

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

MAY 10, 2010

The regular meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th 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
MICHAEL J. TURNBULL, Commissioner (AOC)
KONRAD SCHLATER, Commissioner
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
JOHN NYARKU, Zoning Specialist

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
MAXINE BROWN-ROBERTS
KAREN THOMAS
PAUL GOLDSTEIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the minutes from the Regular Meeting held on May 10, 2010.

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

INTRODUCTION:

Chairman Anthony J. Hood..... 4

CONSENT CALENDAR:

Sharon Schellin:

- A. Z.C. Case No. 07-26B..... 6
- VOTE:..... 24
- B. Z.C. Case No. 04-08B/02-45..... 25
- VOTE:..... 53

FINAL ACTION:

Sharon Schellin:

- A. Z.C. Case No. 10-06..... 25
- VOTE:..... 53
- B. Z.C. Case No. 07-21A..... 54
- VOTE:..... 56

PROPOSED ACTION:

Sharon Schellin:

- A. Z.C. Case No. 09-15..... 57
- VOTE:..... 65

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

2 6:34 p.m.

3 CHAIRMAN HOOD: Okay. We're going
4 to go ahead and get started. This meeting
5 will please come to order. Good evening,
6 ladies and gentlemen. This is the May 10,
7 2010 Public Meeting of the Zoning Commission
8 of the District of Columbia. My name is
9 Anthony J. Hood. Joining me are Vice Chairman
10 Schlater and Commissioner Turnbull and
11 Commissioner May. We're also joined by the
12 Office of Zoning Staff, Ms. Sharon Schellin
13 and Ms. Hanousek. Also, from the Office of
14 the Attorney General, Mr. Bergstein. Also,
15 from the Office of Planning, we have Ms.
16 Steingasser, Mr. Lawson, Mr. Goldstein, Ms.
17 Brown-Roberts, and Ms. Thomas.

18 Copies of today's meeting agenda
19 are available to you and are located in the
20 bin near the door. We do not take any public
21 testimony at our meetings unless the
22 Commission requests someone to come forward.

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1 Please be advised that this
2 proceeding is being recorded by a court
3 reporter and is also webcast live.
4 Accordingly, we must ask you to refrain from
5 any disruptive noises or actions in the
6 hearing room. Please turn off all beepers and
7 cell phones.

8 Does the staff have any preliminary
9 matters?

10 MS. SCHELLIN: No, sir.

11 CHAIRMAN HOOD: Okay. I just have
12 one agenda change. I would like to move,
13 under the Consent Calendar, item B to A, and A
14 to B. Okay? Because there are two cases.
15 One under the Consent Calendar, which is
16 Zoning Commission Case No. 04-08B/02-45, D.C.
17 Water & Sewer Authority. Also, is one
18 pertaining to that, under Final Action, Zoning
19 Commission Case No. 10-06, D.C. Water & Sewer
20 Authority. And we'd like to kind of talk
21 about those together.

22 Okay. On the Consent Calendar,

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1 item first, we're going to take Zoning
2 Commission Case No. 07-26B. That's the O
3 Street Roadside, LLC -- request for a Minor
4 Modification to PUD @Square 398. Ms.
5 Schellin?

6 MS. SCHELLIN: Yes, sir. The
7 Applicant is requesting a modification to the
8 approved plans to allow for the roof structure
9 shown in the plans attached as Exhibit B, to
10 their request. And OP has provided a report
11 that recommends approval.

12 CHAIRMAN HOOD: Okay. Thank you,
13 Ms. Schellin. Commissioners, we have, in
14 front of us, some submissions pertaining to
15 the request. Submission from the Applicant is
16 Exhibit 107-26B. That's Exhibit 1. We have
17 Exhibit 2. We also have some renderings --
18 some drawings. Also, we have Exhibit 6, which
19 is from the Office of Planning, as has already
20 been stated. And also, we have a letter, just
21 as our regulations deal with -- from our
22 Director of the Office of Zoning. And it

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1 talks about meeting the different
2 requirements. And it gives us their
3 recommendation. Well, actually, it does not
4 give us their recommendation. But it tells us
5 this is properly for us.

6 Okay. Let me open it up. Again,
7 Commissioners, for the O Street Market and
8 Mixed Use development, which would affect the
9 roof structure of the residential buildings of
10 the approved plans, since the approval of the
11 PUD, Applicant has opted for a central heating
12 and cooling plant, with underground
13 connections, to serve the residential
14 buildings of the development for improved
15 energy and efficiency and sustainable design
16 for the overall development. And I just took
17 that straight from the Office of Planning.

18 So let me open it up. And we also,
19 before I open it up, we also have renderings
20 of what it looked like -- what was approved
21 and also what is proposed. And, with that, I
22 will open it up. And I didn't hear anything.

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1 So I guess no one has a problem with taking
2 this off the Consent Calendar? So let me open
3 it up. Commissioner Turnbull?

4 COMMISSIONER TURNBULL: Thank you,
5 Mr. Chair. I just have a question. I mean,
6 looking at these. On building number one, the
7 proposed change for this so-called -- this is
8 almost twice as large as it was originally.
9 And we struggled with it, originally, before
10 because it was not -- almost -- it was only
11 eight feet from the street. Or it was
12 actually four feet from the building line.
13 And then, unless you included the balconies
14 down below, you would be eight feet. But I
15 just look at -- I mean, this is -- almost
16 takes up -- other than the ends, where they're
17 trying to stay back from the edge of the
18 building -- I guess my question is, we don't
19 really know if they did any attempts to do the
20 18 foot, six from the other side, instead of
21 having the eight foot, six toward the interior
22 of the -- of the interior side of the

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1 building. So I guess I'm just troubled by,
2 again, something this large across the
3 elevation of the building. And it looks like
4 they also changed the elevation a bit, of that
5 building. I'm looking at A-13. And I'm not
6 sure what's going on there. But it's just --
7 I guess I'd like to know why. I mean, some
8 answers as to why they got to where they are
9 and did they explore trying to push that edge
10 of the building back away from the street
11 side?

12 CHAIRMAN HOOD: Okay. We can --
13 let me see. Okay. Hold that thought,
14 Commissioner Turnbull. Do we have anything
15 else? Any other comments?

16 COMMISSIONER TURNBULL: I think
17 that's the major one. I mean, these -- a lot
18 of these things get to be quite -- quite
19 large. But I think the one on building one is
20 the -- is the one that really hits me as the
21 worst.

22 CHAIRMAN HOOD: Any other comments

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1 on this. And we'll see if maybe the Applicant
2 can come up. Commissioner May?

3 COMMISSIONER MAY: No. I would
4 just echo the same concern. It's one thing to
5 have a relatively small structure pushing up
6 that close to the edge of the -- front edge of
7 the building. But to have it -- It just feels
8 so much more massive now. So I would be
9 interested in knowing if it's possible to move
10 it further to the east on that plan.

11 CHAIRMAN HOOD: Okay.

12 MS. STEINGASSER: Commissioner
13 Hood?

14 CHAIRMAN HOOD: Mr. -- hold on just
15 a second.

16 MS. STEINGASSER: I'm sorry.

17 CHAIRMAN HOOD: Let me just ask
18 this. Mr. Bergstein, is there anything that
19 says even -- and I know this is under Consent
20 Calendar item -- can we call the Applicant
21 forward and ask them the questions? If,
22 hopefully, they're here?

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1 MR. BERGSTEIN: I think you can,
2 sir.

3 CHAIRMAN HOOD: Thank you. Ms.
4 Steingasser?

5 MS. STEINGASSER: I don't mean to
6 interject myself. But I know, part of the
7 reason for the placement of the roof was that
8 the Historic Preservation Review Board asked
9 that it be set as far to the west, so that
10 it's massing didn't interfere with -- with the
11 historic structure. So they were trying to --
12 to serve two -- two objective, both in terms
13 of zoning and the HPRB's desire that the roof
14 structure be -- its visibility be minimized
15 from the historic market itself, on the
16 eastern corner.

17 CHAIRMAN HOOD: Okay. Do you still
18 want to question the Applicant?

19 COMMISSIONER TURNBULL: Well, it's
20 still a rather huge structure. I'm just
21 trying to figure out how a centralized plant
22 doubles the size of all these penthouses so

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1 much.

2 CHAIRMAN HOOD: Okay. Well, let's
3 do this. Let's call them up anyway. Thank
4 you, Ms. Steingasser. Is the Applicant here
5 for this case and the Counsel? If you could
6 come up and just identify yourself. And I
7 think you've heard the discussion. And help
8 us through some of this.

9 MR. SPIKELL: My name is Armond
10 Spikell. I'm with Roadside Development. And
11 what's driving the size of that structure on
12 the roof is, we're attempting to do a single
13 water source heat pump system for all five
14 buildings. So it will be not just the -- the
15 building one that it's sitting on and the one
16 across from it, but we're attempting to size
17 the system so that we can provide heated and
18 chilled water for all five of the buildings,
19 including the hotel. And, basically, we took
20 the dimensions given to us by our mechanical
21 engineers, and created a envelope that would
22 contain that equipment.

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1 It's rather unusual, I know, these
2 days, to -- to do that kind of a central
3 system. But I understand that there will be
4 quite a bit of energy efficiency, doing it
5 that way, as opposed to having the -- the
6 normal split systems with small condensers on
7 the roof.

8 COMMISSIONER TURNBULL: Yes. I
9 mean, I admire that. I'm just amazed at how
10 much, from a centralized standpoint, all of
11 the mechanical -- all of them look like they
12 grow. Unless, on building two, the west
13 residential unit may get a little smaller.
14 But part of it grows -- I can't remember. Are
15 there green roofs on any of these buildings?

16 MR. SPIKELL: Yes. Yes. We'll have
17 green roofs and we're also trying to make use
18 of a recreational uses on the roof tops, as
19 best we can. We think that's going to be an
20 important amenity, especially with the hotel
21 and so forth.

22 COMMISSIONER TURNBULL: Okay.

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1 Thank you.

2 MR. SPIKELL: Okay.

3 COMMISSIONER MAY: Did you -- I'm
4 sorry. I had another question.

5 CHAIRMAN HOOD: Can you hold your
6 seat. We have another question.

7 COMMISSIONER MAY: The roof
8 structure on the west residential actually got
9 smaller. And, on the east residential it got
10 a lot bigger. Is there -- I mean, could you
11 put more on the west than on the east?
12 Because the east one is the more problematic
13 roof structure, because it's so close to the
14 street?

15 MR. SPIKELL: Well -- and, again,
16 it is close to the street because we're --
17 we're trying to keep it away from the Market
18 building. And the -- the roof on the west
19 building, we thought, had better opportunities
20 for recreational uses than the east building.

21 But the -- but again, the reason it's so
22 large is the fact that we're trying to

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1 accommodate five buildings and -- and, by the
2 way, have some redundancy. So it gets to be
3 quite a bit of equipment.

4 COMMISSIONER MAY: Yes. You may
5 recall that the height of the buildings
6 overall was something of an issue, early on?

7 MR. SPIKELL: Yes.

8 COMMISSIONER MAY: And it just
9 seems to grown back up to right where it
10 started from in one way or another. So I'm
11 not totally comfortable with the idea that
12 these penthouse structures would be that big.

13 I mean, do you still have flexibility to put
14 more of it on the west than on the east?

15 MR. SPIKELL: No.

16 COMMISSIONER MAY: Because it's so
17 close to the -- to the street on the east
18 residential.

19 MR. SPIKELL: Well, the -- the
20 whole concept with -- with the central system
21 is to have one major plant for the -- for
22 conditioning the water and so it all has to be

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1 in -- in one place. I don't think we could
2 split that into -- into pieces. I think
3 that's the whole concept of the central
4 system.

5 COMMISSIONER MAY: Okay.

6 MR. SPIKELL: What we will be
7 avoiding, by the way, is -- is spreading out
8 the small condenser units that you typically
9 have in modern apartment buildings, that take
10 up a lot of roof space. I know they're not
11 visible from the street. But it -- it kind of
12 destroys the recreational uses of the roof.

13 COMMISSIONER MAY: Yes. Well, were
14 you originally going to stack them? Were you
15 originally going to have condenser units and
16 stack them?

17 MR. SPIKELL: We were going to have
18 smaller condenser units that would be kind of
19 spread out. The -- the problem with the small
20 units is that each one has to have a certain
21 amount of air flow around it. And so they
22 wind up taking up a tremendous amount of square

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1 footage.

2 COMMISSIONER MAY: Yes. We've seen
3 the condenser farms before. I just -- I had
4 this recollection of seeing one where they
5 were stacked two or three high, because you
6 can go 18'6" with -- with a roof structure.

7 MR. SPIKELL: That wasn't this
8 project. I don't -- I don't know that we
9 really looked into that.

10 COMMISSIONER MAY: Okay.

11 MR. SPIKELL: Now, it was -- it was
12 mainly driven by the -- by the efficiency of
13 the system. I understand you get quite a few
14 LEED points for this type of a system. And
15 we're hoping to benefit from cost savings and
16 operations over the years. It's more
17 expensive to do it this way. But I think,
18 ultimately, it has a relatively good energy
19 pay back.

20 COMMISSIONER MAY: Yes. I'm -- I
21 think we're all in favor of that. And,
22 generally speaking, centralized systems or

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1 even traditional mechanical systems, over
2 condenser farms, is better.

3 MR. SPIKELL: Yes.

4 COMMISSIONER TURNBULL: Mr. Chair.

5 I just have one last question.

6 CHAIRMAN HOOD: Of course,
7 Commissioner Turnbull.

8 COMMISSIONER TURNBULL: The east
9 elevation of building one looks like it was
10 modified a bit. There's -- there was a couple
11 of projections of different parts of the
12 building. It was fairly symmetrical, as you
13 looked at it. Now, it looks like they've been
14 staggered a bit, to make it --

15 MR. SPIKELL: That's -- that's
16 always been the design. That was the
17 original design. And, as a matter of fact, I
18 think we still have our diving board that
19 sticks out on the east facade of that
20 building.

21 COMMISSIONER TURNBULL: No, the
22 approved elevation is different than what

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1 you're proposing. I'm referring to this page
2 here.

3 MR. SPIKELL: This page here?

4 CHAIRMAN HOOD: What page are you
5 on, Commissioner Turnbull?

6 COMMISSIONER TURNBULL: A-13.

7 MR. SPIKELL: Okay. The -- the
8 elevation that's above the -- that you would
9 see behind the Marked building.

10 COMMISSIONER TURNBULL: Right.
11 Above the old Market. It looks like you've
12 massaged that a bit. I'm just wondering
13 what's the reason for that?

14 MR. SPIKELL: Not that I'm aware
15 of. There should be no change to that. That
16 was always -- every two floors, they're
17 projected different --

18 COMMISSIONER TURNBULL: Well, here.
19 We're going to provide you a copy.

20 MR. SPIKELL: Okay.

21 MS. SCHELLIN: You can take it to
22 the table. Take it to the table.

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1 COMMISSIONER TURNBULL: I mean, I
2 don't think it has anything to do with the
3 centralized system. But I'm just -- it look
4 like you've just staggered the elevation more
5 with some of the units that bumped out. And
6 now, what was a fairly regular and rhythmic
7 elevation on top, now gets to be just a little
8 different. And I'm just wondering what the
9 change was for.

10 MR. SPIKELL: Yes. I see -- I see.
11 Basically, there's one bump out, it looks
12 like, on the eighth floor, that's now been
13 moved up to the ninth floor. To tell you the
14 truth, I wasn't even aware of that. But the -
15 - the concept had always been to have those
16 varying depths. I'm not sure if that -- I --
17 I really don't know. I don't know what the
18 reasoning behind that was.

19 COMMISSIONER TURNBULL: Okay. I
20 was just curious. It's not a show stopper,
21 but I was trying to figure out how that
22 related to what you were doing on the roof

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1 plan. And I couldn't find anything.

2 MR. SPIKELL: Yes. No. I -- I
3 really don't -- don't have an explanation for
4 that. As far I know, the -- the floor layouts
5 for the plans really haven't changed.

6 COMMISSIONER TURNBULL: I mean, I
7 guess it looks more -- when I get the approved
8 PUD elevation, it looks more consistent and
9 regular look with the Market in the forefront.

10 Instead of trying to get this uneven balance
11 of -- it just looks -- it just looks a little
12 different anyway.

13 MR. SPIKELL: Yes.

14 COMMISSIONER TURNBULL: But I just
15 throw that out. You may want to take another
16 look at it.

17 MR. SPIKELL: Yes. We'll -- we'll
18 -- I really don't know what the -- what the
19 reasoning for that was.

20 COMMISSIONER TURNBULL: Okay.
21 Thank you.

22 MR. SPIKELL: Okay.

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1 CHAIRMAN HOOD: Okay. Thank you,
2 very much. I will just add my comments to
3 what Commissioner May had mentioned about,
4 when we first dealt with this case, it was --
5 was about the height. And it seems like we're
6 inching back up there, right back where --
7 where we had problems with it. I call this
8 case the famous resignation case, because,
9 after this case, the first time, I got a call
10 to resign. So -- but I could just call this
11 Roadside case the famous resignation case.
12 But anyway, I want to know, do you all feel
13 comfortable to move forward? Or do you want
14 to hold off? Do you want to see something
15 else?

16 COMMISSIONER MAY: You know, I
17 don't -- I don't know that we would
18 necessarily see significant improvement.
19 Them, being residential buildings, we're
20 talking about relatively narrow floor plates
21 and it's often a struggle trying to get a good
22 set back on a residential building, to begin

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1 with. And then, when you -- and -- and the
2 one way that sometimes that that is addressed
3 is to push it a little bit closer to a court
4 or -- well, a closed courtyard or an open
5 courtyard in the building or toward the back
6 of the building or toward an alley, or what
7 have you. And we don't have a lot of options
8 along those lines here, particularly with the
9 -- the original historic Market being on the
10 east end of the property. I don't see that
11 we're going to get much play there. So I
12 think we just -- I'm kind of resigned to
13 accepting this as it's presented, for the sake
14 of energy efficiency and lower --

15 CHAIRMAN HOOD: Yes. That sounds
16 good. Yes. Okay. Can I get a motion?

17 COMMISSIONER MAY: You could make a
18 motion.

19 CHAIRMAN HOOD: I don't think I'm
20 going to do that.

21 COMMISSIONER TURNBULL: Mr. Chair,
22 I move that we approve Zoning Case Number 07-

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1 26B, O Street Roadside, LLC, Request for a
2 Minor Modification to PUD @ Square 398.

3 COMMISSIONER MAY: I'll second it.

4 CHAIRMAN HOOD: Good. Thank you,
5 Commissioner Turnbull and Commissioner May.
6 It has been moved. Any further discussion?
7 Are you ready for the question? All those in
8 favor?

9 ALL: Aye.

10 CHAIRMAN HOOD: Not hearing any
11 opposition of those that are voting, Ms.
12 Schellin, would you record the vote?

13 MS. SCHELLIN: Yes. Staff records
14 the vote three to zero to two to approve final
15 action in Zoning Commission Case Number 07-
16 26B, Commissioner Turnbull moving;
17 Commissioner May seconding; Commissioner Hood
18 in support; Commissioner Schlater not voting,
19 having recused himself; and the third Mayoral
20 Seat vacant, not voting.

21 CHAIRMAN HOOD: Okay. Thank you,
22 very much, Ms. Schellin. Let's move right

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1 along. What I want to do -- let's talk about
2 this last Consent Calendar item, along with
3 the first Final Action item. Because I think
4 they kind of walk hand in hand. First Zoning
5 Commission Case Number 04-08B/02-45 and Final
6 Action on Zoning Commission Case Number 10-06.

7 This is D.C. Water & Sewer Authority and
8 District Department of Real Estate Services
9 requests. One of them is a request for a
10 minor modification. The other one is Review a
11 Water Tower on St. Elizabeth's East Campus @
12 Parcel 234/38. Ms. Schellin?

13 MS. SCHELLIN: Yes, sir. The first
14 one, as you said, is a request to -- is Minor
15 Modification request. And it's a request to
16 remove the water tower site and two additional
17 acres from the boundaries of the PUD. And the
18 second case, Case Number 10-06, is pursuant to
19 Section 2523.2. The Applicants are requesting
20 approval to construct a water tower in excess
21 of 90 feet.

22 CHAIRMAN HOOD: Okay. I'm kind of

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1 -- I don't know too much about this new
2 department. Is it DRES or what is it? What's
3 the acronym? What do they call it, DREES or
4 DRES or what?

5 MS. SCHELLIN: The District
6 Department of Real Estate Services.

7 CHAIRMAN HOOD: I know that. But
8 they've got a funny -- you know they call it
9 something?

10 MR. BERGSTEIN: D-RES. D-RES.

11 CHAIRMAN HOOD: D-RES?

12 MR. BERGSTEIN: D-RES. Yes, sir.

13 CHAIRMAN HOOD: Okay. I want -- I
14 want to be cool too. I want to get in the
15 loop. D-RES. Let's talk about D-RES.
16 Anyway, if we look at the letter dated April
17 12, 2010, from Goulston Storrs, one of the
18 things I picked out of Exhibit 7 is it says
19 after further discussion with D-RES, we would
20 like to simplify the request to say that only
21 the 3.3 acre WASA site is removed from the
22 PUD. And I'm not sure if the calculations are

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1 correct in this one. But anyway, whatever it
2 is, that's one of the requests that we have on
3 the Consent Calendar item. And again, we have
4 Exhibit 5 -- no, I'm sorry, Exhibit 6, which
5 comes from our office, which our regulations
6 require that the Director sends us a summation
7 of how we're going to deal with a
8 recommendation for the Consent Calendar. So
9 anyway, let me open it up. And, if you want
10 to, as they go hand in hand, we can also talk
11 about the design review. But let's talk about
12 those simultaneously. Any questions,
13 concerns, or comments?

14 COMMISSIONER MAY: Mr. Chairman?

15 CHAIRMAN HOOD: Commissioner May?

16 COMMISSIONER MAY: The -- I guess
17 the most basic questions is the -- a little
18 bit of uncertainty about the -- the actual
19 design that we are reviewing. Because I see
20 -- I mean, there's an option A and an option
21 B, and it even looks like there's some -- some
22 -- I don't know -- permutations of -- of

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1 concept B, where one has the -- one is just
2 plain boat string trusses. But then, there's
3 the sort of flags flying between -- within the
4 sections of it. Or, not flags, but stretched
5 fabric. So I don't know -- I'm just not sure
6 what it is.

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER MAY: So maybe it's
9 clear to somebody else. Is it clear to
10 somebody else?

11 CHAIRMAN HOOD: Let me see if maybe
12 my other colleagues have any idea. Maybe Ms.
13 Steingasser may want to help up out. If not,
14 we'll have to go to the Applicant.

15 MS. SCHELLIN: You'll probably have
16 to go to the Applicant.

17 CHAIRMAN HOOD: Well, I figured I
18 would start with you first. Okay. Let me ask
19 Ms. Prince or whoever is going to come up to
20 kind of help us out through this. If you
21 would just identify yourself.

22 MS. PRINCE: Allison Prince, with

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1 Goulston Storrs, here on behalf of WASA. The
2 architects, and Roger Gans from WASA can
3 address your questions.

4 CHAIRMAN HOOD: Thank you, very
5 much. We will begin with whoever can help us.

6 MR. QUILL: Lee Quill from
7 Cunningham & Quill. We put in there the
8 studies that we had done. There have -- has
9 been a recommendation that the fabric, which
10 one of you said is sail cloth, is one that was
11 a client preference. But we also have heard a
12 tremendous amount of -- of comment on the
13 space frame version that goes up. We wanted
14 to make sure, since you all were going to be
15 looking at the design, that you had everything
16 in front of you; that there was no question
17 about, you know, trying to tailor it toward
18 something that you hadn't seen. So I think
19 our client, right now, has a preference, but
20 can go either way, if there's a preference in
21 this group. I would say that HPRB, if I
22 recall, was pretty open on either one of them,

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1 at this particular point, if I recall. Ms.
2 Steingasser, you can probably --so, the
3 general intent is heading either one of those
4 ways.

5 CHAIRMAN HOOD: Let me ask this.
6 Has the community seen the design?

7 MR. QUILL: Yes. The community has
8 seen it multiple times. ANC Commissioner Mary
9 Cuthbert is here. If you would like to see,
10 she's here, not in protest but, she did --
11 she's here tonight. She's been very
12 supportive and the ANC has along the way.
13 We've had multiple meetings. I think that's
14 outlined, if you look in the -- in the depth
15 of the package. There's Power Point behind
16 that talks to the consulting party meetings.
17 So we've met -- everybody in the world wanted
18 to meet on this, Mr. Chairman.

19 CHAIRMAN HOOD: Right. But I guess
20 my question is, did they have a particular
21 design? They're the ones who are going to
22 probably see it more than I am.

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1 MR. QUILL: We've gotten the
2 general support. Mary -- Mary can shake yes
3 or no behind me, but I believe that she and
4 they have been very supportive of -- of either
5 of the schemes.

6 CHAIRMAN HOOD: Okay. That's all I
7 wanted.

8 MR. QUILL: She's shaking her head
9 yes, for the record. Yes.

10 CHAIRMAN HOOD: And I will tell
11 you, if you have Ms. Cuthbert here in support,
12 that means you've done your job.

13 MR. QUILL: Well, we've enjoyed
14 working with her, the ANC, and the other ANCs
15 in the area.

16 CHAIRMAN HOOD: Okay.

17 MR. QUILL: It's been very
18 collaborative and very helpful.

19 CHAIRMAN HOOD: Thank you. Let me
20 open it up, Mr. Quill. My colleagues may have
21 some additional questions or comments.

22 COMMISSIONER TURNBULL: Thank you,

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1 Mr. Chair. I just -- my -- my -- what do you
2 get by doing concept B? It looks like a very
3 -- it looks like something's under
4 construction. A has got a little structural
5 gymnastics there that seems to be intriguing
6 and sort of conceals it a bit, and yet makes
7 its own statement as to a structure out there
8 that is more -- I don't know -- it's just --
9 there's something more pleasing about seeing
10 that, then just the B version.

11 MR. MORRISON: Commissioner
12 Turnbull, I'm Chris Morrison with Cunningham &
13 Quill. My -- the general manager at WASA
14 indicated that he liked option B because he
15 liked the sense of movement and the little bit
16 of activity that you get from the sails in the
17 wind and in the fabric, and that that would be
18 a dynamic and more interesting composition,
19 than to have just the structural frame without
20 that element.

21 COMMISSIONER TURNBULL: How does
22 the fabric fit on? Is this -- I mean, I guess

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1 I'm looking at A-8. They're like little
2 triangular sails then. Is that the best view?

3 MR. MORRISON: That's right. That
4 are -- that are -- that are tied by cables to
5 the structural frame of the bowstring truss
6 frame. So, on A-6, you see the truss frame by
7 itself. And then, in the axon, like I
8 mentioned, in the upper right hand corner, you
9 see it with the sails attached to the frame.
10 And then, that's what's illustrated in the
11 renderings on A-7 and A-8.

12 MR. QUILL: One is meant -- excuse
13 me, Commissioner Turnbull, one is meant to be
14 the frame, itself, which would be the concept
15 B, where frame gives a transparency and the
16 material that you're reading the tower behind.

17 The other one, which is concept A, is both a
18 structure as well as the material. So it's a
19 slight tweak of the concept. But again, the
20 idea has been to deal with the transparency
21 component, so you still see the tower, to some
22 degree in outline, but -- but not just the --

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1 the pure, utilitarian tower.

2 COMMISSIONER TURNBULL: I think
3 it's -- I guess I still like -- there's
4 something about A that's a little bit more
5 intriguing. The other one, I kind of see like
6 you're -- it's Monday morning and you're
7 hanging out the wash. But -- I mean, it's --
8 I'm not being critical of it. I just -- I
9 just think it's -- that doesn't take the idea
10 far enough. I don't think it takes the sail
11 idea far enough to really do justice to your
12 idea. I think it's an interesting concept. I
13 just think it needs to be -- if you're going
14 to do that, I think it needs to be tweaked a
15 bit. But okay. Thank you for your
16 explanation.

17 MR. QUILL: Yes, sir.

18 CHAIRMAN HOOD: Any other comments
19 or questions? Vice Chairman?

20 VICE CHAIRMAN SCHLATER: Mr.
21 Chairman, I guess my initial take on it is
22 that Concept A is a little bit more

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1 interesting than Concept B. So I agree with
2 Commissioner Turnbull on that, in particular.

3 I don't know -- one question I would have is
4 what -- you know, what sort of evolution of
5 the design are you expecting from tonight
6 forward?

7 MR. QUILL: Well, we've been before
8 many boards, agencies, Commission of Fine
9 Arts, etc. There was an interest expressed
10 from you all with this project, to provide
11 input on the design. So we were eager to hear
12 what you have to say. I think, right now,
13 what we're going to do is take all the
14 comments that have come in, including other
15 agencies that are listed here, and then try to
16 refine it and tie it down. Because, you know,
17 with -- with the frame work, if that's the
18 direction that most people are looking at.

19 VICE CHAIRMAN SCHLATER: I think
20 where, you know, this is sort of a novel
21 approach. We've written, you know, zoning
22 code just for the water tower on this one. So

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1 we're trying to find our way. And I think
2 we'd be happy to give feedback and point it in
3 the right direction. We're not accustomed to,
4 you know, approving an early design and then
5 having it evolve over time, and then having
6 the evolved design built without coming back
7 to us. So, I guess, the purpose of my
8 question was is this something that you -- I
9 know there are a lot of people -- you know,
10 cooks in the kitchen here. And that doesn't
11 make your job easy. So would you expect to
12 have to come back, once the design has
13 evolved, to get the Commission's approval?
14 And that -- that may be a question for the
15 Office of the Attorney General, in terms of
16 how the -- the text is written. Does the
17 tower have to be built as proposed in plans
18 and specs?

19 MR. BERGSTEIN: Well, because this
20 is being done so preliminarily, it's almost
21 like a concept review. So what you would be
22 approving is what's before you. And that --

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1 and then they would have to decide whether or
2 not their design changed so much from what's
3 being depicted, that, in essence it would be a
4 modification of your approval.

5 VICE CHAIRMAN SCHLATER: Yes?

6 MR. BERGSTEIN: So you don't have
7 this design and specs and plans before you,
8 except this. And so this is -- would be what
9 you -- we would say is -- the order would say
10 that, assuming that you have agreed to both
11 concept A or B, that -- that you approved both
12 concepts and it would be constructed in
13 accordance with the designs as depicted in
14 these drawings. And that -- that is as
15 specific as -- as it would get.

16 VICE CHAIRMAN SCHLATER: Okay.
17 That's helpful. Thank you. Well, again, I
18 guess, in my experience, my brief experience
19 on the Commission, we're not in the habit of
20 approving options. We usually approve a plan.
21 So I'd like to hear from my fellow
22 Commissioners on that one, as to whether they

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1 were open to approving different options and
2 leaving it at the schematic level and just
3 letting them go off and finish it and, you
4 know, having trust in the fact that we've got
5 a lot of other cooks in the kitchen and
6 they'll get it right.

7 The only -- the last question I
8 have has to do with the lighting. Is there --
9 is there any concept, at this point, to light
10 it at night? Is this -- is it going to be
11 like the Washington Monument?

12 MR. QUILL: Well, I will say that
13 the Washington Monument, when Michael Graves
14 wrapped -- if you remember when the
15 construction was done, that was part of our
16 inspiration of one of the precedents that we
17 looked at is, during the day, you would see
18 the monument in shadow behind a clear frame
19 work. And then, at night, it took on another
20 perspective, which was -- actually, a lot of
21 people wished that the scaffolding had stayed
22 up. They found it so interesting. From our

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1 perspective, we've had a lot of discussion
2 about the lighting. There's been a desire to
3 give some lighting to it. But there's also
4 been very strong concerns from some of the
5 agencies that we've talked to about it not
6 being something that's competing on the
7 skyline, so that it draws super attention to
8 this new water tower configuration, as opposed
9 to the monumental core. So we're going to go
10 back and look at that. Right now, we're kind
11 of leaning more away from the lighting at
12 night, so it doesn't dominate the skyline over
13 Washington, but clearly doesn't look like
14 what's that, you know, utilitarian structure
15 over this historic context and in this new
16 neighborhood. So -- but there may be some
17 lighting at the base. We're proposing for
18 this being something that actually contributes
19 back. It is a different concept, we
20 understand. But, as you know, there's a new
21 frame work planned for St. Elizabeth's and for
22 Southeast and that area. And one thing that

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1 Ms. Cuthbert and the other Commission members,
2 as well as the community have been pretty
3 supportive and pretty excited about is that
4 this become a place -- a destination --
5 something that contributes back to the
6 community. Right now, you know, St.
7 Elizabeth's has been a place where you haven't
8 been able to get into. And there are going to
9 be parts in the west end that we can't get
10 into because of Homeland Security. However,
11 this park is part of a new framework plan
12 which is meant to be more neighborhoods. It's
13 going to be a new transcending area that is
14 actually much more pedestrian and people
15 oriented. So the idea was that you could
16 actually walk across the ravine or come in
17 through the parking lot and actually
18 experience bringing the water off the tower,
19 down through a series of rain gardens. And
20 the potential, in later phases, is for a
21 museum component where it would talk about
22 water and how -- and the role of WASA and how

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1 we start to deal with water. Most of the
2 time, you don't think about water with WASA,
3 but that's a big -- they move a lot of water
4 in this city.

5 So, I think low scale lighting, or
6 something, but probably not so much on the
7 skyline as what we're looking at now.

8 MR. BERGSTEIN: There's a
9 procedural wrinkle I need to bring in, if you
10 don't mind. And, because this rule was
11 written with Ms. Steingasser, with input from
12 Ms. Prince, the notion of an alternative
13 wasn't thought about. But I'd like to remind
14 everybody that you actually can't vote down a
15 proposal. The only thing you can do is then
16 go on to determine whether or not to set it
17 down for a hearing. So if you were to say
18 approve concept A, but were -- but could not
19 approve concept B, the next step would be for
20 you then to determine whether to set concept B
21 down for a hearing. And I just wanted to --
22 to point that out to you.

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1 CHAIRMAN HOOD: Well, let me just
2 say this, Mr. Bergstein, I think -- I think we
3 have done that. And, as Commissioner Schlater
4 has mentioned, in his brief tenure, I think we
5 have looked at something and we've given
6 options, just like we have here before us.
7 That has been done on this Commission.
8 Because I know we --

9 MR. BERGSTEIN: Oh, you absolutely
10 have.

11 CHAIRMAN HOOD: Yes. I know we
12 have.

13 MR. BERGSTEIN: You absolutely
14 have.

15 CHAIRMAN HOOD: So, I guess, I
16 would be lenient. But, you know, I would -- I
17 would want to hear from my colleagues. Which,
18 if you want to vote on the direction, as you
19 stated, Mr. Bergstein, to go into a hearing.
20 Or do you want to give the Applicant the
21 flexibility and do what's requested? But I'll
22 just open that up. Let me hear from either

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1 Commissioner Turnbull or Commissioner May.

2 COMMISSIONER MAY: Well, let me
3 say, first of all, generally speaking, I have
4 confidence that, with the many cooks, that
5 this is going to turn out fine. I know -- I,
6 having -- being another one of the cooks in
7 another chair, I'm okay with -- with that
8 concept. I think that the multiple reviews,
9 and particularly the Historic Preservation
10 Review, I think, is very important for this.
11 And I think the -- you know, there are
12 certainly aspects of it that I'm not totally
13 comfortable with, like the views from Suitland
14 Parkway. But, as the Suitland Parkway is no
15 longer a National Park Service property, it's
16 a District roadway, I'm not going to get too
17 excited about -- about Suitland Parkway and
18 the views from Suitland Parkway.

19 I am much more concerned about the
20 views from the other parts of the city. And I
21 think that that's one of the reasons why I
22 would be very, very concerned about lighting.

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1 And I think that, as I read this, I didn't
2 see specific mention of lighting in what was
3 submitted. So I assume that if there was
4 going to be any significant lighting
5 introduced, beyond the sort of marker lights
6 that you need for FAA, that it would have to
7 come back. I would assume. Is that right?

8 MR. BERGSTEIN: You can specify
9 that. We can specify it as part of the order.

10 If you actually want to say anything beyond
11 marker lights would require a modification, we
12 can certainly put that in the order.

13 COMMISSIONER MAY: Okay. I don't
14 know if I want to -- how far I want to go with
15 that. I mean, I think some flexibility on the
16 lighting is okay. But I think that the idea
17 that -- that -- I really don't want to be able
18 to see this from great distances and things
19 like that. I think that's really what the --
20 what the issue is with a lot of stuff in the
21 skyline that's brightly lit. And it's not
22 limited to -- to very tall monumental

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1 structures like this. I mean, it's even that
2 office building that glowed the many colors
3 and all that sort of stuff. It's just -- I
4 think it's a distraction in Washington, which
5 is a very, very pure and simple city skyline,
6 except for all the stuff going off in the
7 suburbs. The -- so, anyway, I'm not sure
8 exactly what we say about lighting or how we
9 handle that. But certainly, it's not going to
10 be a -- a giant glowing, multicolored flashing
11 thing, because that's not what's before us.

12 I am okay with proceeding with two
13 concepts. And, from my two cents, I actually
14 kind of prefer B over A. I think A is just a
15 little too squat in proportion, because it
16 spreads out wider. And I think that the B is
17 a little bit more slender. At first, I wasn't
18 totally thrilled about the -- the bits of sail
19 cloth. But that kind of -- that more had to
20 do -- had to do more with the view from
21 Suitland Parkway, than the actual material and
22 how the material works with that frame. So I

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1 don't see us voting one up and one down today.

2 CHAIRMAN HOOD: Especially, since I
3 like A over B. So now I know what you all are
4 dealing with. Anyway, Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Thank you,
6 Mr. Chair. No. I'm not -- I don't want to go
7 so far as to not say they have both open. I
8 just think that, without the sails, this thing
9 becomes pretty stark, with just the uprights.

10 I -- I -- I just get concerned about the
11 maintenance issues of the sails; how long
12 before you've got to replace those. Now, if
13 the thing turned with the wind and you
14 generated power, that would be interesting.
15 But I just think that the sails one -- I just
16 think that it needs to go a little bit further
17 on it. No. I'm not opposed to it. I think,
18 when you look at the other page and it doesn't
19 show the sails, you see this rather stark
20 structure and, as I said, it looks under
21 construction when you see it without anything
22 on it. The bare bones of it. I guess, and --

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1 and then the lighting is an issue too. I --
2 if you have the necessary lighting, and I
3 understand you may want to see this as a -- as
4 a beacon of sorts, something that draws people
5 there. But I think you have to be very
6 careful that it doesn't become this nuisance
7 in the area. So you've got a tight rope that
8 you're walking here, just to make sure that
9 there's a balance between lighting it
10 aesthetically and -- and making a symbol of
11 what it is, without going too far and making
12 it garish, to the point where it becomes a
13 nuisance in the area. So the design element
14 of the lighting is going to be very critical.

15 But I'm not opposed to going ahead with both
16 of them. I'm just a little bit concerned that
17 A may need to be tweaked a bit or just refined
18 a bit to -- and I don't know what that is.
19 But obviously, I'll leave that to the
20 architects to work on.

21 CHAIRMAN HOOD: Okay. We'll go
22 back Commissioner Schlater and see if he has

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1 any other comments.

2 VICE CHAIRMAN SCHLATER: Well, I
3 think one thing I would say is that there are
4 definitely people who are concerned about
5 whether it's option A or option B. I was at a
6 ground breaking this morning for Sheridan
7 Terrace, the redevelopment of the -- the HOPE
8 VI redevelopment. It's definitely within the
9 view shed of that new community and Scott
10 Berry Farms, which is being redeveloped, and
11 certainly going to have an important impact on
12 them. But you said you've been out to the
13 ANC. They're open to both options. So I
14 don't see myself, you know, speaking -- you
15 know, being smarter than they are on this. I
16 mean, if they're open to both options, I think
17 I can be open to both options and see where it
18 goes. So, I mean, I think you should be --
19 WASA should be commended and Cunningham Quill
20 should be commended for doing something
21 different here. And it is a massive
22 structure. It's very visible because it's at

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1 the top of a, you know, top of a hill. And
2 it's over 130 feet. So trying to pursue
3 something different is very good and I look
4 forward to seeing where it ends up. But I
5 would say that, if it evolves significantly
6 from the designs that have been put forward to
7 us today, I'd like to see it come back to us,
8 just to see where it ends up.

9 CHAIRMAN HOOD: Okay. With that, I
10 guess we're at a point now where I would just
11 go ahead -- thank you all, very much. We
12 appreciate it.

13 MS. PRINCE: One comment on the
14 lighting. You're raising a good point with
15 respect to the lighting. And -- and I believe
16 we could come back with the developed lighting
17 plan. But I would say, at a bare minimum, and
18 the architect can jump in, because I'm not
19 sitting next to him -- at a bare minimum, we
20 would need public safety related lighting.
21 Ground lighting, lighting that FAA requires,
22 and I -- and the term isn't coming to mind,

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1 but I -- I -- we would come back for any
2 lighting that was more than that required for
3 the functioning and successful operation of
4 the tower. Does that -- does that make sense?

5 That's -

6 MR. MORRISON: The application
7 purposely does not have an illumination scheme
8 because it was withdrawn. We have the
9 mandatory required FAA lighting and any
10 security ground lighting that we'll need to
11 have. But one of the initial precedence that
12 we looked at is a lit tower in Japan that
13 caught the imagination of a number of the
14 people that we presented to, including the
15 members of the ANCs and the people in this
16 ward that were excited about having something
17 visually strong. But it was at the response
18 of many of the other consulting party agencies
19 that were very concerned about having any
20 distractions on the skyline and making more of
21 this than it was, that we said, as a
22 compromise, we would back off that -- that

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1 aspect of it for the time being. And -- and
2 just keep it to the bare minimum, in terms of
3 the night lighting.

4 CHAIRMAN HOOD: Okay. Anything
5 else? All right. Well, thank you.

6 COMMISSIONER TURNBULL: I just
7 wanted to add to that. I think I'm glad to
8 hear that, because, I mean, looking at green
9 issues and sustainability and the night sky, I
10 think you're on the point about looking at
11 that in relationship to those kinds of issues.
12 I appreciate that.

13 CHAIRMAN HOOD: Okay. Anything
14 else? All right. Thank you all, very much.

15 MR. QUILL: Thank you all for your
16 comments and input tonight. I appreciate it.

17 CHAIRMAN HOOD: Okay. So, from
18 what I've heard, Commissioners, I would move
19 approval of Zoning Commission Case Number 07-
20 26B -- no, I'm sorry, Zoning Commission Case
21 Number 04-08B/02-45. This is the request for
22 a Minor Modification, which is going to take,

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1 after consulting with D-RES, which is going to
2 -- would like to simplify the request so that
3 only the 3.3 acre lot's is removed from the
4 existing PUD. That is the -- consists of the
5 Minor Modification. And also approve the
6 Zoning Commission Case Number 10-06, with the
7 review of the Water Tower on St. Elizabeth's
8 East Campus, with the reviews, as specified
9 before and as stated by Commissioner Schlater.

10 If it goes any other direction than what we
11 have here before us, that the Applicant comes
12 back to the Zoning Commission at the said
13 time. Also, in consideration of the lighting,
14 which is FAA rules or any other safety rules,
15 lighting does not go beyond that point. Did I
16 leave anything out?

17 MR. QUILL: Just the security
18 lighting, sir.

19 CHAIRMAN HOOD: Security lighting?
20 Okay. And the security lighting. Did I
21 leave anything else out? Okay. With that, I
22 would ask for a second.

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1 COMMISSIONER MAY: Second.

2 CHAIRMAN HOOD: Moved and properly
3 seconded. Any further discussion? Are you
4 ready for the question? All those in favor?

5 ALL: Aye.

6 CHAIRMAN HOOD: Not hearing any
7 opposition of those who are here, Ms.
8 Schellin, would you record the vote?

9 MS. SCHELLIN: Yes. Staff records
10 the vote four to zero to one to approve final
11 action on Zoning Commission Case Number 04-
12 08B/02-45 and Case Number 10-06, Commissioner
13 Hood moving; Commissioner May seconding;
14 Commissioners Schlater and Turnbull in
15 support; the third Mayoral seat vacant, not
16 voting.

17 CHAIRMAN HOOD: Thank you, Ms.
18 Schellin. Next, under Final Action, Zoning
19 Commission Case Number 07-21A, PerStar M
20 Street Partners, LLC -- Two-Year PUD Time
21 Extension @ Square 50. Ms. Schellin?

22 MS. SCHELLIN: Yes, sir. As you

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1 said, this is a request for a two year PUD
2 time extension. And we do have a letter in
3 support from West End Citizens' Association,
4 also a letter in support from ANC-2A and the
5 Office of Planning has also submitted their
6 report in support.

7 CHAIRMAN HOOD: Okay. Thank you,
8 very much, Ms. Schellin. Commissioners,
9 again, we have another request. And I'll just
10 read C, which comes off the Office of
11 Planning's report. Some of the issues, as we
12 all know, has been existing here lately. An
13 inability to obtain sufficient project
14 financing for the planned unit development.
15 Also it says decline in the hotel market and
16 the negative growth in revenue generated by
17 existing hotel rooms. And it goes on to talk
18 about the project has not been affected by the
19 conditions in -- has not been affected by the
20 conditions in 248.11 and the inability to
21 secure all required Government agency
22 approvals or in Section 2408-11, existence of

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1 pending litigation or such other conditions.
2 But anyway, I think C really makes the case.
3 And especially with the way things are going,
4 at this point in time. So let me open it up.

5 Anyone have any issues with granting this
6 request for two years? Mr. Vice Chairman?

7 VICE CHAIRMAN SCHLATER: Mr.
8 Chairman, it looks for me, from the record,
9 that there has been a lot of work going on, on
10 this project, over the past few years. And
11 the Applicant has been diligent in trying to
12 get the project constructed. And I see no
13 reason why not to approve it.

14 CHAIRMAN HOOD: Okay. Thank you.
15 Anybody else?

16 COMMISSIONER TURNBULL: I concur
17 with that.

18 CHAIRMAN HOOD: Okay. So, with
19 that, would somebody like to make a motion?

20 VICE CHAIRMAN SCHLATER: Sure. Mr.
21 Chairman, I'd like to move to approve the
22 extension request in PUD Case 07-21A, for 2201

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1 to 2213 M Street, NW.

2 COMMISSIONER TURNBULL: Second.

3 CHAIRMAN HOOD: It's been moved and
4 properly seconded. Any further discussion?
5 Are you ready for the question? All those in
6 favor?

7 ALL: Aye.

8 CHAIRMAN HOOD: Not hearing any
9 opposition, Ms. Schellin, would you record the
10 vote?

11 MS. SCHELLIN: Yes. Staff record
12 the vote four to zero to one to approve final
13 actions on Zoning Commission Case Number 07-
14 21A, Commissioner Schlater moving;
15 Commissioner Turnbull seconding; Commissioners
16 Hood and May in support; third Mayoral seat
17 vacant, not voting.

18 CHAIRMAN HOOD: Okay. Thank you,
19 very much, Ms. Schellin. Let's go to our last
20 item, I believe. Do we have a status report
21 tonight?

22 VICE CHAIRMAN SCHLATER: Yes.

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1 CHAIRMAN HOOD: Okay. So I believe
2 this will be our last item for the night.
3 Proposed Action, Zoning Commission Case Number
4 09-15, 1412 Chapin Street, LLC, et.al,
5 Consolidated PUD & Related Map Amended @
6 Square 2661. Ms. Schellin?

7 MS. SCHELLIN: Yes, sir. We have
8 two preliminary matters. Exhibits 53 and 54
9 came in after the record was closed. 53 was
10 the Applicant's response to some additional
11 documents that the Commission requested. They
12 were late due to meetings with DDOT, and so
13 they were just a little late in getting their
14 submission to us. And then Exhibit 54 is a
15 supplemental report from DDOT. So we would
16 ask that the Commission would consider
17 reopening the record to accept those
18 submissions.

19 CHAIRMAN HOOD: Commissioners, I
20 think -- I think, because of the last minute
21 or the late negotiations, it looks like some
22 things were changed. The Applicant did

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1 respond to some things that DDOT has asked
2 for. And I think, it at least got us a better
3 resolve. So I would be in favor of opening
4 the record for both 53 and 54 -- Exhibits 53
5 and 54, unless I hear any objections. I will
6 move that we reopen the record for those two
7 items -- exhibits. Okay? General consensus?

8 COMMISSIONER TURNBULL: Yes.

9 CHAIRMAN HOOD: Okay. So we're
10 reopening it? Okay. Anything else, Ms.
11 Schellin?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Okay. So we have a
14 DDOT report. We have -- I'm not sure who
15 asked for what in the post-hearing submissions
16 that were submitted. But let me open it up
17 and -- as I read the DDOT report, it talks
18 about the cantilever design and includes the
19 building balconies has been revised to reflect
20 two larger sections per recommendation by
21 DDOT. And, if you look on page 2 of the DDOT
22 report, it talks about the analysis and some

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1 of the recommendations and some of the
2 changes. And also, in the Applicant's Exhibit
3 53, it actually demonstrates some of the
4 changes that have been made. And some of the
5 things that we may have requested. But,
6 before I forget, what I would like to do is,
7 you know, as we -- as we have -- if this is
8 approved, I'm going to read this now. If this
9 is approved, we have instituted some things
10 that we'd like to see in the PUDs and certain
11 things that need to happen, along with OAG and
12 OP and the Office of Zoning. And I would just
13 read a time schedule. If this is approved.
14 But, you know what? Let me do that after we
15 have our discussion. I think that would be
16 more appropriate afterwards. Okay. Let me
17 open it up. Any comments? I see Ms. Ray
18 frowning up. She must not know what I mean
19 when I say the time schedule. But I'm going
20 to read it. Any comments? Just take your
21 time.

22 VICE CHAIRMAN SCHLATER: Mr.

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1 Chairman.

2 CHAIRMAN HOOD: Yes, sir?

3 VICE CHAIRMAN SCHLATER: I think
4 the -- it would appear the public space issue
5 has been resolved, certainly to DDOT's
6 satisfaction. And I think that's, from my
7 perspective, all we were hoping is so that the
8 design wouldn't be evolving over time. We'd
9 just have it -- that issue fixed. And I think
10 we're there on that front. So I don't even
11 know that it needs that much discussion on
12 that point.

13 My only question, in regard to this
14 submission, is actually in the draft order.
15 We've got a list of -- you know, I don't have
16 any problems with the findings of fact or
17 conclusions of law. But, when you get to the
18 part that I usually focus on, which is the
19 decision, the proffered amenities, or at least
20 the ones that I thought were proffered during
21 the hearing don't appear to be listed in the
22 actual order, itself. Right now, we're

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1 limited to, you know, just the affordable
2 housing being the only amenity. But I do
3 recall there being some other amenities put
4 forward. And I'd like to see those reflected
5 in the order, before we take final action on
6 this matter.

7 CHAIRMAN HOOD: Very good point.
8 And I think, with the time schedule, we'll
9 probably cover that. But I think that's a
10 very good point. Anything else,
11 Commissioners? Commissioner May?

12 COMMISSIONER MAY: Yes. I -- I
13 would just note, as well, I'm glad to see that
14 the public space issue got resolved with DDOT.

15 It was interesting seeing the background of
16 such projections into alley space. It was
17 good to know that it was -- this is not
18 something that's being done or being proposed
19 for the first time here. But -- and I think
20 it worked out reasonably well. And I would
21 just also note that a couple of other issues
22 that -- architectural issues that have been

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1 raised previously with the design of the front
2 facade and with the set back, just providing
3 some kind of set back for the stair wells --
4 the stair well and elevator that reach to the
5 roof level, but I think that was a -- a
6 necessary improvement. So I'm glad to see
7 that that has been addressed. I think they
8 could have gone a little bit further, but what
9 the heck, I mean, when it comes to setting
10 those back. But I think it makes a big
11 difference. So I'm satisfied and would concur
12 with Mr. Schlater on the amenities.

13 CHAIRMAN HOOD: Okay. I also would
14 agree. I think this Applicant has been very
15 responsive to some of the concerns that we
16 actually mentioned at the hearing. But I want
17 to read a schedule. And any further questions
18 that can respond to the Office of Zoning, Ms.
19 Schellin would be able to assist with this
20 time frame. By May 17, 2010, the Applicant
21 must file with OZ and serve OP, OAG, and ANC1-
22 B with its final list of proffered public

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1 benefits for the consolidated PUD and, for
2 each such public benefit, provide a draft
3 condition that is both specific and
4 enforceable. Number two: by May 24, 2010,
5 OAG and OP must complete any dialogue they
6 feel is needed with the Applicant, with
7 respect to any deficiencies in the Applicant's
8 proposed conditions. Number three: by May
9 31, 2010 -- and May 31st, when is Memorial
10 Day?

11 MS. SCHELLIN: I think we may need
12 to change that to June 1st.

13 CHAIRMAN HOOD: That's all right.
14 They'll be there Memorial Day.

15 MS. SCHELLIN: Poor Jake. Let's
16 change that to June 1st. Can we do that?

17 MR. BERGSTEIN: Those are just
18 suggested dates.

19 MS. SCHELLIN: Yes. Let's change
20 it to June 1st, since we're --

21 CHAIRMAN HOOD: Okay. So, by June
22 1, 2010, the Applicant must file with OZ and

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1 serve OP, OAG, and ANC-1B with any revisions
2 to the proffers and conditions or a statement
3 that none have been made. By June 7, 2010,
4 OAG, OP, and ANC-1B must file any responses
5 each has to the Applicant's final proffers and
6 conditions. The OAG response will be treated
7 as a confidential attorney/client
8 communication.

9 Let me say that's the schedule.
10 Any questions? This is -- I think this is
11 probably the third or fourth time we have done
12 this in a PUD application. So you can check
13 with Staff and Ms. Schellin will be more able
14 to assist you in any questions you have in
15 this time frame.

16 So, with that, I would approve -- I
17 would move to approve Zoning Commission Case
18 Number 09-15, of 1412 Chapin Street with the
19 necessary submissions and corrections, as
20 noted, and in everything that was submitted
21 for our review this evening. And I ask for a
22 second.

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1 COMMISSIONER MAY: Second.

2 CHAIRMAN HOOD: It's been moved and
3 properly seconded. Any further discussion?
4 All those in favor?

5 ALL: Aye.

6 CHAIRMAN HOOD: Not hearing any
7 opposition, Ms. Schellin, would you please
8 record the vote?

9 MS. SCHELLIN: Yes. Staff records
10 the vote four to zero to one to approve
11 proposed action in Zoning Commission Case
12 Number 09-15, Commissioner Hood moving;
13 Commissioner May seconding; Commissioners
14 Schlater and Turnbull in support; the third
15 Mayoral seat vacant, not voting.

16 CHAIRMAN HOOD: Okay. Ms.
17 Schellin, do we have anything else before us
18 tonight?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay. With that, I
21 want to thank everybody for their time and
22 attention. This meeting is adjourned.

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(Whereupon, the meeting was
adjourned at 7:36 p.m.)