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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Meeting
1413th Meeting Session (13th of 2015)

6:37 p.m. to 8:31 p.m.
Monday, July 27, 2015

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 ROBERT MILLER, Commissioner

4 PETER MAY, Commissioner

5 MR. TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 JOEL LAWSON

13 MAXINE BROWN-ROBERTS

14 KAREN THOMAS

15 MEGAN RAPPOLT

16 ANNE FOTHERGILL

17

18 OTHER:

19 MATT JESICK

20 LAWRENCE FERRIS, OAG

21 JACOB RITTING, OAG

22 ELISA VITALE

23

24

25

P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: Okay. This is the
3 Zoning Commission's regular public meeting, 1413th
4 meeting session. Monday, July the 27th, 2015.
5 We're located in Jerrily R. Kress Memorial Hearing
6 Room.

7 My name is Anthony Hood, joining me are
8 Commissioner Turnbull, Miller, and May. Also the
9 Office of Zoning staff, Ms. Sharon Schellin,
10 Office of Attorney General, Mr. Ritting and Mr.
11 Ferris. Office of planning, Mr. Lawson, Mr.
12 Jesick, Ms. Brown-Roberts, and Ms. Thomas.

13 We do not take any public testimony at
14 our meetings unless we ask someone to come
15 forward. I would ask that because we're being
16 webcast live that we make sure that we're quiet so
17 we do not pick up any background noise.

18 We're also joined by Ms. Steingasser of
19 the Office of Planning.

20 So let's get right into our agenda. Ms.
21 Schellin, do we have any preliminary matters?

22 MS. SCHELLIN: No, sir.

23 CHAIRPERSON HOOD: Okay. We're going to
24 kind of move the agenda around for sufficiency so
25 we can be a little, moving a little faster. We're

1 going to probably do hearing actions last,
2 calendar item, we'll take that first, we'll do
3 final action, then we'll do our correspondence,
4 and then we'll do our hearing action. So, Ms.
5 Schellin, I'll ask that you help make sure I stay
6 in that order.

7 Okay. Let's go right to consent calendar
8 item. First let me ask, colleagues, we have two
9 consent calendar items on the agenda. Does anyone
10 have -- any commissioner like to see either one of
11 those come off the consent calendar item?

12 MR. TURNBULL: Mr. Chair.

13 CHAIRPERSON HOOD: Yes, Mr. Turnbull.

14 MR. TURNBULL: I believe that, and I
15 think I'm echoing the concerns of the Office of
16 Planning, for the minor modification request on
17 05-36K. I mean, 08-33C.

18 CHAIRPERSON HOOD: 08-33C?

19 MR. TURNBULL: Yeah. Excuse me.

20 CHAIRPERSON HOOD: Okay. So we will take
21 that off and I actually concur. We will take that
22 off of the consent calendar item and move down to
23 hearing action. What about, any commissioner have
24 any problem with 05-36K, consent calendar item?

25 Okay. Not hearing any, Ms. Schellin,

1 would you tee it up for us?

2 MS. SCHELLIN: Yes, sir. For 05-36K we
3 have a -- the applicant has requested a minor
4 modification to a previously approved PUD to make
5 what it considers to be minor revisions to the
6 façade treatments of the Phase 2 building only.
7 ANC 6-C provided a report and support at Exhibit
8 2C, and OP provided a report in support at Exhibit
9 5. The applicant provided sample boards of what
10 the Commission previously approved, and what they
11 are proposing with this change, and we'd ask the
12 Commission to consider final action this evening.

13 CHAIRPERSON HOOD: Okay. Thank you, Ms.
14 Schellin, Commissioners. We have the proposal and
15 ask in front of us. Any comments or questions?

16 MR. TURNBULL: Mr. Chair, I'm --

17 CHAIRPERSON HOOD: Mr. Turnbull.

18 MR. TURNBULL: I see no problem with the
19 request and I would be in favor of supporting the
20 modification.

21 CHAIRPERSON HOOD: Okay. I think the
22 record is pretty complete. Someone like to make a
23 motion?

24 MR. MILLER: Mr. Chairman, I also agree
25 that the design modifications, minor

1 modifications, respond positively to OP's request,
2 so I would move approval of Zoning Commission Case
3 Numbers 05-36K, Toll D.C. II, LLP. request for
4 minor modification to PUD at Square 749 and ask
5 for a second.

6 MR. TURNBULL: Second.

7 CHAIRPERSON HOOD: Okay. It's been moved
8 and properly seconded. Any further discussion?
9 All those in favor.

10 [Vote taken.]

11 CHAIRPERSON HOOD: Ms. Schellin, would
12 you record the vote of those present?

13 MS. SCHELLIN: Yes. Staff records the
14 vote four to zero to one to approve final action
15 in Zoning Commission Case Number 05-36K,
16 Commissioner Miller moving, Commissioner Turnbull
17 seconding, Commissioners Hood and May in support,
18 Commissioner Cohen not present, not voting.

19 CHAIRPERSON HOOD: Okay. Let's go to
20 final action again, because of what we did with
21 the first piece of the 08-33C, we can move -- or
22 we can deal with 08-33D at a later time after the
23 hearing action. We'll take that up when we do our
24 hearing action.

25 All right. Let's go to B, Zoning

1 Commission Case Number 14-22. This is the Office
2 of Planning Text and Map Amendments to create the
3 Walter Reed W.R. zone. Ms. Schellin.

4 MS. SCHELLIN: Yes, sir. Exhibit 32, we
5 have an NCPC report finding that the amendments
6 would not be inconsistent with the Federal
7 Comprehensive Plan nor affect other federal
8 interests. Exhibit 34 is a supplemental OP
9 report, and then Exhibits 35 through 38 were
10 comments that were received from the public to the
11 proposed rulemaking that was published in the
12 register. I'd ask the Commission to consider
13 final action on this case.

14 CHAIRPERSON HOOD: Okay. Commissioners,
15 I think we have a few issues that we need to
16 clarify, that we did not deal with at proposal
17 that's been brought to our attention. One of them
18 is the alternatives for height in the WR-1 zone,
19 which is 3501.2.

20 We have two alternative lots with any
21 frontage on Fern Street, 40 feet height max,
22 stories to three, and then any other lot 45 feet -
23 - I'm sorry, 40 feet with the alternative height
24 of 50. And then stories of three with --
25 alternative from 50 is alternative of four

1 stories. And then any other lot, 45 feet and
2 four, and then alternative was 55 feet with the
3 alternative stories of five feet.

4 Any discussion on this? Any preferences?
5 I think the ANC, one of the ANCs, might not have
6 had a problem with the higher height, but I'm not
7 sure. I'm not sure. I don't remember. Anyway,
8 let's open it up for the discussion. Or is there
9 any discussion?

10 MR. MAY: I'm still just trying to get my
11 bearings at the moment.

12 CHAIRPERSON HOOD: Okay. Just take your
13 time.

14 MR. MAY: We had a lot of cases today, so
15 I'm sorting to the right pieces of paper.

16 [Pause.]

17 CHAIRPERSON HOOD: Well, I will say this,
18 colleagues, to get it started. I don't know where
19 you all are, but I did think that the Office of --
20 I mean, not the Office of Planning, the Committee
21 of 100 brought up three facts that would be
22 something of consideration for me. I'm not sure
23 if this was included in the text. I know one of
24 them was not.

25 Basically to go towards the lesser

1 height. At least the way I read this submission,
2 which is dated -- which is the Exhibit No. 37,
3 which is dated July the 24th, which was Friday.

4 I'm not sure if you had a chance to look
5 at it but I think they bring up three very valid
6 points. And the ANCs also did too, but I think a
7 lot of that was worked out. At least from 4-A's
8 correspondence.

9 And I notice everyone points to the Small
10 Area Plan, and I think the Office of Planning's
11 report, something we asked for, I think they
12 mentioned in their report about how things were in
13 line with the Small Area Plan again. But they
14 also, in the Office of Planning's report, they
15 also mention that we haven't taken consideration
16 of the plans like the Comprehensive Plan as well.
17 So I don't think one of them is one driving
18 factor. They look to other guidance to how they
19 came up with their conclusion. So. Commissioner
20 Miller?

21 MR. MILLER: Mr. Chairman, I think OP had
22 made a case that given the grade drop from Fern
23 Street into the Walter Reed site, that allowing
24 four stories and up to 55 feet in height actually
25 ends up being about the same height as the homes

1 with less stories across the street because
2 they're sitting up higher. So I think there is a
3 compatibility there. So I could support the
4 alternative that has the higher height. And I
5 think it might produce a higher quality of
6 townhouse as well.

7 CHAIRPERSON HOOD: So your support, I'm
8 just trying to make sure I understand, your
9 support is of the 50 in height and the alternative
10 of four stories?

11 MR. MILLER: Yes.

12 CHAIRPERSON HOOD: Okay.

13 MR. MILLER: And then the same thing on
14 the -- the same kind of rationale for the higher
15 height for the other lots.

16 CHAIRPERSON HOOD: Okay. Okay. I can
17 actually go along with that. Anybody else?

18 MR. MAY: You know, I recall the
19 testimony to that affect, and I was just trying to
20 find the diagrams, the sections. And it's easy
21 enough to see how a 40 foot townhouse in that
22 location would be -- would more or less match what
23 is there. If I'm reading -- you know, it's kind
24 of hard to read the diagram that I have, but --

25 CHAIRPERSON HOOD: Could you know what

1 exhibit?

2 MR. MAY: I'm looking at Exhibit -- hold
3 on. It's 14-22-9A.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 MR. MAY: And it has a site section in
6 it. And if I'm seeing that correctly it's only 40
7 feet.

8 CHAIRPERSON HOOD: The grade drop, right?

9 MR. MAY: Yeah. Quite a bit of grade
10 drop.

11 [All reviewing papers.]

12 MR. MAY: Can I get a clarification from
13 the Office of Planning?

14 So I'm looking at your report. It's,
15 again, the Exhibit No. -- sorry, my computer is
16 not responding. 14-22-9A, and you had a two-part
17 report and it's in the first part of that report.
18 Yeah, that site section. Actually, can I look at
19 that?

20 So it's a little bit hard to read even
21 this, but I'm seeing 41 feet at the height of the
22 row of houses that are on Fern Street, and then
23 the ones behind them are at 52 on this diagram.
24 Yeah, I took it away from you. Sorry.

25 MR. MILLER: Are you looking on Section

1 1?

2 MR. MAY: Section 1, yeah. I know we
3 advertised it one way and then we advertised an
4 alternate. Is what we're seeing in that section
5 the text as advertised, or is it alternate?

6 [All reviewing papers.]

7 MR. JESICK: The version in the cross-
8 section, it would not be permitted by the
9 advertised text. Both the Fern Street and the
10 Elder Street townhomes would be slightly taller
11 than what was advertised and wouldn't have to fall
12 under the alternative language.

13 MR. MAY: Okay, because I mean, I think I
14 have no problem with what's in that section.
15 You're saying that we'd have to have the alternate
16 language in order to get to that height.

17 MR. JESICK: Correct.

18 MR. MAY: In fact we could go another few
19 feet above what's in that section, right?

20 MR. JESICK: Correct.

21 MR. MAY: Go to 45 and 55. Is that
22 right?

23 MR. JESICK: Fifty and 55.

24 MR. MAY: Fifty and 55. See, but it's
25 showing 41 for the houses on Fern.

1 MR. TURNBULL: What does that section
2 read? I can't --

3 MR. MAY: Forty-one on Fern, so that's
4 the left --

5 MR. TURNBULL: Left dimension?

6 MR. MAY: Left dimension. And then the
7 one on the right is 52. Right?

8 MR. JESICK: Correct.

9 [All reviewing papers.]

10 MR. MAY: Again, referring to that
11 section, which I think is what gave me some
12 comfort about those heights because I mean, 40
13 foot townhouses are pretty all townhouses to begin
14 with. So looking at that section it's easy enough
15 to see 40, 41 feet. It's harder to see 50 feet
16 because we're talking about raising that, what we
17 see in the section, by another nine feet on Fern
18 Street.

19 So I can't say that I'm totally
20 comfortable with that. Forty-five feet, maybe.
21 Maybe not 50. And then what happens with the row
22 beyond that I think is fairly independent because
23 it's blocked from view. So if our choice is
24 between 40 and 50 on Fern, I'd -- so this is --
25 see, that right now is showing 41.

1 [Reviewing papers and conferring off the
2 record.]

3 MR. MAY: So, since we've advertised 40
4 to 50, or 40 and 50, and then 45 and 55, right?
5 So but we really could pick something in between,
6 could we not?

7 MR. FERRIS: Yes, I think that would be
8 fine.

9 MR. MAY: Yeah. I mean, I'd be in favor
10 of 45 on Fern Street. It just seems like 50 is
11 really a lot taller than what we have shown in
12 this diagram. And I was comfortable with this
13 diagram, but I'm not sure I'm comfortable with
14 going all the way up to 50 feet.

15 CHAIRPERSON HOOD: Any other comments on
16 that particular issue? Can we take into
17 consideration the amendment that Commissioner May
18 just mentioned about 45 with the first set and
19 then taking the second set behind, all the way up
20 to 55?

21 MR. TURNBULL: I could support that. And
22 I'm going along since we're not at the technology
23 where we can read the resolution on our little
24 pads here. If that indeed is the height, I could
25 go along with that. It seems to be compatible

1 with the existing residential units across the
2 street. So I could go along with that.

3 CHAIRPERSON HOOD: All right. And I
4 think that will help solve some of the concerns
5 from those across the street.

6 MR. MAY: So I think if I can clarify
7 what I'm suggesting here is that we accept the
8 alternate language for all of these except --
9 instead of 40 feet. I'm sorry, instead of 50 feet
10 on Fern Street it would be 45. But it could still
11 be four stories and any other lot could still be
12 55 and it could be five stories. I think that's
13 workable.

14 CHAIRPERSON HOOD: All right. I think we
15 have an agreeance on that so let's move to the
16 next issue. Give me one second. I think we did -
17 - this is about the affordable housing. We did
18 have a proxy, but let me -- Commissioner Miller.

19 MR. MILLER: Yeah. I, among others, had
20 suggested that instead of the original OP proposal
21 which just had the IZ apply, that they come back
22 with alternative language that actually identifies
23 the number of units, which is 432 units, which are
24 at various levels of AMI, including down, all the
25 way down to less than 30 percent AMI, and some at

1 less than 50 percent. Some at 80 percent, which
2 is what the program calls for.

3 And so that's what they came back with
4 and it's why I support that and I appreciate them
5 providing that more specific and direct amount of
6 affordable housing that is going to be provided
7 there and not -- I thought just saying IZ applied
8 and was misleading that there really was going to
9 be a deeper level of affordability that's planned
10 there, and a lot more affordable housing.

11 So I appreciate the language that's been
12 worked up and I guess the -- I'll wait to hear
13 from my colleagues if they agree. But there was
14 that they then have a fallback -- not a fallback,
15 but if at the end of the control period for those
16 deeper affordable units, they then have it
17 reverting to IZ and I support the way that OP has
18 suggested the reversion back to conclusionary
19 zoning at that point, the building by building
20 approach. So that's where I am, Mr. Chairman.

21 CHAIRPERSON HOOD: Okay. Any other
22 comments on alternatives for the affordable
23 housing that's being proposed? Mr. Turnbull.

24 MR. TURNBULL: I just want to say, so
25 Commissioner Miller, you're in support of the

1 35/40 revised --

2 MR. MILLER: Yes.

3 MR. TURNBULL: -- language.

4 MR. MILLER: Yes, the revised OP
5 language. Yes.

6 MR. TURNBULL: The revised OP language.
7 Okay.

8 CHAIRPERSON HOOD: I would agree and I
9 think the proxy I have here from Vice Chair Cohen
10 agrees with Commissioner Miller. Okay. And I
11 notice she has down here, I can be reached at this
12 number. She says it's not available. Tell her
13 from now on she needs to leave a number just in
14 case we need some clarification. Just joking.

15 Okay. Any other comments? As I stated
16 earlier I think we resolved that issue. As I
17 stated earlier I thought the Committee of 100, and
18 I'm not sure about the height issues now, but I
19 thought they raised some points and I'm wondering
20 if any of my colleagues want to take any of that
21 into consideration. They actually have it spelled
22 out in three points.

23 I really probably with what we just did
24 with affordable housing, I would take that off the
25 table. I think we've resolved that sufficiently.

1 You know what? I'm going to take number 3, the
2 parking proposal submitted by OP, does not reflect
3 the parking scheme for Small Area Plan. I think
4 the Office of Planning answered that when they
5 talked about the different guidance that we all
6 have to look at. And I think we dealt with --
7 maybe I'm answering my own questions. And we
8 dealt with the first issue, about the stories.

9 Okay. So I think that's off the table
10 for me. Anything else? Commissioners, any other
11 comments? Somebody like to make a motion, or do
12 we have any further discussion, anything else?

13 MR. MILLER: Mr. Chairman, I would move
14 that we take -- that the Zoning Commission take
15 final action on the proposed Text and Map
16 Amendments in Zoning Commission Case 14-22, to
17 create a new zoning for the District portion of
18 the former Walter Reed campus. Very exciting
19 project. And I ask for a second.

20 CHAIRPERSON HOOD: I'll second that with
21 the caveat -- also, just to note, the comment from
22 Vice Chair Cohen, the attached breakdown of units
23 should be included in the zoning order.

24 MR. MILLER: And I think it is. It is,
25 as far as I understood the --

1 CHAIRPERSON HOOD: Okay.

2 MR. MILLER: -- OP's revised language,
3 the 432 units with the breakdown --

4 CHAIRPERSON HOOD: Okay.

5 MR. MILLER: -- of each at 30 percent, 50
6 percent, and 80 percent AMI.

7 CHAIRPERSON HOOD: Okay. All right. So
8 noted. It's moved and properly seconded. Any
9 further discussion?

10 MR. MAY: Yeah, I just want to clarify.
11 You're incorporating the change to the heights of
12 the WR-1 as we discussed?

13 MR. MILLER: Yes. Thank you for that
14 clarification.

15 MR. MAY: Thank you.

16 CHAIRPERSON HOOD: Okay. It's been moved
17 and properly seconded, and clarified. Any further
18 discussion? All those in favor?

19 [Vote taken.]

20 CHAIRPERSON HOOD: Ms. Schellin, would
21 you record the vote of those present? Oh, and the
22 proxy.

23 MS. SCHELLIN: And the proxy. Yes.
24 Staff records the vote five to zero to zero to
25 approve final action in Zoning Commission Case

1 Number 14-22, Commissioner Miller moving,
2 Commissioner Hood seconding, Commissioners May and
3 Turnbull in support, Commissioner Cohen in support
4 by absentee ballot. And this is as amended.
5 Thank you.

6 CHAIRPERSON HOOD: Okay. Next let's go
7 to Zoning Commission Case Number 15-11. This is
8 Square 700 Trust, LLC., Capitol Gateway Overlay
9 Review at Square 700. Ms. Schellin.

10 MS. SCHELLIN: Yes, sir. At Exhibits 23
11 and 26 we have the applicant's post hearing
12 submissions. At Exhibit 24 we received an NCPC
13 report which was followed up with a supplemental
14 report from NCPC at Exhibit 27. I'd ask the
15 Commission to consider final action this evening.

16 CHAIRPERSON HOOD: Okay. Colleagues, you
17 all remember, I thought someone up here did it but
18 mentioned it might have been Commission May or
19 Commissioner Turnbull, about the penthouse being
20 in violation. I think that's been corrected. We
21 do have a revised NCPC report which now supports
22 that violation seemed to have went away about the
23 penthouse.

24 But with that let me open up any
25 discussion or comments.

1 MR. MILLER: They've also positively
2 responded to comments about LEED. They've
3 upgraded and made clear that LEED Gold will be the
4 classification.

5 CHAIRPERSON HOOD: Okay. Any other
6 comments?

7 [Commission conferring off the record.]

8 CHAIRPERSON HOOD: Okay. So with that I
9 would move that we approve Zoning Commission Case
10 Number 15-11 and ask for a second.

11 MR. MILLER: Second.

12 MR. TURNBULL: Second.

13 CHAIRPERSON HOOD: It's been moved and
14 properly seconded. Any further discussion? All
15 those in favor?

16 [Vote taken.]

17 CHAIRPERSON HOOD: Not hearing any
18 opposition, and oh, also we have a proxy which is
19 in favor in this case. Ms. Schellin, would you
20 record the vote with the proxy?

21 MS. SCHELLIN: Yes. Staff records the
22 vote five to zero to zero to approve final action
23 in Zoning Commission Case Number 15-11,
24 Commissioner Hood moving. I heard Commissioner
25 Miller and Turnbull but I think Miller was louder

1 and faster, so I have Commissioner Miller
2 seconding, Commissioners May and Turnbull in
3 support, Commissioner Cohen in support by absentee
4 ballot.

5 MR. TURNBULL: Mr. Chair.

6 CHAIRPERSON HOOD: Yes.

7 MR. TURNBULL: I think we should have
8 buzzers on the dais, that we can hit.

9 CHAIRPERSON HOOD: Well, Commissioner
10 Miller is taking the Vice Chair's place this
11 evening, so.

12 MR. TURNBULL: Oh, I see.

13 CHAIRPERSON HOOD: So he's doing all the
14 seconds. No, I'm just playing.

15 Okay. We're going to move correspondence
16 up, right?

17 MS. SCHELLIN: Yes.

18 CHAIRPERSON HOOD: Okay. Let's do
19 correspondence. Zoning Commission Case Number 14-
20 24, 1900 11th Street Northwest, LLC. Request to
21 amend application to include a variance. And this
22 is a unique situation. Ms. Schellin.

23 MS. SCHELLIN: Yes, sir. Exhibits 13
24 through 13C, we have the applicant's request to
25 add variance relief to the wrap amendment

1 application, specifically they're requesting to
2 add relief from the requirements of Section 2115.1
3 to authorize the required for off-street parking
4 spaces to be eight foot, 17 inches by 19 foot,
5 rather than nine by 19. I'd ask the Commission to
6 consider this request to add this relief so that
7 it can be advertised at the same time.

8 CHAIRPERSON HOOD: Okay. I do know that
9 we have done this before. This is not precedent
10 setting. It depends. But I would like to ask,
11 even though Office of Planning didn't give us a
12 report, I would like to ask Ms. Steingasser, do
13 you have any comments, or Ms. Brown-Roberts, do
14 you have any comments?

15 MS. BROWN-ROBERTS: I think we are in
16 support. It's a very minor relief that they're
17 asking for. So I think in this case, this is
18 something that we could support. Thank you, Mr.
19 Chairman.

20 CHAIRPERSON HOOD: Thank you, Ms. Brown-
21 Roberts, for that report on the dais. I
22 appreciate that.

23 Commissioners, any other comments or
24 questions?

25 MR. MILLER: Yeah.

1 CHAIRPERSON HOOD: Commissioner Miller.

2 MR. MILLER: Mr. Chairman, yeah, I'm in
3 support of adding the variance request. I just
4 think we should note that we expect the applicant
5 to address the three-part test and the arguments
6 they make in the prehearing statement, on the
7 variance.

8 CHAIRPERSON HOOD: Okay. Anything else?
9 Somebody like to make a motion? Or are we ready?
10 Somebody like to make a motion?

11 MR. TURNBULL: Oh, I certainly would.
12 Mr. Chair, I would move that we approve the
13 correspondence item 1900 11th Street Northwest,
14 LLC., the request to amend the application to
15 include a variance.

16 MR. MILLER: Second.

17 CHAIRPERSON HOOD: Okay. It's been moved
18 and properly seconded. Any further discussion?
19 All those in favor.

20 [Vote taken.]

21 CHAIRPERSON HOOD: Ms. Schellin, would you
22 record the vote?

23 MS. SCHELLIN: Yes. Staff records the
24 vote four to zero to one to grant permission to
25 add the variance relief to the application in Case

1 Number 14-24, Commissioner Turnbull moving,
2 Commissioner Miller seconding, Commissioners Hood
3 and May in support, Commissioner Cohen not
4 present, not voting.

5 CHAIRPERSON HOOD: Okay. Next lists, go
6 to Zoning Commission Case Number 14-13. This is a
7 letter from ANC 4-B, request for an extension of a
8 deadline for receiving comments. Ms. Schellin?

9 MS. SCHELLIN: Yes, sir. ANC 4-B
10 submitted a letter asking that the comment period
11 be extended in this case for the proposed
12 rulemaking, that the comment period be extended
13 from September 11 to Wednesday, September 29th,
14 which is two days after they meet on September
15 27th.

16 CHAIRPERSON HOOD: I think they're only
17 asking for like two weeks. What did they ask, to
18 the 29th? Wednesday the 29th. From the 11th to
19 the 29th. So we would not take this up again
20 until --

21 MS. SCHELLIN: Our October meeting.

22 CHAIRPERSON HOOD: October.

23 MS. SCHELLIN: October 19th.

24 MR. MAY: Is it correct that the text
25 hasn't been published yet. It will happen on the

1 31st?

2 MS. SCHELLIN: It's actually going to be
3 published August 7th.

4 CHAIRPERSON HOOD: Okay. I think,
5 colleagues, in light of that we will grant the
6 extension.

7 MS. SCHELLIN: Do you want to --

8 CHAIRPERSON HOOD: Do you want to do it
9 the 29th, or can we give it some more time?

10 MS. SCHELLIN: We can give it more time.

11 CHAIRPERSON HOOD: Let's give it more
12 time.

13 MS. SCHELLIN: How about -- I'm sorry.
14 I'm looking at the wrong date. How about until
15 October -- do you want OP to provide a
16 supplemental report? Does OP want an opportunity
17 to do that, or not? Because we could do it until
18 like, October 5th and that would allow OP if they
19 --

20 MR. LAWSON: We pretty much provided all
21 of our comments.

22 MS. SCHELLIN: Okay. Did you need to --

23 MR. LAWSON: I don't think that anything
24 is being asked of us.

25 MS. SCHELLIN: Okay. So how about until

1 October 9th, then? Friday, October 9th.

2 CHAIRPERSON HOOD: Whatever we do,
3 whatever the date is, we want to take it up at our
4 first meeting in October.

5 MS. SCHELLIN: The only meeting we have
6 is the 19th.

7 CHAIRPERSON HOOD: Okay. Unless we want
8 to do a special public meeting. It's up to you
9 all, because it's urgent.

10 Okay. So we will do meeting first --
11 well, the only meeting in October.

12 MS. SCHELLIN: So you want to extend it
13 until October 9th, the time period?

14 CHAIRPERSON HOOD: Whatever gets us to --

15 MS. SCHELLIN: October 9th, and then
16 we'll take it up October 19th.

17 CHAIRPERSON HOOD: Okay. So granted.
18 And we'll notify ANC 4-B.

19 MS. SCHELLIN: Yes, sir.

20 CHAIRPERSON HOOD: Okay. Okay. Do we
21 have anything else before I go to hearing action?
22 Did I miss it?

23 MS. SCHELLIN: No, sir.

24 CHAIRPERSON HOOD: Okay. Let's go to the
25 first hearing action. Let's do 08-33 -- hold on

1 for a second.

2 MS. SCHELLIN: C. 08-33C is the consent
3 calendar.

4 CHAIRPERSON HOOD: Yeah. Yeah. Yeah,
5 let's go to 08-33C and I still want to comment on
6 08-33D once we finish having this discussion.

7 Okay. Ms. Thomas, is this your case?

8 MS. THOMAS: Yes.

9 CHAIRPERSON HOOD: Okay.

10 MS. THOMAS: I'm sorry. Which one would
11 you like to start with?

12 CHAIRPERSON HOOD: 08-33C. We actually
13 took it off the consent calendar. Maybe, do you
14 have a report for us on that?

15 MS. THOMAS: Yes, I do.

16 CHAIRPERSON HOOD: You do? Okay.

17 MS. THOMAS: Uh-huh. Good evening, Mr.
18 Chair, members of the Commission.

19 The Office of Planning is not opposed to
20 the general direction of the changes requested by
21 Conference Center Associates for the PUD approved
22 in this case which authorize the construction of a
23 hotel, conference center, parking structure, and
24 retail space. But there is some expansion and
25 that adds up to about 41,000 gross square feet of

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1 increase, and that should be opened up for a
2 public hearing to give the public as well as other
3 agencies, including DDOT and DDOE, an opportunity
4 to comment on that expansion.

5 We have an addition to the third floor of
6 the conference center, an expansion to the hotel
7 to what's already the property line, and an
8 increase in the cellar level which would adjoin
9 the floor place of the conference center and a
10 restaurant. And we do have a minor increase in
11 the roof structure FAR.

12 To that end we would also support the
13 time extension that's being requested to address
14 these issues. And that's all I have at this time.
15 Thank you.

16 CHAIRPERSON HOOD: Okay. Thank you, Ms.
17 Thomas. Colleagues, any questions or comments?

18 I would just note that this is set down,
19 which I think we all agree to set it down, that
20 the time extension we will deal with after we take
21 final action in the original minor modification
22 case -- well, I wouldn't call it minor now. But
23 in the modification case. Okay?

24 So any questions? Commissioner Miller.

25 MR. MILLER: Thank you, Mr. Chairman.

1 No, I don't have any questions. I just would
2 note, just for the record, that we have that big
3 resolution from ANC 5-A in support of this
4 modification and the time extension. So I am in
5 support of setting it down and taking it up at a
6 hearing.

7 So if you're ready for a motion?

8 CHAIRPERSON HOOD: I think that's a good
9 point because that reaffirms even after the
10 redistricting, 5-C had originally done it, and now
11 5-A did it, even though the chairperson is the
12 same, but the redistricting shows the continuity
13 that Ward 5 residents have when they do certain
14 things.

15 But anyway, I just thought I'd throw that
16 in there. So if anybody wanted to make a motion.

17 MR. MILLER: Mr. Chairman, I would move
18 that we set down the Zoning Commission Case Number
19 08-33C for a hearing that's Parcel 121/31,
20 Conference Center Associates, LLC., and ask for a
21 second.

22 CHAIRPERSON HOOD: I'll second that.
23 It's been moved and properly seconded. Any
24 further discussion? All those in favor.

25 [Vote taken.]

1 CHAIRPERSON HOOD: Not hearing any
2 opposition, Ms. Schellin, would you record the
3 vote?

4 MS. SCHELLIN: Staff records the vote
5 four to zero to one to set down Zoning Commission
6 Case Number 08-33C as a contested case,
7 Commissioner Miller moving, Commissioner Hood
8 seconding, Commissioners May and Turnbull in
9 support, Commissioner Cohen not present, not
10 voting.

11 CHAIRPERSON HOOD: And again, we will
12 deal with 08 -- the time extension, after the
13 final action of this --

14 MS. SCHELLIN: At the same time as final
15 action?

16 CHAIRPERSON HOOD: After the final
17 action, yeah.

18 MS. SCHELLIN: Yeah. Okay.

19 CHAIRPERSON HOOD: Well, when we have
20 final action.

21 MS. SCHELLIN: Right. Exactly.

22 CHAIRPERSON HOOD: Okay. All right.
23 Let's go to Zoning Commission Case Number 15-17,
24 this is the Office of Planning Text Amendment to
25 add expanded child development home as a new use.

1 Ms. Brown-Roberts.

2 MS. BROWN-ROBERTS: Good evening. Good
3 evening, Mr. Chairman and members of the
4 Commission.

5 The Office of Planning recommends set
6 down of the proposed text amendment for expanded
7 child development homes. In the past year OP,
8 DCRA, the fire and emergency services, and the
9 Office of the State Superintendent of Education
10 have examined the different regulations and
11 requirements for child development homes and found
12 that the Zoning Regulation has two categories of
13 childcare. A child development home for up to six
14 children, and child development centers which are
15 allowed for over six children.

16 While the child development regulations,
17 which governs and issues licenses for daycare uses
18 has three categories, child development homes for
19 up to six children, expanded child development
20 home for seven to 12 children, and the child
21 development centers for over 12.

22 In addition we found that there were many
23 areas of conflicts, inconsistencies, and
24 inadequate monitoring which discourages and
25 prevent families from providing the service.

1 Amendments to the various regulations were
2 recommended to streamline the process and
3 facilitate better monitoring of the operation for
4 the safety of the children and the facilities.

5 Towards this end the proposal before you
6 tonight is to add expanded child development homes
7 and require special exception review for those
8 homes which accommodate between 10 to 12 children.
9 The amendment would also address a number of non-
10 resident employees, classified child development
11 homes as home occupations, and assess reuses among
12 other relevant amendments.

13 The proposal is not inconsistent with a
14 comprehensive plan which recommends that new and
15 expanded child care facilities in all residential,
16 commercial, and mixed use areas in an effort to
17 provide adequate affordable childcare facilities
18 throughout the District, and also to consider ways
19 of reducing any barriers that are identified,
20 provided that child safety and neighborhood
21 quality of life issues are adequately addressed.

22 OP therefore recommends setdown of the
23 submitted proposal. Thank you, Mr. Chairman, and
24 I'm available for questions.

25 CHAIRPERSON HOOD: Okay. Thank you, Ms.

1 Brown-Roberts. Colleagues, any questions on this?

2 MR. TURNBULL: Yeah, I just have -- so,
3 Ms. Brown-Roberts, this category is something that
4 really didn't cover -- we didn't cover in the CRR
5 review. It wasn't really -- it didn't come up
6 when we were having our meetings.

7 MS. BROWN-ROBERTS: That's correct.

8 MR. TURNBULL: So, but the expanded child
9 development home has always been with us, it just
10 wasn't defined?

11 MS. BROWN-ROBERTS: It was not defined in
12 the Zoning Regulations. So what would happen
13 would be that providers would come in and ask for
14 say, seven. And then they would be put in the
15 category of a child development center, which has,
16 under OSSC, is a different category and has
17 different requirements to meet. And many of the
18 homes could not meet these requirements because
19 they were more geared towards, you know,
20 commercial buildings and much larger facilities.

21 MR. TURNBULL: Okay. Thank you.

22 CHAIRPERSON HOOD: Any other questions?
23 Comments?

24 Okay. I would move that we set down
25 Zoning Commission Case for a hearing in Zoning

1 Commission Case Number 15-17, the Office of
2 Planning Text Amendment to add expanded child
3 development home as a new use and ask for a
4 second.

5 MR. TURNBULL: Second.

6 CHAIRPERSON HOOD: It's been moved and
7 properly seconded. Any further discussion? All
8 those in favor?

9 [Vote taken.]

10 CHAIRPERSON HOOD: Not hearing any
11 opposition, Ms. Schellin, would you record the
12 vote?

13 MS. SCHELLIN: Staff records the vote
14 four to zero to one to set down Zoning Commission
15 Case Number 15-17 as a rulemaking case,
16 Commissioner Hood moving, Commissioner Turnbull
17 seconding, Commissioners May and Miller in
18 support, Commissioner Cohen not present, not
19 voting.

20 CHAIRPERSON HOOD: Okay. Next we have
21 Zoning Commission Case Number 13-14A. This is
22 Jair Lynch Development Partners, Second Stage PUD
23 at Square 3128. Ms. Brown-Roberts.

24 MS. BROWN-ROBERTS: Mr. Chairman, Jair
25 Lynch Development Partners on behalf of the Vision

1 McMillan Partners, LLC. in the District of
2 Columbia request second stage PUD review to
3 construct a mixed use development on Parcel 2 of
4 the McMillan development, with a seven story
5 structure joined together below grade and above
6 grade at floors three to seven, with an FAR of
7 .504. I'm sorry, 5.04.

8 The building would accommodate 236 units
9 and approximately 19,000 gross square feet of
10 ground floor retail uses.

11 Of the residential uses 25 would be
12 affordable to up to eight percent of AMI as
13 approved at first stage. The height, massing,
14 architectural design, and material pallet is
15 compatible with the master plan, and of
16 significance is the opening to accommodate three
17 quarter street through the site and provide
18 loading, parking, and trash facilities on both
19 wings of the building to better facilitate
20 vehicular circulation.

21 The proposed development would be
22 consistent with the objects of the CR Zone
23 established by the map amendment at first stage.
24 The applicant has requested flexibility in the air
25 of lot occupancy, side yard, roof structures,

1 setback, and loading.

2 Further, they have requested a five
3 percent variation in number of units and
4 associated parking spaces, flexibility for the
5 final selection of interior and exterior
6 materials, color treatment, as well as to make
7 minor refinements to exterior details and
8 dimensions.

9 Flexibilities also requested for the
10 treatment of the interior wall of the building
11 above 3rd Street, 3rd Quarter Street, and the
12 clustering of affordable units. OP will work with
13 the applicant to provide additional information
14 and to narrow the areas of flexibility.

15 The public benefit and amenities of the
16 overall PUD were approved as part of the master
17 plan, and the Commission found that the
18 development would not be inconsistent with the
19 Comprehensive Plan Future Land Use Map, the
20 generalized policy map, and policies and elements
21 of the plan. OP therefore recommends setdown of
22 the proposal for public hearing. Thank you, Mr.
23 Chairman and I'm available for questions.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms.
25 Brown-Roberts. Commissioners, is there any

1 questions or comments? Commissioner Miller?

2 MR. MILLER: Yeah. I just had one
3 question for Ms. Brown-Roberts.

4 So in the order that we did for the
5 overall McMillan site, this building, the maximum
6 building height that would have been allowed for
7 this particular parcel is substantially higher
8 than what's actually come in. Is that correct?
9 This is 82 and a half square feet high, and we
10 approved permission up to a maximum of 110. Is
11 that -- was it 110 or 90, or --

12 MS. BROWN-ROBERTS: It was approved for
13 110 under the CR.

14 MR. MILLER: Right. So I just think it's
15 important to note that, you know, for those who we
16 were concerned about the height of some of the
17 buildings in this project, this project, this
18 particular proposal has come in at less than the
19 maximum height that was allowed. And not all
20 developers are developing to the maximum height
21 that's allowed. And I just think it's important
22 to note that.

23 MS. BROWN-ROBERTS: Okay.

24 MR. MILLER: So, I'm supportive, Mr.
25 Chairman, of setting this down for a hearing.

1 CHAIRPERSON HOOD: Okay. Good point.
2 Any other comments or questions of Office of
3 Planning? Mr. Turnbull?

4 MR. TURNBULL: Yeah. I'm in favor of
5 setting it down. I just have -- I think the OP
6 report points out some of the issues that they
7 have to follow up. But one of my biggest issues
8 right now is, you know, we look at the city and we
9 talk about a lot of the streets that have
10 buildings over streets, such as L'Enfant Plaza and
11 a few others, even away right across here. It
12 really is, to me, I don't think is product as an
13 urban plan to have buildings crossing over
14 streets. I think it destroys the vistas. I think
15 it destroys the overall integrity. Especially on
16 this site. This site needs to be a very livable
17 site.

18 And if I look on sheet 9, which is sort
19 of an aerial view. It's about -- I don't know,
20 we're probably about 60, 80 feet in the air and
21 we're looking over the townhomes towards the two
22 buildings, and you see this glass wall, which is
23 this bridge structure going between the two brick
24 buildings. I think this destroys the whole
25 continuity of the north/south access in that part

1 of the site. I think it destroys the vista. I
2 think it really interrupts the livability of it,
3 and you're creating a tunnel down this street and
4 I just, I can't agree with this. This whole idea
5 of bridging across a street is something,
6 especially on this site, you don't want to do.

7 I think you'll want to open the vistas,
8 you'll want to make it a livable community. I
9 think you want to make it as open and airy as you
10 can. I don't think you want to close in streets
11 like this. I just think this is a bad idea. I
12 really think it's a bad idea. But I want to thank
13 you for your excellent report too.

14 MS. BROWN-ROBERTS: Okay.

15 CHAIRPERSON HOOD: Okay. Any other
16 comments? Commissioner May?

17 MR. MAY: You know, I think my view is
18 sympathetic to Commissioner Turnbull's position,
19 although I'm not sure I agree absolutely that the
20 bridge has to go away. But it's fair to say as a
21 matter of planning principle, we generally don't
22 want to have streets bridged over. I mean,
23 granted this is a small street and these are small
24 blocks, and we very easily could see a block, you
25 know, this big develop without that street running

1 through it. So compared to, you know, what might
2 happen on a mega block development, it's not that
3 bad. But I guess I need to be convinced that this
4 is necessary and appropriate for this development.

5 The only thing I would point out is that
6 given that the -- and we have setback issues for
7 the penthouses, and it has to do with setback from
8 open courts that face streets. I don't think that
9 we should be granting relief for that. I think
10 that those setbacks -- I mean, understanding that
11 these are not as tall as the buildings that might
12 have been on the site, I still think that
13 penthouses should be set back one to one when
14 there is any possibility that it could be viewed
15 from the street.

16 And so I think that, you know, the ones
17 that are not properly set back from the
18 courtyards, they just need to tweak the plan and
19 make that comply, because I think it can be done.

20 MS. BROWN-ROBERTS: Okay.

21 MR. MAY: Okay.

22 MS. BROWN-ROBERTS: Yes.

23 MR. MAY: That's all I have to say.

24 CHAIRPERSON HOOD: Okay. All right. Any
25 other comments on this?

1 MR. MILLER: Well, Commissioner, just on
2 the -- I think the applicant will come in with
3 more information addressing Commissioner
4 Turnbull's concern, and should. I think that they
5 have tried to do a couple things to mitigate the -
6 - including making that bridge glass and setting
7 it way back from the other two facades so that it
8 doesn't look like a wall; just one wall.

9 So just note on the rendering that you're
10 right about the rendering -- I mean, on page 9.
11 But the rendering on page 8, if I'm looking at the
12 same thing, the night time rendering where it's, I
13 guess a little bit lower, you can see the activity
14 that's going on underneath there and in the
15 opening. So I guess it does depend upon the
16 perspective that you have looking at that glass
17 connection. So with the opening underneath.

18 And it does start -- doesn't start until
19 the third floor, and it is a -- it's a new street,
20 new street that this development is creating. One
21 of the many new streets that they are creating.
22 So, anyway. I think they'll address -- they
23 should address it at the hearing.

24 MR. TURNBULL: Yeah, I guess my concern
25 is these are apartment units, condos, over the

1 street. They're not shared community spaces.
2 They're not -- it's a very elitist -- if you live
3 in one of these things you've got a nice view down
4 the street. I just think it's working toward the
5 overall community benefit of the buildings or
6 anything else. It's just high priced units that
7 are going to be placed over the street. And I
8 just have trouble with how you design like that,
9 instead of looking toward the community benefit as
10 a whole and the overall livability of the whole
11 complex. And I just think this falls short.

12 I mean, if there was some major benefit
13 that could say, this is what it does, but it's
14 just a pricey apartment, or a pricey condo over a
15 street. And I just don't think what that does to
16 the overall character of what this site was laid
17 out for. We already went through a huge process
18 that talked about preserving what this site should
19 be and how it should address people, the
20 livability of it. I think this falls short.
21 That's just my feeling.

22 CHAIRPERSON HOOD: Mr. Turnbull, I will
23 be interested to see what they come back with. I
24 think for me, now that you've brought this to my
25 attention, I think it's going to be a lift. And

1 we're talking about different perspectives. I
2 want to see all the perspectives all the way
3 around this particular area in which Mr. Turnbull
4 is mentioning about covering the street because
5 for me, I don't care what it costs, I don't want
6 to be near a whole lot of traffic and going back
7 and forth, and I'm sure traffic is going to be
8 going back and forth all night.

9 So again I'll wait. It's not a
10 showstopper for me, I don't think. Or for any of
11 us. But I think they have a lift because I think
12 Mr. Turnbull --

13 MR. TURNBULL: Yeah. No.

14 CHAIRPERSON HOOD: -- has a very good
15 point that you're making.

16 MR. TURNBULL: Yeah, Mr. Chair. No. I
17 would be in favor of setting this down. I just
18 have some concerns about that one element.

19 CHAIRPERSON HOOD: Yeah, but I would
20 wholeheartedly agree with you. Okay, other
21 comments?

22 MR. MILLER: Mr. Chairman, if there
23 aren't any other comments I would move that the
24 Zoning Commission set down Zoning Commission Case
25 Number 13-14A, Parcel 2 of McMillan, Second Stage

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1 PUD, and ask for a second.

2 MR. TURNBULL: Second.

3 CHAIRPERSON HOOD: Okay. It's been moved
4 and properly seconded. Any further discussion?

5 All this in favor?

6 [Vote taken.]

7 CHAIRPERSON HOOD: Ms. Schellin, would
8 you record the vote?

9 MS. SCHELLIN: Yes. Staff records the
10 vote four to zero to one to set down Zoning
11 Commission Case Number 13-14A as a contested case.
12 Commissioner Miller moving, Commissioner Turnbull
13 seconding, Commissioners Hood and May in support,
14 Commissioner Cohen not present, not voting.

15 CHAIRPERSON HOOD: Okay. Next let's go
16 to Zoning Commission Case No. 13-09. This is the
17 Stanton Square, LLC. First Stage and Consolidated
18 PUDs and Related Map Amendment at Square 5877.
19 Ms. Thomas.

20 MS. THOMAS: Yes. Good evening again,
21 Mr. Chair, or members of the Commission. A
22 consolidated PUD submitted by Stanton Square to
23 develop this eight acre parcel located at the
24 corners of Stanton, Pomeroy, and Elvans Road in
25 Southeast, was first approved in 2007 and that

1 approval has since expired.

2 The current submission includes three
3 apartment buildings of 128 units, 42 three-bedroom
4 townhomes, and a community service center.

5 To achieve the proposed mix of uses on
6 the site the applicant is requesting a
7 consolidated and first stage PUD with a related
8 map amendment from the R-3 to R-5-B district for
9 the residential homes, and an amendment to the S-
10 P-1 district for the community service center
11 campus. And this community service center would
12 be programmed by two non-profit groups.

13 The Consolidated PUD seeks to permit the
14 first phase of the site's development, including
15 the residential portion along with one building of
16 the community service center campus. For the
17 first phase PUD -- first stage, I'm sorry, PUD,
18 the Commission is being asked to approve the
19 massing and height at this time for an additional
20 building on the CSC campus. And at this area the
21 campus would be developed in the second phase of
22 the overall site's development.

23 The use is anticipated for the first
24 stage building would be complimentary to that
25 proposed for the consolidated PUD, and we are

1 asking the applicant to clarify this aspect and
2 expand on it at a public hearing.

3 An important feature of the PUD is the
4 level of affordability that would be provided.
5 Twelve of the multi-family units would be assigned
6 as permanent supportive housing units for
7 residents at 30 percent of the AMI. Fourteen
8 apartment units and five townhomes would be IZ
9 dedicated at 50 to 80 percent AMI for the life of
10 the project. The remainder of 102 family multi-
11 family non IZ units would be affordable to
12 residents at 60 percent AMI for 40 years.

13 Details of the site's data, proposed
14 material use, requested flexibility, and amenities
15 are included in our report, and we have asked the
16 applicant to provide additional information,
17 including dedication of the proposes, street as a
18 public street, additional information on light and
19 landscaping and the side screening, in light of
20 the retaining walls proposed for the site and the
21 environmental elements of the Comp Plan.

22 The overall proposed uses for the site
23 would provide important amenities for residents of
24 Ward 8, and a proposal is not inconsistent with
25 the Comp Plan. Therefore, we are recommending

1 setdown of the application and I'm available to
2 take any questions. Thank you.

3 CHAIRPERSON HOOD: Thank you, Ms. Thomas.
4 Colleagues, any questions or comments on this
5 application? Commissioner May?

6 MR. MAY: So I think generally speaking,
7 the project the way it's been reformulated is
8 substantially better than what we had seen before
9 on this, or what it was before, put it that way.
10 And I think that the design, the buildings, is
11 generally pretty good. I am interested in the
12 details and the materials, the colors, because we
13 want to make sure that the buildings have that,
14 you know, the level of quality that I think that
15 they aspire to.

16 It is a little bit troubling given that
17 it seems like the site right now is essentially
18 just a forest of some sort. Do we have any sense
19 of how -- I mean, how much of the existing tree
20 cover on the site will remain, or how much of it
21 actually really is. It's kind of hard to tell how
22 much of it is really just tree cover.

23 MS. THOMAS: I don't have a sense of it
24 right now. That's why we've asked for --

25 MR. MAY: Yeah.

1 MS. THOMAS: -- more information and with
2 DDOE on landscaping and on --

3 MR. MAY: Right.

4 MS. THOMAS: I did ask in my report that
5 they work with them to make sure that whatever
6 they're going to propose, possibly for replanting,
7 that it is native to the District --

8 MR. MAY: Uh-huh.

9 MS. THOMAS: -- and to work with DDOE on
10 that.

11 MR. MAY: Okay. So I'm very interested
12 in that, on what happens with the existing trees.
13 I mean, with the amount of grading that obviously
14 has to occur, I'm sure, you know, most of it is
15 going to go away. Just because it's a forest
16 doesn't necessarily mean that it's health and
17 good, but it is still tree cover and has value,
18 and so -- and there may well be substantial trees
19 that's worth making an effort to save. And of
20 course having it replanted properly is vitally
21 important as well. So your suggestion that they
22 work with DDOE is a good one.

23 I am concerned about the retaining wall.
24 Again, I think it got better from the earlier
25 version of it, but it's still a big, big retaining

1 wall, and it may be the latest technology is
2 greener than most. But I'm still troubled by it
3 and I think that every effort should be made to
4 reduce the extent to which the retaining wall is
5 necessary. And that may mean planning -- you
6 know, planning the site out a little bit
7 differently or placing the homes a little bit
8 differently, or building on something less than a
9 flat site.

10 I mean, I think I can see that there's
11 been more of an effort that we often see for
12 development projects where they simply want to
13 come in and make everything flat because it's
14 easier to build on a flat site than it is to build
15 on anything that's got slope to it. But I think -
16 - I hope that there is more that can be done
17 because a 30 foot high retaining wall, however
18 smart that slope may be, is still not as good as
19 just a regular slope; a natural slope.

20 So I'm also not a big fan of the very
21 large parking lot in the middle of the cluster of
22 larger buildings. And hopefully some things can
23 be done to soften that up or reduce the number of
24 spaces, or integrate more into what would be
25 street parking, I guess. And I'm also not a big

1 fan of the front, the handful of townhouses that
2 have front entry garages. I know that that's not
3 a favorite of the Office of Planning as well, but
4 maybe something can be done to address that.

5 It is possible to build a townhouse
6 without having a garage in it. And particularly
7 if there's going to be a new street there, there
8 might be ample street parking and maybe it's okay
9 not to have some townhouses without parking.
10 Particularly if it makes the sidewalk experience
11 better.

12 That's what I have. Thanks.

13 CHAIRPERSON HOOD: Okay. Thank you. Any
14 other comments? Commissioner Miller?

15 MR. MILLER: Thank you, Mr. Chairman.
16 Yeah, I'm very supportive of this project and
17 supportive of the additional information that's
18 been requested by Office of Planning and by
19 Commissioner May so far. And I just wanted to
20 note that, I mean, this really is a great project
21 that has mixed income housing, including permanent
22 supportive housing that's badly needed, other
23 affordable housing, and market rate housing, 128
24 multifamily units in the 42 townhouses; townhouse
25 units.

1 And the other element that is very well
2 developed is the community center that includes
3 the two programmatic uses by the Community of Hope
4 and Martha's Table to provide the wraparound
5 services that some of that permanent supportive
6 housing, residents, and others in the neighborhood
7 will need. So I think there are a lot of
8 excellent components of the project and I'm sure
9 some things can be improved and we'll get good
10 information, hopefully at the hearing on the
11 things that have been noted by OP and my fellow
12 commissioners. So I'm prepared to set down this
13 hearing tonight, Mr. Chairman.

14 CHAIRPERSON HOOD: Okay. Thank you,
15 Commissioner Miller. Any other -- Commissioner
16 Turnbull?

17 MR. TURNBULL: Oh, thank you, Mr. Chair.
18 Yes, I would agree. I would be in support of
19 setting this PUD down for a hearing, and I agree
20 with all the comments that Commissioner Miller and
21 Commissioner May made.

22 I think what's interesting is that the
23 architecture between the Stanton Square and
24 Stanton Commons is quite -- they're diversely at
25 opposite ends. They're quite -- they're unique to

1 each other. So but what I would like to see as we
2 go forward, that the architectural drawings sort
3 of clarify some of the attributes of that. And I
4 would like to see, in the residential portion of
5 Stanton Square, maybe some views down the street
6 that sort of give a better feeling as to what that
7 architecture really looks like.

8 And I would agree that the parking lot is
9 a bit of a problem, and I would like to see some
10 views as we go forward, as that gets resolved in
11 there with trying to soften it, that we see some
12 perspective views in that square that looks at all
13 of those buildings.

14 And I would also agree that looking on
15 drawing L0-7, you know, it's 30 feet difference in
16 height between the Commons and the Square with
17 this big berm. These berms. So I think we need
18 some views of what that possibly could be also. I
19 think a perspective view along that end, there is
20 the buyer retention on Section 3 on 1 shows a
21 difference of 16 feet. I don't see any kind of a
22 railing on top of that. I think we need some more
23 clarification on the grade changes and the
24 protection for individuals as they walk along
25 here.

1 But I think it's come a long way too,
2 from what we've had in other versions of this. So
3 as I say, I would be in favor of setting it down.

4 CHAIRPERSON HOOD: Okay. Any other
5 comments? Somebody like to make a setdown motion?
6 Commissioner Miller?

7 MR. MILLER: Mr. Chairman, I would move
8 that the Zoning Commission set down Zoning
9 Commission Case Number 13-09, First Stage and
10 Consolidated PUD with the Related Map Amendment
11 from the R-3 to R-5-B, and that's P-1 District for
12 Square 5877, Lot 122, and ask for a second.

13 MR. TURNBULL: Second.

14 CHAIRPERSON HOOD: Okay. It's been moved
15 and properly seconded. Any further discussion?
16 All those in favor?

17 [Vote taken.]

18 CHAIRPERSON HOOD: Not hearing any
19 opposition, Ms. Schellin, would you record the
20 vote?

21 MS. SCHELLIN: Yes. Staff records the
22 vote four to zero to one to set down Zoning
23 Commission Case Number 13-09 as a contested case,
24 Commissioner Miller moving, Commissioner Turnbull
25 seconding, Commissioners Hood and May in support,

1 Commissioner Cohen not present, not voting.

2 CHAIRPERSON HOOD: Did you say
3 Commissioner May or Commissioner Cohen?

4 MS. SCHELLIN: I said Commissioners Hood
5 and May in support, Commissioner Cohen not
6 present, not voting.

7 CHAIRPERSON HOOD: Okay. Okay. Let's go
8 to Zoning Commission Case Number 15-05, P.N.
9 Hoffman, Inc., Riverside Baptist Church,
10 Consolidated PUD and Related Map Amendment at
11 Square 472. Ms. Rappolt. Okay.

12 MS. RAPPOLT: Good evening. Thank you,
13 Chairman Hood and members of the Commission. I'm
14 filling in for Steve Cochran, who is the project
15 manager for this case tonight.

16 OP recommends the Zoning Commission set
17 down the applicant's request for a PUD and related
18 zoning map amendment for the property known as the
19 Riverside Baptist Church site, which is currently
20 zoned to the R-5-B district.

21 The applicant requests a map amendment to
22 the C-3-A district. The PUD consists of a two-
23 story, 40 foot, approximately 11,000 square foot
24 church building fronting Main Avenue, and a seven
25 to nine story residential building of 170 units

1 that fronts I and 7th Street.

2 It will also have ground floor uses of
3 approximately seven to 8,000 square feet that may
4 include retail, live/work space, and/or community
5 serving uses.

6 The FAR requested is 4.57, which very
7 slightly exceeds the 4.5 maximum of the C-3-A
8 district.

9 The property is well located as it's
10 within four blocks from the Waterfront Metro
11 Station. Also significant is the transformation of
12 the waterfront with the construction of the Wharf
13 development underway across Main Avenue. The
14 Arena stage is near the property as well.

15 In terms of the Comprehensive Plan Future
16 Land Use Map the property is appropriate for
17 moderate density residential uses. Earlier this
18 month the City Council approved the Southwest
19 Small Area Plan which will provide further vision
20 for the future development of Southwest and this
21 property.

22 The Southwest Small Area Plan identifies
23 the site as appropriate for mixed use medium
24 density, residential uses, which also includes the
25 proposed church use and low density commercial

1 uses. The proposal would further the
2 Comprehensive Plan and Southwest Small Area Plan
3 with the PUD and related map amendment.

4 As detailed in OP's report, flexibility
5 is needed to allow for a minimal FAR relief of
6 .07, relief to allow for an increase in the
7 percent of compact spaces, as well as the
8 arrangement of compact spaces, as well as for
9 loading, rear yard, and open court relief. The
10 applicant has also requested minor design relief
11 for a number of elements of the project and
12 recently modified its original request for roof
13 structure relief such that no roof structure
14 relief is now requested, nor required.

15 OP recommends the applicant provide more
16 information with regard to the public benefits and
17 amenities, specifically with regard to the
18 community oriented services provided by the
19 church, the slip lane removal, and related future
20 plaza design, the TDM, and more specificity
21 related to the ground floor uses.

22 The proposal is not inconsistent with the
23 proposed zoning district, elements of the
24 Comprehensive Plan and the Southwest Small Area
25 Plan, and as such the Office of Planning

1 recommends the PUD related map amendment request
2 be set down for a hearing and we'd be happy to
3 take any questions.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms.
5 Rappolt. Let's see if we have any questions or
6 comments. Anyone? Commissioner May.

7 MR. MAY: So we didn't actually see the
8 diagrams, or the drawings of the change to the
9 roof plan, right? I mean, that wasn't in what we
10 had received so -- and I trust that they submitted
11 -- I mean, it looks like, from your report, that
12 they submitted something that was consistent with
13 existing regulations. That's all good but, you
14 know, by the time we hear this the new regulations
15 could well be enacted so we might wind up with
16 something different on the roof.

17 The one thing I want to point out that is
18 a minor point, but glass rails still need to be
19 set back. And they were not in the drawings that
20 we saw, even though they thought they were doing
21 something that was consistent with the new
22 regulations, because glass rails are visible and
23 they're just -- it's like a parapet. They have to
24 be set back or they have to be, you know, no
25 higher than the -- they have to be treated as a

1 parapet and no higher than the allowed height.

2 You know, I think that they are trying to
3 do something interesting with the architecture of
4 the building and provide a good backdrop for the
5 more interesting architecture of the church. But
6 there is something that's kind of bland in the way
7 it reads and it's kind of relentless in the grid.
8 And I think that, you know, the Office of Planning
9 had some good comments in the report, so I hope
10 that that will be a fruitful discussion and the
11 design will improve.

12 I think that this is the project to fall
13 short in a number of areas and I mean, you know,
14 it's another project that's coming in with sort of
15 minimal LEED ratings and just what's required in
16 terms of affordability and amenity package is
17 meager given the extraordinary boost in FAR that
18 comes with this map amendment. So I expect that
19 to be substantially better by the time we get to a
20 hearing. I'd hate to have this come in and have
21 us have to push back from the very beginning of
22 the hearing saying, you know, the benefits to this
23 project are not in line with the substantial
24 development potential that's being gained with the
25 PUD.

1 So I think that's everything I wanted to
2 say. Thank you.

3 CHAIRPERSON HOOD: More comments or
4 questions? Anybody? Commissioner Turnbull?

5 MR. TURNBULL: Oh, thank you, Mr. Chair.
6 I would agree with Commissioner May's comments. I
7 want to thank Ms. Rappolt for filling in for Mr.
8 Cochran.

9 But I will also just reiterate all of the
10 comments that OP made on pages 13 and 14 of the
11 report, which include also for the applicant to
12 come back with some views. And I'm looking at
13 page 13, looking from southward on South Street,
14 the upper stories and Capitol. There are several
15 views so I think that the applicant needs to go
16 back and look at what's on 13 and 14 and really
17 come to grips with OP's comments.

18 And getting back to the roof, I would
19 agree. I mean, there was an Exhibit No. 10, was
20 submitted by the applicant's attorneys. And it's
21 really hard to read. I mean, you really can't
22 tell if they've met the requirements of the roof
23 of not. So regardless of which way they're going
24 to go, if they're going to go -- depending upon
25 where were are and what gets passed or what isn't

1 passed, they need to really do a roof plan that
2 shows sections and blow-ups, and it really shows
3 all of the elements that are going to be up on the
4 roof and how they meet the intent of the zoning
5 regs.

6 But Mr. Chair, I think those were all my
7 questions.

8 CHAIRPERSON HOOD: Okay. Thank you.
9 Commissioner Miller.

10 MR. MILLER: Thank you, Mr. Chairman. I
11 would concur with my colleagues' comments and OP's
12 recommendations. Particularly with regard to
13 strengthening the LEED and the affordable housing
14 from the very minimal proffer so far. So I guess
15 I want to see more on that.

16 And I also think I need to hear more from
17 the Office of Planning. Not at this time. Maybe
18 at the hearing, as to why the existing
19 Comprehensive Plan Land Use Map designation of
20 moderate density residential is not problematic.
21 I realize that there is the Southwest Area Plan
22 that calls for a recommended change to that map
23 that has been approved by the Council that would
24 call for medium density residential and low
25 density commercial, which is what this proposal

1 would fit into. But the land use map of the Comp
2 Plan is still not amended yet until it gets
3 amended through the Comp Plan amendment process.

4 So I just, I know we had another case
5 where we thought that there was a timing issue and
6 I just didn't know what maybe distinguished this
7 from that. And so I just would like to hear more
8 about that from the Office of Planning at the time
9 we get to hearing, or from the applicant.

10 CHAIRPERSON HOOD: Okay. I don't have
11 any comments on this case. I will address any
12 issues and see what they present at the hearing.
13 So with that I would move that we set down Zoning
14 Commission Case Number 15-05, P.N. Hoffman, Inc.,
15 and Riverside Baptist Church, Consolidated PUD and
16 Related Map Amendments at Square 472 and ask for a
17 second.

18 MR. MILLER: Second.

19 CHAIRPERSON HOOD: It's been moved and
20 properly seconded. Any further discussion? All
21 those in favor?

22 [Vote taken.]

23 CHAIRPERSON HOOD: Not hearing any
24 opposition of those present, Ms. Schellin, would
25 you record the vote?

1 MS. SCHELLIN: Yes. Staff records the
2 vote four to zero to one to set down Zoning
3 Commission Case 15-05 as a contested case,
4 Commissioner Hood moving, Commissioner Miller
5 seconding, Commissioners May and Turnbull in
6 support, Commissioner Cohen not present, not
7 voting.

8 CHAIRPERSON HOOD: Okay. Next let's go
9 to Zoning Commission Case No. 15-12, J River 1401
10 Pennsylvania Avenue, LLC., on Consolidated PUD and
11 Related Map Amendment at Square 1065.

12 Ms. Rappolt.

13 MS. RAPPOLT: Thank you. OP recommends
14 the Zoning Commission set down the applicant's
15 request for a PUD and related zoning map amendment
16 for the property known as 1401 Pennsylvania Avenue
17 Southeast, which is currently zoned to the C-2-A
18 district. The applicant requests a map amendment
19 to the C-2-B district.

20 The PUD consists of a seven story
21 residential building with a range of units from
22 170 to 190 with approximately 23,000 square feet
23 of ground floor retail. The FAR is 5.29, which is
24 slightly below the 6.0 max FAR for the C-2-B
25 district.

1 As detailed in OP's report the Southeast
2 portion of Capitol Hill is currently undergoing
3 recent development interest as several PUDs and
4 BZA requests are under review to the north of the
5 property. The property is within 600 feet of the
6 Potomac Avenue Metro Station.

7 In terms of the comprehensive plan future
8 land use map the property is appropriate for
9 moderate density commercial and moderate density
10 residential uses. The generalized policy map also
11 denotes it as a main street mixed use corridor.

12 The proposal would further the
13 comprehensive plan written policies within the
14 citywide elements regarding transit oriented
15 development by Metro stations.

16 As detailed in OP's report, flexibility
17 is needed to allow a relief from the provision of
18 required retail parking, loading, and flexibility
19 to provide a range of units.

20 OP strongly recommends the applicant
21 reduce the massing of the southern end of the
22 building at the east and west wings that are
23 adjacent to existing row homes on the same square,
24 some of which are two stories in height. The
25 proposed building's transition to the rest of the

1 square is important as it is unlikely the adjacent
2 R-4 zoned row dwellings will redevelop during the
3 life of the PUD.

4 In terms of the public benefits and
5 amenities, more specific information is necessary
6 to evaluate the off-site benefit mentioned in the
7 written statement. The applicant states they're
8 in communication with other developers in order to
9 consolidated a publically accessible benefit
10 nearby, which could potentially have more impact
11 than a singular development.

12 The proposal is not inconsistent with the
13 proposed zoning district. The written portions of
14 the comprehensive plan regarding transit oriented
15 development and as such the Office of Planning
16 recommends the PUD related map amendment request
17 be set down for public hearing and I'd be happy to
18 take any questions. Thank you.

19 CHAIRPERSON HOOD: Okay. Thank you.
20 Colleagues, any questions on this case? Comments?
21 Commissioner Turnbull.

22 MR. TURNBULL: Thank you, Mr. Chair. Ms.
23 Rappolt, again, thank you for your precise report.
24 And you didn't mention some of the things that are
25 on page 12 and 13, but you did talk about the

1 architecture. You talked about some of the blank
2 walls that are there. You talked about the
3 applicant ought to be more -- have a more
4 sensitive transition, and you also talk about the
5 affordable housing and the environmental. So I'm
6 not going to go back and repeat those. I mean,
7 the applicant indeed needs to look at your report
8 and carefully see what's there.

9 I guess one of the big things that I,
10 again, that some of the architecture needs to be
11 handled, but on page 13 of their drawings, it
12 shows sort of a rear view from -- or it shows in
13 back of this complex from Ives Place. And I guess
14 this is another one of these projects where it's
15 like, we're only thinking of the most visible
16 streets that we have to do architecture, in
17 quotes.

18 But the problem is, is that this open
19 courtyard that faces toward Ives Place, faces the
20 neighborhood, the townhomes and the people out
21 there. So we have a rather nondescript white
22 cement board fascia elevation back here, which is
23 really minimalist. It really doesn't do anything
24 for the architecture of the building, or to
25 fitting in with the context of the neighborhood.

1 And I really think this falls short. I think it's
2 really kind of a slap in the face to the rest of
3 the neighborhood. And I think the applicant needs
4 to go back, revisit this, and say you know what,
5 we're going to be part of the neighborhood, we're
6 going to make a gesture of being part of the
7 neighborhood, and the architecture is going to
8 reflect that.

9 So I would just have them look very
10 carefully at that. Thank you.

11 CHAIRPERSON HOOD: Okay. Any other
12 comments on this case? Commissioner Miller?

13 MR. MILLER: Thank you, Mr. Chairman.
14 Yeah, I would concur with the Office of Planning's
15 comments and recommendations for additional
16 information and changes and I appreciate
17 Commissioner Turnbull's point that he's made
18 regarding that rendering on page 13. I think the
19 brick, the brick material obviously works much
20 better, which is what most of the project is and
21 maybe they just need to have it be all brick.

22 But I also think that there does need to
23 be that better transition to -- and more step
24 downs and setbacks to transition and be more
25 compatible with the surrounding neighborhood. So

1 I appreciate all of OP's comments in their report
2 about that. Thank you.

3 CHAIRPERSON HOOD: Thank you.
4 Commissioner May?

5 MR. MAY: Yeah. The development that's
6 just up the street, Jenkins Row, what is the
7 height of that? I mean, it looks like it's a
8 story lower than this is, right?

9 MS. RAPPOLT: It is. It's between five
10 and six stories. I'm not exactly sure what the
11 number is but --

12 MR. MAY: Yeah, but I mean we know what
13 the building height is though. Okay. So I think
14 one of the things that I'd like to see is a little
15 bit more illustration of this building in context
16 so we understand how it relates to that building
17 because that's a very large building, and this one
18 is showing itself as if it's even larger.
19 Certainly in terms of height it seems like it's
20 larger.

21 I think we do have a bit of a stretch
22 here, not unlike the last case, where 78 feet and
23 5.29 FAR, is that really consistent with moderate
24 density commercial? That's something that we've
25 wrestled with before and we have and we have made

1 the case, I think. It's not completely
2 outrageous, but it's definitely at the upper end
3 of the spectrum and I think that's something that
4 has to be addressed quite thoroughly if we are to
5 go that high in density. And I'm not sure that we
6 should. So, as I said, you know, related to that
7 but separate is the issue of seeing massing
8 diagrams and street elevations that capture more
9 of the context.

10 And I agree with my -- the comments of my
11 colleagues so far and with the Office of
12 Planning's comments, particularly about the
13 building having to step down more.

14 I do think that the architecture, the
15 basic architecture of the building shows some
16 promise and there are some good moments in it.
17 But I have a question about how well the building
18 relates to the context, not just in terms of
19 massing but in terms of materials. And I'm not
20 saying that it should all be, you know, really
21 historicists and be just like the townhouses or we
22 should have fake townhouses on the front of a
23 large building or anything like that. Just
24 showing greater relationship.

25 And we've seen some very good examples of

1 how to do that on previous PUDs and I think those
2 could be good examples for the designer to be
3 looking at here.

4 Again, I think this is another one where
5 they're proposing LEED Silver, which is really
6 nothing. It doesn't mean very much here and they
7 should be striving for better than that. The
8 benefits and amenities package is also meek. I'm
9 concerned about the lack of retail parking because
10 there is zero proposed. I mean, I think overall
11 this is -- this project kind of stretches the
12 limits. I kind of wish it was a little bit
13 further baked before we got it. But it's not so
14 bad that I would vote against setting it down at
15 this moment. But it needs, I think, substantial
16 work before we could have a successful hearing.

17 Do we have a sense yet of how well this
18 has been received within the community?

19 MS. RAPPOLT: I think it's been positive,
20 but I think the applicant would have to address
21 that. I don't have all the details.

22 MR. MAY: Okay. So we'll hear more, I'm
23 sure. Thanks.

24 CHAIRPERSON HOOD: Okay. I know that
25 we're still working on the circulation pattern and

1 the pedestrian walkways, so I'm really curious of
2 how this is going to work with the vehicle, the
3 circular, the vehicle circular traffic and the
4 patterns. I'll be looking forward to hearing that
5 from the consultant and as well as DDOT when they
6 chime in on what's proposed before us.

7 And I would agree with some of the
8 comments of my colleagues, as well as what was
9 mentioned with the Office of Planning. Especially
10 the step down.

11 So, again, it's not a showstopper for me
12 to set down, and as Commissioner mentioned
13 hopefully some of these comments will be fine-
14 tuned and we can make the hearing go along a
15 little smoother with some additional comments that
16 we may have at that time.

17 Any other comments or questions?

18 Okay. So with that, colleagues, if it's
19 in order I would move that we set down Zoning
20 Commission Case No. 15-12 and ask for a second.

21 MR. TURNBULL: Second.

22 CHAIRPERSON HOOD: It's been moved and
23 properly seconded. Any further discussion? All
24 those in favor.

25 [Vote taken.]

1 CHAIRPERSON HOOD: Not hearing any
2 opposition of those present, Ms. Schellin, would
3 you record the vote?

4 MS. SCHELLIN: Yes. Staff records the
5 vote four to zero to one to set down Zoning
6 Commission Case No. 15-12 as a contested case,
7 Commissioner Hood moving, Commissioner Turnbull
8 seconding, Commissioners Miller and May in
9 support, Commissioner Cohen not present, not
10 voting.

11 [Pause.]

12 CHAIRPERSON HOOD: One second. Just give
13 me one minute, please.

14 [Pause.]

15 CHAIRPERSON HOOD: Okay. Let's go to
16 Zoning Commission Case No. 15-13. This is the
17 Watkins Alley, LLC., Consolidated PUD and Related
18 Map Amendment at Square 1043. Oh, Ms. Vitale.

19 MS. VITALE: Yes.

20 CHAIRPERSON HOOD: Oh, Mr. Lawson. Oh,
21 Ms. Vitale.

22 MS. VITALE: You're correct. Good
23 evening, Mr. Chair, members of the Commission. OP
24 is recommending setdown of the consolidated PUD
25 and related map amendment requested by Watkins

1 Alley to permit development of the property at
2 1311 E Street Southeast.

3 The PUD related map amendment from the C-
4 M-1 and R-4 district to the R-5-B district would
5 allow for the construction of 45 residential units
6 in the Capitol Hill neighborhood on a site that's
7 currently used for auto repair.

8 The project would contain a northern
9 block of town homes at E Street Southeast. The
10 southern portion of the property, which is
11 internal to the square and would be surrounded by
12 the alley system would contain another block of 20
13 townhomes laid out in two parallel rows that would
14 front on a central muse. And then a five story
15 apartment building would connect the northern and
16 southern townhouse portions of the project. The
17 applicant is also proposing a single carriage
18 house on an adjacent alley parcel.

19 The proposed 2.86 FAR is permitted by the
20 R-5-B PUD that's being requested. The project
21 would provide no less than 10 percent of the
22 residential area for affordable dwelling units,
23 including three townhouses and two flats. The
24 applicant has also indicated that one unit would
25 be designed to accommodate a senior tenant.

1 And the applicant is also working with
2 ANC 6-B to refine the amenities package for the
3 project.

4 OP has identified additional areas where
5 information is required. Those are listed in the
6 report, and we have requested that the applicant
7 provide additional site circulation details,
8 including information regarding the pedestrian
9 movement through the site, sections that
10 demonstrate how pedestrians would access the muse,
11 and then DDOT has also requested turning diagrams
12 for the trash and loading vehicles.

13 OP has requested refined architectural
14 elevations that would employ a more unified
15 architectural style that's in keeping with the
16 character of the surrounding Capitol Hill
17 neighborhood as well as details regarding IZ
18 compliance.

19 And finally, DDOT has requested and will
20 work with the applicant to develop an appropriate
21 TDM plan for the project. The proposed PUD is not
22 inconsistent with the Comprehensive Plan.
23 Therefore OP is recommending that the application
24 be set down for public hearing. Thank you, and I
25 can answer any questions that you might have at

1 this time.

2 CHAIRPERSON HOOD: Okay. Thank you, Ms.
3 Vitale. Commissioner's any questions, comments?
4 Commissioner May?

5 MR. MAY: Yeah, thank you. What's
6 happening with the DDOT sign shop back there? I
7 mean, there's been talk for decades about it going
8 elsewhere. Is it going to be there forever?

9 MS. VITALE: At this time I have not
10 heard anything about relocation of that use.

11 MR. MAY: Okay. I'd be curious to find
12 out just what the status of it is because, you
13 know, it's a very large block in that industrial
14 use that's in the middle of all that residential
15 use is almost unknown unless you happen to know
16 that it's there or you happen to drive through the
17 alley or something like that. So I think that
18 it's something that, you know, it would just be
19 useful to know what the rest of the context is.
20 Maybe at some point the entire inner portion of
21 the block is going to be redeveloped. It would be
22 nice to know something more about that.

23 Okay. So the case before this I was
24 concerned that it was not fully baked. And this
25 one I think is not baked at all. And I would need

1 to be convinced to vote in favor of setting it
2 down at this time. I think that the -- you know,
3 in principle the idea of the density that they're
4 talking about and the layout, I think it can work
5 but it requires sensitivity and creativity in
6 terms of how it is planned, and it requires a
7 sensitive touch in terms of the architecture and
8 how it relates to the context. And I'm getting
9 none of that here.

10 I mean, maybe it's embedded in it, but I
11 had a hard time understanding the plans. It's
12 partially because of the drawings that were
13 missing. But it's more than that. I mean, just
14 even the way the façades are treated. I mean, the
15 architecture is all over the place. I mean,
16 mansard roofs on three-story buildings, arched
17 windows on large, you know, on large arched
18 windows on facades that are faced with wood or,
19 you know, Hardy plank trim or Hardy board trim. I
20 mean, none of it goes together. It's like taking
21 a sampling of sort of mediocre row house
22 developments from the suburbs and sort of slapping
23 it on to this development. I mean, I just think
24 it's a mess and I'm not buying it.

25 Like I said, you know, in principle I can

1 see a way to that level of density. I can see
2 this kind of a plan which reaches into the middle
3 of the block and makes use of it in, I think, in a
4 creative way. I think in principle there's
5 something there. But I think the way that it's
6 been executed it just, it needs a lot more work
7 before we can even consider having a hearing on
8 it.

9 Some of the relief I have trouble with,
10 the rear yard relief. Particularly in the context
11 of, you know, what else might be happening there.
12 I also think that the benefits and amenities are
13 not there yet either. And the carriage house
14 component, I mean, really? A 10 foot wide
15 carriage house that's 30 feet tall? Really?
16 That's the best use of that piece of property? I
17 mean, granted, it's a hard piece of property to
18 use but it's 10 feet wide. Trying to make it into
19 a, quote, carriage house, just seems crazy to me.
20 I don't even know why it's part of this project.
21 I mean, I really don't. So, I'm not going to --
22 again, unless somebody else can really explain to
23 me why there's something fantastic here that we
24 should be voting in favor of, I think it needs to
25 go back to the drawing board a little bit more and

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1 they need to work with the Office of Planning to
2 try to get this in shape.

3 CHAIRPERSON HOOD: Okay. Any other
4 comments or questions? Commissioner Turnbull.

5 MR. TURNBULL: Thank you, Mr. Chair. I
6 want to thank Ms. Vitale for the report and again
7 as in some previous OP reports, there's a lot of
8 things that the applicant is missing. And I'm
9 just going through here and starting at page 1.
10 There's a lot of things about just how this
11 project really works. IZ, the architecture, the
12 transportation, the trash, the loading. A lot of
13 this stuff has really not been covered.

14 And I would agree that the drawings that
15 we're being provided, the elevation drawings are
16 terrible. They're really terrible. I mean,
17 they're cartoons. And you've got painted fiber
18 cement panels, you've got natural brick as opposed
19 to unnatural brick, painted trim with -- you've
20 got painted lap siding, you've got painted
21 aluminum panels. It's all over the place.

22 And the only thing that I found that I
23 could understand in this project was actually A45,
24 which is sort of this perspective, this aerial
25 view that looks over the courtyard and it's just

1 this meandering thing. But I guess I'm sort of
2 leaning toward what Commissioner May has talked
3 about, that this is so confusing.

4 And as I look down on the right-hand side
5 as it goes out, you can see this sort of
6 storefront façade with this angled window with
7 these dormers. It's just -- and then you've got
8 this balcony behind you with these other units
9 that go with this green rooftop. I am assuming
10 that this must be a concrete building. It's not
11 going to be a stick built thing. I mean, to be
12 able to do this.

13 And then if I'm looking down, this item
14 with the black roof, is that that 10 foot row
15 house? Is that -- is that it? That's, again, is
16 cartoonish and I don't think -- the architecture,
17 somehow they've -- I'd rather just make it part of
18 the street if you've -- that's your best use of
19 it. Make it the plaza or whatever.

20 Again, I think I guess I'm leaning toward
21 what Commissioner May -- maybe this isn't quite
22 baked enough to be able to be set down. Maybe
23 there needs to be a little bit more thought and to
24 address some of the concerns of OP. I don't like
25 to not set down things but I'm just concerned that

1 there's quite a high bar for them to reach to make
2 this project fit in. Especially in the Capitol
3 Hill area. I think it really needs to be more
4 addressing the concerns of the area, and the
5 architecture needs to reflect it. So, thank you.

6 CHAIRPERSON HOOD: Commissioner Miller,
7 you want to add anything?

8 MR. MILLER: Well, I'll start with
9 something positive, which is the two and three-
10 bedroom units. I think larger bedroom units in
11 this neighborhood is a good thing. And so I'm
12 pleased to see that part of the project.

13 I agree with all the Office of Planning's
14 comments and I do tend to agree with my fellow
15 commissioners who have much more expertise in the
16 architectural area.

17 What stood out to me, though, was the
18 cover page. In addition to -- and OP says, they
19 said they would work with the applicant to get a
20 more unified architectural structure, I think,
21 style, that's what they said. But that top floor
22 of the apartment building behind it just doesn't
23 seem like it's integrated very well. I mean,
24 either it needs to be set back a lot more or it
25 could be one floor lower. It just doesn't -- that

1 E Street elevation and wherever you can see the
2 top floor on top of the townhouses, it just
3 doesn't look like it's been integrated to go with
4 the rest of the design or the materials, or the
5 color. It just needs a lot more integration.

6 So I agree it needs a lot of work and
7 whether it's after we set it down for a hearing or
8 before we set down for a hearing, the work has to
9 be done so I can go along with my colleagues to
10 request that that work be done in conjunction with
11 OP, which laid out a lot of these issues.

12 CHAIRPERSON HOOD: I see the concept. I
13 would associate myself with the cartoonish look,
14 but I see where we're trying to arrive; where
15 we're trying to go. I kind of like that there's
16 some things that my colleagues have mentioned that
17 we probably can fine-tune. But I see where we're
18 trying to get to. We just hadn't gotten there.

19 Now the cartoonish look, maybe this is
20 the new style that we're going to be getting. But
21 I don't know, I've said that before when we've
22 gotten some renderings like this. I'm not sure
23 this is the way that this is moving, but I would
24 leave it also to those who are the subject matter
25 experts in the architecture field. I know what my

1 opinion says, but we have to do what is right to
2 move this thing forward.

3 I would associate myself with maybe
4 trying to see if they could have some of these
5 comments fine-tuned by Thursday. Ms. Schellin, I
6 know that -- you think they can have it fine-tuned
7 by Thursday? Or do they need more time than that?

8 MS. SCHELLIN: No.

9 CHAIRPERSON HOOD: Okay.

10 MS. SCHELLIN: They need more time.

11 CHAIRPERSON HOOD: I'm just saying that
12 the Zoning Commission is very accommodating. So
13 since you can't do that, that's our last meeting
14 for the month. Well, until September. So anyway,
15 I would not, with all the comments I've heard, I
16 don't see us setting this down because that makes
17 our hearings and we'll have a lot of work to do at
18 the hearing. I think it would be advisable for
19 the applicant to deal with some of the issues
20 you've heard previously.

21 I see where we're trying to go, but we
22 usually see a little more than what we have here.
23 The cartoonish look, I can see where we're going
24 but we need to fine-tune some of those things that
25 my colleagues have mentioned on that.

1 So with that why don't we just delay set
2 down on this? And do we have a date?

3 MS. SCHELLIN: The applicant is
4 indicating they could probably be ready for the
5 September meeting, which is September 21st. Okay?

6 CHAIRPERSON HOOD: That's our meeting.

7 MR. MAY: That's the meeting.

8 CHAIRPERSON HOOD: That's our meeting
9 date.

10 MR. MAY: So then they submit it a week
11 before that or whatever?

12 MS. SCHELLIN: Well, OP needs to be able
13 to weigh in so I actually need them -- OP is going
14 to need a week so --

15 MR. LAWSON: Well -- sorry. This is Joel
16 Lawson with the Office of Planning. Sorry to
17 interject.

18 We'll work with the applicant. We've
19 heard your concerns, we've heard your questions.
20 We'll work with the applicant to address those
21 questions and we'll bring back revised or amended
22 set down report once we feel that those issues are
23 being resolved. We'll certainly work towards the
24 meeting in September, but we'll work with them to
25 make sure that's done and that the information is

1 filed and submitted.

2 CHAIRPERSON HOOD: So we're not looking
3 at September. We're going to --

4 MS. STEINGASSER: We're requesting that
5 there be no date certain.

6 CHAIRPERSON HOOD: Right. That's what I
7 heard.

8 MS. SCHELLIN: Okay.

9 CHAIRPERSON HOOD: Okay. So no date
10 certain. Okay. All right. Everybody's on the
11 same page with that, the applicant. I'm not sure
12 who the applicant is but I'm sure they heard that.

13 Okay. Let's go with -- I think this is
14 our last case. Okay. Zoning Commission Case --
15 Ms. Steingasser, you wanted to answer?

16 MS. STEINGASSER: I wanted to introduce
17 Anne Fothergill. She's a new planner with
18 Development Review Division and she's come
19 recently. What, six months ago? From DGS, and
20 she's now part of our -- and this is her first
21 case before the Zoning Commission.

22 CHAIRPERSON HOOD: What's the last name,
23 Fothergill?

24 MS. STEINGASSER: Fothergill.

25 CHAIRPERSON HOOD: Okay. Well, Ms.

1 Fothergill, we want to welcome you as we do all of
2 our commissioners. And let me just announce the
3 case. Soon as I find it.

4 Zoning Commission Case -- oh, no. Number
5 15-14, D.C. Water Sewer Authority.

6 Ms. Fothergill, we want to welcome you.
7 We're usually nice to the first timers. So I'm
8 not sure what's going to happen tonight, but
9 normally we're nice so we can get you to come back
10 the second time. So anyway, we turn it over to
11 you, Ms. Fothergill. Welcome.

12 MS. FOTHERGILL: Thank you. Good
13 evening, Chairman Hood and members of the
14 Commission. OP recommends that the Zoning
15 Commission set down D.C. Water's request for a PUD
16 and related zoning map amendment for the property
17 located in Southeast D.C., east of 1st Street on
18 the Anacostia River. The property is in the
19 Capitol Gateway Overlay District and is currently
20 zoned C-G-W-2, and the proposed zoning is C-G-C-R
21 and office use is allowed as a matter of right.

22 The PUD consists of an office building
23 for the D.C. Water headquarters. At OP's request
24 the applicant provided supplemental plans which
25 were included in the setdown report in Attachment

1 2.

2 The building would have a maximum height
3 of 100 feet and approximately 167,000 square feet
4 of gross floor area, with an FAR of 1.39. With
5 the PUD the nonresidential maximum density is 4.0
6 FAR and the maximum height is 100 feet.

7 The area around Navy Yard and National
8 Stadium is undergoing substantial redevelopment,
9 including a number of approved PUDs. Three of the
10 approved developments near this location range
11 from 95 to 130 feet in height.

12 In terms of the Comprehensive Plan future
13 land use map this property is appropriate for
14 medium density commercial and medium density
15 residential uses. The generalized policy map
16 denotes it as a land use change area. The
17 proposal is consistent with major policies from
18 various elements of the Comprehensive Plan.

19 Flexibility is needed to allow relief
20 from the provision of required parking, ground
21 level public space, and roof structure setback and
22 height.

23 OP recommends that the applicant consider
24 a few changes, including providing public access
25 to the waterfront, revising the chain link fencing

1 material, and enhancing the bicycle
2 accommodations. OP requests that the applicant
3 provide additional plans and information to better
4 understand the new buildings encapsulation of the
5 existing pumping station and the roof structure's
6 code compliance.

7 In terms of public benefits and amenities
8 the building would be architecturally distinctive
9 and visible along the waterfront and would be LEED
10 Platinum. The influx of office workers would
11 benefit the nearby commercial businesses.

12 OP has discussed with the applicant, a
13 proposal to showcase the historic pumping station
14 with interpretive signage and some restoration of
15 that significant building.

16 The proposal is not inconsistent with the
17 proposed zoning district and the Comprehensive
18 Plan maps and the Office of Planning recommends
19 that the D.C. Water application be set down for a
20 public hearing and I'd be happy to take any
21 questions.

22 CHAIRPERSON HOOD: Okay. Thank you.
23 Colleagues, any questions or comments? I do want
24 to make sure, and I would agree with the Office of
25 Planning to make sure that the access, and we need

1 to have a Department of Transportation, is for the
2 residents to be able to get down to the water.
3 And actually, I don't know if we've noticed it but
4 that was -- one time this Commission did a great
5 job because it's nice when you're walking to the
6 National Stadium and you're able to walk down 3rd
7 Street, and it was good that we were persistent
8 about that access. And I would say the same thing
9 here, in this case.

10 Is George Hawkins still at D.C. Water?

11 MS. SCHELLIN: Yes.

12 CHAIRPERSON HOOD: When I looked at this
13 building, this looks like a building he would work
14 in. Don't tell him I said that.

15 Okay. Any other comments? Commissioner
16 Miller.

17 MR. MILLER: Thank you, Mr. Chairman. I
18 think it's an exciting design and the LEED
19 Platinum is excellent and I agree with all of OP's
20 suggestions, including regarding getting rid of
21 the chain link fence and trying to open up some
22 public access, recognizing there are security
23 concerns.

24 And I would want to see some more
25 perspectives of how this looks through the -- or

1 on the sides of the building with what's already
2 there or what's planned to be there in terms of
3 the views of the river from, when you're away from
4 the river and how this looks. But it's
5 interesting and I look forward to the hearing.

6 CHAIRPERSON HOOD: Commissioner --

7 MR. MILLER: Oh, and the landscaping is
8 to be commended as well.

9 CHAIRPERSON HOOD: Commissioner Turnbull,
10 did you have any?

11 MR. TURNBULL: Thank you, Mr. Chair.
12 Yeah, I think it's an interesting concept. The
13 curved building relating to the coastline. I
14 think the color is an interesting mix. I think
15 that will be nice.

16 My only -- the big concern that I see is
17 how we approve the roof. The parapet wall going
18 up seven, eight, 10 feet all along is not --
19 they're going to have to redo something. I mean,
20 right now it does not meet the zoning regulations
21 for the parapet wall going up to the heights that
22 they've got. I think it's an interesting concept
23 but I think -- I don't know how we accommodate
24 that. Maybe some of my fellow commissioners can -
25 - maybe Commissioner May can fill me in. But

1 right now the zoning regulations do not
2 accommodate how they would do that curve and do
3 the heights that they want.

4 And basically I'm looking at A3.02, and
5 some of the elevations show it. I mean, it's a
6 very exciting concept but right now, the way
7 they've structured it, it would not be in
8 compliance. Unless I'm missing something.

9 MR. MAY: So, I mean, one of the ways to
10 look at this is that the building actually is 110
11 feet tall. And 110 feet is allowable in the C-
12 G/C-R zone with a PUD. I mean, it's not, you know
13 -- it's not 100 feet tall with that parapet
14 height. But, you know, if we're okay with it
15 being zoned C-R then you'd be allowed to go to 110
16 and they could call the height of the building the
17 height of the parapet. I don't know.

18 I do think it needs to be clarified.
19 It's not the biggest concern I have about the
20 building, I will say.

21 Mr. Turnbull, are you done or did you
22 have --

23 MR. TURNBULL: No, I'm complete. Thanks.

24 MR. MAY: So I agree with the Office of
25 Planning's comments, particularly about the public

1 access to the waterfront. But there is a
2 boardwalk in front of -- in the water, right? So
3 you can walk past it. It is unfortunate that they
4 create what seems to be a lovely feature with this
5 long boardwalk that leads to their boardroom or
6 something like that and the esplanade, and nobody
7 can be there. You know, we've got, it just seems
8 -- I mean, I hate to say take away the esplanade,
9 but why is it there if it's only going to be for
10 the use of employees and board members or
11 something? I don't know.

12 I also, I'm interested in seeing this in
13 a greater context, because as interesting and
14 exciting as this building is for the way it is
15 designed, you know, how well does it fit with what
16 else is around it? Granted, there isn't that much
17 context. But you do have the magnificent existing
18 historic pumping station. And I would want to
19 make sure that this is a worthy compliment and
20 frankly not stealing the show from that pumping
21 station because the pumping station is just great
22 and it reminds of what that, the history of that
23 area was. And maybe that actually means that this
24 building should be a little bit less exuberant; a
25 little bit more subdued.

1 You know, this is ultimately the decision
2 making on how this is built and what is spent to
3 build is the decision of D.C. Water. But as a
4 rate payer whose rates have gone up from \$60 a
5 year to \$60 a month in 10 years, seems like it's a
6 pretty extravagant building. Now maybe it's not.
7 Maybe there are all these great reasons why it's
8 quite affordable. And that's not really our
9 domain. I'm just saying, I, you know -- we're all
10 paying for this. So, anyway.

11 Let's see if I had other questions.

12 MR. MILLER: We'll get the platinum water
13 bill.

14 MR. MAY: Yeah.

15 MR. MILLER: Fee.

16 CHAIRPERSON HOOD: I was going to comment
17 on why your bill went up, but I think I better
18 reserve that.

19 MR. MAY: The water tastes better than it
20 did 10 years ago. I'll give them that. Anyway.

21 And I know exactly why the water bill has
22 gone up. It's all the other infrastructure that
23 has to go in that's vitally important and this is
24 small change in comparison. But still. Anyway.

25 I just think it's worth understanding the

1 building better in the context, and so I'm
2 interested in seeing more of it. And that's it.

3 I'd like to make a motion that we set
4 down Zoning Commission Case No. 15-14, D.C. Water
5 and Sewer Authority, Consolidated PUD and Related
6 Map Amendment at Square 7744S and 744SS.

7 MR. MILLER: Second.

8 MR. MAY: Thank you.

9 CHAIRPERSON HOOD: Okay. It's been moved
10 and properly seconded. Any further discussion or
11 questions? All those in favor?

12 [Vote taken.]

13 CHAIRPERSON HOOD: Not hearing any
14 opposition of those present, Ms. Schellin, would
15 you record the vote?

16 MS. SCHELLIN: Yes. Staff records the
17 vote four to zero to one in Zoning Commission Case
18 No. 15-14 as a contested case to be set down,
19 Commissioner May moving, Commissioner Miller
20 seconding, Commissioners Hood and Turnbull in
21 support, Commissioner Cohen not present, not
22 voting.

23 CHAIRPERSON HOOD: Okay. Ms. Schellin,
24 do we have anything else?

25 MS. SCHELLIN: No.

1 CHAIRPERSON HOOD: Okay. Colleagues, you
2 know in September -- well, this is our last
3 meeting. In September we go back to our regular
4 dress, unless you all want to hold that in
5 abeyance.

6 MR. MILLER: After Labor Day in abeyance.

7 CHAIRPERSON HOOD: Okay. I'm
8 understanding after Labor Day. I just wanted to
9 put -- because it may be 95 degrees. So we know
10 we'll do it. Do we have anything before Labor
11 Day?

12 MS. SCHELLIN: No.

13 CHAIRPERSON HOOD: See, we don't have
14 anything before Labor Day. So do we still want to
15 hold it in abeyance?

16 MR. MILLER: I would.

17 CHAIRPERSON HOOD: Okay. Let's hold it
18 in abeyance. Let's just -- we'll send an e-mail.
19 If it's 95 degrees don't come in here -- well,
20 anyway.

21 Okay. Do we have anything else? And
22 again, we want to welcome you the Zoning
23 Commission. And again, the first time is always a
24 charm. It's the second and third time.

25 Okay. Do we have anything else, Ms.

1 Schellin?

2 MS. SCHELLIN: No, sir.

3 CHAIRPERSON HOOD: Okay. I want to thank
4 the Office of Planning, the Office of Zoning, my
5 colleagues, and those participants tonight, and
6 this meeting is adjourned.

7 [Hearing adjourned at 8:31 p.m.]

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