

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING
1167th Meeting Session (11th of 2004)

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Monday, July 12, 2004

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The 1167th Meeting Session of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN,	Chairperson
ANTHONY J. HOOD,	Vice Chairperson
KEVIN L. HILDEBRAND,	Commissioner
GREGORY JEFFRIES,	Commissioner
JOHN G. PARSONS,	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

Alberto P. Bastida,	Secretary, ZC
Sharon Schellin,	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

Steven Cochran,	Office of Planning
Joel Lawson,	Office of Planning
Stephen Mordfin,	Office of Planning
Jennifer Steingasser,	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.

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

6:45 p.m.

CHAIRMAN MITTEN: Good evening. This is the July 12th, 2004 public meeting of the Zoning Commission of the District of Columbia. My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood, and Commissioners Kevin Hildebrand, Gregg Jeffries and John Parsons.

Copies of today's meeting agenda are available to you and they're in the wall bin near the door. I would like to remind everyone present that we do not take public testimony at our meetings, unless the Commission specifically requests someone to come forward.

Please be advised that this proceeding is being recorded by a court reporter, and is also being webcast live. Therefore, we ask you to refrain from making any disruptive noises or actions in the hearing room.

Please turn off all beepers and cellphones at this time, so as not to disrupt the meeting. Mr. Bastida, do we have any preliminary matters?

MR. BASTIDA: Madam Chairman, the Staff has one preliminary matter, and it's related to Zoning Commission 04-18 on the DD amendment. The Office of

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1 Planning has included Square 483 on this proposal, and
2 the Office of Zoning had received some time ago a
3 request for the rezoning of Square 483 and 515.

4 And you might want to, looking to that, to
5 speak of the adjacent squares and maybe request for an
6 OPY-1 included on the other one that's allowed. The
7 Zoning Commission 04-03 is the one that addresses 483
8 and 515.

9 CHAIRMAN MITTEN: Okay. I understand I
10 have to fill in something that I, I think maybe got
11 missed in your opening statement there. You have a
12 piece of correspondence --

13 MR. BASTIDA: Yes. I have a business
14 correspondence also pointed to that.

15 CHAIRMAN MITTEN: Okay. Is that something
16 that you're -- You want to pass out to us?

17 MR. BASTIDA: Yes. I intend to do that
18 right now.

19 CHAIRMAN MITTEN: Thank you.

20 MR. BASTIDA: Thank you.

21 (Pause)

22 CHAIRMAN MITTEN: Did you have anything
23 else as a preliminary matter, Mr. Bastida?

24 MR. BASTIDA: No, Madam Chairman. That
25 concludes the Staff preliminary matters. Thank you.

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1 CHAIRMAN MITTEN: Thank you. Then we'll
2 right to the Office of Planning Status Report. Good
3 evening, Ms. Steingasser.

4 MS. STEINGASSER: Good evening, Madam
5 Chair, Commissioners. Our staff's report just kind of
6 runs through the basic cases you'll be seeing tonight
7 for set down. Florida Rock has returned. Riverside
8 has also returned for set down of Phase 2. We'll also
9 be presenting the Mount Vernon overlay, which will be
10 a new initiative we'll be explaining to you this
11 evening. We've got also the Logan case, 2 PUD, the
12 case one not about that project that was not before
13 you.

14 You'll be seeing also the WASA Digester.
15 We refer to that as the WASA Digesters. That will be
16 coming in September for a set down. But following on
17 that, we also have been in a conversation regarding
18 the DPW site on Bates Road, which the Commission has
19 asked about off and on.

20 That's in its hearing stage. They have
21 replied that they will be filing a prehearing
22 statement in the next coming weeks. So that should be
23 scheduled, and we should be getting some feedback from
24 them for this fall, for public hearing.

25 Other than that, we'll be available for

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1 any questions regarding the status report.

2 CHAIRMAN MITTEN: Thank you. I did have a
3 couple -- just we have two cases where we're
4 anticipating having a round table, and this is either
5 for you or for Mr. Bastida, on the Reservation 13
6 zoning.

7 We were going to have a round table or
8 some public forum to discuss and explain foreign-based
9 zoning. Has that been scheduled? Could you turn on
10 your microphone?

11 MS. STEINGASSER: We are trying to get
12 together a small local panel, for lack of a better
13 word, a few of the local architects and planners who
14 have a great deal of experience in the form-based
15 code, and just kind of have like a work session type
16 of casual presentation on the general nuts and bolts
17 of form-based coding, and how we -- not the specifics
18 of Reservation 13, but how we work through that
19 particular approach to it.

20 We do want to have it for you this fall.
21 It will probably be around early October, we're
22 hoping, but we have not scheduled a date yet. We will
23 plan to coordinate with the Office of Zoning.

24 CHAIRMAN MITTEN: Okay, and then the other
25 one was the case that's at the top of the third page,

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1 which makes mention in the last column of a September
2 round table. Do we have that scheduled yet?

3 MR. BASTIDA: We have the date that we'll
4 be issuing that announcement next week. It will be
5 on, I believe, September 23rd, which is a Thursday, and
6 I need to reconfirm that date.

7 CHAIRMAN MITTEN: Okay. So this is for
8 the correctional facilities and emergency shelters in
9 the same zone.

10 MR. BASTIDA: Correct, Madam Chairman.

11 CHAIRMAN MITTEN: Okay. We just want to
12 make sure that that gets advertised as widely as
13 possible.

14 MR. BASTIDA: Yes. That was the interest,
15 and also because the Labor Day is so late, and then we
16 have Rosh Hashana. That's why we have to push it back
17 until the 23rd.

18 CHAIRMAN MITTEN: Okay.

19 MR. BASTIDA: Okay.

20 CHAIRMAN MITTEN: Thank you.

21 MR. BASTIDA: Thank you.

22 CHAIRMAN MITTEN: Anyone else have
23 questions for Ms. Steingasser?

24 (No response)

25 CHAIRMAN MITTEN: Okay, thank you. We

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1 have four cases under hearing action tonight, and the
2 first is Case No. 04-14, and this is the Florida Rock
3 case, the second stage PUD and map amendment.

4 I'm looking down there, but you're not
5 saying anything. So I'll turn to the Office of
6 Planning, Mr. Lawson, for the introduction.

7 MR. LAWSON: And I'll say something.
8 Thank you, Madam Chair. Madam Chair, members of the
9 Commission, my name is Joel Lawson. I'm with the D.C.
10 Office of Planning, and as you know, I'm here tonight
11 with Jennifer Steingasser.

12 Hauling United (ph) submitted a second
13 stage plan and a development application and map
14 amendment for the Florida Rock property site, at 100
15 Potomac Avenue, S.E.

16 The 5.8 acre waterfront site is located
17 between Potomac Avenue, S.E. and the Anacostia River,
18 and between 1st Street, S.E. and the Frederick Douglass
19 Bridge right-of-way.

20 It is currently developed an in-use
21 fibrogenic concrete, concrete mixing and batching
22 operation. There is over 800 linear feet of
23 waterfront on the Anacostia River, and currently there
24 is no public access. The site slopes down from
25 Potomac River to the ball kettle on the river.

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1 The site is largely surrounded by other
2 industrial uses, other than the Anacostia River to the
3 south, and places Metro stations near the yard, a
4 short walk to the north on M Street.

5 Much of the surrounding land is
6 underutilized and underdeveloped, although significant
7 redevelopment within the area is underway or
8 anticipated, including the Southeast Federal Center
9 site, the WASA site, and U.S. DOT headquarters site,
10 and the Arthur Capper Hope 6th Street development site,
11 and the replacement of Frederick Douglass bridge.

12 The site is within the Anacostia
13 Waterfront Initiative and part of the rapidly-changing
14 near southeast area. Both plans envision the
15 revitalization of existing waterfront neighborhoods, a
16 clean and vibrant waterfront with parks, recreation
17 uses and places for people to encounter nature and
18 experience the heritage of the waterfront.

19 The Florida Rock proposal will further
20 this vision by providing a mixed use development on
21 the waterfront, which provides meaningful access both
22 to and along the edge of the river.

23 First stage PUD approval for the Florida
24 Rock site was issued pursuant to Order No. 850 in
25 1998, for 1.5 million square feet of commercial

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1 development in two buildings, ranging from 110 to 130
2 feet in height.

3 A separate site was to be developed with a
4 quarter million square feet of housing. Second stage
5 approval was given in 1999. However, a 2002 request
6 to extend the approval was denied, due to concerns
7 that the proposal no longer met evolving planning
8 objectives for the area.

9 In 2003, the Zoning Commission agreed to
10 an extension of the first stage pilot approval, and
11 adopted a set of guidelines for development of a
12 second stage application.

13 The applicant is now seeking PUD second
14 stage approval for the construction of admixtures
15 project, as well as rezoning to Capitol Gateway C3C.
16 The current proposal includes just over one million
17 square feet of office, residential, hotel and retail
18 development in three buildings connected by
19 underground parking.

20 Retail development will line the streets,
21 and the riverfront promenade would be landscaped as a
22 promenade and bike trail, provided along levels
23 terraced to the waterfront. Underground parking and
24 loading facilities would be accessed from Potomac
25 Avenue.

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1 The building height would range from 112
2 feet at the west end of the site to 92 feet at the
3 east end. The roof for the office building is
4 designed to be a green roof, and includes screening
5 for antenna areas.

6 Both buildings incorporate a number of
7 setbacks, particularly along the elevations facing the
8 river. The application would meet C3C PUD height and
9 density requirements, but is at a height and density
10 greater than that permitted under Capitol Gateway W-2,
11 the current zoning.

12 Minor zoning regulation flexibility from
13 open and closed court regulations and from loading
14 dock requirements are also required.

15 Zoning Commission Order 910-B, which
16 provided for the extensions of first stage PUD
17 approval, established specific provisions related to
18 height and density.

19 The application, as proposed, is within
20 the overall FAR limit established, and provides the
21 required amount and type of residential density. The
22 proposal slightly exceeds the commercial FAR
23 restriction, and the proposed buildings would be
24 slightly taller than the height established in the
25 guidelines by two feet, to better accommodate ground

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1 floor retail, as recommended by the applicant's retail
2 consultant. OP supports these minor variations.

3 Order 910-B also included a set of design
4 guidelines and parameters for Stage 2 guideline
5 review. OP feels that the proposal generally conforms
6 to these standards and design guidelines.

7 As part of the amenity package, the
8 applicant is proffering on and off-site landscaping,
9 including the waterfront promenade, pedestrian
10 connectionways to the waterfront to District-owned
11 Reservation 247, and land at the foot of 1st Street,
12 S.E.

13 Applicant would also construct a
14 pedestrian bicycle pathway to connect the Florida Rock
15 property site to the southwest Federal Center site to
16 the east.

17 Applicant is also proposing a reservation
18 of 9,600 square feet of residential area for workforce
19 housing, and development of the project to achieve
20 leadership and energy in environmental design
21 certification, including water conservation, natural
22 stormwater runoff, reduction, infiltration and
23 treatment, and energy and resource conservation.

24 Finally, the applicant is proffering the
25 provision of a dock for future water taxi service,

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1 entering into a first source employment agreement and
2 committing to a goal of local smaller disadvantaged
3 business enterprise participation in the project.

4 The applicant feels that the application
5 merits being set down for a public hearing. The
6 proposal would further a number of major themes of the
7 comprehensive plan, as well as goals and objectives of
8 the economic development, housing, environmental
9 protection, transportation, urban design and land use
10 chapters, especially the ones related to new
11 development along the Anacostia waterfront.

12 In addition, the proposal would further a
13 number of goals and objectives for Ward 2, which the
14 site was within prior to the 2002 Ward distribution.
15 The proposal is not considered to be inconsistent with
16 the comprehensive plan generalized land use map.

17 The application conforms to the design
18 guidelines adopted for the site, as well as the
19 Anacostia Waterfront Initiative and Near Southeast
20 Plan goals and objectives.

21 The proposed amenity package is considered
22 appropriate, and would be of benefit to people living
23 in and working in the new development, to waterfront
24 users, visitors and to the surrounding neighborhood
25 and to the District as a whole.

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1 This concludes our presentation, and we
2 are available for questions. Thank you.

3 CHAIRMAN MITTEN: Thank you, Mr. Lawson.
4 Comments or questions for Mr. Lawson. Mr. Parsons?

5 COMMISSIONER PARSONS: Mr. Lawson, I guess
6 you're aware of the progress that's been made over the
7 last year or so for the certain removal and relocation
8 of the South Capitol Street bridge.

9 MR. LAWSON: Yes.

10 COMMISSIONER PARSONS: As opposed to a
11 dream and an idea a year ago, this has really come to
12 the point of going to happen. I'm trying to figure
13 out what result there is here, from this architecture,
14 if you will, with a missing bridge.

15 I want to talk a lot about that during the
16 hearing, because it certainly conforms to the curve
17 and linear alignment of the bridge and its ramps. But
18 even in this, the model that portrayed on the, the
19 photograph of the model that's portrayed on the cover,
20 you can see how silly this will all look if the
21 companion building is built on the other side to the
22 same curve.

23 So I think we really need some creativity
24 here, to make sure we don't make an urban design faux
25 pas.

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1 You mentioned the Anacostia Waterfront
2 Initiative plan in your report. But I think we should
3 note that in the vision document, which is
4 representative of the total vision for the Anacostia
5 Waterfront Initiative, that this park is shown -- this
6 tract of land is shown as park open space. I think
7 that ought to be an exhibit in this case.

8 I want to deal with something that I don't
9 think the Zoning Commission has ever dealt with
10 before, and that's these bioretention areas. I'm not
11 sure we have good examples of what these might look
12 like. Bear with me while I look for a drawing.

13 It's in the landscape key plan, which is
14 oh, number eight in the packet. You can see that the
15 edge of the promenade will be -- these darkened areas
16 will be these bioretention areas, which as I
17 understand is a swaile (ph) in the ground.

18 Then rainwater is diverted into it, and it
19 then filters through this system and settles out and
20 then is discharged, I guess, into the storm sewer. Is
21 that correct?

22 MR. LAWSON: My understanding is that it's
23 a planting area, which serves also as an area in which
24 water can infiltrate through, and is cleansed
25 naturally before it enters back into the natural

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1 ecosystem.

2 COMMISSIONER PARSONS: But as I understand
3 these, at least in a suburban environment, they do
4 show with water. I mean, it's not as though the rain
5 disappears.

6 I think we ought to spend time on just
7 what kind of an environment along a promenade on the
8 river this is going to be.

9 Secondly, the park that is shown on the
10 same diagram, that triangular area, which is part of
11 their amenity package, I also see as generally devoted
12 to this purpose. I don't understand why, unless it's
13 coming off the roof of the building or something, and
14 --

15 MR. LAWSON: Biofiltration actually would
16 serve more water running off roads and sidewalks, that
17 kind of thing, as well as water running off some of
18 the buildings.

19 As I mentioned, some of the buildings are
20 proposed to be green roofs, which will minimize the
21 amount of runoff in the first place, which is
22 something that we're actually very excited about.

23 But we would certainly be happy to pass on
24 these concerns to the applicant, to make sure that the
25 applicant take care to address these concerns more

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1 fully at the public hearing.

2 COMMISSIONER PARSONS: Now the image on
3 the back of the pamphlet or the brochure, is a -- I'm
4 trying to figure out where that is. It's on Potomac
5 Avenue. It looks like a different building than is in
6 the model, and I'm just wondering what kind of
7 materials are we going to have for the hearing, to
8 review this?

9 I mean, to me this is a very sketchy
10 concept to be setting down. It doesn't have the
11 thoroughness, if you will, of the last submission. So
12 is this it, or are more materials going to roll in as
13 we go along?

14 MR. LAWSON: Well, I'm assuming that the
15 applicant will have a full presentation for you at the
16 public hearing. That's when it would be anticipated,
17 and we'll make sure that that includes a full
18 discussion of the materials being proposed, and how
19 the materials are being used on the buildings.

20 COMMISSIONER PARSONS: Well, let me say
21 I'm concerned about the architectural illustrations on
22 the front cover. I think they're still very
23 startling, very different than the image on the back.

24 The image on the back has a brick texture.
25 I guess that's brick. It looks like it to me, anyway,

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1 and doesn't seem to -- it seems like the kind of
2 material or a color that would be applied to the kind
3 of drawings that are on the front cover. But I --

4 MR. LAWSON: I'm sorry. Maybe I will
5 clarify that a little bit. The front cover is,
6 includes a series of pictures of a massing model. It
7 wasn't intended to be a representation of materials.

8 I think that the back cover corresponds to
9 the elevations within the package. The rear elevation
10 is the center portion of one of the office buildings.

11 Not the entire office building, but just the center
12 portion of one of the office buildings.

13 COMMISSIONER PARSONS: So what do you
14 understand to be the materials of the boat-like
15 structures in the front buildings or whatever --

16 MR. LAWSON: Yes. The materials
17 throughout the project are brick and concrete and
18 glass. There is more glass on the waterfront side and
19 more, I guess, more brick and concrete on the Potomac
20 Avenue side, to reflect the more industrial character
21 of that facade.

22 COMMISSIONER PARSONS: Well, I would say,
23 from my own point of view, I don't think there's
24 enough material here to make a decision, as to whether
25 we even know to set it down for a hearing. It just

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1 doesn't read to me, as to what we're going to be
2 seeing.

3 COMMISSIONER HILDEBRAND: I would really
4 agree with Commissioner Parsons, too. If you look at
5 some of the elevations, like on page 28, it's almost
6 impossible to tell from the drawing what materials are
7 being suggested.

8 It could be concrete; it could be
9 anything. But the elevation is so repetitive and
10 oppressive at a certain point, that it's really
11 difficult to understand what they're -- what materials
12 these really are, and what the depth of the facade is.

13 MS. STEINGASSER: Commissioner Hildebrand,
14 Commissioner Parsons, we will be happy to -- the
15 application will be filing a prehearing statement.
16 This is not the full statement for the public hearing.

17 So we'll be happy to make sure that you
18 get a full set of drawings, that are on a much larger
19 scale, that you can look at, and that these materials
20 are identified.

21 There will, of course, be material samples
22 provided as well, that will be passed around that you
23 can see and touch.

24 CHAIRMAN MITTEN: I think maybe one of the
25 frustrations is that, you know, at this point, the

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1 Commission typically likes to give some strong
2 direction, if the design is not one that, you know, we
3 want to support.

4 Because we don't know enough about it, you
5 know, we're struggling, I think, to give that
6 direction whether, you know, it will be -- whether we
7 like the material selection; whether we like the way
8 it's being presented.

9 So that's part of the frustration at this
10 point, I think. If I could just jump in here. I
11 think it was in your report, that said that the design
12 response to the very simple industrial esthetic of the
13 Anacostia River waterfront. I don't know if that was
14 in your report or in the applicant's submission.

15 But I don't know how my colleagues feel
16 about it, but I think that's the wrong point of
17 departure. I mean, I would like to see something that
18 makes its own statement, because this is, you know,
19 this is a truly unique opportunity to set the tone for
20 what the revitalization of the waterfront is going to
21 look like.

22 I don't think that they knew to be really
23 gesturing at anything else, other than, you know,
24 makin something that's pleasing to look at and that is
25 very compatible in the waterfront environment.

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1 Beyond that, I see, you know, be as
2 creative as possible, in trying to mimic something
3 that's there. Well, you know, we have plenty of that
4 texture there already. We don't need to be repeating
5 it.

6 I know I'm not the best at expressing
7 these design sentiments, but that's the best I can do.

8 Anyone else have comments or questions?

9 COMMISSIONER PARSONS: Well, I'll keep
10 going on this theme, that my fear is that we'll get
11 the prehearing statement a month or two weeks ahead of
12 the hearing, and we'll say "Oh my God, what have we
13 launched here? We don't like this."

14 That's why I'm very hesitant to set this
15 down for hearing. It's just -- I mean, you can look
16 at other cases we're looking at tonight. They're much
17 more advanced than this. I'm quite surprised. I
18 think we gave them until December to report back to
19 us. Was that correct?

20 MS. STEINGASSER: They had one year.
21 Their year expired, at which point they needed to
22 return. They need to file a response, which was in
23 May.

24 COMMISSIONER PARSONS: It was in May?

25 MS. STEINGASSER: It was in May.

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1 COMMISSIONER PARSONS: How time flies,
2 enjoying this as much as we do. Right, Mr. Hood? I
3 don't know why I picked on you.

4 COMMISSIONER HOOD: I was wondering why
5 you picked on me, because I've been silent.

6 CHAIRMAN MITTEN: That's why.

7 COMMISSIONER PARSONS: Well, what harm
8 would be done if we delayed a month and get some more
9 drawings in here, to show us what they have in mind?

10 MS. STEINGASSER: I suspect they would
11 rather take this feedback, and then come back in
12 September, than have a negative vote, a vote to not
13 set down.

14 COMMISSIONER PARSONS: They would rather
15 what than what?

16 MS. STEINGASSER: I'm sure they would
17 rather take the month and work through your comments,
18 then have the Commission make a negative vote not to
19 set down. So there's no harm.

20 COMMISSIONER PARSONS: That's okay.

21 MS. STEINGASSER: That's okay.

22 CHAIRMAN MITTEN: Any other comments that
23 we'd like to share before we move on to the next
24 thing.

25 COMMISSIONER JEFFRIES: Yes.

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1 CHAIRMAN MITTEN: Commissioner Jeffries?

2 COMMISSIONER JEFFRIES: Yes. I just have
3 one comment, and it really ties to your recommendation
4 memo on page 9, Public Benefits and Amenities.

5 I just wanted to make certain that there
6 is a clear delineation as it relates to, you know,
7 some of the financial benefits tied to this
8 development, particularly for the increment of
9 increased FAR that they're looking to propose, as it
10 relates to taxes, job creation. I just want to get a
11 little bit more information around that.

12 CHAIRMAN MITTEN: Mr. Bastida, what
13 submission date would we need to have, in order to get
14 this on our September agenda? I just don't want to
15 leave it hanging out there completely open-ended?

16 MR. BASTIDA: I am looking for that date,
17 Madam Chairman. I'll give it to you in a minute. Our
18 meeting is on September 13, so we need to have those
19 drawings by, let's say, Thursday, September the 2nd, at
20 3:00. That would give them approximately over seven
21 to eight weeks.

22 CHAIRMAN MITTEN: All right, and then we
23 still have time to get an Office of Planning report,
24 supplemental report on that?

25 MR. BASTIDA: The Office of Planning

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1 report will be due on the 3rd, and that might be very
2 tight for the Office of Planning to do that.

3 I would like to consult them, to see if
4 the applicant is working with them, if they need for
5 me to move that submission, and when that submission
6 then would be required for them to be able to submit a
7 report by Friday, September the 3rd.

8 CHAIRMAN MITTEN: I'm sorry. I think I'm
9 hearing the same date coming up, the same date as the
10 submission by the applicant, and by the Office of
11 Planning. Is that what you said?

12 MR. BASTIDA: No. I was just trying -- it
13 was only one day or two difference. I was just trying
14 to get the Office of Planning to tell me, they have to
15 submit a report, and to have it in a timely fashion on
16 Friday, September the 3rd.

17 I was inquiring from them when they
18 believe the applicant should make the submission, so
19 it can be served on them, and then they can produce a
20 report.

21 CHAIRMAN MITTEN: Okay.

22 MS. STEINGASSER: I think no more than a
23 week ahead of the OP report, the 3rd. We've been
24 working with the applicant and the architects on a
25 very regular basis, so I think we will be doing so

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1 also through August.

2 So I think if we can get it in just a week
3 ahead of that third. I don't have a calendar, so I'm
4 not sure what that is.

5 MR. BASTIDA: Okay. Then I'm going to
6 require from the applicant to submit it on Thursday,
7 August the 26th by 3:00. I would like to see if the
8 applicant will be able to do so.

9 Yes, the applicant is consenting to that,
10 and then at the same time that you serve it on us, you
11 will serve it on the Office of Planning. Thank you,
12 Madam Chairman.

13 CHAIRMAN MITTEN: Thank you, Mr. Bastida,
14 and thank you, Mr. Lawson.

15 Now we'll move to our next case that is a
16 blast from the past. It's like Florida Rock. Case
17 No. 04-15, with another five case numbers after that.
18 Riverside Stage 2, PUD and map amendment. Is this
19 Mr. Lawson again?

20 MR. LAWSON: Madam Chair, it is. Thank
21 you, Madam Chair and members of the Commission. Once
22 again, my name is Joel Lawson from the D.C. Office of
23 Planning. Zoning Commission Case No. 04-15 is also a
24 second stage plan unit development application and map
25 amendment, this one for the Riverside site at 100 2nd

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1 Avenue, S.E., owned by Riverside Associates Limited
2 Partnership.

3 The Fort McNair base borders the site on
4 the west. Second Street, S.E. borders the site on the
5 east. Much of the surrounding development in the
6 Buzzard Point area is low intensity warehouse, salvage
7 yard and auto repair. Many of the buildings are in
8 poor condition.

9 The Anacostia River is a few blocks to the
10 south, while the Washington Channel is a few blocks to
11 the west. The 8.5 acre riverside site is relatively
12 flat, is currently undeveloped, and is zoned W-1 and
13 W-3. It's within the Anacostia Waterfront Initiative
14 area, which envisions a clean and vibrant waterfront,
15 and revitalization of the surrounding neighborhoods,
16 with increased access to the river bank.

17 The Riverside site is located between two
18 of the AWI target areas, the Southwest Waterfront and
19 the Near Southeast target planning areas, both of
20 which anticipate new mixed use neighborhoods with much
21 greater access to and along the waterfront.

22 A first stage PUD was approved for the
23 site in 1989, pursuant to Order 623, for a mixed
24 residential commercial development of over 2.4 million
25 square feet, and with a maximum height of 110 feet,

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1 generally stepping down towards Fort McNair.

2 Second stage PUD approval was given in
3 1991, an approval that was extended a number of times.

4 However, in 2002, the Zoning Commission extended
5 first stage PUD approval only, and the second stage
6 PUD approval expired.

7 The current proposal is largely
8 residential, with a total of almost 1.5 million square
9 feet of development, consisting of over 1,400
10 residential units. Development would include three
11 high-rise apartment buildings, of heights ranging from
12 60 feet on the west to 110 feet along 2nd Avenue.

13 Each high-rise would have access to
14 underground parking, loading bays and a large internal
15 courtyard, rooftop terraces, outdoor pools and other
16 amenity space.

17 In addition, two clusters of stacked
18 rowhouses totaling 28 units at a height of 40 feet
19 would face towards Fort McNair. This complies with
20 the PUD Stage 1 approval in the most important
21 aspects, including building height and overall
22 density.

23 The applicant proposes to change the
24 zoning from W-1 and W-3 to CR. CR permits a high
25 density, mixed use development, but also permits a

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1 predominantly residential project, as requested.

2 A CR PUD accommodates both the height and
3 density proposed. The Applicant is requesting only
4 minor relief from CR PUD zoning regulations.

5 As part of the amenity package, the
6 applicant is proposing affordable housing units
7 dispersed proportionately to unit size and location,
8 in both the rental and owned components; private and
9 public open space and recreation areas; construction
10 of a portion of the Anacostia bike trail in front of
11 the development; relandscaping a small park at Potomac
12 Avenue and 2nd Street; shuttle bus service from the
13 site to the Waterfront Metro station; constructing
14 just over 24,000 square feet of pedestrian-friendly
15 retail space facing 2nd Avenue, S.W.; and meeting or
16 exceeding local hiring goals.

17 OP generally supports the intent and
18 direction of the amenity package proposal, although
19 additional clarification and definition is required,
20 particularly related to the affordable housing
21 component of the package. OP has also urged the
22 applicant to further investigate green or
23 environmental design features.

24 In summary, the Office of Planning feels
25 that this application merits being set down for a

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1 public hearing, as being consistent with the overall
2 Intent of Stage 1 PUD approval. It would further the
3 major themes of the comprehensive plan, as well as a
4 number of comprehensive plan objectives related to
5 housing, transportation, urban design and land use, as
6 well as goals and objectives for Ward 2.

7 The proposal would also not be
8 inconsistent with the comprehensive plan generalized
9 land use map, which shows the site as mixed use,
10 medium density residential, medium density commercial
11 and production and technical employment, and would be
12 consistent with the objectives for the Buzzard Point
13 Near Southeast development opportunity area.

14 It would contribute towards the
15 realization of the AWI plan, by providing an important
16 influx of residences in a variety of housing types
17 into the area, as well as retail and amenity space,
18 and would thus contribute towards the main objective
19 of building strong waterfront neighborhoods.

20 It would also ensure that the site
21 contributes towards, and remains connected to the
22 broader urban fabric of the city. This concludes the
23 OP presentation, and we are again available for
24 questions. Thank you.

25 CHAIRMAN MITTEN: Thank you, Mr. Lawson.

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1 Questions or comments for Mr. Lawson. Okay, Mr.
2 Parsons?

3 COMMISSIONER PARSONS: We've been
4 struggling with this property for about 15 years, and
5 this is the 10th time the Commission will be dealing
6 with it.

7 One of the major issues of the whole case
8 in the past has been the security at Fort McNair, and
9 I'm surprised. I noticed on page five of your report,
10 Item No. 5, that the applicant says they will forward
11 this to the Army, as a neighboring land owner,
12 following set down.

13 I find that startling, that they have not
14 met and worked with the Army up until this point. Do
15 you have any information on that, Mr. Lawson?

16 MR. LAWSON: I don't have a lot of
17 information. My understanding is that there have been
18 discussions with Fort McNair, but I can't really
19 comment on them, because I haven't been part of them.

20 COMMISSIONER PARSONS: These are their
21 words, not yours, on page five, I assume?

22 MR. LAWSON: That's correct.

23 COMMISSIONER PARSONS: I'm just absolutely
24 startled, that they feel they can build this project
25 adjacent to Fort McNair, and never talk to them.

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1 I would certainly feel more comfortable
2 having an opinion of the Army before we set this down,
3 and that's how they learn about it, that the Zoning
4 Commission has the same feeling about them that, you
5 know, we'll let you know after we've decided that this
6 project is worthy of a hearing, to learn about it.

7 Enough sermon. I don't know what to do
8 with that, but I'm a little troubled by the -- if you
9 could go to Sheet S-101. This is the proposal to
10 close Potomac Avenue. Then if we move to S-102,
11 everyone all with me here?

12 CHAIRMAN MITTEN: Uh-huh.

13 COMMISSIONER PARSONS: You'll see an
14 embellishment of that space, and then even further on
15 L-101, at a larger scale. I'm not sure what to make
16 of this. I mean, has the Office of Planning an
17 opinion on closing Potomac Avenue here and --

18 I know we had a lot of testimony the last
19 time that Potomac Avenue should extend into Fort
20 McNair and be recognized as the terminus of the major
21 avenue. I personally didn't agree with that.

22 This doesn't reflect -- this design of the
23 project doesn't reflect it, but I think that a lot of
24 people will weigh in on closing Potomac Avenue.

25 So if this is deemed to be an amenity,

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1 that is, they will embellish this park and so forth, I
2 think we'd better have further discussions on that
3 before we get in the middle of a mess here.

4 I should say I'm delighted to see this is
5 an all-residential project, compared to where we were
6 before. That's all I have.

7 CHAIRMAN MITTEN: Okay. Anyone else? Mr.
8 Jeffries.

9 COMMISSIONER JEFFRIES: Yes. Page 10 of
10 your report, affordable housing. I'm just trying to
11 get a good sense of exactly how many affordable units
12 are we talking about here?

13 I just had some difficulty, between the
14 rental and the home ownership, and I know some of this
15 is -- there's some uncertainty around it, but I'm just
16 trying to get a sense of what the absolute numbers are
17 here.

18 MR. LAWSON: To some extent, to be honest,
19 I can't give you that, because I don't know. The
20 information wasn't provided, clearly stating which
21 buildings would be rental and which ones would be
22 owned.

23 This is what we were getting at in our
24 report, that we think the intention is there, but we
25 don't have the full list of details either, and we'll

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1 make sure that the applicant provides those details
2 and gives us what is an appropriate amount of
3 affordable housing.

4 Because I'm looking here. It says 15
5 percent of 159,000 square feet is about 25,000
6 roughly, or 1.76 percent of residential development.
7 I'm just looking at 1,400 units and it just seems
8 small to me, the number.

9 So I would hope that, given the sheer size
10 and volume, that there could be a bit more of an
11 effort, or at least just sort of walk me through some
12 of the other benefits that I can get comfortable.

13 So that goes back to the last case, in
14 terms of just financial incentives and other things.
15 That could get me comfortable. But right now, with
16 the sheer size of the rentals, of the overall
17 residential units, this number just looks very small
18 to me.

19 CHAIRMAN MITTEN: Anyone else?

20 COMMISSIONER HOOD: Madam Chairman, a
21 quick question for Mr. Lawson. Mr. Lawson, on page 11
22 of your report, you mention that -- you stated that
23 the applicant was encouraged to go into the first
24 source employment agreement. What is the status of
25 that, or is that still on the table with the

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1 applicant?

2 MR. LAWSON: It's still on the table with
3 the Applicant. We're assuming that they will comply
4 with that.

5 COMMISSIONER HOOD: So possibly if it's
6 set down, we will see that?

7 MR. LAWSON: Yes.

8 COMMISSIONER HOOD: Thank you. Thank you,
9 Madam Chairman.

10 CHAIRMAN MITTEN: Thank you. I just have
11 a couple of comments about these stacked townhouses.
12 Am I correct that there's no elevator in the stacked
13 townhouse, or am I incorrect?

14 MR. LAWSON: I'm sorry?

15 CHAIRMAN MITTEN: The stacked townhouses
16 that would be on the western portion of the site. Do
17 they have elevators in them, or are they just like
18 walk-ups?

19 MR. LAWSON: I believe that there are
20 elevators, but I'm just checking that out right now to
21 be sure, because I may have to take that back. The
22 elevators may be just from the parking levels.

23 CHAIRMAN MITTEN: Correct.

24 MR. LAWSON: Because you're right. They
25 are walk-up from there, right.

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1 CHAIRMAN MITTEN: That just doesn't strike
2 me as desirable, if I was an upper unit. I guess I'm
3 just surprised that that's something that's being
4 offered. And also, I think, this is again where maybe
5 more detail, I mean, there is more detail on these
6 renderings and so on.

7 But having some color would help a lay
8 person like me have a better appreciation for what
9 these things would look like. I think that the
10 apartment buildings look more interesting than the
11 townhouses, which just look like boxes to me.

12 Even though there's not going to be a lot
13 of people that will see them, because they'll be
14 tucked back in the development, I think we should
15 still, you know, pay a fair amount of attention to
16 what they looked like, because they may be visible
17 from the water.

18 So I would just ask that there be more
19 consideration given to the design of those townhouses.

20 If I could, I just wanted to for the
21 record correct just one statement that you made, and
22 it's understandable confusion. You said that the
23 applicant is requesting rezoning to CR. That's
24 actually something that we preserved in the first
25 stage approval from before.

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1 So the CR is in place from the first
2 stage, and we're just figuring out at this point what
3 that's going to look like. So that's a relatively
4 minor point, but I wanted to clarify it.

5 Anyone else have any comments or
6 questions?

7 (No response)

8 CHAIRMAN MITTEN: All right. We have a
9 recommendation from the Office of Planning to set down
10 Case No. 04-15, and I would so move.

11 COMMISSIONER HOOD: I'll second.

12 CHAIRMAN MITTEN: Any further discussion?
13 All those in favor, please say aye?

14 (Chorus of ayes)

15 CHAIRMAN MITTEN: Those opposed, please
16 say no.

17 (No response)

18 CHAIRMAN MITTEN: Ms. Schellin.

19 MS. SCHELLIN: The staff recorded a vote,
20 5 to 0 to 0, to set down Case No. 04-15, Commissioner
21 Mitten moving, Commissioner Hood seconding.
22 Commissioners Hildebrand, Jeffries and Parsons in
23 favor, and this will be, just to confirm a contested
24 case?

25 CHAIRMAN MITTEN: Yes.

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1 Next is Case No. 04-13, Logan Phase II, a
2 PUD and map amendment. And Mr. Mordfin, I think, will
3 move the presentation. Is that correct?

4 MR. MORDFIN: Yes. This is Application
5 No. 04-13. It's for set down for a PUD and related
6 map amendment, for 1200 through 1224 R Street, N.W.
7 The Applicant proposes a PUD for the entire site and a
8 map amendment from the R-4 to the R-5B district, for
9 the construction of a 60-unit apartment building and
10 flat. The map amendment is for all but Lot 45.

11 The application requests a waiver to the
12 minimum Area 4 PUD, in order to reduce the area from
13 one acre to almost 50 percent of the minimum required.

14 The application also requests several
15 variances, and they are to reduce the minimum side
16 yard from 12.62 feet to 9.67 feet; to increase the
17 maximum lot occupancy from 60 percent to 72.7 percent;
18 and to reduce minimum depth of the loading berth from
19 55 feet to 30 feet.

20 The applicant is proposing the PUD so as
21 to be able to increase the height of the building from
22 40 feet to 50.5 feet; increase the number of floors
23 from three to four; increase the number of dwelling
24 units from 24 to 62; and increase the gross floor area
25 by approximately 49 percent.

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1 The number of affordable units proposed is
2 four, and the square footage is slightly more than 15
3 percent of the bonus density. However, the mix of the
4 units is not consistent with the unit mix of the
5 building.

6 The application offers the following
7 amenities. One is the provision of high quality
8 residential with significant public benefits and
9 amenities to the neighborhood and city as a whole;
10 two, provision of market-rate rental units; three,
11 provision of four affordable rental units; four,
12 provision of a 600 square foot community room for use
13 and control by the Metropolitan Community Church.

14 Five, exceptional site planning, urban
15 design, architecture and landscaping; six, 20 parking
16 spaces to be made available for sale to the community;
17 seven, purchase of three historic district street
18 signs for the Greater U Street Historic District; and
19 eight, contribution of \$8,500 to the Department of
20 Parks and Recreation for improvement to the skate park
21 at 11th and Rhode Island Avenue.

22 The proposed amenity package requires
23 additional definition, but the Office of Planning
24 believes that the details can be resolved prior to the
25 public hearing. This application is not inconsistent

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1 with the comprehensive plan.

2 Therefore, the Office of Planning
3 recommends set down of the proposed plan unit
4 development, and set down of the related map
5 amendment. That concludes the presentation by the
6 Office of Planning.

7 CHAIRMAN MITTEN: Thank you, Mr. Mordfin.

8 Just to begin, why isn't Lot 45 being included in the
9 rezoning?

10 MR. MORDFIN: The use that's proposed for
11 Lot 45 is a flat, which is consistent with the
12 existing R-4 zoning district.

13 CHAIRMAN MITTEN: Okay. I'm going to
14 raise a technical point then, which is the zoning
15 requirements or the PUD requirements for a proposed
16 plan unit development in an R-5B zone are one acre,
17 and then there's a waiver that can be granted under
18 certain circumstances up to 50 percent.

19 So that would be half an acre. But the
20 area that's included within the R-5B zone is not a
21 half an acre. It's less than a half an acre.

22 MR. MORDFIN: That's correct. It is less
23 than half an acre, which is why the Lot 45, I believe,
24 is included in the application for the PUD area, to
25 meet the minimum one-half acre requirement.

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1 CHAIRMAN MITTEN: But I guess there's two
2 things. One, is by not including it in the R-5B area,
3 I think it's questionable whether or not it qualifies
4 to be counted as part of the R-5B requirement.

5 Then the Commission has in the past sort
6 of excised out properties that we felt were not really
7 related to the larger project. Can you tell me, other
8 than using it to make the lot area, what's the purpose
9 of including Lot 45?

10 MR. MORDFIN: That is the only purpose
11 that I know that it is included.

12 CHAIRMAN MITTEN: Okay. When you
13 articulated the points of the applicant's amenity
14 package, the applicant doesn't have those same
15 amenities in their application to us. So I'm just
16 wondering, did some of these things get added later,
17 or what's the deal?

18 MR. MORDFIN: Yes, they were added later.
19 We've been having discussions with the applicant, to
20 add additional items to the amenity package, to make
21 it the way of Office of Planning believes, so that
22 it's consistent with the additional benefits.

23 But the applicant is requesting the
24 additional densities, so that the amenity package
25 balances that. So we've had discussions with them,

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1 and they have proffered some additional items.

2 CHAIRMAN MITTEN: Okay. And what you said
3 in your oral presentation, was that this community
4 room is to be for the use of the church, and will be
5 controlled by the church?

6 MR. MORDFIN: Yes. It's under the use and
7 control of the church, and therefore, we are not sure
8 just exactly how much of an amenity it will be to the
9 project at this point in time.

10 CHAIRMAN MITTEN: Do you have any sense as
11 to whether this is going to be available for the use
12 of the residents, of the project, for the use of the
13 residents of the larger community, or is it your
14 understanding that this will be the exclusive use of
15 the church?

16 MR. MORDFIN: My understanding is that it
17 will be available to the community and larger
18 community, at times when the Metropolitan Community
19 Church will not be using it for one of their
20 functions.

21 MS. STEINGASSER: Madam Chair, if I may
22 add, that's one of OP's concerns, is what exactly is
23 the space, who controls it, how is it used, what are
24 the operations? Is there relief required with the
25 space? Is it a special exception?

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1 We're not sure how this space is to be
2 used. It's under the full control of the church. It
3 is not under the control of the building management.
4 It was part of the contract sale. So it's almost as
5 if it's it's own tenant space, separate from the other
6 units.

7 So we've asked for additional information
8 as to how this space is used, and how it would rise to
9 the level of a benefit or amenity. It's very
10 difficult to determine at this time.

11 CHAIRMAN MITTEN: Well, you know, I share
12 your concern and see you've been sort of eking out
13 these additional amenities from the applicant. But,
14 you know, some of the things that they did articulate
15 in their report, about the creation of new housing
16 opportunities, you know, this is a residential zone.

17 Even though a higher number of units could
18 be had through R-5B, the same actual density is
19 achievable with R-4. They would just be bigger units.

20 So as a matter of right, in R-4 versus R-5B.

21 So I don't know. Are there other comments
22 on this?

23 COMMISSIONER HOOD: Madam Chairman, I want
24 to add. Were you asking the Office of Planning or --

25 CHAIRMAN MITTEN: No, I'm asking.

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1 COMMISSIONER HOOD: I want to just
2 piggyback on this community room. I'm really not
3 understanding, especially when I believe the
4 Metropolitan Baptist Church will be leaving the area.
5 But my concern is why not Vermont Avenue? Why not
6 Mount Gilead and the other churches in the
7 neighborhood?

8 But did I understand you, Ms. Steingasser,
9 to say that Metropolitan already owns something over
10 there? I mean, I know that the church is there. What
11 gives them exclusive right, I guess, to this community
12 room, and which they will eventually be relocating?

13 MS. STEINGASSER: They are the seller.
14 All of this land is theirs. They're selling it to
15 Logan.

16 COMMISSIONER HOOD: Some of it.

17 MS. STEINGASSER: Some of it, and they are
18 maintaining this room for their own use.

19 MR. MORDFIN: It's part of the contract.
20 It's part of the contract of sale, that Metropolitan
21 Baptist Church is selling their land to the applicant.

22 COMMISSIONER HOOD: And they're not
23 offering that, that's not being offered as an amenity,
24 is it?

25 MS. STEINGASSER: It's being suggested.

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1 COMMISSIONER HOOD: Suggested.

2 MR. MORDFIN: It's a community room.

3 COMMISSIONER HOOD: I hope it just stays
4 as a suggestion. The other thing, and I just wanted
5 to put that, so we won't hear it later, the other
6 thing is the 20 parking spaces, 20 parking spaces to
7 be made available for sale to the community.

8 We want to re-look at that. Again, maybe
9 I'm just not understanding the full, how it's going to
10 be implemented, but I think this has happened once
11 before in another case, and when it came, when the
12 rubber met the road, it came back in front of us, it
13 was not able to be a full through plan, to the point
14 where it wouldn't cause problems and controversy.

15 So I'm not sure to the exact extent that
16 this has been thought through, but I would encourage
17 the applicant to do that in this case. Okay, thank
18 you.

19 CHAIRMAN MITTEN: Anyone else? Mr.
20 Parsons?

21 COMMISSIONER HILDEBRAND: Well, just
22 looking at the elevations, and I know one of the
23 amenities that you mentioned was exceptional landscape
24 design, and exceptional architectural character.

25 In looking at the elevations, I don't see

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1 that this rises to the level that I would consider it
2 to be exceptional in any way. It seems to be very
3 much sort of the standard pallet and materials and
4 combinations.

5 Can you describe for us how the applicant
6 suggested that this was exceptional?

7 MR. MORDFIN: The applicant had suggested
8 that this was exceptional. This was another one of
9 the items that we were discussing with the applicant,
10 that they needed to provide something different for
11 amenities.

12 That while we didn't see anything wrong
13 with the architecture by looking at the elevations,
14 but that we didn't think that it rose to the level of
15 exceptional. That's why we were requesting additional
16 amenities from them for this application.

17 COMMISSIONER HILDEBRAND: I certainly
18 don't mean to suggest that I see something wrong with
19 the architecture. It's, again, a question of does
20 this rise to the level of exceptional. At this point,
21 looking at the elevations, I don't see where it's
22 crossed that threshold.

23 I think of particular concern, too, is
24 this south elevation. The random nature of the
25 balconies relative to this blank repetitive facade, I

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1 think it's very austere, to say the least.

2 CHAIRMAN MITTEN: Mr. Parsons?

3 COMMISSIONER PARSONS: Are you sure those
4 are balconies?

5 COMMISSIONER HILDEBRAND: Looking at the
6 plan, that's how I was interpreting them, as
7 projecting balconies. I'm looking at Plan A-9, and
8 I'm assuming the dotted lines beyond the building face
9 are balconies.

10 COMMISSIONER PARSONS: Oh, okay. I would
11 agree with you. I wanted to look at the north
12 elevation, because I -- are those balconies with
13 stairway coming down to the street? Is that what
14 those are?

15 COMMISSIONER HILDEBRAND: It would appear
16 that they're creating these small front porches, yes.

17 CHAIRMAN MITTEN: Would you turn your mike
18 on?

19 COMMISSIONER HILDEBRAND: It does, it
20 reads to me that they're creating small front porches,
21 yes.

22 COMMISSIONER PARSONS: So these are the
23 entrances to the individual units?

24 COMMISSIONER HILDEBRAND: So certain units
25 would have private entrances, and others would go

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1 through the communal central entrance.

2 COMMISSIONER PARSONS: All right. I think
3 I understand that. Thank you.

4 CHAIRMAN MITTEN: Anyone else?

5 COMMISSIONER HILDEBRAND: Could the Office
6 of Planning talk about the residential green space? I
7 expect -- pardon me if I've just missed something.

8 MS. STEINGASSER: The green space?

9 COMMISSIONER HILDEBRAND: Yes, green
10 space.

11 MS. STEINGASSER: We've asked for more
12 detail on that. The landscaping was identified as an
13 amenity, but we did not see it exhibited as such. So
14 we've asked for additional information, and perhaps
15 the embellishment of what we saw in the original
16 report.

17 COMMISSIONER HILDEBRAND: Is any of the
18 rooftop being proffered as public space? It would
19 appear that maybe perhaps just some units have access
20 to the roof?

21 MR. MORDFIN: I don't think any of rooftop
22 is proffered as residential recreation space.

23 COMMISSIONER HILDEBRAND: Okay. So it's
24 just -- okay.

25 MR. MORDFIN: Yes.

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1 COMMISSIONER HILDEBRAND: Thank you.

2 CHAIRMAN MITTEN: Anyone else?

3 COMMISSIONER PARSONS: Well, Madam Chair,
4 you introduced your earlier remark as a technical
5 matter.

6 CHAIRMAN MITTEN: Right.

7 COMMISSIONER PARSONS: I mean, I'm not
8 sure I'd reduce it to that.

9 CHAIRMAN MITTEN: Okay.

10 COMMISSIONER PARSONS: I think -- and
11 maybe you didn't mean to --

12 CHAIRMAN MITTEN: I was going to bring it
13 back up again.

14 COMMISSIONER PARSONS: It takes a lot for
15 us to come to a waiver of this kind, to go from an
16 acre to a half acre, and then we're asked to
17 essentially go below that.

18 It really has to be an exceptional project
19 to do that. I'm just not there yet, from what I see,
20 both with amenities and design, landscaping and other.

21 So I don't know whether it's that technical a matter.

22 CHAIRMAN MITTEN: Well, I agree with you.

23 I mean, there's the issue about the size, and there
24 is an issue, even if it does meet the 50 percent
25 minimum, whether or not it qualifies as a project of

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1 exceptional merit, which is something that we flesh
2 out in the hearing, although I can say without
3 reservation now that what I see doesn't meet that
4 level.

5 But then I think what we're also -- what,
6 you know, Office of Planning has expressed and what
7 we've heard from various commissioners is just to meet
8 the regular requirements of the PUD, in terms of
9 amenities and benefits, that this is not, hasn't risen
10 to the level that it needs to meet.

11 What I'd like to suggest is that we,
12 before we -- and I really do think that, you know,
13 because of past practice and the fact that we're being
14 asked to --

15 Well, there's the technical matter, and
16 basically that we're being asked to include a property
17 that bears no relationship, at least not that I can
18 see, to the balance of the project, but solely for the
19 purpose of allowing this to come in as a PUD.

20 I'd like to suggest that we give the
21 applicant an opportunity to address those two
22 concerns, and respond to anything else that they've
23 heard tonight, and then take this up again in
24 September.

25 COMMISSIONER JEFFRIES: I concur.

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1 CHAIRMAN MITTEN: Any objection to doing
2 that?

3 COMMISSIONER PARSONS: I have no
4 objection.

5 COMMISSIONER HILDEBRAND: I think that's a
6 very good idea.

7 CHAIRMAN MITTEN: Okay. Then perhaps we
8 could put them on the same schedule for submissions
9 that we did Florida Rock?

10 MR. BASTIDA: That is correct, Madam
11 Chairman. My only concern is, is the Office of
12 Planning going to have enough time to do this series
13 of reports on what they are projecting to set down.

14 MS. STEINGASSER: We appreciate the Office
15 of Zoning's concerns. We will be --

16 CHAIRMAN MITTEN: They're like a machine.

17 MS. STEINGASSER: With no Commission
18 meeting in August, we think we'll be able to get it
19 done. Thank you.

20 CHAIRMAN MITTEN: Thank you.

21 MR. BASTIDA: Thank you. Then the dates
22 would be the applicant is to submit all information by
23 Thursday, September 26th at 3:00. At the same time
24 that they serve it on us --

25 CHAIRMAN MITTEN: I think it's August 26th.

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1 MR. BASTIDA: August 26th, I'm sorry, and
2 at the same time that they serve it on us, they have
3 to serve it on the Office of Planning. Then the
4 Office of Planning will submit its report on September
5 the 3rd, which is a Friday. Thank you.

6 CHAIRMAN MITTEN: Thank you.

7 All right. Now our last case for hearing
8 action is -- not our last one, but Case No. 04-18,
9 which is the Mount Vernon Triangle District, text and
10 map amendment. I see Mr. Cochran coming in to make
11 the presentation.

12 MR. COCHRAN: Good evening. My name is
13 Steve Cochran with the Office of Planning. The Office
14 of Planning is proposing a map amendment and text
15 amendments to Chapter 17 of the Zoning regulations.

16 The proposal is intended to establish a
17 range of preferred uses and minimal physical design
18 standards for the ground level of a subarea, and to
19 promote growth of street life in that area,
20 particularly the intersection of K Street and 5th
21 Street, N.W., the two streets that have been
22 identified as the spokes and hubs of the new Mount
23 Vernon Triangle neighborhood.

24 This is an Office of Planning proposal.
25 It would not have been possible without the public-

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1 spirited efforts of the Mount Vernon Triangle Zoning
2 Task Force, at least one of whose members I see here
3 tonight, and all of whose members are listed in
4 Attachment 17 of the report.

5 The boundaries and general purposes. The
6 larger purple triangle that you see is the 20-block
7 area called the Mount Vernon Triangle. This is what
8 was covered by the Mount Vernon Action Agenda.

9 It's bounded on the south by Massachusetts
10 Avenue, on the east by New Jersey Avenue, and on the
11 north by New York Avenue. You'll notice that west of
12 3rd Street, all of this area is already in the DD, with
13 the exception of this one square, 483.

14 This submission would bring Square 483
15 back into the DD, where it once was, and establish a
16 new subarea within the DD. The subarea would
17 encompass six squares.

18 It's the area that's shown here in green,
19 and for the record, I'll describe it. Square 451 and
20 Square 484 west, Square 483, Square 484, Square 515
21 and Square 516.

22 The subarea focuses on, obviously from the
23 cruciform shape, K Street, east and west, and 5th
24 Street, north and south.

25 The OP proposal also includes targeting

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1 certain preferred uses to certain areas specified in
2 ground floor height and facade standards, as is done
3 in other parts of the DD, and uptown arts overlay,
4 establishing physical standards and use standards for
5 buildings at the intersection of 5th and K, and
6 proposing combinations of physical standards in order
7 to promote a more pedestrian-friendly retail
8 environment.

9 A few specifics, but only a few. First,
10 the map amendment. OP proposes that the DD overlay be
11 applied to Square 483, excuse me. The impact of
12 putting this square back into the DD is shown in the
13 table that's on page 13 of your preliminary report.

14 The principle effects of putting Square
15 483 into the DD are to increase height and FAR, and to
16 add a residential requirement to a square where there
17 is not now a residential requirement.

18 OP believes this result will support many
19 elements of the comprehensive plan. These elements
20 are noted on pages 13 to 16 of your preliminary
21 report.

22 Now for the subarea itself. This is
23 centered, as I noted, at 5th and K. It includes 5th
24 Street, from I to New York Avenue; K Street, from 3rd
25 to 7th; and Squares 451, 483, 484, 484 west, 515 and

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1 516.

2 It is governed by the general provisions
3 of the DD overlay, but it has six additional
4 provisions. The first is ground floor height
5 standards, which would be 14 feet clear. This is
6 noted Section 170X.5C of the text amendments. The
7 text amendments are Attachment 5 to the preliminary
8 report. It has ground floor use preferences.

9 The subarea is divided into three use
10 areas. The usage varies in intensity by the area.
11 There is a special entertainment area, where the uses
12 are not as this area. These are the most intensive-
13 focused uses.

14 This area is the intersection of K Street
15 and 5th. These red squares denote the special
16 entertainment use area; those squares measure 72 by
17 72.

18 The most active general uses are permitted
19 in this yellow area, which is called the primary area
20 in the preliminary report.

21 Finally, in the blue area, which is over
22 here to the east, between 3rd and basically where the
23 Wax Museum site is, all of the above uses are
24 permitted, plus some more general uses.

25 These ground floor use provisions are

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1 covered in detail in Section 170X.13 through 170X.25
2 of the text amendments. For these use provisions,
3 there are phase-in provisions, and the criteria for
4 exceptions are listed in the preliminary report.

5 The third element is ground floor facade
6 standards. These are very similar to those that are
7 already in many parts of the DD unit, uptown arts, as
8 specified in Section 170X.5 of the text amendments.

9 The fourth point is to establish a focal
10 point of activity at 5th and K. This is the
11 intersections intended to the hub of the neighborhood.

12 I've referred to there being special preferred
13 entertainment uses for the buildings at this
14 intersection.

15 Additionally the four corners, there are
16 special design provisions for building exteriors and
17 ground floor heights. The physical standards, these
18 design standards, are covered in Section 170X.6 of the
19 text amendments.

20 The fifth special element is the emphasis
21 on pedestrian activity, primarily through driveway
22 restrictions. The general thrust of that proposal is
23 to prohibit driveways on K Street, and to manage the
24 location on other streets, notably 5th Street, but also
25 to some extent 6th Street.

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1 The specifics are in Section 170X.9 and
2 170X.10 of the proposed text amendments. Again, this
3 proposal also includes criteria for special exceptions
4 from those requirements.

5 The sixth and final of the special
6 additions to the DD for this subarea are the provision
7 of additional short-term parking and loading areas, in
8 conjunction with green groups and additional
9 recreation space.

10 There are provisions that would modify
11 certain setback and FAR calculations, in order to
12 achieve these objections. These are covered in
13 sections 170X.7 and 170X.8 of the text amendments.

14 That summarizes the proposals that the
15 Office of Planning is asking the Zoning Commission to
16 set down for a public hearing. OP believes that these
17 proposed text and map amendments would be an important
18 step towards the creation of a lively new neighborhood
19 in the Mount Vernon Triangle area.

20 I'd be happy to answer any questions.
21 Thank you.

22 CHAIRMAN MITTEN: Thank you, Mr. Cochran.
23 Let me just make a couple of general comments before
24 we get into this, and let me begin by thanking
25 everybody involved for all the hard work that they

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1 obviously put into this, because the level of details
2 bespeaks, you know, a lot of rigorous discussion and
3 hard work.

4 But that being said, I have a concern that
5 this is -- I don't want to say that it's too
6 complicated, because it's not too complicated in the
7 sense that we can't understand it. But I'm wondering
8 if it's the level of complexity is balanced against,
9 you know, what you're trying to achieve.

10 You know, I don't think -- I think part of
11 this is that we're trying to control the market, to
12 some extent, and I think, you know, if 5th and K is
13 supposed to be the hub, it will become the hub. You
14 know, I think if we try to -- if we try too hard to
15 make it the hub, then we might not be successful.

16 So I guess I just wanted to make the
17 general comment, and I have a series of more detailed
18 questions to ask, but I just -- I feel that it's
19 really trying to control this area, to an extent that
20 maybe zoning wasn't intended.

21 So with that as the backdrop, I can start
22 or if someone else wants to start?

23 (No response)

24 CHAIRMAN MITTEN: Okay. There seems to be
25 a strong desire to respond to the buildings that are

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1 on the south side of K Street at 5th.

2 I guess I'm wondering, what is the
3 likelihood -- are those buildings historic at all?
4 What's the likelihood that those buildings will remain
5 as the market evolves, if prices continue to rise?

6 I mean, is there something that suggests
7 that they will remain, other than, you know, the
8 particular personalities of the folks involved?

9 MR. COCHRAN: Absent the provisions of
10 this overlay, and absent any historic designation, it
11 seems unlikely that these buildings would remain.

12 There is the possibility of historic
13 designation, but they have not been submitted for
14 consideration yet, although there's been informal
15 discussion among many people.

16 The provisions of the overlay are quite
17 correct. They do try to respect the scale of the
18 buildings that exist on the south side. With the
19 provisions of the overlay, it seems more likely that
20 those buildings would remain.

21 CHAIRMAN MITTEN: So just to take that a
22 step further, is this reflective of a policy statement
23 from the Office of Planning, that in fact you would
24 historic designation of those, and that you in fact
25 want those buildings to remain? Or would you like to

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1 be more unfettered than that?

2 MR. COCHRAN: The provisions of the
3 overlay are much more a matter of scale than
4 historicity. It's true that the existing size of
5 those buildings, that simply became the --

6 After considerable study, including one by
7 a consultant, it was felt that those buildings, at
8 least at three corners at that height, would establish
9 a pedestrian scale that would be special in that
10 neighborhood.

11 We're looking at a neighborhood where
12 generally, the intersections would be four corners at
13 130 feet. Keeping at least part of that intersection
14 down to 50 feet accomplishes several things.

15 It establishes 5th Street, it helps to
16 establish, at least 5th Street, as one of the
17 pedestrian spaces. More importantly, in keeping the
18 northwest corner, which is Square 483 to 50 feet, just
19 on the 36 by 36 foot square, and then a little bit
20 more, you get light into the intended public open
21 area, quasi-public open area, excuse me, at the Wax
22 Museum site.

23 So there is that. The ancillary benefit
24 is keeping one of the -- two of the few corners that
25 have any buildings left in that area that give the

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1 neighborhood context. But with respect to whether OP
2 would support or not support historic designation, I'm
3 not in a position to comment.

4 CHAIRMAN MITTEN: Okay. So it's more
5 scale and all of that?

6 MR. COCHRAN: That's correct.

7 CHAIRMAN MITTEN: I guess one of the
8 things I'd be looking for, as we move through this, is
9 to have a better sense of well, if we put these
10 controls in place, what exactly is the intersection
11 going to look like?

12 Because I'm having trouble visualizing
13 that, because we don't have a -- I would daresay we
14 don't have other examples of --

15 MR. COCHRAN: I'm glad you asked that
16 question. I do happen to have some examples. I had
17 imagined tht these wouldn't come up until the actual
18 public hearing, but if you would like to see a
19 computer rendering of what this means, I would be
20 happy to show it tonight.

21 CHAIRMAN MITTEN: Well, let's see if other
22 people -- I mean, it's definitely something I'd like
23 to see developed at the hearing, but if anyone is
24 severely troubled by it, as long as you can address
25 it, then okay.

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1 MR. COCHRAN: Fine.

2 COMMISSIONER PARSONS: Could we stay on
3 that thought?

4 CHAIRMAN MITTEN: Sure.

5 COMMISSIONER PARSONS: I'm trying to
6 relate your proposed language to what's show on page
7 19 of the accompanying booklet.

8 MR. COCHRAN: Yes.

9 COMMISSIONER PARSONS: Which is this kind
10 of public square that's defined or exposted. Is that
11 what's to be achieved by the language with the A, B,
12 C, D and I don't see how that accomplishes that?

13 MR. COCHRAN: I'd be happy to address
14 that. It actually would be easier to address that if
15 you'd permit me to put up another board.

16 CHAIRMAN MITTEN: That's fine.

17 COMMISSIONER PARSONS: Sure.

18 MR. COCHRAN: Excuse me.

19 (Pause)

20 MS. STEINGASSER: Steve, do you want me to
21 just hold it?

22 MR. COCHRAN: I think I can balance it.

23 MS. STEINGASSER: Sure.

24 (Pause)

25 MR. COCHRAN: Let me orient you to this

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1 first, and then let me address your question, Mr.
2 Parsons. K Street is here going east-west; 5th Street
3 is here going north-south.

4 Square 483, 515, 484 and 516. This is a
5 72 by 72 foot square. Each part of it is 36 by 36
6 feet. That will be important later.

7 Now what you referred to on page 19 of the
8 action agenda report was this jumping off point, in
9 effect. The intention of the action agenda for this
10 intersection was to promote, after considerable study
11 and consensus-building among the action agenda
12 participants, to promote the development of that
13 intersection as a lively intersection and hub for that
14 neighborhood.

15 The proposal before you is crafted towards
16 achieving that. As you can tell, it does not have the
17 same design parameters as what you see on page 19 of
18 this report.

19 This was an initial and rather exciting
20 concept, but one that we felt when we had a study for
21 it, was not necessarily consistent with the tradition
22 of Washington, and in particular the L'Enfant plan.

23 We also felt even independent of that that
24 opening up the intersection this way actually
25 deconcentrating activity and moved farther from the

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1 objectives that is espoused on page 19, than they'd
2 want it. It actually undercut the objectives.

3 So we came back to holding the corner.
4 But there was still the desire to promote some variety
5 at that corner. That's what the physical standards
6 do, and I can -- if you'd like me to, I can explain.

7 COMMISSIONER PARSONS: Please stop. I
8 find that very pleasing, because I don't find the
9 illustration on page 19 to be pleasing. That is, it's
10 foreign to this city and you've concluded that
11 yourself, and that's fine. Thank you.

12 MR. COCHRAN: Okay.

13 CHAIRMAN MITTEN: On the issue, I'm going
14 to have to just jump around here a little bit, because
15 I don't have my questions all well organized. This
16 idea for the ground floor uses preferences and when --
17 and the phasing-in of those preferences.

18 First of all, you know, I have a concern
19 and we can just flesh this out more at the public
20 hearing, but I do want to share a few things with you
21 tonight, is that having the, some more finely-grained
22 controls for the red area versus the yellow area.

23 I think is what I want to say, you know,
24 the primary area, the special entertainment use area,
25 are the most restricted. Then the primary area, and

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1 the secondary area, I don't know that we need to have
2 that level of control of these uses, is my first
3 comment.

4 Then my second comment is the idea that,
5 and maybe this idea of having the phase-in and the
6 trigger point at a certain level of buildout was
7 because we're having this high level of control.

8 But, you know, this place is not on the
9 moon, you know. It's not its own -- I mean, you're
10 creating -- I guess, you're creating a new
11 neighborhood, but it's not so far removed from the
12 rest of the east end of downtown, that I think we have
13 to, you know, really bend over backwards before we, to
14 the extent that we want to have preferred uses on the
15 ground floor, that we have to wait, you know, a long
16 period of time.

17 Because there's a pretty substantial
18 residential neighborhood just a few blocks to the
19 south. So as new buildings are built, you know, at 5th
20 and K or in the Mount Vernon Triangle District, I
21 think they can probably support some of the preferred
22 uses earlier than you may think.

23 Because they will then help to attract
24 residences as well. So, you know, I'm just concerned
25 about not only the amount of time that might be

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1 involved in waiting for the 3.5 million square feet of
2 build-out, but also just logistically how is the
3 zoning administrator going to keep track of that. So
4 I'd just share that as a concern.

5 Anybody else can jump in any time while I
6 look for my other questions. You don't have to
7 respond. I'm just making some general comments.

8 MR. COCHRAN: Okay.

9 CHAIRMAN MITTEN: The emphasis on the
10 pedestrian areas, by limiting the driveways. You
11 know, I'm very much in favor of that, and what I would
12 like in the public hearing is that the series of
13 restrictions that you have about this area, no more
14 than one driveway in this area, no more than one new
15 driveway in all of that.

16 I think at the public hearing we'll need
17 to have more information on the alley system, to
18 evaluate that.

19 Also, too, on the ownerships, I think,
20 because, you know, there are certain opportunities
21 that exist. I mean, to some extent you could say
22 well, there'd be assemblages. But there's no
23 guarantee that you'll have assemblages.

24 So I think we just want to have an
25 understanding of what's already been assembled, and so

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1 to the extent that a given Development might be able
2 to introduce alleys within the development itself.

3 Because frankly, you know, we've closed
4 too many alleys in this city, and that's why we have
5 some of the traffic problems that we have.

6 I'm in favor of the comments that you made
7 on -- you dealt with a series of things on pages 11
8 and 12, where certain members of the task force wanted
9 things advertising the alternative.

10 You know, if we advertise what you've
11 suggested, which is more restrictive, then those
12 things can just be discussed at length in the public
13 hearing. So I'm in favor of your approach.

14 I'm now looking at the text itself, and
15 I'm on page nine, and the height provisions, I guess I
16 just didn't know, quite know whether under letter C,
17 where did the 22 feet come from? I don't know that
18 that's a height that we've encountered before.
19 Fourteen feet, yes.

20 MR. COCHRAN: Did you want me to answer
21 that or --

22 CHAIRMAN MITTEN: Yes, I would.

23 MR. COCHRAN: To get a mezzanine in.

24 CHAIRMAN MITTEN: Oh, you did say that
25 someplace. Okay. On page 10, letter F under "Roof

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1 Terraces," I think we need to add a definition of what
2 a roof terrace is. I can see putting liberal
3 definitions of that that applicants might adopt.

4 Then with, given that we have, if I'm
5 understanding the proposal correctly, that in the area
6 where we would potentially be giving this, you know,
7 FAR bonus, if you will, given that we have a 50-foot
8 height, I'd like to have some quantification of what
9 exactly is the amount of density that we might be
10 giving a waiver to. How much density are we not
11 counting?

12 MR. COCHRAN: Do you want that based on
13 both ways, both if it were done up to the full 130
14 feet, and then subtracting, versus if it were done
15 according to the proposals in the overlay, with the
16 various reductions in height that the overlay would
17 achieve at that corner, and then adding back on the
18 terrace?

19 CHAIRMAN MITTEN: Yes.

20 MR. COCHRAN: Okay. Thank you.

21 CHAIRMAN MITTEN: And then I think it
22 needs some clarification to, to the language of F. It
23 says, I'm skipping the beginning of the sentence, that
24 "On top, the A, B or C portions of a building subject
25 to the special height restrictions."

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1 What's not clear to me from the language
2 is, is it that actual physical portion of the site
3 that's being subject to the height restriction, or as
4 the height restriction itself is worded, it's within a
5 given area. Fifty percent of that area is restricted.

6 So there's a larger area that's subject to
7 the height restriction. It's only manifested in 50
8 percent. So I just think that needs to be clarified,
9 too. When you do the quantifications, we'll at least
10 know what your thoughts are on it.

11 This goes over onto page 11, but it's
12 under the section 170X.7 area and bulk, rear yards and
13 side yards. This is in letter A, at the end. "The
14 dedicated public easement space shall not be included
15 in the maximum floor area ratio calculations" and so
16 on.

17 That's another one where I think an
18 illustration would be helpful, and the potential
19 additional density that could accrue, sort of with the
20 most liberal use of this. You know, what kind of
21 density are we talking about?

22 On 170X.8, letter B on page 12, where
23 we're talking about the coverings for the court that
24 would be certified as lead compliant. I'd like to
25 have some understanding of what those coverings could

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1 potentially consist of.

2 I'd also like, if you could find out,
3 given that there's a concern about the alley system
4 and Square 516, the Immigration and Naturalization
5 Service is a tenant of that building.

6 If we could have a sense of when their
7 tenancy expires, before we do anything that would
8 suggest that they're permanently there.

9 On page 14, and this is in -- this is
10 following on Section 170X.9, Driveways on Preferred
11 Use Street Furnages," and then there's some
12 flexibility that will be available by special
13 exception, if someone can meet the criteria in letter
14 B that is articulated on page 14.

15 I would want to add some language that
16 said, that says something like "Property owners,
17 basically the existing ownerships as of the effective
18 date of this set down, will have done nothing to
19 create or contribute to the practical difficulty of
20 complying with the order."

21 So I don't want someone to read this and
22 go "Ooh, I'm going to go subdivide my lot so that I,
23 you know, create a practical difficulty situation."
24 I know they won't do it.

25 They won't do something completely adverse

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1 just to get out if, or to have a driveway, but if it
2 were merely a subdivision or something like that, I
3 would just want to preclude that.

4 On page 15, 170X.11, this is under "Use
5 Provision, surface or above-grade parking lots." I
6 don't know if this is just not worded right or if I'm
7 not understanding it.

8 It says "If all or a portion of a parking
9 lot, parking garage or parking spaces at or above
10 grade is otherwise permitted within a building."

11 Is that -- does that, is "at or above
12 grade" modifying parking spaces, or modifying parking
13 lot, parking garage, or parking spaces?

14 MR. COCHRAN: It's intended to modify all
15 three.

16 CHAIRMAN MITTEN: Okay. Okay, then I
17 don't have a question. But I just -- I think we just
18 need to make that clear. Probably the punctuation is
19 accurate. But I would just want to make it clear,
20 because I was confused.

21 I think those are my general comments and
22 questions, and I might have a couple of follow-up.
23 Anybody else?

24 COMMISSIONER PARSONS: There's a term on
25 page 20 that I'm not familiar with, and I don't think

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1 it's in our regulations. It's under "Oh Cabaret." It
2 says "Not to include adult entertainment, but not to
3 exclude performance art."

4 I'm not familiar with that term. I don't
5 know what it means, but if it's to be part of our
6 zoning regulations, maybe we ought to define it,
7 because it sounds like a rather subjective subject
8 area.

9 CHAIRMAN MITTEN: I think potentially
10 you're correct.

11 COMMISSIONER PARSONS: Mr. Cochran, do you
12 have any idea about that term or an opinion on that?

13 MR. COCHRAN: Well, Mr. Parsons, I'm not
14 sure that I could define it, but I'm sure that you'd
15 know it when you see it.

16 COMMISSIONER HILDEBRAND: Well, Cirque de
17 Soleil would be performance art.

18 COMMISSIONER PARSONS: Anyway, I think I'm
19 not being facetious. I don't mean to answer it
20 tonight, but I think that's something that you ought
21 to know before we have a hearing on it.

22 CHAIRMAN MITTEN: Anyone else? Mr.
23 Jeffries.

24 COMMISSIONER JEFFRIES: Yes. I'd just
25 like to disclose that while employed at NCRC, that I

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1 was part of the task force. So I'm intimately
2 familiar with much of what's being proposed, and also
3 while at NCRC, I was responsible for the disposition
4 of the Wax Museum site. So I just wanted to put that
5 on the table, for the record.

6 CHAIRMAN MITTEN: Can I just ask you to
7 further expand? Do you have any particular -- are you
8 open-minded about the text amendment and the map
9 amendment, or do you feel some particular affinity for
10 certain sections?

11 COMMISSIONER JEFFRIES: I am absolutely
12 open-minded. You know, I am listening. You know, so.

13 CHAIRMAN MITTEN: Okay, great. I do have
14 one additional comment, and it goes to the -- on page
15 13 of your report, which addresses Square 483, and
16 then we have this letter that Mr. Bastida passed out
17 to us in the beginning of meeting, July 8th letter from
18 Holland and Knight regarding a submittal for a map
19 amendment that the application has been received but
20 we haven't taken it up, which it's Case No. 04-03, I'm
21 actually glad we got to take a look at this letter.

22 Because what it raises for me, the Square
23 483 issue and then Square 515 north issue is, as we
24 look at the area overall, and we think, you know, we
25 look at the generalized land use map.

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1 We think that, you know, if you achieve
2 something in this area in general, rather than having
3 these being, you know, hard, strict boundaries about
4 what's supposed to happen in any particular square,
5 but thinking of it more as a policy statement by the
6 City Council, and then the Zoning Commission takes
7 that policy direction and decides where certain lines
8 get drawn, I think that the potential for zoning
9 Square 483, not only DD C3C, as has been requested.

10 But, you know, there was a pretty strong
11 line drawn in the past, I think, where the DD C3C
12 stopped, and DD C2C started.

13 This property just is, you know, there's
14 just a diagonal connection. You know, it's not really
15 surrounded by anything other than DD C2C, and I'm
16 speaking of Square 483 right now.

17 I think one of the things that I would
18 want to discuss at the hearing is whether or not it
19 would be appropriate Square 483 zoned DD C2C and so
20 that question is raised for me.

21 So I really don't see any case to be made
22 for rezoning Square 515 north to DD C3C, because that
23 just seems to me to be, you know, not really
24 thoughtful zoning pattern, but more of a shotgun type
25 of approach.

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1 Because then what's to stop all these
2 other folks from coming and asking us for DD C3C
3 zoning. I mean, you have to draw the line and the
4 line has to be meaningful in some way.

5 So I don't know if others, you know, share
6 concerns about that. But that's something that I
7 would want to discuss further at the hearing.

8 So does anyone else have any questions or
9 comments?

10 (No response)

11 CHAIRMAN MITTEN: All right, then. I
12 think, you know, I think we should give you some
13 flexibility in working further on some of the
14 refinement of the language before this is advertised,
15 and I know that the Office of the Attorney General
16 will work with you on that.

17 So what I would like to propose is that we
18 accept the Office of Planning's recommendation to set
19 down Case No. 04-18, and I would like, as part of this
20 case, to advertise for zoning Square 483 in the
21 alternative, DD C3C as well as DD C2C. I would so
22 move.

23 COMMISSIONER PARSONS: Second.

24 CHAIRMAN MITTEN: Any further discussion?

25 (No response)

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1 CHAIRMAN MITTEN: All those in favor,
2 please say aye?

3 (Chorus of ayes)

4 CHAIRMAN MITTEN: Those opposed, please
5 say no.

6 (No response)

7 CHAIRMAN MITTEN: Mrs. Schellin?

8 MS. SCHELLIN: Staff recorded 5 to 0 to 0
9 to set down Case No. 04-18, Commissioner Mitten
10 moving, Commissioner Parsons seconding. Commissioners
11 Hildebrand, Hood and Jeffries in favor.

12 CHAIRMAN MITTEN: Thank you. I'm sorry,
13 also to confirm that that will be a rulemaking case?

14 MS. SCHELLIN: Yes.

15 CHAIRMAN MITTEN: Thank you.

16 The first item under proposed action is
17 Case No. 04-02, which is the Capitol Gateway 2
18 rezoning. Mr. Bastida, did you have anything by way
19 of introduction?

20 MR. BASTIDA: Yes, Madam Chairman. The
21 staff has provided you with all the new filings, and
22 your request from the Office of Planning regarding
23 consideration as to height, and I'd request that you
24 make a decision on this matter.

25 CHAIRMAN MITTEN: Thank you. Well, I have

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1 to say these massing studies that you gave us, or that
2 the Office of Planning gave us, are pretty neat. So
3 thank you for the effort that you went to to give
4 those to us.

5 If you remember, this was an area where we
6 had an applicant come in with a relatively small
7 parcel of land for rezoning, and then we decided to
8 focus on the larger area, because it seemed like we
9 had, you know, we were overlooking it in the greater
10 discussion about the Anacostia Waterfront area.

11 So we've taken on this triangle of land,
12 and basically had three different proposals analyzed
13 by the Office of Planning, one being to rezone all
14 this industrial land to Capitol Gateway W-3.

15 Another would be to rezone most of the
16 area to W-3, with selected squares to the south
17 Capitol Gateway W-2, and then sort of just the
18 opposite, I guess, for the final proposal, which would
19 be to rezone everything W-3, except those areas that
20 are zoned CM-1, along the Southeast-Southwest Freeway
21 that are closest to Capitol Hill, rezone those to
22 Capitol Gateway W-2.

23 The Office of Planning, after looking at
24 their own massing studies and considering things at
25 the hearing they submitted their supplemental report.

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1 That's what we have in front of us from July 7th.

2 So anyone want to comment or pick a
3 proposal?

4 COMMISSIONER HILDEBRAND: I guess I would
5 just like to say, I think the diagrams are very, very
6 good. I'm still really concerned about seeming wall
7 that's developing along the edge of the freeway, that
8 effectively isolates the Capitol Hill community from
9 this waterfront edge.

10 Is there some discussion we could have
11 about the likelihood that this land would become
12 available for Development, and what is the possibility
13 that the freeway areas are able to be developed in
14 this manner?

15 CHAIRMAN MITTEN: I guess we could direct
16 that to OP, if they have any -- they're, I guess, in
17 the best position to respond.

18 MR. LAWSON: Sorry. My name again is Joel
19 Lawson from the Office of Planning. My main response
20 would be that we have certainly heard nothing that the
21 freeway is coming out. This would be establishing
22 sort of a long-term future direction.

23 I think that we share some of the concerns
24 about how the potential of this, how the potential
25 development of those properties could look, and how

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1 they could kind of interreact with the townhouse,
2 predominantly townhouse and low-rise apartment-type
3 development on the other side, that's existing on the
4 other side of the freeway.

5 So I think it's a valid and appropriate
6 concern. I would expect that it would be something
7 that we'd look at in much more detail, should there be
8 an actual proposal to get rid of or underground or
9 whatever, convert that freeway into something other
10 than what it already, what it currently is.

11 But I guess the short answer is that I
12 have no knowledge of that freeway coming out any time
13 in the near future.

14 COMMISSIONER PARSONS: Well, there is a
15 proposal by Joseph Pasanow to create this as a, to
16 make it a boulevard. That is, a four or six-lane
17 facility that claved (ph) with intersections, that
18 some have taken seriously.

19 It won't work all the way down to the
20 river, but I mean to the Washington Channel. But
21 apparently it would work in this section of 295.

22 But it's still to be a roadway. I don't
23 think anybody's talking about decking it over or doing
24 anything other than boulevarding it. Yes, it would be
25 narrower right-of-way, for sure.

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1 There's also a discussion of relocating
2 the railroad, as you may know. So this whole section
3 in the north is a little bit up for grabs, and
4 probably premature for, you know, real decisionmaking.

5 But we have to -- the City Council told us
6 we had to zone District property. Is that why we're
7 here?

8 CHAIRMAN MITTEN: Well we, you know, we
9 have ourselves to thank or blame for this, because we
10 took it on. We asked the Office of Planning to.

11 COMMISSIONER PARSONS: That's correct.
12 Well, I think these diagrams express the fear I've had
13 with this all the way along, is that these buildings
14 are to me out of scale with the neighborhood.

15 I know what manner of right is, and we've
16 seen manner of right and what it looks like. But it
17 just seems to be, as I stated before, not a tapering
18 down to a park environment, but a building up. But at
19 the same time, the W-3 that's been planned by others
20 owning property in the area is troubling.

21 So I still like W-2 as shown in the
22 alternative advertised concept along the river. That
23 is, the stepback W-2, with a W-3 behind it. But I
24 don't like the W-3 on top of the freeway. It just
25 doesn't make sense to me.

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1 MR. LAWSON: Right.

2 COMMISSIONER PARSONS: So if I was to go
3 anywhere, it would be a combination of the two. I
4 don't know if it's easier. Anybody have this diagram?

5 You've seen it before. It shows the two
6 alternatives that we're looking at. This is what I'm
7 trying to get to. All right. So I don't know whether
8 that's helpful or not.

9 CHAIRMAN MITTEN: Well, just to add more
10 two cents on the subject, I definitely prefer the
11 alternative, where the CM-1 zoning along the freeway
12 is W-2. And I guess my concern about going farther
13 than that is, you know, one of the things that we
14 should recognize is that this is a little pocket of
15 development that's sort of unto itself, because
16 there's no, aside from getting in a car, you're not
17 going to connect to anything else.

18 So I think it's important to have a
19 certain critical mass of Development there, just to
20 make it feel cohesive. I would also remind everybody
21 that because it's in the Capitol Gateway, I think we
22 have this for both W-2 and W-3, all the waterfront
23 zones in Capitol Gateway, that we do have design
24 review.

25 The designs for buildings would come to

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1 the Commission. That's right, isn't it? Yes, that's
2 right.

3 So, you know, these are maximum heights,
4 and to the extent that they don't fit the context
5 well, you know, we can work on that with applicants.

6 COMMISS+IONER HOOD: Madam Chair, let me
7 just ask Mr. Parsons, because I don't have that other
8 piece that he referred to in front of me. What he's
9 proposing, well what you're suggesting that we maybe
10 look at, could you guide me to where that would be on
11 this submission that we have?

12 COMMISSIONER PARSONS: Well, the lower
13 left diagram, number three, of View No. 1. That's
14 what you're looking at?

15 COMMISSIONER HOOD: View No. 1.

16 COMMISSIONER PARSONS: Shows lower
17 buildings along the river.

18 COMMISSIONER HOOD: Okay.

19 COMMISSIONER PARSONS: That's what this
20 exhibit would do. Now we don't have a mechanism for
21 lowering the buildings, which is my objective, within
22 this case.

23 That is to say, this would be W-2, but you
24 can't -- this would be W-3, but you can't build any
25 higher than this, can we? This is just a straight

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1 zoning case. This is --

2 CHAIRMAN MITTEN: Well, we can -- we're
3 the Zoning Commission. We can do what we want. Well,
4 and actually what you're saying is within -- you know,
5 we'd have to make sure we give all the proper notice
6 and all that stuff.

7 But one of the things that I think you're
8 getting at is, when you look at the chart that
9 delineates the maximum densities and then the heights,
10 is you know, unlike downtown, where you have a box
11 that's created by the zoning and you fill the box,
12 because the density pushes you to do that, you don't
13 have that here, because you have enough height and you
14 don't have so much density that you fill the box, that
15 you do have flexibility.

16 So we could, by taking some approach that
17 would help to control the height, maintain the
18 density, but get the height down. Of course, it would
19 spread everything out, but --

20 COMMISSIONER PARSONS: You know, it's the
21 drawing. I mean, the site plan of the Maritime Plaza
22 Lincoln Properties submitted is very open and
23 exciting. But in my judgment, eight-story buildings
24 are too big. So that's what I'm struggling with.

25 How do we control these three buildings

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1 along the river, and not have them tower over it like
2 the project we looked at at the other end of the
3 waterfront, an hour and a half ago.

4 So that's my struggle, is -- and the only
5 way I know how to control height is the clumsy nature
6 of zoning. Just well, W-2 will do that. So it would
7 help if a PUD came forward and took care of this,
8 right?

9 COMMISSIONER HOOD: I do share your
10 concern, Commissioner Parsons. When I look at View 2,
11 I would hope that we wouldn't even, maybe even turn
12 the page. But one of the other things that I've seen
13 previously, because I'm concerned about this CM-1
14 zoning.

15 I realize we're trying to attract and do
16 different things down on the waterfront. But I'm
17 going to say it again, and I'm going to sound like a
18 broken record.

19 But I will tell you that I'm very
20 concerned about CM-1 zoning eventually ending up in
21 one ward of the city. I'm going to probably to keep
22 on saying that, and you all are going to get tired of
23 hearing me say that, because I know which ward that's
24 going to wind up in.

25 I think that we need to really look at

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1 this, even though this is along the waterfront, and I
2 know everybody wants it attractive. But we want to
3 make sure that things are across the board, and not
4 just satisfied in one or two wards of the city.

5 But I'm very concerned about View 2, and
6 I'm glad nobody's even going to View 2 looking for it.

7 So I think you can turn the page, at least to the
8 submission that I have, and I do share Commissioner
9 Parsons' concern. Other than that, I don't have any
10 answers.

11 COMMISSIONER HILDEBRAND: One of the
12 things that the Office of Planning discussed in their
13 report was the possibility of a W-3 zone, with an
14 established baseline measurement from Water Street.
15 Do any of your diagrams depict that solution?

16 MR. LAWSON: All of the diagrams depict
17 the height measured from the elevation where the base
18 of the building would be.

19 So all four options show the building
20 measured from the elevation at Water Street, as
21 opposed to measured from an elevation at, say, M
22 Street to the north.

23 CHAIRMAN MITTEN: I'm going to make a
24 suggestion, since Mr. Parsons has a legitimate
25 concern, and we're all kind of struggling to find a

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1 solution, to ask the Office of Planning if you can
2 take the concerns that you've heard, which are
3 basically -- you know, I think, if I could
4 characterize it, that we don't want to unduly penalize
5 the existing project, Maritime Plaza.

6 But we would like to gain -- so that we
7 wouldn't -- you know, we're not entirely comfortable
8 just going with W-2. But we do want to gain some
9 control over the height.

10 So I guess there's a couple of different
11 ways to do that, but we ask you to craft at least one,
12 and preferably more than one alternative that we could
13 put in place here, to give us some flexibility and
14 give us some control, that we don't seem to be finding
15 in the blunt instrument of the W-2 and W-3 zoning
16 categories.

17 Is that fair?

18 COMMISSIONER PARSONS: That's a good idea.

19 CHAIRMAN MITTEN: Okay. Then rather than
20 give you yet another due date, we'll just whenever you
21 submit that in a timely manner before our next
22 meeting, we'll just take it up then. All right?
23 We're all about delaying votes tonight.

24 Okay. Now I'm going to turn the meeting
25 over to Commissioner Hood, to lead the discussion on

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1 Case No. 00-27, which is the rezoning for Square 37,
2 inasmuch as I've recused myself.

3 COMMISSIONER HOOD: Thank you, Madam
4 Chair. That was a good segueway into the very next
5 case, which is Zoning Commission Case No. 00-27. Mr.
6 Bastida.

7 MR. BASTIDA: Mr. Vice Chairman, the staff
8 has provided you all information that came after the
9 hearing, and request that you make a decision on this
10 matter. Thank you.

11 COMMISSIONER HOOD: Colleagues, we have
12 had a hearing on this case. There was a text
13 amendment done, a text -- we had a text case on this,
14 not necessarily pertaining to this particular case, I
15 mean, Square 37.

16 I mean, this is a consistency case, and
17 we've heard both pros and cons, and the Office of
18 Planning has made a recommendation that we zone some
19 of it R5D, and another portion of it R5E. I'm going
20 off the top of my head right now.

21 But where I am with this, this is a
22 consistency case. Normally, we're not supposed to be
23 inconsistent with the comprehensive plan. But if you
24 look into that, you can read that a number of ways.

25 I will tell you that this is one of the

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1 very difficult cases, and one that's been around for
2 some four years or so to deal with. I think I am
3 ready to proceed with this, but I would like to hear
4 some dialogue, if my colleagues want to add to it.

5 Or if anybody wants to put a motion, or
6 however you want to proceed.

7 COMMISSIONER HILDEBRAND: In looking at
8 it, I guess I'm not 100 percent convinced that there
9 is a discrepancy between the current zoning and the
10 comprehensive plan.

11 When you look at the overall area as a
12 whole, given the density of the commercial development
13 and the associated residential development, is leaving
14 this one part at a lower density than would be
15 immediately assumed, necessarily throw the whole area
16 into non-conformity.

17 I guess I'm not wholly convinced that it
18 is. Part of my concern is the relationship of the new
19 zoning to the existing low scale townhouse, historic
20 townhouses on the opposite side of L Street, and how
21 potentially taller buildings will affect the area
22 directly around the townhouses.

23 COMMISSIONER PARSONS: All right, let me
24 jump in on this. The consistency issue or
25 inconsistency, depending on your persuasion, is in

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1 this case consistent with a generalized land use map.

2 There have been many cases before this
3 Commission where it's been pointed out to us that it
4 is a generalized land use map. It is talking about an
5 area of a community, and it is not a guarantee that
6 every tract in here will be set at a certain density.

7 It's rather this area should be of this
8 high density, residential and medium, or moderate-
9 density residential. So I too am not persuaded that
10 R5B wouldn't achieve that, and still be consistent.

11 I think it would be. I think the diagram
12 that was submitted in this -- I guess you all have
13 that --

14 COMMISSIONER HOOD: Yes.

15 COMMISSIONER PARSONS: Cross-section that
16 shows manner of right, and how much more it would
17 respect these road buildings to the south, and
18 existing uses such as the library and police stations.

19 It just doesn't come to me as a clear-cut
20 case of because everybody else got this, I should too.

21 I don't mean that's the way it was presented, but
22 that's -- we are down to a last section of this
23 community, and I just feel that the density has been
24 achieved in the comprehensive plan, the context of the
25 comprehensive plan.

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1 COMMISSIONER JEFFRIES: Vice Chair, I was
2 -- I really felt that some of the comments from some
3 of the community people were quite compelling, as it
4 related to really wanting to keep some diversity about
5 density and size.

6 Like Commissioner Hildebrand, I am
7 concerned about the rowhouses south of L Street. So I
8 am sort of at a similar place with this particular
9 case. Again, I was just really compelled. I thought
10 that some of the testimony from some of the residents
11 was quite revealing, and I was somewhat moved by it,
12 so --

13 COMMISSIONER HOOD: So I guess the
14 comments I'm hearing from my colleagues is that we
15 would maintain the current zoning, which would be R5B.
16 Is that the direction I'm hearing?

17 COMMISSIONER PARSONS: Yes.

18 COMMISSIONER HOOD: Consensus on that?

19 COMMISSIONER HILDEBRAND: Yes.

20 COMMISSIONER HOOD: With that, I will make
21 a motion that we deny the petition to the Zoning
22 Commission to rezone Case No. 00-27. Can I get a
23 second?

24 COMMISSIONER HILDEBRAND: Second.

25 COMMISSIONER HOOD: Any further

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1 discussion?

2 (No response)

3 COMMISSIONER HOOD: All those in favor,
4 aye?

5 (Chorus of ayes)

6 COMMISSIONER HOOD: Any opposition?

7 (No response)

8 COMMISSIONER HOOD: So ordered. Ms.
9 Schellin, would you record the vote?

10 MS. SCHELLIN: Yes. The staff will record
11 4 to 0 to 0 to deny Case No. 00-27. Commissioner Hood
12 moving, Commissioner Hildebrand seconding.
13 Commissioners Jeffries and Parsons in favor of denial,
14 and Commissioner Mitten not voting, having not
15 participated.

16 COMMISSIONER HOOD: Thank you. We'll give
17 the chairperson two minutes, and we'll resume.

18 (Whereupon, a short recess was taken.)

19 CHAIRMAN MITTEN: The first case for final
20 action is Case No. 04-01, and this was the planned
21 unit development for the American Pharmacists
22 Association. Mr. Bastida, did you have anything
23 before?

24 MR. BASTIDA: Yes. DCOCC (ph) has
25 reviewed the Association application and has

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1 determined that they don't have any negative Federal
2 interest in the matter. That is, not Federal
3 interest, would not affect negatively the Federal
4 interest.

5 At this time, I would request that you
6 make a decision on this matter. Thank you.

7 CHAIRMAN MITTEN: Thank you, Mr. Bastida.

8 I think we have our final submissions, and we have
9 proposed order, which I think, as always, is subject
10 to editorial changes. Are there any comments?
11 Editorial, not. We do the substantive ones here. Any
12 comments, motions, jokes?

13 COMMISSIONER HILDEBRAND: Do you want text
14 strikeouts?

15 CHAIRMAN MITTEN: Sure, if that's what
16 you've got. That's what we --

17 COMMISSIONER HILDEBRAND: The only thing.

18 I read, in reading through the findings of facts on
19 page 3, Item 14, paragraph A, I would just like to
20 strike the first sentence after the italicized text.
21 I think the addition is sensitively designed, but I
22 don't think we need to go so far as to include the
23 first sentence.

24 CHAIRMAN MITTEN: Let me just say a word
25 in defense of the first sentence, and we can go from

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1 there. The project includes the John Russell Pope
2 portion of it. So I -- and maybe we just want to
3 qualify it, or something like that. But I kind of
4 like the John Russell Pope part.

5 COMMISSIONER HILDEBRAND: Oh, I definitely
6 like the John Russell Pope part. But I think I was
7 considering the project to be more the additional to
8 the John Russell Pope part, not necessarily a
9 statement about the John Russell Pope part.

10 CHAIRMAN MITTEN: Right. Well, that's a
11 good point. So in that sense, it doesn't need to be
12 there, because it sort of goes without saying, right?

13 COMMISSIONER HILDEBRAND: Yes, yes.

14 CHAIRMAN MITTEN: Okay.

15 COMMISSIONER HILDEBRAND: I think on the
16 same item, but on the next page, Item C, where there's
17 a statement that says "the addition known today as
18 the" -- after "the addition known today as the Annex,"
19 there's a statement that says "The new addition will
20 replace the Annex, will be consistent and compatible
21 with the existing historic structure, while allowing
22 the continued use and viability of the landmark
23 building well into the future."

24 I think I would just like to address an
25 issue, and say -- and revise that to read "The new

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1 addition will replace the Annex," or "The new addition
2 that will replace the Annex will be considerably
3 larger in scale and massing, but will be separated
4 from the historic structure by a hyphen that is
5 compatibly scaled to the Pope Building."

6 CHAIRMAN MITTEN: Okay. Just give me that
7 slowly. It will be considerably larger --

8 COMMISSIONER HILDEBRAND: If I could I
9 would. I think after where it says "The Annex will be
10 considerably larger in scale in massing."

11 CHAIRMAN MITTEN: Okay.

12 COMMISSIONER HILDEBRAND: Because let's
13 face it. We're putting a new building behind the Pope
14 Building. We're connecting it with an addition.

15 CHAIRMAN MITTEN: Right, right, okay. And
16 scale and massing.

17 COMMISSIONER HILDEBRAND: "But will be
18 separated from the historic structure by a hyphen in,"
19 quotation marks.

20 CHAIRMAN MITTEN: Hold on.

21 COMMISSIONER HILDEBRAND: Because I think
22 that's the term that the applicant had used to
23 describe the connection between the historic structure
24 and the new building.

25 CHAIRMAN MITTEN: Okay, I'm with you,

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1 hyphen.

2 COMMISSIONER HILDEBRAND: "That is
3 compatibly scaled to the Pope Building."

4 CHAIRMAN MITTEN: I think that's great. I
5 think it's a great --

6 COMMISSIONER HILDEBRAND: It just
7 acknowledges that we are all aware that we're putting
8 a new building behind this pavilion, and we're not
9 masking the fact that we recognize there's a large
10 scale difference between the two.

11 CHAIRMAN MITTEN: Uh-huh. Anything else?

12 COMMISSIONER HILDEBRAND: That was it.
13 Perhaps, and then conclude it by saying that "These
14 modifications will allow for the continued use and
15 viability of the existing landmark building well into
16 the future."

17 CHAIRMAN MITTEN: Great. Anyone else?

18 (No response)

19 COMMISSIONER HOOD: I move approval of
20 Zoning Commission Case No. 04-01, with the necessary
21 corrections.

22 CHAIRMAN MITTEN: Second. Any further
23 discussion?

24 (No response)

25 CHAIRMAN MITTEN: All those in favor,

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1 please say aye.

2 (Chorus of ayes)

3 CHAIRMAN MITTEN: Those opposed, please
4 say no.

5 COMMISSIONER PARSONS: No.

6 CHAIRMAN MITTEN: Mrs. Schellin, would you
7 record the vote please?

8 MS. SCHELLIN: The staff will record the
9 vote 4 to 1 to 0, to approve Case No. 04-01,
10 Commissioner Hood moving, Commissioner Mitten
11 seconding. Commissioners Hildebrand and Jeffries in
12 favor. Commissioner Parsons against.

13 CHAIRMAN MITTEN: Thank you. We have --
14 the second case is a dismissal of Case No. 00-06, and
15 this is part of our clean-up of cases that have been
16 lingering around, and Mr. Bastida, would you just --

17 MR. BASTIDA: Yes, Madam Chairman. We
18 sent the applicant a letter. We received no answer
19 from him. I called him last week. I asked him if he
20 was going to answer the letter, and withdraw it or the
21 Commission will dismiss it, and he said that he wasn't
22 going to write any letter, but that he had no
23 objection to the dismissal of the case. Thank you.

24 CHAIRMAN MITTEN: Okay. Do we need to
25 take a formal vote?

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1 MR. BASTIDA: Yes, Madam Chairman.

2 CHAIRMAN MITTEN: Okay. Then I move that
3 we dismiss Case No. 00-06.

4 COMMISSIONER HOOD: Second.

5 COMMISSIONER HILDEBRAND: Second.

6 CHAIRMAN MITTEN: Any discussion?

7 (No response)

8 CHAIRMAN MITTEN: All those in favor,
9 please say aye?

10 (Chorus of ayes)

11 CHAIRMAN MITTEN: Those opposed, please
12 say no.

13 (No response)

14 CHAIRMAN MITTEN: Mrs. Schellin?

15 MS. SCHELLIN: The staff will record 5 to
16 0 to 0 to dismiss Case No. 00-06, Commissioner Mitten
17 moving, Commissioner Hood seconding. Commissioners
18 Hildebrand, Jeffries and Parsons in favor of
19 dismissal.

20 COMMISSIONER HOOD: Madam Chairman. My
21 mike wasn't on. Actually, Commissioner Hildebrand
22 seconded.

23 CHAIRMAN MITTEN: Thank you.

24 MS. SCHELLIN: Thank you.

25 CHAIRMAN MITTEN: I love it when you're so

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1 eager to second that you just fight over it. Okay,
2 and then we would acknowledge the letter from the
3 Office of Planning, withdrawing Case No. 02-18. Mr.
4 Bastida, is there anything else for us this evening?

5 MR. BASTIDA: Unfortunately no, Madam
6 Chairman. Thank you.

7 CHAIRMAN MITTEN: Thank you. This meeting
8 is now adjourned. Thank you.

9 (Whereupon, at 8:53 p.m., the hearing was
10 adjourned.)

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