

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION

* * * * *

REGULAR MEETING
1158th MEETING SESSION (3rd of 2004)

* * * * *

Friday

February 6, 2004

* * * * *

The Regular Meeting of the District of Columbia Zoning Commission convened at 3:30 p.m. in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
KEVIN HILDENBRAND	Commissioner, (Architect of the Capitol)
PETER G. MAY	Commissioner, (Architect of the Capitol)
JOHN G. PARSONS	Commissioner, (National Park Service)

OFFICE OF ZONING STAFF PRESENT:

ALBERTO P. BASTIDA	Secretary
--------------------	-----------

OFFICE OF PLANNING STAFF PRESENT:

ELLEN MCCARTHY	Deputy Director
STEVEN COCHRAN	Office of Planning
JENNIFER STEINGASSER	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

SHERRY GLAZER, ESQ.
LORI MONROE, ESQ.
MARY NAGELHOUT, ESQ.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

Hearing Action

Z.C. Case No. 04-02 (Office of Planning - Map and
Text Amendment - Capitol Gateway East M Street
Target Area)
Jennifer Steingasser. 4

Final Action

Z.C. Case No.03-21 (St. Coletta). 17

Z.C. Case No. 03-13 (Capper/Carrollsborg - PUD) . 40

Status Report

Office of Planning Monthly Status Report
Ellen McCarthy. 44

Report of the Secretary (Reminder Schedule)
Secretary Bastida 53

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

3:40 p.m.

CHAIRPERSON MITTEN: Good afternoon, ladies and gentlemen. This a public meeting of the Zoning Commission of the District of Columbia for February 6, 2005. My name is Carol Mitten, and joining me this afternoon are Vice Chairman Anthony Hood and Commissioners John Parsons, Kevin Hildenbrand for the Architect of the Capitol and then Peter May will also be with us this afternoon for a couple of the other cases.

Copies of today's meeting agenda are available to you and are located in the wall bin near the door.

I would like to remind those of you in attendance that we do not take public testimony at our meetings unless the Commission specifically requests someone to come forward.

Please be advised that this proceeding is being recorded both by a court reporter and is being webcast live, so we ask that you refrain from making any disruptive noises in the hearing room. Please turn off all beepers and cell phones as well so as not to disrupt the meeting.

Mr. Bastida, do we have any preliminary

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 matters?

2 MR. BASTIDA: Madam Chairman, the staff
3 has no preliminary matters. Thank you.

4 CHAIRPERSON MITTEN: Thank you. I
5 notice that we don't have an Office of Planning
6 report on here. Was that just an oversight on your
7 part?

8 UNIDENTIFIED WOMAN: With the unexpected
9 rescheduling of the meeting, we've been running a
10 little behind.

11 CHAIRPERSON MITTEN: Do you have
12 something for us? If you have something for us, we
13 would love to see it.

14 MR. BASTIDA: I have copied -- oh, no,
15 you mean the --

16 CHAIRPERSON MITTEN: We'll do that at
17 the end.

18 Then under hearing action we have Zoning
19 Commission case 04-02, which is a proposal for a
20 text and map amendment for the Capitol Gateway.
21 We're calling this Capital Gateway II, East M Street
22 Target Area. And I would ask Ms. Steingasser to
23 give us a summary.

24 MS. STEINGASSER: Yes, Madam Chair,
25 we're proposing that this particular area called

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 East M Street, which is found generally south of 295
2 and the Waterfront to the south and Sousa Bridge to
3 the east, 11th Street SE to the west be set down for
4 rezoning to the W-3 with the Capital Gateway
5 Overlay. Properties are currently zoned CM and M
6 industrial.

7 We're proposing also that the Capitol
8 Gateway Overlay be amended such at the W-3, as it's
9 mapped in this area, does not have additional height
10 and density bonuses available to it. And we're also
11 proposing that a particular property whose ownership
12 is currently in question be set down for W-0 if it's
13 determined to be in the ownership and jurisdiction
14 of the National Park Service, we'll be withdrawing
15 that at the hearing. We're working with the Park
16 Service to determine that ownership. Overall, the
17 rezoning represents about 14 squares and different
18 properties. All of those have been attached to the
19 report.

20 We're requesting that the W-3, as it's
21 amended for this particular area, hold its height at
22 90 feet, which is the base zone W-3 and we feel
23 that's a consistent treatment of the water's edge
24 and the park land relative to how we rezone the
25 southeast federal center, which also had a 90-foot

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 limit adjacent to the park. And then in the Capitol
2 Gateway I we maintained a maximum height of 70 feet
3 with a setback of -- or a minimum along that water's
4 edge.

5 We're also requesting, since we are
6 amending the Capitol Gateway Overlay that we be
7 permitted to take testimony on a minimum ground
8 floor to ceiling height in the retail levels of 14
9 feet. And we feel on the Capitol Gateway that
10 should not be two owners because there is
11 flexibility already written into the overlay to
12 accommodate this through height and bonus density.

13 CHAIRPERSON MITTEN: Can I just verify.
14 I think you just said 14 feet and in the report it
15 says 15.

16 MS. STEINGASSER: The report says 15,
17 but it should be 14 and that's what's consistent
18 with Arthur Capper and the Waterside Mall.

19 CHAIRPERSON MITTEN: Okay. Questions,
20 comments for Ms. Steingasser. Mr. Hildenbrand?

21 COMMISSIONER HILDENBRAND: I wanted to
22 ask if in doing your study did you consider any
23 other zoning options for the proposed zoning?

24 MS. STEINGASSER: Yes, we looked at a
25 combination of the W zones, which we focused on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 because it provides both commercial, residential and
2 does recognize the limited industrial, which the
3 comp plan calls for. We tried to also accommodate
4 the fact that there's current development down
5 there. The Washington Gas site has some existing
6 office buildings that have certain height
7 restrictions in FAR. So we did look at a
8 combination of those. We also looked at CR. But we
9 felt that the W-3 provided the most flexibility and
10 maintained the right --

11 COMMISSIONER HILDENBRAND: Can I ask,
12 did you determine what the height of the existing
13 development was?

14 MS. STEINGASSER: We did. I don't have
15 that height with me here, but we will have that for
16 you by the public hearing.

17 COMMISSIONER HILDENBRAND: Okay.

18 MS. STEINGASSER: I believe it was six
19 stories.

20 COMMISSIONER PARSONS: I'd like to
21 follow up on that. Just by observation, I cannot
22 believe that those buildings are 90 feet high.
23 They're more like five stories.

24 CHAIRPERSON MITTEN: They are five
25 stories.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: So I am concerned
2 about the height that will result from this proposal
3 and that we're transitioning down from the Southeast
4 Federal Center, the Navy Yard, transitioning down to
5 a pretty much all park environment here. And I'm
6 very concerned about W-3. Is W-2 something you
7 looked at?

8 MS. STEINGASSER: We did look at a W-2.
9 I believe the W-2 did not accommodate the existing
10 development that's there now, the Washington Gas
11 site, because it limited the non-residential FAR to
12 0.2 with a height of 60 feet. And we wanted to make
13 sure that the existing property in combination with
14 the large track review process that's currently
15 pending for that site was fully accounted for and we
16 weren't resulting in creating non-conformities.

17 COMMISSIONER PARSONS: Well, I'm going
18 to suggest then that we have W-2 over the
19 undeveloped properties and W-3, in the spirit of
20 stepping down. What would think of that? W-3 on
21 1025 and then 1025 E and 1025 S maybe a W-2.

22 CHAIRPERSON MITTEN: Could we perhaps
23 set it down in the alternative, because I know that
24 the overall density of the Maritime Plaza site is
25 more than two FAR in terms of commercial. So we'd

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have to look at what the FAR would be for those
2 individual buildings to see whether that would be a
3 problem.

4 We actually had been encouraging
5 Washington Gas to look at Lincoln Properties
6 Maritime Plaza to look at higher heights so that
7 they could step back further from the waterfront and
8 have a greater green space in the middle so that
9 that property could be more porous, more open, and
10 not as much of a barrier between the waterfront and
11 what comes behind there, although I acknowledge that
12 what comes behind some of that is the expressway.

13 COMMISSIONER PARSONS: I'm trying to
14 remember whether this was a zoning action or a large
15 tract review. How did I see this?

16 CHAIRPERSON MITTEN: You saw it as a
17 large tract review when it came before NCPC about
18 the alley closing, or a street closing.

19 COMMISSIONER PARSONS: And they had a
20 hotel towards the river.

21 CHAIRPERSON MITTEN: Right. We worked
22 with Lincoln Properties on the Maritime Plaza
23 project. What you might recall seeing, there was a
24 very large parking garage which was really adjacent
25 to Water Street and was one of the things that you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 would see from the waterfront and we thought that
2 was highly problematic. So there have been some
3 dramatic changes in the site plan and we're much
4 happier with it now. But we wanted the zoning to go
5 along with that in terms of the height available.

6 If we could set it down in the
7 alternative, at least then in the more detailed
8 report that we'd be giving you for the public
9 hearing we could have a lot more detail about the
10 site plan for Maritime Plaza there. They're going
11 through the second stage of large tract review now,
12 so we would probably be finished with that by the
13 time it gets to a public hearing.

14 COMMISSIONER PARSONS: Okay. Well, my
15 interest is to keep the height down on 1025 E.
16 There's a step down from the Navy Yard to 1025 to
17 1025 E. You follow me there?

18 CHAIRPERSON MITTEN: Yes.

19 COMMISSIONER PARSONS: These are nice
20 exhibits Jill did.

21 CHAIRPERSON MITTEN: Yes.

22 COMMISSIONER PARSONS: Pretty colors.
23 Very nice.

24 CHAIRPERSON MITTEN: Has there been any
25 construction yet on 1025 E, or has it all been on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 1025?

2 MS. McCARTHY: It's all been on 1025.

3 COMMISSIONER PARSONS: And then 1048 I'm
4 suggesting W-2.

5 CHAIRPERSON MITTEN: You were not
6 thinking of something taller to hide the interstate
7 would be a good idea?

8 COMMISSIONER PARSONS: W-2 give us 60
9 feet, doesn't it?

10 CHAIRPERSON MITTEN: Well, right.

11 COMMISSIONER PARSONS: That's --

12 CHAIRPERSON MITTEN: It's 60 feet, but
13 only if you can get it up to the full envelope of
14 non-residential and commercial, because your
15 commercial FAR is only two.

16 COMMISSIONER PARSONS: Yes.

17 CHAIRPERSON MITTEN: Okay.

18 COMMISSIONER PARSONS: Because their
19 original proposal to us was residential. Maybe
20 that's not desirable, but I mean their intent was
21 that, wasn't it?

22 CHAIRPERSON MITTEN: Oh. Oh. I'm
23 sorry. I was looking at the other 1048 and not the
24 1048 S. Yes, you're right. That one could easily
25 be W-2 based on what's proposed for that site.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: Oh, that's my
2 fault. I didn't say "S."

3 CHAIRPERSON MITTEN: Right.

4 COMMISSIONER PARSONS: No wonder we're
5 confused.

6 CHAIRPERSON MITTEN: Right.

7 COMMISSIONER PARSONS: So 1024 and 1048
8 are owned by Consolidated Rail?

9 MS. STEINGASSER: Yes. Yes, sir, that's
10 who shows up in the tax base.

11 COMMISSIONER PARSONS:

12 CHAIRPERSON MITTEN: And as far as you
13 know is there any proposal from them?

14 MS. STEINGASSER: No.

15 CHAIRPERSON MITTEN: Well, it's so
16 narrow it's probably unbuildable, isn't it?

17 MS. McCARTHY: Well, you know, those of
18 us that are NCPC know it's just a matter of time
19 until we get that elevated freeway down.

20 COMMISSIONER PARSONS: That's right.
21 Well, I think W-3 would be all right there.

22 CHAIRPERSON MITTEN: Okay. Let me see
23 if we have any more questions and then we can
24 formulate a motion that would incorporate what I
25 think you want.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: Thank you very
2 much.

3 CHAIRPERSON MITTEN: Okay?

4 COMMISSIONER PARSONS: Oh, I did have
5 one more point.

6 CHAIRPERSON MITTEN: Yes.

7 COMMISSIONER PARSONS: I've checked with
8 the Lands Office of the Park Service and I've
9 brought with me some materials that I think will
10 clarify the ownership of these that you can pass
11 onto Mr. Lawson.

12 MS. McCARTHY: Okay. We'd be happy to.

13 CHAIRPERSON MITTEN: Well, if you tell
14 us now, then we could know whether or not we should
15 include 1080 E and 1080 S in the action that we're
16 taking. Because what the OP report says is that if
17 they're National Park Service properties, they're
18 not recommending they be included. But if they are
19 privately --

20 COMMISSIONER PARSONS: Well, it's
21 certainly my understanding, but I mean, certainly
22 Joel's got a problem if the DC records show this is
23 somebody else's property.

24 CHAIRPERSON MITTEN: Okay. So we'll
25 just keep that up in the air.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: I think I'd just
2 make a motion that --

3 CHAIRPERSON MITTEN: Keeps the door
4 open.

5 COMMISSIONER PARSONS: I guess, yes.

6 CHAIRPERSON MITTEN: Okay.

7 COMMISSIONER PARSONS: I mean, if he was
8 here, we could probably clarify it, but --

9 CHAIRPERSON MITTEN: Okay. That's fine.

10 COMMISSIONER PARSONS: But I'm confident
11 he'll agree with this.

12 CHAIRPERSON MITTEN: Okay.

13 COMMISSIONER PARSONS: That's all I
14 have.

15 COMMISSIONER HOOD: I just wanted to ask
16 one question, Madam Chair of the Office of Planning.

17 Have the perspective or those who own
18 the land as of yet, have they been kind of on board
19 with you with this rezoning?

20 CHAIRPERSON MITTEN: With the envelope,
21 yes.

22 COMMISSIONER HOOD: Okay.

23 CHAIRPERSON MITTEN: The Maritime Plaza
24 folks have sent a letter, which I guess you have in
25 your packet? No? Oh. We just received a copy of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it today because, you know, it had been sent to Mr.
2 Lawson and since we were going to have this meeting
3 on Monday, he was going to be back from vacation by
4 then. But they have expressed concern that they
5 would have to go through a special exception process
6 after going through large tract review since we've
7 proposed extending the special exception to W-3 and
8 put it under the Capitol Gateway Overlay Extended.

9 COMMISSIONER HOOD: Okay. So that's
10 all.

11 CHAIRPERSON MITTEN: I believe the rest
12 of the density and height that they contemplated
13 were accommodated by the proposal, but that their
14 concern. And I believe the other applicant at 1048
15 S was fine with this.

16 COMMISSIONER HOOD: Okay. All right.
17 Thank you.

18 COMMISSIONER PARSONS: Anyone else?

19 Okay. Would you like to make a motion,
20 or would you like me to formulate what I believe you
21 would want to say, since I have it all written down
22 here?

23 COMMISSIONER PARSONS: Please.

24 CHAIRPERSON MITTEN: Okay. Then I would
25 move that we set down case Nr. 04-02 as articulated

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the Office of Planning report including the
2 flexibility regarding square 1080 E and 1080 S that
3 the zoning would only apply in the event that those
4 properties were privately-owned that we advertise in
5 the alternative W-2 for square 1025 S, square 1025 E
6 and square 1048 S.

7 COMMISSIONER PARSONS: Second.

8 CHAIRPERSON MITTEN: Any further
9 discussion? All those in favor, please, say aye.
10 Aye.

11 COMMISSIONER PARSONS: Aye.

12 COMMISSIONER HOOD: Aye.

13 COMMISSIONER HILDENBRAND: Aye.

14 CHAIRPERSON MITTEN: It's unanimous, Mr.
15 Bastida.

16 MR. BASTIDA: The staff will record the
17 vote at 4 to 0 to 1, Ms. Mitten moving it, Mr.
18 Parsons second it. Mr. Hood and Mr. Kevin
19 Hildenbrand voting on the affirmative. Mr. Hannahan
20 not present, not voting.

21 CHAIRPERSON MITTEN: Thank you.

22 Next, we'll move to final action and
23 I'll turn over the gavel to Mr. Hood, since I'm
24 recused from the first case. And I'll let Mr. Hood
25 take over for the moment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER HOOD: Thank you. Thank
2 you, Madam Chair. I think we have a few people that
3 need to switch around.

4 Let the record reflect that we've been
5 joined by Commissioner May. Commissioner Parsons
6 and myself, Commissioner Hood. The Chairperson will
7 not be participating in this particular case, which
8 is Zoning Commission case Nr. 03-21, St. Coletta's.

9 Mr. Bastida, whenever you're ready.

10 MR. BASTIDA: The staff is ready. The
11 staff has no preliminary matters on this case. Only
12 that I'd received the action by NCPC of yesterday
13 and I have provided all the Commissioners with a
14 copy of the action. And that is the only thing that
15 staff has for you.

16 COMMISSIONER HOOD: Okay. Colleagues,
17 we've already proposed action. I remember this. We
18 kind of went through this page by page and now we
19 have the final action in front of us.

20 Any other concerns? Then we have the
21 final order? Comments? Commissioner May?

22 COMMISSIONER MAY: I don't have
23 concerns, but I have a few primarily editorial
24 changes, but I'd like to go through them real quick,
25 if that's all right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER HOOD: Sure. Sure.

2 COMMISSIONER MAY: Because I know we
3 want to try to get this as final as we can.

4 On the first page of the final order,
5 which is numbered 38, OP testified that the
6 applicant met on several occasions with OP,
7 etcetera. I just think a reference to the master
8 plan for reservation 13, I don't know that we really
9 need to call the evolving nature of the master plan.
10 I think simply the master plan. I wouldn't want to
11 make it sound like we feel that the master plan is
12 -- although it's not final by any means, we don't
13 need to make reference to it as the evolving nature
14 of the master plan. You don't seem to be as
15 concerned or phased by it.

16 COMMISSIONER PARSONS: Well I guess in
17 fact it's evolving. I guess that's the problem.
18 You know, the hospital, for instance, wasn't even
19 included in the master plan initially and now that's
20 what happening as a neighbor to this building.

21 COMMISSIONER MAY: Right. I'm just
22 saying that that adjective doesn't add anything to
23 our order by calling it "evolving." I mean, it may
24 be evolving, it may not. It's not really relevant
25 it fits with what we see.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: Okay.

2 COMMISSIONER MAY: All right. Thank
3 you.

4 COMMISSIONER HOOD: So you're
5 recommending we take "evolving" out?

6 COMMISSIONER MAY: Take out the evolving
7 nature.

8 COMMISSIONER HOOD: Being quite honest,
9 I don't agree with you, Mr. Parsons. I think it
10 actually should stay there.

11 COMMISSIONER MAY: Well, if you all
12 agree it should be that way, then that's the way we
13 should go. Okay.

14 COMMISSIONER HOOD: Yes, I would like to
15 see that stay in.

16 COMMISSIONER MAY: All right. Next on
17 page 4, Nr. 11, the reference to large commercial-
18 like structures. I don't regard the Armory as a
19 commercial-like structure. It's a public use
20 facility in comprehensive plans in terms or
21 comprehensive land use map terms. It's not a
22 commercial-like facility. I mean, there really
23 isn't anything right there right now that is truly
24 commercial.

25 COMMISSIONER PARSONS: No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 "Institutional" fills the bill, right? You going to
2 take "commercial" out?

3 COMMISSIONER MAY: "Institutional."
4 Yes, or take "commercial" out.

5 COMMISSIONER PARSONS: Leave
6 "institutional."

7 COMMISSIONER MAY: Leave
8 "institutional."

9 COMMISSIONER PARSONS: Good.

10 COMMISSIONER MAY: I mean, if you want
11 to put something in to refer to the Armory, it would
12 be public use facility, which is how it appears ont
13 he map.

14 COMMISSIONER HOOD: Okay.

15 COMMISSIONER MAY: Moving onto page 8.

16 COMMISSIONER HOOD: Wait a minute,
17 Commissioner May.

18 COMMISSIONER MAY: Sorry.

19 COMMISSIONER HOOD: Let's go back to
20 that. Now, what are we taking out?

21 COMMISSIONER PARSONS: Large commercial.

22 COMMISSIONER HOOD: And that's number --
23 which number are we on?

24 COMMISSIONER MAY: Eleven. Page 4, Nr.
25 11, very bottom.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER HOOD: Page 4.

COMMISSIONER MAY: At least on the
version I have.

COMMISSIONER HOOD: Well, my version is
a little different. It's at the top of page 5.

COMMISSIONER MAY: Okay.

COMMISSIONER HOOD: Same version though.

COMMISSIONER MAY: Yes.

COMMISSIONER HOOD: Okay. And what are
we taking out?

COMMISSIONER MAY: The reference to
commercial light structures. Just call it --

COMMISSIONER HOOD: Commercial light
structures.

COMMISSIONER MAY: Just delete that
phrase there.

COMMISSIONER PARSONS: Large
institutional.

COMMISSIONER HOOD: Large institutional
buildings. Okay.

COMMISSIONER MAY: That's fine.

COMMISSIONER HOOD: Sounds good.

COMMISSIONER MAY: Okay. Moving on to
page 8, we had gone through a review and the public

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 benefits and project amenities. This is Nr. 31.

2 And we had determined which of those amenities we
3 had considered superior.

4 COMMISSIONER HOOD: Right.

5 COMMISSIONER MAY: But I don't think
6 that we needed then therefore to add the adjective
7 "superior." I think that superior gets them on the
8 list. If they weren't superior, they shouldn't be
9 on the list. Because it sounds funny to call some
10 of these things superior employment training
11 opportunities.

12 COMMISSIONER HOOD: I would agree with
13 you.

14 COMMISSIONER MAY: I mean I think the
15 fact that they're on the list makes them superior.

16 COMMISSIONER PARSONS: Yes.

17 COMMISSIONER MAY: Do you have a
18 comment?

19 COMMISSIONER PARSONS: No, that's fine.

20 COMMISSIONER MAY: Corporate counsel?

21 MS. GLAZER: Well, the reason the word
22 "superior" was used was to differentiate between
23 those amenities which were superior and those which
24 were merely adequate, and that was the reason. And
25 then in the conclusions of law section, there's a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 reference to many of the amenities being superior
2 which then serves to balance the zoning flexibility
3 that's granted.

4 COMMISSIONER MAY: Maybe I misunderstand
5 this, but I thought that we were making the
6 distinction just to determine what was considered an
7 amenity in the first place. Because if it was an
8 adequate amenity, it's not really an amenity at all.
9 It's the superior characteristic that makes it a
10 true amenity.

11 MS. GLAZER: Well, I think the regs do
12 distinguish between those that are not.

13 COMMISSIONER MAY: Okay.

14 COMMISSIONER PARSONS: So you're
15 questioning 31 B because it's no superior?

16 COMMISSIONER MAY: No, I'm
17 questioning --

18 COMMISSIONER PARSONS: Using the word?

19 COMMISSIONER MAY: -- using the word
20 "superior" describing just about every item on the
21 list.

22 COMMISSIONER PARSONS: Yes.

23 COMMISSIONER MAY: With the exception of
24 31 B, I guess.

25 COMMISSIONER HOOD: I would agree.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Unless there's a legal issue, I would rather for us
2 to take it out.

3 COMMISSIONER MAY: Okay. I think we
4 need to understand a little bit better how it has to
5 be qualified. We went through the exercise because
6 I think we needed to understand ourselves what we
7 considered superior, but I'm not sure that we meant
8 in the end that we wanted to refer to them that way
9 in the language exactly that way. I mean, maybe we
10 list the following superior benefits and then list
11 them one by one.

12 MS. GLAZER: We can make that change.

13 COMMISSIONER MAY: All right.

14 COMMISSIONER HOOD: Okay?

15 COMMISSIONER MAY: Page 11. Actually,
16 never mind. Skip that one.

17 COMMISSIONER PARSONS: All right.

18 COMMISSIONER MAY: And on to page 13,
19 Nr. 6. Again, there's that reference to large
20 commercial structures to the north. They're not
21 actually commercial structures. So we can call the
22 large institution structures, whatever. It's a
23 minor point.

24 COMMISSIONER HOOD: Page 13, Nr. 6?

25 COMMISSIONER MAY: Yes. My page 13, Nr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 6. And then also on the same page, Nr. 10. The
2 language on this changed from the last version that
3 I had read, or the preliminary version, I guess, the
4 applicant's version. When we talk about giving
5 great weight to the ANC's report, I don't think that
6 we want to say in the end that we cannot give great
7 weight to the ANC's proposal. I mean, we give great
8 weight to what they have to say, but we can disagree
9 with it.

10 COMMISSIONER PARSONS: Absolutely.

11 COMMISSIONER MAY: And I think that's
12 what we mean to say here, is that we can't do what
13 they ask, but it doesn't mean that we didn't give
14 them great weight.

15 COMMISSIONER PARSONS: I don't recall,
16 but the only time we say we can't give it great
17 weight is when they don't have a quorum or they
18 don't submit the materials --

19 COMMISSIONER MAY: Exactly.

20 COMMISSIONER PARSONS: In fact, that's
21 not the case here.

22 COMMISSIONER MAY: Right. So I would
23 change the wording on that.

24 Onto page 14, Nr. 5. We discussed these
25 areas of flexibility and I notice that some of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 sort of qualifications that we had listed made its
2 way into the order, but on Nr. 3, under Nr. 5, "the
3 very location and design of all interior components
4 including partitions, structural slabs, etcetera,
5 etcetera." I thought in that one we wanted to say
6 something like "provided that it does not alter the
7 exterior appearance of the building" or
8 "substantively alter the exterior appearance of the
9 building."

10 The concern there is with elevator
11 shafts moving.

12 COMMISSIONER PARSONS: Sure.

13 COMMISSIONER HOOD: And at that time it
14 was B, but now it's Nr. 3. Yes.

15 COMMISSIONER MAY: Right.

16 COMMISSIONER HOOD: Well, I'm looking at
17 the old order and I'm looking at the new one.

18 COMMISSIONER MAY: I think there are
19 some numbering issues with the order the way we have
20 it. But that will get straightened out. I think
21 that's it for me and I appreciate your patience
22 going through this.

23 COMMISSIONER HOOD: I think you also
24 have something written here that we --

25 COMMISSIONER MAY: Oh, yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER HOOD: Yes, we had another
2 one.

3 COMMISSIONER MAY: The buses, right?

4 COMMISSIONER HOOD: Yes, that was back
5 in 27. I don't know what page you have, but I have
6 page 13. What was it, Nr. 5?

7 COMMISSIONER MAY: Thirteen, Nr. 5?

8 COMMISSIONER HOOD: Yes, just give me a
9 minute.

10 COMMISSIONER MAY: Sure.

11 COMMISSIONER HOOD: Let me see what's
12 going on here. You know what? Actually, I think
13 it's addressed in the final order.

14 COMMISSIONER MAY: The buses?

15 COMMISSIONER HOOD: No, the buses is Nr.
16 27 and that was back --

17 COMMISSIONER MAY: Oh, that was
18 addressed.

19 COMMISSIONER HOOD: No, I don't think
20 the bus issue was addressed. I think, Mr. Parsons,
21 you mentioned something about the buses and I don't
22 exactly remember.

23 COMMISSIONER MAY: There was a condition
24 on the buses?

25 COMMISSIONER HOOD: You wanted a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 condition to be in there, a condition about the
2 buses.

3 COMMISSIONER PARSONS: Well, we
4 discussed that and what I think we learned is that
5 the buses come from other jurisdictions.

6 COMMISSIONER HOOD: Okay.

7 COMMISSIONER PARSONS: In other words,
8 they're not St. Coletta's buses. We were worried
9 about them being parked there.

10 COMMISSIONER MAY: Oh, right. They're
11 not going to be parked there.

12 COMMISSIONER HOOD: Yes, okay.

13 COMMISSIONER PARSONS: They deliver,
14 they go away, they come back and pick them up. So I
15 don't think we need to condition that.

16 COMMISSIONER HOOD: Okay.

17 COMMISSIONER MAY: Okay.

18 COMMISSIONER HOOD: I had it written and
19 I want to make sure we addressed everything we
20 discussed.

21 COMMISSIONER MAY: Yes, I had it listed
22 as a condition too.

23 COMMISSIONER HOOD: Okay.

24 COMMISSIONER PARSONS: Now, I have to
25 share with you what happened at the Planning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commission yesterday. We had a very impassioned
2 series of witnesses from the community that were
3 complaining about the building itself and we spent a
4 great deal of time on this. And I guess you have
5 before you this letter from the Planning Commission.

6 And what we concluded I think is quite
7 simple. If plant material, street trees especially,
8 are planted at this scale, and of course this
9 architect's rendering is something that nobody will
10 ever see unless they're in the tall commercial
11 building across the street. I mean, it's done to
12 emphasize the architecture.

13 COMMISSIONER MAY: Right.

14 COMMISSIONER PARSONS: So the idea was
15 to use much taller shade trees here. And the
16 landscape plan calls for four-inch trees on the
17 street trees and other trees within the compound to
18 be about two-and-a-half. That's the diameter when
19 they're planted, the trunk.

20 The Planning Commission is also
21 concerned that there's a void in the planting along
22 the edge of the sidewalk, if you will, this
23 dimension. So that's what this recommendation about
24 visual screening between the disabled parking area
25 and Independence Avenue so that parked cars are not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 visible.

2 Now, it's a little late at final order
3 to be dealing with this and we can't draw a
4 landscape plan for them this afternoon to respond to
5 the Planning Commission, but I think the issue is,
6 and this is my feeling, street trees and their size
7 rather than planting shrubs along the sidewalk. So,
8 I would like to push the street trees from four-inch
9 to five-inch. That's a pretty big tree. And the
10 other trees in the plan to three-inch from two-and-
11 a-half. I think you'd agree. You can see the
12 heights of these trees at six to eight feet aren't
13 going to do the job. I don't believe you have the
14 landscape plan in front of you. We'll pass it down.

15 COMMISSIONER HOOD: Let me just ask,
16 will that address the issue about the screening
17 of --

18 COMMISSIONER PARSONS: Yes, I think so.

19 COMMISSIONER HOOD: Okay.

20 COMMISSIONER PARSONS: See this table
21 here on the landscape plan shows sizes.

22 COMMISSIONER MAY: Right.

23 COMMISSIONER PARSONS: You can see at
24 two-and-a-half they're showing these at about six to
25 eight feet or 10 feet high. And these are even

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 bigger than that. So the idea would be to push them
2 up to three inches and get the street trees up to
3 five inches. And I think that would be responsive
4 to the Commission and the concerns of the citizens.
5 But I can just tell by the body language of Mr. May
6 that this isn't working for him.

7 COMMISSIONER MAY: No, I don't have any
8 disagreement on that. One thing I'd point out is
9 the aerial view that you have, the aerial rendering,
10 doesn't accurately reflect the density of the street
11 trees to start with.

12 COMMISSIONER PARSONS: Yes.

13 COMMISSIONER MAY: I mean, maybe
14 accurately drawing the size of them or whatever, but
15 there's a double row along the street which doesn't
16 show there.

17 COMMISSIONER PARSONS: Yes. Right.

18 COMMISSIONER MAY: I also don't know how
19 well those tree shapes are actually reflective of
20 what's planted there. I mean, maybe you can tell me
21 that because I don't know anything about what trees
22 look like when they actually grow. Those sort of
23 teardrop-shaped canopies are a common architectural
24 thing that allows you to emphasize the building
25 rather than the trees.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: Right. No, these
2 look like Lombardi Poplar or something like that.
3 These are Zelkova which have an Elm shape.

4 COMMISSIONER MAY: Okay.

5 COMMISSIONER PARSONS: And Sugar Maple.

6 COMMISSIONER MAY: So they're going to
7 bloom in a more comforting shape.

8 COMMISSIONER PARSONS: Oh, yes. Right.

9 COMMISSIONER MAY: I would have no
10 problem with pushing up the sizes of them.

11 COMMISSIONER PARSONS: It's more costly,
12 for sure.

13 COMMISSIONER MAY: It's more costly, but
14 I don't think that's a big issue.

15 COMMISSIONER PARSONS: All right. So, I
16 was thinking in the area of flexibility is where
17 they meant to make this simple.

18 COMMISSIONER MAY: Okay.

19 COMMISSIONER PARSONS: Is where they
20 mention the landscape.

21 COMMISSIONER HOOD: Which page are you
22 on?

23 COMMISSIONER PARSONS: That would be
24 page 14, Nr. 5. So I want to add this, "Except that
25 the street trees would be five inches in caliper,"

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and the," and I'll just call them "other trees"
2 because that's what the table just says, it says
3 "trees," "be three to four inches."

4 COMMISSIONER MAY: Okay.

5 COMMISSIONER PARSONS: And that's the
6 way they're generally sold is in three to four.

7 COMMISSIONER HOOD: What about the five
8 inch? Is that generally how it's sold too?

9 COMMISSIONER PARSONS: No, once they get
10 that high, they sell them by the inch.

11 COMMISSIONER HOOD: Oh, okay. All
12 right.

13 COMMISSIONER PARSONS: And other trees
14 would be three to four inches. Okay?

15 COMMISSIONER HOOD: Commissioner
16 Parsons, I'm going to ask you if you could just read
17 that back to us.

18 COMMISSIONER PARSONS: That's at the end
19 of this 5, Nr. 1, where they're asking for
20 flexibility, and I'm just saying, "Except that the
21 street trees would be five inches in caliper and the
22 other trees would be three to four inches."

23 COMMISSIONER HOOD: Okay. All right.

24 MR. BASTIDA: Excuse me, Mr. Vice
25 Chairman. Mr. Parsons, those trees, I'm not clear,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 are they in the public space, on the right of way?

2 COMMISSIONER PARSONS: Yes, they are.

3 MR. BASTIDA: Okay. I would suggest
4 that then the Commission indicate their preference
5 to do so. The Commission has no jurisdiction over
6 the right of way. The Commission has jurisdiction
7 on the privately zoned land. So if you give us the
8 flexibility, we'll work on that.

9 COMMISSIONER PARSONS: Okay.

10 MR. BASTIDA: And then we'll adjust the
11 language in accordance to that.

12 COMMISSIONER PARSONS: Yes.

13 MR. BASTIDA: If you don't have any
14 problem.

15 COMMISSIONER PARSONS: No, no. That's
16 fine.

17 MR. BASTIDA: If the Commissioners don't
18 have any problem with that.

19 COMMISSIONER PARSONS: And I think it's
20 true of the second row of trees too, unfortunately.

21 MR. BASTIDA: Right.

22 COMMISSIONER PARSONS: They're either
23 right on the property line or just inside.

24 MR. BASTIDA: Yes, I think that we can
25 recommend that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: Okay.

2 MR. BASTIDA: And I think that the
3 applicant will be very willing to do so, but I don't
4 think that the Commission, if it's the public right
5 of way, has the authority to mandate it.

6 COMMISSIONER PARSONS: You're correct.

7 MR. BASTIDA: Thank you.

8 COMMISSIONER HOOD: I just have a
9 concern. If it's not in our jurisdiction, I mean,
10 then why are we even granting staff to have the
11 flexibility? I mean, you know, because if this
12 doesn't add up to --

13 COMMISSIONER MAY: Why is it even on the
14 drawings?

15 MR. BASTIDA: No, the flexibility is the
16 -- the Commission has no jurisdiction over right of
17 way. That is definitely.

18 COMMISSIONER HOOD: Okay. We don't have
19 jurisdiction over --

20 MR. BASTIDA: But you can make
21 recommendations. And what I was saying is trying to
22 have the flexibility to say, "The Commission
23 recommends that," versus that "The Commission orders
24 that." That is what I was just trying to determine
25 if you are on the right of way. Many times the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commission has expressed the desire for certain
2 things to happen within the public right of way and
3 has directed the applicant to work with the
4 Department of Public Works, the Public Space
5 Committee, to achieve that end. And you can do that
6 recommendation.

7 COMMISSIONER HOOD: Thank you. Thank
8 you, Mr. Bastida. Thank you.

9 Colleagues, how do you want to deal with
10 this issue? I would be more inclined to ask,
11 especially if it's not in our jurisdiction, I don't
12 know, unless you want to take Mr. Bastida's
13 recommendation, but obviously they have a good
14 working relationship, from what I see, so I'm sure
15 that the applicant would be amenable to some of the
16 things that are being asked here. So if it's not in
17 our purview, then why are we even dealing with it in
18 that fashion?

19 COMMISSIONER MAY: Yes, I mean, the
20 basic order incorporates the landscape plan which
21 includes the public right of way and, I mean, if
22 what you're saying is that it is a technicality that
23 essentially anybody can draw whatever they want on
24 the right of way, but our order is not binding
25 because it's public space, I mean, you know, we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going to wind up seeing a whole bunch of PUDs come
2 in without any further development or without that
3 qualifier on it, without any further development of
4 the right of way space. And that's a big part of
5 this.

6 COMMISSIONER PARSONS: Well, I would
7 like to recommend it, if that's all we can do. But
8 certainly within the project itself, we'll stick
9 with three to four.

10 MR. BASTIDA: Yes, because that is
11 totally under your jurisdiction. And the Commission
12 before has been on record trying to encourage the
13 developers or the applicants to in fact provide
14 certain type of planting material in the public
15 right of way and the Commission has the right to do
16 so, to make that recommendation and that
17 encouragement. Unfortunately, we believe that the
18 Commission has not the authority to mandate that.
19 In fact, that is what it should happen the right of
20 way because that is under the jurisdiction of the --

21 COMMISSIONER MAY: Let me understand
22 this. Are you saying that we don't have the
23 authority to say it's got to be five inches or more
24 there, but in terms of what they offer, that that's
25 binding? I mean, because they've offered to do four

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 inches. Is that binding on the applicant? Because
2 it's part of what they have presented to us.

3 MR. BASTIDA: My gut reaction is that
4 it's not binding on them. If the DDOT allows it,
5 then they can do it. If DDOT doesn't allow it, they
6 cannot do it. Because the jurisdiction of the
7 Zoning Commission is in private space which is
8 zoned.

9 COMMISSIONER PARSONS: All right. We're
10 wasting too much time on this.

11 COMMISSIONER MAY: Okay.

12 COMMISSIONER PARSONS: What we do when
13 we have an amenity that says, "You will give
14 \$650,000 to the National Park Service to improve
15 this da, da, da, da, da" --

16 COMMISSIONER MAY: Yes. Good example.

17 COMMISSIONER PARSONS: -- we do with it
18 with a caveat. We say, "If the Public Space
19 Committee agrees."

20 MR. BASTIDA: Yes, you can.

21 COMMISSIONER PARSONS: Rather than, "The
22 Planning Commission recommends," or, I mean, "The
23 Zoning Commission recommends that they be five
24 inches." Right? Isn't that different? So could
25 you do that in the final order?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BASTIDA: Yes, we can do that.

2 COMMISSIONER PARSONS: Great.

3 COMMISSIONER MAY: Okay.

4 COMMISSIONER PARSONS: I move we approve
5 this as we have amended it this afternoon.

6 COMMISSIONER HOOD: Can I get a second?

7 COMMISSIONER MAY: Second.

8 COMMISSIONER HOOD: Any further
9 discussion? And I didn't get a chance to comment on
10 the tree issue, but I would agree with that. All
11 those in favor? Aye.

12 COMMISSIONER PARSONS: Aye.

13 COMMISSIONER MAY: Aye.

14 COMMISSIONER HOOD: Any opposition? So
15 ordered. Staff, would you record the vote?

16 MR. BASTIDA: Yes. The staff would
17 record 3 to 0 to 2, Mr. Hood moving it, Mr. May
18 second it, Mr. Parsons voting on the affirmative,
19 Ms. Mitten had to recuse herself, Mr. Hannahan not
20 present, not voting.

21 COMMISSIONER HOOD: Now, we're going to
22 ask the Chairperson to come back.

23 CHAIRPERSON MITTEN: All right. So
24 you're finished with that?

25 (Whereupon, at 4:22 p.m. a recess until

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 4:22 p.m.)

2 CHAIRPERSON MITTEN: All right. We're
3 ready for the next case under final action, which is
4 Case Nr. 03-13, which is the Capper/Carrollsborg PUD
5 and I think the last remaining issue, and if I'm
6 correct, is that we just have to decide about the
7 design. We have two proposed designs for the M
8 Street facade. Am I right, that we're down to that?

9 COMMISSIONER PARSONS: That's it.

10 CHAIRPERSON MITTEN: Okay.

11 COMMISSIONER PARSONS: Peter's so
12 excited, he can't stand it.

13 CHAIRPERSON MITTEN: Okay.

14 COMMISSIONER MAY: Love this stuff.

15 CHAIRPERSON MITTEN: Did you have
16 something that you wanted to say?

17 COMMISSIONER MAY: Well, I'm very
18 interested in hearing the others' opinions on this,
19 but frankly, I'm not inspired by anything that we
20 see, whether it's the original or the subsequent
21 versions. You know, reading over the text that went
22 with this, I'm reminded that the NCPC had suggested
23 that this elevation be treated with a more permanent
24 material such as stone or brick and what we have is
25 synthetic stucco and --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: CMU.

2 COMMISSIONER MAY: -- split-face CMU,
3 neither of which -- I mean, split-face CMU is more
4 permanent, but it's not stone and it's not brick.
5 And I mean, there's some mild improvement, I think,
6 simply by putting some windows into that facade
7 compared to the original scheme, but I don't think
8 that they quite hit upon the right design if in fact
9 we are going to be limited to the palate of the rest
10 of the building. I mean, introducing stone or
11 brick, I think, in itself is problematic since
12 there's only synthetic stucco and split-faced CMU on
13 the building to start with. So we probably should
14 have taken a broader look at the entire building.

15 CHAIRPERSON MITTEN: Don't go there.

16 COMMISSIONER MAY: But I'm so confused
17 by this one. Please somebody else talk.

18 COMMISSIONER PARSONS: Scheme two does
19 it for me. It seems to be a better companion to the
20 existing building. It brings light into that facade
21 and keeps it simple and clean. I agree with you on
22 everything you said. I mean, we should have taken a
23 broader look. But scheme one just doesn't cut it.
24 I mean, it's almost arbitrary.

25 COMMISSIONER MAY: Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: And maybe the
2 architect drew that just for us to have the
3 opportunity to say that. I don't know.

4 COMMISSIONER MAY: It's called a
5 monkey's paw. It's a common thing that architects
6 will do. They'll throw out something that they know
7 you won't like. Then you get to swat it down and
8 then you'll therefore like the other one.

9 COMMISSIONER PARSONS: I see. Well,
10 hopefully we've gone the right direction. I don't
11 know which paw they threw.

12 COMMISSIONER HOOD: I'll tell you, I
13 need a little help on this. Scheme two, can you
14 tell me what the difference is in scheme two and the
15 original scheme?

16 COMMISSIONER PARSONS: There's windows.
17 That's basically it.

18 CHAIRPERSON MITTEN: You mean, going
19 back to the very original?

20 COMMISSIONER HOOD: No, the original
21 that's here.

22 COMMISSIONER PARSONS: It has no windows
23 in it.

24 COMMISSIONER HOOD: Oh.

25 CHAIRPERSON MITTEN: The original was --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER HOOD: Okay. All right. I
2 see it. Yes. Okay. Yes. Okay.

3 CHAIRPERSON MITTEN: Well, I agree with
4 everything that Mr. May said and I'm ready to vote
5 in favor of scheme two in spite of that.

6 COMMISSIONER MAY: Okay.

7 CHAIRPERSON MITTEN: So I would move
8 that we approve Case Nr. 03-13 and adopt scheme two
9 as the plan for the facade of the M Street, the M
10 Street facade of senior building 2.

11 COMMISSIONER PARSONS: Second.

12 CHAIRPERSON MITTEN: Any further
13 discussion? All those in favor, please say aye.
14 Aye.

15 COMMISSIONER HOOD: Aye.

16 COMMISSIONER PARSONS: Aye.

17 COMMISSIONER MAY: Aye.

18 CHAIRPERSON MITTEN: And we have none
19 opposed. Mr. Bastida.

20 MR. BASTIDA: Madam Chairman, at this
21 time we'll record the vote 4 to 0 to 1 to approve on
22 selecting of scheme two. Ms. Mitten moving and Mr.
23 Parsons second, Mr. Hood and Mr. May voting in the
24 affirmative, Mr. Hannahan not present, not voting.
25 Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: Thank you. And now
2 we can take just a few minutes to look at the Office
3 of Planning report, if you have it.

4 MS. MCCARTHY: Thank you, Madam Chair.
5 The Reservation 13 zoning which we had expected to
6 bring to you this month we've just postponed, but
7 only for one more month because there was a feeling
8 that the design guidelines needed a little more
9 work. So we'll be tweaking those just a bit and
10 we'll definitely have that for set down in March.

11 Georgia Avenue and we are just in the
12 process of completing a neighborhood plan and H
13 Street N.E., we have completed it and it's just been
14 adopted by the council. And we are proposing a new
15 zoning category called at the moment, the urban
16 living zone. We'll be working on the title there.
17 It's actually a little catchier than the Georgia
18 Avenue version, which was ROI for
19 residential/office/institutional. But we are
20 looking at a zone that would prohibit retail in some
21 sections because it's become clear as we look at
22 Georgia Avenue and at H Street, that there is far
23 more retail space. It is zoned for far more retail
24 space than is anything close to what the market
25 studies estimate makes sense there. And rather than

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 spread that out and have under performing
2 neighborhood commercial areas with substantial
3 vacancies, we're looking to maybe make some changes
4 in kind of a base C-2A so that retail is clustered
5 around nodes where it makes sense and that the
6 spaces in between, the ground floor can be either
7 residential or office, or institutional uses for
8 where those would make sense or where the quality of
9 the existing housing stock or building stock would
10 make it difficult to necessarily require residential
11 there on the ground floor.

12 So, along H Street there are places that
13 we want to discourage retail and along Georgia
14 Avenue as well, and then other places where we want
15 to require it. So we're looking to come back to you
16 with a new zone and to make that zone now useful
17 throughout the city in those neighborhood commercial
18 districts. So we'll make sure that those are
19 consistent with each other.

20 We have received an application for a
21 planned unit development in Southwest at 1st and I
22 Streets S.W. next to the Randall Highlands School
23 and the play fields there, ball fields there, and so
24 we'll be bringing that to you for set down probably
25 in the next month to two months.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And 4800 Wisconsin Avenue and 4600
2 Wisconsin Avenue. As you know, we have indicated
3 that we would not go for set down until after the
4 90-day period is completed for the upper Wisconsin
5 study.

6 American Pharmacists Association on
7 Constitution Avenue by the State Department has come
8 into us with an application for a planned unit
9 development and we expect to bring that in for set
10 down within the next couple of months, as well as
11 the Dorchester Apartments on 15th Street around
12 Meridian Hill Park there, or I'm sorry, 17th Street
13 by Meridian Hill and that there's an expansion of an
14 existing fairly large apartment complex.

15 So those are new projects that have come
16 in. I think the other items are pretty much
17 familiar to you. Is there anything you wanted to
18 play?

19 UNIDENTIFIED WOMAN: (Off microphone.)

20 MS. MCCARTHY: Oh, and the very last
21 item on the list, the Fire Department and other
22 municipal uses text amendment. We are going to be
23 moving forward on that to facilitate expansion or
24 improvement of the neighborhood fire stations.

25 CHAIRPERSON MITTEN: Thank you. Any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 questions for Ms. McCarthy? Any questions? Mr.
2 Parsons?

3 COMMISSIONER PARSONS: I thank you for
4 keeping the second to last item on the list for the
5 last six to eight years.

6 MS. McCARTHY: You know, it had dropped
7 off at one period of time and we brought it back.

8 COMMISSIONER PARSONS: Yes. And now
9 that we've had success, I think success with the
10 waterfront open space zone, I don't think this is as
11 frightening as it may have been 10 years ago when I
12 first tried this, or maybe it was 20. People were
13 fearful that what I was suggesting is we would go in
14 and be zoning people's private property to force
15 open space and that was not the intent.

16 So I'm hoping in the context of all your
17 other priorities that we can assign this to somebody
18 and I'll look forward to your response next month.

19 MS. McCARTHY: Okay. Can I just ask you
20 an informational question, Mr. Parsons? I know we
21 had talked about open space zoning as not
22 necessarily meaning no development because it could
23 be useful for things like golf courses and
24 cemeteries and similar very low-intensity uses, but
25 you were thinking that for areas that are presently

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 used in those kinds of activities to continue those
2 uses or what?

3 COMMISSIONER PARSONS: No, a couple of
4 things. I think the best example of what I'm
5 talking about is, and I don't know whether any of my
6 fellow commissioners were here, is when we went to
7 rezone Southwest, because the Urban Renewal Plan ran
8 out in '82, or was it '92? And we came across a
9 place called P5 and it was a parking lot designated
10 P5. There are five of them. And what we did is we
11 didn't want anything built on it. So we zoned it
12 like R-1, or something, or SP-1, but forced them to
13 transfer the development rights elsewhere. In other
14 words, we didn't take anything from them. We let
15 them transfer the development rights. But the
16 result was not a zone we really wanted either.

17 MS. McCARTHY: Yes.

18 COMMISSIONER PARSONS: So to me a
19 parking lot can be open space, which is the case
20 there. If it's horizontality is protecting the view
21 from something. So it's that in the tool box.
22 Okay?

23 Then it's cemeteries that are a given,
24 but 50 years may not be. I mean, we take these
25 things for granted as open space.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And I also wanted to apply it, when we
2 go through a campus plan. If indeed the proposal is
3 to keep it an open space, then let's have a zone to
4 put that in.

5 So those are really the three.

6 The fourth is a little trickier. And
7 that is, if the Dale Collier Reservoir became
8 obsolete or the Soldier's Home, or something else
9 that we take for granted as open space, should the
10 GSA be able to turn around, put it on the open
11 market and use an over-the-fence kind of value?
12 "Well, it's C-1 across the street. Must be C-1
13 here." So that was the fourth application is
14 beginning to say we're going to talk about zoning
15 federal and that's where people got nervous. I
16 didn't, but the NCPC just went nuts. I mean, the
17 staff over there, you know, the lawyers jumped up
18 and -- but you know, we need to talk about that.
19 What do we do to ensure if it's open space, it's
20 open space.

21 MS. McCARTHY: Yes.

22 COMMISSIONER PARSONS: The other case
23 that I think we should use for this is the prison
24 project that maybe some of you recall. You do, Mr.
25 Hood.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER HOOD: Yes.

2 COMMISSIONER PARSONS: Where I had to
3 recuse myself because I was the applicant bringing
4 park land to build a prison on it.

5 CHAIRPERSON MITTEN: That was a sad day,
6 I'm sure.

7 COMMISSIONER PARSONS: And the basis for
8 turning it down was the comprehensive plan said it
9 was open space. Anyway, I've spent too much time on
10 this, but I'd love to get together with the staff
11 whenever you get somebody assigned and I really got
12 off on the wrong foot last time because half the
13 lawyers in the city thought I was nuts and maybe
14 they still do. But I mean, it just got out hand and
15 "the guy's crazy, this is never going to work" and I
16 didn't even get a chance. But I know with your
17 team, that won't be the case.

18 MS. McCARTHY: Yes, you know, we were
19 just thinking that somebody needed to bring mini-
20 golf to this city.

21 CHAIRPERSON MITTEN: Well, before we
22 adjourn, today is the day that we say goodbye to
23 Peter May as a commissioner and I know I speak for
24 everybody in saying that you've been a terrific
25 colleague on the Commission and made a fantastic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 contribution in terms of your sensibilities and
2 architectural skill. And I'm also happy to say that
3 I will actually be spending more time with you as
4 opposed to less because you're going to be the new
5 Deputy Director for Operations for the Office of
6 Property Management and that's something I'm looking
7 forward to, more than I will miss on you the
8 Commission. So, thank you for you serving with us.

9 COMMISSIONER PARSONS: Are you a
10 potential applicant now to come before us?

11 CHAIRPERSON MITTEN: Eventually.

12 COMMISSIONER MAY: There will be
13 properties that will be coming before the Zoning
14 Commission and I'm not sure who will be doing what,
15 but I will be involved.

16 CHAIRPERSON MITTEN: As soon as he's
17 able to, Mr. May will be in front of you.

18 COMMISSIONER PARSONS: You know, I've
19 always been impressed by the talent that the
20 Architect of the Capitol brings here. George White,
21 the actual Architect of the Capitol, used to sit
22 here, believe it or not. But there have been I
23 think four of five, Peter maybe the fifth, that's
24 joined us. You're good. You really are. You're
25 conscientious, you're thorough, you've got a good

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 design sense, good common sense and a good sense of
2 humor.

3 COMMISSIONER MAY: Thank you very much.

4 COMMISSIONER PARSONS: You really do.

5 You've really done a great job.

6 COMMISSIONER MAY: Thank you very much.

7 COMMISSIONER HOOD: I would also agree
8 with everything my colleagues said and I've learned
9 a lot sitting next to you, Commissioner May, and I
10 wish you much, much success in your future endeavors
11 and I'm actually sorry to see you go because I was
12 learning quite a bit. I can consider myself an
13 architect now. So good luck to you.

14 COMMISSIONER MAY: I have to say
15 something after all that. All I can say though is
16 that it has been an honor to serve on the Zoning
17 Commission. Now I'm losing my composure, but if I
18 talk enough, it will work itself out. No, it really
19 has been an honor serving with all of you. It's
20 sort of an odd position serving and representing a
21 federal entity rather than simply the city, but I've
22 always tried to do what I could to represent the
23 best interests of the city as a whole and as well as
24 the interests of my agency. And as I said, it has
25 really been a pleasure. It's been a lot of work

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 certainly. I don't know how many people appreciate
2 how much work goes into this, but there are an awful
3 lot of hours spent by the Zoning Commission and I
4 think that all of the commissioners are probably
5 under appreciated in that regard.

6 CHAIRPERSON MITTEN: Here, here.

7 COMMISSIONER MAY: And thank you very
8 much to the Office of Planning, Corporation Counsel,
9 Office of Zoning staff. Everyone has been wonderful
10 and helpful and attentive, and it's been a pleasure
11 working with you all as well. Thanks.

12 CHAIRPERSON MITTEN: Thank you very
13 much. And I guess we're adjourned until our next
14 meeting, which is when?

15 MR. BASTIDA: We are planning on having
16 a special meeting at the time of the next hearing,
17 which is Thursday, February 19th.

18 CHAIRPERSON MITTEN: Okay. So we'll
19 have a special public.

20 MR. BASTIDA: At 5:30.

21 CHAIRPERSON MITTEN: At 5:30 on February
22 19th.

23 MR. BASTIDA: Correct, Madam Chairman.

24 CHAIRPERSON MITTEN: Until then be well.

25 MR. BASTIDA: Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1

(The meeting was adjourned at 4:40 p.m.)