

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC MEETING

+ + + + +

MONDAY

JANUARY 12, 2009

+ + + + +

The Regular Public Meeting
convened in Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 6:30 p.m., Anthony J. Hood,
Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, CHAIRPERSON
WILLIAM WARREN KEATING, COMMISSIONER
MICHAEL TURNBULL, FAIA COMMISSIONER (OAC)
PETER MAY, COMMISSIONER (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, DEPUTY DIRECTOR
ARTHUR JACKSON
KAREN THOMAS
PAUL GOLDSTEIN
MAXINE BROWN-ROBERTS
TRAVIS PARKER
ARLOVA JACKSON

The transcript constitutes the minutes from the Public Meeting held on January 12, 2009.

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

2 6:37 p.m.

3 CHAIRPERSON HOOD: Okay. This
4 meeting will please come to order. Good
5 evening, ladies and gentlemen. This is the
6 January 12th, 2009 public meeting of the
7 Zoning Commission of the District of Columbia.

8 My name is Anthony J. Hood.
9 Joining me are Commissioner Keating,
10 Commissioner May and Commission Turnbull.
11 We're also joined by the Office of Zoning
12 staff, the Office of Attorney General and the
13 Office of Planning.

14 Copies of today's meeting agenda
15 are available to you and are located in the
16 bin near the door.

17 We do not take any public
18 testimony at our meetings unless the
19 Commission requests someone to come forward.

20 Please be advised this proceeding
21 is being recorded a court reporter and is also
22 web cast live. We must ask you to refrain

1 from any disruptive noises. Please turn off
2 all beepers and cell phones.

3 Does the staff have any
4 preliminary matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRPERSON HOOD: Okay. We're
7 going to move the agenda around. But before
8 I do that, we want to welcome our new
9 Commissioner, Mr. Bill Keating. We want to
10 welcome him to the District of Columbia Zoning
11 Commission and we're looking forward to
12 working very hard with him for the best
13 interests of the city.

14 And with that, I would like to ask
15 him does he have any introductory remarks?

16 COMMISSIONER KEATING: Thank you.
17 Thank you for the introduction. I'm excited
18 about being here and on the Commission. This
19 is my first evening and I'm looking forward to
20 serving the District.

21 Thank you, Mr. Chairman.

22 CHAIRPERSON HOOD: Sure.

1 Commissioner Keating, I hope I mind he doesn't
2 saying that he was just sworn in about an
3 hour-an-a-half ago. And as I told the mayor,
4 he's going to straight to work.

5 Ms. Schellin, we want to move the
6 agenda around for the best interest of trying
7 to move this thing as expeditiously as
8 possible. We're going to do the consent item
9 second -- well, first. Final action is going
10 to be third. Hearing action is fourth.
11 Proposed action is fifth. And then we'll go
12 on with the rest of the schedule. Hopefully
13 no one is confused by that.

14 Also, a brief announcement. We
15 want to acknowledge the retirement of the
16 Director of the Office of Zoning, Ms. Jerrily
17 Kress, who has retired effective January 9th.
18 At this point, Mr. Richard Nero is the acting
19 Director of the Office of Zoning. And just
20 stayed tuned and we'll see how that
21 transpires.

22 Okay. Ms. Schellin, do you we

1 have any preliminary matters.

2 MS. SCHELLIN: Just one other
3 thing, I believe you wanted to also rearrange
4 the order of proposed action. Did you still
5 want to do that?

6 CHAIRPERSON HOOD: Yes, thank you
7 very much. We're going to do B first, C
8 second and A third. You know, I don't know
9 why I do this, because I mix myself up. But
10 anyway, we're trying to do that to be
11 efficient.

12 Okay. Any other preliminary
13 matters?

14 MS. SCHELLIN: No, sir.

15 CHAIRPERSON HOOD: Okay. Consent
16 calendar. Zoning Commission Case No. 08-32.
17 Ms. Schellin.

18 MS. SCHELLIN: Yes, this is a
19 request from Howard University to modify BZA
20 Order 16330. They are requesting an 18-month
21 extension to file and update to their campus
22 plan for their central campus. And I did

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1 verify with their attorney Cynthia Giordano
2 today that the 18-month extension would take
3 them until June 2010.

4 CHAIRPERSON HOOD: All right.

5 Thank you, Ms. Schellin.

6 Colleagues, as we have a
7 submittal, Howard University has requested an
8 extension which will take them to June 10.
9 And the reason and rationale is also mentioned
10 here in the Office of Planning report. A new
11 president of the university was recently
12 installed in the school year beginning in
13 August of 2008. The new president has not had
14 ample time to focus on the long-range planning
15 issues for the university.

16 Let me just open that up for
17 discussion. That is the request that is
18 before us. Any discussion?

19 COMMISSIONER MAY: Mr. Chairman?

20 CHAIRPERSON HOOD: Commissioner
21 May.

22 COMMISSIONER MAY: Yes, I

1 understand that this sort of a extension
2 request is not uncommon and has been granted
3 by the Commission in the past. I would just
4 want to register the fact that it seems like
5 the request is the result of the university
6 not actively engaging in a planning process of
7 the course of the years. And I'm just a
8 little concerned that, you know, the
9 comprehensive planning process or the master
10 planning process for the university is
11 something that should be ongoing and shouldn't
12 be waiting for changes in leadership and so
13 on. I mean, I'm not opposed to granting this
14 at this time. I just would want to register
15 the fact that I would hope that there will be
16 substantial planning and outreach with the
17 community and that what we'll see in 18 months
18 will be well worth the wait.

19 CHAIRPERSON HOOD: Thank you.

20 Okay. Any other comments?

21 Commissioner Turnbull?

22 COMMISSIONER TURNBULL: I would, I

1 guess, concur in some manner with Commissioner
2 May. I could see a 12-month extension, but
3 I'm not opposed to the 18. It just seems like
4 it's dragging it out a little longer than what
5 it need to be, but I'm not opposed to it. I
6 mean, 12 months would have been enough, but
7 I'll go along with the 18.

8 CHAIRPERSON HOOD: Okay. Anybody
9 else?

10 Okay. Thank you.

11 With that, I would move approval
12 of Zoning Commission Case 08-32 and also
13 encompass the approval with the remarks of my
14 colleagues that hopefully in 18 months that
15 they will come back and this will have really
16 been vetted through the community. And I
17 think I've captured most of what Commissioner
18 May had mentioned.

19 And I would move approval of 08-32
20 and ask for a second.

21 COMMISSIONER TURNBULL: Second.

22 COMMISSIONER MAY: Moved and

1 properly seconded. Any further discussions?

2 All those in favor?

3 ALL: Aye.

4 CHAIRPERSON HOOD: So ordered.

5 Staff, would you record the vote, and the
6 proxy.

7 MS. SCHELLIN: Yes, we do not have
8 a proxy on this one, so I would record the
9 vote 4-0-1 to approve the 18-month extension
10 to June 2010 for Zoning Commission Case 08-32.
11 Commissioner Hood moving, Commissioner
12 Turnbull seconding. Commissioners Keating and
13 May in support; Commissioner Jeffries not
14 present, not voting.

15 CHAIRPERSON HOOD: Okay. Thank
16 you.

17 Next, we will move to final
18 action. Zoning Commission Case No. 06-32, the
19 Office of Planning text amendment to add
20 square 766 to the Capitol Receiving Zone.

21 Ms. Schellin.

22 MS. SCHELLIN: We are going to

1 final action. This is before you. There's
2 nothing further except for a report from NCPC.
3 They have no issues with this case.

4 CHAIRPERSON HOOD: Okay. Thank
5 you, Ms. Schellin.

6 Colleagues, if you remember, this
7 is where anything that's being built on square
8 766 that may exceed a height of 90 feet will
9 come back to the Zoning Commission. If it
10 exceeds 90 feet, it will come back for review.
11 And if we just look at what we have at Exhibit
12 32, and it basically spells that out. I don't
13 need to reread it because we fleshed all that
14 out at the hearing.

15 And we did a bench decision on
16 this, didn't we?

17 MS. SCHELLIN: I think we did.
18 Can't remember really, but yes, it seems like
19 we did. It's been awhile.

20 CHAIRPERSON HOOD: Okay. Any
21 other comments?

22 Okay. I would move approval of

1 Zoning Commission Case. 06-32 and ask for a
2 second.

3 COMMISSIONER MAY: Second.

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

6 All those in favor?

7 ALL: Aye.

8 CHAIRPERSON HOOD: So ordered.

9 Staff, would you record the vote?

10 MS. SCHELLIN: Yes, and we do have
11 a proxy from Mr. Jeffries. He read the record
12 in this case so he could participate. So we
13 would record the vote 4-0-1. Commissioner
14 Hood moving; Commissioner May seconding.
15 Commissioner Turnbull in support; Commissioner
16 Jeffries in support by proxy. Commissioner
17 Keating, not voting, having not participated.

18 CHAIRPERSON HOOD: Ms. Schellin,
19 let's work on that. Because in all fairness
20 to Commissioner Keating; and I know you're
21 being fair, because at that time the Zoning
22 Commission member was not seated. And let's

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1 just look at how we normally record that.
2 Okay? Well, we'll talk about it. If we can
3 work on that, I just don't want him to be
4 listed already as not voting. All right.

5 Okay. Zoning Commission Case 84-
6 19A, World Wildlife Fund, Inc., PUD
7 modification to square 24.

8 Ms. Schellin.

9 MS. SCHELLIN: This was a case
10 that came before you in early December that
11 had a bench decision and is now before you for
12 final action.

13 CHAIRPERSON HOOD: Okay. Let's
14 open it up for discussion. I think, normally
15 our final actions we have fully vetted and
16 proposed. So in this case, if we did a bench
17 decision, I think we did it at the hearing.
18 But let me open it up.

19 Any comments? If not, I will
20 obtain a motion from one of my colleagues.

21 COMMISSIONER TURNBULL: Well, Mr.
22 Chair, I think it was pretty obvious from the

1 intent of the applicant at the time that they
2 had been as earnest as they could to try to
3 use that space as retail space and rent it
4 out, but it was just the nature of where it
5 is. The site, the location makes it awkward
6 and I think using it over to office space or
7 whatever they can use it for, I think, is in
8 the best interest of the neighborhood. And I
9 think we want through that at the hearing and
10 I think it became fairly evident that they're
11 doing the best that they can. So I think it
12 made sense.

13 I'd like to make a motion to
14 approve.

15 CHAIRPERSON HOOD: So moved. Can
16 I get a second?

17 COMMISSIONER MAY: Second.

18 CHAIRPERSON HOOD: Moved and
19 properly seconded. Any further discussion?
20 Further discussion?

21 All those in favor?

22 ALL: Aye.

1 CHAIRPERSON HOOD: So ordered.

2 Staff, would you record the vote?

3 MS. SCHELLIN: Okay. Staff will
4 record the vote 3-0-2 to approve final action
5 of Zoning Commission Case No. 84-19A.
6 Commissioner Turnbull moving; Commissioner May
7 seconding. Commissioner Hood in favor.
8 Commissioner Jeffries not present, not voting.
9 Third mayoral appointee seat vacant at the
10 time the case was heard, not voting.

11 CHAIRPERSON HOOD: It sure don't
12 take you long to fix things. It don't take
13 long at all, does it?

14 Okay. Hearing action. Zoning
15 Commission Case No. 02-51C, Center for
16 Strategic and International Studies, Inc.,
17 second stage PUD.

18 I see Mr. Jackson coming, but is
19 it Ms. Steingasser? Oh, okay. Mr. Jackson.
20 Okay.

21 MR. JACKSON: See, when you juggle
22 the agenda, they don't have everybody in the

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1 right chair on time.

2 CHAIRPERSON HOOD: Mr. Jackson.

3 MR. JACKSON: All right. Good
4 evening, Mr. Chairman, members of the Zoning
5 Commission. My name is Arthur Jackson. I'm
6 the Development Review Specialist with the
7 District of Columbia Office of Planning and I
8 will present a brief summary of the overall
9 findings and conclusions in the Office of
10 Planning's preliminary report on this
11 application.

12 The applicant, the Center for
13 Strategic and International Studies,
14 Incorporated is requesting a second stage
15 approval of a previously approved planned unit
16 development that encompasses lots 82 and 83 on
17 square 182.

18 Lot 83 on square 182 is improved
19 with a University of California building that
20 includes office and classroom space, and
21 nearly 100,000 square feet of student
22 apartments. On September 8th, 2008, the

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1 Zoning Commission approved Order No. 2-51B to
2 continue the first stage approval for a nine-
3 story office building to a height of 104 feet
4 on lot 82 until June 29th, 2009. The new
5 owners needed additional time to develop
6 architectural plans for this site.

7 This new proposal would instead
8 construct an office building affecting the
9 following changes from the first stage
10 approval. Approximately a 17,000 square foot
11 reduction of the total building floor area
12 from the approved 130,000 square feet to
13 113,000 square feet. Elimination of a
14 proposed driveway curb cut along Rhode Island
15 Avenue for the garage entrance. Relocation of
16 access to the below-grade parking garage and
17 loading bays to the adjacent 12-foot wide and
18 20-foot wide alleys. Reduction of the 30-foot
19 deep loading berths from two to one,
20 reflecting the anticipated needs of the
21 applicant which will be the only tenant in the
22 building. Reduction of the on-site parking

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1 from 90 spaces to 78 spaces which would still
2 exceed the required amount. Addition of
3 environmentally sensitive building elements,
4 including a green roof, estimated to be
5 equivalent to a LEED certification of silver.
6 And the additional of an architectural
7 embellishment on the roof.

8 This proposal as presented would
9 continue to be allowable in the Dupont Circle
10 Overlay District and the C-3 Zone District.

11 Regarding evaluation criteria on
12 the 2400 of the Zoning Regulations, the
13 primary amenities would continue to be the
14 quality of urban design, architecture and
15 landscaping, site planning and the effect of
16 the safe vehicular and pedestrian access
17 around the site.

18 The package of amenities proposed
19 under stage one would still be implemented,
20 however, since some of the projects originally
21 listed for monetary contributions have been
22 completed, the applicant would like

1 flexibility to identify other suitable
2 recipients for the proposed funding based on
3 consultations with the Advisory Neighborhood
4 Commission.

5 Based on this information, this
6 application is substantially in accordance
7 with the elements, guidelines and conditions
8 of the first stage approval. The Office of
9 Planning therefore recommends that it be
10 scheduled for public hearing and staff will
11 continue to work with the applicant to clarify
12 the zoning relief required, identify
13 alternative approaches to building affordable
14 housing and with the District of Columbia
15 Department of Transportation to determine
16 whether proposed improvements in the public
17 space are acceptable.

18 That concludes my summary of the
19 Office of Planning's report and we remain
20 available to answer questions.

21 CHAIRPERSON HOOD: Thank you very
22 much., Mr. Jackson.

1 Colleagues, we have a hearing
2 action request before us and I would like to
3 open it up, any comments or questions that we
4 would like to either relay to the applicant or
5 ask the Office of Planning.

6 COMMISSIONER TURNBULL: Mr. Chair,
7 I'm not opposed to setting it down. And the
8 only thing is, and although Wells & Associates
9 has included diagrams on the access into the
10 alley, it looks awfully tight. But they've
11 got several pages where they at least diagram
12 how it's going to work, but figure 3-6 in the
13 Wells report shows a 30-foot truck, but you
14 basically have to touch almost the building,
15 go across to get into it. It's a little bit
16 of a work, so I'd like to -- I mean, hopefully
17 by the time we get to the hearing we'll have
18 report from DDoT that will answer some of my
19 concerns. They're showing that's doable, but
20 it just looks awfully tight.

21 CHAIRPERSON HOOD: Any other
22 questions for Mr. Jackson?

1 COMMISSIONER KEATING: I just had
2 quick clarification. On page 3 of the
3 summary, the second footnote mentions that the
4 height is 118 feet. I just want to be clear,
5 that's 116?

6 MR. JACKSON: That is correct.

7 COMMISSIONER KEATING: Okay.

8 MR. JACKSON: It's 12 feet above
9 the current limit under the -- one to 16 feet
10 would be th architectural embellishment and
11 that would be 12 feet above the 104 feet that
12 was approved under the PUD.

13 COMMISSIONER KEATING: Okay.
14 Thank you.

15 COMMISSIONER MAY: Can you tell me
16 what the embellishment actually is? I can see
17 what it's measuring, I mean, from the drawings
18 what they're indicating it is, but what do you
19 call that feature if it's not a roof?

20 MR. JACKSON: Well, if you go to
21 the section on, I think it's A301 where it has
22 the building sections. The roof of the

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1 principal office space is at the 104-foot
2 level. And then there's an increase in height
3 to the front creating the architectural
4 embellishment, which covers the terrace. The
5 way it's described in the application, the
6 primary purpose is to -- well, one of the
7 purposes is to provide a nice exterior space
8 for the employees on the top floor. Then of
9 course it talks about the architectural
10 character of the building.

11 We can clarify. It is a roof
12 element, but it does not cover the office,
13 what's shown as office space within the
14 building. We can ask the applicant to clarify
15 exactly how that works.

16 The other element I would say is
17 that this section appears to be taken at what
18 will be the west end of the building. But
19 look at the elevation of the building. I
20 guess the best elevation to look at would be
21 -- well, maybe A201B. There are two things
22 happening. The architectural embellishment is

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1 moving backward. The interior facade of the
2 office space is moving away from the street
3 and the architectural embellishment is
4 parallel to the street. So it's not clear on
5 the east side of the building whether that
6 architectural embellishment is actually in
7 what is office space now. So it varies from
8 the various parts of the building.

9 I think there may be some other
10 ways to achieve the ends the applicant has
11 asked for. And if you'd like, we could ask
12 them to do several sections just showing how
13 that architectural embellishment works along
14 the facade.

15 COMMISSIONER MAY: Yes, I think we
16 need that because, you know, what I'm seeing
17 is that even though it's a portion of roof
18 that breaks free of the walls of the structure
19 at certain points, it seems to rejoin the
20 structure as you move to the west. And I'm
21 not sure what it's roofing over at that point.
22 But even if it's a roof that has, you know, a

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1 deep eave to it, it's still in essence a roof.

2 MR. JACKSON: During our meeting
3 with the applicant, we explained that we
4 thought for the final that it probably would
5 be good to have a three-dimensional model that
6 actually shows how the roof structure would
7 work. They agreed and I think these
8 architectural illustrations are better in
9 terms of the way they illustrate it, but I
10 think in three-dimension the Board, the
11 Commission would have a better understanding
12 of how this works.

13 COMMISSIONER MAY: Yes.

14 MR. JACKSON: But it sounds like
15 what you're more concerned about is how this
16 element functions or interacts with the
17 interior spaces.

18 COMMISSIONER MAY: Well, right. I
19 mean, if at a certain point it becomes joined
20 with the roof of the interior space and it's
21 above the theoretical top of roof the way I'm
22 seeing in the section on A301, then it's no

1 longer a architectural embellishment and it's
2 just the roof. So, you know, frankly I don't
3 think it is anything but a roof. It's a roof
4 that breaks free of the walls and so I think
5 we should call it what it is and measure it
6 the way it should be and, you know, make that
7 work with the zoning envelope. Because
8 calling it an embellishment, to me, is just
9 doesn't make a lot of sense. They've either
10 got really prove that this is just a decorate
11 element and it's somehow very special, or
12 they've got to treat like roof. I mean, just
13 because a roof doesn't protect interior space
14 doesn't mean that it's not a roof anymore.

15 MR. JACKSON: Okay.

16 COMMISSIONER MAY: So it can just
17 protect the exterior space, which is what it
18 seems to do.

19 MR. JACKSON: Okay. So you want
20 them to clarify what the objectives are of
21 this element and then indicate how --

22 COMMISSIONER MAY: Well, they need

1 to prove that it's an embellishment.

2 MR. JACKSON: Right.

3 COMMISSIONER MAY: And not just a
4 roof. And, you know, I'm not sure how you do
5 that.

6 You know, the other comments I
7 had. The rest of the architecture, I mean,
8 it's this sort of big move architecture, you
9 know, the big, really big kind of idealized
10 arch, if you will, with the masonry spanning
11 across the top and these sort of slit windows
12 on the side. I've never been a big fan of
13 slit windows. I'd like to understand what the
14 dimensions of those things are on the right
15 side because, I mean, they look too narrow to
16 be really comfortable on the facade and I'm
17 not sure what they really gain you in terms of
18 the appearance of the building from the
19 exterior.

20 I'm also a little confused by the
21 chart showing the needed relief. It indicates
22 that there's a 10-foot rear yard on your

1 chart, in your report.

2 MR. JACKSON: Yes.

3 COMMISSIONER MAY: And can you
4 show me where that is on a drawing? I can't
5 seem to find a 10-foot rear yard anywhere.

6 MR. JACKSON: I was just taking
7 that from the middle of the alley.

8 COMMISSIONER MAY: Oh, from the
9 middle of the alley?

10 MR. JACKSON: Yes.

11 COMMISSIONER MAY: Oh, I see.
12 Okay.

13 MR. JACKSON: The alley is 20 feet
14 wide in the rear.

15 COMMISSIONER MAY: Okay. All
16 right. I understand that better.

17 And I have a lot of questions
18 about this screening that's going to happen
19 between it and the university building next
20 door. And there are some drawings of that,
21 but we need to understand that a little bit
22 better. You know, I'm not sure if it's

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1 something that I really think should be there,
2 or whether it's something that, you know,
3 shouldn't be there, or what it should look
4 like. Just that if we're pointing that out
5 and saying this has got to be, you know, a
6 certain way, provides a certain function, I
7 need to just understand what it is and whether
8 it provides that, I guess.

9 And I think that's about it for
10 me. Thank you.

11 CHAIRPERSON HOOD: Mr. Jackson, in
12 looking at the submittals, I know that in the
13 first stage we had approved it for one year,
14 and I saw it in your report. My only problem
15 is I see where the applicant gave us the first
16 order, which was signed by the Vice-Chair at
17 the time in June of 2007. But it's just
18 unfortunate, and I may have missed it, I don't
19 see where we did the -- and I'm not saying we
20 didn't, but it would have been helpful if the
21 applicant would have provided the most recent
22 one we took action I guess to extend it for

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1 another year.

2 One of the things that I will say,
3 and I think you have it written on your report
4 on page 2, but when or about did we do the
5 extension to June 29th, 2009? Was it a year
6 after? I'm not sure.

7 MR. JACKSON: I think I have it
8 here.

9 CHAIRPERSON HOOD: Oh, you have
10 it?

11 MR. JACKSON: I think. No, that's
12 B.

13 CHAIRPERSON HOOD: Maybe I don't
14 have it then. I mean, we got the old order,
15 but we didn't get the one in between. I don't
16 know. At least I didn't.

17 MR. JACKSON: I understand that
18 the final order has not been issued.

19 CHAIRPERSON HOOD: Oh.

20 MR. JACKSON: Yet. But it's
21 coming.

22 CHAIRPERSON HOOD: Maybe I

1 shouldn't have asked that question. Okay.
2 Can't strike it for the record because I
3 already asked it. But anyway, okay. I'm just
4 wondering where we were. Okay. All right.

5 MR. JACKSON: But we'll be sure to
6 include that in our final report.

7 CHAIRPERSON HOOD: I was curious
8 of the date really, you know, because what we
9 just did for the university and everything, I
10 just wanted to make sure that we were not
11 missing things by months and the time as far
12 as filing. Okay. All right. Thank you.

13 Any other questions? Any other
14 comments?

15 COMMISSIONER KEATING: I move that
16 we set down Zoning Commission Case No. 02-51C.

17 CHAIRPERSON HOOD: It's moved.
18 Can I get a second?

19 COMMISSIONER MAY: Second.

20 CHAIRPERSON HOOD: Moved and
21 properly seconded. Any further discussion?
22 Any further discussion?

1 All those in favor?

2 ALL: Aye.

3 CHAIRPERSON HOOD: Any opposition?

4 Hearing none.

5 Ms. Schellin, would you record the
6 vote? I think we have a proxy.

7 MS. SCHELLIN: No, we do not have
8 a proxy on the hearing actions.

9 Staff records the vote 4-0-1 to
10 set down Zoning Commission Case 02-51C as a
11 contested case. Commissioner Keating moving;
12 Commissioner May seconding. Commissioners
13 Hood and Turnbull in favor; Commissioner
14 Jefferies not present, not voting.

15 CHAIRPERSON HOOD: Okay. Under
16 hearing action, Zoning Commission Case 09-01,
17 Office of Planning text amendment, Board of
18 Zoning Adjustment time extension of orders.

19 I believe that's you, Ms. Thomas.

20 MS. THOMAS: Yes, good evening,
21 Mr. Chair, members of the Commission. I'm
22 Karen Thomas for the Office of Planning.

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1 The Office of Planning is
2 proposing amendments to the Zoning Regulations
3 referring to time limits on board actions.

4 Concerns were expressed about
5 project delays due to the current economic
6 climate which could possibly lead to BZA
7 orders expiring before a project gets to
8 permitting.

9 Specifically, we're proposing
10 amendments concerning section 3130, which
11 establishes a two-year period from the date of
12 a BZA order for applicants to file plans for
13 a building permit. And also to section 3129
14 which was suggested by OAG, which currently
15 authorizes the Board to consider minor
16 modifications to such plans if filed within
17 six months of the order date.

18 The amendment would make the time
19 to request minor modifications to a plan the
20 same two-year period is allowed to file plans
21 with DCRA. It would also permit the Board to
22 grant a time extension to allow more time to

1 file such plans. And finally, the rules would
2 clarify that the Board consider any other
3 requests for modifications such as a change of
4 conditions, but requires the Board to hold a
5 hearing in these instances.

6 We would continue to work with OAG
7 to further refine and clarify the text prior
8 to a public hearing. And I will be happy to
9 take any questions. Thank you.

10 CHAIRPERSON HOOD: Ms. Thomas, I
11 just have one question. I think this kind of
12 mirrors what the Zoning Commission now does
13 with time extensions. Okay?

14 MS. THOMAS: That's correct, yes.

15 CHAIRPERSON HOOD: That's what
16 we're trying to get to on the BZA side of
17 things.

18 MS. THOMAS: Right. Yes.

19 CHAIRPERSON HOOD: Okay. Any
20 other questions of Office of Planning?

21 Commissioner May?

22 COMMISSIONER MAY: Yes, just to be

1 clear, because I got kind of confused. On the
2 language as proposed, under 3130.6, the Board
3 may grant one extension of the time periods in
4 section 3130.1 for good cause. And I guess
5 the time limits are established in another --
6 the amount it can be extended is established
7 somewhere else, right? No. I mean, how much
8 can it be extended? One extension of the time
9 periods, but for how long? Two years and one
10 year?

11 MS. THOMAS: Two years by two more
12 years and one more years. Two more years in
13 the case of construction of a building. One
14 more year in the case of an electronic
15 facility.

16 COMMISSIONER MAY: Okay. How do
17 you limit it to just two years and one year?

18 MS. STEINGASSER: 3130.6D, no
19 extension granted by the Board shall be valid
20 for a period longer than the original
21 approval.

22 MS. THOMAS: But we would to

1 further clarify that.

2 COMMISSIONER MAY: Oh, I see.

3 MS. THOMAS: Yes.

4 COMMISSIONER MAY: So it can be up
5 to the full length?

6 MS. THOMAS: Right.

7 COMMISSIONER MAY: I got it.

8 Okay.

9 MS. THOMAS: Yes.

10 COMMISSIONER MAY: All right.

11 That makes more sense now.

12 And then I just have a minor typo.

13 On 3129.6, the "its" should be an "in."

14 MS. THOMAS: 3129.6?

15 COMMISSIONER MAY: 29.6.

16 MS. THOMAS: Okay.

17 COMMISSIONER MAY: Last line of

18 that.

19 MS. THOMAS: Okay.

20 COMMISSIONER MAY: Relied upon in
21 approving the application.

22 MS. THOMAS: In its approving the

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1 application. And also, 3129.8 should read,
2 "the scope of a hearing conducted pursuant to
3 3129.7."

4 COMMISSIONER MAY: Ah.

5 MS. THOMAS: Yes. We caught that
6 later.

7 COMMISSIONER MAY: Okay. That's
8 all for me. Thanks.

9 CHAIRPERSON HOOD: Okay.
10 Commissioner Turnbull? No?

11 All right. I would move that we
12 set down Zoning Commission Case No. 09-01. I
13 ask for a second.

14 COMMISSIONER KEATING: Second.

15 COMMISSIONER MAY: Moved and
16 properly seconded. Any further discussion?

17 All those in favor?

18 ALL: Aye.

19 CHAIRPERSON HOOD: Not hearing any
20 opposition.

21 Ms. Schellin, could you record the
22 vote?

1 MS. SCHELLIN: Staff records the
2 vote 4-0-1 to approve Zoning Commission Case
3 No. 09-01 for set down as a rulemaking case.
4 Commissioner Hood moving; Commissioner Keating
5 seconding. Commissioners May and Turnbull in
6 support; Commissioner Jefferies not present,
7 not voting.

8 CHAIRPERSON HOOD: Okay. Thank
9 you, Ms. Schellin.

10 Let's move right into proposed
11 action. And we're going to go the order,
12 we're going to take B first, C second and A
13 third.

14 Let's begin with Zoning Commission
15 Case No. 08-19. That's the HSC Foundation,
16 map amendment at square 101. I do know that
17 we have a proxy. I did not participate.
18 Neither did my colleague Commissioner Keating.

19 So what I will do at this point is
20 go to Ms. Schellin. Then I'll open it up to
21 my two colleagues.

22 MS. SCHELLIN: This case is

1 before the Commission for a proposed action.
2 And as you said, Chairman Hood, I do have a
3 proxy from Commissioner Jefferies at the time
4 Commissioners May and Turnbull are ready to
5 move forward.

6 CHAIRPERSON HOOD: Okay. Thank
7 you very much.

8 Let's start discussion.

9 Commissioner May?

10 COMMISSIONER MAY: Yes, I would
11 want to note that we did get an additional
12 submission after the record was closed. And
13 do we want to consider whether we should
14 accept that submission? That was the letter
15 from the Bureau of Catholic Indian Missions.

16 CHAIRPERSON HOOD: Okay. Let's --

17 MS. SCHELLIN: Sorry. I apologize
18 about that. That is Exhibit 31.

19 CHAIRPERSON HOOD: Okay. Does
20 anyone have any problems with accepting
21 Exhibit 31?

22 COMMISSIONER MAY: I have none.

1 MS. SCHELLIN: If they want to
2 choose to do that, if they have no problem
3 with that, they can do that by general
4 consensus.

5 CHAIRPERSON HOOD: Yes, but don't
6 we need a general consensus of three? Can I
7 accept it? I haven't read it, but I'll accept
8 it.

9 MR. RITTIG: That's an interesting
10 question. I believe that you need to have a
11 consensus of the voting members in that
12 particular case.

13 COMMISSIONER MAY: Not just a
14 majority?

15 CHAIRPERSON HOOD: Let me ask
16 this, if I read the letter, can I accept it?

17 MR. RITTIG: In order to move by
18 consensus, you need to have the approval of
19 all of the participating members.

20 CHAIRPERSON HOOD: Okay.

21 COMMISSIONER MAY: So can we make
22 a motion, or can we vote on it having only two

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1 of the members present?

2 CHAIRPERSON HOOD: Here's what
3 we're going to do. Let's see if we can get --

4 MR. RITTIG: Proven by vote.

5 CHAIRPERSON HOOD: -- right quick.
6 We don't want to hold this up.

7 Okay. I'm going to ask my
8 colleagues if we can defer accepting the
9 letter into the record, hold onto it, but we
10 can defer it until final action.

11 COMMISSIONER MAY: That's fine.

12 CHAIRPERSON HOOD: Okay. Thanks.

13 COMMISSIONER MAY: Does that mean
14 I can't talk about it?

15 COMMISSIONER MAY: Yes. Yes,
16 that's exactly what that means. You can talk
17 about it at final.

18 COMMISSIONER MAY: Okay.

19 CHAIRPERSON HOOD: Well --

20 COMMISSIONER MAY: No, I'm
21 prepared to proceed.

22 CHAIRPERSON HOOD: Okay.

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1 COMMISSIONER MAY: I would also
2 note that we did get the proper letter from
3 ANC 2A. Because originally we had gotten the
4 resolution, but we had not gotten the record
5 of a vote and so now we've gotten the record
6 of the vote and, you know, all of the right
7 statements so that it could be given great
8 weight.

9 I'll start off on this one. I
10 understand what some of the concern is on the
11 part of the neighborhood. I think it has less
12 to do with the exact circumstance of this
13 property than it does to the -- that it raises
14 issues for what else might happen in the
15 neighborhood. I mean, in this circumstance
16 you've got a very tall building on the north
17 side and a very tall building that's going to
18 built on the east side, and then there's a gap
19 and then there's another tall building. So
20 it's a zone that's been sandwiched by other
21 higher-density buildings. So I'm not
22 uncomfortable with the idea that this would be

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1 used for a commercial purpose and that it
2 would be developed with a taller building. I
3 do think, you know, it does open the door for
4 some odd things to occur if at some point the
5 university decides to do something different
6 with the adjacent property on the west side.
7 But, you know, I guess if the Foundation is
8 willing to take that chance on what could
9 happen in the future with that property, I
10 mean, they don't really have any guarantees
11 that they're always going to be open on that
12 west side.

13 I think that the concern that
14 somehow this rezoning of the residential
15 neighborhood to commercial in this
16 circumstances is either going to spark or open
17 the door for similar rezonings in other areas.
18 I just don't see that happening. The blocks
19 that were cited in particular, I don't
20 perceive a real risk there that the very low-
21 residential character of those other blocks is
22 going to be impinged upon by, you know,

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1 reckless commercial development. I don't see
2 this opening the door to do that. This is a
3 very unusual circumstance. And it's also,
4 frankly, an unusual circumstance that you have
5 a building owner who's willing to invest in
6 redeveloping this property in this manner. I
7 mean, in many ways it's an exceptional venture
8 on their part. So I don't even think that if
9 you found another site like this that you
10 would open the door to even this happening
11 again because I think it's an exceptional
12 effort.

13 So I'm not terrifically
14 uncomfortable with it, so I would be prepared
15 to vote in favor of it.

16 MR. RITTIG: Excuse me,
17 Commissioners. I had a chance to review my
18 Zoning Regulations while you were talking.
19 And I wanted to point to your attention that
20 there is a regulation that allows a majority
21 of Commission members present at a meeting to
22 take a procedural action. So if a majority of

1 the members present vote or believe that it's
2 appropriate to include that letter into the
3 record, they may do so.

4 COMMISSIONER MAY: Then I would
5 move that we accept into the record the letter
6 from the Bureau of Catholic Indian Missions
7 that was received after the record was closed.
8 I don't have the date it was received. Oh,
9 yes, it was December 22nd. And I would ask
10 for a second.

11 COMMISSIONER TURNBULL: And I will
12 second.

13 COMMISSIONER MAY: I guess the
14 question is who gets to vote?

15 CHAIRPERSON HOOD: This is in
16 support, right?

17 COMMISSIONER MAY: It's a letter
18 in support, yes.

19 CHAIRPERSON HOOD: Okay. It's
20 been moved and properly seconded.

21 All those in favor?

22 ALL: Aye.

1 CHAIRPERSON HOOD: All of us
2 voted. No opposition. Thank you very much,
3 Mr. Rittig.

4 MS. SCHELLIN: Staff would record
5 the vote 4-0-1 to accept the letter from the
6 Bureau of Catholic Indian Missions in Zoning
7 Commission Case No. 08-19, a letter in
8 support. Commissioner May making the motion
9 to accept; Commissioner Turnbull seconding.
10 Commissioners Hood and Keating in support.
11 Commissioner Jefferies not present, not
12 voting.

13 COMMISSIONER MAY: And I would
14 just note that we have a letter in support
15 from the neighbor, you know, kind of across
16 the courtyard, if you will, and I think it
17 makes it all the more reason why this is --
18 I'm comfortable proceeding with this.

19 COMMISSIONER TURNBULL:
20 Commissioner May, I would agree with you on
21 most of your points. And I know it's always
22 come up at these kinds of situations where we

1 talk about a precedent-setting approval here.
2 And I think you have to be careful when you
3 talk about something being a precedent because
4 it has to be very similar in character to what
5 you're approving to some place else. And I
6 think some of the other areas that were
7 pointed out in the hearing are a lot different
8 than this particular case. And I think
9 Commissioner May has pointed out the fact of
10 the taller buildings adjacent and the
11 different character that exists rather than
12 the ones being around by the circle, which had
13 been brought up at the time of the hearing.

14 And I think this is a localized
15 situation and I think as the Office of
16 Planning explained in their report, too, I
17 don't think they saw this as being very
18 compatible with the Comprehensive Plan in
19 fitting in with the development of the area.
20 I think the existing residence that's there,
21 the fact that some of it is being -- although
22 again you could look at it as a token gesture,

1 at least that aspect of the building is being
2 preserved as a street front.

3 I really don't see this as
4 something that's going to start anything off,
5 either. I think this is a highly-localized
6 situation. I think that the condition of the
7 neighborhood where it's being developed, I
8 think it is germane to the request that's
9 being asked by the applicant and I, too, would
10 not be in opposition to approving this going
11 forward.

12 CHAIRPERSON HOOD: Okay.

13 COMMISSIONER MAY: Mr. Chairman?

14 CHAIRPERSON HOOD: Sure,
15 Commissioner May?

16 COMMISSIONER MAY: I would move
17 approval of Zoning Commission Case 08-19, HSC
18 Foundation map amendment at square 101, and
19 ask for a second.

20 COMMISSIONER TURNBULL: Second.

21 CHAIRPERSON HOOD: Moved and
22 properly seconded. Any further discussion?

1 All those in favor?

2 COMMISSIONER MAY: Aye.

3 COMMISSIONER TURNBULL: Aye.

4 CHAIRPERSON HOOD: Any opposition?

5 Any abstentions? We have two.

6 Ms. Schellin, would record the
7 vote?

8 MS. SCHELLIN: Yes, staff would
9 record the vote 3-0-2 to include the proxy in
10 favor from Commissioner Jefferies.
11 Commissioner May moving; Commissioner Turnbull
12 seconding. Commissioner Jefferies in support
13 by proxy. Commissioner Hood not voting,
14 having not participated. Third mayoral
15 appointee position was vacant at the time of
16 the hearing, therefore not voting.

17 CHAIRPERSON HOOD: Okay. Thank
18 you very much.

19 And thank you again, Mr. Rittig,
20 for being able to come up with that.

21 Okay. Next is under proposed
22 action. We're going to go to Zoning

1 Commission Case No. 08-13. That's the
2 Marriott International, Inc., consolidated PUD
3 and related map amendment at square 370.

4 Ms. Schellin?

5 MS. SCHELLIN: I believe that we
6 got a submission this evening; I'm trying to
7 put my hand on it. It was a letter from --

8 CHAIRPERSON HOOD: HQ Hotel, LLC?

9 MS. SCHELLIN: Yes, HQ Hotel, LLC.
10 And then also just to let you know that we do
11 have a very large materials board that was a
12 little too heavy for me to pick up, but it's
13 located over there. Let Mr. May bring that
14 over, if he chooses to do so. I'm not sure he
15 can even do it. It took quite a few men to
16 bring that in and out. So, it's pretty heavy

17 CHAIRPERSON HOOD: We'll let him
18 take it --

19 MS. SCHELLIN: Yes, we'll let him.
20 Yes. Yes.

21 CHAIRPERSON HOOD: Okay. While
22 they're looking at the -- Commissioner May,

1 can you bring that over here? No, I'm just
2 playing.

3 Okay. I'll let my colleagues look
4 at the materials board and I'll look at it
5 while they deliberate.

6 Okay. We have a letter from the
7 Headquarters Hotel, LLC. This is addressed to
8 Commission Padro and it's from Robert Knopf
9 and also from Norman Jenkins. And what I
10 would like to do, by general consensus, that
11 we accept this late file.

12 Any opposition?

13 Okay. So ordered.

14 If you'll remember, colleagues, we
15 asked for a number of things. And if you look
16 at the submission; we also have a proposed
17 order from the applicant, but if you look at
18 the submission dated December the 22nd, it
19 talks about the post-submission materials.
20 And what I would like for us to do, and I'm
21 sure we have reviewed the additional drawings
22 and everything that was submitted, the

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1 construction management plan, but case in
2 point, it talks about detail elevations,
3 drawings identifying the range of building
4 materials, colors and textures with the
5 relationship to where they are placed on the
6 various facades, details for the trellis,
7 clarification on facade overlooking the Pepco
8 Building site. It also directed us to what
9 sheet it was within the binder. Clarification
10 of the pedestrian tunnel, clarification of
11 street level experience, drawings that clarify
12 the use of the space at the mechanical
13 penthouse level, drawings illustrative of
14 proposed signage; and I'm not reading the
15 whole thing, the lead check list, construction
16 management plan, photographs, additional
17 community benefits contributions after meeting
18 with the Shaw Main Street and One DC, and the
19 established variety of Marriott's in-kind
20 contributions to the \$2 million job training
21 program is \$90,000. And this is dated
22 December the 22nd, I think is well identified.

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1 So what I'd like to do, is let's
2 just run down the list in that order of what
3 we asked for. And anything else that is
4 omitted from this, we'll deal with that.

5 Let me just start off and say that
6 two of the things that I had mentioned, and I
7 know Commissioner Jefferies had talked about,
8 where we talked about the amenities package
9 and trying to figure out how this was going to
10 work. And I know Commissioner Jefferies may
11 have insisted a little more, and I don't want
12 to speak for him, but I think this letter is
13 in concurrence and I think Commissioner Padro
14 and all the many groups are in concurrence,
15 because I do have a signature dated December
16 19th, 2008 of how the additional money will be
17 distributed per group, and also when it will
18 be distributed.

19 Also, the Headquarters Hotel, LLC
20 is also confirming that this was the agreement
21 that was worked out.

22 Construction management plan is

1 one of the things that I know that we had
2 requested or spoke about.

3 My memory didn't serve me well
4 when it came to the estimated value of the
5 Marriott's in-kind contribution to the \$2
6 million job training program. I'm not going
7 to knock it, I just didn't remember it.

8 But I'm sure that the detailed
9 elevations, the drawings identifying ranges of
10 buildings and some of those, the details for
11 the trellis, the canopies. And I'm sure we're
12 going to have quite a bit of discussion, but
13 I will just tell you that I think that this
14 project is very important to the city, as I
15 stated at the hearing. I have people
16 personally out of town, so when you all get a
17 -- you know, a hotel near your convention
18 center. So one of the things that I know that
19 this is very important.

20 But anyway, let's do our jobs and
21 I will open it up with -- unless somebody
22 wants to give me a motion, you know, I don't

1 mind moving on.

2 Commissioner May?

3 COMMISSIONER MAY: Okay. First of
4 all, I would want to recognize that the
5 drawings that we have in this set are
6 significantly improved and are of the kind of
7 level of quality and detail that we really
8 need to be able to evaluate the building. You
9 know, the biggest improvement is probably in
10 the three-dimensional drawings where we can
11 actually start to get a sense of what the
12 building is made of and how it will look on
13 the street, and so on. It's still not the
14 best set that I've ever seen, but it's
15 significantly better than what we had before.
16 The level of quality is consistent and, as I
17 said, you really can get a better sense of
18 what the building is made of and what it will
19 look like from the street.

20 The same is not necessarily true
21 for some of the detailed drawings. The
22 details on trellises, canopies, etcetera are

1 small enough that you can't really understand
2 too much about them. Better yes, but still
3 not great. And also the drawings that attempt
4 to identify the materials at a larger scale,
5 I mean, you know, it's an interesting set of
6 drawings. It's interesting to look at, but
7 for this sort of thing it's really most useful
8 to be able to look at a drawing and understand
9 exactly, you know, what is being pointed to
10 and what it is. I mean, I'm looking at A351
11 and there's a little note in there that says
12 that -- it looks like three different things
13 are CW2, but I can't quite see what the dots
14 are touching that indicate what is CW2. And
15 then I got to go to a different drawing to see
16 what CW2 is. And now that I have the board in
17 front of me, I can actually touch and feel
18 CW2, but it shouldn't be that complicated.

19 And I think that maybe in sending
20 the message that we needed to have more
21 detail, we didn't quite send the right
22 message. Because what we really needed was to

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1 have portions of the elevation blown up at a
2 larger scale with arrows pointing to the
3 things and saying, you know, simple codes like
4 metal and glass, and pre-cast, as opposed to,
5 you know, keynoting, which is what we got.

6 So I mean, I wouldn't mind seeing
7 something that shows that a little bit better,
8 but, you know, this is certainly better than
9 what we had before. Let's see, there were a
10 couple of things.

11 CHAIRPERSON HOOD: Let me make
12 sure I understand.

13 COMMISSIONER MAY: Okay.

14 CHAIRPERSON HOOD: Because I'm
15 going to make a proposal, hopefully you'll
16 accept it.

17 So on 350, I guess what you're
18 saying, you mentioned CW2 and that's pointing
19 to the --

20 COMMISSIONER MAY: Yes, it's not
21 really clear what it's pointing to and it may
22 just be my failing vision, but I just can't

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1 see that very well.

2 CHAIRPERSON HOOD: Well, I think
3 what we have, we have a black dot and you're
4 right, it's not easy to see.

5 COMMISSIONER MAY: And now that I
6 see what the profile of the material is, you
7 know, I understand that's, you know, the metal
8 mullion that's running between the glazing.
9 That must be what it's pointing to.

10 CHAIRPERSON HOOD: In other words,
11 if we turn to 350 right in front of it, like
12 we were, you know, going back and forth.

13 COMMISSIONER MAY: Yes.

14 CHAIRPERSON HOOD: I understand
15 what you're asking for, but I wanted to make
16 sure that --

17 COMMISSIONER MAY: It shouldn't be
18 that hard. We shouldn't have to look at two
19 different drawings to understand what's going
20 on in the one. It should just be, you know,
21 point very clearly, you see what it's pointing
22 to and you know what it is. It's not just

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1 CW2.

2 CHAIRPERSON HOOD: Let me just put
3 it out there. If we ask for that before
4 final --

5 COMMISSIONER MAY: Well, I mean, I
6 think it's up to the rest of the Commission
7 whether --

8 CHAIRPERSON HOOD: Well, I want
9 you to have a confidence level and I'm hoping
10 that we can kind of move forward tonight.

11 COMMISSIONER MAY: I'm not trying
12 to make work. I think if other Commissioners
13 feel it's necessary to understand it, then by
14 all means let's request it. But don't just do
15 it for my sake. I think that I can survive
16 with what I have here.

17 COMMISSIONER MAY: Mr. Turnbull,
18 do you have a --

19 CHAIRPERSON HOOD: Mr. Turnbull,
20 do you need to see something else or is
21 this --

22 COMMISSIONER TURNBULL: I would

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1 agree with Commissioner May. I think some of
2 the drawings could be defined a little bit
3 more. I do appreciate the fact that this set
4 of drawings is 100 percent better than the
5 last set of drawings that we saw. And I know
6 my concern was, I had one concern on drawing
7 A303, which showed the Pepco Building and then
8 you had the facade of the building behind,
9 that part of the hotel behind. And if you
10 recall, the last submission showed simply a
11 blank white space that said metal panels. At
12 least here, you're beginning to see the
13 rhythm, you're beginning to see the
14 articulation. It's looks like there's some
15 glass involved in there; I'm not sure. But
16 it's 100 percent. I mean, the elevation that
17 shows on here is 100 percent better, I mean,
18 for actually understanding what the intent is
19 of what the applicant is looking to design on
20 the site. So from that standpoint, I'm
21 pleased. But, yes, I think a little bit more
22 articulation on some of these drawings would

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1 be very helpful.

2 I'm also glad that the non-dome
3 dome has gone away and has been refined. And
4 it's a lot cleaner solution. I think the
5 elevations now are a lot cleaner than with
6 that fussy thing on the roof.

7 CHAIRPERSON HOOD: Okay. Let me
8 bring it back to what my question was. I
9 wanted to ask this: Commissioner Turnbull,
10 you agreed with Commissioner May?

11 COMMISSIONER TURNBULL: Yes, I do.

12 CHAIRPERSON HOOD: Okay. So what
13 we're going to do, Commissioner May, if you
14 and Mr. Turnbull agree, because there's only
15 three of us tonight, we do have a proxy
16 though, don't we? Okay. I would just suggest
17 that we maybe as the applicant more
18 specifically at the end of proposed for that.
19 I think we can do this on a one sheet,
20 hopefully, and then point directly. I just
21 think maybe we need to do just a different
22 color scheme, just one page, and we do it

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1 before final action. That would be my
2 suggestion.

3 Okay. Commissioner May, you can
4 continue.

5 COMMISSIONER MAY: Yes. Okay. On
6 the vault that's not a dome, I'm glad that
7 it's now something different and that the
8 height of it is dropped down. I actually
9 think it improves the look of the building.
10 So I'm glad to see that change. It makes me
11 more comfortable with what we would consider
12 a dome.

13 I do have a small issue, and it's
14 the sort of thing that hopefully is going to
15 get just straightened out naturally, but I'm
16 looking at sheet A407. And what I'm seeing is
17 what seems to be a top-of-roof with a setback,
18 and then there's some sort of a plenum.
19 Section 2 on A407. And the zoning envelope
20 line, which is a 45-degree line that cuts
21 across that seems to be touching the top of a
22 portion of the roof that's above the 130-foot

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1 top-of-roof. So it sort of steps back about,
2 I don't know, not a foot. It steps back two
3 feet and then goes up like four feet.
4 Everyone see that? Anyway, it should be
5 stepping back. If it steps back two, it can
6 up two. But if it steps back two, it can't go
7 up four. And, I mean, this is small. This is
8 also true in the, I guess, section 1 on the
9 upper left.

10

11 COMMISSIONER MAY: What page are
12 you on?

13 COMMISSIONER MAY: A407.

14 CHAIRPERSON HOOD: Oh, 407.

15 COMMISSIONER MAY: Anyway, I
16 consider that a minor matter, but it would
17 certainly be correctable. It's not corrected
18 now, it would have to be corrected at some
19 point before they get all of the final
20 approvals that they need from all the agencies
21 that need to approve it. I'm just pointing it
22 out for convenience sake.

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1 I would also, on Commissioner
2 Jefferies behalf, note that we did get an
3 elevation, or rather a rendering of the
4 interior where the tunnel connecting to the
5 Convention Center attaches in. I can't put my
6 finger on the drawing number, but --

7 COMMISSIONER TURNBULL: A513, I
8 think.

9 COMMISSIONER MAY: Thank you very
10 much. So, I mean, we see a snapshot of one
11 moment in that experience. I'm not sure it's
12 what Commissioner Jefferies wanted, but it was
13 a step in that direction.

14 The construction management plan
15 has been submitted. It's pretty basic, but
16 without folks in the neighborhood speaking up
17 and saying you need to cover, you know, points
18 X, Y and Z, it's not going to get much more
19 specific. But I appreciate it being there.
20 And particularly, the thing that I always find
21 useful in these things is the fact that
22 they're committing to having somebody

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1 available to call if there's ever problem so
2 that the folks in the neighborhood will always
3 be able to reach somebody if there are issues
4 during the course of construction.

5 And I also appreciate the fact
6 that they did put a value on the in-kind
7 contribution to the job training program. I'm
8 actually kind of surprised that it's as little
9 as it is. I would think that it would amount
10 to something more, with a \$2 million training
11 program that it's small as it is, but it is
12 what it is.

13 So, I think that wraps it up for
14 my comments.

15 CHAIRPERSON HOOD: Commissioner
16 Turnbull, did you want to add something?

17 COMMISSIONER TURNBULL: Well, I
18 would just like to again thank the applicant
19 and compliment them on the renderings that we
20 got in the A500, 515, 516, 517, which actually
21 show the building in perspective. And I think
22 these are the kind of drawings that I think we

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1 had hoped we would have got earlier. These
2 are beginning to tell a very clear picture
3 what this building is going to look like and
4 I think they're very significant. I think
5 they're a lot clearer than the little cartoons
6 that we had before and I'm beginning to like
7 what I see. I think it's telling a good story
8 and I think because of the nature of what this
9 building is, this is going to be a very
10 significant building in the downtown and I
11 think these are extremely helpful in telling
12 that story.

13 I just wish the girl in the one
14 picture would finally fix her hair. She keeps
15 showing up. But, she's always fixing her hair
16 on this picture, but you get to see it from
17 different perspectives, which I like.

18 Now but I guess my thing is, there
19 are some things missing, but in general I like
20 the way the drawings are going. I think
21 they're telling the picture that we wanted to
22 see and I think they're very clear and I want

1 to thank you for doing that.

2 CHAIRPERSON HOOD: I too want to
3 thank the applicant, Mr. Quinn and Mr. Teese,
4 also this applicant. I appreciate it. At the
5 hearing there were a lot of things doing in
6 different directions and the way this was
7 given to us and the applicant's response,
8 including Mr. Bailey working with the ANC and
9 the different community groups. The
10 voluminous number of community groups really
11 shows that this applicant made some effort,
12 from the materials that I have here in front
13 of me.

14 Any other comments?

15 And I can tell you this Commission
16 greatly appreciates the response.

17 Okay. With that, let me make the
18 motion first. I would move that we approve
19 Zoning Commission Case No. 08-13, the Marriott
20 International, Inc. consolidated PUD and
21 related map amendment at square 370 and ask
22 for a second.

1 COMMISSIONER TURNBULL: Second.

2 CHAIRPERSON HOOD: Moved and
3 properly seconded.

4 The only thing, Commissioner May,
5 I want to make sure that one page that you
6 asked for really showing what material is
7 going to. First of all, we probably need a
8 color change, something a little more clear
9 that it can be viewed. And we would need that
10 before final. And it's basically a one-pager,
11 the way I see it. And I'm asking.

12 COMMISSIONER MAY: Well, if we got
13 a one-pager, I think what they'd have to do is
14 take one of the, I don't know, 10 different
15 slices of the elevation that they've
16 investigated and show it to us in, you know,
17 a little bit larger format. I mean, frankly,
18 I'm not sure how you can do this in one page
19 and --

20 CHAIRPERSON HOOD: And one thing I
21 do know, I do know print, and I do know that
22 we can reverse it out. But I don't want to

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1 try to get into trying to tell the applicant
2 how --

3 COMMISSIONER MAY: Oh, no, no.
4 I'm not so much concerned about that. It's
5 just that they've taken slices of about 15
6 places on the elevation and attempted to show
7 what all the materials are.

8 CHAIRPERSON HOOD: What page are
9 you talking about? Show me which page.

10 COMMISSIONER MAY: I'm talking
11 about 351 through 361, so it's 10 pages.

12 CHAIRPERSON HOOD: Okay. But we
13 were talking about CW2, right? CW2. I'm just
14 using that example, because that's what we
15 called out.

16 COMMISSIONER MAY: That's one
17 drawing.

18 CHAIRPERSON HOOD: That's one?

19 COMMISSIONER MAY: But, you know,
20 the next 10 pages that follow it have the same
21 sort of thing. It's not that I'm looking for
22 clarity on what CW2 is, or even specifically

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1 what that elevation is. It's just that in the
2 process of doing something like this, you
3 know, it would be helpful to take perhaps a
4 smaller snapshot, maybe not the full height of
5 the building. So you'd take half of what
6 you're showing there in that height and blow
7 it up to the full height, and call it out with
8 notes that are in English, not in code. And
9 that's what I would normally want to see.
10 Because then you could look at it and
11 understand readily what it is without having
12 to decipher it.

13 CHAIRPERSON HOOD: But here's what
14 I'm trying to do. I'm just trying to make it
15 -- it may be more than one page, but when I
16 look at it, I'm not going to go to -- I'm
17 going to say MA7. MA7 is on 351, and you
18 mentioned 10 pages. If I'm not mistaken, MA7
19 is on more than one page. MA1.

20 COMMISSIONER MAY: What MA7 is
21 calling out is what material is being used in
22 that location.

1 CHAIRPERSON HOOD: I understand.

2 I understand that. Okay?

3 COMMISSIONER MAY: So what I'm
4 saying, if I were to get this the way I would
5 have liked, I would take that amount of
6 information, make it twice the size, right?
7 And instead of it saying MA7, it says, you
8 know, gray metal mullion.

9 CHAIRPERSON HOOD: I understand.
10 I'm just trying to figure out. I understand.
11 I'm just trying to help the applicant.

12 COMMISSIONER MAY: Right.

13 CHAIRPERSON HOOD: So we won't
14 cause him to do too much work, because they
15 have been very responsive to what we had to
16 begin with.

17 COMMISSIONER MAY: Right. And
18 what I'm saying is that if you were to do that
19 for here, then you'd have to do it for here,
20 you'd have to do it for here. I mean, these
21 are all different parts of the elevation of
22 the building. So we can't understand the

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1 totality of the building without doing, maybe
2 not 10 snapshots of the building, but you
3 know, five or six. So it's more like five or
4 six pages.

5 CHAIRPERSON HOOD: Okay. Case in
6 point, MA7, I'll tell you this is whatever it
7 is, whatever material it is, and I take an
8 arrow and I point it to something this size so
9 we can read it.

10 COMMISSIONER MAY: No, that's not
11 what I'm asking.

12 CHAIRPERSON HOOD: Okay. What are
13 you asking?

14 COMMISSIONER MAY: Okay. Let's go
15 to A357. You see where you've got all of
16 those notes up toward the top?

17 CHAIRPERSON HOOD: Okay.

18 COMMISSIONER MAY: Okay. I've
19 drawn a box around it. Take that whole thing
20 and enlarge it.

21 CHAIRPERSON HOOD: Yes.

22 COMMISSIONER MAY: Put it on the

1 copier at 200 percent, or print it out at 200
2 percent of what it is, just that section. And
3 then instead of 1MA, right in what the
4 material is. You know, painted metal, gray
5 painted metal, whatever it is. At a larger
6 scale you can get a better sense of what the
7 material is. You don't need to have a bigger
8 picture of that material. You know, I don't
9 need a really big picture of that material, I
10 just need to see the material kind of in the
11 context.

12 COMMISSIONER MAY: Mr. May, what
13 am I saying any different than what you said?
14 It's just a different way. We read the
15 same --

16 COMMISSIONER MAY: What you seem
17 to be calling out is focusing on one
18 particular material. I'm not focusing on --

19 CHAIRPERSON HOOD: I'm just using
20 an example.

21 COMMISSIONER MAY: Okay.

22 CHAIRPERSON HOOD: I'm just using

1 it as an example.

2 COMMISSIONER MAY: But on that --

3 CHAIRPERSON HOOD: I could have
4 went down the whole list, just like you're
5 talking.

6 COMMISSIONER MAY: On that same
7 page --

8 CHAIRPERSON HOOD: I could have
9 said M1A, GL1, GL2.

10 COMMISSIONER MAY: Right.

11 CHAIRPERSON HOOD: But for the
12 sake of time, I just used one example.

13 COMMISSIONER MAY: Okay. Well, I
14 misunderstood what you were trying to
15 describe.

16 CHAIRPERSON HOOD: We actually are
17 saying the same thing.

18 COMMISSIONER MAY: Good.

19 CHAIRPERSON HOOD: But let's do
20 this: Let's let --

21 COMMISSIONER MAY: But --

22 CHAIRPERSON HOOD: I basically

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1 don't care to see it, but I want to make sure
2 you and Commissioner Turnbull want to see it.
3 We're actually saying the same thing, so we
4 won't belabor the point. What I'm trying to
5 do is get what you're asking for for the
6 applicant. That's what I'm --

7 COMMISSIONER MAY: And, Mr. Chair,
8 that I'm saying is that one page like this
9 would only show one snapshot. They've given
10 us 11 snapshots already. And I would want to
11 have, maybe not 11, but five or six, if I was
12 going to get this. I frankly don't think that
13 it's that necessary at this moment. If it's
14 just for my sake, I'm going to forego this at
15 this point.

16 CHAIRPERSON HOOD: No, I -- I'm
17 just trying to make sure we let the applicant
18 know what you need. Commissioner Turnbull
19 also asked for the same thing.

20 COMMISSIONER MAY: Okay.

21 CHAIRPERSON HOOD: Why don't you
22 just describe what you want instead of me

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1 describing it, and then we'll go from there?
2 Because I think we're saying the same thing.

3 COMMISSIONER MAY: Okay. Just a
4 smaller portion enlarged bigger with notes
5 that are in English, that's all, not in code.

6 CHAIRPERSON HOOD: So you want
7 seven pages, and how many trees are we going
8 to kill? Anyway.

9 COMMISSIONER MAY: All right. And
10 it doesn't need to be all 11 or 12. It can be
11 a sampling.

12 CHAIRPERSON HOOD: Okay. So,
13 anyway, I hope the applicant understands that.

14 COMMISSIONER TURNBULL: I mean,
15 after seeing the perspective views, I'm not as
16 concerned. I think a couple of more things
17 would be well, but I feel pretty good about
18 going around the block with these perspectives
19 and seeing the design of the building. I feel
20 fairly comfortable. But I think Commissioner
21 May would just like a couple of more shots
22 showing some primary elevations as to how it

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1 actually would -- but I think for the most
2 part, I think we all feel very -- I mean, to
3 me, A518 tells a wonderful story and I like
4 that, you know, we are concerned about what
5 this building is going to look like, and you
6 know, I think that they're moving in the right
7 direction. I think, as Commissioner May was
8 discussing, maybe a few more sections or
9 drawings to clarify a couple of points would
10 be worthwhile. But I think these perspectives
11 have really told the story, at least what I
12 was looking for.

13 CHAIRPERSON HOOD: Okay. And I
14 was trying to make sure that we all
15 understood, or at least the applicant
16 understood exactly what you needed.

17 COMMISSIONER MAY: No more than
18 five pages, eight-and-a-half by eleven, you
19 can do the sampling that we're looking for.

20 CHAIRPERSON HOOD: Okay. I think
21 the applicant probably got it long before you
22 and I even had the discussion. So next time

1 I'll just look out and see if I see a nod,
2 then we can move on.

3 Okay. Now where were we? Did we
4 do a motion? We did a motion. Second. And
5 then the discussion.

6 All those in favor?

7 ALL: Aye.

8 CHAIRPERSON HOOD: Hearing no
9 opposition of those who are participating.

10 Staff, would you record the vote
11 with the proxy?

12 MS. SCHELLIN: Yes, staff would
13 record the vote 4-0-1 to approve proposed
14 action in Zoning Commission Case No. 08-13.
15 Commissioner Hood moving; Commissioner
16 Turnbull seconding. Commissioner May in
17 support; Commissioner Jefferies in support by
18 proxy. At the time of the hearing, the third
19 mayoral appointee seat was vacant, therefore
20 not voting.

21 CHAIRPERSON HOOD: And I hate to
22 go back into this case, but was I supposed to

1 open the record for something? Was it
2 supposed to be open?

3 MS. SCHELLIN: We did, by general
4 consensus.

5 CHAIRPERSON HOOD: All right.
6 Thank you.

7 All right. Let's move right along
8 with our agenda. Next, is Zoning Commission
9 Case 08-06-6. And this is the Office of
10 Planning zoning rewrite of industrial areas.

11 Now I will tell you, normally we
12 put our work sheet at the front. Okay. So
13 our work sheets of what we're going to be
14 working from are at the front and you can
15 follow us with that. Those who are leaving,
16 we'll give you a moment to leave.

17 Okay. Let's go back on the record.
18 Okay. Zoning Commission Case No. 08-06-6,
19 Office of Planning ZRR industrial and PDR.

20 What we normally do in this case,
21 we normally have interaction or exchange with
22 the Office of Planning. This will be Ms.

1 Steingasser and Mr. Parker.

2 Okay. Ms. Schellin?

3 MS. SCHELLIN: We have before you
4 an industrial work sheet and if you'd like to
5 proceed.

6 CHAIRPERSON HOOD: Okay. What
7 we're going to do is typically how we've done
8 in the past, and for Commissioner Keating,
9 normally what we do is the Office of Planning,
10 I think this is the same way Mr. Parker, the
11 Office of Planning, has a recommendation.

12 Okay. All right. Everyone have
13 the work sheet? Ready?

14 Okay. And those in the audience have
15 the work sheet? Okay.

16 Name of industrial districts.
17 Option one, the first one is the Office of
18 Planning's recommendation. And I'll let Mr.
19 Parker help me with some of this. CM1 to PDR
20 1. And PDR, again, is?

21 MR. PARKER: Production,
22 Distribution and Repair.

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1 CHAIRPERSON HOOD: Production,
2 Distribution and Repair. Okay. And then also
3 we have M to PDR. So we have it in front of
4 us. And then the option is retain existing
5 industrial district names.

6 COMMISSIONER MAY: I'll all for
7 the renaming.

8 CHAIRPERSON HOOD: I'm for the
9 renaming and much more. Okay.

10 Okay. Number two, performance
11 measures. Option one again is the Office of
12 Planning's recommendation. Coordinate, but do
13 not duplicate performance standards with
14 current District Department of Environment
15 Standards, DoE, where possible to ensure that
16 measurable standards are used.

17 And then option two, do not change
18 existing standards of external effects. I am
19 in favor of option one. Okay. Not hearing
20 anything.

21 PDR uses. Okay. This one is no
22 decision needed. Okay. We've already given

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1 guidance, so we can just skip past that.

2 Retention of developments,
3 potential for PDR uses.

4 MR. PARKER: If I could comment on
5 this one, Mr. Hood.

6 CHAIRPERSON HOOD: Okay.

7 MR. PARKER: In keeping with what
8 seems to be a burgeoning tradition with these
9 work sheets, this one's not without flaws.
10 I've got two comments on this number four.

11 The first one is in our
12 supplemental report and at the hearing we had
13 talked about increasing the height of PDR 1
14 from 40 feet and three stories to 50 feet,
15 without a story discussion. And we'd like to
16 include that. It wasn't included in the work
17 sheet, but that should be considered a part of
18 our OP recommendation option one is that the
19 height of PDR 1 would go to 50 feet.

20 And certainly the Commission has
21 the option to separate that from our
22 recommendation and accept, you know, the FAR

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1 without the height or the height without the
2 FAR. But that should be considered part of
3 our recommendation.

4 The second thing on this number
5 four is that you'll notice that there is no
6 option three. And for those following along
7 at home that were very observant, you'll
8 notice that there are six decision points on
9 this work sheet, but only five recommendations
10 in the report. It turns out through some mis-
11 communication with OP and OAG that option
12 three for number four got pulled out and made
13 into a separate recommendation in error. So
14 number five on your sheet, option one on
15 number five is actually option three under
16 number four and is not a stand alone, if that
17 made any sense at all.

18 PARTICIPANT: It has two options.

19 MR. PARKER: Well, option two
20 doesn't actually mean anything. Basically,
21 what option one under number fives is it's
22 another way to try and ensure the availability

1 of PDR land. The recommendation from OP is
2 that we would reserve some of the FAR for PDR
3 uses and say you can only do a certain
4 percentage of it for non-PDR. The rest has to
5 be reserved for PDR. Option two would be you
6 can create your own FAR limits within that
7 same scheme. And option three, which again is
8 option one under number five, would be don't
9 mess with the FAR at all and allow commercial
10 and non-PDR uses to go to the full FAR, but
11 require the buildings to be designed so that
12 they could accommodate either PDR or non-PDR.

13 So there are two mutually
14 exclusive ways to accomplish the same thing.
15 And so there should be no decision under
16 number five and option one under that should
17 be considered option three under number four.

18 CHAIRPERSON HOOD: Okay. At this
19 point I'm going to turn it over to Mr. Parker
20 and let him do number four for us. I think
21 what you're saying though is option one under
22 number five should be option three under

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1 number four. Run us through that one.

2 MR. PARKER: I'll run you through
3 your four options for decision number four.

4 Option one is that you would limit
5 the FAR potential for non-PDR uses. For non-
6 industrial uses like commercial and
7 institutional, you'd be limited to the numbers
8 on the right hand side of that table. Two for
9 PDR 1, three for PDR 2, four for PDR 3 and one
10 for PDR 4. And then the overall FARs for PDR
11 1 and 2 would rise by half an FAR.

12 Accompanying that would be a
13 height -- under PDR 1, the height would be
14 raised to 50 feet. So that's OP's
15 recommendation, option number one.

16 CHAIRPERSON HOOD: Let me ask you
17 this.

18 MR. PARKER: Sure.

19 CHAIRPERSON HOOD: Height is -- I
20 saw it on the table.

21 MR. PARKER: Right.

22 CHAIRPERSON HOOD: But 50 feet is

1 for PDR 1 and everything else remains the
2 same?

3 MR. PARKER: Exactly true.
4 Exactly. Option two would be to do the same
5 scenario, but change the numbers in some way
6 that the Zoning Commission sees fit. If the
7 Zoning Commission thinks that the proposed
8 limits on non-PDR should be higher or lower,
9 or different than what we've proposed, option
10 two is make your own table.

11 Option three is that there would
12 be no limit on non-industrial uses in terms of
13 FAR. The FAR could be used in any way that
14 people see fit, but the building would have to
15 be built in such a way that it would
16 accommodate or could be used as flex space for
17 PDR or non-PDR use. It's an alternative to
18 ensuring the availability of industrial that
19 we discussed briefly in our report and our
20 supplemental. It was not looked on favorably
21 by some of the people that we had talked to in
22 this, but it is another option.

1 And then option four is leave
2 things the way they are.

3 CHAIRPERSON HOOD: Office of
4 Planning's recommendation was the first one.

5 MR. PARKER: Option one, right.

6 CHAIRPERSON HOOD: Option one.
7 Help me to understand. Why do we up the
8 height for PDR 1? We gave it 10 more feet.
9 What was the analysis on that?

10 MR. PARKER: It has to do with the
11 fact that we were -- because we're limiting
12 non-PDR use, in an attempt to balance that we
13 raised the overall cap from three FAR to
14 three-and-a-half FAR that you could achieve.
15 Three-and-a-half FAR doesn't match with a cap
16 of 40 feet in that it's generally four to five
17 stories, which in industrial are high stories.
18 You can't fit three-and-a-half FAR in 40 feet,
19 basically. So if we're going to raise the
20 maximum FAR achievable in this zone to three-
21 and-a-half, we need to do a commensurate raise
22 in the height.

1 CHAIRPERSON HOOD: Good. Thank
2 you.

3 I will tell you, colleagues, to
4 get this discussion started, I am in favor of
5 the Office of Planning's recommendation as far
6 as guidance. The last one, and I can't even
7 remember, but I am not in favor of that. It
8 sounds horrible for those residential areas
9 that may be living next to it. But anyway,
10 I'm not in favor of the last one. I'm in
11 favor of Office of Planning's recommendation.

12 Open it up for discussion.

13 COMMISSIONER MAY: Mr. Chairman, I
14 think I generally agree with that, with the
15 Office of Planning and with your position.

16 The one concern that I have is
17 that --

18 CHAIRPERSON HOOD: We record that?

19 COMMISSIONER MAY: However, the
20 thing that still remains a concern for me and
21 might be for others is the question of whether
22 there are certain uses that we still find to

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1 be problematic in PDR zones. And, you know,
2 the existing regulations, residential is, you
3 know, you can't do residential in the CM Zone,
4 right? And so, you know, are there
5 circumstances like that? I understand why now
6 we might have a different view of that, not
7 limited to the fact that we might want to put
8 a homeless shelter in a PDR Zone.

9 CHAIRPERSON HOOD: You like to
10 bring up history, don't you?

11 COMMISSIONER MAY: But no, I was
12 thinking more about things like some of the
13 uses that actually came up in the hearing. I
14 mean, the idea that warehouses, you know, are
15 desirable space for charter schools. I mean,
16 on a certain level, you know, I can understand
17 and appreciate that. I mean, you're looking
18 for low-cost space for a school, for a
19 charter school, but I mean isn't that
20 something that we really want to encourage?
21 Or do we want to have a more protective view
22 in some circumstances that says, you know,

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1 charter schools really aren't appropriate in
2 a warehouse zone. I mean, you know, I can
3 make a very good argument that that's
4 inappropriate. You know, or even churches or,
5 you know, maybe certain types of residential
6 are not appropriate. I'm not sure what.

7 I'm not suggesting that we have to
8 come up with a list of what might be left out.
9 I'm just suggesting that we ought to leave the
10 door open for a discussion of uses that we
11 find objectionable within the PDR Zone.

12 CHAIRPERSON HOOD: Your point is
13 well taken and while I was talking about
14 something in history, but you know, you're
15 right. Sometimes I guess, you have to look
16 out for people, you know, human beings. We
17 have to look out for them. But is it
18 appropriate? I think we're saying the same
19 thing this time, but we might say it a
20 different way. I don't necessarily want to
21 close the door and I don't think if we go with
22 an option that we're exactly closing the door,

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1 because the Commission will have another time
2 to be able to really dissect that and have
3 that conversation. I think that's a very good
4 point.

5 COMMISSIONER MAY: But I think
6 that whatever action we take today, if we want
7 to leave that door open, we ought to leave the
8 door open explicitly and encourage the Office
9 of Planning to examine that question. They
10 may well come back with a recommendation that
11 says, you know, no there shouldn't be any
12 limits and this is why. But I'd like to hear
13 the this is why if that's the circumstance.

14 CHAIRPERSON HOOD: Okay. And I
15 think Mr. Parker is nodding. I've learned
16 that he's nodding his head, so I think he got
17 it.

18 MR. PARKER: I think so. Just to
19 follow up, you talked briefly about
20 residential. Nothing in our recommendations
21 would allow residential in industrial, or in
22 PDR Zones. So that would still be a

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1 prohibited use.

2 Now then the other things you
3 mentioned, the charter schools, etcetera,
4 would be in the non-PDR use, so they'd be
5 limited by FAR. But you'd like us to look at
6 the potential of prohibiting other uses in the
7 PDR Zones?

8 COMMISSIONER MAY: Yes. No, and
9 when you're saying residential uses is
10 completely prohibited?

11 MR. PARKER: The same way they are
12 now except with the exception of artist
13 studies.

14 COMMISSIONER MAY: Well, okay.

15 MR. PARKER: In other words, we
16 haven't recommended changing any use
17 allowances in the PDR Zone. We haven't
18 recommended any changes to the uses that are
19 allowed or not allowed.

20 COMMISSIONER MAY: Right. Artist
21 studies are currently allowed in the PDR Zone?

22 MR. PARKER: Yes.

1 COMMISSIONER MAY: And you can
2 live there?

3 MR. PARKER: Yes.

4 COMMISSIONER MAY: Yes. Okay.
5 All right. I think that we should look at the
6 question of whether there are certain uses
7 that should not be allowed in that
8 circumstance, yes.

9 MR. PARKER: Okay.

10 COMMISSIONER MAY: I mean, it's
11 beyond just residential.

12 MR. PARKER: Okay.

13 CHAIRPERSON HOOD: Commissioner
14 Turnbull?

15 COMMISSIONER TURNBULL: Well, does
16 that change the language on option one, the OP
17 recommendation?

18 MR. PARKER: No. I mean, whatever
19 non-PDR uses that are allowed, right now
20 everything but residential is allowed and
21 would be considered a non-PDR use and limited
22 to that. Even if we prohibit some additional

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1 things in addition to residential, still
2 everything that's allowed that's not PDR would
3 still be limited to that FAR. So it doesn't
4 change anything about this particular
5 recommendation.

6 COMMISSIONER TURNBULL: Okay.

7 CHAIRPERSON HOOD: Okay. So we're
8 going to take the option of the Office of
9 Planning and still leaving the door for
10 further discussion.

11 Now, so number five disappears,
12 right? Is number six still there?

13 MR. PARKER: Yes, it is.

14 COMMISSIONER MAY: Okay. Option
15 one, Office of Planning's recommendation is
16 create uniform buffering standards to apply
17 wherever PDR Zones abut Residential Zones.
18 These standards will replace existing rear
19 yard, side yard and court regulations as well
20 as eliminate the need for existing special
21 exception and overlay standards. Suggested
22 standards are 25-foot yard required adjacent

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1 to residential districts, 15-foot yard
2 required when separated by a street or alley,
3 yard must contain solid vegetative buffer,
4 fence or wall to visually screen use, no
5 outdoor storage of materials/within 200 feet
6 of a Residential Zone. That's option one of
7 Office of Planning's recommendation.

8 Option two is to create uniform
9 standards above for most uses but continue to
10 single out particular uses for additional
11 setbacks.

12 And option three, do not change
13 existing buffer or special exception
14 regulations for industrial uses.

15 I will tell you this, Mr. Parker.
16 I was looking at the report and I noticed that
17 it talked about the solid waste regulations of
18 the Zoning Commission, 300 feet and the City
19 Council, 500 feet. And I'm thinking your
20 report from, I guess an executive
21 administration standpoint of the executive
22 branch, in your report it said that the 500-

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1 foot rule, I guess for getting permits, would
2 govern. Is that the way I read that?

3 MR. PARKER: Correct.

4 CHAIRPERSON HOOD: But in court,
5 if there was an issue, the Zoning Regulations
6 would govern? And I actually read that with
7 particular interest.

8 MR. PARKER: I think ultimately
9 the 500-foot would rule. I mean, no permit
10 could be issued unless it met the stricter of
11 the two. So in any case, the stricter of the
12 two would have to be adhered to, was the legal
13 opinion that came back.

14 MS. STEINGASSER: There are zoning
15 permits and then there is licensing. And the
16 more restrictive comes through the licensing
17 that comes from the Act. So the more
18 restrictive is the 500 feet. So while they
19 may be able to get a zoning permit to open,
20 they would not be able to get a license to
21 operate, so the more restrictive would apply.
22 Because we had that direct discussion with OAG

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1 in our conversation of whether we wanted to
2 bring those two together to match. And OAG
3 advised that that wasn't really necessary
4 because there was licensing and permitting,
5 and the more restrictive would always be the
6 most applicable. Because you couldn't get
7 your license if it was the more restrictive
8 and you didn't meet it and you couldn't get
9 your permit if that was the more restrictive
10 and you didn't meet it.

11 CHAIRPERSON HOOD: I'm just trying
12 to -- because I will tell you, that's a
13 question I've asked for 10 years, and it seems
14 like it changes on me. But I mean, it makes
15 sense. It makes sense. I just never heard it
16 put that way.

17 MS. STEINGASSER: That's how Mr.
18 Bergstein brought it down from the legalese
19 for me to --

20 CHAIRPERSON HOOD: Oh, maybe
21 that's what --

22 MS. STEINGASSER: -- is that you

1 may be able to get your zoning permit at 200
2 feet, but you wouldn't be able to get your
3 license to operate.

4 CHAIRPERSON HOOD: Makes sense.

5 MS. STEINGASSER: So you would
6 never actually open.

7 CHAIRPERSON HOOD: Okay. Thank
8 you.

9 MR. PARKER: So the basic OP
10 recommendation is that we have a standard
11 zoning setback and that would not preclude the
12 council on this case from setting a more
13 restrictive setback for particular uses for
14 licensing requirements. And that would
15 continue to be the case for solid waste.

16 CHAIRPERSON HOOD: And I just
17 really just used that as an example. I wasn't
18 picking on solid waste.

19 Okay. Let me see. Any other
20 questions or comments?

21 I'll guess we'll take the Office
22 of Planning's --

1 COMMISSIONER MAY: Yes, I'm okay
2 with option one, the OP recommendation.

3 CHAIRPERSON HOOD: Okay. Mr.
4 Turnbull? Okay. That's what we'll do.

5 I think that's it, right? Yes,
6 that's it.

7 Okay. Thank you, colleagues.

8 I guess next we'll go to the
9 Office of Planning status report.

10 MS. STEINGASSER: We don't have a
11 written report for you, but we do want to
12 update you on where we are in the parking text
13 that will be coming to you, and Mr. Parker's
14 going to do that also.

15 MR. PARKER: When we last talked
16 parking, OAG and OP had talked about having
17 draft text back to you in February. If we did
18 that right now, it would be incomplete. We
19 are still working through the process in terms
20 of downtown and commercial corridors and some
21 of the other groups of formulating the draft
22 parking maximum recommendations. And we'd

1 like that to be a part of what comes to you.
2 We don't want to bring you part of the parking
3 text and not all of the parking text.

4 So to make a long story short, we
5 would like to hold off on bringing you draft
6 text for parking until we've completed all our
7 work on parking maximums, and that will
8 probably happen after we finish the downtown
9 group, the commercial corridors group and the
10 high-density commercial group. So it would
11 like be fall of 2009.

12 CHAIRPERSON HOOD: Anything else?

13 MS. STEINGASSER: No, sir.

14 CHAIRPERSON HOOD: Okay. All
15 right.

16 I want thank the Office of
17 Planning, as always. We appreciate
18 everything. And also staff of the Office of
19 Zoning, as well as the Office of Attorney
20 General. And again, want to welcome our new
21 colleague. It's good to have him sitting up
22 with us and looking forward to working with

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1 him.

2 Ms. Schellin, do we have anything
3 else for tonight?

4 MS. SCHELLIN: No, sir.

5 CHAIRPERSON HOOD: Okay. With
6 that, this meeting is adjourned.

7 (Whereupon, the hearing was
8 concluded at 8:14 p.m.)

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