

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JUNE 30, 2014

+ + + + +

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
- PETER G. MAY, Commissioner (NPS)
- ROBERT MILLER, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation

STEPHEN GYOR

JOEL LAWSON

STEPHEN MORDFIN

MAXINE BROWN-ROBERTS

BRANDICE ELLIOTT

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on June 30, 2014.

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

2 (6:42 p.m.)

3 CHAIRMAN HOOD: Okay, this meeting
4 will please come to order. Good evening,
5 ladies and gentlemen. This is a public meeting
6 of the Zoning Commission of the District of
7 Columbia. My name is Anthony Hood, and I'm
8 going to ask the dias to introduce themselves
9 this evening, starting to my left.

10 MR. RITTING: My name is Jacob
11 Ritting. I'm an assistant attorney general.

12 MS. SCHELLIN: Sharon Schellin,
13 secretary to the Zoning Commission with the
14 Office of Zoning.

15 COMMISSIONER MILLER: Robert
16 Miller, mayoral appointee.

17 VICE CHAIR COHEN: Marcie Cohen,
18 vice chair, mayoral appointee.

19 COMMISSIONER MAY: Peter May,
20 representing National Park Service.

21 MS. STEINGASSER: Jennifer
22 Steingasser with the Office of Planning.

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1 MR. LAWSON: Joel Lawson with the
2 Office of Planning.

3 MS. BROWN-ROBERTS: Maxine
4 Brown-Roberts, the Office of Planning.

5 CHAIRMAN HOOD: Okay, thank you
6 everyone. It's nice to mix up things a little
7 bit sometime. The contents of today's meeting
8 agenda are available to you and are located in
9 the bin near the door.

10 We do not take any public testimony
11 at our meetings unless the Commission requests
12 someone to come forward. Please be advised
13 that this proceeding is being recorded by a
14 court reporter and is also webcast live.

15 Accordingly, we must ask you to
16 refrain from any disruptive noises or actions
17 in the hearing room including the display of any
18 signs or objects. Please turn off all beepers
19 and cell phones.

20 Does the staff have any preliminary
21 matters?

22 MS. SCHELLIN: No, sir.

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1 CHAIRMAN HOOD: Okay. If not,
2 again I'm going to ask, as I've done lately in
3 a few hearings, we have people who watch us on
4 a videostream and one of the problems has been
5 how we adjust in moving back and forth from the
6 microphone.

7 I'm going to ask again, if anyone
8 sees that we're getting away from this
9 microphone, you just raise your hand and help
10 us out. We greatly appreciate it.

11 Okay, I have two announcements.
12 The July the 14th public meeting has been moved
13 to Thursday, July the 17th at 5:00 p.m., again
14 our scheduled regular meeting for July. Our
15 first meeting for July the 14th public meeting
16 has been moved to Thursday, July the 17th at
17 5:00 p.m.

18 And any discussion that was going to
19 occur tonight on the ZRR this evening will now
20 be held at a special public meeting on Thursday,
21 July the 10th at 6:30 p.m. to allow
22 commissioners more time to review what Office

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1 of Planning submitted on June the 16th.

2 So anyone who's here tonight for the
3 ZRR, we'll be taking that up at a special public
4 meeting on July the 10th at 6:30 to allow us more
5 time, and also our regularly scheduled meeting
6 for July the 14th will be July the 17th.

7 Ms. Schellin, do we have anything
8 else?

9 MS. SCHELLIN: An announcement for
10 a closed meeting July 10th at 6 o'clock p.m.

11 CHAIRMAN HOOD: Okay. As
12 chairperson of the Zoning Commission of the
13 District of Columbia, in accordance with 405
14 and 406 of the District of Columbia
15 Administrative Procedures Act, I move that the
16 Zoning Commission hold a closed meeting on July
17 the 10th, 2014 for the purpose of seeking legal
18 advice for our council for Zoning Commission
19 Case Number 08-06A, Office of Planning zoning
20 regulations review per D.C. Official Code
21 2-575(b)(4). Is there a second?

22 VICE CHAIR COHEN: Second.

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1 CHAIRMAN HOOD: Will the secretary
2 please take a roll call vote of the motion
3 before us now that it has been seconded?

4 MS. SCHELLIN: Chairman Hood?

5 CHAIRMAN HOOD: Yes.

6 MS. SCHELLIN: Vice Chair Cohen?

7 VICE CHAIR COHEN: Yes.

8 MS. SCHELLIN: Commissioner
9 Miller?

10 COMMISSIONER MILLER: Yes.

11 MS. SCHELLIN: Commissioner May?

12 COMMISSIONER MAY: Yes.

13 MS. SCHELLIN: Commissioner
14 Turnbull not present. Vote carries.

15 CHAIRMAN HOOD: Okay, thank you.
16 Any other preliminary matters?

17 MS. SCHELLIN: No, sir.

18 CHAIRMAN HOOD: Okay, let's go
19 right into the agenda. Consent calendar
20 items. Zoning Commission Case Number 06-10C,
21 and let me just call out the next one, Zoning
22 Commission Case Number 08-14C.

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1 Let me ask this first before I go to
2 Ms. Schellin. Does anyone have an issue with
3 either one of these cases being on the consent
4 calendar item?

5 Okay, not hearing any, Ms.
6 Schellin? We can just do them one at a time.
7 I just called them.

8 MS. SCHELLIN: Yes, sir. The
9 first one, if you'll recall this case on the
10 June 9th agenda but the Commission deferred
11 action to allow the, well, for a submission from
12 the ANC. ANC 5A did make a submission which you
13 have before you, or you actually received this
14 evening at Exhibit 9, and I'll ask that the
15 Commission consider action this evening.

16 CHAIRMAN HOOD: Okay, colleagues,
17 as Ms. Schellin has already stated we have an
18 ANC letter, Exhibit 9, supporting the
19 applicant's request in the reduction of spaces.
20 Let's open up, any comments? Not hearing any
21 comments, someone like to make a motion?

22 VICE CHAIR COHEN: Mr. Chairman, I

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1 move that we approve ZC Case Number 06-10C,
2 Morris & Gwendolyn Cafritz Foundation and Art
3 Place at Ft. Totten, request for minor
4 modification to PUD at Square 3765. Can I have
5 a second?

6 COMMISSIONER MILLER: Second.

7 CHAIRMAN HOOD: Okay, it's been
8 moved and properly seconded. Any further
9 discussion? All those in favor?

10 (Chorus of ayes)

11 CHAIRMAN HOOD: Not hearing any
12 opposition, Ms. Schellin, record the vote.

13 MS. SCHELLIN: Staff records the
14 vote 4 to 0 to 1 to approve final action in
15 Zoning Commission Case Number 06-10C.
16 Commissioner Cohen moving, Commissioner Miller
17 seconding, Commissioners Hood and May in
18 support. Commissioner Turnbull not present,
19 not voting.

20 CHAIRMAN HOOD: Okay, Ms.
21 Schellin, can we do Kelsey Gardens?

22 MS. SCHELLIN: Yes, sir. The

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1 applicant is requesting two modifications that
2 they are asking the Commission to consider as
3 minor. Exhibit 6 is an OP report that is in
4 support of this case being considered as minor.
5 We ask the Commission to consider action this
6 evening.

7 CHAIRMAN HOOD: Okay, colleagues.
8 Any question or comments on 08-14C?

9 Commissioner Miller?

10 COMMISSIONER MILLER: Yes. Thank
11 you, Mr. Chairman. The modification is a
12 substitution of an amenity that was previously
13 proffered to be \$22,500 to the Shaw Middle
14 School.

15 However, since the Shaw Middle
16 School is closed, they offered a substitute
17 amenity of three programs at the Kennedy
18 Playground, or the Kennedy Recreation Center.
19 And we have a letter from the Friends of Kennedy
20 Playground identifying those three programs as
21 an acting and modeling program, \$9,000,
22 December holiday party and gift distribution,

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1 \$3,000, and program banquet and awards
2 ceremony, \$2,500.

3 The problem is that that doesn't add
4 up. That adds up to, I think, \$14,500 if my
5 math is correct, and it's supposed to be a
6 substitute for \$22,500. So I think we need
7 something more from the applicant that totals
8 up to the \$22,500 that is being substituted for,
9 and perhaps a letter from the ANC as well that
10 supports this.

11 So I'm thinking that maybe we should
12 defer it until we get that unless they're able
13 to provide that right now that they're here.

14 CHAIRMAN HOOD: I would agree,
15 Commissioner Miller. When I did the math it
16 didn't add up of the three things that they were
17 proffering. The money just didn't add up.
18 But let me hear what others have to say.

19 Vice Chair Cohen?

20 VICE CHAIR COHEN: Thank you, Mr.
21 Chairman. I concur with both you and
22 Commissioner Miller. I do believe we need the

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1 ANC to approve this transfer. It was requested
2 by the, I think, the single member commissioner
3 and who happens to also be the recipient. So
4 I just think we need to have a confirmation that
5 the ANC supports this transfer.

6 CHAIRMAN HOOD: Any other
7 comments?

8 COMMISSIONER MAY: Yes, I would
9 like to say I'm not particularly enamored of the
10 planned spending even if they were to come up
11 with \$22,500 worth of spending. There are a
12 couple items on here that I think are really
13 quite ephemeral and not the sort of spending
14 that we like to see associated with PUDs.

15 I mean a holiday gift party and gift
16 distribution and then an awards ceremony and
17 banquet? I just don't see that those are the
18 sorts of things that we can support.

19 The other, you know, I mean the
20 acting and modeling program, at least it's an
21 ongoing program and it has an educational
22 benefit. I mean that's not to say these other

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1 things aren't worthwhile, it's just I'd like to
2 think that we support things that have a little
3 bit more impact than what's shown here in these
4 couple of things.

5 So I would like to see a fairly
6 significant overhaul of what's being proposed
7 here, because I wouldn't support it if this is
8 all the money was going to.

9 CHAIRMAN HOOD: Okay. So
10 Commissioner May, you're also asking them to
11 revisit the holiday party as well as the program
12 banquet, but you are fine with the acting and
13 modeling program?

14 COMMISSIONER MAY: Yes. And I
15 wouldn't say that necessarily it makes sense to
16 spend all the money on the acting and modeling
17 program either. You know, I think some other
18 programs probably make more sense.

19 CHAIRMAN HOOD: Okay.

20 COMMISSIONER MAY: I don't know
21 what they are, but they have to come up with a
22 proffer.

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1 CHAIRMAN HOOD: I think from what
2 we heard, colleagues, that we could defer this
3 until another meeting. Ask the applicant, who
4 I see Ms. Giadono (phonetic) here who is coming
5 forward, to just take another look at it and try
6 to nail some of those things down, especially
7 amounts, and maybe revisit two of the
8 activities that are being proposed.

9 Any other comments, Commissioners?
10 Commissioner Miller?

11 COMMISSIONER MILLER: Well, I
12 would just say that I can appreciate the concern
13 about the ephemeral -- is that the word you
14 used? -- nature of those, but I think if the
15 entire ANC endorses it I think it may have more
16 weight, so if they aren't able to come up with
17 other programs. So I just wanted to add that
18 comment.

19 CHAIRMAN HOOD: Yes. And again my
20 comments were just for them just to look at it.
21 I didn't say make any major changes. I'm just
22 taking in context of every commissioner that

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1 I've heard up here who've expressed some
2 concern about this.

3 Okay. So anything else? Ms.
4 Giadono, I think if you have any questions you
5 can ask Ms. Schellin. We're not turning you
6 down so I don't think we need to hear from you.
7 I think we're straight.

8 Okay, anything else? And we'll
9 deal with this at another meeting.

10 All right, let's go to Final Action,
11 Zoning Commission Case Number 13-17,
12 Brownstein Commons, LP, Consolidated PUD and
13 Related Map Amendment at Square 5933 and 5934.

14 Ms. Schellin?

15 MS. SCHELLIN: Yes, sir. At
16 Exhibits 33 through 36 we have the applicant's
17 post hearing submission. We ask the
18 Commission to consider final action.

19 CHAIRMAN HOOD: Okay, let me open
20 it up for any comments. Vice Chair Cohen?

21 VICE CHAIR COHEN: Thank you, Mr.
22 Chairman. I just wanted to bring to

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1 everybody's attention that we're really
2 providing a five-year time frame for
3 construction to begin, and that's two years
4 more than, two or three years more than is often
5 asked for. So I just want to acknowledge that
6 that they have reduced it, but from six years
7 to five years.

8 CHAIRMAN HOOD: Okay, do you have
9 any objection?

10 COMMISSIONER MAY: Well, it's
11 actually five years to final, the final
12 building permit. So the construction will be
13 a couple of years after that.

14 VICE CHAIR COHEN: That's true.
15 I'm sorry. Thank you for that correction.

16 COMMISSIONER MAY: Or a year after
17 that.

18 VICE CHAIR COHEN: Yes, I think
19 that's a very long period of time. I don't
20 think I have a strong objection. I think it's
21 an important project. But I just wanted to
22 alert all of us that it's longer than we

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1 normally allow.

2 COMMISSIONER MAY: I would agree.
3 It is longer than we would normally allow and
4 I'm not super enthusiastic about it. But if
5 the tradeoff is that if we gave them less time
6 they'd probably come back for an extension at
7 some point. So I mean in this case I'll go
8 along, not happily, with what they've offered.

9 CHAIRMAN HOOD: We can reduce the
10 time and we'll sit back here and just add more
11 time at a later date or just go ahead and deal
12 with it today?

13 VICE CHAIR COHEN: No, I think we
14 should deal with it today.

15 CHAIRMAN HOOD: All right.

16 VICE CHAIR COHEN: But I think we
17 just wanted to express, to be on record that
18 we're not happy with the length of the time
19 that's been asked for.

20 CHAIRMAN HOOD: Okay, any other
21 comments on the submissions?

22 COMMISSIONER MAY: Yes.

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1 CHAIRMAN HOOD: Commissioner May?

2 COMMISSIONER MAY: So I did find
3 that these submissions that were made, to
4 address some of the comments that I had about
5 the architecture, were not very strong. I mean
6 at the very least, good images. I mean, you
7 know, blurry images and, you know, just makes
8 it hard to understand this.

9 So I think it was subpar and I don't
10 want to let that pass. I think that their
11 treatment of some of the things, like how the
12 vents go through the walls, I mean basically
13 it's going to blend in because it's the same
14 color. I don't think that's particularly
15 satisfying either, but it's not enough to
16 reject the project.

17 So I'm just voicing a concern for
18 anybody who would pay attention to it that
19 designing the facade is more than just simply
20 trying to make sure that everything is the same
21 color.

22 I also think that the, again I'm not

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1 going to make a big issue of it, but I agree with
2 Commissioner Turnbull's concerns about the
3 brackets. I don't think they're so great, but
4 again I'll live with it.

5 CHAIRMAN HOOD: Okay, any other
6 comments? Would somebody like to make a
7 motion?

8 COMMISSIONER MILLER: Mr.
9 Chairman, acknowledging the concerns of my
10 fellow commissioners but I will move that we
11 approve final action on Zoning Commission Case
12 Number 13-17, Brownstein Commons, LP,
13 Consolidated PUD and Related Map Amendment at
14 Squares 5933 and 5934, and ask for a second.

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

18 (Chorus of ayes)

19 CHAIRMAN HOOD: Not hearing any
20 opposition of those present, Ms. Schellin, will
21 you record the vote.

22 MS. SCHELLIN: Staff records the

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1 vote 4 to 0 to 1 to approve final action on
2 Zoning Commission Case Number 13-17.
3 Commissioner Miller moving, Commissioner Hood
4 seconding, Commissioners Cohen and May in
5 support. Commissioner Turnbull not present
6 and not voting.

7 CHAIRMAN HOOD: Okay. I should
8 have announced this at the beginning, looking
9 at the agenda. When we get to hearing action,
10 it's already written down as D, Office of
11 Planning's text amendment will be our A. And
12 then we will go in the correct order that's
13 already listed.

14 So again for those who are here,
15 it's Zoning Commission Case Number 14-10,
16 Office of Planning Text Amendment, Chapters 7
17 & 8 will be A. And then we will take the rest
18 in sequence as listed.

19 Okay, let's go to our next case.
20 Thank you, Ms. Schellin. Our Zoning
21 Commission Case Number 08-34E, Center Place
22 Holdings, PUD Modification at Square 564. Ms.

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1 Schellin?

2 MS. SCHELLIN: Yes, Exhibits 30
3 through 31 are the applicant's post hearing
4 submissions, and Exhibit 32 is an NCPC report
5 which they reported no issues with this case.

6 CHAIRMAN HOOD: Okay, we've heard a
7 report from Ms. Schellin. Commissioners, any
8 comments in the submissions?

9 Vice Chair Cohen?

10 VICE CHAIR COHEN: Thank you, Mr.
11 Chairman. Again I just wanted to note to the
12 Office of Attorney General that on Page 9,
13 Paragraph 53, we should date the north plaque
14 modification plans and have them actually
15 inscribed in the zoning order.

16 MR. RITTING: Okay, I'll do that in
17 the final order that's released to the Office
18 of Zoning.

19 CHAIRMAN HOOD: Ms. Schellin, do we
20 have a proxy for Mr. Turnbull on this?

21 MS. SCHELLIN: We do not.

22 CHAIRMAN HOOD: Okay, I'm not sure

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1 who brought up the exhibit, colleagues, Exhibit
2 30-30B, they are some renderings of drawings.
3 I'm not sure who brought them up, but anyway
4 they have them before us. Any comments or
5 questions? Okay, somebody like to make a
6 motion?

7 VICE CHAIR COHEN: Mr. Chairman, I
8 will move to approve Zoning Case Number 08-34E
9 Center Place Holdings, LLC and Property Group
10 Partners' PUD Modification.

11 CHAIRMAN HOOD: It's moved, can I
12 get a second?

13 COMMISSIONER MILLER: Second.

14 CHAIRMAN HOOD: Moved and properly
15 seconded. Any further discussion? Again
16 it's noted, NCPC had no issues. Any further
17 discussion? All those in favor?

18 (Chorus of ayes)

19 CHAIRMAN HOOD: Not hearing any
20 opposition of those present, Ms. Schellin will
21 you please --

22 MS. SCHELLIN: Yes. Staff records

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1 the vote 4 to 0 to 1 to approve final action,
2 Zoning Commission Case Number 08-34E.
3 Commissioner Cohen moving, Commissioner Miller
4 seconding, Commissioners Hood and May in
5 support. Commissioner Turnbull not present
6 not voting.

7 CHAIRMAN HOOD: Okay, next.
8 Zoning Commission Case Number 13-13, Oxbridge
9 Development at Ninth Street, LLC. Map Amendment
10 at Square 3831.

11 Ms. Schellin?

12 MS. SCHELLIN: Yes, sir. On this
13 one we have Exhibit 35 is the applicant's post
14 hearing submission, and ask the Commission to
15 consider final action.

16 CHAIRMAN HOOD: Colleagues, we
17 have the proposal in front of us. Any comments
18 or questions? I think it's pretty
19 straightforward. I would move approval of
20 Zoning Order Number 13-13 and ask for a second.

21 COMMISSIONER MILLER: Second.

22 CHAIRMAN HOOD: It's been moved and

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1 properly seconded. Any further discussion?
2 Are you ready for the question? All those in
3 favor?

4 (Chorus of ayes)

5 CHAIRMAN HOOD: Not hearing any
6 opposition, not hearing any, Ms. Schellin,
7 record the vote.

8 MS. SCHELLIN: Staff records the
9 vote 4 to 0 to 1 to approve final action Zoning
10 Commission Case Number 13-13. Commissioner
11 Hood moving, Commissioner Miller second,
12 Commissioners Cohen and May in support.
13 Commissioner Turnbull not present not voting.

14 CHAIRMAN HOOD: Okay, next.
15 Zoning Commission Case Number 13-18, WBJ
16 Wheeler Road, LLC, Consolidated PUD and Related
17 Map Amendment at Square 5925.

18 Ms. Schellin?

19 MS. SCHELLIN: Yes, we have Exhibit
20 34, an OP supplemental information report,
21 Exhibits 31 and 32 through 36, the applicant's
22 post hearing submissions, and we'd ask the

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1 Commission to consider final action.

2 CHAIRMAN HOOD: Okay, colleagues,
3 maybe you all could help me but I had asked for
4 some views. And I don't know if the applicant
5 misunderstood what I asked for, but I didn't see
6 them. But I have missed some things before,
7 and I didn't see them in this file.

8 Maybe, and if these are the
9 renderings that they gave me, this does meet
10 what I was asking for to see of the views of that
11 area. I don't think I've got it, but I will
12 stand to be corrected. And I've looked through
13 this a few times. Anyway let me open it up.
14 That's one of my issues, but let me open it up
15 for any comments.

16 COMMISSIONER MAY: I do think that
17 there was some information that was submitted
18 in Exhibit A, but it was a confusing submission.
19 We got some information that I'm not sure we
20 really asked for. Maybe it was stuff that was
21 presented at the hearing that we didn't
22 actually receive that night.

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1 But yes, I did not find that
2 information to be really that satisfactory. I
3 also think that there are a number of other
4 things that we had asked to be addressed or
5 considered, and I understand why some of the
6 things that might have been requested to be
7 considered were not done.

8 But I don't feel that they were
9 really very carefully addressed. I mean it was
10 rather disappointing, frankly, across the
11 board. There are a few things that were done
12 and were clear. They did, you know, change the
13 calculation to just treat the seventh floor as
14 a penthouse.

15 But the simple stuff, like we had
16 suggested that they move the rail away from the
17 edge of the roof by four feet or so, or, you
18 know, 42 inches or whatever, and that was not
19 done.

20 They provided a dimension showing
21 that the track that was running around was 42
22 inches from the rail, but I mean we were

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1 suggesting that the rail be moved just as a
2 safety precaution since they're promoting
3 activity on the roof.

4 There are other things that I asked
5 them to look into having to do with the design.
6 I mean there were some things, like some of the
7 trim detailing which they produced, really,
8 inadequate drawings and didn't really explain
9 why it should be the way it should be.

10 And we had suggested, or I had
11 suggested that they look at having a rear
12 corridor so that they could connect the retail
13 spaces to the loading dock, and instead what
14 they did was create a second trash room at the
15 other end of the alley. So now we're going to
16 have trash picking up in two locations and
17 that's really not the right kind of solution.

18 I mean I guess I can understand why
19 they would study these things and could explain
20 why they don't work for this particular
21 development. It consumes too much space or
22 there are other practical reasons why it

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1 wouldn't work, but that's not what we got.

2 What we got was, you know, suggested that
3 they do one thing and instead they did something
4 else and there's virtually no explanation of
5 why that makes more sense. I mean there's some
6 information, but I just didn't find it very
7 satisfactory.

8 So I think they would actually, we
9 would benefit by them doing a little bit more
10 thorough job on addressing all of the concerns
11 that we had raised. And the things that we
12 raised that I didn't think were addressed, and
13 I thought we had made it clear at the end of the
14 hearing, I mean I had suggested that they look
15 at a darker color for the penthouse. I mean
16 they can consider that and reject it, but at
17 least they ought to say something about it.

18 The rear road elevation, I think
19 there was some issues that were raised there
20 that they ought to address and they made no
21 attempt to address that either.

22 And again it doesn't mean that they

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1 necessarily have to change it, they just need
2 to explain why they think that what they've done
3 is right. And I don't see that.

4 And then I think we also asked for facade
5 samples that were in the correct color, which
6 we didn't see, and I don't know if anything like
7 that was submitted. So I think as submissions
8 go to try to address the concerns of the
9 Commission, I found it lacking significantly.

10 CHAIRMAN HOOD: Okay, any other
11 comments? Vice Chair Cohen?

12 VICE CHAIR COHEN: Thank you, Mr.
13 Chairman. I just wanted, this would not
14 necessarily influence my vote. I did ask the
15 applicant to look at substituting any PVC
16 material, and they did respond by saying cost
17 prohibitive nature of the alternative
18 materials, cost of installation, cost of
19 maintenance.

20 And I just want to state for the
21 record, and I want everybody to be aware that
22 until recently much of the nation's affordable

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1 housing was substandard due to the lowest cost
2 decision making in the traditional design and
3 construction.

4 And I think that we need to look at
5 future liability. I think we really need to be
6 very careful with the material decisions we're
7 making. I understand that there are some
8 issues about cost, but they're often recaptured
9 within the life of the project.

10 So that's just something I wanted to
11 bring up. But as I said, it wouldn't prohibit
12 me from voting for this. Affordable housing is
13 a tremendous need in the city. Excuse
14 me, I'm sorry.

15 CHAIRMAN HOOD: No, go ahead.

16 VICE CHAIR COHEN: At the levels
17 that are being proposed.

18 CHAIRMAN HOOD: Okay. Any other
19 comments? Commissioner Miller?

20 COMMISSIONER MILLER: Yes, I would
21 just echo Commissioner May's comment about the
22 railing. And I'm surprised, because I thought

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1 at the hearing the applicant reacted positively
2 to that suggestion to move it back a little bit.

3 So maybe if they're, I don't know if
4 they're here or the representative's here, if
5 they're able to say whether they're willing to
6 do that and they may have intended to do that.
7 Is that addressed in the written statement of
8 responding to changes? I didn't see it. So if
9 they're able to say tonight that they're, I
10 think that is a safety issue. The
11 others are design issues which I think you all,
12 some of you expressed concern about but you said
13 you might be able to live with it. But on the
14 safety issue, I think we need some response at
15 least.

16 CHAIRMAN HOOD: Well, here's my
17 issue. Before we get a response I think we have
18 a number of issues that we've asked for.
19 Before we hear from them I would like for us to
20 just get it in writing for the record.

21 We can come up and say anything
22 tonight, but we have some -- here's the thing.

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1 This application actually started off lacking,
2 no disrespect to anyone, and it seems like some
3 of the things we asked for are still lacking.

4 So I think we need to clarify and get
5 clear evidence of things that we've asked for,
6 especially when I asked for the views what was
7 provided as far I'm concerned just doesn't get
8 it for me. And I guess maybe I've gotten used
9 to some type of, I've gotten used to a way that
10 we get those views, and those live views with
11 that rendering sitting down there and in what
12 exists today.

13 Not just something cementitious or
14 whatever you want to call it, artificial of how
15 it works. We want a live view. That's what
16 we're used to and that's what we need to get.
17 So I think hearing from the applicant about the
18 rail doesn't solve the whole problem. We need
19 to get it all in concrete at a later date.

20 COMMISSIONER MAY: Mr. Chairman,
21 can I just add something else?

22 CHAIRMAN HOOD: Sure.

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1 COMMISSIONER MAY: One of the
2 things I forgot to mention was that I think that
3 in the way the applicant regarded or treated the
4 penthouse structure it was really not like a
5 penthouse. It was really like an extra floor
6 of the building.

7 And I think we had a concern, at
8 least I had a concern that we were going up to
9 seven stories on this building and is that
10 really appropriate given what the comp plan
11 says.

12 We asked the Office of Planning to
13 address that and they addressed a lot of the
14 comp plan issues, but I don't believe that what
15 the report gave us with regard to, I mean the
16 report seems to just assume that the penthouse
17 would be regarded as a penthouse and not as an
18 extra floor.

19 So I was very confused by what we
20 received from the Office of Planning. And if
21 we're going to give the applicant some time to
22 improve their response, I think actually it

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1 would be helpful if the Office of Planning would
2 look at that more carefully unless the Office
3 of Planning is prepared to answer that better
4 right now.

5 I mean my concern is just that
6 having a seven-story building there may not
7 exactly line up, but the comp plan designation,
8 I think that we don't want to create a precedent
9 for having seven-story buildings for whatever
10 the comp plan designation was. I forget what
11 it was, but -- so you'll do it in writing?
12 Okay, thank you.

13 CHAIRMAN HOOD: So everything
14 we'll get, we're looking for submissions in
15 writing. May I ask sound bite submissions?
16 Let's get right to the point of what we asked
17 for. I think that will help us out with
18 everything else we have going.

19 Any other comments? Ms. Schellin,
20 do we have some dates? Can we come up with a
21 date?

22 MS. SCHELLIN: Do you want to shoot

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1 for the July 28th meeting?

2 CHAIRMAN HOOD: Will that work for
3 the applicant?

4 MS. SCHELLIN: She's saying yes.

5 CHAIRMAN HOOD: Okay.

6 MS. SCHELLIN: So would allow one
7 week for the ANC to respond, and Office of
8 Planning.

9 Chairman Hood? We allow a one-week
10 response from ANC and OP?

11 CHAIRMAN HOOD: Does that work for
12 everybody?

13 MS. SCHELLIN: So with that in
14 mind, if we could have the solutions by July
15 14th, 3 o'clock p.m. And if the ANC and OP
16 chooses to respond to the submissions that are
17 made, we need those responses by 3:00 p.m. July
18 21st, and we'll put it on the July 28th agenda.

19 CHAIRMAN HOOD: So the only party
20 we had in this case was the ANC, correct?

21 MS. SCHELLIN: Yes.

22 CHAIRMAN HOOD: All right. So are

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1 we all on the same page? Okay. Thank you. If
2 you have any questions you can see Ms. Schellin.

3 Let me just add, let me ask
4 everybody, is this doable? Is it doable?
5 Okay. Any other questions you can ask Ms.
6 Schellin, to my left. To my left.

7 Okay, Ms. Schellin, when you're
8 ready you can call the next case. Hearing
9 action, I'm sorry. Some people get me
10 distracted.

11 Okay, let's go to Hearing Action,
12 again I've asked to move D up first. Zoning
13 Commission Case Number 14-10, Office of
14 Planning Text Amendment to Chapters 7 and 8.

15 Mr. Mordfin?

16 MR. MORDFIN: Good evening, Chair,
17 members of the Commission. The proposed text
18 amendments are intended to address concerns of
19 the Commission regarding the implementation of
20 their criteria regarding animal uses,
21 specifically issues related to adjacency to
22 residential uses and residential zones.

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1 Zone district lines extend to the
2 center lines of streets and alleys as defined
3 by the zoning regulations, therefore streets
4 and alleys cannot provide a separation between
5 commercial and residential zones.

6 OP worked with OAG using language
7 that mimics language in the zoning regulations
8 used to separate an industrial use and
9 intermediate recycling facility from
10 residential uses and that it requires
11 separation of the use from residential uses in
12 residential zones and not the zone districts
13 from each other.

14 However, to be consistent with
15 commercial uses required to be separated from
16 residential properties OP chose a separation of
17 25 feet, the same as that required for gas
18 stations, bowling alleys and fast food
19 restaurants.

20 For residential uses located within
21 the same building as an animal use, as in the
22 case of mixed use buildings, OP recommends that

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1 applicants would have to document to the Board
2 of Zoning Adjustment that the proposed use
3 would not cause noise or odors unduly
4 objectionable to residential uses within the
5 building or in similar to special exception
6 criteria used elsewhere in the regulations.

7 At the suggestion of OAG, OP also
8 recommends clarification of the criteria to
9 avoid wording that would, 1) Separate noise
10 from specific criteria addressing odor; 2)
11 Replace the term "soundproof" with "no noise
12 objectionable" for consistency with other
13 special exception uses; 3) Clarify that only
14 the doors and windows of an animal use are
15 required to be kept closed and not all of the
16 windows within a mixed use building; and 4)
17 Eliminate Section 735.7 which dealt with animal
18 uses that predated the regulations and is no
19 longer relevant.

20 The Office of Planning recommends
21 that the Commission set down to propose text
22 amendments and is available for questions.

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1 Thank you.

2 CHAIRMAN HOOD: Okay, thank you.
3 Any questions? Vice Chair Cohen?

4 VICE CHAIR COHEN: Thank you, Mr.
5 Chairman. I think that we're very stringent
6 when it comes to, and I guess for the record I
7 should disclose I do own a dog. And I think
8 it's really important for us to recognize that
9 there are dog boarding places and areas that
10 have state of the art noise attenuation.

11 And I think it would be appropriate
12 that if we do see more of these that we actually
13 get a letter from a professional that declares
14 that the noise attenuation is the state of the
15 art.

16 And as far as the waste, I think that
17 again there's state of the art waste
18 processors. One of the concerns that I have is
19 that I don't know if you've ever gone to the
20 seven veterinarian hospitals in the District,
21 because I would suggest to you that most of
22 their clients, well, they're dogs and cats.

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1 And I think you're prohibiting dogs to be
2 boarded in a veterinarian hospital, if I read
3 that correctly. Is that true?

4 MR. MORDFIN: That was not the
5 intent to prohibit dogs to be boarded. For
6 medical reasons, is that what --

7 VICE CHAIR COHEN: Yes. 738.2,
8 you may board any animal except domesticated
9 dogs. Look at your 738.2. I may be reading it
10 wrong.

11 MR. MORDFIN: Well, 738.2 is
12 existing language that says a veterinarian
13 hospital may board any animal permitted to be
14 lawfully sold in the District of Columbia
15 except domesticated dogs. So I'm looking to
16 what exactly that means. It is existing.
17 We're not proposing to change that.

18 VICE CHAIR COHEN: Well, that's
19 what I'm asking you to look into. Because I
20 think that many of the clients at veterinary
21 hospitals are dogs and they are boarded
22 overnight.

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1 MS. STEINGASSER: We can clarify
2 that language, Commissioner Cohen, to that at
3 least for convalescent purposes. An animal
4 being treated for medical reasons can stay
5 overnight as long as it's medically necessary.

6 VICE CHAIR COHEN: And then just
7 because you are using the same arguments for
8 gasoline service stations and bowling alleys,
9 there's a gasoline service station beneath a
10 housing development. It's not 25 feet away in
11 West End.

12 And then as far as bowling alleys,
13 in Dupont that bowling alley's underground but
14 it is within 25 feet of residential. So I
15 really feel that we need to be much more
16 consistent in our interpretations as well as in
17 the fact that there is so much that has
18 progressed in the care and feeding of animals.

19 The District happens to be one of
20 the lowest cities where dog and cat ownership
21 it's actually under 50 percent. In most
22 communities -- cities, cities in the United

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1 State are above 67 percent. So I just think you
2 need to do a little bit more groundwork.

3 CHAIRMAN HOOD: Any other
4 comments?

5 I want to thank the Office of
6 Planning for actually dealing with the
7 situation at hand in which I had an opportunity,
8 and I'm sure that my other colleagues have, in
9 dealing with the clarifying of language. So I
10 appreciate Office of Planning doing with the
11 task at hand of why we got to where we are here.
12 So I appreciate that.

13 Any other comments? Commissioner
14 Miller?

15 COMMISSIONER MILLER: Thank you,
16 Mr. Chairman. On Vice Chair Cohen's comment
17 about the boarding of dogs and veterinary
18 hospitals, I think I'm recalling correctly, but
19 I think there's some language in the ZRR that
20 actually dealt with that. You might just want
21 to take a look at using that language. I think
22 this came up when we looked at that section in

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1 the ZRR, and I think we took care of it.

2 VICE CHAIR COHEN: I was just
3 reading what was put in front of me. On July
4 10th I'll be smarter.

5 CHAIRMAN HOOD: Okay, anything
6 else? Anything different? Okay. I would
7 move that we set down Zoning Commission Case
8 Number 14-10 and ask for a second.

9 VICE CHAIR COHEN: Second.

10 CHAIRMAN HOOD: It's been moved and
11 properly seconded. Any further discussion?
12 All those in favor?

13 (Chorus of ayes)

14 CHAIRMAN HOOD: Not hearing any
15 opposition, Ms. Schellin, would you record the
16 vote.

17 MS. SCHELLIN: Staff records the
18 vote 4 to 0 to 1 to set down Zoning Commission
19 Case Number 14-10 as a rulemaking case.
20 Commissioner Hood moving, Commissioner Cohen
21 seconding, Commissioners Miller and May in
22 support. Commissioner Turnbull not present

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1 and not voting.

2 CHAIRMAN HOOD: Okay. Next
3 hearing action, Zoning Commission Case Number
4 05-22A. This is the View 14 Investments, LLC,
5 Modification to PUD at Square 2868.

6 Mr. Gyor, thank you.

7 MR. GYOR: The applicant proposes
8 to modify the Commission's order to allow a dog
9 daycare/pet grooming and overnight boarding
10 facility in a previously approved PUD, U14,
11 located at 2303 14th Street NW, and in the C-2-B
12 zone.

13 The proposal would not be
14 inconsistent with the general intent of the
15 approved PUD. The facility would occupy space
16 identified in the PUD for retail and service
17 uses, or with the comprehensive plan.

18 The proposal would not
19 detrimentally alter the approved external
20 appearance of the building or alter the
21 approved benefits or amenities for the site,
22 but would help to fulfill occupation of ground

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1 floor commercial space with a use that is
2 generally desired by many District residents.

3 The applicant's proposal for the
4 dog daycare/pet grooming and overnight
5 boarding facility was recently denied by the
6 Board of Zoning Adjustment as not meeting the
7 requirements for these types of uses which are
8 permitted only by special exception within a
9 C-2-B zone.

10 The BZA denied the applicant's
11 special exception request in part due to issues
12 of adjacency with residential zones and uses.

13 OP is not opposed to this requested
14 modification of Zoning Commission Order 05-22
15 being set down for public hearing. However,
16 while OP supported the original BZA request, we
17 are concerned with this application to request
18 approval from the Zoning Commission of a
19 special exception use already denied by the
20 BZA.

21 I would be happy to take any
22 questions. Thank you.

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1 CHAIRMAN HOOD: All right. Thank
2 you, Mr. Gyor. Commissioners, you've heard
3 the report of Office of Planning. Are there
4 any comments? Commissioner May?

5 COMMISSIONER MAY: Yes, I think
6 that the way to address this issue is the path
7 that we've already stepped down with the set
8 down of the modification language regarding
9 such facilities, and I'm not inclined to set
10 this down.

11 To me it's an attempt to relitigate
12 what was decided by the BZA and I don't think
13 that's a smart way to handle it in any form. I
14 mean at this point I would be happy if we were
15 to deny the set down or to defer it.

16 But I just don't see any reason to
17 see this. I think we should let the case that
18 we just set down take its course, and then this
19 can be, you know, dealt with after that once the
20 regulations have changed.

21 CHAIRMAN HOOD: Okay. Vice Chair
22 Cohen?

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1 VICE CHAIR COHEN: I really support
2 Commissioner May's analysis of this. I'm not
3 comfortable with second guessing the ZRR
4 decision at this point -- I'm sorry. BZA. I'm
5 still thinking about the dogs. And yes, I'm
6 just not comfortable about revisiting that
7 decision and I think that we should either defer
8 or deny.

9 CHAIRMAN HOOD: Okay.
10 Commissioner Miller, do you want to add?

11 COMMISSIONER MILLER: I would
12 concur with my colleagues. I think that the
13 previous case changing the regulations does
14 provide a path forward for this, for that
15 applicant to go forward after that case is done.

16 CHAIRMAN HOOD: Right. I would
17 also agree with what I've heard. We definitely
18 don't want to relitigate anything that the BZA
19 has already done. I withheld some of my
20 comments because I actually sat on that case.

21 But one of the questions I want to
22 ask my colleagues, do we want to deny it or do

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1 we want to put it in abeyance?

2 COMMISSIONER MILLER: I would
3 prefer that we defer it and put it in abeyance,
4 and there are a number of options that the
5 applicant could seek after, if we move forward
6 on the text amendment.

7 VICE CHAIR COHEN: I'm comfortable
8 with that.

9 COMMISSIONER MAY: That's fine.

10 CHAIRMAN HOOD: So we will hold
11 this in abeyance and we will deal with the
12 amendment that was before us previous to this
13 case and we will hold this in abeyance.

14 I don't think we need to have a date
15 certain. There are some other avenues that's
16 already been mentioned that this applicant may
17 want to pursue depending upon what happens with
18 the case before this one. So we're not
19 denying it. What we're doing is putting it in
20 abeyance so we can deal with the amendments
21 before us in the previous case. And there's
22 some other avenues that the applicant may want

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1 to take, and I don't want to get into all that.

2 But anything else? Ms. Schellin,
3 we don't need no dates, okay, and we don't need
4 to hear from the applicants. We did not turn
5 them down. So this case is still ongoing,
6 we're just not going to set it down. We're
7 going to hold off on it.

8 Any questions? All right, let's
9 move to the next case. Okay, Zoning Commission
10 Case Number 14-07, 1250 4th Street, EDENS, LLC,
11 Consolidated PUD and Related Map Amendment at
12 Square 3587.

13 Ms. Vitelli (phonetic)? Did I get
14 that right?

15 MS. ELLIOTT: I'm so sorry.
16 You're not even in the same ballpark.

17 CHAIRMAN HOOD: Don't tell me.
18 Don't tell me. Give me the first initial.
19 Just give me the first initial. Don't tell me.

20 MS. ELLIOTT: B.

21 CHAIRMAN HOOD: Forget it. Forget
22 it. I've got too much going on. I apologize.

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1 I know the first name is, anyway I don't know
2 what the first name is.

3 MS. ELLIOTT: It's unique. We can
4 blame it on my parents of Brandice Elliott.

5 CHAIRMAN HOOD: Brandice Elliott,
6 Ms. Elliott. And I always call you Ms.
7 Brandice.

8 MS. ELLIOTT: Sometimes. That's
9 nice too.

10 CHAIRMAN HOOD: Okay. Ms.
11 Elliott, you can call me Anthony.

12 MS. ELLIOTT: Thank you,
13 Commissioner Anthony. OP recommends set down
14 for a public hearing of the application for a
15 PUD and PUD related map amendment that would
16 facilitate redevelopment of a property located
17 at 1250 4th Street NE, in the Florida Avenue
18 Market area.

19 Property's currently zones C-M-1,
20 and the applicant has requested a designation
21 of C-3-C. This PUD would be the second located
22 in the Florida Avenue Market study area. The

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1 first was Gateway Market Center located at 340
2 Florida Avenue NE.

3 The subject site is one of several
4 owned by the developer, but in general the study
5 area is challenged with fragmented ownership as
6 there are over 70 property owners within the
7 Florida Avenue Market boundaries. OP
8 has been working with the applicant and D.C.
9 agencies to coordinate the development of this
10 area and to ensure that the goals and objectives
11 of the Florida Avenue market study area are
12 implemented.

13 The proposed project would
14 incorporate the facade of an existing warehouse
15 into the ground floor of an 11-story mixed use
16 building. The development has a proposed
17 height of 110 feet and FAR of 8.

18 The ground floor would provide
19 retail, while the remaining ten stories would
20 provide up to 520 residential units. The
21 development would comply with inclusionary
22 zoning requirements providing just under

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1 30,000 square feet of affordable housing.

2 Up to 550 parking spaces would be
3 provided with this development where only 179
4 are required. However, the applicant has
5 indicated that there are few locations within
6 this study area where below grade parking can
7 be constructed due to the disjointed property
8 ownership as well as the size of those
9 properties and existing historic structures.

10 As a result, the applicant intends
11 to provide fewer larger pools of parking with
12 certain projects. OP anticipates that a
13 parking management plan would clarify this.

14 The applicant does request
15 flexibility from several areas including the
16 rooftop structures of varying heights, rear
17 yard open and closed courts and loading, and the
18 Florida Avenue Market study anticipates high
19 density development in exchange for
20 significant benefits and amenities.

21 And some of those benefits and
22 amenities include affordable housing, urban

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1 design, architecture and landscape,
2 streetscape improvements that would
3 incorporate low impact development design
4 principles, storefronts with heights ranging
5 between 14 to 22 feet, and a building designed
6 to the LEED certified standard.

7 The comprehensive plan designation
8 for the site is high density residential, high
9 density commercial PDR. The proposal for the
10 mixed use retail/residential development is
11 not inconsistent with the comprehensive plan's
12 objectives for the area and to the generalized
13 land use and policy maps. The project furthers
14 the goals and objectives of the Florida Avenue
15 Market small area plan.

16 OP will continue to work with the
17 applicant to provide information noted in the
18 report, which includes refined and detailed
19 elevations and roof plans, contracting goals
20 for small local businesses, the aforementioned
21 parking management plan, and additional
22 information concerning public streetscape

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1 improvements and an updated comprehensive
2 benefits and amenities package.

3 The Office of Planning recommends
4 that the Commission set down the application
5 for a public hearing, and I would be happy to
6 answer any questions you may have.

7 CHAIRMAN HOOD: Okay. Thank you,
8 Ms. Elliott. Any questions? Vice Chair
9 Cohen?

10 VICE CHAIR COHEN: Thank you. Ms.
11 Elliott, I would like a greater explanation by
12 the applicant, and you can work with them on
13 this.

14 On Page 9 of their submission they
15 talk about the average median income for a
16 family in the census track. And then again on
17 Page 18 they're talking about they'd like to
18 provide current neighborhood residents seeking
19 new housing opportunities the ability to live
20 in the property. However, if you have, the
21 median income translates to, or their income
22 level translates to 44 percent, approximately,

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1 median income, which would make everybody, or
2 the average person ineligible to live in that
3 project.

4 So I would like more of an
5 explanation how they think they're going to
6 meet the needs of the neighborhood and any type
7 of change of moving into the project.

8 The other things that I'm uncomfortable
9 with is the number of parking spaces. It
10 really concerns me when there's a greater
11 desire to house cars than to house people.

12 And by going down four or five
13 levels, if they did fewer parking spaces they
14 could probably get deeper affordability in the
15 building. So I need to understand what their
16 thinking is regarding affordability versus,
17 you know, digging deep into the earth.

18 In addition, they talk about a LEED
19 rating but they don't indicate how many points
20 or, you know, we need to see more information.
21 We want to get them to look at LEED Silver of
22 course, so I'd like more information there.

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1 And they're talking about jobs, and
2 what I would like them to do is see if there's
3 any in construction and in retail, but maybe we
4 can also expand this into business development.
5 What efforts they will make towards that so that
6 people don't just have jobs but they could also
7 own a business. So those are my comments.
8 Thank you.

9 CHAIRMAN HOOD: Thank you. Any
10 other questions? Commissioner May?

11 COMMISSIONER MAY: Thank you. So
12 the first thing I would say is that overall I
13 think the design of the building has a lot of
14 potential. I appreciate the fact that it's
15 not, you know, just another great big glass box
16 or some of the other standard formula kinds of
17 approaches that we have for the design of
18 buildings like this.

19 I would say that the applicant has
20 gone to some effort to save the facade of the
21 existing, nonhistoric warehouse and
22 incorporating into this, which I think has some

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1 substantial value, but then the rest of the
2 design of the retail just seems to bury it
3 completely and it looks like a fairly ordinary
4 retail experience after that.

5 Now maybe I'm just not seeing it the
6 right way, but it just seems like it's, you
7 know, maybe it's just the new normal to have
8 everything all dressed up and showing lots of
9 steel beams and big signs and so on, but it just
10 seems like they could do more to bring out the
11 character of the existing facade and make it
12 feel more like the warehouse district that they
13 are trying, you know, based on their images in
14 their presentation that they seem to be
15 striving for.

16 There's some interesting things
17 going on in the roof. There are penthouse
18 rooms that are not currently permitted under
19 zoning. Those loft spaces, I know we may be
20 taking that up shortly to try to figure out how
21 to permit such activities, and I know that
22 they're now legal under the Height Act, the

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1 newly revised Height Act.

2 But they're not legal now so, and
3 the zoning doesn't address it and I wouldn't
4 want to just deal with it as a variance or some
5 other method like that I'm not sure of. So that
6 has to be wrestled out.

7 The recreation space is up there.
8 It's labeled as accessory. We'll obviously
9 need to have calculations of that because that
10 can be permitted under the, no, actually it
11 can't be permitted under the current
12 regulations because we're at the Height Act
13 limit at 110.

14 It's only permitted under the
15 Height Act limit, right? Limit of 110 and the
16 zoning reg's 110, so they can't use that as
17 accessory recreation space without the changes
18 to the zoning regs to follow on the most recent
19 changes of the Height Act.

20 MS. STEINGASSER: That is correct.
21 And that's something we're going to talk to the
22 Commission about during our status report.

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1 COMMISSIONER MAY: Okay. All
2 right. So it may be that we can't fully decide
3 this until we figure some of those things out.
4 Yes.

5 So I did notice an interesting and
6 different approach to the streetscape and I'm
7 looking forward to see how that gets worked out
8 with the Office of Planning. I don't have any
9 strong feelings one way or another but it's an
10 interesting approach.

11 The thing that strikes me about this
12 project is that we're going from essentially a
13 current 3.0 Matter of Right FAR to a 8.0 is
14 what's allowed under the zone with a PUD, and
15 I think that's what's proposed. It's hard for
16 me to keep all these straight. Yes, they're
17 proposing 8.0. That's a big, big jump.

18 And the benefits that go with this,
19 I mean yes, it's an interesting building and
20 nice streetscape and, you know, trying to
21 preserve some of the warehouse character, those
22 are good things. But they don't add up to that

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1 kind of a jump.

2 And I think this needs to be beefed
3 up substantially and I think that affordable
4 housing is one way to do it. Because to proffer
5 only eight percent, I mean that's the minimum
6 that you have to do and it's just not enough.

7 And I agree that parking is a
8 problem. I think this thing's overparked and
9 I understand the desire to kind of plan for the
10 future, but, you know, are we teeing it up for
11 future relief that might be driven by this? I
12 mean it's in close proximity to Metro and I
13 think in an area where we'd like to have fewer
14 cars rather than a whole lot more.

15 MS. STEINGASSER: Could I add?

16 COMMISSIONER MAY: Please.

17 MS. STEINGASSER: What's
18 interesting about this PUD is it's the first of
19 what will be a much larger context. The
20 Florida Avenue Market itself is coming in. As
21 Ms. Elliott suggested, there's almost 70
22 property owners.

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1 But this one property owns four, if
2 not five, substantial sites and they're
3 beginning to bring them in and you'll see that
4 they are all connected. And we've talked to
5 the applicant about making sure that that
6 connection is clear to the Commission so you can
7 see how the parts work together.

8 So this PUD, while it looks like it
9 has an enormous amount of parking, it's
10 actually serving as kind of a central parking
11 hub for the market itself.

12 This owner also owns the Union
13 Market. They will be bringing that project
14 forward within the next several weeks which
15 will have very limited parking because they're
16 looking to create a larger synergy throughout
17 the Market. So there will be some place
18 making, some streetscapes work.

19 They also own the site north of
20 Penn, the triangular site. They own that one.
21 That will also be coming in in the near future,
22 and then they're also trying to connect down to

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1 --

2 COMMISSIONER MAY: You mean
3 Maurice Lighting?

4 MS. STEINGASSER: Yes.

5 COMMISSIONER MAY: Where am I going
6 to buy light fixtures?

7 MS. STEINGASSER: Well --

8 COMMISSIONER MAY: I'm just
9 kidding. All right.

10 MS. STEINGASSER: So while the PUD,
11 it's the first of many and it kind of stands
12 alone before you this evening, it does fit
13 within a larger context that's going to be
14 implementing the Florida Avenue Market. So
15 it's --

16 COMMISSIONER MAY: Okay, well, I
17 appreciate that. That's a good start toward an
18 explanation for why the parking is necessary
19 and I'm sure we'll get into it in more detail
20 as these projects are submitted and we even
21 actually get to a hearing for this. Thanks.

22 CHAIRMAN HOOD: Any other

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1 questions or comments? Commissioner Miller?

2 COMMISSIONER MILLER: Thank you,
3 Mr. Chairman. Well, I think this is a very
4 exciting project. It's comments, really, that
5 I have more than questions.

6 But the 400 to 500 units of housing
7 is great, and this project will be a catalyst
8 for development of this area in a very exciting
9 and transformational way. I think the Union
10 Market is fantastic as it is right, I mean as
11 one of the first developments down there.

12 But this is, not that we're going to
13 get into a debate now about this, but since
14 Commissioner May, it is a big jump in density
15 but this is designated on the comp plan for high
16 density residential and high density
17 commercial and PDR.

18 So your lighting fixtures, we do
19 have to take care of those somewhere, but since
20 I've called your name out you can take my time
21 if you need to respond to something.

22 COMMISSIONER MAY: I mean I don't

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1 disagree that the zone is appropriate and that
2 it matches up with the comp plan. It's just
3 that, you know, this is a lot that's accruing,
4 a lot of benefit that's accruing to the
5 developer of the property by that jump in FAR.

6 COMMISSIONER MILLER: Right, and I
7 would agree with you and with Vice Chair Cohen
8 on that that the benefits need to be, and the
9 Office of Planning, that there need to be an
10 updated comprehensive list of benefits and
11 amenities that justify that increased density.
12 I think the design is very exciting.

13 But so two of the benefits that I do
14 think beefing up that I hope OP will work with
15 the applicant on it is the affordable housing
16 component. It's got to get below 80 percent
17 AMI to serve, as Vice Chair said, residents of
18 the surrounding area, and then many of the
19 workers who are in the nearby neighborhoods and
20 in the Union Market.

21 And also the Vice Chair's comments
22 about getting up to LEED Silver, I think that's

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1 what we have been insisting upon. So with all
2 those caveats of things of additional work that
3 we want to see, I'm prepared to move forward to
4 set down at the appropriate time, Mr. Chairman.

5 CHAIRMAN HOOD: Thank you. Again
6 I would echo, I think this is a very exciting
7 project. It may need some tweaks here and
8 there, some clarifications here and there, but
9 I think this is very exciting.

10 Again this helps continue the
11 jumpstart of that particular area there,
12 Florida Avenue Market area. So I would move
13 that we set down Zoning Commission Case Number
14 14-07 and ask for a second.

15 COMMISSIONER MILLER: Second.

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

19 (Chorus of ayes)

20 CHAIRMAN HOOD: Not hearing any
21 opposition of those present, Ms. Schellin,
22 would you record the vote.

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1 MS. SCHELLIN: Yes, staff records
2 the vote 4 to 0 to 1 to set down Zoning
3 Commission Case Number 14-07 as a contested
4 case. Commissioner Hood moving, Commissioner
5 Miller seconding, Commissioners Cohen and May
6 in support. Commissioner Turnbull not present
7 not voting.

8 CHAIRMAN HOOD: Okay, next we will
9 go to Zoning Commission Case Number 14-08.
10 This is the Portner Place, LLC - Consolidated
11 PUD and Related Map Amendments to Square 204.

12 Mr. Gyor?

13 MR. GYOR: OP recommends set down
14 for a public hearing of the application for a
15 consolidated PUD and PUD related map amendment
16 to facilitate redevelopment of the property
17 located between U and V and 14th and 15th
18 Streets NW.

19 The applicant proposes to replace
20 Portner Place Apartments, HUD Section 8 garden
21 style apartment complex with a mixed use
22 building. The applicant purchased the subject

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1 property in collaboration with the existing
2 Portner Place Tenant Association.

3 The project would be divided into
4 Wing A fronting on V Street in Zone R-5-D, and
5 Wing B fronting on U Street in Zone CR. Wing
6 A would include an eight-story building with 96
7 residential units all of which would be devoted
8 to residents earning up to 60 percent of the
9 area's median income of which not less than 15
10 percent would be devoted to households earning
11 50 percent or less of AMI.

12 The existing building's affordable
13 units would be replaced on a two to one basis
14 and would comprise about 20 percent of the
15 project's gross floor area. The applicant's
16 proposal to locate all the project's affordable
17 units in Wing A is a result of both the project's
18 financing as well as the preference of the
19 Portner Place Tenants Association.

20 Wing B would include an 11-story
21 building with 278 market rate units and retail
22 on the ground level. The overall development

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1 would also include approximately 137 parking
2 spaces on two levels below grade.

3 Parking and loading for both
4 buildings would be accessed from V Street. The
5 application requests flexibility from the
6 zoning regulations in regard to close courts,
7 rooftop structures, compact parking spaces,
8 loading and inclusionary zoning design
9 standards.

10 OP will continue to work with the
11 applicant on issues raised in our report
12 including the phasing and relocation plan.
13 The applicant had previously worked with OP
14 including historic preservation as well as the
15 community to address the high massing and
16 design of the building prior to filing this
17 application.

18 The proposal for the mixed use
19 residential retail project is not inconsistent
20 with the comprehensive plan's objectives for
21 the area and to the generalized land use and
22 policy maps. In general, the project would

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1 better utilize available space in close
2 proximity to transit.

3 The Office of Planning recommends
4 that the Commission set down the application
5 for a public hearing. I'd be happy to take any
6 questions. Thank you.

7 CHAIRMAN HOOD: Okay, thank you,
8 Mr. Gyor. Any questions? Vice Chair Cohen?

9 VICE CHAIR COHEN: This is a
10 project that I think is very deserving of being
11 set down and moving forward, but I do have a
12 number of questions. First, I didn't find a
13 letter from the residents of Wing A, and they
14 are a big part of what's driving at least the
15 affordable units. So I'd like to see something
16 from those residents that the developer's
17 working with.

18 In addition, I'd like to have a
19 resume and a discussion of transition housing
20 services and their success in relocating people
21 and bringing them back to the site, and what
22 those services are going to provide them.

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1 I think it's important to have lists of
2 the amenities that are different. For
3 example, the laundry room. There will be a
4 laundry room in Wing A, and I guess individual
5 laundry facilities in Wing B. But I'd like to
6 know what else is going to be different.

7 I would like more of an explanation
8 of the loading. Is there going to be one
9 management company for both buildings? And
10 how will they work retail versus residential
11 needs?

12 And I guess the biggest question I
13 have is the, to move forward this project
14 appears to need the Section 8, which is
15 expiring, I believe, and how confident is the
16 developer in their negotiations with HUD?

17 I'm not terribly confident about
18 HUD's performance, especially because of their
19 budget restrictions. So I just think we need
20 to have additional comfort, and if the Section
21 8 is not extended, you know, what's Plan B?

22 But I am very pleased to see this

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1 come before us. I know that it's been in the
2 works for awhile, so those are my immediate
3 questions. Thank you.

4 CHAIRMAN HOOD: Okay, any other
5 questions? Okay, Commissioner Miller?

6 COMMISSIONER MILLER: Thank you,
7 Mr. Chairman. I agree with the vice chair that
8 I will be supporting the set down of this
9 housing development.

10 I think we do need more, as the OP
11 has stated and as the vice chair stated, I think
12 we do need more clarity on the affordable
13 housing units and the mix of units, the size of
14 units, the AMI levels.

15 I'm a little confused by the 15
16 percent would be devoted to households earning
17 50 percent. It says the Wing A would add 96
18 residential units, all of which would be
19 devoted to residents earning up to 60 percent
20 of the area's median income of which not less
21 than 15 percent would be devoted to households
22 earning 50 percent or less.

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1 But 15 percent is only like 14
2 units, and they say they're replacing all of the
3 units that are there, Section 8 units that are
4 there now. I assume all of them are below, all
5 those 48 or 47, whatever it is, units, I assume
6 the AMI levels of those households are all below
7 50 percent.

8 So it would be a higher percentage
9 that would be devoted to the less than 50
10 percent. So I just think we just need more
11 greater clarity on what the AMI levels of the
12 existing residents and clarity that there will
13 be a set-aside that meets those AMI levels in
14 Wing A.

15 And because all the affordable
16 housing of this development is in one wing
17 versus another that that does mean that the
18 relief isn't necessarily from the inclusionary
19 zoning requirement that says it has to be
20 distributed throughout.

21 I think the applicant had a phrase
22 there that if that's deemed necessary, which I

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1 think it's very clear that the applicant needs
2 relief from that provision. And they've
3 stated that that's what the tenants association
4 wanted, which we want to see that commitment,
5 see that desire in writing. But we just want
6 to make that clear.

7 The other thing on the inclusionary
8 zoning, it says the 60 percent AMI units are
9 going to be only, I think there was a statement
10 in the application that there are only going to
11 be, the duration of those units at 60 percent
12 AMI was going to be for 40 years. And I guess
13 that tracks the tax, the low income tax credit
14 program perhaps.

15 But I see of course the set-aside is
16 in perpetuity for the life of the project. So
17 we just have to make sure that, I realize these
18 are deeper levels than what IZ requires and I'm
19 appreciative of that, but we just have to make
20 sure that at least there is a life of the project
21 set-aside as well, because that's what the
22 inclusionary zoning, for certain of the units

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1 because that's what IZ requires.

2 So with all that additional
3 information I'd be provided by the time we get
4 to hearing, I'd be prepared to set down, Mr.
5 Chairman.

6 CHAIRMAN HOOD: Okay, any other
7 questions? Commissioner May?

8 COMMISSIONER MAY: Just some minor
9 things. I agree with my colleagues on their
10 clarification of the affordable housing
11 situation overall, the pictures. I mean
12 there's a lot of moving parts so it would be
13 helpful to get all that spelled out so that even
14 I can understand it.

15 There is a little bit further
16 refinement that needs to be done on the
17 architecture. I'm sure the Office of Planning
18 will be working closely with the applicant on
19 that. I appreciate what's already gone into
20 that though.

21 I don't think we're in the same
22 situation for rooftop use. I mean they're

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1 showing accessory recreational use, but I think
2 it's below the Height Act height, right? Yes.
3 So there we just need the calculations to
4 demonstrate that it's accessory.

5 And there, I think, should be some
6 effort to simplify the rooftop structures
7 because there just is a lot going on, and I think
8 with a little bit careful planning that can be,
9 all sorts of ups and downs can be simplified,
10 reduced. I don't know, a more cohesive
11 treatment of the roof, I think, would be
12 helpful.

13 Those are all minor points. I
14 think the big thing is straighten out the
15 affordability issue, otherwise it looks like a
16 very strong project and I look forward to
17 setting it down and hearing the case.

18 CHAIRMAN HOOD: Okay, Vice Chair
19 Cohen?

20 VICE CHAIR COHEN: Yes, I just had
21 one other really for clarification and that's
22 on the rooftop accessory units on Wing A. My

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1 concern is that often if you have storage or
2 anything, you know, the kids get sent to the
3 roof.

4 So I want to make sure that there's
5 safety factors in place such as a railing. Any
6 time kids go to the roof I get, I guess, nervous,
7 and therefore I want to make sure that there is
8 safety precautions up there.

9 CHAIRMAN HOOD: Okay.
10 Commissioners, any other questions? You know,
11 during the time of set down it looks like we,
12 I'm going to agree also with setting this down.

13 We have a request for a waiver of
14 fees, so I would ask if anyone make a motion that
15 they acknowledge or include whether or not they
16 want to include the waiver request from
17 Department of Housing and Community
18 Development, okay, whoever makes that motion.

19 COMMISSIONER MILLER: Mr.
20 Chairman?

21 CHAIRMAN HOOD: Commissioner
22 Miller?

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1 COMMISSIONER MILLER: I would move
2 that we set down for public hearing, Zoning
3 Commission Case Number 14-08, 1441 and 1449 U
4 Street NW, Square 204 Lot 208, and accept the
5 applicant's request for a waiver of the
6 approximately 28 percent of the fee.

7 We have a letter from the applicant
8 and a letter from DHCD as required for this type
9 of situation where there are subsidized, where
10 there are going to be subsidized housing units.
11 So I would move that we set down and approve the
12 waiver of 28 percent of the fee.

13 VICE CHAIR COHEN: I'll second
14 that.

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

18 (Chorus of ayes)

19 CHAIRMAN HOOD: Not hearing any
20 opposition of those present, Ms. Schellin, will
21 you record the vote.

22 MS. SCHELLIN: Yes, staff records

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1 the vote 4 to 0 to 1 to set down Zoning
2 Commission Case Number 14-08 and to waive 28
3 percent of the hearing fee. Commissioner
4 Miller moving, Commissioner Cohen seconding,
5 Commissioners Hood and May as approved.
6 Commissioner Turnbull not present and not
7 voting.

8 And the set down is a contested
9 case. I probably did not say that.

10 CHAIRMAN HOOD: Thank you. Let's
11 go right into correspondence on the Commission
12 Case 13-14. This is the Vision McMillan
13 Partners, LLC and DMPED. Letter from Friends
14 of McMillan Park objection to the Commission
15 asking the applicant's witnesses questions at
16 the July 28th meeting, and we also have a letter
17 from Holland & Knight, the applicant's
18 representative, stating no objections to cross
19 examination of Friends of McMillan Park at the
20 July 28th meeting.

21 Ms. Schellin?

22 MS. SCHELLIN: Staff has nothing

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1 further to add.

2 CHAIRMAN HOOD: Okay. Let me just
3 add that the intent was never not to allow
4 anyone cross examination. I don't even think
5 that even came up.

6 If we get to that point, right now
7 we have not gotten to that point, and again at
8 11 o'clock at night a lot of things may get
9 misunderstood and misinterpreted, and things
10 may be said at 11 o'clock that might not be said
11 at 6:30.

12 So there's never an intention to not
13 allow cross examination. Everyone knows that
14 we allow, anytime someone makes a presentation
15 and if they are parties in the ANC they are
16 allowed to be able to cross examine.

17 So if that was misunderstood or
18 maybe didn't come across correctly by me, then
19 I apologize. But I mean I've been here awhile
20 and I know that you get a chance to cross examine
21 any witnesses in a contested case.

22 So we will decide how we're going to

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1 move further. There's a possibility at some
2 point if the Commission deems necessary that we
3 may have a limited scope hearing, but I don't
4 know what may happen.

5 But I just want to assure the
6 applicant we will not be asking questions of the
7 applicant at our meeting. If we decide in our
8 deliberations that we want to have a limited
9 scope hearing we'll do that or whatever we
10 decide we'll move forward.

11 And there's always opportunity to
12 cross examine which within our regulations
13 statute, I went back and reviewed what was said,
14 and there was no time it was mentioned that the
15 party in opposition would not be able to cross.
16 Sometimes it's good to go back and look and
17 review. And I know it was late, but if that was
18 misunderstood I will take full responsibility
19 for that.

20 Okay, any other comments on that?

21 Mr. Miller?

22 COMMISSIONER MILLER: Thank you,

1 Mr. Chairman. Just to clarify. So there are
2 certain written submissions that are due, and
3 maybe Ms. Schellin can just review that.
4 Certain submissions are due in mid-July or
5 something, and we have July 28th as a date where
6 we will decide how to proceed in this case?

7 CHAIRMAN HOOD: On the 28th we will
8 start deliberating among ourselves and if we
9 feel like we need to go back to the applicant
10 we will set a limited scope hearing, at which
11 time all of the participants, the ANC as well
12 as the other party will be able to do any cross
13 examination if we get to that point.

14 COMMISSIONER MILLER: Okay, thank
15 you.

16 CHAIRMAN HOOD: Anything else?
17 Okay, let's go to Zoning Commission Case Number
18 11-17, Adams Morgan Church Hotel, LLC. Ms.
19 Schellin?

20 MS. SCHELLIN: Before we go on I'd
21 like just to clarify. Are the applicant's
22 witnesses still needing to be at the July 28th

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1 meeting, or from what I'm hearing no witnesses
2 need to be there?

3 CHAIRMAN HOOD: No. We don't need
4 any witnesses. Once we deliberate on the
5 information and look at what's being --

6 MS. SCHELLIN: If you decide you
7 need a full hearing then --

8 CHAIRMAN HOOD: We will decide
9 whether or not we're going to have a limited
10 scope hearing. I don't think we need a full,
11 but I'm not going to say that. We will decide
12 what the next steps are.

13 MS. SCHELLIN: Yes, I just wanted
14 to make sure. Because I think some of the
15 witnesses were from out of town, so we just,
16 that way the applicant's attorney knows not to
17 have them there.

18 CHAIRMAN HOOD: Right, they don't
19 need to come.

20 MS. SCHELLIN: Okay. Just wanted
21 to make sure. Thank you.

22 CHAIRMAN HOOD: Okay.

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1 MS. SCHELLIN: I'm sorry. The
2 next correspondence item was a letter from ANC
3 1C requesting clarification of Zoning
4 Commission Order Number 11-17, and there was a
5 response from the applicant responding as the
6 Commission deny the request. And we'd ask the
7 Commission to consider this.

8 CHAIRMAN HOOD: Okay. Thank you.
9 Commissioners, we do have a request from ANC 1C.
10 Again our rules do not authorize clarification
11 of orders, and orders, what it is, the dismissal
12 of the appeal ends the Commission's role in this
13 matter.

14 I don't think, as I stated we don't
15 have room to clarify any of our orders. And
16 also this was on the appeal, and the appeal was
17 dismissed. Any other further conversation?

18 Okay, do we need to vote on this, Ms.
19 Schellin, or just we can acknowledge it. But
20 this is not within, we do not clarify our
21 orders. Our rules do not authorize us to
22 clarify the orders.

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1 MR. RITTING: Well, I mean that's
2 certainly true that your rules don't authorize
3 it. As to whether you need to have a vote on
4 it or not, it couldn't hurt to have a vote. I
5 don't know whether or not you're absolutely
6 required to or not.

7 CHAIRMAN HOOD: Let's just do this.
8 Can we just do a general consensus that we would
9 not move on ANC 1C's due to the fact that are
10 rules do not allow us to, for clarification for
11 orders? Can we just do a general consensus?

12 Okay, so we'll make it look like
13 we're denying the ANC. Because we appreciate
14 what our ANCs do, but our rules do not allow us
15 to do this. And I think by general consensus
16 that we will acknowledge it, but our rules do
17 not allow for us to do clarification of orders.

18 All right, anything else on that?
19 Okay. Let's go to, we had put ZRR off until
20 July the 10th. A status report, Ms.
21 Steingasser.

22 MS. STEINGASSER: Yes, Chairman

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1 Hood and Commissioners, we wanted to talk to
2 with the Commission this evening about this
3 rooftop structure issue and the Height Act.
4 There's been a lot of design work that's being
5 done for submittals that will be coming to you
6 either in July or later this fall.

7 And everybody's kind of, they don't
8 know how to approach the Height Act issue and
9 the rooftop structures. Obviously they don't
10 want to miss the opportunity to incorporate
11 them.

12 They also don't want to have to go
13 through the amendment process and nor does, and
14 the Office of Planning is somewhat sympathetic
15 because that would require an entire hearing.
16 Because we would not consider any type of
17 rooftops to be a minor modification.

18 So there would have to be a set down,
19 there would have to be another set of hearings.
20 It was suggested to us last week that people
21 could submit alternatives. One that meets
22 today's code as a matter of right, and one roof

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1 structure that kind of anticipates, I guess the
2 maximum would be my best guess.

3 And this has come from three
4 separate landowners unrelated to each other.
5 They don't want to offend the Commission by
6 presuming your action, but they also want to
7 respect the Commission's time by not
8 overloading the Commission with a bunch of
9 amendments if the opportunity could be
10 discussed as part of an alternative, the same
11 way the Commission has considered at times a
12 hotel versus a residential building and the
13 Commission has accepted alternative drawings
14 and said it could be one or the other.

15 So we just want to kind of fly that
16 by you and get your feedback on it before we
17 advise them. And everybody would be fully
18 aware that it's nonbinding feedback, but it
19 would at least give them some direction on how
20 to proceed and how to instruct the architects.

21 VICE CHAIR COHEN: I guess my first
22 question would be when's the earliest you can

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1 get a text amendment to us?

2 MS. STEINGASSER: Bringing that to
3 you in July.

4 VICE CHAIR COHEN: In July. And
5 then we would have, that we'd set that down,
6 have a hearing.

7 MS. STEINGASSER: Hearing would be
8 late fall.

9 VICE CHAIR COHEN: Late fall. So I
10 think that we have no real alternative, but if
11 some are coming forward with both scenarios and
12 we haven't acted on the entire text amendment,
13 I think it behooves us to have, at least it's
14 my opinion to look at both scenarios and to
15 comment on them.

16 MS. STEINGASSER: And they would be
17 fully aware that there could be a third option
18 that they didn't anticipate. They're just
19 kind of stymied there with what to do for those
20 that are already in the design.

21 And you saw it this evening on the
22 one PUD where they're guessing of what it's

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1 going to be, but others are not quite, it's not
2 that they're not comfortable, but like I said
3 they don't want to presume. They don't want to
4 be in a position where they're presuming what
5 the Commission would do. So if that's
6 acceptable.

7 VICE CHAIR COHEN: I think I'm fairly
8 predictable, myself.

9 COMMISSIONER MAY: Well, I think
10 the big question is what we hear from the
11 general public as well, because there was
12 substantial concern of certain members of the
13 community about doing any changes to the Height
14 Act whatsoever and they were opposed to even
15 doing what was eventually done.

16 And we certainly want to hear from
17 the public before we make any decisions about
18 it. I guess I want to clarify a little bit.
19 Would this be on the mid-July meeting or the
20 late July meeting?

21 MR. LAWSON: Joel Lawson with the
22 Office of Planning. We're still working on it.

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1 There's a chance it could be on the 17th, but
2 at this point it's not a given. It's not a
3 promise.

4 COMMISSIONER MAY: Okay, that's
5 fine. I won't be here on the 17th, but I would
6 really enjoy reading all about it while I'm on
7 vacation so I can phone in some comments.

8 And hearing in late fall? Is it
9 really going to take that long to get to the
10 hearing?

11 MS. STEINGASSER: Well, I would
12 leave it to the Office of Zoning, and just in
13 knowing the cases that we've been bringing
14 forward, October would be the earliest.

15 COMMISSIONER MAY: Okay, so that's
16 not quite late fall at least, okay. I was
17 picturing December which --

18 MS. STEINGASSER: Oh, I would
19 consider that winter.

20 COMMISSIONER MAY: Yes. Oh, okay.

21 MS. STEINGASSER: I work by
22 holidays. So if it's after Thanksgiving it's

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1 winter.

2 COMMISSIONER MAY: All right.
3 That's why I needed the clarification, I guess.
4 Yes, I mean because I would not be opposed to
5 taking this up on a special hearing date even
6 on a volleyball night.

7 (Simultaneous speaking)

8 COMMISSIONER MAY: I know you love
9 putting things on volleyball night. But since
10 it's something that's a pressing concern, I
11 think, you know, if we needed to have a special
12 hearing for it I would certainly be willing to
13 do that.

14 CHAIRMAN HOOD: Okay, Commissioner
15 Miller?

16 COMMISSIONER MILLER: Yes, I would
17 agree that, I mean even though it took 104 years
18 to amend the Height Act and we don't want to take
19 that long to implement the change that's been
20 made, I would urge, that's why I would ask that
21 we get an options memo, I think, a week before
22 or the week that it was passed by the Congress.

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1 And so I look forward to getting that
2 information in the next few weeks and setting
3 down the hearing.

4 I would support a special date so
5 that we don't unnecessarily delay this
6 particular text amendment and don't delay how
7 we deal with the applications that we're
8 fortunate enough to have in this market that are
9 coming forward. So I would support
10 expeditious scheduling of all that.

11 CHAIRMAN HOOD: Okay, thank you.
12 Any other comments? Commissioner May?

13 COMMISSIONER MAY: Yes, I didn't
14 respond directly to the question that was
15 raised by the Office of Planning about whether
16 we are open to the idea of kind of two scenarios
17 being posed and, yes, I presume in PUD cases.

18 Certainly that there's benefit to
19 that and I wouldn't be bothered if that were
20 being proposed. I'd rather have that than just
21 an assumption that certain things are going to
22 happen. But yes, it's very much up in the air,

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1 I think, what will eventually happen. But
2 hopefully we can have that hearing in short
3 order.

4 And I would prefer it if we could do
5 it on a regular date. I think October may not,
6 I don't know how soon after the set down you'd
7 be ready to actually have the hearing. Would
8 be as soon as possible?

9 MR. LAWSON: I would say as soon as
10 possible, absolutely.

11 COMMISSIONER MAY: All right, so we
12 could do that.

13 VICE CHAIR COHEN: And lastly, I
14 think it might be helpful to see the scenarios
15 to see how they're thinking of balancing the
16 additional height that is allowed. So that
17 might be educational as well, for me. I don't
18 know about Commissioner May.

19 CHAIRMAN HOOD: He's not the only
20 commissioner up here.

21 VICE CHAIR COHEN: He's the
22 architect.

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1 CHAIRMAN HOOD: Don't make no
2 difference. We still all look at
3 architecture, Commissioner Miller, myself.

4 MALE PARTICIPANT: You're budding
5 architects as well.

6 VICE CHAIR COHEN: Okay, all my
7 commissioners need to see this.

8 CHAIRMAN HOOD: That's all right.
9 We won't lose any sleep over it. Commissioner
10 Miller?

11 COMMISSIONER MILLER: I also
12 didn't comment on the, I would support then the
13 applicant submitting alternative scenarios so
14 that they aren't unnecessarily delayed in their
15 processing.

16 CHAIRMAN HOOD: Okay, and ditto for
17 me. I would agree. Okay, anything else, Ms.
18 Schellin?

19 MS. SCHELLIN: No.

20 CHAIRMAN HOOD: All right.
21 Anything else, Ms. Steingasser? Okay, so with
22 that I want to thank everyone for their

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1 participation in this meeting and this meeting
2 is adjourned.

3 (Whereupon, the above-entitled
4 matter went off the record at 8:09 p.m.)

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