

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Regular Public Meeting

1407th meeting Session (7th of 2015)

6:32 p.m. to 7:14 p.m.

Monday, April 13, 2015

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Vice-Chairperson

4 ROBERT MILLER, Commissioner

5 MR. TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 JOEL LAWSON

13 KAREN THOMAS

14

15 Office of Attorney General:

16 JACOB RITTING

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P R O C E E D I N G S

CHAIRPERSON HOOD: This is the 1407th Public Meeting of the D.C. Zoning Commission. Today's date is Monday, April the 13th, 2015. It's approximately 6:32 p.m. We are located in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, the Office of Attorney General, Mr. Ritting, Office of Planning, Mr. Lawson and Ms. Thomas.

We do not take any public testimony at these meetings unless we ask someone to come forward. We ask everyone, please be respectful because we are being webcast live.

Ms. Schellin, do we have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRPERSON HOOD: Okay. Let's go right into it. Consent calendar item, Zoning Commission Case No. 11-07D. This is American University request for minor mod, a modification to campus plan, further processing, Condition No. 41(c) of Order No. 11-07. Ms. Schellin.

1 MS. SCHELLIN: Yes, sir. This is a
2 request from the applicant to revise the
3 construction work hours which they then -- they
4 revised their initial request at Exhibit C, based
5 on the ANC's report which was submitted at Exhibit
6 5.

7 So they are now, in addition to revise an
8 exhibit -- I'm sorry, Condition 41(c) they're also
9 revising, asking to revise Condition 43 concerning
10 landscape buffering in the surface parking lot.
11 So we'd ask the Commission to consider this
12 request.

13 CHAIRPERSON HOOD: Okay. Colleagues, we
14 have this request in front of us on 11-07D with
15 the amended request which is our Exhibit 6 from
16 the applicant. And the way I read it is that
17 everybody is on the same page, especially with the
18 ANC which applaud all of them working together to
19 get to this point.

20 Any questions or comments?

21 MR. TURNBULL: Mr. Chair, the only thing
22 we need to point out is that in Exhibit 5 from the
23 ANC Commissioner Smith does point out two extra
24 caveats that they have on to the list, which is
25 they talk about -- let me pull up the -- if

1 there's going to be working on Saturday I think
2 the AU has to inform the adjacent neighbors by
3 9:00 a.m. on the day of the lost construction
4 activity.

5 And they also talk about that AU has
6 agreed to expand its landscape buffer on the east
7 campus surface parking lot by removing six parking
8 spaces closest to the Westover Place community and
9 by planting additional landscaping at that area.

10 AU has also agreed to install cameras on
11 the surface parking lot to monitor activity. So I
12 mean, other than that those are the only three
13 little caveats that I understand and I think AU is
14 in agreement with that.

15 CHAIRPERSON HOOD: Okay. I thought so
16 too because maybe if they weren't I'd just fill
17 the blanks in myself. There was so much holding
18 hands here so I hope that everybody is in
19 agreeance with what Mr. Turnbull just cited again.
20 So we're all in agreeance, right?

21 MR. TURNBULL: Yeah.

22 CHAIRPERSON HOOD: All right. Anything
23 else? Commissioner Miller?

24 MR. MILLER: Yeah, I just wanted to
25 applaud the applicant and the ANC and Westover

1 Place Homeowner's Association for working that all
2 out.

3 CHAIRPERSON HOOD: Okay. So with that I
4 would move that we approve the modification 11-07D
5 with the -- as the relief or the request requested
6 with all the different amendments and the changes
7 to it, the final conclusion. I move that we
8 approve it.

9 MR. TURNBULL: Second.

10 CHAIRPERSON HOOD: It's moved and
11 properly seconded. Any further discussion?

12 All those in favor.

13 [Vote taken.]

14 CHAIRPERSON HOOD: Not hearing any
15 opposition of those present. Ms. Schellin, do we
16 have a proxy?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Oh, okay. Could you
19 record the vote?

20 MS. SCHELLIN: Yes, staff records the
21 vote four to zero to one to approve final action
22 in Zoning Commission Case No. 11-07D as revised in
23 the applicant's Exhibit 6, Commissioner Hood
24 moving, Commissioner Turnbull seconding,
25 Commissioners Miller, Cohen in support,

1 Commissioner May not present, not voting.

2 CHAIRPERSON HOOD: Okay. Next let's go
3 to Zoning Commission Case No. -- wait a minute.
4 80-13A. This is BP 1330 Connecticut Avenue, LLC.,
5 request for minor modifications to PUD at Square
6 138. Ms. Schellin.

7 MS. SCHELLIN: Yes, sir. The applicant
8 is requesting what they consider to be minor
9 modifications only to the building located at 1330
10 Connecticut Avenue. At Exhibit 4 we have an OP
11 report in support of the modifications as minor
12 and we'd ask the Commission to consider the
13 request this evening.

14 CHAIRPERSON HOOD: Okay. Commissioners,
15 you know what we have in front of us. The
16 modification, a few changes, and I think the
17 Office of Planning report really detailed it out
18 what's being asked for some of the interior
19 handrails and whatnot.

20 So let me open it up. Any comments?

21 MR. TURNBULL: Mr. Chair, I think -- I
22 don't have any real comments. I think the
23 enclosing the lower section of the building I
24 think is a great improvement to it, getting rid of
25 the arcade.

1 My only question -- and I guess I
2 understand about the glass on the existing
3 railings, that that's understandable. But there
4 is a reference to a new glass guardrail at 42
5 inches above the existing parapet to provide code
6 compliant protection.

7 Now typically when I hear parapet I think
8 of a wall that's rising up from the roofline. So
9 I'm confused by the term, "provide --" when it's
10 above existing parapet. So I'm not sure if it's
11 on the parapet, or is it behind on the roof? And
12 there's no drawings that really clearly show what
13 that really looks like.

14 And it looks like it's a new area where
15 people now can walk out on. So I wonder if OP can
16 provide some insight into that.

17 MR. LAWSON: Good evening. I have to
18 admit that I forgot to bring my file for this case
19 so I cannot, I'm sorry, add clarification.

20 CHAIRPERSON HOOD: Well, Mr. Turnbull,
21 since we have an unanswered question do you want
22 to delay this until we get the answer?

23 MR. TURNBULL: Well, yeah. I mean, I'd
24 like to just find out -- I mean, what I'm
25 concerned about when someone says parapet, that's

1 already the height of a wall above the roofline.
2 When it says here, 42 inches above the existing
3 parapet, that would put it out of compliance. And
4 maybe it's misread, maybe it's no big deal. But
5 there is no section that actually shows it.

6 MS. COHEN: I guess I was looking at
7 this.

8 MR. TURNBULL: Well, those are -- yeah,
9 the Vice Chair is showing the existing railings
10 that have glass in them.

11 MS. COHEN: Yeah.

12 MR. TURNBULL: Those are fine. What
13 we're looking at is a new section here on page
14 either A9 --

15 MS. COHEN: That's not really -- well.

16 MR. TURNBULL: There's several sheets
17 here that show a new guardrail which looks like
18 it's on top of, it says, the parapet. And I think
19 if we had had a section that shows this, I mean,
20 they're showing a one to one setback for a
21 reference. So it looks like it's in compliance
22 but I'm just wondering then, if that's the parapet
23 is there a space behind it? So I don't know if
24 the parapet is already raised above the roof line.

25 MR. LAWSON: Sure. If I could? If the

1 Commission would like I could consult with the
2 applicant if you wanted to kind of move forward in
3 the agenda and come back to this one. I think we
4 could probably sort this out pretty quickly and I
5 can get you an answer at least of what this is,
6 and then you can decide whether or not that's --

7 MR. TURNBULL: Okay.

8 MR. LAWSON: -- acceptable.

9 MR. TURNBULL: That sounds good.

10 CHAIRPERSON HOOD: So what we will do is
11 we will move to the next action for the night and
12 we'll come back to this case.

13 Okay. Thank you, Mr. Lawson and Mr.
14 Turnbull.

15 Let's go to -- hold on a second. Let's
16 go to hearing action. Zoning Commission Case No.
17 15-04, this is Comstock 16th Street, LLC. Sixth
18 Street, I'm sorry, LLC. Consolidated PUD and
19 related map amendment at Square 3788. Ms. Thomas.

20 MS. THOMAS: Yes. Good evening, Mr.
21 Chair, Members of the Commission, Karen Thomas
22 with the Office of Planning.

23 We are recommending set down of the case
24 before for related map amendment to allow the 40
25 townhouse development in the Fort Totten

1 neighborhood.

2 If you could remember for some of us who
3 were here, I think the former name was Rocky
4 Gorge. I think. I don't want to -- and that was
5 approved back in 2007. And that as before it was
6 a related map amendment that would rezone the
7 existing split zone C-M-1-R-2 site to the R-4
8 district, which would be appropriate for the type
9 of development proposed.

10 The proposed zoning in part would not be
11 inconsistent with the maps and the written
12 elements of the comprehensive plan, and the Fort
13 Totten overlay which clearly establishes a
14 preference to convert the unused industrial land
15 for residential purposes. And where the overlay
16 anticipates land use policies to implement the
17 plan.

18 The applicant would require flexibility
19 to allow multiple buildings on a single record lot
20 and if proposed row house development composed
21 primarily of brick and cementations siding would
22 be characteristic of the surrounding neighborhood
23 development in its scale and massing, and the
24 proposed lot sizes, building height, and lot
25 occupancy would generally conform to the R-4

1 District.

2 The applicant has proposed the IZ set
3 aside requirements for four units for low to
4 moderate income households, and an additional
5 fifth unit would be made affordable to a homeowner
6 at 80 percent AMI.

7 The applicant will continue to engage the
8 ANC and the surrounding neighborhood to develop an
9 appropriate amenities package, and we will
10 continue to work with the applicant and DDOT to
11 address any concerns that the Commission may have
12 at the end of this report and I'd be happy to take
13 any questions you may have. Thank you.

14 CHAIRPERSON HOOD: Okay. Thank you, Ms.
15 Thomas. Commissioners, any questions on this
16 case? Vice Chair Cohen.

17 MS. COHEN: Thank you, Mr. Chairman.
18 First of all I just want to comment that I think
19 that the site is a prime site for housing and I'm
20 glad it is going to be redeveloped because I think
21 it detracts from the neighborhood, at least from
22 the material that I've received.

23 I'm pleased that they're adding a fifth
24 unit, but I just want to confirm that the four --
25 when you say the four are inclusionary zoning,

1 inclusionary zoning usually is for 80 percent of
2 median income. So I was a little confused as to
3 the, maybe terminology of what was actually being
4 provided because low income is -- very low income
5 is 30 percent, low income is 50, moderate income
6 is 60 and to 80, and then you know, above that is
7 -- so I was just confused and maybe that can be
8 clarified as to what actually is being targeted.

9 The other thing I'd like to know is
10 because there are going to be a number of units,
11 and there are a number of three-bedroom units so I
12 was very pleased to see that, but I'd just like to
13 know what kind of sustainable features are being
14 provided for the units because again, especially
15 when it's targeted to people who are lower income,
16 you know, the savings, the cost savings on
17 maintenance would be very very helpful to ensure
18 sustainability of ownership.

19 And then lastly I had some questions.
20 You know, the site is, I read, that it's got some
21 different height issues and I'm beginning to
22 realize that drainage is a big problem in this
23 city and I just would like to have some additional
24 information as to -- I guess they have Dewberry as
25 the civil engineer. You know, the soils, how are

1 they going to deal with the topography to make
2 sure that over time as these, you know, new units
3 start aging, that they don't really have issues
4 with the drainage and topography.

5 As some of the newer housing in our city
6 has experience, and I guess in certain
7 neighborhoods some of our older neighborhoods as
8 well. Thank you.

9 CHAIRPERSON HOOD: Okay. Any other
10 comments or questions to Ms. Thomas? Commissioner
11 Turnbull?

12 MR. TURNBULL: Yeah, thank you, Mr.
13 Chair. I would agree with the Vice Chair's
14 comment on this property as something that's prime
15 and needed to be developed for something like
16 this.

17 I guess my only concerns are, and maybe,
18 Ms. Thomas, you can help me go through this.
19 You're talking about that there are 17 spaces
20 along the Sixth Street frontage.

21 MS. THOMAS: I'm sorry. That wasn't
22 clear. It's 17 spaces extra.

23 MR. TURNBULL: Total.

24 MS. THOMAS: Total. Yes.

25 MR. TURNBULL: All right.

1 MS. THOMAS: So you have --

2 MR. TURNBULL: That's what I thought you
3 meant.

4 MS. THOMAS: -- the Sixth Street frontage
5 and the ones to the back.

6 MR. TURNBULL: Yeah. That's what I
7 thought you --

8 MS. THOMAS: Yes.

9 MR. TURNBULL: But I just wanted to be
10 sure.

11 MS. THOMAS: Uh-huh. I'm sorry.

12 MR. TURNBULL: You talk about well-
13 defined pedestrian. You talk about there are 18
14 foot long driveways to the -- would provide
15 another vehicle parking space without intrusion to
16 the private drive. Remainder of the rear yard
17 area would be landscaped. But just before that
18 you say 32 units would front on private streets
19 while two would front on Sixth Street.

20 And I think I know what you mean. The
21 entry is facing Sixth Street. But then as I'm
22 going down and I'm reading more about how you
23 describe this, and I've got to go back ahead a
24 couple of pages here. You talk about the urban
25 architecture and we're going to need some better

1 drawings. We're going to need some -- rather than
2 these sketchy drawings that we've got. I think we
3 really need some 3-D views that really show what
4 we're looking at on this.

5 But I like what I see so far. I mean,
6 I'm not opposed to it. I mean, they've got either
7 the hardy plank type with brick, so I think the
8 type of materials are higher; higher end than we
9 see on a lot of other projects.

10 But I guess what throws me is that we
11 describe the front of the house on the muse. That
12 the front is really on the muse, but then you
13 often say the front -- you talk about the rear
14 yard on the street, but actually that's where it
15 sounds like you're going to enter. If someone is
16 visiting you're going to pull up and park in that
17 space if I'm visiting someone.

18 And you say, I mean, what's weird is that
19 if I look at where the garages are, and if I look
20 on a typical floorplan on A9, on sheet A9, front
21 entry and end-unit plans, but you see the one car
22 garage. It's got an entry at the back by the
23 garage. And then at the other end is the foyer,
24 is really at the muse section.

25 So I think most -- I don't know if a lot

1 of people are going to park somewhere and then
2 walk down the muse to find the house. It sounds
3 like people are going to pulling in to the garage,
4 pull up in the driveway to see people, and then it
5 looks like they're going to go in the garage
6 entrance which is -- it looks like there's some
7 kind of an entry there. And I just, from an urban
8 planning standpoint, I'm not sure I understand the
9 great architecture on how you pull up into the
10 back of somebody's house and go in through their
11 garage to visit them.

12 I mean, if I'm going to visit someone, I
13 mean, am I expected then to pull up into the
14 driveway and then walk down the alley, and then
15 get into the muse and go into the front door? It
16 just seems a little convoluted to have people do
17 it.

18 Normally -- it seems like it's backward.

19 MS. THOMAS: Well, for one thing being so
20 close to the Metro you would have -- we're trying
21 to encourage more pedestrian activity. And we
22 don't anticipate a lot of people, hopefully
23 driving to work to and from. We hope --

24 MR. TURNBULL: I'm just talking about a
25 visitor. If I'm visiting one of these people and

1 I'm going to pull up in the driveway, I'm going to
2 go in through the back door, I guess.

3 MS. THOMAS: Well, and --

4 MR. TURNBULL: I'm having a party and I'm
5 going to have somebody -- they're going to come in
6 through my garage and see all my junk and --

7 MS. THOMAS: Well, I don't see it any
8 different in so many row homes we have now and you
9 know, we have alley parking and we -- I'll speak
10 for myself. I primarily use the, you know, the
11 back door a lot and park in the back. And if I
12 have friends come over they come through the back
13 and they --

14 MR. TURNBULL: Well --

15 MS. THOMAS: Or if they park on the
16 street they will come to the front. I mean, it's
17 just two options.

18 MR. TURNBULL: I just think it's a waste
19 of -- I mean, why have the foyer on the muse? So
20 it just seems like it's an inefficiently designed
21 house for people.

22 MS. STEINGASSER: Commissioner Turnbull,
23 we'll work with the applicant on that but this was
24 a bit of a struggle when we were --

25 MR. TURNBULL: Yeah.

1 MS. STEINGASSER: -- first having design
2 negotiations.

3 MR. TURNBULL: I know, we've been through
4 this. Yeah.

5 MS. STEINGASSER: Because they needed to
6 have three rows of structures and so how the
7 streets served --

8 MR. TURNBULL: Yeah.

9 MS. STEINGASSER: -- served as an alley
10 between two rows was fine. But then it ended up
11 putting the garages off an alley and then this
12 other street would -- so it was a bit of a
13 challenge to get the appropriate circulation and
14 parking, and then still have some pleasant type of
15 green space. But we'll work with the applicant
16 and --

17 MR. TURNBULL: Okay.

18 MS. STEINGASSER: -- ask them to look at
19 that again.

20 MR. TURNBULL: Well, I guess my only
21 concern is that it looks like the plan was trying
22 to shoehorn into a site to make it work and it
23 just seems like it's not -- I mean, the only other
24 issue which is -- I mean, it's an architectural
25 interior -- when I go up the stairs from the

1 foyer, up at the top of the stairs is the powder
2 room. But it's not on a landing. It's actually
3 on the stairs. It's on a landing of the stairs.
4 And you've got to go up two more flights of steps
5 to get on to the main room. It just seems like
6 it's like -- from an architectural planning
7 looking at an efficient house and how people get
8 around it looks like they struggled with 18 feet
9 and then trying to get something to work. And it
10 just seems like it needs to be tweaked a bit to
11 make it more of a livable space.

12 MS. STEINGASSER: And we can work with
13 them, with that. It was a --

14 MR. TURNBULL: A struggle.

15 MS. STEINGASSER: -- a stressed site.
16 You know.

17 MR. TURNBULL: Yeah.

18 MS. STEINGASSER: How to work with the
19 topography, how to provide circulation, how to --

20 MR. TURNBULL: Well, I think I was here
21 when we went through the first round on this. So
22 okay. Thank you.

23 CHAIRPERSON HOOD: Okay. Any other
24 questions?

25 Commissioner Miller.

1 MR. MILLER: Thank you, Mr. Chairman.
2 Yeah, I would associate myself with my colleague's
3 comments about this being a good project housing
4 that's needed. And you're redeveloping a -- or
5 developing a vacant lot.

6 To the Vice Chair's question, the
7 applicant's statement said that half of the
8 inclusionary zoning units would be 50 percent AMI
9 and half of the inclusionary zoning set aside
10 would be at 80 and that the additional unit would
11 be at 80. If that helps. I don't know. I mean,
12 I just wanted to provide that for the record.

13 Yeah, I too want to see the renderings
14 that show the -- better renderings that show more
15 clearly what the materials are. And I guess I had
16 a question about why some of the townhomes have
17 windows in the roof, in the roofline for, I guess
18 a dormer or something. And some don't. I guess I
19 just want to understand what the rationale is
20 there.

21 And one question for Office of Planning.
22 So these are at 40 feet height. This is the R-4
23 Zoning District. Under the new proposed R-4
24 Zoning I assume this would be permitted under that
25 new construction type of exemption we had on the

1 height.

2 MS. STEINGASSER: Well, as part of a PUD
3 the Commission could grant flexibility for the
4 extra five feet of height. If it were a matter of
5 right construction and that would presume a whole
6 different type of project, yes. Three immediately
7 adjoining constructed at the same time row houses
8 could be at 40 feet.

9 MR. MILLER: Thank you. Thank you, Mr.
10 Chairman.

11 CHAIRPERSON HOOD: I'm just going to make
12 a couple of comments.

13 First again, if you remember the case
14 previously, Rocky Gorge case, there were some
15 accusations made against me. And I'm putting this
16 on the record first this time because I learned
17 from what happened last time.

18 This is particularly an area I grew up
19 in. I probably know a lot of the players who are
20 probably going to be involved. The ANC
21 Commissioners and North Michigan Park Civic
22 Association, my sister is an officer in one of
23 these associations. And I'm putting this out here
24 early. I don't see in the record where they even
25 made contact. At least with North Michigan Park.

1 If it's in there I missed it. I'm not sure what
2 benefits is going anywhere.

3 So this discussion has not been had by me
4 with anybody in this area, particularly because,
5 you know, I know the different projects coming
6 from the Commission from time to time. So, and
7 the person who wrote the article the last time now
8 lives in California.

9 So I wanted to put this out here so the
10 people that come and try to start trouble, that
11 Anthony Hood put this on the record. And I
12 actually did that the last time, I put it on the
13 record of some of these situations. So I wanted
14 to put that out there again. I'm going to be
15 participating in this case.

16 Now, my issue is the circulation was like
17 that the last time. It's like that again this
18 time. I know that I would agree with the comments
19 that I think this site is fitted for it. But some
20 of the questions I may have at the hearing, and
21 I'm just saying this so the applicant will be
22 prepared, are when they talk about the pedestrian
23 easy access to go to Metro, I hope it's not the
24 same one that -- the dirt road that sits there. I
25 think you're talking about something hopefully

1 totally different. This is more to the left of
2 the Fort Circle Park.

3 So my biggest thing is the circulation.
4 And I think that Mr. Turnbull hit it when he says
5 we need more some views, some better views showing
6 the whole characteristics of the neighborhood and
7 encompassing more of the neighborhood. I'd like
8 to see how all this is going to fit because the
9 way I look back in this area, it's only one of two
10 ways to get in and out back in that area. And
11 that's the access through Seventh Street, unless I
12 missed it. Or Buchanan Street.

13 But anyway, regardless, I want to see a
14 full, full vetted transportation, how cars are
15 going to make it, how bicycles are going to make
16 it, how people are going to walk. I want to see
17 all of that because the Summerville site is not
18 necessarily the easiest site. It was already
19 mentioned but I'm more interested in how the
20 traffic flow, and the circulation is going happen
21 back up in this area. So that's my biggest point.
22 Okay.

23 Anything else?

24 MS. COHEN: Actually --

25 CHAIRPERSON HOOD: Vice Chair Cohen.

1 MS. COHEN: Yeah. Sort of to build on
2 what the Chairman has said, I think then if there
3 is a dirt road that people will be using to get to
4 the Metro, though I thought there was something
5 about improving that. But in any event, I think
6 these types of projects, when it comes to
7 circulation, we should have some input by the
8 police department to make sure that, you know, the
9 security of the, not only the residents, but also
10 the fact that emergency vehicles can flow through
11 this area. Again, some of the properties that
12 were developed in the '60s continued to have
13 security issues because of the way they were
14 designed and the circulation.

15 So I would like to push the police
16 department to take a look at the plan and comment
17 on it. Thank you.

18 CHAIRPERSON HOOD: I think that's a good
19 point, Vice Chair. And I know the last time I
20 think the Park Service weighed in.

21 But anyway, regardless, we'll wait and
22 see what happens at the hearing. Any other
23 questions?

24 Okay. Without further ado I would move
25 that we set down Zoning Commission Case No. 15-04

1 and ask for a second.

2 MS. COHEN: Second.

3 CHAIRPERSON HOOD: It's been moved and
4 properly seconded. Any further discussion.

5 All those in favor.

6 [Vote taken.]

7 CHAIRPERSON HOOD: Not hearing any
8 opposition, Ms. Schellin, do you have a proxy?

9 MS. SCHELLIN: No. Staff would record
10 the vote four to zero to one to set down Zoning
11 Commission Case No. 15-04 as a contested case.
12 Commissioner Hood moving, I heard several seconds
13 but I think Cohen was the loudest so I'm going to
14 give it to her. Commissioners Miller and Turnbull
15 in support, Commissioner May not present, not
16 voting.

17 CHAIRPERSON HOOD: Ms. Schellin, could
18 you ask Commissioner May the next time he goes to
19 the beach to take his zoning and leave us some
20 proxies?

21 MS. SCHELLIN: He's actually not at the
22 beach this time.

23 CHAIRPERSON HOOD: Oh, I wondered. Okay.
24 All right. Well, we'll forgive him this time.

25 MS. SCHELLIN: That will come up later.

1 CHAIRPERSON HOOD: Okay. All right. Are
2 we ready to go back, Mr. Lawson? Okay.

3 MR. LAWSON: Yes, sir.

4 CHAIRPERSON HOOD: Colleagues, let's go
5 back to consent calendar item, the questions that
6 Mr. Turnbull was having, Zoning Commission case
7 No. 80-13A. Mr. Lawson, you have some input for
8 us?

9 MR. LAWSON: I do, particularly looking
10 at page 15, which is I think the one that you were
11 looking at. I was able to speak to the applicant.
12 Essentially what they're doing is they're
13 replacing an existing handrail that's on the roof.
14 They're replacing it in the location where it is
15 now. It's actually not sitting on top of the
16 parapet. It's sitting back from the parapet and
17 the height of 42 inches is not from the top of the
18 parapet, it's actually 42 inches from the roof
19 deck, which is what's required to be code
20 compliant.

21 MR. TURNBULL: Well, that's what I would
22 have assumed. But the way it was stated --

23 MR. LAWSON: It's labeled incorrectly.

24 MR. TURNBULL: Right. So that was just
25 my confusion. I mean, I'm fine with that. I'm

1 glad you were able to get an explanation then.

2 Thank you.

3 CHAIRPERSON HOOD: Okay. Are we good,
4 Mr. Turnbull?

5 MR. TURNBULL: We are good.

6 CHAIRPERSON HOOD: Okay. Somebody like
7 to make a motion?

8 MR. TURNBULL: Well, on that I would move
9 that we approve Zoning Case No. 80-13A, BP 1330
10 Connecticut Avenue, LLC., request for a minor
11 modification to PUD at Square 138.

12 MR. MILLER: Second.

13 CHAIRPERSON HOOD: Okay. It's been moved
14 and properly seconded. Any further discussion?

15 You have to race up here to get a second
16 in. All those in favor.

17 [Vote taken.]

18 CHAIRPERSON HOOD: Not hearing any
19 opposition, Ms. Schellin, would you record the
20 vote?

21 MS. SCHELLIN: Yes. Staff records the
22 vote four to zero to one to approval final action
23 in Zoning Commission Case No. 80-13A, Commissioner
24 Turnbull moving, Commissioner Miller seconding,
25 Commissioners Cohen and Hood in support,

1 Commissioner May not present, not voting.

2 CHAIRPERSON HOOD: Okay. Next let's go
3 to correspondence item, Zoning Commission Case No.
4 06-11L, George Washington University & Hillel
5 Campus Plan Amendment, further process and
6 variances at Square 42. Ms. Schellin.

7 MS. SCHELLIN: Yes, sir. Staff initially
8 put this case on the agenda because initially
9 because WECA filed a motion requesting dismissal
10 of the case because of inactivity and in
11 anticipation of another request for postponement.
12 Hillel filed a letter in opposition to WECA's
13 request for dismissal.

14 Then Hillel and the church followed up
15 with a fourth joint request for postponement of
16 the decision, asking that the Commission defer its
17 decision until its September 21st public meeting.
18 WECA submitted a copy of the e-mail it send in
19 response to the submission, basically advising
20 that it opposes the further extension and that it
21 had not been provided seven days to respond.

22 Today we received a letter from ANC 2A
23 asking that if the Commission granted the
24 postponement that it be allowed until September
25 18th to submit its response instead of September

1 14th, as stated in the postponement request from
2 Hillel and the church, as the ANC doesn't meet
3 until September 16th.

4 So we'd ask the Commission to consider
5 the request from WECA for dismissal, Hillel's
6 request for postponement, or Hillel and the
7 church's fourth request for postponement of
8 decision, and if granted ANC 2A's request for a
9 later submission date. Thank you.

10 CHAIRPERSON HOOD: Okay. There's a
11 number of moving parts here. Let me ask, Mr.
12 Ritting, let me ask you, is there any particular
13 order that we needed to take these up in? I think
14 the request from the applicant comes first,
15 correct?

16 MR. RITTING: I mean, I don't -- I'm not
17 aware of any --

18 CHAIRPERSON HOOD: Or the postponement.

19 MR. RITTING: -- legal requirement that
20 you --

21 CHAIRPERSON HOOD: Okay.

22 MR. RITTING: -- do it in any particular
23 order. I mean obviously if you are inclined to
24 extend the time then, for them to file their
25 additional submission, then I mean, that does have

1 some consequences for the motion to dismiss, but
2 those are -- I mean, that doesn't require you to
3 do it any particular order.

4 CHAIRPERSON HOOD: Okay. Well, why don't
5 we do this? Why don't we consider the West End
6 Citizens Association's request in our discussion.
7 And I'll just open it up for comments. Vice Chair
8 Cohen.

9 MS. COHEN: Thank you, Mr. Chairman. I
10 have some sympathy with the West End Citizens
11 Association because it has continued, there have
12 been four requests for an extension.

13 On the one hand I usually am hopeful for
14 tighter schedules. I think that's basically been
15 a pattern of my opinions that I make from up here.
16 But on this case both the church and Hillel have
17 been working together in a very difficult
18 construction environment, and it takes a great
19 deal of time to do the necessary due diligence to
20 avoid any type of damage that could occur to the
21 church by any of the renovation being done by
22 Hillel.

23 I mean, I haven't -- or I can't recollect
24 seeing something so tightly involved in the
25 construction process that really does require

1 being so very sensitive to the historic
2 preservation of a building while construction is
3 being taken care of. So I'm actually inclined to
4 allow the extension until I don't recall the
5 period of time.

6 CHAIRPERSON HOOD: September.

7 MS. COHEN: September. Again, the church
8 is in favor of it. Hillel of course is in favor
9 of it. So this time it's really due to the
10 closeness of the properties, the sensitivity
11 towards historic preservation, and the concern
12 that the applicant has for preserving the
13 integrity of a building while doing what's
14 necessary to upgrade their own building. So
15 that's my judgment.

16 CHAIRPERSON HOOD: Okay. Anyone else?
17 Any other comments? Mr. Turnbull.

18 MR. TURNBULL: No, Mr. Chair, I would
19 agree with the Vice Chair. I mean, I think in
20 Exhibit 61, when we got a joint letter from the
21 applicant and the neighbor that is -- or the party
22 that is having trouble with the project, and
23 they're working together and we have a joint
24 letter by the church's council saying that, you
25 know, please give us some more time. It's taking

1 too long. I mean, but we're going to work this
2 out.

3 So notwithstanding WECA's concern about
4 the extra time, how long this is taking, and I
5 understand that and none of us really like to have
6 these things take too long, but the fact that
7 we've got a letter from both parties saying we're
8 working on this, we're going to resolve it, you
9 know, we've often had parties leave here, go
10 outside and talk about it. So here they're making
11 an effort to do it. I think we ought to give them
12 the chance to do this.

13 CHAIRPERSON HOOD: Okay. Commissioner
14 Miller.

15 MR. MILLER: I would concur with the Vice
16 Chair and Commissioner Turnbull. The parties
17 having been meeting and discussing and agreeing
18 for this extension, and I would support the ANC's
19 request that the timeline be adjusted so that they
20 can comment in September on the application.

21 CHAIRPERSON HOOD: Okay. I would agree
22 with what I've heard. My only concern is
23 September, and I'm hoping that the parties, the
24 church, and the applicant and everybody can work
25 on something because this is going to be kind of

1 hard September the 18th, with the request we're
2 having from West End to push it down even more.

3 And I know, you know, there are things
4 that need to be worked out. And I guess for me is
5 -- and I know this might not go too well with West
6 End but is September the 18th doable? I mean, is
7 it something where we can come to a consensus by
8 September the 18th?

9 I'm willing to go with it, but when we
10 get to September the 18th, my term is up so I'll
11 still be here, we'll still be here, and then we're
12 going to have the same discussion. And then the
13 West End's letter will then arise again, and then
14 what do we do at that point because we have a
15 request from the West End.

16 But I'm willing to go with what was asked
17 for. I just want the applicant to make sure that
18 September -- what day was it? The 20th. The
19 21st?

20 MS. SCHELLIN: That meeting.

21 CHAIRPERSON HOOD: That meeting.

22 MS. SCHELLIN: Uh-huh.

23 CHAIRPERSON HOOD: Is doable. I just
24 want to make sure it's doable because I think what
25 West End is saying, they want to see some activity

1 and they want to see something move forward, and
2 that has not happened. So I'm just hoping
3 September 21st is doable. You know, I can't
4 predict the future but I'm just putting that on
5 the record.

6 So I guess, make it work because I think
7 the votes are here to go to September 21st, and I
8 know the applicant is sitting here, and I know
9 West End is sitting here. So make it work. Okay?

10 All right. Somebody like to make a
11 motion?

12 MR. TURNBULL: Well, Mr. Chair, maybe we
13 just make it clear that this is the last
14 extension.

15 CHAIRPERSON HOOD: Well, you know --

16 MR. TURNBULL: Or do you want to not be
17 that hardnosed?

18 CHAIRPERSON HOOD: I don't think we could
19 be that. I mean, I wasn't being that hardnosed.
20 I'm just saying that September 21st is going to
21 put us in a -- if we come back and we need an
22 addition -- I guess what I'm saying is, if the
23 applicant needs more time, I'd rather do it now.

24 MR. TURNBULL: Right.

25 CHAIRPERSON HOOD: I'd rather for

1 everybody to get mad with me now, give them more
2 time, and let everybody come together and come
3 back holding hands in December as opposed to
4 having to deal with it again when we know that
5 something else may come up or they're not far
6 apart but they need another week. That's all I'm
7 saying because I just don't like to be tied up.

8 MR. TURNBULL: Yeah.

9 CHAIRPERSON HOOD: My back is always
10 against the wall. So I don't like that sometimes.
11 I like to have more time. They obviously ask for
12 more than what you really need. And I guess
13 that's what they did this time. I'm looking for
14 some hands. Did you ask for more than what you
15 really need this time?

16 Okay. Now let the record reflect -- I'd
17 really rather for you to come up and -- even
18 though I asked the question, so I started it, I'd
19 really rather for you to come tell Ms. Schellin.
20 And the key word I heard, Ms. Schellin, they say
21 they're trying to pick a realistic date. I just
22 want to know if it's realistic.

23 I mean, I know it's hard to predict the
24 future. I just want to make sure that September
25 the 21st is -- I don't think I'm going to go that

1 far, Mr. Turnbull. But I'm sure that West End
2 will be looking; looking at us real hard when we
3 get to September 21st. So I'd rather for them to
4 look at me hard now and get --

5 MR. TURNBULL: Oh, we might get another
6 request from WECA at that point to shelve this; to
7 dismiss it at that point.

8 CHAIRPERSON HOOD: Right. Right. So
9 that's what I'm trying to just alleviate that
10 before it happens and make sure that that's enough
11 time.

12 But anyway, that's what's on the table.
13 That's what the offer was. I guess that's what we
14 vote on.

15 MS. SCHELLIN: I think they've heard you.

16 CHAIRPERSON HOOD: A lot of people hear
17 me then we get to that point we've got to do it
18 again.

19 Okay. But I really think -- I am glad to
20 see that the applicant and the church, and you
21 know, they're working things out and I know it's
22 difficult. But I want to just make sure that, you
23 know -- and especially West End and everybody is
24 kind of -- well, somewhat happy.

25 Okay. Somebody want to make a motion?

1 This is like September 21st, is it?

2 Oh, let me ask you this. Can the -- and
3 I know that West End may not. Can we amend this
4 to give them more time on the cuff, or we have to
5 wait, Mr. Ritting? Or they have to request it?
6 Because here's the thing, I don't want the
7 expectation to be September the 21st and it's not
8 realized and then we have the same discussion and
9 then some -- the groups that want us to dismiss it
10 say that --

11 MR. RITTING: Well, I mean, you have a
12 request in front of you for a specific date. I
13 mean, I suppose it's theoretically possible that
14 the Commission on its own motion could amend that
15 date. But that's not the request that's before
16 you.

17 CHAIRPERSON HOOD: Right. I realize
18 that. Okay. All right. Well, the deal is
19 September the 21st. Okay. Somebody like to make
20 a motion?

21 MR. MILLER: Mr. Chairman, I would move
22 that we -- I think we have to do a two-part -- can
23 I combine them in one? Can I move to deny the
24 motion to dismiss and --

25 MR. RITTING: It's actually, I think it's

1 three parts. It's the extension, it's the
2 additional date change requested by the ANC to the
3 18th, and then it's the third -- the motion from
4 WECA to dismiss the case.

5 MR. MILLER: Can it be combined in one
6 motion?

7 MR. RITTING: Yes.

8 MR. MILLER: Okay. Then I would move a
9 combined motion to dismiss -- deny the motion to
10 dismiss, grant the extension request that's been
11 agreed to by St. Mary's and Hillel, and adjust the
12 dates in September so that the ANC has the
13 opportunity to comment.

14 MS. COHEN: Second.

15 CHAIRPERSON HOOD: I second it. Let the
16 seconder second it, Vice Chair Cohen. Okay.
17 Moved and properly seconded by Vice Chair Cohen.
18 Any further discussion?

19 All those in favor.

20 [Vote taken.]

21 CHAIRPERSON HOOD: Not hearing any
22 opposition, Ms. Schellin, would you record the
23 vote?

24 MS. SCHELLIN: Yes. But just to clarify,
25 only the ANC was asking for that date for the

1 18th. That's what you were granting. Okay. I
2 just wanted to clarify.

3 So staff records the vote four to zero to
4 one to deny the dismissal request by WECA, grant
5 the fourth extension, joint extension request by
6 Hillel and the church, and grant ANC the four day
7 extension for submitting their response to
8 September 18th. Commissioner Miller moving,
9 Commissioner Cohen seconding, Commissioners Hood
10 and Turnbull in support, Commissioner May not
11 present, not voting.

12 CHAIRPERSON HOOD: Okay. Thank you, Ms.
13 Schellin. Ms. Steingasser, do we have any updates
14 tonight.

15 MS. STEINGASSER: No.

16 CHAIRPERSON HOOD: Okay. Ms. Schellin,
17 do we have anything else?

18 MS. SCHELLIN: No, sir.

19 CHAIRPERSON HOOD: Okay. I want to thank
20 everyone for their -- well, for the meeting,
21 listening to the meeting, and this meeting is
22 adjourned.

23 (Hearing adjourned at 7:14 p.m.)

24

25