

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

DECEMBER 09, 2013

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

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PRESENT (CONT'D)

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

BRANDICE ELLIOTT

STEPHEN MORDFIN

JOEL LAWSON

MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

JACOB RITTING

The transcript constitutes the
minutes from the Regular meeting held on
December 09, 2013.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

<u>WELCOME</u>	3
<u>PRELIMINARY MATTERS:</u>	5
<u>FINAL ACTION:</u>	
ZC CASE NO. 13-05 Vote: Five, zero, zero to approve	10
ZC CASE NOS. 09-03A AND 09-03B Vote: Five, zero, zero to approve	15
ZC CASE NO. 05-28J Vote: Five, zero, zero to approve	21
<u>HEARING ACTION:</u>	
ZC CASE NO. 13-10 Vote: Five, zero, zero to approve	30
ZC CASE NO. 13-15 Vote: Five, zero, zero to approve	44
<u>ADJOURNMENT:</u>	49

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

6:41 p.m.

CHAIRMAN HOOD: This meeting would please come to order.

Good evening, ladies and gentlemen. This is the 1,275th meeting of the Zoning Commission, the 22nd of 2013, on Monday, December 9, 2013, at approximately 6:40 p.m.

We're located in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioners Miller, May and Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin; Office of the Attorney General Staff, Mr. Alan Bergstein and Mr. Redding; Office of Planning, Ms. Steingasser and Mr. Lawson, Mr. Mordfin and Ms. Elliott.

Copies of today's meeting agenda are available to you and are located in the bin at the door. We do not take any public testimony at our meetings unless the Commission requests someone to come forward.

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2 is being recorded by a court reporter and its
3 also webcast live. Accordingly, we must ask you
4 to refrain from any disruptive noises or actions
5 in the hearing room. Please turn off all beepers
6 and cell phones. Also signs are not permitted.

7 Does the staff have any preliminary
8 matters?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: If not, let us proceed
11 with our agenda.

12 Commissioners, first, on the agenda,
13 as has been noted, we'd like to talk about the
14 preliminary matter that I have is that we talk
15 about how we're going to proceed with Zoning
16 Commission Case No. 08-06A, the ZRR next steps.
17 This is per the hearing being scheduled which has
18 been noticed and notifications are going out.

19 On Thursday, January 30, 2014, the
20 Zoning Commission is taking the show on the road.

21 At 6:00 p.m., we're going to the John A. Wilson
22 Building in Room 412. And that hearing has been

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1 scheduled to hear testimony from the ANCs, and
2 ANCs only.

3 Any questions on that, Commissioners?

4 (No audible response.)

5 CHAIRMAN HOOD: We're all on the same
6 page?

7 (No audible response.)

8 CHAIRMAN HOOD: The next thing is also
9 again with our show on the road, we're planning
10 to hold four further hearings in Wards 1 and 2, 3
11 and 4, 5 and 6 and 7 and 8. These hearings will
12 be held to hear testimony from those who have not
13 already provided testimony before the Commission
14 about the ZRR. Dates for those will be announced
15 in the very near future.

16 Again, we want to make sure we had a
17 wide representation of who will come down here to
18 testify in front of us. So if we can't get them
19 here, we're going to go to them. And I think the
20 Commission has decided to do that.

21 Any questions on that or comments?

22 VICE CHAIR COHEN: No, sir.

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1 CHAIRMAN HOOD: And I will implore
2 those who are watching and those in the audience
3 to make sure you get the word out that the Zoning
4 Commission is going to the Wards -- 1 and 2, 3
5 and 4, 5 and 6, and 7 and 8.

6 Any questions?

7 (Applause.)

8 COMMISSIONER MILLER: Mr. Chairman, we
9 haven't set the dates yet because I guess we
10 don't have the locations pinned down. But is
11 there a general time frame of when these are
12 going to be? Are we trying to have these
13 hearings in February after the ANC?

14 CHAIRMAN HOOD: Well, it will be after
15 the ANC January, so we're probably looking at
16 February. I'm hoping we won't get a whole lot of
17 snow. But we're going to make it work.

18 COMMISSIONER MILLER: Okay.

19 CHAIRMAN HOOD: Okay?

20 Any other questions on that?

21 I think right now the goal is to close
22 the record on March 3 of 2014 in that case. Then

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1 we can change it at any point in time. But
2 that's the goal.

3 And I think when we looked at the
4 date, March the 1st is on a Friday. But the 3rd is
5 on a Saturday. And we definitely don't want to
6 close it then. And we don't want to do the
7 Friday before that because it gives any
8 additional person more time that we can be able
9 to provide something to the record.

10 So are we all in agreement?

11 COMMISSIONER MILLER: This is a goal
12 but not necessarily a decision where we make the
13 decision after the hearings?

14 CHAIRMAN HOOD: Well, the goal is to
15 set it for March 3rd.

16 I guess we need to give some -- well,
17 it could change. I mean, the only thing we can
18 do is extend it. I don't think we would shorten
19 it.

20 COMMISSIONER MILLER: Right.

21 CHAIRMAN HOOD: Okay. We will
22 definitely not shorten it. We would extend it if

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1 we see we need to as we go along.

2 COMMISSIONER MILLER: Right.

3 CHAIRMAN HOOD: But that's what we
4 have.

5 I know that the Office of Zoning has
6 worked very hard in getting the word out. And I
7 would ask everyone to get the word out even
8 though we're looking at somewhere around February
9 to come to the Wards. So we couldn't get
10 everybody here. So the Zoning Commission is
11 going to come to you. Okay?

12 Oh, yes. The record will remain open
13 until 5:00 p.m., March the 3rd.

14 Actually, let's do this. Let's have
15 the record open until March 3rd until 3:00 p.m.
16 Okay? Let's do 3:00 p.m., not 5:00 p.m. Let's
17 do 3:00 p.m.

18 Okay. That will give staff some time
19 to try to juggle things. We don't want to wait
20 until the last minute until the office closes.

21 Okay. Anything else?

22 (No audible response.)

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1 CHAIRMAN HOOD: All right. Let's go
2 along with our agenda.

3 And we will probably be repeating this
4 more and more as we go along.

5 Next, Final Action, Zoning Commission
6 Case No. 13-05. This is Forest City, Washington,
7 1st-Stage and 2nd-Stage PUDs and Related Map
8 Amendment at Squares 744S and 744SS.

9 Ms. Schellin?

10 MS. SCHELLIN: Yes, sir.

11 Exhibits 29, 31 through 31D and 32 are
12 the Applicant's first hearing submissions.
13 Exhibit 30 is the supplemental DDOT report.
14 Exhibit 33 is DC Water's response to Applicant's
15 post-hearing submission. And Exhibit 34 is ANC
16 SMD 6D07's submission.

17 CHAIRMAN HOOD: Okay, Commissioners,
18 we've heard all the relative submissions that
19 some of us may have asked for. And if you look
20 at the audit, it's in Exhibit 31 and 31D dated
21 November 12. And the other submissions have
22 already been noted by Ms. Schellin. I don't want

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1 to be redundant.

2 Let me open it up for any comments.

3 COMMISSIONER TURNBULL: Mr. Chair, I
4 think my major concern was the lights in the
5 parking garage. I was concerned about how
6 visible lights would be if you'd look up at this
7 prominent structure.

8 And I didn't get exactly what I wanted
9 as far as placement of lights. But the rendering
10 that I'm looking at would appear to generate that
11 you cannot see any lights. So I'm going to hold
12 the Applicant to that, that lights are not
13 visible from the inside of the structure.

14 CHAIRMAN HOOD: So Mr. Turnbull, does
15 that satisfy?

16 COMMISSIONER TURNBULL: Well, it
17 satisfies it based upon what I'm looking at. I
18 mean, I'm not sure whether it's accurate totally.

19 I did not see any placement of lights that would
20 sort of indicate where they are in the garage. I
21 think I had asked for that.

22 But their rendering that I'm looking

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1 at shows a very dark-looking screen mesh that
2 would appear to be not generating or a very low
3 level of uniform light coming up which is I think
4 what we wanted. We didn't want to look up and
5 see a structure at this location where you'd see
6 bulbs and rather glaring lights coming out for
7 those couple of floors.

8 So notwithstanding that this rendering
9 on A73 does not sort of appear to show any of
10 that, I am basing my approval on the fact that
11 they've solved the problem and we will not see
12 any lights from the street looking up into the
13 garage.

14 CHAIRMAN HOOD: Okay. You know this
15 is a Final Action. So you feel comfortable? I
16 just wanted to make sure.

17 COMMISSIONER TURNBULL: Well, based
18 upon what we're seeing, if this is what the
19 Applicant is proposing on 873 that -- I don't
20 remember whether -- however the Office of
21 Planning looked at this, but I mean, this is what
22 I'm looking at. And it's showing that you're not

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1 really seeing any lights.

2 So I'm willing to go ahead. But I
3 guess the Zoning Administrator -- somebody can
4 make a ruling later on if we do see light bulbs
5 up there.

6 CHAIRMAN HOOD: Okay. Any other
7 comments?

8 (No audible response.)

9 CHAIRMAN HOOD: Okay. Not seeing any,
10 would somebody like to make a motion or anything
11 that we're missing?

12 Vice Chair Cohen?

13 VICE CHAIR COHEN: Mr. Chairman, i
14 will be happy to make a motion to approve Zoning
15 Case No. 13-05, Forest City Washington, also
16 known as DC Water-occupied lots.

17 COMMISSIONER MILLER: Second.

18 CHAIRMAN HOOD: It's been moved and
19 properly seconded.

20 Any further discussion?

21 (No audible response.)

22 CHAIRMAN HOOD: All those in favor?

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1 (A CHORUS OF AYES.)

2 CHAIRMAN HOOD: Not hearing any
3 opposition, Ms. Schellin, would you please record
4 the vote?

5 MS. SCHELLIN: Staff records the vote
6 as five to zero to zero; Commissioner Cohen
7 moving; Commissioner Miller seconding;
8 Commissioners Hood, May and Turnbull in support.

9 CHAIRMAN HOOD: Okay. Next, I'm going
10 to call both cases.

11 Zoning Commission Case No. 09-03A;
12 this is Skyland Holdings, LLC, PUD Modification
13 at Square 5632, and all; and also Zoning
14 Commission Case No. 09-03B. This is Skyland
15 Holdings, LLC, Two-Year PUD Time Extension at
16 Square 5632, and all.

17 Ms. Schellin?

18 MS. SCHELLIN: Yes, sir. For the
19 first case, the PUD modification in Exhibits 52
20 and 52A have the Applicant's post-hearing
21 submission.

22 And for the two-year time extension

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1 case, the Applicant is requesting the two-year
2 PUD time extension citing the fact that the case
3 has been tied up in litigation and other factors
4 that have been beyond the Applicant's control as
5 reasons for the granting of the extension.
6 Exhibit 8 in that case is an OP report in support
7 of the extension.

8 We'd ask the Commission to consider
9 final action on both cases.

10 CHAIRMAN HOOD: Okay. Colleagues, we
11 have the time extension as well as the
12 modification in front of us. Any comments?

13 (No audible response.)

14 CHAIRMAN HOOD: I actually don't have
15 any on either one. I will be voting in support
16 of the time extension.

17 Any comments or questions?

18 COMMISSIONER MAY: A comment. We saw
19 some modifications to the design. It's out on
20 Naylor Road. And it was a return closer to what
21 was there originally. But it's improved over
22 what was there originally which we wanted to have

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1 changed. And it's a significant improvement over
2 the last thing we saw which I don't think any of
3 us were really in love with.

4 So I think it's acceptable. I was
5 hoping for something more interesting and
6 exciting in that little bit of that wide sidewalk
7 but I'm satisfied with what we have.

8 CHAIRMAN HOOD: Okay. And actually,
9 since we commented on that after we went back and
10 forth through iterations, this is not a show
11 stopper to me, but I actually like the first
12 reiteration. I don't want to put the Applicant
13 through all that.

14 I liked what was originally sent to us
15 to begin with when I looked at it. But anyway, I
16 think it's always in the eye of the beholder.
17 But I think if we had left it alone, I think it
18 would have looked a lot better.

19 Commissioner Miller?

20 COMMISSIONER MILLER: I would agree
21 with you, Mr. Chairman. I think that the lower
22 screens in the first iteration with the white

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1 bands provided some relief from the darkness of
2 the later iteration. But I think we gave a lot
3 of mixed signals, I think, throughout. And so,
4 it is a simplified screen. And I think it would
5 have been good if the Applicant had taken it out.

6 And maybe there's still an opportunity to take
7 it up with Commissioner May's suggestion to do an
8 art mural or some kind of civic art there.

9 But I'm prepared to support final
10 action tonight.

11 CHAIRMAN HOOD: I wonder if it would
12 be improper to approve both hoping they'd go back
13 to the original. Is anybody open for that?

14 COMMISSIONER MAY: No.

15 VICE CHAIR COHEN: No.

16 CHAIRMAN HOOD: Anybody else?

17 (No audible response.)

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER MAY: It's very similar
20 to what they had --

21 CHAIRMAN HOOD: It's very similar --

22 COMMISSIONER MAY: -- originally. And

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1 I mean, it's simplified in a good way. I think
2 there's some issues with the original which is
3 why I wanted them to go -- I mean, I think
4 actually I was more interested in what they would
5 do with the space than with the wall. And it
6 wound up in a very strange direction.

7 CHAIRMAN HOOD: Yes. I would agree.
8 Commissioner May and I don't have a vote. So I
9 just wanted to say that we went in that direction
10 anyway.

11 Anything else? That's just this
12 Commissioner's. But it's not a show stopper for
13 me. All right? Okay.

14 All right. Would somebody like to --
15 anything else?

16 COMMISSIONER TURNBULL: Mr. Chair, if
17 everything's okay, I'll make a motion.

18 I would move that we approve Zoning
19 Commission Case 09-03A, Skyland Holdings, LLC,
20 PUD Modification at Squares 5632, et cetera, et
21 cetera, and Zoning Commission No. 09-03B, Skyland
22 Holdings, LLC, Two-Year PUD Time Extension at

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1 Squares 5632, et cetera, and look for a second.

2 COMMISSIONER MILLER: I would second
3 that.

4 VICE CHAIR COHEN: Second.

5 CHAIRMAN HOOD: Okay. It's been moved
6 and properly seconded as two seconds. So we're
7 really trying to get through this. I think this
8 is long overdue.

9 So it's moved and properly seconded.

10 Any further discussion?

11 (No audible response.)

12 CHAIRMAN HOOD: All those in favor?

13 (A CHORUS OF AYES.)

14 CHAIRMAN HOOD: Any opposition?

15 (No audible response.)

16 CHAIRMAN HOOD: Staff, would you
17 record the vote?

18 MS. SCHELLIN: Staff records it five
19 to zero to zero to approved final action Zoning
20 Commission Case Nos. 09-03A and 09-03B;
21 Commissioner Turnbull moving; Commissioner Cohen
22 seconding; Commissioners Hood, May and Miller in

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1 support.

2 CHAIRMAN HOOD: Okay. Next, we have
3 Zoning Commission Case No. 05-28J and 05/28K, CI
4 GD Parkside 7, LLC, Modification to 1st-Stage PUD
5 and 2nd-Stage PUD at Square 5041.

6 Ms. Schellin?

7 MS. SCHELLIN: Yes, sir. Exhibits 26,
8 28 through 28C and 29, we have the Applicant's
9 first hearing submissions. We'd ask the
10 Commission to consider final action this evening.

11 CHAIRMAN HOOD: Okay. Let's open it
12 up. Any comments?

13 VICE CHAIR COHEN: Yes.

14 CHAIRMAN HOOD: Vice Chair?

15 VICE CHAIR COHEN: Mr. Chairman, just
16 a few comments on the Zoning order itself.

17 On page seven, 1st-Stage Modification,
18 paragraph 36, the sentence under D, Parking, I
19 would just suggest that we note the date of the
20 revised plans that replaced the 1st-stage PUD.
21 It's mentioned later on in the Zoning order, but
22 I think it may be helpful to have it here as well

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1 so there's no confusion.

2 I believe that this project also meets
3 LEED neighborhood -- I think it's ND --
4 requirements. But I didn't see it in the Zoning
5 order. And so, I think we may want to re-visit
6 that.

7 And then lastly, I think we need a
8 clarification with regard to the Affordable and
9 Workforce Housing under paragraph 42 that the
10 Affordable Housing requirement represents 40
11 percent of the total affordable housing
12 contribution. Well, yes. No, never mind.
13 Because well, I did some calculation, and it was
14 confusing when it said 19 percent of the total
15 approved 1500 units when if you do the math, it
16 says 12 percent. So I just think we need to have
17 a clarification of that.

18 I did discuss it with the Office of
19 the Attorney General, and I just want to make
20 sure that this is really, really clear.

21 CHAIRMAN HOOD: Okay. Can we hold for
22 one second?

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1 Ms. Schellin, Mr. Mike DeBonis is here
2 and he came to hear about the ZRR to help us with
3 the promotion of that. He missed that. So if he
4 can maybe come up and see Ms. Schellin, maybe we
5 can find a way to give him the news so he can
6 help us with this advertisement.

7 MS. SCHELLIN: Okay.

8 CHAIRMAN HOOD: So if you could share
9 it. But that was already done.

10 So I would hope that he could help us.
11 Hopefully, I'm not putting him on the spot. But
12 hopefully, he can help us. Okay.

13 Okay. Let's go back. I'm sorry, Vice
14 Chair.

15 VICE CHAIR COHEN: No, I was finished.
16 So unless anybody else has further statements,
17 I'm willing to move ahead and make a motion to
18 approve this application.

19 CHAIRMAN HOOD: Any other comments?
20 Commissioner Miller?

21 COMMISSIONER MILLER: Just in response
22 to THE Vice Chair's comment, I do see a reference

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1 to LEED on page 13 of the OAG draft order. I
2 guess it's paragraph 55 -- the end of paragraph
3 55D -- the LEED ND is referred to.

4 VICE CHAIR COHEN: Oh, okay. Great.
5 Thank you for pointing that out.

6 COMMISSIONER MILLER: I agree. The
7 other areas could use a little bit of
8 clarification because it was a little confusing.

9 VICE CHAIR COHEN: All right. Well,
10 thank you for pointing that out, Commissioner.

11 And so, I will move to approve Zoning
12 Case No. 05-28J/K, Application of CI GD Parkside
13 7, LLC for approval of a modification to approve
14 a 1st-Stage Planned Unit Development and approval
15 of a 2nd-Stage application for the Parkside Planned
16 Unit Development, Square 5041, Lot 808.

17 COMMISSIONER MILLER: I would second
18 that.

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

21 Any further discussion? Commissioner
22 May?

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1 COMMISSIONER MAY: Yes. Okay. So
2 there are a few things architectural that were up
3 in the air when we saw it last. One was the
4 transformer enclosure which may have moved from a
5 brick wall to a wood-like material. And now
6 they're drawn all the way to wood.

7 I will now go along with it, but I
8 don't think this is the right direction. I mean,
9 this is one where we should go back to where we
10 originally were.

11 And in the very first, we didn't
12 suggest that it be changed. The Applicant
13 changed it on their own. But the original
14 version of this was brick with an iron gate. And
15 I just think that that's more fitting for the
16 rest of the surrounding.

17 But I'll go along with it but not
18 without commenting on it.

19 They also declined to take my advice
20 to do a little more work on the lofts where they
21 have those extra little roof pavilions for the
22 units on the top floor. It's mostly out of

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1 concern for the long-term upkeep of the building.

2 I think that they're buying a lot more flashing
3 than they really have to if they had just
4 designed it a little differently.

5 But again, that's not a key issue for
6 us. Certainly, it's below the height that's
7 allowed. So it's not a big issue.

8 The last thing I would just complain
9 about is the fact that the facade has been
10 peppered with all of these little vents which I
11 think is a significant negative. And I'm saying
12 this not so much in this case -- because I'm
13 ready to just go along at this point and sign off
14 on it -- but for all the other applicants out
15 there who want to do residential housing who need
16 to integrate louvers and vents into the facade of
17 the building. They need to integrate it into the
18 facade and not simply place it symmetrically and
19 paint it the same color. That's not integrating
20 it. And I think what we're seeing, it just looks
21 cheap. And there are other adjectives I could
22 use that I probably don't want to be quoted on.

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1 Anyway, it's just not good. So this
2 is a lecture. I see a few lawyers in the
3 audience sort of nodding their heads. At least
4 they'll carry that word back to their friends. I
5 see a few architects, too.

6 So, anyway, thank you very much.

7 CHAIRMAN HOOD: Were you trying to
8 draw up your support because I didn't see
9 anybody's head nod?

10 COMMISSIONER MAY: Oh, no.

11 (LAUGHTER.)

12 CHAIRMAN HOOD: All right. I'm just
13 messing with you.

14 COMMISSIONER MAY: Very, very, very
15 subtle nods.

16 CHAIRMAN HOOD: Oh, okay. All right.
17 Anything else?

18 COMMISSIONER TURNBULL: Yes, Mr.
19 Chair.

20 I just wanted to associate my comments
21 with Commissioner May. They're not show
22 stoppers, but I think the fencing material is

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1 obviously an upgrade to the vinyl or foam
2 material we saw before. But for the little
3 amount more of masonry that would have been
4 added, the longevity of the wood and how long
5 it's going to be -- it just would have been a
6 very minor increase to put masonry around this
7 thing and basically incorporate it with the rest
8 of the project.

9 It's minor. It is so minor. And it
10 would have just been a more inviting material to
11 have for the length of the project.

12 CHAIRMAN HOOD: Okay. Any further
13 discussion?

14 (No audible response.)

15 CHAIRMAN HOOD: Okay. It's been moved
16 and properly seconded.

17 All those in favor?

18 (A CHORUS OF AYES.)

19 CHAIRMAN HOOD: Not hearing any
20 opposition, Ms. Schellin, would you please record
21 the vote?

22 MS. SCHELLIN: Staff records the vote

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1 five to zero to zero to approve final actions on
2 Commission Case Nos. 05-28J/05-28K; Commissioner
3 Cohen moving; Commissioner Miller seconding;
4 Commissioners Hood, May and Turnbull in support.

5 CHAIRMAN HOOD: Okay. Next, we're
6 going to go with Hearing Action, Zoning
7 Commission Case No. 13-10. This is ZP Georgia,
8 LP, Consolidated PUD and Related Map Amendment at
9 Square 2892.

10 Mr. Mordfin?

11 MR. MORDFIN: Good evening, Chairman,
12 and Members of the Board.

13 The Applicant is requesting a
14 Consolidated Planned Unit Development to permit a
15 mixed-use building consisting of residential and
16 retail space. The PUD-related map amendment from
17 GA --

18 CHAIRMAN HOOD: Is your microphone on?
19 Or maybe you need to scoot it up a little
20 closer.

21 MR. MORDFIN: Sorry.

22 A PUD-related map amendment from GA

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1 C2A to GA C2B is requested to increase the
2 building height, FAR and lot occupancy. The
3 application requests flexibility to reduce yard
4 loading provisions and modify the compact parking
5 regulations to permit more than one roof
6 structure and also to construct on the lot in
7 excess of 12,000 square feet and permit less than
8 75 percent of the streetwalk to be built to the
9 property line within the Georgia Avenue Overlay
10 District.

11 In exchange for this flexibility, the
12 Applicant proposes several public benefits and
13 amenities including provision of a masonry
14 building with residential balconies and store
15 fronts directly accessible from the public
16 sidewalk, participation in the first-floor
17 employment program, a LEED Goal 2009 for new
18 construction and major renovations building and
19 also working with the ANC to identify benefits
20 and amenities that are desired within the
21 community, specifically the installation of
22 African-American trail markers in buildings along

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1 Georgia Avenue.

2 Should the Commission set this
3 application down, the Office of Planning will
4 work with the Applicant on further addressing
5 this list.

6 This application is consistent with
7 the provisions of the comprehensive plan
8 including encourage the private sector to provide
9 new housing to meet the needs of present and
10 future District residents at locations consistent
11 with District land-use policies and objectives
12 and also to promote mixed-use development
13 including housing and commercially-zoned land,
14 particularly in new commercial centers.

15 Therefore, the Office of Planning
16 recommends that the Commission set down the
17 subject application.

18 Thank you.

19 CHAIRMAN HOOD: Okay. Thank you, Mr.
20 Mordfin.

21 Commissioners, any comments?

22 VICE CHAIR COHEN: Yes.

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1 CHAIRMAN HOOD: Vice Chair Cohen?

2 VICE CHAIR COHEN: Thank you, Mr.
3 Chairman.

4 I just wanted to state that in OP's
5 report, they do mention that they will not
6 consider the affordable housing to be a benefit
7 or an amenity because it proposes what is
8 required. Eight percent of a new residential
9 square footage is affordable at 80 percent of
10 AMI. I would concur with that.

11 And let's see. Do I have another
12 comment?

13 Oh, and I just want to state for the
14 record that the review we received from OP states
15 that the affordable units will be distributed
16 throughout the building and that the unit mix
17 would generally reflect that of the building as a
18 whole. I think that we really should push that
19 as it shall reflect that of the building as a
20 whole.

21 So those are my only two comments.

22 CHAIRMAN HOOD: Okay. Anyone else?

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1 Commissioner May?

2 COMMISSIONER MAY: Yes. As we often
3 find in so many PUDs, it just seems like there's
4 an awful lot going on on the roof in terms of the
5 roof heights and the various enclosures and so
6 on. And I would strongly encourage the Office of
7 Planning to work with the Applicant to try to
8 simplify that and actually try to reduce the
9 relief needed because it seems to me that it is
10 possible to reduce the -- or rather increase the
11 set-back from some of the rooftop structures that
12 appear to need relief. And there are just so
13 many of them, and there's so many pieces of it
14 and so many different heights. It needs to be
15 simplified and consolidated to the extent
16 possible, moved away from the outside walls.

17 I'm particularly troubled by the
18 elevator core which is right up against the edge
19 of the building. And I know that ultimately the
20 site immediately to the south is likely to be re-
21 developed and so that penthouse will not be as
22 obvious. But who knows how long that will be

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1 from now? And if it's only built to a matter of
2 right height, that means the penthouse will still
3 be standing high above what else would be allowed
4 there. So I really want to get that moved back
5 to the appropriate set-back so that relief is not
6 required.

7 Other than that, it's the usual things
8 that we'll need to see in terms of further
9 refinement of the architectural design. But I
10 think generally speaking, it's heading in a good
11 direction.

12 CHAIRMAN HOOD: Okay. Vice Chair has
13 something she wants to clarify on that.

14 VICE CHAIR COHEN: Yes. I just wanted
15 to clarify that again, we're going from a C2A
16 versus the PUD and that C2A does require deeper
17 subsidies. So if the Applicant is going to argue
18 that they are providing a greater amount of
19 affordable housing, they really need to balance
20 their argument and tell us why if we should be
21 having the compliance as a public benefit how it
22 really should weigh in as a public benefit

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1 because the subsidy level is not as deep under
2 IZ.

3 CHAIRMAN HOOD: Okay. Commissioner
4 Turnbull?

5 COMMISSIONER TURNBULL: Thank you, Mr.
6 Chair.

7 I want to thank Mr. Mordfin for a
8 great report as usual. And I think this project
9 is obviously in a very important part of the
10 City. And I think Georgia Avenue is something
11 that we really want to see developed.

12 But after saying that, I agree with
13 Mr. Mordfin about the five and a half feet on the
14 one part of the front elevation that should be
15 addressed. And if it could be pushed back, I
16 think it would increase the streetscape to a
17 better degree.

18 And I'm glad you're going to be
19 working with the Applicant about benefits and
20 amenities because right now for the relief that
21 they want, the 30 to 40 feet extra for what we're
22 getting as far as benefits and amenities, I

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1 really don't see the pluses here that I think we
2 ought to be seeing.

3 I would like to see a street view of
4 that first floor to see that whole entrance to
5 see what's really going on. And I think that the
6 whole building -- the Georgia Avenue -- it looks
7 conflicted and confused. There's just a lot
8 going on there. It looks busy. There's not a
9 defined rhythm to the building. I'm not sure
10 what I'm really seeing with the four little trees
11 that suddenly appear on the rooftop. It's like
12 I'm going to put four little green trees.

13 But the whole elevation just to me is
14 difficult. And I wish they could simplify this
15 and make it read a little easier.

16 I would agree with Commissioner May
17 that I think we need to see something more on the
18 roof. I would like to see some cross sections
19 through the whole thing, not only north/south but
20 east and west that would show the relationship of
21 the heights of the various penthouses. And
22 again, if that could be simplified, I think it'd

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1 be a little easier on the building also.

2 I guess I would also like to see
3 elevations of the courtyard. I think what was
4 not there -- the only thing that's made reference
5 to is fiber cement panels. And I mean, the
6 really only other elevations that you have is
7 Georgia Avenue and then you've got the interior
8 court. So there's a lot of effort going on
9 Georgia Avenue. But the interior court as far as
10 the living residences, if it's all fiber cement
11 panels, I'm just concerned about what it's really
12 going to look like. I'd like to actually see
13 what kind of character is going to be in that
14 area.

15 It's a difficult site. I would agree
16 with that. But I think there's just some part of
17 this that needs to be re-worked a bit.

18 The inclusion of a dog spa is
19 interesting. It means you don't have to wash
20 your dog in the bathtub, I guess. You can take
21 it down to the basement and do it. I don't know
22 what the perk is on doing that. I think I'd

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1 rather wash my dog in my bathtub and just have
2 him there so I'm not dragging him all over the
3 place. Because you've got to dry him afterwards.

4 I don't know. It's just --

5 COMMISSIONER MAY: It's the big shake-
6 off --

7 COMMISSIONER TURNBULL: It is.

8 COMMISSIONER MAY: -- after you're
9 done that you have to worry about.

10 COMMISSIONER TURNBULL: You always get
11 wet. So I don't know if I would want to walk
12 through the building.

13 COMMISSIONER MAY: I'd rather have the
14 dog shaken off in the garage.

15 COMMISSIONER TURNBULL: Anyway, that's
16 a minor point.

17 I think the only other thing is that
18 they're showing two parking spaces by the alley.

19 But I think you can only put a compact car in
20 there. Hopefully, there's not going to be a car
21 sticking out into the alley. But I think those
22 are only going to be compact spaces back there.

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1 So Mr, Chair, I think that'll be it.

2 CHAIRMAN HOOD: Okay. Thank you, Mr.
3 Turnbull.

4 Commissioner Miller, do you have
5 anything?

6 COMMISSIONER MILLER: Yes. Thank you,
7 Mr. Chairman.

8 Yes, except for the dog spa comment, I
9 associate myself with Commissioner Turnbull's
10 comments, particularly agreeing with the Office
11 of Planning comment to pull back the facade of
12 the building five and a half feet and your
13 request for renderings showing how many roof
14 structures there actually are and what their
15 heights are and where they relate to each other.

16 And the courtyard as well because I don't think
17 we had anything that really showed what either of
18 those elements looked like.

19 I would share the Vice Chair's comment
20 that the Applicant should submit a balancing
21 analysis on the inclusionary zoning because going
22 to C2B, the affordability levels won't be as

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1 deep. They will, however, be about 2500 square
2 feet more of affordable housing because it's in
3 the C2B rather than the matter of right C2A. So
4 I did consider it a public benefit for that
5 reason under our rules. But I think that
6 balancing needs to be done and submitted to us
7 because the affordability levels aren't as deep.

8 And I think this will be another
9 exciting project as Mr. Turnbull says to help
10 revitalize the whole Georgia Avenue corridor in
11 this area

12 Thank you.

13 CHAIRMAN HOOD: Okay. I would like to
14 see a more realistic view from Georgia Avenue
15 like we did the one from Kenyon Street. And I
16 know that this Commission voted on a project some
17 years back up and down Georgia Avenue. I didn't
18 really think to look and see if that's even being
19 built or what's going on. And normally I do
20 that. And it dawned on me when I saw this that
21 we did one right at the corner of Georgia and
22 Lamont where the old liquor store used to be.

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1 But anyway, it goes to Commissioner
2 Miller's comments about revitalizing Georgia
3 Avenue. I think I would agree with that comment.

4 I just want to see a perspective -- a live
5 perspective like the perspective we have on 819
6 H20. That's a live rendering to me. And it
7 shows the back of the view perspective from
8 Kenyon Street and Sherman Avenue and then the
9 perspective from Lamont Street. So I would like
10 to see one -- Georgia Avenue is north and south -
11 - I'd like to see one from the south side and the
12 north side if I look on Georgia Avenue.

13 But again, I think this is helping to
14 jump start, especially that area down in Georgia
15 Avenue.

16 So that's all I have. Any other
17 comments?

18 (No audible response.)

19 CHAIRMAN HOOD: Okay. Would someone
20 like to make a motion?

21 COMMISSIONER TURNBULL: Mr. Chair?

22 CHAIRMAN HOOD: Mr. Turnbull?

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1 COMMISSIONER TURNBULL: I would move
2 that we approve Zoning Case No. 13-10, ZP
3 Georgia, LP, Consolidated PUD and Related Map
4 Amendment at Square 2892.

5 CHAIRMAN HOOD: Okay. It's been moved
6 and properly seconded.

7 Any further discussion?

8 (No audible response.)

9 CHAIRMAN HOOD: All those in favor?

10 (A CHORUS OF AYES.)

11 CHAIRMAN HOOD: Not hearing any
12 opposition, Ms. Schellin, would you please record
13 the vote?

14 MS. SCHELLIN: Staff approves Case No.
15 13-10 for set down as a contested case by a vote
16 of five to zero to zero; Commissioner Turnbull
17 moving; Commissioner Miller seconding;
18 Commissioners Cohen, Hood and May in support.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Let's go right to our next case which
21 is on the hearing action of Zoning Commission
22 Case No. 13-15, FC 1212, LLC and FC QUALICB --

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1 maybe somebody can tell me what all that is --
2 LLC, Text Amendment to Add New Language to
3 1803.16.

4 Ms. Elliott?

5 MS. ELLIOTT: Good evening, Mr.
6 Chairman, Members of the Commission. For the
7 record, I'm Brandice Elliott representing the
8 Office of Planning.

9 The Office of Planning recommends a
10 Zoning Commission setdown for a public hearing
11 amendment to Section 1803 of the Zoning
12 Regulations as they relate to veterinary
13 hospitals in the Southeast Federal Center Overlay
14 District.

15 The construction of a new mixed-use
16 development at the corner of M and 4th Streets
17 SE, which is called 1212, is anticipated to be
18 completed in the spring of 2014. This
19 development was reviewed by the Zoning Commission
20 and approved at its December 2, 2010 public
21 hearing.

22 The building will consist of 90,000

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1 square feet of retail and service uses as well as
2 218 residential units. So far, the tenants
3 include a Harris Teeter Grocery Store, a three-
4 level fitness facility and several eating
5 establishments.

6 The Applicant, which is Forest City,
7 would like to consider a lease with a veterinary
8 hospital but this use is not currently permitted
9 in the Southeast Federal Center CR District.
10 While text amendments to the Zoning Regulation
11 review process have been proposed that would
12 allow this use, they would not be approved by the
13 time the building has been completed.

14 In order to expedite this request, the
15 Applicant has requested that the amendment only
16 apply to the specific lot for the 1212
17 development. However, the Office of Planning
18 would not oppose applying this amendment to the
19 entire overlay as we believe that the use would
20 be compatible with other uses in this area and
21 the Applicant has established that there is a
22 need for this use.

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1 OP will continue to work with OAG to
2 clarify the advertised language.

3 And with that, we recommend that the
4 Commission set down the amendments as presented
5 in the report. And I'd be happy to answer any
6 questions you may have.

7 CHAIRMAN HOOD: Okay. Thank you very
8 much, Ms. Elliott.

9 Commissioners, any comments? Vice
10 Chair Cohen?

11 VICE CHAIR COHEN: Yes. If we set
12 this zoning case down, I think we need to have
13 more information on attenuating the noise and the
14 waste issues. There are state-of-the-art ways of
15 addressing these issues.

16 And in addition, we do need
17 clarification with regard to whether or not this
18 is going to be a boarding hospital that does not
19 exclude dogs. Obviously, I have one. So I would
20 suggest that we get that clarified before
21 advertising it as you mentioned.

22 Any other comment?

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1 CHAIRMAN HOOD: Comments?

2 (No audible response.)

3 CHAIRMAN HOOD: Would somebody like to
4 make a motion?

5 VICE CHAIR COHEN: I move to set down
6 Case 13-15, except that the text should be
7 advertised to permit a veterinary boarding
8 hospital on any property within the Southeast
9 SEFC CR District subject to such other changes as
10 OAG and OP believe are necessary to draft the
11 intent of the proposed rule.

12 CHAIRMAN HOOD: Okay. It's been moved
13 and I'll second it.

14 Any further discussion?

15 (No audible response.)

16 CHAIRMAN HOOD: All those in favor?

17 (A CHORUS OF AYES.)

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

21 MS. SCHELLIN: Yes. Staff records
22 five to zero to zero to set down Zoning

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1 Commission Case No. 13-15 as a rulemaking case;
2 Commissioner Cohen moving; Commissioner Hood
3 seconding; Commissioners May, Miller and Turnbull
4 in support.

5 CHAIRMAN HOOD: Okay. Do we have
6 anything else on our agenda tonight?

7 MS. SCHELLIN: No, sir.

8 CHAIRMAN HOOD: Okay. I want to thank
9 everyone for their participation and also thanks
10 to Mr. DeBonis for all the help he's going to
11 give us. And we'll appreciate it.

12 This meeting is adjourned.

13 (Whereupon, at 7:23 p.m., the hearing
14 was adjourned.)

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