

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

+ + + + +

THURSDAY

JANUARY 19, 2012

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The Special Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:15 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

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OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
MATT JESICK

The transcript constitutes the minutes from the Special meeting held on January 19, 2012.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

CONSENT CALENDAR

Z.C. Case No. 08-14B

Kelsey Gardens Property Company, LLC - PUD
Minor Modification at Square 421..... 6

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

6:19 p.m.

CHAIRPERSON HOOD: Okay. We're ready to get started. This meeting will please come to order.

Good evening, ladies and gentlemen. This is the January 19th, 2012 special public meeting of the Zoning Commission of the District of Columbia.

My name is Anthony Hood. Joining me are Vice-Chairman Schlater, Commissioner Cohen, Commissioner May and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin. Also we have the Office of Planning to my right and we will do introductions of them at the hearing.

I think Mr. Lawson, you participated in the special public meeting, or Mr. Jesick. Mr. Lawson and Mr. Jesick. And we'll do the other introductions at the start of our hearing tonight.

Copies of today's meeting agenda

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are available to you and are located in the bin near the door.

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

Please be advised that this proceeding is being recorded by a court reporter and is also Web cast live. Accordingly, we must ask you to refrain from any disruptive noises and actions in the hearing room. Please turn off your beepers and cell phones.

Let me just reiterate our hearing for the night will start hopefully around 6:30 or so. This is a special public meeting. There are some things that we need to take care of.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir. Just to advise that the Commission should have in front of them a copy of the Applicant's

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supplemental filing that was asked for from the January 9th meeting.

CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. If not, let us proceed.

Commissioners, as you all remember, I think we delayed this decision in Zoning Commission Case No. 08-14B. This was a consent calendar item and we had some issues and some concerns about relief requested, the change of the green roof and also the modification in addition to the previous request to relocate the approved fitness center on the 7th Street frontage. And I think I -- the rooftop structures and the substitute of the white roof. And I think that was it.

Anyway, let me open it up, especially for those Commissioners who have some concerns. And then let me just also mention we had an amendment sheet submitted. I'm not sure of the exhibit number, but it's dated January the 18th, 2012, which was

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submitted, and I think we all should have that in front of us.

So let me open it up. Any discussion or any concerns?

COMMISSIONER MAY: Mr. Chairman?

CHAIRPERSON HOOD: Commissioner May?

COMMISSIONER MAY: Yes, I don't have any real concerns about the change in use on the ground floor, but I find the information that was submitted with regard to the roof and roof setbacks to be confusing, at best. I mean, I see three different elevation marks for what the height of -- the base height of the roof is. It's showing as 78.34 and at 73.84, and 80.84. And those are two -- you know, one's the previous roof section. One's to the after roof section. But I'm pretty certain two out of those three are mistaken numbers.

It doesn't really show me much about -- it doesn't show me anything about

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what the east-west section was before the change. It only shows the east-west section after the change, which does not go to the issue that I have, which is the height of the so-called parapet or wall along the east -- sorry, west side of the structure. So as I said, confusing at best. Certainly not demonstrative of the relief that's being sought.

I also -- I mean, I reviewed more carefully the previous order. I didn't find anything particularly enlightening with regard to roof setback relief. Clearly, there's something that's explicitly required and I believe it changes as a result of this application. So I don't have enough information here to approve this as a minor modification.

I would also note that with regard to the green roof versus white roof, you know, the argument is that they can't afford the green roof because they're putting in a pool,

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a rooftop pool. I'm not sure that I find that persuasive either.

So I'm not ready to support this as a minor modification. I think it's still in the possibility that I could if there were more and better information. And of course I'm only one Commissioner. I'm interested in hearing what the rest of the Commission has to say.

CHAIRPERSON HOOD: Okay. Let's open it up. And I think Commissioner May, one Commissioner, that's all it takes, but let's see what everyone else has to say. Commissioner Cohen?

COMMISSIONER COHEN: Well, I feel better now that Commissioner May said that he was confused about the drawings. As a person who is not an architect, it really -- you know, was really confusing to me as well. I just thought it was my lack of training, but thank you, sir.

CHAIRPERSON HOOD: Okay. Anyone

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else? Anyone else? Vice-Chairman Schalter?

VICE-CHAIRMAN SCHLATER: Thank you, Mr. Chairman. I just want to say that with respect to the retail changes, I don't have an issue with that.

Also, with respect to the white roof versus the green room, I think as long as the Applicant is meeting its overall sustainability objectives I don't want to dictate to them how they get there. So I'm -- I have flexibility with respect to that issue, although I will say it is a little disheartening to see the axonometric view of this building of the roof in particular, because it is a huge condenser farm and then with the white roof it's not the best roof we've seen here.

I guess I too have questions about how this -- you know, about the relief on the rooftop structure, and I'd like to get maybe some more information. I'd hate to kick this into a hearing. I'd like to see this project

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move forward. It sounds like they're pretty close to being able to move forward and maybe we should give them one more chance to provide sufficient information so that we can approve this as a minor mod.

CHAIRPERSON HOOD: Okay. Anyone else? Mr. Turnbull?

COMMISSIONER TURNBULL: Yes, Mr. Chairman, I would agree with the comments on the first floor use. I don't have a problem with that, but I would agree with Commissioner May and Commissioner Schlater that there are issues on the roof that are -- still have not been explained adequately, and I think we do need more clarification, and I think we should send it back for that.

But I'd also like to make a request that I get the same size drawings as the Vice-Chair. I get letter size. He gets ledger size.

(Laughter.)

COMMISSIONER MAY: Yes, it came

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smaller in the email and then I think tonight we received the larger size.

CHAIRPERSON HOOD: You're starting to sound like me, Mr. Turnbull.

COMMISSIONER TURNBULL: Yes, I was really unsure about those dimensions.

COMMISSIONER MAY: Mine are the same size.

COMMISSIONER TURNBULL: I couldn't read the dimensions at all.

COMMISSIONER MAY: Yes, I -- these are useless.

COMMISSIONER TURNBULL: Yes.

COMMISSIONER MAY: Ledger size at a minimum.

COMMISSIONER TURNBULL: Yes. Mr. Chairman, can I also say that with regard to the change on the -- I mean, the changes that we're considering, I don't see any reason why this shouldn't be handled as a minor modification. I don't think it's something that requires a public hearing at this point.

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I really just think that we need better information in order to make a decision.

CHAIRPERSON HOOD: Okay. I think that the Applicant in this case has heard and if -- I will tell you all that I believe that if we're not satisfied with a portion, we may have to go to limited scope hearing so we can maybe prove some out of the -- but we're going to try this one more time.

Ms. Schellin, I think the Applicant has heard the comments from my colleagues. I don't necessarily have any to add. I just wanted to see people -- do we need to a -- what about --

MS. SCHELLIN: We can add it one of our meetings, because our next one is the 30th, which is just one-and-a-half weeks away. And then after that, it's February 13th. The 30th. So the Applicant is indicating they can respond in time for that. So if we could get their responses to do it by noon on the 25th? Okay.

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CHAIRPERSON HOOD: Ms. Schellin, could you ask the Applicant; because I don't usually look at the audience -- could you ask the Applicant are they comfortable with what they heard the Commissioners say that we need for the 30th so we can dispose of this?

MS. SCHELLIN: She is -- Ms. Jordano is indicating that they're going to work with Matt Jesick at OP and will be able to provide a response.

CHAIRPERSON HOOD: Okay. Thank you.

Thank you, Commissioners.

Ms. Schellin, the dates have been noted. Is there anything else in this special public meeting?

MS. SCHELLIN: No.

CHAIRPERSON HOOD: Okay. With that, this special public meeting is adjourned.

(Whereupon, the meeting was adjourned at 6:29 p.m.)

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