

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Zoning Commission

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9 Regular Public Meeting

10 1437th Meeting Session [16th of 2016]

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14 6:31 p.m. to 7:30 p.m.

15 Monday, June 27, 2016

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21 Jerrily R. Kress Memorial Hearing Room

22 441 4th Street, N.W., Suite 220 South

23 Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 MARCIE COHEN, Vice Chair

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

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8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 MEGAN RAPPOLT

13 JENNIFER STEINGASSER

14 MATT JESICK

15

16

17 Office of Attorney General:

18 JACOB RITTING

19 ARIEL EBI

20

21 Other:

22 MARK RANFLEM, ANC 1B Chairman

23

24

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

2 CHAIRPERSON HOOD: This meeting will please
3 come to order. Good evening, ladies and gentlemen,
4 this is the public meeting of the Zoning Commission
5 for the District of Columbia. My name is Anthony
6 Hood. Joining me are Vice Chair Cohen, Commissioner
7 Miller, Commissioner May, and Commissioner Turnbull.
8 We're also joined by the Office of Zoning staff, Ms.
9 Sharon Schellin, Office of Attorney General, Mr.
10 Ritting and Mr. Ebi, Office of Planning, Ms.
11 Steingasser, Mr. Lawson, Mr. Jesick and Ms. Rappolt.

12 Copies of today's meeting agenda are
13 available to you and are located in a bin near the
14 door. We do not take any public testimony at our
15 meetings unless the Commission requests someone to
16 come forward. Please be advised that this proceeding
17 is being recorded by a court reporter and it's also
18 webcast live. Accordingly we must ask you to refrain
19 from any disruptive noises or actions in the hearing
20 room, including the display of any signs or any
21 objects. Please turn off all beepers and cell
22 phones?

23 Does the staff have any preliminary matters?

24 MS. SCHELLIN: No, sir.

25 CHAIRPERSON HOOD: If not, what I would like

1 to do is take care of, colleagues, the three
2 correspondence items and we'll start, we'll just
3 rearrange and put those first and then we'll go by
4 our regular agenda. Okay? Okay. Let's begin with
5 Zoning Commission Case No. 03-12/03-13,
6 Copper/Carrollsburg Venture, LLC., letter from D.C.
7 Department of General Service requesting removal of
8 Van Ness Elementary School from the PUD. Ms.
9 Schellin.

10 MS. SCHELLIN: Yes, sir. As you stated this
11 is a request to remove the Van Ness Elementary School
12 from the PUD. They'd like to move forward with the
13 BZA application that they've filed, would ask the
14 Commission to consider this request this evening.

15 CHAIRPERSON HOOD: Okay, Commissioners, I
16 think in looking at the old order, I believe it's
17 been noted and brought to our attention, I believe
18 that part of the PUD has expired. Even more than
19 that we left a lot of that -- looking back I think
20 this goes back to 2004. But we left a lot of that up
21 to the conversations at that time between the
22 superintendent of schools. It was supposed to be
23 phase 5. It's not under the control of the applicant
24 and will proceed subject to the control of the Board
25 of Education and the District of Columbia.

1 And now we here have a request from DGS,
2 which is Department in the government, asking us to
3 remove this from the PUD for other development
4 issues.

5 So enough said. I would move -- I would ask
6 that we would support their recommendation or their
7 ask of us. And any further conversations? Or if
8 not, I would move that we would remove Van Ness
9 Elementary School out of the PUD as requested by the
10 request that was asked.

11 MR. TURNBULL: Second.

12 CHAIRPERSON HOOD: Anything else we need to
13 do with that?

14 MR. MAY: Mr. Chairman, I'm not sure we
15 actually need to take a vote. I'm looking at Mr.
16 Ritting.

17 MR. RITTING: Yeah. I just wanted to mention
18 that I don't know if it needs to be -- I don't
19 believe that it needs to be removed from the PUD
20 because that portion of the PUD expired because it
21 was included in the first stage application only that
22 had a term that required that a second stage
23 application be filed for that portion of the PUD.
24 That never occurred, therefore the PUD expired for
25 that property.

1 So I don't think it's necessary to modify the
2 PUD in any way to remove it at this point because
3 it's already defunct, I guess you could say.

4 CHAIRPERSON HOOD: Okay. I was just trying
5 to -- that was the ask and I think to make it clean I
6 would just -- you know, we have a motion on the
7 table. Since that was the ask and I don't have no
8 problem however it goes, at least I don't, I don't
9 think my colleagues do, whether it's a motion, not a
10 motion, whether we remove it, don't remove it. I
11 just was doing the ask. The ask was to remove it
12 from the PUD.

13 And I don't think -- for further development
14 I don't think it's a major issue. So we have a
15 motion on the table. Anybody have any further
16 discussion?

17 MS. COHEN: No.

18 [Vote taken.]

19 CHAIRPERSON HOOD: So ordered. And whatever
20 -- that motion will signify whatever the ask is.
21 Okay? All right.

22 MS. SCHELLIN: Staff records the vote five to
23 zero to zero to remove the Van Ness Elementary school
24 from the PUD, Commissioner Hood moving, Commissioner
25 Turnbull seconding, Commissioners Cohen, May, and

1 Miller in support.

2 CHAIRPERSON HOOD: Okay. And so noted as
3 legal counsel has told us, it had expired anyway. So
4 either way, that's what they asked us to do. We
5 don't have a problem with it.

6 Okay. Let's go to B, Zoning Commission Case
7 No. 15-03, Aria Development Group. Ms. Schellin.

8 MS. SCHELLIN: Yes, sir. At Exhibit 71 and
9 then at 71A we have the ANC 1B's motion for
10 rehearing. Exhibit 72 we have the applicant's
11 opposition there too. Would ask the Commission to
12 consider the ANC's request this evening, and then the
13 applicant's opposition also.

14 CHAIRPERSON HOOD: Okay. Commissioners, in
15 this case we had a full-fledged hearing and it looks
16 as though some members in the condo association were
17 not given the notice, but I think we have other
18 notice requirements. And I don't think we
19 necessarily send it to all of the individual condo
20 owners. I think it either goes to the Board or to
21 the owners, or to the Board or condo association of
22 some type in the past. I remember we've run into
23 this before.

24 And I think we also said that we had other
25 ways of notification. So I'm not sure if this is a

1 valid request. I think we had a full-fledged
2 hearing, and also I think it's proper, you know, as
3 we do notice it --

4 MR. RANFLEM: Excuse me. Excuse me.

5 CHAIRPERSON HOOD: Excuse me. Excuse me.
6 You need to be seated.

7 MR. RANFLEM: No, sir, you need to listen to
8 me. I was elected to this --

9 CHAIRPERSON HOOD: No, no, you need to be
10 seated.

11 MR. RANFLEM: -- position and you are
12 appointed.

13 CHAIRPERSON HOOD: Let me say this to you.

14 MR. RANFLEM: You can have me removed from
15 this room --

16 CHAIRPERSON HOOD: You need to be seated.

17 MR. RANFLEM: -- but you're speaking
18 incorrectly.

19 CHAIRPERSON HOOD: You need to be seated,
20 first of all.

21 MR. RANFLEM: I will for the moment, but if
22 you're wrong again --

23 CHAIRPERSON HOOD: You need to be seated.

24 MR. RANFLEM: -- I'll point it out to you.

25 CHAIRPERSON HOOD: We're in deliberations.

1 You need to be seated. No I don't have no problems
2 coming over to 1B doing exactly what you're doing.
3 Okay.

4 As I've stated, the -- typically that's how
5 we sent out our requests that go out to the condo
6 board and also to the owners. So I don't know if
7 individual owners get it. We have other ways of
8 notification, but that being said, let me open it up
9 for any conversation.

10 MS. COHEN: Mr. Chairman, I concur with your
11 interpretation that we are obliged to send it, if
12 there's 25 units or more, to the condo association,
13 which was done. There were no returns according to
14 the research with regard to notification. In
15 addition there is postings and I think a number of
16 representatives did speak from the condo association,
17 but we did not hear from every owner, which is not
18 required. Thank you.

19 CHAIRPERSON HOOD: Okay. Any other
20 conversations? Commissioner May.

21 MR. MAY: Yeah, I would just say, I'm not --
22 I don't know whether anybody from that particular
23 condo spoke or not. I don't -- but again, I don't
24 know that that's really relevant. The notices was
25 provided in accordance with the regulations. The

1 property was posted, and according to the applicant
2 there was lots of other outreach that theoretically
3 could have reached a number of those residents.

4 MR. RANFLEM: That's incorrect, Commissioner.

5 MR. MAY: No, excuse me. Excuse me. Excuse
6 me.

7 MR. RANFLEM: No one has notified that
8 building. The burden of proof is on the developer.

9 MR. MAY: Excuse me. Excuse me. Excuse me.

10 MR. RANFLEM: They did not speak to anyone.

11 CHAIRPERSON HOOD: Hold on. Hold on. Yeah.
12 You need to have a seat. You're out of order. We're
13 not going to keep going through that. I'm not going
14 to put you out, but you're out of order because I'm
15 not going to call nobody to come put you out.

16 MR. MAY: All right. Anyway we have --

17 MR. RANFLEM: Then we can talk in the hall,
18 sir.

19 MR. MAY: -- an application.

20 CHAIRPERSON HOOD: We can take a break and do
21 that now.

22 MR. MAY: We have information from the
23 applicant.

24 CHAIRPERSON HOOD: I don't take threats. Are
25 you threatening me?

1 MR. RANFLEM: I'm not threatening you, sir.
2 CHAIRPERSON HOOD: Okay. You said --
3 MR. RANFLEM: I want you to --
4 CHAIRPERSON HOOD: You said -- hold on. Hold
5 on.
6 MR. RANFLEM: -- understand the situation.
7 CHAIRPERSON HOOD: No, listen. You said we
8 can talk in the hall.
9 MR. RANFLEM: That's all incorrect
10 information.
11 CHAIRPERSON HOOD: See, where I come from
12 it's a different rule within the hall, so you better
13 be very careful of what you ask for.
14 MR. RANFLEM: Sir, are you threatening me?
15 CHAIRPERSON HOOD: No, you threatened me. In
16 the hall.
17 MR. RANFLEM: Let's not --
18 CHAIRPERSON HOOD: Have a seat.
19 MR. RANFLEM: -- act like we're in school.
20 CHAIRPERSON HOOD: Have a seat. Have a seat.
21 The next time I am going to throw you out.
22 MR. RANFLEM: I'll see you in the newspapers.
23 CHAIRPERSON HOOD: Whatever. Been there too.
24 Okay. You can finish Commissioner May.
25 MR. MAY: So anyway, we have in the response

1 from the applicant, information about the outreach
2 that was done and you know, again, all that is above
3 and beyond what is the minimum requirement here. The
4 concern was whether the minimum requirement for
5 notice was met, and it was because the applicant
6 mailed to the president of the condo association,
7 which is what's required. It's not required to
8 notify individual owners of condominiums in a
9 condominium that size.

10 So, I don't see any reason to change our
11 position.

12 CHAIRPERSON HOOD: Okay. Anybody else? Mr.
13 Turnbull.

14 MR. TURNBULL: Yeah, I just wanted to, for
15 the record, point out the section of the regs that
16 Commissioner May is reading is the 3015.3A and just
17 for the record, where it states exactly what he just
18 mentioned.

19 CHAIRPERSON HOOD: Okay. Would you read that
20 for the record, Mr. Turnbull? You have it in front
21 of you.

22 MR. TURNBULL: I would be delighted to.

23 "Owners of all property within 200 feet of
24 the property included in the application, provided
25 however in the case of a residential condominium or

1 cooperative with 25 or more dwelling units, mailed
2 notice may be provided to the Board of Directors or
3 to the association of the condominium or cooperative
4 that represents all of the owners of all such
5 dwelling units."

6 CHAIRPERSON HOOD: Okay. Any other comments
7 on this?

8 Somebody entertain a motion? Would somebody
9 like to make a motion?

10 MS. COHEN: Mr. Chairman.

11 CHAIRPERSON HOOD: Yes.

12 MS. COHEN: I move to deny the motion for
13 rehearing made by ANC 1B on Zoning Case No. 15-03,
14 Aria Development Group, and ask for a second.

15 CHAIRPERSON HOOD: I'll second it and also
16 any further discussion?

17 I'll also note the sticking point is 3015.3,
18 which is in our regulations and our description on
19 how we give notice.

20 Moved and properly seconded. Any further
21 discussion?

22 [Vote taken.]

23 CHAIRPERSON HOOD: So ordered. Ms. Schellin,
24 would you record the vote?

25 MR. RANFLEM: This is an insult to the people

1 of the District of Columbia and to the people in this
2 SMD.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, would
4 you -- let's call the next case.

5 MR. RANFLEM: This is ridiculous. Insulting.
6 You do not know what you're doing as a Zoning
7 Commission.

8 CHAIRPERSON HOOD: Zoning Commission Case No.
9 15 -- Zoning Commission Case --

10 MS. SCHELLIN: Staff records the vote --

11 CHAIRPERSON HOOD: Hold on. Hold on for a
12 second. Go ahead and record the vote for us.

13 MS. SCHELLIN: Staff records the vote five to
14 zero to zero to deny ANC 1B's request in Zoning
15 Commission Case No. 15-03, Commissioner Cohen moving,
16 Commissioner Hood seconding, Commissioners May,
17 Miller and Turnbull in support of denial.

18 CHAIRPERSON HOOD: Okay. Next Zoning
19 Commission Case No. 15-22, 301 FL Management, LLC.,
20 Union Market Neighbors. Ms. Schellin.

21 MS. SCHELLIN: Yes, sir. In this case at
22 Exhibit 47 we have a motion for leave to file
23 reconsideration from the Union Market Neighbors.
24 They were not a party to the case but they are asking
25 for leave to file reconsideration. Exhibit 48, we

1 have the applicant's opposition thereto. We'd ask
2 the Commission to consider this request this evening.

3 CHAIRPERSON HOOD: Again, thank you, Ms.
4 Schellin. Our rules, regulations, 3029.5, a motion
5 for reconsideration, rehearing, or reargument of a
6 final order in a contested case under 3022 may be
7 filed by a party within 10 days of the order having
8 become final. I think that negates -- as was stated,
9 the Union Market Neighbors was not a party in this
10 original case, and I think that that regulation was
11 put in place years ago for a reason. And I think
12 it's a reason it's in there. So no one is being
13 prejudiced. Everyone had a chance to participate and
14 not come in at the 24th hour after the case has been
15 decided and moved on.

16 So any further discussion on this? Anybody?

17 Okay. I would move that we deny it on the
18 premise of Regulation 3029.5, our requirements for
19 rehearing, reconsideration, or reargument of any
20 final order, and ask for a second.

21 MS. COHEN: Second.

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

24 [Vote taken.]

25 CHAIRPERSON HOOD: So ordered. Ms. Schellin,

1 would you record the vote?

2 MS. SCHELLIN: Staff records the vote five to
3 zero to zero to deny the request by Union Market
4 Neighbors in Zoning Commission Case No. 15-22,
5 Commissioner Hood moving, Commissioner Cohen
6 seconding, Commissioners May, Miller, and Turnbull in
7 support of denial.

8 CHAIRPERSON HOOD: Okay. Now let's go back
9 to final action, Zoning Commission Case No. 15-09,
10 Residents of Lanier Heights and ANC 1C, map amendment
11 at Squares 2580, 2584, 2586W, 2587, and 2589. Ms.
12 Schellin.

13 MS. SCHELLIN: Yes. So the proposed
14 rulemaking was published in the Register on May 20th.
15 At Exhibit 135 we have an NCPC report advising of no
16 issues with the map amendment, and at Exhibits 136
17 through 153, we've received comments during the open
18 comment period. Would ask the Commission to consider
19 final action on this this evening.

20 CHAIRPERSON HOOD: Okay. Commissioners, let
21 me -- there were two major sticking point comments.
22 Let me pull these up.

23 One of the comments had to do with -- one of
24 the submissions we had, had to do with the comment or
25 question that instead of the proposed map amendment

1 the Commission instead should adopt a custom zone
2 that would apply on to the subject properties. The
3 custom zone would permit building heights of 40 feet
4 as a matter of right and 50 feet if approved as a
5 special exception, 20 feet rear setback as a matter
6 of right, and 15 feet if approved as a special
7 exception. Up to three dwelling units as a matter of
8 right, and four if approved as a special exception,
9 and a 10 foot maximum pop-back limited, and a larger
10 pop-back permitted if approved as a special
11 exception.

12 And then there were some other comments. So,
13 you know, I think that really tells the whole scope,
14 and as we saw that -- I think that community Lanier
15 Heights, I think that whole community had worked real
16 hard, the residents of Lanier Heights and the ANC 1C,
17 collaboratively and I think the Office of Planning
18 supported this movement, I believe, if I remember
19 correctly. But I think that they had put a lot of
20 time and a lot of work into now for us to come up and
21 do a custom zone, I think really throws a big damper.
22 And what that community has worked together for us, I
23 think it's been over maybe a year or so in trying to
24 come up with what they have achieved in front of us.
25 So let me open it up for additional comments.

1 Commissioner May.

2 MR. MAY: Mr. Chairman, you know, I
3 appreciate the notion of this sort of compromise, but
4 I agree with you that this is something that has been
5 fairly -- it has been very thoroughly vetted with the
6 ANC's efforts and I don't see any reason to change
7 course at this time. I mean, certainly if there are
8 further modifications that they may want to seek that
9 the neighborhood would want to seek, then they could
10 work with the Office of Planning to develop a
11 customized zone under the new Zoning Regulations.
12 That's certainly a possible change for the future and
13 we would take that under consideration if it comes
14 before us. But for right now I think what they've
15 presented to us is a reasoned approach and I'm
16 prepared to approve it.

17 CHAIRPERSON HOOD: Okay. Any other comments?

18 All right. And also, anyone feel moved to
19 take out the 17 -- I think another request was the
20 1700 block of Lanier Place from the rezoning. I
21 again would go back with my initial comments. I
22 think that the community, the ANC, and Lanier Heights
23 group work real hard, the residents work real hard to
24 come up with what they came up with, a fix for us and
25 it made things -- while I know everybody is not

1 happy, but I think the majority and the way they
2 collaboratively work together I think to now exclude
3 a section, we'll start excluding this section this
4 week, and then another section will come down, and we
5 will not achieve exactly what those neighbors were
6 trying to achieve. Those ones who have to live or
7 whatever results or outcomes we have here.

8 So I would not be in support of either one of
9 those recommendations. Let me open up any additional
10 comments. Commissioner Miller.

11 MR. MILLER: Thank you, Mr. Chairman. Yeah,
12 I mean, I initially -- I mean, I think at the hearing
13 I asked the different advocates for the zoning if
14 they would be interested in some kind of compromise
15 and as the letter that came in indicated, there was
16 no interest in that. I mean, I think I would have --
17 it would have been -- it would have been ideal if the
18 neighborhood had come together around some kind of
19 custom zone solution. But I think that the community
20 did do a lot of -- the ANC and the applicant did do a
21 lot of work around this issue and garnered a lot of
22 support, although there is continuing concerns about
23 it, and I share some of those concerns but I
24 supported the proposed action and I'll support the
25 final action.

1 CHAIRPERSON HOOD: Okay. Any other
2 discussions? If not, somebody can make a motion.

3 MR. TURNBULL: Mr. Chair, the only other
4 thing that came up is OP had suggested, had
5 recommended in their supplemental memo of April 6th,
6 a clarifying text.

7 MR. MAY: And I think we're going to have a
8 hearing on that on the 18th.

9 MR. TURNBULL: Right. So I mean, that's
10 still -- I don't know if that's still out there or
11 not, but our -- we did have a -- there was an e-mail
12 Exhibit 138, talked about that they were in objection
13 to OP's text, supplemental memorandum for the
14 interpretations of that. So I mean, that's the only
15 thing that was out there. I don't know if we wanted
16 to talk about that or not.

17 CHAIRPERSON HOOD: Are we going to -- we have
18 this coming down the pike, right, for a hearing?

19 MR. TURNBULL: So that's coming down. So we
20 can --

21 CHAIRPERSON HOOD: Yeah, when is the hearing?

22 MR. MAY: July 18th.

23 MR. TURNBULL: July 18th.

24 MR. RITTING: Yeah, it's July 18th and the
25 comments that were received were germane only to the

1 text amendment that's going to be considered at that
2 time.

3 MR. TURNBULL: At that time.

4 MR. RITTING: And not really relevant to the
5 map amendment that's --

6 MR. TURNBULL: I just wanted to clarify that
7 it's in the record for this, so I just wanted to
8 clarify it.

9 MR. RITTING: Yeah.

10 CHAIRPERSON HOOD: Yeah, we'll deal with that
11 on the 18th of July.

12 Okay. Anything else? So I would move
13 approval of final action in Zoning Commission Case
14 No. 15-09, Residents of Lanier Heights and ANC 1C map
15 amendment at Squares 2580, 2584, 2586W, 2587, and
16 2589 and ask for a second.

17 MR. TURNBULL: Second.

18 CHAIRPERSON HOOD: Been moved and properly
19 seconded. Any further discussion?

20 [Vote taken.]

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

23 MS. SCHELLIN: Yes. Staff records the vote
24 five to zero to zero to approve final action in
25 Zoning Commission Case No. 15-09, Commissioner Hood

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

3 CHAIRPERSON HOOD: Okay. Next, Zoning
4 Commission Case No. 13-10A. This is ZP Georgia, LLC.
5 request for a two-year PUD time extension at Square
6 2892. Ms. Schellin.

7 MS. SCHELLIN: Yes, sir. The applicant is
8 requesting a two-year time extension as a result of
9 pending litigation. The applicant is requesting an
10 extension to June 27th, 2018 to file for a building
11 permit, and June 27, 2019, to start construction.

12 At Exhibit 4 we have an OP report in support,
13 and Exhibit 5 ANC 1A report in support. Would ask
14 the Commission to consider final action this evening.

15 CHAIRPERSON HOOD: Okay. Again,
16 commissioners, as the record reflects there was some
17 litigation issues going and we do have support from
18 the Office of Planning as well as the Advisory
19 Neighborhood Commission 1A in proposed for this
20 extension, two-year time extension. And I think they
21 show in the submissions, good cause for us to grant
22 an extension, but let me open it up. Any
23 conversation?

24 If not, I'll take a motion.

25 MR. TURNBULL: Mr. Chair, I would move that

1 we take final action on Zoning Case No. 13-10A, 3321
2 Georgia, LLC. request for a two-year PUD extension,
3 PUD time extension at Square 2892 and look for a
4 second.

5 MS. COHEN: Second.

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

8 [Vote taken.]

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

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

16 CHAIRPERSON HOOD: Okay. Next let's go with
17 proposed action, Zoning Commission Case No. 15-13,
18 Watkins Alley, LLC. consolidated PUD and related map
19 amendment at Square 1043. Ms. Schellin.

20 MS. SCHELLIN: Yes, sir. At Exhibits 47
21 through 47B-6, you have the applicant's post-hearing
22 submissions, and behind you, you have materials
23 boards, and would ask the Commission to consider
24 proposed action this evening.

25 CHAIRPERSON HOOD: Okay. Commissioners, I

1 think one of the issues that we had with this case
2 was the materials board. Has everyone had a chance
3 to look at it?

4 MR. MAY: Yes, they submitted the materials
5 Board.

6 CHAIRPERSON HOOD: Okay. All right. Well,
7 let me open it up for discussion, then. Maybe I'll
8 look at the materials board. Somebody like to start?

9 MR. MAY: Mr. Chairman.

10 CHAIRPERSON HOOD: Yes.

11 MR. MAY: I am still disappointed in this
12 case. I don't think the design is as strong as it
13 should be for a planned unit development. They have
14 addressed some of the immediate concerns, you know,
15 are showing the downspouts or explaining how they're
16 going to drain the sloped roof that is sloping
17 towards the alley and so on.

18 They're still using inferior brick on the E
19 Street façade. You know, they've made some decisions
20 about the green roof, and particularly the green roof
21 on the building that borders the alley. That just
22 seems very odd to me. There are other issues having
23 to do with the overall design that I really don't
24 like. But I am not -- I don't think they're going to
25 fix any of the things that I don't like. I think

1 they're pretty determined to do a building that will
2 be a disappointment to me. I don't know how else to
3 say it.

4 CHAIRPERSON HOOD: Okay. Any other comments
5 on this?

6 MR. MILLER: Mr. May, just maybe clarify
7 about the issue of the brick on the main elevation.

8 MR. MAY: Yeah. I mean, a street elevation I
9 would expect to see a finished, a finer finished
10 brick. And what I see here is you know, suitable for
11 a garage or a sidewall, but it's not really suitable
12 for the face of a building that's on a street in, you
13 know, in a neighborhood like Capitol Hill. It
14 certain applies in other places as well.

15 I mean, there certainly have been projects
16 that have been built with brick like this. I mean,
17 certainly several developments that we've even
18 approved as PUDs, which I frankly am somewhat
19 disappointed in as well. And typically this is the
20 kind of brick that winds up getting painted because
21 it's just, it's not a fine finished brick. It
22 doesn't have sharp corners, it doesn't you know, have
23 -- allow for tight, clean mortar joints. They're big
24 buttered joints. They're, I mean again, perfectly
25 fine for sidewalls of a building or an alley

1 structure, but -- and that's what, you know, if they
2 had a finer brick on E Street it would make a
3 substantial difference.

4 But again, you know, I made that comment
5 before and they are still coming at us with inferior
6 brick. I don't see -- I mean, I'm not in favor of
7 approving this. But I would certainly understand if
8 the balance of the Commission voted to approve to
9 night.

10 CHAIRPERSON HOOD: Okay. Vice Chair Cohen.

11 MS. COHEN: No, I just wanted to say that I
12 have seen and I guess your tastes may be more refined
13 than mine, but I don't mind that type of brick
14 because to me it's more natural and I think that I
15 would move ahead tonight to approve this project.

16 MR. MAY: I mean, certainly if it were in a,
17 you know, in the English countryside, you'd see a
18 brick like this. Absolutely. It's not the sort of
19 brick you'd see on your street or on my street.

20 MS. COHEN: I think I have seen it on my
21 street. Actually a lot.

22 MR. MAY: Sure.

23 MS. COHEN: I have seen a lot of painted
24 brick as well.

25 MR. MAY: Uh-huh. Painted brick is perfectly

1 fine, but some bricks were made to be painted.

2 Anyway.

3 MR. TURNBULL: The brick that you're looking
4 at is what's labeled as Fort McHenry. And it has,
5 the sample shows chamfered edges, or they're beat,
6 they're like chipped edges at the corners.

7 MR. MAY: Yeah. I mean, no, actually it's
8 both bricks because they --

9 MR. TURNBULL: It's --

10 MR. MAY: They have both on E Street.

11 MR. TURNBULL: You're right.

12 MR. MAY: The E Street façade.

13 MR. TURNBULL: Okay. So you're looking for a
14 more dressed brick?

15 MR. MAY: Yeah.

16 MR. TURNBULL: Okay.

17 MR. MAY: That's what I would do. I mean,
18 certainly if they wanted to get my vote they could
19 submit a better brick or a couple of better bricks
20 for final action and then maybe I'd vote for it. But
21 I'm, you know, I'm --

22 CHAIRPERSON HOOD: Vice Chair, you can go.

23 MS. COHEN: Yeah. Thank you, Mr. Chairman.

24 What is the cost differential? Is there a major cost
25 differential? Do you --

1 MR. MAY: Well, I don't know what the cost
2 differential would be on this project. I mean,
3 certainly, you know, in terms of the overall portion
4 of the brick that's involved here, we're talking
5 probably about 10 or 15 percent of the total façade.

6 I will also say that the particular brand of
7 brick that they are using is not known for being a
8 very expensive brick. And, you know, you pay more
9 money for a finer brick, undoubtedly. I don't know
10 what the differential is.

11 MR. TURNBULL: Well, I guess looking at the
12 issues you've talked about, I mean, there is issue
13 with the overall concept of how it's laid out in a
14 design issue, but that you're willing to forego. I
15 mean, at this point they're not going to go back and
16 start redrawing things and changing. But --

17 MR. MAY: No, I mean, I think the whole
18 project could have been a lot better.

19 MR. TURNBULL: Right. Right.

20 MR. MAY: If they had planned it differently
21 they would have better units. I mean, I think the
22 interior of the units I think are awkward. The
23 windows are problematic. All these, you know, there
24 are lots of aspects of the design that I don't like,
25 but most of that we're never going to see. I'm not

1 going to be in those units and if they can sell them
2 or rent them, you know, more power to them.

3 MR. TURNBULL: Okay.

4 MR. MAY: But I just, I think it's, as I
5 said, a disappointing project.

6 I have -- yes, I see what it looks like. I'm
7 seeing another sample of it where it's actually
8 mortared. And again, it's a particular look. It's
9 appropriate for an alley building. It is not
10 appropriate for the face of a building on a street in
11 Capitol Hill or other neighborhoods in the District.

12 CHAIRPERSON HOOD: Okay. Commissioner
13 Miller.

14 MR. MILLER: Thank you, Mr. Chairman. I
15 don't really have any comment on the brick. I don't
16 have any particular objection to it. I kind of like
17 English countryside. But --

18 MR. MAY: I do too, in the English
19 countryside.

20 MR. MILLER: Well --

21 MR. MAY: Or in the American countryside.

22 MR. MILLER: A variety of you know, different
23 styles and --

24 MR. MAY: Not -- yeah, not in row houses.

25 MR. MILLER: Okay.

1 MR. MAY: That's my thing.

2 MR. MILLER: But that's -- I didn't want to
3 comment really, on the brick, but I was compelled to
4 I guess. I just wanted to comment on reiterate the
5 applicant's summary of the project and its most
6 recent submission that it -- so just for the public
7 record here, that this project will provide 44 new
8 residential units. Forty-two of the units will be
9 large family sized units containing two or more
10 bedrooms, and 32 of the units will contain three or
11 more bedrooms. These are attractive features of the
12 project. And because we don't usually see such large
13 units in multi-family developments, five of the units
14 will be affordable and four of those units will be
15 deeply affordable for families making up to 50
16 percent AMI, and all of the affordable units will be
17 two or three bedrooms and this 50 percent AMI level
18 obviously exceeds the minimum requirement.

19 Both OP, DDOT, and the ANC supported the
20 project and there was no neighborhood opposition. So
21 I'm comfortable with moving forward. It's not a
22 perfect project. I can understand Commissioner May's
23 -- some of Mr. May's disappointment with it. I think
24 there are certain aspects to it that have been
25 improved since the original submission and as a

1 result of comments that were made by OP and by the
2 Zoning Commission. So I'm prepared to move forward
3 because on balance I think it's a useful valuable
4 project.

5 CHAIRPERSON HOOD: Okay. Commissioner
6 Turnbull, you want to add something?

7 MR. TURNBULL: Yeah. I would be willing to
8 move forward too, except, I think I would be willing
9 to put it off for a couple of weeks until July 11th,
10 and have them submit some new brick samples if --

11 MR. MAY: I'm not looking for a further
12 delay. You know, I'm not going to vote for it
13 tonight but if they submit a better brick sample I
14 may vote for it at final.

15 CHAIRPERSON HOOD: Well, let me just say
16 this; Commissioner May has convinced me, because when
17 I look around at good brick, when I go to some of the
18 old alleys over in Northwest, and I go in the alley,
19 that's what I see. So, I'm sorry. And I know this
20 is another area of the city. But I'm going to
21 probably be voting against it tonight. But I don't
22 have a problem voting against it period.

23 But I think I want them to relook at the
24 brick. So I think your suggestion of putting it off
25 to July 11th.

1 MR. TURNBULL: July 11th.

2 CHAIRPERSON HOOD: Because I don't know if
3 you have the votes.

4 MR. MAY: That's fine. I thought I was the
5 only outlier.

6 CHAIRPERSON HOOD: Well, you can -- you know,
7 sometimes I look at stuff and it's starting, and
8 that's why I kept on turning and looking and you
9 know, you persuaded me. I think they need to relook
10 at that because especially if it's that one -- hold
11 on Vice Chair. Especially if it's the one furthest
12 to the left that I'm looking at. That reminds me of
13 some of the alleys that I've been in going through --
14 it's just -- and I think Commissioner May has a big -
15 - a good point. So I mean, you know, we can relook
16 at some of the brick.

17 And here's the thing. I know it can be done
18 because while we were up here discussing, we had two
19 more forms of brick to come in or they're mortared
20 together. So, I think that they understand what
21 we're trying to look at and what we're trying to
22 achieve. I just would like to give them another bite
23 of the apple before I have to vote against it. Mr.
24 Turnbull.

25 MR. TURNBULL: Yeah, Commissioner, since

1 Capitol Hill is obviously of an interest to me I
2 would like to see the brick on the street a little
3 bit better looking. And I'd be willing to put it off
4 a couple of weeks so that they could come in with a
5 better sample of bricks for that.

6 Again, there's no -- I mean, I think as
7 Commission has pointed out, there's other aspects of
8 the project that are not totally correct or totally
9 that are likeable, but there is enough there that I
10 could vote for it, but I would be willing to -- I
11 would say that I would not vote for it tonight
12 pending some more brick samples.

13 CHAIRPERSON HOOD: So that's the whole thing.
14 I think the three votes -- well, the three votes that
15 would not vote for it tonight, the brick, is that the
16 only issues that we have? And I think Commissioner
17 Miller has mentioned a number of issues that were
18 positive about this project. Commissioner May?

19 MR. MAY: Yeah, I'm not -- the other issues,
20 I mean, I do think it's questionable the way they
21 have deployed the green roof on the top of the more
22 sloped roof building that's all the way at the back
23 along the alley. There are segments of it that have
24 a green roof on it. You're looking at the page right
25 there. I think that's questionable.

1 But you know, that's not something that I'm
2 going to vote against it for. And I say it's
3 questionable just because it's more sloped than you'd
4 typically see in a green roof. Green roofs do
5 require maintenance. It means somebody is going to
6 have to go up there all the time. That means
7 somebody coming in through the units and going up on
8 a ladder to you know, pull weeds out of the green
9 roof or whatever. I mean, it doesn't require a lot
10 of maintenance but it does require some and so that's
11 why we typically see them on the, you know, the tops
12 of flat roof buildings. We've got roof, you know,
13 direct access to it and so on.

14 So I mean, I just -- it's those --

15 MS. COHEN: Those two, yeah.

16 MR. MAY: Those three. I mean, that's
17 questionable but that's not something that I'm going
18 to -- as I said, I wouldn't vote against it for that
19 reason. But that's the other thing that's the most
20 troubling for me.

21 CHAIRPERSON HOOD: Okay.

22 MR. MAY: So.

23 CHAIRPERSON HOOD: So, again, I think the
24 only thing in question here is to ask the applicant
25 to go back, if they choose to. If they don't choose

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1 to they can just bring it back and just leave it like
2 that. And then we will see what -- how it moves
3 forward, or how it doesn't move forward.

4 So anything else on that? So we will deal
5 with this on July 11th. Any other discussion on
6 this?

7 Okay. So basically only outstanding issue
8 that we all have, and I'm sending this -- telling the
9 applicant, is the brick. Okay? All right. We won't
10 discuss anything else on this case but the brick.

11 Okay. So if that's all you've got to do, we can find
12 some better brick. I'm sure.

13 All right. So we will deal with this. Ms.
14 Schellin, can we put this on for July the 11th?

15 MS. SCHELLIN: Okay.

16 CHAIRPERSON HOOD: The applicant, can they
17 find another brick by July the 11th, or if they --
18 will they be finished reevaluating by July the 11th.

19 MS. SCHELLIN: So you just want them to bring
20 the samples to the meeting, or do you want them to
21 actually make a submission to the record?

22 CHAIRPERSON HOOD: Something -- we're asking
23 for them to -- and, Commissioner May, let me make
24 sure because you were the one who led this. We're
25 asking, do we want them to bring another sample of

1 brick for us to review at the July 11th meeting. Mr.
2 Turnbull?

3 MR. MAY: Yeah, ideally it would be another
4 sample. If they can't possibly get another sample by
5 that time -- of course, all that does require is like
6 sending somebody in a car out to one of the yards
7 where they do it, but -- where they sell the brick.

8 But you know, I would take a photograph of it
9 if we had to, on July 11th. Or --

10 CHAIRPERSON HOOD: I actually would like to
11 see that, because that told the story for me.

12 MR. MAY: Yeah. The mortared version or just
13 the stacked version? So this is intended to imitate
14 the mortar.

15 CHAIRPERSON HOOD: Yeah, I want stack. The
16 stack. I want the stack. I would like to see the
17 stacked version.

18 MR. TURNBULL: So two different stacks.

19 CHAIRPERSON HOOD: Because that's --

20 MR. MAY: So the stack of five bricks with
21 the --

22 CHAIRPERSON HOOD: Carrying case, or whatever
23 that is.

24 MR. TURNBULL: But there's two different
25 kinds of bricks.

1 MR. MAY: Well, you know, they can have two
2 kinds of brick or they can have one kind of brick.

3 MR. TURNBULL: Right. They could have either
4 one.

5 MR. MAY: Just so long as it's a finish
6 brick.

7 CHAIRPERSON HOOD: Okay. All right.

8 MS. SCHELLIN: So I'm looking at the
9 applicant to see if they can do that by -- can they
10 bring it to the July 11th meeting? Yes. Okay. July
11 11th. Okay.

12 CHAIRPERSON HOOD: Okay. And then that's all
13 we'll be discussing on this case is brick. So I'm
14 saying that up front so the applicant knows, we won't
15 hear anything else. All we're going to -- only
16 sticking point for us, some of us, is the brick.

17 Okay. Let's move right to the next case.

18 Hearing action in Zoning Commission Case No. 16-10,
19 EAG 400 Florida Avenue, LLC., consolidated PUD and
20 related map amendment at Square 3588. Ms. Rappolt.

21 MS. RAPPOLT: Thank you. And good evening,
22 Chairman Hood, Members of the Commission.

23 OP recommends the Zoning Commission set down
24 the applicant's request for a PUD and related zoning
25 map amendment to the C-3-C District for the property

1 known as 400 Florida Avenue, which is currently zoned
2 to the C-M-1 District. The PUD consists of two
3 buildings, one hotel of 164 rooms and is 109 feet in
4 height, and the residential building is 120 feet and
5 110 units, and 900 square feet of retail.

6 The proposed FAR of the project is an 8.0,
7 which is an increase of a 5.0 FAR, or approximately
8 100,000 square feet above the C-M-1 matter of right
9 FAR for the property.

10 In terms of the Comprehensive Plan Future
11 Land Use Map, the property is appropriate for high
12 density commercial, medium density residential, and
13 PDR uses. Additionally, the property is within the
14 Florida Avenue Market Small Area Plan which also
15 calls for a medium to high density development and a
16 building height of 70 to 130 feet, an FAR range of
17 5.0 and 8.0. This density is achievable only with
18 the provision of significant community benefits for
19 the plan.

20 The plan also calls for pedestrian active
21 uses on this property, including community services,
22 entertainment, restaurant, and/or retail. OP would
23 flag this guidance in that the applicant's plan
24 should include more of these pedestrian active uses
25 and it needs improvement.

1 In its report OP also flagged certain issues
2 with this proposal which include the design of the
3 buildings, the building overhang into public space,
4 the 5th Street streetscape not meeting the Florida
5 Avenue Market study recommendations, the lack of
6 commitment to provide a location of where off-site
7 parking could go, as well as the flexibility to
8 provide no parking, and the penthouse setback at the
9 residential building.

10 With regard to benefits, OP told the
11 applicant that some of the benefits such as the phone
12 charging station and the car charging spaces, which
13 includes a request for flexibility to vary the number
14 of those charging space, the car charging spaces,
15 which may include none whatsoever, would not
16 necessarily rise to the level of a true benefit.

17 We are also analyzing if there are other
18 duplicative PUD benefits offered with this proposal,
19 namely the contribution to a security and the initial
20 beginnings of a bid in this area.

21 OP has also discussed with the applicant, the
22 need to bolster the gallery benefit to include a
23 third-party arts manager, to which the applicant has
24 been verbally amenable to. The applicant has
25 proposed 12 percent of the residential GFA as IZ

1 units in which half would be at 50 percent AMI, and
2 the other half would be at 80 percent AMI. And also
3 LEED Gold for the residential building, both of which
4 qualify as proffers.

5 Since our setdown report was filed OP has
6 heard that a nearby ANC and other individuals have
7 taken issue with the design of the building, as well
8 as the ground floor activation and amenities package.

9 Additionally, OP stated in its report that
10 the applicant had met with the adjacent 6C, ANC 6C,
11 which was in error. The applicant and the ANC 6C
12 have attempted to meet but have not yet met. And
13 they are in communication about meeting very soon.
14 The applicant has met with ANC 5D and according to
15 them 5D is supportive of the project.

16 OP recommends the proposal would be set down
17 and would note that our recommendation included a
18 consideration of the applicant's desire to move
19 forward under the existing Zoning Regulations. Thank
20 you, and I'd be happy to take any questions.

21 CHAIRPERSON HOOD: Okay. Thank you, Ms.
22 Rappolt. Commissioners, any questions, comments?
23 Commissioner May?

24 MR. MAY: So I appreciate your report and
25 your comments. It is a lot of comments and a lot of

1 concerns for something that we're considering for set
2 down. And I think that there is still a fair amount
3 of work to be done. I do have concerns. I mean,
4 overall the package seems to be kind of under
5 developed. Certainly there are issues with the
6 benefits package.

7 There are some, you know, some big positives
8 with this project. The, you know, there is the
9 potential to do great things for the streetscape and
10 there is, you know, the fact that we're starting out
11 with a more substantial proffer of IZ. I think
12 that's a positive.

13 The hotel concept is new and interesting.
14 That may be a big positive. The big logia feature is
15 also an interesting piece. But you know, the design
16 still needs some work. I appreciate the aesthetic
17 approach, but the hotel component in particular looks
18 kind of -- I mean, it's like a big dull government
19 warehouse kind of thing. I mean, I just find it very
20 unattractive and I won't get into the quality of the
21 brick that's used.

22 The rooftop setbacks are an issue and I think
23 all that is fixable. I think that, you know, they
24 could make a case for the elevator penthouse,
25 penthouses not being set back because of the need to

1 service the building with elevators and can the core
2 be in a building that shape.

3 But the rest of the -- there's no reason why
4 the rest of it can't be set back. I mean, you know,
5 it's not just about setting back the habitable space.
6 I mean, everything has to be set back except for
7 those things that absolutely cannot. So hopefully
8 they'll be able to fix that.

9 I'm really puzzled by the parking relief
10 because surely there are going to be some people
11 coming to the hotel to park there, and -- or who will
12 be parking there. And certainly, I mean, you know,
13 we have had cases where we've said okay, no parking
14 is all right. But usually there are substantial
15 reasons why parking is a challenge. You know, you're
16 working with an existing building, you're working
17 with a constrained site or something like that.
18 There's no physical reason that's stated in this case
19 for why they need relief on the parking requirements.
20 Just simply saying that it's probably not needed, is
21 not enough.

22 So if they're going to make the case that
23 they don't need the parking, they also have to make a
24 case that the parking is difficult to provide. So I
25 mean, I think at least one floor of underground

1 parking is imminently achievable and should be
2 achieved, and I don't know if that will get their
3 number, the number that they need, but they ought to
4 at least be doing that.

5 I think that's about it. You know, there's
6 mention of solar panels. I didn't see where there
7 were solar panels on the project. Maybe I just
8 missed them. And I'm confused. Are those large
9 drapes that are hanging from the logia? Is that what
10 that is? I mean, does anybody know? Do you know if
11 that's actually a --

12 MS. RAPPOLT: I believe we did have that
13 conversation with the applicant and I think they are
14 drapes.

15 MR. MAY: Okay. Because they almost look
16 like kind of like a waterfall at one point which
17 would be even crazier than drapes. But I look
18 forward to seeing further refinement of this.

19 CHAIRPERSON HOOD: Okay. Any other questions
20 for OP Vice Chair Cohen?

21 MS. COHEN: Thank you. Thank you, Mr.
22 Chairman. I concur with Commissioner May about the -
23 - especially the hotel building. I think it's bland
24 and GSA looking designed.

25 And I don't understand the point of the

1 columns. And I guess -- and those white, the columns
2 or drapes. They're drapes. Yeah, I didn't
3 understand that whole -- maybe the architect will
4 walk us through that.

5 It appears from page A103 that you're
6 bundling the IZ units in a particular area where they
7 have to be more scattered. And I would recommend
8 that you meet with DOEE with regard to the hotel and
9 getting that up to Gold, again I think is to your
10 benefit, your long-term benefit, because I think a
11 lot of people are now looking for hotels that are
12 environmentally friendly and it just adds to the
13 well, the room rate, certainly, but it also adds to
14 the environment for the hotel guests. A lot of
15 people are much more sensitive to going for the
16 highest rating possible when they book hotel rooms,
17 and it becomes very expensive to modify after
18 something is built.

19 So, and my thanks to OP for a complete report
20 that points out other items. Thank you.

21 CHAIRPERSON HOOD: Okay. Commissioner
22 Miller.

23 MR. MILLER: Thank you, Mr. Chairman. And I
24 agree with all of OP's comments in their report and I
25 agree with, I think, everything that Commissioner May

1 and Vice Chair Cohen said.

2 And just to highlight, one of the things OP
3 said was they talked about the façade of the
4 residential building which I think needs -- I think
5 they said it needs greater articulation or that looks
6 kind of flat. And I always like to see residential
7 buildings with balconies and terraces. But I think
8 it needs a lot more work or development in the next
9 set of drawings that we see.

10 I also want to see at the -- when we get to
11 the hearing, unless I missed it, a perspective from
12 the rear court, what it looks like in the back. And
13 I agree with Commissioner May on the parking issue.
14 I think at a minimum they have to provide
15 documentation for this nearby offsite parking that's
16 going to be available. If not, why they can't put a
17 level of parking in there. I mean, the way that this
18 hotel sounds like it's being marketed, it may be a
19 destination for people to go to who live in this area
20 as well, and some people may ride by vehicle, even
21 though the Metro is very close by.

22 I agree with the Vice Chair on the IZ,
23 although I appreciate that there are a lot of two and
24 three bedroom units, and I appreciate the deeper
25 affordability level and greater amount that's being

1 provided and I think that is a positive element.

2 Let me see. Oh, on the LEED, I was confused.
3 Both OP and the applicant's statement refers to the
4 hotel as only meeting LEED Silver, but on A21 of the
5 applicant's submission it shows the LEED scorecard at
6 61, which would be gold. In any event, I would agree
7 with the Vice Chair that it should be Gold, but there
8 seems to be conflicting information between the
9 applicant's statement and the scorecard that they
10 submitted which showed both the residential and the
11 hotel at above 60, which would put it in a LEED Gold
12 category.

13 So, I'm prepared to move, to support a
14 setdown, but hopefully we'll see some improvements
15 and clarifications of some of these -- of all these
16 issues that we've raised here tonight.

17 CHAIRPERSON HOOD: Okay. Any other comments,
18 Commissioner Turnbull?

19 MR. TURNBULL: Oh, thank you, Mr. Chair. I
20 would agree with -- I would concur with my colleagues
21 on their comments and thank Ms. Rappolt for her
22 report and her comments on it.

23 I guess I am a little bit -- for where this
24 is for this site, I was expecting more. I mean, if I
25 go through the applicant's submittal as to what

1 they're trying to -- they talk about, follows the
2 Union Market Vernacular more closely and I'm
3 thinking, if they're talking about the old fashioned
4 industrial building, yeah, it really does look very
5 industrial except most of the buildings, most of the
6 projects, the PUDs we've had before us, have taken
7 that vernacular and reinterpreted it into a different
8 -- into a context using those forms and making it
9 exciting architecture. We've had all around the
10 Union Market, the area, some rather interesting
11 projects.

12 This really falls short of the aesthetic that
13 I think would really be -- I mean, it looks bland.
14 The residential building almost looks commercial.
15 And the hotel, if they want an industrial look, it
16 does look like, you know, so many stories of brick
17 above a loading dock.

18 The plaza that they're trying to create, if
19 they're looking for an industrial aesthetic that's --
20 well, they've got it but to me it's just I would
21 rather see somebody reinterpret that industrial
22 aesthetic into something more attractive for this
23 area, that what you're trying to achieve and make it
24 a drawing point.

25 And I try to find the language that came up

1 here that talked about the flag as being an iconic --
2 as being a -- people will know this hotel by the flag
3 pole, the flag that's there. And I'm sorry, the flag
4 of our Republic is not meant to be a symbol for a
5 hotel. I just think it's a misuse of the symbol of
6 our country to have a flag pole.

7 Plus, how do you serve -- I mean, I hate to
8 see a tattered flag on top of a hotel, and this looks
9 like a huge flag pole, and I don't know how you
10 service it. It's huge, and I'm just sad that they
11 would go to such a -- if they don't have the
12 aesthetic with the architecture of the building to go
13 and say, well, let's put a flag on it, that will make
14 it different. To me that falls short of the
15 aesthetic of what you're trying to do. To me, the
16 architecture ought to set itself apart and be
17 something that would be what people would be looking
18 at for the hotel, not just having a flag on it. That
19 just hints that they've missed the architecture,
20 they've missed the whole aesthetic of what they're
21 trying to achieve, and they really need a lot of
22 work.

23 It looks tacked on. The flag looks just
24 tacked on. It's like the side of the building, it's
25 like oh, let's put a flag on it here. You know, and

1 I think that's just -- I really need to more -- I
2 think there's an exciting program for it, for the
3 hotel, what they're trying to do with cultural
4 aspects. Film features of the alley be interesting.
5 I don't know how they're talking about cinema and so
6 I don't know how you do that in the alley and -- but
7 be interesting to know how you do that and not drive
8 everybody else in the neighborhood crazy. Maybe
9 everyone is going to like it. I mean, it might be an
10 exciting thing. I think we just need to -- need more
11 about it.

12 I would agree with Commissioner May on the
13 setbacks at the roof. I think they really need to do
14 a lot more as they get along with the planning of the
15 building and the layouts. I think they'll find that
16 there is some flexibility on how they can move things
17 around and make this building work.

18 I again also, like my colleagues, appreciate
19 the IZ that they're trying to achieve. The only
20 thing is that all of the IZ units are at the back of
21 the building on the alley side. There's none on the
22 front side, it's all on the alley side, and they're
23 all in the corners, and to me they really haven't
24 thought that out. So we really need to have some
25 more information on that.

1 But I think there's no overhaul cohesive
2 aesthetic to both buildings. It's like they're just
3 jammed up next to each other and again, they're very
4 banal. I think if -- they haven't done what a lot of
5 other PUDs in this area have done and given us an
6 exciting industrial look.

7 So I think they need a redo and I think when
8 they come back I want to see views down the alley. I
9 want to see perspectives looking at the building,
10 what it looks like back there. And I would really
11 think they need to look at their aesthetic and get us
12 to build a better looking building.

13 CHAIRPERSON HOOD: Okay. I think I don't
14 have a whole lot more to add on this. I'm looking
15 forward to the hearing. One of the things that
16 struck me was, they probably do it in other buildings
17 but I heard more than just a charging station for
18 cars. I heard a charging station for cell phones
19 which really grabbed my attention. I haven't really
20 -- maybe I may have missed it other cases but I think
21 this is moving in the right direction. And I'm not
22 talking about design, I'm just talking in general.

23 But I do have some issues, some questions
24 that I probably will be asking, primarily on traffic
25 and circulation once we get to that point in the

1 hearing.

2 But I have no problems with setting this down
3 so we can vet out some of the issues. And also,
4 which has already been mentioned by a number of my
5 colleagues, some of the issues that Office of
6 Planning raised. But I think we can work through
7 some of those. Hopefully we can get some of those --
8 close the gap before -- even before we get to the
9 hearing, which would be great. And the other ones we
10 will help assist with closing the gap. So, I don't
11 have any problems with setting this down. Any
12 further comments?

13 CHAIRPERSON HOOD: Okay. I would move that
14 we set down Zoning Commission case for hearing,
15 Zoning Commission Case No. 16-10 with all the
16 comments noted, and ask for a second.

17 MR. MILLER: Second.

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

20 [Vote taken.]

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

23 MS. SCHELLIN: Staff records the vote five to
24 zero to zero to set down Zoning Commission Case No.
25 16-10 as a contested case, Commissioner Hood moving,

1 Commissioner Miller seconding, Commissioners Cohen,
2 May, and Turnbull in support.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
4 have anything else before us?

5 MS. SCHELLIN: We do not.

6 CHAIRPERSON HOOD: Okay. So with that I'm
7 going to thank everyone for their participation and
8 this meeting is adjourned.

9 [Hearing adjourned at 7:30 p.m.]

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