

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

OCTOBER 19, 2009

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- WILLIAM KEATING, III, Vice Chair
- KONRAD SCHLATER, Commissioner
- PETER MAY, Commissioner (NPS)
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

- JAMISON WEINBAUM, Director of the Office of Zoning
- SHARON S. SCHELLIN, Secretary
- DONNA HANOUSEK, Zoning Specialist

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
MAXINE BROWN-ROBERTS  
ARLOVA JACKSON  
JOEL LAWSON  
KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular Meeting held on October 19, 2009.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

I: PRELIMINARY MATTERS..... 4

II: CONSENT CALENDAR  
Case No. 07-35B..... 5  
**VOTE:** Four to zero to one in favor..... 8

III: HEARING ACTION  
Case No. 09-14..... 8  
 Office of Planning, Ms. Jackson..... 9  
 Office of Planning, Mr. Lawson..... 18  
**VOTE:** Five to zero to zero to set down..... 26  
Case No. 09-16..... 27  
 Office of Planning, Ms. Thomas..... 27  
**VOTE:** Five to zero to zero to set down as a  
 rulemaking case..... 38  
Case No. 09-17  
 Office of Planning, Ms. Brown-Roberts..... 41  
**VOTE:** Five to zero to zero to waive 10 day  
 rule for submittal..... 45  
**VOTE:** Five to zero to zero to set down case 57

IV. PROPOSED ACTION  
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 Roger Gans, DC WASA..... 72

V. FINAL ACTION  
Case No. 08-15..... 80  
**VOTE:** Four to zero to one to approve final  
 actions..... 86  
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**VOTE:** Five to zero to zero to approve final  
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**VOTE:** Five to zero to zero to open record  
 to submit plans..... 115  
**VOTE:** Five to zero to zero to approve final  
 action..... 121

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

2 6:47 p.m.

3 CHAIRMAN HOOD: Let's go ahead and  
4 get started. This meeting will please come to  
5 order.

6 Good evening, ladies and gentlemen.

7 This is the October 19, 2009 Public Meeting  
8 of the Zoning Commission of the District of  
9 Columbia.

10 My name is Anthony Hood. Joining  
11 me are Vice Chairman Keating, Commissioner  
12 Schlater, Commissioner Turnbull and  
13 Commissioner May.

14 We are also joined by the Office of  
15 Zoning Staff under the leadership of Director  
16 Weinbaum. Also the Office of Planning Staff  
17 under the leadership of Ms. Steingasser.

18 Copies of today's meeting agenda  
19 are available to you and are located in the  
20 bin near the door.

21 We do not take any public testimony  
22 at our meetings unless the Commission requests

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1 someone to come forward.

2 Please be advised that this  
3 proceeding is recorded by a court reporter and  
4 is also webcast live. Accordingly, we must  
5 ask you to refrain for any disruptive noises  
6 or actions in the hearing room. Please turn  
7 off all beepers and cellphones.

8 Does the staff have any preliminary  
9 matters?

10 MS. SCHELLIN: No, sir.

11 CHAIRMAN HOOD: Okay. If not, let  
12 us proceed with the agenda.

13 Okay. First we have under the  
14 Consent Calendar Zoning Commission Case No.  
15 07-35B, the Sheridan Redevelopment, LLC and  
16 DCHA - modification to a PUD at Squares 5869  
17 and 5872.

18 Ms. Schellin?

19 MS. SCHELLIN: Yes, sir. The  
20 applicant is asking for a minor modification  
21 to a previously approved PUD under Zoning  
22 Commission Order No. 07-35.

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1           It also had a minor modification  
2 approved by Zoning Commission Order 07-35A.  
3 That Order hasn't been published yet, however  
4 it should be published shortly.

5           So, we would ask the Commission to  
6 please consider this.

7           CHAIRMAN HOOD: Okay. Colleagues,  
8 this is under our Consent Calendar Zoning  
9 Commission 07-35B, the Sheridan Redevelopment  
10 LLC and DCHA - modification to a PUD. I  
11 believe all are participating with the  
12 exception of Commissioner Schlater.

13           Again, as stated, Ms. Schellin, I  
14 believe we're being asked to -- well, let me  
15 just say this first. We have the Office of  
16 Planning's report, which is Exhibit 5. And we  
17 also have the submission by the applicant,  
18 which is Exhibit 1. We also have in the  
19 record Exhibit 6, which spells out exactly  
20 what we are being asked to do. This clarifies  
21 a request of a second minor modification to  
22 Sheridan Terrace HOPE VI explaining

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1 development pursuant to the provisions of  
2 Zoning Regulations.

3 More specifically, regarding the  
4 applicant's request to add Lot 986 to the PUD  
5 site. The applicant is not requesting a  
6 rezoning of this lot, although the remaining  
7 acreage of the PUD site was rezoned pursuant  
8 to the PUD Lot 986 will be improved, a portion  
9 of the retaining wall and storm water  
10 facility. Rezoning is not necessary.

11 So basically what we're doing is  
12 just including that Parcel 986, I believe, in  
13 the PUD site.

14 MS. SCHELLIN: That's correct.

15 CHAIRMAN HOOD: Any comments,  
16 colleagues? Any questions?

17 Okay. With that, I would approve  
18 approval of the Consent Calendar item, which  
19 is Zoning Commission Case 07-35B also taking  
20 the Exhibit B into consideration of our  
21 action, and ask for a second.

22 COMMISSIONER TURNBULL: Second.

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1 CHAIRMAN HOOD: It's moved and  
2 properly seconded.

3 Any further discussion? All those  
4 in favor?

5 ALL: Aye.

6 CHAIRMAN HOOD: Any opposition? So  
7 ordered.

8 Staff, would you record the vote  
9 with the recusal?

10 MS. SCHELLIN: The staff records  
11 the vote four to zero to one to approve the  
12 Consent Calendar item at 07-35B. Commissioner  
13 Hood moving, Commission Turnbull seconding,  
14 Commissioners Keating and May in support.  
15 Commissioner Schlater not voting having  
16 recused himself.

17 CHAIRMAN HOOD: Okay. Next Hearing  
18 Action of the Zoning Commission, Case No. 09-  
19 14, Safeway, Inc. - Consolidated PUD & Related  
20 Map Amendment at Square 1672. I believe  
21 that's going to be Ms. Jackson.

22 MS. JACKSON: Good evening, Chair

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1 Hood and fellow Commissioners. Going in order  
2 today. Sorry.

3 For the record, my name is Arlova  
4 Jackson. I'm with the D.C. Office of  
5 Planning.

6 Zoning Commission Case 09-14 is a  
7 request from Safeway for consolidated plan  
8 unit development and related map amendment at  
9 4203 Davenport Street, Northwest. The request  
10 would allow the redevelopment of the existing  
11 Safeway grocery store on the same site and  
12 include a PUD related map amendment changing  
13 the residentially zoned portions of the site  
14 to a commercial zone.

15 The site is comprised of three  
16 zones, including C2A along the eastern portion  
17 which contains the existing Safeway store, an  
18 R2 zone on the west which contains the  
19 existing surface parking lot and an  
20 undeveloped R3 area at the northwest corner of  
21 the site.

22 The proposal would change the

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1 zoning for the R2 and R3 portions to C1 and  
2 the C2A portion as is.

3 The existing store is approximately  
4 35,000 square feet in size and located on a  
5 109,000 square foot site.

6 The store has operated in this  
7 location for 28 years.

8 The site is surrounded by low  
9 density residential uses to the north and  
10 west, a private high school. Georgetown Day  
11 is located immediately south of the store on  
12 Davenport. A WMATA facility is located  
13 directly north of the site along Ellicot  
14 Street. And the Wisconsin Avenue Commercial  
15 Corridor is located to the east of the site.

16 The applicant would like to  
17 demolish the existing building and construct a  
18 new larger grocery store that would be  
19 approximately 58,000 square feet in size. The  
20 new store would offer a variety of services  
21 and expanded selection of existing products,  
22 including a Starbucks Coffee Shop, florist,

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1 and dry cleaners.

2 The main entrance would be located  
3 at the northeast corner of the building to  
4 provide more feasibility of the store from  
5 Wisconsin Avenue and be more accessible  
6 pedestrians.

7 The new store would also include  
8 outdoor café seating areas along the 42nd  
9 Street side.

10 The proposed store would have two  
11 levels; one level of parking on the lower  
12 level which would be accessed either from  
13 Ellicot or Davenport Streets.

14 The proposal eliminates a loading  
15 curb cut on 42nd Street and shifts it to the  
16 Davenport Street side opposite the loading  
17 area for Georgetown Day School.

18 The project would have a 176 off-  
19 street parking spaces, a portion of which  
20 would be located in a surface parking lot to  
21 the west of the proposed building.

22 The new building would be 32 feet

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1 in height stepping down with a mansard roof as  
2 it moves towards the single family residential  
3 uses to the west of the site.

4 The applicant has requested  
5 flexibility from the number of required off-  
6 street parking spaces providing 176, whereas  
7 185 would be required. The Office of Planning  
8 has asked for a full analysis of any other  
9 needed relief to clarify some inconsistencies  
10 between the application text and the drawings.

11 The main public benefits as  
12 proffered by the applicant include a very  
13 small amount of green roof on the rear portion  
14 of the proposed building, approximately 1400  
15 square feet and a cool roof for the remainder,  
16 as well as lead certification for the  
17 building.

18 They also plan to participate in  
19 the Adopt a Park program for the existing  
20 Triangle Park at the corner of Wisconsin and  
21 Ellicot as well as improve site design and new  
22 landscaping, also for the WMATA site.

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1           The proposal is not inconsistent  
2 with the Comprehensive Plan and meets and  
3 addresses several stated policies and actions  
4 within the land use: economic development;  
5 urban design; parks, recreation and open  
6 space, and; transportation elements.

7           The applicant has indicated they  
8 have meet with several neighborhood groups,  
9 community organization, ANC 3E, District  
10 agencies and individual property and business  
11 owners about the proposal. And we expect this  
12 discussion will continue.

13           OP recommends set down of the  
14 requested Consolidated PUD and related map  
15 amendment. And we will continue to work with  
16 the applicant to resolve remaining issues  
17 noted in our staff report in advance of the  
18 public hearing. These would include:

19           A need to provide a full  
20 enumeration of the flexibility sought as well  
21 as the benefits and amenities provided;

22           A provision of additional

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1 environmental benefits including expanding the  
2 green roof area and increasing the  
3 permeability of the surface parking lot at the  
4 rear;

5 Addressing issues of site design  
6 including building placement and the location  
7 of certain building features;

8 Provision of a project phasing and  
9 construction management plan, and;

10 Better addressing how this project  
11 meets the standards of Section 24 in terms of  
12 being superior to an as-of-right development  
13 particularly in light of the lack of  
14 residential density being provided on the site  
15 given its location, current zoning and  
16 proximity to public transit.

17 I also want to note that our office  
18 has already started to receive comment from  
19 the community addressing similar issues to  
20 those raised in our staff report.

21 With that, I'll conclude and take  
22 any questions that you have at this time.

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1 CHAIRMAN HOOD: Thank you, Ms.  
2 Jackson.

3 Who would like to start us off with  
4 questions of Ms. Jackson? No questions?

5 Okay. Commissioner May?

6 COMMISSIONER MAY: I would have a  
7 question.

8 You say that you've already gotten  
9 similar comments from the neighborhood,  
10 comments similar I guess to the concerns that  
11 OP had raised?

12 MS. JACKSON: Yes.

13 COMMISSIONER MAY: I know these are  
14 a little bit hard to gauge at this point, but  
15 there are indications in what was submitted  
16 that Safeway sort of prides themselves on  
17 having a positive relationship with the  
18 community when they do developments like this  
19 for their supermarkets. And I'm wondering if  
20 generally speaking it's a positive however, or  
21 it's very critical commentary that you've been  
22 getting from the neighbors?

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1 MS. JACKSON: I would say it's more  
2 of the former. But I also would say I think  
3 to say the "neighborhood or the community,"  
4 there's a lot of different opinions about the  
5 project.

6 COMMISSIONER MAY: Yes.

7 MS. JACKSON: So I wouldn't say  
8 that there's a singular voice. But the ones  
9 that I've received directly were generally in  
10 support of the store and its expansion, but  
11 there were concerns about placement of the  
12 building and where certain features were going  
13 to be located and their impact on the  
14 townhouses to the west.

15 COMMISSIONER MAY: Yes. Okay.  
16 That gives me some sense of things.

17 Other than that, I would want to, I  
18 guess, particularly encourage you to hopefully  
19 make some progress with regard to the  
20 sustainable features in the project which due  
21 seem to be lacking.

22 CHAIRMAN HOOD: Commissioner

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1 Schlater?

2 COMMISSIONER SCHLATER: Ms.  
3 Jackson, can you talk about some of the plans?

4 Have there been any recent planning efforts  
5 on the stretch of Wisconsin Avenue that have  
6 talked about what might go on in this site?

7 MS. JACKSON: No. We didn't have  
8 much guidance except for the Comprehensive  
9 Plan.

10 COMMISSIONER SCHLATER: And the  
11 Comprehensive Plan calls for mixed use  
12 potentially with residential?

13 MS. JACKSON: Mixed use for the  
14 portion that's closest to Wisconsin Avenue.

15 COMMISSIONER SCHLATER: Yes.

16 MS. JACKSON: And then the portion  
17 to the west kind of continues with the low  
18 density residential that's surrounding it.

19 So the mixed use would be low  
20 density commercial, and I think it's moderate  
21 residential.

22 COMMISSIONER SCHLATER: So when the

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1 Office of Planning sees an opportunity to put  
2 -- I think I read somewhere that you put as  
3 much as a 100,000 square feet of residential  
4 on the site. But it's not part of this plan.

5 Do you consider that a drawback of the plan?

6 MR. LAWSON: Joel Lawson with the  
7 Office of Planning.

8 I think that we would certainly  
9 have welcomed a project that had that  
10 additional density on the site. We think that  
11 the current zoning allow it and the location  
12 would be appropriate for it. However, the  
13 Comprehensive Plan is generalized. It doesn't  
14 set specific land uses for individual  
15 properties. It sets policy and goal  
16 objectives.

17 So we don't consider the proposal  
18 they've brought forward as being inconsistent  
19 with the Comprehensive Plan, either the text  
20 or the land use map.

21 COMMISSIONER SCHLATER: How about  
22 the back portion? There's some discussion in

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1 the application about we've got residential  
2 zoned land in the back of this lot. On the  
3 Comprehensive Plan it says its to be  
4 residential. Is that not inconsistent because  
5 the lines of the Comprehensive Plan are  
6 general in nature?

7 MS. JACKSON: I think that's one  
8 way to look at it.

9 Also, the property -- I think what  
10 happened is that plan reflected the current  
11 zoning, so there areas are R2 and R3. But the  
12 land use, the actual land use has been  
13 commercial for some time. What they're  
14 proposing wouldn't be a change.

15 COMMISSIONER SCHLATER: Okay. And  
16 I guess one last comment. I think I would  
17 share your concern in your report about how  
18 this impacts the townhouses and the single  
19 family houses on the back of the site. And I  
20 would encourage you to work with the applicant  
21 t work on that. Because while they did  
22 provide some shadow studies there, I think

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1 it's a tall building. From my sense of  
2 actually asking for a rear yard variance in  
3 this case, is that correct?

4 MS. JACKSON: There was some back  
5 and forth about that. I believe in the case  
6 where it's an irregularly shaped lot, you take  
7 the average. So because it varies, when you  
8 take the average they appear to meet the rear  
9 yard requirement.

10 COMMISSIONER SCHLATER: Well, it's  
11 a pretty large building and its taller than  
12 the residential buildings adjacent to it. So  
13 I would encourage you to work with them on  
14 that.

15 That's it.

16 CHAIRMAN HOOD: Thank you.

17 Any other questions? Commissioner  
18 Turnbull?

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

21 Let me just pick up on something  
22 that Commissioner Schlater had just talked

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1 about.

2           You know, I was concerned by the  
3 applicant's comment in their report that -- I  
4 guess I get worried when I see studies and it  
5 says we're minimal then as compared to what  
6 you could do as a matter-of-right. And it  
7 basically says we're actually less impacts,  
8 you know, by the sun modeling that they did.  
9 Well, that may be true but the impact in the  
10 nature of the building is a lot different than  
11 residential units.

12           You've got a commercial structure.  
13       And unless the architecture is treated such  
14 that it doesn't look like a sore thumb,  
15 looking as someone's back neighbors. Not  
16 granted, there's only a handful residential --  
17 there's only a few homes back there. But I  
18 still think that the applicants needs to do  
19 their due diligence to this project from a  
20 design standpoint and actually show that  
21 they're respecting the neighborhood and that  
22 they're trying to blend in.

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1           The drawings so far are  
2 interesting, but they're still at sort of a  
3 crayon-type view. And I think we're going to  
4 need some very detailed views. I'd like to  
5 almost see a perspective or a view looking  
6 from the houses at the back of that building.

7           And I know you're concerned about  
8 the gravel sidewalk back there.

9           So I think you're right. And you  
10 mentioned a lot of things in your report which  
11 the applicant does have to follow and do  
12 further research on and some more development.

13           I think it falls -- I mean, we're  
14 adding what? Sixty odd cars into this  
15 neighborhood now? More into the parking  
16 structure. There is an impact. I mean, I'm  
17 sure the applicant is going to say well you're  
18 getting a bigger grocery store so that's an  
19 amenity in itself. Well, yes, that's nice.  
20 But I think that structure has to step up to  
21 the bar from an amenity standpoint and really  
22 reflect the neighborhood better.

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1                   In fact, I think Georgetown Day  
2 School just had something before the BZA last  
3 year. I think they were doing some changes.  
4 So it's a very vibrant area. And I know the  
5 neighborhood gets very involved. So I'm  
6 assuming we're going to have some very  
7 interesting sessions. And I'm sure that we're  
8 going to have some people very critical of how  
9 this Safeway is really being developed. So I  
10 would encourage the applicant to look very  
11 carefully at the architecture and how it  
12 blends in, respects the neighborhood. And  
13 also look at the LEED aspects. I think you  
14 touched upon it with sustainable design. And  
15 I think we need to look at that as an amenity.  
16 And I think they have to really get into the  
17 design of this whole site. It's not there  
18 yet. But you had mentioned that there are  
19 issues.

20                   MS. JACKSON: Specifically with?

21                   COMMISSIONER TURNBULL: Well, you  
22 know, if they had a green roof that's got like

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1 2 percent of the overall roof.

2 MS. JACKSON: Yes. Okay. Right.

3 COMMISSIONER TURNBULL: So I think  
4 there has to be a little bit more thought  
5 going into this when it comes before us in a  
6 hearing.

7 That's all my comments.

8 CHAIRMAN HOOD: Any other comments?

9 I would just add that at the  
10 hearing I would be very interested in seeing  
11 how the trucks that are going to be bringing  
12 groceries and produce, and products to the  
13 Safeway, how that whole maneuver is going to  
14 work especially with the loading dock, how its  
15 going to enter. I believe its coming between  
16 the building and the school. But regardless,  
17 I want to see a whole thorough plan of how  
18 that's going to be managed, how it's going to  
19 be done and actually how it's going to work if  
20 you have multiple trucks within the loading  
21 dock.

22 I'm just saying that so the

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1 applicant will know to concentrate on that  
2 when they come, one of the things to  
3 concentrate on.

4 Any other comments?

5 COMMISSIONER SCHLATER: I just  
6 wanted to second that comment. I think I read  
7 somewhere in the application that the loading  
8 and one of the parking, they shared the same  
9 ramp; the loading and the parking. It just  
10 seems -- they said it had been done before,  
11 but I've never seen it before. And it doesn't  
12 seem to make a lot of sense to me.

13 CHAIRMAN HOOD: All right. Any  
14 other questions?

15 Okay. I would move that we set  
16 down Zoning Commission Case No. 09-14, take a  
17 note of our comments. And I'd ask for a  
18 second.

19 VICE CHAIRMAN KEATING: Second.

20 CHAIRMAN HOOD: Moved and property  
21 second.

22 All those in favor by usual sign.

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1 ALL: Aye.

2 CHAIRMAN HOOD: Any opposition? So  
3 ordered.

4 Staff, would you record the vote?

5 MS. SCHELLIN: The staff records  
6 the vote five to zero to zero to set down  
7 Zoning Commission Case No. 09-14 as a  
8 contested case. Commissioner Hood moving,  
9 Commissioner Keating seconding, Commissioners  
10 May, Schlater and Turnbull in support.

11 CHAIRMAN HOOD: Okay. Thank you.

12 Let's move right on. Zoning  
13 Commission Case No. 09-16. This is an Office  
14 of Planning text amendment to allow car-  
15 sharing spaces in residential CR & SP zoned  
16 Districts.

17 Ms. Thomas?

18 MS. THOMAS: Good evening, Mr.  
19 Chairman, members of the Commission. Karen  
20 Thomas with the Office of Planning.

21 At the request of the Zoning  
22 Administrator, the Office of Planning is

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1 proposing text amendments to the listed  
2 sections in our report to permit car-sharing  
3 spaces as a matter-of-right in residential, CR  
4 and SP Districts. These spaces would be  
5 permitted with the principal use of the lot on  
6 accessory parking lots and privately owned  
7 residential lots subject to the retention of  
8 the minimal required number of spaces for the  
9 principal use.

10 The Zoning Administrator became  
11 concerned that residents are hiring out their  
12 required residential spaces to car-share  
13 companies and that the closest use that is  
14 listed in the regulations is for car rental so  
15 that the car-sharing use of residential spaces  
16 would not be allowed.

17 To support the proposed amendments,  
18 OP acquired preliminary data from the major  
19 car-sharing company in the District regarding  
20 the number of cars within their fleet and  
21 their current locations in the District. The  
22 data showed hat the cars were either located

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1 in a private driveway, surface lot or parking  
2 garage, or alley lot, or access through an  
3 alleyway. And the majority was located in the  
4 R4 District.

5 We also looked at the vacant alley  
6 lots in residential zones in the District and  
7 we noted that the R4 District had the highest  
8 percent of vacant alley lots. And whereas the  
9 use of these lots may be limited due to lot  
10 size and alley widths under current  
11 regulations, they may be able to support a  
12 parking space or parking lot, or private  
13 garage which are all permitted in the R1  
14 District. Therefore, we are proposing that  
15 car-sharing spaces be permitted as a matter-  
16 of-right in the residential, CR and SP  
17 Districts.

18 The proposal is not inconsistent  
19 with the Comprehensive Plan which supports the  
20 expansion of car-sharing services as an  
21 alternative to owning a vehicle and will also  
22 compliment DDOT's efforts to increase

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1 accessibility to a broader range of households  
2 in the District. As such, the Office of  
3 Planning fully supports locating this use in  
4 these areas. And we recommend that the  
5 Commission set down the amendments as  
6 highlighted in our report.

7 And I would just like to provide  
8 the following changes for further clarity in  
9 our report:

10 Where under section 201 we're  
11 requesting amendment, we would like to strike  
12 the words "single residential." We would like  
13 to strike "residential lot" and state that a  
14 car-sharing space provided no more than two  
15 spaces may be located on a single lot instead  
16 of "single residential lot."

17 And under 350.4 we would say:  
18 "Car-sharing spaces" and we would strike  
19 "without limit on number provided that any  
20 car-sharing space beyond the first two spaces  
21 shall be located within or under a principal  
22 structure." And everything else stays the

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1 same.

2 I'll be happy to take any  
3 questions. Thank you.

4 CHAIRMAN HOOD: Okay. Colleagues,  
5 any questions of Ms. Thomas with the  
6 corrections or with the taken out of the  
7 single residential lot and also the change to  
8 350.4? Any comments or questions?

9 COMMISSIONER MAY: Just to repeat  
10 the 350.4 change?

11 MS. THOMAS: Yes. It would read:  
12 "Car-sharing spaces provided that any car-  
13 sharing space beyond the first two spaces  
14 shall be located within or under a principal  
15 structure and may not be a required parking  
16 space for any use on site." So we're striking  
17 the "before principal" and "structure on an  
18 underground parking garage."

19 COMMISSIONER MAY: Okay.

20 CHAIRMAN HOOD: Okay. Any other  
21 questions? Mr. Schlater?

22 COMMISSIONER SCHLATER: Two

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1 questions.

2           Would this text amendment allow for  
3 parking lots on vacant land that would not  
4 otherwise be allowed? So does this under  
5 zoning make surface lots allowable in certain  
6 places that you wouldn't otherwise have  
7 surface lots?

8           MS. THOMAS: No. That wasn't the  
9 intent. Because in the SP, the CR zone and I  
10 believe the SP zone a surface lot is not  
11 permitted.

12           COMMISSIONER SCHLATER: I guess  
13 what I'm confused with is if you read -- I'm  
14 just reading the text off of the report and it  
15 makes it sound like you could put a parking  
16 lot in a residential district. And I  
17 understand what the intent, I think I  
18 understand where you're trying to go with it,  
19 but I just want to make sure we don't have  
20 unintended consequences.

21           MS. THOMAS: We'll double check.  
22 But if there is a permitted parking lot as an

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1 accessory parking structure or a parking lot,  
2 we're just trying to clarify that the Zipcar  
3 could also use those locations. That's why  
4 we're striking the word "residential." But  
5 it's not in anyway creating an opportunity to  
6 a shared car to have its own parking lot if  
7 that's what you're concerned about.

8 COMMISSIONER SCHLATER: That's what  
9 I'm concerned about.

10 MS. THOMAS: Right. We went  
11 through this in detail in both OAG and the  
12 Zoning Administrator to make sure that that  
13 was not the case.

14 COMMISSIONER SCHLATER: Okay. And  
15 then the second question is why are we making  
16 a distinction between car-sharing and car  
17 rental companies? I know the two of them  
18 consider themselves in competition with one  
19 another in many ways. And so does it seem  
20 like through Zoning we're taking sides with a  
21 particular profit model for providing cars in  
22 the city?

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1 MS. THOMAS: Well, we looked at the  
2 research with respect to these differences.  
3 And we can tend to agree with what the  
4 research provided as to why there are  
5 differences between car-sharing and rental.

6 And as you can see in our report,  
7 the characteristics make car-sharing different  
8 from car rental because vehicles are rented  
9 under a negotiated contract with a customer  
10 for longer periods of time and from a  
11 centralized staff location. So let's say,  
12 from with Hertz, so you would have to go to  
13 that office.

14 COMMISSIONER SCHLATER: Yes.

15 MS. THOMAS: The operation with  
16 car-sharing is substantially different in that  
17 it's more of a membership driven organization  
18 rather than a one-time contract agreement as  
19 in a car rental situation.

20 COMMISSIONER SCHLATER: I guess why  
21 is that better, or worse is my question? Why  
22 does it matter whether you're part of a

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1 membership organization or not?

2 MS. STEINGASSER: Well, we're not  
3 taking a position whether it's better or  
4 worse. What we're seeing throughout the city  
5 now is that there are currently 400 individual  
6 locations. And the car-share model is a  
7 membership based model one or two individual  
8 cars that can be located as opposed to a  
9 fleet. A car rental has more of a fleet based  
10 operation where you go to that facility, they  
11 do their maintenance, their cleaning, things  
12 like that. The car-share parking is not that  
13 same type of operation.

14 So we're not weighing in one way or  
15 another, we're just trying to accommodate the  
16 way each of them operates separately.

17 COMMISSIONER SCHLATER: Okay.  
18 Thanks.

19 CHAIRMAN HOOD: Any more questions?

20 I guess I would -- when we talk  
21 about Zipcars, I know in the past when we've  
22 had hearings, and this probably won't have no

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1 bearing at all on it, but a lot of private  
2 building owners have said that they don't want  
3 to use Zipcar in their garages because of  
4 safety issues.

5 I guess this wouldn't have any  
6 bearing on that whatsoever. We're probably  
7 going to still hear the same thing.

8 MS. STEINGASSER: No, sir. This is  
9 slightly different. Those are situations  
10 where they've got a secured garage that they  
11 don't want to have the public who doesn't have  
12 the pass to get in and out of. What we've  
13 seen, though, despite what we hear is that  
14 they are able to accommodate those up on the  
15 first level above a certain level of security.

16 This is an instance where a  
17 homeowner would lease out one of their  
18 nonrequired. Say they have two parking  
19 spaces, they would authorize a car-share  
20 operation to park one of their cars in their  
21 garage. And it could be compensated for  
22 through travel hours, free membership hours to

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1 which they belong as well as monetary. But  
2 it's different than what we're seeing in the  
3 PUDs where a commercial office building wants  
4 to be able to secure their garage at 9:00 a.m.  
5 and lock it down. This is not that same kind  
6 of arrangement.

7 CHAIRMAN HOOD: Okay. Great.  
8 Okay. Any other questions?

9 Thank you.

10 All right. I will obtain a motion  
11 if somebody wants to make one.

12 COMMISSIONER MAY: I would move  
13 that we set down Zoning Case No. 09-16,  
14 proposed text amendment to allow car-sharing  
15 spaces in residential, CR and SP Districts,  
16 and ask for a second.

17 COMMISSIONER SCHLATER: Second.

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

20 Any further discussion?

21 All those in favor?

22 ALL: Aye.

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1 CHAIRMAN HOOD: Not hearing any  
2 opposition, Ms. Schellin, could you record the  
3 vote?

4 MS. SCHELLIN: Staff records the  
5 vote five to zero to zero to set down Zoning  
6 Commission Case No. 09-16 as a rulemaking  
7 case. Commissioner May moving, Commissioner  
8 Schlater seconding, Commissioners Hood,  
9 Keating and Turnbull in support.

10 CHAIRMAN HOOD: Okay. Thank you.

11 Let's move right along. Zoning  
12 Commission Case No. 09-17, this is the D.C.  
13 Public Library map and text amendment and  
14 special exception at Parcel 67/204.

15 Before I go to Ms. Brown-Roberts, I  
16 will go to Commissioner May.

17 COMMISSIONER MAY: Thank you very  
18 much, Mr. Chairman.

19 I just want to make sure that we  
20 have it on the record that in my role in my  
21 work for the National Park Service I have been  
22 aware of this case coming down the pike. And

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1 the library that's specially part of this case  
2 is adjacent to National Park land and there  
3 have been discussions with the Park Service  
4 about a range of solutions, but not much about  
5 this one in particular. And I just wanted to  
6 make sure that disclosure was on the record.

7 I feel perfectly comfortable  
8 participating in the case. I don't think that  
9 any of the prior discussion had any bearing on  
10 the particulars of the Zoning issues here, but  
11 I want to make sure that that was known to all  
12 involved.

13 So, unless there are any questions  
14 about it, I am prepared to proceed with the  
15 case.

16 CHAIRMAN HOOD: Does anyone have  
17 any questions or reservations of Mr. May  
18 continuing on this?

19 I have served with Mr. May for a  
20 number of years and distinctly know that he  
21 will base his decisions specifically on the  
22 record that is before us. And I have every

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1 bit of confidence, and I would be one of the  
2 ones to compare to make sure that we need you  
3 to stay on this case because your input is  
4 very valuable.

5 COMMISSIONER MAY: Thank you very  
6 much, Mr. Chair.

7 CHAIRMAN HOOD: Okay. Let me ask  
8 this: Mr. Ritting, do we need to do that also  
9 at the hearing or is that good enough?  
10 Because I know there are people who are  
11 probably --

12 MR. RITTING: No. I think that's  
13 perfectly adequate that the disclosure has  
14 been made. And unless some fact changes  
15 between then and now which Mr. May will alert  
16 us to if that occurs.

17 CHAIRMAN HOOD: Okay. Great.  
18 Okay. Thank you.

19 Okay. Let's go to Ms. Brown-  
20 Roberts.

21 MS. BROWN-ROBERTS: Good evening,  
22 Mr. Chairman and members of the Commission.

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1 I'm Maxine Brown-Roberts from the Office of  
2 Planning.

3 The District of Columbia Public  
4 Libraries has requested emergency in map and  
5 text amendments for land at 3660 Alabama  
6 Avenue, Northeast.

7 The property is currently developed  
8 with the Francis A. Gregory Library. Under  
9 the proposal this facility would be replaced  
10 with a new full service library.

11 The request for the map amendment  
12 would provide the initial zoning of land under  
13 the ownership of the National Park Service to  
14 R5A to enable the reconstruction of the public  
15 library. Due to misinterpretation of the  
16 Zoning Regulation by the city, the applicant  
17 was proceeding with the assumption that the  
18 project would be permitted as a matter-of-  
19 right. However, it was recently determined  
20 that the property needed Zoning. The  
21 applicant therefore proposes to rezone the  
22 property to the R5A District.

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1           The site is owned by the Federal  
2 Government, was subject to a 1958 transfer  
3 jurisdiction to the District of Columbia for  
4 public library facility.

5           Pursuant to section 106.5 of the  
6 Zoning Regulations zoning of the site is  
7 required to facilitate this District  
8 development. The R5A was proposed and is  
9 currently mapped directly across Alabama  
10 Avenue from the site and lists public library  
11 as a permitted use.

12           The applicant is also proposing a  
13 text amendment to allow for special exception  
14 relief for a D.C. Public Library use of  
15 government land. Due to the limited size of  
16 the parcel to which the library has  
17 jurisdiction, zoning relief is also needed.

18           To avoid the need for variance  
19 relief, the applicant has proposed an  
20 amendment to the Zoning Regulation to treat  
21 the public library separately from residential  
22 development in the residential district. This

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1 would be similar to schools and churches.

2 The applicant is also requesting  
3 that the necessary relief for air and parking  
4 standards be reviewed as a special exception.

5 And this special exception review be done  
6 concurrently with the requested map amendment.

7 The Commission had done this in similar  
8 cases, namely Zoning Commission 0242 for the  
9 Georgetown Boat House and Zoning Commission  
10 09-07 for a lot of Cathedral Avenue,  
11 Northwest.

12 The proposed amendments are not  
13 inconsistent with many of the Comprehensive  
14 Plan themes, goals, objectives and policies.  
15 And, in fact, there are policies which outline  
16 and include encouraging the provision of  
17 state-of-the-art facilities upgrade of public  
18 libraries and the use of libraries as anchors  
19 for surrounding community.

20 The subject site is designated as  
21 local public facilities on the future's land  
22 use map, which includes land and facilities

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1 occupied and used by the District of Columbia  
2 Government or other local government.

3 The Office of Planning therefore  
4 recommends that the proposal be set down for  
5 public hearing and that the Commission  
6 authorize the referral of the case to the  
7 National Capital Planning Commission for their  
8 30 day review pursuant to section 3025.3.

9 Additional analysis of the proposal  
10 and the requested special exception relief  
11 will be provided prior to the public hearing.

12 Thank you, Mr. Chairman.

13 CHAIRMAN HOOD: Thank you, Ms.  
14 Brown-Roberts.

15 Mr. Turnbull?

16 COMMISSIONER TURNBULL: Thank you,  
17 Mr. Chair.

18 Thank you, Ms. Brown-Roberts.

19 CHAIRMAN HOOD: Let me just do  
20 this.

21 COMMISSIONER TURNBULL: Okay.

22 CHAIRMAN HOOD: We have waive our

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1 rules to accept the Office of Planning's  
2 report. I move that we waive our ten day --  
3 the report is being submitted to us less than  
4 ten days prior to the Zoning Commission  
5 consideration. I move that we raise that rule  
6 and ask for a second.

7 COMMISSIONER TURNBULL: Second.

8 CHAIRMAN HOOD: Moved and properly  
9 seconded.

10 Any further discussion?

11 All those in favor?

12 ALL: Aye.

13 CHAIRMAN HOOD: Not hearing any  
14 opposition, Ms. Schellin could you record the  
15 vote?

16 MS. SCHELLIN: Yes. Staff records  
17 the vote five to zero to zero to waive the  
18 rules to allow for the late submittal of OP's  
19 report in Zoning Commission Case No. 09-17.  
20 Commissioner Hood moving, Commissioner  
21 Turnbull seconding, Commissioners May, Keating  
22 and Schlater in support.

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1 CHAIRMAN HOOD: Thank you.

2 Mr. Turnbull, forgive me.

3 COMMISSIONER TURNBULL: Quite all  
4 right, Mr. Chairman.

5 I'm curious. In the OP report it  
6 talks about a set down for a very specific  
7 piece of land, and we're talking about a text  
8 amendment. The text amendment is very  
9 general. It covers a lot of other property.

10 Why are we doing an emergency text  
11 amendment for a general property when the map  
12 amendment is referring to a specific piece of  
13 property? Why are we going down the road and  
14 getting involved with emergency measures for -  
15 - I mean, do you have a list of more schools  
16 that are coming that is critical that's on the  
17 list for the --

18 MS. STEINGASSER: The emergency is  
19 to allow for the referral of the text to  
20 National Capital Planning Commission for their  
21 action and to allow the applicant to proceed  
22 with their special exception at filing, which

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1 also will be considered by this Commission as  
2 well.

3           There are several other libraries  
4 that are in the hopper. And in the past  
5 couple of months there have been two before  
6 the BZA that have been required to hit a  
7 variance standard. Most of these libraries  
8 are some kind of federal or local government  
9 land. So while they've been able to mostly  
10 make the case, some of the variance standards  
11 have been very difficult for the applicant to  
12 make as it's really more a response of program  
13 design and how the building is designed to  
14 respond o the library program versus the  
15 particular hardship of the property.

16           So we thought since we were moving  
17 this case forward to zone this particular  
18 property, we knew the property needed relief  
19 because the property was not large enough to  
20 have the yards and the parking on site, that  
21 it would be an opportune moment to go ahead  
22 and move a text amendment that set a special

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1 exception standard, which would be a lot --  
2 which is a lower bar and it goes to the issue  
3 of no adverse impact versus the variance  
4 standard which has the undue hardship  
5 practical difficulty standards. So it allows  
6 the applicant to put their variance request in  
7 a different context before the BZA.

8 COMMISSIONER TURNBULL: Okay.  
9 Thank you.

10 CHAIRMAN HOOD: Any other  
11 questions.

12 MR. RITTING: I just wanted to ask  
13 for a point of clarification. When you said  
14 "emergency," you didn't mean emergency in the  
15 technical rulemaking sense. You meant  
16 expedited hearing of this case, correct?

17 MS. STEINGASSER: Yes. Yes.

18 CHAIRMAN HOOD: Okay. Commissioner  
19 Schlater?

20 COMMISSIONER SCHLATER: Ms.  
21 Steingasser, why does the applicant need an  
22 expedited review of this particular project?

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1 It wasn't entirely clear from the application  
2 itself.

3 MS. STEINGASSER: They've been  
4 proceeding for the last several months with  
5 this project and they were to go to permit.  
6 So when it became apparent that the Zoning  
7 interpretation was being considered, it put  
8 the project three to four months behind the  
9 schedule. So in order for them to stay on  
10 schedule and meet their budget requirements,  
11 they needed to get this case concluded as  
12 quickly as possible. So what they've done is  
13 request that it referred to NCPC within its 30  
14 day requirement, as opposed to normally it  
15 would be almost a 60 day process and then be  
16 referred to NCPC for an additional 30 day  
17 comment. This allows it to be referred so  
18 that the Commission is positioned, should you  
19 so decide, to take action at a bench decision  
20 after the hearing. And then they could also  
21 in tandem and make their case for the special  
22 exception based on the Commission's action.

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1 So it's trying to compensate for a loss of  
2 time that they have already incurred.

3 COMMISSIONER SCHLATER: Is there a  
4 threat of lost funding or --

5 MS. STEINGASSER: I believe so, but  
6 to be honest the case has moved so quickly in  
7 the last two weeks that I haven't actually met  
8 with the applicant. It's mostly been through  
9 emails and phone calls to try to get the set  
10 down to the Commission this evening.

11 COMMISSIONER SCHLATER: Okay. No  
12 further questions.

13 COMMISSIONER MAY: Explain again  
14 what the timing would be for NCPC review?

15 MS. STEINGASSER: Yes. If the  
16 Commission concurs, you could refer the  
17 application this evening to NCPC. The  
18 application does not have to wait for a  
19 proposed action. It could go to NCPC  
20 immediately. Thus, NCPC could hear it on a  
21 simultaneously timeline with the Zoning  
22 Commission. And then when the Commission is

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1 ready to take action, you'd have NCPC's input  
2 at that point instead of taking the proposed  
3 action and then referring.

4 MR. RITTING: I just wanted to add  
5 something to that point. And that is the  
6 District Charter suggested, and in my opinion,  
7 states that although you can refer it to NCPC  
8 immediately that doesn't speed up the time  
9 that they have to consider it. And the  
10 Charter states that NCPC will have 30 days  
11 after the hearing to review it.

12 So suppose you did refer it to NCPC  
13 immediately. They could choose to decide it  
14 sooner than that, but the Commission doesn't  
15 have the authority to speed up the process for  
16 NCPC. They may choose to facilitate this, but  
17 they're not required to.

18 COMMISSIONER MAY: I have a  
19 separate question, which is that I guess the  
20 fact that there are a number of text  
21 amendments associated with the particulars of  
22 this case and the property that this case is

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1 growing out of, I would be curious to know  
2 what other library properties would  
3 potentially fall into this same sort of  
4 categories and would wind up potentially  
5 having that level of relief?

6 MS. STEINGASSER: We can try to  
7 have that for you at the public hearing.

8 COMMISSIONER MAY: Yes.

9 MS. STEINGASSER: I don't know the  
10 state of their design to whether they'll be  
11 able to get in detail as to how many would  
12 have what relief set forward.

13 COMMISSIONER MAY: Right. I think,  
14 though, that my concern has more to do with  
15 the relative size of the parcels and the  
16 setting of the parcels and adjacency to Park  
17 land and things like that are relate to some  
18 of the special exception relief here.

19 For example, the fact that a rear  
20 yard would not be required if its abutting  
21 Park land.

22 MS. STEINGASSER: Yes.

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1                   COMMISSIONER MAY:   And so knowing  
2                   where we'd have, you know, lots where  
3                   libraries are that are abutting Park land like  
4                   that, where do we have that potential for this  
5                   being used?

6                   MS. STEINGASSER:   Okay.   We can  
7                   definitely get that information for you.

8                   COMMISSIONER MAY:   Yes.   That will  
9                   be helpful.

10                  COMMISSIONER MAY:   That's it for  
11                  me.

12                  CHAIRMAN   HOOD:       All   right.  
13                  Colleagues, we've heard discussion.   We're  
14                  being asked to set this down.   And I would  
15                  agree, I would echo Commissioner May's  
16                  requests.   And I think we did that previously  
17                  in the Recreation when we did the Recreation  
18                  Department some years ago.   We had a list of  
19                  some of the avenues which we thought this text  
20                  amendment or this situation would also take  
21                  place.

22                  You say there were a number of

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1 other things in the pipeline, and that way we  
2 can kind of see where they are. So we'll have  
3 that by hearing day.

4 Any other questions?

5 Okay. Well, I would move that we  
6 set down the map amendment from unzoned to  
7 R5A, and that we'd note that this is a  
8 contested case.

9 Also to set down the text amendment  
10 to create standards for public libraries  
11 including the special exception approval.

12 Also, to be able to expedite -- I  
13 don't know if we want to call it expedited,  
14 but that we shorten the notice period to 30  
15 days and have an expedited hearing And Ms.  
16 Schellin will work all that out.

17 And also I guess at this point we  
18 can also have immediate referral to NCPC.

19 Did that cover everything, Mr.  
20 Schellin?

21 MS. SCHELLIN: If we could just  
22 state that the text amendment is being set

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1 down as a rulemaking case, we're covered.

2 CHAIRMAN HOOD: It's a rulemaking  
3 case?

4 MS. SCHELLIN: The text amendment  
5 will be.

6 CHAIRMAN HOOD: Oh, the text  
7 amendment. Okay. So noted. I was glad to  
8 get that far.

9 Okay. Anything else?

10 COMMISSIONER MAY: Mr. Chairman, I  
11 would--

12 MS. SCHELLIN: We need a second  
13 before we discuss it.

14 CHAIRMAN HOOD: Can I get a second?

15 COMMISSIONER TURNBULL: Second.

16 CHAIRMAN HOOD: Okay. Second.

17 Any further discussion,  
18 Commissioner May??

19 COMMISSIONER MAY: Yes. I just  
20 would want to note that when we're taking a  
21 case like this under consideration and trying  
22 to expedite the timelines, I think it's

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1 incumbent upon the Office of Planning and the  
2 applicant to make a special effort to outreach  
3 to make sure that anybody who has concerns  
4 about this or wants to come to the Board, they  
5 know full well about the case and that they  
6 speak up. And I trust that that will occur.

7 CHAIRMAN HOOD: And thanks for  
8 putting that on the record.

9 Anything else?

10 Okay. It's moved and seconded.  
11 Who seconded it? Oh, Mr. Turnbull, okay.

12 Any further discussion?

13 All those in favor aye.

14 ALL: Aye.

15 CHAIRMAN HOOD: Any opposed, any  
16 abstentions?

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

19 MS. SCHELLIN: Staff records the  
20 vote five to zero to zero to set down Zoning  
21 Commission Case No. 09-17 as Commissioner Hood  
22 moved, Commissioner Turnbull second,

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1 Commissioner Keating and Commissioner May,  
2 Commissioner Schlater in support.

3 CHAIRMAN HOOD: Okay. Thank you.

4 We will go now to our Proposed  
5 Action. Zoning Commission Case No. 09-10,  
6 Office of Planning text amendment re: water  
7 town at St. Elizabeths campus.

8 Ms. Schellin?

9 MS. SCHELLIN: Staff has nothing  
10 further to add other than to say that we did  
11 receive a memo from WASA.

12 CHAIRMAN HOOD: Okay.

13 MS. SCHELLIN: And I believe they  
14 were going to have a representative here. I  
15 don't know if he is here. Yes, he is here if  
16 the Commission desires to ask any questions.

17 CHAIRMAN HOOD: If we need him.

18 Is the representative Mr. Gans?  
19 Okay. Well let's see, we may need to call  
20 you. I'm not sure yet. Let's see how this  
21 goes.

22 Okay. I don't think everyone's

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1 participating either.

2 MS. SCHELLIN: That's correct.  
3 Commissioners Keating and Turnbull did not  
4 participate.

5 CHAIRMAN HOOD: Okay. Let's move  
6 right along.

7 Colleagues, what we've gotten is  
8 Exhibit 5. And I know there were some  
9 questions about the height. Also there was  
10 some questions about the way this was vetted  
11 through the community looking at some other  
12 alternatives.

13 The only thing that I think we got  
14 was Exhibit 5, unless something came in the  
15 night and I haven't had a chance to look at.  
16 But anyway, I'll just open it up for  
17 discussion for my two colleagues who  
18 participated.

19 COMMISSIONER SCHLATER: Am I  
20 allowed to ask any questions of the Office of  
21 Planning at this point? Okay.

22 We received something from the

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1 Attorney General today that said the water  
2 tower was subject to the Height Act. And so  
3 we've got 175 foot water tower that subject to  
4 the Height Act. Can you just tell me how that  
5 is going to work?

6 MS. JACKSON: It's my understanding  
7 that because it's a structure it applies. And  
8 so they would have to receive a waiver from  
9 the Height Act similar to what the process is  
10 for TV transmission towers. So it is possible.

11 COMMISSIONER SCHLATER: And it's  
12 currently going through a section 106 process  
13 review, is that correct?

14 MS. JACKSON: Yes.

15 COMMISSIONER SCHLATER: At what  
16 stage is that in now? Has there been any  
17 movement since the last time we considered the  
18 case?

19 MS. JACKSON: I might have to defer  
20 to WASA for the specifics. I know they've had  
21 at least two or three consultant party  
22 meetings. I believe one of which happened

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1 last week. And there is a proposed schedule  
2 in the memo that they submitted about future  
3 meetings and their anticipated construction  
4 schedule.

5 COMMISSIONER SCHLATER: Is there a  
6 design floating out there representative of  
7 what this might look like that could be shared  
8 with the Commission?

9 MS. JACKSON: I think that's the  
10 purpose of the 106 is to flush that out. I  
11 personally haven't seen a proposed design at  
12 this point.

13 COMMISSIONER SCHLATER: Okay.  
14 That's it for my questions for the Office of  
15 Planning. Thanks.

16 CHAIRMAN HOOD: I think you asked  
17 if we could see the design? Is there any  
18 possible way that we could -- I don't know how  
19 we would --

20 COMMISSIONER SCHLATER: I think  
21 it's been proposed and final?

22 CHAIRMAN HOOD: Was this proposed?

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1       Maybe if we could see the design. I don't  
2 know if we would base our decision on it, but  
3 I think we just want to see it.

4                   COMMISSIONER SCHLATER: Right.

5                   CHAIRMAN HOOD: Yes. Is there  
6 anyway we could see that before final action?  
7 Before its erected?

8                   MS. JACKSON: I'm not sure of their  
9 timeline in terms of development of the  
10 design. We can certainly bring it to you as  
11 soon as we have access to it.

12                   COMMISSIONER SCHLATER: It's a  
13 delicate balance. I mean, I think the whole  
14 point of the text amendment is so that you  
15 don't have to come before the Zoning  
16 Commission with the design and show it to us.

17       So, there's some friction there, I guess.  
18 Because it is a structure that is exceedingly  
19 large. It's also a structure that is taller  
20 than anything else in the city, located at a  
21 high point in the city. So it's something  
22 that we normally would care very much about.

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1           And so, I don't know. Just getting  
2 a sense of where they are in the process.

3           I think, you know, the submission  
4 from WASA, this memo, certainly outlined that  
5 there is a vigorous public process going on.  
6 The community has been -- they've had a lot of  
7 outreach for the community. I just don't get  
8 a sense of where we are in that process and  
9 whether people are happy with it at this  
10 point.

11           CHAIRMAN HOOD: Okay. Commissioner  
12 May?

13           COMMISSIONER MAY: Yes. I think  
14 this brings up a broader question of whether  
15 for a proposal like this or whether it may be  
16 the other water towers, according to the memo,  
17 that are going to be planned in other parts of  
18 the city that whether it's simply appropriate  
19 to have the Zoning Commission review those as  
20 they come in. I mean, that's the broader  
21 question. I'm not sure where I stand on it  
22 because we certainly have plenty of things

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1 that we absolutely have to review by the  
2 Zoning Regulation. But there is that broader  
3 question. And when it is something that's  
4 potentially so prominent, it's a good  
5 question.

6 I would be interested in hearing  
7 what the Chairman has to say on that subject,  
8 given your experience.

9 CHAIRMAN HOOD: Actually, my  
10 experience has not been the best because we've  
11 had text amendments and after it was built I  
12 wished we would have had some design review.

13 I can tell you that when  
14 Commissioner Schlater just mentioned that, I  
15 had a flashback. I'm not going to call which  
16 case it was. But I don't know how we get to  
17 where we're trying to get consistent with our  
18 scope on this text amendment. I don't know we  
19 get there. But I would associate myself with  
20 your comments. I think we need to look at  
21 something like that.

22 I would actually probably not move

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1 on this tonight. I know we went through this  
2 previously of getting some information about  
3 the alternatives. But I think the height  
4 issue and the structure issue raises a  
5 concern. Skyline and whatever else goes on.  
6 And I think to me zoning in the blind or what  
7 we're going to do here in the blind is not --  
8 in my past history of things we've dealt with  
9 when we've done stuff in the blind, it was not  
10 the best outcome.

11 Now I don't legally if I'm in the  
12 right arena, but I think we can hold off and  
13 ask for it. I mean, I don't know how far  
14 they are in design.

15 Ms. Jackson, how far have they --  
16 have they even started design? Do they have  
17 anything to look at?

18 MS. JACKSON: They haven't even  
19 gotten to the Historic Preservation Review  
20 Board review, which obviously would have a  
21 great impact on the finished design. It looks  
22 like they're expecting to complete that by the

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1 end of the year.

2 MS. STEINGASSER: There is no  
3 pending design. They're in the process of  
4 trying to figure out which avenue they want to  
5 take in terms of design. Do they want it to  
6 be a water tower that just blends in that you  
7 see on the side of the road anywhere in  
8 America or do they want it to be more of a  
9 landmark?

10 It's not as if we could defer  
11 action for a month and come back with design  
12 options. They're just not there yet.

13 COMMISSIONER SCHLATER: I think  
14 that's part of the central, like I said  
15 before, friction here. We don't know the  
16 location of the water tower. We know that it  
17 might be somewhere on that site, but it's a  
18 big site. And we don't know how tall its  
19 going to be, and we don't know what its going  
20 to look like. And its going to have a major  
21 impact on the skyline of the District.

22 Recognizing that there is a public

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1 process going on right now, there are probably  
2 a lot of cooks in the kitchen and I know  
3 you're trying to streamline the process; it  
4 seems like something of what I'm hearing that  
5 this Commission would like to see come before  
6 it.

7 COMMISSIONER MAY: Yes. I think you  
8 touched on an important point on this, I  
9 guess, or with the notion of what the identity  
10 of this tower would be. I mean, all along  
11 I've been picturing something fairly  
12 utilitarian and very much in the background as  
13 much as it could be. But the idea that  
14 somehow this could become a landmark in a city  
15 of landmarks that are established for very  
16 important purposes, it's hard for me to  
17 imagine a landmark water tower. So I get more  
18 nervous hearing about it.

19 You know, I would be -- if it's the  
20 consensus of the Commission that we put action  
21 off on this and allow for a future design  
22 review, I would be inclined to do that. Not

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1 that we would necessary not act on the text  
2 amendment, but the text amendment would  
3 include language requiring some subsequent  
4 level of review.

5 CHAIRMAN HOOD: I had a sidebar. I  
6 missed your last comment.

7 COMMISSIONER MAY: Well, I was just  
8 making the point that the text amendment could  
9 be modified to allow for the water tower to  
10 come back once the design is established for a  
11 final approval, or something like that, or  
12 that there be an approval process, a one-step  
13 approval process similar to the Southeast  
14 Overlay. What is it the Capital -- if I can  
15 remember the name.

16 COMMISSIONER SCHLATER: Gateway.

17 COMMISSIONER MAY: Gateway Overlay,  
18 which is a one-step special exception type  
19 review or something like that. Just to see  
20 it.

21 I mean, I know there other bodies  
22 that have approval authority over it in this

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1       circumstance    because   it   is   a   historic  
2       property.       But,   you   know,   the   Historic  
3       Preservation Review Board isn't necessarily as  
4       focused on issues of height that we might be  
5       focused on and so on.

6                   CHAIRMAN HOOD:       So Commissioner  
7       May, I think you've given us somewhere where  
8       the three of us agree.   Something like we do  
9       with the Capital Gateway Overlay where we have  
10      a review, we can maybe ask OAG, first of all,  
11      if it's legally sufficient if they could craft  
12      in this amendment in the language that it  
13      comes back to us.

14                   So, you say if we're so inclined to  
15      approve what we have in front of us, put a  
16      clause where it comes back to us for -- I  
17      don't know if we can have it come back for  
18      design review.   But I see Mr. Ritting getting  
19      up and coming this way, so I'm getting ready  
20      to find out.

21                   MS. SCHELLIN:       Commissioner Hood,  
22      if I could also, I believe Commissioner

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1     Turnbull and Commissioner Keating if you do  
2     take a little bit of time to do this defer  
3     action, they have expressed an interest to  
4     read the record and participate. If you delay  
5     this to add language to do this, they have  
6     just expressed interest to read the record and  
7     participate.

8                   CHAIRMAN HOOD: Okay. Just give me  
9     one moment. Okay.

10                   Can we do this? Can we, Ms.  
11     Steingasser, can we ask the Office of Planning  
12     to do this? You've heard our concerns, to  
13     look at some language that encompasses exactly  
14     what my colleagues have mentioned, especially  
15     with coming back at a certain point so we  
16     could have some type of review. And if OP  
17     could work with OAG to craft that language, I  
18     think what we're going to do is defer this  
19     until a later date. Can we do that?

20                   MS. STEINGASSER: Certainly.

21                   COMMISSIONER MAY: Mr. Chairman,  
22     could I go ahead and ask a follow-up question

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1 of Mr. Gans since he's here.

2 CHAIRMAN HOOD: Sure. That's  
3 another thing. Since Mr. Gans here, let's  
4 have him come up and he can -- unless he wants  
5 to join us again. We won't have to have him  
6 come back.

7 Okay. Commissioner May?

8 COMMISSIONER MAY: Yes. I really  
9 appreciate getting the memo that described or  
10 answered some of the questions about the  
11 mechanics of the water delivery systems.

12 I also appreciate the fact that it  
13 was only two pages long and I could zip  
14 through it and understand it.

15 I also, you know, I understood it  
16 well enough to know that the essential system  
17 is that you use pumps to raise large amounts  
18 of water up to reservoirs and then the  
19 pressure applied by that height.

20 MR. GANS: Correct.

21 COMMISSIONER MAY: The water flows  
22 naturally from that and achieves the necessary

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1 pressure.

2 I guess what's not clear to me is  
3 whether there are any circumstances in the  
4 District where the pressure is actually  
5 brought directly by the pumping or whether all  
6 of the water is delivered by that elevation  
7 difference?

8 MR. GANS: There is one area.

9 Is this one?

10 CHAIRMAN HOOD: Yes. Turn your  
11 microphone on. If you can identify yourself.

12 MR. GANS: Is it on now?

13 COMMISSIONER MAY: Yes.

14 MR. GANS: My name is Roger Gans.  
15 I'm Manager of Planning and Design at D.C.  
16 Water and Sewer Authority.

17 There is one area where we pump  
18 directly into the system on a temporary basis,  
19 "temporary" meaning until a permanent tank is  
20 sited. It's a difficult system to operate and  
21 maintain, so it's not a desirable system. But  
22 there is one right now.

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1 COMMISSIONER MAY: Where is that?

2 MR. GANS: It's if you're familiar  
3 with the Fort Reno area?

4 COMMISSIONER MAY: Yes.

5 MR. GANS: There's a pumping  
6 station that pumps into the system. The  
7 existing tank there is very small and isn't  
8 sufficient. So they pump into the system with  
9 -- it's a very difficult system to operate and  
10 maintain, but that's what's being done until a  
11 tank can be sited, another tank like this, 2  
12 million gallon tank.

13 COMMISSIONER MAY: Right. And the  
14 major pump house or pump houses that you  
15 operate in the city, those essentially deliver  
16 water to the reservoir, is that right, or to  
17 the elevator reservoirs --

18 MR. GANS: Yes.

19 COMMISSIONER MAY: -- like the one  
20 up near the McMillan Reservoir? That's  
21 pumping water from that location to other  
22 places around the city?

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1                   MR. GANS:  Actually, yes.  WASA has  
2 a major -- several pumping stations, one major  
3 one.  And the Army Corps of Engineers has a  
4 major pumping station.  They both pump into  
5 the system to different reservoirs.

6                   COMMISSIONER MAY:  I see.  Okay.

7                   I guess the other question I had is  
8 you referred to two other water towers that  
9 you'd like to build in other parts of the city  
10 at this point.

11                  MR. GANS:  Yes, sir.

12                  COMMISSIONER MAY:  And how far  
13 along are those plans, and are those likely to  
14 have to need Zoning Commission action at some  
15 point?

16                  MR. GANS:  They're in our Capital  
17 Improvement program for the next ten years.  I  
18 can't really answer whether we need Zoning  
19 Commission approval.  I don't know how they're  
20 zoned.

21                  COMMISSIONER MAY:  Yes.  That may  
22 be something that we would ask the Office of

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1 Planning just to find out about where they  
2 plan to be and whether in fact that's  
3 something that we should be addressing here  
4 and now. Because right now the language is  
5 limited to St. Elizabeths.

6 MR. GANS: Just to add that one of  
7 the reasons I couldn't tell you is because the  
8 siting hasn't been determined yet.

9 COMMISSIONER MAY: Right.

10 MR. GANS: I mean they're still  
11 undergoing -- we're about two years back from  
12 where this St. Elizabeths' siting is.

13 COMMISSIONER MAY: I see.

14 MR. GANS: Just looking at  
15 different sites.

16 COMMISSIONER MAY: Okay. Well then  
17 maybe that it can't be addressed until you  
18 know more about the site. But I guess I would  
19 ask the Office of Planning to give us an  
20 opinion on that.

21 That's it.

22 COMMISSIONER SCHLATER: Mr. Gans,

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1 thank you for coming tonight. And thanks  
2 again for the memo. It was very clear and  
3 helpful.

4 I have a couple of questions about  
5 the St. Elizabeths water tower. Do you have  
6 an architect under contract for this? Who's  
7 the architect?

8 MR. GANS: It's Cunningham|Quill.

9 COMMISSIONER MAY:  
10 Cunningham|Quill.

11 And have various options been  
12 produced for what the water tower might look  
13 like and presented to the community?

14 MR. GANS: That's where we are now.

15 The first two consulting party meetings pretty  
16 much established where on the St. Elizabeths  
17 site is preferable from a historical, the  
18 aesthetic standpoint. And now several  
19 concepts have been proposed for the consulting  
20 parties to get their input. And that's where  
21 we are.

22 Last week we had two meetings; one

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1 with the general community, one with CFA and  
2 CPC and National Park Service to get their  
3 input. We got some definite strong input and  
4 we're going through the process.

5 COMMISSIONER MAY: What has been  
6 the community reaction thus far to the various  
7 options put forward?

8 MR. GANS: Well to be honest, the  
9 community reaction so far has been please put  
10 the tank up and fix our water pressure.

11 COMMISSIONER MAY: Yes.

12 MR. GANS: I have not heard any  
13 input so far on aesthetic. We had eight or  
14 nine community meetings throughout the last  
15 five or six years, and that was the prevailing  
16 message I was getting.

17 Through the 106 process we had some  
18 community input or presence, but not a whole  
19 lot of input yet. We're going to make an  
20 attempt to get more people out at the next  
21 meeting.

22 COMMISSIONER MAY: And when's the

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1 goal to complete design and start construction  
2 of the water tower?

3 MR. GANS: We would like to start  
4 design early next year, calendar year. It  
5 takes about a year, a year and a half to  
6 design and then about two years to construct.

7 We have completed about \$75 million  
8 worth of improvements east of the river  
9 including a pumping station, water mains big  
10 and small. This is the last needed element to  
11 really improve the pressure. Everything else  
12 improves the reliability concerning water main  
13 breaks and so forth. But the tank is needed  
14 to provide the needed pressure south of W  
15 Street east of the river.

16 COMMISSIONER MAY: What's the cost  
17 of putting in the new tower?

18 MR. GANS: Including everything,  
19 the current Capital Improvement program has a  
20 budget of about \$16 million that includes  
21 design, construction, everything.

22 COMMISSIONER MAY: Very good.

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1 Well again, thank you for coming  
2 out tonight.

3 MR. GANS: Yes, sir.

4 CHAIRMAN HOOD: Okay. Again, thank  
5 you, Mr. Gans. We appreciate you coming down.

6 Okay. Let me check with Ms.  
7 Steingasser. Ms. Steingasser, is it clear  
8 exactly which way we would like to move and  
9 what we're asking for? Okay.

10 All right. So I don't think we can  
11 put a timeline on this. We'll just leave it  
12 open ended and see what happens. Okay? All  
13 right.

14 Let's move right along to Final  
15 Action. Zoning Commission Case No. 08-15.  
16 This is Friendship-Macomb SC, Inc.  
17 Reconsideration of Zoning Commission Case  
18 Order 08-15 - Condition No. 16.

19 Colleagues, if you'll remember, we  
20 sent this back and we asked for a definition  
21 or clarification of off-peak and then a whole  
22 scenario of Condition No. 16.

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1                   Let me go to Ms. Schellin.

2                   MS. SCHELLIN:    Yes, sir.    We did  
3                   get two additional submissions:   One from the  
4                   applicant and one from WNNC at Exhibits 292  
5                   and 293.    And I would ask the Commission to  
6                   consider this for final action.

7                   CHAIRMAN HOOD:    Okay.    Thank you.  
8                   We did, as Ms. Schellin stated, we had a  
9                   response trying to clarify different proposed  
10                  revised condition, which is Exhibit 292.   And  
11                  also from the Wisconsin-Newark Neighbors  
12                  Coalition from Mr. O'Sullivan with their  
13                  clarification.   They said they agree with most  
14                  of it, but they still were apart when we came  
15                  to the definition, especially with the dealing  
16                  of the times.    But let me open up for  
17                  discussion.

18                  I'm looking at both submissions and  
19                  the responses that were requested.   And I have  
20                  those in front of me.   Let me open it up to  
21                  any comments from my colleagues.    Any  
22                  comments?

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1 COMMISSIONER MAY: Mr. Chairman?

2 CHAIRMAN HOOD: Commissioner May?

3 COMMISSIONER MAY: Yes. I would  
4 just comment that I appreciate the fact that  
5 the applicant and the parties did attempt to  
6 come to some consensus on a definition of the  
7 time. And it's unfortunate that they couldn't  
8 actually come to agreement, but I think that  
9 they were in the same ball park. And I think  
10 in the long run it's helpful that this  
11 actually is defined.

12 And I think while the applicant  
13 might have done a little bit better, I think  
14 that what they've proffered at this point is  
15 acceptable in my view.

16 CHAIRMAN HOOD: I would concur.

17 Any other comments? Mr. Turnbull?

18 COMMISSIONER TURNBULL: Yes. I  
19 think in the applicant's, I think it's Exhibit  
20 292. 292, wow.

21 CHAIRMAN HOOD: That's quite a few  
22 exhibits.

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1 COMMISSIONER TURNBULL: We have a  
2 lot of exhibits.

3 I think AB, the revision that they  
4 have I think is a very reasonable  
5 accommodation. And I would think we could  
6 move forward with this.

7 CHAIRMAN HOOD: Okay. I want to  
8 try to capture everything. And bear with me.

9 If anyone sees where I need to make a  
10 correction or make a change, and this includes  
11 staff and OAG and whoever else, I'm going to  
12 try to read this and capture all of this as  
13 stated. And I'm going to do it in a motion.

14 I move that the Commission grant  
15 the applicant's motion for reconsideration of  
16 Condition No. 16 as follows:

17 Existing Condition No. 16 is struck  
18 from the Order and replaced with the following  
19 additional conditions of approval to be  
20 inserted and numbered by the Office of  
21 Attorney General as it sees fit, or as it can  
22 get the best interpretation of what we want.

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1 Okay.

2 Existing the affordable housing  
3 commitment as described in Condition No. 6  
4 shall be a minimum of ten percent of the gross  
5 floor area of a residential portion of the  
6 project, which is approximately 16,480 square  
7 feet.

8 Implementation of the  
9 recommendation of the applicant's noise  
10 consultant regarding the grocery store loading  
11 area as detailed in Exhibit B of Exhibit 46 of  
12 the complete record.

13 Public space improvements shall be  
14 constructed as shown on the approved plans  
15 including special paving features on Newark  
16 Street subject to review and approval by the  
17 District Department of Transportation.

18 The applicant shall provide the  
19 public spaces as shown on the approved plans  
20 including a tree canopy space on the north  
21 side of Newark Street in the public plaza at  
22 the intersection of Wisconsin and Idaho

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1 Avenues.

2 And the grocery store shall be  
3 constructed with energy efficient sustainable  
4 features equivalent to the features detailed  
5 on page 13 through 14 of Exhibit 3 of the  
6 complete record.

7 Also I think this is an addition of  
8 WNNC. Total minimum parking requirements to  
9 total commercial parking as stated in findings  
10 of fact 28 and 49.

11 Also the applicant shall provide  
12 one parking per dwelling unit on the north  
13 parcel which will consist of approximately 124  
14 residential units.

15 Existing Commission Condition 8B  
16 revised as recommended by the applicant in its  
17 letters dated October 9, 2009 goes along with  
18 synonymous of what Commission May mentioned  
19 about what's been proposed about the off-peak  
20 and that whole Condition No. 16. So we will  
21 just take that into consideration.

22 Existing Condition 8B, which is

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1 revised and recommended by the applicant.

2 Anyone add anything else?

3 Commissioner Turnbull?

4 COMMISSIONER TURNBULL: No.

5 CHAIRMAN HOOD: Anybody else?

6 Can I get a second?

7 COMMISSIONER TURNBULL: Second.

8 CHAIRMAN HOOD: Moved and properly  
9 second.

10 Any further discussion?

11 All those in favor?

12 ALL: Aye.

13 CHAIRMAN HOOD: Not hearing any  
14 opposition, Ms. Schellin, could you record the  
15 vote?

16 MS. SCHELLIN: The staff records  
17 the vote four to zero to one to approve final  
18 actions on Zoning Commission Case No. 08-15 as  
19 moved by Commissioner Hood, Commissioner  
20 Turnbull seconding. Commissioners Keating and  
21 May in support. Commissioner Schlater not  
22 voting having not participated.

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1                   COMMISSIONER TURNBULL: Mr. Chair,  
2 just to note that your last one on number 2,  
3 regarding the parking. That is in that  
4 Exhibit 292. It's the letter dated October 9,  
5 2009.

6                   CHAIRMAN HOOD: Okay. Thank you.  
7 Thank you very much. Okay.

8                   Okay. Final Action Zoning  
9 Commission Case No. 03-30B, Square 643  
10 Associates - three-year PUD time extension at  
11 734 1st Street, Southwest. Did we delay this,  
12 or is this the same one?

13                   MS. SCHELLIN: This was deferred  
14 once or twice, I can't remember now. And then  
15 this evening you received a letter from ANC 6D  
16 requesting a two month delay. That's Exhibit  
17 14 that was received in your mini package  
18 tonight. They're asking for a two month delay  
19 to allow them an opportunity to have the  
20 applicant present before them so that they can  
21 provide their response.

22                   CHAIRMAN HOOD: Okay. I probably

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1 have it sitting here in front of me somewhere.

2 MS. SCHELLIN: And also in  
3 addition, of course, you did receive the  
4 applicant's submittal based on the Zoning  
5 Commission's comments from the last time this  
6 case was before you.

7 CHAIRMAN HOOD: Okay. I think  
8 first, colleagues, we have Exhibit 14 as  
9 stated by Ms. Schellin that was presented  
10 tonight. Apparently ANC 6D is meeting tonight  
11 and they have requested a two month extension  
12 to allow ANC 6D to hear from the applicant as  
13 justification for requesting such an  
14 extension. Let me open it up and see what you  
15 guys think.

16 Mr. Schlater?

17 COMMISSIONER SCHLATER: My  
18 understanding is because we're considering  
19 this, that the applicant's part is not  
20 expiring. As long as we continue to consider  
21 this there's no risk that the PUD is going to  
22 --

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1 MS. SCHELLIN: The time is tolling,  
2 correct.

3 COMMISSIONER SCHLATER: So I don't  
4 know that there's any particular rush to move  
5 it forward tonight. If ANC 6D wants to  
6 comment upon it, I'd be okay with waiting it  
7 out.

8 CHAIRMAN HOOD: I actually would,  
9 too.

10 Is everybody on this?

11 MS. SCHELLIN: Everyone can  
12 participate, that's correct.

13 CHAIRMAN HOOD: Does everyone else  
14 that would like to move in that fashion or --  
15 but I also take note that the applicant has  
16 supplied us with some materials. If anyone  
17 wants to comment on or knows now you want to  
18 wait until ANC 6D has their day and they give  
19 us comments and we comment on it all at once -  
20 -

21 COMMISSIONER TURNBULL: I would--

22 CHAIRMAN HOOD: Commissioner

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1 Turnbull?

2 COMMISSIONER TURNBULL: Yes, Mr.  
3 Chair. I would just like to - I guess I'm  
4 confused. There is a letter from Mr. Alex  
5 Green of Woodmark. And at one point in here  
6 he talks about he has contacted over 700  
7 nonprofits and tenant brokers. Since then I  
8 have shown them a list of some of the  
9 nonprofits is attached.

10 And I'm not sure if this -- it  
11 looks like it's a dent from the Rolodex. I  
12 mean, there's one whole sheet in here which is  
13 Jones Lang LaSalle, and the whole sheet is  
14 people who work at this office. And it's just  
15 a dump from -- as I say, it looks like a dump  
16 from an electronic Rolodex.

17 I mean, and that same thing, the  
18 next page. There's another dump of about 30  
19 people from one company, and then ten people  
20 from a -- I don't need a dump. We just need  
21 the name of the nonprofits and who they have  
22 contacted. I don't need a ridiculous 20 pages

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1 of a dump from a Rolodex just to answer the  
2 question. Just give the names of the  
3 nonprofits, but don't waste our time with a  
4 dump like this. This is ridiculous.

5 I'm sorry. I mean I --

6 CHAIRMAN HOOD: I enjoy it because  
7 I looked through to see who I knew.

8 COMMISSIONER TURNBULL: Well, I  
9 know. I know. But I see architects on here.  
10 They got architects on here. You know I'm  
11 just -- to me it's confusing why anybody would  
12 want to do that and muddy waters when we were  
13 asking very basic questions to help them get  
14 to where they are. All they have to do is  
15 give a very clear picture of what they did,  
16 who they contacted and not waste our time with  
17 something like this.

18 CHAIRMAN HOOD: Okay. Any other  
19 comments?

20 And I'm trying to remember. Was  
21 this the modification -- well, was this the  
22 extension that we were looking at and we

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1 wanted to show that there has been some  
2 activity going on? And I think, Commissioner  
3 Schlater, you can correct me if I need to be  
4 corrected. But I think you wanted to see if  
5 there was activity going on aggressively.

6 But one of the problems I had was I  
7 think we had that meeting in September and the  
8 letters I saw were dated for October of 2009.

9 So my question was was there really a lot of  
10 aggressive on this going on to try to help  
11 move this thing along. And I question that  
12 when I look at the dates of the letter. Maybe  
13 -- I don't know. I don't know.

14 COMMISSIONER SCHLATER: I think  
15 some of the concerns that were raised at that  
16 hearing, and the applicant is certainly up  
17 front about it, they've included the  
18 investment memorandum in the submission they  
19 made to the Commission, correct?

20 Are we extending this PUD just so  
21 it can be for sale for another two years or  
22 three years so that the applicant can make

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1 money off of the sale of the PUD? I think  
2 fundamental that's where I get uncomfortable.

3 I think it's a good project. I think the  
4 fact that if they get a nonprofit user in  
5 there and build the housing, it'll be a big  
6 net benefit for the neighborhood of Southwest.

7 But on the other hand, it's a project that, I  
8 don't know, it's been almost four years since  
9 approval, I think, at this point. It's been  
10 sitting around. And is it just being left  
11 there for sale?

12 Some of the evidence that's been  
13 presented thus far is stuff from 2006. Maybe  
14 it's getting a little bit old at this point.

15 I don't know. I certainly recognize  
16 that it's a brutal economy out there.

17 CHAIRMAN HOOD: Right.

18 COMMISSIONER SCHLATER: And it's  
19 very difficult for the developer to get  
20 financing in this environment.

21 I think what we're trying to  
22 demonstrate is that the applicant has actually

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1       been going out there and finance and execute  
2       the project.  Because what we don't want to do  
3       is just have it sit there on the market for  
4       sale for, I don't even remember what the for  
5       sale price was.  But we just want to see the  
6       project move forward and so we want to see  
7       concrete action towards that end.

8                       Thank you.

9                       CHAIRMAN HOOD:  And I would agree.

10       And you bring up my point that I'm trying to  
11       make with this investment memorandum that's  
12       dated September 2009.  Maybe I'm missing  
13       something, but it seems to me that I would  
14       have saw more material dating back to -- it  
15       was approved 2005, maybe 2007 date on it.  
16       There might be one or two thing, but I don't  
17       see enough in here to let me know that they  
18       were aggressively doing what I think that you  
19       mentioned at our last meeting.

20                       But be as it is, we will -- unless  
21       I hear something different, we will prolong  
22       this at the request of the ANC to give the

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1 applicant a chance to -- and I think they  
2 asked for two months? Did I lose your copy of  
3 it already. Yes, and it's lost. But anyway,  
4 I lost my colleague's copy of the ANC letter.

5 But anyway, whatever they  
6 requested.

7 MS. SCHELLIN: It was two months.  
8 So we'll put it off until our December 14th  
9 meeting.

10 CHAIRMAN HOOD: December 14th?

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: Okay. Good. So  
13 that's okay. We just do a -- I would move  
14 that we give the applicant an opportunity to  
15 go to ANC 6D, I believe it is, and that we  
16 take this up at our December the 14th meeting  
17 unless we hear something otherwise. And ask  
18 for a second.

19 COMMISSIONER SCHLATER: Second.

20 CHAIRMAN HOOD: It's moved and  
21 properly second.

22 Any further discussion?

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1 All those in favor?

2 ALL: Aye.

3 CHAIRMAN HOOD: Hearing no  
4 opposition, Ms. Schellin, would you please  
5 record the vote?

6 MS. SCHELLIN: Yes. Staff records  
7 the vote five to zero to zero o defer action  
8 to the December 14th Zoning Commission meeting  
9 for the Zoning Commission Case No. 03-30B.  
10 Commissioner Hood moving, Commissioner  
11 Schlater second, Commissioners Keating, May  
12 and Turnbull in support.

13 CHAIRMAN HOOD: And let the record  
14 reflect that I'm returning Vice Chairman  
15 Keating's copy of the ANC.

16 Okay. Thank you.

17 Okay. Let's move right along.  
18 Zoning Commission Case No. 05-37A, Station  
19 Townhouses, LLC, two-year PUD time extension  
20 at Square 752.

21 Ms. Schellin?

22 MS. SCHELLIN: Yes, sir. This is a

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1 request for a two-year time extension to a  
2 previously approved PUD. And in addition, the  
3 Office of Planning did hand out an additional  
4 filing this evening that was placed before  
5 you. I believe what this filing does, and OP  
6 can confirm it, is to provide some photos of  
7 the site at the time of the original approval  
8 and some updated photos.

9 CHAIRMAN HOOD: Okay. Thank you.

10 Let's go to the Office of Planning.

11 Mr. Lawson, if you could bring us up to speed  
12 on it. I guess this is you, this--

13 MR. LAWSON: That was me. Thank  
14 you, Mr. Chair.

15 CHAIRMAN HOOD: Okay. Thank you.

16 MR. LAWSON: The Commission has in  
17 the past asked us to submit some indication of  
18 the current status, a kind of physical status  
19 of the property. In this case it's fairly  
20 clear that the status hasn't changed a  
21 particularly great amount.

22 The property is being maintained

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1 and kept clear of trash and refuge and its not  
2 being allowed to grow over. And that's what  
3 those photographs are intended to show.

4 CHAIRMAN HOOD: Any questions for  
5 Mr. Lawson or any comments?

6 COMMISSIONER SCHLATER: Mr Lawson,  
7 I wasn't around at the time of the originally  
8 approval of the project. Can you describe the  
9 overall development plan and what we're  
10 extending tonight?

11 MS. STEINGASSER: It's a big  
12 project. It's a mixed use project with  
13 residential and commercial. The commercial is  
14 facing primarily H Street with an entry on the  
15 corner at 3rd. Residential is above and  
16 tapers back down to the south and has some --  
17 I believe on 2nd Street there's also some  
18 ground floor retail with residential above.

19 It was an extremely lengthy case.  
20 Negotiated with the neighborhood and revised  
21 the project comprehensively and completely on  
22 two separate tries. We were told this

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1 afternoon that the ANC did support the  
2 extension of the project, but it is primarily  
3 a large mixed use residential retail project.

4 Kind of balances the corner with the other --  
5 with the project across the street has a large  
6 tower, the overpass, low grade parking.

7 COMMISSIONER SCHLATER: You've  
8 jogged my memory.

9 CHAIRMAN HOOD: Any other questions  
10 or comments? Any problems?

11 And I think the applicant really  
12 spells it out if we look at page 3, Roman  
13 numeral III where it talks about some of the  
14 reasons for the delay. Actually, I guess what  
15 has happened in the past is seems he list has  
16 expanded now. I think it's a little more  
17 thought out and thought through, so -- all  
18 right.

19 COMMISSIONER MAY: I think it's  
20 also worth noting that we have evidence in the  
21 record here that there's been some substantial  
22 follow through by the developer in terms of

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1 delivering on the donation to the Capitol Hill  
2 Restoration Society for the assessment of  
3 properties that might be included in the  
4 Capitol Hill Historic District and the survey  
5 of potentially eligible structures o be  
6 demolished within the property documenting  
7 those for posterity.

8 And it indicates that it's clear  
9 that they've been making efforts to move the  
10 project forward, and in the market it is  
11 understandable why it may not have come to  
12 fruition yet. This is the first time they're  
13 coming for an extension. It's not something  
14 that's just going on and on without any real  
15 attempt to kind of move it forward. It's  
16 pretty clear that it's going to move forward,  
17 it's just a question of when.

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

20 VICE CHAIRMAN KEATING: No. I just  
21 want to thank the Office of Planning for  
22 these photos. This is very helpful to be able

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1 to see the status of what we might be  
2 approving in terms of this extension and  
3 understand a little bit better of the impact  
4 it might be having on the neighborhood at this  
5 point. So very much appreciate this.

6 CHAIRMAN HOOD: Okay. Unless I  
7 hear anything otherwise, I make a motion that  
8 we approve the two year time extension. And  
9 I'll just take it from what is written here.

10 We approve the application for a  
11 building permit must be filed no later than  
12 April 11, 2012 and construction must be  
13 started no -- well, some of those things are  
14 out of our jurisdiction. But anyway, I would  
15 move that we approve the two year extension  
16 for Zoning Commission Case No. 05-37A with a  
17 time of order expiration to be April 11, 2012,  
18 and ask for a second.

19 COMMISSIONER KEATING: Second.

20 CHAIRMAN HOOD: Moved and properly  
21 second.

22 Any further discussion?

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1 All those in favor?

2 ALL: Aye.

3 CHAIRMAN HOOD: Not hearing any  
4 opposition, Ms. Schellin, would you record the  
5 vote?

6 MS. SCHELLIN: Staff records the  
7 vote five to zero to zero to approval final  
8 actions on Zoning Commission Case 05-37A.  
9 Commissioner Hood moving, Commissioner Keating  
10 seconding. Commissioners May, Schlater and  
11 Turnbull in support.

12 CHAIRMAN HOOD: Okay. The next on  
13 our agenda is Zoning Commission Case No. 09-  
14 05, United House of Prayer - consolidate PUD  
15 and related map amendment at Square 442.

16 Ms. Schellin?

17 MS. SCHELLIN: Yes, sir. This case  
18 is before you for a final action. And did  
19 receive an NCPC report at Exhibit 36. They  
20 had no issues with this case.

21 CHAIRMAN HOOD: Okay. As already  
22 stated. Exhibit 36 NCPC says this would not be

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1 inconsistent with the Comprehensive Plan for  
2 the National Capitol, nor would it adversely  
3 affect any other identified federal interest.

4 If you look under Exhibit -- a  
5 letter dated October 1st, post-hearing  
6 materials from the applicant or the  
7 applicant's counsel Mr. Freeman that talks  
8 about some of the things, the applicant's  
9 proposed order, in his proposed order.

10 A fully executed first source  
11 employment agreement and also the supplemental  
12 architectural plans and elevation sheets. And  
13 it says in response to comments raised by the  
14 Commission.

15 So I'll just open it up. Any  
16 discussion?

17 COMMISSIONER MAY: Mr. Chairman?

18 CHAIRMAN HOOD: Commissioner May?

19 COMMISSIONER MAY: I would love to  
20 note for the record that we received drawings  
21 that I think are response to many of the  
22 concerns that I had. We have another

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1 rendering of the building, but more  
2 importantly, we have the roof plan showing  
3 where the condensing units would be located  
4 and how they work in the plan.

5 We have an enlarged portion of the  
6 elevation at the front with an indication of  
7 what materials were going to be used where.  
8 And we have the color ranges specified for  
9 things like the canopy and the window -- the  
10 store-type front windows and windows for the  
11 rest of the building.

12 And the palate looks pretty good.  
13 The rendering doesn't show very well. I think  
14 the green color is a little too electric and  
15 the red is a little too pink. But when you  
16 look at the actual color range that they're  
17 associating with those different portions of  
18 the building, I'm comfortable with the reds  
19 and the greens. You know, again, not  
20 necessarily the color combinations I would  
21 have used for these circumstances, but I think  
22 it's defined enough that I think it's

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1 certainly reasonable to go ahead.

2 And there's even a note saying that  
3 the neighboring exposed wall would be parget  
4 with stucco.

5 So all of my little issues have  
6 been taken care of in the drawings.

7 I would also note that we got a  
8 further report from DDOT with regard to the  
9 transportation demand management program. And  
10 we had raised questions about whether a full  
11 TDM program was practical for a building this  
12 small. And, frankly, the memo didn't do  
13 anything to satisfy me on that count. I  
14 thought it was sort of a general statement  
15 that TDM is good and we'd like to do it. And  
16 to me that just doesn't give me any sense of  
17 the scale and whether this is the right amount  
18 of requirements or not. So I just didn't find  
19 it very helpful.

20 So I'm not inclined to do anything  
21 differently.

22 CHAIRMAN HOOD: Thank you very

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1 much.

2 Any other comments? Okay.

3 And I would associate myself with  
4 your comments, especially pertaining to the  
5 DDOT report as I look at it.

6 Any other comments?

7 Just jogged my memory. We need to  
8 make sure that we include -- just a second.  
9 I'm not sure who brought up the issue about  
10 the LEED. Let me make sure we include a  
11 condition dealing with the LEED certification.

12 And I would ask --

13 COMMISSIONER SCHLATER: Office of  
14 Attorney General --

15 CHAIRMAN HOOD: Yes.

16 COMMISSIONER SCHLATER: -- noted  
17 that --

18 CHAIRMAN HOOD: That was a  
19 discussion and it was nowhere to be found.  
20 And so we want to make sure that that is  
21 included. The project shall achieve a LEED  
22 certification and member of certified level

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1 for the project. Make sure that that's  
2 encompassed in this order also. Okay.

3 Anything else?

4 Okay. I would move final approval  
5 of Zoning Commission Order No. 09-05 with the  
6 comments so noted. And also the inclusion of  
7 the LEED certification, and ask for a second.

8 COMMISSIONER MAY: Second.

9 CHAIRMAN HOOD: Move and properly  
10 second.

11 Any further discussion? No further  
12 discussion.

13 All those in favor?

14 ALL: Aye.

15 CHAIRMAN HOOD: Now hearing any  
16 opposition, so ordered.

17 Staff, would you record the vote?

18 MS. SCHELLIN: Yes. Staff records  
19 the vote five to zero to zero to approve final  
20 action in Zoning Commission Case No. 09-05.  
21 Commissioner Hood moving, Commission May  
22 second. Commissioners Keating, Schlater and

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1 Turnbull in support.

2 CHAIRMAN HOOD: I'm going to pass  
3 Mr. Schellin's copy of the DDOT report back to  
4 her for the record. I'm sure mine is here  
5 somewhere, I just can't find it.

6 Okay. Our next case is Zoning  
7 Commission Case No. 09-08, this is the  
8 Brookland Artspace Lofts, LLC - consolidated  
9 PUD and first stage PUD and related map  
10 amendment at Square 3831 and 3832.

11 Ms. Schellin?

12 MS. SCHELLIN: Yes, sir. And this  
13 case is before the Commission for a final  
14 action. And, again, we did receive an NCPC  
15 report. It is at Exhibit 42. And once again,  
16 NCPC had no issues with this case.

17 CHAIRMAN HOOD: Okay. Thank you.

18 No adverse impacts from NCPC.

19 Also we have some additional  
20 information that was requested. If you look  
21 at Exhibit 41, and this again is the revised  
22 plans regarding to the trash removal. Let me

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1 -- okay. And we have some issues. But we'll  
2 come back to those other issues. Thank you.

3 Anybody want to comment on the  
4 trash removal?

5 Is there anyone here that can ask  
6 the questions? I think we may have some  
7 questions. Ms. Roddy said yes, she can ask.  
8 You can come to the table. I think we may  
9 have one or two questions for you.

10 Okay. Let me start with the Vice  
11 Chair.

12 VICE CHAIRMAN KEATING: In looking  
13 through the plans that were submitted here,  
14 particularly regarding this trash removal, I  
15 just had a couple of questions about how the  
16 solution was going to work. in particular, it  
17 looks as though the trash room contains a  
18 compactor for trash compaction. I can tell  
19 you're an expert on these trash issues. And  
20 that's the first observation.

21 The second observation tied to that  
22 is that it appears that if the trash is going

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1 to move up the ramp out of the garage entry,  
2 which is a 20 percent slope, I'm wondering how  
3 that's going to practically happen. Because  
4 the trash compactor can is going to weigh a  
5 800, 1,000 pounds maybe.

6 MS. RODDY: Right. They have  
7 looked at that and they had found some  
8 machinery that was able to, I guess, pulley it  
9 up. And so they did have some options that  
10 were available to them that they were  
11 comfortable would be able to move it up that  
12 grade. Because they're well aware that it was  
13 a very steep grade, which initially is why we  
14 wanted to use Kearney because it would be a  
15 simpler solution for the trash. And that was  
16 our biggest challenge in using H Street. But  
17 we can provide that information if you were to  
18 leave the record open. Of course, we would  
19 like final action this evening, but we can  
20 give the information on the machinery that  
21 they were going to use.

22 VICE CHAIRMAN KEATING: Remind me.

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1 The prior design was to roll the trash that  
2 came out on level with Kearney Street and then  
3 roll over to a vehicle for collection?

4 MS. RODDY: That's correct.

5 VICE CHAIRMAN KEATING: With the  
6 trash compactor being located on the first  
7 floor?

8 MS. RODDY: I believe that that's  
9 correct. I'm sorry, I don't know the  
10 specifics on --

11 VICE CHAIRMAN KEATING: Because I  
12 don't remember there being a compactor. So  
13 i'm wondering if that's new given the  
14 opportunity with the space in the basement. I  
15 kind of think that might be the case. But the  
16 concern on the first floor, it was not only  
17 coming out on Kearney Street, but it was also  
18 the fact that the trash would have to roll  
19 through the hallway behind the lobby and out  
20 somewhere past the pantry and these public  
21 restrooms was one of the other concerns.

22 But honestly, I don't know if the

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1 solution that's been proposed here is better.

2 And quite honestly, it feels as though it  
3 creates some hazards.

4 I understand the equipment that  
5 you're talking about for moving those  
6 containers that are motorized carts or dollies  
7 that pull the equipment. But a 20 percent  
8 grade is a significant grade to move something  
9 that weighs that much safely. So I'm not sure  
10 if this is the right solution.

11 Do you have comments on that?

12 COMMISSIONER MAY: Yes. I mean  
13 pushing anything up a 20 percent grade is  
14 tough. If there was some sort of motorized  
15 cart or something like that that it moved on,  
16 that would be one thing.

17 I would note that the previous  
18 drawings that we have does have a similarly  
19 shaped device in it. I mean I guess I have a  
20 question here. Is this what you think is the  
21 compactor?

22 VICE CHAIRMAN KEATING: Yes.

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1                   COMMISSIONER MAY:    Because there's  
2                   a similarly shaped device in the previous  
3                   version of the plans also on the first floor.

4                   So I think there was probably always a  
5                   compactor there.    It's there.    It's drawn  
6                   exactly the same way.

7                   VICE CHAIRMAN KEATING:        You're  
8                   right.    This doesn't show the shut.

9                   COMMISSIONER MAY:    Yes.    I mean at  
10                  this point I would be less concerned about  
11                  what the actual solution is then that it be  
12                  solved and that the solution not involve  
13                  backing trucks up on Kearney Street, right?  I  
14                  mean, that was what we had a concern about.  I  
15                  think that's what DDOT had a concern about.  
16                  Is that what we would call -- I mean, I would  
17                  be willing to move forward tonight and grant  
18                  flexibility to have solution that meets those  
19                  two objectives.        So that they're not  
20                  absolutely bound to having the compactor on  
21                  the lower level and pushing things up the 20  
22                  percent grade, but coming with a solution that

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1 doesn't involve trucks on Kearney Street for  
2 trash pickup.

3 CHAIRMAN HOOD: Would you be  
4 inclined if we move forward tonight that I  
5 think sometime we do before the proposed order  
6 is issued that DDOT would be able to review  
7 it, is that okay?

8 COMMISSIONER MAY: Yes. Yes. I  
9 think it's fine.

10 CHAIRMAN HOOD: Okay. We have to  
11 reopen the record to receive the new plans  
12 submitted for 9/28/09. So I would move that  
13 we reopen the record for those plans that were  
14 submitted September 28th, 2009, and ask for a  
15 second.

16 VICE CHAIRMAN KEATING: Second.

17 CHAIRMAN HOOD: Moved and properly  
18 second.

19 Any further discussion?

20 Who second?

21 VICE CHAIRMAN KEATING: I did.

22 CHAIRMAN HOOD: Everybody second.

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1 Who second? Okay. I'll pick one. The Vice  
2 Chairman seconded. Okay. He was close, I  
3 called his name. Okay.

4 So any further discussion?

5 All those in favor?

6 ALL: Aye.

7 CHAIRMAN HOOD: Not hearing any  
8 opposition, staff would you record the vote?

9 MS. SCHELLIN: The staff records  
10 the vote five to zero to zero to accept the  
11 plans submitted September 28th. Commissioner  
12 Hood moving, Commissioner Keating second.  
13 Commissioners May and Turnbull and Schlater in  
14 support.

15 CHAIRMAN HOOD: The other issue is  
16 the applicant's asking that the first stage be  
17 done for a three year term. Typically our  
18 regulations say that it's a one year unless we  
19 otherwise stipulate more than one year. So  
20 does that give anyone any concern?

21 COMMISSIONER SCHLATER: I'm new to  
22 this, but it seems like two years is fairly

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1 typical. Is this because it's a two stage  
2 PUD? Is it a different process?

3 MR. RITTING: That's correct.  
4 Because there's a component of this project  
5 that's only a first stage approval. The  
6 regulations provide that the first stage is  
7 only valid for one year and the applicant is  
8 requesting some additional time to file their  
9 second stage application for that component of  
10 the project.

11 COMMISSIONER SCHLATER: Do they  
12 have to get a building permit within one year,  
13 is that what we're talking about in terms of  
14 that first year --

15 MR. RITTING: No. Because the first  
16 stage is just a preliminary review. There's  
17 no building -- they're not at that stage yet.

18 So they're going to submit more refined plans  
19 and only after the second stage is approved  
20 can they go to get their building permit.

21 COMMISSIONER SCHLATER: When do  
22 they have to get their building permit for the

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1 building that we're reviewing tonight?

2 MR. RITTING: Well, there's two  
3 components. There's the consolidated PUD and  
4 they'll need to go get their building permit  
5 for that stage within two years. For the  
6 first stage that you're also approving,  
7 there's no set date at this time. Only that  
8 four a building permit application to be  
9 filed, only that they were required within one  
10 year per the regulations to file their second  
11 stage PUD application.

12 COMMISSIONER MAY: Mr. Chairman, I  
13 would just note that I had note in my files  
14 indicating that the reason why they needed  
15 three years to be able to file the second  
16 stage had to do with Dance Place and the time  
17 that it would take them to be able to move  
18 forward with that portion of the project. And  
19 I don't know any of the -- I don't recall the  
20 particulars of that, whether it was a  
21 fundraising campaign or what it was. But I  
22 would not be surprised if that were the case

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1 and they simply needed that much flexibility.

2 I mean, in all honesty, I don't  
3 think that there's a whole lot lost by giving  
4 them that amount of flexibility to go for  
5 three years. So the key thing is moving  
6 forward with the consolidated and them having  
7 some momentum toward the other component of  
8 it.

9 CHAIRMAN HOOD: Okay. Does anyone  
10 have a issue with three years on the first  
11 stage? Okay. All right.

12 I think that's it. I think we agree  
13 with giving this applicant three years for the  
14 first stage PUD.

15 Is that all we need to deal with on  
16 this? Okay. Okay.

17 I would move final action for  
18 Zoning Commission Case No. 09-08 also noting  
19 that they have three years for their first  
20 stage PUD or shorter if they can come back  
21 quicker. But, anyway, at least it will give  
22 them three years on the first stage part of

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1 it.

2 And I would move approval and ask  
3 for a second.

4 COMMISSIONER MAY: Second.

5 CHAIRMAN HOOD: I guess I do need  
6 to say something about the consolidated  
7 approval for the plan unit development for the  
8 property located in Square 3831 Lot 47 and  
9 first stage approval which will be three years  
10 for property located in Square 3832 Lot 803  
11 and a one block portion of Kearney Street.  
12 Now we're going to deal with that part of it,  
13 hopefully, before the order is issued we will  
14 get something so we can look at before the  
15 order is issued.

16 Is that what we all agree to?

17 COMMISSIONER MAY: When it comes  
18 to--

19 MS. RODDY: For the flexibility on  
20 the trash.

21 CHAIRMAN HOOD: Right.

22 MS. RODDY: Right, we can do that.

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1 CHAIRMAN HOOD: Okay. Okay. Good.  
2 All right.

3 COMMISSIONER MAY: I second that  
4 again. Well I seconded it the first time.  
5 And I'll second it again.

6 CHAIRMAN HOOD: Well, okay. Well,  
7 maybe I'm talking too much.

8 Okay. It's moved and properly  
9 seconded.

10 Any further discussion?

11 All those in favor?

12 ALL: Aye.

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

16 MS. SCHELLIN: The staff records  
17 the vote five to zero to zero to approve final  
18 action on Zoning Commission No. 09-08.  
19 Commissioner Hood moving, Commissioner May  
20 second. Commissioners Keating, Schlater and  
21 Turnbull in support.

22 CHAIRMAN HOOD: Okay. That's it.

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1                   Do we have a status report? Did we  
2 do that, or we don't have a status?

3                   MS. STEINGASSER: From the Office  
4 of Planning, no you don't have a written  
5 status report.

6                   I did want to report that I have  
7 talked with OAG about having work sessions to  
8 bring the new Commissioners up to speed on the  
9 Zoning review process and to go through the  
10 past guidance that's been provided. They were  
11 perfectly comfortable with us doing those in  
12 the back room as we had the original meeting  
13 and working through those.

14                   So, Bill, we will be coordinating  
15 with Ms. Schellin on getting some of those  
16 dates set.

17                   Mr. Bergstein's only advice to me  
18 was that if the Commission -- we kind of got a  
19 new constitution. If you feel that there is  
20 additional guidance you want to give us that  
21 may in a different direction that what we  
22 originally received, we'll need to do that on

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1 the record. But the work sessions are fine.

2 CHAIRMAN HOOD: Okay. Good. Good.

3 So there will be work sessions. And I'm sure  
4 all of us are invited, especially for us new  
5 folks that just got here. But anyway, that's  
6 good.

7 Anything else? Ms. Schellin, do we  
8 have anything else?

9 MS. SCHELLIN: Nothing else.

10 CHAIRMAN HOOD: Okay. Let me ask  
11 this: On the schedule I notice that sometimes  
12 are yellow. Does that mean that those hearing  
13 dates are still open?

14 MS. SCHELLIN: The things that were  
15 highlighted on the Zoning Commission --

16 CHAIRMAN HOOD: In the yellow.

17 MS. SCHELLIN: Highlighted in  
18 yellow means those were the latest things  
19 added.

20 CHAIRMAN HOOD: Oh. I thought those  
21 were dates we might make it and might not make  
22 it.

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1 MS. SCHELLIN: No. That meant  
2 changes or additions.

3 CHAIRMAN HOOD: Okay. Okay. All  
4 right.

5 Again, I want to thank the Office  
6 of Zoning staff, as I do even though no one's  
7 here. Maybe I'll do it next time in the  
8 beginning. All the hard work that they do  
9 under the leadership of Director Wienbaum and  
10 Ms. Schellin and Ms. Hanousek.

11 Also, Office of Attorney General,  
12 the way they help us out.

13 And also, the great information  
14 that the Office of Planning provides us to  
15 help us make informed decisions.

16 So with that, this meeting is --  
17 anything else, Ms. Schellin?

18 MS. SCHELLIN: No.

19 CHAIRMAN HOOD: This meeting is  
20 adjourned.

21 (Whereupon, at 8:34 p.m. the  
22 meeting was adjourned.)

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