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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Regular Public Meeting
1467th Meeting Session [18th of 2017]

6:37 p.m. to 7:46 p.m.
Monday, July 24, 2017

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

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14 BRANDICE ELLIOT

15 MATTHEW JESICK

16 STEVE COCHRAN

17

18 Office of the Attorney General:

19 ALAN BERGSTEIN

20 JACOB RITTING

21 CHRISTOPHER COHEN

22

23

24

25

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

2 CHAIRPERSON HOOD: We're ready to get
3 started.

4 This meeting will please come to order. Good
5 evening, ladies and gentlemen. This is the public
6 meeting of the Zoning Commission for the District of
7 Columbia. My name is Anthony Hood. We're located in
8 the Jerrily R. Kress Memorial Hearing Room.

9 Joining me this evening are Vice Chair
10 Miller, Commissioner Shapiro, Commissioner May, and
11 Commissioner Turnbull. We're also joined by the
12 Office of Zoning staff, Ms. Sharon Schellin, Office
13 of Attorney General staff, Mr. Bergstein, Mr.
14 Ritting, and Mr. Cohen, Office of Planning staff, Ms.
15 Steingasser, Mr. Lawson, Ms. Elliott, Mr. Jesick, and
16 Mr. Cochran.

17 Copies of today's meeting agenda are
18 available to you and are located in the bin near the
19 door. We do not take any public testimony at our
20 meetings unless the Commission requests someone to
21 come forward. Please be advised that these
22 proceedings are being recorded by a court reporter
23 and are also webcast live. Accordingly, we must ask
24 you to refrain from any disruptive noises or actions
25 in the hearing room, including the display of any

1 signs or objects. Please turn off all electronic
2 devices.

3 Does the staff have any preliminary matters?

4 MS. SCHELLIN: Yes, sir. I'd ask the
5 Commission to consider voting on a closed meeting for
6 September 14th.

7 CHAIRPERSON HOOD: Okay. Yes, we do have
8 that, and I do have one that I want to do first. I
9 want to congratulate Vice Chair Miller, who has been
10 reappointed by Mayor Bowser, to serve on the Zoning
11 Commission an additional four years. So,
12 congratulations on behalf of all of us to you and
13 looking forward to your continued work on the Zoning
14 Commission.

15 MR. MILLER: Thank you.

16 CHAIRPERSON HOOD: Okay. Let's move on with
17 the -- if I have the right one. Okay. Preliminary
18 matter. Okay.

19 In accordance with 405 -- okay. In
20 accordance with 405(c) of the Open Meetings Act, D.C.
21 Official Code 2-575(c), I move that the Zoning
22 Commission hold a closed meeting on September 14th,
23 2017 at 5:00 p.m. for the purpose of obtaining legal
24 advice from our counsel and deliberate upon, without
25 voting on, Zoning Commission Case No. 13-14, Vision

1 McMillan Partners, LLC and office of the Deputy Mayor
2 for Planning and Economic Development remand from the
3 Court of Appeals.

4 Is there a second?

5 MR. MILLER: Second.

6 CHAIRPERSON HOOD: Will the secretary please
7 take a roll call vote on the motion before us now
8 that it has been seconded?

9 MS. SCHELLIN: Yes, sir.

10 [Roll call vote taken.]

11 MS. SCHELLIN: Chairman Hood.

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Vice Chairman Miller.

14 MR. MILLER: Yes.

15 MS. SCHELLIN: Commissioner Shapiro.

16 MR. SHAPIRO: Yes.

17 MS. SCHELLIN: Commissioner May.

18 MR. MAY: Yes.

19 MS. SCHELLIN: Commissioner Turnbull.

20 MR. TURNBULL: Yes.

21 MS. SCHELLIN: The motion carries.

22 CHAIRPERSON HOOD: I request that the Office
23 of Zoning provide notice of these closed meetings in
24 accordance with the act. Anything else, Ms.
25 Schellin?

1 MS. SCHELLIN: No, sir.

2 CHAIRPERSON HOOD: Okay. So, let's go right
3 to our agenda. First, we have advanced party status
4 in Zoning Commission Case No. 16-26, Wisconsin Owner,
5 LLC, request for party status in opposition by Tenley
6 Town Neighbor's Association. Ms. Schellin.

7 MS. SCHELLIN: Yes. At Exhibit 13 and 13A,
8 as you stated, there is an advanced party status in
9 opposition from the Tenley Town Neighbor's
10 Association. The hearing for this case is set for
11 September 28th, and TNA is being represented this
12 evening by Mr. Dennis Williams. And he is in the
13 front row here.

14 CHAIRPERSON HOOD: Okay. Colleagues, as we
15 do now with our new regulations, we have advanced
16 party status request from the Tenley Neighbor's
17 Association, and Mr. Williams is here tonight.

18 Any objections, or any comments?

19 [No audible response.]

20 CHAIRPERSON HOOD: Okay, I don't see -- I
21 don't have any objections. Mr. Turnbull.

22 MR. TURNBULL: Yeah, I don't either, Mr.
23 Chair.

24 CHAIRPERSON HOOD: Okay. Do we need to vote
25 on this or do -- I guess we do. Hold on a second.

1 MR. SHAPIRO: Chair, do we need to make sure
2 that there's a specific designation of a person?

3 CHAIRPERSON HOOD: I think he just raised his
4 hand. Mr. Williams, can you raise your hand again?

5 MR. SHAPIRO: For the hearing.

6 CHAIRPERSON HOOD: Yeah, he's representing
7 the group. Our regulations say that someone has to
8 be here at the time we consider this, and Mr.
9 Williams is already advance notice that he's here.

10 MR. BERGSTEIN: Mr. Chair, we also need
11 something in writing from the group identifying who
12 the representative will be. I understand Mr.
13 Williams is saying that, but the rules require that
14 when a group seeks party status, they should indicate
15 who their authorized representative is and how that
16 authorized representative came to have that
17 authority.

18 So, that would be good to have before the
19 hearing date.

20 CHAIRPERSON HOOD: Okay. We will grant it
21 like we've done in the past, contingent on that being
22 provided to us prior to the hearing. Or, Mr.
23 Bergstein, can we get it the day of the hearing or
24 prior to the hearing?

25 MR. BERGSTEIN: As you choose. It certainly

1 could be at the hearing.

2 CHAIRPERSON HOOD: It would probably be
3 better to have it prior. If you have it now, you can
4 hand it in to Ms. Schellin.

5 Can you just, can you do me a favor? Can you
6 just go up and talk to Ms. Schellin? We try to do
7 things organized. We don't -- you know, if you could
8 just walk up to Ms. Schellin and show her what you
9 have and that may suffice, or it may not, if you
10 could.

11 [Pause.]

12 CHAIRPERSON HOOD: We don't need that now?
13 We have what we need?

14 MS. SCHELLIN: Yeah, you just need to vote on
15 whether you're going to grant it.

16 CHAIRPERSON HOOD: Okay. So, he has the
17 information that we need.

18 MR. SHAPIRO: He will get the information.

19 MS. SCHELLIN: He will get it.

20 CHAIRPERSON HOOD: Oh, he'll get it.

21 MS. SCHELLIN: And they'll submit it to the
22 record prior to the hearing.

23 CHAIRPERSON HOOD: Okay. So, thank you,
24 Commissioner Shapiro. Thank you. So, we'll have
25 that prior to the hearing. Okay.

1 I would move that we grant Tenley Neighbor's
2 Association party status in Case No. 16-26,
3 contingent on the proper documentation being
4 submitted to the Commission at that time, and ask for
5 a second.

6 MR. MILLER: Second.

7 CHAIRPERSON HOOD: It's been moved and
8 properly seconded. Any further discussion?

9 [Vote taken.]

10 CHAIRPERSON HOOD: Ms. Schellin, would you
11 record the vote?

12 MS. SCHELLIN: Yes. Staff records the vote
13 five, to zero, to zero to grant party status in
14 opposition to the Tenley Town Neighbor's Association,
15 contingent upon proper documentation from the entity.
16 And that motion was made by Commissioner Hood,
17 seconded by Commissioner Miller, Commissioners May,
18 Shapiro, and Turnbull in support.

19 CHAIRPERSON HOOD: Okay, next, let's go to
20 final action.

21 Zoning Commission Case No. 07-21(c), Ms.
22 Schellin.

23 MS. SCHELLIN: Yes, sir. At Exhibit 41,
24 there is a joint notice of settlement submitted.
25 Exhibit 42 is an e-mail from WECA advising of their

1 conditional support for settlement. Exhibits 43 and
2 43A were the applicant's revised signage plan.
3 Exhibits 44 and 44A was an e-mail from ANC 2A with an
4 attachment stating its opposition to the applicant's
5 revised signage plan. Exhibit 45 was a letter in
6 opposition from WECA, and a request to remove the
7 existing signage. Exhibit 46 through 47A, the
8 applicant requested the record to be reopened, which
9 was approved to accept a corrected signage plan,
10 which is in the record. Exhibit 48 is WECA's
11 opposition to delaying the signage removal.

12 Would ask the Commission to consider final
13 action this evening.

14 CHAIRPERSON HOOD: Okay. Would somebody like
15 to get us started off, please?

16 MR. MAY: So, Mr. Chairman. I just, I think
17 there's one spot, one aspect of this where I need to
18 have some clarification, which is that the final plan
19 that was submitted by the applicant doesn't seem to
20 agree exactly with what was on the signed agreement,
21 specifically with regard to the lighting. And so, I
22 think it would be helpful to know whether in fact
23 WECA and the ANC have agreed to the lights on that
24 smaller blade sign, a 3 by 10 blade sign.

25 CHAIRPERSON HOOD: Okay. Can we get all the

1 parties involved to come forward, the applicant, the
2 ANC, and WECA?

3 And if you could just identify yourselves and
4 I will ask Commissioner May to restate the question
5 when they get to the table. After they identify
6 themselves.

7 MR. MAY: So, I mean, maybe I missed
8 something but in the original submission that had the
9 three -- or everybody signed the agreement, and it
10 was a 3 by 10 sign, and it was a fairly rough
11 drawing, but the sort of rendered or the prospective
12 view did not show any lighting. But the final
13 version of it that was submitted by the applicant
14 subsequently, had lighting on it and pointed to the
15 lighting, and it's sort of up lighting on the blade
16 sign. And I just want to know that the ANC and WECA
17 are okay with that lighting.

18 MS. HARMON: Yeah, we're fine with the
19 external, I think it's a spot --

20 MR. MAY: Spotlight.

21 MS. HARMON: Spotlight.

22 CHAIRPERSON HOOD: Can everybody identify
23 themselves first?

24 MS. HARMON: Oh, I'm sorry. I'm Florence
25 Harmon. I'm with ANC 2A, and we're fine with the two

1 spotlights.

2 CHAIRPERSON HOOD: Okay.

3 MS. HARMON: It's two, right, Jessica?

4 UNIDENTIFIED SPEAKER: Yes.

5 MS. KAHLOW: I'm Barbara Kahlow with the West
6 End Citizen's Association. The lights are not our
7 main issue. The illegal sign that's been going on
8 for years needs to be removed.

9 MR. MAY: There you go.

10 MS. KAHLOW: Thank you.

11 MR. MAY: So, you don't have any problem with
12 the lighting?

13 MS. KAHLOW: We will agree with the ANC.

14 MR. MAY: Okay.

15 CHAIRPERSON HOOD: Okay. Anything else of
16 the panel while we have them?

17 MR. MAY: All right. So, given that we have
18 agreement on the sign, I think it's a fine substitute
19 and I'm glad to know that the lighting is okay,
20 because I think that is actually a good thing for
21 this particular sign.

22 The question is whether we accept the
23 applicant's conditions with regard to the timing of
24 the removal of the old sign and when the new sign
25 goes in and all that sort of stuff.

1 Frankly, my inclination, now the Commission
2 may not agree with me, my inclination is to simply
3 approve the new approved sign. The old sign was not
4 allowed. It never was allowed and Ms. Kahlow is
5 correct in that it should have been removed, but it
6 hasn't been. I don't think we need to tie the
7 installation of the new sign to that. I think that
8 the applicant is you know, is okay with putting in
9 the new sign, and then it's up to DCRA to enforce the
10 removal of the old sign. They can do it tomorrow,
11 they could do it you know, whenever Ms. Kahlow
12 persuades them to do it. I don't see a need to
13 specify it in our order. We simply just approve the
14 new sign as a substitute for the old one.

15 CHAIRPERSON HOOD: I would agree because I
16 think, Commissioner Miller -- I mean, Miller. I'm
17 looking at Commissioner Miller. Commissioner May, I
18 believe that it's already in play for them to be able
19 to take that sign down. We've already dealt with
20 that, it's an enforcement issue, I think it should be
21 done.

22 I'm one particular -- and I'll say this
23 because we sit here and we make these regulations and
24 rules, and we comply and we do what we're supposed to
25 do. I expect for other agencies to do what they're

1 supposed to do as well, so, Ms. Kahlow, you can have
2 the Zoning Administrator look at what I said, and
3 they need to do what they need to do because we've
4 already dealt with that. So, I would agree with
5 Commissioner May.

6 MS. KAHLOW: Thank you.

7 CHAIRPERSON HOOD: Any other comments? Okay.
8 Somebody like to make a motion?

9 MR. TURNBULL: Mr. Chair, I would move that
10 we take final action on Zoning Commission No. 07-21C,
11 HHLP Georgetown II Associates, LLC, PUD modification
12 of significance at Square 50, based upon the
13 clarification that we heard tonight.

14 CHAIRPERSON HOOD: Okay. I'll second that.
15 It's been moved and properly seconded. Any further
16 discussion?

17 [Vote taken.]

18 CHAIRPERSON HOOD: Ms. Schellin, would you
19 record the vote?

20 MS. SCHELLIN: Yes. Staff records the vote
21 five, to zero, to zero to approve final action in
22 Zoning Commission Case No. 07-21(c) as discussed,
23 this evening. Commissioner Turnbull moving,
24 Commissioner Hood seconding, Commissioners May,
25 Miller, and Shapiro in support.

1 MR. MAY: Mr. Chairman, I had a question for
2 Mr. Bergstein. Do we need to request a draft order
3 from the applicant?

4 MR. BERGSTEIN: I would appreciate that, or
5 at least authorize them to submit one. There was one
6 requested many, many months ago based upon the
7 earlier iterations of this modification, but it would
8 certainly be helpful to my office for them to submit
9 a proposed order with the understanding that no
10 responses from the party in opposition would be
11 permitted.

12 CHAIRPERSON HOOD: Okay. All right. Thank
13 you, all. We appreciate you. Appreciate you coming
14 down and providing us clarification.

15 MR. MILLER: And I wanted to add my
16 commendation to the parties for finally working
17 something out and hopefully resolving this once and
18 for all.

19 CHAIRPERSON HOOD: Okay. All right. Thank
20 you.

21 Let's go to Zoning Commission Case No. 14-11
22 -- no, I'm sorry. Zoning Commission Case No. 08-06L,
23 Office of Planning technical corrections to Zoning
24 Commission Order No. 08-06A. Ms. Schellin.

25 MS. SCHELLIN: In this case the proposed

1 rulemaking was published in the D.C. Register on June
2 16th. No comments were received so we'd ask the
3 Commission to proceed with final action this evening.

4 CHAIRPERSON HOOD: Okay. Any comments? Any
5 additional comments on this?

6 [No audible response.]

7 CHAIRPERSON HOOD: All right. Well, if no
8 other comments or questions, somebody would like to
9 make a motion on 08-06L?

10 MR. SHAPIRO: Mr. Chair.

11 CHAIRPERSON HOOD: Yes.

12 MR. SHAPIRO: I would move that we take final
13 action on Zoning Commission Case No. 08-06L, Office
14 of Planning technical corrections to Zoning
15 Commission Order No. 08-06A.

16 MR. MILLER: Second.

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

19 [Vote taken.]

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

22 MS. SCHELLIN: Yes. Staff records the vote
23 five, to zero, to zero to take final action in Zoning
24 Commission Case No. 08-06L, Commissioner Shapiro
25 moving, Commissioner Miller seconding, Commissioners

1 Hood, May, and Turnbull in support.

2 CHAIRPERSON HOOD: Okay. Next, let's go to
3 Zoning Commission Case No. 14-11E, Office of Planning
4 text amendment to Subtitles D, E, and U, rear yards.
5 Ms. Schellin.

6 MS. SCHELLIN: Yes, the proposed rulemaking
7 in this case was published in the Register on June
8 23rd, and one comment was received from ANC 6C at
9 Exhibit 5. Again, we'd ask the Commission to
10 consider final action this evening.

11 CHAIRPERSON HOOD: Okay. Commissioners, we
12 did have a letter from ANC 6C, which commented,
13 basically, "Stating that accordingly we urge the
14 Commission to reject the proposed text amendments in
15 the current form. However, if the Commission is
16 determined to adopt instead, we strongly recommend
17 that the resulting order make clear that these
18 changes, because they do not substantively alter the
19 meaning of the original rulemaking, are effective of
20 the same date."

21 I don't know. I think we -- I don't know,
22 let me open it up. Any questions or comments to that
23 letter? Commissioner Shapiro.

24 MR. SHAPIRO: Thank you, Mr. Chair. I think
25 I would say that I would agree with the

1 interpretation. I mean, when building permit
2 applicants ignore the text, I would find that a
3 pretty baseless interpretation. But I understand why
4 DCRA would want this clarification and it would be
5 useful to put an end to the controversy. And so, I
6 would be supportive of that. I hear what the ANC is
7 saying. That would be my response to that on the
8 first point.

9 On the second point, in terms of whether or
10 not we're somehow confessing to some kind of an
11 error, I would disagree with that wholeheartedly.
12 This is a technical correction to a rule and by
13 definition that means we think this is not
14 substantive, which is why there's no hearing held.
15 So, that would be my response to the ANC
16 communication, Mr. Chair.

17 CHAIRPERSON HOOD: Okay, I would agree with
18 you, Commissioner Shapiro, on exactly what you were
19 saying as far as the ending the controversy because I
20 know that the ZA and DCRA has the task of
21 interpreting a lot, and sometimes things get
22 confusing. I think this will simplify this, as
23 you've already stated.

24 And again, these are not necessarily
25 substantive. So, I don't really think -- I

1 understand exactly what the ANC is saying, and I
2 appreciate the work that they do. But our ZA and
3 DCRA, they have to deal with this whole city and
4 sometimes they kind of can see through some things
5 that we might not see because we have more of a
6 narrow scope.

7 But I do appreciate ANC 6C commenting because
8 typically we don't see any comments from an ANC when
9 it comes to this type of journey. So, I appreciate
10 them commenting and bringing our attention to it.

11 Any other comments or questions?

12 Okay. So, I'll accept a motion.

13 MR. SHAPIRO: Mr. Chair, I move we take final
14 action in Zoning Commission Case No. 14-11E, Office
15 of Planning text amendments to Subtitles D, E, and U,
16 rear yards. Look for a second.

17 MR. MILLER: Second.

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

20 [Vote taken.]

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

23 MS. SCHELLIN: Yes. Staff records the vote
24 five, to zero, to zero to approve final action in
25 Zoning Commission Case No. 14-11E, Commissioner

1 Shapiro moving, Commissioner Miller seconding,
2 Commissioners Hood, May, and Turnbull in support.

3 CHAIRPERSON HOOD: Okay. Next, we have
4 Zoning Commission Case No. 05-28Q, Parkside
5 Residential, modification of significance to a first-
6 stage and second-stage PUD for parcel nine. Ms.
7 Schellin.

8 MS. SCHELLIN: At Exhibits 56 through 57A-9,
9 59, 59A, and Exhibit 60, you have the applicant's
10 post-hearing submissions. At Exhibit 61 you have ANC
11 7D's report. And I would ask the Commission to
12 consider final action on this case.

13 CHAIRPERSON HOOD: Okay, Commissioners. Let
14 me open up. Any comments or questions? This is for
15 final action.

16 MR. TURNBULL: Mr. Chair, I would just point
17 out that in Exhibit No. 61, which is the ANC report,
18 which is from Chair Muhammad, it looks like the ANC
19 is now in support of the project and whatever all of
20 the issues that they had previously, it looks to have
21 been resolved.

22 So, I think we can move forward with this.

23 CHAIRPERSON HOOD: Any other questions or
24 comments?

25 I too want to comment on the ANC. I'm very

1 happy, even though I'm having some viewing problems
2 of seeing it. But I'm very happy of the support that
3 they've come to, in particularly in this case and
4 moving forward. It looks like all parties worked
5 together to try to deal with some of those
6 outstanding issues. And they came back exactly what
7 we asked for. They came back with support letter and
8 everybody working together. So, my hat's off to ANC
9 7D, the Chairperson Muhammad, as well as the
10 applicant in this case. And all those parties who
11 had anything to do with coming back with working
12 things out for their community.

13 Any other questions?

14 So, I think this is ready. Somebody like to
15 make a motion?

16 MR. TURNBULL: Mr. Chair, I would move that
17 we take final action on Zoning Commission 05-28Q,
18 Parkside Residential, modification of significance to
19 first-stage and second-stage PUD for Parcel 9, and
20 ask for a second.

21 MR. MILLER: Second.

22 CHAIRPERSON HOOD: Okay, it's been moved and
23 properly seconded. Any further discussion?
24 Commissioner Shapiro?

25 MR. SHAPIRO: Thank you, Mr. Chair. Under

1 discussion, I was not in attendance at the June 19th
2 hearing, but I was able to review the record. I'm
3 comfortable voting this.

4 CHAIRPERSON HOOD: Okay. Thank you for
5 putting that on the record. Any further discussion?

6 [Vote taken.]

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

9 MS. SCHELLIN: Yes, sir. Staff records the
10 vote five, to zero, to zero to approve final action
11 in Zoning Commission Case No. 05-28Q, Commissioner
12 Turnbull moving, Commissioner Miller seconding,
13 Commissioners Hood, May, and Shapiro in support.

14 CHAIRPERSON HOOD: Okay. Next, Zoning
15 Commission Case No. 05-28T, SCCI Parkside One, LLC
16 modification of significance to first-stage and
17 second-stage PUD at Square 5055. Ms. Schellin.

18 MS. SCHELLIN: Exhibits 29 through 33 are the
19 applicant's post-hearing submissions. Exhibit 34 is
20 the ANC 7D report. I'd ask the Commission to
21 consider final action in this case.

22 CHAIRPERSON HOOD: Okay. Any questions or
23 comments on this case?

24 MR. MAY: Mr. Chairman.

25 CHAIRPERSON HOOD: Yes. Commissioner May.

1 MR. MAY: Yeah, you know, I think I had a few
2 aesthetic concerns about this. The specifically
3 related to the ramping situation, which they did some
4 work on and it seems better. It's still not great,
5 but I think it's gotten better; certainly better from
6 where they started at the very beginning.

7 They also did, I think, make significant
8 improvements on the planting and the design of the
9 building along Kenilworth Avenue, so it will look
10 better from that side. So, I think that those are
11 two significant concerns that I had and I'm pleased
12 to see that they've made improvements in both cases.
13 That's it. Thank you.

14 CHAIRPERSON HOOD: Okay. Any other questions
15 or comments?

16 I would also note that the ANC again has a
17 letter of support, saying my comments and I'm sure
18 Commissioner Turnbull's comments, if I can speak for
19 you, would go a long with this case as well. I do
20 want to thank the District Department of
21 Transportation, Office of Planning, and everybody.
22 But I do want to thank the District Department of
23 Transportation for giving me a comfort level of the
24 brief that I had as far as the things that are going
25 on and moving around in that neighborhood. We had a

1 brief at our last -- I think it was our last meeting,
2 where they came and spent about 15 minutes, kind of
3 going over some of the things that they were looking
4 at, going along with this area like the pedestrian
5 bridge and some other things. And this is on their
6 radar. So that's one of the things.

7 And I'm going to keep pushing it. I didn't
8 want to necessarily just hold this applicant to it,
9 but I'm going to keep pushing it for everything that
10 we continue to do over there, and I'm sure the
11 neighborhood will do it from their end. So, that's
12 all I have on that.

13 Any other comments or questions? I think
14 this is right. So, anybody like to make a motion?

15 MR. SHAPIRO: Mr. Chair.

16 CHAIRPERSON HOOD: I'd like for it to go
17 around, so yeah, Commissioner Shapiro?

18 MR. SHAPIRO: Thank you, Mr. Chair. Where
19 are we? Okay. I move that we take final action on
20 Zoning Commission Case No. 05-28T, SCCI Parkside One,
21 LLC, first-stage PUD modification of significance,
22 and second-stage PUD at Square 5055. Look for a
23 second.

24 MR. MAY: Second.

25 CHAIRPERSON HOOD: Okay, we'll give that one

1 to May. So, it's been moved and properly seconded.
2 Any further discussion?

3 [Vote taken.]

4 CHAIRPERSON HOOD: Ms. Schellin, would you
5 record the vote, please?

6 MS. SCHELLIN: Staff records the vote five,
7 to zero, to zero to approve final action in Zoning
8 Commission Case No. 05-28T, Commissioner Shapiro
9 moving, Commissioner May seconding, Commissioners
10 Hood, Miller, and Turnbull in support.

11 CHAIRPERSON HOOD: Okay. Next, for hearing
12 action. Okay. Hearing action, Zoning Commission
13 Case No. 17-12, Forest City Southeast Federal Center,
14 LLC, text and map amendments to Subtitle K, Chapter
15 2, SEFC-1 Zone.

16 Ms. Brandice.

17 MS. ELLIOT: Good evening, Mr. Chairman.

18 CHAIRPERSON HOOD: Ms. Elliot. What did I
19 say, Ms. Brandice? Ms. Elliot. Excuse me.

20 MS. ELLIOT: It's not the first time and it
21 won't be the last, and I'm okay.

22 CHAIRPERSON HOOD: Thank you.

23 MS. ELLIOT: I think you said I could call
24 you Mr. Anthony so -- last time.

25 CHAIRPERSON HOOD: I done messed your name up

1 so much, you don't even have to say anything. Just
2 go right ahead.

3 MS. ELLIOT: All right. Good evening, Mr.
4 Chairman, members of the Commission. For the record,
5 I'm Brandice Elliot, representing the Office of
6 Planning.

7 The Office of Planning recommends the Zoning
8 Commission set down for public hearing amendments to
9 Subtitle K, Section 200 through 240 of the zoning
10 regulations, as they relate to height and density in
11 the Southeast Federal Zones, as well as the related
12 map amendments.

13 The goal of the amendment is to allow greater
14 flexibility to construct the originally planned for
15 and approved amount of office use in Southeast
16 Federal Center. The proposal would apply to Parcels
17 A, F, G, H, and I, which have been collectively
18 referred to as Yards West, as well as Parcels D, E,
19 and K, which are roughly located between M and Tingey
20 Streets, east of the U.S. Department of
21 Transportation.

22 And at this point, if you wanted to follow
23 along, the applicant has submitted a map which I
24 didn't plan far enough ahead, and I regret that I
25 don't actually have it on display. But there is a

1 nice map in Exhibit 2C if you want to pull that up
2 and see where those parcels were located.

3 A table summarizing the text amendment has
4 been provided on Page 3 of OP's report, and in short,
5 the proposed text amendment would create two
6 subzones, SEFC-1A, and SEFC-1B. Both of which would
7 eliminate the requirement for FAR dedicated to
8 nonresidential uses. It would allow an additional
9 density of 1.0 FAR for any permitted use with Zoning
10 Commission design review, and it would allow an
11 increased height of 130 feet for Parcels F, G, and H,
12 and an increased height of 110 feet Parcels D and E,
13 also with Zoning Commission design review.

14 And finally, it would remove the combined lot
15 development provision which allows for flexibility in
16 allocating nonresidential FAR to other sites in
17 Southeast Federal Center.

18 These changes would allow the applicant
19 flexibility in achieving the approximate 1.58 million
20 square feet of approved office use, which makes up
21 for the 400 to 800,000 square foot shortfall that
22 they have documented under the current zoning
23 requirements.

24 The density permitted by this amendment would
25 continue to be subject to affordable housing

1 provisions contained in the terms of the development
2 agreement between the developer and the District.
3 The terms require 20 percent of the residential
4 rental units to be set aside at 50 percent AMI. OP
5 would like to continue to work with the applicant to
6 better understand the impact of the proposal on
7 housing and affordable housing in Southeast Federal
8 Center. And OP has also requested information from
9 the applicant regarding a proposed cultural use on
10 Parcel E, and the need to redistribute density from
11 that parcel to others in Southeast Federal Center.

12 The proposed text amendment would encourage
13 better design as the additional density and height
14 would be subject to review by the Zoning Commission.
15 It would concentrate density closer to M and 1st
16 Streets as originally anticipated by the zoning. And
17 it would encourage office growth, thereby increasing
18 the daytime population in the area. Therefore, the
19 text amendment would not be inconsistent with the
20 Comprehensive Plan's objectives for the area and to
21 the generalized land-use and policy maps.

22 I'd be happy to answer any questions you may
23 have.

24 CHAIRPERSON HOOD: Okay, thank you, Ms.
25 Elliot. Commissioners, any questions or comments?

1 Don't have any? I thought I had some but I think
2 it's pretty straight forward, once I look at it
3 again.

4 Vice Chair Miller?

5 MR. MILLER: Thank you, Mr. Chairman. No, I
6 just wanted to thank Office of Planning for their
7 report and I too would like to have more analysis of
8 how much more market rate housing and how much more
9 affordable housing this will produce, and what the
10 status is of that housing development on the Yards
11 project. But I'm ready to go forward to set down.

12 CHAIRPERSON HOOD: Any other questions or
13 comments?

14 MR. TURNBULL: I just had one comment. I
15 wanted to welcome Ms. Elliot back after her hiatus
16 for several months. So.

17 MS. ELLIOT: I appreciate that. I've been at
18 BZA for a few months so it doesn't feel like --

19 MR. TURNBULL: Really? Oh.

20 MS. ELLIOT: I haven't seen you. So, thank
21 you for the welcome. It's been -- it's very well
22 received.

23 MR. TURNBULL: Good.

24 MS. ELLIOT: This is the first night I'm not
25 home to put him to bed, so, you know. Thank you.

1 MR. TURNBULL: And what --

2 CHAIRPERSON HOOD: You like the BZA better
3 than the Zoning Commission?

4 MS. ELLIOT: I just, I've been -- no. No, of
5 course not.

6 CHAIRPERSON HOOD: That's a good answer.

7 MS. ELLIOT: I love the rotating seat and I
8 get to see you all, you know, equally.

9 CHAIRPERSON HOOD: Okay.

10 MR. TURNBULL: So, are you reading to him
11 from zoning books, or --

12 MS. ELLIOT: I believe that he is watching
13 the hearing on the television right now, and this
14 might --

15 MR. TURNBULL: Well, it will put him to sleep
16 for sure.

17 MS. ELLIOT: -- my goodnight. Yeah. How to
18 put an eight-month old to bed. Thank you.

19 CHAIRPERSON HOOD: I must be slow. Well,
20 congratulations. I didn't even -- I didn't know. I
21 really didn't. I didn't know. Congratulations, from
22 what I'm hearing. So you -- okay.

23 MS. ELLIOT: Okay. I must have hid it really
24 well.

25 CHAIRPERSON HOOD: Yeah, you did. From me.

1 But then again, I can't never get your name right,
2 so. But anyway, congratulations to you. Okay. All
3 right.

4 Mr. Turnbull, how did you know that and I
5 didn't know that?

6 MR. TURNBULL: Well, I remember when she was
7 leaving she looked a little rounded in --

8 CHAIRPERSON HOOD: Oh.

9 MR. TURNBULL: -- front of her body, so I --

10 CHAIRPERSON HOOD: Oh, okay.

11 MR. TURNBULL: -- put two and two together
12 and --

13 CHAIRPERSON HOOD: I can't believe -- but
14 this is not the first time I've missed something like
15 that. It's probably --

16 MR. TURNBULL: I think she may have even said
17 she was going to be --

18 CHAIRPERSON HOOD: Oh, okay. Well, I must
19 have missed that because I've probably missed that
20 about five times in my life. So, anyway. All right.

21 All right, so again, Ms. Elliot, we're going
22 to get off you but we're glad to have you back and
23 congratulations again.

24 MR. TURNBULL: What is the name of the boy?

25 CHAIRPERSON HOOD: I thought we were going to

1 get off you.

2 MS. ELLIOT: Well, if my colleagues want to -
3 - don't mind staying a little bit longer, I have
4 pictures, I have videos.

5 [Laughter.]

6 MR. TURNBULL: All right.

7 MS. ELLIOT: I have some super cute exchanges
8 with him and the dog that are just --

9 MR. TURNBULL: I think that's good enough.

10 MS. ELLIOT: But yeah, we call him Harry.

11 MR. TURNBULL: All right.

12 CHAIRPERSON HOOD: All right. So, Harry,
13 welcome to the world.

14 All right. Let's enter the zoning world.
15 Okay. Let's, we messed around. Where are we at?

16 MR. MILLER: I'm ready to make a motion that
17 we set down a case for --

18 CHAIRPERSON HOOD: Okay. Okay. All right.

19 MR. MILLER: Mr. Chairman, I move that the
20 Zoning Commission set down Zoning Commission Case 17-
21 12, Forest City SEFC, LLC, text and map amendments to
22 Subtitle K, Chapter 2, Southeast Federal Center One
23 Zone, and ask for a second.

24 MR. TURNBULL: Second.

25 CHAIRPERSON HOOD: Okay. It's been moved and

1 properly seconded. Any further discussion?

2 [Vote taken.]

3 CHAIRPERSON HOOD: Ms. Schellin, would you
4 record the vote?

5 MS. SCHELLIN: I just want to confirm before
6 I do this that you're setting down, and obviously the
7 text amendment is a rulemaking case, but you want to
8 set down the map amendment portion as a text -- I
9 mean, as a rulemaking also?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Okay.

12 CHAIRPERSON HOOD: Can we -- yeah, we can do
13 that.

14 MS. SCHELLIN: Okay. So, staff records the
15 vote five, to zero, to zero to set down Zoning
16 Commission Case No. 17-12 as a rulemaking case,
17 Commissioner Miller moving, Commissioner Turnbull
18 Seconding, Commissioners Hood, May, and Shapiro in
19 support.

20 CHAIRPERSON HOOD: Okay. Next, Zoning
21 Commission Case No. 11-03J, Wharf Phase 3 REIT
22 Leaseholder, LLC, first-stage PUD modification of
23 significance, and second-stage PUD at Square 473.
24 Mr. Jesick.

25 MR. JESICK: Thank you, Mr. Chairman and

1 members of the Commission. This is a first-stage PUD
2 modification, as well as a second-stage PUD for
3 Parcels 6 through 10 at the Wharf, as well as three
4 smaller buildings and the associated open spaces
5 around them.

6 This application would result in the
7 completion of the Wharf. As the Commission knows,
8 the other parcels have already received second-stage
9 approval.

10 The application is generally not inconsistent
11 with the Comprehensive Plan, the first-stage PUD
12 approval and the zoning regulations, and OP therefore
13 recommends that it be set down for a public hearing.

14 And the project is obviously very large, so
15 I'll just quickly summarize the uses. Parcels 6 and
16 7 would be office buildings, Parcel 8 would have an
17 apartment building and a hotel, Parcel 9 would be a
18 condo, and Parcel 10 would be a smaller scale office
19 building.

20 The three water buildings would have retail,
21 as well as services for the marina.

22 Parcel 8 was originally approved for either
23 residential or office uses, so therefore the
24 application has requested a PUD modification to allow
25 the hotel use on that site, and OP supports the

1 modification.

2 OP is also strongly supportive of the overall
3 architecture and building design, and sight design
4 for the project. Architecture is appropriate given
5 the waterfront location, as well as the history of
6 modernist architecture in the 20th Century in
7 Southwest Washington.

8 In the report, we did list a few comments and
9 requests for additional information, and I'll
10 highlight just a few of those this evening. The
11 application should include a first-stage PUD
12 amendment for, excuse me, modification for the layout
13 of the piers and docks.

14 The application should also show more even
15 distribution of affordable unit MFI levels throughout
16 Parcel 8. OP has requested a number of renderings
17 depicting views through the site from Main Avenue and
18 M Street toward the water. And on Parcel 9, the
19 parking entrance should be relocated from the front
20 of the building to the rear.

21 In terms of amenities, the first-stage PUD
22 established the range of benefits for the entire
23 wharf, and this phase of development would implement
24 many of those benefit items, and those include
25 superior architecture, bicycle infrastructure,

1 improvements to Main Avenue and private streets, the
2 bulkhead along the water, and a new marina, as well
3 as it would create affordable and workforce housing.
4 And also, the applicant is committed to CBE, First
5 Source, and local retail commitments.

6 So overall, OP is supportive of the project
7 and we will continue to work with the applicant on
8 the items contained in our report, should the
9 commission choose to set down the application for a
10 hearing. Thank you.

11 CHAIRPERSON HOOD: Okay, Mr. Jesick, I thank
12 you. Colleagues, any questions?

13 And let me just say this before anybody even
14 gets started. I really like the building on Parcel
15 9. But anyway, any other questions or comments? I
16 just wanted to put that out there, so. In other
17 words, let's not mess it up.

18 MR. MILLER: That's the one the terrace is at
19 now?

20 CHAIRPERSON HOOD: It just looks like -- I
21 just like it. I like it.

22 MR. MILLER: Yeah, I like it too.

23 CHAIRPERSON HOOD: You like it? Okay. So,
24 we've got two people that like it. I just wanted to
25 put that out there so we won't start fiddling.

1 Okay. Let me open it up.

2 MR. MAY: I can't stand the architecture of
3 Building 9. No, I'm just kidding. I think it all
4 looks very good.

5 I have quite a few questions and comments.
6 The first one is that there's an awful lot of
7 information here and I think that it would probably
8 serve as well, to break this up into multiple nights
9 and so we can get -- I mean, I'm not saying that we
10 need a one-hour presentation for every single one of
11 these, but it seems to me that to try to do all three
12 of them in one hour and then just have our questions,
13 it would be a lot to try to undertake in a single
14 hearing. So, I would suggest that we break it up
15 according to the volumes that they have proposed.
16 So, the first night, Volume A. So, that's buildings
17 6 and 7, WB-1, and then the second night, Building 8
18 and 9 and WB-2, and then the third one would be
19 Building 10 and WB-3. That's probably going to be a
20 pretty short hearing.

21 And then on one of those nights we should
22 also cover sort of any master plan issues as well. I
23 don't feel strongly about the order of them, but I
24 just think it probably makes sense to break it up and
25 hopefully it will be three hearings of manageable

1 length. I mean, even if we just did -- if it's just
2 the presentation and our questions, and then the
3 staff reports, it's still only going to be a couple
4 hours, and then they're going to be -- there will be
5 ANC testimony and there will be some neighbors
6 testifying, I'm sure.

7 So I would recommend that. You want to talk
8 about that first before we --

9 CHAIRPERSON HOOD: Yeah, let's talk about
10 that first before you -- I think that's a good
11 solution Commissioner May is proposing. Three
12 hearings, presentation, ask our questions, ANC,
13 government reports, and our typical format. I think
14 that's good. And we would like to do it like Monday,
15 Thursday, and the following Monday, right?

16 So if there's any overlay, we might have to
17 come in. But I don't expect it to be. But you never
18 know around here. So, Monday, consecutively. Like
19 one Monday, the following Thursday, and the following
20 Monday, in that order.

21 But let me open it up. Any other comments?
22 Commissioner Turnbull?

23 MR. TURNBULL: Yeah. No, I would agree with
24 you and Commissioner May. I would just maybe ask
25 Office of Planning if that, the way we talked about

1 it, seems to make sense from a project standpoint or
2 a planning standpoint?

3 MR. JESICK: Yes, we concur with that.

4 MR. TURNBULL: Good.

5 MR. JESICK: Format.

6 MR. TURNBULL: All right. Thank you.

7 MR. MAY: I would say it doesn't mean that
8 you have to do three separate reports. It can all be
9 one report. We're not trying to make a lot of extra
10 work, but just try to compartmentalize a little bit.
11 Same is true for DDOT or any other agency reports.

12 CHAIRPERSON HOOD: Let me make sure so we can
13 clear this up; we'll make sure that when we frame it
14 there's no misunderstandings, because you know that
15 happens.

16 So if we do one hearing, like we did the
17 master plan the first night, or whatever goes along
18 with that, if something else goes with that. But the
19 public would be able to testify on what we hear that
20 night. And then they'll come back on that following
21 Thursday, be able to testify on what we hear that
22 night, and come back that following Monday on what we
23 hear that night. So it's public testimony --

24 MR. MAY: Yes, that's what I'm suggesting,
25 public testimony every night.

1 CHAIRPERSON HOOD: Okay.

2 MR. MAY: Focused on the subject of those
3 nights.

4 CHAIRPERSON HOOD: Okay.

5 MR. MAY: If for some reason somebody you
6 know, can only make it one of the nights and they
7 want to give us their testimony, it's still going to
8 be one case, so we could still hear the occasional
9 odd piece of testimony that might be focused on --

10 CHAIRPERSON HOOD: On another night, right.

11 MR. MAY: -- a different night.

12 CHAIRPERSON HOOD: Okay. So, it's not
13 mandatory that you come one night. Yeah, because
14 that's how we got messed up last time.

15 MR. MAY: Yeah. I would also suggest that
16 the applicant and the Office of Planning might work
17 together to figure out what the sequence should be.
18 I mean, you know, we could do A, B, C, you know, with
19 the master plan as part of the first night. I think
20 the master plan should be on the first night. But
21 maybe it makes more sense to do master plan and
22 volume C first, because that's the easiest set of
23 buildings. It's the least complex set of buildings.
24 And then maybe do A and B after that.

25 But I don't feel strongly one way or another.

1 Office of Zoning staff and the applicant can sort of
2 figure that out.

3 CHAIRPERSON HOOD: Okay, any other comments
4 on that? Ms. Schellin, is that pretty straight for
5 you to craft a --

6 MS. SCHELLIN: Yes.

7 CHAIRPERSON HOOD: Okay. All right.
8 Commissioner May.

9 MR. MAY: All right. So, a few other things.
10 I think we've received a good amount of information
11 about building signage, especially high building
12 signage, and some extensive information about retail
13 signage. I think that needs to get a little bit more
14 focused. I'm also very concerned about just the
15 nature of the high building signage at all. I'm
16 going to be very concerned about large, you know,
17 corporate brands on the tops of these buildings,
18 facing into the park across the channel. So, I
19 really want to see that more controlled than what we
20 see. I'm not saying I'm totally opposed to any
21 building signage, but I'm not enthusiastic. Let me
22 put it that way.

23 I'm curious about what we did on the earlier
24 stages, so anything that we could see by way of
25 comparison, the buildings are not done enough to know

1 that there is any signage going up, but I would like
2 to try to be consistent and subdued.

3 I assume, also, there's no live motion
4 signage proposed with any of this. I didn't see any
5 indication of that.

6 MR. JESICK: I have not seen an indication of
7 that and I don't believe it falls within the
8 counsel's --

9 MR. MAY: Okay.

10 MR. JESICK: -- entertainment zones.

11 MR. MAY: Good. That's good. And this will
12 go through CFA design review, right? Commissioner
13 Clarence?

14 MR. JESICK: Yes, I believe it does go
15 through CFA.

16 MR. MAY: Yeah. Okay. So, that will make
17 our design review a little bit easier, I think.

18 With regard to buildings 6 and 7 and WB-1, I
19 think a little bit more information on the penthouse
20 interior spaces because I thought the diagrams were a
21 little confusing. They also showed a hanging garden
22 of some sort in a kind of a partial section
23 perspective or axon drawing. And I couldn't figure
24 out where that actually occurs, but it looks like a
25 really interesting concept.

1 And let's see, I think that's it for -- I
2 mean, other than the signage issues, which I've
3 already mentioned generally across the board.
4 Buildings 8 and 9 and WB-2, looking at this, the
5 penthouse the way it's been drawn, it looks like
6 there are two levels within the penthouse, that
7 there's a habitable section and then there is a
8 mechanical section on top of it. And I'm really
9 curious about that because the way I understand the
10 Height Act, that doesn't work. You're only allowed
11 to have a single story when the building is at the
12 Height Act height.

13 MR. JESICK: Are you talking about Parcel 8
14 or 9?

15 MR. MAY: Good question. Eight, I think.

16 MR. JESICK: We can take a look at it.

17 MR. MAY: Yeah. I mean, it's just, I mean, 9
18 is the one that Chairman like so much, right? So, it
19 would be 8, which has habitable space, but then has
20 enclosed mechanical space above it, which to me is a
21 story.

22 I think what we had determined when we did
23 the penthouse regulations is that you could have a
24 single story of habitable space and then have an open
25 space above it. Or there could be some sort of

1 plenum space with mechanical equipment in it, but
2 there couldn't be an actual story. And it reads like
3 it's an actual story.

4 And of course, we're not the interpreters of
5 the Height Act, but we also don't want it to be
6 inconsistent with the Height Act and then have it get
7 fouled up with the Zoning Administrator's review or
8 with NCPC review.

9 And actually, I think that's it for my
10 issues. I mean, it's a very interesting assortment
11 of buildings and it looks like the designers have
12 gotten even more creative as they've worked their way
13 down the channel. So, it will be interesting. Thank
14 you.

15 CHAIRPERSON HOOD: Thank you. Any other
16 questions or comments?

17 Vice Chair Miller.

18 MR. MILLER: Thank you, Mr. Chairman. Yeah,
19 I just wanted to thank Office of Planning for its
20 report. I think I agree with all of the, virtually
21 all of the comments that they've made in the report,
22 including requesting more ground-level renderings
23 showing the perspective views through the -- from
24 Main Avenue and M Street, through the openings of the
25 building so we can see that those openings are

1 sufficient and we aren't just creating a glass
2 curtain wall effect. So, to the extent those
3 openings can be maximized, I think that would be
4 good. And I guess I'd also note, I appreciated their
5 comment about more balconies. I think that was on
6 Parcel 8, which had a lot of balconies, but they
7 asked for even more balconies, which I support, of
8 course. Thank you.

9 CHAIRPERSON HOOD: Okay. Any other
10 questions, comments?

11 I would just associate myself, looking
12 forward to what both my colleagues said, especially
13 Vice Chair Miller, about the openings. I'm a fan of
14 being able to see the water. We did the same thing
15 on some other projects and I'm a fan of that. So, I
16 would agree with the comments that have been said.

17 I don't have anything else. Looking forward
18 to the hearings on this. We're going to put that
19 together.

20 Commissioner Shapiro.

21 MR. SHAPIRO: Thank you, Mr. Chair. I
22 associate myself with the comments of my colleagues.
23 And the only other thing I would add is for OP as
24 well as the applicant, there's no reference that I
25 can see. But there was a lot of information, so it's

1 certainly possible I missed it. But there's no
2 reference that I can see at all to any renewable
3 energy, solar panels, why not? Why yes? It would be
4 -- I'm looking for -- I'd like to see this project
5 meet the goals that are set out by D.C. Government
6 for projects like this. And it would also be
7 helpful, even at OP set down for you to be more
8 attentive to that and to have the conversation with
9 the applicant to comment on it as well, if that's
10 something that you -- because, from my perspective,
11 there's some fundamental design reason why it can't
12 happen, or some other technical reason why it can't
13 happen, then it's good for me to hear. Otherwise, it
14 should happen.

15 And that's the only comment I have, Mr.
16 Chair.

17 CHAIRPERSON HOOD: Okay. I want to commend
18 Commissioner Shapiro for staying on the solar panel
19 issue. I happened to tune in today. I think it was
20 today, when I watched it on Facebook. The mayor was
21 having the young folks dealing with solar panels.
22 So, if the young folks going to get into it, we
23 really need to start pushing it. So I want to
24 commend you for doing that constantly. You're
25 probably getting ready to get me on board, pushing

1 the solar panels. So I would agree with your
2 comments as well.

3 Anything else?

4 MR. TURNBULL: Mr. Chair, I would just
5 associate myself with the colleagues -- with the
6 comments of my colleagues, and I'm looking forward
7 for the presentations in September, or whenever we
8 get to this. And I'm sure Mr. Seaman will prepare
9 several nights of interesting dialog for us.

10 CHAIRPERSON HOOD: Okay. All right. Long as
11 we don't touch too much of the Parcel 9. But anyway,
12 anything else?

13 MR. MILLER: Yeah, Mr. Chairman, I just had
14 one other thing. I think OP noted in its report that
15 it believed the applicant needs to request a
16 modification to the first-stage PUD order for the
17 layout of the piers and docks. And so, the applicant
18 should just add this modification to its application
19 before the public hearing notice is published, if you
20 haven't already done so.

21 CHAIRPERSON HOOD: Okay. Anything else?
22 Thank you. Anything else?

23 All right. So, with that I would move that
24 we set it down in the format that Commissioner May
25 and working with the applicant as well as the Office

1 of Zoning staff, everyone involved, that we set down
2 Zoning Commission Case No. 11-03J and ask for a
3 second.

4 MR. MILLER: Second.

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

7 [Vote taken.]

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

10 MS. SCHELLIN: Yes, staff records the vote
11 five, to zero, to zero to set down Zoning Commission
12 Case No. 11-03J as a contested case, Commissioner
13 Hood moving, Commissioner Miller seconding,
14 Commissioners May, Shapiro, and Turnbull in support,
15 and this will be scheduled for, I heard, three
16 hearing nights. Correct?

17 CHAIRPERSON HOOD: Yes.

18 MS. SCHELLIN: Thank you.

19 CHAIRPERSON HOOD: Okay, so next, Zoning
20 Commission Case No. 17-09, FP Eckington Holdings,
21 LLC, consolidated PUD and related map amendment at
22 Square -- is that 3581? I crossed mine out. Is it
23 3581?

24 MS. SCHELLIN: Yes.

25 CHAIRPERSON HOOD: 3581. Ms. Schellin. I'm

1 sorry, Mr. Cochran.

2 MR. COCHRAN: Thank you, Mr. Chair. I
3 thought I had been superseded.

4 OP recommends that the application be set
5 down with its related map amendment from PDR-4 to MU-
6 5-A, and with the request for relief from side yard
7 requirements.

8 The primarily residential building would be
9 located on a vacant site in Southern Eckington, just
10 west of the rail tracks. You can see the location on
11 page 3 of our report, which is Exhibit 12.

12 The seven-story building would contain 328
13 apartments, 10 of which would be artist live/work
14 space, and some ground-floor retail.

15 The project strikes us as being well
16 designed, and it would provide several public
17 benefits. All these benefits are discussed in
18 Section 7 of our report, but two of the benefits
19 stand out.

20 First, since housing is not permitted in the
21 existing PDR Zone, the residential use itself would
22 be a direct benefit of the PUD related map amendment.

23 Second, the proposed donations of funds and
24 land would make a significant contribution to the
25 public realm in Eckington and NoMa. \$350,000 would

1 be proffered for improvements to enhance a two-acre
2 public park others are constructing to the south of
3 the applicant's site. And the eastern portion of the
4 applicant's land would be donated for an
5 approximately half acre expansion of that park, and
6 for a significant improvement to the Metropolitan
7 Branch Trail alignment.

8 Sections 5 and 7 of our report demonstrate
9 that the PUD would be not inconsistent with the
10 Comprehensive Plan, and would meet Zoning Subtitle
11 X's PUD evaluation standards.

12 The policy map shows the vacant former
13 marshalling yard site as a land-use change area, one
14 that the future land-use map indicates is appropriate
15 for medium density residential commercial and PDR
16 uses. And the project's proposed density and height
17 would fall well within that medium density category.

18 The PUD would also further objectives and
19 policies of the plan's Mid-City area element, and
20 nine principle components of the city-wide elements.

21 If the Commission sets down the application,
22 OP and other District agencies would continue to work
23 with the applicant to secure the necessary
24 clarifications and possible improvements that we note
25 on page 28 of our report. Among those items are

1 enhancement to the PDR uses, consistent with the
2 Comprehensive Plan policies, and a commitment to
3 affordable housing over and above the eight percent
4 set-aside requirement associated with the related map
5 amendment and the proffered reservation of four of
6 the live/work units for 60 percent MFI artists
7 households.

8 That concludes our testimony. Of course, I'm
9 open for questions.

10 CHAIRPERSON HOOD: Okay. Thank you, Mr.
11 Cochran. Colleagues, any questions or comments?
12 Commissioner May?

13 MR. MAY: Yeah. So, you commented in your
14 report that there were nine different façade types?

15 MR. COCHRAN: Yes, Commissioner.

16 MR. MAY: So, doesn't it feel a little bit
17 sort of like a building with multiple personalities?
18 It's like a little too many facades.

19 MR. COCHRAN: Actually, sir, I think it is
20 one of the better looking buildings proposed for that
21 part of town. I think a lot -- at least one of them
22 that's already there has been considerably less
23 successful.

24 MR. MAY: Oh, I agree with that.

25 MR. COCHRAN: With fewer façade changes. And

1 I think this one has a coherence that's industrially
2 based.

3 MR. MAY: Okay.

4 MR. COCHRAN: Admittedly, it looks like
5 industry constructed somewhere between 1890 and 1935,
6 so there's that --

7 MR. MAY: Okay.

8 MR. COCHRAN: -- historicism to it.

9 MR. MAY: Yeah.

10 MR. COCHRAN: But it doesn't strike me, at
11 least, as being cloying, as some others have.

12 MR. MAY: Yeah. So, I agree with you some of
13 the other things that are over there. I mean,
14 there's one project in particular over there which I
15 think is very unattractive. And well, and I think
16 the -- I just have this general reaction when you
17 have a single building, to try to treat it as if it's
18 like five different buildings --

19 MR. COCHRAN: I understand and we'll
20 certainly take that --

21 MR. MAY: -- as a problem.

22 MR. COCHRAN: -- under advisement and we'll
23 work with the applicant and their architect on this.

24 MR. MAY: Yeah. I mean, I think that part of
25 it has to do, I think, with some of the specifics of

1 the language. So, the brick façade, it seems like
2 it's a little bit reminiscent of some of the other
3 brick industrial buildings in the area, the DCPS
4 building to the north, and then Judd Netweiler
5 (phonetic), but the detailing is such that it feels
6 almost kind of quasi-residential in character as
7 opposed to industrial in character, the way the sort
8 of the peaks are made in the brick bays and so on.

9 And then to have the top floor the way it's
10 treated, it's not, you know, the top floor is not set
11 back except for like a couple of feet or something
12 like that. And on some sides it's a different
13 material. It just, it looks -- it almost looks like
14 it was originally like a warehouse building and then
15 they put an addition on top of it. You know what I'm
16 saying?

17 MR. COCHRAN: I do, sir.

18 MR. MAY: Yeah. So, I don't know. We have
19 seen some very poor examples of trying to take a
20 single building and put multiple facades on it in the
21 past. I don't feel like this is a really poor
22 example of that, but it does have that characteristic
23 of sort of multiple facades, and I think it's a
24 difficult thing to undertake and to make it all work
25 really well.

1 We have done it, and it's been done well
2 before on some other projects. The one that I go by
3 every day is the Hine School project which has
4 multiple facades. And it's a little crazy and
5 different, but I actually think that works fairly
6 well.

7 MR. COCHRAN: I would be happy to strive to
8 get the project to meet the Hine School design
9 standards; very happy.

10 MR. MAY: So you agree that was a successful
11 one? The Hine School?

12 MR. COCHRAN: All I can say is, as a
13 passerby, it looks very good to me.

14 MR. MAY: Oh, good. Okay. Because that does
15 feel like it works pretty well with me. Thank you.

16 CHAIRPERSON HOOD: Okay. Any other
17 questions? Mr. Turnbull?

18 MR. TURNBULL: Yeah. Mr. Cochran, could you
19 just go back through the affordable housing?

20 MR. COCHRAN: Sure.

21 MR. TURNBULL: There's 328 residential units?

22 MR. COCHRAN: They're doing -- once the zone
23 change kicks in they'll have the usual IZ
24 requirement, eight percent.

25 MR. TURNBULL: Okay.

1 MR. COCHRAN: So they're doing that. And
2 then on top of that there's another two percent
3 that's going to be devoted to a lower level of
4 affordability for the artist live/work space. So,
5 four of the artist live/work units on the ground
6 level would be reserved for households earning no
7 more than 60 percent of the AMI.

8 MR. TURNBULL: Okay.

9 MR. COCHRAN: Excuse me, the MFI.

10 MR. TURNBULL: Okay. I just had one curious
11 thing on the roof plan. They showed us they've got a
12 green roof, but they have a dashed area for
13 mechanical, and I'm not really sure how that --

14 MR. COCHRAN: I read it as two separate
15 mechanical areas, but it's one of those things I've
16 already noted, and I have to work with the applicant
17 on, because it was a very sketchy roof plan.

18 MR. TURNBULL: Yeah, I wasn't quite sure of -
19 - that sounded like that area is going to -- what
20 would have been green roof area is now going to be
21 mechanical, I'm assuming.

22 MR. COCHRAN: The applicant has told me that
23 the very significant majority of the roof will be a
24 green roof.

25 MR. TURNBULL: Okay.

1 MR. COCHRAN: And I think I included the
2 square footages in the report.

3 MR. TURNBULL: Yeah, right. All right, thank
4 you.

5 CHAIRPERSON HOOD: Okay, Commissioner
6 Shapiro.

7 MR. SHAPIRO: Thank you, Mr. Chair. I will
8 begin by saying that I think I may have been infected
9 by Commissioner May's aesthetic over the months. But
10 I had the same reaction, which is it felt disjointed
11 to me. And also, not a surprise to you I would
12 imagine, but I wanted to encourage the applicant and
13 you to work -- or DOEE to work with the applicant to
14 look to put solar panels on the roof as well. This
15 building feels like it couldn't be more ripe for it.

16 And a couple other questions. First of all,
17 I think you were going to encourage the applicant to
18 look for LEED Gold certification as well, and
19 certainly would encourage that.

20 But when I looked in the garage there was a
21 whole lot of compact spaces in the garage, and I
22 think the applicant said that they're offering 124
23 spaces and they're only required to do, was it 60, I
24 think? I'm wondering, just, I guess I'm just looking
25 for your reaction to whether and how it's helpful to

1 have so many compact spaces.

2 MR. COCHRAN: Well, the first thing I'll do
3 is doublecheck on how many of those 124 spaces are
4 zoning legal spaces. I did not yet check whether
5 they've exceeded the percentage for compact spaces,
6 and I'll certainly discuss your question with them.

7 MR. SHAPIRO: Thank you. Thank you, Mr.
8 Cochran.

9 The other thing is my comment around the IZ,
10 but also in your report, which I thought was very
11 helpful, you were encouraging more of the PDR mix.
12 And my first reaction, which may not be based on all
13 the information I would need, would be that one of
14 the ways to solve both these problems would be to
15 have more affordable live/work units. And might that
16 not meet both those goals at the same time? And I
17 think that would be worth at least exploring with the
18 applicant.

19 MR. COCHRAN: I shall.

20 MR. SHAPIRO: Because if there were -- what
21 would happen, rather than four, if there were 10
22 affordable live/work units, are we meeting two goals?

23 MR. COCHRAN: Yes, and we're probably -- we
24 would probably be pricing them at something more like
25 an artist's income anyway.

1 MR. SHAPIRO: You don't do artist housing a
2 whole lot above market rate. Exactly. Exactly. So,
3 I think that would be worth exploring with them.

4 And the east elevation, you commented on this
5 as well, but the part that's next to the ground-floor
6 live/work units, where the garage ramp is, that wall
7 there, something seems radical needs to be done with
8 the look of that. I'm not quite sure what, but it
9 just -- I mean, my immediate reaction to that was it
10 seemed like a wonderful opportunity for some kind of
11 more of a art installation or some kind of façade
12 that was -- but then I was thinking, it wasn't clear
13 from the drawings exactly who's going to be looking
14 at that.

15 Besides, it is -- because from where it's
16 angled you only see it from the east park. Is that
17 right?

18 MR. COCHRAN: Yes, but that -- we hope that
19 there will be significant numbers of people seeing it
20 from bicycles, because the trail will go by there,
21 and from the dog park.

22 MR. SHAPIRO: So, I would really encourage
23 them to beef that up, and this could be them, based
24 on your point and considering the orientation of
25 this, I mean, if there ever was a trail oriented

1 development, this is a trail oriented development.
2 And to make that some kind of an iconic wall is a
3 real opportunity.

4 And that's all the comments I have, Mr.
5 Chair.

6 CHAIRPERSON HOOD: Any other questions or
7 comments?

8 Mr. Cochran, are you aware -- let me ask
9 this, is the aluminum -- the Penn Center still open,
10 which is right across the -- well, going north. Do
11 you know whether or not that's still open?

12 MR. COCHRAN: I'm not sure, sir.

13 CHAIRPERSON HOOD: Okay. Well, I'm a little
14 out of touch with what goes on in D.C. public schools
15 now. But I will say to this applicant, what better
16 opportunity to work with students? They used to have
17 architects, but that was when I was in school.
18 Things, I'm sure, may have changed over there now. I
19 know it's a trade school.

20 So, I would just ask, you know as a courtesy,
21 because the school is right there across the street,
22 and just ask if they are still using that as a school
23 first of all. And then find out how maybe they can
24 incorporate and be involved with this site. But I'll
25 ask the applicant when they come down, because I know

1 when I was -- it's been a few years since I've been
2 at school, because I actually went there, and I think
3 this is a great opportunity.

4 MR. COCHRAN: Can I be sure to get the name
5 of that school right? You said Penn Center?

6 CHAIRPERSON HOOD: Penn Center. It was
7 called the Aluminum Penn Center. It's the Penn
8 Center. It was a trade school for all -- and they
9 may not even be doing this no more. I've been out of
10 school for a few years.

11 MR. MAY: Fifteen years ago, that was where
12 DCPS had offices. It's where the Design Construction
13 Branch was.

14 CHAIRPERSON HOOD: Oh, so they moved the
15 trades out of there?

16 MR. MAY: Directly to the north, right.

17 CHAIRPERSON HOOD: Right. To the north.

18 MR. COCHRAN: Yeah, that's DCPS, to the
19 north.

20 MR. MAY: It's DCPS, but it's offices.

21 CHAIRPERSON HOOD: They had offices there
22 when I was there too, so --

23 MR. MAY: I don't think there's any school
24 component, but I don't know for sure.

25 CHAIRPERSON HOOD: Well, let's just check.

1 MR. COCHRAN: I'll check.

2 CHAIRPERSON HOOD: Okay, so 15 years, but I'm
3 just saying, if that opportunity we just throw it out
4 the window. But I think that if it was there like it
5 was in 1982, then I would suggest that we try to tap
6 into that school and get some of those students who
7 are going to trade. If not --

8 MR. COCHRAN: If not, I'll suggest something
9 with McKinley.

10 CHAIRPERSON HOOD: If not, McKinley is right
11 there.

12 MR. COCHRAN: Exactly.

13 CHAIRPERSON HOOD: 2nd and T, so, it's right
14 there. So, anyway.

15 But I'll go down that line with the applicant
16 when they come down.

17 I noticed, I didn't hear anything about the
18 materials, the colors. But I guess no one -- I'll
19 ask the applicant at the hearing too. I was
20 concerned about the light colors, but I can
21 understand the mixture and colors, the color of the
22 brick is because I guess you're trying to break it up
23 and make it look smaller. I'm not sure. But anyway,
24 I'll leave that alone. I'll wait and go down some of
25 those lines with the applicant as we set this down.

1 Any other questions or comments?

2 MR. TURNBULL: I just had one. Mr. May has
3 already mentioned about -- and I've heard enough
4 comments about architecture. But there's one portion
5 of the building that's got this kind of a striped
6 look to it up on the -- I'm looking at the south
7 elevation of Eckington south elevation. Looks like
8 this kind of rainbow. The upper two stories have
9 just got this sort of rainbow striping. It actually
10 looks inconsistent with what they're trying to do
11 with the rest of it.

12 But, I was just curious as to --

13 MR. COCHRAN: Just to be sure, could we -- if
14 you have your case exhibits open, are you referring
15 to Sheet A-12, or Sheet A-13?

16 MR. TURNBULL: Oh, I was looking at A-18.

17 MR. COCHRAN: Oh.

18 MR. TURNBULL: Sorry.

19 MR. COCHRAN: Right.

20 MR. TURNBULL: What's going on --

21 MR. COCHRAN: I think that's -- I think that
22 that's where the deck is, but I will -- yeah, that's
23 the corner where the deck is, so that may -- I'll
24 check to see if it's just a fanciful rendering of
25 something to show, this is an enlivened space.

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1 MR. TURNBULL: Okay.

2 MR. COCHRAN: Or whether they're serious.

3 MR. TURNBULL: All right. Thank you.

4 CHAIRPERSON HOOD: Okay, anything else? Vice
5 Chair Miller?

6 MR. MILLER: Thank you, Mr. Chairman. I just
7 wanted to associate myself with the comments in the
8 Office of Planning report and the others, including
9 Commissioner Shapiro has made about increasing or
10 strengthening the affordable housing component, and
11 maybe through an additional affordable artist
12 live/work units as Commissioner Shapiro mentioned.

13 And also associate myself with the comments
14 too, they really should strive for LEED Gold as
15 opposed to the LEED Silver. And I did like, Mr.
16 Chairman, the way the different colors kind of broke
17 up the building, but maybe that's because I have a
18 multiple personality. Or can live with a multiple
19 personality.

20 Anyway, it does seem coherent. There is a
21 lot going on, but it does break up a very big
22 building, and I think it's attractively designed.
23 But, we'll see what -- we'll explore that further at
24 the hearing. So, that's all I have, Mr. Chairman.

25 Strengthening the affordable housing

1 component I think is the most important thing to me.

2 CHAIRPERSON HOOD: Okay. Yeah, I think this
3 is a good project but let's move forward, see what
4 the neighborhood says. Now, let's go back to the
5 brick. I'm not necessarily saying change it. I just
6 want to understand it because one of the things that
7 I have learned up here, especially from the
8 architects over the years, Commissioner May and
9 Commissioner Turnbull and others, when you get that
10 light color brick after so many years, or anything
11 light color, it actually fades, gets dirty, and it
12 begins to look bad. So that's kind of what I was
13 basing what I was saying on, on that.

14 All right. But let's see what happens at the
15 hearing.

16 All right. Any other questions or comments?

17 All right. So, would somebody like to make a
18 motion?

19 MR. MILLER: Mr. Chairman, I would move that
20 the Zoning Commission set down Case No. 17-09 FP
21 Eckington Holdings, LLC, consolidated PUD and related
22 map amendment at Square 3581, and ask for a second.

23 MR. TURNBULL: Second.

24 CHAIRPERSON HOOD: Okay, it's been moved and
25 properly seconded. Any further discussion?

1 [Vote taken.]

2 CHAIRPERSON HOOD: Ms. Schellin, would you
3 record the vote?

4 MS. SCHELLIN: Yes. Staff records the vote
5 five, to zero, to zero, to set down Zoning Commission
6 Case No. 17-09, Commissioner Miller moving,
7 Commissioner Turnbull seconding, Commissioners Hood,
8 May, and Shapiro in support.

9 CHAIRPERSON HOOD: Okay. All right. Ms.
10 Schellin, do we have anything else?

11 MS. SCHELLIN: I have nothing else.

12 CHAIRPERSON HOOD: Does Office of Planning
13 have anything?

14 MS. SCHELLIN: No, sir.

15 CHAIRPERSON HOOD: All right. I want to
16 thank everyone for their participation in this
17 meeting tonight and this meeting is adjourned.

18 [Whereupon, the regular public meeting
19 adjourned at 7:46 p.m.]

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