

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL PUBLIC MEETING

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THURSDAY,

FEBRUARY 21, 2008

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The Special Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 7:00 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

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
MAXINE BROWN-ROBERTS  
JOEL LAWSON

The transcript constitutes the minutes  
from the special meeting held on February 21,  
2008.

A-G-E-N-D-A

HEARING ACTION

A. Z.C. Case No. 07-35 (Sheridan  
Redevelopment, LLC & DCHA -- Consolidated  
PUD & Related Map Amendment at Squares 5869  
and 5872) . . . . . 5

PROPOSED ACTION

A. Z.C. Case No. 07-18 (Jemal's Up Against  
the Wall, LLC - Consolidated PUD @ Square  
347) . . . . . 13

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

6:50 p.m.

CHAIRMAN HOOD: Okaay, good evening everyone. I want to apologize for the technical difficulties that we had. This was unforeseen and I want to thank everyone for their patience. We're going to begin with our public meeting for this evening which was scheduled for 6 o'clock. We're not an hour late yet, but anyway.

The meeting will please come to order. Good evening ladies and gentlemen, this is February 21, 2008, special public meeting of the Zoning Commission of the District of Columbia. My name is Anthony Hood. Joining me are Vice Chairman Jeffries, Commissioners Etherly, May and Turnbull. We also are joined by the Office of Zoning staff, Ms. Sharon Schellin, and Ms. Hanousek, and also the director Ms. Jerrily Kress. And the Office of Planning under the leadership of Mrs. Jennifer

1 Steingasser. Copies of today's hearing  
2 agenda are available to you and are located  
3 in the bin near the door.

4 We do not take public testimony  
5 at our meetings unless the Commission  
6 requests someone to come forward. Please be  
7 advised that this proceeding is being  
8 recorded and it is being recorded, believe  
9 it or not, by court reporters, also webcast  
10 live. I'm not sure of the sound, but we are  
11 where we are. Accordingly, we must ask you  
12 to refrain from any disruptive noises or  
13 actions in the hearing room. Please turn  
14 off all beepers and cell phones. Does the  
15 staff have any preliminary matters?

16 MS. SCHELLIN: No, sir.

17 CHAIRMAN HOOD: Okay, thank you.  
18 Our first agenda for hearing action, Zoning  
19 Commission Case No. 07-35. This is the  
20 Sheridan Redevelopment, LLC & DCHA  
21 Consolidated PUD & Related Map Amendment at  
22 Squares 5869 and 5872. Let me go to Office

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1 of Planning. Ms. Brown-Roberts?

2 MS. BROWN-ROBERTS: Good evening,  
3 Mr. Chairman and membes of the Commission.  
4 I'm Maxine Brown-Roberts from the Office of  
5 Planning. This case was presented to you  
6 earlier this month and the issue that was to  
7 be decided this evening was that the  
8 applicant had submitted an application for  
9 the reduction in fees. And I think that was  
10 what we're here for. I'm not sure, do you  
11 want me to go through the case again?

12 CHAIRMAN HOOD: No, thank you Ms.  
13 Brown-Roberts. I think we've fleshed that  
14 out pretty much. My colleagues may have a  
15 few comments, but thank you. Let me just  
16 say that - I'm going to ask if you can't  
17 hear us, if you'd just come forward. Move a  
18 little forward and then that way you'll be  
19 able to hear so if we're not talking too  
20 loud. If we're not talking looud enough  
21 just move forward.

22 Okay. Colleagues, we have before

1 us a set-down of Zoning Commission Case No.  
2 07-35. If you will recall, at the time we  
3 did not have a letter from the Department of  
4 Housing & Community Development which was an  
5 issue. I will just tell you, and I'm going  
6 to read this for the record, second  
7 paragraph, "This PUD is a redevelopment of  
8 the former Sheridan Terrace public housing  
9 complex in Anacostia," and I'm going to skip  
10 - it says a total of 229 units of proposed  
11 349 housing units in the proposed  
12 development meet the Zoning Regulation  
13 definitions of low- or moderate-income  
14 subsidized development. These units will  
15 receive funding from a recognized District  
16 of Columbia or federal government housing  
17 subsidy program and will be affordable to  
18 families. In essence, what we're saying is  
19 only those units that are applicable to that  
20 will receive the waiver, the market rate,  
21 will have to pay the additional zoning fees.

22

1           Okay? Anything else? That was  
2           the particular I know for myself. I'm going  
3           to open it up for comment and I would ask  
4           that you pull these closer to you and let's  
5           talk loud. I don't have any lights, so  
6           okay. Commissioner May.

7                   COMMISSIONER MAY: I want to  
8           reiterate my concerns about this project  
9           from before with the site design and the -  
10          how within the site design to deal with the  
11          slope and the fact that - and my general  
12          concern about rear alley access to buildings  
13          and how I don't regard alley space as open  
14          space. And I'm just - I still have severe  
15          reservations about this project and would  
16          prefer to see a significantly improved site  
17          plan before we set this down for a hearing.

18                   CHAIRMAN HOOD: Okay. Any other  
19          comments? Commissioner Turnbull?

20                   COMMISSIONER TURNBULL: Thank  
21          you, Mr. Chairman. I guess I don't have a  
22          problem with setting this down. I think

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1 that I would reiterate to the applicant what  
2 Commissioner May had talked about previously  
3 is that I think there were several items  
4 that we talked about, the site plan, the  
5 terracing, the drainage of the site, and I  
6 think that the applicant needs to be aware  
7 that we will be looking for some answers to  
8 those questions that we raised previously.  
9 But as for the rest of it I think we can set  
10 - I feel confident in setting this down.

11 CHAIRMAN HOOD: Okay, anyone  
12 else?

13 VICE CHAIRMAN JEFFRIES: Yes,  
14 Chairman, I think that we should set it down  
15 principally because I think there's a lot of  
16 questions that the applicant really needs to  
17 address, and I think perhaps some of this is  
18 not going to be addressed just on paper. I  
19 agree with Commissioners Turnbull and May  
20 about sort of wedding cake effect, this  
21 retaining wall, and I really do think that  
22 it's incumbent upon the applicant to really

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1 spend some time making certain that we're  
2 clear about some of the constraints of the  
3 site and how the development program I  
4 assume impacts how they sort of address the  
5 siting of this development. And so - but  
6 I'm certainly willing to set this down, but  
7 you know I want it to be clear that simply  
8 because this Commission sets a project down  
9 does not necessarily mean it's going to get  
10 to proposed action or final action. So  
11 there is still enough time for this  
12 Commission to say no to something or make  
13 the case that there needs to be some surgery  
14 as it relates to the project. And I  
15 appreciate Commissioner May's concern about  
16 the alleys not being open space and so  
17 forth, but I think my more critical issue is  
18 really the retaining wall and how that gets  
19 dressed up, if that is in fact possible, as  
20 well as the storm water drainage of the  
21 site.

22 COMMISSIONER TURNBULL: I would

1 just like to add that it's a very  
2 significant project and there is lots of  
3 merits to this project. I just think that  
4 there are some design issues with the site  
5 that I think, as Commissioner Jeffries has  
6 said, that we need to look at.

7 CHAIRMAN HOOD: Okay. Anyo ther  
8 comments? Okay. I would agree with all my  
9 colleagues wholeheartedly on all the  
10 comments and I think Vice Chairman Jeffries  
11 stated very eloquently, and I don't need to  
12 repeat it. So I'm sure the applicant is in  
13 earshot of exactly what we've said. This is  
14 not a showstopper for set-down, but I will  
15 register this. And I think - maybe we  
16 didn't allow them enough time in trying to  
17 deal with this. The wedding cake is what  
18 it's starting to become. We asked for some  
19 stuff, and maybe we asked for - and I want  
20 to retract that because maybe we asked for  
21 it at the hearing, so I won't go onto that  
22 soapbox. I would move that we set down

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1 Zoning Commission Case No. 07-35 and ask for  
2 a second.

3 COMMISSIONER TURNBULL: Second.

4 CHAIRMAN HOOD: So moved and  
5 properly seconded. Further discussion?

6 (No response)

7 CHAIRMAN HOOD: All those in  
8 favor?

9 (Chorus of Ayes)

10 CHAIRMAN HOOD: Any opposition?

11 COMMISSIONER MAY: Yes.

12 CHAIRMAN HOOD: Okay. Ms.  
13 Schellin, could you record the vote? And we  
14 did have one person in opposition.

15 MS. SCHELLIN: Yes. Staff  
16 records the vote 4-1-0 to set down Zoning  
17 Commission Case No. 07-35. Commissioner  
18 Hood moving, Commissioner Turnbull  
19 seconding, Commissioners Jeffries and  
20 Etherly in favor, Commissioner May opposed.  
21 And I'm sorry, this is being set down as a  
22 contested case.

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1                   CHAIRMAN HOOD: Okay. Next on  
2 our agenda is proposed action, Zoning  
3 Commission Case No. 07-18, Jemal's Up  
4 Against the Wall, LLC, Consolidated PUD at  
5 Square 347. Ms. Schellin?

6                   MS. SCHELLIN: Staff has nothing  
7 further.

8                   CHAIRMAN HOOD: Okay.  
9 Colleagues, let me just say I think we've  
10 really - you know, this is under proposed  
11 action and actually we've done a lot of  
12 deliberation previously which we seem to  
13 normally do here lately during our talks.  
14 But I think one of the reasons I appreciate  
15 my colleagues for holding this up because  
16 sometimes I just think for the record it  
17 looks good for the full Commission being on  
18 one accord, the five votes, and we were so  
19 close. And I figured if we could just wait  
20 a week or two then that way we can get a  
21 full Commission voting in the affirmative  
22 hopefully. But anyway, I'm hoping that's

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1 whihc way we'll move. But anyway, we'll  
2 see. Anyone want to comment on this because  
3 I think we've really fleshed a lot of this  
4 out?

5 VICE CHAIRMAN JEFFRIES: Mr.  
6 Chair, I'd like to make a motion that we  
7 approve on the proposed action Zoning  
8 Commission Case No. 07-18, Jemal's Up  
9 Against the Wall, LLC, which is a  
10 Consolidated PUD at Square 347.

11 COMMISSIONER ETHERLY: Seconded,  
12 Mr. Chair.

13 CHAIRMAN HOOD: Okay, so moved  
14 and seconded. Any furhter discussion?

15 COMMISSIONER MAY: Yes, Mr.  
16 Chairman.

17 CHAIRMAN HOOD: Commissioner May.

18  
19 COMMISSIONER MAY: I note that the requests  
20 that we made at the hearing seem to all have  
21 been addressed reasonably well. I see that  
22 htere's been coordination with the Park

1 Service in the protection of the Peterson  
2 House and the other major concern I had was  
3 the reconstruction of the Waffle Shop, but  
4 we do have a timeframe for that of five  
5 years. We might discuss whether that's a  
6 reasonable timeframe or not, but I - it's  
7 good to see something solid in that regard.  
8 I also would commend the applicant for  
9 producing the LEED scorecard and giving us  
10 in some detail the information that was  
11 within it. In other words, not just  
12 checking the boxes, but explaining why  
13 certain boxes could or could not be checked,  
14 and where there might be some hope of  
15 gaining additional points. So I think it  
16 sets a very fine example that other  
17 developers should follow with regard to  
18 submitting LEED information. So that's what  
19 I have to say.

20 CHAIRMAN HOOD: Okay. Thank you.  
21 Commissioner May, did you want to see  
22 something before final action, or?

1                   COMMISSIONER MAY: No. Initially  
2 I thought that the - I had concerns about  
3 Waffle Shop, but I think that the 5-year  
4 timeframe is sufficient from my point of  
5 view at least. I think a number of people  
6 would like to see it faster than that, but I  
7 understand it could take awhile to get the  
8 building going that it would go into. Just  
9 so long as we know that there's a timeframe  
10 for it.

11                   CHAIRMAN HOOD: Okay. Okay, it's  
12 been moved and properly seconded. Any  
13 further discussion?

14                   (No response)

15                   CHAIRMAN HOOD: All those in  
16 favor?

17                   (Chorus of Ayes)

18                   CHAIRMAN HOOD: I don't hear any  
19 opposition. Ms. Schellin, could you record  
20 the vote?

21                   MS. SCHELLIN: Staff records the  
22 vote 5-0-0 to approve proposed action and

1 Zoning Commission Case No. 07-18,  
2 Commissioner Jeffries moving, Commissioner  
3 Etherly seconding, Commissioners Hood,  
4 Turnbull and May in favor.

5 CHAIRMAN HOOD: Okay. That's  
6 going to end our special public meeting.

7 (Whereupon, the foregoing matter  
8 went off the record at 7:03 p.m.)

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