

1 certain changes that would be in conformity with
2 what might come down the line.

3 MS. VITALE: That's correct. Historic
4 preservation staff have been involved in the
5 meetings to date with the Applicant, and there was
6 even an initial submittal that you can see was
7 revised, based on those conversations. So we're
8 continuing to coordinate and we can get back to
9 you with information with respect to timing. I'm
10 not sure exactly when that nomination might be
11 submitted.

12 COMMISSIONER MILLER: Okay. Thank you
13 very much.

14 CHAIRMAN HOOD: Okay. Any other
15 questions or comments of the Office of Planning?
16 Anybody. Mr. Turnbull.

17 COMMISSIONER TURNBULL: Yeah. Thank you,
18 Mr. Chair. I want to thank Ms. Vitale for her
19 report also.

20 I guess, you know, I think you sort of
21 touched on it. As much as this project is going
22 to be kind of a needed project for housing, it's a
23 badly organized set of drawings. I mean, it's
24 very confusing. I mean, I didn't realize until I
25 was halfway through that I'm looking at two

1 different sets, from two different dates. And
2 when I first look at, in the beginning of the
3 project, I looked at an elevation on Sheet A-106,
4 and what always makes me feel uncomfortable is
5 when I see something labeled "high profile side
6 elevation." And then I see "standard side
7 elevation."

8 And I really don't like "high profile."
9 I mean, it's like, is the high profile what's
10 going to be facing Holy Redeemer building and the
11 rest of the people get something less? And it
12 wasn't until later on that I start going to see
13 some of the elevations. It looks like the site
14 elevations may be brick, but I'm not sure. It's a
15 very confusing set of drawings. I really think
16 they've got to think of this project in 3D, that
17 let's not have one elevation for somebody over
18 here and then a back elevation for somebody else.
19 I think it's got to be a unity. There's got to
20 be some comprehensive aspect on how you look at
21 this.

22 And I'd like to see some perspectives
23 rather than just elevations and front-on views.
24 I'd like to see some -- either through the alleys
25 as you turn the corner. You've talked about

1 removing one building, and I think you've also
2 talked about play areas, and your concern about
3 that. It's just if there's children here, where
4 are they going? And you talk about the next
5 playground as significantly far away. So I would
6 like to see -- and I think you mentioned it -- a
7 better site plan, a landscape plan, that clearly
8 shows what's going on with the site.

9 I mean, you shouldn't mix a civil drawing
10 with a landscape drawing. I mean, they ought to
11 be clearly defined and I think the drawings ought
12 to be better organized so we can follow it more
13 easily.

14 But thank you again.

15 CHAIRMAN HOOD: Any other questions or
16 comments? Commissioner May.

17 COMMISSIONER MAY: Yeah. I have a fair
18 amount to say about it and unfortunately not much
19 of it is very good.

20 First of all, I want to thank the Office
21 of Planning because what I figured out -- I was
22 looking at two different sets of drawings. I saw
23 what changed from one to the next, and I
24 appreciate the fact that Office of Planning has
25 already been working on some of the issues that I

1 certainly would have raised with the first set.
2 And I do agree with the number requests from the
3 Office of Planning for additional information from
4 the Applicant.

5 We do need to have a site plan that puts
6 the building into the context. You can only sort
7 of get glimpses of what surrounds this site from
8 the drawings that were presented, so something
9 that shows the greater context would be helpful,
10 including possibly just simple aerial photography
11 from, you know, Google Earth or whatever.

12 I will refrain from commenting on this
13 building type, which I have commented on several
14 times in the past, and I'm not a big fan of.

15 The 14-foot wide units, I think are
16 especially problematic. I think that those units
17 are difficult to furnish and difficult to live in.
18 I've lived in a 14-foot wide townhouse before and
19 it's just not the ideal thing. But I understand
20 economics may drive it, and I know that we've
21 approved such things before, but there are an
22 awful lot of 14-foot wide units here.

23 The floor plans themselves -- I mean,
24 normally I wouldn't concern myself with floor
25 plans, except that, you know, what I see here is

1 really lacking in architectural skill. There was,
2 again, notable improvement between the first
3 filing and the May 14th submission but there are
4 still problems with the stair placements and the
5 way the foyers are planned, particularly in the
6 larger units where you'd think they would work
7 well. And, you know, the stair placement makes
8 some of the units harder to furnish, so I think
9 they need work. But again, I'm not as concerned
10 about what goes on on the inside. I guess if they
11 can build them that way and sell them, I shouldn't
12 be that concerned. I'm more concerned about
13 what's on the outside.

14 Speaking of what's on the outside, the
15 end walls are not very well designed. Again, they
16 certainly got better from where they were in the
17 initial set, but there seems to be a lack of care
18 or concern about how things line up. You know,
19 vertically, it's -- you know, really, you're going
20 to build a brand new townhouse and you can't make
21 the windows all line up on the façade? And we're
22 just talking about moving something 4 inches or 8
23 inches of brick with. It just seems so
24 straightforward to design it carefully.

25 I think part of the problem is that the

1 drawings themselves are really not very precise.
2 I'm not a big fan of this technique. I imagine
3 there are reasons why this architect chooses to
4 draw buildings this way, and the fact they look
5 old-fashioned, because maybe there were drawn by
6 hand or they're made to look like they're drawn by
7 hand. But we're used to seeing things that are
8 much more precise and that can communicate the
9 nature of the facades a lot better than this, and
10 it's just really not very good.

11 The project, to me, really screams kind
12 of low budget, from start to finish, from the site
13 planning to the use of materials, and there's
14 careless design all the way through. You know,
15 the choice of this particular brand of brick, the
16 use of HardiePanel on the back of the facades -- I
17 mean, we're not even talking about Hardie board
18 siding, which often happens when you've got brick
19 in the front and you've got siding in the back.
20 But HardiePanel? I mean, you know, we've seen the
21 proof projects that used large pieces of
22 HardiePanel as part of the design but it's
23 integrated into the design and it's part of a more
24 modern finish, and here it's just, it's a way to
25 build more cheaply in the back side. I mean,

1 that's the only thing I can conclude.

2 I'm also -- I mean, this is a minor
3 point, but there were downspouts on the facades in
4 the first set of drawings and there are not
5 downspouts on the facades on the second one, so
6 where did they go? Did they get integrated into
7 the building or are they going to show up, you
8 know, at some later point and just be thrown up by
9 the roofing contractor because nobody bothered to
10 design them?

11 And the last thing is that I was confused
12 by the request for rear and side yard relief, and
13 so it would be helpful to actually have that
14 diagrammed in the drawings.

15 That's it.

16 CHAIRMAN HOOD: Okay. Any other
17 comments? Vice Chair Cohen.

18 COMMISSIONER COHEN: Yeah. I think that
19 there's been a comprehensive list of things that
20 my colleagues have come up with. The one thing
21 that seems to have been omitted but concerns me
22 are the metal rails on the fourth floor of the 18-
23 foot rear elevation and 14 -- well, on all of
24 them. I just want to make sure that there are
25 child safety efforts being made so that children

1 who can open up a window won't play and fall out.

2 And I think it's pretty complete. Thank
3 you for your review. It was very thorough.

4 CHAIRMAN HOOD: Okay. Any other
5 comments?

6 [No audible response.]

7 CHAIRMAN HOOD: What's being asked for?
8 Are we ready to set this down and allow them the
9 opportunity to come back at a hearing and fix some
10 of this?

11 And I think, from what I've heard,
12 they're going to need the full 60 minutes, from
13 what I've heard, and I haven't got to mine. So I
14 will give them an opportunity to indulge in some
15 of the questions. I'm looking forward to hearing
16 a presentation.

17 Okay. Would someone like to make a
18 motion to set it down?

19 COMMISSIONER COHEN: Mr. Chairman, I will
20 move to set down Zoning Case No. 15-02,
21 Consolidated PUD and Related Zoning Map Amendment
22 from R-5-A to R-5-B, Brookland Townhomes, Squares
23 3645, Lots 802 and 804, Square 3648, Lot 804, and
24 Parcel 132/89.

25 CHAIRMAN HOOD: Second?

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

3 [No audible response.]

4 CHAIRMAN HOOD: All those in favor, aye.

5 [Chorus of ayes.]

6 CHAIRMAN HOOD: Any opposition?

7 [No audible response.]

8 CHAIRMAN HOOD: Not hearing any, Ms.

9 Schellin, would you record the vote.

10 MS. SCHELLIN: The staff records the vote
11 5-0-0 to set down Zoning Commission Case No. 15-02
12 as a contested case, Commission Cohen moving,
13 Commissioner Hood seconding, Commissioners May,
14 Miller, and Turnbull in support.

15 CHAIRMAN HOOD: Okay. Next, let's go to,
16 I think this is our last case for Hearing Action,
17 Zoning Commission Case No. 15-10, Deanwood Hills,
18 LLC, Consolidated PUD and Related Map Amendment @
19 Square 5197. Ms. Thomas.

20 MS. THOMAS: Good evening, Mr. Chairman,
21 Members of the Commission. Karen Thomas with the
22 Office of Planning. The Office of Planning is
23 asking that the Commission set down the
24 Consolidated PUD and Map Amendment Application
25 brought forward by Deanwood Hills, LLC.

1 Essentially, the irregularly shaped 2-
2 acre lot at 5201 Hayes Street, N.E., is currently
3 zoned CM-1, would be redeveloped with a
4 residential building of 150 units under a proposed
5 map amendment to the R-5-B district. This project
6 would be 100 percent funded through the Low-Income
7 Housing Tax Credit Program and is guided by the
8 Physical Redevelopment Plan for Lincoln Heights,
9 Richardson Dwellings, under the New Communities
10 Initiative.

11 While the project site is not within the
12 Lincoln Heights Revitalization Plan boundaries, as
13 a proposed off-site development it anticipates
14 adding 50 more replacement units for residents at
15 or below 30 percent AMI to the 134 units already
16 built in the neighborhood as a result of the NCI
17 program. One hundred of the 150 units would be
18 targeted to households earning not more than 60
19 percent AMI.

20 Our report also briefly discusses the
21 status of the relocation plan by the Deputy
22 Mayor's Office and the DC Housing Authority, which
23 is currently being drafted to be finalized over
24 the summer. Relocation meetings with the
25 development team and prospective relocated

1 residents have been taking place and would
2 continue prior to the project's lease-up. In
3 part, the plan would match current family sizes
4 and needs with the units.

5 The physical development of the site is
6 described in our report, as well as the
7 Applicant's submission, and the proposal would
8 require flexibility from the height, parking,
9 loading, and side yard requirements, primarily due
10 to the site's topography. The Comprehensive Plan
11 establishes the direction to convert this
12 currently vacant industrial site to residential
13 purposes. Therefore, it would not be inconsistent
14 with the Comprehensive Plan, particularly when
15 read in conjunction with the policies of the plan.

16 We have provided comments to be addressed
17 prior to the public hearing, including improved
18 drawings, provision of a security gate for the
19 parking area at the rear, as well as the
20 property's lighting, and to show how the retaining
21 wall along the parking area would be treated.

22 We would also like to request that the
23 Applicant provide the residential GFA in order to
24 clarify to the record as the IZ set-asides would
25 be derived from this area requirement under

1 Section 2603.

2 We will continue to work with the
3 Applicant to address the remaining issues raised
4 by the Commission prior to the public hearing, and
5 we'd be happy to take any questions. Thank you.

6 CHAIRMAN HOOD: Okay. Thank you, Ms.

7 Thomas. Commissioners, any questions or comments?
8 Mr. Turnbull.

9 COMMISSIONER TURNBULL: Yeah. Ms.
10 Thomas, thank you for your presentation. I guess
11 my only comment, looking at the building, is that
12 after looking at some of the pictures of the
13 neighborhood and the architecture of the buildings
14 that are around, I get a flavor for warm brick,
15 red brick, brown brick, and I get a different
16 color, a very light color to it. I don't mind the
17 buff-colored stone or brick, whatever, but the
18 dark, the charcoal-covered HardiePlank or fiber-
19 cement panel siding, with an even darker one just
20 looks very foreboding, just looks overwhelming in
21 the neighborhood. It does -- I just have a
22 feeling, as a residential building, working into
23 the neighborhood, it just looks overbearing. It
24 just seems like it's -- I don't think it looks
25 that friendly.

1 I mean, I'm sort of reminded of a hotel
2 that we had a PUD several years ago, and the
3 recooked overlay that came before us that was all
4 black brick, and the Applicant quickly changed
5 their -- realizing that it really didn't fit in
6 the context with the neighborhood. And I just
7 have a feeling here that somehow the juxtaposition
8 of the beige stone or brick and the charcoal on
9 the dark black siding is just -- I just -- I have
10 this feeling that, to me it just doesn't seem to
11 fit in with the context of the neighborhood.

12 CHAIRMAN HOOD: Okay. Commissioner May.

13 COMMISSIONER MAY: Mr. Chairman, I would
14 echo that. I thought about that at first and I
15 wasn't going to say anything about it at this
16 stage, but, you know, actually that was my
17 reaction too, that the dark siding is just a
18 little bit too dark. I'm not sure what the right
19 solution is for that, but, you know, it's
20 certainly, I think, attractively designed the way
21 it is, and if it were standing on its own or if it
22 were in a slightly different context, maybe in a
23 more, you know, downtown kind of context, or on U
24 Street, or something like that, it might fit in a
25 lot better there. But here it just does seem to

1 be out of place.

2 The only other thing I would note was
3 that I'm bothered by the very large retaining wall
4 that supports the parking lot in the back. I
5 understand that we have a grade difference there
6 that has to be addressed, but I would think that
7 there would be some things that could be done to
8 maybe terrace the parking or something like that,
9 to reduce the size of that wall. I think it would
10 suggest that it might be screened with something
11 growing, and that's certainly an option, but
12 having things grow on the large block retaining
13 wall is less preferable to simply trying to reduce
14 or eliminate that block wall.

15 I don't think it can be eliminated
16 entirely but, you know, if you can get it down to
17 a more human scale I think it would be highly
18 beneficial, and if you want to understand how
19 difficult or how unattractive these walls can be,
20 they handily show us a photo -- there are two
21 photos -- on L-06, in the drawing set, where they
22 have a couple of snapshots of the retaining wall
23 system that they propose to use, which shows very
24 high retaining walls and they look very orderly
25 and neat and all that. But this is going to be a

1 very long wall, and I just think it's, you know,
2 it's very unattractive. So anything that they can
3 do to try to mitigate that, preferably by reducing
4 the height, but, if necessary, kind of break it up
5 with planted things or what have you. Or maybe
6 even looking at different materials, frankly,
7 because I think that part of what makes it so
8 difficult is the sort of concrete block appearance
9 to it. So, that's it.

10 CHAIRMAN HOOD: Okay. Vice Chair Cohen.

11 COMMISSIONER COHEN: Thank you, Mr.
12 Chairman. I had some concerns about the
13 architecture but that's been covered. First of
14 all, I want to say this is an extremely important
15 project because it is for replacement housing for
16 one of the most distressed public housing projects
17 in the city, Lincoln Heights and Richardson
18 Dwellings. However, the efforts to, and the
19 information provided, seems to be somewhat
20 inconsistent or it needs to be clarified.

21 The first thing is that, in the OP review
22 it says that the project will be funded through
23 the Low Income Housing Tax Credit Program 100
24 percent. That doesn't happen. You raise tax
25 credits and you're probably going to see that this

1 will also have tax-exempt financing. Somewhere it
2 says that it's \$33 million, which means this
3 project has to support, if they raise \$13 million
4 from tax credits, they have to support about \$20
5 million unless there's some money coming
6 somewhere. They would have to support \$20 million
7 in debt, and based on the rents, or the incomes
8 that they want to achieve, well, the incomes that
9 they want to achieve are extremely low, and that's
10 why I think this is a great project. However, the
11 low incomes will not be able to pay for
12 maintenance, let alone debt service, so it's of
13 concern to me that there's all this language that
14 really doesn't express a feasible project.

15 And so because we're giving such great
16 credit to the affordability levels, they have to
17 demonstrate that what they are proposing is going
18 to achieve that goal. So, again, it was very,
19 very confusing.

20 I would also like to see if we can get
21 the police to weigh in on this, the police
22 department, to just weigh in on the whole layout
23 of the project, make sure that it is something
24 that they are comfortable and it is a very safe
25 and healthy community.

1 It seems to me that there are going to be
2 a lot of children because of the size of the units
3 -- again, an inconsistency. They claim they can't
4 tell you the size of the units yet they have done
5 a good job at estimating the size of the units,
6 the bedroom size. So it seems like there are
7 going to be a lot of kids, and they're only
8 proposing a tot lot. So I think we need to know
9 more about the neighborhood and where the older
10 children will play, because the density of the
11 site will be overrun by kids, children -- not that
12 that's a bad thing but it's just something where I
13 think we need to have more information.

14 The other thing I just want to make sure
15 is that we have these Juliet balconies. I want to
16 make sure they're safe for children. Again, maybe
17 the windows are what we need to recognize will not
18 be able to be opened by children, or there are
19 some safety measures for the balconies.

20 I will look forward to DDOT's estimate of
21 the parking, when they weigh in, and those are my
22 comments.

23 CHAIRMAN HOOD: Okay. Any other
24 comments? Commissioner Miller.

25 COMMISSIONER MILLER: Thank you, Mr.

1 Chairman. Yeah. I'm comfortable with moving to
2 set down but I agree with the information and the
3 changes requested by both the Office of Planning
4 and by all of my colleagues.

5 On the color, I would just comment that I
6 think they need more than one color. I think it
7 was the darker color that you were concerned
8 about, but I think they need a contrasting, to
9 break up that lengthy -- the length of some of the
10 elevations. I know they have the courtyards and
11 the niches on Hay Street that breaks it up, but I
12 think they certainly could have a warmer color
13 that contrasts a lot better than and less starkly
14 than that dark purple or whatever it is.

15 And I had made the same notation, that an
16 addition to the tot lot -- there seems to be
17 enough room for at least a children's playground,
18 for an older children's playground as well, if not
19 some additional recreational area.

20 I guess the only other thing I needed
21 more information on, which OP has requested too, I
22 guess, is the security. There seemed to be
23 conflicting information on whether there is a
24 security fence at the perimeter. I think I saw
25 some reference to it in the renderings, but OP

1 said that -- I just need more clarification on
2 what is proposed around the perimeter of the --
3 beyond that retaining wall, at the actual property
4 line, I guess.

5 So that's it, Mr. Chairman. I'm prepared
6 to move forward. I agree with the Vice Chair that
7 it's a very important project to provide the
8 replacement housing and other affordable housing
9 that's badly needed in the city.

10 CHAIRMAN HOOD: Okay. Thank you. I too
11 would, when we get to DDOT, I want to see the
12 circulation around this particular development.
13 But one thing I will say about this particular
14 applicant, I am ecstatic of the letter, Exhibit G,
15 which shows me they have already been in contact
16 with the First Source Agreement. This is the most
17 I've ever seen at this early stage, so I'm looking
18 forward to having the hearing, and I'm sure some
19 of that other stuff that we mentioned could be
20 worked out. But, I mean, I'm looking at the
21 initiative that was already taken and I am just
22 ecstatic about G, so that's a good start for me.

23 I don't have any other questions.
24 Anything else?

25 [No audible response.]

1 CHAIRMAN HOOD: Okay. With that I will
2 move that we set down on Commission Case No. 15-10
3 and ask for a second.

4 COMMISSIONER COHEN: Second.

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

7 [No audible response.]

8 CHAIRMAN HOOD: All those in favor, aye.

9 [Chorus of ayes.]

10 CHAIRMAN HOOD: Any opposition?

11 [No audible response.]

12 CHAIRMAN HOOD: Not hearing any, Ms.
13 Schellin, would you record the vote.

14 MS. SCHELLIN: Yes, sir. Staff records
15 the vote at 5-0-0 to set down Zoning Commission
16 Case No. 15-10 as a contested case, Commissioner
17 Hood moving, Commissioner Cohen seconding,
18 Commissioners May, Miller, and Turnbull in
19 support.

20 CHAIRMAN HOOD: Okay. Do we have
21 anything else before us?

22 MS. SCHELLIN: We do not.

23 CHAIRMAN HOOD: Okay. I want to thank
24 everyone for their participation tonight, and this
25 meeting is adjourned.

1 [Whereupon, at 7:44 p.m., the Public
2 Meeting of the Zoning Commission was adjourned.]

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