GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

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MONDAY

February 9, 2009

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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
GREGORY JEFFRIES, VICE-CHAIRPERSON
WILLIAM WARREN KEATING
MICHAEL TURNBULL
PETER MAY

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTIG, ESQ.
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
STEVE COCHRAN
JOEL LAWSON

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CHAIRPERSON HOOD: This meeting will please come to order.

Good evening ladies and gentlemen.

This is the February 9th, 2009, Public Meeting of the Zoning Commission for the District of Columbia.

My name is Anthony J. Hood.

Joining me this evening are Commissioners Keating, May and Turnbull. We're also joined by the Office of Zoning staff and Office of Attorney General and the Office of Planning.

Okay. Copies of today's meeting are available to you and are located in the bin near the door. Accordingly, I must ask you to refrain from any disruptive noises or actions in the hearing room. Please turn off all beepers and cell phones.

Does the staff have any preliminary matters?
SECRETARY SCHELLIN: No, sir.

CHAIRPERSON HOOD: Ms. Schellin, have we -- do we have an updated agenda?

SECRETARY SCHELLIN: We do not. We did not update the agenda.

We did send out an e-mail to give as much notice as we could so we could just announce which cases.

CHAIRPERSON HOOD: Okay. Is there anyone here for Case No. 08-09. That is the ANC-4C Text and Map Amendments to expand the 16th Street heights overlay district. Anyone here for that?

That will be dealt with on February the 23rd at 6:30. What I would ask, Ms. Schellin, is that the Office of Zoning staff make sure the ANC and I believe the Applicant and others inform what will be dealt with to a particular point at that particular meeting.

The next case that we will not deal with tonight because we are missing the Vice Chair tonight. It's good for all of us to
have input in giving guidance to the Office of Planning is Zoning Commission Case No. 08-06-07, Office of Planning's ZRR Campus and Institutional.

Is there anyone here for that?

Okay. Well, I'll save all my apologies for later. Okay.

Okay. Let's move right along.

Preliminary matters, Ms. Schellin, none.

Hearing Action. Zoning Commission Case 06-10, the Morris & Gwendolyn Cafritz Foundation, 1st Stage PUD and Consolidated PUD & Related Map Amendment at Squares 3765 and 3769.

Mr. Cochran?

MR. COCHRAN: Thank you, Mr. Chair, and members of the Commission.

The Morris and Gwendolyn Cafritz Foundation has applied for the approval of a PUD to construct 1.9 million square foot transit-oriented development on 16-1/2 acres
of land between the Fort Totten Metro Station and South Dakota Avenue just south of Riggs Road, Northeast.

The land is now developed with three warehouses and the Riggs Plaza Apartments, which the Cafritz family constructed 50 years ago.

The site is located in an area of the District that is poised for growth. Fort Totten is a major transfer station and three other development within two blocks of the site are in the planning stages.

There is a potential for this area to become the significant uptown mixed use area that was envisioned in the Comprehensive Plan.

The project would be also consistent with the goals of the plan's housing, transportation and design elements. It's on the eastern border of what the land use element designates as the Fort Totten special treatment area and the PUD would be
consistent with that special treatment area's goals.

The overall project would have 826 apartments. Twenty percent of those would be affordable. There would be approximately 900,000 square feet of retail, cultural and public space. Building heights would range from three to eight stories. They would be contained in five buildings. The PUD would have an FAR of 2.9.

There would be just under 2,300 parking spaces. Of these 600 would be for the apartments for an average parking space to unit ratio of 0.87.

It's the Applicant's intention to achieve all of this within a two-stage PUD for much of the site and a consolidated PUD for this other portion.

The Applicant includes a request to rezone the site from R-5-A and FTC-3-A to entirely C-2-B in association with the PUD.

Now, is you would turn to the plan
that's on page 8 of OP's report, it's the Site
Plan that has the buildings labeled A, B, D
and C. It's in color.

The consolidated PUD is at the
bottom of that Site Plan. It's labeled
Building A and it would be located south of an
extension of Ingraham Street, that the
Applicant proposes to construct. Ingraham
Street would cross over South Dakota Avenue
and go west.

Building A would be a five-story
building with 426 apartments and shops along
South Dakota Avenue, including a space that
would be reserved for a large grocery.

About a third of the units would be
affordable at levels ranging from 30 percent
to 80 percent of the area medium income. Most
of them would be for the remaining residence
of Riggs Plaza Apartments and would include
everly housing and age-in-place units. The
other two thirds of the units would be for
market rate housing.
North of this, north of the proposed Ingraham Street extension would be the preliminary or second-stage PUD. This would consist of buildings B, C and D.

The three-story building B and the seven-story building D would be located along South Dakota Avenue. They would have space for a mix of retail, cultural and public uses.

There would be a public plaza between the two buildings at the intersection of South Dakota Avenue and a realigned Kennedy Street.

Building C would be located at the northwest corner of the site and it would be eight stories high. This would contain 370 market-rate apartments and 30 short-term apartments, performers that would be using some of the cultural spaces in other buildings.

Building C has also been designed to permit a northward extension of the proposed street system should that become appropriated if there's a change in the use on
the site to the north.

The project's public benefits would include both the market rate and affordable housing, some of which would be reserved for households making as little as 30 percent of the AMI. The ability to relocate existing residents on site, significant space for retail and cultural uses and public uses about which the Applicant is having discussions with the District.

The amenities would include a revised street system that would allow autos and pedestrians better connection to the Metro, two public plazas and a landscape setback from South Dakota Avenue.

The Applicant has already clarified many of the items OP had noted in its report. And discussions are continuing with the Department of the Environment on mitigation for a small wetland on the site with DDOT for finalizing the transportation demand management plan and with the architect for
refinement of the facades.

The Office of Planning is comfortable that these matters will be resolved by the public hearing.

Overall, the proposed project would further the objectives of the Comprehensive Plan, make a significant contribution to the Fort Totten's neighborhood's retail and cultural offerings, further the District's transit-oriented development and sustainability roles and bring new residents to the Metro Station area, providing a mix of housing types that would help insure that elderly workforce and less advantaged households would remain able to find homes in the Fort Totten area.

Office of Planning recommends the Commission set this application down for a public hearing.

I'm available for questions.

COMMISSIONER TURNBULL: Mr. Cochran. I apologize, I didn't look at the
map book to see how much of this is covered by the overlay.

Is all of the property covered by the overlay currently?

MR. COCHRAN: No. A small portion of it. Essentially most of the area where Building C would be is covered by the Fort Totten overlay.

We actually did an analysis of what the view would be like from Fort Totten. You can see that in the OP Report. And concluded that there would not be a significant impact.

COMMISSIONER TURNBULL: I guess that was mine and, again, I did not look up what the overlay covers explicitly as far as requirements. And I guess that's what I was going to ask you to summarize what we're losing or gaining or is there nothing?

MR. COCHRAN: There is a height limitation within the Fort Totten overlay. And you can see from the map that's in the
report that very areas would have any impact from a building that's only eight stories high.

COMMISSIONER TURNBULL: Okay. Thank you.

CHAIRPERSON HOOD: Any other questions?

Commissioner May?

COMMISSIONER MAY: Yes. I saw a reference in the package that the project would be LEED-certified.

MR. COCHRAN: I believe that the Applicant will strive to achieve LEED certification. No Applicant can guarantee that something will be LEED-certified.

COMMISSIONER MAY: Right. I understand that.

LEED-certified, given what we are - - the normal flow of things you usually wind up seeing things that are coming in at LEED silver and not just, you know, maybe LEED-certified. So, I don't know what they -- the
intend is there but --

MR. COCHRAN: To clarify that later on in the process.

COMMISSIONER MAY: Yes. It would be good to know.

And it's always good to see the checklist as part of the information that eventually gets submitted for the hearing.

And this is a very large complicated PUD overall, but you know, we got a reasonably good picture of it from what's been submitted but I'm, given some recent experience that we've had with the level of information that has been submitted on some residential projects, I would just be very concerned that we make sure that we get all the stuff that we're accustomed to receiving in terms of the drawings and the level of detail and large elevations that are not just, you know, Xeroxed and blown up to 200 percent which is what we've actually had in some cases.
Do you know whether there has been any consultation with the Park Service -- National Park Service which controls the property across the street?

MR. COCHRAN: I'm not aware of any.

COMMISSIONER MAY: Okay. I'm not aware of any either, but I wouldn't necessarily. But it's worth making sure because what I saw in the package was a notification of GSA. You know, the U.S. Government is a property holder, but the notification went to GSA and I'm not sure that would have gotten to the Park Service.

Usually when these things -- when the notices are sent out they do come through my office so I can see that they occur. I don't participate in the consultation. But I didn't recall seeing anything from this circumstance.

Is there -- do we have any sense of what else is going to be happening in the surrounding area and, you know, what I'm
thinking about particularly is, you know, what's going to be happening with the Food and Friends warehouse. Is anything going to be done to, you know, I guess, urbanize the intersection of South Dakota and Riggs Road, you know, as opposed to this sort of high-speed, three-way kind of interchange that we have now?

MR. COCHRAN: My information is based on where things were before the current economic situation. The District is planning to reconfigure the intersection of Riggs and South Dakota to make it less of a -- sort of a partial free-flow movement intersection, become a fully signalized intersection.

The area that's now defined by the roads and the sort of curving ramp type spaces would be incorporated into future developable land.

There are two developments that are proposed for the east side of the street. Again, I don't know the current status of
them. One would be a major retail and apartment development on the southeast corner of Riggs and South Dakota. The other would be, I believe, primarily retail development and smaller in scale on the north side of Riggs Road and again east of South Dakota.

COMMISSIONER MAY: Okay. It would be interesting to know a little bit more about that if it's available. I'm not asking for any --

MR. COCHRAN: Absolutely.

COMMISSIONER MAY: -- additional work or anything but if we have a sense of how this is all going to come together.

And, in particular, well, I asked specifically about Food and Friends. Do you know anything about whether that's --

MR. COCHRAN: They're not planning to move at this point. But we anticipate that the land values will continue to go up here over the next decade or so, so we've asked the Applicant just in case Food and Friends moves
to take what is being proposed for Third
Street and then make sure that an extension of
Third Street could go in between the two
sections of Building C should Food and Friends
move, should that site be developed either by
maybe the Applicant in the future or someone
else. And at least we wouldn't be precluding
the possibility of taking Third Street all the
way to Riggs Road.

COMMISSIONER MAY: Third Street is
what ends now with a circle?

MR. COCHRAN: That's correct.

COMMISSIONER MAY: Right behind
Food and Friends there?

MR. COCHRAN: Right.

COMMISSIONER MAY: Okay. Yes. I
mean, that's kind of what I was thinking that
ultimately --

MR. COCHRAN: And the Applicant
would be connecting the two sections of the
building above grade.

COMMISSIONER MAY: Right.
MR. COCHRAN: So, you'll still be able to get a road under there.

COMMISSIONER MAY: Yes. Yes.

There's sort of a growing, you know, urbanism that's developing here and then these smatterings of warehouse that's left over. It would be good to know that it's all going to come together in a cohesive whole and that it's going to make sense with the intersection.

It sounds like that's all, you know, in the pipeline. So, I'm glad to hear it.

All right. Thanks.

CHAIRPERSON HOOD: Okay. Mr. Cochran, no offense, but I guess I probably should put this on the record. I grew up in the neighborhood so I want to make sure that's on the record so nothing comes back to haunt me in these days.

But, anyway, that's where we are.

But let me just say this. In your
report, no offense, you have Bertie Backus. It says Bertie Backus and it was a middle school. And it was a middle school and it closed. Prior to that it was a junior high school.

MR. COCHRAN: Thank you for the correction.

CHAIRPERSON HOOD: Just for the record. Actually the school I attended. Let me look here at coming out off of South Dakota and Riggs as you bear off and I know the Office of Planning is very well aware of that area because I happened to see you all, Mr. Lawson, out there one Friday in the afternoon all standing on the corner.

So, anyway, and I think I've had an explanation of exactly what that was all about.

I don't necessarily need an answer tonight. One of my concerns is the use and I know it's some actions that have taken place there in the past and some intensity of use.
But I think the intensity is picking up and as you come off there is a ramp that has always been an issue and we don't have to answer it tonight. But I want to make sure the Applicant is aware that I'm going to be looking at that because it's actually very dangerous for years coming off -- turning onto South Dakota and coming off of Riggs Road when you're coming to the right as opposed to keeping straight.

You come off -- you come around by Foods and Friends and you just keep right on going until you get to the first traffic light I think prior to reaching the school. So, that's a concern and it may be addressed in the report we have here in the submission dated -- whatever the date is. It was October 8.

MR. COCHRAN: Mr. Chair, that's one of the primary concerns of the Department of Transportation now and was one of the motivations behind looking at the intersection
reconfiguration.

CHAIRPERSON HOOD: Okay. So, they already --

MR. COCHRAN: They are definitely aware of that.

CHAIRPERSON HOOD: But I wanted to make sure that that's one of the things I'm going to be looking at.

Also, with the proposal of what's still up in discussion about across the street with the uses of Bertie Backus, the middle school and what we're getting ready to do here on this site. Has that -- was that take -- well, was that taken under consideration when the school -- that maybe not going on.

I was going to ask you was that taken into consideration when the school was closed but I guess you probably wouldn't know about that. Because I'm thinking well now we're getting ready to come up with some apartments, some new apartments which is going to have, I'm sure younger -- I guess -- I
assume younger families. And I was just wondering was all that taken into consideration -- Ms. Steingasser would be able to help me with this.

MS. STEINGASSER: The Office of Planning wasn't involved. That's made by the Chancellor and the Mayor on how the schools were closed. However, with any PUD, it will be circulated to DCPS to make sure that there is capacity. I do believe that they were -- they did consider future growth of all the neighborhoods.

CHAIRPERSON HOOD: Okay. Okay.

In these streets now, the streets that we're talking about extending -- again, I think -- I think -- let me just wait for the hearing. I think that can be answered at the hearing because as Mr. Cochran has already said that the -- DDOT is still looking at some intersection changes.

You know what? This is all I'm going to ask at this point.
Any other questions, colleagues?

COMMISSIONER MAY: I just wanted to -- I was curious about what's actually happening with Bertie Backus right now or what the short-term plan is for it. Was there a use intended?

MS. STEINGASSER: I don't know. I'd have to get back to you. I don't know whether it was --

CHAIRPERSON HOOD: We had a -- remember we had a use. Now, I understand. There's a meeting tonight. Maybe if we get out of here early we can find out.

But, no, I'm not going. There's a meeting tonight, the discussion about the reuse of Bertie Backus and it's not the DMV.

COMMISSIONER MAY: It's not.

CHAIRPERSON HOOD: I'm being told that --

COMMISSIONER MAY: I remember you asking that question.

CHAIRPERSON HOOD: I've asked that
question a thousand times. I just thought it was but imagine it is not from what I've been hearing in the community.

COMMISSIONER MAY: Okay. It would be nice to know what that is if we know when the hearing comes around.

CHAIRPERSON HOOD: Okay.

COMMISSIONER MAY: Do we know with regard to the branch library there? Do we know what the plans are for that branch? Is it in good shape and going to stay as it is? Is it going to be renovated or replaced? Do we know anything about it?

MR. COCHRAN: I don't know about the branch. I know the Applicant has begun conversations with the library system without possibly including a branch library in their development.

COMMISSIONER MAY: That's right. I remember reading that they were -- that's one of the possible uses. Okay.

Well, I assume we'll get clarity on
that as we go on I would assume.

Thanks.

CHAIRPERSON HOOD: And the only

other question.

We're going to hound this and I'm

looking. Are we being asked to review a first

stage PUD and then a second stage or combined?

Consolidated?

MR. COCHRAN: Everything above

Ingraham, the proposed extension of Ingraham

Street will be a preliminary PUD. The area

below that near Ingraham Street would be a

consolidated PUD. So, you'll be asked to set

down and to have a hearing on both of those,

just at different stages of their development.

CHAIRPERSON HOOD: Basically, the

second consolidated would just be basically

Building A. Everything else --

MR. COCHRAN: Consolidated is A.

Right. The rest is seconds. Yes.

CHAIRPERSON HOOD: Okay. Got you.

Any other questions.
Okay. With that, I would move that we set down Zoning Commission Case No. 06 -- that we set down Zoning Commission Case No. 06-10 and I would ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRPERSON HOOD: Moved and properly seconded.

Any further discussion?

All those in favor?

(AYES)

CHAIRPERSON HOOD: Any opposition?

Staff, would you record the vote?

And, Ms. Schellin, do you have a proxy?

SECRETARY SCHELLIN: No.

CHAIRPERSON HOOD: Staff records the vote four to zero to one to set down Case No. 06-10. It's a contested case.

Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners Keating and May in support.

Commissioner Jeffries not present,
not voting.

CHAIRPERSON HOOD: Okay. Thank you.

Thank you, Mr. Cochran and Ms. Steingasser and Mr. Lawson.

Okay. Next on our agenda is under Final Action, we have two items.

Zoning Commission Case No. 08-16 and also Zoning Commission Case No. 08-16A.

Ms. Schellin.

SECRETARY SCHELLIN: We did receive a report from NCPC for both of these cases and they did not have any issues with either case.

CHAIRPERSON HOOD: Thank you, Ms. Schellin.

We have received the report from the National -- NCPC as Ms. Schellin stated. There's no adverse effects on the federal interest. And what I would like to do, colleagues, I would move and block Zoning Commission Case No. 08-16 and Zoning
Commission Case No. 08-16A and ask for a second.

COMMISSIONER MAY: Second.

CHAIRPERSON HOOD: Any discussion?

Any discussion?

All those in favor?

(AYES)

CHAIRPERSON HOOD: Any opposition?

Hearing none, Ms. Schellin, could you record the vote?

SECRETARY SCHELLIN: The staff records the vote three to zero to two to approve Zoning Commission Case No. 08-16 and 08-16A.

Commissioner Hood moving, Commissioner May seconding. Commissioner Turnbull in support. Commissioner Jeffries not present, not voting. The third mayoral appointee seat vacant, not voting.

CHAIRPERSON HOOD: Okay.

Next we have our status -- we have our reminder schedule. No correspondence.
The reminder schedule we have in front of us.

The status report, Office of Planning.

MS. STEINGASSER: We have nothing to report new this week.

CHAIRPERSON HOOD: Okay. Any questions for the Office of Planning?

Okay. Thank you very much. Now, we have other business, election of officers.

Colleagues, how would you like to proceed?

COMMISSIONER KEATING: Mr. Chairman, I move that the Vice Chair and yourself, the Chair remain in your positions.

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

COMMISSIONER MAY: Second.

CHAIRPERSON HOOD: Moved and properly seconded.

Any further discussion?

All those in favor?
(AYES)

CHAIRPERSON HOOD: Not hearing any opposition, staff, would you record the vote?

SECRETARY SCHELLIN: Yes. Staff records the vote four to zero to one in favor of Commissioner Hood remaining Chairman and Commissioner Jeffries remaining Vice Chairman.

Commissioner Keating making the motion. Commissioner May seconding the motion and Commissioners Hood and Turnbull in support. Commissioner Jeffries not present, not voting.

Congratulations.

CHAIRPERSON HOOD: I thank my colleagues again and I'm on behalf of Vice Chair Jeffries we appreciate the opportunity again to serve in that capacity.

Ms. Schellin, do we have anything else tonight?

SECRETARY SCHELLIN: No, sir.

CHAIRPERSON HOOD: Okay. With that, this meeting is adjourned.
(Whereupon, the above matter was concluded at 7:05 p.m.)