

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

MONDAY

NOVEMBER 14, 2011

+ + + + +

The Regular Public Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, 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
- KONRAD W. SCHLATER, Vice Chairman
- MARCIE COHEN, Commissioner
- MICHAEL G. TURNBULL, FAIA, Commissioner (OAC)
- PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- ESTHER BUSHMAN, General Counsel

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OFFICE OF PLANNING STAFF PRESENT:

GERALDINE GARDNER  
MATT JESICK  
JOEL LAWSON  
STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular Public Meeting held on November 14, 2011.

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

2 (6:33 p.m.)

3 CHAIRMAN HOOD: This meeting will  
4 please come to order.

5 Good evening, ladies and  
6 gentlemen. This is the November 14, 2011,  
7 public meeting of the Zoning Commission.

8 My name is Anthony Hood. Joining  
9 me are Vice Chairman Schlater, Commissioner --  
10 okay, let me get it right -- Commissioner  
11 Schlater, Vice Chairman Schlater, Commissioner  
12 Turnbull, Commissioner May, and we want to  
13 welcome Commissioner Cohen.

14 This is her first night sitting --  
15 and I am going to deviate from my opening  
16 comments. Commissioner Cohen brings a wealth  
17 of knowledge of serving on a board in the  
18 city. She -- from what I've heard in my own  
19 research, she has raised the bar. We are  
20 looking forward to her raising the bar on the  
21 Zoning Commission and taking us to the next  
22 level. And I'm sure I can speak on behalf of

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1 all of my colleagues that we are really  
2 looking forward to working with Commissioner  
3 Cohen.

4 We are also joined by the Office  
5 of Zoning staff, Ms. Sharon Schellin, Ms.  
6 Esther Bushman; also, the Office of Attorney  
7 General, Mr. Jake Ritting; Office of Planning,  
8 Mr. Lawson, Mr. Mordfin, Mr. Jesick.

9 Are you from DDOT?

10 MS. GARDNER: Office of Planning.

11 THE COURT: Oh, you all are  
12 hiring. I need to put my application in.  
13 Could you introduce the young lady for us?

14 MR. LAWSON: Of course, Mr. Chair,  
15 and I would also like to welcome our new  
16 Commission member as well. Welcome to the  
17 Zoning Commission.

18 We are joined tonight by Geraldine  
19 Gardner, who is the Associate Director for  
20 Neighborhood Planning, who is here in case  
21 there are questions regarding one of the --  
22 one of the items on the agenda.

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1 CHAIRMAN HOOD: Okay, great.

2 Thank you.

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

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

9 Please be advised that this  
10 proceeding is being recorded by a Court  
11 Reporter and is also webcast live.  
12 Accordingly, we must ask you to refrain from  
13 any disruptive noises or actions in the  
14 hearing room. Please turn off all beepers and  
15 cell phones.

16 Does the staff have any  
17 preliminary matters?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: If not, let's  
20 proceed with our agenda. But before we do  
21 that, I want to give Commissioner Cohen a  
22 moment to say something. Again, like I said,

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1 I can't express more she is a great person. I  
2 have had a number of conversations with her,  
3 and I am looking forward to working with her.

4 So Commissioner Cohen?

5 COMMISSIONER COHEN: Thank you,  
6 Chairman. I am very honored to have been  
7 nominated and confirmed for this position. I  
8 have been following the work of the Commission  
9 since my notification that I was nominated.

10 And I have such respect for the  
11 gentlemen on this Commission. They work hard,  
12 and they have really given me the push to do  
13 the best I can. Like them, I strongly believe  
14 in a just, sustainable, and aesthetically  
15 pleasing city. And they raised the threshold,  
16 and I hope I will live up to the expectations  
17 of everybody in the city.

18 Thank you.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Commissioner Cohen, again, we want to welcome  
21 you.

22 Let's move right into it. Let's

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1 -- what I would like to do, Commissioners,  
2 unless someone objects, is to move the  
3 Correspondence item before Hearing Action, and  
4 we will do the Hearing Action last. Well,  
5 Hearing Action will be last. Let's do the  
6 Correspondence -- and let's do the  
7 Correspondence, and let's do the update from  
8 the Office of Planning. Let's do those things  
9 before we do the Hearing Action. I think that  
10 we should move in a more efficient way in that  
11 manner.

12 Any objections?

13 (No response.)

14 Ms. Schellin, help me to remember  
15 what I just said. Okay.

16 Consent Calendar item, Zoning  
17 Commission Case Number 05-28I, D.C. Primary  
18 Care Association, minor modification to PUD at  
19 Square 5055. Ms. Schellin.

20 MS. SCHELLIN: Yes, sir. This is  
21 a request the applicant is making. He is --  
22 or they, rather, are requesting some proposed

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1 modifications that they feel are minor and  
2 technical design modifications.

3 They supplemented their request by  
4 submission at Exhibit 7. OP submitted a  
5 report at Exhibit 6, which supports this  
6 request. And staff would ask the Commission  
7 to consider the request made by the applicant.

8 CHAIRMAN HOOD: Okay. And one of  
9 the other things I didn't do -- at least -- we  
10 do have -- the other Consent item,  
11 Commissioners, has come off. Do we -- we had  
12 an updated --

13 MS. SCHELLIN: Well, it is up to  
14 the Commission, if they decide to do that.  
15 But they did make a request to defer --

16 CHAIRMAN HOOD: Oh, the request.

17 MS. SCHELLIN: -- this to --  
18 because they are appearing before the ANC this  
19 evening. Even though the ANC's time has  
20 expired, they are appearing before the ANC,  
21 because they would like the ANC to have an  
22 opportunity to weigh in. So they have asked

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1 --

2 CHAIRMAN HOOD: Okay. Gotcha.

3 MS. SCHELLIN: -- the Commission  
4 to please defer that to the 28th.

5 CHAIRMAN HOOD: Okay. Thank you.  
6 We will get to that.

7 What I needed to ask,  
8 Commissioners, of the two Consent Calendar  
9 items -- well, let's just do one at a time,  
10 because of the request we have for the second  
11 one. Is there anyone that would like to see  
12 this come off of the Consent Calendar item  
13 first? I needed to ask that question before  
14 we got into it.

15 (No response.)

16 Not hearing anyone, Ms. Schellin  
17 has already given her report. Commissioners,  
18 we have a number of exhibits, and the Office  
19 of Planning's recommendation is that we make  
20 this a minor modification. And if you look at  
21 Exhibit 3 -- is it 3 or -- yes, Exhibit 3.  
22 Sometimes when you go through this stuff you

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1 get everything all mixed up in different  
2 cases, so -- it looks like I am all right  
3 tonight.

4 But Exhibit 3, we have some --  
5 what we approved and what the minor  
6 modification changes are, because we left this  
7 on the Consent Calendar item. Obviously, we  
8 all agree that this needs a minor  
9 modification, but Exhibit 3 is what helped me,  
10 to show what we approved versus what they are  
11 requesting now.

12 And while I looked at it  
13 architecturally, when I look at -- it actually  
14 looks better now than what we approved. So,  
15 but I want to open it up for -- that's my  
16 opinion. Let me open it up for any comments,  
17 questions.

18 (No response.)

19 Not hearing any --

20 MS. SCHELLIN: Wait. This is for  
21 Square 5055?

22 CHAIRMAN HOOD: 5055, yes. We are

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1 on Consent Calendar 05-28I.

2 COMMISSIONER MAY: Sorry. Do you  
3 want me to go ahead?

4 MS. SCHELLIN: You can go ahead.

5 COMMISSIONER MAY: I would just  
6 want to say, I am -- I do generally regard  
7 consent -- or minor modifications and  
8 scrutinize them very carefully to see if, in  
9 fact, it meets the -- you know, the test for  
10 being considered without having a public  
11 hearing.

12 And I think that these changes are  
13 minor in nature, and I think for the most part  
14 are an improvement to the design of the  
15 building, so -- and I think actually  
16 responsive to comments made by the Commission  
17 when the case was being reviewed. So I am  
18 happy to support this as a minor modification.

19 CHAIRMAN HOOD: Okay. Any other  
20 comments? Vice Chairman?

21 VICE CHAIRMAN SCHLATER: Mr.  
22 Chairman, just very briefly, I think for

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1 future reference this applicant did a very  
2 good job of showing what the changes were,  
3 because there were a number of smaller design  
4 modifications on this, and I think it was  
5 presented very well.

6 I don't really want to comment on  
7 whether it's an improvement on the  
8 architecture or not. I don't know if I'm even  
9 qualified to give that opinion. But I think  
10 that the materials are substantially similar  
11 in quality, and the changes are not going to  
12 impact the neighborhood. So I am going to  
13 support this.

14 CHAIRMAN HOOD: Okay. Any other  
15 comments, questions?

16 (No response.)

17 Okay. I will move that we -- oh,  
18 I'm sorry.

19 COMMISSIONER TURNBULL: I guess  
20 the only thing I -- I think it is toned down  
21 from what it was before. I think we had  
22 issues before. I'm not sure if I'm totally

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1 pleased with it. I think the green area at  
2 the back -- I'm not sure what it is -- there  
3 used to be a walkway out there. Now it is  
4 just a green roof.

5 Again, I think it is minor, but  
6 that is one issue that I thought they wished  
7 they had defined a little better and kept  
8 that. But I'm not opposed to it.

9 CHAIRMAN HOOD: Good. Great. Any  
10 other comments?

11 (No response.)

12 Okay. With that, I will move that  
13 we approve Zoning Commission Case Number 05-  
14 28I, as requested, minor modifications on D.C.  
15 Primary Care Association, minor modifications  
16 to PUD at Square 5055, and ask for a second.

17 VICE CHAIRMAN SCHLATER: Second.

18 CHAIRMAN HOOD: It has been moved  
19 and properly seconded. Any further  
20 discussion?

21 (No response.)

22 Are you ready for the question?

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1 All those in favor, aye.

2 (Chorus of ayes.)

3 Not hearing an opposition, Ms.  
4 Schellin, would you please record the vote?

5 MS. SCHELLIN: Staff records the  
6 vote five to zero to zero to approve final  
7 action in Zoning Commission Case Number 05-  
8 28I. Commissioner Hood moving, Commissioner  
9 Schlater seconding, Commissioners Cohen, May,  
10 and Turnbull in support.

11 CHAIRMAN HOOD: I just wanted to  
12 note that we do have the letter of support  
13 from Peter J. Farrell, Partner, City  
14 Interests, LLC. And we have the whole  
15 package, but I wanted them to know that we did  
16 see their letter of support.

17 Next, Zoning Commission Case  
18 Number 10-24A. This is the Forest City  
19 Southeast Federal Center, LLC, minor  
20 modification to PUD at Square 771. Ms.  
21 Schellin.

22 MS. SCHELLIN: Yes, sir. This was

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1 the one that we did receive a request from the  
2 applicant on November 9th asking that the  
3 Commission please defer this, so that they can  
4 appear before the ANC tonight. That's the  
5 ANC's meeting.

6 And they -- even though the time  
7 has passed for the ANC to respond to the  
8 request, they would still like to accommodate  
9 the ANC and allow the ANC an opportunity to  
10 provide the Commission with their response to  
11 their request. So they have asked that the  
12 Commission defer this to the next meeting on  
13 the 28th.

14 CHAIRMAN HOOD: Okay. Thank you,  
15 Ms. Schellin.

16 Commissioners, we have Exhibit  
17 Number 7, which I think is a very genuine  
18 request. I like to see when applicants come  
19 in -- want to make sure that they are -- the  
20 good neighbor policy, because some applicants  
21 are not the good neighbor policy, and I want  
22 to commend this applicant for asking us to do

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1 this. And I'm sure that the ANC definitely  
2 agrees, because they need to have this fleshed  
3 through their process first.

4 And I'm glad to see that this  
5 applicant has had this request upon us, and I  
6 will open it up for any discussion. But I --  
7 matter of fact, let me just put a motion on  
8 the table. I would move that we grant this  
9 request, Exhibit Number 7, from this  
10 applicant, and ask for a second.

11 COMMISSIONER COHEN: Second.

12 CHAIRMAN HOOD: Okay. It has been  
13 moved and properly seconded. Any further  
14 discussion? Any further discussion?

15 (No response.)

16 All those in favor, aye.

17 (Chorus of ayes.)

18 Not hearing any opposition, Ms.  
19 Schellin, would you please record the vote?

20 MS. SCHELLIN: Yes. Staff records  
21 the vote five to zero to zero to grant the  
22 request for deferment to 11/28 by the

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1 applicant in Zoning Commission Case Number 10-  
2 24A. Commissioner Hood moving, Commission  
3 Cohen seconding, Commissioners May, Schlater  
4 and Turnbull in support.

5 CHAIRMAN HOOD: Okay. Thank you,  
6 Ms. Schellin.

7 We are going move around, as I  
8 stated earlier, the Correspondence item. And  
9 I also would like to do the ZRR Guidance  
10 update. In that order. Let's do  
11 Correspondence first, and let's do the ZRR  
12 update second.

13 Correspondence, Zoning Commission  
14 Case Number 08-14 and 08-14A, Kelsey Gardens,  
15 letter from DCRA re: flexibility pursuant to  
16 2409.6. Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. This was  
18 a letter -- I received a cc from the Zoning  
19 Administrator advising of the flexibility that  
20 was granted pursuant to 2409.6 in these cases.

21 And so, therefore, staff placed it on the  
22 Commission's agenda, so that the Commission

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1 would see the flexibility that the ZA granted  
2 under the PUD, or under the section for the  
3 PUD that the Commission granted.

4 CHAIRMAN HOOD: Okay.  
5 Commissioners -- and I will open it up for  
6 discussion -- but as we see in his submission  
7 back -- it says, "However, the Commission  
8 believes that the area should be detached from  
9 the retail area. It is an allowable change as  
10 the amount is still within the two percent  
11 area flexibility set forth in this section."  
12 That's I guess the nuts and bolts of what the  
13 Zoning Administrator has responded to us, and  
14 I will open it up for any comments. Vice  
15 Chairman Schlater.

16 VICE CHAIRMAN SCHLATER: Mr.  
17 Chairman, I don't have any issue with the  
18 substance of the changes that are being  
19 proposed. As I understand it from the letter,  
20 the increase in the unit count is clearly  
21 within the flexibility, within the order.

22 I don't think we usually get into

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1 location of the service elevator, as long as  
2 it doesn't impact the mechanical penthouse on  
3 the roof. And I am not -- I think it is great  
4 that they are adding the amenity of a roof top  
5 pool, storage, bathrooms, and mechanical  
6 facilities on the roof, although I would say  
7 that is something we typically do see on our  
8 plans, something we do comment on, and, you  
9 know, it is questionable as to whether that  
10 would rise to the level of minor modification.

11 And so when I read this letter,  
12 the thing that concerned me the most was the  
13 fact that the applicant is effectively  
14 eliminating 1,400 square feet of retail, and  
15 in its place putting a common fitness center  
16 for the residential building in its place.  
17 And that no longer qualifies as retail.

18 It may be a good thing, and I have  
19 no doubt that it is a good thing for the  
20 building, and it may well animate the street.

21 But it is not retail, and it is above and  
22 beyond the flexibility we give the Zoning

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1 Administrator. And I think it's important  
2 when we get these letters to make sure that he  
3 is living within the bounds of those  
4 restrictions.

5 And so by my math, 1,400 square  
6 foot deduction out of 14,000 square feet is 10  
7 percent, not -- that is more than two percent.

8 Therefore, I think this should come back to  
9 us as a minor modification.

10 COMMISSIONER MAY: I would agree.

11 It took me a second to realize what was going  
12 on with the calculations. But, clearly, the  
13 Zoning Administrator made a mistake in the  
14 calculations. And then I did the math myself  
15 and forgot to convert from decimal to  
16 percentage, and looked at it as if it was one  
17 percent and not 10 percent. So I think on  
18 that grounds it is a beyond the flexibility.

19 It would be different if the  
20 fitness center were actually something where  
21 you could buy memberships, in which case it  
22 would be a retail operation, and I think that

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1 would be a good thing, and it wouldn't require  
2 any flexibility.

3 I also -- I would like to see the  
4 changes to the roof plan. This is an  
5 extraordinarily tall building and directly to  
6 the west of it -- west? Yes. Directly to the  
7 west are two-story row houses, and I was  
8 always concerned about the height of this  
9 building relative to those row houses.

10 And if the penthouse enclosures --  
11 enclosure walls are moving any closer to the  
12 west side of the building, I would be  
13 interested to see -- I would just like to see  
14 generally where -- the roof top enclosures.  
15 So a roof plan would be helpful.

16 CHAIRMAN HOOD: Any other  
17 comments?

18 (No response.)

19 Mr. Ritting, so does anyone -- let  
20 me ask one of my other Commissioners, because  
21 -- well, let me ask this to Mr. Ritting first.  
22 Mr. Ritting, what do we have to do? We would

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1 like to see this come to us. How does that  
2 get triggered? How does that happen?

3 MR. RITTING: I wanted to raise  
4 one other issue before I answered that  
5 question, and that's that the Zoning  
6 Administrator, Mr. LeGrant, asserted two bases  
7 for his permitting the fitness center in the  
8 ground floor.

9 And that was -- first was the  
10 flexibility that Mr. Schlater discussed, but  
11 also the condition of the PUD says that "The  
12 multi-family building shall contain  
13 approximately 14,924 square feet of retail  
14 spaces, consistent with the ground floor plans  
15 contained in Exhibit 69." And then, there is  
16 some little play there, because the plans  
17 actually show slightly less.

18 I guess there is still an issue if  
19 you believe that the Zoning Administrator  
20 doesn't have the authority under 2409.6,  
21 whether -- since the condition language says  
22 "approximately," whether you believe that the

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1 1,400 square foot reduction still is  
2 approximately that figure. I just wanted to  
3 put that on the table, just to make sure you  
4 considered it before you dispensed with the  
5 issue.

6 And then, I will take your other  
7 question after that. I can answer it now, if  
8 you'd like.

9 CHAIRMAN HOOD: Yes, okay.

10 MR. RITTING: There was a similar  
11 case maybe about four or five months ago in  
12 which something similar happened, involved the  
13 PUD in Columbia Heights. I think it is Case  
14 Number 07-02. And you found that -- you  
15 probably don't remember the numbers, but I do.

16 Sorry.

17 It was a similar situation, and  
18 what you directed us to do, meaning -- "us"  
19 meaning the Secretary and with our -- the OAG  
20 assistance, is to write back to Mr. LeGrant  
21 immediately and to tell him that you disagreed  
22 with his conclusion, and explaining the

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1 reasons why, and asking him to respond before  
2 -- in a reasonable amount of time, and he did.

3 So that's one possibility of a  
4 process for you to follow in this case.

5 CHAIRMAN HOOD: But I guess for  
6 me, he already -- well, we have a response  
7 from him. What more -- I guess we're telling  
8 him that we disagree with his response that he  
9 has already given us, more or less.

10 MR. RITTING: Yes. I believe that  
11 that was -- basically, you are telling him  
12 that you disagree with his conclusion and  
13 giving him an opportunity to change his  
14 conclusion.

15 CHAIRMAN HOOD: Okay.  
16 Commissioners, we have two -- do we have  
17 another Commissioner that disagrees or --

18 COMMISSIONER TURNBULL: Yes. Mr.  
19 Chairman, I would think -- I think Mr. Ritting  
20 raises some points. But, I mean, I don't know  
21 what -- I don't think our zoning regs define  
22 "approximately." But to me, there is a big

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1 difference between two percent and 10 percent.

2 And I think when we are at 10 percent that  
3 does trigger a minor mod.

4 CHAIRMAN HOOD: Okay. So let me  
5 let him finish.

6 COMMISSIONER MAY: Can I speak to  
7 that, too?

8 CHAIRMAN HOOD: Sure.

9 COMMISSIONER MAY: I mean, my view  
10 approximately is essentially what the  
11 flexibility is that is defined by the regs.  
12 It's, you know, plus or minus two percent.  
13 And I think that would be an acceptable way to  
14 define it.

15 I would also note that for future  
16 orders we might want to define "minimums"  
17 rather than "approximately," if that is the  
18 key thing is that it shall be a minimum of or  
19 a maximum of. Let's try to have tighter  
20 language.

21 CHAIRMAN HOOD: Ms. Schellin, let  
22 me just -- I'm going to make this observation.

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1 If we -- if they come back and we do a minor  
2 mod case on this, or we have a hearing on this  
3 --

4 MS. SCHELLIN: If it's a minor  
5 mod, yes, we --

6 CHAIRMAN HOOD: I'm going to  
7 reserve my statement. I was going to talk  
8 about I want us to have 100 percent  
9 participation or attendance that night,  
10 because I have noticed in the past when we do  
11 this that --

12 MS. SCHELLIN: Yes.

13 CHAIRMAN HOOD: Anyway, so -- but  
14 I think it's legitimate, if we can get away  
15 with it on the Consent Calendar.

16 MS. SCHELLIN: Yes.

17 CHAIRMAN HOOD: Mr. Ritting, you  
18 have heard my colleagues express -- and I  
19 actually agree with them wholeheartedly. It  
20 is a big difference, and I want to thank  
21 Commissioner Schlater for being on top of  
22 that. There is a big difference from two

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1 percent to 10 percent or 12 percent.

2 MS. SCHELLIN: And Ms. Giordano is  
3 in the audience, so she is --

4 CHAIRMAN HOOD: Okay. So she --

5 MS. SCHELLIN: -- she is hearing  
6 also.

7 CHAIRMAN HOOD: We can go from  
8 there. But if staff can follow with that, and  
9 we will put it on our Consent Calendar and  
10 deal with it at that point. Okay? Are we all  
11 on the same page?

12 (No response.)

13 Okay, great.

14 Do I need to do anything else, Mr.  
15 Ritting?

16 MR. RITTING: No. I just -- I'm  
17 sorry. I didn't quite -- I was listening to  
18 Ms. Schellin when you were having that  
19 discussion. Could you clarify what it is that  
20 you would like me to do? Would you like me to  
21 direct Mr. LeGrant to -- to instruct him that  
22 you believe that it properly belongs on the

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1 Consent Calendar? Is that -- am I  
2 understanding -- okay.

3 CHAIRMAN HOOD: In other words,  
4 his findings, we pretty much disagree with his  
5 findings.

6 MR. RITTING: You disagree with  
7 them, okay.

8 CHAIRMAN HOOD: It's more than the  
9 two percent in which he is allowed to do with  
10 flexibility.

11 MR. RITTING: I understand. Thank  
12 you very much.

13 CHAIRMAN HOOD: Okay. All right.  
14 Thank you, all. And thank you, Vice Chairman  
15 and Commissioner May, for taking the lead on  
16 that.

17 Let's go to ZRR guidance update.  
18 Office of Planning, Mr. Lawson?

19 MR. LAWSON: Thank you, Mr. Chair.  
20 I am, of course, representing Arlova Jackson,  
21 who was recently appointed the new manager of  
22 the Zoning Review Process. We were really

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1 happy that we were able to have somebody take  
2 over Travis Parker's role who is currently on  
3 our staff.

4 She is being able to, relatively  
5 speaking, hit the ground running, but I think  
6 you can imagine it is taking her -- taking us  
7 a little while to get there. It is also -- I  
8 think it is fair to say it is taking us a  
9 little longer than we thought it would to take  
10 the policy direction that you already gave us  
11 and turn it into actual zoning text, as well  
12 as take the existing text and kind of combine  
13 all -- the existing text that is being  
14 retained and combining that all into one  
15 document that we can move forward.

16 As we noted in our last update to  
17 the Commission, we are working on that draft  
18 now. We are working on it for task force  
19 review. Once this draft is ready -- and we  
20 expect it to be ready soon, and I know we have  
21 said that before, but we do expect it to be  
22 ready very soon.

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1           We then plan on meeting with the  
2 task force to discuss the proposed text. We  
3 expect that process to take a number of  
4 meetings, because we will want to work through  
5 the new text with the task force, so that they  
6 understand what we did and that we fully  
7 understand all of their comments.

8           Once we have had those meetings  
9 with the task force, then our next step of  
10 course will be to revise the text accordingly,  
11 and then forward the revised draft to the  
12 Zoning Commission, to you, for set down. And  
13 right now we are anticipating that that will  
14 happen late in the winter, possibly even early  
15 in the spring.

16           It will depend on how long -- how  
17 many meetings there are with the task force.  
18 We want to make sure that that process is  
19 given all the time that it is needed to be as  
20 complete as possible. After that, after the  
21 Zoning Commission presumably sets it down,  
22 then we will start the series of public

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1 outreach meetings, and that is in accordance  
2 with the direction that you already gave us  
3 for the process you want to go through.

4 So I think that's the bulk of my  
5 update. If you have questions, I will be  
6 happy to try to answer them.

7 CHAIRMAN HOOD: Any questions?  
8 Commissioner May.

9 COMMISSIONER MAY: Yes. We  
10 received, in our package tonight, a letter  
11 from the Committee of 100 with specific  
12 requests about the timing of things, and so  
13 on. Have you seen that letter?

14 MR. LAWSON: I did get a copy of  
15 it today.

16 COMMISSIONER MAY: Okay. And I  
17 couldn't quite, in the time that I have had to  
18 read this, and then observe what you are  
19 saying, I can't -- I'm not quite sure how your  
20 plans mesh with their suggestions. Can you  
21 address that more specifically?

22 MR. LAWSON: Well, I think -- I

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1 shouldn't speak for the Committee of 100, but  
2 I think what they are asking for is to make  
3 sure that there is appropriate time for the  
4 task force to review this document, and we  
5 couldn't agree more that we want to make sure  
6 that the task force has ample and multiple  
7 opportunities for meetings, so that we can go  
8 through this in some detail and without  
9 rushing it through the task force. And that  
10 is certainly part of what I read into the  
11 Committee of 100 letter, and that is certainly  
12 our hope and our intent.

13 COMMISSIONER MAY: Thanks.

14 CHAIRMAN HOOD: One of my concerns  
15 -- and I would ask Mr. Lawson and the Office  
16 of Planning to look at some of these requests,  
17 because they are volunteers in that whole task  
18 force. You know, they do a lot of job -- it  
19 takes -- they are asked to take some of the --  
20 they look at some things that we may miss, and  
21 they take some work away from all of us, and  
22 they help us out. And those are citizen

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1 volunteers.

2           One of the things that concerns me  
3 is -- and I see here we are talking about a  
4 January timeframe. I want to make sure that  
5 they are able to enjoy their holiday, even  
6 though the Zoning Commission will be here the  
7 whole holiday season, it looks like when I  
8 look at the schedule. But I want to make sure  
9 that we don't do anything around the holidays.

10           The holidays and the summertime,  
11 the months of July and August -- and this is  
12 not the first time I have said this --  
13 whenever we are trying to do something, it  
14 seems like -- and I'm not saying Office of  
15 Planning is guilty of this, but I do not like  
16 doing things in this city in the months when  
17 people are on vacation or celebrating the  
18 holidays.

19           And I am sure from looking at this  
20 letter, it looks like mid-January is when the  
21 next task force meeting I believe is going to  
22 be had. Am I correct?

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1                   MR.    LAWSON:        We    certainly  
2   understand    that   comment.    While   I   can't  
3   imagine   anything   better   to   do   over   the   holiday  
4   season   than   talk   zoning,   I   understand   that  
5   there   are   other   people   who   might   disagree   with  
6   that.        So   we   are   fully   aware   of   the  
7   limitations.

8                   And,   really,   the   main   limitation  
9   over   the   holidays   is   we   want   to   make   sure   that  
10   a   good   number   of   task   force   members   can   attend  
11   the   meetings,   and   that   does   tend   to   get   more  
12   difficult   as   we   get   into   the   holiday   season.  
13   So   we   are   absolutely   taking   that   into   account,  
14   yes.

15                   CHAIRMAN   HOOD:        Okay,   great.  
16   Thank   you,   Mr.   Lawson.   I   really   appreciate  
17   your   report,   and   I   appreciate   you   bringing   us  
18   up   to   date   on   this.   Great   report.   Thank   you.

19                   Anything   else?   Vice   Chair?

20                   VICE   CHAIRMAN   SCHLATER:    Might   I  
21   ask   you   submit   to   the   Commission   a   proposed  
22   schedule   for   the   remainder   of   the   process?

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1 MR. LAWSON: We'd be happy to, as  
2 long as the Commission understands that it is  
3 still a little bit fluid, because we -- at  
4 this point, we want to work with the task  
5 force to determine what is the best way for  
6 their review to happen. So in terms of what  
7 the outline of the process will be, we can  
8 certainly submit that. In terms of actual  
9 dates, that might have to be a bit more fluid.

10 CHAIRMAN HOOD: In other words,  
11 it's tentative.

12 VICE CHAIRMAN SCHLATER: But I  
13 think having target dates is an okay thing.  
14 That's not rushing the process. That's just  
15 establishing some parameters under which we  
16 are going to operate. I'm just concerned  
17 that, you know, my term expires in the not-  
18 too-distant future, and I would like to be  
19 here for the final vote, if I could be, given  
20 the amount of work we have had.

21 CHAIRMAN HOOD: You sound just  
22 like me. Mine has expired. I think I'm

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1 probably -- mine expired two years, and I was  
2 -- and now I'm back on the Commission, so you  
3 never know what happens in this city.

4 Okay. So taking what the Vice  
5 Chairman said, if you can maybe put  
6 "tentative" and maybe have some target dates  
7 and see where we go from there.

8 MR. LAWSON: We would be happy to  
9 supply that.

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

12 (No response.)

13 Okay. Thank you. Let's move to  
14 Hearing Action, Zoning Commission Case 11-17,  
15 Adams Morgan Church Hotel, LLC, consolidated  
16 PUD and related map amendment at Square 2560.  
17 Mr. Jesick.

18 MR. JESICK: Thank you, Mr.  
19 Chairman, and members of the Commission. The  
20 applicant in this case has submitted a  
21 consolidated PUD and related map amendment in  
22 order to construct a hotel in the Adams Morgan

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1 neighborhood. The subject site would be  
2 located at the corner of Euclid and Champlain  
3 Streets, which is just east of the  
4 intersection of 18th and Columbia.

5 The request proposes to change the  
6 zoning from R-5-B and Reed-Cooke C-2-B to C-2-  
7 B without the Reed-Cooke Overlay for the  
8 entire property.

9 The project would consist of the  
10 historic First Church of Christ, Scientist  
11 building, which would be restored, as well as  
12 a new addition to the rear of the church. The  
13 church space would be used for event space and  
14 restaurant for the hotel, and the new addition  
15 would house the guest rooms, loading and  
16 parking access, a swimming pool, as well as a  
17 portico share for dropoffs.

18 Now, the new structure would be  
19 nine stories and 92 feet in height as measured  
20 from the front of the building on Euclid  
21 Street. But because of the drop in grade  
22 along Champlain Street, on the eastern side of

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1 the building, the top floor would be about 100  
2 feet above street level.

3 Now, the design has tried to take  
4 that into consideration and made some changes.

5 They have set back the top floor on both  
6 sides. They have also stepped down to the  
7 seventh story at the southern end of the  
8 property. And at the southeast corner of the  
9 property, therefore, the height above the  
10 street is about 86 feet.

11 Even with these measures, however,  
12 the Office of Planning still feels that the  
13 design could be more appropriate if the  
14 building were reduced in height, and there are  
15 a few different reasons for this.

16 One, because of the surrounding  
17 built environment. There are some examples of  
18 tall buildings in the vicinity. However, most  
19 of the immediate surroundings are buildings  
20 between two and four stories in height.

21 Also, the future land use map for  
22 this site calls for a mix of low density

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1 commercial and moderate density residential,  
2 and those designations typically do not  
3 conform with a building of this size.

4 Also, the southern part of the  
5 site is currently zoned within the Reed-Cooke  
6 Overlay, and that overlay specifically intends  
7 for properties to redevelop with a height and  
8 density that is compatible with the  
9 surrounding existing residential neighborhood.

10 In most cases, building heights are limited  
11 to 40 feet, and FAR is limited to matter-of-  
12 right levels, even in a PUD situation.

13 The comprehensive plan also talks  
14 about Reed-Cooke. Specifically, it says that  
15 any new development in Reed-Cooke, its height  
16 and density should be compatible with the  
17 surrounding neighborhood. So, again, the  
18 Office of Planning feels that a lower height  
19 would better meet adopted plan policies and be  
20 more compatible with the neighborhood.

21 Now, in addition to the PUD-  
22 related map amendment, the application would

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1 require a few different areas of zoning  
2 flexibility. And I've gone into those in  
3 detail in the written report. One that I  
4 would like to draw the Commission's attention  
5 to is the request for additional height.

6 In the C-2-B zone, a PUD is  
7 normally limited to 90 feet in height. The  
8 applicant here has requested 92 feet, and the  
9 Commission may grant that flexibility.  
10 However, the applicant needs to show why the  
11 extra height is essential to the functioning  
12 of the project and consistent with the purpose  
13 and evaluation standards for PUDs. And that  
14 information to date has not been supplied, so  
15 that is some information that we would need if  
16 this case were to proceed forward.

17 We have some additional areas  
18 where we are looking for more information or  
19 have some concerns. These include more detail  
20 on the architecture of the exterior,  
21 especially the southern facade. We also  
22 question the quantity of dark brick on the

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1 exterior of the building. We need more  
2 information about the nature of the commercial  
3 adjuncts in the hotel and more detail on the  
4 proffered benefits.

5 We also have concerns about the  
6 impacts of the use on Champlain Street, and,  
7 in general, a concern about the overall level  
8 of information and quality of drawings that  
9 were submitted with the application.

10 Just today we did receive a new  
11 set of plans. I believe the Commission may  
12 have also received those. We haven't had a  
13 chance to evaluate those in detail, but they  
14 may address some of the outstanding issues.

15 I would also like to note that the  
16 Office of Planning has met with the ANC and a  
17 couple of community groups. We have also  
18 received numerous emails, as well as a few  
19 phone calls, from the community. I have tried  
20 to summarize some of the thoughts that were  
21 conveyed in those emails in my report.

22 I would say there is not a

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1 unanimity of opinion on the project, but we  
2 have -- there has been a lot of dialogue in  
3 the community about the project going back a  
4 couple of years. And I would say for this  
5 stage in the process we have had a very high  
6 level of public input.

7 So to conclude, I would just like  
8 to say that Office of Planning does support  
9 redevelopment at the site. We certainly  
10 support preservation of the church and  
11 restoration of the church. We feel that a  
12 public hearing would provide an opportunity,  
13 obviously for the Commission, but also the  
14 public, to weigh in on the issues that were  
15 raised in the OP report.

16 As I said, OP and the community  
17 have been meeting with the applicant for a  
18 number of years on this project. In fact, the  
19 applicant also has had a preliminary meeting  
20 with the HPRB to review the project. And I  
21 think it would be advantageous for all parties  
22 to get Commission input at this stage in the

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1 process. Therefore, OP does not object to the  
2 Commission setting this project down for a  
3 public hearing.

4 That concludes my testimony, but I  
5 would be happy to take any questions.

6 CHAIRMAN HOOD: Thank you very  
7 much, Mr. Jesick. First, did we get the  
8 updated drawings? That's what that is?

9 COMMISSIONER MAY: What date were  
10 the drawings that you just got?

11 CHAIRMAN HOOD: Did some come in  
12 today?

13 MS. SCHELLIN: We didn't get  
14 anything today.

15 COMMISSIONER MAY: What's the date  
16 of what you just received?

17 MR. JESICK: I received them  
18 today. It looks like they do not have a new  
19 date on them. They are still dated October  
20 26th.

21 COMMISSIONER MAY: October 26th is  
22 the last set we have.

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1                   CHAIRMAN HOOD:     October, what is  
2     the date on there?     Because we didn't get  
3     anything today.     That was my issue.     That's my  
4     point.     So that might answer some --

5                   MS. SCHELLIN:     Nothing today.

6                   CHAIRMAN HOOD:     That may serve  
7     some of the questions we may have with the  
8     laundry list of 13 things that are still on  
9     the Office of Planning's report.

10                  MR. JESICK:     I would say let's  
11     stick with that list, because we just received  
12     these today, and we haven't had a chance to  
13     thoroughly review them.     If this case moves  
14     forward, I think we can instruct the applicant  
15     to submit a brand-new, fresh set of plans that  
16     everyone --

17                  CHAIRMAN HOOD:     I don't know about  
18     anyone else, but I -- my concern is not having  
19     -- looking at what I have here, not knowing  
20     what that is, that kind of puts us at a  
21     disadvantage.     I mean, we can set it down.

22                  And I also have an issue with the

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1 laundry list. This is not the first time I  
2 have mentioned this. I know the Office of  
3 Planning and the community and all don't have  
4 to agree, but when I see a laundry list like  
5 this I guess from your comments, Mr. Jesick,  
6 maybe we are going to have to be the ones to  
7 deal with this laundry list.

8 And I will tell you, there are  
9 other cases that have over five or six issues  
10 from the Office of Planning. I usually have  
11 -- for me, I have a reservation. But anyway,  
12 all is not -- it doesn't have to all be  
13 complete when it comes in front of us, but it  
14 should be a little more less than what I see  
15 here on this laundry list. But my concern --  
16 my immediate concern is the new drawings that  
17 you have there.

18 But let me open it up for  
19 comments. Commissioners?

20 COMMISSIONER MAY: Mr. Chairman, I  
21 just looked at his set of drawings, and it is  
22 marked exactly the same as the set that we had

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1 in our packet, the smaller set, October 26th.

2 CHAIRMAN HOOD: Okay. So you --

3 COMMISSIONER MAY: So I don't  
4 think it's any different.

5 CHAIRMAN HOOD: You just got yours  
6 today then. Okay. All right. Okay. Thank  
7 you.

8 Okay. Any other comments?  
9 Commissioner Turnbull?

10 VICE CHAIRMAN SCHLATER: I just  
11 have two questions for OP. I'll reserve my  
12 comments. One thing you didn't identify  
13 within the report was what OP thought was an  
14 appropriate height for this building. And I  
15 would be curious to hear your input on that.

16 MR. JESICK: We don't have a  
17 particular number in mind of feet or number of  
18 stories. We feel that the applicant needs to  
19 study the issue, see what design techniques  
20 they could incorporate into any height to  
21 lessen the impact of that height visually on  
22 the surrounding neighborhood. So we don't

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1 want to design the building for the applicant,  
2 in other words.

3 VICE CHAIRMAN SCHLATER: Okay.  
4 And then, when you're concerned about the  
5 height of the building, I know you -- what are  
6 the impacts that you are specifically  
7 concerned about? Because I look at this  
8 building, and I see it's on the north side.  
9 So it -- I'm not sure it's a shade, you know,  
10 light and air problem that we have here. So  
11 I'm just curious. What is the issue with the  
12 height?

13 MR. JESICK: It's more of a  
14 context issue. This site is immediately  
15 adjacent to a two-story building on the south.  
16 There are also some two-story buildings  
17 across the street. And, in general, the  
18 neighborhood is mostly three- to four-story  
19 buildings.

20 This would, you know, double or  
21 triple that height. So that is something we  
22 are concerned about.

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1                   VICE CHAIRMAN SCHLATER: I saw in  
2 the packet that a number of other buildings  
3 were identified in the 75- to 90-foot height  
4 range. Are those buildings inappropriate for  
5 the context in which they are in?

6                   MR. JESICK: A couple of those  
7 buildings are nearby the subject site, but I  
8 think more of them are anywhere from two to  
9 three or four blocks away. So we don't really  
10 view those as being in the immediate context  
11 of the subject site. As I said, we feel that  
12 the majority of the immediate vicinity around  
13 the site are these lower scale buildings. So  
14 we haven't -- we have, to some extent,  
15 discounted the --

16                   VICE CHAIRMAN SCHLATER: I guess  
17 I'm trying to put my finger on if you think  
18 the appropriate context for the site is  
19 between two- and four-story buildings, then  
20 there is no point in moving forward and  
21 setting this down, because it is so far gone  
22 that it is not worth having a hearing about.

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1           If you think it is appropriate for  
2           somewhere between five and nine stories, then  
3           I would be curious -- I mean, you've got to  
4           give me something.

5           MR. JESICK:    I'd associate myself  
6           with the latter part of your comment.  We're  
7           not saying that this building would have to  
8           come down to three or four stories, but  
9           something a little bit more compatible with  
10          the neighborhood I think would be more  
11          appropriate.

12          CHAIRMAN    HOOD:           Any    other  
13          questions?  Commissioner Turnbull?

14          COMMISSIONER TURNBULL:    Yes, Mr.  
15          Chair.  Mr. Jesick, I want to thank you.  It  
16          was a very well-written analytical report.  I  
17          think it was -- when I read it, I think the  
18          only positive element that I got out of it for  
19          the applicant was the preservation and  
20          restoration of the church.

21                 You know, from the tone of it it  
22          almost -- it sounds like it shouldn't be set

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1 down, even though I know you are saying, you  
2 know, to go ahead with it. But after reading  
3 your comments and looking -- you know, the  
4 applicant came back and they had -- their  
5 drawings were sort of misleading, and they  
6 went back, they changed them, and they said,  
7 "Oh, the height next door is different, it's  
8 not 90 feet, it's only 76" or something like  
9 that.

10 So, but it just sounded that from  
11 the nature -- and I think it was a very well-  
12 written report. I mean, I looked at it very  
13 carefully, and looked through the drawings.  
14 And I agree with a lot of your comments, but  
15 it almost sounded like we need to work with  
16 them more. But from -- your last comment  
17 tonight was we think it should be set down.

18 MR. JESICK: Well, you know, there  
19 is no doubt that we had some definite concerns  
20 about the proposal, and, you know, listed  
21 those in the report. As I said, we have been  
22 working with the applicant for a number of

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1 years. The community has been working with  
2 them for a number of years.

3 I think it would be beneficial for  
4 everyone involved if the Commission would  
5 weigh in at this point to give their opinion  
6 on heights and uses in this area.

7 COMMISSIONER TURNBULL: Are you  
8 thinking maybe stalled from the standpoint of  
9 community and the input, that you need like  
10 some other -- to weigh in on this, then, or --

11 MR. JESICK: I don't know if I  
12 would use the word "stalled." Dialogue  
13 continues.

14 COMMISSIONER TURNBULL: Okay.

15 MR. JESICK: But we always value  
16 the Commission's input --

17 COMMISSIONER TURNBULL: Okay.

18 MR. JESICK: -- especially in a  
19 case like this that is very contentious within  
20 the community.

21 COMMISSIONER TURNBULL: Thank you.

22 COMMISSIONER COHEN: Again, I am a

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1 newbie, so -- and there is nobody who can  
2 reach me under the table to kick me. So my  
3 observation would be that this should move  
4 ahead for public review, because I think it is  
5 an economic issue right now. I mean, to  
6 restore historic building and to make it an  
7 economic, feasible project you have to have  
8 probably high in number of rooms in the hotel.

9           And I'm not saying that is the  
10 best use for the site or the correct use, but  
11 unless we move this forward and review it in  
12 greater detail, I think it is just going to  
13 maybe go away, or I just think it needs to be  
14 discussed further.

15           COMMISSIONER MAY: Mr. Chairman, I  
16 am -- I will respectfully disagree with my  
17 colleague. I think, actually, the best way  
18 that we can get this -- move this project  
19 forward swiftly is to not set it down.

20           And the logic is that if we set it  
21 down now, we are going to wind up going  
22 through I think a difficult hearing process,

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1 because we have a fairly underdeveloped  
2 package of materials that have been presented  
3 to us, to the point where even the Office of  
4 Planning is complaining about it. And that  
5 doesn't happen very often.

6 And it is -- I don't think it is  
7 going to -- I think that if we set it down, we  
8 start having the discussions, the implication  
9 is that, you know, it may not be 92 feet, but  
10 it will be close to that. Maybe they will  
11 take a floor off or something like that.

12 It seems to me they need to be  
13 talking about two or three floors off in order  
14 to really make this fit right, and the best  
15 way that they get that message is for us to  
16 not set it down until they take it down. And  
17 this -- the Commission has done that before.

18 In fact, it was the last case that  
19 my predecessor heard -- actually set down I  
20 think was another case where there was a bit  
21 of a standoff over height. And I think that  
22 is what needs to happen here. We need to send

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1 the message now it has got to come down before  
2 we will start talking about it.

3 CHAIRMAN HOOD: That case was the  
4 famous call for Anthony Hood's resignation.

5 (Laughter.)

6 Yes, I remember that case. Two of  
7 us actually were -- that was the former  
8 administration. But anyway --

9 COMMISSIONER MAY: I'm not going  
10 to try to invite that kind of reaction, but --

11 CHAIRMAN HOOD: Well, that was the  
12 reaction we got on that one, and that was the  
13 former administration. Let me be very clear.  
14 And I've outlasted them.

15 But anyway, let me -- you know,  
16 I'm hearing all my comments, my colleague's  
17 comments. When I first opened about the  
18 laundry list, I thought, you know, that's what  
19 I was going at. Is this ready? Is this  
20 flavor right for us to set down?

21 But then, when I heard Mr.  
22 Jesick's report, I just want to make sure I'm

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1 not the tying vote up here, because when I  
2 heard Mr. Jesick's report it was like, "This  
3 is where we are. It would be good to be  
4 fleshed out."

5 I can actually -- the safest thing  
6 for me now is I agree with everything I've  
7 heard. The question is: how do I move  
8 forward to get this done? And I think,  
9 Commissioner May, you bring up a very valid  
10 point. And I don't want to sound like a  
11 flipper, because everybody knows I'm not, and  
12 I think Commissioner Cohen brings up a very  
13 good point.

14 Mr. Turnbull, do you think we --  
15 this is ready to be set down?

16 COMMISSIONER TURNBULL: I think  
17 there are a lot of issues with this. I am  
18 concerned about the height. I am concerned  
19 about the -- over a lot of the things that OP  
20 has said. I think it will take a hearing. It  
21 will be a very brutal hearing.

22 I think if -- if nothing, I am

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1 sure our comments, if we go forward tonight  
2 with our comments, I'm sure we are going to  
3 have a lot of comments that are going to flesh  
4 out -- I mean, I've got -- you know, I've got  
5 at least 12, 15 comments that I could say  
6 regarding the drawings and what I see is  
7 wrong.

8           And I'm sure I've got several  
9 other Commissioners here that probably have at  
10 least that much. I'm sure Commissioner May  
11 and the Vice Chair have got comments, and so I  
12 don't know -- when we come out with this, we  
13 may have a laundry list of about 45 different  
14 things. Now, maybe some of them will overlap,  
15 but there may be a lot of issues that are  
16 going to say, "Before you come before us for a  
17 hearing, we want you to do this, do this, do  
18 this, do that." So I'm not sure.

19           I mean, if we -- we can go through  
20 and do that, but I'm sure the hearing won't be  
21 for many, many months until they fix what they  
22 have got to do.

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1                   VICE    CHAIRMAN   SCHLATER:       Mr.  
2   Chairman?   Sorry, I'm going to jump in.   I'm  
3   in favor of setting this down tonight.   I  
4   think it's -- overall, there is a lot of very  
5   good things about this project.   We are  
6   talking about introducing a use into Adams  
7   Morgan that there really isn't -- and it is a  
8   use that could help the Adams Morgan area sort  
9   of evolve from where it is today.   And I think  
10  it could be a substantial improvement.

11                   You are talking about a project  
12  that is going to preserve the church building  
13  and improve upon it in a use that is extremely  
14  appropriate for the church building, and I  
15  think overall bring a hotel there, preserving  
16  the church building.   These are things I would  
17  like to see move forward.

18                   I do have a -- I have a list of  
19  issues with the project, and I would like to  
20  see it changed between now and when we have  
21  the hearing.   And I would like to see a lot  
22  more work done with the community to build a

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1 consensus.

2 And I understand some of the  
3 concerns about the height, and I think there  
4 needs to be a better -- a more graceful way of  
5 addressing how -- the relationship to the much  
6 shorter buildings to the south. But I also  
7 think it is a good project, and I am  
8 concerned.

9 I would like to see it move  
10 forward, and I would like to help move it  
11 forward and play a constructive role in it.

12 CHAIRMAN HOOD: Commissioner  
13 Cohen?

14 COMMISSIONER COHEN: Mr. Chairman,  
15 I agree with the Vice Chairman's points. And  
16 I do, you know, agree on -- with my other  
17 colleagues on the issue of height. But it  
18 seems to me when there has been very little  
19 movement after several years of negotiating  
20 between a city office and the development team  
21 something should happen.

22 It is not I think in the interest

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1 of the community just to have a vacant  
2 building, and with no hope of it being  
3 restored. And I think it just needs to have a  
4 shakeup. And certainly, as unpleasant as some  
5 hearings may be, this is the venue for that.

6 COMMISSIONER MAY: Can I go again?

7 I agree with everything about the objectives  
8 of the project. I think, in principle, it is  
9 a good project. Certainly, what we have seen  
10 here, there is not enough information to  
11 evaluate it. But, again, I would simply say  
12 that the best way to move this forward  
13 expeditiously is to not set it down, because  
14 setting it down says that this is close enough  
15 we can start having a conversation. It is  
16 going to be a long, difficult, painful  
17 conversation, and it is going to continue all  
18 the way through decisionmaking.

19 I can predict that we will be here  
20 at -- when it comes time to take proposed  
21 action, that we are going to be faced with  
22 something less than we like, and it is going

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1 to be a difficult meeting and a difficult set  
2 of decisions. And we may not make a decision  
3 immediately, and we may have an extended  
4 period between proposed and final.

5 The best way to get this moving to  
6 get the -- if there is a logjam or anything  
7 like that, the best way to bring that jam is  
8 to not set it down and have the applicant go  
9 back -- I mean, I think that they have been  
10 working this, and they have been trying to get  
11 it through, and they have been trying to get  
12 close enough, but they are not doing the major  
13 things that I think the Office of Planning is  
14 helping them try to do.

15 And they are not being responsive  
16 enough to that input, and I think that the  
17 Office of Planning is send us a subliminal  
18 message that they think it should not be set  
19 down. They are not -- they are lukewarm on  
20 this anyway. I think we need to just say no.

21 CHAIRMAN HOOD: I must have a  
22 different report.

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1                   COMMISSIONER MAY:    No, they said  
2 they want to set it down, but I think -- I  
3 mean, if you read everything but the  
4 recommendation, it says this isn't ready to be  
5 set down. And then, the conclusion is, you  
6 know, we tried, you know, now you guys give it  
7 a shot. Well --

8                   CHAIRMAN HOOD: I think that's --

9                   COMMISSIONER MAY:  -- I think -- I  
10 think the best way to move this forward  
11 expeditiously is to not set it down, and then  
12 let them come back in a month or two with it  
13 in better shape. And I think that's the way  
14 to get this through expeditiously.

15                  CHAIRMAN HOOD:    Okay.    At this  
16 point -- and I will tell you, the reason why  
17 I'm hesitant, because we've tried,  
18 Commissioner May, both ways. I've been around  
19 long enough to know we have tried that before,  
20 we tried the other way, we set it down. I  
21 just don't know.

22                   So if somebody wants to make a

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1 motion on the table.

2 COMMISSIONER COHEN: Well, it --  
3 it just seems -- let me just say one last  
4 thing. It seems to me that there is a message  
5 coming from the Commission, and that is it is  
6 too high. So, you know, maybe the development  
7 team needs to just go back and recognize that  
8 and see if the numbers and everything works to  
9 retain the plan, and to reduce the height, and  
10 then to address the number of things that the  
11 Office of Planning has been saying, which has  
12 obviously had a great influence on several  
13 members of the Commission.

14 CHAIRMAN HOOD: Okay. Let's do  
15 this. I am going to go along with the Vice  
16 Chairman. I think -- I know it's three, I'm  
17 not sure where Mr. Turnbull is. But I think  
18 we can set this down.

19 I'll remember that that night  
20 about 11:30 when I'm up here thinking, "Why  
21 did we do this?" but I think we can set it  
22 down. I think, from what I'm reading in the

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1 report -- while I agree with Commissioner May  
2 -- and, again, like I said, we have tried this  
3 both ways.

4 But I think what we can do is we  
5 are going to have to have a discussion. I  
6 don't like for this to be an ANC Commission  
7 meeting down here or a neighborhood community  
8 meeting down here. But it looks like from the  
9 report, Mr. Jesick, from where I understand  
10 it, this is where we are. We are where we  
11 are. We are going to come down here.

12 But whoever the applicant is, I  
13 want you to understand that this is -- I have  
14 already asked Ms. Schellin to give us two  
15 nights, and one night is for all of the  
16 problems and concerns I am hearing from up  
17 here, and also looking at the Office of  
18 Planning's report.

19 But I don't know, we haven't put  
20 our issues on the table yet. So we need to do  
21 that.

22 Also, in conversation with the

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1 Office of Planning, we are allowed -- we have  
2 to give great weight, but I can tell you that  
3 that discussion needs to be had with the  
4 community and all of the parties involved,  
5 because if not it is going to make for a long  
6 hearing. Trust us.

7 So with that, let's talk -- are we  
8 ready to talk about what we would like to see?

9 And then, after we get all of that on the  
10 table, then let's see -- somebody can make a  
11 motion. So who would like to start us off?  
12 Mr. Turnbull, you said you had 12 or 13.

13 COMMISSIONER TURNBULL: Yes,  
14 something like that.

15 CHAIRMAN HOOD: Okay. Mr.  
16 Turnbull.

17 COMMISSIONER TURNBULL: Well, I  
18 guess -- first of all, I guess we thank the  
19 applicant for saving the church and trying to  
20 preserve it. But I guess the -- and although,  
21 as the Vice Chair said, it's on the north  
22 side, and the sun shadows -- I still want to

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1 see some shadows. I want to see a study at  
2 all the critical times of the year, the  
3 equinox, just show exactly summer solstice,  
4 winter solstice. I want to see all of the  
5 critical sun shadow studies all around the  
6 whole neighborhood.

7 I want to see street views of this  
8 building on all the major sides. I want to  
9 know what this building looks like,  
10 perspectives at eye level as you walk around  
11 this whole site. I want to know what this --  
12 what the -- what this looks -- and I want the  
13 other -- I want to see what's on the other  
14 side of the streets from this perspective. It  
15 has to be a realistic 3D view as you walk  
16 around the building. I want to be able to see  
17 that.

18 I want an elevation of how -- from  
19 both sides on how the connection with the  
20 church is and the details on that. I want to  
21 actually see the meeting of that. I want to  
22 see very clearly how they do that.

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1 I want to see the roof plan with  
2 all of these curved -- I want to see a better  
3 roof plan than I see with all of these curved  
4 metal roof structures. It's a very busy,  
5 busy, complex thing that is going up on there.

6 If I want to see what is happening up there,  
7 what it is used for, and know exactly what we  
8 are looking at at the top of that building. I  
9 don't understand that green tile up there, but  
10 that is another issue.

11 I think there ought to be  
12 setbacks. I am worried that when you look on  
13 the streets with the residences, as we talked  
14 about, there needs to be a more generous  
15 setback, something to respect all of the  
16 neighbors on the block. And I think as Mr.  
17 Jesick said, you know, it gets to deal with  
18 the height, it gets to deal with massing, it  
19 gets to deal with how you meet the neighbors.

20 I think we've got to -- the  
21 applicant has got to recognize that and  
22 realize where the structure is and be a good

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1 neighbor.

2           The color -- I understand the  
3 nexus of trying to look at the neighborhood  
4 and do that and -- but to me, black brick on a  
5 two-story building or on a restaurant or on a  
6 house is a lot different than being on a nine-  
7 story building. And I just think that which  
8 -- or that this paint, this midnight dream,  
9 I'm just worried that it could become midnight  
10 nightmare.

11           And I just worry about the impact  
12 of such a -- and maybe it's the quality of the  
13 drawings. It just looks to be a very -- like  
14 a very depressing view when I look at it.  
15 There needs -- they had a little perspective  
16 when they were showing, and they showed just a  
17 normal brick building, and they are trying to  
18 describe, you know, the windows and how they  
19 are painting it.

20           I almost want to see just a normal  
21 brick building with maybe a black -- some kind  
22 of treatment around the windows that picks up

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1 something. Maybe some detailing with the  
2 brick, rowlock courses that could add some  
3 character to the brick work. But I am just  
4 concerned that a painted black brick or just a  
5 -- pick a charcoal brick, might be just too  
6 much for this neighborhood.

7 I mean, there is one thing to  
8 respect the neighborhood and to try to pick up  
9 actions from it, but, as I say, there is  
10 something different between two stories and  
11 nine stories.

12 Better drawings. We need better  
13 drawings, clearer drawings, drawing that  
14 really articulate what we are looking at and  
15 know what they are trying to do with this  
16 structure.

17 And I want to -- as I say, I want  
18 to know more about the green. They have to  
19 convince us -- they have to convince us with  
20 this presentation that this is worthwhile,  
21 that this is a really meaningful building that  
22 is going to sit in this neighborhood and be a

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1 part of it and be a good neighbor and really  
2 do something for it.

3 I want to feel comfortable when we  
4 walk away from this is -- we can all look at  
5 it and say -- you know, and the neighborhood  
6 -- "This is going to work. This is going to  
7 be good." I'm not -- I'm a long ways from  
8 there right now. And I will end it right  
9 there, and I will let my colleagues carry on.

10 But right now, I am very unsettled  
11 by where the state of the drawings are and  
12 what is being presented. There is not a good  
13 story here that I feel comfortable about.

14 CHAIRMAN HOOD: Okay. Thank you,  
15 Mr. Turnbull. Anyone else?

16 (No response.)

17 That was enough, but anyone else?

18 No. Any other comments?

19 VICE CHAIRMAN SCHLATER: Mr.  
20 Chairman, I agree with almost all of  
21 Commissioner Turnbull's comments there. In  
22 particular, I am concerned about the quantity

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1 of black brick on this building. I would like  
2 to see examples of other buildings that have  
3 -- if the applicant would like to move forward  
4 in that direction.

5 I would like to see other  
6 buildings of this size that have a similar  
7 treatment with this dark color. I think it is  
8 a bold move, and I could be convinced, but my  
9 first blush at it was that it was too much  
10 dark and it could become like the Darth Vader  
11 Building lording over Adams Morgan. And we  
12 certainly don't want that, so I would like  
13 some more on that.

14 I would really ask the applicant  
15 and the applicant's architect to come down  
16 here and maybe look at some other PUD  
17 submissions, ones that have been submitted by  
18 Toroti Gallas, Shalom-Baranes Associates.  
19 They are just leaps and bounds ahead in just  
20 readability and understandability, so that you  
21 know what you are looking at.

22 A lot of what -- a lot of my

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1 concern is I don't even know what I am missing  
2 in these plans, because they are hard to  
3 follow. So I think we need more in terms --  
4 just particularly floor plans and elevations  
5 that are a little bit more decipherable.

6 I think, in general, the applicant  
7 is proposing very high quality materials and  
8 is doing some interesting things. And I  
9 encourage them to continue down that path and  
10 not try to dumb down the building, because I  
11 think it could be a great building if you use  
12 the good materials and the connection to the  
13 hotel. It's all great.

14 Let's see. There was an issue  
15 about at-risk windows on the south face of the  
16 building. It has come up on other cases that  
17 we have had. I would like to understand how  
18 those units are going -- how those hotel rooms  
19 are going to function if and when a building  
20 gets built up to the face of the building,  
21 better understand that.

22 I would like to see -- I would

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1 like to see some more indepth diagrams,  
2 particularly with hotels. We are very  
3 concerned about loading, particularly in the  
4 18th Street area that has got traffic issues.

5 I would like to see, you know, turning  
6 diagrams and more information about how the  
7 loading is going to be managed on this site.  
8 I'm sure DDOT is all over it, and I am curious  
9 to hear their thoughts on it.

10 Likewise, I am a little concerned  
11 about Champlain Street and the residential  
12 character of it, and how to avoid, you know,  
13 having a taxi stand out there. I know that's  
14 the entrance of a hotel, but what efforts are  
15 being made to preserve the residential  
16 character of that neighborhood as well?

17 I would like to better understand  
18 -- there is a lot of confusion from the OP  
19 report and the applicant's report, and we need  
20 sort of a definitive document showing the  
21 heights of nearby buildings and just having a  
22 much better, clearer diagram on that.

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1                   And I think that's it. The other  
2 thing I saw was this -- the community center,  
3 which I think is a nice gesture, to be  
4 providing space to the community in a  
5 community center. If I was reading the plans  
6 correctly, it looks like it was buried without  
7 -- in a windowless and lightless space, and I  
8 don't think that -- I don't appreciate that.

9                   So, I mean, I think they deserve  
10 some better accommodations, if it is going to  
11 be treated as a benefit and amenity for the  
12 project. I'll leave it at that.

13                   Thank you.

14                   CHAIRMAN           HOOD:                   Okay.  
15 Commissioner Cohen?

16                   COMMISSIONER COHEN: I think my  
17 colleagues have really covered most of the  
18 comments, and so I can say ditto, ditto.

19                   The only other area I would like  
20 more information on is more on the  
21 environmental analysis. Other than saying  
22 that all of these systems will be coordinated

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1 with D.C. Water and the right agency in the  
2 city, and that there is a LEED 2009 form that  
3 has been filled out, I would actually like to  
4 see a little bit more discussion on how those  
5 systems are unique or do conform to  
6 sustainable systems.

7 COMMISSIONER MAY: Thanks. In the  
8 event that this actually is set down -- and  
9 I'm still counting on the possibility that  
10 maybe somebody will see the light, but I would  
11 just agree with all the comments that I have  
12 heard so far, particularly Mr. Turnbull's  
13 criticisms of the drawings.

14 I was -- actually, the fact that  
15 there is real consensus across the board on  
16 the -- it seems on the quality of the drawings  
17 I think is just a further testament to how far  
18 this needs to go before we can even understand  
19 it.

20 I have particular concerns,  
21 obviously, about the height. I think that  
22 there are going to be other significant

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1 concerns that come out at the hearing that I  
2 don't feel like we have really gotten a good  
3 taste of. The Reed-Cooke Overlay I know is  
4 the product of an active neighborhood, and I  
5 am sure that we are going to have -- hear a  
6 lot about that.

7 And I don't feel like I have  
8 gotten much of a sense of the totality of that  
9 discussion at this point, and it's not  
10 something -- I mean, I'm sure it is going to  
11 come forward in the course of the hearing.

12 I am particularly concerned about  
13 the quantity of parking and the traffic  
14 conditions. And, you know, I have reviewed  
15 the traffic study that was submitted, but I  
16 don't feel like I really have a good handle on  
17 it. I'm not looking for anything in  
18 particular. I just think that we need to be  
19 prepared to have a fairly detailed discussion  
20 of this, and I am anxious to hear what the --  
21 what DDOT has to say about the parking  
22 situation in particular.

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1 I agree in particular about the  
2 concerns about the treatment of the facades.  
3 I mean, it is very hard to tell, because the  
4 drawings are so poor. I can't really  
5 understand what's going on. I don't think  
6 that this has quite the potential to be the  
7 Darth Vader Building. By the way, you know we  
8 have other buildings in town that people call  
9 the Darth Vader Building, and a couple in the  
10 suburbs, actually, too.

11 But I think that the use of the  
12 dark brick, particularly if we are talking  
13 about painted brick, I mean, that is a little  
14 confusing, too, because I -- is it all just  
15 glazed brick? Because there were references  
16 to paint colors. Yes, so I -- surely they  
17 don't want to be building a 10-story building  
18 and then painting the brick. That just  
19 doesn't make any sense at all.

20 And I think -- maybe this is  
21 actually a question for the Office of  
22 Planning, but was there more recent review by

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1 the Historic Preservation Review Board than  
2 2008?

3 MR. JESICK: Our Historic  
4 Preservation Office has been in dialogue with  
5 the applicant throughout, but the preliminary  
6 review by HPRB, that is the most recent one.

7 COMMISSIONER MAY: And that just  
8 had to do primarily with this -- the building,  
9 the church building, primarily, and then this  
10 is the --

11 MR. JESICK: Well, the  
12 relationship of the addition to the church  
13 building, but the design has changed  
14 considerably since then.

15 COMMISSIONER MAY: Yes, okay. I'm  
16 interested in hearing what -- well, are they  
17 going to -- do you think they will go before  
18 HPRB again before we hear the case?

19 MR. JESICK: I think the plan is  
20 to go to HPRB after the PUD is approved, or at  
21 least set down.

22 COMMISSIONER MAY: Okay. I don't

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1 know what the normal sequence is, but I'm  
2 fairly accustomed to seeing them after there  
3 has been an initial approval but not the  
4 final.

5 MR. JESICK: It is a bit of an  
6 unusual process. And you're right, usually it  
7 goes to HPRB for a concept review, then to the  
8 Zoning Commission. In this case, because  
9 there were these issues that affected the  
10 overall bulk and the use on the site, it was  
11 determined that it was probably appropriate  
12 for it to go to the Zoning Commission to get  
13 some of those issues discussed first.

14 MR. JESICK: I guess I could  
15 understand "discussed," but this is another  
16 reason why I'm not sure this is ripe for  
17 setdown, because we could wind up in a  
18 situation where we take a proposed action, and  
19 there has still been no review by -- no  
20 official review by HPRB. And it could wind up  
21 changing significantly as a result.

22 So, I mean, you know, okay, we are

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1 going to go this route. If we are going to go  
2 this route, we will go this route, and we will  
3 see how it goes. But I could see this  
4 decisionmaking on this being held in abeyance  
5 while we get a more definitive read from HPRB.

6 So, anyway, that is it for my  
7 comments. This just needs a lot of work, and  
8 I hope it won't be set down.

9 CHAIRMAN HOOD: Okay. Basically,  
10 my comments are with traffic. And, you know,  
11 traffic in this area -- well, I won't get into  
12 that. So I'm looking forward to hearing about  
13 that. And I agree with you, Commissioner May,  
14 about the discussion with DDOT.

15 We are looking at the traffic, and  
16 I'm concerned about the Reed-Cooke Overlay  
17 also. We will get into the workings of that.

18 While I hear Commissioner May, and  
19 I agree -- and, again, like I said earlier, we  
20 have done it both ways. If I could predict it  
21 -- and if you recall, I opened up my comments  
22 with the laundry list.

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1                   But I just think, you know, if we  
2 have a hearing and it gets to the point that  
3 we have to adjourn the hearing and stop it at  
4 that point, we will do that. I mean, you  
5 know, we have sat down stuff and it sits  
6 around for so long to the point where we even  
7 forgot that we had it on the docket.

8                   So that -- so, you know, make no  
9 mistake, while -- if this is set down doesn't  
10 still mean it won't stop the process. I think  
11 what we are doing is availing ourselves to get  
12 more information and to also get a little more  
13 comment and public comment ourselves as  
14 opposed to the Office of Planning having --  
15 whatever they did with the community and the  
16 applicant.

17                   So this could stop at any point in  
18 time. Or if it comes back, they have heard  
19 the comments, a lot of them from up here, or  
20 it may come back tailored, and the list may  
21 grow to maybe one or two, and we have to make  
22 a decision on those two issues.

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1                   Who knows what may happen? I have  
2 seen different things happen down here, and I  
3 think I am going to be supporting setting this  
4 down, but with the caveat that this process,  
5 and the laundry list and the comments I am  
6 hearing, can stop at any time.

7                   So would anybody like to make a  
8 motion? Commissioner Cohen?

9                   COMMISSIONER COHEN: I'll move to  
10 set down ZC Case Number 11-17, also known as  
11 Adams Morgan Church Hotel, set down for a  
12 hearing to be scheduled by the office.

13                   CHAIRMAN HOOD: Okay. All right.  
14 Thank you, Commissioner Cohen. Is there a  
15 second? Is there a second?

16                   VICE CHAIRMAN SCHLATER: I'll  
17 second that, Mr. Chairman.

18                   CHAIRMAN HOOD: Okay. It has been  
19 moved and properly seconded. Any further  
20 discussion?

21                   (No response.)

22                   Are you ready for the question?

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1 All those in favor, aye.

2 (Chorus of ayes.)

3 Any opposition?

4 COMMISSIONER MAY: Opposed.

5 CHAIRMAN HOOD: Staff, would you  
6 record the vote?

7 MS. SCHELLIN: Yes. Staff records  
8 the vote three to two to zero to set down  
9 Zoning Commission Case Number 11-17 as a  
10 contested case. Commissioner Cohen moving,  
11 Commissioner Schlater seconding, Commissioner  
12 Hood in support, Commissioners May and  
13 Turnbull opposed.

14 CHAIRMAN HOOD: Okay. Great.  
15 Let's move on. Next on our agenda is -- last  
16 item is Hearing Action, Zoning Commission Case  
17 11-21, Office of Planning map and text  
18 amendments at St. Elizabeths East Campus. We  
19 are being asked to do an emergency action and  
20 a set down.

21 I've forgotten the young lady's  
22 name already. Oh, Mr. Lawson. Okay. I'm

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1       sorry.

2                   MR. LAWSON:     Thank you.     Well,  
3       that's a tough case to follow.   I am actually  
4       here representing Maxine Brown-Roberts who is  
5       also not available to be here tonight, but I  
6       will read out her testimony.

7                   The Office of Planning, on behalf  
8       of the Deputy Mayor for Planning and Economic  
9       Development, proposes emergency action to zone  
10      Buildings 102 and CT1 at the St. Elizabeths  
11      east campus from unzoned to W-1 zone.   This  
12      would permit a light manufacturing, packaging,  
13      distribution, research and development office  
14      and wholesale facility in the buildings, and a  
15      considerable number of jobs that they would  
16      create.

17                  Emergency zoning action is  
18      requested because the project is the subject  
19      of D.C. Council approved bond legislation  
20      which expires at the end of this year.   Site  
21      control is a prerequisite for the bond  
22      issuance, and the site control is not possible

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1 until the property is zoned, thus the urgency  
2 for the zoning request.

3 The Zoning Commission has stated  
4 in the past that they wish to see a  
5 comprehensive zoning plan based on a completed  
6 master plan for the St. Elizabeths east  
7 campus. We understand and fully agree with  
8 this intent. But due to the expiration of the  
9 facility's important funding source, we have  
10 had to bring forward this request for  
11 emergency action.

12 The framework plan for the campus  
13 was completed in December of 2008, and will be  
14 the basis for the final master plan. It  
15 recommends multiple uses for the redevelopment  
16 of the campus, including the subject site.  
17 The master plan is currently being developed  
18 and is projected to be completed by the end of  
19 this year. Following that, OP will prepare  
20 and submit a comprehensive zoning plan to the  
21 Zoning Commission for consideration and  
22 approval.

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1           The proposal before you tonight is  
2 consistent with the current draft master plan  
3 and is written very narrowly to address these  
4 specific uses in the two existing historic  
5 buildings.

6           The proposed W-1 zone is  
7 appropriate for the site as it encourages a  
8 diversity of compatible land uses. W-1  
9 permits the proposed uses by special  
10 exception. OP is recommending a text  
11 amendment to allow these uses as a matter of  
12 right at this location, and, as provided in  
13 our report, the analysis of the special  
14 exception criteria, which shows that the uses  
15 would not result in an adverse impact.

16           The proposal is not inconsistent  
17 with the 2010 comprehensive plan future land  
18 use map, which designates this portion of the  
19 St. Elizabeths site for mixed use, medium  
20 density residential, and moderate density  
21 commercial. The comp plan also encourages  
22 work force development centers on the campus.

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1           OP, therefore, recommends that the  
2 Zoning Commission take the following actions  
3 -- emergency action for a map amendment from  
4 unzoned to the W-1 district and the associated  
5 text amendment to Section 901 of the zoning  
6 regulations, as revised by the Office of the  
7 Attorney General.

8           We also recommend that you publish  
9 a notice of proposed rulemaking, that you also  
10 set down for a public hearing the map  
11 amendment as noted above, and, finally, that  
12 you allow immediate advertisement of the  
13 notice of the public hearing by waiving the  
14 20-day period between the filing date of the  
15 supplemental filing and the publication of a  
16 notice of public hearing.

17           That concludes our testimony. We  
18 are available for questions. Thank you.

19           CHAIRMAN HOOD: Okay. Thank you,  
20 Mr. Lawson. Mr. Lawson, let me just open it  
21 up on this. On the text amendment, I'm trying  
22 to remember, did we make a use in the W-1 zone

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1 as light manufacturing?

2 MR. LAWSON: Oh, I'm sorry. W-1  
3 does a lot -- W-1 currently allows light  
4 manufacturing uses, so it is a permitted use  
5 in the zone.

6 CHAIRMAN HOOD: Okay. Because I'm  
7 looking at -- when I look at what we are  
8 trying to achieve here, this looks more like  
9 -- almost like the C-M-1 zone. And my concern  
10 was -- and I'm not sure if we are trying to --  
11 as soon as I saw the light manufacturing, that  
12 is the word that they used some years ago to  
13 say that trash transfer stations can go there.  
14 And that's how I ended up on the Zoning  
15 Commission.

16 So I guess I just want to be sure  
17 that there is some kind of control. I just  
18 have a problem with the wording there "light  
19 manufacturing." I have always had that issue,  
20 because light manufacturing is just a trash  
21 transfer station.

22 I don't know, is that something we

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1 are trying to achieve on this site, east  
2 campus? Because if something ever goes away,  
3 is that what we are trying to achieve?

4 MR. LAWSON: Well, we are  
5 certainly not -- yes, we are certainly not  
6 trying to achieve that use, and that is not  
7 what is being proposed. This is essentially  
8 an assembly and warehousing facility, which  
9 are also considered, you know, industrial  
10 uses.

11 A trash transfer station is  
12 another example of an industrial use, but the  
13 amendment that we are proposing would not  
14 allow that kind of use. This is really  
15 targeted towards the facility that is proposed  
16 to be going into these sites, which is  
17 definitely not a trash transfer station.

18 CHAIRMAN HOOD: Okay. Because  
19 some years ago -- and I'm going back to that,  
20 because that is what the city used to put  
21 those places in a warehouse area. And I just  
22 see us revisiting that and doing that again,

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1 and I don't think that is what we are trying  
2 to achieve here.

3 MR. LAWSON: No, that wouldn't be  
4 consistent with the planning that is being  
5 done for the area already, and it wouldn't be  
6 consistent with the use that is proposed for  
7 the site. And, you know, if the Zoning  
8 Commission wishes, we can certainly work with  
9 OAG to propose even tighter language to  
10 specifically --

11 CHAIRMAN HOOD: I would like to  
12 see that.

13 MR. LAWSON: -- eliminate that as  
14 being a possibility.

15 CHAIRMAN HOOD: I don't know all  
16 what is planned for over there, everything  
17 that is being worked on. You guys know better  
18 than I do. But I think that is one of the  
19 watchouts as far as I'm concerned. Light  
20 manufacturing -- you wouldn't believe how that  
21 word was used in the mid-'90s, and some wards  
22 suffered because of that.

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1           And I don't want to see -- not  
2 saying that we don't need and have them, but  
3 if that's what we are trying to achieve over  
4 here on the east campus at some point, then  
5 let's go with it. But if not, I think if we  
6 can tighten that up, I think it would be a lot  
7 better.

8           MR. LAWSON: Sure. I would also  
9 remind you that this would be zoning just for  
10 these two specific buildings. It would not be  
11 zoning for the broad area of the campus. That  
12 we anticipate bringing to you as the  
13 comprehensive package once the planning work  
14 is completed.

15           So certainly if there are zones  
16 proposed at that time that would permit that  
17 kind of use, which I tend to really doubt, we  
18 would make sure that's very clear to you and  
19 that it is very up front.

20           CHAIRMAN HOOD: Okay. I'd  
21 appreciate that. I would just feel a little  
22 more comfortable. Just for some reason light

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1 manufacturing has been in my vocabulary for a  
2 while, so -- okay. I appreciate that, Ms.  
3 Lawson -- Mr. Lawson. Commissioner Cohen?

4 COMMISSIONER COHEN: Mr. Lawson,  
5 since there seems to be some pretty firm ideas  
6 about what is going to be located there, what  
7 is the timing for these uses?

8 MS. GARDNER: Good evening,  
9 Commissioners. Again, my name is Geraldine  
10 Gardner. I'm the Associate Director for  
11 Neighborhood Planning. We have been working  
12 on the master plan since about February of  
13 this past year. The draft is currently out  
14 for public comment. It closes on the 28th of  
15 this month, after which time our office will  
16 be compiling the final alternative and we hope  
17 to have the entire master plan completed by  
18 the end of December.

19 COMMISSIONER COHEN: Thank you. I  
20 meant the timing of the specific uses that are  
21 going into these buildings.

22 MS. GARDNER: It's our

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1 understanding that the firm is intending to  
2 use the bond proceeds by the end of the  
3 calendar year. That is when their authority  
4 expires, and they would be proposing  
5 modifications, interior modifications, to the  
6 buildings consistent with the master plan.

7 It would have to go through the  
8 Historic Preservation Review Board. That  
9 process will take several months to complete.

10 But it is our understanding that they will be  
11 operational in 2012, mid-2012.

12 COMMISSIONER COHEN: If the  
13 Historic Preservation people have to review  
14 this, they are not going to make it by year  
15 end, I can assure you.

16 MS. GARDNER: They're not  
17 proposing any exterior modifications. The  
18 bond legislation is very specific that they  
19 will have to make minor modifications to the  
20 interiors of the buildings. And because this  
21 is a national historic landmark, that process  
22 is required to be completed in front of

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1 Historic Preservation Review Board.

2 CHAIRMAN HOOD: Okay. Any other  
3 questions? Any other questions? Oh, okay.  
4 Commissioner May?

5 COMMISSIONER MAY: Yes. When will  
6 the master plan actually translate into a  
7 zoning case? When are we going to see a  
8 zoning case?

9 MR. LAWSON: We would anticipate  
10 bringing forward zoning action based on --  
11 based on the final master plan probably early  
12 in 2012. It could be that quick. We don't  
13 have an actual date at this point, because the  
14 plan will have to be completed, but we plan on  
15 bringing forward zoning fairly quickly after  
16 that.

17 COMMISSIONER MAY: Okay. Well,  
18 I'll be glad to see that. I think that the  
19 previous PUDs on this site -- I think both  
20 times when projects were approved on PUDs we  
21 were longing for the master plan, so that we  
22 were not doing piecemeal zoning for the site.

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1           And I understand why the master  
2 plan was further delayed, but, you know, I sat  
3 on those cases during my first stint on the  
4 Zoning Commission. So it's pre-2004 that  
5 those things were approved, and so we have  
6 been looking for this for a long time.

7           I just have to say -- I can't let  
8 this pass -- but it is absolutely bizarre to  
9 me that we are giving this a W-1 designation  
10 where it is. I mean, I guess there was  
11 nothing in the W zone that required it  
12 actually to be on the waterfront. Just seems  
13 really bizarre. But we won't have that  
14 circumstance in the future. With our new,  
15 improved zoning code, we will be able to zone  
16 based on impacts, not on uses.

17           MR. LAWSON: Yes. So I was going  
18 to note that, that actually right now most of  
19 the W-1 -- or most of the W zoning in the  
20 District is not on the waterfront.

21           COMMISSIONER MAY: Okay.

22           MR. LAWSON: And it is -- although

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1 there is certainly some language in there  
2 about addressing the waterfront, for the most  
3 part it is not that direct relationship. And  
4 in the new code, the anticipation is that the  
5 W-1 through W-3 zones will be mixed use zones.

6 COMMISSIONER MAY: So where is W-1  
7 that it is not on the water?

8 MR. LAWSON: There is some W-1 in  
9 the Georgetown area. There is some W-1 --

10 COMMISSIONER MAY: Some on the  
11 waterfront there.

12 MR. LAWSON: Not directly on the  
13 waterfront.

14 COMMISSIONER MAY: There is some  
15 on the waterfront.

16 MR. LAWSON: Yes, there is, you're  
17 right. I'm saying that it's not all on the  
18 waterfront.

19 COMMISSIONER MAY: Oh, okay.

20 MR. LAWSON: There is also --  
21 well, probably the biggest portion of W-1 is  
22 very much on the waterfront, and that is

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1 Southwest Waterfront. You are reviewing the  
2 PUD for that --

3 COMMISSIONER MAY: Right.

4 MR. LAWSON: -- project right now.

5 There was some in the middle of Buzzard  
6 Point, for example. There's W-3 zoning, which  
7 is not too far from this location actually.

8 COMMISSIONER MAY: So the other  
9 ones are -- I mean, seem to be maybe not  
10 directly on the waterfront but are relatively  
11 near.

12 MR. LAWSON: In some cases. Like  
13 I said, there is some W-3 zoning that is very  
14 close to this site. It has no relationship to  
15 the water whatsoever. We just felt that this  
16 was the appropriate zone given the uses, given  
17 the density that is being proposed. It just  
18 kind of made some sense.

19 And in terms of some of the  
20 limitations on the uses, it also made some  
21 sense in this -- in this site. If we had a  
22 better, you know, truly industrial zone, even

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1       though W -- the W zones are kind of quasi-  
2       industrial zones anyways, but if we had a  
3       better one we may have been tempted to use it.

4       But this one seemed like the best fit for  
5       this particular situation. But I understand  
6       your --

7                    COMMISSIONER MAY:     Okay.     Well,  
8       let me --

9                    MR. LAWSON:        It was my first  
10       question, too, when I --

11                   COMMISSIONER MAY:    It's a bit of  
12       comfort to know that we have W zones not on  
13       the waterfront elsewhere in the city. I have  
14       to look closer at that map.

15                   I guess that's it. I mean, I know  
16       -- I understand where this -- how this came  
17       about and came to pass and why it's an  
18       emergency. And I'm glad that a home was found  
19       for this project, because I do think that it's  
20       generally worthwhile. So hopefully it works  
21       well with the planning that will come very  
22       quickly from the -- or the zoning that will

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1 come very quickly from the Office of Planning  
2 to zone the entire St. Elizabeths.

3 Thanks.

4 CHAIRMAN HOOD: Any other  
5 comments, questions? Vice Chairman Schlater.

6 VICE CHAIRMAN SCHLATER: So does  
7 the -- do the master plan alternatives  
8 currently contemplate light manufacturing on  
9 the site?

10 MS. GARDNER: Yes, they do. And  
11 the locations that are consistent with the  
12 current application.

13 VICE CHAIRMAN SCHLATER: Because  
14 one of the concerns I have about approving  
15 anything like this on emergency is not having  
16 the opportunity for public input, because we  
17 do set zoning on the site as industrial, which  
18 can set a precedent for the future  
19 development.

20 And everything I have heard about  
21 this site is that it is going to be a mix of  
22 office, retail, residential, and light

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1 manufacturing hasn't been one of the things I  
2 have heard as being introduced on the site.

3 So that's not a question, but it's  
4 a -- but it's good to hear that it has been  
5 part of the public process and people have  
6 been informed about the possibility of this  
7 use on there.

8 I'm trying to look at the -- when  
9 we are actually limiting what the uses are  
10 within that building, what provisions are  
11 limiting them? Because some of -- I'm a  
12 little confused. Some of the things that are  
13 actually in the proposal -- I didn't take  
14 enough science, and I don't know what it  
15 means, things like solder sphere, ceramic  
16 metalization, you know, in my mind's eye, I  
17 see those as potentially, you know, serious  
18 industrial uses. So maybe you can just flesh  
19 that out a little bit for me.

20 MR. LAWSON: We would be happy to  
21 provide a bit more information on the nature  
22 of the business. We do consider it fairly

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1 light manufacturing, a lot of assembly of  
2 materials on the site, and then packaging of  
3 those materials as opposed to a heavy kind of  
4 industrial -- this is definitely not  
5 considered to be a heavy industrial kind of  
6 use.

7 VICE CHAIRMAN SCHLATER: And when  
8 was this site identified for this use?

9 MR. LAWSON: I'm sorry?

10 VICE CHAIRMAN SCHLATER: When was  
11 this site identified for this use?

12 MS. GARDNER: Through our  
13 discussions with the Office of the Deputy  
14 Mayor for Planning and Economic Development,  
15 we let them know that based on our master  
16 planning discussions with the community these  
17 are the only suitable sites on the campus for  
18 these types of uses.

19 VICE CHAIRMAN SCHLATER: And when  
20 was that determination made?

21 MS. GARDNER: September or October  
22 of this year.

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1 VICE CHAIRMAN SCHLATER: Okay. I  
2 just want to establish the emergency, you  
3 know, that it wasn't just waiting until the  
4 last second to push this through. So there is  
5 a legitimate need to move this forward.

6 CHAIRMAN HOOD: It says September  
7 -- I am trying to think now. September of  
8 this -- September of this year. So it was  
9 this administration. Okay. All right, good.  
10 Okay. Commissioner May.

11 COMMISSIONER MAY: I just want to  
12 ask one more question. Have you had any  
13 discussions with the ANC, the affected ANC,  
14 about this proposed text amendment?

15 MS. GARDNER: Our office  
16 specifically has not, but the Office of the  
17 Deputy Mayor for Planning and Economic  
18 Development has been in discussions with the  
19 ANC, and this was also part of the master plan  
20 that was submitted for public comment and also  
21 given to the ANC.

22 COMMISSIONER MAY: And have you

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1 had any sort of reaction from them?

2 MS. GARDNER: There has been a  
3 very positive reaction to the idea of the jobs  
4 that will be brought as a result of this. And  
5 as long as we can control the types of uses  
6 and potential impacts in the community, there  
7 has been some support.

8 COMMISSIONER MAY: Okay. That's  
9 helpful to know.

10 CHAIRMAN HOOD: Okay.  
11 Commissioner Turnbull?

12 COMMISSIONER TURNBULL: Yes.  
13 Thanks, Mr. Chair. So right now for emergency  
14 zoning we are zoning two point buildings.

15 MR. LAWSON: That would be  
16 correct, yes.

17 COMMISSIONER TURNBULL: So the  
18 little spots on the map are being zoned, so  
19 you are obviously very much in aware of what  
20 is going to be around this, and what -- this  
21 does flow with the whole sequence of the  
22 zoning that is being proposed.

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1 MR. LAWSON: This is consistent  
2 with the planning that is being done for the  
3 area, yes.

4 COMMISSIONER TURNBULL: We are not  
5 going to find a point W-1 in the middle of  
6 something totally different.

7 MR. LAWSON: Well, I think there's  
8 two reasons. I am not sure that we are going  
9 to be proposing W-1 zoning for the broad area.  
10 But I think --

11 COMMISSIONER TURNBULL: Well, at  
12 least the contiguous area of the building.

13 MR. LAWSON: Yes, I think the  
14 intent is that this is -- the two buildings  
15 are in an area where this kind of use is  
16 anticipated, so it will fit in with the master  
17 planning for the whole site.

18 COMMISSIONER TURNBULL: Have we  
19 done much point building zoning as an  
20 emergency before, or is this something new, or  
21 --

22 MR. LAWSON: I don't think it's --

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1 to be honest with you, I don't know. I  
2 haven't looked into that situation. The  
3 property is unzoned right now.

4 COMMISSIONER TURNBULL: Right.

5 MR. LAWSON: So, of course, for  
6 any use --

7 COMMISSIONER TURNBULL: We are  
8 waiting, right.

9 MR. LAWSON: -- to happen zoning  
10 is required. In this case, just given the  
11 nature of the desirability of this facility on  
12 the site, and the time pressures that they are  
13 under, that is why we propose bringing this  
14 forward. We, frankly, would be more  
15 comfortable if we could have done the zoning  
16 for the master plan --

17 COMMISSIONER TURNBULL: Right. I  
18 would agree.

19 MR. LAWSON: -- earlier as well.  
20 But in this case, we feel that this is  
21 consistent with the direction that the master  
22 planning is going.

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1 COMMISSIONER TURNBULL: Okay.

2 MR. LAWSON: And the uses of  
3 sufficient benefit to the neighborhood that it  
4 really should proceed -- have the opportunity  
5 to proceed forward.

6 COMMISSIONER TURNBULL: Okay.  
7 Thank you.

8 VICE CHAIRMAN SCHLATER: I'm just  
9 wrapping my head around this, and one of the  
10 concerns I have is -- are these buildings  
11 going to be owned by the District, or are they  
12 going to be sold to the light manufacturing  
13 company?

14 MS. GARDNER: It is my  
15 understanding at this time it will be a lease  
16 between the district and the company, so the  
17 district would retain ownership of the  
18 buildings.

19 VICE CHAIRMAN SCHLATER: I guess  
20 my concern is that should this particular  
21 business not thrive in this area that it  
22 doesn't become some other light manufacturing

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1 use that may have more harmful impacts on the  
2 surrounding area. So what -- how are we  
3 managing that through the text that is before  
4 us today, so that we know what we are getting  
5 as a result of this rezoning.

6 MR. LAWSON: We could certainly  
7 discuss this with OAG to see if, again, there  
8 are ways of tightening up the actual language  
9 to make sure that the Zoning Commission has  
10 the sense of certainty about this particular  
11 use going in.

12 Of course, if the use doesn't go  
13 in, there would be the opportunity to come  
14 back and take the zoning away. It would be  
15 possible to do that kind of thing, but we can  
16 certainly discuss how we can tighten up the  
17 language if that would make the Commission  
18 more comfortable.

19 VICE CHAIRMAN SCHLATER: It would  
20 be better -- so this use is only allowed after  
21 a special exception, is that correct, in the  
22 W-1 zone?

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1 MR. LAWSON: We are proposing --

2 VICE CHAIRMAN SCHLATER:  
3 Eliminating that requirement.

4 MR. LAWSON: Yes.

5 VICE CHAIRMAN SCHLATER: But at  
6 least what you can do with a special exception  
7 when you give that approval is either time  
8 limit it or say that once this particular user  
9 is no longer there, the zoning will be  
10 revisited, which is something that I would be  
11 interested in exploring.

12 MR. LAWSON: Okay. We would be  
13 happy --

14 VICE CHAIRMAN SCHLATER: And not  
15 necessarily -- I understand the urgency of the  
16 emergency today and what needs to happen, but  
17 I would like to find a mechanism so that these  
18 two buildings are not zoned industrial  
19 forever, and so that all of the broad spectrum  
20 of PDR uses, light manufacturing, couldn't be  
21 located there in the future.

22 MR. LAWSON: We would be happy to

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1 examine that. Thank you.

2 CHAIRMAN HOOD: Okay. All right,  
3 good. Thank you. Any other comments?

4 (No response.)

5 With that, let me make a motion  
6 that we approve the setdown request of Zoning  
7 Commission Case Number 11-21, first as an  
8 emergency action for map amendment for unzoned  
9 to W-1 district and text amendment to 901 of  
10 11 DCMR to permit the following uses as  
11 located -- noted in the Office of Planning's  
12 report.

13 That we also have published a  
14 Notice of Proposed Rulemaking to permit  
15 facilities for light manufacturing, packaging,  
16 distribution, research and development, and it  
17 goes on, office and wholesale uses in Building  
18 102 and Building CT1 at the St. Elizabeths  
19 east campus.

20 Also, that we set down for public  
21 hearing a map amendment from unzoned to W-1  
22 district and text amendment to 901 of 11 DCMR

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1 to permit those uses as noted. Also, with the  
2 caveat of discussion that we have had here  
3 about the concern or maybe revisiting a  
4 mechanism when we get to the hearing portion,  
5 that will be done by the Office of Planning.

6 That we also accept this report as  
7 a supplemental filing required by 11 DCMR  
8 3013.1, and that we allow the immediate  
9 advertisement of the notice of the public  
10 hearing by waiving the 20-day period between  
11 the filing date of supplemental filing and  
12 publication of a notice of public hearing as  
13 required by 11 DCMR 3013.1.

14 COMMISSIONER TURNBULL: Second.

15 CHAIRMAN HOOD: Okay.

16 (Laughter.)

17 It has been moved and properly  
18 seconded. All I had to do was read from the  
19 Office of Planning. Hopefully it's correct.  
20 But anyway, I'm sure it is, and I think that  
21 captures everything -- am I correct, Mr.  
22 Lawson -- for us to move forward? And Ms.

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1 Gardner?

2 MR. LAWSON: I have one more  
3 request --

4 CHAIRMAN HOOD: Okay.

5 MR. LAWSON: -- to state  
6 explicitly on the record that you are adopting  
7 the language that was presented in the OAG  
8 supplementary report. It doesn't change the  
9 regulation in any substantive way. It is just  
10 some wordsmithing.

11 CHAIRMAN HOOD: And also, if Mr.  
12 Turnbull will accept my amendment to my  
13 motion, which is that we adopt the OAG's  
14 version of the text as noted.

15 COMMISSIONER TURNBULL: Accepted.

16 CHAIRMAN HOOD: Okay. Anything  
17 else, Mr. Ritting? I was getting ready to  
18 come to you second. I went to Mr. Lawson and  
19 Ms. Gardner first.

20 MR. RITTING: I appreciate that.  
21 That's all. Thank you.

22 CHAIRMAN HOOD: Are we all right

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1 on that side?

2 (No response.)

3 Okay. Great. Okay. And that's  
4 my motion. It has been moved and properly  
5 seconded. Thank you, Mr. Turnbull. Any  
6 further discussion?

7 (No response.)

8 Are you ready for the question?  
9 All those in favor, aye.

10 (Chorus of ayes.)

11 Not hearing any opposition, Ms.  
12 Schellin, would you please record the vote?

13 MS. SCHELLIN: Yes. Staff will  
14 record the vote five to zero to zero to set  
15 down as a rulemaking case Zoning Commission  
16 Case Number 11-21, also to accept the  
17 emergency action to allow the proposed  
18 rulemaking to be published, and also to allow  
19 for the immediate advertisement of the hearing  
20 notice. Commissioner Hood moving,  
21 Commissioner Turnbull seconding, Commissioners  
22 Cohen, May, and Schlater in support.

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1 CHAIRMAN HOOD: And, Ms. Gardner,  
2 I also want to welcome you. I guess we will  
3 be seeing you some more. I didn't do it early  
4 on -- I should have -- but I didn't do it  
5 early on, because the last time we had  
6 somebody new from DDOT we were so mean to him  
7 I haven't seen him come back. So I --

8 (Laughter.)

9 -- I wonder. We are looking  
10 forward to working with you two also.

11 COMMISSIONER MAY: Yes, I don't  
12 think she is actually that new.

13 MS. GARDNER: I have been around  
14 for about eight years.

15 COMMISSIONER MAY: She has been  
16 around. It's just -- how long?

17 MS. GARDNER: Eight years.

18 COMMISSIONER MAY: Yes, just not  
19 on the zoning side.

20 CHAIRMAN HOOD: Well, you're new  
21 to here, right?

22 MS. GARDNER: Yes, to your

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1 Commission.

2 CHAIRMAN HOOD: Have you ever been  
3 here before?

4 MS. GARDNER: I have not.

5 CHAIRMAN HOOD: Okay. I'm going  
6 to continue my comments and disregard what I  
7 heard from my colleague, but I wanted to --  
8 coming here. Okay. All right.

9 Okay. Thank you, Commissioner  
10 May. You must have worked in Ward 6. You  
11 didn't? Well, you worked with --

12 COMMISSIONER MAY: She has worked  
13 with the Parks Service before.

14 CHAIRMAN HOOD: Oh. Which Deputy  
15 Mayor did you work for?

16 MS. GARDNER: The first was Eric  
17 Price.

18 CHAIRMAN HOOD: Oh, okay. All  
19 right. And who was after that?

20 MS. GARDNER: Let's see. Eric,  
21 Stan Jackson.

22 CHAIRMAN HOOD: Okay. All right.

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1 MS. GARDNER: Neil Albert.

2 CHAIRMAN HOOD: Who was after  
3 that?

4 MS. GARDNER: Is this a quiz?

5 (Laughter.)

6 CHAIRMAN HOOD: Just curious.

7 MS. GARDNER: I guess Neil, Neil  
8 Albert was next.

9 CHAIRMAN HOOD: Okay. With that,  
10 Ms. Schellin, do we have anything -- I hope  
11 Neil is watching.

12 (Laughter.)

13 Ms. Schellin, do we have anything  
14 else?

15 MS. SCHELLIN: Nothing else.

16 CHAIRMAN HOOD: Okay. With that,  
17 I thank everyone for their participation in  
18 this meeting tonight, and this meeting is  
19 adjourned.

20 (Whereupon, at 8:08 p.m., the proceedings in  
21 the foregoing matter were  
22 adjourned.)

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