

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JANUARY 09, 2012

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
KONRAD W. SCHLATER, Vice Chairman  
MARCIE COHEN, Commissioner  
MICHAEL G. TURNBULL, FAIA, Commissioner  
(OAC)  
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

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MAXINE BROWN-ROBERTS  
PAUL GOLDSTEIN  
ARLOVA JACKSON  
MATT JESICK  
KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.  
JACOB RITTING, ESQ.

The transcript constitutes the  
minutes from the Regular meeting held on  
January 09, 2012.

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

6:32 p.m.

CHAIRMAN HOOD: This meeting will please come to order.

Good evening, ladies and gentlemen.

This is the January 9, 2012 public meeting of the Zoning Commission of the District of Columbia.

My name is Anthony Hood, and I'm going to ask that my colleagues introduce themselves, and then I'm going to start to my left, Mr. Ritting, and let everyone introduce themselves from the left, and then we'll go to the Office of Planning.

So, let me start with the Vice Chairman.

VICE CHAIRMAN SCHLATER: My name is Konrad Schlater.

COMMISSIONER TURNBULL: Michael Turnbull, representing the architect.

COMMISSIONER COHEN: Marcie Cohen.

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1 COMMISSIONER MAY: Peter May,  
2 representing National Park Service.

3 MR. RITTING: My name is Jacob  
4 Ritting. I'm an Assistant Attorney General  
5 with the Office of the Attorney General's  
6 Office.

7 MS. NAGELHOUT: Mary Nagelhout,  
8 also an Assistant Attorney General in the Land  
9 Use and Public Works Section of OIG.

10 MS. SCHELLIN: Sharon Schellin,  
11 Secretary to the Zoning Commission for the  
12 Office of Zoning.

13 MS. JACKSON: Good evening. My  
14 name is Arlova Jackson. I'm with D.C. Office  
15 of Planning.

16 MS. BROWN-ROBERTS: Maxine Brown-  
17 Roberts, the Office of Planning.

18 MR. JESICK: Matthew Jesick, also  
19 with the Office of Planning.

20 MR. GOLDSTEIN: Paul Goldstein,  
21 with the Office of Planning.

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1 MS. THOMAS: Karen Thomas, with the  
2 Office of Planning.

3 CHAIRMAN HOOD: Thank you,  
4 everyone.

5 Copies of today's meeting agenda  
6 are available to you, and are located in the  
7 bin near the door.

8 We do not take any public testimony  
9 at our meetings, unless the Commission  
10 requests someone to come forward.

11 Please be advised that this  
12 proceeding is being recorded by a court  
13 reporter. It's also webcast live.  
14 Accordingly, we must ask you to refrain from  
15 any disruptive noises or actions in the  
16 hearing room. Please turn off all beepers and  
17 cell phones at this time.

18 Does the staff have any preliminary  
19 matters?

20 MS. SCHELLIN: No, sir.

21 CHAIRMAN HOOD: Okay. If not, let

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1 us proceed with the agenda.

2 Okay, on the Consent Calendar,  
3 Zoning Commission Case No. 62-19A, Euro-  
4 Watergate Hotel and Residences, LLC, PUD Minor  
5 Modification to Square 8.

6 Ms. Schellin.

7 MS. SCHELLIN: Yes, sir.

8 As you said, this is a request for  
9 a minor modification to a previously approved  
10 PUD.

11 At Exhibit 4 we have an OP report  
12 in support, and at Exhibit 6 we have ANC SMD  
13 2A04, letter in support, and I'm not sure if  
14 OP wants to add anything or not.

15 MR. GOLDSTEIN: I don't think we  
16 need to add anything to the report.

17 Thank you.

18 CHAIRMAN HOOD: Okay. We also  
19 received a letter from Council Member Jack  
20 Evans, who is urging us to approve the  
21 modification, which is Exhibit 7, which was, I

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1 think, handed in tonight. Okay. All right.

2           Commissioners, we have in front of  
3 us a request. The applicant has requested an  
4 amendment to the approved PUD to increase the  
5 number of permitted rooms from 300 to 355.  
6 And, as already stated, we have a number of  
7 submittals on that.

8           Let me open it up for discussion,  
9 or I'll entertain a motion.

10           Wait a minute, let me -- okay, let  
11 me just say that we do have an exhibit asking  
12 for reopening the record, but we don't need to  
13 do that because Mr. Schwartz, Attorney  
14 Schwartz, is not a party.

15           Do we still need to open it for a  
16 late filing?

17           MS. SCHELLIN: He asked for  
18 acceptance of his late filing. However, since  
19 he's not a party, as you said, there's no need  
20 to do that.

21           CHAIRMAN HOOD: Okay. So, we don't

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1 need to do that, but we do have it, because he  
2 could submit it at any time.

3 So, Commissioners, let me open it  
4 up for discussion. Any discussion?

5 COMMISSIONER MAY: Mr. Chairman?

6 CHAIRMAN HOOD: Commissioner May.

7 COMMISSIONER MAY: The one thing  
8 that I noted that was not apparent in either  
9 the OP report and in the request for the minor  
10 modification was a statement about the  
11 parking. And, maybe I missed it in those  
12 exhibits, but it was included in the letters  
13 of support from Watergate East, and West, and  
14 South, everybody else, that even with the  
15 proposed change the parking would be -- or,  
16 the required parking would still be available  
17 within the project to meet any zoning  
18 requirements for parking.

19 I guess I would just like to get  
20 that confirmed by the Office of Planning.

21 CHAIRMAN HOOD: I think also the

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1 applicant submitted it. I remember reading  
2 something.

3 COMMISSIONER MAY: Maybe I just  
4 missed it.

5 MR. GOLDSTEIN: Paul Goldstein with  
6 the Office of Planning.

7 On page three of their submission,  
8 they do say parking will be provided in  
9 conformity with the zoning regulations.

10 What that would amount to, in my  
11 understanding --

12 COMMISSIONER MAY: Oh, great.

13 MR. GOLDSTEIN: -- is that they'd  
14 provide parking as required for the additional  
15 50 units in the hotel.

16 COMMISSIONER MAY: Okay.

17 MR. GOLDSTEIN: Which would be 12,  
18 13, 14, 15, somewhere around that, in  
19 additional parking spaces.

20 COMMISSIONER MAY: Okay. That's  
21 fine. I missed it in their letter, but I see

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1 it now, but I had seen it, as I said, in some  
2 of the other submissions.

3 So, thanks.

4 CHAIRMAN HOOD: Okay. I believe I  
5 remember that. Okay.

6 Anything else?

7 Commissioner May, does that  
8 satisfy? Okay. All right.

9 Anybody like to make a motion?

10 COMMISSIONER TURNBULL: Mr. Chair,  
11 I would like to move that we approve Zoning  
12 Case 62-19A, minor modification, Watergate  
13 Hotel, 2650 Virginia Avenue, N.W., and ask for  
14 a second.

15 COMMISSIONER COHEN: Second.

16 CHAIRMAN HOOD: Okay, great. It's  
17 been moved and properly seconded.

18 Any further discussion?

19 Are you ready for the question?

20 All those in favor, aye?

21 (Ayes.)

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

4 MS. SCHELLIN: Yes. Staff reports  
5 the vote 5:0:0 to approve final action in  
6 Zoning Commission Case 62-19A, Commissioner  
7 Turnbull moving, Commissioner Cohen seconding,  
8 Commissioners Hood, May and Schlater in  
9 support.

10 CHAIRMAN HOOD: Okay. Next on the  
11 consent calendar is Zoning Commission Case No.  
12 08-14B, Kelsey Gardens Property Company, LLC,  
13 PUD Minor Modification to Square 421.

14 Ms. Schellin.

15 MS. SCHELLIN: Yes, sir.

16 Again, we have an OP report at  
17 Exhibit 9 that's been supportive of the minor  
18 modification. Plus, they are recommending  
19 approval of the changes to the roof plan as a  
20 minor mod. Exhibit 5 is the letter from the  
21 applicant that responds to some of the

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1 concerns that OP brought up in their report.

2 CHAIRMAN HOOD: Okay. Let's open  
3 it up.

4 Thank you, Ms. Schellin.

5 Any comments, Commissioners?

6 Commissioner Cohen?

7 COMMISSIONER COHEN: Thank you,  
8 Chairman.

9 I think the change in roofing  
10 really doesn't sound minor, because there is a  
11 significant change in performance.

12 Just here, the EPOW membrane should  
13 also count the cistern, but you don't have the  
14 sizing of the cistern, to prepare to the green  
15 roof stormwater management.

16 Green roofs add insulation, which  
17 is not always provided in standard membrane  
18 assembly. Green roofs can extend the life of  
19 the membrane. Green roofs provide sound  
20 attenuation and habitat. They also require  
21 some maintenance and possibly irrigation,

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1 depending on plant selections.

2 So, I guess I have a question for  
3 the Office of Planning. Why are you thinking  
4 this is a minor modification?

5 MR. JESICK: Thank you, Ms. Cohen.

6 My name is Matt Jesick from the  
7 Office of Planning.

8 Although it is certainly a change  
9 in material and environmental functionality,  
10 we did still view it as an environmental  
11 benefit to have the reflective roof, which  
12 would be in keeping with the original Zoning  
13 Commission approval, which was to approve an  
14 environmentally-friendly building.

15 Therefore, we did see it as more of  
16 a minor modification. They are still meeting  
17 their lead score, I believe, as well.

18 COMMISSIONER COHEN: Thank you.

19 CHAIRMAN HOOD: Does that satisfy?

20 And, actually, again, for some  
21 reason I can't remember, if any Commissioner

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1 ever wants something to come off the consent  
2 calendar I think I should be asking that  
3 question before we even start.

4 But, luckily, that satisfied you,  
5 so we don't have to go back and revisit that.

6 Any other questions?

7 Commissioner Turnbull?

8 COMMISSIONER TURNBULL: Thanks, Mr.  
9 Chair.

10 One question, with the fitness  
11 center moving from the internal position on  
12 the building, which I think was for residents  
13 only, will it now be open to the public when  
14 it moves to the outside of the building?

15 MR. JESICK: My understanding is  
16 that it is still for residents only. It's  
17 just that it will front on the street.

18 COMMISSIONER TURNBULL: It just  
19 seems like as part of the street scene it  
20 could be a benefit to the public then to offer  
21 that. I mean, it's not part of the commercial

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1 retail street scheme, it just seems like it's  
2 going to be something, people are going to be  
3 walking by and wondering about it.

4 I mean, before, when it was back in  
5 the building, it's definitely got a building  
6 use only, but I'm just curious why they  
7 wouldn't offer it now to the public.

8 MR. JESICK: The Office of Planning  
9 would have no objection to them opening it up  
10 to the public. It is somewhat small, I think,  
11 in size, only about --

12 COMMISSIONER TURNBULL: Yes.

13 MR. JESICK: -- 1,000 square feet  
14 or so. So, I think we would be reluctant to  
15 have it enlarged, to take away from other  
16 retail space.

17 COMMISSIONER TURNBULL: Yes.

18 MR. JESICK: That might be our only  
19 concern.

20 COMMISSIONER TURNBULL: I would  
21 agree with that.

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1 Okay. Thank you, Mr. Jesick.

2 CHAIRMAN HOOD: Any other comments?

3 Commissioner May?

4 COMMISSIONER MAY: Okay, I'm going  
5 to try to restrain myself, because you  
6 probably recall this was not my favorite  
7 project.

8 And, there are still aspects of it  
9 which I still am not in favor of, but I guess  
10 I'll focus on the couple of things that I  
11 think are still problematic.

12 I mean, I think -- and this is not  
13 to say that it can't be approved as a minor  
14 modification, but not without my saying a few  
15 things, I think.

16 You know, the rationale for the --  
17 part of the rationale for losing the green  
18 roof was the cost, and you can't do a pool  
19 and have a green roof, because it just isn't  
20 in the budget. And, it just seems to me that  
21 that's not a very good tradeoff, because a

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1 pool benefits the residents, certainly, but it  
2 doesn't, necessarily, benefit the community as  
3 a whole. And, I thought the green roof would  
4 provide more benefit for that. That's just a  
5 comment.

6 I, actually, have a question about  
7 the enclosure for the pool, the way it's been  
8 shown in the drawings. It's not clear to me  
9 that they do not need relief or setbacks of  
10 that enclosure. I mean, if you look at -- I  
11 mean, it's very hard to go on this, because we  
12 don't have any elevations that show  
13 measurements from the back side, but it seems  
14 to me that there's a very high wall on the  
15 back side now, along the area where the pool  
16 is, and the ramp, and the steps, a higher  
17 parapet wall than previously existed.

18 I mean, it says something about top  
19 of parapet at 181, roof top structure 186,  
20 it's not clear what the measurement is of the  
21 roof curve. I mean, basically, it's taking

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1 what we treated as an embellishment on the  
2 front end with that higher wall that's over  
3 the center section of the building, and  
4 expanding that into one very large roof top  
5 structure that spans all the way to the back  
6 of the building. And, I mean, why isn't that  
7 being set back, maybe it doesn't need to be  
8 set back because it's over a court. I'm not  
9 sure.

10 Maybe the Office of Planning can  
11 enlighten me why they take that, that there  
12 isn't some relief required for that. Or, maybe  
13 I misunderstand what's being shown here.

14 MR. JESICK: I think you are  
15 interpreting it correctly. I went back and  
16 looked at the original roof top plan, and it  
17 does label that rear parapet wall as 181.84.

18 So, I think the height is not  
19 changing on the back side. I guess it's  
20 questionable whether or not that pool  
21 enclosure would constitute a roof top

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1 structure or not, if that's what you are  
2 asking.

3 COMMISSIONER MAY: Well, the pool  
4 structure, I think it's described in the  
5 letter as a roof top structure.

6 But, in any case, the top of the  
7 parapet in the original plans is 181? I mean,  
8 that means that the parapet was 15 feet above  
9 the surface of the roof?

10 MR. JESICK: I --

11 COMMISSIONER MAY: At the rear? I  
12 mean, at the front I understood that, but at  
13 the rear I didn't understand that.

14 MR. JESICK: -- I -- I see why you  
15 are questioning that number, and I question it  
16 myself, but it is on the approved plan.

17 COMMISSIONER MAY: It just seems  
18 crazy to me.

19 What about -- or, I'm looking at  
20 the drawing labeled number nine, it's Exhibit  
21 B in the letter, which shows the roof top

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1 structure elevation 186.34 feet, and so it's,  
2 basically, 20 feet above the roof itself,  
3 which is elevation 166. And, it's only set  
4 back 11 feet 8 from the furthest parapet, so  
5 there's another parapet that's, actually,  
6 quite a bit closer than that.

7 I guess maybe this is not against  
8 the back property line?

9 MR. JESICK: If I recall, I believe  
10 the original -- the required relief for roof  
11 top structure setbacks in those similar  
12 locations against those rear courts, so the  
13 location of these roof top structures will be  
14 similar to what was approved.

15 COMMISSIONER MAY: Well, but before  
16 they were -- the roof top structures were  
17 179.84 high, this is seven feet taller, and so  
18 it's a 20 -- I mean, it's a 20 foot tall roof  
19 top structure, as opposed to 18.6, which is  
20 the limit.

21 MR. JESICK: I don't disagree with

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1 you factually. I think the reasoning that the  
2 Zoning Administrator described in his granting  
3 of that flexibility was that it was within the  
4 range of other roof top structures on the  
5 original approval, one of which is labeled as  
6 189 feet.

7 I happen to have that letter out,  
8 and I can read it to you, if that would --

9 COMMISSIONER MAY: If it's going to  
10 help explain how this is acceptable I guess.

11 MR. JESICK: I don't know if I can  
12 promise that, but I can read the language, if  
13 you think it would assist your deliberation.

14 COMMISSIONER MAY: Yes, please.

15 MR. JESICK: Okay. It's on a  
16 bullet point that says, addition of a roof top  
17 pool and associate storage, bathrooms and  
18 mechanical facilities. "It is my  
19 understanding that the revised penthouse  
20 enclosure for the elevator, lobby, toilets,  
21 pump and storage room, associated with the

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1 pool, is within the range of the approved PUD  
2 plans in terms of square footage and height.  
3 Further, the pool and associated structures  
4 are hidden behind the screen wall that  
5 architecturally embellishes the 7th Street  
6 facade. It is my further understanding that  
7 the elevator overrun, and the accessory pool  
8 areas will be enclosed by walls of equal  
9 height that will harmonize with the main  
10 structure in architectural character, material  
11 and color."

12 It then goes on to say, "Section  
13 411.1 of the zoning regulations provides that  
14 penthouses for storage, showers and lavatories  
15 incidental and accessory to roof swimming  
16 pools are roof structures for the purposes of  
17 411. As a result, it is my opinion that the  
18 proposed revisions, with the screening  
19 described above, shown in the revision plans,  
20 are consistent with the approved PUD and,  
21 therefore, permissible."

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1                   COMMISSIONER MAY: Can you tell me  
2 whether we granted relief to -- in the  
3 original order for the roof top structure to  
4 be at 189 feet? I know we have the order  
5 here.

6                   MR. JESICK: Yes, I'd have to read  
7 through it. It might take me a couple minutes.

8                   COMMISSIONER MAY: I mean, I don't  
9 know, based on what I see in terms of the  
10 drawings, I'm not in favor of granting this  
11 minor modification.

12                   I do agree it's a minor  
13 modification, because I don't think there's a  
14 need to have a public hearing on this. I just  
15 think it's poorly represented. There's not  
16 enough information here for me to support it.

17                   CHAIRMAN HOOD: All right. Here's  
18 what I'd like to do, Commissioner May. If  
19 anybody would have the issues, we can put that  
20 on the record so the applicant can address the  
21 issues that you have, and that way we can hold

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1 this off until -- well, we can probably have a  
2 special public meeting whenever we can get --  
3 and, we'll work with Ms. Schellin to see when  
4 we can have a special public meeting to get  
5 this dealt with.

6 COMMISSIONER MAY: I'm sorry, I  
7 couldn't hear that last sentence.

8 CHAIRMAN HOOD: By the time -- I  
9 was just about finished. In other words, what  
10 I'm saying is, if we could put your issues on  
11 the table, and we will delay this and have a  
12 special public meeting at one of our hearings,  
13 depending upon the time of the applicant, we  
14 can furnish you, you and others who may have  
15 questions, the answers to those questions.

16 COMMISSIONER MAY: That would be  
17 fine. I'd be very open to see another  
18 submission that describes the relief related  
19 to these roof structures and the setbacks and  
20 so on. And, I think it has to be done with  
21 some elevation drawings as well as sections.

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1           The elevation that was provided was  
2 the front elevation, which did not show enough  
3 information from my perspective.

4           And, looking at the order, the  
5 order cited relief for setbacks of roof top  
6 structures, but not, necessarily, the height  
7 of roof top structures, so I'm kind of puzzled  
8 as to how we wound up with, essentially, a 23  
9 foot tall roof top structure for this project.

10          189 feet was in the original plan, versus the  
11 adjacent roof, which was 166, so that's 23  
12 feet, or almost 23 feet.

13           CHAIRMAN HOOD: Let me ask, do we  
14 think, and I know Commissioner Cohen -- I'm  
15 sorry, Commissioner Turnbull, did you want to  
16 add something? Okay.

17           COMMISSIONER TURNBULL: I would  
18 just agree with Commissioner May. I think the  
19 drawings, when they are submitted, should be  
20 like we've often had done in other cases where  
21 they are comparative, where you have the

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1 previous, on top or on the bottom, and then --  
2 so you can look at one and see the other  
3 directly.

4 I think that the applicant ought to  
5 submit something of that nature.

6 CHAIRMAN HOOD: And also, there was  
7 a substitution of a white reflective roof for  
8 a green roof. In the Office of Planning's  
9 recommendation, they are still continuing to  
10 make this minor. I think the applicant's  
11 argument is, first of all, they don't need  
12 relief from that, and that's not anything that  
13 they would have to be in front of us for.

14 So, I guess if we feel that that's  
15 something that we need to grant relief, or is  
16 it a moot point, in that we should just take  
17 the applicant's word that that is not  
18 something they are asking for and they don't  
19 even show us that in our approval process.

20 I think I may have captured that  
21 correctly.

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1                   COMMISSIONER COHEN: Well, I just  
2 feel that the comparative costs really didn't  
3 go into calculated performance of the roof,  
4 and since the original application did talk  
5 about a green roof, I think that they need to  
6 go into greater detail as to the performance  
7 measures of those roofs.

8                   CHAIRMAN HOOD: So, even -- let me  
9 just say this -- so, even with the  
10 recommendation from the Office of Planning,  
11 which said we still should consider this a  
12 minor modification, Commissioner Cohen, are  
13 you in agreement will still considering it a  
14 minor modification?

15                   COMMISSIONER COHEN: Yes, I think  
16 so.

17                   CHAIRMAN HOOD: Okay. You might  
18 want to turn your mic -- unless you want to  
19 share, do you want to share mics with me?

20                   COMMISSIONER COHEN: No. I think  
21 that it is a minor modification, but I just

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1 want to understand it more.

2 CHAIRMAN HOOD: Okay. So we are  
3 all in agreement. We will consider this as  
4 part of our approval process. Okay. All  
5 right.

6 Anything else for the applicant?

7 MS. SCHELLIN: One week, that makes  
8 it the 17th, and --

9 CHAIRMAN HOOD: Can we do it on the  
10 19th, we have a meeting.

11 MS. SCHELLIN: You could, but you  
12 won't get it ahead of time. It's up to you  
13 guys.

14 CHAIRMAN HOOD: Okay, can we deal  
15 with it --

16 MS. SCHELLIN: Otherwise, we'll  
17 have to --

18 CHAIRMAN HOOD: Can we deal with it  
19 the same night?

20 COMMISSIONER COHEN: Yes.

21 COMMISSIONER MAY: When would you

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1 have it?

2 MS. SCHELLIN: The 17th.

3 COMMISSIONER MAY: So, if you had  
4 it electronically you could send it to us that  
5 day, right?

6 MS. SCHELLIN: Yes.

7 COMMISSIONER MAY: Okay. If we  
8 could do that, that would be appreciated.

9 CHAIRMAN HOOD: Okay. That way we  
10 can go ahead and move forward, unless that's a  
11 problem.

12 MS. SCHELLIN: I'll schedule a  
13 special public meeting for 6:15. That's going  
14 to be a very long night anyway.

15 CHAIRMAN HOOD: Might as well make  
16 it longer.

17 MS. SCHELLIN: Do you need 15  
18 minutes or 30 minutes? So, a special public  
19 meeting at 6:15 on the 19th.

20 CHAIRMAN HOOD: Okay. Ms.  
21 Schellin, do we need to do anything else with

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1 that case?

2 MS. SCHELLIN: No.

3 CHAIRMAN HOOD: Okay, thank you.

4 MS. SCHELLIN: Just, Ms. Giordano,  
5 if we could get that filing on the 17th by  
6 3:00 p.m. Thank you.

7 CHAIRMAN HOOD: Okay. Let's move  
8 right along. Final action, Zoning Commission  
9 Case No. 05-30B, Four Points, LLC, one year  
10 time extension at Square 3714 and 3719, and  
11 Parcels 126/24, and 126/74.

12 MS. SCHELLIN: This one, the only  
13 thing that staff has to add is that, as you  
14 said, it is a one year time extension request.  
15 Exhibit 4 is the OP report recommending  
16 approval.

17 CHAIRMAN HOOD: Okay. Any comments?  
18 Vice Chairman Schlater.

19 VICE CHAIRMAN SCHLATER: Mr.  
20 Chairman, it's clear a lot of work has been  
21 done on this project, and they are trying to

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1 push it forward. They are only asking for  
2 another year.

3 I would move that we approve an  
4 extension request for Zoning Commission Case  
5 05-30B, 6000 New Hampshire Ave., NE.

6 CHAIRMAN HOOD: It's been moved.  
7 I'll second it.

8 It's been moved and properly  
9 seconded.

10 Any further discussion?

11 Are you ready for the question?

12 All those in favor, aye?

13 (Ayes.)

14 CHAIRMAN HOOD: Not hearing any  
15 opposition, Ms. Schellin, would you please  
16 record the vote?

17 MS. SCHELLIN: Yes. Staff records  
18 the vote 5:0:0 to approve final action in  
19 Zoning Commission Case No. 05-30B,  
20 Commissioner Schlater moving, Commissioner  
21 Hood seconding, Commissioners Hood, may and

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1 Turnbull in support.

2 And, Chairman Hood, if I could just  
3 make a note so we can put this in the record  
4 that we passed out a corrected report from OP  
5 this evening, that just corrects the boundary  
6 line. We'll put that in the record.

7 CHAIRMAN HOOD: Okay, thank you,  
8 Ms. Schellin.

9 Okay. Next, Zoning Commission Case  
10 No. 11-15, Howard University 2011 Campus Plan.

11 Ms. Schellin?

12 MS. SCHELLIN: As you'll recall,  
13 staff did ask the Chairman about reopening the  
14 record to accept a correction to an earlier  
15 filing by the applicant, and that was  
16 accepted. And so, the Commission does have  
17 that corrected filing.

18 Exhibits 80, 81 and 85 are the  
19 applicant's post hearing submission, which  
20 responds to requests that were made by the  
21 Commission.

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1                   Exhibit 83 is an OP post hearing  
2 report.

3                   CHAIRMAN           HOOD:                   Okay,  
4 Commissioners. I don't know, you know, a lot  
5 of this was very well crafted by the  
6 applicant, I believe, with the exception of a  
7 few issues, and Ms. Schellin is correct that  
8 we did reopen the record for some correction  
9 material, which was supplied to us in those  
10 exhibits as she so noted.

11                   What I'd like to do is just to  
12 maybe open it up for any concerns with this  
13 campus plan. And, we are not -- we are not  
14 doing -- Ms. Schellin, we are not, am I  
15 correct to say that we are not doing any  
16 further processing tonight?

17                   MS. SCHELLIN:   Not tonight. That  
18 case is 11-15A, and I believe it's scheduled  
19 for the 30th, I think.

20                   CHAIRMAN HOOD:   Okay. So again, we  
21 have the Howard University Campus Plan. I

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1 will say, while there may have been one or two  
2 issues, which I don't think were very  
3 outstanding, but I think -- I don't know, the  
4 cap may have been one, I believe with this  
5 case. But, I think most of it, for the most  
6 part, it looks like a lot of the leg work with  
7 the University and the community, and all the  
8 parties involved, were in harmony, even to the  
9 point that their conditions requested by the  
10 University were all unanimous and all in  
11 agreement, which I found unique, very unique,  
12 and I'm not going to say that it doesn't  
13 happen, but I haven't seen it.

14 So, with that, I will open it up,  
15 if my colleagues want to mention any concerns  
16 or how we are going to deal with any  
17 outstanding issues.

18 COMMISSIONER MAY: Mr. Chairman?

19 CHAIRMAN HOOD: Commissioner May?

20 COMMISSIONER MAY: Yes. I just have  
21 a couple of questions.

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1           One is that, on the conditions of  
2 the Order, they are all tied to specific  
3 dates. And the one date that kind of threw me  
4 for a loop was that the target of reaching 70  
5 percent housing on campus, they are looking to  
6 have the full 15 years to achieve that. And,  
7 I'm wondering whether when this was originally  
8 -- when this plan was originally submitted,  
9 whether they were, actually, intending to,  
10 well, asking for a ten-year campus plan, and  
11 intended to meet the 70 percent housing goal  
12 at that time, because it seems to me 15 years  
13 is a long time. It's good to have a long time  
14 campus approval, but some of these goals are  
15 maybe more important than others.

16           So, I'm wondering whether what was  
17 originally submitted, whether they originally  
18 intended to take 15 years for that, or whether  
19 they were going to try to do it in ten.

20           MS. BROWN-ROBERTS: Mr. Chairman,  
21 Maxine Brown-Roberts from the Office of

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1 Planning.

2 I think in the original -- well,  
3 when we met with them, I think even prior to  
4 the submission, we had told them that we would  
5 support a 15 year if the discussions with the  
6 community were supportive of the application.

7 And, we thought that the campus plan was  
8 deserving of the 15 years.

9 So, I think that that was in the  
10 back of their mind from the get go.

11 COMMISSIONER MAY: Okay. Well, I  
12 don't know how other Commissioners feel about  
13 that, but it does seem like it's a long time  
14 to reach that target.

15 And, the next thing is, which I  
16 found really puzzling and something of  
17 concern, is the flexibility to exceed the  
18 caps, and the way that's worded.

19 We did get a memo from the Office  
20 of Planning supporting the University's  
21 proposal, you know, basically, the issue is

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1 what if -- it says, "The University has  
2 requested flexibility to submit an application  
3 for an amendment to the campus plan, in the  
4 event that the projections are exceeded." I  
5 understand that, and I can see that, if they  
6 feel like they are going to exceed their  
7 projections, requesting an amendment makes  
8 sense. But, it seems to me that it's kind of  
9 odd, and might be setting a bad precedent if  
10 we were to allow them to -- we would allow  
11 them to amend their campus plan after they  
12 have exceeded those caps.

13 It seems to me that an amendment  
14 would have to occur before the caps are  
15 exceeded, you know, when you see the  
16 projection going up that's when you act, not  
17 after you've gone over the number.

18 And, you know, I mean that comes  
19 through on the University's submission. I'm  
20 looking at Exhibit No. 81. It says, "The  
21 University agrees not to exceed these

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1 benchmarks, and to alert the community, Office  
2 of Planning, DDOT and the Zoning Commission,  
3 in the event it appears they may be exceeded.

4 The University will apply for an amendment to  
5 the campus master plan for the purpose of  
6 increasing the numbers if necessary."

7 Again, I don't have any problem  
8 with revisiting the issue of the cap, but it  
9 should be done before the cap is, actually,  
10 exceeded.

11 CHAIRMAN HOOD: And, I appreciate  
12 you bringing up that point, because it does  
13 read that way, but I would hope that -- I  
14 believe, unless there is something that we are  
15 missing, Ms. Brown-Roberts, I would concur  
16 with what Commissioner May is saying, because  
17 after the fact it's done.

18 MS. BROWN-ROBERTS: Yes. I think  
19 it was our understanding that it would be  
20 before the cap. I think that maybe the  
21 language just got written not too well.

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1                   COMMISSIONER MAY:   Okay.   Then I'm  
2   happy.

3                   CHAIRMAN HOOD:   Okay.   Good.

4                   Anybody else?   And, I'm glad that  
5   the applicant, Office of Planning, and the  
6   community, it looks like everything was sent  
7   to everybody -- was sent to everybody to try  
8   to deal with this cap issue.

9                   I think for me that was one of the  
10   most outstanding issues, but I'm glad that  
11   Commissioner my brought that point up, because  
12   after the fact, putting the cart before the  
13   horse it's already done.

14                  COMMISSIONER MAY:   Right.   So, I  
15   assume that if we make a motion to approve  
16   tonight we will incorporate that finer point  
17   about the language.   I think between what the  
18   Office of Planning said, and the nods I see in  
19   the audience, I think that the intention is  
20   clearly to amend it before the caps are  
21   exceeded.

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1                   CHAIRMAN HOOD:     We don't -- I  
2     didn't see any nods, I don't usually look at  
3     the audience.

4                   MS. SCHELLIN:     Yes, the applicant  
5     has nodded in the affirmative.

6                   CHAIRMAN HOOD:     Okay, because if I  
7     get into the audience I get in trouble, and I  
8     stay right here by myself.

9                   So, any other -- thank you,  
10    Commissioner May -- any other points or  
11    comments on this campus plan, Commissioners?

12                  MS. SCHELLIN:     Chairman Hood, just  
13    a reminder that OAG is recommending deletion  
14    of Condition No. 3, if the Commission is  
15    agreeable.

16                  CHAIRMAN HOOD:     Right, which said  
17    the central campus may only be developed in  
18    accordance with the plans and materials  
19    submitted, and I think there was some  
20    discussion and OAG thought that that would  
21    apply to first processing cases, I believe.

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Did you want to add something?

MS. NAGELHOUT: No, we recommend deletion of Condition No. 3. It seemed more appropriate for a PUD type case than this case, so we would recommend deletion.

I would also alert Mr. May to our revised Condition 6, to see if that addresses his concern.

CHAIRMAN HOOD: Revised Condition 6.

COMMISSIONER MAY: That's fine, but that doesn't address the -- I guess the request that we acknowledge the potential future amendment. I mean, maybe we don't need to acknowledge that, that they can amend their plan at any time. I don't know what their rules are about amendments.

MS. NAGELHOUT: Oh, you are right, then can amend at any time. There is a footnote that says -- basically, the revision changes the benchmark to a maximum, and then

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1 acknowledges that they can request an  
2 increase. But, theoretically, that would come  
3 before, the amendment would come before, not  
4 after.

5 CHAIRMAN HOOD: Okay.

6 COMMISSIONER MAY: Okay.

7 CHAIRMAN HOOD: So, the way it's  
8 worded, what you are saying is from a legal  
9 standpoint that action has to happen prior to  
10 them even exceeding.

11 MS. NAGELHOUT: It should, because  
12 otherwise we'll be out of compliance.

13 CHAIRMAN HOOD: Okay. Okay.

14 So, Commissioner May, if you want  
15 to make the motion and put that in there.

16 MS. NAGELHOUT: Could I mention the  
17 charter school as well? Are you going to  
18 address that?

19 CHAIRMAN HOOD: Yes. Do we need to  
20 expound on why we think the charter school  
21 should be included?

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1 MS. NAGELHOUT: That would be  
2 helpful since it's never happened before. The  
3 applicant has included, I think it's Finding  
4 of Fact No. 24, it's just, basically, a  
5 statement, and it doesn't give reasons for  
6 why you are or why not choosing to call a  
7 public charter middle school as a university  
8 use.

9 CHAIRMAN HOOD: Okay. Anybody like  
10 to start that?

11 Well, Commissioners, you know,  
12 senior management at the university mentioned  
13 -- the name escapes me right now, but he's in  
14 the audience, sorry, his name escapes me  
15 because I don't have that right in front of  
16 me. I know it's a doctor, I do know that.  
17 Could somebody just give me his name so I can  
18 put it on the record? Dr. Minor, okay, Dr.  
19 Minor.

20 One of the questions I wanted to  
21 ask him was, Dr. Minor mentioned in his

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1 elaboration, I think this was a specific  
2 question that one of us asked, I can't  
3 remember. He mentioned about no one looks at  
4 the early education process at Howard  
5 University, and I don't know if this is  
6 official for the precedent setting that we are  
7 setting here.

8 He mentioned in his testimony to  
9 this Commission that Howard University, I'm  
10 not sure if they are the only college that's  
11 doing this, Howard University is looking at  
12 starting to work with our younger folks at an  
13 early age, as opposed to waiting until they  
14 get to college, and have to take, I guess, all  
15 those remedial classes and everything. So,  
16 they are starting to do things a little  
17 earlier, catch them -- I think 6th through 8th  
18 grade, to try to catch our younger folks, and  
19 get them really ready for college. That's  
20 just a tool or mechanism that Howard  
21 University has found through research and

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1 their educational process, and to find out how  
2 to invite, or how to get some of our younger  
3 folks ready for college, and life beyond at an  
4 earlier age. And, I think they  
5 chose the grades six through 8, I'm not sure  
6 what the ages are, because I haven't been in  
7 6th grade for maybe ten years or so, but they  
8 started looking at our folks at those ages to  
9 get them ready for college, and I think that  
10 is definitely an outstanding attribute to  
11 Howard University, and I would for go anything  
12 that we've done in other campus plans and  
13 incorporate and include that charter school  
14 within this campus plan, based on that reason,  
15 and on those findings by Dr. Minor and others.

16 Anyone else like to add to that?

17 Ms. Nagelhout, will that help you?

18 MS. NAGELHOUT: Yes, it will, yes.

19 CHAIRMAN HOOD: Good. Anything  
20 else?

21 All right. Would somebody like to

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1 make a motion?

2 COMMISSIONER TURNBULL: Mr. Chair,  
3 I would like to move that we approve Zoning  
4 Case No. 11-15, Howard University 2011 Campus  
5 Plan.

6 CHAIRMAN HOOD: Okay. It's been  
7 moved -- second?

8 COMMISSIONER COHEN: Second.

9 CHAIRMAN HOOD: Any further  
10 discussion?

11 Commissioner May, did you want to  
12 add -- all right, anything else?

13 All those in favor?

14 (Ayes.)

15 CHAIRMAN HOOD: Not hearing any  
16 opposition, Ms. Schellin, would you please  
17 record the vote?

18 MS. SCHELLIN: Yes. Staff records  
19 the vote 5:0:0 to approve final action in  
20 Zoning Commission Case No. 11-15, Commissioner  
21 Turnbull moving, Commissioner Cohen seconding,

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1 Commissioners Hood, May and Schlater in  
2 support.

3 CHAIRMAN HOOD: And, I really want  
4 to commend Howard University, and, Dr. Minor,  
5 forgive me for not remembering your name, but  
6 I happen to just know Ms. Bennett and others,  
7 but I want to commend all of you all for the  
8 work you've done. And, I will tell you,  
9 that's precedent setting within itself. So, I  
10 just want to commend you, the folks at Howard  
11 University, for a job well done from my  
12 standpoint, and it made our jobs a lot easier,  
13 I can tell you.

14 So, with that, thank you very much.

15 Okay. Let's move to the next  
16 agenda item, which is Hearing Action. Zoning  
17 Commission Case No. 06-11F/06-12F, George  
18 Washington University Second Stage PUD at  
19 Square 102.

20 Mr. Goldstein?

21 MR. GOLDSTEIN: Good evening, Mr.

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1 Chairman, members of the Commissioner. For  
2 the record, my name is Paul Goldstein. I'm  
3 with the Office of Planning.

4 The request before you tonight has  
5 been made by the George Washington University  
6 to review and approve a second stage planned  
7 unit development, as well as further  
8 processing of their Foggy Bottom Campus Plan.

9 Just to give you a bit of  
10 background. The Zoning Commission approved  
11 the G.W. Foggy Bottom Campus Plan in 2007,  
12 which required that future development  
13 projects be reviewed as second stage PUDs. It  
14 identified 16 potential development sites and  
15 their related land uses, heights and  
16 densities, among other features.

17 The application tonight, which  
18 addresses development within Square 102, is  
19 the first resulting second stage PUD request.

20 This site, which is referenced as 102E, is  
21 located at the northeast corner of 21st Street

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1 and G Streets, was identified as an academic,  
2 administrative, or medical development site.

3 The project would fill in an  
4 unimproved gap along 21st Street, would  
5 physically connect and internally integrate  
6 with an existing historic building to the  
7 south known as the Woodhull House.

8 Now, generally, the new infill  
9 building, along with the existing Woodhull  
10 house, would accommodate a G.W. museum. The  
11 infill building would contain approximately  
12 23,000 square feet of gross floor area, would  
13 rise 65 feet in height, and have four above  
14 grade and two below grade levels. An elevated  
15 connection would provide a transition to the  
16 Woodhull house, which would be renovated as  
17 part of the project. The elevated connection  
18 also would allow an at-grade pedestrian  
19 passageway through the development site from  
20 21st Street to the University Yard Quad in the  
21 center of Square 102.

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1           The project would not provide any  
2 additional off-street parking on site, but  
3 rather would rely on existing and proposed  
4 facilities provided elsewhere on campus, as is  
5 anticipated in the campus plan.

6           The applicant is, however,  
7 requesting a curb cut along 21st Street, to  
8 handle the waiting for the site. The  
9 appropriateness of this loading strategy has  
10 led to continuing discussions between the  
11 applicant and DDOT. The applicant has  
12 indicated to us that the loading determination  
13 should not have a substantial impact on the  
14 building's design.

15           The proposed second stage PUD  
16 generally meets the requirements of the R5D  
17 zone, and the more specific development  
18 limitations pursuant to the campus plan.

19           The applicant has requested  
20 flexibility to permit multiple buildings on  
21 one record lot, as well as to allow roof

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1 structures of uneven heights.

2 The applicant has addressed the  
3 review criteria relevant to the proposed  
4 development of the site, including review  
5 standards of PUDs for further processing  
6 standards for university uses found under  
7 Section 210, and the general special exception  
8 criteria in Section 3104.

9 Public amenities and benefits  
10 proposed for the Foggy Bottom campus as a  
11 whole were initially identified and approved  
12 as part of the campus plan for a staged PUD.  
13 These generally included a commitment to  
14 sustainability, historic preservation, and  
15 below grade parking, among others.

16 Consistent with these themes the  
17 subject proposal calls for leaves over  
18 certification, a renovated and integrated  
19 historic building and 16 bicycle spaces, among  
20 other features.

21 The project was designated for

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1 institutional use in the contents of the  
2 planned future land use map, so the current  
3 request to construct a museum is not  
4 inconsistent with the future land use  
5 envisioned for this site.

6 The project also is not  
7 inconsistent with several policies and actions  
8 found in the Land Use Education Arts and near  
9 northwest elements.

10 Finally, OP notes that the Historic  
11 Preservation Review Board approved the  
12 project's design and concept, with some  
13 suggestions regarding certain design features,  
14 and the project will return for further  
15 historic preservation review.

16 The Office of Planning recommends  
17 that the Zoning Commission set down the  
18 proposal for a public hearing, and I will take  
19 any questions that you may have at this time.

20 Thank you.

21 CHAIRMAN HOOD: Okay, thank you,

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1 Mr. Goldstein.

2 Let's open it up for any questions.

3 Commissioner Turnbull?

4 COMMISSIONER TURNBULL: Thank you,

5 Mr. Chair.

6 Mr. Goldstein, are you saying that

7 if they don't get the curb cut there will not

8 be any substantial redesign of the building?

9 MR. GOLDSTEIN: That's what they've

10 seemed to indicate to us, that the alternative

11 -- well, I think there's a few gradations of

12 solutions that they are looking at, to get a

13 curb cut and driveway access into the

14 building. There's discussions maybe of

15 mountable curbs, moveable curbs, different

16 types of solutions, where you don't, actually,

17 have the cut itself, but you would still

18 require a driveway to get into the building.

19 And then, I believe another

20 alternative, if those are not agreed to with

21 DDOT, if they can't find a driveway to an

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1 internal loading access solution, that it  
2 would likely be a curbside loading solution,  
3 where you would, I guess, transport across the  
4 sidewalk certain, you know, objects for the  
5 museum.

6 I believe the application at one  
7 time did explore an H Street curbside cut and a  
8 driveway coming down to the rear of the  
9 building. I don't believe that that's being  
10 explored further by the university. I don't  
11 believe it's a preferred option.

12 COMMISSIONER TURNBULL: I think  
13 that was in your documents, some drawings on  
14 that.

15 MR. GOLDSTEIN: Yes.

16 Curbside cuts can be a little tricky  
17 with building designs. As far as they've  
18 indicated to us, it shouldn't lead to a big  
19 change.

20 COMMISSIONER TURNBULL: We wouldn't  
21 be looking at a second set down then.

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1 MR. GOLDSTEIN: No. I did -- our  
2 report did mention that as a possibility.

3 COMMISSIONER TURNBULL: Right.

4 MR. GOLDSTEIN: It's because that  
5 curb cut sometimes can be tricky with designs  
6 of buildings.

7 We don't anticipate in this  
8 situation that that would be the case, that if  
9 they were forced to do curb side -- if they  
10 ended up doing curb side loading, because they  
11 couldn't get the curb cut, that there probably  
12 would be some modification to the building to  
13 reflect that you don't need the loading dock,  
14 necessarily, in the same design as it is  
15 currently. But, they've indicated to us that  
16 shouldn't be substantial.

17 Now, on the off chance that it  
18 really is a big change that's unanticipated,  
19 we did note in the report that maybe it could  
20 be a circumstance that could warrant another  
21 look at a set down.

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1 COMMISSIONER TURNBULL: Right.

2 MR. GOLDSTEIN: I'm not quite sure  
3 what the mechanism for that would be, but it  
4 just -- it concerned us enough to say if in an  
5 unanticipated way it changes beyond what we  
6 expect.

7 COMMISSIONER TURNBULL: I mean,  
8 moving art is a significant endeavor, not only  
9 from the handling of it, but from a security  
10 aspect also. I understand that they would  
11 like to go into a secure loading dock, and it  
12 would make sense to do that.

13 I mean, I can see it from an  
14 operational nature, I mean, having worked many  
15 years in a museum myself it's got serious  
16 drawbacks if you have to do it out on the  
17 street.

18 Let me ask you one other question  
19 that comes up, is that the Woodhull is a red  
20 brick building?

21 MR. GOLDSTEIN: The Woodhull, is it

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1 red brick?

2 COMMISSIONER TURNBULL: Yes. I  
3 think all the -- from what I remember, I've  
4 seen pictures, I think it's kind of a reddish  
5 brick structure.

6 MR. GOLDSTEIN: I'd have to check,  
7 I don't know off the top of my head.

8 COMMISSIONER TURNBULL: What I'm  
9 curious about is, most of the renderings  
10 showing it blending in with the limestone  
11 structures, it's all grey.

12 MR. GOLDSTEIN: Okay.

13 COMMISSIONER TURNBULL: My question  
14 is, they are not painting it. I mean, it's an  
15 historic structure. I wouldn't think that  
16 they are painting it, but I would imagine that  
17 you are not going to change it, the exterior  
18 features of that structure, I mean, HPRB ought  
19 to be -- I'm just curious, but all of the  
20 renderings that I've seen show it very much a  
21 grey structure blending in with the new

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1 addition, and I was just curious about why it  
2 is rendered that way.

3 MR. GOLDSTEIN: I can certainly ask  
4 the applicant to address that.

5 COMMISSIONER TURNBULL: Could you?  
6 Yes, it was just surprising to see it  
7 blending in with the limestone look of the  
8 structure. It just looks strange.

9 Thank you.

10 CHAIRMAN HOOD: Any other comments  
11 or questions?

12 Commissioner May?

13 COMMISSIONER MAY: Yes. Maybe  
14 that's just artistic license, you know, they  
15 are just --

16 COMMISSIONER TURNBULL: I was  
17 hoping so.

18 COMMISSIONER MAY: I just wanted to  
19 weigh a little bit on the loading issue. I  
20 sure hope that DDOT can find their way clear  
21 to allowing the curb cut here. I mean, the

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1 way this is shown in the plans, it seems that  
2 it's very clearly about loading art work in  
3 and out, it's not about daily deliveries for  
4 this building.

5 So, I would imagine that means that  
6 the times that it actually gets used can be,  
7 you know, measured on two hands over the  
8 course of a year, you know, just a few times  
9 over the course of the year.

10 Is that right?

11 MR. GOLDSTEIN: I believe it's more  
12 frequent than that.

13 COMMISSIONER MAY: Okay.

14 MR. GOLDSTEIN: I think there are  
15 more regular deliveries than --

16 COMMISSIONER MAY: There are more  
17 regular deliveries?

18 MR. GOLDSTEIN: -- yes, I believe  
19 according to their traffic assessment --

20 COMMISSIONER MAY: Oh, yes, yes,  
21 yes, that's right.

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1 MR. GOLDSTEIN: -- I believe it's a  
2 much higher number than that. But, certainly,  
3 discussions of the timing of those deliveries  
4 are things I'm sure they are engaged with DDOT  
5 on.

6 I think part of those discussions  
7 is also to make sure that a curb cut would not  
8 be for non-art or non-museum-related use, and  
9 I think they are looking at certain design  
10 options to that end as well.

11 COMMISSIONER MAY: Okay. I mean,  
12 it seems to make total sense for the  
13 operations of the building, that if they'd  
14 have that curb cut it's not like it's a block  
15 that has a lot of curb cuts, there are no  
16 others that I can see. So, I hope that that  
17 gets figured out.

18 I don't have any other questions.  
19 Thanks.

20 CHAIRMAN HOOD: Okay. Any other  
21 questions or comments for Mr. Goldstein?

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1                   Okay.  Would someone like to make a  
2 motion?

3                   Mr.  Goldstein,  let  me  just  ask  
4 this,  though.

5                   With  this  whole  issue  about  the  
6 curb  cut,  and  I  understand  that  at  least  I  
7 think  DDOT  is  saying  that  --  I  don't  think  it  
8 has  to  be  a  major  design,  but  if  we  have  a  
9 major  design  who  all  is  engaged?  Can  we  make  
10 sure  OP,  the  community,  as  well  as  the  
11 applicant  --  well,  I'm  sure  the  applicant  is  
12 going  to  be  engaged  --  but  I  just  wanted  to  
13 know  what  engagement  in  these  conversations,  
14 especially,  surrounding  this  curb  cut  issue,  
15 all  the  community  folks  being  engaged,  and  I  
16 didn't  see  that.

17                   Normally,  they  kind  of  give  us  an  
18 inkling  of  where  the  community  is  on  this  
19 whole  application,  and  I  didn't  see  that  in  
20 this  particular  report,  unless  I  just  missed  
21 it.

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1                   But, can you tell me kind of who is  
2 all engaged with this?

3                   MR. GOLDSTEIN: I don't know if I  
4 can characterize what the level of engagement  
5 with the Foggy Bottom communities are. I  
6 believe there have been interactions and  
7 communications, but I don't know if I'm in a  
8 position to comment on them right now.

9                   CHAIRMAN HOOD: Well, I know that  
10 this curb cut issue is up in the air, and I'm  
11 not sure if it gets to a point that we have to  
12 do any postponing for redesign, I'm not really  
13 sure how to tackle this, but you can express  
14 that this Commission wants to make sure that  
15 the community is definitely engaged. Okay.  
16 All right.

17                   Any other comments?

18                   Would somebody like to make a  
19 motion?

20                   VICE CHAIRMAN SCHLATER: Mr.  
21 Chairman, I'd move that we set down Zoning

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1 Commission Case No. 06-11F/06-12F, George  
2 Washington University Second Stage PUD, at  
3 Square 102.

4 COMMISSIONER MAY: Second.

5 CHAIRMAN HOOD: It's been moved and  
6 properly seconded.

7 Any further discussion?

8 All those in favor?

9 (Ayes.)

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

13 MS. SCHELLIN: Yes. Staff records  
14 the vote 5:0:0 to set down Zoning Commission  
15 Case No. 06-11F/06-12F as a contested case,  
16 Commissioner Schlater moving, Commissioner May  
17 seconding, Commissioners Cohen, Hood and  
18 Turnbull in support.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Ms. Jackson, do we have any ZRR  
21 comments tonight?

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1 MS. JACKSON: No, Mr. Chair, none  
2 tonight.

3 CHAIRMAN HOOD: Okay. I want to  
4 thank you for sitting in that seat, and I'm  
5 looking forward to working with you under the  
6 ZRR further work that we have.

7 Okay. Let's go to correspondence,  
8 Zoning Commission Case 11-07A, a letter from  
9 the applicant requesting action on January  
10 23rd.

11 Commissioners, we have -- I mean,  
12 Ms. Schellin.

13 MS. SCHELLIN: Go ahead, I think  
14 you are ready to jump in.

15 CHAIRMAN HOOD: Okay. Well,  
16 Commissioners, we have a letter from the  
17 applicant's counsel, Mr. Tummonds, asking if  
18 we'd consider Zoning Commission Case 11-07A,  
19 American University, for the processing of the  
20 application for the North Hall, who has  
21 already submitted a proposed findings of facts

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1 and conclusions of law, asking us to consider  
2 at our January 23, 2012 -- it says 11, so  
3 we've already considered it -- but he's doing  
4 like I do, just keep 0011, but anyway, so that  
5 request, I think --

6 MS. SCHELLIN: Staff just needs  
7 permission to add it to the agenda, if the  
8 Commission is inclined to take it up the same  
9 evening as they take up the full campus plan.

10 CHAIRMAN HOOD: I think,  
11 Comissioners, depending on how far we get, I  
12 think we can -- my recommendation is that we  
13 let staff add it to the agenda, even if we  
14 don't get that far, or we get that far, but  
15 that way it will be there, and we would honor  
16 this request.

17 Any further comments on that  
18 conversation?

19 Okay. So, general consensus, I'm  
20 seeing that everyone is in agreement with  
21 that.

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1 MS. SCHELLIN: Okay, thank you.

2 CHAIRMAN HOOD: Ms. Schellin, do we  
3 have anything else before us tonight?

4 MS. SCHELLIN: There's one other  
5 piece of correspondence. It's just a letter  
6 from DCRA, regarding the flexibility that they  
7 granted under Section 2409.6, if the  
8 Commission has any comments or if they just  
9 want to acknowledge receipt.

10 CHAIRMAN HOOD: Well, I will  
11 acknowledge receipt, but let me ask my  
12 colleagues, any comments?

13 Okay. Not seeing any, Ms.  
14 Schellin?

15 MS. SCHELLIN: That's all we have.

16 CHAIRMAN HOOD: Okay. With that, I  
17 want to thank everyone for your participation  
18 tonight, and with that this hearing is  
19 adjourned -- or, meeting is adjourned.

20 (Whereupon, the above-entitled  
21 matter was concluded at 7:25 p.m.)

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