

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL PUBLIC MEETING

IN THE MATTER OF:

FLORIDA ROCK PROPERTIES -
2nd STAGE PUD and RELATED
MAP AMENDMENT
at POTOMAC AVENUE, S.E.

Case No.:
04-14

Thursday,
May 22, 2008

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

The Public Hearing of Case No. 04-14 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 J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairperson
GREGORY JEFFRIES Vice Chairperson
CURTIS L. ETHERLY Commissioner
MICHAEL G. TURNBULL Commissioner,
 FAIA, (OAC)
PETER MAY Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

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

2 6:24 p.m.

3 CHAIRMAN HOOD: This meeting will,
4 please, come to order. Good evening, ladies
5 and gentlemen. This is the May 22, 2008
6 Special Public Meeting of the D.C. Zoning
7 Commission of the District of Columbia. My
8 name is Anthony J. Hood. Joining me are Vice
9 Chairman Jeffries, we are expecting
10 Commissioner Etherly very shortly,
11 Commissioner May and Commissioner Turnbull.

12 We are also joined by the Office
13 of Zoning staff, Ms. Sharon Schellin and Ms.
14 Nagelhout for the Office of Attorney General.
15 And to my right we have the Office of
16 Planning, Ms. Steingasser and Mr. Lawson.

17 Copies of today's meeting are
18 available to you and are located in the bin
19 near the door. We do not take any public
20 testimony at our meetings, unless the
21 Commission requests someone to come forward.

22 Please, be advised this proceeding

1 is being recorded by a Court Reporter and is
2 also webcast live. Accordingly, we must ask
3 you refrain from any disruptive noises or
4 actions in the hearing room. Please, turn off
5 all beepers and cell phones.

6 Does the staff have any
7 preliminary matters?

8 MS. SCHELLIN: Just one. We have
9 a request from the applicant to open the
10 record to receive their submission as Exhibit
11 No. 102.

12 CHAIRMAN HOOD: Okay. I guess we
13 can just do that by general consensus. Okay.
14 So ordered. We will accept the submittal
15 Exhibit No. 102.

16 (Whereupon, the document marked as
17 Exhibit 102 was received in
18 evidence.)

19 CHAIRMAN HOOD: Okay. Any other
20 preliminary matters, Ms. Schellin?

21 MS. SCHELLIN: Nothing.

22 CHAIRMAN HOOD: Okay. The only

1 thing that we have on our agenda is final
2 actions on Zoning Commission Case No. 04-14,
3 Florida Rock Properties - 2nd Stage PUD and
4 Related Map Amendment at Potomac Avenue, S.E.

5 I thought the name of this was
6 changed? Okay. Well, anyway, that's me.
7 Okay. I thought I may have heard Mr. Etherly.
8 Okay. Ms. Schellin?

9 MS. SCHELLIN: You have before you
10 a request for a final action in this case and
11 a draft order from the Attorney General's
12 Office.

13 CHAIRMAN HOOD: Okay. What I
14 would like to do is look at this submission
15 dated May the 1st, thank you, Ms. Schellin,
16 2008. These are some of the things that we
17 have requested. I don't know whether it's
18 called Corey Quay, Q or whatever, but anyway,
19 we have some of the things we have asked for
20 in front of us. And I will lean to some of my
21 colleagues for the correct pronunciation.

22 But let the record reflect that

1 Mr. Etherly has joined us. Okay. We have the
2 submittal dated May 1, 2008. What I would do
3 at this time is open it up and hopefully my
4 colleagues will remember some of the comments
5 that they had mentioned during the proposed
6 action. And this was rather unusual. We had
7 a number of comments Ed proposed and we said
8 we would deal with them at final.

9 And I think that the applicant has
10 addressed, at least to my satisfaction, some
11 of my concerns in the submissions. But I do
12 have a few questions. With that, let me open
13 it up for any comments.

14 COMMISSIONER TURNBULL: Mr. Chair,
15 I think the two most prominent issues are
16 items that were from a design standpoint where
17 the South Capitol Street facade, about the
18 hotel and I think there was some architectural
19 interest in the roof canopy over the quays or
20 the caves. And I think those were the two
21 most prominent aspects.

22 And the applicant did submit some

1 new rendered elevations of the hotel and there
2 are some significant changes from what it was
3 before. And they also submitted some
4 architectural pages showing the construction
5 and how that sort of vaulted roof, the sort of
6 waving roof that's over the quays is working.

7 They have submitted some
8 comparable structures that I believe are -- I
9 think there is one in Westfield in London,
10 England. And I think they are simply trying
11 to show how a system like this would work. It
12 looks all very -- I think it's all in London.
13 I think it's all in Westfield, London,
14 England.

15 And I think there was some
16 concerns. I think perhaps it was Commissioner
17 May, I think, that may have had more concerns
18 about how such a structure would operate and
19 the stability of it and I guess how it would
20 integrate into the buildings as a whole.

21 And I think the 33-D sheet shows
22 clearly how something like this gets to the

1 waving pattern where you can either have
2 translucent panels or opaque panels within the
3 structure, depending upon how much light you
4 want to get to enter.

5 So it's obviously a technology
6 that has been done.

7 CHAIRMAN HOOD: Excuse me. Did
8 you say 33-B or D?

9 COMMISSIONER TURNBULL: D. 33-D.

10 CHAIRMAN HOOD: Okay.

11 COMMISSIONER TURNBULL: Is where
12 it shows how this structure gets to be laid
13 out. It looks like a very interesting
14 geometric system. I think -- so I have no
15 issue with that at all. I think I can -- I
16 will defer to the other Commissioners as to
17 their comments on the elevation.

18 I think there has, obviously, been
19 a significant change. The limestone base, the
20 precast limestone finished base has changed,
21 yet seems to stop more abruptly as it starts
22 to reach onto Potomac Avenue and opens up the

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1 -- to more -- I think before it was more
2 opaque. Here, you have got a more balcony
3 featured type elevation.

4 So I'm not sure what the long
5 tower is, the spire that's on the side, just
6 maybe an architectural feature. But I'll
7 defer to my colleagues for any other comments
8 on it.

9 CHAIRMAN HOOD: Okay. Thank you,
10 Mr. Turnbull. Look, let's see if we can maybe
11 ask staff if someone will be able to tell us
12 exactly, this is a final vote, what that is,
13 the antenna like -- if we can get staff or
14 someone, maybe OP, or somebody to tell us.

15 But let me open it up, but let me
16 remind everyone of some of the things we asked
17 for. Office of Planning, we asked Office of
18 Planning to help us to get a report from DDOT.
19 If it was there, I didn't see it. I have
20 missed things in the past. We have also asked
21 and I think Mr. Turnbull you alluded to a lot
22 of the simplification of the drawings and I

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1 think Commissioner May, I think, possibly
2 asked for that, the detail of the glass
3 enclosures, just to kind of refresh some of
4 our memories.

5 But what I would like to do is to
6 continue to open it up for comments. I'm
7 going to ask Ms. Schellin if she can --
8 obviously, we don't have a DDOT report. And
9 the only other thing is if we could maybe have
10 someone, OP, or somebody to ask the applicant,
11 while we finish the discussion, what the
12 antenna is. Thank you. Mr. May?

13 COMMISSIONER MAY: Yeah, there
14 were several issues that I had concerns about
15 at the -- when proposed action was taken. And
16 the biggest one of those and the one reason
17 why I was not able to vote in favor at
18 proposed action had to do with that, an
19 elevation of the hotel.

20 And I think that the new elevation
21 on that end does a better job of addressing
22 the street. You know, it leaves me

1 reminiscing a little bit for, you know, kind
2 of longing for the flexibility that one can
3 get from more traditional architecture where
4 it's easier to have, you know, a building
5 front on multiple sides in some way, you know,
6 because the architecture carries around and
7 you can have multiple fronts.

8 And you can look at the front, you
9 know, a side of a building and think that it's
10 the front, because of the way it addresses the
11 street. And I think that's a little bit more
12 easily done with some more traditional
13 architecture.

14 I'm not suggesting that this
15 should be more traditional, I'm just saying it
16 still kind of has something of an end wall
17 feel or a slightly different feel to it. That
18 having been said, I do think it's a very, very
19 significant improvement over what was there
20 before and does a better job of addressing the
21 street.

22 It does raise a question and I'm

1 really, really glad to have gotten 22-A.1,
2 because that bird'seye view of the end wall
3 shows up the roof of the lower section of the
4 hotel, which I assume is, you know, meeting
5 rooms and banquet rooms and stuff. And it
6 looks like the roof there is just a regular
7 roof.

8 And, you know, I'm not suggesting
9 that it needs to be an occupiable space, but
10 it shouldn't just be a roof that you look out
11 on from those hotel rooms. I'm seeing nods in
12 the audience that give me the impression that
13 there is something special that's going on
14 there, so it would be good to get that
15 clarified as well, because it does look like
16 just plain old roof and it should be something
17 different.

18 As for the glazing system for the
19 roof over the quays, there was some comfort in
20 seeing the examples of prior installations.
21 I didn't see a really good view of an existing
22 installation from the ground kind of looking

1 up at it, which is really kind of what I have
2 the concern about is how heavy that structure
3 feels from the ground.

4 But there is enough there that I
5 can fill in with my imagination and I am a
6 little bit more comforted with it. What is
7 still not shown is the -- or not clearly
8 understood is the glass end walls to those
9 where there seem to be some and they are drawn
10 in the perspective views with a very, very
11 thin frame. And I'm not sure how that would
12 actually be detailed, but it -- I mean, it
13 could be done with structural glass or
14 something that would allow it to be very, very
15 thin and light and transparent, but that's not
16 immediately incurred.

17 I was hoping for a little bit more
18 illumination on that score, but we didn't get
19 that. I think what I'm looking at is the
20 upper left image on 33-A where we see a very
21 light frame beyond which we see the curving,
22 undulating glass ceiling structure. And it's

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1 elements like that, that very thin frame, thin
2 vertical framed glass, I think might also wind
3 up getting heavier.

4 Anyway, again, having said all
5 that stuff, I am more comfortable than I was
6 before. You know, there are still things
7 about the design that I'm not entirely
8 thrilled about, but I am much more comfortable
9 than I were when the first vote was taken. So
10 let me just say that.

11 CHAIRMAN HOOD: Okay.

12 COMMISSIONER MAY: I do have
13 further comments on the last submission as
14 well. Is now the time to do that?

15 CHAIRMAN HOOD: Yes, let's go
16 ahead and flesh it all out.

17 COMMISSIONER MAY: Okay. This is
18 the letter dated May 15th, the Modified
19 Condition No. 8. And in comparing that to the
20 previous version of the order, the immediate
21 face, when I first read it I thought oh, it
22 means \$800,000 is going to come immediately.

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1 And then I read all the way to the end of it
2 and it says "or at a later date, as determined
3 by the Deputy Mayor for planning and economic
4 development or his designee."

5 And so that means that there
6 really is no guarantee on when it would occur
7 whatsoever. And so I'm just questioning what
8 is happening there.

9 CHAIRMAN HOOD: Let me ask you,
10 are you speaking of -- do you have the latest
11 version of how it's broken out? I'm not sure.
12 If you look at page 24 of 26 --

13 COMMISSIONER MAY: Yes.

14 CHAIRMAN HOOD: -- No. 8.

15 COMMISSIONER MAY: Yes.

16 CHAIRMAN HOOD: "The applicant
17 shall contribute a total of \$800,000 to the
18 District for construction and ongoing
19 maintenance of the adjacent Diamond T Park.
20 The first \$500,000 of this contribution shall
21 be made to the District at the earlier of: (A)
22 The issuance of a building permit for Phase 1

1 of the project; or (B) Recipient will request
2 receipt from the MPD for reimbursement of
3 construction costs incurred by DMP in
4 connection with the construction and
5 installation of Diamond T Park.

6 The remaining \$300,000 of this
7 contribution shall be made to the District
8 prior to issuance of a building permit for
9 Phase 1 of the project with the intent that
10 such money be set aside for maintenance of the
11 constructed Diamond T Park."

12 COMMISSIONER MAY: Yes, I mean,
13 that's what I'm comparing it to. And I'm not
14 sure that the revised language that we got on
15 May 15th, the May 15th letter, is better,
16 because it sort of opens the door for it
17 happening.

18 CHAIRMAN HOOD: Well, actually,
19 this is what we would have adopted.

20 COMMISSIONER MAY: That's the most
21 recent version of it?

22 CHAIRMAN HOOD: Right. This is

1 the most recent. We will adopt. If we look
2 in the current order that's in front of us, we
3 would adopt that one.

4 COMMISSIONER MAY: Oh, the May 22
5 order?

6 CHAIRMAN HOOD: May 22nd, right.
7 And so is that the one you have a problem
8 with? Do you have a problem with --

9 COMMISSIONER MAY: No, I have -- I
10 don't have a problem with the May 22nd order.
11 What I have a problem with is the May 15th
12 letter.

13 CHAIRMAN HOOD: Right, I
14 understand.

15 COMMISSIONER MAY: And so that's--

16 CHAIRMAN HOOD: I understand.

17 COMMISSIONER MAY: All right.

18 CHAIRMAN HOOD: This is what we --

19 COMMISSIONER MAY: I misunderstood
20 that. I thought that this, because this was
21 received relatively late, might have been --
22 it reflected a change from the initial draft.

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1 CHAIRMAN HOOD: I think this
2 incorporates pretty much that, but it goes to
3 the initial draft. But this incorporates the
4 time release.

5 COMMISSIONER MAY: Right.

6 CHAIRMAN HOOD: I think your
7 question is answered in this.

8 COMMISSIONER MAY: Right.

9 CHAIRMAN HOOD: And I'm looking
10 from here and it doesn't look like it's, at
11 least, the changed.

12 COMMISSIONER MAY: Yeah. Well, I
13 mean, every --

14 CHAIRMAN HOOD: Which order is
15 that to your right?

16 COMMISSIONER MAY: -- word you
17 just read was exactly what I had here in
18 Condition No. 8.

19 CHAIRMAN HOOD: Okay.

20 COMMISSIONER MAY: In this
21 version. So it may not be highlighted in red,
22 but it's the same as what you read.

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1 CHAIRMAN HOOD: Okay. Okay.

2 COMMISSIONER MAY: I just thought
3 that the May 15th letter was a subsequent
4 version of that.

5 CHAIRMAN HOOD: No.

6 COMMISSIONER MAY: Okay.

7 MS. SCHELLIN: Actually, wait a
8 second. We need to get a clarification. That
9 might not be true.

10 CHAIRMAN HOOD: Well --

11 VICE CHAIRMAN JEFFRIES: Listen, I
12 see there is two different sets of language
13 around this \$800,000 payment. I am absolutely
14 indifferent. I am perfectly happy at May
15 15th. I mean, we have a trigger of 60 days
16 after the date of the order or as determined
17 by the Deputy Mayor's Office. I am absolutely
18 comfortable with the Deputy Mayor's Office
19 making the determination of when this is paid,
20 you know, the later of.

21 I think there is enough
22 information here and I just, you know, think

1 the hour is pretty late now with this project
2 quite frankly. And I mean, you know, we can
3 have other conversation, but I'm -- you know,
4 the Deputy Mayor's Office is representing the
5 District. I mean, why in the world -- you
6 know, I think I feel comfortable to let them
7 make a determination of when they would like
8 to receive these monies.

9 I mean, it just doesn't make any
10 sense.

11 COMMISSIONER MAY: I agree
12 wholeheartedly with the Vice Chairman, Mr.
13 Chairman.

14 CHAIRMAN HOOD: Okay.

15 COMMISSIONER MAY: I may not win
16 any votes with this, but I just -- I prefer
17 when money is -- when money is going to be
18 proffered like this that there be a concrete
19 trigger that has something to do with the --
20 specifically with the development and has less
21 to do with, you know, someone else taking an
22 action, an affirmative action to do it.

1 I mean, regardless of who that
2 other body is, it's not an issue of trust,
3 it's just an issue of, you know, when -- I
4 mean, I would like to see things tied to the
5 actions of what we do, rather than relying on
6 others. I mean, if that doesn't resonate with
7 the rest of the Commission, I'm okay with it,
8 that's fine with me.

9 I just thought that this was a
10 difference of some substance and that we ought
11 to discuss it.

12 CHAIRMAN HOOD: Okay. Let me ask
13 this question and move this along. Is this a
14 show stopper for you?

15 COMMISSIONER MAY: No.

16 CHAIRMAN HOOD: Okay. With that,
17 I thought it was basically legally sufficient,
18 that's why I thought that this was the
19 language, but I understand there has been some
20 conversations and I too would associate myself
21 with Commissioner Vice Chairman Jeffries. And
22 I appreciate your comments, but I would say

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1 that I think this is not -- we don't need to
2 probably be here and I appreciate your
3 comments, but we don't need to be here until
4 9:00.

5 I think for the best interest of
6 the city, I think regardless of it, whether
7 the Deputy Mayor for planning and economic
8 development or his designee, I'm sure they are
9 going to do what's in the best interest. And
10 for me, it doesn't have anything to do with
11 trust. It's about what's the best interest
12 for the city. Okay.

13 Any other comments?

14 VICE CHAIRMAN JEFFRIES: No.

15 CHAIRMAN HOOD: The only other
16 thing I would say, another thing that's kind
17 of confusing is when I look at dates. We're
18 talking about May 15 and then something else
19 points to May 16th. And sometimes you always
20 wonder is something missing. But that's
21 neither here nor there.

22 I think it's pretty much -- and I

1 can't remember now where I saw May 16th. I
2 thought maybe that was the issue. But anyway,
3 anything else, Commissioner May? Not that
4 we're discounting your comments.

5 COMMISSIONER MAY: I don't feel
6 discounted.

7 CHAIRMAN HOOD: Okay, good.

8 COMMISSIONER MAY: No, nothing
9 else for me. Thank you.

10 CHAIRMAN HOOD: Okay. Anyone
11 else? Any other comments?

12 VICE CHAIRMAN JEFFRIES: The only
13 -- I would like to make a motion.

14 CHAIRMAN HOOD: Sure.

15 VICE CHAIRMAN JEFFRIES: I just
16 want to make certain if there's any more
17 comments. Okay. Mr. Chair, I would like to
18 make a motion that we approve under final
19 action Zoning Commission Case No. 04-14,
20 Florida Rock Properties - 2nd Stage PUD and
21 Related Map Amendment at Potomac Avenue, S.E.
22 and I ask for a second.

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1 COMMISSIONER ETHERLY: Second.

2 COMMISSIONER TURNBULL: Second.

3 COMMISSIONER ETHERLY: All right.

4 I'll defer to Mr. Turnbull.

5 CHAIRMAN HOOD: Okay. Moved and
6 properly seconded. Further discussion? The
7 only thing I would add is that it goes with
8 the revised condition of No. 8, if you would
9 accept that.

10 VICE CHAIRMAN JEFFRIES:

11 Absolutely, accept it.

12 CHAIRMAN HOOD: May 15th. And
13 also, any further discussion? Let me just say
14 this and I'm going to read this into the
15 record, because I think this really says
16 something about this project.

17 NCPC said that it had no adverse
18 effect on the federal interests. This project
19 is expected to bring activity and amenities to
20 Anacostia Waterfront and is respecting the
21 planning for the South Capitol Street corridor
22 and the new Frederick Douglas Memorial Bridge.

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1 Furthermore, it is enhancing the
2 connection of the National Baseball Park and
3 surrounding District to the Anacostia
4 Waterfront. The goal is supported by the
5 Anacostia Waterfront Initiative and
6 partnership among federal and local agencies,
7 including NCPC.

8 I think that says a whole lot.
9 And I have never read an NCPC report with that
10 type of paragraph in it. Maybe it's in there,
11 hopefully they won't think I don't read their
12 documents, but I do, but I have never read it
13 like that.

14 Okay. It has been moved and
15 properly seconded. Any further discussion?
16 All those in favor?

17 ALL: Aye.

18 CHAIRMAN HOOD: Any opposition?
19 So staff would you record the vote?

20 MS. SCHELLIN: Staff records the
21 vote 5-0-0 to approve Zoning Commission Case
22 No. 04-14 for final action along with the

1 Condition No. 8 being as stated in the
2 applicant's submission at Exhibit 102.
3 Commissioner Jeffries moving, Commissioner
4 Turnbull seconding, Commissioners Hood,
5 Etherly and May in favor.

6 CHAIRMAN HOOD: Okay. Thank you.
7 And thank everyone for their participation
8 tonight.

9 Ms. Schellin, do we have anything
10 else for the Special Public Meeting?

11 MS. SCHELLIN: No, sir.

12 CHAIRMAN HOOD: If not, this
13 Special Public Meeting is adjourned.

14 (Whereupon, the Special Public
15 Meeting was concluded at 6:47 p.m.)
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