

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL PUBLIC MEETING

+ + + + +

Thursday,  
January 29, 2004

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The Special Meeting of Case No. 03-26 by the District of Columbia Zoning Commission convened at 5:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Anthony J. Hood, Vice Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice Chairperson
PETER G. MAY	Commissioner
JOHN G. PARSONS	Commissioner
(National Park Service)	

OFFICE OF ZONING STAFF PRESENT:

Alberto P. Bastida,	Secretary, ZC
Sharon Schellin,	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

Joel Lawson,	Office of Planning
Jennifer Steingasser,	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Sherry Glazer, Esq.

P.N. HOFFMAN PUD . . . . . 3

CAPPER/CARROLLSBURG . . . . . 23

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

5:45 p.m.

VICE CHAIRPERSON HOOD: Good evening ladies and gentlemen. We're now opening up our Special Meeting for Thursday, January 25, at 5:30 p.m. Joining me are Commissioners May, Commissioners Parsons. The chairperson has proxied some votes for these two issues which we're dealing with during the Special Meeting. And I will avail those at the appropriate time.

Mister Bastida, do we have any preliminary matters?

COMMISSIONER PARSONS: How much material have we got to read here?

MR. BASTIDA: We have a preliminary matter regarding the Hoffman project. We have received five pieces of correspondence that the record was not open, and need added to the record. And they are a letter, Ms. Chodorov, and a report from the Office of DDOT, two reports from DDOT, a letter from the ANC, and in addition we have a letter from the Children Studio School that was just received today.

And I would like to see what is the

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1 pleasure of the commissioners, if you want to accept  
2 these five pieces of correspondence into the record.

3 VICE CHAIRPERSON HOOD: Does anyone have  
4 any objections to accepting these? One of the things  
5 I find of great interest is the Department of  
6 Transportation's report. And from my standpoint I  
7 would definitely want to receive that and all  
8 material into the record.

9 Anyone have any problems? Any issues?  
10 Do I need to take a vote?

11 MR. BASTIDA: You have a letter that is  
12 two pages, and another letter that is three pages.  
13 And then you have received the DDOT reports and the  
14 answer from the Holland & Knight. In addition you  
15 have received the report of the ANC, and it's a very  
16 short one page basically saying that they are in  
17 favor of the proposal.

18 VICE CHAIRPERSON HOOD: Well, let me just  
19 say this, Mr. Bastida. Where it stands now, the  
20 Department of Transportation, the material that I  
21 have in front of me did not support the project.  
22 Obviously you have something, I believe.

23 COMMISSIONER MAY: There was a  
24 supplemental where they revised that.

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1 VICE CHAIRPERSON HOOD: Oh. That was e-  
2 mail. Okay. I'm sorry, I take that back. Is that  
3 part of the --

4 MR. BASTIDA: Of the things that you need  
5 to waive to accept it into the record?

6 VICE CHAIRPERSON HOOD: Right.

7 MR. BASTIDA: Because it came --

8 VICE CHAIRPERSON HOOD: Right, that's  
9 part of it.

10 MR. BASTIDA: Now, Holland & Knight had a  
11 letter that chronologically is prior to us receiving  
12 the second supplemental report from DDOT which  
13 addresses, in my opinion, the concerns that DDOT  
14 addressed on the second supplemental report. But  
15 that is up to the commission to make a judgment on  
16 that.

17 VICE CHAIRPERSON HOOD: The letter that I  
18 believe you're referring to was stating they were  
19 going to be meeting with Department of Transportation  
20 I believe on the 23rd.

21 MR. BASTIDA: Right, but then  
22 subsequently they met. After they met with them,  
23 they provided a new letter in which they addressed  
24 the concerns that DDOT expressed on their second

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1 supplemental report.

2 VICE CHAIRPERSON HOOD: Okay. With no  
3 objections, I've been asked by my colleague  
4 Commissioner Parsons that we take a couple of minutes  
5 and read the -- if we could by general consensus  
6 accept the new submissions. No objections, so you  
7 can pass that to us.

8 (Whereupon, the foregoing matter went off  
9 the record at 5:49 p.m. and went back on the record  
10 at 5:53 p.m.)

11 VICE CHAIRPERSON HOOD: Okay, I think we  
12 can proceed. We've had a chance to glance over the  
13 material. I'm not necessarily in favor of glancing,  
14 but try to move this as expeditiously as possible.

15 It looks as though the Department of  
16 Transportation has resolved most issues. Now whether  
17 or not they have resolved the issues of Mrs. Jill  
18 Chodorov -- hopefully I didn't kill her name. But  
19 I'm not sure. And also the Childrens Studio School.

20 It looked like they had some issues, but they're  
21 also in support of the project. And that's looking  
22 at it as a glance.

23 But I will ask this question. Did we  
24 get, on the back of the -- on page 3 of the -- I'm

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1       sorry, maybe this is page 2, of DDOT's report. It  
2       says the applicant will re-submit revised set of  
3       scale site plans, including vehicle tracking diagram  
4       for delivery trucks to DDOT, for their files. Did we  
5       get anything for our files? Do we have that?

6               MR. BASTIDA: No, we have not received  
7       those drawings. I would anticipate that this is a  
8       proposed action, that the applicant will provide to  
9       us shortly in that way. When I transmit it to NCPC I  
10      could attack those drawings. If you decide to  
11      approve it.

12             VICE CHAIRPERSON HOOD: Colleagues, do we  
13      feel comfortable in going forward without that, and  
14      not having the chance to view it, even though it  
15      spells it out but it's not in the file. If we feel  
16      comfortable moving forward, then I personally don't  
17      have any problems.

18             COMMISSIONER MAY: I mean, another way to  
19      proceed would be to condition whatever action we take  
20      on incorporating the conditions that are set forth by  
21      DOT or whatever, address that within the order in  
22      words.

23             VICE CHAIRPERSON HOOD: Okay. All right.  
24      Any other comments on the revised or revamped DDOT

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1 report after the meeting with the applicant?

2 (No response.)

3 VICE CHAIRPERSON HOOD: Okay. Any other  
4 response to the other letters that were in the file?

5 COMMISSIONER MAY: I'm still reading one  
6 of them.

7 VICE CHAIRPERSON HOOD: Okay, take your  
8 time.

9 (Whereupon, the foregoing matter went off  
10 the record at 5:56 p.m. and went back on the record  
11 at 5:58 p.m.)

12 COMMISSIONER PARSONS: I guess we ought  
13 to spend a moment on the Chodorov letter because it's  
14 possible two letters passed in the night. That is,  
15 her letter addressed to us is January 20. Holland &  
16 Knight's letter responding to her concerns in their  
17 prior letter was January 22. Hopefully upon reading  
18 the January 22 some of her concerns were relieved.  
19 I'm not sure.

20 But in order to address her January 20,  
21 the first point that maybe needs some discussion is  
22 she was stating that Mr. Hoffman had said at the  
23 beginning of the hearing that he would sell this as a  
24 condominium regime, and later said, according to her,

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1 that he couldn't promise this, but rather some of the  
2 units will be apartments for rent.

3 I don't think that's what he said. I  
4 think what he said is he wanted the flexibility, if  
5 the market didn't result in sales of the  
6 condominiums, that he could rent them. And I think  
7 that's what's in the order. Not he will rent  
8 apartments. And that is essentially a standard kind  
9 of flexibility we provide in these kinds of  
10 residential projects. So I hope she understands  
11 that.

12 Secondly, with regard to this issue, now  
13 I'm at the second to last paragraph where she's  
14 expressing concern that although the applicant's  
15 traffic consultant was dealing with traffic, when she  
16 asked a question, she was told by the commission, and  
17 we can maybe say it was the chairman because she's  
18 not here.

19 (Laughter.)

20 VICE CHAIRPERSON HOOD: We'll leave it at  
21 that.

22 COMMISSIONER PARSONS: That we don't talk  
23 about -- Zoning Commission doesn't address traffic  
24 issues. And I think the confusion, if there is any,

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1 is that we address traffic issues that are related to  
2 our jurisdiction. That is, and rely on DOT. But  
3 some of the questions that were being asked had to do  
4 with construction traffic, and other traffic issues  
5 that are handled in a permitting process. And I  
6 think that's what we were saying here.

7 And I'm confused by what she says at the  
8 top of the next page because she's saying that she's  
9 disagreeing with Hoffman's consultant once again,  
10 who's saying there's not going to be an increase in  
11 traffic on the street because there's 21 parking  
12 spaces. And if I read what she's saying here, it  
13 would seem as though she didn't feel that it should  
14 be rented for retail. I strongly disagree with that.

15 The ground floor would be something else, I guess,  
16 to alleviate traffic. Because what she's saying is  
17 that traffic would be generated by successful  
18 retailers. And yes that's true, but these are not  
19 the only 21 spaces to park at that serve the retail.

20  
21 So I'm hoping not only what I'm saying,  
22 but what is in the 22nd letter that I hope she has a  
23 copy of, I'm sure they served it upon her, here it  
24 does show she got a copy, will put this matter to

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1 rest. But I thought the January 22 letter was very  
2 responsive, and I know I asked them to do that. So I  
3 think it's good for them to have this in writing as  
4 the project moves forward. So to me, that exchange  
5 of correspondence and concerns has been addressed.

6 VICE CHAIRPERSON HOOD: Also,  
7 Commissioner Parsons, let me just say that the ANC  
8 also mentioned the issues that actually are not in  
9 our purview, that are in another -- that are handled  
10 in another forum. The dialogue with Mr. Hoffman, the  
11 project will be dealt with. They've also agreed to  
12 let Ms. Chodorov -- I believe that's her name -- be a  
13 representative and full participant in their process  
14 with the TCP. So that may have given her some more  
15 assurance.

16 And again, as you said, those letters may  
17 have crossed in the mail at night. So hopefully her  
18 issues that she had which may not be in our  
19 jurisdiction are addressed.

20 And I do want to piggyback. She  
21 mentioned that -- I think in her letter she also  
22 asked that we send something to DDOT, and that was  
23 clearly -- I mean get something from DDOT, and that  
24 was clearly done. And with working out between the

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1 applicant and the Department of Transportation, it  
2 looks they have resolved some of those issues that  
3 were raised.

4 Were there any more pertinent issues?

5 COMMISSIONER PARSONS: I don't think so.

6 VICE CHAIRPERSON HOOD: Mister Bastida,  
7 could you help me recall? Do we have any other  
8 issues?

9 MR. BASTIDA: Well, it's not an issue,  
10 it's just a point of verification which is in the  
11 order, and it was discussed. But I just wanted to  
12 make sure that if you decide to approve the project,  
13 you're aware that you're approving the maximum FAR  
14 under C-3-A and under R-5-B, which is 3 and 4.5, but  
15 that the applicant had requested the flexibility --  
16 that they want a 5 percent FAR as the commission can  
17 do under Section 2405.3 of Chapter XXIV, which brings  
18 the maximum FAR to 4.75 and 3.15 under each of the  
19 zoning categories. And I just wanted to make sure if  
20 you decide to approve the project that the commission  
21 is aware of that FAR. Thank you.

22  
23  
24

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1 E-V-E-N-I-N-G S-E-S-S-I-O-N

2 (6:00 p.m.)

3 VICE CHAIRPERSON HOOD: Okay. I remember  
4 having that discussion. I think we had a discussion  
5 at the meeting before we moved forward. I think  
6 either at the hearing or at the meeting, but I know  
7 we had that discussion. We've heard the comments of  
8 Mr. Bastida. Do we have any issues with that?  
9 Increasing FAR, what is that, on both sides of it?

10 MR. BASTIDA: Yes, under C-3-A and R-5-B,  
11 both of them. It's five percent of the particular  
12 FAR and the maximum is 4.75 and 3.15. And that is  
13 clearly a finding of fact and a conclusion of law.  
14 And if it was clear to me, but in my discussions with  
15 Mrs. Glazer, we thought that perhaps that was not  
16 clear enough. And we thought to bring it to the  
17 attention of the commissioners. Thank you.

18 COMMISSIONER PARSONS: I'm not clear what  
19 your point is. Do you mean that there's not enough  
20 material in the record about this?

21 MR. BASTIDA: Oh, no. I believe there is  
22 enough material in the record. But I believe that --  
23 we're trying to foresee what the commission might not  
24 clearly have that in mind. And I wanted you to be

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1 aware that that is, you know, clear, that that was  
2 the intent, that was what was put forth. And the  
3 commission has the authority under 2405.3 to do it.

4 COMMISSIONER PARSONS: Okay, thank you.

5 MR. BASTIDA: Okay.

6 COMMISSIONER PARSONS: So, do you need a  
7 motion to approve this project, Mr. Chair?

8 VICE CHAIRPERSON HOOD: He's cited a  
9 regulation. Mister Bastida, you said 2403.5?

10 MR. BASTIDA: 2405.3.

11 VICE CHAIRPERSON HOOD: Oh, okay. I can  
12 find it, thank you.

13 MR. BASTIDA: It's on the top of the  
14 page.

15 VICE CHAIRPERSON HOOD: Okay. All right.  
16 I guess we're looking for a motion. I think  
17 everything has been satisfied. The concerns that we  
18 had, DDOT has been satisfied. They obviously had a  
19 good meeting with Department of Transportation. Some  
20 of the other issues will be hopefully resolved in  
21 another forum. I think we have just about beat this  
22 to death. So I guess I would ask for a motion.

23 COMMISSIONER PARSONS: I move we approve  
24 the application, and based on the conditions and

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1 guidelines drafted and submitted to us, with the  
2 understanding as Mr. May discussed earlier, that the  
3 conditions will be revised as a result of the  
4 meetings with DOT -- DDOT, I mean, as outlined in the  
5 memo of January 14. No, I'm sorry, it's not January  
6 14. January 23. January 14.

7 VICE CHAIRPERSON HOOD: Fourteenth.

8 COMMISSIONER PARSONS: Recommended  
9 disapproval. Don't want that one.

10 COMMISSIONER MAY: I'll second the  
11 motion, though I'd like to have some discussion.

12 VICE CHAIRPERSON HOOD: Sure, with  
13 discussion.

14 COMMISSIONER MAY: I think this project  
15 has an awful lot going for it. I think the design is  
16 very attractive, and I think trying to make use of  
17 these historic mid-block buildings is useful and  
18 creative. And frankly, I think that the city has  
19 already lost quite a few of these sort of similar  
20 buildings. And we've taken -- developers have taken  
21 to building loft spaces, or creating new loft spaces,  
22 rather than trying to reuse old industrial buildings.  
23 Because whatever industrial buildings we have are  
24 now gone. And this is one of those rare instances

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1 where it exists. And I think in that way it's very  
2 attractive and interesting and unusual.

3           There are things about it that make me a  
4 little bit uneasy. You know, I think that the notion  
5 of being able to connect the building on 14th Street,  
6 which is a taller building and has the retail in it  
7 and everything else, with these mid-block buildings I  
8 think is genuinely a good idea. What makes it a  
9 little bit difficult from a zoning point of view is  
10 that the only thing that makes these buildings, the  
11 mid-block buildings even possible as residential  
12 spaces is the fact that there is a physical  
13 connection above ground between the new building on  
14 14th Street and the mid-block buildings. And that  
15 physical connection is not actually a useful  
16 connection. I mean, there's this bridge that goes  
17 from the buildings on 14th Street to the alley  
18 buildings. And it's a bridge that leads nowhere.  
19 And there's no truly practical connection to it.

20           And to a certain extent by approving this  
21 proposal as its given to us, we're essentially  
22 endorsing that idea, that if you've got some mid-  
23 block buildings that don't comply with normal zoning  
24 regulations, or that would otherwise be required, if

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1 you were developing that much property that extended  
2 that deeply into the block, that you could create  
3 this sort of connection and then all of a sudden  
4 you've got new use that you can apply to it. Because  
5 if these weren't connected, you wouldn't be able to  
6 put housing in this space.

7           Toward that end, there is a part of me  
8 that really wants to make this more of an apartment  
9 building, or at least function more as an apartment  
10 building. And I raised this question at the hearing,  
11 was there a way to actually connect in that corridor  
12 so that in fact the upper floor residents could enter  
13 from the lobby space, rather than having to go down  
14 through the breezeway or whatever you want to call  
15 it.

16           And I didn't sense there were others on  
17 the commission who had the same concern. But it  
18 still lingers as a concern for me. And I think I  
19 would be a lot more comfortable with this sort of  
20 notion of extending deeply into the block if in fact  
21 there was that kind of connection. Because then it  
22 is more akin to the type of apartment building that  
23 can exist either as a matter of right or in other  
24 zones that extend deeply into the block and face

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1 directly on the alleys, and so on and so forth. So  
2 it's that sort of twist in the use of the zoning  
3 regulations that makes me a little bit uncomfortable.  
4

5 And the other practical aspect to this,  
6 and this is again something that I mentioned at the  
7 hearing, is that I'm really surprised that the Fire  
8 Department didn't have bigger issues with being able  
9 to access those buildings in the back. I mean, we  
10 just have a letter saying that they have no problem  
11 with it. And I frankly wish the Fire Department was  
12 here to query them on that subject because it really  
13 does seem like it's a very tight alley, and their  
14 access to it is going to be very limited. But we  
15 have to act on what we've received.

16 COMMISSIONER PARSONS: Yes, we do.

17 COMMISSIONER MAY: So my second-guessing  
18 of what the Fire Department has to say is, well ...

19 COMMISSIONER PARSONS: Unless you've --

20 COMMISSIONER MAY: Just not there.

21 COMMISSIONER PARSONS: -- done some duty  
22 in fire-fighting in the past --

23 COMMISSIONER MAY: Exactly.

24 COMMISSIONER PARSONS: -- we'll not

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1 accept you as an expert.

2 COMMISSIONER MAY: Thank you very much.  
3 I don't want to be an expert. Well, anyway --

4 COMMISSIONER PARSONS: So you're worried  
5 about the precedent, I guess, another application of  
6 an artificial bridge.

7 COMMISSIONER MAY: Yes.

8 COMMISSIONER PARSONS: That could cause  
9 problems in a completely different context where we  
10 don't like it, where this is thrown up.

11 COMMISSIONER MAY: Well, and I mean even  
12 the concept of -- I mean, not so much precedent,  
13 because I feel that future commission decisions will  
14 be able to look at a project overall, and if they're  
15 unhappy with it, they're not going to simply go with  
16 it because, well we've done bridges before. I've  
17 seen enough action by the commission to date to know  
18 that there's relatively little that is truly  
19 precedent-setting.

20 But I think that it's more a matter of  
21 practice, and more a matter of sending a message to  
22 whoever's involved with these projects, whether it's  
23 the guiding hand of the Office of Planning, or  
24 whether it's the development community in general

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1 that while there may be these methods of sort of  
2 circumventing the intent of the regulations, the  
3 intent is really the important part.

4 So anyway, I've talked enough.

5 COMMISSIONER PARSONS: Certainly a  
6 concern --

7 COMMISSIONER MAY: Well, do you share any  
8 of that, to start with? Do you think that I'm  
9 worrying too much?

10 COMMISSIONER PARSONS: In a word, yes.

11 VICE CHAIRPERSON HOOD: Well, I mean you  
12 raise some good points. But personally I don't know  
13 where to go with it from there, other than like you  
14 said, we deal with each case as it comes in front of  
15 us. And I think the commission will proceed in that  
16 manner.

17 I always have an issue with that  
18 precedent-setting, agree that we're not going to do  
19 something because it's precedent-setting. I've  
20 always had that issue. I'm not saying that it's not  
21 the case, because I'm sure that if we do it now we  
22 probably will see some. But I agree with your point,  
23 that I think that whoever's sitting here, this  
24 commission will evaluate that at that point in time.

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1           So I don't necessarily say I exactly have  
2 the same level of concern that you have. But if you  
3 want to continue, I don't mind us keeping the  
4 discussion. We have about another ...

5           COMMISSIONER MAY: No, I think I've gone  
6 on enough about this. I do want to bring some  
7 closure to it, though. I think that this is an area  
8 where we have to be -- I think we need to address it  
9 deliberately when it comes before the commission.  
10 And I think that, you know, not that there are that  
11 many circumstances that are going to be like this.  
12 But I have seen parallels in other cases, at least in  
13 the BZA. And I think that it's important, if there  
14 are issues where the Zoning Code is off kilter, and  
15 the development community needs to look for methods  
16 like this to be able to really make use of the  
17 property, then it seems that there may be some issues  
18 with the Zoning Code where we need to revisit the  
19 intent. In other words, if we're going to be  
20 blessing projects like this as a matter of course in  
21 planned unit developments, then maybe there's  
22 something that ought to be addressed in the Zoning  
23 Code to make it more practical.

24           COMMISSIONER PARSONS: Meaning as a

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1 matter of right.

2 COMMISSIONER MAY: As a matter of right,  
3 or -- yes, as a matter of right. Because it seems  
4 kind of artificial. I mean what makes this really  
5 stick with me is the fact that we've got a bridge to  
6 nowhere. We've got a space that really doesn't  
7 connect anything at all functionally. So, anyway.

8 COMMISSIONER PARSONS: Architectural  
9 amenity.

10 VICE CHAIRPERSON HOOD: I actually kind  
11 of liked it, but I'm not an architect.

12 COMMISSIONER MAY: I liked it. No, I  
13 think it's an attractive feature from the outside.

14 COMMISSIONER PARSONS: I think it is too.  
15 I think that's why I'm, unlike TechWorld, which is  
16 another story for another time.

17 (Laughter.)

18 COMMISSIONER PARSONS: That was a fun  
19 one.

20 COMMISSIONER MAY: Oh my goodness.

21 VICE CHAIRPERSON HOOD: All right, we  
22 have a motion. Thank you for your comments. We have  
23 a motion on the table that's been moved and seconded.

24 All those in favor?

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1 (Chorus of Ayes.)

2 VICE CHAIRPERSON HOOD: All those  
3 opposed?

4 (No response.)

5 VICE CHAIRPERSON HOOD: So ordered. And  
6 also, I have a proxy vote from the chairperson who is  
7 in the affirmative with us.

8 MS. SCHELLIN: Staff will record the vote  
9 4 - 0 - 1, Commissioner Parsons moving, Commissioner  
10 May seconding, Commissioner Hood in favor,  
11 Commissioner Mitten in favor by absentee ballot,  
12 Commissioner Hannaham not present and not voting, to  
13 approve Case Number 03-26 with the modifications per  
14 the January 14 DDOT memo.

15 VICE CHAIRPERSON HOOD: I am very sorry.  
16 I forgot we had a final action. I'm sure those who  
17 were here for that were definitely wondering why we  
18 were going to get up and leave. Anyway, our final  
19 action Mr. Bastida?

20 MR. BASTIDA: Mister Chairman, the staff  
21 have provided you with all the information regarding  
22 the Capper/Carrollsborg consolidated PUD, which is  
23 basically the elevation that you had requested. And  
24 the staff requests an action on this matter. Thank

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1 you.

2 VICE CHAIRPERSON HOOD: Okay. We have  
3 received the elevation I think, which was requested  
4 by -- was it Commissioner Parsons.

5 COMMISSIONER PARSONS: NCPC.

6 VICE CHAIRPERSON HOOD: NCPC, okay.

7 COMMISSIONER PARSONS: We all concurred.

8 VICE CHAIRPERSON HOOD: Right. I think  
9 it was something that my colleagues didn't catch, and  
10 I definitely didn't catch. So we have that in front  
11 of us. Any discussion?

12 COMMISSIONER MAY: Well we have the  
13 missing elevation for the building. And there are  
14 now windows on the missing wall. And it's now split-  
15 face CMU instead of EIFS. And it's better. But in  
16 terms of an elevation on N Street, it's certainly not  
17 inspiring. Now of course, in the context of the  
18 existing senior building.

19 COMMISSIONER PARSONS: As I recall this  
20 is not on the street face. It's back.

21 COMMISSIONER MAY: It's set back. I have  
22 to look at how far back it's set, actually. No, it's  
23 right on the --

24 COMMISSIONER PARSONS: Oh, my mistake. I

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1 thought it was set back next to that arbor, whatever.

2 COMMISSIONER MAY: Yes. At least the  
3 plans that I'm looking at here.

4 COMMISSIONER PARSONS: Okay, well I  
5 haven't got mine with me. Do you know, the ground  
6 floor is a community room? Or com room? I assume  
7 that's community room.

8 COMMISSIONER MAY: Yes, I would assume.

9 VICE CHAIRPERSON HOOD: Community room.

10 COMMISSIONER PARSONS: And above that is  
11 it stairwell we're dealing with? I can't recall.  
12 What is on this side wall?

13 COMMISSIONER MAY: I think those are  
14 units.

15 COMMISSIONER PARSONS: Yes, they are.

16 COMMISSIONER MAY: Those are units.

17 COMMISSIONER PARSONS: So what they've  
18 done is to take the windows used in the other façade  
19 and replicated them on that wall.

20 COMMISSIONER MAY: Right. You know, I  
21 have to say, first of all that I'm embarrassed that  
22 we had not really focused on this aspect of the  
23 building to start with, or embarrassed that I have  
24 not focused on it in the hearings and in the

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1 discussions in previous meetings. And I have to say  
2 overall, I mean the building itself is not very  
3 highly developed, and the materials that are used in  
4 the rest of the building are -- I mean, most of the  
5 rest of the building is EIFS, E-I-F-S, exterior  
6 insulation and finish system, for those who don't  
7 know.

8 COMMISSIONER PARSONS: No, I didn't know  
9 that. What does that mean?

10 COMMISSIONER MAY: It means it's  
11 basically synthetic stucco, is what the material is.

12 It's a foam insulation board with a mesh on it, and  
13 then stucco on top.

14 COMMISSIONER PARSONS: With a life of 20  
15 years?

16 COMMISSIONER MAY: No, I think that it's,  
17 that may be what it's warranted for, but I think that  
18 it -- I can't recall. But it's been used  
19 successfully for longer periods than that for  
20 commercial installations. It's a material that there  
21 has been some controversy about southern states,  
22 where it's gotten into residential use, with water  
23 getting in behind it and causing corrosion and all  
24 that sort of stuff.

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1 COMMISSIONER PARSONS: Oh.

2 COMMISSIONER MAY: But I'm sure that this  
3 installation is not of that category. It's never  
4 been a problem as far as I know in institutional or  
5 commercial or high-rise construction.

6 COMMISSIONER PARSONS: Oh, okay.

7 COMMISSIONER MAY: But it's, I mean it's  
8 basically a stucco building. It'll look like a  
9 stucco building. And I'm not sure that actually  
10 putting split-face CMU all the way up the side of  
11 this building in particular is going to be an  
12 improvement to the building.

13 COMMISSIONER PARSONS: You mean you'd  
14 rather have stucco?

15 COMMISSIONER MAY: I think I'd rather  
16 have stucco. I'd rather have the same sort of  
17 treatment that we have elsewhere in the building  
18 where we have the --

19 COMMISSIONER PARSONS: Well, excuse me.  
20 Somebody recommended brick or something articulated.  
21 Was that the planning commission?

22 COMMISSIONER MAY: That may have been the  
23 language that came from the planning commission. I  
24 don't recall.

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1                   COMMISSIONER PARSONS:    The real problem  
2                   is the lack of window.

3                   COMMISSIONER MAY:    Yes.

4                   COMMISSIONER PARSONS:    And that's been  
5                   solved.    So I'm agreeing with you on the stucco  
6                   treatment.

7                   COMMISSIONER MAY:    I mean, you know,  
8                   don't get me wrong, I'm not a big fan of the  
9                   synthetic stucco necessarily, but if the rest of the  
10                  building is synthetic stucco, it seems kind of out of  
11                  place that they would have this one large end wall  
12                  where they're using another inexpensive material,  
13                  which is the split-face CMU, which can be okay in  
14                  certain limited applications.    I think they've done  
15                  the best that they could with it as the base material  
16                  for the rest of the building.

17                  COMMISSIONER PARSONS:    Now, let me take a  
18                  little closer look at this.    You see the elevation to  
19                  the -- I'll call it to the left, the base of the  
20                  building I'll call it, on the first floor below,  
21                  ground floor.

22                  COMMISSIONER MAY:    Yes.

23                  COMMISSIONER PARSONS:    See the note 1  
24                  there?

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1 COMMISSIONER MAY: Yes.

2 COMMISSIONER PARSONS: That's split-face.

3 COMMISSIONER MAY: Yes.

4 COMMISSIONER PARSONS: And was in the  
5 previous elevation?

6 COMMISSIONER MAY: Yes, it was.

7 COMMISSIONER PARSONS: So they picked  
8 that up from somewhere. Just the base of the  
9 building, do you think?

10 COMMISSIONER MAY: Say that again?

11 COMMISSIONER PARSONS: Is it just the  
12 base of the building, the rest of the building that's  
13 got this SMU?

14 COMMISSIONER MAY: Yes. CMU. Yes, the  
15 original elevation shows it wrapping all the way  
16 around to the base material, sort of splitting the  
17 first, halfway up the first story, all the way around  
18 the building.

19 COMMISSIONER PARSONS: Would it makes  
20 sense to bring it across, over the community room  
21 windows, and then do the rest in stucco?

22 COMMISSIONER MAY: I think that would  
23 probably be better than what's here.

24 COMMISSIONER PARSONS: Yes.

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1                   COMMISSIONER MAY: I'm sure that there's  
2 a reason why the architects did it this way, rather  
3 than doing exactly what they've done around the other  
4 sides.

5                   COMMISSIONER PARSONS: Well, maybe it  
6 would look too heavy as a lintel stretched across the  
7 windows. Maybe it's better to go with one material.

8                   COMMISSIONER MAY: What they have  
9 typically done, or what they've done around the  
10 corner with the windows, is that the split-face CMU  
11 actually extends up halfway up the window. And so  
12 you wouldn't have an issue with a lightweight lintel.

13 I mean, I think you'd still want to -- you may want  
14 to interrupt that string of seven windows in a row  
15 with some solid material.

16                   COMMISSIONER PARSONS: All right, your  
17 choice.

18                   COMMISSIONER MAY: I really don't want to  
19 re-design this building. But I'm not really happy  
20 about what we have. So I'm not sure what we can do.

21  
22                   Are you all familiar with the split-face  
23 CMU material? So you know what I'm talking about?

24                   COMMISSIONER PARSONS: Yes.

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1                   VICE CHAIRPERSON HOOD: I will have to  
2 confess I'm not. But I'm learning. I'm getting  
3 educated, believe me.

4                   COMMISSIONER MAY: Well, CMU is, the size  
5 of the block is eight inches tall by 16 inches wide.  
6 It's like a cinder block. But a split-face CMU is a  
7 treatment of the outside face where it is basically  
8 roughed up so that it looks like stone. But to, at  
9 least to me, and to a lot of people that I associate  
10 with, unfortunately, who are architects, you know  
11 when it's actually CMU and stone. It's not a very  
12 good imitation stone. There are better imitation  
13 stones that one can get than split-face CMU. But it  
14 is also a very inexpensive material. And it gives  
15 you a certain permanence that you don't get with  
16 things like stucco. And in a 50-foot building,  
17 having that much split-face CMU would really be  
18 oppressive.

19                  COMMISSIONER PARSONS: Yes, I agree with  
20 you. Sort of continuing across the base, around the  
21 windows of the community room, or leave it stucco.

22                  COMMISSIONER MAY: Yes, I think that a  
23 split-face CMU base, and allow them to figure out  
24 exactly how to render it.

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1 COMMISSIONER PARSONS: Yes, rather than  
2 us drawing a line.

3 COMMISSIONER MAY: We won't draw. And  
4 then continuing the EIFS above that. But I would  
5 like to go back and see what the NCPC actually said.

6 COMMISSIONER PARSONS: Have you got that  
7 with you?

8 VICE CHAIRPERSON HOOD: Do we have that?

9 COMMISSIONER MAY: I do somewhere.

10 VICE CHAIRPERSON HOOD: Okay. Let me ask  
11 a question. Are we talking about, when you're  
12 talking about going all the way across, we're not  
13 talking about doing away with those windows?

14 COMMISSIONER MAY: No, no.

15 VICE CHAIRPERSON HOOD: Okay.

16 COMMISSIONER MAY: I think they may want  
17 to do something so that it's not a string of seven  
18 windows.

19 VICE CHAIRPERSON HOOD: Let me ask you,  
20 the direction we're going, would we like to send this  
21 back and ask them to revisit that? And I'll tell you  
22 my reason why. Because I have a proxy vote, and with  
23 the change that may happen I don't feel comfortable  
24 proceeding. And then we just have them submit us

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1 something later if they revisit this.

2 COMMISSIONER PARSONS: Well, how about --  
3 oh, this is final action, isn't it.

4 VICE CHAIRPERSON HOOD: Yes, this is  
5 final action. So I'm not going to move that proxy.  
6 And I do understand, I really yield to my colleague  
7 on the concern, and we'll just try to deal with it,  
8 ask them to give us a revision on some of the  
9 comments that they've heard.

10 COMMISSIONER PARSONS: So I guess we need  
11 a time certain to deal with that.

12 MR. BASTIDA: Mister Chairman, if you  
13 would like, we can have this for the February meeting  
14 will be the ninth of February, if I recall correctly.

15 And we can ask the applicant to submit some  
16 information prior to that that we can provide to the  
17 commissioners. If that is the wish of the  
18 commissioners.

19 VICE CHAIRPERSON HOOD: Thank you, hold  
20 one point. Okay, what I'm going to do. Commissioner  
21 May, do you have a recommendation you'd like to give  
22 us?

23 COMMISSIONER MAY: Yes. I think that  
24 given the fact that I think that we have, or you have

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1 a proxy from the chairman based on what we had seen,  
2 and we're suggesting modifications to that. I think  
3 it's only fair that she be given the opportunity to  
4 take a look at what the design looks like. And the  
5 fact that frankly it's not -- if what they presented  
6 is not satisfactory, I think that we need to -- we do  
7 need to seek a revised submission. And I think we  
8 would suggest that split-face CMU is not the material  
9 to use all the way up the side of this building. And  
10 I would leave it up to their designers to come up  
11 with an appropriate termination point, and materials  
12 for above that point.

13 COMMISSIONER PARSONS: But the windows  
14 are okay?

15 COMMISSIONER MAY: You know, whether it's  
16 that particular design of window, or the window that  
17 they're using on the front of the building I think is  
18 less of a concern. And I think that that number of  
19 windows is probably acceptable in the context of what  
20 we have with the neighboring buildings. I mean,  
21 normally I think we'd like to see more windows on the  
22 side of a building like that. But it's clear to me  
23 that they're trying to have this building speak a  
24 language somewhat similar to the existing senior

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1 building.

2 COMMISSIONER PARSONS: Right.

3 COMMISSIONER MAY: And with that in mind,  
4 I think that the single row of windows is an attempt  
5 to sort of mitigate between what's around the corner  
6 and what they have there.

7 VICE CHAIRPERSON HOOD: Okay. I think  
8 that's the fashion we're going to proceed. Mister  
9 Bastida, could you give us some dates, and also can  
10 we stress the point that I'm sure my colleagues and I  
11 would like to have it before we come to the meeting.

12 Like we had issues and submissions thrown in front  
13 of us, and it's hard to go back and forth after you  
14 study the submissions, and then we get stuff when we  
15 come in. I know sometimes you have to do that, but  
16 all the time if we can have it before we get here,  
17 that would be beneficial to us, and we can make a  
18 more beneficial decision for the best interests of  
19 the city.

20 So do we have the time frames?

21 MR. BASTIDA: Thank you, Mr. Chairman. I  
22 was going to suggest that if the applicant could  
23 provide what the commission requested by Wednesday,  
24 February the fourth at 12 noon. And I'm giving them

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1 the maximum amount of time possible for them to  
2 fulfill that requirement. And that way you could get  
3 it in your package ahead of time. Thank you, Mr.  
4 Chairman.

5 VICE CHAIRPERSON HOOD: And we will take  
6 it up at our February is it the eight?

7 MR. BASTIDA: It would be February 9.

8 VICE CHAIRPERSON HOOD: February 9  
9 meeting.

10 MR. BASTIDA: Which is a week from  
11 Monday.

12 VICE CHAIRPERSON HOOD: At 6:30.

13 MR. BASTIDA: Yes, right.

14 VICE CHAIRPERSON HOOD: Okay.

15 MR. BASTIDA: Thank you, Mr. Chairman.

16 VICE CHAIRPERSON HOOD: Okay. Mister  
17 Bastida, do we have any other business for the  
18 Special Public Meeting?

19 MR. BASTIDA: The staff has no other  
20 matters. Okay, thank you.

21 VICE CHAIRPERSON HOOD: Okay. There's  
22 nothing else for us to deal with at this Special  
23 Public Meeting. We're going to adjourn the Special  
24 Public Meeting and take five minutes, and we'll be

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1 back to start our hearing for the night. Meeting  
2 adjourned.

3 (Whereupon, the foregoing matter went off  
4 the record at 6:35 p.m.)

5

6

7