

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

JANUARY 14, 2008

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

GREGORY N. JEFFRIES, Vice Chairman
CURTIS L. ETHERLY, JR., Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
STEPHEN MORDFIN
STEVEN COCHRAN
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on January 14, 2008.

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

2 6:46 P.M.

3 CHAIRPERSON HOOD: This meeting
4 will please come to order.

5 Good evening, ladies and
6 gentlemen. This is the January 14th, 2008,
7 Public Meeting of the D.C. Zoning Commission
8 of the District of Columbia.

9 My name is Anthony J. Hood.
10 Joining me is Vice Chairman Greg Jeffries,
11 Commissioners Etherly, May and Turnbull.

12 We are also joined by the Office
13 of Zoning Staff, Ms. Sharon Schellin and Donna
14 Hanousek and Mrs. Bushman. And also with
15 Office of Zoning staff Mr. Ritting from the
16 Office of the Attorney General. And the
17 Office of Planning will introduce themselves
18 at the appropriate time under the leadership
19 of Ms. Steingasser.

20 Copies of today's meeting agenda
21 are available to you and are located in the
22 bin near the door. We do not take any public

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1 testimony at our meetings unless the
2 Commission requests someone to come forward.

3 Please be advised that these
4 proceeds are supposedly being Webcast live.
5 We might not have a picture, we might have
6 voice. We're not sure exactly yet, but
7 hopefully we'll get that taken care of for the
8 citizens of this great city.

9 Accordingly, I ask you to refrain
10 from any disruptive noises or actions in the
11 hearing. Please turn off all beepers and
12 cells phones.

13 Does the staff have any
14 preliminary matters?

15 MS. SCHELLIN: No, sir.

16 CHAIRPERSON HOOD: Okay. I have a
17 few adjustments to the agenda.

18 Under the Consent Calendar Item B,
19 we're going to ask -- we're going to remove
20 that and -- put that on our February agenda.

21 I also want to ask the Office of
22 Planning to do a report for setdown -- a

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1 setdown report.

2 Okay. Again, that particular item
3 on the Consent Calendar B will be moved to our
4 February meeting and we're going to ask the
5 Office of Planning to do a report for setdown.

6 I hope we're all clear. Okay?
7 Right.

8 The next adjustment is Zoning
9 Commission Case No. 07-16. This is a 2300
10 Pennsylvania Avenue. We need some
11 clarification and we're going to try to do a
12 Special Public meeting January the 31st, 2008,
13 at 6:00 p.m.

14 One of the issues in the order we
15 are asking -- we need an explanation,
16 inclusion of the rain water capture system,
17 the plans for the courtyard to be a green roof
18 and the plans to include an on-site business
19 center which would be available to residents.
20 It was proffered, but there was nothing in the
21 -- it shows up no where in the conditions in
22 the order in which we have. So, that needs to

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1 be clarified.

2 Also, we need to have more of a --
3 instead of voting something up and down, we
4 need to have more of a justification of the
5 additional density which is being required.
6 So, I would also ask that we would deal with
7 that on January 31st, 2008, at 6:00 p.m.

8 The next issue -- the next issue
9 is the adjustment of the re-routing of the
10 final action. We're going to take Zoning
11 Commission Case No. 07-13 first, 07-24 second,
12 Zoning Commission Case 03-27A third, 05-37
13 fourth, 05-42 fifth and 07-26. If you
14 remember all that, you're better than I am.
15 Okay.

16 Thank you, Vice Chair. Vice Chair
17 also mentioned to me that we -- go ahead if
18 you could put that on the record.

19 VICE CHAIRPERSON JEFFRIES: Yes.

20 CHAIRPERSON HOOD: This is for
21 Zoning Commission Case No. 07-16 which will be
22 moved to January 31st.

1 VICE CHAIRPERSON JEFFRIES: Yes.
2 2300 Pennsylvania Avenue, Chairman.

3 I think we'd also like to see a
4 comprehensive detail construction management
5 agreement. And we would ask that the
6 applicant -- I mean, obviously, this
7 Commission has seen a number of these types of
8 more comprehensive detailed agreements and
9 we'd like to have the applicant to submit that
10 to the Commission prior to final action.

11 CHAIRPERSON HOOD: And I want to
12 note. This is our second time asking for it.
13 I don't know if they're clear, but I'm sure
14 there are plenty of examples in the Office of
15 Zoning on that.

16 Okay. Anything else?

17 Ms. Schellin? Okay. All right.

18 Under the Consent Calendar our
19 first item is Zoning Commission Case No. 06-
20 46A.

21 Ms. Schellin.

22 MS. SCHELLIN: Just one

1 correction.

2 The agenda lists this incorrectly
3 as a minor modification to a PUD. This is
4 actually a review under the CG Overlay.

5 CHAIRPERSON HOOD: Okay.
6 Colleagues we have a review under the CG
7 Overlay which is under the Consent Calendar if
8 anyone would like to begin I would be most
9 appreciative. Get my stuff together. Okay.

10 Commission May. Thank you.

11 COMMISSIONER MAY: Yes. The --
12 you know, I think that there are a number of
13 modifications that are contemplated in this
14 case that are minor in nature. But the
15 difficulty that I'm having is that there is a
16 great number of modifications and it's a
17 little difficult to follow some of what's
18 described largely words but to somewhat in
19 pictures. But the pictures are kind of -- are
20 a little difficult to follow and it would be
21 helpful to have a more detailed explanation of
22 that.

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1 You know, I think that in total it
2 may be -- they may, in fact, all still be
3 minor modifications, but without a little bit
4 better explanation and having somebody walk us
5 through it perhaps, it's hard -- hard to come
6 to that conclusion.

7 CHAIRPERSON HOOD: Okay.
8 Colleagues, any other comments?

9 VICE CHAIRPERSON JEFFRIES: Yes.
10 Thank you, Mr. Chairman.

11 I would concur. I was having some
12 difficulty. I mean, I think there are --
13 there all individually minor modifications,
14 but I think when you look at them in totality,
15 you're just not certain exactly what's the
16 actual finished project.

17 And so, you know, I would, you
18 know, like to see if we could perhaps, you
19 know, get the applicant and some -- and we can
20 sort of talk about those, you know, some
21 visuals for perhaps, you know, just some
22 demonstration of just some of the changes.

1 Again, they're all minor so I certainly don't
2 want to alarm the applicant that there's a
3 problem. But I just think we just might need
4 to see some illustrations of some of the
5 changes because, you know, sometimes there are
6 so many changes you just don't know really if
7 there's been a shift in the overall, you know,
8 project when you look at the accumulation of
9 so many modifications.

10 CHAIRPERSON HOOD: Okay. Anyone
11 else?

12 I too would agree.

13 But let me ask this. Did we get--
14 in the Office of Planning report to us they
15 mentioned that there were some things that
16 were still outstanding. That come in -- is
17 that what we received tonight?

18 Ms. Schellin.

19 MS. SCHELLIN: There were some
20 additional filings that were given to you this
21 evening. You may not have had a chance to
22 look at them yet. And, I believe Mr. Jesick

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1 is available to update his report.

2 CHAIRPERSON HOOD: Mr. Jesick,
3 there were some things in the report which the
4 Office of Planning was waiting upon I think as
5 of January 11th, they were not received.

6 MR. JESICK: Sure. We listed
7 three topics we were waiting for additional
8 information on and we feel that all the
9 outstanding issues have been addressed. I'll
10 just address them briefly in order.

11 On the issue of the Metro Screen,
12 I believe the Commission received updated plan
13 sheets and, for example --

14 CHAIRPERSON HOOD: We will see
15 them tonight? Is that what we got tonight?

16 MR. JESICK: Yes. I believe you
17 received them.

18 VICE CHAIRPERSON JEFFRIES: Right.
19 Right. Right.

20 MR. JESICK: And the applicant has
21 provided some more information on the screen
22 detailing the materials and how the glass will

1 be treated.

2 For example, on Sheet A-12A, as
3 Mr. Jeffries was referring to, they show some
4 green -- some glass that appears green because
5 it is backlit by some colored lights. And
6 that's referred to in the label that points to
7 the material. White-frosted laminated glass
8 with colored lights behind and the applicant
9 has assured me that that actually is -- meets
10 multi-colored lights.

11 The intent there was to get at the
12 original approval which had a multi-colored
13 LED screen which was disapproved by WMATA for
14 various reasons. But we wanted to insure that
15 the intent of that original design was
16 maintained as much as possible in the new
17 design.

18 The second issue was the green
19 roof and, again, in the new plan sheets, the
20 applicant has shown more clearly how they meet
21 their 30 percent commitment for the green
22 roof.

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1 And the third issue was the amount
2 of retail space.

3 And I believe also this evening
4 the Commission received an 8-1/2 by 11 diagram
5 showing in detail the square footages of the
6 various retail and residential areas in the
7 southern building. So, we feel that all of
8 our outstanding issues have been resolved.

9 CHAIRPERSON HOOD: Thank you, Mr.
10 Jesick and thank you, Ms. Schellin, for making
11 sure we had it in front of us.

12 Okay. I've heard from my
13 colleagues.

14 Anyone else?

15 So, why don't we do this because I
16 know we spent a lot of time preparing. Why
17 don't we try to do a Special Public Meeting?
18 Do we have some dates? And this is just for
19 us, I guess, I don't want to say point to us.
20 We don't necessarily need a pictorial, but
21 come in and explain to us exactly on how --
22 what's being proposed here.

1 MS. SCHELLIN: January 28th at
2 6:00 p.m. I'm getting a nod from the
3 applicant's attorney.

4 CHAIRPERSON HOOD: 6:00.

5 MS. SCHELLIN: So, maybe they
6 could provide us with their filing by the
7 22nd?

8 CHAIRPERSON HOOD: And do we have
9 to do notice or anything?

10 MS. SCHELLIN: I just have to
11 notice -- five-day notice for the Special
12 Public Meeting.

13 CHAIRPERSON HOOD: Okay. All
14 right. So, that's agreeable.

15 Mr. Jeffries.

16 VICE CHAIRPERSON JEFFRIES: But,
17 Mr. Chairman, I just want to make certain.

18 I -- I don't think that we're
19 looking for a lot of information here. I just
20 think it's really perhaps, you know, the
21 applicant could give some drawings or
22 something to just sort of illustrate some of

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1 these modifications. And it might be
2 sufficient that we don't necessarily need to
3 have a presentation. Or we might get it and
4 determine that there might be a few things we
5 do have questions about. But I don't think it
6 should be more than 20 or 30 minutes.

7 CHAIRPERSON HOOD: So, basically--

8 MS. SCHELLIN: We actually have a
9 hearing a 6:30 so --

10 VICE CHAIRPERSON JEFFRIES: Yes.
11 Okay.

12 MS. SCHELLIN: -- if the applicant
13 would basically have 15 minutes if needed for
14 presentation or they could just be available
15 for questions once you receive the written
16 submittal.

17 VICE CHAIRPERSON JEFFRIES: Right.
18 I mean --

19 CHAIRPERSON HOOD: So, are we
20 looking at January 26th at 6:00?

21 MS. SCHELLIN: January 28th.

22 CHAIRPERSON HOOD: 28th.

1 MS. SCHELLIN: The 26th is a
2 Saturday.

3 CHAIRPERSON HOOD: The 28th at
4 6:00. And basically if you can come down with
5 some one-page graphics.

6 COMMISSIONER MAY: Yes. I think
7 it would be very helpful for the things that
8 are graphic or can be graphically represented
9 to have a very clear kind of before and after
10 because it's difficult to follow with a number
11 of changes right now.

12 CHAIRPERSON HOOD: Okay. All
13 right.

14 Thank you.

15 Anything else on that? Let's move
16 right along with our agenda.

17 Hearing Actions on Zoning
18 Commission Case No. 05-28A. Office of
19 Planning, Mr. Mordfin. I wonder how I figured
20 that out.

21 MR. MORDFIN: That's why you're
22 the Chairman.

1 Good evening. I'm Stephen Mordfin
2 with the Office of Planning.

3 And Block A, B and C of Parkside
4 were approved for residential development use
5 under Zoning Commission Order 05-28. Block A
6 was approved for use as a Senior Citizen
7 apartment building. And consistent with that
8 approval, the subject application proposes the
9 development of a 98-unit four-story apartment
10 building with 18 off-street parking spaces.

11 It will be affordable at 60
12 percent AMI and as the proposed building is
13 smaller than the maximum set previously, it
14 does not exceed the criteria within that
15 order.

16 Some design changes have been made
17 to this building which the Office of Planning
18 supports. The building has been rotated 180
19 degrees with the result that the main entrance
20 to the building will face the residences on
21 the opposite of Barnes Street giving more
22 residential feel to that street.

1 The overall density for Blocks B
2 and Block C is less than what was previously
3 approved under 05-28. Block B was approved
4 for development as rowhouses, but Block C was
5 approved as apartments.

6 However, the application now
7 proposes rowhouses only for both of those
8 blocks. Block B will be more dense than was
9 originally proposed and Block C less.

10 Blocks B and C will be developed
11 with rowhouses fronting on public streets. As
12 two, three and four bedroom units these units
13 will be designed to accommodate families of
14 different sizes. The mixture of housing types
15 and the proposed open space is fundamentally
16 consistent with the Stage 1 approval.

17 Rear access to the units will be
18 provided from a private alley system. The
19 rowhouses will contain a mixture of one and
20 two car garages and for those units that will
21 be improved with off-site parking -- rather,
22 off-street parking.

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1 Some of the units will have no
2 off-street parking, but will contain a rear
3 yard instead. Should the application be set
4 down by the Commission, the Office of Planning
5 will request comments from DDOT on the private
6 alley design.

7 Although the density of these two
8 blocks is less than allowed under the previous
9 application, the Office of Zoning supports
10 this change. The type of development is urban
11 with streets lined with rowhouses. The
12 architecture of rowhouses has been found to be
13 acceptable as the block is located -- these
14 are the blocks located the farthest from the
15 Metro Station and the reduction in density
16 over that previously approved has been found
17 to be acceptable.

18 The Phase I PUD still proposed
19 increased density and building heights within
20 Parkside as one gets closer to the proposed
21 new pedestrian access to the Minnesota Avenue
22 Metro Station.

1 The application has also been
2 found to be in conformance with the
3 Comprehensive Plan and that it will further
4 policies contained in the land use
5 transportation, housing, and environmental and
6 urban design element, as well as the far
7 northeast and southeast area element.

8 The subject application is also in
9 conformance with the conditions of the Phase
10 I PUD approval in that it is consistent with
11 the PUD-related map amendment for the site, is
12 generally in accordance with the plans and
13 materials submitted as part of the first stage
14 PUD approval.

15 The subject application refines
16 the proposed development to blocks A, B and C
17 and includes a listing of the proposed
18 benefits and amenities. Four, it is
19 consistent with the density and building
20 heights approved under the Phase I PUD
21 application with changes as enumerated with
22 the staff report. Five, the senior citizen

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1 apartment building will be affordable for at
2 least 30 years and will not be offered for
3 sale. Six, the rowhouses will be sold at
4 market and work force housing rates.

5 Landscape and architectural plans
6 were submitted as a part of the application.
7 A traffic study was submitted as a part of the
8 application and the applicants have indicated
9 that they are working with PEPCO and other
10 District agencies in providing landscape
11 buffering across the PEPCo frontage on Foot
12 Street.

13 The applicant did not submit an
14 analysis of the potential for providing access
15 to parkside from Benning Road but did indicate
16 that this would be submitted prior to the
17 public hearing.

18 The Office of Planning will review
19 and comment on that document once it is
20 received.

21 The Office of Planning recommends
22 that this application be setdown for public

1 hearing and is generally consistent with
2 Zoning Commission Order 05-28 and also with
3 the provisions of the Comprehensive Plan.

4 Thank you.

5 CHAIRPERSON HOOD: Okay. Thank
6 you, Mr. Mordfin.

7 Colleague, any questions?

8 Let me just start off.

9 When I looked at the pedestrian
10 bridge those are the kind of amenities that
11 I'm looking at when it calls for sustaining
12 the life of the project. You know, those
13 contributions you make to organizations are
14 good but they don't last long. But this kind
15 of popped out at me and I want to commend the
16 applicant on that pedestrian bridge.

17 But let me just ask this.

18 The applicant is going to make
19 sure that this action -- this pedestrian
20 bridge happens. Right?

21 MR. MORDFIN: Well, the applicant
22 is going to make the financial contribution of

1 I believe 25 percent or up to \$3 million
2 towards the construction of the bridge. I
3 believe it is a project of DDOT to construct
4 that bridge.

5 CHAIRPERSON HOOD: DDOT is going
6 to make sure. But I'm sure that will be
7 discussed at the hearing. But that's the kind
8 of amenities that I'd really like to see.
9 Understand if anybody was listening.

10 Okay.

11 COMMISSIONER MAY: I just wanted
12 to follow up, if I could, on the bridge
13 question.

14 It refers to the fact that DDOT
15 has committed \$5 million to the pedestrian
16 bridge. Do I have that right? That number
17 right?

18 MR. MORDFIN: I don't recall the
19 figure for the towbridge.

20 COMMISSIONER MAY: I think that's
21 what it was and I'm wondering what that
22 actually means in terms of a commitment. Does

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1 that mean somebody came to a meeting and said
2 "yes" we'll put in \$5 million or is it -- is
3 it actually money in the capital budget?

4 MR. LAWSON: Essentially what's
5 happening with the bridge is that the
6 applicant is working really closely with both
7 DDOT and the deputy mayor's office on the
8 design and construction of the bridge and that
9 includes how the bridge is going to be
10 financed.

11 I haven't actually received an
12 update for a little while on where the bridge
13 is at. But I have heard that the discussions
14 are going really well, that the -- and if you
15 wish, we can certainly provide a much more
16 detailed update at the public hearing.

17 COMMISSIONER MAY: Okay. Yes.
18 I'm not so much concerned about the details of
19 how it will be financed in total. But if
20 there's a commitment from DDOT I'd like to
21 know what the nature of that commitment really
22 is because that's something can be real

1 intangible. For example, if it is \$5 million
2 in the capital budget and it's already in and
3 it's approved, then I think we can have high
4 confidence that things will move along. But
5 if it's a, you know, a commitment to pursue
6 capital dollars for it or, you know, that's a
7 different story.

8 Now, of course, it could also be
9 financed through other means that DDOT might
10 have available so whatever those are, that
11 would be enough.

12 I have some other questions if I
13 may continue?

14 The -- I assume that when we get
15 to the hearing that we'll get a little bit
16 more information on the things that we
17 typically look at in terms of the drawings
18 that have been provided, elevations and the
19 materials that are being used and all those
20 sorts of things. Because some of that stuff
21 is in there on some of the drawings and it's
22 not on some of the others. And I just would

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1 like to make sure that we get sort of the same
2 level of information and that the drawings are
3 properly dimensioned and all those sorts of
4 things that we're looking for.

5 The last thing that I would
6 mention which I think is very important is
7 that what we've seen in this plan is a change
8 from one kind of diagram for how the
9 townhouses might be laid out to a different
10 one and then in the new one what we have
11 essentially is the -- is the rear yard has
12 become alley space. And when we talk about
13 something, you know, having a 50 or 60 percent
14 lot occupancy and a substantial portion of
15 what's not occupied is alley space, it starts
16 to get me very uncomfortable and I just wanted
17 to say that in advance of the hearing, not
18 that -- that this is a show-stopper for me but
19 I just want to make a statement in general
20 that to me alleys aren't open space and I know
21 that this is a current trend and we've seen it
22 already in a lot of projects going back to

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1 when I was on the Zoning Commission back in
2 the early 2000's. But, I'm not a big fan of
3 that and I think that that's something that we
4 should have a more in-depth discussion of.
5 But all things considered I'm certainly in
6 favor of setting this down for a hearing
7 tonight.

8 CHAIRPERSON HOOD: Any other
9 comments?

10 Hearing none.

11 COMMISSIONER ETHERLY: I guess I
12 would just like to agree with Mr. May that
13 we've often seen a lot of projects and this is
14 becoming more and more prevalent that, you
15 know, the alleys are actually being considered
16 or talked about as open space when in reality
17 they're not really an amenity for the people
18 living there.

19 VICE CHAIRPERSON JEFFRIES: Mr.
20 Mordfin, I have a question.

21 So, has there been an updated
22 general site plan?

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1 MR. MORDFIN: For all of Parkside?

2 VICE CHAIRPERSON JEFFRIES: Yes.

3 Show me the modifications to the three --

4 Parcel A, B and C. I think that's what we

5 called them.

6 MR. MORDFIN: It's Blocks A, B and

7 C and there is a drawing that shows the

8 updated for those three.

9 VICE CHAIRPERSON JEFFRIES: Oh,
10 yes. I got that.

11 MR. MORDFIN: Drawing A. Okay.

12 VICE CHAIRPERSON JEFFRIES: I got
13 that. I was just trying to put those three
14 blocks in the context of the overall zero site
15 plan and perhaps it's here. I just don't see
16 it.

17 MR. MORDFIN: If there's not one
18 included, we'll make sure that there is one
19 included with the final report.

20 VICE CHAIRPERSON JEFFRIES: Okay.
21 Thank you.

22 CHAIRPERSON HOOD: All right.

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1 With that, I would move that we set down
2 Zoning Commission Case No. 05-28A and ask for
3 a second.

4 COMMISSIONER MAY: Second, sir.

5 CHAIRPERSON HOOD: It's been moved
6 and properly seconded.

7 All those in favor?

8 (AYES)

9 CHAIRPERSON HOOD: Any opposition?
10 So ordered.

11 Staff, would you record the vote.

12 MS. SCHELLIN: Yes. Staff records
13 the vote five to zero to zero to set down
14 Zoning Commission Case No. 05-28A.

15 Commissioner Hood moving, Correct?
16 er Etherly seconding. Commissioners Jeffries,
17 May and Turnbull in support and this is being
18 set down as a contested case.

19 CHAIRPERSON HOOD: Thank you.

20 Before we move to Final Action,
21 juggling the agenda around, I omitted the
22 Office of Planning's Status Report.

1 So, let's go back to that now why
2 we're all are here.

3 Ms. Steingasser.

4 MS. STEINGASSER: Mr. Hood,
5 Commissioners.

6 Probably the most important thing
7 on our Status Report this month is the update
8 on our Comprehensive Zoning Review. Our next
9 general task force meeting is Wednesday,
10 January 23rd, which is next week. And the
11 week following we will begin focus group work
12 on height, flood plain and parking.

13 And in terms of height, just for
14 the record, we are not looking at any type of
15 major changes to the Height Act, so I just
16 want to put that out and calm people's concern
17 on that.

18 We're looking at finding common
19 and historic definitions of measuring point,
20 meaningful connections between buildings. The
21 things that we've wrestled with, especially
22 with the PUDs over the years trying to nail

1 those down in terms of definition. So, that's
2 what we're looking height.

3 Flood plains we're looking at FEMA
4 has just released proposed new flood plain
5 maps. So, we're trying to assess their
6 meaning to the city and what does it mean for
7 building code? What does it mean for
8 development? How do we want to proceed with
9 that? And then parking -- our parking is
10 obviously very -- our standards are very
11 outdated. They're 1958 standards. We want to
12 look at more modern, more urban in some areas.
13 More suburb on how we approach those. So,
14 those three task forces will be -- focus
15 groups will be moving forward the week
16 following the 23rd.

17 CHAIRPERSON HOOD: Okay. Anything
18 else for the Office of Planning?

19 I do want to make a public
20 announcement that I am a member of the task
21 force. Case law does show that I can
22 participate but I'm going to do this quit a

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1 bit because it has been something and a few
2 issues raised. If anyone has an issue with me
3 participating on the task force, please let me
4 know far in advance because those evenings I
5 can go home and get some rest. I really
6 could.

7 Okay. Thank you.

8 Anything else for the Office of
9 Planning?

10 All right. Thank you.

11 Okay. Now, we're going to move to
12 Final Action in the order which we said
13 earlier.

14 First one is F, Zoning Commission
15 Case No. 07-13. Corcoran Gallery of Art.

16 Ms. Schellin.

17 MS. SCHELLIN: On this one we do
18 have a couple of items. We need the Zoning
19 Commission to reopen the record to accept.
20 Those are exhibits 72 which is a supplemental
21 DDOT report, 73 which is the request from the
22 applicant to reopen the record so that they

1 could respond to NCPC's report and Exhibit
2 Number 75 which is the Transportation
3 Management Plan that the Zoning Commission did
4 ask for and was submitted by Wells &
5 Associates.

6 CHAIRPERSON HOOD: Ms. Schellin,
7 what was the first exhibit?

8 MS. SCHELLIN: 72.

9 CHAIRPERSON HOOD: 72 and 73.
10 Okay.

11 MS. SCHELLIN: DDOT Supplement.

12 CHAIRPERSON HOOD: Okay.

13 MS. SCHELLIN: 72, 73 and 75.

14 CHAIRPERSON HOOD: 75.

15 Colleagues, I would move that we reopen the
16 record to accept this vital information,
17 Exhibit 72, 73 and 75 and ask for a second.

18 COMMISSIONER TURNBULL: Second.

19 CHAIRPERSON HOOD: It's moved and
20 properly seconded.

21 All those in favor?

22 (AYES)

1 CHAIRPERSON HOOD: Any opposition?

2 So ordered.

3 Staff, would you record the vote.

4 MS. SCHELLIN: Staff records the
5 vote five to zero to zero to reopen the record
6 in Zoning Commission Case 07-13 to accept the
7 filings at Exhibit 72, 73 and 75.

8 Commissioner Hood moving,
9 Commissioner Turnbull seconding.
10 Commissioners Etherly, Jeffries and May in
11 favor.

12 CHAIRPERSON HOOD: Okay. Let's
13 get right to the issue between NCPC and the
14 applicant about the Height Act.

15 The Zoning Commission actually has
16 precedent that has been established and we've
17 had this discussion previously.

18 Our role in judging PUD
19 applications is to apply the standard of
20 Chapter 24 by the zoning regs. Actually the
21 Zoning Administrator has the authority to deny
22 issuance of the building permit if the

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1 building violates the Height Act.

2 When we took this particular case,
3 I don't think there was anything relevant or
4 clearly showed that we were approving a PUD
5 which just blatantly violated the Height Act.
6 So, I think that it was not a clear-cut
7 infraction up front. So, I am in tune with
8 basically letting the process as has been done
9 previously with the Zoning Administrator deal
10 with the issues of the height in this
11 particular case.

12 And if there is anyone that want
13 to proceed any further then we can that at
14 this time. If not, we will move forward to
15 the other issues.

16 Anyone? Okay.

17 Silence means a lot.

18 The next issue is we had asked
19 that in the transportation there was a lot of
20 issues and contradictions were by the
21 opponents -- some of the opponents and Mr.
22 Osbourne George, transportation consultants,

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1 saw some fallacies in Mr. Wells', his
2 company's transportation analysis. And we
3 asked that they look at some of the -- we
4 asked DDOT, Department of Transportation to
5 look at some of the fallacies and report back
6 and which they actually did.

7 So, I'm looking at Exhibit 72 and
8 I'm going to ask my colleagues to turn with me
9 to page 2 of 72. I think they basically left
10 it up to us whether they move this or not to
11 require or ask the applicant to include this--
12 restrict students' bus pick-up/drop-off to I
13 Street and 1st Street only. Restrict truck
14 deliveries to weekday, off-peak periods and
15 Saturday only and/or employ flaggers to
16 monitor loading as recommended in the DDOT
17 report and restrict truck waiting and idling
18 on the adjacent sections of H Street and
19 Delaware Avenue north of I Street.

20 And it goes on to say it is also
21 important that the TDM commitments be in the
22 Transportation Management Plan be instituted

1 in the zoning order.

2 And it spoke also about the
3 easement. So, I guess, my colleagues, I want
4 to know if anyone is moved to maybe ask the
5 applicant to include this in the order? If it
6 would help you, I am.

7 COMMISSIONER MAY: Yes. Yes.

8 CHAIRPERSON HOOD: Okay. Okay.

9 So, I guess we would ask the
10 applicant to include that in the order in the
11 Transportation Management Plan. Okay.

12 Anything else outstanding on this?

13 Anything?

14 All right, then. I will move
15 approval of Zoning Commission Case No. 07-13
16 with the amendments articulated and ask for a
17 second.

18 VICE CHAIRPERSON JEFFRIES:

19 Second.

20 CHAIRPERSON HOOD: Moved and
21 properly seconded.

22 All those in favor?

1 (AYES)

2 CHAIRPERSON HOOD: Any opposition?

3 So ordered.

4 Staff, would you record the vote?

5 MS. SCHELLIN: Staff records the
6 vote five to zero to zero to approve final
7 action on Zoning Commission Case No. 07-13 as
8 amended.

9 Commissioner Hood moving,
10 Commissioner Jeffries seconding.

11 Commissioners Etherly, May and
12 Turnbull in favor.

13 CHAIRPERSON HOOD: Okay.

14 Next is G, Zoning Commission Case
15 No. 07-24. This is a text amendment to 11
16 DCMR, Elimination of Certificate of Occupancy
17 Requirement for Community Based Residential
18 Facilities Housing Six or Less Persons with
19 Disabilities. And this is the second request
20 for an emergency.

21 Ms. Schellin.

22 MS. SCHELLIN: This was an item

1 that the Office of the Attorney General asked
2 us to place on the agenda. The order will not
3 published in the D.C. Register until January
4 25th and because the emergency has expired we
5 need to put something in place until the order
6 is actually published.

7 CHAIRPERSON HOOD: Okay. I think
8 that's pretty straightforward.

9 I would move approval of the --
10 let me ask this.

11 The emergency is 120 days or 90
12 days? 120 days.

13 I'll just move it like this. I'll
14 move approval of the Zoning Commission Case
15 No. 07-24 for an additional emergency and ask
16 for a second.

17 COMMISSIONER TURNBULL: Second.

18 CHAIRPERSON HOOD: It's been moved
19 and properly seconded.

20 Any further discussion?

21 All those in favor?

22 (AYES)

1 CHAIRPERSON HOOD: Any opposition?

2 So ordered.

3 Staff, would you record the vote?

4 MS. SCHELLIN: Staff records the
5 vote five to zero to zero to approve emergency
6 action is Zoning Commission Case 07-24.

7 Commissioner Hood moving,
8 Commissioner Turnbull seconding.

9 Commissioners Jeffries, Etherly
10 and May in support.

11 CHAIRPERSON HOOD: Okay. Next
12 which is going to Item A.

13 Zoning Commission Case No. 03-27A,
14 Clemons 4600 Partners, LLC - PUD Time
15 Extension.

16 Ms. Schellin, I'll give you a
17 minute and when you're ready, we're ready.

18 MS. SCHELLIN: This is a request
19 from the applicant for an extension of time
20 through November 18, 2009, for filing of the
21 building permit and November 10, 2010, for
22 construction to begin.

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1 CHAIRPERSON HOOD: Colleagues,
2 this is a request for a time extension.

3 Only issue that I have is I
4 believe this is properly before us because I
5 thought the time extension expired in November
6 2007, so obviously they made a request prior
7 to that date.

8 MS. SCHELLIN: Exactly.

9 CHAIRPERSON HOOD: Okay. Any
10 further discussion?

11 VICE CHAIRPERSON JEFFRIES: Yes.
12 And, you know, just to, you know, put on the
13 record here that the applicant's, you know,
14 basis for requesting this extension is just,
15 you know, changes in the residential
16 condominium market and needing more time to
17 obtain project financing which obviously in
18 this market seems like a reasonable basis for
19 a request for an extension.

20 CHAIRPERSON HOOD: Okay. Anyone
21 else?

22 Anyone want to make a motion?

1 COMMISSIONER MAY: Well, I just
2 want to know. The reading of the full
3 submission and all the information we have
4 about the attempts to finance and what not.
5 It just -- it seems to me whether this is just
6 the first discussion that we're going to have
7 about this -- how this project is going to
8 happen in the future. Because, you know, I
9 just don't get the confidence that another two
10 years is going to be enough and that more time
11 is going to be enough. And I'm just sort of
12 noticing that, you know, kind of registering
13 that feeling that comes through, you know,
14 between the lines here.

15 But I don't have any problem with
16 extending for right now and hoping for the
17 best.

18 CHAIRPERSON HOOD: I would agree
19 with you, Commissioner May. But I think the
20 practice has been and your predecessor, not
21 the one you have now, your other predecessor
22 when you sat on the other side of the dias,

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1 Commissioner Franklin at the time. He was
2 very persuasive in his argument about time
3 extensions.

4 We were talking about 10, 12 and
5 15 year time extensions. But I think as
6 Commissioner Jeffries mentioned about the
7 market, the residential and I think the
8 submittal about the marketing and advertising,
9 I think, in my opinion, was very
10 straightforward and convincing.

11 So, if whoever is here 12 years
12 from now will be able to read the transcript
13 of what I said. And maybe they will look at
14 it a little differently. But I think at least
15 this time I would like to afford them the
16 opportunity and I'm sure you will too.

17 COMMISSIONER MAY: Yes. I agree.
18 I agree. I mean, the case is very clearly
19 presented. It just doesn't make me feel good
20 that it's all going to all happen in two years
21 and that we're going to be visiting this two
22 years from now.

1 VICE CHAIRPERSON JEFFRIES: Yes.
2 But at some point, you know, Commissioner May,
3 we have to, you know --

4 COMMISSIONER MAY: Sure.

5 VICE CHAIRPERSON JEFFRIES: -- let
6 the applicants, you know, make those
7 determinations.

8 COMMISSIONER MAY: Absolutely.

9 VICE CHAIRPERSON JEFFRIES: They
10 are supposed to be the experts.

11 COMMISSIONER MAY: Absolutely.

12 VICE CHAIRPERSON JEFFRIES: So,
13 thanks.

14 CHAIRPERSON HOOD: Okay. With
15 that, would somebody like to make a motion?

16 VICE CHAIRPERSON JEFFRIES: I make
17 a motion. I make the motion that we approve--
18 sorry, the request for extension of time for
19 the approved consolidated PUD, 4600 Wisconsin
20 Avenue, NW, and this is Zoning Commission Case
21 No. 03-27A.

22 COMMISSIONER MAY: Second.

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1 CHAIRPERSON HOOD: Okay. It's
2 been moved and properly seconded.

3 Any further discussion?

4 All those in favor?

5 (AYES)

6 CHAIRPERSON HOOD: It sounds
7 unanimous.

8 Ms. Schellin, would you record the
9 vote?

10 MS. SCHELLIN: Yes. Staff records
11 the vote five to zero to zero to approve the
12 time extension requested in Zoning Commission
13 Case No. 03-27A.

14 Commissioner Jeffries moving,
15 Commissioner May seconding.

16 Commissioners Hood, Etherly and
17 Turnbull in support.

18 CHAIRPERSON HOOD: Okay. Thank
19 you.

20 Next, Zoning Commission Case No.
21 05-37, Station Holdings, LLC, Consolidated
22 PUD, related map amendment at Square 752.

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1 Ms. Schellin.

2 MS. SCHELLIN: Yes. There is a
3 request to reopen the record to accept the
4 January 8th filing by the applicant that
5 addresses NCPC's comments. That is Exhibit
6 125.

7 CHAIRPERSON HOOD: Okay. I would
8 move that we reopen the record to -- for the
9 applicant's submittal which is Exhibit 125 an
10 ask for a second?

11 COMMISSIONER TURNBULL: Second.

12 CHAIRPERSON HOOD: Moved and
13 properly seconded.

14 All those in favor?

15 (AYES)

16 CHAIRPERSON HOOD: No opposition.

17 Ms. Schellin, would you record the
18 vote?

19 MS. SCHELLIN: Yes. Staff records
20 the vote three to zero to two to reopen the
21 record to accept Exhibit Number 125 in Zoning
22 Commission Case No. 05-37.

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1 Commissioner Hood moving,
2 Commissioner Turnbull seconding.

3 Commissioner Jeffries in support.
4 Commissioners May and Etherly not voting,
5 having not participated.

6 CHAIRPERSON HOOD: Okay. And in
7 the submittal apparently there was another
8 issue. Okay. We need to -- I know. I know.
9 All right.

10 And I'm just going to -- my
11 colleagues, just turn the page to the second
12 paragraph in Exhibit --

13 VICE CHAIRPERSON JEFFRIES:
14 Exhibit 125.

15 CHAIRPERSON HOOD: -- 125.

16 VICE CHAIRPERSON JEFFRIES: Right.

17 CHAIRPERSON HOOD: And the
18 applicant is stating. It says, in order to
19 prevent this issue from causing delay with the
20 PUD, the staff of NCPC and the applicant agree
21 that raising the maximum elevation on the
22 tower element from 108 feet two inches to 108

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1 feet six inches will resolve the issue.

2 The penthouse will then raise to
3 10 feet from the edge of the tower element be
4 set back 10 feet from the tower element.

5 So, the testimony provides that
6 obviously there's an agreement between NCPC
7 and the applicant and I don't think we need to
8 move any further.

9 But I would open it up for my
10 colleagues.

11 Any other issues that you recall?

12 And it's in the submittals.

13 And then after that issue it goes
14 on to say the proposal is not inconsistent
15 with the Comprehensive Plan for the National
16 Capital now did it have any adverse impact on
17 any other Federal -- I'm sorry. Federal
18 interest.

19 I'm trying to see if I made any
20 notes which I have not other than that.

21 Anyone else?

22 VICE CHAIRPERSON JEFFRIES: Well,

1 fellow Commissioners, I just only had a
2 question. I mean, this seems fine to me. My
3 only concern is, you know, all we have is
4 really the applicant's Exhibit 125 that states
5 that there's been an agreement.

6 Unless we have something from
7 NCPC? We do. Okay.

8 MS. SCHELLIN: It's probably in
9 your packet this evening because they just met
10 I believe it was Thursday. But it's Exhibit
11 126. I have a copy if you'd just like to just
12 borrow it.

13 VICE CHAIRPERSON JEFFRIES: Never
14 mind.

15 CHAIRPERSON HOOD: I have to
16 apologize too. I have not read what came in
17 the night. But anyway and I took Mr. Crane's
18 word for it. I'm sure he wouldn't submit
19 anything that wasn't actually true because
20 he's down here all the time and we would
21 remember.

22 So, that's --

1 VICE CHAIRPERSON JEFFRIES: Mr.
2 Chair, I make a motion that we approve Zoning
3 Commission Case No. 05-37, the consolidated
4 plan, unit development and zoning map
5 amendment for Stations Holdings, LLC, and ask
6 for a second.

7 COMMISSIONER TURNBULL: Second.

8 CHAIRPERSON HOOD: It is moved and
9 properly seconded.

10 All those in favor?

11 (AYES)

12 CHAIRPERSON HOOD: There was no
13 opposition.

14 Ms. Schellin, would you record the
15 vote?

16 MS. SCHELLIN: Staff records the
17 vote, three to zero to two to approve final
18 action on Zoning Commission Case No. 05-37.

19 Commissioner Jeffries moving,
20 Commissioner Turnbull seconding.

21 Commissioner Hood in favor.
22 Commissioners Etherly and May not voting

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1 having not participated.

2 CHAIRPERSON HOOD: Okay. Next, we
3 have Zoning Commission Case No. 05-42. That's
4 the Sibley Memorial Hospital Consolidated PUD
5 and Related Map Amendment at 1448N.

6 Ms. Schellin.

7 MS. SCHELLIN: We do have a
8 request from the applicant January 7th filing
9 at Exhibit 221. They're asking to reopen the
10 record to accept and update regarding
11 condition number 7 of their draft proposed
12 findings of facts and conclusions of law.

13 VICE CHAIRPERSON JEFFRIES: What
14 exhibit again?

15 MS. SCHELLIN: 221.

16 CHAIRPERSON HOOD: It's like a
17 three-pager and it's on the front page dated
18 January 7th.

19 Okay. Let's -- let's make a -- I
20 move that we reopen the record to accept the
21 submittal dated January 7th, Exhibit 221 and
22 ask for a second.

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1 VICE CHAIRPERSON JEFFRIES:

2 Second.

3 CHAIRPERSON HOOD: Moved and
4 properly seconded.

5 Any further discussion?

6 CHAIRPERSON HOOD: All those in
7 favor?

8 (AYES)

9 CHAIRPERSON HOOD: No opposition.
10 Ms. Schellin, would you record the
11 vote?

12 MS. SCHELLIN: Staff records the
13 vote three to zero to two to reopen the record
14 in Zoning Commission Case No. 05-42 to accept
15 Exhibit 221.

16 Commissioner Hood moving,
17 Commissioner Jeffries seconding.

18 Commissioner Turnbull in favor.
19 Commissioners Etherly and May not voting,
20 having not participated.

21 CHAIRPERSON HOOD: Okay.
22 Colleagues, let's go straight to the condition

1 related to the redesign and reconstruction.

2 Number 7, if you look on the
3 submittal. Okay. We have it in front of us.
4 Okay.

5 It's basically saying now the
6 applicant shall pay for and undertake the
7 construction of the redesign of the
8 intersection of Loughboro and Delacarla
9 Parkway in accordance with the intersection
10 design, details, plan dated January 25th,
11 2007, and include the applicant's presentation
12 marked as Exhibit 171 of the record.

13 Further, the applicant shall and
14 it basically goes into what was already
15 opposed. Let me find it again, I believe.

16 It's real close to what was
17 submitted.

18 So, this was the revision because
19 if you look at -- you remember the condition
20 says the applicant shall contribute 100
21 percent. Now, the applicant shall pay for and
22 undertake the construction. So, I think

1 that's a major accomplishment and difference.

2 So, I would be willing to accept
3 that into the order.

4 Any further discussion?

5 Do you need to take some time to
6 look at it? Okay.

7 And we're on page 21 of the
8 proposed final order and looking at Exhibit
9 220 -- I'm sorry. Exhibit 221. And I think
10 to substitute that.

11 Yes. I'm just giving everybody
12 time to make sure we're all on the same page.

13 Okay. All right.

14 The next issue and I remember
15 having this discussion about -- and I thought
16 we had clarified this, there will be no more
17 than 62 doctors in the medical office
18 building. Did we say at one time or within 24
19 hours? I know -- I think I said 24 hours and
20 I think you all said at any one time.

21 VICE CHAIRPERSON JEFFRIES: Yes.

22 Mr. Chair, I thought I was somewhat concerned

1 about the 62 practices. But, you know, I
2 think it was 62 at any one time. I think that
3 was -- you know, I was trying to make certain
4 that there wa a distinction between 62
5 practices and 62 -- the practice could have
6 several doctors coming through. And obviously
7 that would increase the intent and use. And
8 so, you know, I think we settled on 62 at any
9 given time -- any 24-hour period.

10 CHAIRPERSON HOOD: No. I think
11 the issue was I was saying 24-hour period
12 which I think was the adoption of what the ANC
13 wanted. But I thought we came to the
14 conclusion and I still to this day don't
15 understand the difference. But I think that
16 we said that any given time.

17 VICE CHAIRPERSON JEFFRIES: In the
18 building at any -- any 24-hour period.

19 CHAIRPERSON HOOD: No.

20 VICE CHAIRPERSON JEFFRIES: You're
21 not -- you're not for that?

22 CHAIRPERSON HOOD: No. I was for

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1 the 24-hour period. I think that's -- let me
2 see, I got the ANC --

3 I think that my colleagues -- I
4 think we all said at any given time.

5 VICE CHAIRPERSON JEFFRIES: Oh, I
6 see what you're saying.

7 Excuse me. Can the Office of
8 Planning, can you just shed a little light on
9 this 62 doctor business? Let's make certain
10 there's clarity between any one time and 24-
11 hour period.

12 MS. STEINGASSER: I'm going to
13 have to catch up. Which is the condition
14 you're looking at? Which document?

15 MS. SCHELLIN: The draft order
16 actually I do not have the old copy. But let
17 me see if I can find the number. Yes. They
18 don't have that.

19 It would be --

20 CHAIRPERSON HOOD: It's on page
21 20. If you look on page 20.

22 MS. SCHELLIN: Decision number

1 three.

2 VICE CHAIRPERSON JEFFRIES: Ms.
3 Steingasser, are you -- you're where we are?

4 MS. STEINGASSER: Oh, yes. It's
5 19 on my document. Okay.

6 VICE CHAIRPERSON JEFFRIES: Oh.

7 MS. STEINGASSER: It's my
8 understanding it is at any one given time, not
9 over the course of 24 hours.

10 VICE CHAIRPERSON JEFFRIES: Okay.

11 MS. STEINGASSER: So -- this might
12 help if -- what is the confusion?

13 VICE CHAIRPERSON JEFFRIES: At any
14 one time. Okay.

15 CHAIRPERSON HOOD: You now, we
16 hashed this out and we came to all the
17 conclusion at any one time because I was in
18 the 24-hour time frame. And I forgot exactly
19 what the argument was, but I just wanted to
20 know anybody have any issues with that six --
21 I think 62 doctors at any one time is the way
22 we need to move as opposed to within a 24-hour

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1 period.

2 Because I know the ANC was talking
3 about practices and all that. But I think 62
4 hours --

5 VICE CHAIRPERSON JEFFRIES:
6 Doctors.

7 CHAIRPERSON HOOD: -- 62 doctors
8 at any one time I think that will cover it.
9 And I hope I coordinated -- I hope I mentioned
10 what the ANC said directly. I may have gotten
11 it -- I'm trying to look here to see.

12 VICE CHAIRPERSON JEFFRIES: But
13 the ANC -- the ANC-3D suggested a condition
14 that would read. There is no more than 62
15 doctors in any 24-hour period.

16 Mr. Chair, I'm -- okay. I'm
17 sorry. You know, having a senior moment. But
18 I think that I would go with the Office of
19 Planning's approach and the applicant's
20 approach about, you know, there being no more
21 than 62 doctors at any one time. Because I
22 mean clearly, you know, 62 doctor in a 24-hour

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1 period, you know, that really does restrict
2 the use of or could restrict the use of the
3 actual office building.

4 CHAIRPERSON HOOD: Also --

5 COMMISSIONER TURNBULL: I would
6 agree, Mr. Chair.

7 I'm looking at from a practice
8 standpoint if a doctor is in there in the
9 morning and he leaves and he comes back in the
10 afternoon, do you have to count him twice?
11 You get into a -- I think it's going to be too
12 hard to limit a practice for 62 doctor for 24
13 hours.

14 I think depending on how you count
15 it doctors showing up at the building and then
16 leaving I think that would be impractical.

17 CHAIRPERSON HOOD: Okay. Let's
18 just stick with that.

19 The other thing is the parking
20 issue. And I want to thank the applicant or
21 whomever, it was the applicant who revisited
22 the parking issue.

1 And then also looked at -- I think
2 it was the Office of Planning was saying that
3 -- well, anyway. Let me just look at this
4 picture they have here half an hour less for
5 a dollar.

6 And I don't now if that's actually
7 the case but they have the picture here and
8 that's the case and I understand from
9 testimony and from reading the submittals that
10 there's not actually a problem. There's
11 really nothing in the record that says that
12 there's a problem of overflow in the
13 community.

14 So, I'm going to retract pushing
15 that. Maybe I need to take this photograph
16 next time I go up. No. Maybe I don't need to
17 take that photograph next time I go up there.

18 But anyway, be as it may, I think
19 that that argument I'm not going to push that
20 anymore. But they looked at it. There's
21 really nothing in the record that says that
22 there's a problem of parking in the area. So,

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1 what's working is working.

2 And then the other argument I
3 think which came from OP was people would
4 start driving, you know, as opposed to -- and
5 maybe that may constitute a problem.

6 VICE CHAIRPERSON JEFFRIES: But,
7 furthermore, Mr. Chair, I mean, you know, it's
8 not the Zoning Commission's, you know,
9 jurisdiction or I mean in terms of figuring
10 out what those solutions should be.

11 I mean, whether it's free parking
12 or whatever it is, I mean, it's really up for
13 the applicant to make the recommendation.

14 So, I -- you know - -

15 CHAIRPERSON HOOD: Okay.

16 VICE CHAIRPERSON JEFFRIES: So --

17 CHAIRPERSON HOOD: All right.

18 Anything else?

19 And I will say that we have some
20 findings of fact and earlier documents that
21 were submitted by the ANC-3D dated December
22 the 12th, 2007, with some traffic conditions

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1 and stuff and I think we've hashed through a
2 lot of that prior.

3 So, anyway, unless it moves
4 someone? Okay.

5 With that I will entertain a
6 motion.

7 COMMISSIONER TURNBULL: Mr. Chair,
8 I would move that we approve Zoning Commission
9 Case No. 05-42, Consolidated Approval for the
10 Planned Unit Development and Zoning Map
11 Amendment for Sibley Memorial Hospital, Square
12 N1448, Lot 26.

13 CHAIRPERSON HOOD: Okay.

14 VICE CHAIRPERSON JEFFRIES:
15 Second.

16 CHAIRPERSON HOOD: Been moved and
17 properly seconded.

18 All those in favor?

19 (AYES)

20 CHAIRPERSON HOOD: So ordered.

21 It's unanimous.

22 Ms. Schellin, would you record the

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1 vote?

2 MS. SCHELLIN: Staff records the
3 vote three to zero to two to approve Zoning
4 Commission Case No. 05-42 for final action as
5 amended.

6 Commissioner Turnbull moving,
7 Commissioner Jeffries seconding.

8 Commissioner Hood in support.
9 Commissioners Etherly and May not voting
10 having not participated.

11 CHAIRPERSON HOOD: Okay.

12 Next Zoning Commission Case No.
13 07-20. This is a map and text amendment to
14 Zone Kingman and Heritage Islands.

15 Ms. Schellin.

16 MS. SCHELLIN: On this one we need
17 to reopen the record to accept Exhibit 9 which
18 is a filing by the Office of Planning that
19 amends the text to eliminate any potential
20 impact on properties elsewhere in the District
21 and the W0 District.

22 CHAIRPERSON HOOD: We're being

1 asked, colleagues. Let me just ask the Office
2 of Planning.

3 Are there other areas or is this
4 just germane of specific to Kingman Island in
5 this text, because I know NCPC asked us to
6 spell it out. But are there other areas? Are
7 we going to have to come back next week and
8 put a comment -- put another place in, another
9 place in?

10 MR. LAWSON: Well, W0 is one of
11 the zones that was approved by the Zoning
12 Commission. So, it's a zone that could be
13 applied throughout the entire District.
14 However, this text amendment would apply just
15 to Kingman Island. It's specific to that and
16 that's what this amendment is for.

17 CHAIRPERSON HOOD: Okay. Just
18 Kingman Island. Okay.

19 Thank you.

20 Okay. We've been asked to amend
21 and adopt roof structures less than 930.5,
22 roof structures less than 10 feet in height

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1 above a roof or parapet wall of construction
2 in a W0 zone district on Kingman. Is it W
3 zero or W-0? What did I say?

4 MR. LAWSON: Either one. But it's
5 actually -- it's technical W zero.

6 CHAIRPERSON HOOD: Okay. Good
7 We'll -- you all see Carol Mitten tell her I
8 was right.

9 So, shall not be subject to
10 requirements of this section when the top of
11 the roof structure is below the maximum -- oh,
12 okay. Yes.

13 Maximum building height prescribed
14 by the W0 District. And this was a text
15 amendment that was refined by the
16 encouragement of the National Capital Planning
17 Commission.

18 Okay. Anybody have any problems?

19 Oh, thank you, Ms. Schellin. You
20 can speak on the mike. Okay.

21 I move that we reopen the record
22 to accept the amended language in Zoning

1 Commission Case No. 07-20 and also that we
2 approve the amendment language and ask for a
3 second.

4 VICE CHAIRPERSON JEFFRIES:
5 Second.

6 CHAIRPERSON HOOD: It's been moved
7 and properly seconded.

8 Any further discussion?

9 All those in favor?

10 (AYES)

11 CHAIRPERSON HOOD: Any opposition?

12 No opposition.

13 Staff, would you record the vote?

14 MS. SCHELLIN: Yes. Staff records
15 the vote three to zero to two to reopen the
16 record and to approve final action as amended
17 in Zoning Commission Case No. 07-20.

18 Commissioner Hood moving,
19 Commissioner Jeffries seconding.

20 Commissioner Turnbull in support.
21 Commissioners Jeffries and Etherly not -- not
22 voting, having not participated.

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1 I'm sorry, that would be
2 Commissioner Etherly and May not voting,
3 having not participated.

4 VICE CHAIRPERSON JEFFRIES: I have
5 preserved a little bit better than
6 Commissioner Etherly.

7 CHAIRPERSON HOOD: Okay. Next
8 under Correspondence.

9 We have received correspondence
10 from ANC-2A and also the applicant's response
11 to ANC-2A's request for reconsideration.

12 We have received that. Has anyone
13 been moved to reconsider?

14 VICE CHAIRPERSON JEFFRIES: No.

15 CHAIRPERSON HOOD: Okay. All
16 right.

17 Well, thank you again. We will so
18 note that we have received it.

19 Thank you.

20 Ms. Schellin, do we have anything
21 else --

22 MS. SCHELLIN: No, sir.

1 CHAIRPERSON HOOD: -- in front of
2 us?

3 Okay. Thank everyone for their
4 attention and this regular public meeting is
5 adjourned.

6 (Whereupon, the above matter was
7 concluded at 7:46 p.m.)

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