

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Office of Zoning

3 ZONING COMMISSION

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8 ZONING COMMISSION PUBLIC HEARING

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12 6:32 a.m. to 6:50 p.m.

13 Thursday, November 20, 2014

14
15 441 4th Street, N.W.

16 Jerrily R. Kress Memorial Room

17 Second Floor Hearing Room, Suite 220 South

18 Washington, D.C. 20001

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25 Board Members:

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1 ANTHONY HOOD, Chairperson
2 MARCIE COHEN, Vice-Chairperson
3 PETER MAY, Commissioner
4 ROBERT MILLER, Commissioner
5 MICHAEL TURNBULL, Commissioner
6 SHARON SCHELLIN, Secretary

7

8 Office of Planning:

9 JENNIFER STEINGASSER
10 STEPHEN MORDFIN

11

12 Also Present:

13 ANNA CHAMBERLIN, DDOT

14

15 RANDALL GASKINS

16 800 Light Street

17 Baltimore, Maryland 21230

18 410-303-7499

19

20 CHRISTIAN COLLINS

21 800 17th Street, N.W., Suite 1100

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24 HANS BAUMAN

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4 Introductory Remarks

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P R O C E E D I N G S

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CHAIRPERSON HOOD: Good evening, ladies and gentleman. This is a public hearing of the Zoning Commission for the District of Columbia for November 20th, 2014.

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We are located in the Jerrily R. Kress Memorial Hearing Room.

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My name is Anthony Hood, joined by Vice Chair Cohen, Commissioner Miller, Commissioner May, and Commissioner Turnbull. We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin, the Office of Planning Staff, Mr. Mordfin, and District Department of Transportation Ms. Chamberlain.

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This proceeding is being recorded by a court reporter and it's also webcast live. Accordingly, we must ask you to refrain from any disruptive noise or actions in the hearing room, including the display of any signs or objects.

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Notice of today's hearing was published in the D.C. Register and copies of that announcement are located to my left on the wall near the door.

25

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1 accordance with provisions of 11 DCMR 3117 as
2 follows: preliminary matters, the applicants'
3 case, report of the Office of Planning, report of
4 other government agencies, report of the Advisory
5 Neighborhood Commission, organizations and
6 persons in support, organizations and persons in
7 opposition, rebuttal and closing.

8 The following time constraints will be
9 maintained in this meeting. We will see, as we
10 move forward, how much time we will have for the
11 applicant. Allow organizations five minutes and
12 individuals three minutes.

13 All persons appearing before the
14 Commission are to fill out two witness cards.

15 Please turn off all beepers and cell
16 phones at this time so not to disrupt these
17 proceedings.

18 Would all individuals wishing to testify
19 please rise to take the oath.

20 Ms. Schellin, would you please administer
21 the oath.

22 SECRETARY SCHELLIN: Please raise your
23 right hand.

24 Whereupon,

25 Participants en masse

1 Were called for examination, and having been
2 first duly sworn, were examined and testified as
3 follows:

4 SECRETARY SCHELLIN: Thank you.

5 CHAIRPERSON HOOD: Okay. Ms. Schellin,
6 do we have any preliminary matters?

7 SECRETARY SCHELLIN: Yes, sir. Just one
8 real quick. The Applicant made a filing that was
9 less than the 14-day period, so they asked for a
10 waiver for the late filing. And also, you have a
11 substitution of the expert architect, the expert
12 witness, which was the architect that they had
13 previously proffered. And those are the only two
14 preliminary matters that staff has.

15 CHAIRPERSON HOOD: Okay. So we have a
16 submission which we already have; right?

17 SECRETARY SCHELLIN: Yes.

18 CHAIRPERSON HOOD: Okay. So we don't
19 need to do any action on that. Let's look at the
20 expert witness, Mr. Collins?

21 MR. COLLINS: Yes, the expert witness,
22 Mr. Gaskins, Randall Gaskins from Gaudreau
23 Architects and Planners is here. Mr. Gaskins has
24 been working with Mr. Keene on the project. Mr.
25 Keene is with Dangermont Keene from Portland.

1 He's unable to be with us tonight and Mr. Gaudrea
2 -- I'm sorry, Mr. Gaskins from Gaudreau
3 Architects is here and will cover the same
4 issues. He's totally prepared to cover
5 everything.

6 CHAIRPERSON HOOD: Has he already been
7 proffered as an expert with us?

8 MR. COLLINS: No, sir.

9 CHAIRPERSON HOOD: Okay. I think we do
10 have a resume. Can you tell me which exhibit
11 that is so we can go right to it?

12 Exhibit 25? Okay. Okay. Yes, we do
13 have an Exhibit 25, second page.

14 (Pause.)

15 CHAIRPERSON HOOD: Okay. Let's wait a
16 minute and make sure everybody has a chance to
17 look at it.

18 (Pause.)

19 COMMISSIONER TURNBULL: Mr. Chair, I just
20 have a question.

21 CHAIRPERSON HOOD: Sure. Mr. Turnbull.

22 COMMISSIONER TURNBULL: Is Gaudreau
23 Architects, are they the architect of record?

24 MR. BAUMAN: Yes, they are.

25 COMMISSIONER TURNBULL: And --

1 MR. BAUMAN: Yes, they are.

2 COMMISSIONER TURNBULL: Okay. I was just
3 curious what the relationship was. But you're
4 the local architect, the architect of record.

5 MR. BAUMAN: I'm the project manager and
6 directing the overall design team.

7 COMMISSIONER TURNBULL: Okay. All right.
8 Thank you.

9 CHAIRPERSON HOOD: When did we get this
10 resume, Ms. Schellin? I didn't see that earlier.

11 SECRETARY SCHELLIN: Yesterday. I
12 updated you yesterday, so you may not have seen
13 it because it was yesterday afternoon.

14 CHAIRPERSON HOOD: And I notice now we
15 have a 6(a) report. Okay. I didn't look at
16 that. Okay.

17 All right. Any objections,
18 Commissioners?

19 (Chorus of nay.)

20 CHAIRPERSON HOOD: Okay. No objections.
21 We will keep him as an expert. Anything else?

22 MR. COLLINS: No, sir.

23 CHAIRPERSON HOOD: Okay, Mr. Collins, let
24 me just say, I think the record is complete and I
25 think it has a lot of support. Is there anyone

1 here who is in opposition?

2 (No response.)

3 CHAIRPERSON HOOD: Okay. So Mr. Collins,
4 you may begin.

5 MR. COLLINS: Thank you, sir. We are
6 happy to rest on the record and be available to
7 answer any questions that the Commission may
8 have.

9 CHAIRPERSON HOOD: Okay. Thank you.
10 That was a very succinct presentation. I really
11 appreciate it.

12 Okay. Commissioners, I think we can get
13 straight to the point on our questions. I think
14 the record was complete, but we may have some
15 questions up here. Let me open it up. Any
16 questions or comments?

17 (No response.)

18 CHAIRPERSON HOOD: Vice Chair Cohen.

19 VICE CHAIRPERSON COHEN: Thank you, Mr.
20 Chairman. I want to make sure that you reviewed
21 OP and DDOT's reviews. Are you willing to accept
22 their recommendations?

23 MR. COLLINS: The OP recommendation asks
24 that we consider the use of pervious paving for
25 the parking spaces, and we are willing to do

1 that.

2 I've had a discussion with Ms.

3 Chamberlain about the conditions on the bicycle
4 parking, and I can just briefly summarize where
5 we are on that and Ms. Chamberlain can respond as
6 well. A DDOT report asked for 40 long-term
7 spaces and 20 short-term spaces. The students
8 who live here, they are living on the campus.
9 About 15 of the students total commute and they
10 commute either by being driven, by the parents,
11 or they take Metro to Union Station then they
12 take the Gallaudet Shuttle.

13 Students are not allowed to ride bikes
14 off campus. They're not allowed to ride bikes,
15 or even to go onto the university portion of the
16 campus. And it's all for their protection. And
17 there is a bicycle club for the MSSD that has
18 about 20 members and they store their bikes in
19 the basement of the school building which is
20 right across the courtyard. As you can see,
21 right across the courtyard from the dormitory.
22 And they only ride for recreation purposes, not
23 for transportation purposes. They ride with
24 staff members on outing and things.

25 So there's not a need for 40 long-term

1 spaces in the building and 20 short-term spaces
2 outside the building.

3 I talked to Ms. Chamberlain. We've
4 talked about the number of spaces they needed for
5 staff and so we will be putting four long-term
6 spaces in the basement for staff and we'll put
7 two parking -- two bicycle parking spaces on the
8 outside for short-term.

9 VICE CHAIRPERSON COHEN: Okay. You used
10 the word on the impervious surfaces, "consider";
11 does that mean you're going to do it, or you're
12 just going to consider? Again, I know you're a
13 lawyer, so I want to just drill down on that
14 word.

15 MR. COLLINS: I was simply parroting what
16 the OP report asked us to do.

17 VICE CHAIRPERSON COHEN: Okay. I'll ask
18 OP where they're coming out on this. Because I
19 think it's very important that you do more than
20 consider.

21 MR. BAUMAN: If I may? Hansel Bauman,
22 Campus Architect. I'll do a little different
23 response than our lawyer and say that we will do
24 pervious -- impervious surface for the parking.
25 It's in our best interest, I think, to do that.

1 So we absolutely will do that.

2 VICE CHAIRPERSON COHEN: Thank you.

3 Those are the kinds of answers I like, very, very
4 precise.

5 Pervious -- oh, no, you means pervious
6 though.

7 MR. BAUMAN: Pervious, sorry.

8 VICE CHAIRPERSON COHEN: I knew what he
9 meant. Thank you.

10 CHAIRPERSON HOOD: He meant what he said,
11 yes.

12 All right. Thanks for that. Any other
13 questions up here?

14 (No response.)

15 CHAIRPERSON HOOD: Okay. Mr. Turnbull.

16 COMMISSIONER TURNBULL: No. So the
17 bicycle issue is primarily a safety issue for the
18 students.

19 MR. BAUMAN: It is primarily a safety
20 issue, yes, that we -- plus just the demand for
21 using -- where they go on and bicycle, it's just
22 rarely that they ever use bicycles for their own
23 safety purposes. Yeah.

24 COMMISSIONER TURNBULL: Okay. Thank you.

25 CHAIRPERSON HOOD: Okay. Any other

1 questions up here?

2 (No response.)

3 CHAIRPERSON HOOD: Does Gallaudet still
4 have a coordinating council? I think it was
5 called a Gallaudet coordinating council.

6 MR. BAUMAN: We -- you may be thinking of
7 the Gallaudet community council.

8 CHAIRPERSON HOOD: Yeah, okay.

9 MR. BAUMAN: But not a coordinating
10 council.

11 CHAIRPERSON HOOD: Okay. Well, whatever
12 it was, the reason that you're here today without
13 any opposition and stuff is the said reason.
14 Anybody who knows the history of Gallaudet, like
15 I do, I was here when Mr. George Boyd who is now
16 gone on, and he worked real hard to get Gallaudet
17 to come out from out those iron gates. And as
18 long as I'm here on the Zoning Commission, I'm
19 going to mention that.

20 See, a lot of people don't know how we
21 got to this point where the audience is empty.
22 So I think due to the efforts of Mr. George Boyd
23 and I think Mr. Collins, I don't know if you
24 remember -- you remember Mr. Boyd, don't you?

25 MR. COLLINS: We referred to him as Dr.

1 Boyd.

2 CHAIRPERSON HOOD: Dr. Boyd. He got --
3 he actually was an honorary degree from
4 Gallaudet. I attended the ceremony. But due to
5 his efforts, a lot of support has went into this.
6 And when I look at this, I don't see any mention
7 of it, and I may have missed it, but I think
8 it's always important to remember how we got here
9 were you have so much support. Okay.

10 And I'm just saying that. I got another
11 four more years here, so I will be saying that --
12 when you come back for something else, if I see
13 you, I'm going to say the exact same thing. And
14 think this is like my third time saying that.

15 MR. BAUMAN: Chairman, if I may, we --
16 Vice President Paul Kelly and myself have been
17 talking about this very issue ourselves. We
18 recognize the contribution he's made, and I think
19 I've mentioned he was a neighbor of mine, two
20 doors down, living in the Trinidad area. And he
21 was as good a neighbor as he was an advocate for
22 Gallaudet.

23 One of the things, due to his efforts,
24 that we've been able to do is open up our western
25 gate, the West Virginia gate on a much regular

1 basis. That has now, over time, as we have more
2 students living in the Trinidad area, has now
3 become a main pedestrian entry into the campus.
4 And I think it befitting an honorary position for
5 him we've been considering that we would name
6 that gate the Dr. Boyd gate. It's not a formal
7 decision, but that's something that's already
8 under consideration at the University in his
9 recognition.

10 CHAIRPERSON HOOD: Okay. I think that's
11 a very well-dressed way to pay tribute to all the
12 hard work that he's done.

13 There's only one more thing we've got to
14 get done in Northeast and that's the Northeast
15 sewer boundary. But he worked on that. He
16 talked about that for years. And when I came in
17 to get into community work Mr. Boyd was on that
18 issue. Maybe it will done eventually.

19 Okay. Anything else?

20 And I appreciate the acknowledgement.
21 I'm sure the community would also.

22 MR. BAUMAN: Thank you.

23 CHAIRPERSON HOOD: Okay. Any other
24 questions, comments?

25 (No response.)

1 CHAIRPERSON HOOD: Okay. Let's go to --
2 do we have anyone here from ANC 6A?

3 (No response.)

4 CHAIRPERSON HOOD: Do we have anyone here
5 from ANC 6A is actually not the ANC -- 5D?

6 (No response.)

7 CHAIRPERSON HOOD: Okay. Not seeing
8 anyone let's go to the Office of Planning and the
9 District Department of Transportation.

10 MR. MORDFIN: Good evening. For the
11 record, I'm Stephen Mordfin with the Office of
12 Planning. The Office of Planning continues to
13 support this application and stands on the record
14 and is available for questions.

15 Thank you.

16 CHAIRPERSON HOOD: Thank you, Mr.
17 Mordfin.

18 Ms. Chamberlain, DDOT.

19 MS. CHAMBERLAIN: Good evening. After
20 further coordination and discussion, as was
21 already mentioned with the Applicant, we are
22 comfortable with the four long-term parking
23 spaces -- bicycle storage facilities for the
24 staff and two inverted U-style racks in front of
25 the main entrance.

1 CHAIRPERSON HOOD: Okay. Colleagues, any
2 questions of either the Office of Planning or
3 DDOT?

4 (No response.)

5 CHAIRPERSON HOOD: Okay. Not seeing any,
6 or does the Applicant have any questions of the
7 Office of Planning or DDOT?

8 (No response.)

9 MR. COLLINS: No, I don't. We agree.
10 Thank you.

11 CHAIRPERSON HOOD: Okay. Let's go to the
12 report of any other government agencies. I don't
13 think -- do we have any?

14 (No response.)

15 CHAIRPERSON HOOD: Okay. Not seeing any
16 myself, and I do miss things.

17 Let's go to the report of advisory
18 neighborhood commission. In this case 5D has a
19 letter from from the the single member district.
20 Unfortunately, we cannot give them the great
21 weight, but the letter is for the file. It's
22 just unfortunate that they -- I don't know if
23 they didn't have a quorum or what the issue was.
24 But we do have a letter from --

25 SECRETARY SCHELLIN: 6A.

1 CHAIRPERSON HOOD: -- 6A, the Vice Chair
2 is trying to give me a paper copy, but I'm trying
3 to go electronic here. Yeah, I got it. It was
4 at the bottom. Okay.

5 ANC 6A appreciates Gallaudet -- the
6 University's outreach efforts to our ANC and
7 believe that the proposed replacement dormitory
8 is well-designed structurally and makes an
9 important contribution to the campus and to the
10 educational mission of the University. And it
11 goes on and says, please be advised who will be
12 possibly down here to testify and saying exactly
13 what's in the letter as a regularly schedule
14 meeting. It has what we require. Our Commission
15 voted seven, zero to zero, with five
16 commissioners required for a quorum. So we do
17 have a letter of support in here from ANC 6A. Is
18 part of this in 6A?

19 SECRETARY SCHELLIN: Yes.

20 MR. COLLINS: I'm sorry?

21 CHAIRPERSON HOOD: What ANC is this in?

22 MR. COLLINS: It's in ANC 5D.

23 CHAIRPERSON HOOD: 5D.

24 MR. COLLINS: And 6A and 6C are both
25 located across.

1 CHAIRPERSON HOOD: They about; right.
2 Okay.

3 MR. COLLINS: 5D the issue there, what
4 happened is that the full ANC meeting was
5 scheduled for Veterans Day. And when they
6 realized it, they pushed it over to the following
7 day and by that point a number of the
8 commissioners had previous commitments, so they
9 couldn't get a quorum.

10 CHAIRPERSON HOOD: Okay.

11 MR. COLLINS: But Chairman Henderson and
12 the others there were very supportive in their
13 discussion about it. But they unfortunately
14 couldn't take a vote.

15 CHAIRPERSON HOOD: Right. We know
16 Chairman Henderson very well. If there was a
17 problem she would have been here. Trust me.

18 Okay. So noted. Let's go to
19 organization -- any organizations or persons who
20 are here in support?

21 (No response.)

22 CHAIRPERSON HOOD: Any organizations or
23 persons who are in opposition?

24 (No response.)

25 CHAIRPERSON HOOD: Mr. Collins,

1 certainly, you don't have any rebuttal, but we
2 can take your closing.

3 MR. COLLINS: Thank you for your time and
4 we look forward to receiving your vote at the
5 earliest possible time.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 Colleagues, any questions or comments?
8 I'll entertain a motion. I think this is pretty
9 straightforward and we can move forward this
10 evening on an action.

11 Commissioner Miller?

12 COMMISSIONER MILLER: Mr. Chairman, yes,
13 I agree that this is very straightforward. I
14 think it's a very attractive residential facility
15 for the students. I would just comment on that.
16 And I particularly like the openness of the
17 windows and the movie screen that's there with
18 the closed captioning, that's great.

19 So I would move that the Zoning
20 Commission take proposed action on Zoning
21 Commission Case No. 12-15A, request for a special
22 exception for campus plan amendments further
23 processing and a special exception for the
24 construction of a residence hall for the model
25 secondary school for the deaf posed by Gallaudet

1 University at 800 Florida Avenue, Northeast and
2 ask for a second.

3 COMMISSIONER TURNBULL: Second.

4 CHAIRPERSON HOOD: Okay. It's been moved
5 and properly second. Any further discussion?

6 (No response.)

7 CHAIRPERSON HOOD: Okay. As everyone
8 knows, this is one action. Okay. I think all
9 this needs is one action. Well, it's one action
10 anyway.

11 Okay. Moved and properly second. Any
12 further discussion?

13 (No response.)

14 CHAIRPERSON HOOD: All those in favor,
15 aye.

16 (Chorus of aye.)

17 CHAIRPERSON HOOD: Any opposition?

18 (No response.)

19 CHAIRPERSON HOOD: So Staff, would you
20 record the vote?

21 SECRETARY SCHELLIN: Yes, Staff records
22 the vote five to zero to zero to approval final
23 action on Zoning Commission Case No. 12-15A,
24 Commissioner Miller moving, Commissioner Turnbull
25 seconding, Commissioners Hood, Cohen, and May in

1 support.

2 If I could ask Mr. Collins to please
3 provide a draft order. I'm assuming a summary
4 order.

5 CHAIRPERSON HOOD: Yes, we can do a
6 summary.

7 SECRETARY SCHELLIN: Yes.

8 MR. COLLINS: I'll get that down to you.

9 CHAIRPERSON HOOD: Okay. Anything else,
10 Ms. Schellin?

11 SECRETARY SCHELLIN: No.

12 CHAIRPERSON HOOD: Again, I want to thank
13 the Gallaudet University to continue doing the
14 good work your doing, especially with the
15 neighborhood. We appreciate it.

16 So with that, this hearing is adjourned.

17 (Whereupon, at 6:50 p.m., the hearing was
18 adjourned.)

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