

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

+ + + + +

MONDAY

OCTOBER 3, 2011

+ + + + +

The Special Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:15 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
GREG M. SELFRIDGE., Commissioner  
MICHAEL G. TURNBULL, FAIA,  
Commissioner (OAC)  
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic  
Preservation  
JOEL LAWSON

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The transcript constitutes the minutes from the Special meeting held on October 3, 2011.

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

6:17 p.m.

CHAIRMAN HOOD: This meeting will please come to order.

Good evening, ladies and gentlemen. This is the October 3, 2011 special public meeting of the Zoning Commission for the District of Columbia.

My name is Anthony Hood. Joining me this evening are Commissioner Peter May, Greg Selfridge and Mike Turnbull.

We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin, Office of Planning, Ms. Steingasser and Mr. Lawson.

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

We do not take any public testimony at our meetings, unless the Commission requests someone to come forward.

Please be advised that these proceedings are being recorded by a court

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1 reporter. It's also webcast live.  
2 Accordingly, we must ask you to refrain from  
3 any disruptive noises or actions in the  
4 hearing room. Please turn off all beepers and  
5 cell phones.

6 Does the staff have any  
7 preliminary matters?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: I do have one  
10 preliminary. There's a possibility that  
11 tonight may be Commissioner Selfridge's last  
12 night. It's a possibility, not a fact. But,  
13 I wanted to say, on behalf of myself and I  
14 think the other Commissioners, they can speak  
15 for themselves, Greg, it's been a great  
16 opportunity to have worked with you. You have  
17 brought a lot to the table. You are a great  
18 guy.

19 The key to all of this is, for the  
20 exception of maybe one person, I have been  
21 friends with all my colleagues afterwards, and  
22 I'm hoping you and I can continue to be

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1 friends like we've had a good time up here on  
2 the dias. I think you brought a lot to the  
3 City. You are a great guy, and I'm looking  
4 forward to working with you somewhere down the  
5 line in the future.

6 So, anybody else? If not -- I'll  
7 probably have to do that again, we like to  
8 have more people. Not that we have a problem,  
9 but it would have been nice if we had more --  
10 maybe we should have did it at our last  
11 meeting, when we had more people. So, any  
12 other comments?

13 COMMISSIONER MAY: I would just  
14 second that particular sentiment, and it's  
15 been a pleasure to serve with you. And, I'm  
16 sure I'll see you around the neighborhood. I  
17 look forward to future encounters.

18 COMMISSIONER TURNBULL: We're  
19 going to miss you, buddy. Let us know if  
20 anything special happens.

21 COMMISSIONER SELFRIDGE: I can't  
22 say you'll be the first to know, but I'll keep

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1 you in the loop.

2 COMMISSIONER TURNBULL: Okay. All  
3 right.

4 COMMISSIONER SELFRIDGE: I really  
5 appreciate it, Anthony. Thank you very much  
6 to Peter, Mike and Conrad who is not here.  
7 It's been a real honor to serve with you guys.

8 You guys are swell and everything,  
9 but, really, the staffs of OP, OZ and Office  
10 of Attorney General, I'd like to thank them,  
11 certainly, for their kindness and patience  
12 with me as a Commissioner for my short time.  
13 And, also as a resident of the District of  
14 Columbia I'd like to, you know, thank them and  
15 say everybody should have the opportunity to  
16 sit in this chair and see the hard work and  
17 dedication that they bring to the job every  
18 day.

19 So, thank you to all you and your  
20 staff as well.

21 CHAIRMAN HOOD: Okay. And, we  
22 may, if we have more people at the next

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1 meeting, we'll do the exact same thing. I  
2 just think that it's appropriate.

3 But anyway, and again, I'm glad  
4 that you are moving to Ward 5. We are going  
5 to welcome you in the ward.

6 Okay. Let's get down to business.

7 Final Action on Zoning Commission  
8 Case No. 05-37C, Station Townhomes, LLC, two-  
9 year PUD time extension at Square 752.

10 Ms. Schellin?

11 MS. SCHELLIN: Yes, sir. If the  
12 Commission will recall, this was on the  
13 Commission's September 26th meeting agenda.  
14 The Commission had asked the applicant to  
15 respond to the ANC's letter. And so, that  
16 attachment is before you for consideration.

17 CHAIRMAN HOOD: Ms. Schellin, is  
18 this the case where I asked you to make sure  
19 everybody who wanted to see us do this is  
20 here?

21 MS. SCHELLIN: I think it was.

22 CHAIRMAN HOOD: Are we all here?

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MS. SCHELLIN: No.

CHAIRMAN HOOD: Okay. All right.

We do have a letter. What exhibit is it again? Well anyway, we have a letter dated September 28th.

Let me open it up. Any comments?

I think you read -- especially, at the bottom, where it says, "We believe that those commitments to the ANC are not required to be included within the order granting the time extension."

But, they also mention in the letter, ANC 6C stated that it supported a two-year extension with a caveat that the developer maintain the property during the two years, and looking to ways to return public space to the public on the street. And, I think they maybe worked among themselves for that, at least that's what I took out of the letter.

Let me open it up for comments.

COMMISSIONER MAY: Well, I'm glad

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1 to hear from the ANC -- I'm sorry, hear the  
2 response to the ANC, and know that there's  
3 been good discussions. We don't have anything  
4 further from the ANC complaining about  
5 conditions.

6 So, I mean, I get the sense that  
7 this is being worked out.

8 Now, as to whether any action we  
9 would take tonight would be conditioned upon  
10 the applicant's compliance with their  
11 maintenance agreement, I don't know if we need  
12 to go that far or not, but it's nice that they  
13 offered the advice that it need not be  
14 included in the order.

15 You know, I don't know whether it  
16 can legally be included or not.

17 COMMISSIONER TURNBULL: Yes, I  
18 would agree. I think there is an issue, if  
19 you are putting a condition, how does it get  
20 to be enforced, and is this legally  
21 enforceable? I think that's beyond my pay  
22 scale. I don't think we've ever done that

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1 quite like that, with that kind of a  
2 condition.

3 COMMISSIONER MAY: I can certainly  
4 see the utility of being able to do that,  
5 particularly, if there has been a problem with  
6 a given property. But, I think I'm  
7 comfortable about proceeding on good faith in  
8 this case.

9 CHAIRMAN HOOD: Okay. And again,  
10 I think these things that come up, we are  
11 still going to ZRR. I don't know, right now I  
12 put everything to the ZRR, but I don't know  
13 what's going to happen after that. But, I  
14 think these are some of the things we can look  
15 at as we get more into that, start finalizing  
16 what's going to be done on that.

17 And, as stated, I think in this  
18 letter, we have never done that, and they,  
19 basically, tell us to stick to 2408.10 and  
20 2408.12, and I don't think we can condition  
21 this.

22 So, we want to err on the side of

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1 caution. I think the applicant has heard us  
2 loud and clear, and we would like for them to  
3 continue that relationship they had with the  
4 ANC.

5 So, any other comments?  
6 Discussion?

7 Okay. So, I would move approval  
8 of a two-year time extension, I'm not sure of  
9 the dates now, but Zoning Commission Case 05-  
10 37C, Capitol Place, Square 752, request for  
11 the extension, and I would move approval of it  
12 and ask for a second.

13 COMMISSIONER TURNBULL: Second.

14 CHAIRMAN HOOD: It's been moved  
15 and properly seconded. Any further  
16 discussion?

17 Are you ready for the question?

18 All those in favor?

19 (Ayes.)

20 CHAIRMAN HOOD: Not hearing any  
21 opposition, Ms. Schellin, would you record the  
22 vote?

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1 MS. SCHELLIN: Yes. Staff records  
2 the vote 4-0-1 to approve final action in  
3 Zoning Commission Case No. 05-37C,  
4 Commissioner Hood moving, Commissioner  
5 Turnbull seconding. Commissioners Selfridge  
6 and May in support. Commissioner Schlater not  
7 present, not voting.

8 CHAIRMAN HOOD: Okay. Thank you,  
9 Ms. Schellin.

10 Do we have anything else before  
11 us?

12 MS. SCHELLIN: Not for the  
13 meeting, no, sir.

14 CHAIRMAN HOOD: Okay. I want to  
15 thank everyone for their participation, and  
16 this special public meeting is adjourned.

17 (Whereupon, the above-entitled  
18 matter was concluded at 6:25 p.m.)

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