

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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-----:
IN THE MATTER OF: :

CHILDREN'S NATIONAL MEDICAL :
CENTER :
-----:

Case No. 88-34A

Thursday,
September 7, 2006

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 88-34A by the District of Columbia Zoning Commission convened at 6:45 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS

The transcript constitutes the minutes
from the Public Hearing held on September 7, 2006.

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

6:45 p.m.

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Thursday, September 7, 2006.

My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Michael Turnbull, Greg Jeffries, and John Parsons.

The subject of this evening's hearing is Zoning Commission Case No. 88-34A. This is a request by the Children's National Medical Center for approval of a modification to a planned unit development for property located at 111 Michigan Avenue N.W., and known as Lot 801 in Square 3129.

Notice of today's hearing was published in the *D.C. Register* on July 21, 2006. And copies of that hearing announcement are available to you. And they're in the wall bin by the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR Section 3022, and the order of procedure will be as follows. We'll take up any preliminary matters, followed by the presentation of the Applicant's case, a report by the

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1 Office of Planning, reports by any other government
2 agencies, report by the affected Advisory Neighborhood
3 Commission, which is 5C, organizations and persons in
4 support, and organizations and persons in opposition.

5 The following time constraints will be
6 maintained in the hearing. Organizations will have
7 five minutes and individuals will have three minutes.
8 The Commission intends to adhere to the time limits as
9 strictly as possible, in order to hear the case in a
10 reasonable period of time. The Commission reserves
11 the right to change the time limits for presentations
12 if necessary and notes that no time shall be ceded.

13 All persons appearing before the
14 Commission are to fill out two witness cards. They
15 look like this. These cards are by the table near the
16 door. Upon coming forward to speak to the Commission,
17 please give both card to the report who's sitting to
18 our right.

19 Please be advised that this proceeding is
20 being recorded by the court reporter and is also being
21 webcast live. Accordingly, we ask you to refrain from
22 making any disruptive noises in the hearing room.

23 The decision of the Commission, in this
24 case, must be based exclusively on the public record.
25 To avoid any appearance to the contrary, the

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1 Commission requests that persons present not engage
2 the members of the Commission in conversation during
3 the recess or at any other time.

4 Ms. Schellin and Ms. Hanousek will be
5 available throughout the hearing to answer any
6 procedural questions that you might have.

7 We ask you to turn off all beepers and
8 cell phones at this time, so as not to disrupt our
9 hearing. And, at this time, we'll take up any
10 preliminary matters. Ms. Schellin, anything?

11 MS. SCHELLIN: Just that we did receive a
12 report from the Department of Transportation and the
13 Applicant has filed their Affidavit of Maintenance.
14 Thank you.

15 CHAIRPERSON MITTEN: Ms. Shiker, any
16 preliminary matters?

17 MS. SHIKER: No, thank you.

18 CHAIRPERSON MITTEN: Okay. Well, I
19 understand that at least the Applicant's prepared to
20 stand on the record, or do you want to make a small
21 presentation?

22 MS. SHIKER: We have an opening
23 introductory remarks that we'd like to make.

24 CHAIRPERSON MITTEN: Oh. Okay. Sure.

25 MS. SHIKER: They describe the document

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1 that you have before you and I'm prepared to go
2 whenever you're ready.

3 CHAIRPERSON MITTEN: Okay. Please go
4 ahead.

5 MS. SHIKER: Good evening, Madam Chairman
6 and members of the Commission. My name is Christy
7 Shiker.

8 MS. SCHELLIN: Excuse me, Chairman Mitten.
9 Do we want to swear in witnesses, just in case
10 someone--

11 CHAIRPERSON MITTEN: I would like to do
12 that. And thank you for reminding me.

13 MS. SCHELLIN: Thanks to Mr. Sher.

14 CHAIRPERSON MITTEN: I'm just getting back
15 in the groove here after the summer break. Is there
16 anyone who's planning on testifying this evening in
17 this case? We'll take up the next case at 7:30. And
18 I'd ask you to rise and raise your right hand and Ms.
19 Schellin will administer the oath.

20 (Whereupon, witnesses sworn.)

21 CHAIRPERSON MITTEN: Thanks. Sorry about
22 that.

23 MS. SHIKER: Okay. Good evening again.
24 My name is Christy Shiker with the law firm of Holland
25 & Knight and I'm joined here tonight by Whayne Quin.

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1 We represent the Children's National Medical Center in
2 its request for a modification to the approved PUD.

3 We are excited to present this PUD
4 modification to you tonight. The proposed additions
5 are going to allow and enable the Children's Hospital
6 to provide continued state of the art pediatric care
7 to infants and children in the District of Columbia.

8 We are pleased to be joined tonight by Ned
9 Zechman, the President and CEO of Children's Hospital
10 and Jody Burdell, the Vice President and COO of the
11 Hospital. Both of these individuals can tell you more
12 about the important work that Children's does in this
13 community.

14 As you are aware, the Zoning Commission
15 approved the original PUD in 1970, and approved a
16 modification to the PUD in 1989. The proposed PUD
17 modification before you tonight is detailed in the
18 three submissions that you should have received.

19 These submissions set forth fully the
20 proposed addition; the history of the development of
21 the hospital; the amenities and the benefits
22 associated with the project and with the hospital; and
23 the project's compliance with the Comprehensive Plan.

24 So we are here to ask two things tonight.
25 First, we are asking for the approval of the

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1 construction that has occurred since the PUD
2 modification in 1989. Each of these projects are set
3 forth in detail in your submissions, including the
4 year that they were constructed, and the associated
5 building permits that were issued for each project
6 have been provided in the pre-hearing submission.

7 The total gross floor area, after the
8 construction of all of those projects, is
9 approximately 960,000 square feet on the site. That's
10 3.0 FAR.

11 Because there were uncertainties as to
12 whether or not the hospital should have returned to
13 obtain Commission review of some or all of these
14 projects, we are requesting the Commission approve
15 them all now.

16 Second, we are requesting approval for the
17 expansion of the Hospital for 168,000 square feet of
18 gross floor area. This would increase the total FAR
19 to 3.55, which is well below the 4.5 FAR permitted for
20 a PUD in the SP-2 District.

21 The expansion includes two areas. First,
22 floors five and six on the East Addition; second, the
23 post-up which is four floors on the north end of the
24 Hospital. And we call it a post-up because it's
25 constructed on posts. I know there was some

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1 confusion. People were calling it the post-op.
2 Because it's going to house the renovated surgical
3 facilities, but it is the post-up, based on the type
4 of construction it has.

5 Children's is pleased to have the support
6 of the Office of Planning, of ANC 5C, of Washington
7 Hospital Center. We are also pleased to have the
8 support of the District Department of Transportation.
9 And, for the record, we do agree to the request for a
10 \$70,000 contribution to the signal improvements at
11 Michigan Avenue and the Hospital Center Drive South.

12 At this time, I'd point your attention to
13 the roof plan, which I believe that Ms. Schellin has
14 distributed to each of you. This plan is a revised
15 page 26 from your plan packet and clarifies the roof
16 and roof structure heights.

17 From this plan, you can see the three
18 areas of zoning flexibility that the Hospital is
19 requesting. As you can see, the roof is very
20 complicated because there are various levels and those
21 levels serve different functions beneath them.

22 The first area of flexibility we need is
23 for multiple roof structures. Both the post-up and
24 the East Addition have multiple roof structures, in
25 order to diminish the size that the roof structure

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1 takes on the roof.

2 Secondly, the roof structures have heights
3 that are different from one another. And this is to
4 primarily reduce the heights to what is only required
5 and not take 18 foot, six inches for every roof
6 structure. It is also because of the multiple roof
7 levels that we have.

8 Third, we are requesting an increased roof
9 structure height for the penthouse at the north end of
10 the East Addition, which would service the neo-natal
11 intensive care unit, called the NICU, from the
12 helipad.

13 This increased height, which is
14 approximately 23 feet above the roof on which it sits,
15 not 18 feet, six, is necessary to service a trauma
16 sized elevator, which requires a larger motor and
17 reinforced steel in the mechanical override section.

18 Now patients who arrive via helicopter to
19 the Hospital usually need immediate attention. And
20 the goal is to get those patients to their facility as
21 quickly and directly as possible.

22 Without this special elevator, an infant
23 who is coming to the NICU would be required to access
24 the mail hospital from the existing trauma elevators;
25 be transported to the East Addition; and then take

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1 another elevator to the fifth floor of the East
2 Addition.

3 This specialized elevator would only
4 service the NICU. Therefore, it's very important that
5 this specialized elevator be permitted in order to
6 give the critical care that's needed to these
7 children.

8 Although this roof structure height is
9 above what's permitted in the zoning regulations,
10 there should be no adverse impact from its location.
11 It's located in towards the center of the building,
12 not near the edges, with generous set-backs from the
13 edge of the building. It is also not the highest roof
14 structure on the roof.

15 Because it sits on a lower roof elevation,
16 the main penthouses, as well as the helipad
17 penthouses, are taller than this roof structure. And
18 it's because the six floor addition roof is lower than
19 the other roofs.

20 We appreciate the efforts that this
21 Commission has give us to expedite the review of this
22 important case. We believe that the record is
23 complete with the addition of this document. And, in
24 the interest of time, we are prepared to stand on the
25 record and just answer questions that you may have.

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1 Thank you.

2 CHAIRPERSON MITTEN: Thank you, very much.
3 Questions from the Commission?

4 COMMISSIONER TURNBULL: Madam Chairman, I
5 just have one.

6 CHAIRPERSON MITTEN: Yes.

7 COMMISSIONER TURNBULL: In looking at the
8 roof plan, what is referred to as helipad elevation
9 roof at 144 foot, four inches, is that the new
10 elevator you're talking about?

11 MS. SHIKER: No. The new elevator that
12 we're talking about is in the greyed section. It is
13 in the East Addition. There is a helipad and there is
14 a bridge that's shaded.

15 COMMISSIONER TURNBULL: Yes. It says new
16 bridge.

17 MS. SHIKER: The new bridge one. You
18 would transport the patient across the bridge and then
19 access the new elevator.

20 COMMISSIONER TURNBULL: So it's in that
21 little rectangle?

22 MS. SHIKER: That's correct.

23 COMMISSIONER TURNBULL: Okay. What is the
24 height of the new bridge?

25 MS. SHIKER: Let me ask Jim McLaughlin,

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1 our architect, to come and address the Commission.

2 CHAIRPERSON MITTEN: You need to be on a
3 microphone, please. And please identify yourself for
4 the record.

5 MR. McLAUGHLIN: I'm James McLaughlin with
6 Carlsburger. We're the architects for the fifth and
7 sixth floor project.

8 That -- the existing helipad is 20 --
9 about 24½ feet above the roof directly below it, which
10 is the fifth floor roof. So we're staying at that
11 elevation and coming over to the new fifth and sixth
12 floor vertical addition.

13 COMMISSIONER TURNBULL: Okay. Is there --
14 I'm just looking at this new structure here which sits
15 above the roof. Without actually seeing this in 3-D,
16 I guess, to look at it, does that look awfully close
17 to the helipad, as far as the propellers of the
18 helicopter hitting it?

19 MR. McLAUGHLIN: No, sir. We have
20 reviewed this. It has been reviewed, I should say,
21 with the FAA. They have not taken any exception to
22 it. That's the reason we -- we will keep the bridge
23 over to the new structure at exactly the same
24 elevation. We have nothing projecting above that
25 bridge, other than the handrail.

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1 COMMISSIONER TURNBULL: Okay. Thank you.

2 CHAIRPERSON MITTEN: Anyone else? I just
3 had a question. You were describing the trauma
4 elevator. Is it an accurate statement that any such
5 trauma elevator would have to have a penthouse that
6 would exceed 18 foot, six?

7 MS. SHIKER: Any trauma elevator of this
8 size. There are smaller trauma elevators.

9 CHAIRPERSON MITTEN: Okay.

10 MS. SHIKER: But this -- this size is
11 required in order for the infant, the required medical
12 staff, the parents or relatives that are with the
13 infant, and then the machinery to -- to fit and get
14 down to the NICU.

15 CHAIRPERSON MITTEN: Okay. And the NICU
16 exists, or the NICU is part of the addition? I'm
17 sorry. You said it, I know. But I didn't retain it.

18 MS. SHIKER: It's on the fifth floor of
19 the East Addition which is part of the modification
20 requested today.

21 CHAIRPERSON MITTEN: Okay. Mr. Hood?

22 VICE CHAIRPERSON HOOD: Ms. Shiker, I'm
23 just curious. Where the emergency entrance is to
24 Children's Hospital now, which is like up under some
25 boards or whatever, the last time I was up in that

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1 area; is this part of what you're asking for from what
2 happened in the past. Or is this part of the new
3 modification?

4 MS. SHIKER: For the emergency entrances
5 for the ambulances?

6 VICE CHAIRPERSON HOOD: No. For where the
7 Children's Hospital is, there's an entrance that has
8 a lot of construction going on. Is this the area for
9 which you're here asking for the modification. Or
10 you're asking for what? Because it's already under
11 construction. There's already something happening up
12 in there.

13 Was that what you're asking for from the
14 past, or is this part of the modification now?

15 MS. SHIKER: The construction that you
16 have seen in the East Addition, floors two, three,
17 three and a half, four. And that is what we've
18 requested for approval for past construction.

19 The construction for the East Addition,
20 fifth and sixth floor has not taken place yet.

21 VICE CHAIRPERSON HOOD: Okay. So, in
22 other words, the entrance now -- this make shift
23 entrance, at least how it was a couple months ago,
24 this will help expedite getting that taken care of?

25 MS. SHIKER: I -- I believe so. But let

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1 me ask Jody Burdell. Do you want to come up to the
2 microphone?

3 MS. BURDELL: Thank you. I'm Jody
4 Burdell. Could you repeat your question?

5 VICE CHAIRPERSON HOOD: I'm just trying to
6 -- and I may be around the other side of the building.
7 But anyway, there's an entrance for like walk-ins.
8 I'm not even talking about --

9 MS. BURDELL: Right. On Michigan?

10 VICE CHAIRPERSON HOOD: Yes. There's an
11 entrance once you come around, I guess you come off
12 Michigan and you come around a circle, and you go in.
13 And there's like a little pathway that sits up under
14 some boards and you have all your construction layers
15 and something going on, on top.

16 MS. BURDELL: Yes.

17 VICE CHAIRPERSON HOOD: Will what you're
18 asking for today help expedite getting that taken care
19 of? It's been like that for a while. And I'm just
20 wondering if what you're asking for now will help
21 expedite that to get that taken care of.

22 MS. BURDELL: It will. And I think some
23 of what you're talking about, in terms of the
24 scaffolding that has been up there has already been
25 taken down. So we will probably have to put some

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1 additional scaffolding -- the sort of board that
2 you're talking about that you have to walk under, to
3 finish the East Addition five and six. But it will
4 expedite it, yes.

5 VICE CHAIRPERSON HOOD: Okay. Thank you.

6 CHAIRPERSON MITTEN: Anyone else?
7 Questions? Okay. Thank you. I think we're through.
8 We don't have anyone here from 5C, is that right? No
9 one here from 5C? Okay. Great. Thank you, very
10 much.

11 We're now ready to move to the Office of
12 Planning report. Ms. Thomas.

13 MS. THOMAS: Yes. Good evening, Madam
14 Chair and members of the Commission. The Office of
15 Planning is supporting the modification request as
16 being within the guidelines of the previously approved
17 PUD. And we're also supporting the additions
18 subsequent to the 1989 Zoning order. And we would
19 stand on the record and take any questions you may
20 have.

21 CHAIRPERSON MITTEN: Thank you. I don't
22 know if you can answer this question, but there are a
23 couple of things that are in the DDOT report. And we
24 don't have anyone here from DDOT, do we? Okay. And
25 they're saying that there shouldn't be issues as it

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1 relates to a couple of matters, as long as the new
2 signal at the Hospital Center Drive is installed. And
3 the Applicant has said that they're willing to pay the
4 one third of the new estimate on the cost. But do you
5 have any idea who pays the other two thirds and how
6 soon this work would get done?

7 MS. THOMAS: From -- I can't possibly say
8 how soon it's going to get done. But DDOT has
9 convened a meeting with Washington Hospital Center and
10 all the other hospitals within the campus.

11 CHAIRPERSON MITTEN: Yes.

12 MS. THOMAS: And this meeting is going to
13 take place on the 21st of September with -- with
14 CNNC's proposal to contribute towards the
15 signalization and get some further commitment as to a
16 final date when everybody else's going to contribute
17 towards that traffic signalization to complete parts
18 of the Washington Hospital Center's order. That's the
19 way I understand it.

20 CHAIRPERSON MITTEN: Okay. Anyone else
21 have questions for the Office of Planning?

22 COMMISSIONER JEFFRIES: Let me -- I just
23 want to understand. So, once the decision is made in
24 terms of -- well, the decision's been made to put the
25 signal up, I guess. But I'm sort of concerned about

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1 the cost of the signal moving from this \$250,000
2 that's been proposed, in terms of installation costs.
3 If that number moves -- I mean, what's the time frame
4 for all of this, in terms of getting the signal up and
5 going?

6 MS. STEINGASSER: We don't have an exact
7 time frame. DDOT's anxious to get it going. And
8 that's why they've convened this meeting with the
9 other members of the Hospital campus.

10 COMMISSIONER JEFFRIES: Okay.

11 MS. STEINGASSER: To see if they can get
12 the contributions in a timely manner and get the light
13 up.

14 COMMISSIONER JEFFRIES: Okay. Yes. It's
15 just -- I mean, you know what I mean. And, you know,
16 this goes on. You know, the price of installing the
17 signal moves.

18 MS. STEINGASSER: Right. It just
19 continues to go up.

20 COMMISSIONER JEFFRIES: And so it's just
21 getting it sort of nailed down. Okay. Thank you.

22 CHAIRPERSON MITTEN: Anyone else?

23 COMMISSIONER PARSONS: Madam Chairman, I
24 do want to go back to Ms. Shiker and help me through
25 this. This plan that you just presented us tonight;

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1 I'm looking at label that is just south of the
2 helipad. Which is -- the helipad's shown at 113'6".
3 And then there's a helipad elevation roof at 144
4 inches. What is that? Certainly there's not a roof
5 on the helipad.

6 MS. SHIKER: No. It is the mechanical
7 override for the trauma elevator that's located in the
8 helipad lobby roof that goes straight into the
9 operating facility.

10 COMMISSIONER PARSONS: So that's not
11 considered to be a penthouse? I mean, the only thing
12 you're asking a relief for is the elevator penthouse,
13 which is actually lower than this, at 138, right?

14 MS. SHIKER: That's correct.

15 COMMISSIONER PARSONS: So what is this?
16 I mean, I don't see it in the elevations.

17 MS. SHIKER: It is not in the elevations
18 that you have in your packet.

19 COMMISSIONER PARSONS: Yes?

20 MS. SHIKER: The helipad, the lobby, and
21 the roof were approved in 1989, as part of the
22 relocation of the helipad to the roof. That was part
23 of the 1989 modification, which is why it's not before
24 you tonight.

25 COMMISSIONER PARSONS: So that exists?

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1 MS. SHIKER: That's correct.

2 COMMISSIONER PARSONS: So the new
3 penthouse or the proposed penthouse is actually lower
4 than this element. Is that right?

5 MS. SHIKER: That's correct.

6 COMMISSIONER PARSONS: Thank you.

7 CHAIRPERSON MITTEN: Anything else for
8 Office of Planning? Okay. Thank you, very much.
9 We've already ascertained that we don't have a DDOT
10 representative or an ANC representative. I'd ask, is
11 there anyone else who'd like to testify in support?
12 Anyone who'd like to testify in opposition? Okay.
13 Back to you, Ms. Shiker.

14 MS. SHIKER: As the Commission knows, it
15 is very important to expedite this case. And we would
16 respectfully request a bench decision if the
17 Commission is ready to proceed.

18 CHAIRPERSON MITTEN: Okay.

19 VICE CHAIRPERSON HOOD: Madam Chair, I
20 would move that we approve Zoning Commission Case
21 Number 88-34A, which would include the approval of
22 subsequent additions and also the -- I don't know if
23 this should be in my motion, but the agreement or
24 subsequent agreement of a third in financial
25 contributions to signalize improvements at Michigan

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1 Avenue, and I so move.

2 COMMISSIONER TURNBULL: Second.

3 COMMISSIONER JEFFRIES: I just want to
4 make certain, you did say a third of the cost? You
5 didn't say \$70,000?

6 VICE CHAIRPERSON HOOD: Was it a third or
7 was it \$70,000?

8 CHAIRPERSON MITTEN: At the moment, those
9 are equal, unless the cost goes up.

10 COMMISSIONER JEFFRIES: Yes. But I'm just
11 saying, I liked when the motion said a third. No.
12 No. A third. Keep it a third.

13 VICE CHAIRPERSON HOOD: Did I say a third?

14 COMMISSIONER JEFFRIES: Yes.

15 VICE CHAIRPERSON HOOD: Okay. All right.

16 CHAIRPERSON MITTEN: Okay. Fine. Any
17 discussion? All those in favor, please say aye?

18 ALL: Aye.

19 CHAIRPERSON MITTEN: Those opposed, please
20 say no. Ms. Schellin?

21 MS. SCHELLIN: The staff will record the
22 vote five to zero to zero to approve proposed action
23 in Zoning Commission Case 88-34A. Commissioner Hood
24 moving; Commissioner Turnbull seconding.
25 Commissioners Mitten, Parsons, and Jeffries in favor.

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1 CHAIRPERSON MITTEN: Very good. Thank
2 you. And I'm sure that the Office of the Attorney
3 General would welcome a draft order, in spite of the
4 fact that we're not prolonging this anymore.

5 MS. SHIKER: Thank you, very much.

6 CHAIRPERSON MITTEN: Thank you. Have a
7 good night everybody. And we'll be back at 7:30 for
8 our next hearing.

9 (Whereupon, the hearing was adjourned at
10 7:06 p.m.)
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