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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

PUBLIC MEETING OF THE OFFICE OF ZONING

6:40 P.M. to 7:43 P.M.
Monday, March 9, 2015

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

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2 Board Members:

3 ANTHONY HOOD, Chairman

4 MARCIE COHEN

5 PETER MAY

6 ROBERT MILLER

7 MICHAEL TURNBULL

8

9

10 Office of Planning:

11 JOEL LAWSON

12 JENNIFER STEINGASSER

13 MEGAN RAPPOLT

14 MATT JESICK

15

16

17 Office of Zoning:

18 SHARON SCHELLIN, Secretary to the Board

19

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21 Office of Attorney General

22 ALAN BERGSTEIN

23 JACOB RITTING

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CHAIRPERSON HOOD: Okay, we are ready to get started. This meeting will please come to order. Good evening, ladies and gentlemen. This is a public meeting of the Zoning Commission for the District of Columbia. My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioners Miller, May, and Turnbull.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, Office of Attorney General, Mr. Bergstein and Mr. Ritting, Office of Planning, Ms. Steingasser, Mr. Lawson, Ms. Rappolt, and also Mr. Jesick.

Copies of today's agenda are available to you and are located in the bin near the door. We do not take any public testimony at our meetings unless we request someone to come forward. Please be advised that this proceeding is being recorded by a court reporter and is also Webcast live.

Accordingly, we must ask you to refrain from any disruptive noise or actions in the

1 hearing room, including display of any signs or
2 objects. Please turn off all beepers and cell
3 phones. Does the staff have any preliminary
4 matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Okay, let's move right
7 into our agenda.

8 First, we will go with Final Action,
9 Zoning Commission Case #14-17. This is the AE
10 Tower, LLC Map Amendment at Square 4310.

11 MS. SCHELLIN: Yes, sir. At Exhibit 33,
12 we have ANC5C's report that includes their
13 conditions. They did submit a report earlier, but
14 they left off the conditions, the attachment, and
15 Exhibit 34 is the Applicant's Draft Order. We
16 would ask that the Commission consider Final
17 Action this evening.

18 CHAIRMAN HOOD: Okay. Commissioners, we
19 have in front of us the final Proposed Order. I
20 am actually looking for something; just bear with
21 me for one moment. Okay, anyway - okay, let me
22 open up any comments.

23 VICE CHAIR COHEN: Mr. Chairman.

24 CHAIRMAN HOOD: Yes?

1 VICE CHAIR COHEN: It is my understanding
2 that the ANC's Proposed Proposal to include the
3 different proffers and understandings and
4 agreements is not permitted in the Zoning Order.

5 CHAIRMAN HOOD: Actually, that is what I
6 was looking for. I just found it. So, I would
7 agree, and it states on Page 5 of the Order,
8 Commission does not adopt the conditions listed in
9 the ANC's second letter, and it goes on to talk
10 about how this is a Map Amendment as opposed to a
11 specific case in talking about a specific project.

12 That has been how we have moved forward in the
13 past, and I think, being consistent, that is the
14 way it was written, and that is the rule we have
15 to apply.

16 So, I would agree with that Vice Chair,
17 and I think it states it here, and hopefully the
18 ANC will understand that this is not case
19 specific. This is just a Map Amendment, a
20 rezoning. Anything else? Any other comments? I
21 think that is the major point for me.

22 COMMISSIONER TURNBULL: Mr. Chairman, I am
23 okay with everything. I think there are possibly
24 some changes OAG to some of the wording that would

1 need to happen to amend the Applicant's Order.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER TURNBULL: I think they are
4 minor changes.

5 MR. RITTING: You are referring to the
6 comments I provided on the Draft Order that I
7 provided Ms. Cohen?

8 COMMISSIONER TURNBULL: That's correct.

9 MR. RITTING: And, if I could
10 characterize your reaction, you agree with the
11 comments?

12 COMMISSIONER TURNBULL: I agree with your
13 comments.

14 MR. RITTING: Okay, thank you.

15 CHAIRMAN HOOD: Okay, anything else?

16 VICE CHAIR COHEN: Mr. Chairman, and I
17 also agree with the comments, and, therefore, if
18 it is acceptable, I move to approve Zoning Case
19 #14-17, AE Tower, LLC, Map Amendment at Square
20 4310, and I ask for a second.

21 COMMISSIONER MILLER: Second.

22 CHAIRMAN HOOD: Okay, it has been moved and
23 properly seconded. Any further discussion?

24 COMMISSIONER MILLER: Mr. Chairman, I

1 would just note again, as we did at the Proposed
2 Action that this is a Commission Plan Zoning
3 Consistency Case in terms of low density
4 commercial, and that the ANC previously did
5 indicate its support for the project.

6 CHAIRMAN HOOD: Any further discussion?
7 All those in favor?

8 (A chorus of ayes.)

9 CHAIRMAN HOOD: Any opposition? Ms.
10 Schellin will record the vote.

11 MS. SCHELLIN: Staff records the vote four
12 to zero to one to approval Final Action on Zoning
13 Commission Case #14-17, Commissioner Cohen moving,
14 Commissioner Miller seconding, Commissioners Hood
15 and Turnbull in support, Commissioner May not
16 voting, having not participated.

17 CHAIRMAN HOOD: Okay, next let's go to
18 under Final Action, we have a remaining Zoning
19 Commission Case #10-28, 901 Monroe Street, LLC,
20 Remand from the D.C. Court of Appeals. We had our
21 oral arguments, which were held on February 26 on
22 this issue from Remand in response to what the
23 D.C. Court of Appeals had presented back to the
24 Commission. Ms. Schellin.

1 MS. SCHELLIN: Yes, sir. As you stated,
2 the oral arguments were held on February 26 on the
3 issues Remanded from the D.C. Court of Appeals.
4 Staff has nothing further to add, other than to
5 ask the Commission to consider Final Action on
6 this case this evening.

7 CHAIRMAN HOOD: Okay, I think we have
8 two issues --three issues on this particular
9 Remand. Has everyone participated? Commissioner
10 Miller.

11 COMMISSIONER MILLER: I just know I did
12 not participate in the oral arguments or the
13 Remand because I did not participate in the
14 original case. But, I will listen to you
15 carefully.

16 CHAIRMAN HOOD: Okay, so noted. I think,
17 colleagues, in this particular case, this may be
18 the second time this has come back for
19 clarification. One of the things I think that the
20 200 footers have mentioned is that the moderate
21 density versus the medium density I think is one
22 of the issues, and I think the Commission has
23 found that this was moderate. And, I guess the
24 question would be, why do we think it is moderate?

1 Maybe we need to answer that again -- just open
2 that up to start a conversation. Vice Chair
3 Cohen.

4 VICE CHAIR COHEN: Okay, I believe that
5 the density is moderate, and I based that opinion
6 on the fabric of this community being very
7 diverse. There does not appear to be one
8 architectural style existing in the immediate
9 area. I believe the architectural features of the
10 project compliment the adjoining townhouses, that
11 the setbacks of the project transition building
12 heights on Monroe Street to low-scale residential
13 on 10th Street. 901 Monroe Street has been
14 designed to reflect, not duplicate, the
15 surrounding neighborhood. The bulk of the
16 building has been designed to emphasize its form,
17 not bulk, and it gives the impression of a lesser-
18 sized or moderate-density structure.

19 Through the design of this development,
20 care was taken to ensure compatibility with the
21 surrounding homes. Preservation, in my mind, is
22 to conserve the visual integrity, not to duplicate
23 the actual style.

24 There are many, many streets in

1 Washington, D.C. that have buildings that are
2 comprised of size, height, and mass, that live
3 harmoniously side by side. These blocks contain
4 some of the most desirable properties in the city,
5 and, therefore, I still maintain that this project
6 meets the moderate-density definitions throughout
7 the city.

8 CHAIRMAN HOOD: Okay, any other comments
9 of those who participated in this Remand Case?

10 COMMISSIONER MAY: Mr. Chairman.

11 CHAIRMAN HOOD: Commissioner May.

12 COMMISSIONER MAY: I would agree with
13 Vice Chair that the project, as it has been
14 designed -- as it was altered during the course of
15 the set down and hearing process, is consistent
16 with the moderate-density designation. I will
17 admit that it is on the more dense end of the
18 spectrum -- within that range, but the guidance
19 from the Comprehensive Plan is not specific -- it
20 doesn't say specifically -- specific heights or an
21 explicit list of zones that are appropriate, and
22 it includes -- when it does mention zones, it
23 mentions R5B, which with a PUD would allow 60-foot
24 height, and this building at 60 feet 8 inches is

1 virtually the same as 60 feet. I don't think that
2 8 inches is enough of a difference to push it out
3 of that range. So, I think it is consistent with
4 the range of densities that are permissible within
5 moderate density.

6 The other thing -- I assume that we will
7 talk a little bit more about this when we talk
8 about some of the other issues, but, I think that
9 the Comprehensive Plan provides general guidance
10 and policies. It does not require specific
11 actions or zone. It does not produce a zoning
12 map. The future land use map is not a zoning map,
13 and there is flexibility, and the Zoning
14 Commission is charged with trying to balance out
15 all of the various considerations that come from
16 those policies, and it is a matter of striking the
17 right balance between them.

18 So, I think that just on the basic
19 question of, "Is it consistent with moderate
20 density?" I think for the reason already stated by
21 the Vice Chair and myself, I think it is
22 consistent.

23 CHAIRMAN HOOD: Mr. Turnbull.

24 COMMISSIONER TURNBULL: Thank you, Mr.

1 Chair. I would agree with the Vice Chair and
2 Commissioner May. I think that we, during the
3 whole process of hearings on this PUD, there was
4 significant give and take by the applicant in
5 designing this project, and it went back and forth
6 many times, and there were many changes. We asked
7 for many -- in fact, you, yourself, I think, asked
8 for several views, looking down the street and
9 perspectives, how is this going to blend in with
10 the neighborhood, what is it going to look like?
11 So, we had their architect come back many times
12 with different renderings of how this thing is
13 compatible with the neighborhood. I think it was
14 a very key aspect for us.

15 I think, as Commissioner May -- I think
16 height has been -- somehow height became a
17 predominate that if it is a certain height, it is
18 a certain density, and that is what it means, and
19 I think that became an over -- that has become an
20 issue, which, I don't think is -- is totally fair.
21 I think there are always, in a project, competing
22 priorities, but I think that this project is not
23 an inconsistent plan as a whole, looking at the
24 totality of what we are trying to deal with the

1 Comprehensive Plan, and I think that the way this
2 thing was achieved, and what we tried to do, and
3 after hearing the limited hearing from both
4 parties, I am convinced more than ever that we
5 made the correct move in saying that this was a
6 moderate-density plan. I think the way that was
7 achieved architecturally reinforces that. I think
8 that when you look at this project as a totality,
9 your feeling is that it is not a dense complex.
10 So, I am in favor of going ahead with this, but,
11 that is my feeling on that.

12 CHAIRMAN HOOD: Okay, I would agree, as
13 you stated, Mr. Turnbull, and it goes back to the
14 argument of what has been required of us as far as
15 looking at special care in a neighborhood, and if
16 the transcript -- I am not sure again what the
17 Courts looked at, but a lot of things were
18 considered, I know, by this Commission, and I'm
19 sure by the Commission as a whole, because I know
20 what the 200 footers and some were asking for, and
21 that is how we look at what came to us first, and
22 we look at some of the precautions and the care, I
23 think, that we took in this project, and I think
24 that this falls within the moderate after we kind

1 of shaved some things off, and, as the Vice Chair
2 mentioned, with the setbacks, and I don't want to
3 repeat a lot of what I've heard, but I think that
4 this was exhausted.

5 And, as you mentioned, Mr. Turnbull, I did
6 ask for his views, especially coming from the
7 Brooklyn Metro Station and with this housing, and
8 how that structure would actually fit in with the
9 surrounding character of the neighborhood, and I
10 think this commission took special -- made special
11 attention -- paid special attention to that as
12 required.

13 One of the things, as was mentioned
14 earlier, Comprehensive Plan, again, as was stated,
15 is a tool. It is not specific for us to exactly
16 go by it. It is a tool and gives us the guidance,
17 and I think this Commission, in my 17 years, and
18 especially in this particular case with Zone
19 Remand, has done that.

20 I guess that we needed to clarify or be
21 specific in how we got to this rationale of
22 moderate, and that still would go forward with
23 what we approved previously. Okay, anything else?
24 Vice Chair Cohen.

1 VICE CHAIR COHEN: Thank you, Mr.
2 Chairman. I too, want to go back to the number of
3 tools that are available to the Zoning Commission,
4 the Comprehensive Plan, the Future Land Use Maps,
5 Small Area Plans, and District Elements. They
6 comprise what the Office of Attorney General and
7 the Office of Planning and Zoning Commission call
8 a Family of Plans, and the Small Area Plans do not
9 trump or dictate recommendations but feed into the
10 Comprehensive Plan. The Comprehensive Plan,
11 itself, was adopted by Council Legislation,
12 whereas Small Area Plans are adopted by Council
13 Resolution. So, it is the responsibility of the
14 Zoning Commissioners to balance all the objectives
15 contained within these tools to assure that
16 policies further the well-being of residents of a
17 particular neighborhood, but also the well-being
18 of all residents in the District of Columbia, and,
19 again, I know that my colleagues and I take this
20 very seriously, the balancing act -- it is not
21 always clear-cut and easy, but we spend a great
22 deal of time deliberating, a great deal of time
23 reading the record, and, of course, we spend a
24 great deal of time reading the Court opinion and

1 the applicant and the appellant's documentation
2 that was submitted to us.

3 CHAIRMAN HOOD: Okay, Commissioner May.

4 COMMISSIONER MAY: Yeah, I would like to
5 say a little bit more on the issue of whether
6 special care was taken to protect the houses along
7 10th street -- that issue, I know the Vice Chair
8 touched on that a little bit, and much of what we
9 said so far is relevant, but is that what you're
10 seeking at this point -- just to keep moving on?

11 So, the -- as we said before,
12 Comprehensive Plan is a number of policies, and
13 they have to be taken in totality, and it is
14 possible that some of them conflict. But, it is
15 possible to be consistent overall with the
16 policies, even if some of them are conflicting.
17 It is the sort of thing where in certain places,
18 if you tried to follow every Comprehensive Plan
19 policy, you wouldn't be able to change very much
20 at all, and so I think it is important to keep in
21 mind that the policies are intended to guide
22 growth and change in the city.

23 Whether special care was taken, I think
24 that we heard a compelling case that the

1 development proposed here is appropriate and
2 consistent with Comprehensive Plan guidelines
3 overall and meets a number of the policies
4 including housing policies, and so on, and I think
5 it is very easy to see that the extension of the
6 property all along Monroe Street to 10th, which
7 necessarily involves the change from single-family
8 houses to a more dense mixed-use development is
9 easily consistent with the policies, and, in fact,
10 even the appellant accepted the idea that it is
11 appropriate to have a mixed-use building at the
12 corner of 10th and Monroe as part of this project.

13 I think the objection there was just --
14 had to do with the height, so I think that the
15 idea that in order to be consistent with the
16 policies overall, it is appropriate for there to
17 be a commercial building that spans that entire
18 length of Monroe is, I think, thoroughly
19 appropriate.

20 So, then the question becomes, have we
21 taken special care to ensure that the character
22 and that the uses are preserved along the single-
23 family home use along 10th Street is preserved,
24 and, I think that the project, as again, as it was

1 modified in the course of set down and hearing,
2 that the project evolved to a place where it steps
3 down appropriately and meets those smaller homes
4 in an appropriate manner, and it works well. In
5 fact, it works better than the buildings across
6 the street and down the street, down 10th Street
7 even, which are institutional buildings, which are
8 not particularly respectful of the character, I
9 think, of the neighborhood.

10 So, I think that what has been done, in
11 fact, is that special care that is called for in
12 the Comprehensive Plan.

13 CHAIRMAN HOOD: Okay, anyone else?

14 COMMISSIONER TURNBULL: I would just
15 reinforce what Commissioner May said that even the
16 Upper Northeast area element mentions about
17 special care being taken to protect the existing
18 low-scale residential uses, so those existing
19 residential uses along 10th Street are very --
20 again, we are just repeating ourselves that they
21 lower the height, they reduce the height, and they
22 made these -- made the project blend in and
23 respect those existing dwellings. So, again much
24 more so than a matter of right buildings that were

1 built across the street more recently. So, the
2 architecture was very sensitively done.

3 CHAIRMAN HOOD: Okay, I would concur. Do
4 we have anything else on Remand? I don't hear
5 anything. I'm trying to think. Do we need to
6 uphold our decision, or do we need to vote again,
7 or, Mr. Bergstein?

8 MR. BERGSTEIN: Yes. The Remand
9 instructions include that the -- we determine
10 whether in light of your conclusions on these
11 issues, the Commission should grant or deny
12 approval of the project. So, I think the Court
13 feels -- expects you, based upon the conclusions
14 you have reached, to determine whether to grant or
15 deny the project. It sounds like you are going
16 toward granting the project, even though you have
17 done it before, the Court feels it can actually
18 vacate that approval, I am going with Remand
19 instructions, and I think they expect a vote to
20 grant or deny.

21 CHAIRMAN HOOD: Okay, well, in that case,
22 Commissioners, I would move that we grant again
23 Zoning Commission Case #10-28, granting and
24 reaffirming our approval. I don't know what the

1 instructions were, but I know the word grant was
2 used, granting to reaffirm our approval of this
3 case, which is Zoning Commission Case 10-28, and
4 hope that we have resolved all the issues and
5 concerns and questions asked about DCCA, and I ask
6 for a second.

7 VICE CHAIR COHEN: Second.

8 CHAIRMAN HOOD: It has been moved and
9 properly seconded. Any further discussion? All
10 those in favor?

11 (A chorus of ayes.)

12 CHAIRMAN HOOD: Any opposition? Of those
13 participating, Ms. Schellin, would you please
14 record the vote.

15 MS. SCHELLIN: Yes, staff records the vote
16 4-0-1 to grant Case #10-28 as discussed.
17 Commissioner Hood moving, Commissioner Cohen
18 seconding, Commissioners May and Turnbull in
19 support of granting, Commissioner Miller not
20 voting, having not participated.

21 CHAIRMAN HOOD: Okay, next on our agenda
22 is Proposed Action Zoning Commission Case #08-06A,
23 Office of Planning ZRR Chanceries Section. Ms.
24 Schellin.

1 MS. SCHELLIN: At Exhibit 894, we have an
2 OP supplemental report providing draft text for
3 the Chanceries applications. At Exhibit 896, we
4 had a request to reopen the record to receive a
5 submission from the U.S. Department of State,
6 which was granted to reopen. So, at Exhibit 897,
7 you have that letter from the U.S. Department of
8 State providing their comments to that proposed
9 text. So, we have asked the Commission to
10 consider proposed action on the draft text. Thank
11 you.

12 CHAIRMAN HOOD: Commissioners, we have in
13 front of us a draft text. I notice we have
14 actually delayed this for a while, so some of the
15 parties can work on trying to find some solutions,
16 and it seems like we are getting closer to a
17 point, at least from -- I don't know if we have a
18 general consensus, but it looks like we are moving
19 in that direction. Anyway, let me open it. I
20 think all of us are participating on this case.

21 MS. SCHELLIN: Um-hum.

22 CHAIRMAN HOOD: Okay, let me open it up
23 for any comments or motions being proposed. Do we
24 have any? Commissioner Miller.

1 COMMISSIONER MILLER: Thank you, Mr.
2 Chairman. Let me first thank the Office of
3 Planning and the Office of the Attorney General
4 for meeting with and working with representatives
5 of NCPD and the Department of State to try to
6 address concerns which have been raised.

7 I think a number of changes have been --
8 well, let me first preface by going back to -- the
9 -- I mean, I see the general purpose of the
10 Foreign Missions Act, the Foreign Missions element
11 of the Comprehensive Plan, and this section of the
12 Zoning Regulations as being designed to say where
13 it would be appropriate to locate Chanceries,
14 which are nonresidential, which are office uses of
15 foreign governments in the District, and the
16 District clearly -- there is clear language that
17 the District has been trying to maintain and
18 strengthen and clarify, and to protect low, and
19 moderate, and medium-density neighborhoods,
20 essentially residential neighborhoods, from having
21 these nonresidential uses. And, I think an
22 appropriate balance has been struck in this case,
23 and a number of changes have been made in the
24 Office of Planning's proposal to respond to both

1 NCPC and State Department concerns.

2 So, I am prepared to move forward. I
3 think that the protections that are -- the
4 thresholds that are provided here to determine
5 initially whether it is a nonresidential --
6 whether it is a mixed-use neighborhood where it
7 would be appropriate to locate Chanceries, I think
8 the language that has been proposed, you know,
9 includes a number of presumptions, and provides
10 the necessary flexibility that the State
11 Department can argue its position and the District
12 can argue its position before the Foreign Mission
13 ECA.

14 I think an appropriate balance has been
15 struck. This will be proposed rule-making. We
16 may get back further comments that we can address
17 at final rule-making, at final action, so I am
18 prepared to move forward this evening.

19 CHAIRMAN HOOD: Any other comments? Any
20 other on this particular issue?

21 Mr. Turnbull.

22 COMMISSIONER TURNBULL: Thank you, Mr.
23 Chairman. I think Commissioner Miller has -- I
24 think he has covered it quite adequately. I think

1 we heard a lot of comments from neighborhood
2 concerns, and I think this does strike that
3 balance. I think it is always -- we are always
4 looking for a balance, and I think what OP has
5 worked out, or tried to work out, I think is an
6 equitable solution, and I would concur with
7 Commissioner Miller on this.

8 CHAIRMAN HOOD: Okay, any other comments?
9 Anyone? Okay. Commissioner May.

10 COMMISSIONER MAY: So, I would also like
11 to thank the Office of Planning NCPD for their
12 continued efforts to try to strike a reasonable
13 compromise on this issue.

14 I have a few comments on what has -- where
15 this has landed, and I would say that based on all
16 the additional information that we received
17 regarding the treatment of Chanceries going back
18 to how the Zoning Regulations were first
19 reconciled with the Foreign Missions Act, it seems
20 to me that what is happening here is in some ways
21 a small change to the way the location of
22 Chanceries can be handled in the Zoning
23 Regulations, that is moving from a one-third,
24 two-thirds rule to the 50 percent rule, which,

1 granted, is not fully codified, but the 50 percent
2 is proposed to be.

3 But, one-third, two-thirds was used to map
4 the Diplomatic overlay before, and that was done,
5 gosh, almost 30 years ago. The use of a square to
6 define the definition of a Code Area consistent
7 with the Act was also done at that time, and, you
8 know, the -- I think that what we are seeing here
9 is, in many ways, more favorable to the process of
10 locating Chanceries within residential
11 neighborhoods.

12 In other words, I think it could lead to
13 more consideration of those special cases when the
14 area should be considered beyond the square
15 because there is language that says if the
16 applicant wants to argue that something larger
17 than a square ought to be considered to determine
18 whether something is appropriate and whether
19 Chanceries are appropriate, that there is
20 flexibility to do that. Furthermore, if something
21 does not meet the 50 percent threshold in a given
22 area, that is arguable as well.

23 So, on the one hand, the initial threshold
24 tightens up just a little bit, but the avenues for

1 making use of that widen. So, compared to where
2 we were before, I don't think that this is a
3 really substantial change.

4 Now, we have heard also from the
5 Department of State, and they still have some
6 strenuous objections to this, and, unfortunately,
7 I am not fully prepared to vote tonight as a
8 result of that, but I think that it's pretty
9 clear, I think, where the Zoning Commission is
10 heading on this, and I will wait to hear what we
11 do officially when we hear from the Federal
12 Interests Consideration that we will get from NCPC
13 when they do their review depending on what is
14 passed tonight.

15 CHAIRMAN HOOD: I would agree with my
16 three colleagues, who are ready to move forward;
17 not that I disagree with Commissioner May, because
18 there will be another time where we will be taking
19 another vote with some additional information
20 getting this, as he said, resolved from NCPC's
21 position on what is being proposed. But, I think
22 also Planning has already been stated because the
23 old planning job in trying to reconcile this, as
24 my colleagues have mentioned balancing, because a

1 lot -- everything we do up here is about balancing
2 and trying to do what is best for the zoning and
3 land use in the city.

4 So, I will be in favor of moving forward
5 with this proposed action tonight. Would somebody
6 like to make a motion?

7 COMMISSIONER MILLER: Yes, Mr. Chairman, I
8 would like to move that the Zoning Commission take
9 proposed action on the Office of Planning's
10 recommendation for the Chanceries Section in
11 Zoning Commission Case #08-06A and ask for a
12 second.

13 CHAIRMAN HOOD: I will second. It has
14 been moved and properly seconded. Any further
15 discussion?

16 MR. BERGSTEIN: Just a clarification, Sir,
17 that I have provided some revised language to what
18 was 201.5 that does not appear in the OP report.
19 I would like to make sure that when you take
20 proposed action, that it includes that revised
21 text.

22 COMMISSIONER MILLER: Yes, I saw after
23 making the motion -- I saw that language, and I
24 agree with the change that you have suggested.

1 CHAIRMAN HOOD: Okay, and as the second,
2 that is actually what I was looking at when we
3 were moving forward. So, it has been moved and
4 appropriately seconded. Any further discussion?
5 All those in favor? Aye.

6 CHAIRMAN HOOD: Any opposition? Any
7 abstentions?

8 COMMISSIONER MILLER: Abstained.

9 CHAIRMAN HOOD: Ms. Schellin, would you
10 record the vote.

11 MS. SCHELLIN: Yes, staff records the
12 vote 4-0-1, Commissioner Miller moving,
13 Commissioner Hood seconding, I'm sorry, to take
14 proposed action on Zoning Commission Case #08-06A
15 regarding the Chanceries Application, Commissioner
16 Miller moving, Commissioner Hood seconding,
17 Commissioners Cohen and Turnbull in support,
18 Commissioner May abstaining.

19 CHAIRMAN HOOD: Okay, Commissioners, I am
20 going to go right quick to the correspondence
21 item. We have two requests. Again, once the text
22 is advertised, we just voted from a 60- to a 90-
23 day extension. We do have two requests from
24 Tenleytown Neighbors in ANC 3D, going from 90 to

1 120, and I wondered, Ms. Schellin.

2 MS. SCHELLIN: Yes, sir. Yes, we do have
3 the two letters that, from Tenleytown Neighbors
4 Association and another from ANC 3D. Both are
5 asking for 120-day comment period on ZRR text once
6 it is published. So, we have asked the Commission
7 to consider this request, or these requests.

8 CHAIRMAN HOOD: Thank you. Commissioners,
9 what are your thoughts?

10 VICE CHAIR COHEN: We already did it.

11 CHAIRMAN HOOD: No, actually, we did it up
12 to 90 days, if I'm not mistaken. They are asking
13 for 120. What are your thoughts, Commissioners?

14 COMMISSIONER MILLER: Mr. Chairman, I am
15 not inclined to support their request to go from
16 90 to 120 days. As you just stated, we already
17 did support, did extend it from 60 to 90 after we
18 had gotten a request from the Federation Citizens
19 Association or Committee 100, I forget.

20 CHAIRMAN HOOD: Committee 100.

21 COMMISSIONER MILLER: You know, I think
22 those that have had concerns or opposition to
23 certain aspects of the Zoning Regulations rewrite
24 project, they are going to continue to want delay

1 after delay after delay. They don't want to see
2 the changes move forward. There, of course, will
3 be a delayed effective date that will be built
4 into any new regulation, but I am not in favor of
5 doing additional delays myself.

6 CHAIRMAN HOOD: Anybody else?
7 Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Yeah, thank you,
9 Mr. Chairman. I would agree with Commissioner
10 Miller. I think I was very much in favor of going
11 to 90 days, it was a week ago, I think it made
12 sense, but I think going now and adding on another
13 month is going from 3 months to 4 months, so where
14 do we end. I think 3 months, unless -- I mean --
15 as of right now, I will stick with 90 days.
16 Unless we have total outright from every ANC in
17 the city requesting it, I don't see doing it right
18 now.

19 COMMISSIONER MAY: May I add, Mr.
20 Chairman?

21 CHAIRMAN HOOD: Yes.

22 COMMISSIONER MAY: And, I would say, you
23 know, let's get going on the 90 days. I mean,
24 let's get it published, and we will see how it

1 goes, and if we start hearing a lot of calls for
2 more time, then we can take it up at that point,
3 but I would just as soon not entertain any more of
4 these requests until the thing gets published.

5 CHAIRMAN HOOD: Okay. Vice Chair Cohen.

6 VICE CHAIR COHEN: Thank you, Mr. Chairman.
7 I concur with my colleagues on just let's move
8 ahead. We have 90 days to review it, and that may
9 be sufficient.

10 CHAIRMAN HOOD: Okay, I'm going to say
11 something, but probably what I'm going to say is
12 going to probably get out there, and I will get
13 beat up, and my shoulders are getting real broad
14 here lately. I will tell you that one of the
15 things when I look at this request from 60 to 90
16 and now 120. We have just as many people who want
17 us to move forward and move with this thing. So
18 for me, it was a simple math. We went from 60 to
19 90, which was 30, and from 90 to 120, which was
20 another 30. So, again, this is a balancing, so
21 let's stick with 90. That will probably -- I'm
22 saying the exact same thing everybody else is.
23 You know, we have half of the city telling us to
24 get this thing done and move forward, and let's

1 start working with it, and then we have half the
2 city saying let's hold up, and let's be
3 considerate.

4 So, again, I would agree with everything I
5 have heard up here. I would stick with the 90
6 days for now, and let's get it started. So, I
7 would agree with everything I've heard. Do we
8 need to make a motion on this?

9 MR. BERGSTEIN: No, that's by consensus.
10

11 CHAIRMAN HOOD: By general consensus.
12 Okay.

13 MR. BERGSTEIN: Also, by concensus, there
14 should be no further requests, that basically
15 during the common period, certainly as part of the
16 public comment, people can suggest an elongation
17 at that time.

18 CHAIRMAN HOOD: Right, right. We are not
19 asking for anything until we get it proposed, and
20 we will move -- we are not going to ask for them,
21 we want people to read it, understand it, and
22 let's try to finalize this thing within that 90-
23 day time frame, and we will go from there.

24 MS. SCHILLEN: So, if we receive any,

1 staff can return them.

2 CHAIRMAN HOOD: Please, return them.

3 Okay. Alright. Let's go back to Hearing Action.

4 Thanks, everybody, for participation in that.

5 Hearing Action Zoning Commission Case #15-01,

6 Level 2 Development Consolidated PUD and Related

7 Map Amendment at Square 3587. Ms. Rappolt. Did I

8 pronounce your name correctly?

9 MS. RAPPOLT: Yes, you did.

10 CHAIRMAN HOOD: Okay. I got one thing

11 right this evening.

12 MS. RAPPOLT: Good evening, Chairman

13 Hood and members of the Commission. OP recommends

14 that the Zoning Commission set down the

15 applicant's request for a PUD and related Zoning

16 Map Amendment for the property known as 320

17 Florida Avenue, which is currently zoned CM1. The

18 PUD consists of a 12-story residential building of

19 a range of units from 285 to 346 with 8472 square

20 feet of ground floor retail. The property is

21 located on the Florida Avenue Market Study Area.

22 As detailed in OP's report, this area is currently

23 undergoing a significant amount of redevelopment

24 interest, as several PUDs are under review, and

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1 others are anticipated in the future.

2 Currently, there is a one-story fast-food
3 establishment with a drive-through on the
4 property. Note, the property is within 1000 feet
5 from the NOMA-Gallaudet Metro Station.

6 In terms of the Comprehensive Plan, Future
7 Land Use Map, the property is appropriate for
8 high-density commercial, high-density residential,
9 production/distribution, and repair uses. The
10 property is also designated as a multi-
11 neighborhood sender on the General Policy Map.
12 Additionally, the proposal would further
13 Comprehensive Plan Policies within the Upper
14 Northeast area element and the citywide element.

15 There is also site-specific and general
16 guidance in the Florida Area Market Study for the
17 property, and there is also general guidance in
18 the Ward 5 Work Study. These policies guide
19 toward high-density development and ground-floor
20 retail with physical improvements for pedestrians
21 in and out of the Florida Avenue Market and to and
22 from the NOMA Metro Station.

23 Also called for in related policies is the
24 desire for synergistic uses with the established

1 food focus of the historic Florida Avenue Market.

2 As detailed in OP's report, the applicant
3 has requested flexibility to allow relief from
4 various regulations and requirements including
5 rear yard, pet house, and court requirements.

6 In terms of public benefits and amenities,
7 the proposal would improve the pedestrian realm
8 along Florida Avenue. The applicant is preferring
9 to design and build a pedestrian connection on the
10 adjacent District-owned property immediately to
11 the west of the property, which would allow for a
12 direct connection from the Metro Station to the
13 main area of the Florida Market, which would be
14 just north of the property.

15 More specific information including the
16 design, construction, maintenance of the District
17 property is needed.

18 With regard to affordable housing, the
19 proposal includes the provision of 8 percent or
20 17,489 feet at an AMI of 80 percent, which is the
21 requirement under IZ. However, just this morning,
22 a meeting was held with the ANC, the developer,
23 and OP, mainly to discuss the Affordable Housing
24 component of this project. The developer has

1 agreed to work with the ANC to augment this
2 proffer prior to the public hearing.

3 OP also requests more information
4 regarding the two options roof plans and detailed
5 provision of improvements that would facilitate
6 pedestrian movement between the site and the Metro
7 Station. The proposal is not inconsistent with
8 the proposed zoning district, the Comprehensive
9 Plan, and the Florida Avenue Market Study, and, as
10 such, the Office of Planning recommends the PUD-
11 related Map Amendment request be set down for
12 public hearing, and we would be happy to take any
13 questions.

14 CHAIRMAN HOOD: Okay, thank you, Ms.
15 Rappolt. Any questions? Vice Chair Cohen.

16 VICE CHAIR COHEN: Thank you, Mr.
17 Chairman. First of all, I really am pleased to
18 hear that the developer and the ANC are going to
19 negotiate a higher amount or deeper subsidy on the
20 affordable units. I have a question with regard
21 to the District-owned lot, which is immediately to
22 the west, and what is the proposed use of that
23 going to be, if you can get some more information
24 from DMPED. And also the pedestrian linkage, who

1 is responsible for providing that, and how long is
2 it? If you can give me, or give us more
3 information on that, it would be helpful.

4 I do have a comment. I actually -- well,
5 I think it is light on public benefits, you know,
6 the affordable housing will address that issue in
7 part. But, I want to say before the professionals
8 get an opportunity, I actually like the design. I
9 think it really provides a wall that is much more
10 interesting with the different facades going --
11 the indented façade and the industrial look. I
12 really do like it, so, that is all I have to ask
13 for right now.

14 CHAIRMAN HOOD: I really appreciate Vice
15 Chair you calling me a professional, but I am
16 actually going to go last. I usually go last.
17 Okay? Alright.

18 VICE CHAIR COHEN: Professional
19 architects.

20 CHAIRMAN HOOD: Again, I usually go last.
21 I don't want anybody thinking I'm grumpy. So,
22 anyway (laughter), next, anybody? Everybody wants
23 to be professional.

24 COMMISSIONER TURNBULL: Alright, I'll go.

1 Ms. Rappolt, I have got a question on -- and just
2 to thank the Vice Chair -- okay, I really don't
3 have any major issues with where the design is
4 going right now. I would like some better
5 drawings, some better renderings of the materials
6 and that, and we want a material board on the
7 hearing. But, I guess, so I don't mind the way
8 it's going right now.

9 My only concern is that on pages 2 and 3,
10 there are 16 areas of flexibility requested, which
11 included flexibility to vary the features, means
12 and methods of achieving preliminary ratio,
13 flexibility in location of the design of ground-
14 floor components, flexibility with regard to the
15 final selection of exterior materials without
16 reducing the quality, flexibility to change the
17 sustainability design features, flexibility on the
18 roof, flexibility -- are they ready to set this
19 down? That is my question.

20 Is it, I mean, there is so much
21 flexibility, have they really decided what they're
22 doing on this? I mean, because on a hearing, I
23 want to see a plan that's not going to be
24 flexible, that they're going to come with a plan

1 we can approve.

2 MR. LAWSON: Yes, Commissioner Turnbull.
3 This is, a lot of this is flexibility that is
4 somewhat typical for PUDs, but we've heard from
5 the Zoning Commission recently that you are
6 concerned about the amount of flexibility that is
7 being requested by applicants, and we will be
8 working with this applicant and all future
9 applicants too to really, really tighten that up
10 as much as possible.

11 COMMISSIONER TURNBULL: Well, you know
12 what I'm worried about, Mr. Lawson, is that I
13 don't want this resting on the hands of the ZA,
14 that the ZA now has taken over PUD selections and
15 taking our place and how we approve this. So, I
16 really would like this tightened up.

17 My only other thing that I am concerned
18 about, and they've got the 18'6" and the 20 foot
19 for the penthouse, but when I look, there is one
20 elevation here where they are showing a 20-foot
21 for the penthouse, but there are little bump-outs,
22 those little mechanical units that go beyond the
23 20-foot height. You can see this little, and I
24 can refer you to, even if I look at A15, the

1 elevation of the building, south elevation, I see
2 the step back, the penthouse. I really want to
3 look at those setbacks. I want a better roof
4 plan. But, when I look here, I see these little
5 bumps on the elevation of the penthouse that go
6 beyond 20 feet. So, I don't know what's going on
7 there, but we already, if we're going from 18'6"
8 to 20", that's it. So, I don't know what those
9 little bump outs, those little smoke stacks are.
10 I'm sure they are part of the HVAC units, the
11 mechanical for them they have got back there or
12 something, but it is just, we cannot go above 20
13 feet. I really, and I think, I don't know if we
14 mentioned -- I really want a better roof plan. I
15 want to show sections. I want some perspectives
16 up there to see what is going on and set backs
17 more clearly defined. But, I think this project
18 is going in the right direction. I think it's in
19 a great site. I think it's going to be a very
20 worthwhile project. I just think we're going to
21 really need a better description. I think the
22 applicant has really got to hit home and define
23 this project for us better when it comes here.

24 CHAIRMAN HOOD: Okay, any other questions?

1 Commissioner Miller.

2 COMMISSIONER MILLER: Thank you, Mr.
3 Chairman. This is another one of many projects
4 that we are seeing in this Union Market and
5 broader area adjacent in NOMA that are really
6 transforming or creating a neighborhood where one
7 had not previously existed, and it's very -- with
8 a substantial amount of residential and retail,
9 and it's very exciting. I want to thank also
10 Planning for providing a summary in their report
11 of some of those recent projects. I think that
12 does provide the context, and I think that's
13 helpful in other similar situations in the future
14 to get a bigger picture of what's happening in the
15 neighborhood, the larger neighborhood, and how
16 this fits in.

17 The only other comment I would make is
18 that I would agree with the Vice Chair, I am
19 pleased that the applicant is working with the ANC
20 to augment the affordable housing proffer beyond
21 the minimal inclusionary zoning requirement. I
22 think that is very important, and I would just
23 agree with the requests by the Office of Planning
24 and my fellow Commissioners for additional or

1 better renderings and additional information that
2 has been requested.

3 One of the renderings that I would like to
4 see is the residential entrance. I may have
5 missed it. I just didn't see a good closeup. I
6 am sure we would get that kind of thing at the
7 public hearing anyway, but just to see a better
8 perspective of it, of the entrance itself. With
9 that, I am prepared to set down, Mr. Chairman.

10 CHAIRMAN HOOD: Okay, thank you.
11 Commissioner May.

12 COMMISSIONER MAY: So, I agree with
13 everything that has been said so far, including
14 the comments about the architecture. I really
15 think it is generally pretty good. I do think
16 there is some room for refinement, and I trust
17 that the Office of Planning will continue to work
18 with the applicant to refine just a bit, because I
19 think there are some aspects of, particularly the
20 east façade that seem a little awkward, but we
21 will see how that develops.

22 And, I am very concerned about the rooftop
23 and how that is treated. You know, I think the
24 image right on the cover of the package raises

1 some questions about exactly what we are seeing on
2 the rooftop. There is dark blue and light blue
3 stuff that is above the roof that, I don't know
4 whether that is handrails or an actual part of the
5 building, or what, but I am concerned that
6 everything be set back appropriately on the roof,
7 including any decks, or rails, or what have you.

8 The various treatments of the penthouse
9 are somewhat concerning to me, because I am not
10 really comfortable, even though we talked about
11 this early on, I am not really comfortable with
12 the idea that we would consider alternative
13 versions of penthouses based on which way the
14 zoning regulations go. I would rather have the
15 regulations be established for the treatment of
16 penthouses before we consider taking any action on
17 a penthouse that includes more occupied space.

18 Now, I think already there is flexibility
19 above the Height Act height to include increased
20 amenity space because of the provisions in the
21 zoning regulations already, which state that when
22 not in conflict with the Height Act, you can do
23 accessory rooftop amenity space. So, I think
24 that's okay, but I just don't -- I don't want to

1 have to get into the whole discussion of what's
2 the appropriate treatment of penthouses given the
3 changes to the Height Act twice. We are already
4 considering it a different case, and I would
5 rather get that decided and then deal with these
6 cases separately.

7 It also does point out one of the things
8 that is a concern in the penthouse cases, which
9 is, you know, how we regard a mezzanine, and, you
10 know, depending on where the regulations go, it
11 may be that it is possible and maybe that it's
12 not, but it really points out the issue that
13 allowing occupiable space in penthouses has opened
14 up a whole new realm of questions that I think
15 need to be answered. So, I guess in some ways, I
16 am grateful that they have done this, because it
17 sure does shine a spotlight on some of the
18 questions that we are trying to resolve in the
19 penthouse regulations.

20 The only other thing that I would comment
21 on is that I don't think the amenities package --
22 it is either not very well explained, or its very
23 light, and I think we need to get into that in
24 some detail, because this is a very, very

1 substantial increase in the allowed density on the
2 property, and with that, there has to be
3 substantial public benefit, and it's more than
4 just retail and housing. So, I think knowing
5 what's happening in the long-term with the
6 property next door that is going to be improved as
7 part of this package that belongs to the District
8 Government, I think that's part of it, but I also
9 want to know that the benefit is -- I want to know
10 how long that benefit will exist, or whether there
11 is some other plan for the ultimate disposition of
12 that property. So, all of these things, I assume,
13 will get flushed out when we get to the hearing.
14 Thank you.

15 CHAIRMAN HOOD: Okay, I would agree with
16 just about everything I have heard from my
17 colleagues, especially the concern about the 12
18 items we have, the laundry list. I usually have a
19 problem when it's 5, and I look here and see a
20 laundry list of 12, but I'm sure that will be
21 flushed out at the hearing.

22 As opposed to what is going on with the
23 rooftop, not only what we are seeing from the
24 setbacks, but also I just need an explanation

1 exactly. I see here where it says description, but
2 I need to know all that is going on with that
3 rooftop. I just need an explanation of that. I
4 don't have any more to add other than that. Vice
5 Chair had one more followup.

6 VICE CHAIR COHEN: Thank you, Mr.
7 Chairman. I noted on your lead checklist that you
8 had possible points of 110, but you are committing
9 to silver. First of all, I think that you should
10 really go for it. I think that would be
11 beneficial to not only the residents, but, you
12 know, for your pockets as well, but also, I hope
13 you understand that this has to be, and you have
14 to commit to certification of this, whatever you
15 go for. But, right now, silver is the minimum
16 that we are looking at. So, if you are able to
17 achieve gold, and your numbers actually hit
18 platinum, that would be wonderful.

19 CHAIRMAN HOOD: Okay. Anyone else? Mr.
20 Turnbull.

21 COMMISSIONER TURNBULL: I have nothing
22 else, and other than the fact that I think they
23 have a lot of things to work on before the
24 hearing, I would make a motion. I would move that

1 we set down Zoning Case #15-01, Level 2
2 Development, Consolidated PUD and related Map
3 Amendment at Square 3587. Looking for a second.

4 CHAIRMAN HOOD: I will second it. It has
5 been moved and properly seconded. Any further
6 discussion? All those in favor?

7 (A chorus of ayes.)

8 CHAIRMAN HOOD: Any oppositions? I'm not
9 hearing any. Ms. Schellin, please record the
10 vote.

11 MS. SCHELLIN: Yes, staff records the vote
12 5-0-0 to set down Zoning Commission Case #15-01 as
13 a contested case, Commissioner Turnbull moving,
14 Commissioner Hood seconding, Commissioners Cohen,
15 May, and Miller in support.

16 CHAIRMAN HOOD: Okay, next, let's go to
17 the Zoning Commission Case #05-38B. This is the
18 Mill Creek Residential Trust, LLC, PUD
19 modification at Square 499. Mr. Jesick.

20 MR. JESICK: Thank you, Mr. Chairman and
21 members of the Commission. This application is
22 for modification to an already approved PUD #0538.
23 The subject site is on 6th Street SW, not far
24 from the Waterfront Metro and across the street

1 from Arena Stage, and like the original PUD, this
2 proposal would include two new residential
3 buildings added to the existing Marina View
4 Complex, which currently includes two 90-foot tall
5 I.M. Pei designed towers.

6 The revised design, however, would reduce
7 the scale of the new construction from the
8 approved PUD in terms of height, density, number
9 of units, and parking, and those numbers are
10 detailed in the OP report and the application
11 materials. OP is generally supportive of the
12 design but has requested additional information,
13 as noted in our report, and those items include
14 providing more clear rooftop plans, more detailed
15 ground-floor renderings and elevations, and
16 information on the sustainability of the project.
17 But, again, OP supports generally the architecture
18 of the project. It is reminiscent of the I.M. Pei
19 buildings without duplicating them.

20 OP also notes that consistent with
21 previous Commission precedent for similar
22 modifications, the proposed development would need
23 to meet the inclusionary zoning regulations. The
24 project would not be inconsistent with the high-

1 density residential designation of the
2 Comprehensive Plan's Future Land Use Map, and OP,
3 therefore, recommends that it be set down for a
4 public hearing, and should the project be set
5 down, OP will work with the applicant to ensure
6 that the approved benefits package is advised and
7 up-to-date. I would be happy to take any
8 questions.

9 CHAIRMAN HOOD: Thank you very much, Mr.
10 Jesick. Vice Chair Cohen.

11 VICE CHAIR COHEN: Thank you, Mr.
12 Chairman. Thank you, Mr. Jesick, for bringing up
13 the IZ requirement, and I think that the applicant
14 should address why IZ should not apply, if that is
15 their inclination, to the modification given
16 11DCMR2608.2 and the Commission's previous
17 decision in Case 06-04C, which I think the
18 applicant's attorney is familiar with.

19 The applicant should also calculate the
20 amount of affordable housing it is required to
21 provide if IZ applies, and, I believe, as does OP,
22 that it does.

23 CHAIRMAN HOOD: Okay, any other comments
24 or questions, OP, or any responses we want the

1 applicant to know? Mr. Turnbull.

2 COMMISSIONER TURNBULL: Thank you, Mr.
3 Chairman. I would agree with the Vice Chair on
4 her comments totally. Is -- do we have a new
5 owner on this, or is this the same owner as
6 previously?

7 MR. JESICK: It's a new owner.

8 COMMISSIONER TURNBULL: It's a new owner
9 and a new architect.

10 MR. JESICK: Yes, new architect.

11 COMMISSIONER TURNBULL: Okay. You made a
12 lot of my comments. I mean, you talked about
13 again, I think we said in the previous case, the
14 roof plan, we need drawings, better drawings. The
15 current set is kind of marginally good, the
16 presentation drawings, and what is going on. I
17 don't mind the sort of design in one sense, but I
18 really can't tell what's going on because of the
19 drawings. They are really not that clear. So,
20 really, we really need a lot of better
21 presentation work so we can really tell what's
22 going on here.

23 But, it's interesting how the shapes of
24 the buildings have changed. You know, I remember

1 working on this case before, and with the
2 articulation of the buildings, a lot of work was
3 done to modulate and that, and this is a lot
4 simplified, which sort of fits in, maybe, I don't
5 know, maybe a little bit better with the I.M. Pei
6 buildings. I am not sure how you look at it, but
7 I just think concurring with all your comments, I
8 appreciate those in your report that the applicant
9 needs to provide us with a lot better drawings.

10 CHAIRMAN HOOD: Okay, any other comments?
11 Commissioner Miller.

12 COMMISSIONER MILLER: Thank you, Mr.
13 Chairman. I would concur with the comments of the
14 Vice Chair and Commissioner Turnbull, and on the
15 request for further information, and on the -- I
16 would -- not only would I concur with it that the
17 IZ, at a minimum, should be complied with, but
18 that the applicant should consider augmenting the
19 affordable housing proffer to include either
20 deeper levels or higher amounts or both than what
21 the minimum is that is required under IZ. I guess
22 I wanted to -- I see that the amenities building
23 has been -- it has been eliminated at the --
24 apparently at the request of the existing

1 residents of the I.M. Pei Towers, and it is stated
2 because there will be amenities incorporated
3 within these new buildings, plus there are these
4 kind of recreational fitness facility types of
5 places and other amenities that are in the
6 surrounding neighborhood. I guess I just want a
7 better articulation of what the amenities are that
8 are being incorporated within the proposed new
9 buildings and -- or that been -- and that have
10 been built in the surrounding neighborhood, but
11 I'm prepared to move forward with the set downs
12 tonight, Mr. Chairman.

13 CHAIRMAN HOOD: Okay, any other comments?
14 Commissioner May.

15 COMMISSIONER MAY: Once again, I would
16 agree with my colleagues on just about all of
17 these points. I think I am particularly concerned
18 about the quality of the drawings and, you know,
19 there are some things that are called out there,
20 cementitious siding, and others that sent up some
21 red flags, because, you know, it depends on what
22 cementitious product it is. Sometimes it is
23 appropriate, it's the right kind of material for
24 this, and sometimes it just kind of looks cheap,

1 and we can't really tell based on what we have.
2 But, I'm sure we'll get that flushed out by the
3 time we have our hearing.

4 And, I think that, at a certain level, I
5 miss the old project because I thought there were
6 some interesting aspects to the design and the
7 shape of those buildings, but there are things I
8 like about this project, particularly how it's
9 respectful of the height of the existing building
10 and of the open spaces in a better way. So, I am
11 hoping that the design might mature just a little
12 bit and that we'll get some better documentation
13 of it, but overall, I have no problem with setting
14 this down right now.

15 CHAIRMAN HOOD: Okay, would someone like
16 to make a motion? Vice Chair Cohen.

17 VICE CHAIR COHEN: Mr. Chairman, I move
18 to set down Zoning Case #05-38B, Mill Creek
19 Residential Trust, LLC, PUD Modification at Square
20 499, and I ask for a second.

21 COMMISSIONER MILLER: Second.

22 CHAIRMAN HOOD: It has been moved and
23 properly seconded. Any further discussion? All
24 those in favor?

1 (A chorus of ayes.)

2 CHAIRMAN HOOD: Any oppositions? Not
3 hearing. Ms. Schellin, would you record the vote.

4 MS. SCHELLIN: Staff records the vote 5-0-
5 0 to set down Zoning Commission Case #05-38B as
6 the contested case, Commissioner Cohen moving,
7 Commissioner Miller seconding, Commissioners Hood,
8 Turnbull, and May in support.

9 CHAIRMAN HOOD: Okay, do we have anything
10 else on the agenda for this evening?

11 MS. SCHELLIN: No, sir.

12 CHAIRMAN HOOD: Okay, I want to thank
13 everyone for their participation. Our meeting is
14 adjourned.

15 (Whereupon, at 7:43 p.m., the meeting was
16 concluded.)

17

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