

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JANUARY 24, 2011

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
GREGORY N. SCHLATER, Vice Chairman  
CURTIS L. SELFRIDGE, JR., Commissioner  
MICHAEL G. TURNBULL, FAIA,  
Commissioner (AOC)  
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
DONNA HANOUSEK, Zoning Specialist  
ESTHER BUSHMAN, General Counsel

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Board of Zoning Adjustment  
District of Columbia  
CASE NO. Transcript  
EXHIBIT NO. null

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
KAREN THOMAS  
MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on January 24, 2011.

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

6:38 p.m.

CHAIRMAN HOOD: This meeting will please come to order. Good evening, ladies and gentlemen. This is the January 24, 2011 Public Meeting of the Zoning Commission of the District of Columbia. My name is Anthony J. Hood. Joining me are Vice Chairman Schlater and Commissioners Selfridge, May, and Turnbull. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, Ms. Donna Hanousek, and Ms. Esther Bushman. Also, from the Office of the Attorney General, Mr. Ritting. Also, from the Office of Planning, we have Ms. Steingasser, Mr. Lawson, Mr. Goldstein, Ms. Brown-Roberts, and Ms. Thomas. All right. Thank you.

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

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

8           Does the staff have any  
9 preliminary matters?

10           MS. SCHELLIN: No, sir.

11           CHAIRMAN HOOD: Okay. I have one.

12       I would like to move the agenda around.  
13 First, we're going to take up Hearing Action;  
14 second we're going to take up the  
15 Correspondence; third, we're going to have  
16 Proposed Actions; and, after that, we will  
17 take up anything else that is outstanding.

18           Okay. First, Hearing Action on  
19 Zoning Commission Case No. 11-01, Office of  
20 Planning - Text Amendment to 2116 re:  
21 Location of Parking Spaces. Ms. Thomas?

22           MS. THOMAS: Good evening, Mr.

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1 Chairman and members of the Commission.  
2 Karen Thomas with the Office of Planning. In  
3 response to the Zoning Commission's  
4 recommendation at a Public Hearing on parking  
5 and loading in November of 2010, OP has  
6 proposed Text Amendments to the parking  
7 chapter, including the section which  
8 regulates the location of parking spaces on a  
9 lot. The proposed amendments would bring the  
10 current regulations in line with the  
11 Comprehensive Plan's goals for urban design,  
12 which generally prescribes that parking  
13 should be set behind or underneath buildings.

14 The amendments would clarify that  
15 parking for commercial uses can no longer be  
16 placed in front of a building and above grade  
17 structures must be located at least 20 feet  
18 from front lines. The amendments are not  
19 inconsistent with the Comprehensive Plan and  
20 OP recommends set down of this submitted  
21 amendments for public hearing on the matter.

22 I'd just like to add that comments

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1 provided by OAG this afternoon, we made some  
2 slight modifications and I've passed it on to  
3 Ms. Schellin. Thank you.

4 CHAIRMAN HOOD: Thank you, very  
5 much, Ms. Thomas. We do have the amendment  
6 that was given to us this afternoon. Also,  
7 let me acknowledge, we're also joined by Mr.  
8 Lawson of the Office of Planning, also.

9 Okay. Commissioners, any  
10 questions of the Office of Planning or Ms.  
11 Thomas? Not hearing any. Any questions?  
12 Not hearing any, I would move that we set  
13 down Zoning Commission Case No. 11-01. This  
14 is the Office of Planning Text Amendment to  
15 2116, Location of Parking Spaces. And I ask  
16 for a second.

17 COMMISSIONER TURNBULL: Second.

18 CHAIRMAN HOOD: It's been moved  
19 and properly seconded. Any further  
20 discussion? Are you ready for the question?  
21 All those in favor?

22 ALL: Aye.

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1 CHAIRMAN HOOD: Not hearing any  
2 opposition, Ms. Schellin, would you please  
3 record the voce?

4 MS. SCHELLIN: The staff records  
5 the vote five to zero to zero to set down  
6 Zoning Commission Case No. 11-01, and this is  
7 being set down as a rule making case.  
8 Commissioner Hood moving; Commissioner  
9 Turnbull seconding; Commissioners May,  
10 Schlater, and Selfridge in support.

11 CHAIRMAN HOOD: Okay. Next, on  
12 the correspondence, we have -- under  
13 Correspondence, we have Zoning Commission  
14 Case No. 07-26; also 96-09A. And we also  
15 have a letter for request a review of a BZA  
16 Case 18154. Ms. Schellin, if you want to  
17 respond, could you respond to all three of  
18 them? Then I'll deal with all three of them  
19 at the same time?

20 MS. SCHELLIN: Yes, sir. The  
21 first one is a letter from the Zoning  
22 Administrator pursuant to 2409.8, advising of

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1 action that he took in that case, pursuant to  
2 that section. The second one is a request  
3 from Goulston & Storrs, asking for a delay in  
4 the issuance in the Order in that case. And  
5 the third one is a letter from Counsel member  
6 Wells, asking that the Commission Sua Sponte  
7 -- take Sua Sponte action on a BZA case.

8 CHAIRMAN HOOD: Thank you, very  
9 much, Ms. Schellin. Let's look at Zoning  
10 Commission Case No. 07-26, out of O Street  
11 Roadside, LLC, letter from the Zoning  
12 Administrator, re: notification pursuant to  
13 2409.8. Any comments? I think what we can  
14 basically do is say so noted, we'll accept  
15 it. We have it. And actually, I think it's  
16 in our regulations he provided that, and he  
17 has done that. Any further questions or  
18 comments on that? Mr. Vice Chairman?

19 VICE-CHAIRMAN SCHLATER: I have  
20 one question, Mr. Chairman. I wonder if we  
21 can get clarification from the Zoning  
22 Administrator. The final modification to the

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1 roof top mechanical structures says the  
2 structures will be relocated -- relocate  
3 portion of west building penthouse from  
4 northwest corner to southern edge, adjacent  
5 to hotel penthouse. And I just wanted  
6 clarification. Maybe -- I don't know how --  
7 the best mechanism to do it. But I just  
8 wonder if they need additional relief or if  
9 they already have relief with regard to the  
10 mechanical penthouse locations. Because it  
11 sounds like it's at the edge of the building.

12 CHAIRMAN HOOD: Okay. Thank you,  
13 Vice-Chairman. Ms. Schellin, I would ask,  
14 working along with OAG, that we can ask for  
15 further clarification, as Vice-Chairman has  
16 mentioned, of the relocation. Do they need  
17 further relief.

18 MS. SCHELLIN: Yes, sir.

19 CHAIRMAN HOOD: Okay. Anything  
20 else? Okay. So noted. Next is Zoning  
21 Commission Case No. 96-09A, (the Pope John  
22 Paul II Cultural Foundation, Inc. -- Letter

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1 from Goulston & Storrs, requesting Order to  
2 be delayed until the end of February.)  
3 Again, in Exhibit 7, the last few sentences  
4 say they would like to retain the flexibility  
5 to retract John Paul II's previous request  
6 for extinguishment, should it be necessary.  
7 Accordingly, John Paul II asks that the order  
8 be delayed until the end of February. Any  
9 problems, Commissioners, with delaying this  
10 order until the end of February? So, Ms.  
11 Schellin, let me ask this. Will we take this  
12 up at our next meeting?

13 MS. SCHELLIN: No, sir. If the  
14 Commission would grant that, then Staff would  
15 take care of making sure that the order will  
16 either be issues or, at the end of February,  
17 or the Applicant will withdraw their case if  
18 they find that they no longer need that  
19 relief.

20 CHAIRMAN HOOD: So we don't need a  
21 motion on this?

22 MS. SCHELLIN: No. If you'll just

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1 grant Staff the authority to delay the  
2 issuance of the order, that will take care of  
3 it.

4 CHAIRMAN HOOD: Commissioners, do  
5 you want to empower Staff to go ahead and  
6 continue to deal with the situation? I don't  
7 see anyone shaking their head. So thank you,  
8 Ms. Schellin. We will -- Staff will deal  
9 with that accordingly. Thank you, very much.

10 Okay. Next, we have a letter from  
11 Council member Tommy Wells requesting Sua  
12 Sponte review of BZA Case No. 18154. We have  
13 received the request. Our rules don't  
14 respond to requests -- our rules don't -- we  
15 don't respond to requests of someone asking  
16 us to Sua Sponte. And I'll read exactly  
17 3128.6. Because that is -- because there is  
18 no right of appeal to the Commission from any  
19 action of the Board. The Commission need not  
20 answer any communications to the Commission  
21 requesting a Sua Sponte review be undertaken.  
22 Sua Sponte review is a discretionary

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1 internal process.

2 I don't know if we need to respond  
3 to the Council member. But, as this states,  
4 well, if he reads the transcript, Sua Sponte  
5 review is a discretionary internal process  
6 and that can be found in 3128. So I think  
7 that will respond to his request for us to  
8 Sua Sponte.

9 Okay. Ms. Schellin, are we  
10 finished with correspondence?

11 MS. SCHELLIN: Yes, sir.

12 CHAIRMAN HOOD: Okay. Thank you.

13 Let's go to Proposed Action. Proposed  
14 Action tonight is Zoning Commission Case No.  
15 08-34, Center Place Holdings - 1st Stage PUD,  
16 Related Map Amendment and Consolidated PUD i  
17 Squares 564, 566, And 568. Ms. Schellin?

18 MS. SCHELLIN: Yes, sir. At the  
19 close of the hearing, there were several  
20 items requested from the Applicant. And you  
21 also asked the Office of Planning to make a  
22 supplemental report. Those items are before

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1 the Commission. And Staff would ask the  
2 Commission to consider this case for proposed  
3 action.

4 CHAIRMAN HOOD: Okay.  
5 Commissioners, there are a number of moving  
6 parts in this particular case. And so, as I  
7 looked at trying to frame the discussions, I  
8 don't think I did a great job. But I looked  
9 at Exhibit Number 47, which talked about some  
10 of the responses to what we had asked for.  
11 And also, the Office of Planning's  
12 supplemental report. So we might want to  
13 pull all that out in front of us and we'll  
14 just eventually open up oral discussions.  
15 But let me also mention we have an ANC report  
16 -- well, an ANC letter. And I think we must  
17 have asked for -- I'm not sure why we asked  
18 them --

19 MS. SCHELLIN: We allowed them to  
20 respond. They had an opportunity to respond.

21 CHAIRMAN HOOD: All right. Okay.  
22 And it says the Commission has voted seven

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1 to one to support the amendments to the plan  
2 affecting South Block Mass. and retail  
3 strategy in the Massachusetts Avenue Park.  
4 The vote had two caveats, that they provide  
5 first source employment to D.C. residents,  
6 which that's been met, and the representative  
7 of ANC6-C, at the January 24, 2011 hearing be  
8 the resident chairman of our Planning and  
9 Zoning Environmental Committee, Mr. Rob Amos.

10 And we typically don't -- we don't take  
11 comments. So I think both of those caveats  
12 have been met, due to the one that we don't  
13 have really speaking or anyone coming  
14 forward, unless we request it. So all right.

15 So, with that, let me open it up for  
16 discussion. Who'd like to start us off? And  
17 you know, I guess, for me, I would just start  
18 off with a good way to frame this, because  
19 there are a number of moving parts, is that  
20 whatever gives you heartburn the most or  
21 makes you feel good the most, let's start  
22 there. Either way. Okay. I open it up for

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1 discussion. That's good. We have no  
2 discussion. So we'll just move right on. So  
3 can I get a motion to approve? All right.  
4 Commissioner May?

5 COMMISSIONER MAY: Okay. First of  
6 all, I think I'll start off with the very  
7 positive things. This project has a lot  
8 going for it. I mean, certainly the effort  
9 to reclaim this lost piece of the city's  
10 landscape and make something of it, I think,  
11 in itself is a worthy effort and, in this  
12 case, a remarkable effort. I mean, the  
13 planning that's gone into this, trying to  
14 work out how to get in all necessary  
15 services; how to stream the freeway  
16 underneath it; all of the sort master  
17 planning of this, I think, has been very well  
18 done. The -- and many of the features, you  
19 know, trying to integrate into it sustainable  
20 features; trying to integrate some really  
21 novel things into the project, like the eco-  
22 chimneys. I mean, these are, I think, again

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1 are all positive aspects.

2 Now, here's the but. The but is  
3 that, overall, I'm still not sold on the  
4 overall massing of the project and the  
5 configuration of the retail and the creation  
6 of the interior streets -- the pedestrian  
7 arcade space. And so I've very, very  
8 uncomfortable, trying to move this forward at  
9 this moment.

10 First, on the subject of the  
11 massing, I still don't feel like the logic of  
12 the allocation of the FAR between the three  
13 blocks of the building makes sense yet. We  
14 are working through this in pieces. I  
15 understand the phasing. That certainly makes  
16 sense. But what we wind up with is the most  
17 fully developed portion of the project  
18 feeling like it is the least dense. And  
19 then, as a result, the parcels further to the  
20 south wind up feeling like they really just  
21 have to cram in the square footage, in order  
22 to make the overall project work. I'm not

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1 convinced that that's really the way, because  
2 I feel like, when it comes time to design  
3 these other buildings, that we're going to  
4 wind up making some very significant  
5 compromises on those. I don't know whether  
6 there is room to reallocate the FAR. I just  
7 don't feel comfortable seeing what I see.

8 The retail space is, I think,  
9 probably the biggest problematic aspect of  
10 the design, the way it is. It does not feel  
11 like it's going to be an inviting, attractive  
12 space. I don't believe that the retail  
13 space, itself, if configured in such a way  
14 that you get a sufficient critical mass of  
15 retail or even reason to be there. You know,  
16 in order to make it successful. We asked for  
17 some examples of how that has worked in the  
18 past. And Washington Harbor is cited as an  
19 example where you have this sort of interior  
20 streets. And I think that that's certainly  
21 an example of something that's been  
22 successful in many ways. Although I wouldn't

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1 say that all of the retail that exists on  
2 those sort of -- the pedestrian way that  
3 parallels K Street is as successful as the  
4 one that goes perpendicular and leads to the  
5 water. And I think that it's the water, as a  
6 destination, that makes that project a  
7 success. So, you know, when you have an  
8 attraction like that, you're going to get  
9 foot traffic and you're going to get people  
10 walking by and visiting whatever retail you  
11 have there. There's no real reason to be in  
12 this retail, except to go and get whatever is  
13 in the retail space. So if you need to pick  
14 up your dry cleaning or if you need to go get  
15 a cup of coffee, yes, there's a reason to be  
16 there. But that, in itself, doesn't make for  
17 really good attractive retail. And so I'm  
18 just not convinced that it's laid out the way  
19 it should. Now, is it something where you  
20 could configure it differently and have  
21 greater connectivity? Maybe. But I have  
22 this feeling like it's -- we're missing maybe

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1 even a whole street through there -- that  
2 there should be a street that can have cars,  
3 that could have parking or something, or have  
4 a destination within it that is an attraction  
5 -- is a reason for people to be there. And  
6 maybe that's a public space of some sort. I  
7 don't know what the answer is. I don't want  
8 to try to design it. I just don't feel like  
9 it's there. And I think that this also sort  
10 of blends into the issue of the ultimate  
11 development of the south blocks. Because I  
12 think what you do in this north block, I  
13 think, sets a precedent, in many ways, for  
14 what happens with the rest of it. And if  
15 you're trying to create new critical mass,  
16 it's important for that critical mass, I  
17 think, to be connected in some ways. So I  
18 don't -- I just -- I don't feel comfortable  
19 with this the way it is.

20 I did read through the retail  
21 report. I'm not convinced that the retail is  
22 going to be successful. And I'm concerned

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1 about some of the bad examples around town  
2 where similar projects have not been as  
3 successful as we would like. And now, I did  
4 -- there are areas where some of the  
5 questions that were asked, I think, have been  
6 answered. At least, for the moment, the  
7 notion of measuring the height of the south  
8 and central block off of 3rd Street, if  
9 there's a meaningful connection through to  
10 3rd Street, for both of those blocks, I think  
11 that that meets the law and the requirements,  
12 not that we interpret the Height Act, but at  
13 least from our point of view, from a Zoning  
14 perspective, I think that the meaningful  
15 connection satisfied -- is potentially going  
16 to satisfy that. Now, we haven't seen what  
17 that meaningful connection is. So whatever  
18 we would do to approve or to bless this  
19 notion of measuring off 3rd Street would have  
20 to be confirmed in the second stage of the  
21 PUD for the south and central blocks.

22 As for the north block, I'm not

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1     sure that we need to be convinced that that  
2     is a single building. So I don't know that  
3     we need to make a determination as to whether  
4     the arcade roof is a meaningful connection or  
5     not. Because, the way I look at this, maybe  
6     I misunderstand it, but the way I look at it,  
7     you can measure height off of Massachusetts  
8     Avenue for two of the buildings and off of  
9     3rd Street for the other building. And so  
10    you can get sufficient height off of those  
11    streets. Again, maybe I'm missing something  
12    there. But I think that's sort of a minor  
13    point. Because I think that the  
14    configuration of the buildings and the retail  
15    still needs to change.

16           Like I said, there are many things  
17    that this project has going for it, many of  
18    the features. But I think that those are  
19    specific features and, until you get to the  
20    right configuration of buildings, I don't  
21    think that they're really the important part  
22    of this. I would also say that I don't --

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1 I'm not inspired yet by what I see  
2 architecturally. I just see a bunch of big  
3 glass boxes. And I think that it -- I'm not  
4 sure what the character of the buildings  
5 needs to be or what would need to be done to  
6 improve them. But I'm just -- I'm not sold  
7 on the -- on what I've seen in terms of the  
8 design. Again, I would probably have more  
9 specific comments on that if I were  
10 comfortable with the configuration of the  
11 massing. But I am not comfortable with that.  
12 So it's hard to talk about the particulars  
13 of the architecture. So that's what I have  
14 to say.

15 CHAIRMAN HOOD: Thank you,  
16 Commissioner May. Any other comments,  
17 concerns? Commissioner Turnbull?

18 COMMISSIONER TURNBULL: Thank you,  
19 Mr. Chairman. I would agree with my  
20 colleague in his initial statements. Because  
21 I think this is an incredible project and I  
22 think it's one that's been waited for, for a

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1 long time. And I think it's going to be a  
2 great benefit and a boon to the city when  
3 it's complete. But, like my colleague, I  
4 also feel that there are some issues. And I  
5 would agree that -- I would think that we  
6 need to defer on the southern block for the  
7 access until we actually do determine that  
8 you can actually measure that the opening --  
9 the connection to 3rd Street -- the viability  
10 of that. I would like to defer until we  
11 actually see that. It's actually -- now, I  
12 mean, we've heard an explanation of it. But  
13 I'd like -- I mean, an explanation can couch  
14 a lot of different things than what we think.  
15 But I'd like to actually see some drawings,  
16 when we get to that point, before we actually  
17 go ahead. And I guess the Office of Planning  
18 -- Mr. May is talking about the north block  
19 with the three buildings and the height. I  
20 would just -- had one question to throw OP's  
21 way, if they would concur with Mr. May's  
22 assessment on that.

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1 MS. STEINGASSER: In terms of the  
2 three buildings being able to reach 130 feet  
3 a piece?

4 COMMISSIONER TURNBULL: Right.

5 MS. STEINGASSER: Yes.

6 COMMISSIONER TURNBULL: Okay.

7 MS. STEINGASSER: We do agree with  
8 that.

9 COMMISSIONER TURNBULL: All right.

10 Good. I just wanted to get that on the  
11 record and make sure we're all aware. And I  
12 guess the other aspect -- and I don't want to  
13 belabor this -- is the retail. And, after  
14 going through tab 4 in the retail  
15 consultant's assessment, I guess there's this  
16 big bugaboo about Mass. Avenue. There's this  
17 great -- and I think OP is still concerned  
18 about the retail and how it's being  
19 integrated. And I would agree with all of  
20 their comments in their report. And I guess  
21 what is frustrating is that they're concerned  
22 about Mass. Avenue. They talk about the

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1 frontage. They see it rather as an entry  
2 into the project, which is why signature  
3 retail spaces will flank the entry to the  
4 pedestrian way on Mass. Avenue. I'm sorry.  
5 I've looked at the renderings and I've looked  
6 at the floor plan. And the plan shows about  
7 -- I don't know if a Starbucks is even that  
8 big. And those look like ten little spaces  
9 on -- I'm looking at under tab five, the  
10 building 2.4. And they're like very tiny  
11 spaces, couched by two areas dignified -- or  
12 identified as office/retail. Which are two  
13 rather large areas on those -- on the corners  
14 of -- on those two ends. I would agree with  
15 Commissioner May that there's -- there's  
16 something missing. I'm just concerned that  
17 this is going to be a -- looking at the one  
18 drawing, if I'm looking at Plan 11 on the  
19 other binder, I see somebody's bakery and the  
20 Coffee Room. And I -- that's about what it's  
21 going to be is the coffee room -- a very tiny  
22 room. And I can't see those as signature

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1 elements that are going to drive people in.  
2 They're going to say oh, what's back there?  
3 Well, we've got a little coffee shop out  
4 there and maybe I can get a croissant or a  
5 baguette. I -- there's something that I  
6 think is lacking and I think the skirting of  
7 the whole project with those little canopies  
8 just seems -- if you're going to make  
9 something of this place, this has to be a  
10 building -- this has to have a sense of place  
11 to it. Not necessarily as a destination that  
12 you're definitely this is where we've got to  
13 go, but as a point -- as these three towers  
14 standing there need to be united and create  
15 some kind of an architecture that's going to  
16 make sense. I think it is a little minimal  
17 right now. And I'm just afraid that this is  
18 going to be very stark. There's -- I think  
19 where you come in on Mass Avenue, you come in  
20 under a canopy; you go down; then you come  
21 into an open arcade area, a plaza, with these  
22 trees. But I -- in looking at the drawings -

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1 - the renderings, I just echo my concerns  
2 that this is -- you've got -- you're going  
3 into lobbies. You're -- you've got some  
4 sense of -- I guess, what I've seen in the  
5 drawings do not convince me that this going  
6 to be an exciting and vibrant space and be  
7 able to pick up the pace with the development  
8 along here. So I guess I'm in agreement with  
9 Commissioner May's analysis and just wanted  
10 to add on to that.

11 CHAIRMAN HOOD: Okay. Thank you,  
12 Commissioner Turnbull. Anyone else? Vice-  
13 Chairman Schlater?

14 VICE-CHAIRMAN SCHLATER: Thank  
15 you, Mr. Chairman. There's definitely a lot  
16 to get through with this submission. By  
17 doing both the consolidated and first stage  
18 all at once, it's a lot to chew on at one  
19 time, particularly given the -- you know,  
20 we're talking about 2.3 million square feet  
21 of FAR. So it's not surprising that, you  
22 know, we're still working through some of our

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1 concerns here.

2 I do want to say I asked for some  
3 clarification on a number of items, including  
4 parking and loading, as to whether those  
5 shared facilities would be sufficient for  
6 both residential and for the office needs.  
7 The Applicant answered those questions to my  
8 satisfaction. Further, in reading over their  
9 information on the measurement of height, I'm  
10 comfortable that, if a meaningful connection  
11 is made between those building, that the  
12 Applicant should be able to build to 130 feet  
13 height. And I think, when we get to the  
14 specific designs of those buildings, we'll  
15 get more information about how that  
16 connection is being made. And I feel  
17 comfortable that that connection can be made.

18  
19 In terms of other questions I had  
20 at the end of the hearing, I would go first  
21 to you know, big picture on the south block.  
22 We've got the massing of the south block. I

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1 had some concerns that it was just too big  
2 for good urban design and that these  
3 buildings were going to be too massive. And  
4 I don't have all of the calculations in front  
5 of me, but the south block is going to be how  
6 many square feet? How many square feet?  
7 What's that -- 811,000 square feet. The  
8 Applicant has agreed to reduce the massing on  
9 the south block by 30,000 square feet, first  
10 by pulling the building back off of E Street  
11 by ten feet, and I think that's a -- I think  
12 that was a good first step to address the  
13 issue on the public space of E Street. But  
14 it didn't do a lot to actually reduce the  
15 massing of the overall buildings. And then  
16 the Applicant put forward a few alternatives,  
17 in terms of atrium designs. I'm concerned  
18 that the -- just to fit two buildings on  
19 800,000 plus square feet is going to create  
20 two massive buildings. And the floor plates  
21 are going to be too large. And it's not  
22 going to -- it's not a human scale for two

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1 buildings. And I don't know exactly how to  
2 fit that. And I understand the Applicant's  
3 arguments that they need a certain amount of  
4 FAR to build over that platform. But I don't  
5 get the sense that this is going to be built  
6 in a way that's going to -- those buildings  
7 are going to be too big, in my estimation.  
8 So I'm not sure that I'm satisfied that the  
9 30,000 square foot reduction is sufficient to  
10 create a good place. I'm also concerned that  
11 an interior atrium is the -- would be the way  
12 to break up that massing. I think the  
13 District suffers from a lot of that massing  
14 being pushed into interior atriums. I'd  
15 rather see it as a separation between two  
16 buildings, so that the buildings actually  
17 look smaller.

18 The Office of Planning mentioned  
19 that they'd like to see that E Street  
20 sidewalk widened from ten to 14 feet. I think  
21 it would make a better street. Is the Office  
22 of Planning still there on the ten to 14

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1 feet?

2 MR. LAWSON: Sorry, Joel Lawson  
3 with the Office of Planning. Actually, we've  
4 had further discussions with the Applicant  
5 and they've agreed to the 14 feet at ground  
6 level. And the Office of Planning doesn't  
7 really have a concern if there's some  
8 cantilevering over that space. We think that  
9 would work fine. But it would allow for that  
10 pedestrian movement. So the Applicant's  
11 agreed to that.

12 VICE-CHAIRMAN SCHLATER: Okay.  
13 Great. So we don't have to talk about that.

14 So I guess that's it, from the standpoint of  
15 the south block massing. I think that, at  
16 the footprint of those buildings, you're  
17 talking about an 11-12 FAR, which is  
18 significant mass. Now, if you count the  
19 footprint of the Jewish Historical Society,  
20 that brings the FAR down. But I think the  
21 way people will experience the buildings,  
22 they're just going to seem massive.

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1           Moving my way up to the center block, I  
2           had some questions about the 30 feet between  
3           the office and the residential building and  
4           whether that would be a good layout in  
5           planning for the site. I realize that the  
6           configuration of the residential is limited,  
7           if you're going to fit both office and  
8           residential on there. I think that it would  
9           be a far better project if that were a 30  
10          foot alley -- if that alley was a north/south  
11          alley so that light could get in there. I  
12          think it is going to be very dark in there.  
13          But I also think, ultimately, it's a  
14          marketing issue for the developer. And I'm  
15          not -- I don't think that's going to stop me,  
16          one way or another, from supporting this  
17          project. I think it's now -- I think it's  
18          going to be dark in there. And I think if I  
19          were renting a unit, I wouldn't want to rent  
20          on that alley because it's too narrow and  
21          it's going to be hard to get sun in there.  
22          But I'm -- I don't have any problems with the

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1 center block moving forward the way it is.

2 So that leaves us with the design  
3 of the north block. I think this is a tough  
4 one. I've still got some problems with the  
5 design of the north block. You might look at  
6 it. It didn't feel like a lot had changed.  
7 It looked like the buildings were basically  
8 being treated in the same way. The retail  
9 was being treated in the same way. And I'm  
10 just not convinced that it's going to be a  
11 successful -- successful site plan for that  
12 north block. One thing I'm concerned about  
13 is on the north/south alley, it shows a lot  
14 of trees and plantings in the alley way  
15 itself. I think it's a very narrow alley.  
16 There's 130 foot building to the south of it.

17 I'm concerned that trees will even be able  
18 to grow there. And I'm not convinced. I  
19 think there was some shadow studies put  
20 forward as part of the original submission.  
21 And it looked like it was going to be dark in  
22 there a lot of the time. And I'm concerned

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1     that that area is going to be dark. I'm also  
2     concerned that the way it's designed now, the  
3     office buildings actually cantilever over --  
4     each office building cantilevers over the  
5     alley way ten feet. And I think that just  
6     increases the feeling that it's going to be a  
7     dark enclosed space and it's going to end up  
8     feeling like a private mall. I think it's  
9     going to -- whether or not it ends up being a  
10    private -- a successful private mall or an  
11    unsuccessful private mall, either way, it's  
12    going to end up feeling like a private mall.

13    And the -- I heard the reference to  
14    Washington Harbor as an analogy. I also feel  
15    like L'Enfant Plaza can be an analogy. And I  
16    also think that Techworld can be an analogy.

17    And so I'm just not feeling great about that  
18    as a public space. I think it needs -- they  
19    need to figure out a way to get more light  
20    into that space.

21               Then the question comes to what do  
22    you do with that space and do you put retail

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1 in it. I think the developer should be  
2 commended for putting 75,000 square feet of  
3 retail on the site. It's a tough, tough  
4 retail site. And I want to see the retail be  
5 successful. So I'm not sure that the retail  
6 strategy put forward as of yet -- I'm not  
7 convinced that that's going to work.  
8 Intuitively, it would seem that putting more  
9 of the retail on actual public streets that  
10 people see would be a better strategy. And I  
11 think OP raised that problem with the retail  
12 strategy. I think that would be a better  
13 approach, as well.

14 One other thing that I'm concerned  
15 about is the eco chimney and its location in  
16 the site plan. I think it potentially blocks  
17 visual -- you can't see into the site because  
18 it's blocking it. And I just think that's a  
19 little bit of a concern. I'm also concerned  
20 about whether it gets enough light and air to  
21 actually grow anything in it. And then I  
22 think the whole idea of that -- the trellis

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1 structure that surrounds the site adds to  
2 this feeling that it's a very private space.

3 And I'm not convinced that it's the best  
4 approach here. So I think I have a few other  
5 concerns, but that's -- that's a good start.

6 CHAIRMAN HOOD: Okay. Do you want  
7 to go ahead and wrap up all your concerns?

8 VICE-CHAIRMAN SCHLATER: No. I'm  
9 all right.

10 CHAIRMAN HOOD: Okay. Okay. I  
11 will just say that I think the Applicant --  
12 looking back at what I asked for, behind Tab  
13 11, the Applicant actually used it as a bench  
14 mark for his CV and First Source Station  
15 Place. He mentions, in that case, he  
16 exceeded the Local Small and Disadvantaged  
17 Business goals set forth in that memorandum.

18 So I appreciate that. It goes on to talk  
19 about 57 First Source agreements. But  
20 anyway, the -- I'm satisfied with what was  
21 submitted to me -- or to us. He also talks  
22 about, in this letter, that he mentions about

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1 his work with the Cardozo Academy of Design  
2 and Construction and Cardozo High School  
3 since 2004. So I am very -- I am just  
4 thrilled that that actually was submitted and  
5 that this is what is taking place by this  
6 particular Applicant -- I mean developer.

7 I do share the concerns of some of  
8 my colleagues -- well, most of my colleagues.

9 But I don't know to what extent. I think  
10 they bring up some very good points. And I  
11 also look at the memorandum from the Office  
12 of Planning, where there was -- you know, we  
13 haven't got all the way to the point where we  
14 need to be. OP still remains concerned  
15 regarding certain features of the retail  
16 design. And I think -- and Ms. Steingasser,  
17 you can correct me -- I read where you all  
18 still had concern about the retail on Mass  
19 Avenue?

20 MS. STEINGASSER: We -- yes. Our  
21 concern was that the retail address the  
22 street more -- that we did have a conference

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1 call with the Applicant and the retail  
2 consultant where they explained a bit more  
3 about their marketing approach. But our  
4 concern still was how it addressed Mass  
5 Avenue and pulled the public in through that.

6 CHAIRMAN HOOD: Okay. Let me ask  
7 you this, because I don't -- as looking at  
8 the diagram, I also wonder how it's going to  
9 work. At the conference call, did you get  
10 more of a comfort level on the Mass Avenue  
11 approach? Did they have the strategy that  
12 they had?

13 MS. STEINGASSER: They're still  
14 very committed to their retail strategy and  
15 they believe very strongly that it will work.

16 CHAIRMAN HOOD: Okay. And let me  
17 just say to the Applicant, I'm one of the  
18 mind set that I'm not saying it won't work.  
19 One thing about me, I'll try anything. But -  
20 - and I'll leave that to the "experts". But  
21 again, I think that the Office of Planning  
22 has a very valid point, especially when they

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1 look at Mass Avenue. I don't have a whole  
2 lot. I think this is a good project. There  
3 are some massing issues, especially with the  
4 south block. I don't know how much of that  
5 has been changed since it was mentioned  
6 previously. I know a little has been done.  
7 But I think that's where it is for me. I  
8 don't have a whole lot. I think this is -- at  
9 some point, this is a great project. Again,  
10 this is the first time my colleagues and I  
11 have looked at this. And sometimes it takes  
12 -- well, I'm going to speak for myself -- it  
13 takes me a little longer to get my arm  
14 wrapped around everything that's going on.  
15 As I stated earlier, there are a number of  
16 moving parts. There are a number of moving  
17 parts.

18 So, any other questions or  
19 comments? Not hearing any, well I guess -- I  
20 guess I will sum up what I wrote down. And I  
21 stopped taking notes, actually,  
22 Commissioners, after we got to the fourth

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1     thing. I have allocation of FAR, I think,  
2     Mr. May; the south block, which we -- a  
3     number of us have mentioned. One -- I think,  
4     Mr. Turnbull, you mentioned when do we look  
5     at the connection. And I think we wait for  
6     the second stage. And Commissioner -- Vice-  
7     Chairman Schlater, you mentioned the parking  
8     and loading, that you were okay with it. And  
9     that's when I stopped taking notes. So does  
10    anybody -- there were a number of things I'm  
11    hoping that Ms. Shiker and Ms. Schellin and  
12    all those who were doing all this writing  
13    have taken good notes. Commissioners, I  
14    guess that I opened it up for comment. But,  
15    I guess, at this point, I don't think we're  
16    sending them back to start all over. I guess  
17    we're sending them back to fine tune some of  
18    the issues that we -- that were brought up  
19    today. I don't necessarily know if we need  
20    to start over. But I'll open that up for  
21    discussion. Let's start at that discussion.  
22    Are we sending them back to start all over

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1 or are we sending them back to fine tune?

2 COMMISSIONER MAY: I would just  
3 start out by saying that I think the project  
4 needs more work before we're ready to take  
5 proposed action. Whether it is -- I mean I  
6 think that there is an opportunity for some  
7 significant reorganization of the massing of  
8 the site. And I would encourage that. But I  
9 also would not say that that's an absolute  
10 necessity. You know, if they want to keep  
11 working with what they've got, I think that  
12 there is -- you know, there may be some room  
13 for them to make improvements that would  
14 address some of the concerns. But I think  
15 that, in order to solve the overall issue  
16 with the distribution of the massing, the  
17 massiveness of the south block and the sort  
18 of awkwardness of the retail arcade, I think  
19 that some significant study of the massing is  
20 appropriate. I mean, I think, you know,  
21 they've got a lot of good things going for  
22 them on this project. I mean, you know,

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1 they're not far away from having what they'd  
2 need to get a stage one approval for  
3 everything, if they wanted to go that route.

4 You know, they could submit the whole thing  
5 and study the massing a little more and may  
6 not resolve all of the retail stuff and just  
7 do a stage one. But if they want to pursue  
8 the stage two for the north block, I think  
9 some significant examination is appropriate.

10 At least that's the direction that I would  
11 head if I was in this spot at this moment.  
12 Again, if they believe they can do it with  
13 some minor refinements, that's up to them.  
14 But that's my opinion.

15 CHAIRMAN HOOD: Okay. Anyone else  
16 like to comment on direction? Okay. Well, I  
17 guess -- let me look into -- Ms. Schellin, do  
18 we know about -- first of all, I don't like  
19 to ask a question and then wait for people to  
20 nod their heads. But I'll look at you, Ms.  
21 Schellin. You let me know. I want to make  
22 sure were we clear and does the Applicant

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1 understand kind of where we are? Do they  
2 understand or do they need more direction?

3 MS. SCHELLIN: Yes, I think they  
4 do.

5 CHAIRMAN HOOD: Okay. Now, do  
6 they -- how much time? Can we work out a  
7 time schedule?

8 MS. SCHELLIN: I'll looked to them  
9 to tell me when they'd like to come back. We  
10 could -- the earliest, I think, that they  
11 could would be for our February 28th meeting.  
12 But I'm thinking they may need more time.

13 CHAIRMAN HOOD: I don't think all  
14 -- from what I'm hearing from the  
15 Commissioners -- I don't think all is not  
16 bad. So, you know, there's just some things  
17 that need --

18 COMMISSIONER MAY: No. I mean,  
19 this project has a lot going for it. But  
20 it's -- it's some big parts that still need  
21 to be figured out.

22 CHAIRMAN HOOD: I'm just looking

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1 at you, Ms. Schellin.

2 MS. SCHELLIN: Right. And if they  
3 shoot for the February 28th meeting, if this  
4 helps you any, we would need your filing by  
5 3:00 p.m. February 15th. That would give  
6 you, basically, one, two, -- let's see, one,  
7 two, three weeks. That's not enough time?  
8 Okay. Our next meeting would be March 7th.  
9 And if you shoot for then, then we would need  
10 your filing by February 22nd. That would be  
11 four weeks. The next one would be March  
12 28th. Do you want to come March 28th? We  
13 would need it by March 15th, to allow one  
14 week for the ANC to file a response. So  
15 you'd have until March 15th. March 7th?  
16 Okay. We'll go with March 7th, and we'll  
17 need the additional filing from the Applicant  
18 by February 22nd. And then the ANC would  
19 have until March 1st to file a response  
20 thereto. And also, OP, if they choose to  
21 file a response, they'll also have until  
22 March 1st, all filings due by 3:00 p.m. And

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1 Commissioner Hood, with that, we're finished.

2 CHAIRMAN HOOD: Okay. Thank you,  
3 very much, Ms. Schellin. Is there anything  
4 else before us with this case?

5 MS. SCHELLIN: Unless -- not with  
6 this case. No, sir.

7 CHAIRMAN HOOD: Okay. Do we have  
8 a status report? Okay. Do we have anything  
9 else, Ms. Schellin?

10 MS. SCHELLIN: That's it.

11 CHAIRMAN HOOD: Okay. Thank you,  
12 everyone, for your participation. And this  
13 meeting is adjourned.

14 (Whereupon, the meeting was  
15 adjourned at 7:26 p.m.)

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