

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

NOVEMBER 10, 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
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
TRAVIS PARKER
STEPHEN MORDFIN
MAXINE BROWN-ROBERTS
MATT JESICK
STEPHEN RICE
STEPHEN VARGA

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on November 10, 2008.

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

6:30 p.m.

CHAIRPERSON HOOD: Okay. This meeting will please come to order.

Good evening, ladies and gentlemen. This is the November 10th, 2008 public meeting of the Zoning Commission. My name is Anthony Hood and joining me are Commissioner Turnbull and Commissioner May. Also we're joined by the birthday lady, Ms. Sharon Schellin.

Would you like to tell us, you have any plans?

Well, the goal tonight is to get Ms. Schellin out so she can enjoy her birthday.

Also Ms. Donna Hanousek and Ms. Bushman. From the Office of the American General, Mr. Ritting and the Office of Planning under the leadership of Ms. Steingasser.

Okay. Copies of today's meeting

1 agenda are available to you and are located in
2 the bin near the door.

3 We're also being web cast live.

4 Okay. Let's get right into our
5 agenda.

6 Ms. Schellin, we have any
7 preliminary matters?

8 MS. SCHELLIN: I think none except
9 that you talked about maybe rearranging the
10 agenda.

11 CHAIRPERSON HOOD: Okay. We're
12 going to take everything until we get to
13 three. Our new number three will be final
14 action. Number four will be hearing action.
15 Number five will be proposed action. And then
16 we will proceed as indicated. Again number
17 three, now noted as hearing action, becomes
18 number four. Proposed action, known as number
19 four, becomes number five. And number five,
20 which is final action, becomes number three.
21 Hopefully no one's mixed up. If not, just go
22 along and we'll get through it.

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1 Okay. Ms. Schellin, we have any
2 preliminary matters?

3 MS. SCHELLIN: No, sir.

4 CHAIRPERSON HOOD: Consent
5 calendar items? None?

6 MS. SCHELLIN: None.

7 CHAIRPERSON HOOD: Okay. Final
8 action. Zoning Commission Case No. 07-35,
9 Sheridan Redevelopment, Consolidated PUD and
10 related map amendment at Ward 8.

11 Ms. Schellin?

12 MS. SCHELLIN: Staff has nothing
13 further to add for this one other than to say
14 that we do have an absentee ballot from
15 Commissioner Jeffries.

16 CHAIRPERSON HOOD: Okay. Thank
17 you very much, Ms. Schellin.

18 MS. SCHELLIN: I'm sorry, this
19 one, I forgot, there is a request from the
20 applicant withdrawing its phasing request.
21 That was something that you guys requested at
22 the last meeting before you would take final

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1 action. And they have provided a letter
2 withdrawing that phasing request.

3 CHAIRPERSON HOOD: Okay. We have
4 that letter in front of us, colleagues; it's
5 Exhibit 72. And that was one of the
6 outstanding issues and they are withdrawing
7 the phasing.

8 With that, unless there's anything
9 else, I would approve Zoning Commission Case.
10 07-35, the Sheridan Redevelopment and ask for
11 a second.

12 COMMISSIONER TURNBULL: Second.

13 CHAIRPERSON HOOD: Second. Any
14 further discussion? Any further discussion?

15 All those in favor? Aye.

16 COMMISSIONER TURNBULL: Aye.

17 COMMISSIONER MAY: Aye.

18 CHAIRPERSON HOOD: Sounds like
19 those present, all are in agreeance.

20 Ms. Schellin, could you record the
21 vote?

22 MS. SCHELLIN: Yes, staff records

1 the vote 4-0-1 to approve final action in
2 Zoning Commission Case No. 07-35.
3 Commissioner Hood moving; Commissioner May and
4 Turnbull in support. Commissioner Jeffries in
5 support by absentee ballot. The third mayoral
6 appointee, vacant, not voting.

7 CHAIRPERSON HOOD: Okay. Our next
8 case is Zoning Commission Case No. 08-03 and
9 that's the Beulah Baptist Church of Deanwood
10 Heights, map amendment for portions of Squares
11 5228, 5253, 5262, 5263, 5264 and 5265.

12 Ms. Schellin?

13 MS. SCHELLIN: Staff has nothing
14 further to add on this case either, other than
15 to advise that we do have an absentee ballot
16 from Mr. Jeffries.

17 CHAIRPERSON HOOD: Okay. I did
18 not participate on this case, so what I would
19 do is ask if we have any discussion. I would
20 like for one of my colleagues to make a
21 motion, if so choosing, and moving that order.

22 COMMISSIONER TURNBULL: I would

1 move that we approve Zoning Case No. 08-03,
2 petition of Beulah Baptist Church of Deanwood
3 Heights to amend Zoning Map, portions of
4 Squares 5228, 5253, 5262, 5263, 5264 and 5265.

5 CHAIRPERSON HOOD: Okay. Can I
6 get a second?

7 COMMISSIONER MAY: Second.

8 CHAIRPERSON HOOD: Moved and
9 properly seconded. Any further discussion?

10 All those in favor?

11 COMMISSIONER TURNBULL: Aye.

12 COMMISSIONER MAY: Aye.

13 CHAIRPERSON HOOD: Ms. Schellin,
14 could you record the vote?

15 MS. SCHELLIN: Yes, staff records
16 the vote 3-0-2 to approve final action in
17 Zoning Commission Case No. 08-03.
18 Commissioner Turnbull moving; Commissioner May
19 seconding. Commissioner Jeffries in favor by
20 absentee ballot. Commissioner Hood not
21 voting, having not participated. And the
22 third mayoral appointee position being vacant,

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1 not voting.

2 CHAIRPERSON HOOD: Thank you, Ms.
3 Schellin.

4 Let's move right along. Zoning
5 Commission Case No. 07-27, EYA, LLC and St.
6 Paul's College, consolidated --

7 MS. SCHELLIN: Before we go there,
8 there's one more case in between, 08-03-1.
9 That was another one that, Chairman Hood, you
10 didn't participate in.

11 CHAIRPERSON HOOD: The one that I
12 put it to the side? Okay.

13 MS. SCHELLIN: Yes.

14 CHAIRPERSON HOOD: All right. All
15 right. Let's go, colleagues. Zoning
16 Commission Case No. 08-03-1. Ms. Schellin?

17 MS. SCHELLIN: Again, I have an
18 absentee ballot from Commissioner Jeffries.

19 COMMISSIONER TURNBULL: I would
20 move approval of Zoning Case No. 08-03-1, text
21 amendment, a Deanwood Heights map amendment,
22 portions of Square 5253, 5254, 5262, 5263,

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1 5264 and 5265.

2 CHAIRPERSON HOOD: Get a second?

3 COMMISSIONER MAY: Second.

4 COMMISSIONER MAY: Moved and
5 properly seconded. Any further discussion?

6 All those in favor?

7 COMMISSIONER TURNBULL: Aye.

8 COMMISSIONER MAY: Aye.

9 CHAIRPERSON HOOD: Ms. Schellin,
10 could you record the vote?

11 MS. SCHELLIN: Yes, staff records
12 the vote 3-0-2 to approve final action of
13 Zoning Commission Case No. 08-03-1.
14 Commissioner May moving; Commissioner Turnbull
15 seconding. Commissioner Jeffries in support
16 by absentee ballot. Commissioner Hood not
17 voting, having not participated. And the
18 third mayoral appointee, vacant, not voting.

19 CHAIRPERSON HOOD: For the record,
20 when council looks at my attendance, both of
21 those cases were the same night and went
22 relatively quickly. So maybe I should stay

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1 away more often.**

2 Okay. Zoning Commission Case No.
3 07-272aye, EYA, LLC and St. Paul's College,
4 consolidated PUD and related map amendment at
5 3015 4th Street, Northeast.

6 Ms. Schellin?

7 MS. SCHELLIN: There were a couple
8 documents received that the Commission
9 requested. We did get, I believe it was
10 today; maybe it was Friday or today, a letter
11 from DPR supporting the project and I believe
12 it was the park. And also we have a report
13 from NCPC stating that it did not adversely
14 affect any federal interest and would not be
15 inconsistent with the Comp Plan of the
16 National Capital.

17 CHAIRPERSON HOOD: Okay. Thank
18 you very much, Ms. Schellin. And I would just
19 allude we also received a letter from the ANC
20 in which there were some questions asked. A
21 lot of it was traffic. Also it mentioned
22 about the amenities package. The applicant

1 has increased the amenities package, and I
2 know my colleagues thought that the package
3 was sufficient when we dealt with it at
4 proposed. And it looks like by the simple
5 request they have increased it now. The
6 community probably get everything they want?
7 No. Are they still a park? Yes. But was
8 that increase made? Yes.

9 And there are some questions from
10 Commissioner Grant that were asked, and I
11 think there are other venues that can handle
12 that. Some of this is outside of our
13 jurisdiction because one of the questions was
14 the fifth point in the construction traffic
15 management plan, listed all construction, all
16 routes shall be approved by the District of
17 Columbia. And the question was, which agency?
18 I would believe that is DDoT, but I don't want
19 to sit here and try to mention what the
20 relative agencies are which handle this, but
21 there are other venues which handle things,
22 especially when consistent with the

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1 construction management plan. So I wanted to
2 make sure that was on the record.

3 Let me just ask this: The ANC
4 asked for additional time. Is there anyone
5 here interested in additional time in this
6 particular case? Okay. Hearing none.

7 Let's open it up for discussion.

8 Commissioner Turnbull?

9 COMMISSIONER TURNBULL: I think
10 one of the things which we had asked for, and
11 we did receive, a construction management
12 plan?

13 CHAIRPERSON HOOD: Correct.

14 COMMISSIONER TURNBULL: And I
15 think a lot of the things that the Committee
16 was concerned about is enumerated here, but I
17 think the big point is that they're going to
18 have a representative who will be authorized
19 to address compliance and that the
20 representative shall have a local office,
21 phone, fax and voice mail and be accessible
22 during business hours. And I think there's a

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1 means of communication with the contractor,
2 with the applicant, during this whole process.
3 So I think that's a good aspect of it. I
4 think we got what we wanted on that.

5 CHAIRPERSON HOOD: Okay. I will
6 tell you that, and then we'll go to
7 Commissioner May, and I'm looking at some of
8 the points where I read, "We are pleased to
9 report that the dialogue was in many ways
10 responsive, respective and productive, but
11 ultimately the applicant was unable to close
12 the gap between the requests of the ANC and
13 what the applicant believes is reasonable and
14 financially sustainable by the project."

15 And, you know, this is a process
16 and I have some things here underlined where
17 they went up from 24 to 28 affordable units,
18 but again, I will rest on this because the
19 construction management plan, everything which
20 will be in our order, the Zoning
21 Administrator, I think that gives, at least
22 me, a confidence level to move forward.

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1 There's a recourse for the community to go to.

2 Commissioner May?

3 COMMISSIONER MAY: For reasons
4 that have not been addressed and any
5 subsequent submissions, I opposed this project
6 when we took proposed action, and I don't see
7 any reason at this point to change my position
8 on this one. I'm prepared to go forward, but
9 I'm still opposed to the project.

10 CHAIRPERSON HOOD: Okay. All
11 right. With that, we also have a letter from
12 National Capital Planning Commission. Said
13 it's not inconsistent with the Comp Plan for
14 the National Capital Renewal, would be
15 adversely affect any other identified federal
16 interests.

17 So with that, I would move
18 approval, modified approval of modifying of
19 the amenities and what was submitted in for
20 final, Zoning Commission Case No. 07-27 and
21 ask for a second.

22 COMMISSIONER TURNBULL: Second.

1 CHAIRPERSON HOOD: Moved and
2 properly seconded. Any further discussion?
3 Any further discussion?

4 All those in favor? Aye.

5 COMMISSIONER TURNBULL: Aye.

6 CHAIRPERSON HOOD: Any opposition?

7 COMMISSIONER MAY: Opposed.

8 CHAIRPERSON HOOD: Okay. Ms.
9 Schellin, could you record the vote and the
10 proxy?

11 MS. SCHELLIN: Yes, staff records
12 the vote 3-1-1 to approve final action in
13 Zoning Commission Case No. 07-27.
14 Commissioner Hood moving; Commissioner
15 Turnbull seconding. Commissioner Jeffries in
16 support by absentee ballot. Commissioner May
17 opposed and the third mayoral appointee,
18 vacant, not voting.

19 CHAIRPERSON HOOD: Okay. Thank
20 you, Ms. Schellin.

21 Next is Zoning Commission Case No.
22 06-40. This is the Gateway Market Center,

1 Inc., consolidated PUD and related map
2 amendment at 1240-1248 4th Street, Northeast.

3 Ms. Schellin?

4 MS. SCHELLIN: We also have an
5 absentee ballot from Mr. Jeffries on this
6 case.

7 CHAIRPERSON HOOD: Okay. The NCPC
8 mentions that the Comprehensive Plan for the
9 National Capital Area is not inconsistent with
10 that, nor would it adversely affect any other
11 identified federal interests.

12 What I would like to do in this
13 case, unless there are some other comments, is
14 to move approval of this case, but give Office
15 of Attorney General the latitude or
16 flexibility to make sure it's correct with
17 legal sufficiency.

18 Okay. So I would move approval of
19 Zoning Commission Case No. 06-40 and leave in
20 the flexibility for Office of Attorney General
21 to make sure that the order is sufficient
22 legally and ask for a second.

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1 COMMISSIONER MAY: Second.

2 CHAIRPERSON HOOD: Moved and
3 properly seconded. Any further discussion?
4 Any further discussion?

5 All those in favor? Aye.

6 ALL: Aye.

7 CHAIRPERSON HOOD: Not hearing any
8 opposition, Ms. Schellin, could you record the
9 vote?

10 MS. SCHELLIN: Staff records the
11 vote 4-0-1 to approve final action in Zoning
12 Commission Case No. 06-40. Commissioner Hood
13 moving; Commissioner May seconding.
14 Commissioner Turnbull in support; Commissioner
15 Jeffries in support by absentee ballot. The
16 third mayoral appointee, vacant, no voting.

17 CHAIRPERSON HOOD: Okay. Thank
18 you.

19 Now we'll go to hearing action.
20 Zoning Commission Case No. 08-25. This is the
21 Matthews Memorial LP and Matthews Memorial
22 Church, consolidated PUD and related map

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1 amendment at Square 5868.

2 Let me see, and I know his name,
3 Mr. Weis? Rice. How did I forget that? I
4 just haven't seen you in about a month.

5 Okay. Mr. Rice?

6 MR. RICE: Good evening. My name
7 is Mr. Stephen Rice. I'm with the Office of
8 Planning.

9 The applicant, which is Matthew
10 Memorial Church, is requesting a consolidated
11 PUD and PUD-related map amendment from the
12 R-5-A to the R-5-B for a property located in
13 Square 5868.

14 The Office of Planning recommends
15 the application be set down for public hearing
16 as proposed, but in the alternative OP
17 recommends that a C-2-A PUD-related map
18 amendment for the entire site be advertised.

19 Just to give a brief description
20 of the site. It's located about a third of a
21 mile south of the Anacostia Metro station in
22 Ward 8. The site is bound by Martin Luther

1 King Avenue to the west and Dunbar Road to the
2 east. The surrounding area is comprised of
3 mainly multifamily housing buildings and also
4 some single family houses and other
5 institutional uses.

6 The applicant is proposing to
7 remove four existing small houses and to
8 reconstruct a four-story 100-unit apartment
9 building and a three-story community center.
10 Thirty-two of those units would be devoted to
11 seniors and the community center would include
12 a health clinic, a community room, a small
13 book store, a café, and a restaurant. The
14 community center would service both the
15 existing church and the greater community.

16 As far a zoning is concerned, the
17 residential building would be well within the
18 PUD height and FAR provisions of the R-5-B.
19 The R-5-B, however, does not have permit
20 retail uses. OP is not opposed to limited
21 retail uses on this site as a part of the
22 church-related community spaced. Therefore,

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1 in the alternative, OP is recommending that
2 the Zoning Commission set down a C-2-A PUD-
3 related map amendment to permit the retail
4 uses associated with the community center.

5 The following areas of flexibility
6 would be needed: The height and FAR increase
7 that's associated with the PUD-related map
8 amendment. This height would be above what's
9 permitted by right, but it would be well below
10 what would be permitted with a PUD. Relief
11 from parking would also be required.
12 Twenty-two spaces is required for the
13 community center, but only 12 spaces would be
14 provided. And a request to construct the two
15 buildings on one lot is also a matter of
16 relief that's needed.

17 OP notes that under R-5-B
18 additional relief would be needed to permit
19 the community center for this portion of the
20 project, but such relief would not be needed
21 if the site is amended to a C-2-A as proposed
22 by OP in the alternative.

1 As far as the land use map and the
2 Comp Plan policies, according to the land use
3 map, the site is designated for moderate
4 density residential. Although the map does
5 not specifically call out commercial uses in
6 this area, the map is generalized and there
7 are multiple policy statements in the plan
8 supporting the forms of non-residential uses
9 that are proposed. Further, the entire site
10 is located within the community enhancement
11 area as identified in the Comprehensive Plan
12 generalized policy map. The community
13 enhancement area encourages in-field
14 development and land uses that reflect the
15 historic mixture and diversity of the
16 community. The project would promote this
17 policy by enhancing the available housing
18 variety and by establishing a diversity of
19 land uses in this neighborhood.

20 As detailed in our report, the
21 project would advance numerous specific
22 provisions that are labeled in the Comp Plan.

1 It would advance family style sit-down
2 restaurants, which are specifically identified
3 for this area, medical clinics, affordable
4 housing, family housing and tier housing.

5 As far as the amenities and public
6 benefits, the residential piece would be 100
7 percent affordable. As far as the housing is
8 concerned, roughly a third of the housing
9 would be reserved for seniors.

10 The project would also have
11 environmental benefits as the development
12 would incorporate green building features.

13 So the Office of Planning believes
14 that this proposed PUD is not inconsistent
15 with the elements of the Comp Plan and would
16 be a benefit to the surrounding neighborhood.
17 OP recommends that the application be set down
18 for public hearing for a consolidated PUD and
19 related map amendment from R-5-A to R-5-B.
20 But in the alternative, OP recommends that the
21 C-2-A PUD-related map amendment be advertised
22 for this site.

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1 Just to sort of clarify something
2 that was noted in our report, OP recommends
3 that this alternative for C-2-A be advertised
4 for the entire site. The Office of Planning
5 will continue to work with the applicant to
6 ensure that more details are provided
7 regarding the green building components,
8 details regarding its social services
9 programming and also to ensure refined
10 building and landscape drawings are provided
11 prior to a public hearing.

12 I'm open for questions.

13 CHAIRPERSON HOOD: Mr. Rice, let
14 me just ask you one quick question about the
15 advertisement. Does the applicant have a
16 problem with -- I don't know if I read that
17 they were in agreeance with -- are they in
18 agreeance with the C-2-A, the entire site?

19 MR. RICE: As far as we know, we
20 haven't heard any complaints about
21 re-advertising for a C-2-A.

22 MR. LAWSON: To clarify, Mr. Hood

1 actually did discuss it with the applicant and
2 they indicated that they had no concern, that
3 they concurred with the alternative mapping
4 for the site.

5 CHAIRPERSON HOOD: Okay. Thank
6 you very much.

7 Okay. Colleagues -

8 COMMISSIONER TURNBULL: But that's
9 larger than the site of the original R-5-B,
10 right? Or is this you're increasing the --

11 MR. RICE: Well, in the report I
12 think we noted that it would only be for the
13 community center. But in fact, in the
14 alternative it would be for the entire portion
15 of the site that's identified in this
16 application.

17 COMMISSIONER TURNBULL: Okay. So
18 you're not splitting it? You're really saying
19 it's the whole thing?

20 MR. RICE: It's the entire site,
21 correct.

22 COMMISSIONER TURNBULL: Oh, okay.

1 I'm just looking here, now the loading berth
2 is simply a space outside, from what I can see
3 here. It's not really inside the building.
4 It's a reserved area on the outside near the
5 entrance to the garage for a truck to pull up,
6 which looks kind of tight with the parking,
7 with the cars. I mean, again, even if you're
8 looking at a 50 or a 40-foot truck, I don't
9 know, maybe it's fine. It just seems you're
10 going to have to back in a ways to do this.
11 But, yes, I guess you're just going to be off-
12 loading in the parking lot then?

13 MR. RICE: Are you referring to --

14 COMMISSIONER TURNBULL: I'm
15 looking at drawing A-1.

16 MR. RICE: Okay.

17 COMMISSIONER TURNBULL: But it's
18 on a couple of the other site plans, any one
19 of the site plans, but A-1 just sort of shows
20 the garage entrance going in and out and then
21 it's got a reserve space which just says
22 "loading." And from what I've seen, it's

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1 simply a place on the parking lot.

2 MR. RICE: Yes, that is how it
3 appears.

4 COMMISSIONER TURNBULL: I'm just
5 wondering if that's the most advantageous way
6 to do this.

7 MR. RICE: That could be something
8 I could actually get more information from the
9 applicant.

10 COMMISSIONER TURNBULL: Okay. I'm
11 just curious. I'm sorry. Yes, you're right.
12 There is another commercial loading space on
13 the entrance as you're coming in off of Martin
14 Luther King Drive. There's a space. There's
15 another one. These are simply just spaces.
16 I guess you're just going to off-load.
17 There's not really a loading berth; there's
18 not a loading dock. It's simply a space
19 outside of the buildings that you simply pull
20 up in and unload.

21 MS. STEINGASSER: That's correct.
22 That's the initial design, is that it's a

1 loading space. And on the residential
2 building, you would come in through the
3 garage, but you would unload outside of the
4 garage.

5 COMMISSIONER TURNBULL: And then
6 you'd have to have the garage doors open to
7 wheel things in, I guess.

8 MS. STEINGASSER: And there are
9 two elevators that you would work from there.

10 COMMISSIONER TURNBULL: Okay. I'm
11 just wondering. It looks kind of tight with
12 the cars. I'm just wondering how a truck
13 pulls in there. I mean, maybe it's fine. It
14 just looks awkward.

15 MS. STEINGASSER: We can ask the
16 applicant to provide the drawings the
17 Commission's used to seeing that shows the
18 radius and the trucks' movements. They'll be
19 happy to do that.

20 COMMISSIONER TURNBULL: Okay. I
21 guess the only other thing that sort of struck
22 me, there's a bike rack on the outside and I'm

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1 just curious why there wasn't bike storage on
2 the inside in the parking garage. I mean,
3 it's a nice place to pull up and park your
4 bike while you're there, but I think for
5 overnight storage and safekeeping you might
6 want to have something inside the building.

7 MS. STEINGASSER: We'll ask them
8 to look at that. That's a valid point.

9 COMMISSIONER TURNBULL: I mean,
10 ask the applicant to look at that.

11 MS. STEINGASSER: Yes, to at least
12 give some kind of weather and security.

13 COMMISSIONER TURNBULL: Yes, I was
14 just concerned that it's just out in the open
15 and it would be better for the residents to
16 have something inside the building.

17 MR. RICE: To go back to your
18 original question, I think there is a drawing
19 showing the circulation from the rear. It's
20 the C- 2.20. It gives a little indication of
21 how the truck would actually turn around from
22 the rear.

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1 COMMISSIONER TURNBULL: Okay. I
2 see it. I think that works. I just see that
3 the last vehicle still could be -- I mean, it
4 still looks a little awkward there. I mean,
5 they've got it to work, but it just seems like
6 it's still --

7 MS. STEINGASSER: We'll ask them
8 to take a look at that and work with DDoT on
9 options.

10 COMMISSIONER TURNBULL: Take
11 another look at it. Okay.

12 Mr. Chair, I'll give it someone
13 else.

14 CHAIRPERSON HOOD: Okay. Thank
15 you.

16 Before I go to Commissioner May,
17 Vice Chair Jeffries has some comments on this
18 case and if we can read those?

19 MS. SCHELLIN: Yes. The applicant
20 should spend some time discussing the
21 operations of the community center because of
22 the varied and intense uses proposed.

1 Secondly, I am asking the applicant to revisit
2 the punched-out windows shown in the facades.
3 In other words, please review how the windows
4 are organized as it makes the facade seem
5 flat.

6 CHAIRPERSON HOOD: Is that all? I
7 won't say anything bad about his comments,
8 because he'll probably read the record.

9 Okay. Commissioner May?

10 COMMISSIONER MAY: Yes, I
11 generally agree with Commissioner Jeffries'
12 comments as well. I think the elevations in
13 general need work, as do I think the plans
14 overall. I mean, just looking at the loading
15 situation in both circumstances, I mean, it
16 looks like there's a loading dock, if you look
17 at the civil plans based on the elevations
18 that I read there. But it's C-2.0. You can
19 see a difference in the height of the
20 elevations. So there's a four-foot high dock
21 there, but it doesn't seem to connect to
22 anything. And it certainly makes sense that

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1 there would be an actual loading dock.
2 There's enough grade change that it's easy.
3 There's access to the garage. I mean, there's
4 just really not an excuse for not having that
5 work well.

6 The community center building,
7 similarly the loading is somewhat tortured.
8 I mean, you sort of have this false impression
9 that maybe you're loading at the level where
10 the stuff is going to be going, but you're
11 actually loading and taking it down a ramp and
12 going into the basement, and then coming up
13 the elevator to the kitchen. And that's where
14 most of the traffic is going to be. So, I
15 think that needs some work and they ought to
16 look at some sort of more direct loading
17 circumstance there.

18 I think that what this reminds me
19 of, you know, between the loading and the
20 parking and, I mean, there's just a huge
21 amount of parking there that's existing, I
22 know, but with this new use and new activity

1 I'm concerned about seeing some level of
2 traffic study that goes along with this,
3 particularly looking at the turning movements
4 off of MLK, given the upcoming development
5 further up Martin Luther King Boulevard and
6 also the improved interchange between the
7 Suitland Parkway and MLK.

8 As I said before, echoing
9 Commissioner Jeffries, the elevations I think
10 need work. I'm particularly concerned about
11 the view of the building from Suitland
12 Parkway. It's not bad; it's not like it's a
13 forgotten elevation and they've just focused
14 on the Martin Luther King side, but I do think
15 you need to be very careful about what the
16 view is actually from the parkway, because we
17 want it to look like a very good building from
18 that side. The lowest level there is probably
19 the least attractive, but that's also going to
20 be the least visible I think from Suitland the
21 way the grades work out. But it may be worth
22 actually doing some sort of a study there to

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1 see how much slope you see, you know, what
2 kind of trees are between you and the
3 building. But I'm very interested in that
4 being that the parkway is a parkway.

5 When we see the final versions or
6 the hearing package, ordinarily I wouldn't
7 even think I'd need to comment on this, but so
8 often we wind up at hearings without having
9 the right drawings to be able to evaluate it,
10 but enlarged elevations that show us in some
11 detail what materials are being used where and
12 sample boards that show that. We had a
13 hearing not too long ago where there was no
14 sample board and I just want to make sure we
15 get those things this time around so that we
16 can have an efficient hearing.

17 There are a lot of drawings in
18 here, a lot of renderings and different views,
19 and things like that. And I think that they
20 need to be judicious in using those and I
21 think some of them are a little heavy on the
22 color and the shadow, and it's not quite

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1 realistic. I'm not sure we're getting a
2 really good view of that. But I think it's
3 worth taking a good look at what views are
4 shown.

5 And I'm a little confused. I
6 mean, is the community center building going
7 to have a full-time operating restaurant? Is
8 that what we're seeing in the plans?

9 MR. RICE: Based on the statement,
10 my understanding is that it would function as
11 a dining hall for the church, but it also
12 would be open for the community during
13 restricted hours. Those hours weren't
14 detailed. Yes, it would be a restaurant, a
15 full restaurant.

16 COMMISSIONER MAY: It would be a
17 full restaurant?

18 MR. RICE: Open to --

19 COMMISSIONER MAY: I think it
20 would be very good to have a clear
21 understanding of what that is and whether it's
22 going to be, you know, an outside operator

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1 and, you know, running seven days a week. And
2 course all that will factor into the traffic
3 study as well. And I think that's right, I
4 think, you know, that what we see so far is,
5 you know, fairly mature, but clearly I think
6 there are some areas that you all will be
7 working with them on. That's about it for me.

8 CHAIRPERSON HOOD: Okay. Thank
9 you.

10 The only thing I would add, and
11 this goes in line with Commissioner May's
12 comments, one of the things that we've had
13 problems with is when we do our expert
14 witnesses. We want to make that the
15 applicants or whoever you're going to proffer
16 as an expert, that we have a sufficient
17 résumé, meaning case in point, architect, some
18 projects you may have done previously. So
19 just not that you're an architect and you need
20 to show us a little more of what your work
21 consists. So we don't want to turn you down
22 as an expert witness. And I think we just did

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1 that last week. So I want to make sure that
2 we also start mentioning that.

3 And, colleagues, if I forget,
4 let's make sure we do that because as you all
5 know, we have some good architects and I hate
6 for them not to get that status.

7 And let me just go back, because I
8 know if Commissioner Jeffries is going to read
9 the record, and all I was going to say to Mr.
10 Jeffries, when you read this record, I can't
11 believe you only had three comments.

12 But anyway, that's an inside joke.

13 Okay. Anything else?

14 Commissioner Turnbull?

15 COMMISSIONER TURNBULL: Mr. Chair,
16 I'd like to add, following up on Commissioner
17 May's comments though on the sample board, as
18 it is now when do you look at the drawings,
19 it's hard to tell what's masonry, what's
20 precast or stone. Some of this thing could be
21 siding, some of it could be veneer plaster and
22 some of that affects how we look at this. So

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1 I think we'd really like that. You know, and
2 as we were getting at, maybe some close-up
3 details on how some of these look at, because
4 it really helps us to get a better feel for
5 how this building is sitting on the site and
6 what it looks like.

7 And the other thing is, the roof
8 plan is not very well laid out. I mean, I
9 think I'm just seeing a very basic roof plan
10 and it looks like the penthouses are dashed
11 in, unless there is another drawing that I'm
12 not looking at. I'm looking at A-10, but
13 there's nothing really that says what's going
14 on up there and if it's a three-foot-six
15 parapet all the way around or whatever. So I
16 think a little bit more information on the
17 roof plan.

18 CHAIRPERSON HOOD: Okay. And the
19 only thing I would add to that, I think Mr.
20 Rice brought our attention to C-2.20. I'm
21 really concerned or really interested in
22 knowing how the circulation pattern is going,

1 where you got the handicap spaces, you have
2 the truck and C- 2.20 is like a truck over top
3 of the truck and it has to pull in and out.
4 And I personally want to see how all that's
5 going to work, so the whole circulation
6 pattern and how it's going to all operate
7 together.

8 Okay. Anything else?

9 Ms. Schellin, we have everything
10 covered?

11 Okay. With that, I would move
12 that we set down Zoning Commission Case No.
13 08-25 and ask for a second.

14 COMMISSIONER MAY: Second.

15 CHAIRPERSON HOOD: Moved and
16 properly seconded. Any further discussion?

17 All those in favor? Aye.

18 COMMISSIONER TURNBULL: Aye.

19 COMMISSIONER MAY: Aye.

20 CHAIRPERSON HOOD: Okay. Ms.

21 Schellin, could you record the vote?

22 MS. SCHELLIN: The staff records

1 the vote 4- 0-1 to set down Zoning Commission
2 Case No. 08- 25 as a contested case.
3 Commissioner Hood moving; Commissioner May
4 seconding. Commissioner Turnbull in support;
5 Commissioner Jeffries in support by absentee
6 ballot. Third mayoral appointee, vacant, not
7 voting.

8 CHAIRPERSON HOOD: Okay. Our next
9 case is Zoning Commission Case No. 08-26.
10 This is Georgia and Lamont LP, consolidated
11 PUD and related map amendment at Square 2892.

12 Mr. Mordfin?

13 Thank you, Mr. Rice.

14 Mr. Mordfin?

15 MR. MORDFIN: Good evening,
16 Chairman and members of the Commission. I'm
17 Stephen Mordfin with the Office of Planning.

18 The applicant is requesting a
19 consolidated planned unit development and a
20 PUD-related map amendment so as to construct
21 a six-story mixed-use building consisting of
22 69 residential units, 10,560 square feet of

1 retail space and 29 below-grade off-street
2 parking spaces at the southwest corner of
3 Georgia Avenue and Lamont Street, Northwest.

4 The site is currently improved
5 with commercial buildings fronting on Georgia
6 Avenue within the C-2-A and Georgia Avenue
7 Overlay Districts and a surface parking lot
8 within the R-4 District. A public alley
9 separates the commercial from the residential
10 zone districts. The PUD-related map amendment
11 is to rezone the entire site to the Georgia
12 Avenue Overlay District and C-2-B Districts to
13 permit an increase in building height and FAR.

14 A separate application has been
15 filed to close the portion of the public alley
16 that divides the property and establish a
17 20-foot wide public ingress/egress easement
18 along the western edge of the property.

19 The application also requests
20 flexibility to reduce the number of off-street
21 parking spaces from 33 to 29, permit the
22 provision of shared loading facilities between

1 the residential and retail uses of the
2 building, permit more than one roof structure,
3 and to construct on the lot an excess of
4 12,000 square feet within the Georgia Avenue
5 Overlay District.

6 The application also requests
7 flexibility to modify the plans as approved so
8 as to vary the number of residential units,
9 vary the interior components of the building,
10 vary the arrangements of the parking spaces
11 and vary the final selection of the exterior
12 materials without reducing quality.

13 The applicant proposes several
14 public benefits and amenities. These include
15 afford housing. A minimum of 50 percent of
16 the residential square footage is proposed to
17 be offered as affordable at 60 to 80 percent
18 AMI.

19 Urban design and architecture.
20 The application proposes high quality
21 community- oriented retail uses, but does not
22 define what those are and the Office of

1 Planning will work with the applicant to
2 further define those.

3 Environmental. The applicant
4 proposes to participate in the Green
5 Communities Program, including the provision
6 of a cool roof, Energy Star appliances and
7 lighting fixtures and use of low or
8 no-volatile organic compound paints.

9 And First Source Employment
10 Program and Local Business Opportunity
11 Program. The application indicates that the
12 applicant will participate in these programs
13 for the proposed development.

14 The application is not
15 inconsistent with the policies of the
16 Comprehensive Plan, including promote
17 mixed-use development including housing on
18 commercially-zoned land, particularly in
19 neighborhood commercial centers, strive to
20 retain the character of mid-city as a
21 mixed-income community by promoting the
22 construction of new affordable units. Georgia

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1 Avenue should be an attractive
2 pedestrian-oriented main street with retail
3 uses, mixed-income housing and finally
4 encourage the use of green building methods in
5 new construction.

6 Therefore, the Office of Planning
7 recommends that the Commission set down the
8 subject application. Thank you.

9 CHAIRPERSON HOOD: Okay. Thank
10 you, Mr. Mordfin.

11 Who would like to start off?

12 Mr. May?

13 COMMISSIONER MAY: Yes, my first
14 question is, what's directly south of this?
15 I see in the drawings just a two-story row
16 house.

17 MR. MORDFIN: They're two-story
18 commercial structures.

19 COMMISSIONER MAY: Commercial?
20 And is this the historic district? Are those
21 structures likely to be there a long time?

22 MR. MORDFIN: There is no historic

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1 district in this one.

2 COMMISSIONER MAY: Yes. Okay. So
3 I mean, at some point they're expected that
4 there will be a building of similar size built
5 next door and to the south?

6 MR. MORDFIN: Perhaps that is a
7 possibility.

8 COMMISSIONER MAY: Okay. Because
9 right now, I mean, you know, coming up Georgia
10 Avenue and looking across the street there
11 like that, you're looking at a big blank
12 facade.

13 MR. MORDFIN: On the south side of
14 the building?

15 COMMISSIONER MAY: Yes.

16 MR. MORDFIN: Yes. Right, it's a
17 big blank facade. Right now the Georgia
18 Avenue Overlay District is encouraging -- the
19 purposes of that is to encourage the
20 redevelopment, increase the number of
21 residential uses on the street and modernize
22 the retail spaces. So the entire square is

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1 located within -- or rather the entire
2 frontage on Georgia Avenue is located within
3 the Overlay District. So as what is happening
4 on this part, part of the plan is that we
5 anticipate is that that would also happen on
6 other portions of that square.

7 COMMISSIONER MAY: Okay. The
8 reason I ask that is, I mean, looking at that,
9 I mean, you have this great big south-facing
10 facade and not a window on it. And I know
11 that if it's on the property line, it could
12 wind up going away if you build a building
13 next door. But there are portions of that
14 facade that are not on the property line.
15 They're on a public alley, right?

16 MR. MORDFIN: The rear part of the
17 building, yes, that is correct that the rear
18 part of the building is public alley and that
19 would not be anticipated to go away. So it is
20 possible that they could provide windows in
21 that section.

22 MS. STEINGASSER: I think the

1 alley elevation is the west elevation.

2 COMMISSIONER MAY: Yes.

3 MS. STEINGASSER: That's A-2.3.

4 And it does have an extensive wall of windows.

5 COMMISSIONER MAY: Right, but
6 that's the west-facing.

7 MR. MORDFIN: You're speaking
8 about the existing public alley system that is
9 proposed to remain?

10 COMMISSIONER MAY: Yes.

11 MR. MORDFIN: Not the proposed
12 easement.

13 COMMISSIONER MAY: Right.

14 MR. MORDFIN: And that portion,
15 there is a small part there.

16 COMMISSIONER TURNBULL:
17 Commissioner May, you're referring to drawing
18 A-2.4?

19 COMMISSIONER MAY: Yes, A-2.4.

20 MR. MORDFIN: All right. If you
21 look at C- 3.0, you see just where the public
22 alley does intersect with the building.

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1 COMMISSIONER MAY: Yes. You know,
2 it's just unfortunate. You know, who knows
3 how long the building to the south is really
4 going to be there, but it's just unfortunate
5 that we wind up with a big blank south-facing
6 facade which could be two years, could be 30
7 years, who knows? And, you know, even if it
8 is patterned EIFS, it's still not going to
9 look real great.

10 A number of the drawings need
11 quite a bit more work to understand better.
12 I mean, the elevations do look very flat.
13 Even though it's called out, once again I
14 would ask for enlarged elevations that show us
15 in some detail what's there. They're not
16 called out, but I assume that we've got
17 through-wall ventilator units across the
18 facades. Is that right?

19 MR. MORDFIN: It appears that way.

20 COMMISSIONER MAY: Yes.

21 MR. MORDFIN: We'll get more
22 information from the applicant on that.

1 COMMISSIONER MAY: Yes, I'm not
2 real found of that idea. And there are ways
3 to do that and do it well, and I don't think
4 that this has been done particularly well. So
5 I would look carefully at that.

6 I like the general idea that the
7 alley which was kind of contorted goes away
8 and there's an easement instead, but in effect
9 what we wind up doing is having the rear yard
10 go away so that they could have the rear yard
11 become the alley in effect. And I'm not sure
12 how I feel about that one yet. I have to
13 think about that issue.

14 The roof plan, they make a big
15 deal of the so-called cool roof. I mean,
16 obviously there are some benefits to that, but
17 a cool roof is no great innovation in my book.
18 I mean, it's not that much more sophisticated
19 than aluminized roof paint, which has been
20 around forever. And the roof plan itself is
21 really kind of barren and so you have the
22 paved walkway that, you know, leads you in a

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1 very square path from an elevator that's far
2 away from the roof top terrace thing and, you
3 know, you've got to walk across this great
4 desert of a roof to get to the nicer habitable
5 space in the one corner. I mean, I like
6 having that nicer habitable space, but the
7 rest of the roof, if it's going to be an
8 occupied space, even if it's just getting from
9 point A to point B, ought to look better than
10 that and I think they ought to look seriously
11 at doing a green roof as we see on so many
12 projects of late.

13 Yes, I mean, I think that there's
14 quite a bit more massaging that needs to
15 happen to the elevations in general for this
16 project to be approvable, but I'm generally in
17 favor of setting down. Thanks.

18 CHAIRPERSON HOOD: Mr. Turnbull?

19 COMMISSIONER TURNBULL: Thank you,
20 Mr. Chair.

21 A lot of my comments are very
22 similar to Commissioner May's. He makes good

1 points about the roof plan. And what's
2 deceptive, when you look at elevation A-2.2,
3 you see two people up on the roof looking over
4 the railing, but in actuality there's no
5 walkway that gets you to that railing. So
6 it's a little deceptive on what you're really
7 trying to do with that. And I think
8 Commissioner May made a good point. You've
9 got to go a long way across what's going to be
10 very blinding roof to get to this little oasis
11 up there and it should be rethought a bit and
12 looked at a little bit more carefully.

13 I think some of the comments we
14 made on the previous case also go to this one,
15 in that the elevations right now, although
16 they do call out what the materials are, are
17 at a really rendered phase. They really are
18 very much cartoon-like and don't really show
19 the brick, they don't really show the EIFS.
20 It's at a very elementary level. I think we
21 really need better drawings that actually show
22 -- and as Commissioner May said, whether it's

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1 a blow up of certain sections, it would be
2 good to see that detailed a little bit more.

3 I'm also concerned, just as on the
4 other project, with the loading berth on
5 there. It's a 30-foot wide dock. It's
6 recessed into the building. There is a dock,
7 but I think you're going to have to make
8 several three- point turns to get a 20-foot
9 long vehicle in there. I'm not sure. I'd
10 like to see that shown, but they ought to do
11 a diagram showing how you get in and out of
12 that loading berth. And plus you've got
13 parking, you've also got the garage going in,
14 so I think it could be a little awkward at
15 times. It's tight. I mean, it is a solution,
16 but I think we need a little bit more
17 information on how that really works.

18 I think we've covered everything
19 that I've got.

20 COMMISSIONER TURNBULL: Mr.
21 Chairman, can I add one more thing?

22 Looking again at elevation A-2.4

1 and at the roof plan, there are several
2 penthouses and two of them are atop the stair
3 units,. And it's shown on A-2.4 as if it's
4 somehow set back from the edge of the
5 building, but according to the plan, it's not.
6 So you've got these two little stair towers
7 that just extend above the roof and those I
8 think, at least according to plan, are in the
9 same plane as the surface of the elevation.
10 And, I know about the classic problem of
11 dealing with stairways and apartment
12 buildings, and the need to have multiple
13 penthouses as a result. And I can understand
14 that, but I'm not ready to buy that you have
15 to have that separate stair unit on the
16 outside face of the building. So I think that
17 they need to look very carefully at that and
18 find a way to move that stairway away from the
19 front edge so that it's set back like a
20 penthouse should be.

21 COMMISSIONER TURNBULL: Mr. Chair,
22 and let me follow up. I think we need a

1 little bit more information on the residential
2 amenity courtyard. It's a tight little space.
3 You know, it's 24 feet wide. There's either
4 fences that are going to be breaking off to
5 different courtyards for the units that are
6 down there. I'd like a little bit more
7 information, either a perspective or some kind
8 of a view that actually shows how that space
9 actually works. It looks like it's been sort
10 of geometrically configured just to make it
11 work and it just seems a little awkward right
12 now. It seems tight. It's a tight space and
13 I think I'd like to just see a little bit more
14 information on how this is really laid out.

15 CHAIRPERSON HOOD: Okay. My
16 comments are relatively easy. I just want to
17 know how that's going to work with the alley,
18 the uses of the alley into the site and just
19 the circulation pattern. I won't ask about
20 the level of service, because I think that
21 this applicant has done a good job in the
22 transportation, at least from the level of

1 service, so that killed my groove and my
2 questions on that.

3 Not that we haven't mentioned any
4 architectural questions, but I will just
5 mention about the trellis. And I'm not sure
6 if this is adequate for this site, because I
7 know up the street we did a circular one, but
8 I know the treatment of the corner was a
9 little different. But looking at the overhang
10 and, you know, is it proper, does it look
11 good? But what I would suggest is at the
12 hearing maybe re-look at that. I didn't hear
13 from the experts, so I don't know if anyone
14 else has a concern with that. I'm not
15 necessarily saying I have a concern, but I
16 want to understand the intent and could we do
17 something a little more redefined like we did
18 up the street on another project. So that's
19 all I have.

20 Anyone else?

21 Commissioner Turnbull?

22 COMMISSIONER TURNBULL: I would

1 agree. I guess it kind of goes back to our
2 comments earlier. It sort of follows up.
3 You're up on the roof and you're going through
4 this to get to this, and we don't have enough
5 detail that actually shows it. I'd say, the
6 drawings to me are a very early sketchy phase
7 here. We really do need more --

8 COMMISSIONER MAY: A sketch-up
9 phase.

10 COMMISSIONER TURNBULL: Sketch-up
11 phase, right.

12 COMMISSIONER MAY: That's where
13 they're at.

14 COMMISSIONER TURNBULL: So you're
15 right, we really do need more information on
16 that. It's just kind of a bland statement
17 right now.

18 CHAIRPERSON HOOD: Okay. All
19 right.

20 COMMISSIONER MAY: I would move
21 that we set down Zoning Case No. 08-26,
22 Georgia and Lamont LP, consolidated PUD and

1 related map amendment at Square 2892, and ask
2 for a second.

3 COMMISSIONER TURNBULL: Second.

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

7 All those in favor? Aye.

8 COMMISSIONER TURNBULL: Aye.

9 COMMISSIONER MAY: Aye.

10 CHAIRPERSON HOOD: Ms. Schellin,
11 could you record the vote?

12 MS. SCHELLIN: Yes, staff records
13 the vote 3-0-2 to set down Zoning Commission
14 Case No. 08-26 as a contested case.
15 Commissioner May moving; Commissioner Turnbull
16 seconding. Commissioner Hood in favor;
17 Commissioner Jeffries, not present, not
18 voting. Third mayoral appointee, vacant, not
19 voting.

20 CHAIRPERSON HOOD: Okay. Next
21 we're going to do Zoning Commission Case No.
22 08-27. This is the American Institute of

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1 Architects, consolidated PUD and related map
2 amendment at Square 170.

3 And, Mr. Lawson, I think I've seen
4 this gentleman before, but I'm not sure if
5 I've seen him as -- could you introduce?

6 MR. LAWSON: Thank you, Mr. Chair.
7 Yes, it's my honor and privilege to introduce
8 one of our newer members to the Office of
9 Planning. This is Stephen Varga. He's been
10 working on the zoning review process, but he's
11 also been doing some of our BZA and now our
12 Zoning Commission work as well. So I'll turn
13 it over to Steve.

14 CHAIRPERSON HOOD: Welcome and you
15 may begin.

16 COMMISSIONER TURNBULL: Steve,
17 before you start, I just want to put down for
18 the record that I am a member of the American
19 Institute of Architects. I'm also a fellow of
20 the AIA and I've served on the Fellowship
21 Committee. Not an officer, have no position
22 within the organization that I think would

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1 affect my ability to hear this case.

2 COMMISSIONER MAY: I also need to
3 note that I'm an associate member of the AIA
4 and I've done none of that other stuff at all.

5 CHAIRPERSON HOOD: So since I'm
6 the only that didn't have to do a disclosure,
7 I have all the architectural questions.

8 Okay. Steve -- I'm sorry, Mr.
9 Varga, you can begin.

10 MR. VARGA: That's fine. Thank
11 you, Mr. Chairman and members of the
12 Commission. Again, my name is Stephen Varga,
13 as Joel noted.

14 The applicant is requesting a
15 consolidated planned unit development and a
16 PUD-related map amendment from SP-2 to C-3-C
17 to allow them to renovate and rehabilitate the
18 AIA's national headquarters building at the
19 corner of 18th Street and New York Avenue,
20 Northwest.

21 The site is currently improved
22 with the AIA headquarters building at the

1 northeast section and the historic Octagon
2 House at the southwest corner and a plaza
3 between the two. The PUD-related map
4 amendment is to rezone the entire site to the
5 C-3-C Zone to permit ground level retail uses
6 which is not permitted in the SP Zone.

7 The application also requests
8 flexibility to the rear yard setback and
9 rooftop structures. There is no proposed
10 increase in FAR, height and lot occupancy or
11 affective impacts to the parking ratio for the
12 AIA headquarters. Also, there is no proposed
13 change to the Octagon House.

14 The project proposes the following
15 benefits: LEED platinum certified renovation
16 with up to 60 percent less energy use, ground
17 floor retail uses and retention and activation
18 of an existing plaza by greatly expanding the
19 ground floor retail component. The proposed
20 PUD is not inconsistent with the land use,
21 environmental and urban design elements of the
22 Comprehensive Plan for its proposal to convert

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1 an existing building into a LEED platinum
2 certified building and create an environment
3 for active street life.

4 Therefore, the Office of Planning
5 recommends that the Commission set down the
6 subject application. Thank you.

7 CHAIRPERSON HOOD: Okay. Thank
8 you, Mr. Varga. Am I pronouncing that right,
9 Varga?

10 MR. VARGA: You sure are.

11 CHAIRPERSON HOOD: Thank you.

12 MR. VARGA: Thank you.

13 CHAIRPERSON HOOD: Okay. Any
14 questions? Any comments?

15 Commissioner May?

16 COMMISSIONER MAY: This is going
17 to be an interesting case. I'm very
18 interested in the roof structures and seeing
19 much great detail on exactly what they are and
20 what they look like, because they're revolving
21 not only functionally, but aesthetically and
22 are becoming something of a feature. So, I'm

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1 just interested in seeing more about that.

2 CHAIRPERSON HOOD: Commissioner
3 Turnbull?

4 COMMISSIONER TURNBULL: Thank you,
5 Mr. Chair.

6 Obviously, this is a fascinating
7 project to be doing on this particular
8 building. I'm a little bit confused, not
9 confused, but perplexed by some of the
10 language that's in the report and what's in
11 the applicant's document where they talk about
12 minimal foot traffic, pedestrian traffic and
13 yet at the same time, we're drawing people
14 here to shops. So, I'm confused as to is
15 there more foot traffic on 18th, is there more
16 on New York? The shops that they're showing
17 located, I mean, the AIA currently has a book
18 store on that first floor, on that ground
19 floor and I believe it's back in a bit. I
20 forget what it's called. Let me go to the
21 plan here. If you go to ZA-1.2, I believe the
22 current book store is in what's labeled the

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1 "breakout space." Because I remember going
2 in. You walk back and you go back behind the
3 elevator and I think the book store is right
4 there. The library is where the two new
5 retail areas are. So if these are potential
6 retail, I'm wondering is one of these going to
7 be a relocation of the shop? Or are these
8 totally out-sourced retail?

9 MR. VARGA: The applicant was not
10 specific in how that retail space that
11 currently exists, the book store as it
12 currently exists, if that would remain where
13 it is. My understanding based on their
14 proposal was that, I believe they noted coffee
15 shop and book store related retail uses.

16 COMMISSIONER TURNBULL: Right.
17 Yes, I guess, which again, looking at this
18 from a programmatic standpoint, New York
19 Avenue, to get up to the plaza there are
20 stairs, there are steps. The handicap
21 entrance, the way you get in is on 18th
22 Street. And I'm not sure where the major foot

1 traffic gets in, but are they doing something
2 with signage graphics to draw people in to let
3 them know, or is this something that once
4 neighbors know, it's word of mouth that's
5 going to draw people in here, I guess?

6 MR. VARGA: That would be
7 interesting proposal. They didn't have any
8 mention of signage. However, they did say
9 that their anticipation was that retail
10 traffic would be oriented to 18th Street.

11 COMMISSIONER TURNBULL: To me,
12 that's always, from the number of times I've
13 been there, is the primary foot traffic.

14 MR. VARGA: Sure. And I think the
15 belief from the applicant's point of view is
16 that hopefully this would offer those
17 pedestrians that do travel through that
18 corridor a respite of sorts and in order to
19 activate that plaza, so they would actually
20 have somewhere to go, a destination in the
21 area for either coffee or books, and have a
22 place to enjoy those in that existing plaza.

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1 COMMISSIONER TURNBULL: I guess
2 the thing then, are they looking for bike
3 traffic also? Are they concerned about people
4 on bikes coming here? Is that an issue? I
5 know that I read comments that they weren't
6 planning on "redoing" the plaza, but several
7 elevations, several perspectives in here show
8 divergent views on how they're going to do
9 that. So I think we need a little bit more
10 information on where they're going with that.
11 If you look at ZA-4.2 and then compare that
12 with ZA-4.3, one is sort of looking from the
13 back of the Octagon; it was where the brick
14 wall circles around, and the other one is more
15 from 18th Street. But one on ZA-4.3, you've
16 got this walkway with a planting strip that
17 has low, could be a liriope, and a few other
18 things in the garden, but then on ZA-4.2
19 they've got these cute little trees in pots,
20 which, you know, you want to take your eraser
21 and erase those. It looks like a sophomore
22 level in architectural school. I mean, it

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1 just looks like they had to put something down
2 and it just doesn't look very thought out.

3 And I'm just wondering, if you're
4 going to have a coffee shop are you going to
5 have an outside space? I mean, the thing is
6 to make this an urban oasis. That was the
7 key. So it's an urban oasis. What kind of
8 street furniture in there? Are you planning
9 on having people come out, drink their coffee?
10 Is there going to be seating, you know, urban
11 furniture that somehow relates and doesn't get
12 overdone, but is sensitive to, you know, the
13 Octagon, the space around the building itself
14 and how does that relate to the whole site
15 plan, and how do you pull that in? So, I'd
16 like to see something on that.

17 And then are they leaving the
18 steps on New York Avenue? There is the grade
19 change, but I mean, if the main concentration
20 is 18th Street to pull people in on, what's
21 the draw? What's the friendly thing that's
22 going to make this the urban oasis. I'd like

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1 to know a little bit more about the
2 sensitivity of how that happens as you come
3 into the grounds.

4 And I believe it was there's
5 nothing being done to the Octagon itself.

6 MR. VARGA: That's right.

7 COMMISSIONER TURNBULL: They're
8 not touching anything.

9 MR. VARGA: No.

10 CHAIRPERSON HOOD: Commissioner
11 Turnbull, when you say the "Octagon," you're
12 talking about the --

13 COMMISSIONER TURNBULL: No, the
14 historic structure.

15 CHAIRPERSON HOOD: Oh. Oh, yes.

16 COMMISSIONER TURNBULL: The
17 historic house is called the Octagon.

18 CHAIRPERSON HOOD: Okay.

19 COMMISSIONER TURNBULL: I'm just
20 going over my notes here.

21 And getting back to what
22 Commissioner May had said, these new light and

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1 air shafts on the roof, other than the fact
2 that yes, they're going up to 20 feet, they're
3 also large. They have a width to them, a
4 dimension that's significant. So they are
5 becoming a very prominent feature on the
6 building. So I think we need a little bit
7 more detail on what they're really going to
8 look like, as Commissioner May said.

9 And I'd like to know a little bit
10 more about these light and air shafts. They
11 seem to go down just to the office floors and
12 they stop short of the ground and the first
13 floor, I believe. So I think we need a little
14 bit more information on it. These are huge
15 elements.

16 And on the roof plan, is there
17 anything else happening up there? Is there
18 any green roof up there? There's nothing
19 really shown on the roof other than the
20 penthouses themselves.

21 MR. VARGA: Well, there is the
22 lower green roof area.

1 COMMISSIONER TURNBULL: Yes.

2 MR. VARGA: There's the lower
3 green roofing proposed.

4 COMMISSIONER TURNBULL: Right.

5 MR. VARGA: On top there are just
6 the four roof top structures, the four shafts
7 that you discussed that are going to be 20
8 feet tall.

9 COMMISSIONER TURNBULL: Yes.
10 Okay. We've talked about the report, and the
11 applicant's report talked about the building
12 as potentially a historic structure. And
13 you've met the Historic Preservation to go
14 over the issues. So you feel confident you've
15 addressed all of that then?

16 MR. VARGA: Yes, the applicant met
17 with the State Historic Preservation officer
18 and apparently they learned from that meeting
19 that it is a possible historic structure. It
20 has historic significance and that they may
21 pursue that in the future, however, right now
22 they haven't pursued that avenue yet.

1 COMMISSIONER TURNBULL: Okay.

2 MR. VARGA: However, the
3 improvements that they're making to the
4 building will not jeopardize that potential
5 historic designation in the future.

6 COMMISSIONER TURNBULL: Okay.

7 MR. VARGA: They've determined.

8 MS. STEINGASSER: I'd like to just
9 clarify. The building has not officially been
10 deemed eligible. So it will not be going to
11 HPRB and undergo the same level of review that
12 if it were officially deemed eligible.

13 COMMISSIONER TURNBULL: Okay. In
14 your report, I think, or was it the
15 applicant's? No, I think it was in the OP
16 report. On page 7 you talked about under your
17 land use section, negligible impact. But I
18 don't think anything ever talks about impacts.
19 I mean, if there is negligible impacts, what
20 are those negligible impacts, I guess? I'm
21 just curious. Is it simply from the height of
22 the penthouses? I mean, that's the only thing

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1 that really changes. I mean, I didn't
2 understand that comment.

3 MR. VARGA: Yes, I apologize for
4 that. That was unclear. I think the
5 intention there was to show that the impacts
6 were very slight.

7 COMMISSIONER TURNBULL: Okay.

8 MR. VARGA: I think that was the
9 intention of that.

10 COMMISSIONER TURNBULL: The plaza,
11 this little oasis, are they going to extend
12 the hours? Is this going to be used at night?
13 Is this going to go in beyond day? Are these
14 shops looking to be open? I mean, normally
15 the book store now closes like around 5:00 or
16 something, I think, so I don't know. Are we
17 looking for extended hours in these shops to
18 go on and some different lighting in the
19 plaza?

20 MR. VARGA: The applicant didn't
21 give specific hours of operation for the
22 proposed ground floor retail or any lighting.

1 COMMISSIONER TURNBULL: Okay.
2 Yes, I'm must curious whether the plaza's
3 being seen as going into the night, like 8:00
4 or --

5 MR. VARGA: Sure.

6 CHAIRPERSON HOOD: -- you know,
7 some extended use of it.

8 Okay. Mr. Chair, those are my
9 questions.

10 CHAIRPERSON HOOD: Thank you very
11 much.

12 Any other questions?

13 With that, I would move that we
14 set down Zoning Commission Case No. 08-27 and
15 ask for a second.

16 COMMISSIONER MAY: Second.

17 CHAIRPERSON HOOD: Any further
18 discussion?

19 All those in favor? Aye.

20 COMMISSIONER TURNBULL: Aye.

21 COMMISSIONER MAY: Aye.

22 CHAIRPERSON HOOD: Ms. Schellin,

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1 could you record the vote?

2 MS. SCHELLIN: Yes, staff records
3 the vote 4-0-1 to set down Zoning Commission
4 Case No. 08-27 as a contested case.
5 Commissioner Hood moving; Commissioner May
6 seconding. Commissioner Turnbull in support;
7 Commissioner Jeffries in support by absentee
8 ballot. Third mayoral appointee, vacant, not
9 voting.

10 CHAIRPERSON HOOD: I actually did
11 have some questions, but with respect to Ms.
12 Schellin's birthday, I will forego. I'm sure
13 mine could be answered at the hearing, but I
14 will just say the comments from the Office of
15 Planning at the end where it mentioned about
16 still having discussed this about the amenity
17 package. And also I was interested in the
18 views of the ANC, but all that I'm sure will
19 be presented at the hearing. Thank you.

20 Okay. Next Zoning Commission case
21 No. 08- 29.

22 Mr. Jesick?

1 MR. JESICK: Thank you, Mr. Chair
2 and members of the Commission. My name is
3 Matt Jesick.

4 The Office of Planning recently
5 received a proposal for a development located
6 in the Uptown Arts Overlay, specifically in
7 the Arts/CR Zone. And this proposal
8 highlighted an issue which we feel may be a
9 weakness in the overlay.

10 The Arts/CR Zone is located in two
11 small pockets near U Street, Northwest near
12 the intersections of 14th, 13th and 12th
13 Streets and that zone requires 2.5 FAR
14 residential for any single lot or 2.5 FAR
15 residential for any combined-lot development.
16 And the Office of Planning feels that this
17 requirement could be hindering the provision
18 of arts uses by limiting the development
19 options on a property, especially when the
20 site design is also governed by the presence
21 of an historic structure.

22 So the Office of Planning is

1 proposing a text amendment to Section 1902.3
2 that would create an exemption to the
3 residential requirement in order to grant
4 maximum flexibility to property owners who
5 want to provide an arts use.

6 What we're proposing is that a
7 property would be exempt if it meets three
8 criteria: (1) that this an historic structure
9 on the site; (2) that an arts use would be
10 located in the historic structure; and (3)
11 that the arts use has or will have ceiling
12 heights of at least 20 feet.

13 Now what this means is that the
14 properties that meet those criteria would not
15 have a residential use requirement and could
16 provide any permitted use in addition to the
17 arts use. Residential uses would still be
18 encouraged by other zoning mechanisms; for
19 example, in the base CR Zone. That zone
20 creates a maximum of 3.0 FAR for
21 non-residential uses. So if a builder wants
22 to maximize the development on their site,

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1 they would need to provide a residential
2 component for the project.

3 This proposal would not be
4 inconsistent with the Comprehensive Plan
5 policies, specifically those policies which
6 talk about the reuse and restoration of
7 historic art facilities or general historic
8 buildings being reused for new arts uses.
9 More specifically, the historic preservation
10 element talks about developing special
11 incentives to support the preservation of
12 historic properties like schools, places of
13 worship, theaters, and other prominent
14 historic structures with communal value. Those
15 policies go to say that a variety of tools
16 should be used to reduce development pressures
17 on these sites and to help with the unusually
18 high cost of maintenance.

19 The Office of Planning therefore
20 recommends that this text amendment be set
21 down for a public hearing.

22 The proposal is not inconsistent

1 with the Comprehensive Plan and the proposed
2 changes are narrow and would only affect a
3 small geographic area and those changes, while
4 granting extra flexibility, would help meet
5 the intent of the Uptown Arts Overlay by
6 encouraging the provision of arts uses.

7 So I'd be happy to take any
8 questions.

9 CHAIRPERSON HOOD: Okay. Any
10 questions?

11 Commissioner Turnbull?

12 COMMISSIONER TURNBULL: Yes, Mr.
13 Jesick, what's driving this? In this area are
14 you finding situations, historic properties
15 that are having a tough problem, or what?

16 MR. JESICK: Well, as I mentioned,
17 there is one proposal that brought this to our
18 attention.

19 COMMISSIONER TURNBULL: Right.

20 MR. JESICK: And while there
21 aren't that many sites left to develop in the
22 Arts/CR, there is the potential that this

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1 situation could arise again where there might
2 not be enough flexibility given the
3 residential requirement.

4 COMMISSIONER TURNBULL:

5 Requirement.

6 MR. JESICK: So we wanted to grant
7 maximum flexibility for property owners.

8 COMMISSIONER TURNBULL: Okay. All
9 right. Thank you.

10 CHAIRPERSON HOOD: Commissioner
11 May?

12 COMMISSIONER MAY: Yes, I have
13 sort of a different way of asking the same
14 question, I think.

15 It's a relatively small area that
16 is affected by this. How many existing arts
17 venues with 20-foot interior spaces are there
18 within that zone?

19 MR. JESICK: We know of one. That
20 would be the Lincoln Theater.

21 COMMISSIONER MAY: Right.

22 MR. JESICK: But that's not to say

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1 that an arts venue couldn't be created in
2 other historic structures in the area.

3 COMMISSIONER MAY: Yes. And I
4 assume that's what the project is about. It's
5 the back lot of the Lincoln Theater?

6 MR. JESICK: That's correct.

7 COMMISSIONER MAY: Yes. I don't
8 know, did you consider alternative ways of
9 granting relief from this requirement? In
10 other words, that there be some sort of
11 further review by the Zoning Commission or the
12 BZA? Because I don't know if you want to just
13 let go of this without -- you know, I mean,
14 granting this exemption, I don't know that
15 there's really a great potential downside for
16 it. I'm just curious about what's going to
17 come about.

18 MS. STEINGASSER: This property is
19 historic. It will be subject to review by the
20 HPRB, so we felt creating a secondary design
21 review just for the purpose of design review
22 is redundant.

1 COMMISSIONER MAY: Darn. Okay.

2 CHAIRPERSON HOOD: Okay. Any
3 other questions?

4 Okay. I will move that we set
5 down Zoning Commission Case No. 08-29 and ask
6 for a second.

7 COMMISSIONER TURNBULL: Second.

8 CHAIRPERSON HOOD: All those in
9 favor? Aye.

10 COMMISSIONER TURNBULL: Aye.

11 COMMISSIONER MAY: Aye.

12 CHAIRPERSON HOOD: Not hearing any
13 opposition, Ms. Schellin, would you record the
14 vote?

15 MS. SCHELLIN: Staff records the
16 vote 4-0-1 to set down Zoning Commission Case
17 No. 08-29 as a rule making case. Commissioner
18 Hood moving; Commissioner Turnbull seconding.
19 Commissioner May in support; Commissioner
20 Jeffries in support by absentee ballot. Third
21 mayoral appointee seat vacant, not voting.

22 CHAIRPERSON HOOD: Okay. I don't

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1 know if there's a lot of opposition or
2 discussion, that we could possibly maybe put
3 this case with another case, but I'll leave
4 that to staff to work out.

5 Okay. That's all we have on the
6 hearing action.

7 I know I'm taking this out of
8 order. Mr. Sobelson's, under correspondence,
9 let me just mention this. We have received
10 his request, and just for the record, Mr.
11 Sobelson has filed an appeal with the court
12 and we have had this request from him
13 previously and I just wanted to acknowledge
14 that for the record, that we are in receipt of
15 that and that he has filed an appeal of one of
16 our decisions in court.

17 Do I need to say anything else,
18 Mr. Ritting, on that?

19 MR. RITTING: No.

20 CHAIRPERSON HOOD: Okay. Thank
21 you.

22 Okay. Next, we're going to go to

1 proposed action. Can we take Zoning
2 Commission Case No. 06-32 first? Is that Ms.
3 Brown-Roberts?

4 Ms. Steingasser, can we take that
5 out of order?

6 MS. STEINGASSER: Sure. Yes.

7 CHAIRPERSON HOOD: Oh, wait a
8 minute. What am I doing? I don't need to
9 come to you. Ms. Schellin. See, I mixed
10 myself up. It's just the last one.

11 MS. SCHELLIN: Right. This is a
12 hearing that actually just happened recently,
13 the end of October. And I think there might
14 have been a couple of questions that you guys
15 still had from OP, and I'm not sure if you got
16 answers to them or not, but it is before you
17 for proposed action.

18 CHAIRPERSON HOOD: Okay. Thank
19 you, Ms. Schellin.

20 And, colleagues, if you remember,
21 we had had a case previously and this Square
22 766 was omitted. And I know there were some

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1 questions asked during the hearing,
2 particularly Mr. Turnbull. I'm not sure if
3 all your answers have been satisfied or you
4 have any questions at this point.

5 COMMISSIONER TURNBULL: Well, I
6 guess OP has changed their stance on this and
7 are willing to go ahead with it with a few
8 caveats added onto what they can do. And I
9 guess that caveat is regarding the height as
10 it relates to the Capper/Carrollsbury
11 Development. And I guess my question is, are
12 they concerned about Square 0767 and how the
13 height meets that building also. I guess
14 we're addressing part of it, but I'm just
15 wondering if you want to maybe comment on the
16 block directly south.

17 And I guess the other thing is, or
18 one of the big concerns that OP had was the
19 IZ, which is going to be gone. Those are my
20 two main questions that I have, is the block,
21 you know, 767 and the OP's sort of backing off
22 of the IZ.

1 MS. STEINGASSER: Square 767 is
2 covered by the Arthur Capper PUD, so we know
3 what its height is and it is a taller
4 building; it already is I think at 90 feet.
5 So we're less concerned about its relationship
6 to this particular project.

7 COMMISSIONER TURNBULL: And I went
8 back to your massing plan. I went to, I guess
9 it's attachment 7. Well, I guess you have to
10 look at a couple of them. But I remember
11 attachment 7. You're sort of showing a step
12 back. I mean, it looks like a little ziggurat
13 back there or something that's happening.

14 MS. STEINGASSER: They were just
15 schematic drawings.

16 COMMISSIONER TURNBULL: I know. I
17 know.

18 MS. STEINGASSER: To show the
19 relationship. But our main concern was how
20 the building fronts on the park and how it
21 fronts on the 40-foot row houses to the east.

22 COMMISSIONER TURNBULL: Well, I

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1 guess that's what I'm looking at. From
2 attachment 7, if I look at the three other
3 buildings going south along the park, I'm
4 assuming you're saying that this would be a
5 matter of right that somebody could build this
6 block. It looks like a behemoth. It looks
7 huge.

8 MS. STEINGASSER: I'm sorry, which
9 one is the behemoth, the square in question?

10 COMMISSIONER TURNBULL: Yes, the
11 square in question.

12 MS. STEINGASSER: As a matter of
13 right right now it could go up to a 90-foot
14 building.

15 COMMISSIONER TURNBULL: It just
16 looks like it dwarfs everything. It's just
17 huge.

18 MS. STEINGASSER: It's an existing
19 structure that -- it's the printing --

20 COMMISSIONER TURNBULL: Right, I
21 know.

22 MS. STEINGASSER: -- so it is a

1 huge sturdy structure.

2 COMMISSIONER TURNBULL: I know.

3 MS. STEINGASSER: It's got
4 incredible weight-bearing floor plates.

5 COMMISSIONER TURNBULL: I mean,
6 you're asking them to change it. I mean,
7 basically the language that we're putting in,
8 they're going to have change some of that
9 building anyway.

10 MS. STEINGASSER: It's kind of a
11 semi- industrial, because it was all printing.

12 COMMISSIONER TURNBULL: Yes.
13 Right.

14 MS. STEINGASSER: There's going to
15 have to be some significant modification to
16 convert it to any kind of office use.

17 COMMISSIONER TURNBULL: Yes.

18 MS. STEINGASSER: If they go over
19 90 feet is what we're more concerned.

20 COMMISSIONER TURNBULL: Right.

21 MS. STEINGASSER: We're not
22 looking at taking away any of the entitlements

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1 that it has had all these years.

2 COMMISSIONER TURNBULL: Okay.

3 MS. STEINGASSER: It's just when
4 it breaks 90 feet, it starts to get to a
5 height that we're concerned about how it
6 relates to its neighbors. And that's why we
7 wanted at least a design review.

8 COMMISSIONER TURNBULL: But again,
9 your feeling is that it still relates to the
10 block to the south. I mean, you're mainly
11 concentrating on the Capper/Carrollsbury
12 Development, but not on the lot directly
13 south, 767, which you feel its got the extra
14 height anyway.

15 MS. STEINGASSER: That building is
16 a less of a concern because it is more of a
17 compatible height.

18 COMMISSIONER TURNBULL: Yes, you
19 know, it's huge.

20 Well, what about your IZ? The IZ
21 concern which you had originally is now gone
22 away. You're willing to accept that you're

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1 not going to get it?

2 MS. STEINGASSER: We'd like to see
3 the building get back into some kind of active
4 use.

5 COMMISSIONER TURNBULL: Right.

6 MS. STEINGASSER: It's been vacant
7 for a number of years now; the city has the
8 lease. IZ would only trigger if it went
9 residential. We have no reason to think that
10 it will be going residential, so we're
11 comfortable with that.

12 COMMISSIONER TURNBULL: Yes, it's
13 got -- the floor loading in that building is
14 tremendous, yes. Okay.

15 CHAIRPERSON HOOD: Okay.
16 Commissioner May, did you want to add
17 something?

18 COMMISSIONER MAY: No, I mean, the
19 whole case is rather puzzling. But I guess,
20 you know, if we were to move forward with a
21 provision that there would be Zoning
22 Commission review of height above 90 feet, you

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1 know, I'm comfortable that that gives us
2 certain protection. It's just that, I don't
3 know, there's still just something about it
4 that it's such an anomaly in so many different
5 ways. It's hard to feel really totally
6 comfortable with dealing with it, you know, in
7 this way, but I don't have any other better
8 way to deal with it, so I guess I'll have to
9 take comfort in the idea that we get another
10 shot at it when it's an actual building.

11 CHAIRPERSON HOOD: Okay. All
12 right. With that, I would approve Zoning
13 Commission Case No. 06-32 with the caveats
14 that Office of Planning has so outlined in its
15 report and ask for a second.

16 COMMISSIONER MAY: Second.

17 CHAIRPERSON HOOD: Moved and
18 properly seconded. Any further discussion?

19 All those in favor? Aye.

20 COMMISSIONER TURNBULL: Aye.

21 COMMISSIONER MAY: Aye.

22 CHAIRPERSON HOOD: Ms. Schellin,

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1 would you record the vote?

2 MS. SCHELLIN: Yes, staff records
3 the vote 3-0-2 to approve proposed action in
4 Zoning Commission case 06-32. Commissioner
5 Hood moving; Commissioner May seconding.
6 Commissioner Turnbull in support.
7 Commissioner Jeffries not present, not voting
8 and the third mayoral appointee seat vacant,
9 not voting.

10 CHAIRPERSON HOOD: Okay. Next
11 under proposed action is Zoning Commission
12 Case 08- 06-3, and the Office of Planning of
13 Office of Attorney General and staff has
14 prepared a worksheet for us to give direction.
15 And now tonight we're dealing with loading.

16 Let me try something. I'm not
17 saying this is going to work. On page 1 of
18 the loading worksheet; and I hope everyone in
19 the audience has a copy of the loading
20 worksheet, I would move in block option 1
21 under No. 1, 2 and 3 and ask for a second.

22 COMMISSIONER TURNBULL: Second.

1 CHAIRPERSON HOOD: Any further
2 discussion?

3 COMMISSIONER MAY: I need to catch
4 up. Give me one second, please. We're only
5 voting on No. 1?

6 CHAIRPERSON HOOD: One, two and
7 three. Option 1 for 1, 2 and 3. I moved them
8 all in block.

9 COMMISSIONER MAY: I'm not ready
10 to vote option 1 on No. 3 yet. I'd like to
11 have a little more discussion of that.

12 CHAIRPERSON HOOD: Okay. On No.
13 3? So let's go ahead with discussion.

14 COMMISSIONER MAY: No. 3.

15 CHAIRPERSON HOOD: Because I'm
16 going to move it in block.

17 COMMISSIONER MAY: Okay.

18 CHAIRPERSON HOOD: Do we have a
19 proxy?

20 MS. SCHELLIN: Yes.

21 CHAIRPERSON HOOD: Okay. So
22 Commissioner May wants to talk about relief

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1 from the loading requirement.

2 COMMISSIONER MAY: Yes, right.

3 And again, you know, I raised this in the
4 hearing and I wasn't totally comfortable with
5 the answers, which is that, you know,
6 basically we're subjecting the zoning loading
7 requirements to DDoT's process to determining
8 whether or not they would grant a curb cut.
9 And I'm not sure that I'm ready to just accede
10 that authority to DDoT, because, you know, I
11 don't know what the process was and I asked
12 the question about what their process was and
13 what I got was, you know, that it was somewhat
14 whimsical at times. And so, you know, I'm not
15 totally comfortable with that idea at this
16 point and I'm not sure how to solve it. I
17 mean, I'm sympathetic to the problem and would
18 like to find another solution for it, but I'm
19 not sure that we can simply do away with a
20 loading requirement because DDoT has denied a
21 curb cut.

22 CHAIRPERSON HOOD: Well, I

1 remember us having this discussion and I know
2 that this doesn't give a whole lot of
3 confidence level, but when we get the text;
4 and I know this is getting old because we say
5 the same thing, I think we have another shot
6 at it. This basically, as you know, is only
7 giving them some direction. I understand
8 that.

9 It's so general now. I think to
10 solve that issue, we'll be stuck on that for
11 the rest of the evening. I mean, that's just
12 my --

13 COMMISSIONER MAY: And I'm not
14 suggesting that we're going to solve it
15 tonight. All I'm suggesting is that if we
16 were to go ahead and, you know, agree with
17 option 1, in terms of a direction, I would
18 just want to register the uneasiness that I
19 have about making it subject to, you know, the
20 DDoT process for determining a curb cut and
21 that it needs to be more specific than that
22 and that there are some very specific controls

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1 on it, and that it's not just because, you
2 know, the guy at DDoT was having a bad day, or
3 whatever the reason may be. You know, I'm not
4 going to trivialize it totally. But the thing
5 is that, you know, circumstances for internal
6 agency regulation change over time and change
7 somewhat with the individuals who enforce
8 them. And so I'd like to see something a
9 little bit more regimented.

10 CHAIRPERSON HOOD: And I think I
11 would incorporate that into the motion as we
12 move forward. Oh, Mr. Parker. I saw some
13 hands. Oh, you were just speaking, right, Ms.
14 Brown- Roberts? Okay.

15 MR. PARKER: Unless I'm
16 mis-remembering, one of the places where you
17 did change our parking recommendations was to
18 make this recommendation, rather than matter
19 of right, make it special exception. So it
20 would be consistent between the parking and
21 loading chapters for us to make this a special
22 exception rather than matter of right. I

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1 think that's what we had done in the other
2 chapter, or the guidance that you had given in
3 the other chapter.

4 CHAIRPERSON HOOD: To make it a
5 special exception?

6 MR. PARKER: Correct.

7 COMMISSIONER MAY: I'd be
8 comfortable with proceeding that way, at least
9 for the moment.

10 MR. PARKER: And certainly if we
11 find more information on the policies, we'll
12 bring them to you.

13 COMMISSIONER MAY: Yes. And if
14 there were a way to sort of write it into to
15 the code in such a way that we have assurance
16 that it's going to be a rational process and
17 a consistent process, then maybe we could
18 relax on the idea of the special exception.

19 CHAIRPERSON HOOD: So would you
20 accept incorporating Commissioner May's
21 comments into this motion?

22 COMMISSIONER TURNBULL:

1 Absolutely.

2 CHAIRPERSON HOOD: Okay. So,
3 Commissioner May, are you okay?

4 COMMISSIONER MAY: I'm excellent.
5 Thank you.

6 CHAIRPERSON HOOD: All right.
7 Moving in block the first 1, 2 and 3, option
8 1, with the refinement of option 1, No. 3, or
9 No. 3, option 1.

10 Okay. All those in favor? Aye.

11 COMMISSIONER TURNBULL: Aye.

12 COMMISSIONER MAY: Aye.

13 CHAIRPERSON HOOD: Any opposition?
14 So ordered.

15 Ms. Schellin, would you record the
16 vote with the proxy?

17 MS. SCHELLIN: Yes, staff records
18 the vote 4-0-1 to approve in block items 1, 2
19 and 3, option 1, as amended for No. 3.

20 Commissioner Hood moving; Commissioner
21 Turnbull seconding. Commissioner May in
22 support; Commissioner Jeffries in support by

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1 absentee ballot. Third mayoral appointee seat
2 vacant, not voting.

3 CHAIRPERSON HOOD: I don't think
4 I'm going to be able to move the second page
5 in block. Let's go with No. 4, quickly.
6 Location of loading areas. Option 1 is before
7 us, or option 2. I think we all want to see
8 some type of change, but is that the change we
9 would like to see, or at least go in that
10 direction? Because option 2, I think, is out
11 and I'm not sure if anyone's interested in
12 option 2, do not change existing location
13 regulations. I think that is out. So the
14 only other alternative we have is option 1.

15 Does anyone have any comments or
16 would like to add something, or take away?

17 COMMISSIONER MAY: No, I mean, I
18 think I'm comfortable proceeding in this
19 general direction, and I think it's going to
20 wind up getting tweaked as we proceed.

21 CHAIRPERSON HOOD: Okay. I'm
22 going to make one motion on all of it, if we

1 could. But let's look at loading access.
2 Option 1 is the Office of Planning's
3 recommendation, adopt OP recommendation
4 regarding the location of loading access from
5 a public Street or alley to parking spaces on
6 a lot. And then option 2, which I'm sure, you
7 know, that's why we're doing this exercise,
8 says do not adopt OP recommendations regarding
9 access, which basically I guess just remains
10 the same.

11 So any comments on the Office of
12 Planning's recommendation? They cite some
13 circumstances and then it talks about some of
14 the permitted access points. Okay?

15 COMMISSIONER MAY: It's okay.

16 CHAIRPERSON HOOD: Now this was
17 one, and I can't remember what we did, this
18 trash enclosures. This was similar to what we
19 did previously and I think we were advised,
20 because this was not in our purview. What did
21 we do though? I think we went on ahead
22 anyway, right?

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1 COMMISSIONER TURNBULL: I think
2 the Office --

3 CHAIRPERSON HOOD: All right.
4 Let's move on with trash enclosures. Again,
5 I'm going to start off with B, because do not
6 regulate trash enclosures; we're trying to
7 improve. Option 1 is the Office of Planning's
8 recommendation as we read it.

9 Okay. Any comments or problems
10 with that?

11 Let's look at No. 7, loading
12 standards. Again, option 2 is basically not
13 doing anything. Let's look at option 1.

14 COMMISSIONER MAY: I don't have
15 any problem with trying option 1. I think by
16 use category it gets -- I think there's a
17 potential for complications, but that will
18 only become apparent as you try to draft the
19 language and deal with the different
20 categories. Because, you know, when you have
21 to think about all the categories of use, you
22 have to think about everything that falls into

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1 that category and then what the unique
2 requirements are for each of those uses within
3 that range in a category. And, you know,
4 there was an issue that we raised with regard
5 to just establishing those categories. I
6 don't know that it plays into loading, but
7 there may other circumstances where we see
8 complications like that. But I say let's go
9 for it for now.

10 COMMISSIONER TURNBULL: Yes, I
11 guess I'm okay with it. I mean, it gets to be
12 a little -- I mean, if you go back to the
13 option 1 where we are replacing all the
14 loading berths and we're changing that, and
15 now we're going by square footage rather than
16 -- and I guess the square footage, depending
17 upon the category -- well, I don't know if
18 that helps or not. I mean, I guess it does.
19 I'm just --

20 MR. PARKER: To make it simpler
21 hopefully, all of loading requirements right
22 now are by square footage except for housing

1 and hotel.

2 COMMISSIONER TURNBULL: Well,
3 that's what I thought.

4 MR. PARKER: And our argument in
5 our response is that housing and hotel are
6 more appropriately also regulated by square
7 footage. So it's not as big a change as it
8 seems on paper.

9 COMMISSIONER TURNBULL: Yes, I
10 mean, I'm looking at this. I'm confused on --
11 it isn't much of a change really from what
12 we're doing now.

13 MR. PARKER: Parking is more often
14 based on different factors, but loading is
15 almost entirely now on square footage.

16 COMMISSIONER TURNBULL: Okay.

17 CHAIRPERSON HOOD: Okay. With
18 that, let's move in block 4, 5, 6 and 7,
19 option 1, Office of Planning's recommendation.
20 I will move that and ask for a second.

21 COMMISSIONER MAY: Second.

22 CHAIRPERSON HOOD: Any further

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1 discussion?

2 All those in favor? Aye.

3 COMMISSIONER TURNBULL: Aye.

4 COMMISSIONER MAY: Aye.

5 CHAIRPERSON HOOD: Ms. Schellin,
6 would you please record the vote?

7 MS. SCHELLIN: Yes, staff records
8 the vote 4-0-1 to approve in block items 4, 5,
9 6 and 7. Commissioner Hood moving;
10 Commissioner May seconding. Commissioner
11 Turnbull in support; Commissioner Jeffries in
12 support by absentee ballot. Third mayoral
13 appointee seat vacant, not voting.

14 CHAIRPERSON HOOD: Ms.
15 Brown-Roberts, did you want to say something,
16 or you just wanted to say good evening?

17 MS. BROWN-ROBERTS: (Off
18 microphone.)

19 CHAIRPERSON HOOD: Okay. We will
20 do the Office of Planning status report.

21 COMMISSIONER MAY: Mr. Chairman,
22 I'm sorry, and I apologize for bringing this

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1 back up, but I just want to go back and talk
2 about item No. 1, size of loading berths,
3 again for just a second. Which, you know,
4 when we voted on them I hadn't quite had time
5 to reload all of the thoughts from the last
6 hearing back into my head. And I'm still
7 concerned about the circumstances where we
8 will have regular, almost daily deliveries
9 with tractor-trailer trucks going to places
10 like CVS. I mean, it's essentially the CVS
11 problem. That's the one that I know of.

12 And, you know, again I don't have
13 a difficulty proceeding in giving this
14 guidance at this point, but I think that there
15 needs to be a more clear resolution of how
16 situations like that are addressed in the
17 regulations. And I'm not sure, you know, how
18 to do that. I would hate to, you know, make
19 every retail use have to have the very large
20 berths when it's only a few retailers that
21 actually regularly use them. So I'd like to
22 understand, you know, is it only CVS? Is it,

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1 you know, CVS and a few others that are like
2 that? How frequently does it happen? How
3 much of a problem is it? And I think that,
4 you know, if we know a little bit more about
5 how big that problem is, I think it would help
6 us, or it certainly would help me when it
7 comes time to voting on actual language.

8 So I just wanted to sort of
9 register that as an area for some additional
10 study.

11 CHAIRPERSON HOOD: I think your
12 comment is well taken. Not necessarily CVS,
13 but I will tell you, when I actually watched
14 what happened in this particular establishment
15 and also heard Mr. Parker's comments, I
16 evaluated all of that in this computer up here
17 that's getting older, I evaluated all that as
18 businesses changing their mind-set. I think
19 that's kind of where the Office of Planning
20 went to, you know, in trying to get people to
21 adapt to what's there. And I think that's
22 kind of the lines. But I will tell you, I

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1 know for a living example; I don't want to get
2 in trouble, but I know of an establishment
3 that stopped using the big tractor-trailers
4 and now it comes in on a much smaller truck.
5 In this case it worked.

6 Now the CVS example, Commissioner
7 May, that you bring up, obviously that hasn't
8 changed and it might not ever change, but I do
9 know of one circumstance where this changed at
10 this point. And I think that's kind of where
11 Office of Planning was going.

12 Am I correct, Mr. Parker?

13 MR. PARKER: That's a lot of it.
14 I mean, the fact is that we don't require uses
15 that small now to have berths and for the
16 reasons that Commissioner May gave, we don't
17 want to because most of those type of uses
18 don't have that problem. It's just a couple
19 offenders. So the answer is it's not a
20 regulatory solution. The answer is it's an
21 enforcement solution. These businesses are
22 loading illegally and it's a matter of

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1 enforcement. But we'll do some surveying to
2 see what uses are the problem uses and report
3 that back to you.

4 CHAIRPERSON HOOD: Does that --

5 COMMISSIONER MAY: That's fine
6 with me. Thank you.

7 CHAIRPERSON HOOD: All right. Can
8 we do the Office of Planning status report?
9 Ms. Steingasser?

10 MS. STEINGASSER: Yes, sir. The
11 only thing I really want to draw to your
12 attention is OP will be filing a supplemental
13 report on firearm retail sales. We were
14 hoping to get that to you today. We have had
15 extensive coordination with MPD, OAG, City
16 Administrator's Office and the American
17 General himself. So that circulation has
18 taken a little bit longer to get complete, so
19 we'll be filing that for you on Wednesday with
20 a request that you submit it. It's a much
21 clearer text that we'll be bringing back and
22 OAG will probably be weighing in on whether it

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1 will require re-advertisement. But, we'll have
2 that in the record on Wednesday.

3 CHAIRPERSON HOOD: That was my
4 question, do we have to have another hearing?

5 MS. STEINGASSER: I believe in
6 conversations with the attorneys, they didn't
7 feel another hearing was necessary, but a
8 re-advertisement of proposed action would
9 probably be beneficial. That's all.

10 COMMISSIONER MAY: In your various
11 discussions, have you been talking as well to
12 Council Member Mendelson?

13 MS. STEINGASSER: Yes, we've
14 talked with his office and we met with him
15 just on Friday. He is in agreement with our
16 final recommendation that we'll be bringing
17 back to you.

18 COMMISSIONER MAY: Very good.

19 CHAIRPERSON HOOD: Let me just ask
20 this of the Office of Planning, Mr. Parker or
21 Ms. Steingasser. With the zoning rewrite, is
22 there coordination with like Great Streets and

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1 Main Street with other streets? You know, is
2 there any kind of coordination, because I
3 attended a meeting and they were talking about
4 art districts. So I was just wondering, is
5 Office of Planning with coordinating with
6 Great Streets and Main Street, I'm sure some
7 more streets?

8 MS. STEINGASSER: We are. There's
9 a lot of planning initiatives going on
10 separate from the zoning rewrite itself in the
11 zoning review. We've tried to be very vocal
12 that, you know, we want to incorporate
13 whatever their findings are, especially if
14 what they're looking for is land use changes
15 to these plans, that we'd rather look at those
16 through the zoning rewrite practice than
17 rather coming after the facts. So there is
18 coordination, but it's big government.
19 Sometimes the communication may not be as
20 mature as we would like it, as fleshed out.
21 But we are definitely synced in with the
22 Deputy Mayor's office. We circulate regularly

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1 with DDoE, DDoT and DPW.

2 CHAIRPERSON HOOD: Okay. All
3 right. Thank you. I may ask that question
4 again, I go to any more community meetings and
5 hear some other things that come up.

6 Okay. Ms. Schellin, do we have
7 anything else?

8 MS. SCHELLIN: No, sir.

9 CHAIRPERSON HOOD: Again, do you
10 want us all to sing "Happy Birthday" to you?

11 MS. SCHELLIN: No, I don't.

12 CHAIRPERSON HOOD: You don't want
13 us to spoil the birthday. That's all right.
14 We won't spoil her birthday.

15 Okay. I thank everyone for their
16 participation tonight and this meeting is
17 adjourned.

18 (Whereupon, the meeting was
19 adjourned at 8:15 p.m.)

20

21

22