

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

PUD and Related Map Amendment
@ Square 643-S, Lot 801,
Trustees of the Corcoran
Gallery of Art and MR
Randall Capital LLC

Case No.
07-13

Thursday,
September 27, 2007

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No.
07-13 by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairperson
GREGORY JEFFRIES Vice-Chairman
MICHAEL G. TURNBULL Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on September 27, 2007.

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VOTE TO APPROVE APPLICATION AMENDMENT AND
POSTPONE 17

THREE TO ZERO TO TWO

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

6:45 p.m.

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia. Thursday, September 27, 2007. Joining me are Commissioners Turnbull and Commissioner Jeffries. Also, to my left are the staff secretary of zoning, Ms. Schellin and Ms. Donna Hanousek. And the Office of Planning to my right, and they will introduce themselves at the appropriate time.

Notice of today's hearing was published in the *DC Register* on April 27, 2007. Copies of today's hearing announcement are available to you and are located to my left in the wall bin near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR 3022. The order of procedures will be as follows;

1. Preliminary matters;
2. Applicant's case;

- 1 3. Report of the Office of Planning;
- 2 4. Report of other government
- 3 agencies;
- 4 5. Report of ANC 6D, in this case
- 5 organizations and persons in
- 6 support, organizations and persons
- 7 in opposition.

8 The following time constraints

9 will be as follows for this meeting;

- 10 1. The Applicant 15 minutes;
- 11 2. Organizations five minutes;
- 12 3. Individuals 3 minutes.

13 All persons appearing before the

14 Commission are to fill out two witness cards.

15 The cards are located to my left on the table

16 near the door.

17 Please be advised these

18 proceedings are being recorded by a court

19 reporter, it is also webcast live.

20 Accordingly, we ask you to refrain from any

21 disruptive noise and actions in the hearing

22 room. When you are finished speaking please

23 turn your microphone off so that your

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1 microphone is no longer picking up sound and
2 background noise. The decision of the
3 Commission in this case must be based
4 exclusively on the public record. Please turn
5 off all beepers and cell phones at this time
6 so as not to disrupt these proceedings.

7 Would all individuals wishing to
8 testify, please rise to take the oath.

9 Ms. Schellin, would you please
10 administer the oath?

11 (Whereupon, the witnesses were
12 sworn.)

13 MS. SCHELLIN: Thank you.

14 CHAIRPERSON HOOD: Okay. Thank
15 you. Ms. Schellin, do we have any preliminary
16 matters?

17 MS. SCHELLIN: Yes, Sir, we do.
18 The first one is a request from the Applicant
19 to amend their application to consider C-3-C
20 in the alternative. The ANC has also filed a
21 request for the postponement and both
22 documents are before you.

23 CHAIRPERSON HOOD: Okay.

1 Colleagues, we have a request in front of us
2 for an amendment and also to amend the
3 application, I think we've all perused the
4 record, it was sufficient.

5 Ms. Brown, did you want to add
6 something other than what we have in front of
7 us?

8 MS. BROWN: Not if it's
9 unnecessary. I was going to make a brief
10 statement explaining the request, but if you
11 have the materials in front of you, I don't
12 need to waste your time.

13 CHAIRPERSON HOOD: If you want to
14 make a brief statement, go right ahead.

15 MS. BROWN: Okay. Thank you.

16 Good evening, members of the
17 Commission. My name is Carolyn Brown with the
18 law firm of Holland & Knight. I'm here on
19 behalf of the Applicant, the trustees of the
20 Corcoran Gallery of Art and MR Randall
21 Capital, the developer of the project. And we
22 are requesting a postponement of this
23 evening's hearing and an amendment to our

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1 rezoning application to include C-3-C in the
2 alternative.

3 As we've referenced in our
4 September 17th letter, we've been asked to
5 study the addition of a tenth floor to the
6 project in order to eliminate a small
7 projecting wing of the north end of the
8 building, which is in the former H Street
9 right-of-way.

10 This was initially suggested by an
11 ANC Commissioner at our Mayor's Agent Hearing
12 in late June. And the Office of Planning also
13 asked us to look at this alternative at a
14 meeting we had with them September 5th.

15 Because the current request for
16 rezoning to C-3-A only permits a height of 90
17 feet, in order to get the extra story at 100
18 feet we need to go to the C-3-C district. And
19 the postponement is necessary to allow us time
20 to develop this alternative scheme in full.
21 We note that the 10 story scheme is our
22 preferred alternative but we still need to
23 present it to the Historic Preservation Review

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1 Board and the ANC and consult further with the
2 Office of Planning. So that will give us
3 enough time to work those details out.

4 We understand that the staff of
5 the Historic Preservation Office is supportive
6 of the 10th floor, as is the Office of
7 Planning, but obviously they will speak for
8 themselves tonight if they wish to comment on
9 it. And we, I think as I mentioned, expect
10 to go back to the Historic Preservation Review
11 Board on October 25th.

12 In our preliminary discussions
13 with your staff we understand that there may
14 be a hearing date open on November 8th. And
15 we would submit any supplemental materials to
16 the Commission 20 days in advance of that
17 date.

18 And the only other thing that we
19 would request is if the Board would, if
20 appropriate, consider any requests for party
21 status this evening. Thank you.

22 CHAIRPERSON HOOD: Okay. I will
23 tell you why, and now understand this is

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1 something I'll be looking at when I rewrite,
2 but I will not be inclined to party status; at
3 least I'm not, and my colleagues may differ.
4 Because a lot of people have not seen the
5 plan, I want to make sure. One thing I will
6 tell you Ms. Brown is that I do like the fact
7 that you want to go back to the community and
8 hopefully try to narrow the gap. And it
9 sounds good, and I think that ANC 6D is also
10 in support of a postponement. But I will not
11 be willing to move for a party --

12 MS. SCHELLIN: Actually, I don't
13 think we have any party status requests.

14 MS. BROWN: No, not to my
15 knowledge.

16 MS. SCHELLIN: No. There aren't
17 any.

18 CHAIRPERSON HOOD: Okay. She asked
19 us to consider party status, and someone may
20 come up. I don't see one myself, you know
21 I do miss things. I know that's hard to
22 believe, but anyway.

23 That's just kind of where I am, 6D

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1 is also in support of your postponement, I
2 believe. And I don't know if we need to hear
3 from 6D but we have a submittal in support of
4 a postponement. The only thing I would like
5 for us to do is to proffer the experts.

6 Okay. I think we can dispose of
7 that tonight, okay?

8 Thank you, Ms. Brown.

9 MS. BROWN: Thank you.

10 CHAIRPERSON HOOD: Let me hear from
11 my colleagues, we have a request for an
12 amendment and also the postponement so they
13 can revisit work with the Office of Planning
14 and also HPRB and also to be able to present
15 this to the community to hopefully bridge the
16 gap. So, I am in favor of both and I open it
17 up for comments.

18 If not, I'll make a motion. Okay.

19 VICE CHAIR JEFFRIES: Chairman, I'm
20 supportive of the request. I'm actually
21 veering into another direction. And I just
22 want to make certain, you know, we're going to
23 be adding an additional story onto the

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1 development, and I'm basically comfortable
2 with that. But I'm still back onto the
3 architecture here. So, I look at the June
4 15th submission, and then I look at the
5 September 7th, and I don't see very many
6 changes. And so I just want to alert the
7 Applicant that I hope that there's definitely
8 a revisit of design.

9 I did note in a few of the
10 correspondence from Holland & Knight that they
11 were going to try to make the distinction more
12 so between historic and new. And I know
13 you're going to come in with new drawings, but
14 I just want to make certain that we're going
15 to revisit some of the architecture. Because
16 I feel very strongly about it.

17 MR. JESICK: Mr. Chairman, I would
18 also agree with Mr. Jeffries. In fact, I
19 think at the last hearing Commissioner Parsons
20 also had some issues. And I guess in looking
21 at some of the drawings the angles of the
22 perspectives have changed a bit, but it
23 doesn't look like a lot of the things have

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1 changed significantly from what we talked
2 about at the previous hearing.

3 So, I would agree with
4 Commissioner Jeffries that those are still on
5 the table to be looked at.

6 VICE CHAIR JEFFRIES: Perhaps, I
7 mean the Applicant wants to speak. I'm
8 looking at just the delta between June 15 and
9 September 7, and during that stretch of time
10 -- to me it doesn't seem like there's been any
11 change in design. And I just want to make
12 certain from September 7th until what we see
13 in November, that there is some change about
14 this design.

15 MS. BROWN: Thank you, Commissioner
16 Jeffries. You know we're trying to
17 accommodate a lot of different, competing
18 interests here. And we certainly want to
19 address every concern that you have. At the
20 time that we were proceeding between June and
21 September, we were before the Mayor's Agent on
22 Historic Preservation, these are plans that
23 are endorsed by HPRB, so we're trying to

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1 balance competing interests as best we can.

2 VICE CHAIR JEFFRIES: Serve many
3 masters.

4 MS. BROWN: Yes. So, you know
5 we'll continue to refine this to accommodate
6 your issues without jeopardizing the approvals
7 that we've already received.

8 VICE CHAIR JEFFRIES: You know,
9 without any direction, the backdrop of what's
10 the historic building here, I mean could be
11 very elegant and not quite as busy. I think
12 in the fenestration, I think it's in the
13 massing. I just want to make certain that
14 I've given sufficient notice at least from
15 this Commissioner about the architecture and
16 that this is something I feel pretty strongly
17 about. So, thank you.

18 COMMISSIONER TURNBULL: I will note
19 that the large Corcoran sign was gone.

20 CHAIRPERSON HOOD: I'm sure it is.
21 Is that Mr. Parsons? Right, I'm sure it is.

22 CHAIRPERSON HOOD: And I do see
23 some movement on green roof, so we appreciate

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1 your efforts on that. Thank you.

2 CHAIRPERSON HOOD: Okay.

3 Hopefully, they can again close the gap. I
4 think the Applicant has heard your comments
5 really loud and clear.

6 Let me do this. Hold your seat
7 right there for a second, Ms. Brown.

8 Mr. Sobelsohn, can you come to the
9 table for a second? And I just want to make
10 sure, I think your letter speaks for itself.
11 Does the ANC have any issues with the
12 amendment or with the postponement?

13 Can you turn your microphone on?

14 I have your testimony, I think
15 it's three or four pages. I have that, I
16 don't want you to read that.

17 MR. SOBELSOHN: Okay.

18 CHAIRPERSON HOOD: Just a simple
19 yes or no will help me.

20 MR. SOBELSOHN: Right. Well we, on
21 September 10, passed a resolution that favored
22 a postponement basically because we hadn't had
23 time to consider fairly significant design

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1 changes only in this month of September. We
2 did not take a position on the amending of the
3 application for the PUD. One of the things
4 that caused us to ask for a postponement is
5 that the idea of amending the PUD for a tenth
6 floor was brand new at that time, and it's
7 still fairly fresh. And we haven't seen a lot
8 of design elements that would make up a tenth
9 floor.

10 CHAIRPERSON HOOD: See, even more
11 reason to support the postponement.

12 MR. SOBELSOHN: Even more reason to
13 support the postponement.

14 CHAIRPERSON HOOD: Okay.

15 MR. SOBELSOHN: That's right. We
16 also have engaged in very serious discussions
17 with the Applicants regarding a community
18 benefits package, and those are still ongoing.

19 CHAIRPERSON HOOD: Okay.

20 MR. SOBELSOHN: We could have a
21 substantial benefit to our neighborhood from
22 this project. And it could also be not
23 particularly helpful to the neighborhood. And

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1 that will depend on our negotiations over the
2 next couple of weeks.

3 CHAIRPERSON HOOD: Okay. Thank
4 you.

5 MR. SOBELSOHN: Should I stay up
6 here?

7 CHAIRPERSON HOOD: You can.

8 Any other questions or concerns?

9 COMMISSIONER TURNBULL: I guess the
10 only thing, on the design. With the change,
11 all of the loading dock and parking accesses
12 on H Street, and where they were huddled, I
13 think where the loading docks were sort of
14 merged together, now they're going to be split
15 apart with entrance into the garage in the
16 middle, which where you had traffic -- but you
17 had diagrams before with trucks. I'm
18 assuming you're going to do something similar
19 to show access in and out in your next
20 iteration on that.

21 MS. BROWN: Yes, absolutely,
22 Commissioner Turnbull. We had several
23 meetings with D that showed those preliminary

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1 sketches, and they were the ones that
2 suggested that we spread it out. And we do
3 have the diagrams that will be submitted for
4 our next package.

5 MR. TURNBULL Okay. Thank you.

6 CHAIRPERSON HOOD: Okay. Anything
7 else?

8 Okay. With that, I would move
9 that we -- let me back up. I won't make that
10 motion, yet. I believe, Ms. Brown, we have
11 three proffered experts that you're going to
12 proffer.

13 MS. BROWN: That's correct.

14 CHAIRPERSON HOOD: Colleagues, I
15 think we've seen all three. Shalom Baranes,
16 Martin Wells and Steven Sher. I don't think
17 we need to do a whole lot on that. Okay. So
18 we will accept that.

19 MS. BROWN: Thank you.

20 CHAIRPERSON HOOD: What I would
21 like to do is make a motion that we allow a
22 map amendment to allow an alternative to
23 rezoning your property to C-3-C district in

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1 addition to consideration of C-3-A. This
2 amendment will allow a ten story scheme.

3 And also I would move that we
4 postpone to a date certain. And Ms. Schellin
5 will give us that date after we carry the
6 motion. So that's my motion and I ask for a
7 second.

8 COMMISSIONER TURNBULL: Second.

9 CHAIRPERSON HOOD: So we move and
10 proper second, all those in favor, Aye.

11 ALL: Aye.

12 CHAIRPERSON HOOD: Any opposition?
13 So would the staff, would you record the vote
14 and give us the date?

15 MS. SCHELLIN: Staff records the
16 vote, three to zero to two to approve the
17 requested amendment to the application to
18 consider C-3-C and the alternative to C-3-A,
19 and for the postponement. Commissioner Hood
20 moving, Commissioner Turnbull seconding,
21 Commissioner Jeffries in support,
22 Commissioners Mitten and Parsons not present,
23 not voting.

1 And the date would be Thursday,
2 November 8th. You will be the second case for
3 the evening. The first case is a very short
4 one.

5 CHAIRPERSON HOOD: Are we sure the
6 first case is a short one?

7 MS. SCHELLIN: It's the emergency
8 amendment on the CBRF, which I've been told is
9 going to be a short one.

10 CHAIRPERSON HOOD: Okay. I've
11 heard that before.

12 Okay. All right. With that what
13 I will do, I won't adjourn, I will just
14 postpone this hearing until November the 8th,
15 after our second case. You may want to show
16 up about 6:45. Okay?

17 This hearing is postponed.

18 (Whereupon, at approximately 7:00
19 p.m. the hearing was postponed until November
20 8, 2007.)

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