

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

SPECIAL PUBLIC MEETING

1204TH MEETING SESSION (6TH OF 2006)

+ + + + +

THURSDAY

MARCH 2, 2006

The Special Public Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 2001, pursuant to notice at 6:00 p.m., Anthony J. Hood, Vice-Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Vice Chairperson  
GREGORY JEFFRIES, Commissioner  
JOHN PARSONS, Commissioner (NPS)  
MICHAEL TURNBULL, Commissioner

ZONING COMMISSION STAFF PRESENT:

SHARON SCHELLIN, Acting Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
TRAVIS PARKER

This transcript constitutes the minutes from the Special Public Meeting held on March 2, 2006.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**A-G-E-N-D-A**

**Proposed Action**

A. Z.C. Case No. 05-17 (Broadway Atlantic One, LLC South)

Vote taken to approve . . . . . 12

B. Z.C. Case No. 05-21 (Broadway Atlantic One, LLC North)

Vote taken to approve . . . . . 13

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

6:13 p.m.

VICE CHAIRPERSON HOOD: This meeting will come to order. Good evening, ladies and gentlemen. This is a special public meeting of the Zoning Commission, Zoning Commission Case 05-17 and 05-32 in which we'll be taking up tonight.

Please be advised that this proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask you to reframe from any disruptive noises and actions in the hearing room.

Again, my name is Anthony Hood, Vice Chairman of the Zoning Commission. Joining me are Commissioner Jeffries and Commissioner Turnbull.

Mrs. Schellin, do we have any preliminary matters?

MS. SCHELLIN: No, sir.

VICE CHAIRPERSON HOOD: I left one key statement out of my opening statement. Please turn off all beepers and cell phones.

Okay, colleagues, in front of us -- actually, this is going to be treated as -- this is two separate PUDs but in talking because of the way we framed our questions and the way that we dealt with it at the hearing, we kind of combined them but they are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 not combined. They are two separate PUDs and,  
2 accordingly, what is voted up or down or however  
3 fashion we move forward, that is the way we will be  
4 moving in that direction.

5 What I would like to just do, let's take  
6 some discussion. The applicant, I think, did a  
7 fabulous job of giving us a submittal which outlined  
8 some of our questions and I have the transcript also.  
9 I think they covered quite a few of them but anytime  
10 you want to chime in and address anything else we can.

11 It is the submission that is dated  
12 February 13th and it is addressed to Carol Mitten,  
13 Chairman. Does everyone have that in front of them?  
14 I'll just run right down their list. I also have the  
15 transcript in front of me. I think this affordable  
16 housing, and chime in and correct me if I'm incorrect,  
17 but the Chairperson asked about the affordable housing  
18 units would be distributed throughout.

19 I guess she was asking can you just give  
20 us a little bit more specificity as an additional  
21 submission. What I am suggesting would be the  
22 enforcement mechanisms, the time period, and the  
23 affordability. I think the applicant has mentioned in  
24 their statement, "The units will be affordable for a  
25 20-year period and DHCD would set the price and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 enforce the affordability requirements through  
2 covenants and other legal mechanisms as has been the  
3 case with the other PUDs that involve affordable  
4 units. Any questions or any problems?

5 MR. JEFFRIES: Office of Planning. So the  
6 discussion has always been that the affordability time  
7 period would be 20 years?

8 MR. PARKER: To my knowledge, yes.

9 MR. JEFFRIES: Okay. Thank you.

10 VICE CHAIRPERSON HOOD: Okay. All right.  
11 Let me just ask because I'm not settled with that.  
12 Piggybacking on what Commissioner Jeffries is saying,  
13 it's always been 20 years in every PUD?

14 MR. PARKER: No. I understood the  
15 question to mean this PUD. I know that there have  
16 been suggestions of 10 or 15 years, especially more  
17 recently, and we are certainly open to the  
18 Commission's opinion on that.

19 VICE CHAIRPERSON HOOD: Okay. I actually  
20 shouldn't be doing this. I'm thinking about the  
21 mandatory inclusion. Okay. All right.

22 Next, "Plans and written statements  
23 demonstrating the appropriateness of the proposed  
24 design for Parcel B." Do we have a submittal? I'm  
25 not sure who asked that question because I didn't see

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it in the transcript.

2 MR. JEFFRIES: In terms of exceeding that  
3 they are 5 percent?

4 VICE CHAIRPERSON HOOD: Right. I'm not  
5 sure who asked that. I'm kind of doing this because  
6 I can make sure we hit the points that the Chair had  
7 also in her absence.

8 MR. JEFFRIES: Well, from what I recall,  
9 and I don't remember all the details, but I think that  
10 the Chair's concern was that, you know, the applicant  
11 not just say that, you know, because we are able to  
12 get an additional five percent on FAR you really  
13 should try to walk the Commission through the reasons  
14 why you would need that additional 5 percent.

15 My understanding was that she wanted the  
16 applicant to delineate and outline that. That seems  
17 as if it's been done as it relates to the submission  
18 to us, the February 13th submission.

19 VICE CHAIRPERSON HOOD: Okay. And I also  
20 just found here where she said the drawings aren't the  
21 dimension that relates to the drive-arounds and the  
22 parking spaces inside. I think that has been  
23 addressed.

24 Next, "Written agreement in favor of the  
25 applicant's design for Parcel B vehicular entrances."

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I think that was mine.

2 MR. JEFFRIES: That was probably you.

3 VICE CHAIRPERSON HOOD: Was it this case  
4 or not? I think that was mine and I think they have  
5 addressed it. I just asked them to simply look into  
6 it and appreciate them for doing that. DDOT also  
7 concurs with the recommendations of the traffic  
8 consultant so I will leave that to the experts.

9 It also says here in the submission,  
10 "Applicant will continue to work closely with DDOT to  
11 ensure streetscape and that it addresses the needs and  
12 requirements set forth by industry standards of the  
13 street and sidewalk design of the neighborhood." All  
14 that is dealing with Parcel B which is the vehicle  
15 circulation.

16 The minimum width of the garage ramp is 14  
17 feet and the minimum width of the loading berth is 12  
18 feet. The total 26-foot width can be handled by one  
19 24-foot opening and curb cut as illustrated on the  
20 attached plan." I think that also alludes to what I  
21 mentioned earlier that the Chair had mentioned.

22 I'm just bringing these things up so it's  
23 not said that we didn't cover them but it's kind of  
24 hard. I don't know if she is satisfied with it or  
25 not. Unfortunately she is not here so we are moving

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 forward.

2 "Plans and written statements detailing  
3 the project's parking and loading, details regarding  
4 proposed living and work spaces." I think that was  
5 yours, Commissioner Jeffries.

6 MR. JEFFRIES: I'm happy to see that the  
7 applicant has looked into this a bit further, although  
8 I am curious from the Office of Planning the applicant  
9 states that there seemed to be limited interest. What  
10 is your understanding about the level of due diligence  
11 around that?

12 MR. PARKER: We haven't had discussions  
13 with the applicant on that issue and I'm not aware of  
14 any studies on that issue.

15 MR. JEFFRIES: Okay. Well, Vice Chair, my  
16 issue was the live and work spaces. Sometimes those  
17 spaces would be allocated to artists or different  
18 individuals and sometimes they would have to be  
19 affordable and I was just wanting the applicant to  
20 just delve into that a little bit more. They have  
21 abandoned plans. They are just going to have ground  
22 floor residential units and that is fine with me.

23 VICE CHAIRPERSON HOOD: Okay. Backing up  
24 to the agreement with DDOT -- are you finished?  
25 Backing up, "Despite repeated attempts we have been

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 unable to confirm the accessibility of our proposed  
2 \$250,000 contribution toward the civil engineering.  
3 The association would propose traffic circle."

4 I know that was up for discussion but I  
5 think they are making a contribution to DDOT in the  
6 amount of \$250,000 for the traffic circle, which I  
7 will tell you on record I have a problem with the  
8 traffic circle and I think I stated that at the  
9 hearing, but it's not to the magnitude of doing away  
10 with the whole project.

11 The other thing is as far as traffic level  
12 of service is D. Unfortunately level of service of D  
13 in the industry of traffic is acceptable. Anyway,  
14 hopefully they can continue to maybe work with DDOT,  
15 as they have stated, to maybe make that a different  
16 alphabet. Maybe C is better.

17 Okay. The last thing, I think, and,  
18 colleagues, you can join in if I have omitted  
19 anything, is the resolution of support from our  
20 project from Advisory Neighborhood Commission ANC-1C.  
21 The only thing I would add here they have a breakdown,  
22 and hopefully Mrs. Princess has seen the breakdown of  
23 how the contributions are going to be allocated.

24 I haven't done the math but I believe it  
25 comes up to whatever the allocation was, \$100,000 or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 whatever total but I think they have allocated and  
2 they have specified which I think we asked for. The  
3 only thing I would encourage is that be placed in the  
4 order. Okay.

5 MR. JEFFRIES: Given that I live in this  
6 ward, I would like to see the new order, too.

7 Vice Chair, did you go past the phasing  
8 plan? I'm sorry, did I miss that?

9 VICE CHAIRPERSON HOOD: Six. Okay. I'm  
10 sorry. I did not. A discussion of the proposed  
11 phasing for the four buildings.

12 MR. JEFFRIES: Yeah. It says here that  
13 the applicant has said that it is likely that the  
14 Florida Avenue building, which is Parcel C, one of the  
15 larger ones, would likely be the first building. They  
16 are looking to retain some level of flexibility around  
17 that. I just wanted to hear from the Office of  
18 Planning. Do you have any comments on that, the  
19 applicant's need for flexibility in terms of phasing.

20 MR. PARKER: I don't think we have any  
21 opposition to that.

22 MR. JEFFRIES: Okay. Great.

23 VICE CHAIRPERSON HOOD: Okay.  
24 Commissioner Turnbull, did you want to add anything?

25 MR. TURNBULL: No. I guess the only

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 question, and maybe it's directed at the Office of  
2 Planning, on Parcel B, the loading aspects on Parcel  
3 B. You have seen the applicant's responses to what  
4 they are going to provide?

5 MR. PARKER: Correct.

6 MR. TURNBULL: Are you satisfied with  
7 that?

8 MR. PARKER: I am. I did speak with DDOT  
9 on both that issue and the contribution issue and they  
10 are satisfied to move ahead with approval of the PUD.  
11 DDOT will continue to work with the applicant as  
12 needed with the building permit.

13 MR. TURNBULL: Okay. Thank you.

14 VICE CHAIRPERSON HOOD: I don't know if  
15 this is an issue but I think we need to take this in  
16 two votes but I'm not sure. I'll leave that up to OAG  
17 and staff for how many orders we have. I don't know  
18 but when you read the order was it confusing to you or  
19 were you fine with it but I will leave that up to  
20 staff. Two orders?

21 MS. SCHELLIN: Two orders.

22 VICE CHAIRPERSON HOOD: It's going to be  
23 two votes but I'm just looking because the way I look  
24 at the decision it is spelled out whether it's for 05-  
25 17 and whether it's for -- what's the other one? 05-

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 17 and 05-32.

2 All right. I think the applicant has  
3 satisfactorily -- sufficiently responded to the  
4 request that we have and hopefully the Chair has, even  
5 though she's not voting. If not, I'm sure we will  
6 probably hear about it. Anyway, with that I would  
7 move approval of Zoning Commission Case No. 05-17 to  
8 also incorporate the ANC-1B allocation to be in the  
9 order. And also the comments that were discussed here  
10 and also incorporate the submissions that were dated  
11 February 13th to the Commission which were submissions  
12 in response to our concerns and questions at the  
13 hearing. I would move approval.

14 MR. JEFFRIES: Second.

15 VICE CHAIRPERSON HOOD: It has been moved  
16 and properly seconded. All those in favor?

17 ALL: Aye.

18 VICE CHAIRPERSON HOOD: Any opposition?  
19 So ordered. Staff, would you record the vote.

20 MS. SCHELLIN: Staff would record the vote  
21 three to zero to two to approve proposed action in  
22 Zoning Commission Case No. 05-17. Commissioner Hood  
23 moving, Commissioner Turnbull seconding, Commissioner  
24 Jeffries in favor, Commissioner Parsons not voting  
25 having not participated and Commissioner Mitten not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 voting, not present.

2 VICE CHAIRPERSON HOOD: Okay. With that  
3 I would also move approval of Zoning Commission Case  
4 05-32. Again, in this order the appropriateness of  
5 the ANC's allocations be incorporated in the order.  
6 Also our discussion we had here today with the  
7 submittal of the questions and things discussed at our  
8 hearing dated February 13 in response to our questions  
9 and concerns at the hearing also be incorporated in  
10 that order and I would move approval of 05-32.

11 MR. JEFFRIES: I'll second.

12 VICE CHAIRPERSON HOOD: Okay. It's been  
13 moved and properly seconded. All those in favor?

14 ALL: Aye.

15 VICE CHAIRPERSON HOOD: Any opposition?  
16 So ordered.

17 Staff, would you record the vote.

18 MS. SCHELLIN: Staff would record the vote  
19 three to zero to two or approve proposed action in  
20 Zoning Commission Case No. 05-32. Commissioner Hood  
21 moving, Commissioner Jeffries seconding, Commissioner  
22 Turnbull in favor, Commissioner Mitten not present and  
23 not voting, Commissioner Parsons not voting having not  
24 participated.

25 VICE CHAIRPERSON HOOD: Ms. Schellin, do

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 we have any other business of this special public  
2 meeting?

3 MS. SCHELLIN: No, sir.

4 VICE CHAIRPERSON HOOD: Okay. With that  
5 we will adjourn and we'll be back in about three  
6 minutes.

7 (Whereupon, at 6:28 p.m. the special  
8 public meeting was adjourned.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701