

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC MEETING

+ + + + +

MONDAY

MARCH 14, 2005

+ + + + +

The Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 6:30 p.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

CAROL MITTEN	Chairperson
ANTHONY HOOD	Vice Chairperson
KEVIN HILDEBRAND	Board Member
JOHN PARSONS	Board Member
GREGORY JEFFRIES	Board Member

OFFICE OF ZONING STAFF PRESENT:

Sharon Schellin	Zoning Specialist
-----------------	-------------------

OTHER AGENCY STAFF PRESENT:

Maxine Brown-Roberts, Office of Planning
 Steven Cochran, Office of Planning
 Arthur Jackson, Office of Planning
 Joel Lawson, Office of Planning
 Ellen McCarthy, Deputy Director, Office of Planning
 David McGhettigan, Office of Planning
 Stephen Mordfin, Office of Planning
 Jennifer Steingasser, Office of Planning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.

This transcript constitutes the minutes from the meeting held on March 14, 2005.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

AGENDA ITEM	PAGE
CALL TO ORDER:	
CAROL MITTEN. . . . .	.6
OFFICE OF PLANNING MONTHLY STATUS REPORT:	
JENNIFER STEINGASSER. . . . .	.7
ZONING COMMISSION CASE NO. 03-29A, GEORGE WASHINGTON UNIVERSITY SQUARE 103 RESIDENCE HALL . . . . .	.8
VOTE TO APPROVE MODIFICATION.	13
ZONING COMMISSION CASE NO. 03-03A/ 02-05, CAPITAL GATEWAY ESTATES.	14
VOTE TO APPROVE MODIFICATION.	17
ZONING COMMISSION CASE NO. 02-19, FOREST HILLS TREE AND SLOPE OVERLAY	17
MOTION TO REOPEN RECORD	19
VOTE APPROVING PROPOSED ACTION.	25
ZONING COMMISSION CASE NO. 04-04, CARVER 2000 TENANTS ASSOCIATION	25
VOTE APPROVING PROPOSED ACTION (ORIGINAL DRAWINGS)	39
ZONING COMMISSION CASE NO. 04-11, ROCKY GORGE	40
VOTE APPROVING PROPOSED ACTION.	46
ZONING COMMISSION CASE NO. 04-22, ABDO DEVELOPMENT AND CAPITAL CHILDREN'S MUSEUM.	47
MOTION TO REOPEN RECORD	48
VOTE APPROVING PROPOSED ACTION (MODIFIED ROOF PLAN).	55
ZONING COMMISSION CASE NO. 04-16, TAKOMA NEIGHBORHOOD COMMERCIAL OVERLAY	56
VOTE APPROVING PROPOSED ACTION.	61

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

AGENDA ITEM	PAGE
ZONING COMMISSION CASE NO. 04-13, LOGAN PHASE II, LLC	62
VOTE APPROVING FINAL ACTION	62
ZONING COMMISSION CASE NO. 01-13A, IMF MODIFICATIONS	63
VOTE APPROVING FINAL ACTION	63
ZONING COMMISSION CASE NO. 96-12Z, MISC. CITYWIDE MAP AMENDMENTS (CORRECTION)	63
VOTE APPROVING FINAL ACTION	65
ZONING COMMISSION CASE NO. 03-28, DPW FORT TOTTEN	65
VOTE APPROVING FINAL ACTION	65
ZONING COMMISSION CASE NO. 05-05, EMERGENCY SHELTERS IN CM DISTRICT TEXT AMENDMENT.	65
CONSENSUS - DEFERRED ACTION	83
ZONING COMMISSION CASE NO. 05-08, CAPITAL GATEWAY OVERLAY DISTRICT TEXT AMENDMENT.	83
VOTE APPROVING HEARING.	105
ZONING COMMISSION CASE NO. 05-03, OFFICE OF PROPERTY MANAGEMENT, DDOT HEADQUARTERS	105
VOTE APPROVING HEARING.	113
ZONING COMMISSION CASE NO. 05-02, RESIDENTIAL RECREATION SPACE TEXT AMENDMENTS.	113
VOTE APPROVING HEARING.	123

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

AGENDA ITEM	PAGE
ZONING COMMISSION CASE NO. 03-30, SQUARE 643 ASSOCIATES, LLC, CONSOLIDATED PUC AND RELATED MAP AMENDMENT FOR 734 1ST STREET, S.W. . . . .	.123
VOTE APPROVING HEARING. . . . .	.132
ZONING COMMISSION CASE NO. 04-34, ZONING ADVISORY COMMITTEE PERVIOUS MATERIALS . . . . .	.132
VOTE APPROVING HEARING. . . . .	.136
ZONING COMMISSION CASE NO. 04-36, DORCHESTER HOUSE ASSOCIATES, LLC, SQUARE 2572, LOT 35 . . . . .	.136
VOTE APPROVING HEARING. . . . .	.141
ZONING COMMISSION CASE NO. 04-35, SALVATION ARMY 2302-2310 MARTIN LUTHER KING, JR. AVENUE, S.E. . . . .	.141
VOTE APPROVING HEARING. . . . .	.148
ZONING COMMISSION CASE NO. 05-09, MAP AMENDMENT FOR WMATA LIGHT RAIL MAINTENANCE FACILITY. . . . .	.148
VOTE APPROVING HEARING. . . . .	.149
ZONING COMMISSION CASE NO. 01-28, COHEN BROTHERS PUD MODIFICATION AND TIME EXTENSION. . . . .	.149
VOTE APPROVING HEARING. . . . .	.151
ZONING COMMISSION CASE NO. 04-19, WASA DIGESTERS. . . . .	.152
MOTION TO REOPEN RECORD . . . . .	.152
MOTION FOR RECONSIDERATION. . . . .	.155
MOTION TO APPROVE . . . . .	.155
ELECTION OF OFFICERS. . . . .	.155

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

P R O C E E D I N G S

1
2 6:34 p.m.

3 CHAIRMAN MITTEN: Good evening ladies and
4 gentlemen. This is the public meeting of the Zoning
5 Commission of the District of Columbia for Monday,
6 March 14th, 2005. My name's Carol Mitten, and joining
7 me this evening are Vice Chairman Anthony Hood and
8 Commissioners Kevin Hildebrand, John Parsons and Greg
9 Jeffries.

10 Copies of our agenda for this evening are
11 in the wall bin near the door. If you'd like to get
12 one and follow along. I'm going to start off by
13 changing some of the order of the items on the agenda.

14 Under Item No. 5, "Proposed Action," we're
15 going to take Carver 2000 Tenants Association will be
16 the second item, and everything else will stay in
17 order. So we're just bumping up Carver 2000 one slot.

18 Then under "Hearing Action," Items C
19 Emergency Shelters in the CM District," Item E, the
20 Capital Gateway Overlay Text Amendment and G, the DDOT
21 Headquarters Application will be moved to the top of
22 the hearing action agenda, and everything else will
23 stay the same.

24 So I'll ask first if Mrs. Schellin has any
25 preliminary matters?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 MS. SCHELLIN: No ma'am.

2 CHAIRMAN MITTEN: All right. Then let's
3 move to the status report from the Office of Planning.

4 MS. STEINGASSER: Good evening, Madam
5 Chair and Commissioners. I'm sorry we're running a
6 little late. Here's our status report. I'll be very
7 brief.

8 The one case we wanted to bring to the
9 Commission's attention was on reports and
10 supplementals on page two. We're going to be filing
11 for proposed action, a revised Section 217.

12 We separated the issues between the non-
13 profits and the government use for public schools and
14 landmark buildings, and we'll be bringing that back to
15 the board.

16 The public hearing's already been held as
17 a cohesive section, but we've separated that out and
18 we'll be bringing that back to the Commission next
19 month.

20 Also on the Forest Hills Tree and Slope
21 Overlay, we've provided the Commission this evening
22 with revised maps, identifying the tree and slope
23 areas as requested by the Commission at the last
24 meeting.

25 With regards to the issue of the Forest

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Hills light, one of the options that we're
2 investigating, that we're really not ready to bring
3 forward for several months, is in conjunction with our
4 Historic Preservation Office, some similar hybrids
5 between perhaps maybe a conservation district, where
6 they look specifically at neighborhood character in
7 architectural and design terms.

8 As we discussed this in-house in the
9 office, it seems that there's a lot of similarities
10 between what the preservationists look at in terms of
11 neighborhood character. It doesn't carry the same
12 weight as a historic district. It doesn't have the
13 same restrictions, but it does look at character
14 issues.

15 So we're going to be investigating that
16 and hope to bring that back in the fall when we move
17 forward with the tree and slope lights. I just want
18 to bring those two issues and the attention and that's
19 all we have. We're available for any questions.

20 CHAIRMAN MITTEN: Okay, thank you. Any
21 questions for Ms. Steingasser on the status report?

22 (No response.)

23 CHAIRMAN MITTEN: Okay. Then we'll move
24 to the consent calendar. There's two items. The
25 first one is Case No. 03-29A, which is a request for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a minor modification to the Square 103 residence hall
2 for GW.

3 There's a revised landscape plan because
4 there is a third PEPCO vault that was required, and
5 that's essentially the nature of the request, is just
6 to modify the landscape plan.

7 MR. HILDEBRAND: I guess I had one
8 question on this. In looking at the plan, there are
9 two electrical vaults that are under the paved area
10 adjacent to the landscape, and landscape that. If you
11 look at Attachment, it looks as though it's covered in
12 a brick walking surface. Am I misunderstanding what
13 their intention is there? Is that going to be an
14 open-graded, electrical transformer vault as well?

15 MS. STEINGASSER: The vaults are
16 underneath that, but it is an open-graded.

17 MR. HILDEBRAND: So in front of the
18 building, from the planted bed to the face of the
19 building, it is going to be an open-graded transformer
20 vault?

21 MS. STEINGASSER: I'm sorry. I have John
22 Fondersmith, who's more familiar with that.

23 MR. FONDERSMITH: Yes. They have --

24 CHAIRMAN MITTEN: Would you turn on your
25 microphone?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. FONDERSMITH: Yes, thank you. The two
2 grades which were in the original thing in the
3 original plan have brick paving over at least part of
4 that.

5 Then the third vault, which is needed,
6 which PEPCO is requiring, goes in front.

7 MR. HILDEBRAND: Yes, I see that. But am
8 I correct in reading the first drawing as showing that
9 the two other transformer vaults are covered with
10 brick paving?

11 MR. FONDERSMITH: They're covered with --
12 my understanding is they're partially covered with
13 brick pavement, yes.

14 MR. HILDEBRAND: And I'm assuming that
15 moving the transformer vaults into the sidewalk is not
16 a possibility?

17 MR. FONDERSMITH: I'm not sure if -- I'm
18 not sure if it's a possibility, but I would not think
19 it would be as desirable, having them all together.
20 I'm not sure if they didn't discuss that particular
21 thing, the possibility.

22 But this would seem to be more desirable
23 to have the vaults together. In other words, if you
24 put it out in the sidewalk area, you would be
25 separating the vaults.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HILDEBRAND: And these are not in
2 front of the potential venue spot, which is seen as --

3 MR. FONDERSMITH: This is on the other
4 side.

5 MR. HILDEBRAND: Right. So this is not
6 necessarily an area that people would need to cross to
7 get into the building or to get to the venue?

8 MR. FONDERSMITH: That's right.

9 MR. HILDEBRAND: Okay. Thank you.

10 MR. PARSONS: Mr. Fondersmith?

11 MR. FONDERSMITH: Yes.

12 MR. PARSONS: This Exhibit B or Attachment
13 B shows the landscaping that's approved; that is, in
14 the prior action we took. What happens to the
15 landscaping in the new design?

16 MR. FONDERSMITH: Actually, that's
17 supposed to be -- Attachment B is the landscaping in
18 the new design. What happens if if you look at
19 Attachment A, and these are, of course, different
20 drawings, you had three crate myrtles there.

21 In the revised plan, because of the
22 electrical vault, the third electrical vault, you're
23 going to lose or the site will lose the crate myrtle
24 in the middle.

25 MR. PARSONS: So how is it that they're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 planting these shrubs on top of the electrical vault?
2 Are they in containers?

3 MR. FONDERSMITH: Actually, I asked them
4 about that, and I think that's -- I think that's, as
5 I understand from them, it's an issue of an
6 illustrative drawing. In other words, you can see the
7 dimension of the third electrical vault there, the 19
8 feet.

9 So in fact, the two crate myrtles that
10 remain will have to be to either side of the
11 electrical vault.

12 MR. PARSONS: And the shrubs shown won't
13 be planted then? The smaller --

14 MR. FONDERSMITH: The smaller, not unless
15 they were in, let's say, a pot kind of arrangement, in
16 a tub or something like that.

17 MR. PARSONS: Well, I'm ready to move that
18 we approve this request, but I think this landscape
19 plan is pretty sloppy. I mean, I don't think it's
20 something that could be done. So is there some way we
21 could approve this request with the understanding
22 they'll submit a landscape plan at a later time?

23 I don't want to hold this up, but this
24 just can't be built.

25 MR. FONDERSMITH: I'm sure they would do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that if you wanted to attach that, wanted to include
2 that request.

3 CHAIRMAN MITTEN: It's kind of hard to
4 approve something and then have the drawing of what
5 you approved come in later.

6 MR. PARSONS: Well, what I mean is approve
7 the electrical vault, with the understanding that a
8 landscape plan will be submitted. So the zoning
9 administrator doesn't look at this and say "Gosh,
10 looks like you've got to plant those on the grate."

11 CHAIRMAN MITTEN: Well, it does say
12 "planter area." I take your point.

13 MR. PARSONS: I don't want to show
14 inflexibility. All right. It's not important. I
15 move we approve the application.

16 CHAIRMAN MITTEN: Second.

17 MR. PARSONS: Or the request, excuse me.

18 CHAIRMAN MITTEN: Second. Any further
19 discussion?

20 (No response.)

21 CHAIRMAN MITTEN: All those in favor
22 please say aye?

23 (Chorus of ayes.)

24 CHAIRMAN MITTEN: Mrs. Schellin, it's
25 unanimous.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: The staff will record the
2 vote 5 to 0 to 0, to approve the minor modification in
3 Case No. 03-29A, Commissioner Parsons moving,
4 Commissioner Mitten seconding. Commissioners
5 Hildebrand, Hood and Jeffries in favor.

6 CHAIRMAN MITTEN: Thank you. The next
7 item on the Consent Calendar is Case No. 03-03A/02-05,
8 which is another request for a minor modification.
9 This one is related to Capital Gateway Estates.

10 There are two areas that are affected, and
11 in one area, they are eliminating carb cuts and
12 driveways and garages from four of the proposed road
13 dwellings on 56th Place, and that would include a
14 reduction of four spaces, four of the parking spaces
15 from the required parking in the PUD, lowering the
16 total from, I think it's 226 to 222.

17 Then in the second location, there's also
18 driveways that will be eliminated, but there will be
19 a new alley constructed. We have the recommendation
20 from the Director of Office of Zoning that this in
21 fact a minor modification.

22 I would move approval of the request.

23 MR. PARSONS: Second.

24 CHAIRMAN MITTEN: Anyone have questions
25 concerning --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HILDEBRAND: Yes. Can I ask a
2 question? The only thing that causes me any concern
3 is that the -- what will essentially be a public alley
4 will be bisecting properties.

5 So you'll have a portion of the lot that's
6 on the opposite side of the alley, and then a portion
7 of your lot that's where your house is on the other
8 side of the alley.

9 I'm wondering if, I guess, that just
10 looked unusual to me. It's like we're land-locking a
11 large mass of real estate that's not useable for
12 anything.

13 I'm wondering if it couldn't be taken out
14 of the lots and made into perhaps communal garden
15 space, where all the neighbors have vegetable gardens
16 or plots or something, which doesn't seem to make
17 sense to leave it in the particular townhouse lot as
18 shown.

19 CHAIRMAN MITTEN: That's a good point.

20 MR. PARSONS: That's not a minor
21 modification.

22 CHAIRMAN MITTEN: Well, the other thing
23 you can potentially change the location of the alley
24 to make it actually be at the back of the lot.

25 MR. HILDEBRAND: Yes. There may actually

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 be a grade issue there. I don't remember the specific
2 topography back there, but it may have something to do
3 with grade.

4 It's just that when I looked at that, it
5 looked odd to me, the way that this new public
6 alleyway is bisecting individual townhouse lots.

7 CHAIRMAN MITTEN: That's a valid point.
8 Well, I guess I'll ask you how strongly you feel about
9 it, or is this your -- you want to ask Mr. McGhettigan
10 about that?

11 MR. HILDEBRAND: Yes.

12 CHAIRMAN MITTEN: Well, let's ask Mr.
13 McGhettigan about that.

14 MR. HILDEBRAND: Mr. McGhettigan, could
15 you talk about that issue please?

16 MR. MCGHETTIGAN: Yes. There's very steep
17 grades in the back there, and without extensive
18 retaining walls they couldn't make it useable land per
19 se. That's driving the location of the alley, is the
20 slope back there.

21 MR. HILDEBRAND: So who's responsible for
22 maintaining this steeply sloped property? Is it
23 individual property owners will put fences?

24 MR. MCGHETTIGAN: Yes. The individual
25 property owners will be responsible for that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HILDEBRAND: It seems very unusual.
2 I guess you could do it like carriage house lots or
3 something. You could have a little garage back there
4 perhaps?

5 CHAIRMAN MITTEN: If the slope would
6 permit it.

7 MR. PARSONS: Treehouses.

8 MR. HILDEBRAND: Treehouses, oh.

9 CHAIRMAN MITTEN: Okay. Did you have
10 anything else?

11 MR. HILDEBRAND: That was it.

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

14 (Chorus of ayes.)

15 CHAIRMAN MITTEN: Mrs. Schellin, it's
16 unusual. The staff will record it at 5 to 0 to 0 to
17 approve the minor modification in Case No. 03-03A.
18 Commissioner Mitten moving, Commissioner Parsons
19 seconding, and Commissioners Hildebrand, Hood and
20 Jeffries in favor.

21 CHAIRMAN MITTEN: Thank you. Now just to
22 mix it up tonight, we're taking proposed actions out
23 of order. But it's in order according to our agenda.

24 The first item is going to be Case No. 02-
25 19, which is the Forest Hills Tree and Slope Overlay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 When last we discussed the overlay, we talked about
2 the tree and slope overlay, and we talked about the
3 tree and slope overlay light.

4 We, as Ms. Steingasser pointed out, we
5 started to have this discussion about what to do in
6 neighborhoods where there are, you know, we're trying
7 to preserve a character, and there's been some attempt
8 to use the tree and slope overlay provisions to do
9 more than just protect trees and slopes.

10 So what we had asked the Office of
11 Planning to do to help us grapple with this was to
12 create a map, where -- that basically divided the
13 area, the study area, the proposed overlay area into
14 the area where there really were steep slopes and
15 adjacency to parkland and then everything else.

16 So we have the map in the record. It was
17 submitted by the Office of Planning on the 17th of
18 February.

19 I should note that we also have a request
20 to reopen the record to accept, which I don't seem to
21 have in front of me -- oh, thank you -- to accept some
22 comments on the map from the Forest Hills Citizens
23 Association.

24 So I wanted to vote first on whether or
25 not the Commission wishes to accept this into the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 record. Yes?

2 MR. PARSONS: I move we accept it into the
3 record.

4 CHAIRMAN MITTEN: Okay, second.

5 MR. HILDEBRAND: Second.

6 CHAIRMAN MITTEN: That would be third.

7 Thank you, Mr. Hildebrand.

8 MR. HILDEBRAND: I thought you were asking
9 for a second.

10 CHAIRMAN MITTEN: Okay. All those in
11 favor please say aye.

12 (Chorus of ayes.)

13 CHAIRMAN MITTEN: It's unanimous.

14 MS. SCHELLIN: Yes. The staff will record
15 the vote 5 to 0 to 0 to reopen the record for further
16 requests from the Forest Hills Citizen Association.
17 Commissioner Parsons making the motion; Commissioner
18 Hildebrand seconding. Commissioners Mitten, Hood and
19 Jeffries in favor.

20 CHAIRMAN MITTEN: Thank you. I'm just
21 going to ask Mr. Parsons to explain the nature of the
22 recommendations from Forest Hill.

23 MR. PARSONS: Well, they were responding
24 to what the Office of Planning did in response to us,
25 and that is we all have before us this diagram, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 believe, that has a dashed, what do you think, purple
2 line, which separates individual lots within the
3 community and is problematic from an enforcement
4 standpoint.

5 So they're suggesting that we go back to
6 or we not use that, and go to Linnean Avenue, Ellicot
7 Street, 30th and Garrison, that is, rather than sever
8 communities like that, with one person on one side of
9 the line has a different set of rules than the other,
10 and I would agree with that.

11 They're also suggesting that we go beyond
12 that, and go to less steep slopes, which I don't
13 concur with, in that what we were -- where were going
14 at our last meeting was to protect the park, that is,
15 to worry about the slopes facing the park, and not go
16 into the community and continue this controversy and
17 misunderstanding, but rather get to the point of
18 protecting the park adjacent.

19 That's, I think, where I would leave it,
20 unless I've missed something.

21 CHAIRMAN MITTEN: Well, I agree with you,
22 and we sort of got to that part in our last
23 discussion. We just didn't know where to draw the
24 line. Then in addition to that, I had suggested that
25 we might want to, while the Office of Planning is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 doing their examination of, you know, an approach to
2 use in neighborhoods like Forest Hills is certainly
3 not unique in terms of wanting to preserve the
4 character.

5 While they do that, I had at least
6 introduced the idea of keeping the development control
7 provisions of the proposed overlay in place for the
8 balance of the area that's currently subject to the
9 overlay.

10 So I guess I just want to remind --

11 MR. PARSONS: Oh, I thought we concurred
12 with that, huh? We just nodded.

13 CHAIRMAN MITTEN: Perhaps it was the
14 nodding that I didn't see.

15 MR. PARSONS: I see. We weren't nodding
16 off. We were nodding in agreement.

17 CHAIRMAN MITTEN: That's good to know.
18 Let me just review quickly. I had suggested that we
19 keep the ground coverage restrictions, which was
20 1518.1. That was not only about lot occupancy but
21 also the amount of impervious surface coverage, and
22 the provisions related to minimum lot size.

23 Then what I didn't take a position on was
24 1519.4, which is the side yard requirement, which I am
25 a little bit ambivalent about, which if you remember

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that it was -- I might just read it.

2 "To the extent that any residential
3 district within the overlay requires a side yard, the
4 side yard requirement for all buildings, accessory
5 buildings or an addition to buildings shall be a
6 minimum eight feet and a minimum of 24 feet in the
7 aggregate.

8 So it was not wanting to increase any one
9 side yard requirement, but trying to get at providing
10 more -- I guess that was really tree-related when we
11 thought about it, or when we think about it. I think
12 that was more really tree-related than development-
13 related.

14 MR. PARSONS: In order, have the
15 flexibility to move in case you did have a tree in the
16 side yard.

17 CHAIRMAN MITTEN: Right. Which I think
18 maybe is not as big a deal, if we're just trying to
19 keep development controls in place.

20 So I guess it would be 1518.1, 1518.2 and
21 1519.2 that I would propose as tree and slope overlay
22 light, which would affect, continue to affect anything
23 that wasn't within the area that Mr. Parsons described
24 as steep slope or adjacent to park.

25 MR. PARSONS: And that's understood to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 temporary until this other overall evaluation of
2 community character occurs?

3 CHAIRMAN MITTEN: Yes. What do folks
4 think about that?

5 MR. HILDEBRAND: I think that makes -- I
6 would concur with that.

7 MR. HOOD: I'm almost scared to ask for
8 it, just for comments, Madam Chair. But let me just
9 say that what we're proposing, for clarification
10 purposes, for what we're proposing that we're going to
11 propose, citizens will have a chance to comment, I
12 guess?

13 CHAIRMAN MITTEN: Again, yes.

14 MR. PARSONS: They don't have to be final.
15 Absolutely.

16 MR. HOOD: I'm just afraid we're going to
17 be starting all over again. Let's see how it works.

18 CHAIRMAN MITTEN: We're in the home
19 stretch here, I think.

20 MR. HOOD: We are?

21 CHAIRMAN MITTEN: Until we get the new
22 conservation district proposal or whatever we're going
23 to get from the Office of Planning. Then we can get
24 even more neighborhoods involved besides Forest Hills.

25 Okay. So the proposal is to adjust the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 boundaries of the, what I'll call the steep slope/park
2 adjacent area to follow the streets, as Mr. Parsons
3 articulated the concern of the Forest Hills Citizen
4 Association.

5 So we're taking their advice on that.
6 Then we would have the three provisions, 1518.1,
7 1518.2 and 1519 point -- whichever one was the last
8 one -- 1519.4 would remain in place for the balance.
9 That would be the only thing that would remain in
10 place for the balance of the overlay district as
11 advertised. I would move approval on that basis.

12 MR. PARSONS: Second. I want to make
13 sure. I didn't mean to include -- I went around them
14 in my description, but just for clarify, Square 2274
15 and 2275. That is, they are bounded by Ellicot, 30th
16 and Garrison. Then you continue on Linnean all the
17 way to Nevada.

18 CHAIRMAN MITTEN: Okay. So the line is
19 going to be on the east side or down the middle of
20 30th Street, between Ellicot and Garrison. Yes? It's
21 going to go right there.

22 MR. PARSONS: Yes, right there. For the
23 record, right there. All you have to do is eliminate
24 those two squares.

25 CHAIRMAN MITTEN: Right. I got you. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 2274 and 2275 are in the light area?

2 MR. PARSONS: Yes. Then you continue
3 north on Linnean and you come out of Garrison.

4 CHAIRMAN MITTEN: Okay, and we'll have to
5 see this -- we'll have to see this articulated in
6 words anyway, because that's the way it will be
7 advertised again. So we can review that before it
8 goes back into the register for final comment. Okay.
9 Any further discussion?

10 (No response.)

11 CHAIRMAN MITTEN: All those in favor
12 please say aye?

13 (Chorus of ayes.)

14 CHAIRMAN MITTEN: Mrs. Schellin, it's
15 unanimous.

16 MS. SCHELLIN: Okay. Staff will record a
17 vote 5 to 0 to 0 to approve Zoning Commission Case No.
18 02-19, proposed action as discussed. Commissioner
19 Mitten moving, Commissioner Parsons seconding;
20 Commissioners Hildebrand, Hood and Jeffries in favor.

21 CHAIRMAN MITTEN: Thank you. Next is Case
22 No. 04-04, which is the Carver 2000 Tenants
23 Association. If you remember when we talked about
24 this, I think it was back in January, we were trying
25 to address the concern about the height of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 building, and I think it was Commissioner Hildebrand
2 who suggested that they could take off the -- or lower
3 the roof.

4 Not take off the roof but lower the roof,
5 since they had a steep roof that was rather high, and
6 they've done that.

7 They submitted that -- the applicant has
8 submitted that for the record, and that was submitted
9 January 6th, 2005. Then because we didn't take up the
10 -- we cancelled our February meeting, the ANC had the
11 chance to review the revised drawings and submit their
12 continuing opposition to the application.

13 I want to talk first about what the
14 Commission's view of the revised proposal is, and then
15 deal with the issues that continue to be raised by the
16 ANC. Mr. Hildebrand, do you want to start?

17 MR. HILDEBRAND: Well, I wanted to say I
18 was a little disappointed in the applicant's
19 interpretation of taking off the roof or eliminating
20 what was in essence a very monumental false roof. It
21 was just screening some equipment in the center of the
22 building.

23 In their first blush of trying to
24 understand that, rather than develop the architecture,
25 they simply cut off the roof and presented the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 elevations with no cap. So it looks very awkward and
2 incomplete.

3 Clearly, there would have needed to be
4 some cornice treatment, some kind of embellishment and
5 cap off the roof. I think that would have gone a long
6 way to improve this particular option significantly.

7 But that said, the reduced shingle roof
8 that is significantly lower than what was originally
9 proposed does seem to strike a balance between keeping
10 the building height as low as possible, and yet
11 providing some kind of cap that clearly the applicant
12 prefers.

13 CHAIRMAN MITTEN: So it's just on the back
14 that we have this really plain --

15 MR. HILDEBRAND: No. The plain was their
16 first blush attempt. What they're proposing is not
17 the EL1R series. They're proposing the EL-1 and El-2
18 drawings is their preferred elevation.

19 CHAIRMAN MITTEN: Okay. Got you.

20 MR. HOOD: So Commissioner Hildebrand, I
21 hate to ask you this question, but you're not a
22 witness, but you don't mind. On the EL-1R, I guess
23 that's why I'm looking at the eight feet six inches,
24 which I thought the roof was. They're not proposing
25 that? Eight feet six inches.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HILDEBRAND: Yes. The roof had been
2 at the higher line before, and what they've simply
3 done in done in this EL-1R series is to eliminate the
4 roof and show what the building would look like with
5 no roof, as opposed to introducing some type of
6 cornice treatment on top of the existing wall, to
7 terminate the elevation.

8 I think clearly there's a preference on
9 the applicant's part to have some kind of shingled
10 roof or roof design.

11 MR. HOOD: So I guess all that said, all
12 and all we're losing, what, four feet?

13 MR. HILDEBRAND: Yes. It appears that
14 we've actually lowered the building height about four
15 feet.

16 MR. HOOD: I was in favor, actually, of
17 the 8-6. But I guess you have to have a roof.

18 CHAIRMAN MITTEN: Well, it's not that
19 there's no roof. It's just that there's no visible
20 roof. Mr. Hildebrand, I wanted to ask you, since
21 you're the architect, is the EL-1R series, is it
22 curable? Is there something that we can do to make it
23 look -- that we can recommend to the applicant to make
24 it look better and keep the reduction in height at 8
25 foot 6?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HILDEBRAND: I think they could
2 investigate adding cornice treatments and some kind of
3 perhaps an entablature to stop the top story and
4 provide a cap for the roof that doesn't extend as high
5 as four feet.

6 But whatever you do, it would take some
7 vertical height to solve the problem. It's not going
8 to be just a thin metal strip across the face of the
9 building. It would require some effort to design.

10 MR. JEFFRIES: I have to tell you,
11 Commissioner Hildebrand, it is -- it's quite sad. I
12 mean, looking at the original design, I mean there
13 seemed to be a lot more character with some of the
14 height. I think a lot of it has to do with just how
15 the architect has illustrated the after-shots that
16 just make it look a little less.

17 I just think we sort of lost something as
18 it relates to just the architecture in general.

19 MR. HILDEBRAND: Well, I certainly
20 wouldn't move forward with the EL-1R series as they're
21 drawn, that's for sure.

22 MR. PARSONS: Both of these don't reflect
23 the fact that there's going to be individual air
24 conditioners on the roof.

25 MR. HILDEBRAND: And the EL-1 series, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 four foot high shingled roof would conceal all of
2 those rooftop units.

3 MR. PARSONS: Right.

4 MR. HILDEBRAND: If you look at this
5 section, as a matter of fact they show it on their EL-
6 2 drawing on the bottom right-hand corner, you can see
7 the rooftop induction units behind the screen.

8 MR. PARSONS: Oh yes.

9 CHAIRMAN MITTEN: Keep in mind, we haven't
10 voted on how we want to handle the roof, and we also
11 in this exercise have not satisfied the ANC, which is
12 what we were attempting to compromise to do. So, you
13 know, everything's still on the table, in terms of the
14 design.

15 MR. PARSONS: But it appeared from the
16 testimony that unless we removed a story from this
17 building, they wouldn't be happy. I'm not sure they
18 would be happy. Maybe that's not the right word.

19 MR. JEFFRIES: Commissioner Hildebrand, is
20 there some change in this articulation of the facade
21 that could sort of help with sort of the shortening of
22 the roof line here? Is there anything that can --

23 MR. HILDEBRAND: I certainly don't want to
24 be in a position of designing --

25 MR. JEFFRIES: Yes, I recognize that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HILDEBRAND: --for the applicant.

2 CHAIRMAN MITTEN: You're just advising us.

3 MR. JEFFRIES: I mean, everything's still
4 on the table, right?

5 MR. HILDEBRAND: Right. But as far -- if
6 you mean by changing the proportions of the facade to
7 address the fact that it's four feet shorter?

8 MR. JEFFRIES: Yes.

9 MR. HILDEBRAND: I don't think there's
10 enough floor to floor height available in the
11 construction method that they're using to do much with
12 that.

13 MR. JEFFRIES: I mean, you could end up
14 sort of making skinnier bays that sort of give the
15 appearance that you're looking, you know, at a more
16 taller structure. But, you know, again, I don't want
17 to -- I think this thing has left the station.

18 MR. HILDEBRAND: I think the applicant is
19 trying to do that too by modifying the brick color.
20 If you'll recall that certain bays, the darker brick
21 base color carries up vertically another two stories,
22 to allude to that additional height.

23 It's only when you get to the very top
24 story that the material changes to a different,
25 lighter painted material.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. JEFFRIES: And I think we're doing the
2 bird's-eye view here. Obviously, if you're a
3 pedestrian, you're not going to actually see this the
4 way that we're looking at it. But it does -- I wish
5 there was something else we can do.

6 (Pause.)

7 CHAIRMAN MITTEN: Well, why don't we
8 continue to think about that and let me just see if I
9 can generate some discussion about it. There are some
10 outstanding as what the ANC had raised that I'm not
11 sure that we had a full discussion about at our prior
12 meeting.

13 There's a number of smaller issues, but
14 the big ones for the ANC are the amount of density and
15 the amount of parking that's being provided. They
16 also had issues about the exterior was not going to be
17 100 percent brick and some other issues about
18 handicapped access and security and so forth. But I
19 think the big issues are density and parking.

20 I guess I'd just like to say that I think
21 the density issue, there's a couple of ways to address
22 it. One is that the amount of density that's being
23 proposed is not inconsistent with what was designated
24 on the generalized land use map for moderate density.
25 So I don't know that there's any significant departure

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from that.

2 When you think about density, you think
3 about, you know, people making demands on public
4 services and people generating a lot of traffic and so
5 on. I just don't see that happening in a building
6 that's going to be devoted to seniors.

7 So I don't find the density issue to be a
8 reasonable position for the ANC to take, given the
9 context.

10 Then the parking issue is sort of similar.
11 The applicant provided 23 spaces up from 20, when we
12 asked for some revisions to the layout of the dumpster
13 and so on.

14 And, you know, they're providing what's
15 required for senior housing. Given that this is
16 certainly accessible to various modes of public
17 transportation, I just don't see that there's going to
18 be issues related to traffic and parking associated
19 with this development.

20 So I don't know if other people have
21 thoughts on that, but I did want to address those on
22 the record, because they are raised by the ANC.
23 Anyone else?

24 MR. PARSONS: I agree with your sentiment.

25 CHAIRMAN MITTEN: What's the word on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 folks' thoughts about the roof?

2 MR. PARSONS: Well, a couple of things.
3 First, I think the building is actually lowered eight
4 feet, rather than the four we've been talking about.
5 The dormers still protrude up but the horizontal roof
6 is eight feet.

7 But I'm not sure we've achieved anything.
8 I guess I prefer the previous design, frankly. I
9 don't think we're helping the people who are concerned
10 with light and air across the street.

11 I'm not sure we've -- especially the east
12 elevation on EL-1. I mean, it could be restudied, but
13 I mean it's just horrible. I just fear we haven't
14 accomplished very much.

15 MR. JEFFRIES: I would concur with
16 Commissioner Parsons. I would like to see the
17 original design back in place. I think it's very nice
18 to be, you know, at this dias and sort of compromise
19 around a few feet here and there.

20 But I think at the end of the day, the
21 surrounding residents are not going to get any more
22 light and air and space. I mean, I just think this is
23 a shell game and I think we really need to stick to a
24 design that I think, you know, brings a level of
25 character to the overall area.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HOOD: I think, Madam Chair, what we
2 were trying to do, at least from my standpoint, was to
3 strike that balance. We heard loud and clear from the
4 ANC and the neighborhood about the height. I thought
5 Commissioner Hildebrand had a superb idea to put on
6 the table and let's try to work within that realm.

7 But to have them go with this, and I
8 always thought it was eight feet, and that's better
9 than nothing. To just say go back to what was
10 original. I mean, you know, as I stated in the
11 hearing, and nobody probably wants to hear this but
12 I'm going to say this again.

13 Some of those folks been over there for 50
14 years or longer, and I think it's up to us to try to
15 find that balance and then move forward. To tell them
16 to come back with this I felt we were on the right
17 track, trying to have a win-win for both the new
18 residents, new seniors who will be moving in this
19 facility, and the seniors who've been there for 50 and
20 70 years or more.

21 I understand there are two people that
22 live across the street that are 90 years old. That
23 air and heat may make a big difference to them. I
24 think that we need to continue in the way that we're
25 going.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN MITTEN: I have to go along with
2 Commissioners Jeffries and Parsons on this. I think
3 we explored a compromise, because we wanted to see
4 what it would look like.

5 I think that there were people -- there
6 were -- I don't recall how the numbers shook out, but
7 there were a number of people, I don't know if it's an
8 equal number of people, who were not troubled at all
9 by the height, and we're putting something into their
10 neighborhood that they're going to have to look at.

11 So I don't think we want to compromise the
12 design to the point that it's unattractive in seeking
13 a compromise.

14 Frankly, the height issue was one that I
15 was not troubled, but given that Mr. Hildebrand had
16 the idea of exploring this, I thought it was a very
17 good idea. I thought it was a worthwhile exercise.
18 I think it was a worthwhile expenditure of the
19 additional time.

20 But given that we haven't satisfied
21 anybody that was opposed, and we've clearly done
22 something to damage the quality of the original
23 design, I say let's go back to what was at least
24 satisfying to more people than the situation we have
25 now, because now we have people who still aren't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 satisfied about the height and we have at least some
2 commissioners who think we made the building uglier.
3 So I'm in the camp of going back to where we were.

4 MR. HILDEBRAND: I think that clearly from
5 an elevation standpoint, if you look at the original
6 proposal, the massing of the roof is much more
7 appropriate to a building of this size than the
8 smaller roof. There's no question about that. It
9 looks like a much more comfortable fit.

10 MR. HOOD: Well, obviously it seems that
11 I'm outnumbered. But I will tell you that I will not
12 be voting against this because it's for seniors. But
13 I will tell you that I thought we were going right.

14 But you know what? Let's just wait and
15 see. When they start building near our homes and
16 block our views, then let's see how we feel. Thank
17 you.

18 MR. JEFFRIES: Commissioner Hood, they've
19 already started that. They've been doing that for
20 quite a while, and I think we all need to get quite
21 comfortable that the city is growing, and that we
22 obviously need to look at compromises.

23 But I think we need to be careful about
24 making certain that our streetscapes, our physical
25 aspect of our city, is not dropping by, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 doing this sort of shell game, exchange of a few feet
2 here or there.

3 I mean, this thing, from what was sent, it
4 looks almost like a ranch-style house or something.
5 I mean, it just doesn't look very attractive. But I
6 do absolutely appreciate your concern about the
7 residents and their concerns. We really tried to give
8 some consideration to those residents. But it just
9 sort of fell short.

10 MR. HOOD: I really don't need to go back
11 and forth. I can expound on that, but I'm in the
12 minority. But I will not be voting against this
13 project.

14 CHAIRMAN MITTEN: Thank you. I guess I
15 won't ask you make a motion to approve it either.

16 MR. HOOD: Well, I'll make a motion to
17 approve it. Would you like me to do that?

18 CHAIRMAN MITTEN: Sure.

19 MR. HOOD: Sure. I make a motion that we
20 approve the --

21 CHAIRMAN MITTEN: No, don't do that.

22 MR. HOOD: You asked me to make the
23 motion. I've got a vote to. You asked me to make the
24 motion.

25 CHAIRMAN MITTEN: Since you know what I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going to do, because I was going to say we approve the
2 rendering on, what is this, EL-2, that takes off the
3 eight feet. I'll ask for a second.

4 MR. JEFFRIES: Second.

5 CHAIRMAN MITTEN: Do you know what your
6 second is?

7 JJ Yes, I second -- whoa, whoa, wait a
8 minute. Could you repeat that motion again?

9 CHAIRMAN MITTEN: I made a grave error in
10 asking Mr. Hood to make the motion. But go ahead,
11 we'll play this out.

12 MR. HOOD: We've got too much on the
13 agenda for me -- I'll withdraw the motion. Let's move
14 forward.

15 CHAIRMAN MITTEN: Will you withdraw your
16 second? He withdrew his motion.

17 MR. JEFFRIES: I wonderfully withdraw my
18 second.

19 CHAIRMAN MITTEN: All right. So I would
20 move approval of Case No. 04-04, with the original
21 drawings that were submitted to the record, as it
22 relates to the roof.

23 MR. JEFFRIES: Second, second.

24 CHAIRMAN MITTEN: Okay, thank you. Any
25 further discussion?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 (No response.)

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

4 (Chorus of ayes.)

5 CHAIRMAN MITTEN: Those opposed, please
6 say no?

7 (No response.)

8 CHAIRMAN MITTEN: Mrs. Schellin, it's
9 unanimous.

10 MS. SCHELLIN: Yes. The staff will record
11 to vote 5 to 0 to 0 to approve the Zoning Commission
12 Case No. 04-04, with the original drawings in the
13 record. Commissioner Mitten moving, Commissioner
14 Jeffries seconding. Commissioners Hildebrand, Hood
15 and Parsons in favor.

16 CHAIRMAN MITTEN: Thank you, and for the
17 moment, I'm going to turn the agenda over to
18 Commissioner Hood, to chair for a few minutes. Case
19 No. 04-11 I'm recused, and in the Case 04-22 and 04-
20 16 I did not attend the hearing.

21 MR. HOOD: Okay, thank you Madam Chair.
22 We'll now move a proposed action, Zoning Commission
23 Case No. 04-11, Rocky Gorge. Ms. Schellin.

24 MS. SCHELLIN: Sorry. On 04-11, I just
25 wanted to let you know that we did receive a statement

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from OP in support and DDOT supporting with
2 conditions. Also the Fire and Emergency Medical
3 Services also supports.

4 MR. HOOD: Thank you, Mrs. Schellin.
5 Commissioners, we have in front of us a proposed
6 action for Zoning Commission Case No. 04-11, Rocky
7 Gorge. Let me just open up the conversation. We
8 received a letter from the Office of Property
9 Management from the District of Columbia, which is
10 opposed -- let me just read it.

11 "Dear Commissioners. The Office of
12 Property Management of the District of Columbia is
13 opposed to the approval of the captioned planned unit
14 development." Ms. Schellin, let me ask. Did we
15 receive anything to rescind that, or is that still in
16 effect?

17 MS. SCHELLIN: From the Office of Property
18 Management, I do not recall having received anything
19 further.

20 MR. HOOD: So this letter we received from
21 them still stands. Anybody want to comment on that?

22 (No response.)

23 MR. HOOD: Okay. If not, I think from the
24 hearing, basically concerns that I heard from the
25 hearing is that the neighbors and those who are most

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- the ANC and the neighbors were concerned about --
2 well, let me just say the neighbors were concerned
3 about the public benefits and amenities package. At
4 least that's the gist of what I've got, besides a few
5 issues dealing with the traffic.

6 I think we have a letter showing that all
7 parties involved were in agreement. Unfortunately, I
8 can't put my hand right on it, but I know we had one.
9 I remember reading a letter where everyone is in
10 agreement of the amenities.

11 The only thing I would ask between now and
12 final action, if this is approved, is that we ask the
13 applicant to give us a time certain of when these
14 amenities will be delivered. I think I'm stating it
15 correctly, but we need to have a time certain.

16 Some of the smaller things are not time
17 certain, and I would ask that the applicant do that
18 between now and final.

19 MR. PARSONS: Right. The 120,000 is well
20 documented. For reference on the draft order, it's
21 page 20, number six. What he's speaking about is A,
22 B and C.

23 MR. HOOD: We talked about some of the
24 smaller items, the smaller dollar amounts, and there's
25 not a time certain.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. PARSONS: Right.

2 MR. HOOD: It can be now or it can be 50
3 years from now. So we need to make sure that that's
4 a time certain. We'll be looking for that. Any other
5 comments on this proposal?

6 (No response.)

7 MR. HOOD: Just to make sure we hit all
8 the concerns. I think --

9 MR. JEFFRIES: Vice Chair Hood, I do
10 recall that there was some issue around this vehicular
11 traffic, concern about ingress/egress, you know, just
12 traffic in general. I don't recall it being, you
13 know, a show-stopper. But I do know there were some
14 concerns.

15 I think someone also had concerns about
16 sort of the layout of the overall development almost
17 looking like a suburban sort of cul-de-sac, and maybe
18 not staying with some level of grid.

19 But I just recall that there were many
20 pressing issues tied to this one, with the exception
21 of really just those amounts of the benefits, as you
22 say.

23 MR. HOOD: Let me just state. One of the
24 things that I did ask for specifically was a
25 construction management, and I see that the applicant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 did put on in effect.

2 But I don't know if I saw it in what I'm
3 reading here in the order. I don't know if anybody
4 else saw it. I didn't, but anyway it's proffered. So
5 I want to make sure that that's in there. If it's not
6 already, make sure that's in there before we do the
7 final action.

8 MS. SCHELLIN: It's on page 21 of the
9 Order, Item 7.

10 MR. HOOD: So it is in there. Ms.
11 Schellin, where is it exactly? Page 21.

12 MS. SCHELLIN: Page 21, Item No. 7 at the
13 top of the page, and it's also was submitted to the
14 record at Exhibit 48.

15 MR. HOOD: Right. I remember seeing it.
16 Unfortunately, my stuff is a little out of water. But
17 I will tell you that one of the things I believe in
18 reading is that it's going to be picked through the
19 ANC. Does anybody else recall?

20 If not, we can always fine tune this in
21 final. I don't need to sit here and take up all night
22 trying to get this done. So any other comments?

23 MR. PARSONS: Mr. Jackson, I wanted to ask
24 how we ended up with that alternative plan, that calls
25 for a retaining wall? Is that still with us? Were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 they able to resolve that?

2 If you recall, they wanted to get an
3 easement or an agreement with the neighbor to the
4 north, which they were going to build a mound, if you
5 will, and landscape it.

6 But if that didn't work out, they were
7 going to build a wall that was pretty high. It was up
8 to 20 feet high. So there's an alternative plan that
9 was presented to us called "Alternate Concept Plan."
10 Is that still unresolved?

11 MR. JACKSON: We understand yes, the
12 problem is resolved.

13 MR. PARSONS: Sorry?

14 MR. JACKSON: We understand the problem is
15 resolved.

16 MR. PARSONS: So the wall won't be built?

17 MS. SCHELLIN: Mr. Parsons, I'm not sure
18 it would be appropriate that the applicant is here and
19 could answer those details.

20 MR. PARSONS: No, although you could. I
21 mean, I don't see it in the draft order as an
22 alternate. That's why I'm asking.

23 MS. SCHELLIN: It's our understanding that
24 it has been resolved, but for the resolution of those
25 details, I'm not sure.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HOOD: We can always, Commissioner
2 Parsons, get that kind of stuff before final, get some
3 resolution on that before final action. Is that all
4 right with you?

5 MR. PARSONS: Oh, I'm delighted if that
6 was resolved, because that was the worse part of the
7 project.

8 MR. HILDEBRAND: This was a separate issue
9 from the other access through the OPM site. This is
10 a separate issue from that.

11 MR. PARSONS: Oh yes.

12 MR. HILDEBRAND: Right.

13 MR. PARSONS: I would move we approve this
14 application.

15 MR. HOOD: I will second it. Any
16 discussion? I have some discussion before we do
17 final. I just want to make sure that is a simple
18 construction management plan. I've looked at it.
19 It's kind of vague to me, but I'm sure that the
20 applicant will respond before the final, and also with
21 Mr. Parsons' issue, so if could we have someone that
22 will respond.

23 MR. PARSONS: That would be good.

24 MR. HOOD: Anything else? All those in
25 favor?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 (Chorus of ayes.)

2 MR. HOOD: Any opposition? So ordered.
3 Staff, would you record the vote.

4 MS. SCHELLIN: Yes. Staff will record the
5 vote to 4 to 0 to 1 to approve Case No. 04-11 for
6 proposed action, Commissioner Parsons moving,
7 Commissioner Hood seconding, Commissioners Hildebrand
8 and Jeffries in favor. Commissioner Mitten not
9 voting, having not participated.

10 They're asking the applicant to address
11 the retaining wall issue and also --

12 MR. HOOD: The retaining wall issue. Let
13 me just --

14 MS. SCHELLIN: Time certain on the
15 amenities.

16 MR. HOOD: Time certain. Let me just ask
17 one other thing. The letter we have here from the
18 Fire Department, there was a concern also that the
19 Fire Department, there was enough room for fire
20 engines and stuff to get back into the site if it
21 blocks Emerson Street, there was concern there.

22 I would like to ask the applicant to look
23 at that, because the letter came in after November the
24 4th, and I'm not sure what the Fire Department
25 actually looked at. So if they can just comment on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that before we do final.

2 MS. SCHELLIN: Okay, thank you.

3 MR. HOOD: Thank you. Zoning Commission
4 Case No. 04-22, Abdo Development and Capital
5 Children's Museum. Ms. Schellin.

6 MS. SCHELLIN: Yes sir. We have, first of
7 all, a motion to reopen the record that's been
8 submitted by the applicant. They were submitting a
9 revised or a modified roof plan.

10 MR. HOOD: I guess we asked for that.

11 MS. SCHELLIN: I'm not sure. I don't
12 think we actually asked for it. I think they were
13 addressing it in response to maybe some remarks that
14 were made regarding height.

15 MR. HOOD: Okay. Anybody have any
16 problems with opening the record for modifying the
17 plans?

18 MR. HILDEBRAND: No.

19 MS. SCHELLIN: We need to take a vote on
20 it.

21 MR. HOOD: Okay.

22 MR. PARSONS: I move that we reopen the
23 record to accept this material?

24 MR. HOOD: Second. All those in favor?

25 (Chorus of ayes.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HOOD: Any opposition? So ordered.
2 Staff, would you record the vote?

3 MS. SCHELLIN: Yes. Staff will record the
4 vote 4 to 0 to 1 to reopen the record to accept the
5 modified roof plan filed by the applicant.
6 Commissioner Parsons moving, Commissioner Hood
7 seconding. Commissioners Hildebrand and Jeffries in
8 favor. Commissioner Mitten not voting, having not
9 participated.

10 MR. HOOD: To start the discussions, there
11 was a concern by -- no. Okay. I had asked for a
12 perspective, I guess that's what you call it
13 Commissioner Hildebrand, a perspective. I had asked
14 for a perspective of matter of right height, as
15 opposed to the height that was being proposed.

16 While I know that the people who live on
17 3rd Street across the street have some concerns, I
18 really didn't see too much difference in the, I mean,
19 you know other than 40-some odd feet, as far as
20 blocking the views and some of the things that were
21 expressed.

22 Again, as I stated in a previous case that
23 I would like to see, I would like to see us trying to
24 come up with more compromise and a better balance.
25 But it doesn't seem to be that's the way the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commission is going. So I would open it up for
2 comments.

3 We asked for a larger enhanced plan,
4 depicting landscaping on the roofs of the new
5 building. We also had the rendering depicting the
6 views from across 3rd Street, and also discussion of
7 the appropriateness of the proposed architectural
8 embellishments of the roofs in the proposed project.

9 MR. HILDEBRAND: Right, and I think that
10 in the package that was dated February 3rd, 2005 --
11 well actually, let me step back just a moment -- I
12 should have stated February 8th, 2005, they submitted
13 the revised and a brief discussion on the section that
14 you were looking at, with the setbacks across 3rd
15 Street, and a brief discussion on the architectural
16 embellishments.

17 I think I was a little disappointed in the
18 discussion of how the proposed rooftop termination fit
19 the definition of architectural embellishments within
20 the limitations of the Height Act.

21 Specifically, in my reading of the
22 language, the Height Act or the definition of what is
23 allowed as an architectural embellishment is a fairly
24 contained group of elements, spires, towers, domes,
25 pinnacles, minarets.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 These things tend to be vertical. They
2 penetrate or pierce the sky. They do not tend to be
3 linear elements. My concern about the original
4 proposal by Abdo was that the -- by making this linear
5 element, although it had a level of attraction to it,
6 it seemed to be violating the intent of the Height Act
7 by creating a parapet that was in essence another
8 story.

9 That was my objection. I was very
10 interested to see the revised elevations come in,
11 which show the impact of removing those taller pieces
12 and limiting the additional heights to things that
13 could be interpreted as towers on the corners of the
14 building.

15 MR. HOOD: I just had to look back.

16 MR. PARSONS: You're just leaving us
17 hanging here.

18 MR. HILDEBRAND: Well, I have to say --

19 MR. PARSONS: I was interested to see. I
20 have to say that it certainly doesn't have the
21 liveliness of the original proposal, but my concern is
22 that the Commission not approve a project that we feel
23 might be in violation of the Height Act.

24 MR. HOOD: The applicant stated in its
25 last submittal dated March 2nd that the applicant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 believes that the remaining tower embellishments of
2 the roof are fully consistent with the intent of the
3 1910 Height Act, that allow for the same thing.

4 He mentions spirals, towers, domes,
5 minarets, pinnacles, penthouse over elevator shafts,
6 ventilator shafts, chimneys, smoke stacks and --

7 I guess this is taken exactly from the
8 Height Act itself.

9 MR. PARSONS: But your point is a good
10 one. Your point is what we're doing is by allowing
11 these -- a variety of devices, trellises, columns,
12 extension of the facade up into this space, we're
13 redefining the term that are in the Height Act, that
14 are supposed to be singular penetrating towers,
15 minarets, spires and so forth.

16 We're essentially giving the appearance of
17 another floor on the building, as you would with a
18 parapet.

19 MR. HILDEBRAND: Right.

20 MR. PARSONS: And I think the response
21 from the architect is the troubling thing. All right,
22 if that's what you want, zzwick! As opposed to
23 dealing with a design standard. So unlike the
24 previous case, where the experiment failed, I think
25 this one needs some more work.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Because they did use the towers at the
2 four corners, and eliminated the appearance.

3 MR. HOOD: There's obviously some
4 uncertainty of our move. Let me just ask a question,
5 because I don't want to throw this back on anybody,
6 but I'd hate for us to ask the architect to go back
7 and redo and then we'd wind up being right back where
8 we were to start.

9 I don't think that's fair to the
10 applicant, and that's my opinion. But let me ask, Ms.
11 Schellin, is there any time issues here?

12 MS. SCHELLIN: I believe that there are
13 some time restraints, especially considering that our
14 meeting last month had to be postponed because of the
15 weather. I believe that there may be some financial
16 contracts that may go away if we can't -- if they
17 don't get proposed action and be able to go forward
18 with the final.

19 MR. HOOD: Unlike, and I naturally
20 expected that answer. I just asked it for the record.
21 I actually knew the answer. But let me just -- what
22 if we -- I don't know. Commissioner Hildebrand,
23 Commissioner Jeffries, you want to weigh in?

24 MR. JEFFRIES: Well, you know, I don't
25 think, just looking at the roof plans here, I mean the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 revised one, you know, does look like it's falling
2 down a bit in terms of design.

3 I do -- I am concerned, I mean, given you
4 know, driving along the Hopscotch Bridge, you actually
5 might see, be a little bit more cognizant of just the
6 roof line here. But I just don't think it rises to
7 the level that we need to slow this project down.

8 I do wonder what the changes are on the
9 ground floor, in terms of I see some changes with the
10 entrances off of the I Street elevation. I actually
11 preferred what was there the first time, but again,
12 I'm not going to debate that.

13 But I just don't see that there's going to
14 be any real measurable difference by, you know, going
15 back to have the architect review the roof line here.
16 I just don't see how much we're going to gain.

17 MR. HOOD: Let's strike a --

18 MR. JEFFRIES: Let me also add to --
19 again, and I think I'm on record for saying that
20 during my short tenure on this Zoning Commission, I
21 think this was a superb submission. It seems to
22 really be in the spirit of a PUD. A lot of work has
23 gone into this.

24 I think they spent a great deal of time
25 dealing with some of the restoration of the monastery,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and I just -- I would just hate to get hung up on
2 having the architect to go back and review this. What
3 are we talking about, another month or -- I just don't
4 see it's worth it.

5 MR. HOOD: Well, can we -- let me just
6 ask. Can we take proposed action. I'm asking my two
7 colleagues who had a concern, because it seems like we
8 have another review process before we do final. Would
9 you have a problem with that, or is that going too
10 far?

11 I'm asking, because see what's going to
12 happen here is we'll have a 2-2. So I just threw that
13 on the table.

14 MR. HILDEBRAND: What I would like to hear
15 is from the other commissioners on what they feel
16 about this interpretation of the Height Act, and
17 architectural embellishments.

18 MR. PARSONS: That's my concern. We've
19 never done anything like this before, and I don't like
20 the solution they've back with. I'm looking for a
21 middle ground, where we can truly say all we really
22 approved here were architectural elements that
23 penetrated and created --

24 Let me say, for example, if you took the
25 trellises out, and I'm not going to design it, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 just to get through this.

2 If you took the trellises out and those
3 vertical columns supporting the trellises, and the
4 facade was extending up just at those -- where the
5 balconies are, would that have the same effect? But
6 I was hoping they'd design it up here.

7 That's what I was hoping, is that they
8 would come back with either leaving the trellises or
9 -- one or the other goes, because it's the linear
10 continuity that gives us another floor of this
11 building.

12 MR. JEFFRIES: Commissioner Hildebrand,
13 your question, I mean, I know we're looking at this
14 particular project, but it seems to be a broader
15 question in general.

16 So I'm just wondering is it fair to sort
17 of put a very broad question to a -- to one project
18 like this at this point, particularly if we can let
19 this move along and again, really ask the applicant
20 to, you know, again revisit this roof line?

21 MS. MCCARTHY: Mr. Chair? If I could just
22 add, I believe the applicant because of their
23 financing constraints, would be perfectly happy for
24 approval purposes remove the embellishments that are
25 in question, come back with a modification later that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 could be worked out to the satisfaction of the
2 objections or concerns that you're raising, if that
3 would help resolve this issue.

4 MR. PARSONS: You mean they'd come back
5 with what is essentially PUD modification?

6 MS. MCCARTHY: Right.

7 MR. PARSONS: It might even end up on a
8 consent calendar.

9 MS. MCCARTHY: Exactly.

10 MR. PARSONS: That's very creative.

11 MR. HOOD: Thank you.

12 MR. PARSONS: I move we approve the
13 application, with the revised drawings, without
14 prejudice. That's a legal term I shouldn't use.

15 MR. JEFFRIES: I second.

16 MR. HOOD: Okay. I just want to say that
17 the -- okay, it's been moved and seconded?
18 Discussion? I did want to say that the SPNA had
19 mentioned about the historical content, to make sure
20 the historical content remained.

21 I think that it's addressed in the order,
22 and that is in Decision No. 6 on page 15. I don't
23 know if anybody else wants to comment on that, but it
24 raised -- the applicant shall retain the services of
25 a architectural historian to identify and document

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 historically significant time period for the two 19th
2 century historic buildings on the property.

3 That gave me a comfort level. Anybody
4 else want to comment on that? I did want to say,
5 because it looks like the project had a lot of
6 support. I just know that was one of the objections
7 that the SPNA had mentioned.

8 Okay. It's been moved and seconded. All
9 those in favor?

10 (Chorus of ayes.)

11 MR. HOOD: Any opposition? So ordered.
12 Staff, would you record the vote?

13 MS. SCHELLIN: Yes. Staff will record the
14 vote, 4 to 0 to 1 to approve Case No. 04-22 for
15 proposed action with revised drawings, without
16 prejudice, as Mr. Parsons said. Moved by Mr. Parsons,
17 seconded by Mr. Jeffries. Commissioners Hildebrand
18 and Hood in favor. Commissioner Mitten not voting,
19 having not participated.

20 MR. HOOD: Okay. Moving right along,
21 we're at Zoning Commission Case No. 04-16. That's the
22 Takoma Neighborhood Commercial Overlay. Ms. Schellin?

23 MS. SCHELLIN: There were some additional
24 documents have been received, but they came without a
25 request to reopen the record. Accordingly, it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 recommended that these items be held over for the
2 proposed rulemaking comment period, since there will
3 be a 30-day period for comments. At that time, we'll
4 provide those.

5 MR. HOOD: Okay. That sounds good. There
6 will be, depending upon what happens, there will be a
7 comment period, and then we can receive that
8 information at that time. Thank you.

9 This is the proposed zoning text amendment
10 to the Takoma Neighborhood Commercial Overlay District
11 and map amendment to map the overlay.

12 MS. SCHELLIN: I'm sorry, Commissioner or
13 Vice Chairman Hood. I forgot to also mention that the
14 ANC did provide their report. They voted 5 to 2 in
15 favor.

16 MR. HOOD: Okay. If I remember correctly,
17 during the hearing the ANC had not taken a position at
18 that time?

19 MS. SCHELLIN: That's correct.

20 MR. HOOD: But now they've taken a
21 position, and I believe off the top of my head is 4 to
22 2.

23 MS. SCHELLIN: I think it was 5 to 2.

24 MR. HOOD: 5 to 2 in favor. Okay. We
25 have this before us proposed action. Are there any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 comments? While you all make your comments, let me
2 look for my notes.

3 (Pause.)

4 MR. HOOD: I guess what we can do if you
5 have the October 18th, 2004, we can just look through
6 there, and if anybody has any comments.

7 MR. PARSONS: Well, one of the issues, of
8 course, is this -- many of the comments came in with
9 a concern over the 55 foot high buildings, which is a
10 product of the 14-foot retail on the ground floor.

11 But many said to us that the building
12 should be between two and four stories, which a little
13 difficult to put in a regulation. I mean they're
14 either two or they're four.

15 But it would seem to me that the 55 feet
16 is okay, and the supplemental report of the Office of
17 Planning on March 11th. You're up again, Mr. Jackson.
18 Is that right?

19 MR. JACKSON: Yes. Mark Jackson, D.C.
20 Office of Planning.

21 MR. PARSONS: In doing that, you didn't
22 change your proposal. This was simply a transmittal
23 of this Exhibit 1, which shows the --

24 MR. JACKSON: What we were attempting to
25 do we were directed by Chairman Hood, Vice Chairman

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Hood, to go back and collect the comments that were
2 made by the community and issues and concerns, and
3 then to put them in a format where we could compare
4 those comments to what are -- with our responses.

5 So we basically paired the comments with
6 responses. Based on the comments received, we
7 continue to feel that the current recommendation with
8 the proposed amendments is appropriate.

9 MR. PARSONS: Right. That's what I meant.
10 You didn't change anything. You just provided this
11 table with responses?

12 MR. JACKSON: Correct.

13 MR. HOOD: Any other questions or
14 comments? I think it's pretty straightforward. It
15 speaks for itself. We're adopting the Takoma Central
16 District Planning Office additional recommendations
17 for the core area to be mixed land uses, including
18 single family homes, garden apartments and I think
19 it's pretty straightforward what we're doing. So --

20 MR. PARSONS: Is there a motion?

21 MR. HOOD: No, I didn't make the motion.
22 I was giving everybody the opportunity, because when
23 you're struggling like I am, trying to -- but I'm
24 willing to entertain a motion at this point.

25 Let me thank Mr. Jackson for doing this.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 But let me ask you one question. I am curious. The
2 single-member district commissioner, did they vote in
3 favor or against? Do you remember?

4 MR. JACKSON: Well, at the meeting there
5 were a number of single-member district
6 representatives, and I think the 5 to 2 vote records
7 what the single-member district representatives voted.

8 But for specifics, you should look at the
9 -- there was a copy of the minutes faxed over dated
10 March 5th, and they actually had the voting record in
11 the back. So I believe all the voting members were
12 actually single-member district representatives.

13 MR. HOOD: Right, and I'm thinking in
14 terms of one specific street, the street name escapes
15 me at this time. On one specific street I know we got
16 a lot of comments on it. I can't think about what
17 street it was now.

18 MR. JACKSON: Are you talking about
19 Carroll Street?

20 MR. HOOD: Was it Carroll? Is that what
21 it is?

22 MR. JACKSON: We have Carroll, 4th and
23 Cedar.

24 MR. HOOD: I can't recall at this point,
25 but I know on one street we got a lot of comments on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that one specific street, because there was a lot of
2 retail. I think the conversation was there was a lot
3 of retail already existing. I'm not sure about that.

4 MR. JACKSON: Well, 4th has retail on both
5 sides of the street.

6 MR. HOOD: Okay.

7 MR. JACKSON: Maybe that's what it is, and
8 Carroll as strong retail to the south, but the north
9 is not developed completely because you have the
10 Ramada parcel, and then the next block is
11 underdeveloped. So it's either Carroll or 4th, I
12 would think.

13 MR. HOOD: Any other comments?

14 (No response.)

15 MR. HOOD: If not, and just for the
16 record, you have the stuff that Ms. Schellin has, the
17 materials that were submitted didn't make it for the
18 close of the record will be able to be submitted. We
19 will get that when we go between proposed and final,
20 because it's a rulemaking and there's another comment
21 period.

22 I would ask, though, if you keep your
23 comments on a sound bite scope, that would really help
24 us out. Because if you see what's behind here, those
25 who -- if you see what's going on back here, you would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 probably find it very comical. I would move for
2 approval Zoning Commission Case 04-16, Takoma
3 Neighborhood Commercial Overlay, and ask for a second.

4 MR. JEFFRIES: Second.

5 MR. HOOD: It's been moved and properly
6 seconded. Any discussion?

7 (No response.)

8 MR. HOOD: All those in favor?

9 (Chorus of ayes.)

10 MR. HOOD: Any opposition? So ordered.
11 Staff, would you record the vote?

12 MS. SCHELLIN: Yes. The staff will record
13 the vote 4 to 0 to 1 to approve Zoning Commission Case
14 04-16, Commissioner Hood moving, Commissioner Jeffries
15 seconding. Commissioners Hildebrand and Parsons in
16 favor. Commissioner Mitten not voting, having not
17 participated.

18 Just to reiterate for those that have some
19 concern, this is a proposed rulemaking. It will be
20 published. Once it's published, there's a 30-day
21 comment period.

22 In addition to the items that we've
23 received that did not come with an official request to
24 reopen the record, we will also accept any further
25 comments.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HOOD: Okay. I'm going to ask the --
2 okay. I ask the Chairperson to join us.

3 (Pause.)

4 CHAIRMAN MITTEN: We're ready to go to
5 final action now.

6 MR. HOOD: Yes.

7 CHAIRMAN MITTEN: Okay. The first one is
8 Case No. 04-13, which is Logan Phase II, and Mrs.
9 Schellin, did you want to just -- I can cover or you
10 can cover, that we have the NCPC report. Okay. We
11 have the report back from the NCPC, that says that
12 there is no federal interest.

13 So we're -- I don't think there were any
14 outstanding issues on that. So I would move approval
15 of Case No. 04-13.

16 MR. HOOD: Second.

17 CHAIRMAN MITTEN: We'll give that one to
18 Mr. Hood.

19 MR. HOOD: Thank you.

20 CHAIRMAN MITTEN: Any discussion? All
21 those in favor, please say aye?

22 (Chorus of ayes.)

23 CHAIRMAN MITTEN: I believe we have none
24 opposed.

25 MS. SCHELLIN: Yes. Staff will record it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 5 to 0 to 0 to approve Zoning Commission Case No. 04-
2 13, Commissioner Mitten moving, Commissioner Hood
3 seconding, Commissioners Hildebrand, Jeffries and
4 Parsons in favor.

5 CHAIRMAN MITTEN: Thank you. Next is Case
6 No. 01-13A, which is the modification to the IMF PUD.
7 This was related to the park benches for the National
8 Park Service. I again don't think there were any
9 outstanding issues.

10 There was no NCPC report on that one,
11 because that was just a modification.

12 MS. SCHELLIN: They did actually send in
13 a report, and they said again they have no issues.

14 CHAIRMAN MITTEN: Oh, okay. Great,
15 thanks. All right. Then I would move approval of the
16 modification in 01-13A.

17 MR. HILDEBRAND: Second.

18 CHAIRMAN MITTEN: Any discussion? All
19 those in favor please say aye?

20 (Chorus of ayes.)

21 CHAIRMAN MITTEN: We have none opposed,
22 Ms. Schellin. Staff will record the vote 5 to 0 to 0
23 to approve Zoning Commission Case 01-13A, Commissioner
24 Mitten moving, Commissioner Hildebrand seconding.
25 Commissioners Hood, Jeffries and Parsons in favor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN MITTEN: Thank you. Next is Case
2 No. 96-12Z. This was some citywide map amendments,
3 and I understand Mrs. Schellin is going to just tee
4 this up briefly for us.

5 MS. SCHELLIN: Yes. This is a request or
6 a motion rather to authorize the issuance of a
7 corrected Notice of Final Rulemaking. This goes back
8 to basically there were inconsistencies between what
9 was actually approved and what was actually typed up.

10 I listened to the tapes where the case was
11 approved, and it followed along referencing the maps
12 attached an OP report and it's basically an error that
13 got carried on from a public hearing notice forward.

14 CHAIRMAN MITTEN: Okay. This specifically
15 relates to Square 4493 and Parcel 150, Lots 32, 33 and
16 42, which were shown to be rezoned on a map to C3A,
17 and the written description said they were be rezoned
18 to C2A.

19 After all your research, the consensus is
20 that the intent was to zone it C3A.

21 MS. SCHELLIN: That's correct, and also
22 the last square that was listed for that whole
23 rezoning Section 8 was Square 4507. There was an
24 error there too, where the map clearly stated what it
25 should be, Zone 2.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN MITTEN: Okay. So this is just
2 to make the correction.

3 MS. SCHELLIN: Exactly.

4 CHAIRMAN MITTEN: All right. I would move
5 approval then of issuing the correct order.

6 MR. HOOD: Second.

7 CHAIRMAN MITTEN: Any discussion? All
8 those in favor please say aye?

9 (Chorus of ayes.)

10 CHAIRMAN MITTEN: We have none opposed,
11 Mrs. Schellin.

12 MS. SCHELLIN: Staff will record the vote
13 5 to 0 to 0 to approve the correction of the Notice of
14 Final Rulemaking in Case No. 96-12, Commissioner
15 Mitten moving, Commissioner Hood seconding.
16 Commissioners Hildebrand, Jeffries and Parsons in
17 favor.

18 CHAIRMAN MITTEN: All right, and then for
19 the next four cases, the last case under final action
20 and the first three under hearing action, which I
21 moved up. So it will be C, E and G. Mr. Hood will
22 again be presiding.

23 MR. HOOD: Thank you, Madam Chairman. We
24 will be very brief. Zoning Commission Case No. 03-28.
25 Ms. Schellin, final action.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: I would just note that the
2 ANC did submit a letter in support.

3 MR. HOOD: Okay. I just have one question
4 colleagues. I thought that when we talked about the
5 four lanes of traffic to be available for the citizens
6 dropoff, I thought we had some hours, or at least I
7 think the testimony said it would be open for at least
8 eight hours or seven hours, or did we get to that
9 point?

10 I think testimony said seven hours, and I
11 was wondering if that should be included in the order?
12 Nobody feels that strongly about it. No comment.
13 Then I'll approve it as it is. I'll give you time to
14 look at it.

15 MS. SCHELLIN: I think that there was some
16 discussion about the hearing or some questioning about
17 that, but I just don't recall exactly what that was.

18 MR. PARSONS: I was pleased with the
19 resolution of the fence along the Metropolitan Branch
20 Trail. I think the language is good there.

21 MR. HILDEBRAND: Mr. Chairman, I move
22 approval of this application.

23 MR. HOOD: The move has been made. I'll
24 second it. Discussion? I'm still talking about this
25 hours. I'm concerned about the dropoff, for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 citizens' dropoff.

2 MS. SCHELLIN: To put some hours in there,
3 I'm sure that we could do that before final action.

4 MR. HOOD: This is final. That's why I'm
5 concerned about it.

6 MS. SCHELLIN: Oh, I'm sorry. Long night.

7 MR. HOOD: Right. Other than that, I
8 would move on. But you know what? If it's not open
9 long enough, the citizens will raise enough cane. So
10 I won't worry about it.

11 MR. PARSONS: Yes, they will.

12 MR. HOOD: It's been moved and properly
13 seconded, and I'll be one of them. It's been moved
14 and properly seconded. All those in favor?

15 (Chorus of ayes.)

16 MR. HOOD: Any opposition? So ordered.
17 The staff will record the vote.

18 MS. SCHELLIN: Staff will record the vote
19 4 to 0 to 1 to approve the correction of the Notice of
20 Final Rulemaking in Case No. 3-28, Commissioner
21 Hildebrand moving, Commissioner Hood seconding;
22 Commissioners Jeffries and Parsons in favor.
23 Commissioner Mitten not voting, having not
24 participated.

25 MR. HOOD: Okay. We're going to move

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 right into hearing action. The Chair has stated that
2 we're going move C, E and G. Zoning Commission Case
3 No. 05-05, the Emergency Shelters in the CM District,
4 text amendment. Office of Planning.

5 MS. BROWN-ROBERTS: Good evening Mr.
6 Chairman and members of the Commission. I am Maxine
7 Brown-Roberts in the Office of Planning. The Office
8 of Planning proposes a text amendment to the zoning
9 regulations to permit emergency shelters. As a matter
10 of right in the commercial light manufacturing or CM
11 districts.

12 The District government has embarked on a
13 Homeless No More Initiative, that seeks to end
14 homelessness in Washington, D.C. by the year 2014.
15 The directives of the plan are to address the social
16 and economic problems of homelessness through
17 increasing homeless prevention efforts using local and
18 federal resources; providing access to substantially
19 more permanent and affordable; and the coordination of
20 social services for homeless residents.

21 The plan recognizes that homelessness will
22 not be completely eliminated, and therefore a system
23 needs to be in place by which residents will not be
24 stuck in homeless, but will rapidly be rehoused.

25 On September 23rd, 2004, the Zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commission held a public roundtable to hear the
2 public's views on allowing emergency shelters and
3 adult rehabilitation homes in the CM zoned district.

4 Some of the issues identified was trying
5 to locate in zoned districts where they are currently
6 permitted includes the economic feasibility of small
7 facilities, community opposition and the price of real
8 estate.

9 A petition to have adult rehabilitation
10 homes in the CM district was not include din this
11 application, because additional time is needed to
12 fully analyze concerns relating to the impact of the
13 operations, and the appropriate size of adult
14 rehabilitation homes.

15 Both public and private providers are
16 experiencing difficulties in locating sites for
17 emergency shelters throughout the city. Obstacles
18 include the fact that real estate costs is prohibitive
19 in many areas where emergency shelters are permitted,
20 and a restricted number of residents they can
21 accommodate is usually not sufficient to house the
22 number of persons who need shelter and community
23 opposition.

24 Providers testified that amending the
25 zoning regulation to allow emergency shelters in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CM district will offer additional locational choices,
2 as they will be able to access buildings and land that
3 is more affordable, and can accommodate a larger
4 number of residents.

5 The CM districts allow a greater FAR, 3.0
6 to 4.6, that allow buildings to house a larger number
7 of residents along with the required services. The
8 new locations would be outside of residential areas
9 and some of the perceived negative impacts on
10 neighborhoods will be minimized and may therefore
11 cause less community opposition.

12 There have been some concerns expressed
13 that emergency shelters should not be made to live in
14 industrial areas, where generally the uses permitted
15 are not compatible with residential uses.

16 OP believes that working with the Homeless
17 No More program, shelters will not be permanent
18 residences for the homeless, as stays will be limited
19 and services provided are focused on enabling
20 residents to return to a permanent place of residence.

21 The proposal is not inconsistent with the
22 comprehensive plan and meets the objectives and
23 policies of the plan, to provide options to
24 accommodate homeless persons and provide necessary
25 services to improve their health and well-being.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The Office of Planning recommends that the
2 application for the proposed text amendment be set
3 down for public hearing. Thank you Mr. Chairman.

4 MR. HOOD: Thank you, Ms. Brown-Roberts.
5 Colleagues we have Zoning Commission case 05-05, a
6 proposed text amendment to permit emergency shelters
7 in commercial like CM-1's or CM zones. Let me ask you
8 something, Ms. Brown-Roberts. Is this CM 1, 2 and 3
9 or CM zones period? I mean, 01?

10 MS. BROWN-ROBERTS: It was intended for CM
11 1 and CM 2 mostly.

12 MR. HOOD: CM 1 and CM 2 mostly. But it
13 could go in a CM 3?

14 MS. BROWN-ROBERTS: I think we are still
15 looking at that a little more, but I think we would
16 prefer to prohibit them, because those are the heavier
17 industrial areas.

18 MR. HOOD: Any other comments?

19 MR. JEFFRIES: Yes, Ms. Brown-Roberts, so
20 the understanding is that the new emergency shelters
21 will be almost like transitional housing of a sort?

22 MS. BROWN-ROBERTS: Yes sir.

23 MR. JEFFRIES: So -- go ahead.

24 MS. BROWN-ROBERTS: Under the Homeless No
25 More initiative, that is what they're looking at, as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 sort of a one-stop shop, where homeless people will
2 come in and they will have services such as, you know,
3 how to transition them back into housing. They'll
4 have some health care things provided, services
5 provided.

6 MR. JEFFRIES: But isn't there always a
7 segment of the population of any homeless group that
8 is a population that is really not transitional? I
9 mean they're pretty much set for years?

10 MS. BROWN-ROBERTS: Yes, and that's what
11 -- I think that is something that the District
12 government is trying to overcome, and not have people
13 who are in homeless centers permanently, but be able
14 to move them out into other types of housing.

15 MR. JEFFRIES: Yes. I just remembered
16 that roundtable discussion, and did feel some of the
17 testimony was compelling around the whole notion of
18 some of the CM is really not fit for residential
19 living.

20 So I just, to the extent that this is just
21 transitional for a few months or I don't know how long
22 the period is that really defines transitional.

23 MS. BROWN-ROBERTS: From reading the
24 initiative, I think that it is a policy that they're
25 not going to be having people in homeless shelters for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 long periods of time. I think this is mostly to
2 piggyback on that, to allow them to relocate them in
3 these areas.

4 Another thing is that they're allowed in
5 the CM district, but there isn't a lot of land that is
6 available, and you know, I would think that, you know,
7 the agencies that are going to be placing these
8 facilities would look at the areas that they're
9 locating them in and see what is in that area, you
10 know, what sort of effect they would have on adjacent
11 to those other industrial uses that are not
12 appropriate.

13 MR. JEFFRIES: Yes. I just don't want to
14 see sort of colonies of sorts, you know, alongside
15 industrial uses. I mean it's just -- I just don't
16 think, you know, it's the kind of society we want to
17 live in, at least I wouldn't.

18 MS. BROWN-ROBERTS: I think we can take a
19 look at it a little more and maybe put some sort of
20 restrictions as to, you know, what sort of uses maybe
21 they can be adjacent to or something like that. So
22 we'd take a look at that.

23 MR. JEFFRIES: Yes. Something that's more
24 transitional, I would like that.

25 MS. BROWN-ROBERTS: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. PARSONS: There doesn't appear to be
2 any text amendment attached to the report. Is that
3 correct?

4 MS. BROWN-ROBERTS: Pardon me?

5 MR. PARSONS: There's no text amendment
6 that we're voting on today to set down, attached to
7 the report?

8 MS. SCHELLIN: I think --

9 MS. BROWN-ROBERTS: Sorry. If you look at
10 the recommendation section of our report.

11 MR. PARSONS: You mean on the first page?

12 MS. BROWN-ROBERTS: Yes, on the first
13 page, where it says recommendation, and on the middle
14 of the third line, there's a sentence that starts "The
15 Office of Planning recommends that Zoning Commission
16 set down a public hearing, the proposed zoning text
17 amendment to 11 DCMS, Chapter 8, Section 801.7M, to
18 permit emergency shelters in the CM district."

19 MR. PARSONS: So that's it.

20 MS. BROWN-ROBERTS: That's it.

21 MR. PARSONS: In other circumstances we
22 have put size limits. What is your view on that?

23 MS. BROWN-ROBERTS: Because it was going
24 to be a bi-right use, we didn't attach any other
25 conditions to it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. PARSONS: Well, let's go to the table
2 on page four there, where you show what's allowed as
3 a matter of right, and of course it shows in the C3,
4 4, 5 zones there's no limit. Is that what you propose
5 for this?

6 MS. BROWN-ROBERTS: That's right, Mr.
7 Parsons.

8 MR. PARSONS: Well, that's troubles me.

9 MS. BROWN-ROBERTS: Because --

10 MR. PARSONS: Because I'm worried, like
11 Mr. Jeffries, that we're going to possibly have
12 warehouses taking over here, and enormous facilities
13 created. I'm really troubled by that, that it seems
14 to me very tempting. So you need some other
15 parameters --

16 MS. BROWN-ROBERTS: Are you proposing --

17 MR. PARSONS: --like you were talking to
18 Mr. Jeffries about.

19 MS. BROWN-ROBERTS: Okay.

20 MR. PARSONS: Something to control this,
21 so we don't end up with --

22 MS. BROWN-ROBERTS: Okay. I think what we
23 can do on some of the other districts that has some
24 time limits, that has some size limits, we can look at
25 those.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I think our reasoning was that the C3 to
2 C5 districts, which are less intensive than the CM,
3 didn't have any restrictions on them. So that is why
4 we left it open. But I think we can go back and take
5 a look at that.

6 MR. PARSONS: Thank you.

7 MS. BROWN-ROBERTS: You're welcome.

8 MR. HOOD: Any other comments? Ms. Brown-
9 Roberts, I will tell you that I am very troubled about
10 what I see when I look at the map on the commercial
11 light manufacturing districts.

12 I'm also troubled by comments in the
13 report, which I know is a reality. But I think we
14 have to start thinking a little bit -- our way of
15 thinking, we need to start thinking a little better.

16 I know I'm preaching to the choir, but I
17 just want us to look at this, because any day now,
18 people can be homeless. I mean, you know, come on.
19 To put them, and I have a problem with this and I've
20 stated this before, to put them in industrial uses, I
21 haven't seen too many light industrial uses out there,
22 because when say CM zone, I look at where all of them
23 are.

24 They're on the New York Avenue corridor,
25 they're on the Rhode Island Avenue corridor, and then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 when I look up on the map and I look up on Wisconsin
2 and Connecticut Avenue, I don't see any.

3 So we're talking about community
4 opposition. Be as it may, there should be an equal
5 distribution also. Not just one section of the city;
6 just around the city. I just have a problem with
7 putting them in industrial zones. I think they need
8 to be in residential zones, but I'm not saying just
9 compact them all in one specific area.

10 MS. BROWN-ROBERTS: And there are already
11 some residential zones that permit them. I'm not sure
12 if you would like to see maybe the size limits on
13 those expanded or something you'd like us to look at?

14 MR. HOOD: Well, your map shows on
15 Nebraska they've got four. Now coming down below 16th
16 Street, I don't want even start counting. But I'm
17 just saying, equal distribution. We need to look at
18 that.

19 We need to do something -- I agree that we
20 have a homeless problem and we need to address it.
21 But we also need to try to maybe, I don't like to say
22 "think outside the box" because it's not a box -- I
23 guess use our creative minds, as opposed to our
24 intellectual minds, because our intellectual minds
25 sometimes tell our creative minds to be quiet.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I didn't go all there, but that's what
2 happens. We need to be more creative, and I would ask
3 the Office of Planning, and I know it's -- believe me.
4 I know it's a hard fight. It's always not in my
5 backyard. Trust me, I'm out there. I know.

6 But as I've stated previously, the CM
7 zones, we're doing away with them. They're going to
8 all concentrated in one area, and can tell you that I
9 have a problem with it. I'm looking at this map here
10 now.

11 You're not trying to put them on Nebraska
12 Avenue or Wisconsin Avenue, but I think there needs to
13 be equal distribution.

14 MR. JEFFRIES: And I'll tell you, New York
15 Avenue, I mean there's serious plans for New York
16 Avenue as it relates just to the master plan. So I
17 think that the blue that's around New York Avenue
18 might take on a different look in future years.

19 MS. MCCARTHY: Could I just add? It's not
20 -- it is definitely a goal of the Office of Planning
21 to improve the geographic dispersion of these
22 facilities. What you see reflected there, in terms of
23 where those dots are and are not, is less a function
24 of zoning than a function of the market economics of
25 what it costs to buy land, as well as clearly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 political opposition.

2 What's significant about the blue areas
3 that we're now permitting them is that you can see, in
4 terms of achieving better geographic dispersion, there
5 aren't that many facilities that are that close to any
6 of those have --

7 Well, most of those CM zones, and that all
8 we're talking about -- right now, they're prohibited
9 totally from being in any of those blue zones.

10 So we're just asking for the possibility
11 that those would now be available for emergency
12 shelters to be located.

13 But we certainly hear some of the
14 Commission's concerns about both making sure that it's
15 a liveable environment where the facilities are
16 located, and perhaps as well looking at issues of
17 where the facilities will be located in respect to
18 other residential neighborhoods.

19 Because we've always been struck when we
20 did the data center's case and others, that a
21 surprising amount of those CM zones are immediate
22 adjacent to residential neighborhoods.

23 So although it seems like "oh, it's an
24 industrial zone, it's not a good location to put a
25 residential facility," in fact some of them do abut

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 residential neighborhoods, which of course then is the
2 flip side, in terms of political issues and community
3 concerns.

4 But I think if we can set this down, we
5 can certainly come back to you with some better
6 information about some photographs and some better
7 information about those zones themselves, where the
8 residential pockets are located in relation to those
9 zones, and what kind of potential conditions the
10 Commission might want to put on making those
11 facilities and permitting those facilities to be
12 located in CM at least, CM 1 and CM 2 zones, if not CM
13 3.

14 MR. HILDEBRAND: And this is in no way
15 endorsing this yet. It's just getting community
16 response to the concept as well. So it will be
17 interesting to see what the community has to say about
18 this proposal as well.

19 MR. PARSONS: Well, I think there's enough
20 unknowns here that we shouldn't set this down. It's
21 too wide open for me. We ought to just let OP come
22 back to us next month if they really want to talk
23 about these comments that we've made.

24 MR. HOOD: I guess you don't think they
25 can come back with a little more thought if we set it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 down, or you'd rather not set it down?

2 MR. PARSONS: I'm not persuaded it's a
3 good idea. That's where I am. I'm fearful we're
4 going to warehouses full of people in these CM zones.
5 The whole purpose of this was to have people in a
6 situation where they feel they were in a residential
7 area, and transition back into society, and not to put
8 them in CM zones.

9 My problem is I was there at the
10 beginning, and that's why we were adamant about it.
11 We just violated everything that we were about, trying
12 to get these people out of an institutional
13 environment or almost prison-like environment and get
14 them into residential.

15 That's why the sizes are so small. It's
16 to be a family kind of living, not like you see across
17 the freeway here behind us.

18 MR. HOOD: I would go along with
19 Commissioner Parsons' comments of not setting it down.
20 While I know the Office of Planning has delved in this
21 action and this is what they've come up with, and I
22 know that they don't need any additional work, but I
23 think one more won't hurt.

24 So I would be in the mind of sending it
25 back, as Commissioner Parsons. Commissioner Jeffries.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. JEFFRIES: Yes. I too think this is
2 a very critical thing, and I think it does take a lot
3 more thought. I am just really concerned about our
4 treatment of Forest Hills, and the care that we take
5 in terms of dealing with those citizens in that area,
6 and then we just, you know, put homeless people into
7 these industrial zones.

8 I do believe, and this is to the Office of
9 Planning, that there is probably language, there's
10 probably different ways to really sort of get the
11 Commission a little more comfortable with sort of what
12 you're proposing.

13 So I'm not so opposed to it being in a CM
14 zone. I just need a lot more delineation. I need a
15 lot more texture in terms of how this is going to
16 look, because I'm afraid of colonies, and I'm trying
17 not to use the word "ghetto" but I just did. I just
18 think that we need to be very thoughtful.

19 I mean, this is the Nation's Capitol, and
20 I don't think we want to be on record for appearing as
21 if we are sort of moving people outside of the
22 residential zones and neighborhoods. It's almost as if
23 we're sort of shoving our problems to another part of
24 town. I'm just not comfortable.

25 I think I'm going to join Parsons and Hood

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in terms of asking the Office of Planning to perhaps
2 go back and just take a little more time to be a
3 little bit more creative about, you know, how this all
4 happens within the zone.

5 MR. HOOD: Okay. Mr. Hildebrand, did you
6 want to expound on that or --

7 MR. HILDEBRAND: I guess I'm also
8 interested in knowing how much of this land that's
9 shown as commercial light manufacturing district is
10 actually conceivably available for use for shelters.

11 I certainly in looking at the map, seeing
12 that the railroad tracks behind Union Station that
13 travel up north through the city as shown as available
14 property.

15 The proposed area of the new baseball
16 stadium is shown here. National Park Service land
17 adjacent to the Anacostia River; the Capitol Power
18 Plant is shown on here as a possibility.

19 So a lot -- if you start to erode away the
20 things that really aren't on the table in the CM zone,
21 what is left and where are those parcels? What is
22 actually a possibility?

23 MR. HOOD: Okay. I think what we can do
24 is defer this, and I will ask the Office of Planning
25 can you come back next month. How much time would you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think you would need?

2 I don't think we're going to -- we're not
3 denying it. We're just deferring it.

4 MS. BROWN-ROBERTS: I think we will try
5 and bring it back next month. I think we'll see how
6 the information, amount of information that we can get
7 to answer your questions.

8 MR. HOOD: Ms. Schellin, do you think we
9 can just do that as a general consensus?

10 MS. SCHELLIN: Yes.

11 MR. HOOD: Okay. All right,
12 Commissioners. We're going to defer this until next
13 month or until the Office of Planning sees it
14 necessary to come back to the Commission.

15 MS. SCHELLIN: That's fine.

16 MR. HOOD: Okay, good. All right, thank
17 you. Moving right along, Zoning Commission Case No.
18 05-08, Capital Gateway Overlay District, text
19 amendment to Square 702 through 706, and what's that?
20 Oh, yes. Reservation 247. I was trying to see what
21 the -- all right. Thank you, Mr. Parsons. Office of
22 Planning?

23 MR. LAWSON: My apologies, Mr. Chairman.

24 MR. HOOD: You didn't need to apologize.
25 Nobody else does.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. LAWSON: Thank you. Mr. Chairman,
2 members of the Commission, my name is Joel Lawson.
3 I'm with the D.C. Office of Planning. This
4 application 05-08 is a proposal to amend the Capital
5 Gateway Overlay District to provide for a new
6 professional league baseball park in the District.

7 In 2004, the city reached an agreement
8 with Major League Baseball for the return of a Major
9 League baseball team to Washington, an agreement that
10 includes a requirement for the construction of a new
11 baseball stadium.

12 The Council of the District of Columbia
13 subsequently adopted legislation which provides for
14 the financing of the ballpark for the social and
15 economic benefit of the District.

16 The new ballpark will not only be a new
17 home for the new baseball team and a venue for other
18 entertainment and civic events, but is intended to act
19 as a catalyst for new development in this emerging
20 part of the city.

21 The site chosen includes Square 702 and
22 706 and Reservation 247 in the near Southeast
23 neighborhood located between South Capitol Street and
24 I Street, S.E., and between N Street, S.E. and Potomac
25 Avenue, S.E. A block to the north is M Street, with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a Green Line Metro Station.

2 The site is about 20 acres in size,
3 including internal roads and contains mostly low
4 density warehouse, light industrial and adult
5 entertainment businesses established when the property
6 was zoned industrial.

7 The current Capital Gateway CR zoning
8 permits medium to high density commercial, residential
9 or mixed use development. The Capital Gateway Overlay
10 permits the retention but not the extension of pre-
11 existing uses that no longer conform for use.

12 The site is within the near Southeast
13 area, the Anacostia Waterfront Initiative. The Near
14 Southeast Area Urban Design framework plan includes a
15 number of urban design principles for the area, which
16 the proposed review process and associated guidelines
17 generally further.

18 In addition, DDOT is currently managing a
19 process for the reconstruction of South Capitol
20 Street, which is envisioned as a grand and lively
21 urban boulevard serving residents and visitors as a
22 principal gateway to the U.S. Capitol, the waterfront
23 and the surrounding neighborhoods.

24 The newly-formed Anacostia Waterfront
25 Corporation is also being charged with overseeing the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 master planning process intended to create a more
2 detailed set of urban design guidelines for the
3 ballpark site, to create a development plan for the
4 larger baseball district, and complete a corridor-wide
5 plan for all of South Capitol Street.

6 There's a lot going on in this area, and
7 this initiative is intended to coincide with these
8 initiatives.

9 Processes are now underway to negotiate
10 the purchase of the land, which will be owned by the
11 District through the Anacostia Waterfront Corporation.
12 The D.C. Sports and Entertainment Commission is being
13 charged with construction of the ballpark structure,
14 which will be leased to a Major League baseball team,
15 although other entertainment and District uses of the
16 facility will also be possible.

17 The ballpark is required to provide 41,000
18 seats, 11,000 parking spaces, office space for team
19 management, concession and restaurant areas and other
20 baseball-related uses. It's anticipated that the
21 ballpark will cover much of the site, and that some or
22 all of the sections of the roadway that are internal
23 to the area will be closed.

24 The Sports and Entertainment Commission is
25 in the process of selecting a design team for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ballpark. Construction is anticipated to commence in
2 2006, with the completion in time for the start of the
3 2008 baseball season.

4 In accordance with the baseball agreement
5 and adopted policy for the site, the Office of
6 Planning is proposing that the Capital Gateway Overlay
7 District be amended as it applies to the subject
8 ballpark site.

9 Under this proposal, Zoning Commission
10 review of any building or structure, including the
11 ballpark in the subject area would be required.
12 Guidelines are also proposed to help direct the design
13 process and to inform the Zoning Commission review of
14 the ballpark and site design anticipated later this
15 year.

16 These guidelines are intended to ensure
17 that siting, architectural design, site plan,
18 landscaping and sidewalk treatment will be of superior
19 design quality to further the objectives of the
20 Capital Gateway Overlay District, recognizes
21 neighborhood context and street patterns, and address
22 safe and efficient pedestrian and vehicular movement
23 to and through the site.

24 In addition to the required review
25 process, OP has proposed amendments to the overlay for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the stadium site that would provide a definition for
2 ballpark and the ballpark area, and recognize that a
3 ballpark is a permitted use on the subject site; allow
4 the Commission to consider additional requests for
5 zoning regulation relief; permit a non-residential FAR
6 of six and a height of 130 feet in conformance with
7 the Height Act; require that any above-grade parking
8 requires Zoning Commission approval; require that all
9 loading facilities and any bus parking on site be
10 internal to the buildings; require percentage of the
11 ground floor to be devoted to retail and other public
12 uses; establish a 15-foot setback requirement along
13 South Capitol Street; and prohibit driveways from
14 loading or parking from either South Capitol Street or
15 P Street, S.E.

16 A complete copy of the Capital Gateway
17 Overlay is attached to our report, with proposed
18 amendments highlighted. OP feels that these
19 amendments will provide the assurance necessary that
20 the new ballpark and any accessory uses address
21 neighborhood and District-wide goals and objectives.

22 OP has discussed this proposal with
23 consultants working on the area studies, and with the
24 D.C. Sports and Entertainment Commission. Generally,
25 the comments have been favorable, although they made

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 clear the necessity for additional analysis and
2 refinement of some of the specific proposed
3 regulations, such as ones related to parking, retail
4 space and bus loading requirements.

5 OP agrees that these issues require more
6 discussion with experts on ballpark design, through
7 the ballpark master area plan process, and we
8 anticipate refinement to be provided prior to the
9 public hearing.

10 Wording for the required retail height and
11 glazing can also be updated to conform to one of your
12 other cases tonight, on retail space, for which a
13 public hearing is pending.

14 In summary, OP recommends that this
15 proposal to amend the Capital Gateway Overlay text to
16 provide for a ballpark within the specified ballpark
17 be set down for a public hearing. This is in keeping
18 with District policy and recent planning initiatives,
19 and with objectives for the area and the District as
20 a whole.

21 That finally concludes my testimony, and
22 we are available for questions. Thank you.

23 MR. HOOD: Thank you, Mr. Lawson.

24 Commissioners, we have a request to amend the Capital
25 Gateway Overlay District text amendments on Square 702

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and 706, and Reservation 247. Any questions of the
2 Office of Planning?

3 MR. PARSONS: I don't understand why we
4 are including Reservation 247, or I should ask, why
5 are we including Reservation 247? It is federal
6 property under the jurisdiction of the District of
7 Columbia.

8 MR. LAWSON: We included Reservation 247
9 because it's a site that's integral to the ballpark
10 siting. I don't know whether or not there's going to
11 be the agreements reached at any point to allow
12 construction on the site. But we felt it was prudent
13 to include it in the study at this time.

14 It's currently, of course, zoned Capital
15 Gateway CR. So this would not be, you know, affecting
16 the zoning that's on the property. But if it were to
17 be included in any planning for the area as it's a
18 fairly pivotal site, in terms of the connection of the
19 ballpark area down towards the waterfront, we thought
20 it should be included within the amendment area as
21 well.

22 MR. PARSONS: So it isn't possible that we
23 would know, as we go along, whether there's going to
24 be a ballpark built on this?

25 MR. LAWSON: The ballpark actually hasn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 been designed yet, and it hasn't even specifically
2 been sited on the five, you know, on the blocks that
3 are included in the study area. We're certainly
4 anticipating that that will be coming forward to you
5 as part of the Zoning Commission's review of an actual
6 ballpark stadium.

7 Whether or not any portion of the
8 structure is on any particular square, that's not
9 known at this time.

10 MR. PARSONS: Let's talk about 130 feet.
11 You argue for 130 feet because of its proximity to
12 South Capitol Street, and that's understandable. But
13 to allow 130 feet throughout, then, the adjacent
14 zoning is at max on a PUD at 110. So how is it we're
15 going to allow 130 feet?

16 Is there any way we can step this down?
17 I don't want to get into the design business, but
18 allowing the entire site to go to 130 doesn't seem
19 defensible and probably won't happen.

20 MR. LAWSON: Well, and it's possible that,
21 you know, eventually once we start to actually see
22 design, that the height will be allowed to step down.
23 I'm not sure if that's possible with the ballpark
24 design or if a fairly even height has to be provided.

25 We wanted to make sure that at this point

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there is the flexibility. As well I would point out
2 that South Capitol, Potomac Avenue and 1st Street
3 would all allow a building of 130 feet. They're all
4 of a sufficient width that they would permit 130 foot
5 buildings. So we could be seeing buildings that high.

6 MR. PARSONS: So how tall are baseball
7 stadiums in the country?

8 MR. LAWSON: I'm probably not the best
9 person to ask, because I don't know how high they all
10 are. I've been told that many of them actually are
11 much higher than 130 feet, but I could get that
12 information for you. I don't have that.

13 MR. PARSONS: I think that would be
14 important. I guess -- and design will follow. I
15 think the most obnoxious thing that a baseball stadium
16 provides is the scoreboard. Not in past times but in
17 current times.

18 The new one in Philadelphia, for instance,
19 blows my mind. It's designed to be read from the
20 interstate. I'm wondering what we mean by 130 feet.
21 What goes beyond that? What's an architectural
22 embellishment?

23 MR. LAWSON: Exactly. I was going to go
24 there next.

25 MR. PARSONS: Okay, go ahead.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. LAWSON: Lighting is an architectural
2 embellishment.

3 MS. MCCARTHY: There was a discussion at
4 the recent planning meeting for the baseball stadium,
5 in which the point was made that there have been
6 considerable advances in lighting technology.

7 The expectation is that the light
8 pollution from the stadium can be substantially
9 reduced because you don't need those huge lights like
10 you see at Camden Yards and others that you can see
11 for miles and miles away on the freeway; that they can
12 be directly downwards substantially more successfully
13 now than they could.

14 You know, I know we're -- a key design
15 principle is to have this facility to fit into and
16 enhance the neighborhood, and not just be such a stick
17 up like a sore thumb.

18 So that kind of thinking is very much in
19 the minds of the Sports Authority, the Sports and
20 Entertainment Commission and the Anacostia Waterfront
21 Commission that are working together on the stadium
22 design.

23 MR. JEFFRIES: This is a baseball stadium,
24 and that's -- I just want to make certain that, you
25 know, the Commissioners, that we recognize that we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 dealing with a baseball stadium that has to have
2 certain kind of things in order to be successful.

3 In terms of the height, the 130 feet, I
4 mean obviously it's right there at the max. But it
5 would seem to me that, you know, as it relates to
6 looking at various designs, you'd really want the
7 architects to really have enough room to experiment,
8 look at different designs as it relates to this
9 particular area.

10 So I don't want to get into the business
11 of really restricting so much. I think obviously
12 we're going to have another bite at the apple here as
13 it relates to the actual ballpark.

14 But I would hate to see sort of right out
15 the chute, that we are sort of confining the stadium.
16 I would, you know, like to see -- I'd like to sort of
17 address this when we have something in front of us to
18 really look at.

19 MR. HOOD: Any other comments?

20 MR. HILDEBRAND: Just a couple of things.
21 On your comment about the 130-foot height was to
22 address the South Capitol Street facade. But I'm
23 looking at 1606.6, where on South Capitol Street
24 you're specifically asking that anything beyond 110
25 feet be set back 1 to 1. Does that seem to be in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 conflict to you?

2 MR. LAWSON: That was put in because there
3 is some discussion in preliminary discussions on the
4 South Capitol Street study, to require that kind of a
5 setback on all buildings along South Capitol Street.

6 So we included it in here as well so that
7 the baseball stadium would be consistent, provided
8 consistent upper story setback.

9 MR. HILDEBRAND: I guess none of us know
10 what the design of the stadium is going to be, but I'm
11 assuming that a large portion of the site will not be
12 buildable, because you have an open-air stadium for a
13 vast area. So you're going to be limited to
14 construction around the periphery.

15 MS. MCCARTHY: I think it's safe to
16 conclude the FAR will be low.

17 MR. HILDEBRAND: And that leads to my next
18 question, is what is the -- when I was reading through
19 the documentation, I was confused as to whether or not
20 the maximum allowable FAR was going to be six or
21 seven.

22 MR. LAWSON: As we've proposed it, right
23 now the Capital Gateway Overlay District allows an FAR
24 of six for mixed use development or for residential
25 development. It allows a bonus actually for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 residential to go up to seven FAR, which is where that
2 comes from.

3 We're proposing that the FAR for the
4 baseball site allow a commercial development of six,
5 and we feel that will be more than sufficient for the
6 baseball stadium. But again we would provide, you
7 know, good flexibility for the design team.

8 MR. HILDEBRAND: Have you done any massing
9 on what -- massing studies to see how six FAR would
10 actually fit on the site when you subtract the area
11 you're using for the ballpark?

12 MR. LAWSON: We have seen some preliminary
13 massing studies, but really more for the baseball
14 stadium itself, as opposed to a massing study to
15 maximize FAR or anything like that.

16 The intention, as least as far as I know
17 right now, is not to maximize the FAR and the baseball
18 stadium. We put this in because right now, again the
19 Capital Gateway Overlay would restrict non-residential
20 density to three, and it's possible that that would
21 even be enough.

22 But we don't know yet, because we don't
23 have a design. A lot of it will depend on exactly how
24 the stadium is built. So we wanted to make sure again
25 that the flexibility was there to do the kind of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 things that a baseball stadium requires.

2 MR. HILDEBRAND: In a baseball stadium,
3 what portion of the stadium is actually considered
4 FAR? Are the exterior seating, does that count as
5 floor area ratio?

6 MR. LAWSON: Yes. Any place that's
7 enclosed, and I believe that any area which is
8 covered, would also count in FAR. So the open area
9 where the ballpark field is would not count as FAR.
10 But areas all around it would count in FAR.

11 Now how exactly you would calculate FAR,
12 given all the different levels of seating that would
13 be underneath one roof, to be honest I'm not quite
14 sure how that would be done. We can consult with the
15 zoning administrator to get --

16 MR. HILDEBRAND: Are you sure that any of
17 the seating is going to be under a roof? So many
18 stadiums are open air that you may have certain boxes
19 that are contained? But the vast majority of the
20 seats are open air.

21 MR. LAWSON: And that's entirely possible.
22 In which case, we're all going to need the area
23 underneath the seats, which would, you know, probably
24 include offices and concession stands and that kind of
25 stuff. That space would count in FAR. But you're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 right, the seats themselves may not if they're
2 entirely open air.

3 MR. HILDEBRAND: I guess the other thing
4 I'm concerned about with this too, and I think some of
5 your restrictions or recommended restrictions in the
6 text apply, is mitigating noise and light spill.

7 I'm particularly concerned about potential
8 impact of the Capitol, of course. You know, that
9 night time view of Washington is so spectacular as
10 you're approaching the city across the South Capitol
11 Street bridge or on the freeway approaches, and that
12 view you get of the dome of the Capitol illuminated.

13 Now knowing the percentages of time that
14 the stadium will be used for night time events, but
15 assuming that there will be a considerable amount of
16 use in the spring and summer, what impact is that
17 lighting going to have on the Washington skyline? And
18 particularly the Capitol?

19 MR. LAWSON: Well again, this would be one
20 of those issues that will -- that we won't know the
21 answer until we start to see the design and get the
22 information from the design team.

23 That's one of the reasons we wanted to
24 make sure that both views and noise and light issues
25 were among the criteria that the Zoning Commission

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 would use to evaluate the applications. It requires
2 and necessitates that the occupant address those
3 issues and provide the information that's needed to
4 take a look at what the impacts might be.

5 MR. HILDEBRAND: So when you say an L & M
6 of 1606.18, that minimize associate noise and lights,
7 what you mean in all directions. You're not saying in
8 any particular direction? So it's beyond the
9 footprint of the stadium itself?

10 MR. LAWSON: Absolutely, because there's
11 not only the impact on the Capitol; there's also the
12 impact on the surrounding neighborhood. There aren't
13 a huge number of people living there now, but at some
14 point there will be.

15 So we want to make sure that the design
16 team, once they're chosen, once they start to work on
17 this project, understands that these issues that can
18 affect the surrounding neighborhood as well as the
19 skyline of the District as a whole, are of importance
20 to the District.

21 MR. PARSONS: Can I follow up on that or
22 are you --

23 MR. HILDEBRAND: I have another question,
24 but go ahead.

25 MR. PARSONS: Staying on that same list,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 if we can go to D above. I'm not sure what this
2 means. Does this mean -- when you say "using vistas
3 between the ballpark, federal monumental buildings,
4 the waterfront and surrounding neighborhood," what
5 does this mean?

6 Whose view are we looking at when we look
7 at this? Is it the view from the ballpark out towards
8 the Capitol dome perchance, or is it the view from the
9 South Capitol Street bridge and whether you can see
10 the Capitol dome or the scoreboard? Which are we
11 talking about?

12 MR. LAWSON: Kind of the short answer to
13 that would be "Yes, it's all of those and many more
14 as well." Like I mean our principle -- the design
15 team will, without question, be looking at what the
16 views from the ballpark.

17 I think that's an important consideration
18 of theirs in building a baseball stadium for the
19 Nation's Capitol, you know, what is this baseball
20 stadium looking at. What we're equally, if not moreso
21 concerned about, is how the baseball stadium itself
22 affects views.

23 You know, what's the view of the baseball
24 stadium? How does the baseball stadium address
25 important views to other important sites, such as from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the bridge to the Capitol dome?

2 So it's intended to be fairly all-
3 encompassing, so that a fairly complete view analysis
4 would be required of the design team, to assess not
5 only views from the baseball stadium but views of the
6 baseball stadium and views to -- how the baseball
7 stadium impacts views of other important landmarks
8 around the baseball stadium.

9 MR. PARSONS: I cannot imagine any federal
10 monumental buildings that would have a view of this,
11 unless you're in the Capitol dome itself. That's why
12 I'm -- what does that mean?

13 I suggest you take that out and suggest
14 you put one in, is what is the impact on the U.S.
15 Capitol, because that is the premier signature
16 building in this neighborhood. It's going to be on
17 everybody's mind.

18 As I understand it from reading the
19 newspapers, it's critical that the left field line
20 looks at the Capitol, to have that image, the dome of
21 the Capitol. Let's talk about it, not say that
22 there's monumental buildings in the neighborhood,
23 because there aren't, at least not yet.

24 MR. LAWSON: I think I understand what
25 you're saying. We can certainly work on making this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 clear. Certainly the views, the impact on vies to the
2 Capitol dome are a critical issue.

3 MR. PARSONS: Right.

4 MR. LAWSON: I certainly wouldn't have a
5 problem with clarifying this to call that out. I
6 don't think they're the only issue, but I think they
7 are a critical issue.

8 MR. HILDEBRAND: But I think Mr. Parsons'
9 point is well-made, and that is in this list of
10 priorities, I think the minimizing the impact to the
11 Capitol complex is an important criteria.

12 Certainly if your main concern is focusing
13 the seats so that you have a premier view of the
14 Capitol, that may mean that your lighting positions
15 are in the worst possible spot, as it impacts the
16 Capitol.

17 MS. MCCARTHY: Actually, the most
18 important criteria for the orientation of --
19 everything is already around home plate, and the most
20 important criteria is where the batter can stand at
21 home plate and have the least interference from sun,
22 as they're batting and also issues about the fielders
23 and having sun in their eyes.

24 There's also an issue that's been
25 discussed, and I don't believe there's been any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 agreement on views of the waterfront versus views of
2 the Capitol, and which is the most important vista.
3 So I think all of that is still up for discussion.

4 But certainly we can clarify the concerns
5 that the views to the Capitol, Supreme Court and other
6 important buildings in that area not be interrupted or
7 not be interfered with by the stadium, as much as
8 possible.

9 MR. HILDEBRAND: On the parking, I know
10 the parking is sort of legislated here as 1,100
11 spaces. What does that include? Is that parking for
12 all of the additional uses that are envisioned, the
13 retail spaces, the adjunct office space?

14 Is that all encapsulated within this 1,100
15 figure or is that just for the stadium component and
16 all the other uses, that parking gets added on top of
17 it at the regular zoning requirement?

18 MR. LAWSON: I think this another one of
19 those issues that will have to address in much more
20 detail, kind of as we know what all of those other
21 uses are. The 1,100 spaces are for the baseball
22 stadium. That's what they're intended to be for.

23 We're hoping, certainly if there are other
24 uses on the site, that there would be opportunities
25 for sharing of those spaces, particularly if those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 other uses had hours of operation that didn't exactly
2 coincide with the baseball stadium.

3 I don't think anybody particularly wants
4 to see the baseball stadium surrounded by a sea of
5 parking or, you know, a whole bunch of parking
6 structures. So we need to take a very careful look at
7 how parking is being provided.

8 The agreement does require 1,100 spaces.
9 Those are the for the baseball stadium and as part of
10 the baseball master planning process we're definitely
11 looking at, just how to address all of the parking and
12 traffic issues that are going to arise from the
13 baseball stadium, and the other uses around it.

14 MR. HILDEBRAND: Have you looked at the
15 MCI Center and their parking ratio per seat? Does
16 this fall within their ratio?

17 MR. LAWSON: My understanding is that MCI
18 stadium provides very little onsite parking.

19 MR. HILDEBRAND: Little onsite parking.

20 MR. LAWSON: Yes. It's got a great
21 location right downtown with a Metro station right
22 there. But that's one the features that the baseball
23 site kind of shares. There's a major Metro station
24 which has capacity, once it's expanded the way that
25 it's planned to be expanded, to accommodate a great

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 number of people.

2 So that's one of the advantages, and we're
3 certainly going to be through the design process and
4 through all of the work that we're doing, trying to
5 emphasize the use of modes of transportation other
6 than the private automobile going to the baseball
7 stadium.

8 MS. MCCARTHY: In fact, MCI Center has no
9 parking that's open to the public. The 300 spaces
10 that were built with the MCI Center were all for
11 either the team staff and team members or I guess
12 there are some reserved for the highest level of box
13 holders.

14 But so this wasn't -- the thousand spaces
15 that we're talking about, 1,100 spaces that we're
16 talking about for baseball, do include some spaces for
17 people who are driving to the games, not just for
18 private people.

19 MR. HOOD: Okay. Any other comments?
20 Okay. Thank you, Office of Planning. They've heard
21 our comments, Commissioners. I would move approval
22 that we set down Zoning Commission Case 05-08, Capital
23 Gateway Overlay District text amendment, Square 702
24 through 706 and Reservation 247, and I ask for a
25 second.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. JEFFRIES: Second.

2 MR. HOOD: It's been moved and --

3 MR. PARSONS: I would agree with that,
4 with the understanding that Mr. Lawson's going to make
5 an amendment to 1606.18, regarding the Capitol dome.
6 Thank you.

7 MR. HOOD: Would you repeat that?

8 Discussion. 1606 --

9 MR. PARSONS: It's on the last page.
10 1606.18, where we're talking about the protection of
11 the Capitol and the guidelines.

12 MR. HOOD: Okay. We'll see what happens,
13 and I made the statement earlier that they've heard
14 our comments, and I'm sure you made that comment
15 earlier.

16 MR. PARSONS: I'm being repetitive and --

17 MR. HOOD: No, I understand. Exactly.

18 Okay. Now where was I?

19 MR. PARSONS: Now you're going to ask for
20 the vote.

21 MR. HOOD: Okay. All those in favor?

22 (Chorus of ayes.)

23 MR. HOOD: Any opposition? So ordered.
24 Staff, would you record the vote.

25 MS. SCHELLIN: Yes. Staff will record the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 vote 4 to 0 to 1 to approve for set down Case No. 05-
2 08, Commissioner Hood moving, Commissioner Jeffries
3 seconding. Commissioners Hildebrand and Parsons in
4 favor. Commissioner Mitten not voting, and I would
5 just state that this is going to be a rulemaking case.

6 MR. HOOD: Okay. The next case -- thank
7 you, Ms. Schellin. The next case is Zoning Commission
8 Case 05-03, Office of Property Management, District
9 Department of Transportation Headquarters. Office of
10 Planning.

11 MS. BROWN-ROBERTS: Good evening again,
12 Mr. Chairman. I'm Maxine Brown-Roberts. The District
13 of Columbia Property Management has submitted a
14 request for consolidated PUD and accompanying map
15 amendment from the R3C3A and CM 1 districts to the C3A
16 district to house the Anacostia Gateway Government
17 Center, that will the offices of the District of
18 Columbia, Department of Transportation.

19 The development of the government center
20 at this location has been in the planning stage for
21 many years. The proposed development will showcase an
22 architectural style and design that encompasses the
23 civic nature of the building, and at the same time be
24 a signature building at the entrance into the
25 Anacostia area.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The approximately 336,000 square feet
2 development will consist of the Martin Luther King,
3 Jr. wing, which will be the main building fronting on
4 Martin Luther King, Jr. Avenue, and the second smaller
5 building, the Good Hope Wing, fronting on Good Hope
6 Road. Parking will be in an underground garage.

7 The proposed development brings with it a
8 number of qualities that will benefit the public and
9 in particular those in the Anacostia area. The
10 building will have a visitor's parking, various public
11 outreach programs, a daycare center and space to
12 accommodate public community functions.

13 The location of the development at the
14 entrance into Anacostia will contribute to further
15 economic development of the area.

16 The site is currently zoned R3C3A and CM
17 1. The majority of the site is in the C3A district,
18 and the applicant is proposing to rezone the entire
19 site to C3A. The applicant has requested flexibility
20 for some requirements to better accommodate the
21 proposed building.

22 A reduction in the number of required
23 parking spaces by 25 percent is allowed on the Section
24 24.5.6 is requested because of the site's proximity to
25 the Anacostia Metro station, proposed light rail

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 station and three Metrobus stops, in addition to the
2 fact the DDOT's current and future needs are much less
3 than that required.

4 The applicant has requested relief from
5 the required 1 to 1 ratio for roof setbacks and all
6 exterior walls, and the applicant has indicated that
7 they will be in need of flexibility from the side yard
8 requirement for the Good Hope Road wing.

9 Regarding the housing linkage requirement,
10 Section 24.4 requires that the PUD application for
11 office space that requests an FAR greater than that
12 permitted in the Matter of Right zoned district, shall
13 provide or financially assist in the production of
14 housing for low to moderate income persons. The
15 applicant is requesting exemption from this
16 requirement.

17 OP is researching the history of this
18 linkage issue to determine if government projects are
19 subject to this requirement. The Office of Planning
20 and the community strongly supports the proposed
21 government center building, and recommends that the
22 application be set down for public hearing.

23 Office of Planning will continue to work
24 with the applicant towards a more detailed review part
25 at the public hearing, and is requesting that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 applicant provide a roof plan analysis of the yard
2 requirements for the Good Hope wing, a construction
3 management plan, policies to support transit use for
4 further analysis. Thank you, Mr. Chairman.

5 MR. HOOD: Thank you, Ms. Brown-Roberts.
6 Commissioner Hildebrand.

7 MR. HILDEBRAND: In looking at the
8 package, one of the things that struck me was the
9 elevation that faces the Anacostia River, and crossing
10 on the bridges you'll be facing the side of the
11 building as opposed to the more formal front that's
12 going to be on Martin Luther King Boulevard.

13 MS. BROWN-ROBERTS: The formal front is
14 going to be on Martin Luther King.

15 MR. HILDEBRAND: Formal front, right. I'm
16 curious to see if you had discussed at all the sort of
17 monumental riverfront facade as sort of a city vista
18 in relation to the design and creation of the this
19 project.

20 MS. BROWN-ROBERTS: Were you thinking
21 about looking at it from across the river?

22 MR. HILDEBRAND: Yes.

23 MS. BROWN-ROBERTS: I think the applicant
24 is working on some of those views, to take a look,
25 looking from across the river.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HILDEBRAND: Other than the bridges,
2 there's nothing between this structure and the
3 riverfront; is that correct?

4 MS. BROWN-ROBERTS: Currently, there's
5 some buildings there. There's some old buildings that
6 are unoccupied right now on the other side of Martin
7 Luther King.

8 MR. HILDEBRAND: But the view from the
9 11th Street bridge as you're approaching it, there's
10 nothing to obstruct your view?

11 MS. BROWN-ROBERTS: No, there's nothing
12 there currently to obstruct your view. That's
13 correct.

14 MR. HOOD: Mr. Parsons or Mr. Jeffries,
15 questions?

16 MR. PARSONS: We're trying to get caught
17 up. Mr. Hildebrand has done more homework than we
18 have. Which elevation is it, the north elevation that
19 you're concerned about? Because you're looking at it
20 obliquely.

21 MR. HILDEBRAND: Yes. My concern is just
22 what is the view from the waterfront.

23 MR. PARSONS: Good, very good.

24 MR. HILDEBRAND: Particularly with the
25 improved Anacostia Waterfront initiative. It's going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to be a dominant facade.

2 MR. HOOD: Any other questions? I was
3 just trying to -- Ms. Brown-Roberts, I was trying to
4 figure out -- I can't remember if this was discussed,
5 but is there going to be something else, another use
6 in that building besides just the Department of
7 Transportation? City services, I think some type of
8 city service?

9 MS. BROWN-ROBERTS: It's just going to be
10 DDOT, but basically DDOT has some city services. I'm
11 not sure. Do you have a particular --

12 MR. HOOD: I was thinking maybe a one-stop
13 shop.

14 MS. BROWN-ROBERTS: Yes, yes. They're
15 going to have that portion of DDOT -- yes. All that
16 is going to be there.

17 MR. HOOD: Okay, okay. But that's
18 associated with the Department of Transportation, that
19 one-stop shop?

20 MS. BROWN-ROBERTS: Yes, it is. Yes, as
21 a one-stop shop also, but that's a different project.

22 MR. HOOD: Okay. DOES. They have a
23 number of one-stop shops?

24 MS. BROWN-ROBERTS: Yes. But DDOT also
25 has that, so they're going to be in this building

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 also.

2 MR. HOOD: Okay, I got you. Thank you.
3 Any other comments?

4 MR. JEFFRIES: I for one am not very happy
5 with the architecture, particularly given the PUD
6 here. I'm not so unhappy that I won't vote in favor
7 of setdown, but I'd just like to send a message out
8 that I really do think that the applicant and the
9 architect should sit down and spend a little bit more
10 time on how this building fits the ground, the ground
11 floor. It's just, you know, just leaves a lot to be
12 desired.

13 The perspective view 841, it just looks
14 plain vanilla. It just looks like a very monolithic
15 building. It's just not enough sort of delineation
16 and I don't know exactly -- I can't --

17 I don't want to play design review here,
18 but I just think that in terms of, you know,
19 architecture, I just think we can get a lot more
20 articulation in terms of the facade, and also the
21 streetscape.

22 We could spend a little bit more time on
23 the ground floor level. I'm not trying to say give
24 some more rustication or something, but we just need
25 to do a little bit more texture on this thing, because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 it just looks monolithic to me. I just think we can
2 do better at the gateway of east of the River
3 Anacostia.

4 MR. HOOD: Okay. Again, you want to
5 respond?

6 MS. BROWN-ROBERTS: I'm sorry. I will
7 address those things with the architect.

8 MR. PARSONS: I would concur with Mr.
9 Jeffries' remarks, just so you don't think he's alone
10 over here.

11 MS. BROWN-ROBERTS: Okay.

12 MR. HOOD: Ms. Brown-Roberts, you wanted
13 to respond?

14 MS. BROWN-ROBERTS: Yes. I'm not sure if
15 I'm understanding what is the additional thing, when
16 you're talking about the ground floor. Is it the
17 inside of the ground floor, the outside?

18 MR. JEFFRIES: Outside. As you walk along
19 as a pedestrian, when you walk past this building, it
20 just seems rather flat, and I'm just saying there
21 needs to be some more articulation, something that's
22 a little more --

23 MS. BROWN-ROBERTS: More texture?

24 MR. JEFFRIES: Absolutely, yes.

25 MS. BROWN-ROBERTS: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. PARSONS: Mr. Chairman, I move we set
2 this down for a hearing.

3 MR. HOOD: Thank you. Can I get a second?

4 MR. JEFFRIES: I second.

5 MR. HOOD: It's been moved and properly
6 seconded that we set down Zoning Commission Case No.
7 05-03, Office of Property Management, District
8 Department of Transportation Headquarters. Any
9 discussion, further discussion? All those in favor?

10 (Chorus of ayes.)

11 MR. HOOD: Any opposition? So ordered.
12 Staff, would you record the vote?

13 MS. SCHELLIN: Staff will record the vote
14 4 to 0 to 1 to set down Case No. 05-03, Commissioner
15 Parsons moving, Commissioner Jeffries seconding,
16 Commissioners Hildebrand and Hood in favor.
17 Commissioner Mitten not present, not voting, and I
18 would just state that this is going to be a contested
19 case.

20 CHAIRMAN MITTEN: Okay. The next case for
21 hearing action is Case No. 05-02, the Residential
22 Recreation Space text amendment. Mr. Lawson?

23 MR. LAWSON: Thank you, Madam Chair. Once
24 again, my name is Joel Lawson with the Office of
25 Planning. This proposal is to consider amendments to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the residential recreation space regulations.

2 Residential recreation space is a
3 requirement of the C, CR and SP zoned districts. The
4 requirements were added in the 1970's as part of
5 broader changes to the regulations. The requirement
6 now varies from zone to zone, ranging from five to 20
7 percent of the total gross residential flow area.
8 There's no equivalent requirement in the residential
9 or other zoned districts.

10 For many years following their adoption,
11 these regulations were rarely applied, because there
12 was limited residential or mixed use development
13 within the commercial zones.

14 However, more recently the District has
15 seen a stronger housing demand and there have been
16 many residential or mixed use projects proposed and
17 constructed within these commercial zones.

18 While the need for residents of an urban
19 multi-unit buildings to have access to both active and
20 passive recreation opportunities is clear, the
21 question is whether the existing regulations provide
22 the amount and type of recreational opportunities
23 valued by residents, and whether they add to or
24 detract from broader district goals and objectives.

25 For a wide variety of reasons, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 residential recreation space provisions have often
2 proven to be difficult and many requests for relief
3 have been approved, and the Office of Planning has now
4 been requested to bring forward a proposal to amend
5 these regulations to be more in line with current
6 standards and expectations.

7 As a way to initiate this process, OP
8 contacted a number of area architects, builders and
9 land use lawyers who have dealt with this requirement.
10 They, along with District staff from the Office of
11 Planning, the Department of Parks and Recreation and
12 the Office of the Attorney General, met in October
13 2004.

14 Participants noted a range of concerns
15 with the existing regulations, and recommended a
16 series of changes to those regulations. They are
17 detailed in the OP report.

18 I'd like to take this opportunity to thank
19 the many participants for their valuable input at and
20 subsequent to that meeting. The District Department
21 of Parks and Recreation has initiated a broader study
22 to assess park and recreation space needs and
23 provisions throughout the District.

24 As this may substantially influence long-
25 term recreation goals, objectives and priorities, a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 more comprehensive review of the residential
2 recreation space requirements is not recommended at
3 this time.

4 However, specific problems associated with
5 certain aspects of the existing regulations have been
6 identified. So OP is proposing what we're terming an
7 interim measurement of relatively minor amendments to
8 alleviate some of these difficulties and provide some
9 measure of consistency and ease of use.

10 Specifically, OP is proposing a new
11 special exception process for relief from residential
12 recreation space regulations, with review against a
13 set of criteria meant to assess the form and character
14 of recreation space provided in the building and in
15 the neighborhood.

16 Other changes proposed to the specific
17 regulations include reducing the rooftop recreation
18 dimension requirement from 25 feet to eight feet,
19 allowing penthouses for storage and washrooms for all
20 forms of rooftop recreation space, not just swimming
21 pools as is currently the case.

22 As drafted, this would apply to all
23 rooftop recreation space, not just required recreation
24 space in the C, CR, and SP zones. And finally, adding
25 some consistency and order in wording for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 regulation in the various zones, without making
2 substantial changes to the regulations themselves.

3 One major difference between the existing
4 regulations of the various zones is that the CR zone
5 permits private recreation space, such as balconies
6 and patios, to be included in the total required
7 amount, whereas such space cannot be counted in
8 residential recreation space requirements in the SP
9 and C zones.

10 Despite this inconsistency, OP is not
11 proposing to change this formula at this time, as this
12 would represent a substantial change to the
13 regulations in the form of a required amount of
14 recreation space.

15 If the Commission wishes to consider
16 either allowing private recreation space to be counted
17 in all zones, or eliminating this provision from the
18 CR zone, such a change should be included in the
19 notice.

20 OP is not recommending any changes to the
21 amounts of recreation space required, the percentages
22 which vary from zone to zone pending completion of the
23 Parks and Recreation study.

24 Again, if the Commission wishes to
25 consider amending the actual amount of residential

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 recreation space to be required, to increase, decrease
2 or to make more consistent the amount required, or if
3 you wish to allow a discussion of changing these
4 amounts at the public hearing, this should also be
5 included in the notice.

6 Subsequent to submitting the OP report,
7 the Office of the Attorney General noted a number of
8 small additional changes to consider, including minor
9 wording clarifications that do not affect the
10 substance of the regulations, and the following
11 changes for which the Commission should consider
12 prior to setdown and advertisement.

13 In the new sections 52312, 63510 and
14 77312, which describe what the BZA is to consider as
15 part of reviewing requests for relief from this
16 requirement, OAG feels that the clause "compliance of
17 the residential recreation space being provided with
18 other regulations of this section" could be
19 eliminated.

20 Second, new sections 52313, 63511 and
21 77313 note that the application will be forwarded to
22 OP and the Department of Parks and Recreation for
23 review prior to final action. OP rightly points out
24 that this should read prior to hearing action.

25 Finally, Section 635.1, to which OP had

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 recommended wording changes for consistency, OAG feels
2 that it should retain the definition for what is
3 considered residential in the CR zone.

4 These changes can be incorporated into the
5 advertised text. In summary, OP believes that the
6 proposed amendments are not inconsistent with the
7 comprehensive plan, and would further District goals
8 and objectives by encouraging the provision of housing
9 throughout the District, and the provision of more
10 effective recreation space.

11 The Office of Planning recommends that the
12 Zoning Commission set down for public hearing this
13 proposed text amendment, and this concludes my
14 testimony, and we're available for questions. Thank
15 you.

16 CHAIRMAN MITTEN: Thank you, Mr. Lawson.
17 I appreciate you pointing out a distinction that I
18 really had never focused on before, which is that on
19 the CR zone, private recreation space can be counted.

20 I think I'd be inclined to include a
21 change to other zones that would have -- that would
22 allow that. The reason is, in the cases that I've sat
23 on with the BZA, that people do offer that as part of
24 the -- while we're not providing this public
25 recreation space, but we have X square feet of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 private.

2 It becomes part of the discussion. So we
3 might as well -- and the BZA seems to have responded
4 to that. So I think we should at least have it on the
5 hearing notice, so that we can discuss it.

6 So I would want to, in addition to the
7 changes that are proposed, propose changes to other --
8 to the SP and C zones that would incorporate the
9 provision that's in the CR zone, to allow that private
10 recreation space to count towards the total.

11 MS. MCCARTHY: Madam Chair, we can
12 certainly revise it and put that in. Our thought had
13 been to wait until the study was done by the
14 Department of Parks and Recreation that would assess
15 the relative supply of open space throughout the city.

16 We could come back looking at where CR
17 tends to be located and where the other zones are
18 located, and see whether we wanted to make public
19 versus private more dependent on what the overall
20 supply of public open space and recreation space is in
21 particular areas of the city, and to do it more
22 comprehensively then.

23 CHAIRMAN MITTEN: I guess I understand
24 that, and I appreciate you reminding us of that. I
25 guess there's a practical issue, which is that unless

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 we're going to more emphatically forbid the BZA from
2 considering this, I mean, it is forbidden right now.
3 It's not to be counted.

4 But the BZA does take this into
5 consideration in deciding whether to grant relief. So
6 I think that we should at least have a discussion
7 about that when we have the hearing on this case,
8 about whether that's appropriate.

9 If we decide it's not appropriate, then we
10 should give more emphatic direction to the BZA.

11 MS. MCCARTHY: Sounds like a good idea.

12 CHAIRMAN MITTEN: Anyone else have
13 questions or comments?

14 MR. HILDEBRAND: I have a question.

15 CHAIRMAN MITTEN: Would you turn on your
16 microphone?

17 MR. HILDEBRAND: Oh yes, sorry. I do have
18 a question, on how the eight foot dimension was
19 determined. Why eight and why not something else?

20 MR. LAWSON: We're certainly open to
21 discussion on eight feet. We chose eight feet because
22 that's kind of a standard small room size.

23 Anything substantially less than that
24 doesn't allow much opportunity for more than one or
25 two people to use the space at any one time, doesn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 allow for patio furniture and chairs comfortably.

2 Anything much less than that isn't
3 comfortable space, essentially for use as passive
4 recreation space and certainly not for active
5 recreation space. So that's where we came up with the
6 figure of eight feet.

7 Certainly the architects and the
8 developers that we spoke to pointed out the
9 difficulties in dealing with the 25 foot requirement,
10 particularly on smaller lots, buildings with smaller
11 footprints.

12 It was next to impossible in some cases to
13 provide that 25 feet, and again, the BZA has in some
14 instances granted relief from that requirement, to
15 allow space which is less than 20 feet wide to be
16 counted towards the recreation space requirement. So
17 that was our reasoning.

18 MR. HILDEBRAND: So these are just again
19 rooftop? You're not considering balconies at this
20 point. You're talking about rooftop?

21 MR. LAWSON: This was specifically for
22 rooftop space, that's correct.

23 MR. HILDEBRAND: It would be interesting
24 if it was the equivalent of a setback for a penthouse
25 requirement of eight feet. Would that be a reasonable

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 dimension as opposed -- I mean eight seems awfully
2 small.

3 MR. LAWSON: There are just -- what became
4 clear with our discussions with the architects is that
5 there are just so many difficulties and restrictions
6 and practical problems in dealing with rooftop space.

7 There is so much of the area often has to
8 be devoted to other uses altogether, mechanical
9 equipment and such. So even providing, requiring the
10 15 foot would be --

11 We certainly discussed that in-house, and
12 that would present a difficult situation still for
13 many properties where they have to provide the
14 penthouse space in order to get access up to the
15 rooftop, but also have to provide space for mechanical
16 and vents and that kind of stuff that kind of kicks
17 that area out from being counted towards recreation
18 space.

19 But as I say, we're certainly open to
20 discussion on that eight foot requirement.

21 CHAIRMAN MITTEN: Anyone else?

22 (No response.)

23 CHAIRMAN MITTEN: All right. We have a
24 recommendation to set down Case No. 05-02 for a public
25 hearing, and I would so move.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HOOD: Second.

2 CHAIRMAN MITTEN: Any discussion? All
3 those in favor please say aye?

4 (Chorus of ayes.)

5 CHAIRMAN MITTEN: I believe we have none
6 opposed. Mrs. Schellin?

7 MS. SCHELLIN: Staff would record the vote
8 5 to 0 to 0 to set down Zoning Commission Case No. 05-
9 02, Commissioner Mitten moving, Commissioner Hood
10 seconding. Commissioners Hildebrand, Jeffries and
11 Parsons in favor. Just to confirm, this is a
12 rulemaking case.

13 CHAIRMAN MITTEN: Yes ma'am. Next is Case
14 No. 03-30, which is a PUD proposed for 734 - 1st
15 Street, S.W. Is it Mr. Lawson again?

16 MR. LAWSON: That would be me again, Madam
17 Chair.

18 CHAIRMAN MITTEN: Great.

19 MR. LAWSON: You're almost done with me
20 though. Thank you, Madam Chair. Zoning Commission
21 Case No. 03-30 is for the rezoning of Square 643 from
22 R4 to R5C, and a consolidated PUD application to
23 permit the construction of a new five to seven story
24 development, with 21 new condominium units.

25 The project also includes rehabilitation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of an existing landmark church structure as office
2 space intended for use by a non-profit organization
3 with public access.

4 The subject property is located in the
5 intersection of an unopened portion of -- or a closed
6 portion of Delaware Avenue and H Street, S.W. The
7 Southeast-Southwest Freeway is a few blocks to the
8 north of the site, and South Capitol Street is a block
9 to the east.

10 The current proposal represents a
11 significant amendment from the original application,
12 which the Zoning Commission voted about a year ago to
13 not set down for a public hearing, pending the
14 resolution of a number of then-outstanding issues,
15 mainly related to the historic status of the church,
16 the height of the proposed new development, and the
17 amenity package.

18 The applicant has now received historic
19 landmarking of the structure and has altered the
20 design of the new construction to include as
21 retention. Access to the underground parking was
22 shifted to H Street, to allow paved and landscaped
23 courtyard and front of the church structure, and the
24 height of the new construction was lowered to conform
25 to zoning and Height Act requirements.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The applicant has also amended the amenity
2 package from the original proposal. Amenity package
3 evaluation was based on an assessment of the
4 additional development gained through the application
5 process.

6 Under the existing R4 zoning, the maximum
7 development would consist of nine rowhouse lots with
8 a total of approximately 30,000 square feet of
9 development.

10 As the proposed development includes about
11 45,000 square feet, the FAR gained through this
12 process would be just over 15,000 square feet.

13 The applicant has, as part of its amenity
14 package, proffered a historic preservation of the
15 landmark church structure, urban design and
16 architecture, and employment and training
17 opportunities as acceptable amenity items.

18 Following additional discussion with OP,
19 the applicant added an affordable housing unit and the
20 provision of green building or environmentally-
21 conscious design, both of which are strongly supported
22 by OP, but which require additional resolution and
23 detail to ensure that associated conditions are
24 acceptable to the District, for them to be considered
25 amenity items.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 With the inclusion of these items, OP
2 feels that the amenity package is sufficient to
3 warrant set down, and will ensure the refinement in
4 details are available to the Commission prior to the
5 public hearing.

6 The applicant is requesting relief from
7 zoning regulation rear yard, side yard, open court
8 with and roof structure setback requirements. The
9 Office of Planning has no major concerns with any of
10 these requests.

11 Relief to allow the non-profit office or
12 community space within the former church structure is
13 also required. The use of this space is intended to
14 provide for preservation of the volume of the church
15 interior, and to enable public access to the interior
16 of the landmarked building.

17 Although OP is very supportive of the
18 concept of retaining the space for publicly accessible
19 use, and the general conditions on the use of the
20 space proposed by the applicant, we're not yet -- it
21 is not yet possible to comment on the potential impact
22 to the proposed use on the surrounding neighborhood,
23 as the exact user has not yet been established.

24 The applicant has also requested
25 flexibility to offer the space to other permitted non-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 residential uses.

2 As such, OP recommends that unless the
3 applicant confirms a user for the space prior to the
4 public hearing, and provides the necessary information
5 required to assess neighborhood impact, the Zoning
6 Commission not rule on this special exception relief
7 request.

8 The applicant would instead submit this
9 request to the Board of Zoning Adjustment in a
10 separate application following a review of this PUD
11 application by the Commission.

12 In summary, the current proposal would be
13 of high quality and character with other development
14 in the Southwest area, is generally consistent with
15 the comprehensive plan and generalized land use map,
16 provides for the retention of and public access to the
17 landmark church structure, and adds stability and
18 security to the area.

19 The ANC adopted a motion in favor of the
20 revised proposal. As such, OP recommends that this
21 application for a consolidated PUD and map amendment
22 be set down for public hearing. This concludes my
23 testimony on this case, and we are again available for
24 questions. Thank you.

25 CHAIRMAN MITTEN: Thank you, Mr. Lawson.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I just want to focus on where you were sort of leading
2 off at the end there, about the use of the interior of
3 the church.

4 We really do need to sort this out more,
5 because the use by a non-profit organization is really
6 not a special exception.

7 It would be a use variance, and the reason
8 is that the 217 applies to an existing residential
9 building that's a landmark or a contributing structure
10 in a historic district. It doesn't apply to a church
11 that might fit that same description of being a
12 landmark.

13 So if we were to allow non-profit office
14 use or use by a non-profit organization that was
15 different than what would otherwise be allowed in the
16 zone, 217 -- I guess what I'm trying to say is 217
17 does not apply.

18 So if in fact they are making that
19 request, then they would need to meet the standard for
20 a use variance. If they are in fact asking to use it
21 in the more liberal way that they've expressed, which
22 is they're asking for either non-profit office space
23 or other permitted uses in the R5C district, well the
24 other permitted uses would not require any relief. So
25 we really do need to sort that out.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I don't know if you can shed any light on
2 this or not, but I get the feeling that at times, even
3 though they're asking for relief, they're almost
4 suggesting that this is an amenity, that by preserving
5 the interior. Is it your view that this is an amenity
6 or what's driving this?

7 MR. LAWSON: Well, you know, again it gets
8 kind of down to the details of exactly what the use
9 is. We do consider it certainly a benefit to the
10 community if the community retains access to this
11 space, through it being a publicly-accessible non-
12 profit type user.

13 One of the concerns we had about the
14 proposal so far is that we aren't sure that that's
15 going to happen, because we don't know -- although the
16 applicant has said that that is their preference as
17 well, to have that kind of a user, we don't know that
18 for sure.

19 We don't know that the public will have
20 access to this space, to the interior volume of the
21 church, which does have, you know, culture
22 significance to the surrounding neighborhood.

23 So we would consider that a benefit,
24 particularly since the space in theory could be
25 divided up and used, you know, converted to some other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 form of residential or some space like that. We do
2 see what they're proposing in concept to be preferable
3 to that.

4 But whether it rises to the level of
5 amenity, again would depend on who the user is, how
6 much public space is provided, how much of the volume
7 is actually, you know, preserved by this user and how
8 much of it is accessible to the public.

9 CHAIRMAN MITTEN: Thank you. I would also
10 just want to emphasize that the footnote eight on the
11 back, which shows how the different zoning categories
12 and what's being proposed and what's permitted under
13 R5C for each of the various items, you know, the
14 height and density and so forth, there's a footnote 8
15 that says that the designated historic structure, that
16 because it's -- or it suggests that because it's a
17 designated historic structure, additional parking and
18 loading spaces may not be required.

19 I just want to, as we go through this,
20 depending on what the nature of the proposed use turns
21 out to be, or if we get any more specificity, that's
22 only to the extent that the use proposed for the
23 historic structure is not more intense than what had
24 existed.

25 So it's not a blanket. I think that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 right. So we just want to keep that in mind, too,
2 because there may actually be a parking requirement
3 that's associated with it if it's significantly more
4 intense. Anyone else? Questions, comments? Okay.
5 Go ahead. Turn on your microphone.

6 MR. HILDEBRAND: On Sheet S5, I think the
7 architect inadvertently left off the garage roof in
8 calculating their side yards. Since that is a covered
9 one-story pavilion, would that preclude the east side
10 from being considered the 10 foot 1 inch side yard?
11 Would that go down to zero?

12 MR. LAWSON: I'm sorry. Which drawing
13 were you looking at?

14 MR. HILDEBRAND: Well, I'm looking at --
15 the architectural drawings show that the garage
16 entrance ramp is roofed over. It's a one-story
17 structure, and it's right on the property line. Yet
18 they're saying that they have a 10 foot 1 inch side
19 yard setback on the east side.

20 MR. LAWSON: I think right now all I can
21 say is we'll take a look at that, and if additional
22 relief needs to be advertised and required, then we'll
23 clarify that before advertising.

24 MR. HILDEBRAND: Thank you.

25 CHAIRMAN MITTEN: Anyone else? Okay. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have a recommendation to set down case 03-30 for
2 public hearing, and I would just encourage the Office
3 of Planning to work carefully with the applicant, to
4 sort out this issue about the use fo the church space,
5 because it's going to be pretty important as we go
6 forward. But I would move to set down. Is there a
7 second?

8 MR. HILDEBRAND: Second.

9 CHAIRMAN MITTEN: Any discussion? All
10 those in favor, please say aye?

11 (Chorus of ayes.)

12 CHAIRMAN MITTEN: We have none opposed.

13 MS. SCHELLIN: The staff would record the
14 vote 5 to 0 to 0 to approve set down for Case No. 03-
15 30, Commissioner Mitten moving, Commissioner
16 Hildebrand seconding. Commissioners Hood, Jeffries
17 and Parsons in favor. This is contested case,
18 correct?

19 CHAIRMAN MITTEN: Yes. Thank you. Next
20 up is 04-34, which is a proposal from the Zoning
21 Advisory Committee regarding including some
22 flexibility in the zoning ordinance about using
23 pervious materials for paving and parking. Mr.
24 Mordfin.

25 MR. MORDFIN: Good evening, Madam Chair,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 members of the Commission. I'm Stephen Mordfin with
2 the Office of Planning, and this application is to
3 permit pervious services within the zoning
4 regulations.

5 Currently, pervious services are not
6 permitted. Pervious services are those that would
7 permit stormwater to infiltrate the soil, reducing
8 pollution the velocity and the temperature of storm
9 water.

10 Impervious surfaces alter the hydrology,
11 so that most of the storm water enters streams as
12 runoff. This application proposes to allow for
13 pervious striping materials within parking lots under
14 Section 2117.3.

15 OP is in agreement, but rather than the
16 addition of the term "pervious," instead OP recommends
17 the deletion of the term "impervious" to make the text
18 more straightforward.

19 Section 2117.4 sets forth the regulations
20 pertaining to access to parking. OP again recommends
21 the deletion of the word "impervious" for clarity
22 rather than the addition of the word "pervious."

23 However, OP does not recommend the
24 addition of paving standards to this section, as those
25 standards are contained under Section 2117.10.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The Office of Planning also recommends
2 deleting the proposed sentence at the end of that
3 section from the application, as the zoning
4 regulations are not meant to encourage any one type of
5 material.

6 Section 2117 contains the paving
7 standards, and OP again here recommends the deletion
8 of the word "pervious" rather than the addition of the
9 word "impervious."

10 The Office of the Planning also does not
11 recommend the addition of the ASHTO H20 standard,
12 which DDOT has indicated is more appropriate to
13 roadways.

14 Instead, the Office of Planning recommends
15 that any pervious surfaces proposed be certified by a
16 professional engineer licensed in the District of
17 Columbia, or the use of any material that is approved
18 by DDOT.

19 The Office of Planning recommends the use
20 of pervious surfaces for parking lots under Section
21 2303.1, and again here, rather than the ASHTO H20 load
22 standard, the Office of Planning recommends that any
23 pervious paving be certified by a professional
24 engineer licensed in the District, or other materials
25 permitted by DDOT.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Lastly, the application proposes to add
2 LID to permitted environmental benefits for PUDs. The
3 Office of planning is in agreement with this, but
4 recommends the addition of the definition of LID
5 instead, so as not to require the amendment of the
6 definition section, which is Section 199.

7 The Office of Planning does not recommend
8 the addition also of a definition for rain garden.
9 This is a design term and its addition is not
10 therefore recommended. The Office of Planning
11 recommends the set down of the subject application as
12 recommended in the staff report.

13 CHAIRMAN MITTEN: Thank you, Mr. Mordfin.
14 One question, if you know the answer to this. It says
15 that "Use of pervious paving works best in locations
16 with sandy soil." Do we have sandy soil in D.C.?

17 MR. MORDFIN: I don't believe we have,
18 throughout most of the District, I believe it's not
19 sandy soil. So what that would require is that if you
20 were to put this in, you would have to put in a layer
21 of gravel beneath the paving, and you would have
22 drainage pipes that would then drain the water away
23 from the site underground.

24 CHAIRMAN MITTEN: I see, okay. Anyone
25 have questions for Mr. Mordfin or comments? Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Hildebrand?

2 MR. HILDEBRAND: In that same text area,
3 there's a statement that these systems require annual
4 vacuuming of the paving, to keep them pervious. How
5 does that get monitored?

6 MR. MORDFIN: That would be up to the
7 individual owners of those lots to do that. What
8 happens if you don't maintain them, they clog up and
9 then they just function more like an impervious
10 surface.

11 CHAIRMAN MITTEN: Anything else? Anyone
12 else?

13 (No response.)

14 CHAIRMAN MITTEN: Okay. We have a
15 recommendation from the Office of Planning to set down
16 their revised language, and I think there's a lot of,
17 I think, constructive help that's been added by OP's
18 review of the language.

19 I think the spirit is generally still
20 there. So I would move that we set down Case No. 04-
21 34 with the Office of Planning recommended text.

22 MR. PARSONS: Second.

23 CHAIRMAN MITTEN: Any discussion? All
24 those in favor please say aye?

25 (Chorus of ayes.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN MITTEN: Mrs. Schellin, we have
2 none opposed, and Mr. Jeffries has stepped out.

3 MS. SCHELLIN: The staff will record the
4 vote 4 to 0 to 1 to approve for set down as amended by
5 OP, Case No. 04-34, Commissioner Mitten moving,
6 Commissioner Parsons seconding. Commissioners
7 Hildebrand and Hood in favor, and Commissioner
8 Jeffries not present, not voting.

9 CHAIRMAN MITTEN: Thank you. Next is Case
10 No. 04-36, Dorchester House Associates. Mr. Lawson's
11 back again.

12 MR. LAWSON: You just can't shake me.
13 Sorry. Thank you, Madam Chair. This PUD and map
14 amendment application is to permit the construction of
15 a new apartment building in the 2400 block of 17th
16 Street, N.W. The subject site is located in Square
17 2572, which also contains residential buildings and a
18 vacant arena that is the subject of a separate
19 application.

20 In recent years, the neighborhood has
21 received a large amount of in-fill development. The
22 subject property is just over three and a half acres
23 in size, and is currently developed with a large high-
24 rise apartment building with 394 units fronting onto
25 16th Street, N.W.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Parking access is from Kalorama Road to a
2 surface parking lot along 17th Street, S.W. The site
3 is adjacent to but not within the Reed-Cooke Overlay
4 District. The proposed new building would be located
5 over the existing surface parking lot.

6 The applicant wishes to construct a new
7 145 unit apartment building. The building would be
8 five to six stories in height along 17th Street and
9 eight stories further back on the site.

10 Two levels of underground parking would be
11 provided. One level accessed from 17th Street would
12 be for the new development, while the other level
13 accessed from Kalorama Road would replace the surface
14 parking for the existing Dorchester Apartment
15 Building.

16 Access to the new building would be from
17 17th Street. A landscaped courtyard, partially
18 located over the underground parking, would be
19 installed in the area separating the two buildings.

20 The site is currently zoned R5D along 16th
21 Street and R5B along 17th Street. As part of this
22 proposal, the applicant is requesting a rezoning of
23 the R5B portion, so that the entire site would be
24 zoned R5D.

25 The project is designed to conform to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 PUD permit and height for the R5B zone, and would be
2 within the permitted FAR for the requested R5D zone
3 district.

4 The applicant has identified relief from
5 zoning regulations related to number of buildings,
6 rear yard, roof structure, number of enclosures,
7 setback and wall height, and parking space size.

8 The Office of Planning does not at this
9 time have any major concerns with the relief
10 requested, and I'm assuming that we'll get comments
11 from the District Department of Transportation on the
12 parking issue.

13 The amenity package proffered by the
14 applicant is considered by OP to be acceptable for set
15 down. The principle amenity item consists of
16 affordable housing in the form of \$100,000
17 contribution to Jubilee Housing, and the provision of
18 approximately 30 affordable units in the new and the
19 existing building.

20 OP is very supportive of this amenity
21 item, and will work with the applicant to provide the
22 necessary details prior to the public hearing. The
23 applicant is also proposing green building design
24 features, including the replacement of paved surface
25 parking with a landscaped courtyard and the provision

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of a green roof on the new building.

2 OP again is supportive of this amenity
3 item, and has encouraged the applicant to further
4 investigate green building possibilities.

5 OP has also requested that the applicant
6 further investigate ways to improve the visual and
7 functional relationship of the proposed building
8 facade to 17th Street, with any minor amendments to
9 the plans provided to the Commission prior to a public
10 hearing.

11 In summary, OP has no major concerns with
12 the zoning regulation relief requested, and the site
13 development generally conforms with the generalized
14 land use map and the comprehensive plan objectives for
15 the area.

16 As such, the application merits being set
17 down for a public hearing. Thank you, and OP is again
18 available for questions.

19 CHAIRMAN MITTEN: Thank you. Questions or
20 comments for Mr. Lawson?

21 MR. JEFFRIES: Yes, I have one. I drive
22 past here probably twice a week, and I live probably
23 two blocks from this. I don't know. Maybe I should
24 recuse myself. It's pretty tight driving through
25 there, and I see that in your report vehicular and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 pedestrian access, you know, that DDOT, as well as the
2 applicant, is going to spend some time.

3 I'm really interested in seeing how that
4 all sort of plays out, because given the Harris Teeter
5 that is going to be right next door, and 145 new
6 rooftops, I mean we're talking serious density.

7 So it's very tight through there. It
8 simply is. The sidewalk on 17th Street, it's very
9 narrow. So I would very much like to see a lot of
10 drilling down on that aspect of the application.

11 MR. LAWSON: The Office of Planning very
12 much agrees with that, and we certainly expect to have
13 much more detail on that study from the Department of
14 Transportation, you know, prior to any public hearing.

15 There's kind of a second issue that you've
16 raised, and that's kind of the tightness of the space.
17 One of the things that we're working with the
18 applicant is to find ways to kind of either physically
19 or perceptually kind of free up some of that space, to
20 make it feel a bit less clustered, a little bit less
21 confined for pedestrians.

22 Because of course we're trying to
23 encourage more pedestrian movement along the street,
24 in addition to accommodating cars.

25 CHAIRMAN MITTEN: Anyone else?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 (No response.)

2 CHAIRMAN MITTEN: No? Okay. All right.
3 Then it's been recommended that we set down Case No.
4 04-36 for a public hearing, and I would so move.

5 MR. JEFFRIES: Second.

6 CHAIRMAN MITTEN: Any discussion? All
7 those in favor, please say aye?

8 (Chorus of ayes.)

9 CHAIRMAN MITTEN: Mrs. Schellin, we have
10 none opposed.

11 MS. SCHELLIN: Staff will record the vote
12 5 to 0 to 0 to approve for set down Case No. 04-36,
13 Commissioner Mitten moving, Commissioner Jeffries
14 seconding. Commissioners Hildebrand, Hood and Parsons
15 in favor. This would be a contested case.

16 CHAIRMAN MITTEN: Yes. Thank you. Next
17 is Case No. 04-35, which is the Salvation Army
18 proposal along Martin Luther King, Jr. Avenue, and Ms.
19 Brown-Roberts is back.

20 MS. BROWN-ROBERTS: Thank you, Madam
21 Chairman, and again I'm Maxine Brown-Roberts. The
22 Salvation Army seeks review for a consolidated PUD, to
23 develop a community center that would provide a
24 mixture of services, including retail, job training
25 space, health and wellness center, a child and family

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 development center and worship space.

2 The Salvation Army has partnered with the
3 Community Equity Empowerment Partnership to assist
4 with the leadership and employment training program,
5 and a spiritual partnership in realizing individual
6 transformation to operate the wellness center.

7 The site is zoned C2A, and the community
8 center is permitted by right. The applicant is
9 requesting some flexibility regarding the FAR and roof
10 structure requirements.

11 Under the PUD guidelines for the C2A
12 district, an FAR of up to 2.0 is allowed for non-
13 residential uses. The applicant is proposing a FAR of
14 2.5. The additional 0.5 FAR is greater than the five
15 percent increase that Section 24.5.5 of the zoning
16 regulation allows the Zoning Commission to grant.

17 Therefore, OP believes that the increase
18 in non-residential FAR would have to be submitted as
19 a variance request.

20 Flexibility will also be required for the
21 roof structure that are not set back at a 1 to 1
22 ratio, and there is more than one enclosure. The
23 applicant is providing 24 underground parking spaces
24 and believes that this is not sufficient to serve the
25 users of the building, and is pursuing an agreement

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 with the Union Temple Baptist Church to share their
2 parking spaces.

3 The Office of Planning has requested
4 additional information on this agreement. The Office
5 of Planning is also working with the zoning
6 administrator to clarify the appropriate parking
7 generation rate for the proposed uses.

8 The applicant has provided a sidewalk
9 along Morris Road, from which pedestrians can access
10 the daycare center, and a pull-off area for vehicles
11 to enter the parking garage and a dropoff area for the
12 daycare center.

13 OP has some concerns that parents may stop
14 to drop off children along the pull-off area, and this
15 could lead to cars backing up along Morris Road. This
16 is likely if the time taken to exit a dropoff area is
17 lengthened because of traffic along Morris Road.

18 Morris Road is a narrow two-way roadway
19 and is heavily traveled by both cars and buses. OP
20 has requested that the applicant find ways to
21 discourage parents from dropping children off along
22 this road, and will continue to work with the
23 applicant and DDOT to resolve this problem.

24 The generalized land use map recommends
25 moderate density residential for the subject property.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The property is zoned for commercial uses, but the
2 majority of the uses proposed are not commercial, and
3 complement residential uses.

4 The comprehensive plan states that access
5 to cultural and educational facilities are necessary
6 ingredients of neighborhood vitality, and the proposed
7 facility will be an important part of the surrounding
8 community. Therefore, the proposal is not
9 inconsistent with the comprehensive plan.

10 The development will be constructed on
11 property that is currently undeveloped, and this
12 development will contribute to the improvement of the
13 area and encourage other businesses to locate in this
14 area. Together, they will have a positive impact on
15 the revitalization of this area along Martin Luther
16 King Avenue.

17 In addition, the building will be a
18 signature architecture and style, and will set a
19 standard to be followed by other developments in the
20 area. The applicant has had preliminary discussions
21 with the ANC8A and other community organizations, and
22 they are generally in support of the community center.

23 The Office of Planning strongly supports
24 the proposed community center, whose programs are
25 geared towards low to moderate income residents, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 will positively affect the physical, social and
2 economic welfare of the residents they will serve, and
3 will give many opportunities for self-improvement that
4 will assist individuals who will use the services, as
5 well as to the overall community.

6 The Office of Planning will continue to
7 work with the applicant, and in our report, we have
8 requested additional information for more detailed
9 review. The Office of Planning recommends that the
10 applicant be set down for public hearing. Thank you,
11 Madam Chairman.

12 CHAIRMAN MITTEN: Thank you. Questions or
13 comments for Ms. Brown-Roberts? Anyone.

14 MR. PARSONS: I don't have a question as
15 much as I have a comment. I am very troubled by the
16 tower in this design and the sign that faces the
17 Anacostia River.

18 That is not something that we do here in
19 this city, and I just want the let the applicant and
20 everybody know that I really object to the beacon, if
21 you will, that's going to predominate this community.
22 Otherwise, let's have a hearing.

23 CHAIRMAN MITTEN: Thank you.

24 MS. BROWN-ROBERTS: Mr. Parsons, can you
25 clarify for me? Is it the elevator tower or is it the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 cross?

2 MR. PARSONS: It's the sign "The Salvation
3 Army."

4 MS. BROWN-ROBERTS: Okay, thanks.

5 CHAIRMAN MITTEN: I think the areas that
6 you point out for additional work with the applicant
7 are all good, and I do hope you'll work hard to figure
8 out ways not to have the parents dropping off their
9 kids on Morris Road, and maybe the way would be to
10 eliminate the entrance, and have the only entrance be
11 from the dropoff.

12 The other thing is, this is rather a small
13 thing, but having the provision for a running track on
14 the roof of that size just seems like a waste of the
15 roof to me. It just doesn't seem like a practical
16 running track, and that something much nicer could be
17 done with the roof, instead of devoting it to that.

18 So I'd just like you to have an additional
19 conversation with them about that too.

20 MS. BROWN-ROBERTS: Ms. Mitten, I think
21 that's going to be the main use, but I think there are
22 going to be -- it's going to also be open to members
23 of the community who want to maybe have a function up
24 there, that sort of thing.

25 CHAIRMAN MITTEN: Well then maybe you'll

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have to describe better what the track is going to be
2 like.

3 MS. BROWN-ROBERTS: Okay.

4 CHAIRMAN MITTEN: But I remember in
5 college running around in a little circle above a
6 basketball court, and it was really not exercise of
7 any consequence.

8 MS. BROWN-ROBERTS: Okay.

9 CHAIRMAN MITTEN: Okay guys.

10 MR. HILDEBRAND: I think also the blank
11 elevation of -- it's call the CMU wall, that abuts the
12 neighbor's property, I'd definitely like to see more
13 articulation on that wall, and a better description of
14 what it is really going to be. It's very hard to tell
15 from these drawings what's intended.

16 MS. BROWN-ROBERTS: Okay

17 CHAIRMAN MITTEN: Anyone else?

18 MR. JEFFRIES: I'm just trying to get my
19 bearings down, and make certain I'm clear where this
20 is. So how far is this from the Anacostia, the future
21 DDOT location?

22 CHAIRMAN MITTEN: About five blocks.

23 MR. JEFFRIES: About five blocks?

24 MS. BROWN-ROBERTS: It's about five
25 blocks, yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. JEFFRIES: You say Morris Road is
2 heavily traveled, so you're concerned about
3 construction?

4 MS. BROWN-ROBERTS: Yes.

5 MR. JEFFRIES: The construction period.

6 MS. BROWN-ROBERTS: Yes, and applicant has
7 proffered to do a construction management plan, and so
8 we'll be working on that, to work that out.

9 MR. JEFFRIES: Okay, thank you.

10 CHAIRMAN MITTEN: Anyone else? All right.
11 We have a recommendation from the Office of Planning
12 to set down Case No. 04-35 for public hearing, and I
13 would so move.

14 MR. HOOD: Second.

15 CHAIRMAN MITTEN: Okay, we have a motion
16 and a second. Is there any further discussion?

17 (No response.)

18 CHAIRMAN MITTEN: All those in favor,
19 please say aye?

20 (Chorus of ayes.)

21 CHAIRMAN MITTEN: Mrs. Schellin, we have
22 none opposed.

23 MS. SCHELLIN: I'm sorry. Staff would
24 record the vote 5 to 0 to 0, to set down Zoning
25 Commission Case No. 04-35. Commissioner Mitten

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 moving, Commissioner Hood seconding. Commissioners
2 Hildebrand, Jeffries and Parsons, and just to confirm,
3 this too will be a contested case.

4 CHAIRMAN MITTEN: Yes.

5 MS. SCHELLIN: Thank you.

6 CHAIRMAN MITTEN: Next is Case No. 05-09,
7 which is a map amendment for the Metro Light Rail
8 Maintenance Facility that we perhaps don't --

9 MR. PARSONS: Madam Chairman, I move we
10 set this down for public hearing.

11 MR. HOOD: I second.

12 CHAIRMAN MITTEN: Okay. Would anyone like
13 to hear from the Office of Planning, or are you
14 satisfied with their report? Okay. We're satisfied
15 with their report. Mr. Parker stayed all this time to
16 make his presentation.

17 But all right, if there's no further
18 discussion, all those in favor please say aye?

19 (Chorus of ayes.)

20 CHAIRMAN MITTEN: None opposed. Mrs.
21 Schellin.

22 MS. SCHELLIN: Okay. Staff will record
23 the vote 5 to 0 to 0, to approve for set down Case No.
24 05-09, Commissioner Parsons moving and I believe
25 Commissioner Jeffries got in the second.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. HOOD: I gave the second.

2 MS. SCHELLIN: Okay. We'll change that to
3 Commissioner Hood seconding. Commissioners
4 Hildebrand, Jeffries and Mitten in favor. This will
5 be a rulemaking case, correct?

6 CHAIRMAN MITTEN: Yes. All right. Next
7 up is Case No. 01-28, and this is a PUD that we have
8 seen before, but not quite this way. There's been a
9 significant modification to the PUD at 200 K Street,
10 N.E., and Mr. Cochran's here to tell us about it.

11 MR. COCHRAN: Yes, Madam Chair, Stephen
12 Cochran for the Office of Planning, and I'd like to
13 give you an overview and then I'd be happy to continue
14 if you would like me to.

15 CHAIRMAN MITTEN: We'd like brief.

16 MR. COCHRAN: Yes. That's exactly what I
17 intended. The applicant filed for an extension and
18 major modification to a previously approved PUD in
19 Square 749, which is in the Northeast section of
20 Washington bound by 2nd, 3rd, K and L Streets, N.E.

21 The modifications include a request to
22 divide the PUD into a consolidated PUD, which fronts
23 on 3rd Street, and a preliminary PUD, which fronts on
24 2nd Street, as well as a proffer to dedicate over 13
25 percent of the PUD's total gross residential floor

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 space to housing that is affordable to households
2 making no more than 80 percent of the area median
3 income.

4 This affordable housing would be the
5 principal amenity of the modified PUD. It represents
6 28 percent of the project's requested bonus density.

7 The Office of Planning recommends the
8 Zoning Commission set this application down for public
9 hearing, and asks the applicant to address several
10 remaining issues in its prehearing statement. These
11 14 issues are listed on pages 4 to 5 of our OP report.
12 That's the short version.

13 CHAIRMAN MITTEN: That was good. Thank
14 you. We'll see if anyone has any questions for you.
15 Does anyone have any questions for Mr. Cochran?
16 Anyone have any questions or comments.

17 (No response.)

18 CHAIRMAN MITTEN: They do have a lot of
19 work to do. Yes. The comment from Mr. Jeffries was
20 they have a lot of work to do, and Mr. Cochran is just
21 the guy to guide them through.

22 All right. Well, we have a recommendation
23 for a set down from the Office of Planning for Case
24 No. 01-28 for the PUD modification, and I would so
25 move.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. JEFFRIES: Second.

2 CHAIRMAN MITTEN: Thank you, Mr. Jeffries.
3 Any discussion? All those in favor, please say aye?

4 (Chorus of ayes.)

5 CHAIRMAN MITTEN: Mrs. Schellin, I believe
6 we have a unanimous vote.

7 MS. SCHELLIN: The staff will record the
8 vote 5 to 0 to 0, to approve Case No. 01-28 for set
9 down, Commissioner Mitten moving, Commissioner
10 Jeffries seconding. Commissioners Hildebrand, Hood
11 and Parsons in favor, and just to confirm, this is a
12 contested case?

13 CHAIRMAN MITTEN: Yes, it is. All right.
14 Now the home stretch, guys. We have a piece of
15 correspondence related to Case No. 04-19, which are
16 those gorgeous egg-shaped digesters that we saw from
17 WASA. We have a motion to reopen the record, and so
18 the first order of business would be to reopen the
19 record, and I would move that we reopen the record.

20 MR. HOOD: Second.

21 CHAIRMAN MITTEN: All those in favor,
22 please say aye?

23 (Chorus of ayes.)

24 MS. SCHELLIN: The staff will record the
25 vote 5 to 0 to 0 to approve reopening the record in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Case No. 04-19, Commissioner Mitten moving,
2 Commissioner Hood seconding. Commissioners
3 Hildebrand, Jeffries and Parsons in favor.

4 CHAIRMAN MITTEN: Thank you. Now that
5 we've reopened the record, what's causing the problem
6 here is that we were so enamored or at least I was of
7 the design that the applicant had shown, that when it
8 came time, we had already known that the Commission on
9 Fine Arts was considering a more sterile rendering of
10 the egg-shaped digesters.

11 But we departed from what we normally do,
12 which is that we allow the applicant flexibility to
13 accommodate design recommendations from the Commission
14 on Fine Arts. We decided in this case that we would
15 not allow the flexibility as it related to those, you
16 know, those defining elements of the design that we
17 thought were so elegantly rendered.

18 Now the applicant is being sort of
19 buffeted between us. So what's being proposed is
20 attached as Exhibit D to the applicant's request to
21 reopen the record and review our decision. So I'd
22 just open it up for people to comment.

23 MR. PARSONS: Well, I now see what the
24 Fine Arts Commission was talking about. I mean, the
25 Victorian approach, if you will, that we were enamored

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 with, maybe doesn't make sense here, that is too
2 decorative and so forth.

3 This solution is more straightforward. So
4 I'm going to defer to our colleagues up the street
5 here, and say okay for Exhibit D.

6 MR. HILDEBRAND: I would second that as
7 well. I have a huge respect for David Childs, and his
8 opinion carries great weight with me.

9 I would only encourage the applicant to
10 continue to develop this concept to the level of
11 sophistication and detail that the original design was
12 brought to, which I think as a concept, this has a
13 long road to travel before it gets to that level of
14 sophistication.

15 I certainly hope that that detail is put
16 into this solution, so that it's something that the
17 entire city can be proud of. I realize that this is
18 an industrial site, and as such we may not want to
19 draw too much attention to it.

20 But at the same time, I think that this is
21 a good vehicle for an elegant solution, and something
22 that we also can be proud of.

23 CHAIRMAN MITTEN: Anyone else? I just
24 want to say that I just really dearly loved the
25 original design, but it was great. I mean it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 wonderful. But I accept the aesthetic sensibilities
2 of those who are more schooled in these matters than
3 I.

4 So I guess the motion would be to, first
5 to reconsider our decision when we took proposed
6 action in January, I guess it was. So the first
7 motion that I will make will be to reconsider our
8 decision. Can I get a second for reconsideration?

9 MR. HILDEBRAND: Second.

10 CHAIRMAN MITTEN: All those in favor,
11 please say aye?

12 (Chorus of ayes.)

13 MS. SCHELLIN: Staff will record the vote
14 5 to 0 to 0, to approve reconsideration of the prior
15 decision made in Case No. 04-19, Commissioner Mitten
16 moving, Commissioner Hildebrand seconding.

17 Commissioners Hood, Jeffries and Parsons in favor.

18 CHAIRMAN MITTEN: Thank you. And then I
19 would move approval of Case No. 04-19, with the
20 cladding as illustrated in Exhibit D.

21 MR. PARSONS: Second.

22 CHAIRMAN MITTEN: Any discussion? All
23 those in favor, please say aye?

24 (Chorus of ayes.)

25 CHAIRMAN MITTEN: None opposed, Mrs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Schellin.

2 MS. SCHELLIN: Mr. Parsons will not record
3 the vote. I will. Staff will record the vote 5 to 0
4 to 0 to approve Case No. 04-19 as modified and shown
5 on Exhibit D, Commissioner Mitten moving and
6 Commissioner Parsons seconding. Commissioners
7 Hildebrand, Hood and Jeffries in favor. It's been a
8 long night.

9 CHAIRMAN MITTEN: Okay. In the spirit of
10 it being a long night, the last order of business is
11 the election of officers, and I move the status quo.

12 MR. PARSONS: Second.

13 CHAIRMAN MITTEN: All those in favor,
14 please say aye?

15 (Chorus of ayes.)

16 CHAIRMAN MITTEN: Thank you, and good
17 night.

18 (Whereupon, at 10:03 p.m., the hearing was
19 adjourned.)

20

21

22

23

24

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701