

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Zoning Commission

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9 Regular Public Meeting

10 1426th Meeting Session [5th of 2016]

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14 6:42 p.m. to 7:55 p.m.

15 Monday, February 29, 2016

16

17 Jerrily R. Kress Memorial Hearing Room

18 441 4th Street, N.W., Suite 220 South

19 Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, VICE CHAIR

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 MATT JESICK

14 KAREN THOMAS

15 STEPHEN GYOR

16

17 Other:

18 JACOB RITTING, ESQ.

19 ARIEL EBI, ESQ.

20

21

22

23

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

2 CHAIRPERSON HOOD: Okay, this meeting will
3 please come to order. Good evening, ladies and
4 gentlemen, this is the public meeting of the Zoning
5 Commission for the District of Columbia.

6 My name is Anthony Hood. Joining me are Vice
7 Chair Cohen and Commissioner Miller, and Commissioner
8 May, and Commissioner Turnbull. We're also joined by
9 the Office of Zoning staff, Ms. Sharon Schellin,
10 Office of the Attorney General, Mr. Ritting and you
11 know, I should have had that -- should have got your
12 name again. Hold on. I'm not going to guess
13 tonight. I'm too much.

14 MR. EBI: Ebi.

15 CHAIRPERSON HOOD: Ebi.

16 MR. EBI: Yes.

17 CHAIRPERSON HOOD: The first, what's the
18 first name?

19 MR. EBI: Ariel.

20 CHAIRPERSON HOOD: Ariel Ebi?

21 MR. EBI: Yes.

22 CHAIRPERSON HOOD: Mr. Ariel Ebi. Also the
23 Office of Planning staff, Ms. Steingasser and Mr.
24 Jesick, Mr. Thomas and Mr. Gyor.

25 Copies of today's meeting agenda are

1 available to you and are located in a bin near the
2 door. We do not take any public testimony at our
3 meetings unless the Commission asks someone to come
4 forward. Please be advised that this proceeding is
5 being recorded by a court reporter. It's also
6 webcast live. Accordingly, we must ask you to
7 refrain from any disruptive noises or actions in the
8 hearing room, including the displaying of signs or
9 objects. Please turn off all electronic devices.

10 Does the staff -- oh, you can put them
11 vibrate. Does the staff have any preliminary
12 matters?

13 MS. SCHELLIN: No, sir.

14 CHAIRPERSON HOOD: Okay. I see. If not, let
15 us proceed with the agenda.

16 Okay. Let's go to Zoning Commission Case No.
17 11-03, Wharf District Master Development, LLC.,
18 Second Stage PUD at Square 473. Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. Is a preliminary
20 matter. The applicant filed their final list of
21 proffers and conditions late so they're asking for a
22 waiver for that late filing. That's at Exhibit 29.
23 Would ask the Commission to waive that late filing.

24 CHAIRPERSON HOOD: Okay. Any objections?

25 MS. SCHELLIN: Okay.

1 CHAIRPERSON HOOD: Okay, no objections.

2 MS. SCHELLIN: Then at Exhibits 27 through
3 27C and 30 through 36, we have the applicant's post-
4 hearing submissions, at Exhibit 28A we have an NCPC
5 report finding that the project would not be
6 inconsistent with the federal elements of the Comp
7 Plan for the National Capital. Would ask the
8 Commission to consider final action this evening.

9 CHAIRPERSON HOOD: Okay, Commissioners. We
10 have Case No. 11-03 in front of us. Who would like
11 to -- let's have a discussion in that case. Who
12 would like to start us off? Somebody?

13 MR. MAY: So I can start talking about the
14 two alternatives.

15 So I'll say I don't find either one of the
16 alternatives particularly satisfactory. The
17 alternative two does not look very good. Alternative
18 one looks a little bit better but it's basically
19 we're playing games with the setback, you know, by
20 pretending that a trellis can be used as a device to
21 give you setback for a penthouse, which I mean, I
22 know these are sort of unusual circumstances in this
23 case and I can understand why it might technically be
24 a little bit different because it's not facing a
25 street and all that sort of thing. But you know, I

1 think as we have rolled out the new penthouse
2 regulations, we've tried to be very strict in the
3 interpretation and you know, it's come up already
4 using a trellis or you know, eyebrow or some other
5 kind of device as a way of faking a setback, is not
6 something that we want to do when you're talking
7 about, you know, the ability to gain occupiable space
8 on the roof, that everything should be set back
9 appropriately.

10 And again, that being said, I don't find the
11 alternative, which is technically compliant to be
12 particularly attractive. So I would put it back on
13 the applicant to see if they could come up with
14 something that's better. Maybe it is some sort of a
15 scheme that involves a cover over the second -- or
16 over the top floor. That actually could be
17 considered a roof or maybe it just is a, you know, I
18 don't know. I don't want to try to design it but I
19 think we have to be very strict about setback
20 requirements for occupiable space.

21 CHAIRPERSON HOOD: Okay. Any other comments?
22 Vice Chair Cohen.

23 MS. COHEN: No, I overall would concur with
24 Commissioner May's analysis. Of the two I preferred,
25 also, Option 1 with the trellis.

1 CHAIRPERSON HOOD: Okay.

2 MR. MILLER: On that point, if we're going
3 point by point, Mr. Chairman, I would also prefer
4 Option 1. I think I understand Commissioner May's
5 argument that he kind of thinks the trellis is a
6 trick to get to compliance. But I think it is a way
7 to mitigate the visibility and I think it does that
8 here. So and apparently the Commission on Fine Arts
9 staff was fine with it as well. So that's all I had
10 to say about that particular issue.

11 CHAIRPERSON HOOD: Okay.

12 MR. TURNBULL: I wonder if you can clarify,
13 what's it mitigating?

14 MR. MILLER: Visibility.

15 MR. TURNBULL: Mitigating visibility?

16 MR. MILLER: As opposed to if you put a
17 covered solid feature up there.

18 MR. TURNBULL: Okay.

19 MR. MILLER: That's in my view. Just in my
20 humble view, on that particular --

21 CHAIRPERSON HOOD: Okay. So it looks like
22 the Commission is favoring Option 1 as far as that
23 question goes.

24 MR. MAY: Well, yeah. I think aesthetically
25 1 looks better than 2. I don't find 1 to be

1 acceptable because of this, you know, I don't like
2 the idea of using a trellis as a way of faking a
3 setback. So I mean, I would prefer a different
4 solution.

5 CHAIRPERSON HOOD: Okay. I actually want to
6 get to some of the flexibility that's being
7 requested.

8 MR. MAY: Yeah, I think that's --

9 CHAIRPERSON HOOD: You know, that's what --

10 MR. MAY: -- appropriate.

11 CHAIRPERSON HOOD: Maybe that's why I can't
12 focus on that because --

13 MR. MAY: Yeah.

14 CHAIRPERSON HOOD: -- I can tell you that I
15 don't think we've ever given any open orders. I
16 don't think this is ripe tonight, for final action.
17 I think there's some loops that need to be closed,
18 some of the flexibility comments, Condition A7F, some
19 of those design issues they're asking for I think are
20 open-ended. But you know, I'm not necessarily the
21 designer on the Commission but I think there's a lot
22 of open-ended stuff and I think we need to narrow
23 some of that down. I'm not sure how others feel.

24 Some of that, as we've read, I think the way
25 I look at it is broad. So I would not be inclined to

1 -- if we voted tonight I would not be voting in favor
2 of this for final action.

3 MR. TURNBULL: Well, I would agree with you
4 Mr. Chair, and maybe I can point out some of the
5 things that I think what you're getting at is --

6 CHAIRPERSON HOOD: Okay. Please.

7 MR. TURNBULL: Under F, when they're talking
8 about the interior components they're talking about
9 the flexibility to remove the atria, which was a
10 major aspect of this project. So I think that's not
11 going to be acceptable.

12 But they also, in G, talk about making
13 changes to architectural elements that go beyond --
14 they go beyond what normally we see as when it's a
15 building code issue. They're talking about a
16 building permit or other applicable approval. So I
17 think a lot of that language has to be cut out. And
18 I think that they also talk about signage. And they
19 talk about potential retail signage zones and
20 supplemental plans filed by the applicant.

21 And if you look on their -- they make
22 reference to, let's see, drawings -- I don't think
23 they actually referenced. But on solid drawings, I
24 think it's 28 through 29. And what's -- it's not
25 just retail signage, though. Retail signage is like

1 the first 14 feet, 18 feet, 20 feet that you would
2 have for retail area on the ground floor.

3 But they're actually showing, blocked out on
4 their drawings, areas that are up almost at the top
5 of the building. They're talking about areas like on
6 the first floor of the office area, and they're in
7 areas that we've never seen. So there is huge areas
8 that are blocked out for potential signage with no
9 idea of size, dimension, what it's going to look
10 like, back-lit.

11 So I would not be -- I would not be willing
12 to grant that kind of flexibility, just outright
13 signage flexibility on major areas of the building
14 that we haven't even seen anything. I think --

15 MR. MAY: Mr. Chairman, if I could talk on
16 the signage issue for a sec?

17 CHAIRPERSON HOOD: Sure.

18 MR. MAY: So, yeah, I'm also very, very
19 concerned about that. The areas where they
20 designated for the signage, you know, they are
21 proposing the signage that would be consistent with
22 the 2B adopted D.C. signage regulations including the
23 potential that this might be a designated
24 entertainment area which, speaking for the Park
25 Service, we have major concerns about because while

1 it is a designated entertainment area, we don't want
2 to have large glowing signs facing the park. You
3 know, we've been very supportive of this development
4 overall but the idea that we'd have, you know, Times
5 Square on the Washington Channel is not an attractive
6 possibility and that's what some of the things that
7 have been talked about at D.C. Signage, evoke.
8 They're not that drastic. But then again, you know,
9 we have episodes of things downtown where the
10 lighting kind of got -- and the signage kind of got
11 out of control.

12 So, and besides, these are regulations that
13 aren't adopted yet. We don't really know what we're
14 signing off to approve. So, I think that anything
15 that appears in this entire development, we would
16 want to see anything above the retail level.

17 CHAIRPERSON HOOD: Okay. Any other comments
18 on this?

19 MR. TURNBULL: Well, yeah, just continuing on
20 with that Section A, on Section J and K,
21 subparagraphs, they talk about the selection of
22 terracotta panels, metal panels, combination, varying
23 the depth and the façade, changes in colors based
24 upon availability.

25 Then they drop down to, to permit the

1 selection of travertine or other stone products used
2 on the exterior building façade based on
3 availability.

4 So I'm like, I guess my question is,
5 travertine? That's never been presented before as a
6 material that they wanted to use on the building. So
7 that would be a totally new major modification if
8 they're going from terracotta, going to travertine
9 and we have no idea what it looks like and we haven't
10 had samples, it hasn't been presented to us before.

11 So I'm just a little bit confused at this total
12 flexibility that they want. I think it's a little
13 broad. I think they need to go back and restructure
14 all of those sections to make it more acceptable as
15 to what we normally see.

16 MR. MAY: Or if we're missing something in
17 terms of the flexibility that we had actually seen
18 more of this, maybe it just needs to be clarified.

19 But --

20 MR. TURNBULL: Yeah, if we've seen it I think
21 it really needs to be clarified.

22 MR. MAY: I think it caught my eye too
23 because we don't usually see travertine and, you
24 know, I think I would notice that but anything is
25 possible.

1 CHAIRPERSON HOOD: When we heard this didn't
2 we have a materials board or anything?

3 MS. COHEN: We did.

4 MR. TURNBULL: Yes, we did. I don't recall
5 seeing travertine.

6 CHAIRPERSON HOOD: Okay. It usually is back
7 here behind us I think, so. So, you know, I just
8 have problems with this being presented at this time
9 and a number of things I see here. You know, a lot
10 of us, we have a lot on our plate and sometimes we
11 may miss a lot. But anyway, I don't like the way
12 this is coming to us. I really don't. So I'm not
13 prepared to vote. Anything else? We can send it
14 back. Do we have some more things we need to
15 discuss?

16 MR. MILLER: I just wanted to add, Mr.
17 Chairman, on the retail signage. I think we do need
18 some clarity and maybe they can submit some
19 alternatives and maybe we'd select an alternative.
20 Or maybe some parameters. I don't have as much
21 concern as others obviously do, about signs on the
22 roof because I think they can be done in an elegant
23 way so that directs people to something happening on
24 the roof. And there's a lot happening in a lot of
25 different places in the Southwest Wharf project,

1 which I think is exciting.

2 So I just think it needs some clarity and
3 maybe some alternatives presented that we can select
4 as a Commission, or parameters that we can select as
5 a Commission.

6 CHAIRPERSON HOOD: And it needs to be
7 reflected in both places, the proposed order as well
8 as the rendering, because that's been an issue in the
9 past.

10 MS. COHEN: Well, except on the retail I
11 think a lot of that is dictated by whoever signs a
12 lease. I mean, it --

13 MR. MAY: I don't think we're talking about
14 the regular retail signage.

15 MS. COHEN: Oh, you're not. Okay.

16 MR. MAY: That's, you know, at 18 --

17 MS. COHEN: You're talking about above.

18 MR. MAY: Yeah, the retail zone --

19 MS. COHEN: Okay.

20 MR. MAY: -- is okay. It's the above the
21 retail zone. And if they want to, you know, describe
22 something --

23 MS. COHEN: I didn't understand that.

24 MR. MAY: -- very particularly that we can
25 approve, that's fine. But I think the idea is that

1 we need to see it to approve it. We can't simply
2 say, there may be signage here and it's going to
3 conform to the D.C. signage regulations. That's not
4 enough.

5 MS. COHEN: Yeah, I just misunderstood I
6 guess, Commissioner Miller's point about the retail
7 itself.

8 CHAIRPERSON HOOD: Anything else on this
9 case? Ms. Schellin, can you find out from -- unless
10 we need to expound any more I think we have -- we
11 need to make sure that the order reflects what this
12 Commission has heard. If not, we need to come back
13 and ask for it and make a note. Don't just slip it
14 in there and move forward.

15 Ms. Schellin, if you could come up with some
16 dates. Or see how long it takes the applicant to
17 address the issues.

18 MR. TURNBULL: Well, are we also asking the
19 applicant to provide another idea on the roof as per
20 Commissioner May?

21 CHAIRPERSON HOOD: Yeah. I think that was
22 mentioned.

23 MR. MAY: I mean, I would like to see it.
24 It's certainly their choice to say no. It's, you
25 know --

1 CHAIRPERSON HOOD: Yeah. Yeah.

2 MR. MAY: -- it's one or the other but I
3 would recommend it.

4 CHAIRPERSON HOOD: Yeah, everything that was
5 up for discussion, including going back to the
6 hearing that we had. So, Ms. Schellin, do you feel
7 the signal about how much time they need?

8 MS. SCHELLIN: Yeah, I think they're
9 discussing it now.

10 Chairman Hood, can we go ahead and move on to
11 the next case and they're going to discuss it and
12 then --

13 CHAIRPERSON HOOD: You all must be reading my
14 mind.

15 MS. SCHELLIN: Yeah. And then --

16 CHAIRPERSON HOOD: That's what I was
17 thinking, so we won't waste everybody's time.

18 MS. SCHELLIN: -- when we finish, when you
19 guys finish with the next case we'll have --

20 CHAIRPERSON HOOD: Okay.

21 MS. SCHELLIN: We'll come back.

22 CHAIRPERSON HOOD: Just know that we won't be
23 voting on this case tonight, so we're going to move
24 forward.

25 Okay. Let's go to Zoning Commission Case No.

1 15-05, P. N. Hoffman, Inc. and Riverside Baptist
2 Church, Consolidated PUD and Related Map Amendment at
3 Square 472. Ms. Schellin.

4 MS. SCHELLIN: Yes, sir. On this case at
5 Exhibits 45 and 46, we have the applicant's filings
6 regarding the final proffers and conditions, and at
7 Exhibit 47 we have an NCPC report, finding that the
8 project would not be inconsistent with the Comp Plan
9 for the National Capitol, nor affect other federal
10 interest, and we ask the Commission to consider final
11 action this evening.

12 CHAIRPERSON HOOD: Okay. Okay, colleagues.
13 This is one where we do have an issue with the
14 daycare, proposed daycare center, that's being
15 proffered. But you know, let me open it up.

16 I think that typically we narrow things down
17 as far as what's out there and I just don't like the
18 way this is transpiring from what I'm reading. So,
19 typically we know exactly what's being proffered. We
20 know what the amount of money is going to. We don't
21 leave it open-ended and then let another group pretty
22 much pick where that amenity is going or that benefit
23 is going to that community. Even though I know this
24 particular ANC. But I'll tell you, when I read this
25 I know ANCs do change. People do change. And we

1 don't always get elected, so a lot of stuff changes.

2 And I think for the safety net for the
3 wellbeing of that neighborhood, I would think that we
4 may need to just strike everything that's being
5 proffered and just -- if the daycare center doesn't
6 work they need to come back, I believe, to this
7 Commission for a modification.

8 So let me just open it up for any comments on
9 any issues. That's just where I am with the daycare
10 center. Vice Chair Cohen.

11 MS. COHEN: Thank you, Mr. Chairman, I
12 totally agree with you that having a carte blanche
13 amount of money go to an ANC is inappropriate and it
14 does -- could start a precedent that we don't want to
15 engage in. So I think that needs to be tightened up
16 between the applicant and the ANC, and I don't -- or
17 else we just have to eliminate the \$25,000. But
18 that's up to the negotiations between the parties.

19 CHAIRPERSON HOOD: I wouldn't go as far as
20 say eliminate. No, no, no, no, I'm not saying that.
21 I'm not saying eliminate the 25,000. I just think we
22 need to have -- need to make sure that it
23 specifically goes to a specific venue. And if it's
24 going to go for a daycare center, that's where it
25 needs to go. If that doesn't work out or no one

1 accepts or moves in, then we need to find another
2 direction. Then I think they can come back in front
3 of this commission.

4 MR. MAY: Yeah, it's a minor modification to
5 make a change to a proffer like that.

6 MR. MILLER: Right. Mr. Chairman, I would
7 support going forward tonight with just the proffer
8 of providing a \$20,000 subsidy to help attract a
9 daycare to the ground floor space and not have the
10 second option that the ANC wanted to have a lot more
11 flexibility. And then if they can't do the daycare
12 they'll come back for a minor modification.

13 But I prefer that we go forward tonight with
14 just the 25,000 for the daycare proffer.

15 CHAIRPERSON HOOD: Any other comments?
16 Anyone want to talk about the hydraulic bikes or
17 anything? Mr. Turnbull.

18 MR. TURNBULL: I just have a couple of
19 following up with some similar comments that we had
20 from the previous case. Under project development A,
21 under Item B, they talk about verifying -- to very
22 final selection of the exterior materials within the
23 color ranges and material types as proposed. I would
24 say within the color ranges of the material types as
25 proposed, not, "and."

1 And then the only other thing, they talk
2 about making refinements to exterior aspects of the
3 building and I would strike everything after,
4 "Construction codes."

5 The only other aspect I see, which is a
6 little troubling again and because this case we have
7 seen nothing, under Item G it says, "To vary the
8 number size, location, and other features of building
9 signage." And we know nothing of this. We have had
10 no presentation I don't think, of any signage that I
11 can recall anyways. I might be wrong, but -- so I
12 would either strike that and have them come back as a
13 modification. But we can go forward.

14 But I would be in favor of going forward with
15 striking the items that I mentioned.

16 CHAIRPERSON HOOD: Okay. So noted. Anybody
17 else? Any other comments?

18 Okay. I think a lot of this, when I look at
19 the issue about the commercial area, some of this
20 stuff I think we dealt with during proposed. So
21 someone like to make a motion?

22 MR. MILLER: I'll make a motion, Mr.
23 Chairman, that the Zoning Commission take final
24 action on Zoning Commission Case No. 15-05, P. N.
25 Hoffman, Inc. and Riverside Baptist Church,

1 Consolidated PUD and Related Map Amendment at Square
2 472 with the changes to the draft order that have
3 been discussed up here tonight.

4 MS. COHEN: Second.

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

7 [Vote taken.]

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

10 MS. SCHELLIN: Yes, sir. Staff records the
11 vote five to zero to zero to approve final action in
12 Zoning Commission Case No. 15-05, Commissioner Miller
13 moving, Commissioner Cohen seconding, Commissioners
14 Hood, Turnbull, and May in support.

15 CHAIRPERSON HOOD: Okay. Next, let's go to
16 the proposed action, Zoning Commission Case No. 15-
17 03, Aria Development Group. Aria Development Group,
18 Consolidated PUD and Related Map Amendment at Square
19 2866. Ms. Schellin.

20 MS. SCHELLIN: Yes, sir. At Exhibits 53 and
21 54 we have the letters from the neighbors in the rear
22 of the property and a copy of compromise agreement
23 they submitted, Exhibits 59 through 59G and 61 are
24 the applicant's post-hearing submissions. Exhibit 60
25 is an ANC 1B report in support with changes,

1 negotiated by the community. And Exhibit 2 is the
2 supplemental DDOT report. Would ask the Commission
3 to consider proposed action this evening.

4 CHAIRPERSON HOOD: Okay, colleagues.

5 Somebody like to get us started? Ms. Vice Chair
6 Cohen?

7 MS. COHEN: Mr. Chairman, thank you. I just
8 want to bring -- I mean, I think it's obvious that
9 the proposed order says that jobs are a benefit to
10 the project, the construction and management jobs,
11 and I would suggest that they happen in every
12 project. They have to. So I would eliminate that as
13 a benefit of this project.

14 CHAIRPERSON HOOD: Okay. Any disagreement on
15 that? Okay. Agreed. Anything else? Commissioner
16 Miller.

17 MR. MILLER: I would just note that this --
18 in my own view it's very attractive project and it
19 has a significant additional and more deeply
20 affordable housing than that which is required. And
21 it also has new housing for the existing tenants.
22 This is a case where they've taken care of the
23 tenants in their own properties and neighborhood, and
24 elsewhere while the -- or they will be when the
25 project is going on. So I'm ready to move forward

1 tonight with the one change that the Vice Chair
2 noted.

3 CHAIRPERSON HOOD: Okay.

4 MR. MILLER: And I'll be happy to make a
5 motion that the Zoning Commission take proposed
6 action on Zoning Commission Case No. 15-03, Aria
7 Development Group, Consolidated PUD and Related Map
8 Amendment at Square 2866 with the one change noted by
9 Vice Chair, and ask for a second.

10 MR. TURNBULL: Second.

11 CHAIRPERSON HOOD: Moved and properly
12 seconded. Any further discussion?

13 MR. MAY: Yes, Mr. Chairman.

14 CHAIRPERSON HOOD: Commissioner May.

15 MR. MAY: One thing that I would like to get
16 clarified before final is the penthouse setbacks on
17 the closed court. I don't recall exactly what we
18 decided in that circumstance when we wrote the
19 penthouse regulations, so I just want to know that
20 that either conforms to the regulations, or if they
21 need to seek relief that we actually -- they make the
22 case and that we consider that question.

23 And it may be as simple as, you know, it's
24 not required. I just don't recall what we had said
25 about penthouse setbacks in enclosed courts. All I

1 know is that it's an eight-foot setback for a 10-foot
2 penthouse. So, that's it.

3 CHAIRPERSON HOOD: And I believe, Ms.
4 Schellin, the agreement, there was some concern,
5 major concerns. But I think that that agreement
6 worked out a number of those issues, colleagues, so I
7 don't know if we need to rehash because I know they
8 were mentioned about the alley. The bicycles also.
9 I made sure I made this note, the bicycles also
10 caused a problem in the alley. So I think there were
11 some issues but I think that agreement may have --
12 for some reason I wrote that down. But I think
13 that --

14 MR. MAY: I'm pretty sure two bicycles can
15 pass each other in the alley. You know.

16 CHAIRPERSON HOOD: Well, I'm just, I'm going
17 by what the community says. So, I think that some of
18 that was memorialized in some of that agreement. So
19 anyway.

20 MR. TURNBULL: Well, and I just point out
21 that they also provided information on the lighting
22 up on the roof. We were concerned about the amount
23 of -- if they were following LEED standards and we
24 did get revised drawings showing that it's all down
25 lighting, very, very much, very low-level lighting.

1 So they did satisfy our concerns on that.

2 CHAIRPERSON HOOD: Okay. Anything else?

3 Somebody in the audience has a question. I mean,
4 we've done a lot of things. I might want to
5 entertain this question. But actually you're going
6 to have to go to Ms. Schellin and ask your question.
7 We don't usually take questions unless we call
8 someone to come forward. So I'm giving you an
9 opportunity because I'd like to know what your
10 question is. I'd like for you to go to Ms. Schellin
11 to my left, and she's going to relay your question.

12 We are in the middle of a motion and, you
13 know, hey look. We do a lot of different things down
14 here so, why not? And what I'm doing now is not
15 precedent setting, so.

16 MS. COHEN: Well, we have a motion, right?

17 CHAIRPERSON HOOD: I wanted to hear what he
18 had to say.

19 MS. COHEN: Oh, okay.

20 [Pause.]

21 CHAIRPERSON HOOD: That was a very, very --
22 that was a good question. But unfortunately it might
23 be a little late for that question. Anyway, you can
24 always work with the Office of Zoning and find out
25 how there may be a possibility to bring it to our

1 attention.

2 Okay. It's been moved and properly seconded.

3 Any further discussion?

4 [Vote taken.]

5 CHAIRPERSON HOOD: Ms. Schellin, would you
6 record the vote?

7 MS. SCHELLIN: Yes. Staff would record the
8 vote five to zero to zero to approve proposed action
9 in Zoning Commission Case No. 15-03, Commissioner
10 Miller moving, Commissioner Turnbull seconding,
11 Commissioners Hood, May, and Cohen in support.

12 And I would just like to set a date. There
13 was one item that Commissioner May asked the
14 applicant to respond to, that was regarding the
15 setback, the penthouse, how that complied. And if we
16 could have the applicant respond by 3:00 p.m. March
17 14th, and then the parties would have until 3:00
18 March 21st to file a response to that document only.

19 Okay?

20 CHAIRPERSON HOOD: Okay. All right. Let's
21 go to the next case. Let's go to Zoning Commission
22 Case 13-09, Stanton Square, LLC., First Stage PUD,
23 Consolidated PUD and Related Map Amendment at Square
24 5877. Ms. Schellin.

25 MS. SCHELLIN: Yes, sir. That case at

1 Exhibit 63 through 63B, and Exhibit 64, we have the
2 applicant's post-hearing submissions. We'd ask the
3 Commission to consider proposed action this evening.

4 CHAIRPERSON HOOD: Okay. Any comments,
5 Commissioners?

6 MS. COHEN: Mr. Chairman, a similar comment
7 with regard to this project and regarding the revenue
8 for the District as a public benefit. Again, I think
9 it's just a benefit that all projects provide to the
10 city.

11 MR. MAY: So, Mr. Chairman, if I could run
12 through you know, on the list of things that I had
13 that were going to be submitted, they had -- I think
14 you had asked for more street perspectives and
15 showing some context and they did show an aerial
16 perspective, fairly generic version of the buildings.
17 But I'm wondering if you found that satisfactory in
18 terms of understanding the scale of the project in
19 comparison to the neighborhood.

20 CHAIRPERSON HOOD: I'm actually -- I wasn't
21 sure if it went all the way but it gave me more of a
22 perspective than what I had to start with. So I was
23 fine with that.

24 MR. MAY: Okay. So there was outreach to the
25 local ANC SMD member, I think, and that was

1 documented. But there, I thought that we had asked
2 for them to do more outreach to the councilmember for
3 the area and I didn't see any indication of that.

4 CHAIRPERSON HOOD: Again, because this is
5 proposed maybe we can ask them to expound --

6 MR. MAY: Yeah. So they can --

7 CHAIRPERSON HOOD: -- depending upon how we
8 move forward.

9 MR. MAY: Yeah, I think that makes sense.
10 And, Mr. Turnbull, you had asked for information on
11 the downspouts and they did show a drainage plan
12 showing where the water was going, but they didn't
13 show any elevations indicating where the downspouts
14 would be. I didn't know what in specific you were
15 asking for. I mean, I often ask for elevations that
16 show the downspouts because they're part of the
17 facades, and they need to be designed in. I didn't
18 know whether that's something that you were looking
19 for or not.

20 I'm not going to request it at this point
21 just for my own, but I didn't know what you were
22 asking for.

23 MR. TURNBULL: Yeah, I think that's one of
24 the things we like -- I mean, we've had it before on
25 some of these developments where we have streets and

1 water coming, there was drainage issue, there was
2 trash removal out there. I think it's always good to
3 know what's going to happen in the winter, where is
4 the water going, what's going to freeze, what's the
5 safety aspect of how they're dealing with the
6 drainage. So I would still like to see a bit better
7 drawing on that.

8 MR. MAY: But I mean, you saw there was
9 several drawings showing where the --

10 MR. TURNBULL: Yeah.

11 MR. MAY: -- piping was going to be and the
12 splash block and all that kind of stuff.

13 MR. TURNBULL: Yeah, I'd like to see a better
14 elevation of it.

15 MR. MAY: Okay. Better elevation.

16 MR. TURNBULL: And then elevation, some kind
17 of a better plan that actually shows exactly what's
18 going on.

19 MR. MAY: Okay. So a little more information
20 then.

21 You know, I'm just going through this list
22 and they're all other people's things that I spotted
23 that were missing. I could keep going. There are
24 two more.

25 CHAIRPERSON HOOD: Well, let me back up.

1 MR. MAY: Yeah.

2 CHAIRPERSON HOOD: You mentioned about them,
3 and I finally found my list. But we mentioned about
4 the additional meeting that we set up with Council
5 Member May.

6 MR. MAY: Uh-huh.

7 CHAIRPERSON HOOD: We also asked that they
8 meet again with 8A. I didn't see that. Maybe it was
9 in there.

10 MR. MAY: Yeah, I think that was in the
11 letter.

12 MS. COHEN: Yeah.

13 CHAIRPERSON HOOD: It was?

14 MR. MAY: Yeah.

15 CHAIRPERSON HOOD: Okay. I missed that. Or
16 I might have missed it.

17 MR. MAY: All right. So I think --

18 CHAIRPERSON HOOD: Let me look and see. Go
19 ahead. Go ahead. What else you got on your list?

20 MR. MAY: So Commissioner Miller had
21 mentioned pushing for better LEED rating. I didn't
22 see that and I didn't see a response to that issue.
23 I don't know if that's something we want to press.
24 And then the last thing was, I think, Mr. Chairman,
25 you had requested that they memorialize the agreement

1 that they have with the Anacostia Economic
2 Development Corporation. I didn't see that. Did you
3 see that?

4 CHAIRPERSON HOOD: No. I didn't see that.

5 MR. MAY: Yeah.

6 CHAIRPERSON HOOD: I didn't even see the 8A
7 letter. I'm still looking for it. Maybe I missed
8 it.

9 MS. COHEN: It is --

10 CHAIRPERSON HOOD: Can somebody tell me what
11 exhibit that is?

12 MS. COHEN: Sorry?

13 CHAIRPERSON HOOD: What exhibit that 8A, the
14 -- I think it's 8A.

15 MR. TURNBULL: It's in the applicant's --

16 CHAIRPERSON HOOD: It's in the applicant's
17 submission. Okay. I probably went right past it.

18 MS. COHEN: And I think the zoning order does
19 cover the agreement with the -- we haven't seen the
20 specific agreement, but it does address it in the
21 zoning order.

22 MR. MILLER: Yes, on that point the applicant
23 did commit at the public hearing to include within
24 the order, the commitment to have a Ward 8 partner
25 for the rental housing. And appreciate Commissioner

1 May asking that between maybe proposed and final we
2 get a response on the LEED, if they are able to do
3 more than the LEED Silver certification or the
4 equivalent of certification. They're able to do more
5 there.

6 Did you mention that they did respond to your
7 request, since we're talking about other people's
8 requests to reconfigure the front loaded townhouses
9 to --

10 MR. MAY: Oh, yes, I did. They did fix that.

11 MR. MILLER: Yeah.

12 MR. MAY: Yeah.

13 MR. MILLER: Okay.

14 MR. MAY: I was only going through the -- I
15 was trying to save time and only go through the stuff
16 that they didn't do.

17 MR. MILLER: Well, I just think we should
18 give credit where credit is due, so they did respond
19 to your request. You seem to be more persuasive than
20 I am.

21 MR. TURNBULL: They have also provided
22 transit screens in all the multi-family apartment
23 buildings.

24 MR. MILLER: Yeah.

25 MR. MAY: You know, I could recap my whole

1 list for all the things that they did do, but I think
2 we -- they did actually do a point by point response
3 on a lot of these things and addressed a lot of the
4 concerns, so, I'll leave it at that.

5 CHAIRPERSON HOOD: I actually, I apologize,
6 colleagues. I was on Case No. 15-03, looking for
7 this. And this is 13-09. So I was -- so I'm
8 adopting one of the Vice Chair's way of doing things.
9 No, I'm just playing.

10 MR. MILLER: But to your point, Mr. Chairman,
11 they did say in their letter that there was a
12 conditional community dialog regarding the project,
13 we'd ask that there be the additional community
14 dialog with the councilmember before final. But they
15 did meet with representatives of Horning Brothers,
16 Martha's Table, Community of Hope, and the Family
17 Fund, met with ANC Chair and the single-member
18 district and agreed that there would be further
19 dialog as this moved forward.

20 I also just wanted to comment, Mr. Chairman,
21 since we're at proposed action, just on the positive
22 aspect, again comment on the positive aspect of this
23 project, and the important partnership with Martha's
24 Table and Community of Hope and all those community -
25 - how that will be a public benefit for this

1 community and for the District.

2 And also that the housing that's being
3 provided is very important as well, that 120 rental
4 units with the majority reserved for people under 60
5 percent AMI, 10 percent reserved for folks making
6 under -- households making under 30 percent AMI, 37
7 townhomes at market rate, three townhomes affordable
8 to 80 percent AMI, and two townhomes affordable at 50
9 percent AMI. And the community service building, all
10 of which I think is important components of the
11 project. And I'm ready to move forward and to
12 hopefully get before final -- not at the counsel.
13 Before final action of the Zoning Commission, the
14 additional information that we've requested tonight.

15 CHAIRPERSON HOOD: Okay. Anything else,
16 colleagues?

17 MR. TURNBULL: I would just agree with
18 Commissioner Miller that there's nothing here that
19 we're asking for that will stop us from going ahead
20 and taking proposed action.

21 CHAIRPERSON HOOD: Right. Okay. Somebody
22 like to put a motion on the table?

23 MR. MILLER: Yeah, I'll be happy to, Mr.
24 Chairman, and move that the Zoning Commission take
25 proposed action on Zoning Commission Case No. 13-09,

1 Stanton Square, LLC., First Stage PUD, Consolidated
2 PUD, and Related Map Amendment at Square 5877, with
3 the expectation that we will receive some additional
4 information before the scheduling of final, and ask
5 for a second.

6 MR. TURNBULL: Second.

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

9 [Vote taken.]

10 CHAIRPERSON HOOD: Ms. Schellin, would you
11 record the vote.

12 MS. SCHELLIN: Yes, sir. Staff would record
13 the vote five to zero to zero to approve proposed
14 action in Zoning Commission Case No. 13-09,
15 Commissioner Miller moving, Commissioner Turnbull
16 seconding, Commissioners Cohen, Hood, and May in
17 support. Mr. Tummonds, can you provide the
18 information requested in two weeks?

19 [No audible response.]

20 MS. SCHELLIN: Okay. So we'd set a time of
21 3:00 p.m. March 14th. And if the -- I believe the
22 only party was the ANC. Is that correct? If the ANC
23 chooses to respond they have until 3:00 p.m. on the
24 21st. Thank you.

25 CHAIRPERSON HOOD: And the only thing, Ms.

1 Schellin, I think that we're asking for is find out
2 discussions between the councilmember and the
3 applicant, right? That's all we're asking for.
4 Okay.

5 MR. MILLER: [Speaking off microphone.]

6 CHAIRPERSON HOOD: Oh, okay. And then also
7 able to respond to LEED. So we got what we're
8 looking for. Okay. All right. Anything else on
9 this case?

10 Okay. Hearing action.

11 MS. SCHELLIN: Chairman Hood, before you go
12 to hearing action can I just give you an update on
13 the 11-03C?

14 CHAIRPERSON HOOD: I forgot all about that
15 case. We're still --

16 MS. SCHELLIN: They actually have said that
17 they need two weeks to provide the information, so if
18 we could have their information by 3:00 p.m. on the
19 14th of March then we can have, I believe, any
20 parties, they would be able to respond by 3:00 p.m.
21 on the 21st, and we can put this on for the March
22 28th meeting.

23 CHAIRPERSON HOOD: Okay. That schedule
24 agreeable with everybody?

25 MS. SCHELLIN: And that would allow, also, OP

1 -- I believe OP there was an issue that maybe OP
2 might want to weigh on too. So if OP chooses to
3 weigh in they would be able to do that also on the
4 21st.

5 CHAIRPERSON HOOD: Okay.

6 MS. SCHELLIN: Thank you.

7 CHAIRPERSON HOOD: All right. Who is that
8 young lady in the back? Is she enjoying the hearing?
9 She's reading the book. She's not even enjoying the
10 hearing. Can you come up? You ask your mother or
11 father, whoever you're with, if you can come
12 introduce yourself. I want you to come up, hit the
13 mic, and introduce yourself. Let us know who you
14 are. Got on that nice school uniform and --

15 Pull up a seat. We can take time for you.

16 Who is that to your left? Is that your lawyer?

17 MS. LOGAN: No.

18 CHAIRPERSON HOOD: Introduce yourself.

19 MS. LOGAN: My name is Logan.

20 CHAIRPERSON HOOD: Logan. What school you go
21 to, Logan?

22 MS. LOGAN: Holy Trinity.

23 CHAIRPERSON HOOD: You making good grades?

24 MS. LOGAN: Yes.

25 CHAIRPERSON HOOD: Does your report card look

1 like mine?

2 MS. LOGAN: Well --

3 CHAIRPERSON HOOD: Just say no.

4 MS. LOGAN: No.

5 CHAIRPERSON HOOD: Oh, okay. Now who you
6 down here with?

7 MS. LOGAN: My mom.

8 CHAIRPERSON HOOD: Who is your mom?

9 MS. LOGAN: She's over there.

10 CHAIRPERSON HOOD: Now there's two -- I know
11 the two guys aren't your mom. There's two ladies
12 over there. Now who is your mom? Is she sitting in
13 the front row or the back row?

14 MS. LOGAN: She's sitting in --

15 CHAIRPERSON HOOD: The second row?

16 MS. LOGAN: Yeah.

17 CHAIRPERSON HOOD: Or the back? Oh, okay.

18 Well, Logan, we're so glad to have you down. Are you
19 enjoying the hearing?

20 MS. LOGAN: Yes.

21 CHAIRPERSON HOOD: You are? You can do two
22 things. You're enjoying the hearing and I'm watching
23 you reading the book. Is that a good book? What's
24 the name of the book you're reading?

25 MS. LOGAN: Princess in Black.

1 CHAIRPERSON HOOD: Oh, okay. You have to do
2 a book report?

3 MS. LOGAN: No.

4 CHAIRPERSON HOOD: You just have to read so
5 many books?

6 MS. LOGAN: I like reading books, but I don't
7 have to read them.

8 CHAIRPERSON HOOD: Oh, okay. Well, you keep
9 doing good in school and we're glad to see you, okay?

10 MS. LOGAN: Okay.

11 CHAIRPERSON HOOD: Take care.

12 Okay. Let's go back to -- where were we at?
13 I get distracted. Where are we? Hearing action?

14 MS. COHEN: Hearing action.

15 CHAIRPERSON HOOD: Okay. Hearing -- Zoning
16 Commission Case No. 15-32, 1126 9th Street Northwest,
17 LLC., Consolidated PUD and Related Map Amendment at
18 Square 369. Ms. Brown -- Mr. Gyor, Ms. Brown. Mr.
19 Gyor. Okay.

20 MR. GYOR: OP recommends setdown for a public
21 hearing of the application for a consolidated PUD and
22 PUD related map amendment to rezone most of Square
23 369, Lot 880 from DD/C-2-A to DD/C-2-C, and to
24 facilitate redevelopment of the property located at
25 1126 9th Street Northwest.

1 The applicant proposes to construct a new 10-
2 story mixed use residential building with ground and
3 second level space for retail or office use. The
4 proposal consists of 28 to 33 residential units. The
5 project as proposed was set aside two percent of the
6 residential component of the project for households
7 earning no more than 80 percent of the area median
8 income and two percent of the residential component
9 for households earning between 80 and 120 percent of
10 AMI.

11 The property is located in the DD Overlay and
12 is completely excluded from the inclusionary zoning
13 program.

14 Portions of one building contributing to the
15 Shaw Historic District along 9th Street Northwest
16 would be incorporated into the design. The overall
17 development would also include two noncompliant
18 parking spaces and loading would be from the rear of
19 the property accessible via an existing alley.

20 The application requests flexibility from the
21 Zoning Regulations in regard to roof structures,
22 courts, the DD Overlay, parking, and the minimum PUD
23 land area requirement. OP will continue to work with
24 the applicant on issues raised in our report,
25 including the provision of more detail renderings,

1 including the street level on the south façade,
2 updated information regarding the applicant's
3 continued communication with residents of the
4 adjacent Whitman Building, and the potential blocking
5 of at-risk windows, as well as additional details
6 regarding the benefits and amenities package.

7 The applicant previously worked with OP
8 including historic preservation, as well as the
9 community to address the height, massing, and design
10 of the building prior to filing this application.

11 The proposal for the mixed use residential
12 project is not inconsistent with the Comprehensive
13 Plan's objectives for the area, and to the
14 generalized land use and policy maps. In general,
15 the project would better utilize available space in
16 close proximity to transit.

17 The Office of Planning recommends that the
18 Commission set down the application for a public
19 hearing. I would be happy to take any questions.
20 Thank you.

21 CHAIRPERSON HOOD: Okay. Thank you, Mr.
22 Gyor. Colleagues, you've heard the report of the
23 Office of Planning, recommendation to set this case
24 down. Any comments, questions of Office of Planning
25 or comments that need to be made in this case?

1 Commissioner Turnbull.

2 MR. TURNBULL: Yeah, I would just -- I'm not
3 opposed to setting it down. I think we can do it but
4 I would agree with Mr. Gyor that there's a lot of
5 things missing that we really need to have to better
6 explain what's really going on. Additional drawings
7 are very critical. I think the drawings we have are
8 very sketchy. I'd like some more realistic drawings
9 that really show what the materials are, what this
10 building is really going to look like as it blends
11 into the neighborhood and the surrounding buildings
12 rather than the sketch-like technique that we're
13 seeing now.

14 I want to see better drawings back on the
15 alley. I want to know what's going on back there. I
16 really love this. I mean, some perspective views,
17 some renderings that really show what's happening.
18 It's hard to understand how that alley works. I was
19 looking at the plans and looking at how you get
20 loading in and out and how it circulates. So a
21 better drawing, bigger scale is showing how you
22 actually get in and out back there.

23 More information on LEED. Affordable
24 housing, I'm a -- it may not be required but this is,
25 you know, they want relief on a lot of different

1 things. Three of the four roof planes you say, I
2 think, need roof -- and I think we need that better
3 explained. But I'd like to see them reaching
4 inwardly and looking better at the affordable
5 housing. And I would love to see something better
6 than 80 to 120 percent of AMI. I think that doesn't
7 really do much for anyone.

8 I really think they can go farther on this,
9 so I would echo all of your comments. I think it was
10 a good report, and just thank you very much. But I
11 think they have a lot to do yet to bring us a set of
12 drawings that we can really look at and evaluate.

13 CHAIRPERSON HOOD: Okay. Any other comments
14 or questions? Commissioner Miller? We're going in
15 reverse order. Okay.

16 MR. MILLER: Thank you, Mr. Chairman. I also
17 agree with all of OP's requests for additional
18 information and drawings and Commissioner Turnbull's.
19 Yeah, I was having trouble looking through the
20 drawings, understanding what it really looked like
21 and where, even where it was at some times. I
22 realize it's in-fill and so maybe you have to remove
23 some of the buildings, the other buildings around it,
24 at least for some renderings so we can see actually
25 what it looks like.

1 And I also would echo Commissioner Turnbull
2 on the affordable housing. While we appreciate that
3 affordable housing is being proffered where
4 inclusionary zoning -- well, before I go to that, let
5 me get a clarification that the statement has been
6 made by both OP and the applicant statement that
7 inclusionary zoning doesn't apply because it's in the
8 DD-D Overlay. But if there were habitable penthouse
9 space it might apply under the new penthouse
10 regulations. But there isn't any here. Is all that
11 correct?

12 MR. GYOR: Correct. There is not in this
13 project.

14 MR. MILLER: Okay. So on the affordable
15 housing I think we need -- we do need additional
16 details at the time of hearing on the units, the
17 gross floor area, the percentage of the total gross
18 floor area that is devoted to it, the income levels,
19 the affordable control periods, whether rental or
20 ownership.

21 But since it is being proffered as a public
22 benefit, I too think that the two percent at 80
23 percent AMI and the two percent at 80 to 120 percent
24 AMI, you know, we've said this before, we have
25 an inclusionary zoning case that we're going to be

1 getting to later this week, because of this very
2 issue that the existing 80 percent AMI level just
3 does not serve the residents who need it. And for
4 the District of Columbia, we have to use the AMI
5 because that's what the HUD financing levels are tied
6 to. But that means that the richest counties in
7 America are included in the District's AMI. So that
8 raises our AMI up to 120 or more thousand dollars.
9 And so I just think that at that level it's really
10 market rate for -- or higher than market rate for
11 District residents.

12 So I would like to see if they could do a
13 more meaningful affordable housing level, even
14 recognize that it's not required. But if it's a
15 public amenity or benefit that's being proffered
16 because of the other relief that's being sought, that
17 would help balance that all out. So I look forward
18 to the hearing on this.

19 It looks like a very attractive project from
20 what I can see. But we all need to see more.

21 CHAIRPERSON HOOD: Okay. Commissioner May.

22 MR. MAY: Thank you. I agree with everything
23 that's been stated so far and I want to emphasize the
24 drawings are really, really very confusing. And, you
25 know, we see a lot of drawings and I can usually sort

1 my way through them but it was very hard to figure
2 out what was going on with all the roof plan
3 information and the ways it was repeated and so-on.
4 So, some clarity on the drawings, just even the basic
5 drawings that we already have, in addition to needing
6 some newer and better drawings and perspective views
7 and so on.

8 I agree about the -- I don't really
9 understand what's going with the alley and the access
10 from the alley.

11 And I note the concerns of the Office of
12 Planning about court relief. Those very small courts
13 that are five stories tall are a concern. And
14 another issue that was flagged by the Office of
15 Planning was penthouse setback requirements, and you
16 know, I think that if you look at pages 36 and 37
17 it's pretty clear that there are issues with that. I
18 mean, one of the things about doing a project where
19 you have, you know, lower level building to the front
20 and then more of a tower piece behind it, is that
21 that tower piece is much more visible because it's
22 set back.

23 And so when you don't meet the setback
24 requirements it's even worse in those circumstances.
25 And so, I mean, I understand it's a very tight

1 configuration and there are complications with that.
2 But there are ways to address that. I think part of
3 it has to do with running the stairway up there and,
4 you know, you can -- you don't have to have two
5 stairways if you limit the access, the number of
6 people who are on the roof. So there are lots of
7 ways to try to address some of these concerns.

8 And I would like to see the applicant work
9 with the Office of Planning to try to address as much
10 of this as possible because we do want to be very
11 tight on granting any sort of relief from penthouse
12 setbacks. That's it for me, thanks.

13 CHAIRPERSON HOOD: Okay. Vice Chair Cohen.

14 MS. COHEN: Thank you, Mr. Chairman. My
15 colleagues really were very thorough and I concur
16 with what they've requested and stated. I just would
17 add one thing, and that's for the applicant to meet
18 with DOEE. This is, you know, some historic
19 preservation which I'd like a little bit more
20 information about. You know, where is it designated?
21 Is it the neighborhood or the building itself?

22 But in any event, you know, the LEED issue
23 obviously depends upon attempting to green a building
24 that has historic consequences. So I think that that
25 would be a helpful meeting to have before coming back

1 for the public hearing. Thank you.

2 CHAIRPERSON HOOD: I actually agree with the
3 Vice Chair's last comments. And I would also
4 mention, whatever we get for additional architectural
5 drawings, if it comes back similar we still -- I'm
6 going to need an explanation of what's actually,
7 what's happening because I looked at the loading, I
8 looked at the retail, the residential. So I'm going
9 to go around that whole building.

10 I don't necessarily have a question or
11 comment, but I just want to go around that whole
12 building at the hearing. I don't have a problem, as
13 Mr. Turnbull has already mentioned, of setting this
14 down. But I think there's going to be some
15 explanation because I did have -- like my colleagues
16 had a little trouble. I thought it was just my
17 normal trouble but I think that with them having the
18 same trouble I think I'm right in line with some of
19 the comments that I've heard earlier.

20 So make for an interesting hearing and I
21 think that I will be in favor of setting this down
22 and also looking forward to the explanation of what
23 some of the things that have gone on. Especially the
24 railing. I'm not sure what -- I didn't catch on to
25 what the railing was. And some of those are the

1 questions that I'll probably be asking at the
2 hearing.

3 Okay. So anything else? So with that I'm
4 going to move that we set down, with all the comments
5 that have been up here, that we set down Zoning
6 Commission Case No. 15-32 and ask for a second.

7 MS. COHEN: Second.

8 CHAIRPERSON HOOD: It's been moved and
9 properly seconded. Any further discussion?

10 [Vote taken.]

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

13 MS. SCHELLIN: Yes. Staff records the vote
14 five to zero to zero to set down Zoning Commission
15 Case No. 15-32 as a contested case, Commissioner Hood
16 moving, Commissioner Cohen seconding, Commissioners
17 May, Miller, and Turnbull in support.

18 CHAIRPERSON HOOD: Okay. Let's go to Zoning
19 Commission Case No. 15-34, Sherman Avenue, LLC.,
20 Consolidated PUD at Square 2873. Ms. Brown-Roberts.

21 MS. BROWN-ROBERTS: Good evening, Mr.
22 Chairman and Members of the Commission. Sherman
23 Avenue, LLC. and the District of Columbia propose the
24 development of a mixed use building at 965 Florida
25 Avenue.

1 To accommodate the development the applicant
2 has requested a consolidated PUD in the C-R zone.
3 Proposed building would be 110 feet high at 7.2 FAR
4 with 428 apartments and an approximately 51,000
5 square foot full-service grocery store.

6 Of the 428 residential units, 30 percent, or
7 129 units would be affordable at 50 percent and 30
8 percent of AMI. The supermarket would occupy the
9 ground floor with residential use, arranged in a U-
10 shape above around the central courtyard. At the
11 roof level the bars would be connected by a bridge.

12 To serve the residents of the building
13 various amenities would be provided, such as a
14 fitness center, storage, club room, and the rooftop
15 amenities would include a pool, gathering places,
16 community garden, and a dog run.

17 As part of the development significant
18 transportation and pedestrian improvements would be
19 made to the adjacent property, including a new
20 reconfigured and signalized Sherman Avenue/Florida
21 Avenue intersection and the creation of a pocket park
22 which would provide a buffer between the row houses
23 to the west and the major intersection.

24 Other transportation improvements will
25 include a dedication of a 22-foot-wide easement along

1 the northern portion of the property, which would
2 connect to 9th Street to improve both vehicular and
3 pedestrian circulation in the area.

4 To serve the residents in the grocery store
5 there would be three below-grade parking levels with
6 433 parking spaces.

7 The future land use map designates the site
8 for mixed use, medium density commercial, and medium
9 density residential. The generalized policy map
10 recommends the property as a land use change area.

11 Additionally, the area is governed by the Do
12 Plan (phonetic) which specifically refers to the site
13 for public disposition with specific requirements
14 which have been addressed in the proposal. The site
15 is currently zoned CR which is not inconsistent with
16 the Comprehensive Plan recommendation. The applicant
17 has requested flexibility to develop under the C-R
18 PUD standards, along with an increase in the lot
19 occupancy on the second floor from 75 to 76 percent,
20 from their loading requirements from the ground level
21 open space requirement, and to have multiple roof
22 structures.

23 Subsequent to our report it was brought to
24 our attention that the proposed 30 percent and 50
25 percent affordable units cannot be enforced through

1 IZ. The applicant has informed OP that they will
2 amend the application to request flexibility from IZ
3 and instead provide affordable units in the same 30
4 and 50 percent of AMI band.

5 Public benefits and amenities would include
6 affordable housing, a grocery store, vehicular and
7 pedestrian improvements, the pocket park, CB and
8 First Source agreement, donations to various
9 community initiatives, and LEED Silver certification.
10 Our report outlines additional information which
11 applicants should provide prior to public hearing,
12 and would include fully dimensioned roof plans and
13 overall bedroom types for both the affordable and the
14 market rate units, and detail elevation for each side
15 of the building.

16 The Office of Planning recommends that the
17 applicant be set down for public hearing. Thank you,
18 Mr. Chairman and I'm available for questions.

19 CHAIRPERSON HOOD: Okay. Thank you, Ms.
20 Brown-Roberts. Commissioners, any comments or
21 questions on this case? Commissioner May?

22 MR. MAY: I just had a couple. This is
23 another circumstance where we need some better
24 illustrations. I mean, I could understand the plans
25 a lot more easily in this case but understanding the

1 form of the building, the massing of it and you know,
2 what's happening on the roof and so on, that was hard
3 to understand and I am -- it's also hard to
4 understand what is happening with the penthouse
5 component of this and whether they're meeting all the
6 setbacks and what the visibility of the project might
7 be, of that portion of the project might be.

8 And the last thing is that the embellishment
9 that is, you know, at the southern -- I guess the
10 Southwest corner of the project, which you know, it's
11 part of the front façade sort of comes up and goes
12 over and creates some roof, a portional (sic) roof
13 over part of the penthouse near the amenity space I
14 think. I need to look at that really carefully.

15 This is, you know, it's hard to really
16 understand from the single view that we have of it
17 from the street, or the couple of views that we have
18 from the street. And I'm a little bit troubled by
19 very large embellishments like that. I'm, you know,
20 towers and domes and things like that I think are
21 allowed for explicitly and that's the sort of thing
22 that we'd be looking for. But these, you know, when
23 they get too big they become more than an
24 embellishment.

25 And so I'm just, I'm not saying I wouldn't

1 approve what's shown here. I just think it's
2 something that needs to be examined carefully.

3 CHAIRPERSON HOOD: Vice Chair Cohen?

4 MS. COHEN: Thank you, Mr. Chairman. Just
5 want to comment, and for the first time maybe since
6 I've been appointed here, commend the Deputy Mayor
7 for Economic Development. This is a model of what
8 the City must do to encourage affordable housing by
9 requiring that a large amount, 30 percent in this
10 case, be available for affordable housing, deeper --
11 well, greater affordable housing and deeper
12 subsidies. I just wish they would have done it for
13 Saint E's as well. Although I think Saint E's is
14 coming along.

15 So I do like this project in many, many ways,
16 also going for LEED Gold and again, I agree about the
17 -- with my colleague, Commissioner May, regarding
18 some of the drawings. I do have one major concern
19 and I think this is a superior idea to provide
20 funding for employment training.

21 However, my concern is that there is a lot of
22 money for employment training but it seems to not
23 result in positive reductions of unemployment in a
24 number of the wards that have the double-digit
25 employment still, say 7 and 8.

1 So I would hope the applicant does their due
2 diligence in finding the most productive, results
3 oriented training program in the entire city and not
4 one that just feeds overhead, but actually can show
5 you -- I mean, it's money. It's your money that
6 shows results in what they have accomplished with
7 sustainable employment.

8 So again, I just say, be weary. And again I
9 think that this is a very good project. It will come
10 along to be approved because it is an in-fill
11 position and it does achieve many benefits so I look
12 forward to it being a public hearing.

13 CHAIRPERSON HOOD: Okay. Commissioner
14 Turnbull. Okay, Commissioner Miller.

15 MR. MILLER: Okay. Thank you, Mr. Chairman.
16 I support setting down this very exciting project for
17 public hearing and agree with all of the requests by
18 the Office of Planning and my colleagues for
19 additional information and for, in the case of the
20 LEED for striving for the gold.

21 And, the affordable housing I agree with Vice
22 Chair that it's a very important affordable housing
23 contribution to the city that the 30 percent of 129
24 units being set aside at the 30 percent and 97 -- and
25 the 50 percent AMI level.

1 I appreciate Ms. Brown-Roberts pointing out
2 that the applicant will be providing information
3 about how DHCD will -- that you may need to apply for
4 an IZ waiver because some of these units may have to
5 be under a different affordable housing program that
6 DHCD monitors. Although I don't quite understand why
7 they couldn't adjust their IZ program to accommodate
8 these units, which are deeper than what's required
9 and why that one meet the requirement. But as long
10 as there's a program that this can fit into that --
11 and it is a strong affordable housing program, that
12 would be great.

13 I think on the -- because this is one of the
14 first -- well, because it's a project being done
15 under the recent law that required this set-aside, I
16 think we may need from the applicant a statement, or
17 at least some kind of statement I guess, or
18 explanation as to how you think it still should be
19 considered a public benefit under zoning. Since it's
20 under the land -- because it was public land that was
21 disposed of in accordance with those new stronger
22 affordable housing set-aside requirements. Just how
23 you think it should or should not be considered a
24 public benefit or amenity I think we need to, going
25 forward, because we're going to get many -- these

1 cases, we need to know how we're going to treat that.

2 I think that's all I needed to say, Mr.
3 Chairman. Thanks.

4 CHAIRPERSON HOOD: Thank you. Commissioner
5 Turnbull.

6 MR. TURNBULL: Thank you, Mr. Chair. I would
7 echo the comments of my colleagues. I think it would
8 be an exciting project. I think the affordable
9 housing is a major need for the area and I think it's
10 going to be -- we can work through the issues on
11 this, I think.

12 But I guess I would echo also the comments
13 about getting some better drawings. Especially the
14 embellishment or whatever that little swish is up on
15 the roof. But I would also like to see some sort of
16 eye-level renderings of the retail area along
17 Florida. Not Florida, Sherman. I mean, it's right
18 by the grocery store. I'd really like to see what
19 that looks like from someone who is walking in the
20 area, a street-level view as to how it really -- is
21 the grocery store closed up, is it open, are there
22 things visible? What can you see as you're walking
23 down the street? What's it going to look like? How
24 inviting is that?

25 Especially with the neighborhood across the

1 street. I'd love to see how they're dressing. What
2 that really looks like combined with the buildings
3 across the street and with this.

4 And it looks like on the private street, I'm
5 assuming the private street although it's, quote,
6 private, is open and accessible to everybody driving
7 around. And there's a lot of electrical vaults on
8 this private street right by Sherman. I mean, are
9 these going to be grates? I mean, how much of a
10 headache is that going to be up on that street, I
11 guess is just -- I'm just curious. The sidewalks got
12 vaults, the streets got vaults, and then there's a
13 major grease trap down further down.

14 So is that -- and that's where all the --
15 looks like there's two bays for like two rather large
16 trucks to pull in, and then two smaller trucks. And
17 then there's also another berth. It looks like
18 they've got more than enough loading for this
19 project.

20 But I mean, if we could just get some more
21 information on that, then, how that really works, how
22 that loading -- I guess, do you come in, you back
23 out, and then you're going to circle around the
24 building. So maybe a loading diagram will show how
25 they get in and out would be -- I mean, I'm assuming

1 you come down, are you going to back up, back in, and
2 then you just go out onto Sherman Avenue? So if we
3 could get a good loading diagram of how that really
4 works.

5 And, but I'm looking forward to the hearing
6 on this project, Mr. Chair.

7 CHAIRPERSON HOOD: Okay. Thank you. I too
8 would agree with all of my colleagues, and especially
9 the Vice Chair's comments about working to try to
10 move to get this to the approval state because I
11 think that I really like the curvatures. I won't
12 call it curvatures. My architect friends may call it
13 something else. But I really like -- I think that's
14 a different dynamic, at least from what I -- either
15 that or my paper is curving. But really like the way
16 that looks.

17 I also like -- I want to talk about the
18 programming that's going on up on the roof with the
19 bridge and everything. So I mean, I really think
20 that's -- I don't recall seeing anything like that.
21 It may have -- or if you do, you can direct me to it.
22 But we see so many cases. But I do like the setup,
23 and especially with the affordability, getting to the
24 deeper affordability in this case.

25 So looking forward to having this hearing.

1 To move it to, as the Vice Chair -- move it to
2 approval process. So, something that we have to work
3 at. Not that we're going to approve it. We're going
4 to move it to approval process.

5 Okay. So I would make a motion that we --
6 any other comments? I got everybody?

7 MR. MILLER: A quick comment.

8 CHAIRPERSON HOOD: Commissioner Miller.

9 MR. MILLER: I may need more specificity on
10 the community benefits package. There are a number
11 of escrow accounts that are being suggested to be
12 substantial dollar -- for benefitting the
13 neighborhood, whether it's non-profit organizations
14 providing employment training or DMPED or the CAM 4
15 (phonetic), over \$118,000 for locally based
16 retailers, for rent subsidies, and this business
17 incubator thing with the venture with the Howard
18 University.

19 I think we just need more specificity on that
20 because I think you tended to get -- move away, as a
21 commission, from the escrow accounts and just get to
22 the actual programs and recipients that are going to
23 be benefiting in the neighborhood. So to the extent
24 we're able to do that I think the better.

25 And on the affordable housing, I think OP's

1 report mentions that we need more information on the
2 unit mix and size, and that kind of thing.

3 CHAIRPERSON HOOD: Okay. Anything else?

4 Okay. I would move that we set down with all the
5 comments noted, Zoning Commission Case 15-34, and ask
6 for a second.

7 MS. COHEN: Second.

8 CHAIRPERSON HOOD: It's been moved --

9 MR. MILLER: Vice Chair can take the second.

10 CHAIRPERSON HOOD: Okay. The Vice Chair.
11 The seconder can take the second. It's been moved
12 and properly seconded. Any further discussion?

13 MR. MILLER: I would just note, I forgot to
14 say when I said how exciting this project is, I
15 neglected to mention, which Commissioner Turnbull did
16 and the OP did, the grocery store, the 50,000 square
17 foot grocery store for this neighborhood, that is
18 major and look forward to shopping there.

19 CHAIRPERSON HOOD: Any further discussion?

20 [Vote taken.]

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

23 MS. SCHELLIN: Yes. Staff records the vote
24 five -- to set down Zoning Commission Case No. 15-34,
25 the vote five to zero to zero. It is a contested

1 case. Commissioner Hood moving, Commissioner Cohen
2 seconding, Commissioners May, Miller, and Turnbull in
3 support.

4 CHAIRPERSON HOOD: Okay. Thank you. Does
5 the Office of Planning have anything for tonight?

6 UNIDENTIFIED SPEAKER: No, sir.

7 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
8 have anything else?

9 MS. SCHELLIN: No, sir.

10 CHAIRPERSON HOOD: Okay. I want to thank
11 everyone for their participation tonight.

12 [Hearing adjourned at 7:55 p.m.]

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