

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-10 (Deanwood Hills, LLC. - Consolidated
PUD and Related Map Amendment at Square 5197, Lot
809)

6:35 p.m. to 7:50 p.m.

Thursday, October 15, 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 CHAIR

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14 MAXINE BROWN-ROBERTS

15 KAREN THOMAS

16 MEGAN RAPPOLT

17 ANNE FOTHERGILL

18

19 OTHER:

20 MATT JESICK

21 LAWRENCE FERRIS, OAG

22 JACOB RITTING, OAG

23 ELISA VITALE

24

25

1

2

P R O C E E D I N G S

3

4

5

6

CHAIRPERSON HOOD: Okay. This is the Zoning Commission's regular public meeting, 1413th meeting session. Monday, July the 27th, 2015. We're located in Jerrily R. Kress Memorial Hearing Room.

7

8

9

10

11

12

My name is Anthony Hood, joining me are Commissioner Turnbull, Miller, and May. Also the Office of Zoning staff, Ms. Sharon Schellin, Office of Attorney General, Mr. Ritting and Mr. Ferris. Office of planning, Mr. Lawson, Mr. Jesick, Ms. Brown-Roberts, and Ms. Thomas.

13

14

15

16

17

We do not take any public testimony at our meetings unless we ask someone to come forward. I would ask that because we're being webcast live that we make sure that we're quiet so we do not pick up any background noise.

18

19

We're also joined by Ms. Steingasser of the Office of Planning.

20

21

So let's get right into our agenda. Ms. Schellin, do we have any preliminary matters?

22

MS. SCHELLIN: No, sir.

23

24

25

CHAIRPERSON HOOD: Okay. We're going to kind of move the agenda around for sufficiency so we can be a little, moving a little faster. We're going to

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 probably do hearing actions last, calendar item,
2 we'll take that first, we'll do final action, then
3 we'll do our correspondence, and then we'll do our
4 hearing action. So, Ms. Schellin, I'll ask that you
5 help make sure I stay in that order.

6 Okay. Let's go right to consent calendar
7 item. First let me ask, colleagues, we have two
8 consent calendar items on the agenda. Does anyone
9 have -- any commissioner like to see either one of
10 those come off the consent calendar item?

11 MR. TURNBULL: Mr. Chair.

12 CHAIRPERSON HOOD: Yes, Mr. Turnbull.

13 MR. TURNBULL: I believe that, and I think
14 I'm echoing the concerns of the Office of Planning,
15 for the minor modification request on 05-36K. I
16 mean, 08-33C.

17 CHAIRPERSON HOOD: 08-33C?

18 MR. TURNBULL: Yeah. Excuse me.

19 CHAIRPERSON HOOD: Okay. So we will take that
20 off and I actually concur. We will take that off of
21 the consent calendar item and move down to hearing
22 action. What about, any commissioner have any
23 problem with 05-36K, consent calendar item?

24 Okay. Not hearing any, Ms. Schellin, would
25 you tee it up for us?

1 MS. SCHELLIN: Yes, sir. For 05-36K we have
2 a -- the applicant has requested a minor modification
3 to a previously approved PUD to make what it
4 considers to be minor revisions to the façade
5 treatments of the Phase 2 building only. ANC 6-C
6 provided a report and support at Exhibit 2C, and OP
7 provided a report in support at Exhibit 5. The
8 applicant provided sample boards of what the
9 Commission previously approved, and what they are
10 proposing with this change, and we'd ask the
11 Commission to consider final action this evening.

12 CHAIRPERSON HOOD: Okay. Thank you, Ms.
13 Schellin, Commissioners. We have the proposal and
14 ask in front of us. Any comments or questions?

15 MR. TURNBULL: Mr. Chair, I'm --

16 CHAIRPERSON HOOD: Mr. Turnbull.

17 MR. TURNBULL: I see no problem with the
18 request and I would be in favor of supporting the
19 modification.

20 CHAIRPERSON HOOD: Okay. I think the record
21 is pretty complete. Someone like to make a motion?

22 MR. MILLER: Mr. Chairman, I also agree that
23 the design modifications, minor modifications, respond
24 positively to OP's request, so I would move approval
25 of Zoning Commission Case Numbers 05-36K, Toll D.C.

1 II, LLP. request for minor modification to PUD at
2 Square 749 and ask for a second.

3 MR. TURNBULL: Second.

4 CHAIRPERSON HOOD: Okay. It's been moved and
5 properly seconded. Any further discussion? All
6 those in favor.

7 [Vote taken.]

8 CHAIRPERSON HOOD: Ms. Schellin, would you
9 record the vote of those present?

10 MS. SCHELLIN: Yes. Staff records the vote
11 four to zero to one to approve final action in Zoning
12 Commission Case Number 05-36K, Commissioner Miller
13 moving, Commissioner Turnbull seconding,
14 Commissioners Hood and May in support, Commissioner
15 Cohen not present, not voting.

16 CHAIRPERSON HOOD: Okay. Let's go to final
17 action again, because of what we did with the first
18 piece of the 08-33C, we can move -- or we can deal
19 with 08-33D at a later time after the hearing action.
20 We'll take that up when we do our hearing action.

21 All right. Let's go to B, Zoning Commission
22 Case Number 14-22. This is the Office of Planning
23 Text and Map Amendments to create the Walter Reed
24 W.R. zone. Ms. Schellin.

25 MS. SCHELLIN: Yes, sir. Exhibit 32, we have

1 an NCPC report finding that the amendments would not
2 be inconsistent with the Federal Comprehensive Plan
3 nor affect other federal interests. Exhibit 34 is a
4 supplemental OP report, and then Exhibits 35 through
5 38 were comments that were received from the public
6 to the proposed rulemaking that was published in the
7 register. I'd ask the Commission to consider final
8 action on this case.

9 CHAIRPERSON HOOD: Okay. Commissioners, I
10 think we have a few issues that we need to clarify,
11 that we did not deal with at proposal that's been
12 brought to our attention. One of them is the
13 alternatives for height in the WR-1 zone, which is
14 3501.2.

15 We have two alternative lots with any
16 frontage on Fern Street, 40 feet height max, stories
17 to three, and then any other lot 45 feet -- I'm
18 sorry, 40 feet with the alternative height of 50.
19 And then stories of three with -- alternative from 50
20 is alternative of four stories. And then any other
21 lot, 45 feet and four, and then alternative was 55
22 feet with the alternative stories of five feet.

23 Any discussion on this? Any preferences? I
24 think the ANC, one of the ANCs, might not have had a
25 problem with the higher height, but I'm not sure.

1 I'm not sure. I don't remember. Anyway, let's open
2 it up for the discussion. Or is there any
3 discussion?

4 MR. MAY: I'm still just trying to get my
5 bearings at the moment.

6 CHAIRPERSON HOOD: Okay. Just take your
7 time.

8 MR. MAY: We had a lot of cases today, so I'm
9 sorting to the right pieces of paper.

10 (Pause.)

11 CHAIRPERSON HOOD: Well, I will say this,
12 colleagues, to get it started. I don't know where
13 you all are, but I did think that the Office of -- I
14 mean, not the Office of Planning, the Committee of
15 100 brought up three facts that would be something of
16 consideration for me. I'm nto sure if this was
17 included in the text. I know one of them was not.

18 Basically to go towards the lesser height.
19 At least the way I read this submission, which is
20 dated -- which is the Exhibit No. 37, which is dated
21 July the 24th, which was Friday.

22 I'm not sure if you had a chance to look at
23 it but I think they bring up three very valid points.
24 And the ANCs also did too, but I think a lot of that
25 was worked out. At least from 4-A's correspondence.

1 And I notice everyone points to the Small
2 Area Plan, and I think the Office of Planning's
3 report, something we asked for, I think they
4 mentioned in their report about how things were in
5 line with the Small Area Plan again. But they also,
6 in the Office of Planning's report, they also mention
7 that we haven't taken consideration of the plans like
8 the Comprehensive Plan as well. So I don't think one
9 of them is one driving factor. They look to other
10 guidance to how they came up with their conclusion.
11 So.

12 Commissioner Miller?

13 MR. MILLER: Mr. Chairman, I think OP had
14 made a case that given the grade drop from Fern
15 Street into the Walter Reed site, that allowing four
16 stories and up to 55 feet in height actually ends up
17 being about the same height as the homes with less
18 stories across the street because they're sitting up
19 higher. So I think there is a compatibility there.
20 So I could support the alternative that has the
21 higher height. And I think it might produce a higher
22 quality of townhouse as well.

23 CHAIRPERSON HOOD: So your support, I'm just
24 trying to make sure I understand, your support is of
25 the 50 in height and the alternative of four stories?

1 MR. MILLER: Yes.

2 CHAIRPERSON HOOD: Okay.

3 MR. MILLER: And hten the same thing on the -
4 - the same kind of rationale for the higher height
5 for the other lots.

6 CHAIRPERSON HOOD: Okay. Okay. I can
7 actually go along with that. Anybody else?

8 MR. MAY: You know, I recall the testimony to
9 that affect, and I was just trying to find the
10 diagrams, the sections. And it's easy enough to see
11 how a 40 foot townhouse in that location would be --
12 would more or less match what is there. If I'm
13 reading -- you know, it's kind of hard to read the
14 diagram that I have, but --

15 CHAIRPERSON HOOD: Could you know what
16 exhibit?

17 MR. MAY: I'm looking at Exhibit -- hold on.
18 It's 14-22-9A.

19 CHAIRPERSON HOOD: Okay. Thank you.

20 MR. MAY: And it has a site section in it.
21 And if I'm seeing that correctly it's only 40 feet.

22 CHAIRPERSON HOOD: The grade drop, right?

23 MR. MAY: Yeah. Quite a bit of grade drop.

24 [All reviewing papers.]

25 MR. MAY: Can I get a clarification from the

1 Office of Planning?

2 So I'm looking at your report. It's, again,
3 the Exhibit No. -- sorry, my computer is not
4 responding. 14-22-9A, and you had a two-part report
5 and it's in the first part of that report. Yeah,
6 that site section. Actually, can I look at that?

7 So it's a little bit hard to read even this,
8 but I'm seeing 41 feet at the height of the row of
9 houses that are on Fern Street, and then the ones
10 behind them are at 52 on this diagram. Yeah, I took
11 it away from you. Sorry.

12 MR. MILLER: Are you looking on Section 1?

13 MR. MAY: Section 1, yeah. I know we
14 advertised it one way and then we advertised an
15 alternate. Is what we're seeing in that section the
16 text as advertised, or is it alternate?

17 [All reviewing papers.]

18 MR. JESICK: The version in the cross-
19 section, it would not be permitted by the advertised
20 text. Both the Fern Street and the Elder Street
21 townhomes would be slightly taller than what was
22 advertised and wouldn't have to fall under the
23 alternative language.

24 MR. MAY: Okay, because I mean, I think I
25 have no problem with what's in that section. You're

1 saying that we'd have to have the alternate language
2 in order to get to that height.

3 MR. JESICK: Correct.

4 MR. MAY: In fact we could go another few
5 feet above what's in that section, right?

6 MR. JESICK: Correct.

7 MR. MAY: Go to 45 and 55. Is that right?

8 MR. JESICK: Fifty and 55.

9 MR. MAY: Fifty and 55. See, but it's
10 showing 41 for the houses on Fern.

11 MR. TURNBULL: What does that section read?
12 I can't --

13 MR. MAY: Forty-one on Fern, so that's the
14 left --

15 MR. TURNBULL: Left dimension?

16 MR. MAY: Left dimension. And then the one
17 on the right is 52. Right?

18 MR. JESICK: Correct.

19 [All reviewing papers.]

20 MR. MAY: Again, referring to that section,
21 which I think is what gave me some comfort about
22 those heights because I mean, 40 foot townhouses are
23 pretty all townhouses to begin with. So looking at
24 that section it's easy enough to see 40, 41 feet.
25 It's harder to see 50 feet because we're talking

1 about raising that, what we see in the section, by
2 another nine feet on Fern Street.

3 So I can't say that I'm totally comfortable
4 with that. Forty-five feet, maybe. Maybe not 50.
5 And then what happens with the row beyond that I
6 think is fairly independent because it's blocked from
7 view. So if our choice is between 40 and 50 on Fern,
8 I'd -- so this is -- see, that right now is showing
9 41.

10 [Reviewing papers and conferring off the
11 record.]

12 MR. MAY: So, since we've advertised 40 to
13 50, or 40 and 50, and then 45 and 55, right? So but
14 we really could pick something in between, could we
15 not?

16 MR. FERRIS: Yes, I think that would be fine.

17 MR. MAY: Yeah. I mean, I'd be in favor of
18 45 on Fern Street. It just seems like 50 is really a
19 lot taller than what we have shown in this diagram.
20 And I was comfortable with this diagram, but I'm not
21 sure I'm comfortable with going all the way up to 50
22 feet.

23 CHAIRPERSON HOOD: Any other comments on that
24 particular issue? Can we take into consideration the
25 amendment that Commissioner May just mentioned about

1 45 with the first set and then taking the second set
2 behind, all the way up to 55?

3 MR. TURNBULL: I could support that. And I'm
4 going along since we're not at the technology where
5 we can read the resolution on our little pads here.
6 If that indeed is the height, I could go along with
7 that. It seems to be compatible with the existing
8 residential units across the street. So I could go
9 along with that.

10 CHAIRPERSON HOOD: All right. And I think
11 that will help solve some of the concerns from those
12 across the street.

13 MR. MAY: So I think if I can clarify what
14 I'm suggesting here is that we accept the alternate
15 language for all of these except -- instead of 40
16 feet. I'm sorry, instead of 50 feet on Fern Street
17 it would be 45. But it could still be four stories
18 and any other lot could still be 55 and it could be
19 five stories. I think that's workable.

20 CHAIRPERSON HOOD: All right. I think we
21 have an agreeance on that so let's move to the next
22 issue. Give me one second. I think we did -- this
23 is about the affordable housing. We did have a
24 proxy, but let me -- Commissioner Miller.

25 MR. MILLER: Yeah. I, among others, had

1 suggested that instead of the original OP proposal
2 which just had the IZ apply, that they come back with
3 alternative language that actually identifies the
4 number of units, which is 432 units, which are at
5 various levels of AMI, including down, all the way
6 down to less than 30 percent AMI, and some at less
7 than 50 percent. Some at 80 percent, which is what
8 the program calls for.

9 And so that's what they came back with and
10 it's why I support that and I appreciate them
11 providing that more specific and direct amount of
12 affordable housing that is going to be provided there
13 and not -- I thought just saying IZ applied and was
14 misleading that there really was going to be a deeper
15 level of affordability that's planned there, and a
16 lot more affordable housing.

17 So I appreciate the language that's been
18 worked up and I guess the -- I'll wait to hear from
19 my colleagues if they agree. But there was that they
20 then have a fallback -- not a fallback, but if at the
21 end of the control period for those deeper affordable
22 units, they then have it reverting to IZ and I
23 support the way that OP has suggested the reversion
24 back to conclusionary zoning at that point, the
25 building by building approach. So that's where I am,

1 Mr. Chairman.

2 CHAIRPERSON HOOD: Okay. Any other comments
3 on alternatives for the affordable housing that's
4 being proposed? Mr. Turnbull.

5 MR. TURNBULL: I just want to say, so
6 Commissioner Miller, you're in support of the 35/40
7 revised --

8 MR. MILLER: Yes.

9 MR. TURNBULL: -- language.

10 MR. MILLER: Yes, the revised OP language.
11 Yes.

12 MR. TURNBULL: The revised OP language.
13 Okay.

14 CHAIRPERSON HOOD: I would agree and I think
15 the proxy I have here from Vice Chair Cohen agrees
16 with Commissioner Miller. Okay. And I notice she
17 has down here, I can be reached at this number. She
18 says it's not available. Tell her from now on she
19 needs to leave a number just in case we need some
20 clarification. Just joking.

21 Okay. Any other comments? As I stated
22 earlier I think we resolved that issue. As I stated
23 earlier I thought the Committee of 100, and I'm not
24 sure about the height issues now, but I thought they
25 raised some points and I'm wondering if any of my

1 colleagues want to take any of that into
2 consideration. They actually have it spelled out in
3 three points.

4 I really probably with what we just did with
5 affordable housing, I would take that off the table.
6 I think we've resolved that sufficiently. You know
7 what? I'm going to take number 3, the parking
8 proposal submitted by OP, does not reflect the
9 parking scheme for Small Area Plan. I think the
10 Office of Planning answered that when they talked
11 about the different guidance that we all have to look
12 at. And I think we dealt with -- maybe I'm answering
13 my own questions. And we dealt with the first issue,
14 about the stories.

15 Okay. So I think that's off the table for
16 me. Anything else? Commissioners, any other
17 comments? Somebody like to make a motion, or do we
18 have any further discussion, anything else?

19 MR. MILLER: Mr. Chairman, I would move that
20 we take -- that the Zoning Commission take final
21 action on the proposed Text and Map Amendments in
22 Zoning Commission Case 14-22, to create a new zoning
23 for the District portion of the former Walter Reed
24 campus. Very exciting project. And I ask for a
25 second.

1 CHAIRPERSON HOOD: I'll second that with the
2 caveat -- also, just to note, the comment from Vice
3 Chair Cohen, the attached breakdown of units should
4 be included in the zoning order.

5 MR. MILLER: And I think it is. It is, as
6 far as I understood the --

7 CHAIRPERSON HOOD: Okay.

8 MR. MILLER: -- OP's revised language, the
9 432 units with the breakdown --

10 CHAIRPERSON HOOD: Okay.

11 MR. MILLER: -- of each at 30 percent, 50
12 percent, and 80 percent AMI.

13 CHAIRPERSON HOOD: Okay. All right. So
14 noted. It's moved and properly seconded. Any
15 further discussion?

16 MR. MAY: Yeah, I just want to clarify.
17 You're incorporating the change to the heights of the
18 WR-1 as we discussed?

19 MR. MILLER: Yes. Thank you for that
20 clarification.

21 MR. MAY: Thank you.

22 CHAIRPERSON HOOD: Okay. It's been moved and
23 properly seconded, and clarified. Any further
24 discussion? All those in favor?

25 [Vote taken.]

1 CHAIRPERSON HOOD: Ms. Schellin, would you
2 record the vote of those present? Oh, and the proxy.

3 MS. SCHELLIN: And the proxy. Yes. Staff
4 records the vote five to zero to zero to approve
5 final action in Zoning Commission Case Number 14-22,
6 Commissioner Miller moving, Commissioner Hood
7 seconding, Commissioners May and Turnbull in support,
8 Commissioner Cohen in support by absentee ballot.
9 And this is as amended. Thank you.

10 CHAIRPERSON HOOD: Okay. Next let's go to
11 Zoning Commission Case Number 15-11. This is Square
12 700 Trust, LLC., Capitol Gateway Overlay Review at
13 Square 700. Ms. Schellin.

14 MS. SCHELLIN: Yes, sir. At Exhibits 23 and
15 26 we have the applicant's posthearing submissions.
16 At Exhibit 24 we received an NCPC report which was
17 followed up with a supplemental report from NCPC at
18 Exhibit 27. I'd ask the Commission to consider final
19 action this evening.

20 CHAIRPERSON HOOD: Okay. Colleagues, you all
21 remember, I thought someone up here did it but
22 mentioned it might have been Commission May or
23 Commissioner Turnbull, about the penthouse being in
24 violation. I think that's been corrected. We do
25 have a revised NCPC report which now supports that

1 violation seemed to have went away about the
2 penthouse.

3 But with that let me open up any discussion
4 or comments.

5 MR. MILLER: They've also positively
6 responded to comments about LEED. They've upgraded
7 and made clear that LEED Gold will be the
8 classification.

9 CHAIRPERSON HOOD: Okay. Any other comments?
10 [Commission conferring off the record.]

11 CHAIRPERSON HOOD: Okay. So with that I
12 would move that we approve Zoning Commission Case
13 Number 15-11 and ask for a second.

14 MR. MILLER: Second.

15 MR. TURNBULL: Second.

16 CHAIRPERSON HOOD: It's been moved and
17 properly seconded. Any further discussion? All
18 those in favor?

19 [Vote taken.]

20 CHAIRPERSON HOOD: Not hearing any
21 opposition, and oh, also we have a proxy which is in
22 favor in this case. Ms. Schellin, would you record
23 the vote with the proxy?

24 MS. SCHELLIN: Yes. Staff records the vote
25 five to zero to zero to approve final action in

1 Zoning Commission Case Number 15-11, Commissioner
2 Hood moving. I heard Commissioner Miller and
3 Turnbull but I think Miller was louder and faster, so
4 I have Commissioner Miller seconding, Commissioners
5 May and Turnbull in support, Commissioner Cohen in
6 support by absentee ballot.

7 MR. TURNBULL: Mr. Chair.

8 CHAIRPERSON HOOD: Yes.

9 MR. TURNBULL: I think we should have buzzers
10 on the dais, that we can hit.

11 CHAIRPERSON HOOD: Well, Commissioner Miller
12 is taking the Vice Chair's place this evening, so.

13 MR. TURNBULL: Oh, I see.

14 CHAIRPERSON HOOD: So he's doing all the
15 seconds. No, I'm just playing.

16 Okay. We're going to move correspondence up,
17 right?

18 MS. SCHELLIN: Yes.

19 CHAIRPERSON HOOD: Okay. Let's do
20 correspondence. Zoning Commission Case Number 14-24,
21 1900 11th Street Northwest, LLC. Request to amend
22 application to include a variance. And this is a
23 unique situation. Ms. Schellin.

24 MS. SCHELLIN: Yes, sir. Exhibits 13 through
25 13C, we have the applicant's request to add variance

1 relief to the wrap amendment application,
2 specifically they're requesting to add relief from
3 the requirements of Section 2115.1 to authorize the
4 required for off-street parking spaces to be eight
5 foot, 17 inches by 19 foot, rather than nine by 19.
6 I'd ask the Commission to consider this request to
7 add this relief so that it can be advertised at the
8 same time.

9 CHAIRPERSON HOOD: Okay. I do know that we
10 have done this before. This is not precedent
11 setting. It depends. But I would like to ask, even
12 though Office of Planning didn't give us a report, I
13 would like to ask Ms. Steingasser, do you have any
14 comments, or Ms. Brown-Roberts, do you have any
15 comments?

16 MS. BROWN-ROBERTS: I think we are in
17 support. It's a very minor relief that they're
18 asking for. So I think in this case, this is
19 something that we could support. Thank you, Mr.
20 Chairman.

21 CHAIRPERSON HOOD: Thank you, Ms. Brown-
22 Roberts, for that report on the dais. I appreciate
23 that.

24 Commissioners, any other comments or
25 questions?

1 MR. MILLER: Yeah.

2 CHAIRPERSON HOOD: Commissioner Miller.

3 MR. MILLER: Mr. Chairman, yeah, I'm in
4 support of adding the variance request. I just think
5 we should note that we expect the applicant to
6 address the three-part test and the arguments they
7 make in the prehearing statement, on the variance.

8 CHAIRPERSON HOOD: Okay. Anything else?
9 Somebody like to make a motion? Or are we ready?
10 Somebody like to make a motion?

11 MR. TURNBULL: Oh, I certainly would. Mr.
12 Chair, I would move that we approve the
13 correspondence item 1900 11th Street Northwest, LLC.,
14 the request to amend the application to include a
15 variance.

16 MR. MILLER: Second.

17 CHAIRPERSON HOOD: Okay. It's been moved and
18 properly seconded. Any further discussion? All
19 those in favor.

20 [Vote taken.]

21 CHAIRPERSON HOOD: Ms. Schellin, would you
22 record the vote?

23 MS. SCHELLIN: Yes. Staff records the vote
24 four to zero to one to grant permission to add the
25 variance relief to the application in Case Number 14-

1 24, Commissioner Turnbull moving, Commissioner Miller
2 seconding, Commissioners Hood and May in support,
3 Commissioner Cohen not present, not voting.

4 CHAIRPERSON HOOD: Okay. Next lists, go to
5 Zoning Commission Case Number 14-13. This is a
6 letter from ANC 4-B, request for an extension of a
7 deadline for receiving comments. Ms. Schellin?

8 MS. SCHELLIN: Yes, sir. ANC 4-B submitted a
9 letter asking that the comment period be extended in
10 this case for the proposed rulemaking, that the
11 comment period be extended from September 11 to
12 Wednesday, September 29th, which is two days after
13 they meet on September 27th.

14 CHAIRPERSON HOOD: I think they're only
15 asking for like two weeks. What did they ask, to the
16 29th? Wednesday the 29th. From the 11th to the
17 29th. So we would not take this up again until --

18 MS. SCHELLIN: Our October meeting.

19 CHAIRPERSON HOOD: October.

20 MS. SCHELLIN: October 19th.

21 MR. MAY: Is it correct that the text hasn't
22 been published yet. It will happen on the 31st?

23 MS. SCHELLIN: It's actually going to be
24 published August 7th.

25 CHAIRPERSON HOOD: Okay. I think,

1 colleagues, in light of that we will grant the
2 extension.

3 MS. SCHELLIN: Do you want to --

4 CHAIRPERSON HOOD: Do you want to do it the
5 29th, or can we give it some more time?

6 MS. SCHELLIN: We can give it more time.

7 CHAIRPERSON HOOD: Let's give it more time.

8 MS. SCHELLIN: How about -- I'm sorry. I'm
9 looking at the wrong date. How about until October -
10 - do you want OP to provide a supplemental report?
11 Does OP want an opportunity to do that, or not?
12 Because we could do it until like, October 5th and
13 that would allow OP if they --

14 MR. LAWSON: We pretty much provided all of
15 our comments.

16 MS. SCHELLIN: Okay. Did you need to --

17 MR. LAWSON: I don't think that anything is
18 being asked of us.

19 MS. SCHELLIN: Okay. So how about until
20 October 9th, then? Friday, October 9th.

21 CHAIRPERSON HOOD: Whatever we do, whatever
22 the date is, we want to take it up at our first
23 meeting in October.

24 MS. SCHELLIN: The only meeting we have is
25 the 19th.

1 CHAIRPERSON HOOD: Okay. Unless we want to
2 do a special public meeting. It's up to you all,
3 because it's urgent.

4 Okay. So we will do meeting first -- well,
5 the only meeting in October.

6 MS. SCHELLIN: So you want to extend it until
7 October 9th, the time period?

8 CHAIRPERSON HOOD: Whatever gets us to --

9 MS. SCHELLIN: October 9th, and then we'll
10 take it up October 19th.

11 CHAIRPERSON HOOD: Okay. So granted. And
12 we'll notify ANC 4-B.

13 MS. SCHELLIN: Yes, sir.

14 CHAIRPERSON HOOD: Okay. Okay. Do we have
15 anything else before I go to hearing action? Did I
16 miss it?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: Okay. Let's go to the
19 first hearing action. Let's do 08-33 -- hold on for
20 a second.

21 MS. SCHELLIN: C. 08-33C is the consent
22 calendar.

23 CHAIRPERSON HOOD: Yeah. Yeah. Yeah, let's
24 go to 08-33C and I still want to comment on 08-33D
25 once we finish having this discussion.

1 Okay. Ms. Thomas, is this your case?

2 MS. THOMAS: Yes.

3 CHAIRPERSON HOOD: Okay.

4 MS. THOMAS: I'm sorry. Which one would you
5 like to start with?

6 CHAIRPERSON HOOD: 08-33C. We actually took
7 it off the consent calendar. Maybe, do you have a
8 report for us on that?

9 MS. THOMAS: Yes, I do.

10 CHAIRPERSON HOOD: You do? Okay.

11 MS. THOMAS: Uh-huh. Good evening, Mr.
12 Chair, members of the Commission.

13 The Office of Planning is not opposed to the
14 general direction of the changes requested by
15 Conference Center Associates for the PUD approved in
16 this case which authorize the construction of a
17 hotel, conference center, parking structure, and
18 retail space. But there is some expansion and that
19 adds up to about 41,000 gross square feet of
20 increase, and that should be opened up for a public
21 hearing to give the public as well as other agencies,
22 including DDOT and DDOE, an opportunity to comment on
23 that expansion.

24 We have an addition to the third floor of the
25 conference center, an expansion to the hotel to

1 (indiscernible)**34:05 property line and an increase
2 in the cellar level which would adjoin the floor
3 place of the conference center and a restaurant. And
4 we do have a minor increase in the roof structure
5 FAR.

6 To that end we would also support the time
7 extension that's being requested to address these
8 issues. And that's all I have at this time. Thank
9 you.

10 CHAIRPERSON HOOD: Okay. Thank you, Ms.
11 Thomas. Colleagues, any questions or comments?

12 I would just note that this is set down,
13 which I think we all agree to set it down, that the
14 time extension we will deal with after we take final
15 action in the original minor modification case --
16 well, I wouldn't call it minor now. But in the
17 modification case. Okay?

18 So any questions? Commissioner Miller.

19 MR. MILLER: Thank you, Mr. Chairman. No, I
20 don't have any questions. I just would note, just
21 for the record, that we have that big resolution from
22 ANC 5-A in support of this modification and the time
23 extension. So I am in support of setting it down and
24 taking it up at a hearing.

25 So if you're ready for a motion?

1 CHAIRPERSON HOOD: I think that's a good
2 point because that reaffirms even after the
3 redistricting, 5-C had originally done it, and now 5-
4 A did it, even though the chairperson is the same,
5 but the redistricting shows the continuity that Ward
6 5 residents have when they do certain things.

7 But anyway, I just thought I'd throw that in
8 there. So if anybody wanted to make a motion.

9 MR. MILLER: Mr. Chairman, I would move that
10 we set down the Zoning Commission Case Number 08-33C
11 for a hearing that's Parcel 121/31, Conference Center
12 Associates, LLC., and ask for a second.

13 CHAIRPERSON HOOD: I'll second that. It's
14 been moved and properly seconded. Any further
15 discussion? All those in favor.

16 [Vote taken.]

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

19 MS. SCHELLIN: Staff records the vote four to
20 zero to one to set down Zoning Commission Case Number
21 08-33C as a contested case, Commissioner Miller
22 moving, Commissioner Hood seconding, Commissioners
23 May and Turnbull in support, Commissioner Cohen not
24 present, not voting.

25 CHAIRPERSON HOOD: And again, we will deal

1 with 08 -- the time extension, after the final action
2 of this --

3 MS. SCHELLIN: At the same time as final
4 action?

5 CHAIRPERSON HOOD: After the final action,
6 yeah.

7 MS. SCHELLIN: Yeah. Okay.

8 CHAIRPERSON HOOD: Well, when we have final
9 action.

10 MS. SCHELLIN: Right. Exactly.

11 CHAIRPERSON HOOD: Okay. All right. Let's
12 go to Zoning Commission Case Number 15-17, this is
13 the Office of Planning Text Amendment to add expanded
14 child development home as a new use. Ms. Brown-
15 Roberts.

16 MS. BROWN-ROBERTS: Good evening. Good
17 evening, Mr. Chairman and members of the Commission.

18 The Office of Planning recommends set down of
19 the proposed text amendment for expanded child
20 development homes. In the past year OP, DCRA, the
21 fire and emergency services, and the Office of the
22 State Superintendent of Education have examined the
23 different regulations and requirements for child
24 development homes and found that the Zoning
25 Regulation has two categories of childcare. A child

1 development home for up to six children, and child
2 development centers which are allowed for over six
3 children.

4 While the child development regulations,
5 which governs and issues licenses for daycare uses
6 has three categories, child development homes for up
7 to six children, expanded child development home for
8 seven to 12 children, and the child development
9 centers for over 12.

10 In addition we found that there were many
11 areas of conflicts, inconsistencies, and inadequate
12 monitoring which discourages and prevent families
13 from providing the service. Amendments to the
14 various regulations were recommended to streamline
15 the process and facilitate better monitoring of the
16 operation for the safety of the children and the
17 facilities.

18 Towards this end the proposal before you
19 tonight is to add expanded child development homes
20 and require special exception review for those homes
21 which accommodate between 10 to 12 children. The
22 amendment would also address a number of non-resident
23 employees, classified child development homes as home
24 occupations, and assess reuses among other relevant
25 amendments.

1 The proposal is not inconsistent with a
2 comprehensive plan which recommends that new and
3 expanded child care facilities in all residential,
4 commercial, and mixed use areas in an effort to
5 provide adequate affordable childcare facilities
6 throughout the District, and also to consider ways of
7 reducing any barriers that are identified, provided
8 that child safety and neighborhood quality of life
9 issues are adequately addressed.

10 OP therefore recommends setdown of the
11 submitted proposal. Thank you, Mr. Chairman, and I'm
12 available for questions.

13 CHAIRPERSON HOOD: Okay. Thank you, Ms.
14 Brown-Roberts. Colleagues, any questions on this?

15 MR. TURNBULL: Yeah, I just have -- so, Ms.
16 Brown-Roberts, this category is something that really
17 didn't cover -- we didn't cover in the CRR review.
18 It wasn't really -- it didn't come up when we were
19 having our meetings.

20 MS. BROWN-ROBERTS: That's correct.

21 MR. TURNBULL: So, but the expanded child
22 development home has always been with us, it just
23 wasn't defined?

24 MS. BROWN-ROBERTS: It was not defined in the
25 Zoning Regulations. So what would happen would be

1 that providers would come in and ask for say, seven.
2 And then they would be put in the category of a child
3 development center, which has, under OSSC, is a
4 different category and has different requirements to
5 meet. And many of the homes could not meet these
6 requirements because they were more geared towards,
7 you know, commercial buildings and much larger
8 facilities.

9 MR. TURNBULL: Okay. Thank you.

10 CHAIRPERSON HOOD: Any other questions?
11 Comments?

12 Okay. I would move that we set down Zoning
13 Commission Case for a hearing in Zoning Commission
14 Case Number 15-17, the Office of Planning Text
15 Amendment to add expanded child development home as a
16 new use and ask for a second.

17 MR. TURNBULL: Second.

18 CHAIRPERSON HOOD: It's been moved and
19 properly seconded. Any further discussion? All
20 those in favor?

21 [Vote taken.]

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

24 MS. SCHELLIN: Staff records the vote four to
25 zero to one to set down Zoning Commission Case Number

1 15-17 as a rulemaking case, Commissioner Hood moving,
2 Commissioner Turnbull seconding, Commissioners May
3 and Miller in support, Commissioner Cohen not
4 present, not voting.

5 CHAIRPERSON HOOD: Okay. Next we have Zoning
6 Commission Case Number 13-14A. This is Jair Lynch
7 Development Partners, Second Stage PUD at Square
8 3128. Ms. Brown-Roberts.

9 MS. BROWN-ROBERTS: Mr. Chairman, Jair Lynch
10 Development Partners on behalf of the Vision McMillan
11 Partners, LLC. in the District of Columbia request
12 second stage PUD review to construct a mixed use
13 development on Parcel 2 of the McMillan development,
14 with a seven story structure joined together below
15 grade and above grade at floors three to seven, with
16 an FAR of .504. I'm sorry, 5.04.

17 The building would accommodate 236 units and
18 approximately 19,000 gross square feet of ground
19 floor retail uses.

20 Of the residential uses 25 would be
21 affordable to up to eight percent of AMI as approved
22 at first stage. The height, massing, architectural
23 design, and material pallet is compatible with the
24 master plan, and of significance is the opening to
25 accommodate three quarter street through the site and

1 provide loading, parking, and trash facilities on
2 both wings of the building to better facilitate
3 vehicular circulation.

4 The proposed development would be consistent
5 with the objects of the CR Zone established by the
6 map amendment at first stage. The applicant has
7 requested flexibility in the air of lot occupancy,
8 side yard, roof structures, setback, and loading.

9 Further, they have requested a five percent
10 variation in number of units and associated parking
11 spaces, flexibility for the final selection of
12 interior and exterior materials, color treatment, as
13 well as to make minor refinements to exterior details
14 and dimensions.

15 Flexibilities also requested for the
16 treatment of the interior wall of the building above
17 3rd Street, 3rd Quarter Street, and the clustering of
18 affordable units. OP will work with the applicant to
19 provide additional information and to narrow the
20 areas of flexibility.

21 The public benefit and amenities of the
22 overall PUD were approved as part of the master plan,
23 and the Commission found that the development would
24 not be inconsistent with the Comprehensive Plan
25 Future Land Use Map, the generalized policy map, and

1 policies and elements of the plan. OP therefore
2 recommends setdown of the proposal for public
3 hearing. Thank you, Mr. Chairman and I'm available
4 for questions.

5 CHAIRPERSON HOOD: Okay. Thank you, Ms.
6 Brown-Roberts. Commissioners, is there any questions
7 or comments? Commissioner Miller?

8 MR. MILLER: Yeah. I just had one question
9 for Ms. Brown-Roberts.

10 So in the order that we did for the overall
11 McMillan site, this building, the maximum building
12 height that would have been allowed for this
13 particular parcel is substantially higher than what's
14 actually come in. Is that correct? This is 82 and a
15 half square feet high, and we approved permission up
16 to a maximum of 110. Is that -- was it 110 or 90, or
17 --

18 MS. BROWN-ROBERTS: It was approved for 110
19 under the CR.

20 MR. MILLER: Right. So I just think it's
21 important to note that, you know, for those who we
22 were concerned about the height of some of the
23 buildings in this project, this project, this
24 particular proposal has come in at less than the
25 maximum height that was allowed. And not all

1 developers are developing to the maximum height
2 that's allowed. And I just think it's important to
3 note that.

4 MS. BROWN-ROBERTS: Okay.

5 MR. MILLER: So, I'm supportive, Mr.
6 Chairman, of setting this down for a hearing.

7 CHAIRPERSON HOOD: Okay. Good point. Any
8 other comments or questions of Office of Planning?
9 Mr. Turnbull?

10 MR. TURNBULL: Yeah. I'm in favor of setting
11 it down. I just have -- I think the OP report points
12 out some of the issues that they have to follow up.
13 But one of my biggest issues right now is, you know,
14 we look at the city and we talk about a lot of the
15 streets that have buildings over streets, such as
16 L'Enfant Plaza and a few others, even away right
17 across here. It really is, to me, I don't think is
18 product as an urban plan to have buildings crossing
19 over streets. I think it destroys the vistas. I
20 think it destroys the overall integrity.
21 Especially on this site. This site needs to be a
22 very livable site.

23 And if I look on sheet 9, which is sort of an
24 aerial view. It's about -- I don't know, we're
25 probably about 60, 80 feet in the air and we're

1 looking over the townhomes towards the two buildings,
2 and you see this glass wall, which is this bridge
3 structure going between the two brick buildings. I
4 think this destroys the whole continuity of the
5 north/south access in that part of the site. I think
6 it destroys the vista. I think it really interrupts
7 the livability of it, and you're creating a tunnel
8 down this street and I just, I can't agree with this.
9 This whole idea of bridging across a street is
10 something, especially on this site, you don't want to
11 do.

12 I think you'll want to open the vistas,
13 you'll want to make it a livable community. I think
14 you want to make it as open and airy as you can. I
15 don't think you want to close in streets like this.
16 I just think this is a bad idea. I really think it's
17 a bad idea. But I want to thank you for your
18 excellent report too.

19 MS. BROWN-ROBERTS: Okay.

20 CHAIRPERSON HOOD: Okay. Any other comments?
21 Commissioner May?

22 MR. MAY: You know, I think my view is
23 sympathetic to Commissioner Turnbull's position,
24 although I'm not sure I agree absolutely that the
25 bridge has to go away. But it's fair to say as a

1 matter of planning principle, we generally don't want
2 to have streets bridged over. I mean, granted this
3 is a small street and these are small blocks, and we
4 very easily could see a block, you know, this big
5 develop without that street running through it. So
6 compared to, you know, what might happen on a
7 megablock development, it's not that bad. But I
8 guess I need to be convinced that this is necessary
9 and appropriate for this development.

10 The only thing I would point out is that
11 given that the -- and we have setback issues for the
12 penthouses, and it has to do with setback from open
13 courts that face streets. I don't think that we
14 should be granting relief for that. I think that
15 those setbacks -- I mean, understanding that these
16 are not as tall as the buildings that might have been
17 on the site, I still think that penthouses should be
18 set back one to one when there is any possibility
19 that it could be viewed from the street.

20 And so I think that, you know, the ones that
21 are not properly set back from the courtyards, they
22 just need to tweak the plan and make that comply,
23 because I think it can be done.

24 MS. BROWN-ROBERTS: Okay.

25 MR. MAY: Okay.

1 MS. BROWN-ROBERTS: Yes.

2 MR. MAY: That's all I have to say.

3 CHAIRPERSON HOOD: Okay. All right. Any
4 other comments on this?

5 MR. MILLER: Well, Commissioner, just on the
6 -- I think the applicant will come in with more
7 information addressing Commissioner Turnbull's
8 concern, and should. I think that they have tried to
9 do a couple things to mitigate the -- including
10 making that bridge glass and setting it way back from
11 the other two facades so that it doesn't look like a
12 wall; just one wall.

13 So just note on the rendering that you're
14 right about the rendering -- I mean, on page 9. But
15 the rendering on page 8, if I'm looking at the same
16 thing, the night time rendering where it's, I guess a
17 little bit lower, you can see the activity that's
18 going on underneath there and in the opening. So I
19 guess it does depend upon the perspective that you
20 have looking at that glass connection. So with the
21 opening underneath.

22 And it does start -- doesn't start until the
23 third floor, and it is a -- it's a new street, new
24 street that this development is creating. One of the
25 many new streets that they are creating. So, anyway.

1 I think they'll address -- they should address it at
2 the hearing.

3 MR. TURNBULL: Yeah, I guess my concern is
4 these are apartment units, condos, over the street.
5 They're not shared community spaces. They're not --
6 it's a very elitist -- if you live in one of these
7 things you've got a nice view down the street. I
8 just think it's working toward the overall community
9 benefit of the buildings or anything else. It's just
10 high priced units that are going to be placed over
11 the street. And I just have trouble with how you
12 design like that, instead of looking toward the
13 community benefit as a whole and the overall
14 livability of the whole complex. And I just think
15 this falls short.

16 I mean, if there was some major benefit that
17 could say, this is what it does, but it's just a
18 pricey apartment, or a pricey condo over a street.
19 And I just don't think what that does to the overall
20 character of what this site was laid out for. We
21 already went through a huge process that talked about
22 preserving what this site should be and how it should
23 address people, the livability of it. I think this
24 falls short. That's just my feeling.

25 CHAIRPERSON HOOD: Mr. Turnbull, I will be

1 interested to see what they come back with. I think
2 for me, now that you've brought this to my attention,
3 I think it's going to be a lift. And we're talking
4 about different perspectives. I want to see all the
5 persepctives all the way around this particular area
6 in which Mr. Turnbull is mentioning about covering
7 the street because for me, I don't care what it
8 costs, I don't want to be near a whole lot of traffic
9 and going back and forth, and I'm sure traffic is
10 going to be going back and forth all night.

11 So again I'll wait. It's not a showstopper
12 for me, I don't think. Or for any of us. But I
13 think they have a lift because I think Mr. Turnbull -
14 -

15 MR. TURNBULL: Yeah. No.

16 CHAIRPERSON HOOD: -- has a very good point
17 that you're making.

18 MR. TURNBULL: Yeah, Mr. Chair. No. I would
19 be in favor of setting this down. I just have some
20 concerns about that one element.

21 CHAIRPERSON HOOD: Yeah, but I would
22 wholeheartedly agree with you. Okay, other comments?

23 MR. MILLER: Mr. Chairman, if there aren't
24 any other comments I would move that the Zoning
25 Commission set down Zoning Commission Case Number 13-

1 14A, Parcel 2 of McMillan, Second Stage PUD, and ask
2 for a second.

3 MR. TURNBULL: Second.

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

6 All this in favor?

7 [Vote taken.]

8 CHAIRPERSON HOOD: Ms. Schellin, would you
9 record the vote?

10 MS. SCHELLIN: Yes. Staff records the vote
11 four to zero to one to set down Zoning Commission
12 Case Number 13-14A as a contested case. Commissioner
13 Miller moving, Commissioner Turnbull seconding,
14 Commissioners Hood and May in support, Commissioner
15 Cohen not present, not voting.

16 CHAIRPERSON HOOD: Okay. Next let's go to
17 Zoning Commission Case No. 13-09. This is the
18 Stanton Square, LLC. First Stage and Consolidated
19 PUDs and Related Map Amendment at Square 5877. Ms.
20 Thomas.

21 MS. THOMAS: Yes. Good evening again, Mr.
22 Chair, or members of the Commission. A consolidated
23 PUD submitted by Stanton Square to develop this eight
24 acre parcel located at the corners of Stanton,
25 Pomeroy, and Elvans Road in Southeast, was first

1 approved in 2007 and that approval has since expired.

2 The current submission includes three
3 apartment buildings of 128 units, 42 three-bedroom
4 townhomes, and a community service center.

5 To achieve the proposed mix of uses on the
6 site the applicant is requesting a consolidated and
7 first stage PUD with a related map amendment from the
8 R-3 to R-5-B district for the residential homes, and
9 an amendment to the S-P-1 district for the community
10 service center campus. And this community service
11 center would be programmed by two non-profit groups.

12 The Consolidated PUD seeks to permit the
13 first phase of the site's development, including the
14 residential portion along with one building of the
15 community service center campus. For the first phase
16 PUD -- first stage, I'm sorry, PUD, the Commission is
17 being asked to approve the massing and height at this
18 time for an additional building on the CSC campus.
19 And at this area the campus would be developed in the
20 second phase of the overall site's development.

21 The use is anticipated for the first stage
22 building would be complimentary to that proposed for
23 the consolidated PUD, and we are asking the applicant
24 to clarify this aspect and expand on it at a public
25 hearing.

1 An important feature of the PUD is the level
2 of affordability that would be provided. Twelve of
3 the multi-family units would be assigned as permanent
4 supportive housing units for residents at 30 percent
5 of the AMI. Fourteen apartment units and five
6 townhomes would be IZ dedicated at 50 to 80 percent
7 AMI for the life of the project. The remainder of
8 102 family multi-family non IZ units would be
9 affordable to residents at 60 percent AMI for 40
10 years.

11 Details of the site's data, proposed material
12 use, requested flexibility, and amenities are
13 included in our report, and we have asked the
14 applicant to provide additional information,
15 including dedication of the proposes, street as a
16 public street, additional information on light and
17 landscaping and the side screening, in light of the
18 retaining walls proposed for the site and the
19 environmental elements of the Comp Plan.

20 The overall proposed uses for the site would
21 provide important amenities for residents of Ward 8,
22 and a proposal is not inconsistent with the Comp
23 Plan. Therefore, we are recommending setdown of the
24 application and I'm available to take any questions.
25 Thank you.

1 CHAIRPERSON HOOD: Thank you, Ms. Thomas.
2 Colleagues, any questions or comments on this
3 application? Commissioner May?

4 MR. MAY: So I think generally speaking, the
5 project the way it's been reformulated is
6 substantially better than what we had seen before on
7 this, or what it was before, put it that way. And I
8 think that the design, the buildings, is generally
9 pretty good. I am interested in the details and the
10 materials, the colors, because we want to make sure
11 that the buildings have that, you know, the level of
12 quality that I think that they aspire to.

13 It is a little bit troubling given that it
14 seems like the site right now is essentially just a
15 forest of some sort. Do we have any sense of how --
16 I mean, how much of the existing tree cover on the
17 site will remain, or how much of it actually really
18 is. It's kind of hard to tell how much of it is
19 really just tree cover.

20 MS. THOMAS: I don't have a sense of it right
21 now. That's why we've asked for --

22 MR. MAY: Yeah.

23 MS. THOMAS: -- more information and with
24 DDOE on landscaping and on --

25 MR. MAY: Right.

1 MS. THOMAS: I did ask in my report that they
2 work with them to make sure that whatever they're
3 going to propose, possibly for replanting, that it is
4 native to the District --

5 MR. MAY: Uh-huh.

6 MS. THOMAS: -- and to work with DDOE on
7 that.

8 MR. MAY: Okay. So I'm very interested in
9 that, on what happens with the existing trees. I
10 mean, with the amount of grading that obviously has
11 to occur, I'm sure, you know, most of it is going to
12 go away. Just because it's a forest doesn't
13 necessarily mean that it's health and good, but it is
14 still tree cover and has value, and so -- and there
15 may well be substantial trees that's worth making an
16 effort to save. And of course having it replanted
17 properly is vitally important as well. So your
18 suggestion that they work with DDOE is a good one.

19 I am concerned about the retaining wall.
20 Again, I think it got better from the earlier version
21 of it, but it's still a big, big retaining wall, and
22 it may be the latest technology is greener than most.
23 But I'm still troubled by it and I think that every
24 effort should be made to reduce the extent to which
25 the retaining wall is necessary. And that may mean

1 planning -- you know, planning the site out a little
2 bit differently or placing the homes a little bit
3 differently, or building on something less than a
4 flat site.

5 I mean, I think I can see that there's been
6 more of an effort that we often see for development
7 projects where they simply want to come in and make
8 everything flat because it's easier to build on a
9 flat site than it is to build on anything that's got
10 slope to it. But I think -- I hope that there is
11 more that can be done because a 30 foot high
12 retaining wall, however smart that slope may be, is
13 still not as good as just a regular slope; a natural
14 slope.

15 So I'm also not a big fan of the very large
16 parking lot in the middle of the cluster of larger
17 buildings. And hopefully some things can be done to
18 soften that up or reduce the number of spaces, or
19 intergrate more into what would be street parking, I
20 guess. And I'm also not a big fan of the front, the
21 handful of townhouses that have front entry garages.
22 I know that that's not a favorite of the Office of
23 Planning as well, but maybe something can be done to
24 address that.

25 It is possible to build a townhouse without

1 having a garage in it. And particularly if there's
2 going to be a new street there, there might be ample
3 street parking and maybe it's okay not to have some
4 townhouses without parking. Particularly if it makes
5 the sidewalk experience better.

6 That's what I have. Thanks.

7 CHAIRPERSON HOOD: Okay. Thank you. Any
8 other comments? Commissioner Miller?

9 MR. MILLER: Thank you, Mr. Chairman. Yeah,
10 I'm very supportive of this project and supportive of
11 the additional information that's been requested by
12 Office of Planning and by Commissioner May so far.
13 And I just wanted to note that, I mean, this really
14 is a great project that has mixed income housing,
15 including permanent supportive housing that's badly
16 needed, other affordable housing, and market rate
17 housing, 128 multifamily units in the 42 townhouses;
18 townhouse units.

19 And the other element that is very well
20 developed is the community center that includes the
21 two programmatic uses by the Community of Hope and
22 Martha's Table to provide the wraparound services
23 that some of that permanent supportive housing,
24 residents, and others in the neighborhood will need.
25 So I think there are a lot of excellent components of

1 the project and I'm sure some things can be improved
2 and we'll get good information, hopefully at the
3 hearing on the things that have been noted by OP and
4 my fellow commissioners. So I'm prepared to set down
5 this hearing tonight, Mr. Chairman.

6 CHAIRPERSON HOOD: Okay. Thank you,
7 Commissioner Miller. Any other -- Commissioner
8 Turnbull?

9 MR. TURNBULL: Oh, thank you, Mr. Chair.
10 Yes, I would agree. I would be in support of setting
11 this PUD down for a hearing, and I agree with all the
12 commetns that Commissioner Miller and Commissioner
13 May made.

14 I think what's interesting is that the
15 architecture between the Stanton Square and Stanton
16 Commons is quite -- they're diversely at opposite
17 ends. They're quite -- they're unique to each other.
18 So but what I would like to see as we go forward,
19 that the architectural drawings sort of clarify some
20 of the attributes of that. And I would like to see,
21 in the residential portion of Stanton Square, maybe
22 some views down the street that sort of give a better
23 feeling as to what that architecture really looks
24 like.

25 And I would agree that the parking lot is a

1 bit of a problem, and I would like to see some views
2 as we go forward, as that gets resolved in there with
3 trying to soften it, that we see some perspective
4 views in that square that looks at all of those
5 buildings.

6 And I would also agree that looking on
7 drawing LO-7, you know, it's 30 feet difference in
8 height between the Commons and the Square with this
9 big berm. These berms. So I think we need some
10 views of what that possibly could be also. I think a
11 perspective view along that end, there is the buyer
12 retention on Section 3 on 1 shows a difference of 16
13 feet. I don't see any kind of a railing on top of
14 that. I think we need some more clarification on the
15 grade changes and the protection for individuals as
16 they walk along here.

17 But I think it's come a long way too, from
18 what we've had in other versions of this. So as I
19 say, I would be in favor of setting it down.

20 CHAIRPERSON HOOD: Okay. Any other comments?
21 Somebody like to make a setdown motion? Commissioner
22 Miller?

23 MR. MILLER: Mr. Chairman, I would move that
24 the Zoning Commission set down Zoning Commission Case
25 Number 13-09, First Stage and Consolidated PUD with

1 the Related Map Amendment from the R-3 to R-5-B, and
2 that's P-1 District for Square 5877, Lot 122, and ask
3 for a second.

4 MR. TURNBULL: Second.

5 CHAIRPERSON HOOD: Okay. It's been moved and
6 properly seconded. Any further discussion? All
7 those in favor?

8 [Vote taken.]

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

11 MS. SCHELLIN: Yes. Staff records the vote
12 four to zero to one to set down Zoning Commission
13 Case Number 13-09 as a contested case, Commissioner
14 Miller moving, Commissioner Turnbull seconding,
15 Commissioners Hood and May in support, Commissioner
16 Cohen not present, not voting.

17 CHAIRPERSON HOOD: Did you say Commissioner
18 May or Commissioner Cohen?

19 MS. SCHELLIN: I said Commissioners Hood and
20 May in support, Commissioner Cohen not present, not
21 voting.

22 CHAIRPERSON HOOD: Okay. Okay. Let's go to
23 Zoning Commission Case Number 15-05, P.N. Hoffman,
24 Inc., Riverside Baptist Church, Consolidated PUD and
25 Related Map Amendment at Square 472. Ms. Rappolt.

1 Okay.

2 MS. RAPPOLT: Good evening. Thank you,
3 Chairman Hood and members of the Commission. I'm
4 filling in for Steve Cochran, who is the project
5 manager for this case tonight.

6 OP recommends the Zoning Commission set down
7 the applicant's request for a PUD and related zoning
8 map amendment for the property known as the Riverside
9 Baptist Church site, which is currently zoned to the
10 R-5-B district.

11 The applicant requests a map amendment to the
12 C-3-A district. The PUD consists of a two-story, 40
13 foot, approximately 11,000 square foot church
14 building fronting Main Avenue, and a seven to nine
15 story residential building of 170 units that fronts I
16 and 7th Street.

17 It will also have ground floor uses of
18 approximately seven to 8,000 square feet that may
19 include retail, live/work space, and/or community
20 serving uses.

21 The FAR requested is 4.57, which very
22 slightly exceeds the 4.5 maximum of the C-3-A
23 district.

24 The property is well located as it's within
25 four blocks from the Waterfront Metro Station. Also

1 significant is the transformation of the waterfront
2 with the construction of the Wharf development
3 underway across Main Avenue. The Arena stage is near
4 the property as well.

5 In terms of the Comprehensive Plan Future
6 Land Use Map the property is appropriate for moderate
7 density residential uses. Earlier this month the
8 City Council approved the Southwest Small Area Plan
9 which will provide further vision for the future
10 development of Southwest and this property.

11 The Southwest Small Area Plan identifies the
12 site as appropriate for mixed use medium density,
13 residential uses, which also includes the proposed
14 church use and low density commercial uses. The
15 proposal would further the Comprehensive Plan and
16 Southwest Small Area Plan with the PUD and related
17 map amendment.

18 As detaild in OP's report, flexibility is
19 needed to allow for a minimal FAR relief of .07,
20 relief to allow for an increase in the percent of
21 compact spaces, as well as the arrangement of compact
22 spaces, as well as for loading, rear yard, and open
23 court relief. The applicant has also requested minor
24 design relief for a number of elements of the project
25 and recently modified its original request for roof

1 structure relief such that no roof structure relief
2 is now requested, nor required.

3 OP recommends the applicant provide more
4 information with regard to the public benefits and
5 amenities, specifically with regard to the community
6 oriented services provided by the church, the slip
7 lane removal, and related future plaza design, the
8 TDM, and more specificity related to the ground floor
9 uses.

10 The proposal is not inconsistent with the
11 proposed zoning district, elements of the
12 Comprehensive Plan and the Southwest Small Area Plan,
13 and as such the Office of Planning recommends the PUD
14 related map amendment request be set down for a
15 hearing and we'd be happy to take any questions.

16 CHAIRPERSON HOOD: Okay. Thank you, Ms.
17 Rappolt. Let's see if we have any questions or
18 comments. Anyone? Commissioner May.

19 MR. MAY: So we didn't actually see the
20 diagrams, or the drawings of the change to the roof
21 plan, right? I mean, that wasn't in what we had
22 received so -- and I trust that they submitted -- I
23 mean, it looks like, from your report, that they
24 submitted something that was consistent with existing
25 regulations. That's all good but, you know, by the

1 time we hear this the new regulations could well be
2 enacted so we might wind up with something different
3 on the roof.

4 The one thing I want to point out that is a
5 minor point, but glass rails still need to be set
6 back. And they were not in the drawings that we saw,
7 even though they thought they were doing something
8 that was consistent with the new regulations, because
9 glass rails are visible and they're just -- it's like
10 a parapet. They have to be set back or they have to
11 be, you know, no higher than the -- they have to be
12 treated as a parapet and no higher than the allowed
13 height.

14 You know, I think that they are trying to do
15 something interesting with the architecture of the
16 building and provide a good backdrop for the more
17 interesting architecture of the church. But there is
18 something that's kind of bland in the way it reads
19 and it's kind of relentless in the grid. And I think
20 that, you know, the Office of Planning had some good
21 comments in the report, so I hope that that will be a
22 fruitful discussion and the design will improve.

23 I think that this is the project to fall
24 short in a number of areas and I mean, you know, it's
25 another project that's coming in with sort of minimal

1 LEED ratings and just what's required in terms of
2 affordability and amenity package is meager given the
3 extraordinary boost in FAR that comes with this map
4 amendment. So I expect that to be substantially
5 better by the time we get to a hearing. I'd hate to
6 have this come in and have us have to push back from
7 the very beginning of the hearing saying, you know,
8 the benefits to this project are not in line with the
9 substantial development potential that's being gained
10 with the PUD.

11 So I think that's everything I wanted to say.
12 Thank you.

13 CHAIRPERSON HOOD: More comments or
14 questions? Anybody? Commissioner Turnbull?

15 MR. TURNBULL: Oh, thank you, Mr. Chair. I
16 would agree with Commissioner May's comments. I want
17 to thank Ms. Rappolt for filling in for Mr. Cochran.

18 But I will also just reiterate all of the
19 comments that OP made on pages 13 and 14 of the
20 report, which include also for the applicant to come
21 back with some views. And I'm looking at page 13,
22 looking from southward on South Street, the upper
23 stories and Capitol. There are several views so I
24 think that the applicant needs to go back and look at
25 what's on 13 and 14 and really come to grips with

1 OP's comments.

2 And getting back to the roof, I would agree.
3 I mean, there was an Exhibit No. 10, was submitted by
4 the applicant's attorneys. And it's really hard to
5 read. I mean, you really can't tell if they've met
6 the requirements of the roof or not. So regardless
7 of which way they're going to go, if they're going to
8 go -- depending upon where we are and what gets
9 passed or what isn't passed, they need to really do a
10 roof plan that shows sections and blow-ups, and it
11 really shows all of the elements that are going to be
12 up on the roof and how they meet the intent of the
13 zoning regs.

14 But Mr. Chair, I think those were all my
15 questions.

16 CHAIRPERSON HOOD: Okay. Thank you.
17 Commissioner Miller.

18 MR. MILLER: Thank you, Mr. Chairman. I
19 would concur with my colleagues' comments and OP's
20 recommendations. Particularly with regard to
21 strengthening the LEED and the affordable housing
22 from the very minimal proffer so far. So I guess I
23 want to see more on that.

24 And I also think I need to hear more from the
25 Office of Planning. Not at this time. Maybe at the

1 hearing, as to why the existing Comprehensive Plan
2 Land Use Map designation of moderate density
3 residential is not problematic. I realize that there
4 is the Southwest Area Plan that calls for a
5 recommended change to that map that has been approved
6 by the Council that would call for medium density
7 residential and low density commercial, which is what
8 this proposal would fit into. But the land use map
9 of the Comp Plan is still not amended yet until it
10 gets amended through the Comp Plan amendment process.

11 So I just, I know we had another case where
12 we thought that there was a timing issue and I just
13 didn't know what maybe distinguished this from that.
14 And so I just would like to hear more about that from
15 the Office of Planning at the time we get to hearing,
16 or from the applicant.

17 CHAIRPERSON HOOD: Okay. I don't have any
18 comments on this case. I will address any issues and
19 see what they present at the hearing. So with that I
20 would move that we set down Zoning Commission Case
21 Number 15-05, P.N. Hoffman, Inc., and Riverside
22 Baptist Church, Consolidated PUD and Related Map
23 Amendments at Square 472 and ask for a second.

24 MR. MILLER: Second.

25 CHAIRPERSON HOOD: It's been moved and

1 properly seconded. Any further discussion? All
2 those in favor?

3 [Vote taken.]

4 CHAIRPERSON HOOD: Not hearing any opposition
5 of those present, Ms. Schellin, would you record the
6 vote?

7 MS. SCHELLIN: Yes. Staff records the vote
8 four to zero to one to set down Zoning Commission
9 Case 15-05 as a contested case, Commissioner Hood
10 moving, Commissioner Miller seconding, Commissioners
11 May and Turnbull in support, Commissioner Cohen not
12 present, not voting.

13 CHAIRPERSON HOOD: Okay

14 (Hearing adjourned at 7:20 p.m.)

15