

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR PUBLIC MEETING

+ + + + +

MONDAY
JANUARY 26, 2009

+ + + + +

The Regular Public Meeting
convened in Room 220 South, 441 4th Street,
N.W., Washington, D.C., 20001, pursuant to
notice at 6:30 p.m., Anthony J. Hood,
Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairperson
GREGORY JEFFRIES	Vice Chairperson
WILLIAM WARREN KEATING	Commissioner
MICHAEL TURNBULL	Commissioner
PETER MAY	Commissioner

OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK	Zoning Specialist
ESTHER BUSHMAN	General Counsel
SHARON SCHELLIN	Secretary

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTIG, ESQ.

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OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
MATT JESICK

This transcript constitutes the minutes from the Regular Public Meeting held on January 26, 2009.

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

2 6:36 p.m.

3 CHAIRPERSON HOOD: Okay. We're
4 going to go ahead and get started. This
5 meeting will, please, come to order. Good
6 evening, ladies and gentlemen. This is the
7 January 26, 2009 Public Meeting of the Zoning
8 Commission of the District of Columbia.

9 My name is Anthony Hood. Joining
10 me are Vice Chairman Jeffries. I'm also
11 joined by Commissioners Keating, May and
12 Turnbull. We are also joined by the Office of
13 Zoning staff, also the Office of the Attorney
14 General and the Office of Planning staff.

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

20 Please, be advised that these
21 proceedings are being recorded by a Court
22 Reporter and is also webcast live.

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1 Accordingly, we must ask you to
2 refrain from any disruptive noises or actions
3 in the hearing room. Please, turn off all
4 beepers and cell phones.

5 Does the staff have any
6 preliminary matters?

7 MS. SCHELLIN: No, sir.

8 CHAIRPERSON HOOD: Okay. What I
9 would like to do for the sake of efficiency is
10 to make Final Action -- move to Final Action
11 first and Proposed Action last and that's all
12 we have on our agenda.

13 So what I would call is Zoning
14 Commission Case No. 03-10A, Holland & Knight -
15 Technical Correction to Zoning Commission
16 Order No. 03-10. Ms. Schellin?

17 MS. SCHELLIN: This case is before
18 you for Final Action. We did not receive -- I
19 believe we did not receive anything additional
20 for this and ask that the Commission would
21 consider Final Action.

22 CHAIRPERSON HOOD: Okay.

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1 Colleagues, again, this is section 2104,
2 exceptions to the schedule of requirements for
3 non-residential structures near Metro Rail
4 Stations, subsection 2104.1 is hereby amended
5 to read the following and we have that in our
6 draft order, which is 2104.1, which goes on to
7 talk about the 75 percent of the amount
8 otherwise originally required under 2101.1.

9 And we have hashed this out during
10 our Proposed Action. Any discussion? With
11 that I will move approval of Zoning Commission
12 Order No. 03-10A for the technical corrections
13 to Zoning Commission Order No. 03-10 and ask
14 for a second.

15 COMMISSIONER TURNBULL: Second.

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

18 All those in favor?

19 ALL: Aye.

20 CHAIRPERSON HOOD: Any opposition?
21 So ordered. Staff would you record the vote?

22 MS. SCHELLIN: Yes. Staff records

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1 the vote 4-0-1 to approve Final Action of
2 Zoning Commission Case No. 03-10A.
3 Commissioner Hood moving, Commissioner
4 Turnbull seconding, Commissioners Jeffries and
5 May in favor. The third Mayoral Appointee
6 seat vacant at the time not voting.

7 CHAIRPERSON HOOD: Thank you, Ms.
8 Schellin. We will move now -- I'm sorry. We
9 will move now. Cut it off, most people want
10 me to cut it off. Anyway, Zoning Commission
11 Case No. 08-18, this is the Office of Planning
12 - Text Amendment Re: Use of Closed DC Public
13 Schools, the reuse of the Closed DC Public
14 Schools, use of former public school
15 buildings.

16 Again, from the NCPC proposed text
17 amendment to allow the reuse of closed public
18 school buildings for other uses in Washington,
19 D.C. It is not inconsistent with the
20 Comprehensive Plan for National Capital nor
21 would it adversely affect any other identified
22 federal interests.

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1 Okay. With that, any discussion?

2 Okay. I would move approval of Zoning
3 Commission Case No. 08-18 and ask for a
4 second.

5 COMMISSIONER MAY: Second.

6 CHAIRPERSON HOOD: Okay. Mr. May,
7 thank you. Mr. May seconded. Any further
8 discussion?

9 All those in favor?

10 ALL: Aye.

11 CHAIRPERSON HOOD: Any opposition?

12 Not hearing any, staff, would you record the
13 vote?

14 MS. SCHELLIN: Yes, staff records
15 the vote 4-0-1 to approve Final Action in
16 Zoning Commission Case No. 08-18.
17 Commissioner Hood moving, Commissioner May
18 seconding, Commissioners Jeffries and Turnbull
19 in support. Third Mayoral Appointee seat
20 vacant at the time, not participating -- I'm
21 sorry, not voting.

22 CHAIRPERSON HOOD: Okay. Thank

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1 you very much. Let's move right into Proposed
2 Action. Zoning Commission Case No. 08-14,
3 Kelsey Gardens Property Co. LLC - Consolidated
4 PUD and Related Map Amendment at Square 421.
5 Ms. Schellin?

6 MS. SCHELLIN: We had several
7 submissions that came in, of course, after the
8 record closed. They were Exhibits 60 through
9 66. And if the Commission so desires, we
10 would ask that the Commission would reopen the
11 record to accept those.

12 CHAIRPERSON HOOD: I would move,
13 colleagues, that we reopen the record to
14 accept Exhibits No. 60 through 66 and ask for
15 a second.

16 VICE CHAIR JEFFRIES: Second.

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

19 All those in favor?

20 ALL: Aye.

21 CHAIRPERSON HOOD: Hearing no
22 opposition, Ms. Schellin, would you record the

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1 vote?

2 MS. SCHELLIN: Staff records the
3 vote 4-0-1 to reopen the record to accept
4 Exhibits 60 through 66. Commissioner Hood
5 moving, Commissioner Jeffries seconding,
6 Commissioners May and Turnbull in support. At
7 the time of the hearing of this case, the
8 third Mayoral Appointee seat vacant, not
9 voting.

10 CHAIRPERSON HOOD: Thank you very
11 much, Ms. Schellin. What I would like to do,
12 colleagues, is reference Exhibit No. 56 and
13 this is an outline from the applicant, who has
14 basically addressed some of our concerns and
15 mentioned what exhibits they are in, which
16 page they are on. And I would like to
17 reference that with our discussions. And then
18 if anything is omitted and if you feel like we
19 should chime in at that time, feel free to do
20 that, at that time.

21 Also, some of the things that we
22 asked for, some of the additional submissions,

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1 response to some of our comments, revised
2 drawings from the applicant that show new
3 elevations and material board. And I think
4 the material boards are behind us. The
5 revised drawing depicts the site story design
6 preferred by the ANC with the service and
7 parking access of the public alley and
8 including the applicant advised they would
9 have the material boards at this meeting,
10 which we have behind us.

11 The applicant's traffic impact
12 study -- assessment and we have something from
13 Mr. O.R. George and Associates, Inc. Also,
14 Office of Planning's supplemental report that
15 indicated FEMS no longer objecting to the
16 project. The DDOT report which supports, but
17 still calls for more robust transportation
18 management and fewer parking spaces.

19 A letter from applicant addressing
20 several issues that the Commission raised,
21 which is Exhibit 56, and that's the one I want
22 to reference and use that in our discussions.

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1 And the applicant's Exhibit A drawings to
2 illustrate design and material revisions.
3 Applicant Exhibit B, supplemental traffic data
4 and analysis.

5 So with that, if we can all put
6 Exhibit 56 -- does anyone have any problems
7 with moving in that fashion? Let's put
8 Exhibit 56 and we can talk about it as I go
9 through what was submitted.

10 Okay. And I'll just take it right
11 here. Exterior design elements, apparently,
12 and I'm not sure who -- if you recognize
13 something you may have said, if you can just
14 speak up and let us know you are satisfied.
15 Cohesive brick color on P and Q Streets. The
16 applicant is saying a uniform brick material
17 has now been substituted on P and Q Street
18 elevations. Exhibit A, page 10.

19 COMMISSIONER MAY: I think that
20 was a relatively minor point, but I think it
21 was the right move to make.

22 CHAIRPERSON HOOD: Okay.

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1 COMMISSIONER MAY: So that's an
2 improvement.

3 CHAIRPERSON HOOD: Okay. Just
4 turning over to the next page. The Commission
5 had some questions on Q Street elevation. It
6 talks about a cantilever and that, I think,
7 disappeared, I'm not sure where it went.

8 COMMISSIONER TURNBULL: Yes, the
9 cantilever over the alley is gone.

10 CHAIRPERSON HOOD: Okay. The
11 other issue that they had down here is the
12 balconies have been deleted, shown on 7th
13 Street elevation. It's on page 10 of Exhibit
14 A. I'm not sure who that may have been, but
15 anyway, if you're satisfied, let's keep
16 moving.

17 And if I omit anything, please,
18 stop me, because I went through this. And I
19 think I know what this one is talking about.
20 I've been around a while and practiced the 14
21 foot townhome design.

22 COMMISSIONER MAY: You know, I'm

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1 just not a fan of a 14 foot wide townhouse.
2 And I -- you know --

3 CHAIRPERSON HOOD: I think you
4 have lived in one, right?

5 COMMISSIONER MAY: I've lived in
6 one, yes. You know, marketability
7 notwithstanding, I don't think it's a great
8 thing, but that, on its own, would not be
9 enough to make me want to vote against the
10 project. I just want to register my sense
11 that that's not a good direction for housing
12 units that we would want to develop, at this
13 point. But I'll leave it at that.

14 VICE CHAIR JEFFRIES: But you do
15 know, I mean, there is a number of 14 foot --

16 COMMISSIONER MAY: I do. I know.

17 VICE CHAIR JEFFRIES: -- you know,
18 throughout the metropolitan area.

19 COMMISSIONER MAY: Absolutely. I
20 understand that. And I also understand that,
21 you know, the Zoning Commission, at one point,
22 decided that 18 feet should be the minimum

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1 width of a townhouse. And that -- I mean, we
2 grant that exception for PUDs in exceptional
3 circumstances. And I don't know that this is
4 that exceptional of a circumstance.

5 VICE CHAIR JEFFRIES: Yeah. I
6 understand your concerns. I think given the
7 context and the density of this particular
8 area and so forth, I mean, I don't have a
9 problem with a 14 foot wide row house.

10 COMMISSIONER MAY: I don't on
11 occasion. I just think that it's, you know,
12 used to -- without sufficient care.

13 CHAIRPERSON HOOD: Okay. Now, I
14 know there was some discussion about the
15 length of the hallway, the interior. And I'm
16 just taking it straight from page 3 of 5 in
17 Exhibit 56. The variations in the materials
18 with some decorative elements will break up
19 the perception of the length of the hallway
20 for users.

21 That was -- I think they were
22 talking about some different flooring and some

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1 other things to kind of break up the length of
2 the hallway. I don't -- I've seen it done in
3 a few buildings, the length of the hallway
4 when you cross over, you have different
5 flooring and maybe some different colors on
6 the walls or whatever.

7 But I'm not sure exactly who
8 brought that up.

9 VICE CHAIR JEFFRIES: Well, I
10 think several Commissioners were concerned
11 about the length of the hallway and the width.

12 And it seems to me that the applicant has
13 made some response to this, page 12 of Exhibit
14 59A, seems to indicate some, I don't know,
15 set-backs. I don't know what exactly I would
16 call them, but some relief from the width.

17 So in certain places, the hallway,
18 you know, is, I think, 7 feet wide. Yeah. So
19 yeah, that's what I'm looking at, 7 feet. So
20 I'm, you know, generally, you know, happy with
21 this modification. I still don't believe that
22 the length of the corridor, in general, even

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1 with these changes, is an ideal situation, but
2 I would say that it is improved.

3 CHAIRPERSON HOOD: Mr. May and
4 then I want to hear from Mr. Turnbull. We may
5 have to put this in the parking lot or not.

6 COMMISSIONER MAY: I agree that
7 what is shown now is an improvement. It helps
8 to have those periodic points of relief and it
9 also helps, I think, that they are
10 substantive. It's not just, you know, a
11 doorway entrance or something like that.
12 It's, you know, a 20 foot or 30 foot stretch
13 or whatever.

14 It doesn't necessarily make that
15 much sense kind of architecturally. It
16 doesn't tie in with anything else that his
17 happening with the building, at that moment,
18 such as, you know, a consistent cross
19 corridors or elevator lobbies or other things
20 that make that event of the wider hallway make
21 more sense.

22 But this is an attempt to dress up

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1 what is inherently a plan problem, which is
2 that, you know, they have a 450 foot long
3 corridor or something like that. I mean it is
4 just huge. And the only way to really break
5 that up and have it, you know, make more sense
6 would be to do something much more significant
7 with the plan.

8 And you know, ideally actually
9 introduce an additional elevator core, but
10 that doesn't seem to be in the cards. So you
11 know, we're stuck with getting the best
12 looking 450 foot corridor that you can get,
13 which, you know, can only be so good looking.

14 I don't think it's a great feature of the
15 building, to say the least.

16 CHAIRPERSON HOOD: Mr. Turnbull?

17 COMMISSIONER TURNBULL: Thank you,
18 Mr. Chair. I guess I would agree with
19 Commissioner May on a lot of those points. I
20 mean, even in moderate range hotels, you
21 accent the corridor to make it attractive for
22 people coming to visit your hotel to stay

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1 there, rather than having we've gotten away
2 from the tunnels that were developed years
3 ago.

4 I mean, it's just a natural. So
5 the fact that it took us, you know, several
6 months to get the applicant to at least offer
7 relief just like what a hotel would do is
8 amazing. But it is something. I think the
9 corridor is extremely long. I think it's --
10 you know, I know that the site is awkward to
11 work with, but it is a very long corridor and
12 you have got to give relief to the residents
13 who come.

14 I mean, this is their home, you
15 know. This is their interior street. It's
16 got to be something they want to walk down and
17 enjoy and not look like a corridor to some God
18 knows what, you know, institution. But they
19 have done something. They have offered
20 something. And I think Commissioner May is
21 right.

22 I think in preference I would have

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1 liked to have seen another elevator bank, you
2 know, down at the other end. I mean, they
3 have got the one freight elevator at the one
4 far end where the loading dock is. So you've
5 got to bring it all the way down.

6 I mean, they are working with the
7 site. I don't know whether the site just
8 constrains them or they have constrained
9 themselves, but there is some awkwardness with
10 the plan that's there. I mean, they have
11 offered relief. They have come back. They
12 have addressed a lot of the concerns that we
13 did mention and we were concerned about, but
14 I'm not happy with it.

15 I think it could have been better,
16 but again, I don't know whether I'm ready to
17 reject it or not, but it's just awkward.

18 VICE CHAIR JEFFRIES: Yeah, I
19 think in general, I think this Commission has
20 had some difficulties with this application
21 from the very beginning. And I think that we
22 have articulated to the applicant, you know,

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1 some of our concerns. And from what I'm
2 seeing, they seem to have addressed those
3 concerns.

4 I didn't get a sense from at least
5 the rest of us here, maybe one of the
6 Commissioners, that we were looking for
7 outright surgery, major surgery of this
8 design. I think we all spoke about the
9 difficulty of this elongated site plan and
10 some of the inherent problems. And I think we
11 all here would have perhaps done a different
12 kind of design.

13 My suspicion from this applicant
14 is given, you know, the housing that it is
15 looking to provide, affordable housing, a
16 retail, all the other benefits, I think they
17 tried to put as much on a very difficult site
18 as possible hoping that some of these things
19 will, these benefits, enure to the community.

20 But again, I just want to
21 hopefully caution the Commission that I don't
22 think that we were talking about just outright

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1 major surgery here. I think we were really
2 starting to focus on certain aspects of this
3 plan and hoping that the applicant will come
4 back and make some changes.

5 You know, that was my
6 recollection.

7 CHAIRPERSON HOOD: Okay. I will
8 tell you what I have done with that particular
9 issue. I have put a questionmark, because
10 when we get to the end of how we're going to
11 proceed, I want to make sure that -- while I
12 always like to have unanimous votes, I want to
13 make sure that we can at least get a vote. So
14 that's where I am. I have put that in.

15 And I have heard you, Mr.
16 Turnbull, and I have heard you, Mr. --
17 Commissioner May and Vice Chairman Jeffries,
18 but I do have some concerns. But as my Vice
19 Chair just mentioned, it is -- I don't think
20 we requested major surgery or major
21 alterations either. But if this gives us a
22 pause at the end of this, I would like for us

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1 to maybe possibly ask if everyone -- if I
2 can't get a vote, I'm going to tell you what
3 I'm going to do.

4 I'm going to ask the applicant to
5 relook at that. Okay. All right. Let's
6 move. Now, I always like to go by what
7 Commissioners talk about and often times I
8 don't always remember, because this is not the
9 only case we have. But I'm not sure, I don't
10 remember the retail loading bays, I don't
11 remember, was that an issue with us?

12 COMMISSIONER TURNBULL: Um-hum.

13 CHAIRPERSON HOOD: I thought it
14 was. Okay.

15 COMMISSIONER TURNBULL: The one
16 thing about the retail loading bays, there is
17 only one -- basically, you only have 7,500
18 square feet at the south end and you have
19 about 7,000 square feet at the north end. The
20 7,500 square feet is served by a retail
21 loading berth. The retail stores are 3, 4 and
22 5 and if you look at the operational elements

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1 on what you are reading, they say they are
2 going to work with DDOT to have off-street
3 loading on either Q Street or 7th Street.

4 Now, I don't know why you couldn't
5 carve out a corridor at the back of Retail 2,
6 a 5 foot corridor, and connect it to the main
7 corridor, so that you can go from that loading
8 dock all the way back.

9 VICE CHAIR JEFFRIES: You brought
10 this up before, didn't you?

11 COMMISSIONER TURNBULL: Yeah, I
12 think so. I mean, why can't they put a --
13 connect the corridor at the back of Retail 2
14 and have all the loading then be able to be
15 served by the loading dock?

16 VICE CHAIR JEFFRIES: I recall
17 Commissioner Turnbull talking about this very
18 thing. Did the applicant --

19 CHAIRPERSON HOOD: Well, it looks
20 like -- now, what did you say again? Because
21 I'm looking at it.

22 COMMISSIONER TURNBULL: Well, I'm

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1 looking at the 03.

2 CHAIRPERSON HOOD: 03, that's
3 where I am.

4 COMMISSIONER TURNBULL: Yeah, 03.

5 And if I look at 03 and I see Retail 2, they
6 have got a door that goes out to the loading
7 bay. And I think if that was a corridor all
8 the way along the back and then turned up and
9 connected to the yellow, the other corridor in
10 front of the business center, you could then
11 service all of the other retail from that
12 loading dock and you could even take the trash
13 maybe out to the service area somehow.

14 CHAIRPERSON HOOD: Well, now, let
15 me ask you. Will that interfere with, what is
16 that, the ramp? The ramp to the basement,
17 garage, does that interfere?

18 COMMISSIONER TURNBULL: No. No,
19 no, no. This would -- you would be cutting
20 out about -- you know, how long is that retail
21 space? That's 87.

22 CHAIRPERSON HOOD: So we're

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1 cutting off --

2 COMMISSIONER TURNBULL: I'm not
3 sure. You're probably going to knock off
4 several -- a couple hundred square feet to
5 carve a corridor, but it solves a problem. It
6 solves a problem for them on getting -- having
7 to worry about off-street parking and it makes
8 it all interior for trash and loading. I
9 can't imagine why they wouldn't want to
10 sacrifice some -- a minor amount of square
11 feet to that Retail 2 and have a serviceable
12 building.

13 VICE CHAIR JEFFRIES: So I'm
14 looking -- okay, I didn't get a chance to --
15 I'm looking at Exhibit 65, the interior --

16 COMMISSIONER TURNBULL: Oh, the
17 one -- yeah, the most recent.

18 VICE CHAIR JEFFRIES: Yeah, yeah.
19 Are they proposing -- wait a minute, let me
20 read this. It says here --

21 COMMISSIONER TURNBULL: Yeah,
22 they've got the double doors at the back of

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1 the retail.

2 VICE CHAIR JEFFRIES: Right,
3 right.

4 COMMISSIONER TURNBULL: And I
5 guess they want to take trash or do some
6 loading from the alley, which I'm sure the
7 neighbors across the street on the other side
8 would like, out that courtyard between Unit G4
9 and G2.

10 VICE CHAIR JEFFRIES: Yeah.

11 COMMISSIONER TURNBULL: That's the
12 only place I think you can get to the alley.
13 You've got a pair of double doors going from
14 the Retail 5, 4 and 3 going through a single
15 door into the courtyard and then out of the
16 courtyard into the alley.

17 You know, now you've got a --

18 VICE CHAIR JEFFRIES: I just don't
19 think that is -- that's a very minor --

20 COMMISSIONER TURNBULL: Well, I
21 think it's awkward. I mean, now you've got
22 another trash, garbage truck coming down at

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1 the end being by the residential area when you
2 could contain it all by keeping it in that
3 service area by putting this extra corridor
4 down behind Retail 2. I just think it solves
5 so many operational issues for them, for the
6 neighbors, for the off-street loading.

7 VICE CHAIR JEFFRIES: So what do
8 you think in terms of retail? What type of
9 retail are we talking about here? I mean, is
10 it going to be --

11 COMMISSIONER TURNBULL: I don't
12 know. I mean, weren't they talking -- well,
13 Retail 2 is the biggest, I guess.

14 VICE CHAIR JEFFRIES: I mean, if
15 these are like coffee shops or --

16 COMMISSIONER TURNBULL: Unless
17 it's a --

18 VICE CHAIR JEFFRIES: -- I mean,
19 you know, in terms of the type of retail, I
20 mean.

21 COMMISSIONER TURNBULL: Unless
22 Retail 2 is a small market. I don't know.

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1 VICE CHAIR JEFFRIES: Excuse me,
2 Chair, can I ask the Office of Planning?

3 COMMISSIONER TURNBULL: Ask the
4 Office of Planning.

5 CHAIRPERSON HOOD: You know,
6 before we go to the Office of Planning, I just
7 think Mr. Turnbull is raising a good issue
8 here. I'm just trying to figure out even if
9 it's fairly even, you know, I know that this
10 is going to be a cosmetic change to the
11 design.

12 COMMISSIONER TURNBULL: Well,
13 yeah, I mean --

14 CHAIRPERSON HOOD: The way I see
15 it, I'm just trying to make sure I understand.

16 COMMISSIONER MAY: I'm not sure
17 that this is really going to solve the problem
18 by trying to suggest this corridor at the
19 back, because they still have other -- I mean,
20 they are not envisioning that corridor that
21 runs along -- through the building from the
22 midpoint to the north end. They don't picture

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1 that as being any kind of a service corridor.

2 COMMISSIONER TURNBULL: Well, if
3 you read that last -- that letter.

4 VICE CHAIR JEFFRIES: Yes, that's
5 what they are saying.

6 COMMISSIONER MAY: But it is still
7 -- okay, but that's on the assumption that
8 stuff is going to be going north from there
9 from the retail spaces.

10 CHAIRPERSON HOOD: Well, let me do
11 this before we --

12 COMMISSIONER MAY: Because they
13 got --

14 CHAIRPERSON HOOD: -- throw that
15 in there, let me try to make sure I at least
16 get three. Okay. That's what -- no offense,
17 but let me solve what Mr. Turnbull is coming
18 on to, so we can make sure.

19 COMMISSIONER TURNBULL: Well,
20 yeah, here is my concern is that that corridor
21 went down with the access from the retail is
22 becoming semi-retail corridor. So you've got

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1 four units back there which are residential,
2 which are going to either have commercial
3 trash going out back through that corridor, I
4 think, if I understand what they are
5 proposing, and they also may be loading from
6 the alley or on 7th Street or off-loading.

7 It's hard to say which way they
8 are going to go. And I think they don't know
9 which way they are going to go. But --

10 CHAIRPERSON HOOD: Hold on. And,
11 Peter, you were adding -- what were you
12 saying?

13 COMMISSIONER MAY: What I was
14 trying to say was that because of the services
15 that -- the services for the residents of the
16 building above this that are going to be off
17 of that corridor, that main corridor there,
18 you've got the resident lounge, the business
19 center and the fitness center all being served
20 off that corridor.

21 So even if you were to somehow
22 connect the corridor to the retail area, you

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1 are going to wind up with trash traveling down
2 the hall between the front lobby and the
3 resident lounge.

4 COMMISSIONER TURNBULL: You're
5 right.

6 COMMISSIONER MAY: I mean, I --
7 you have to be involved in the operation of
8 this building and there are -- there is retail
9 space here in that corner of the building, the
10 southwest corner of the building that does not
11 have access to the loading dock.

12 COMMISSIONER TURNBULL: Yeah.

13 COMMISSIONER MAY: And it makes it
14 very difficult to operate and it's a real
15 problem and it's a problem in getting this
16 space leased.

17 VICE CHAIR JEFFRIES: Does it, I
18 mean, in terms of the type of retail? I mean,
19 are you -- I mean, you're not saying one size
20 fits all here, right?

21 COMMISSIONER MAY: No, it's true.
22 There are probably certain types of retail,

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1 but any retail that involves a significant
2 amount of goods and a significant amount of
3 trash is --

4 VICE CHAIR JEFFRIES: Perhaps we
5 could look at some -- I mean, I don't want to
6 get into sort of restricting the type of
7 retail here, but I do want to know, Mr. Chair,
8 from Office of Planning what was intended in
9 terms of -- because these are small retail
10 stores here. I mean, they are very small. I
11 mean, I just can't imagine it's going to be
12 excessive.

13 COMMISSIONER MAY: Where are you
14 even going to put the trash? Every retailer
15 has got trash.

16 CHAIRPERSON HOOD: Well, let's go
17 to OP, like the Vice Chair said.

18 MR. JESICK: Thank you, Mr. Chair,
19 Member of the Commission.

20 CHAIRPERSON HOOD: Mr. Jesick,
21 thank you.

22 MR. JESICK: My name is Matt

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1 Jesick. It was our understanding that the
2 southern two retail bays would be more focused
3 on like restaurants or some type of food
4 service, while the three smaller northern
5 retail bays might be, I don't know, like a
6 valet or a card shop or more like dry goods or
7 something along those lines.

8 We actually had a meeting with
9 DDOT almost a year ago, the applicant, OP and
10 DDOT. And the Department of Transportation
11 seemed fine with street loading for retail
12 bays of this size. They suggested perhaps
13 putting loading signs on 7th Street, you know,
14 say between the hours of 6:00 and 9:00 in the
15 morning or, you know, there would be some
16 limited time where loading could occur. And
17 at other times of the day, it would be used
18 for parallel parking.

19 We indicated to the applicant that
20 we weren't too keen on having trash being
21 moved through a hall that is also used for
22 residential units, you know, not to mention

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1 family sized three or four bedroom affordable
2 units.

3 So we strongly objected to that
4 rear corridor being used for loading or trash
5 removal. And we concur with DDOT that we feel
6 that street loading would be adequate for
7 those retail spaces.

8 VICE CHAIR JEFFRIES: For the type
9 of retail that are being contemplated?

10 MR. JESICK: Correct.

11 CHAIRPERSON HOOD: Mr. Turnbull,
12 did you have a chance to look at, and I just
13 read it, 65? Well, Exhibit 65, you did have a
14 chance to read it?

15 COMMISSIONER TURNBULL: So Office
16 of Planning, are you recommending then that
17 the doors of the corridor be removed?

18 MR. JESICK: Yes, that's what we
19 would --

20 COMMISSIONER TURNBULL: So there
21 would be no --

22 MR. JESICK: -- recommend.

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1 COMMISSIONER TURNBULL: -- retail
2 access onto the residential corridor?

3 MR. JESICK: That's correct.

4 COMMISSIONER TURNBULL: Okay. All
5 right. Thank you.

6 COMMISSIONER MAY: Where is the
7 trash going to go in Retail 3, 4 and 5?

8 MR. JESICK: We just envision them
9 taking the trash on the sidewalk to the rear
10 dumpster. We weren't crazy about having
11 retail trash going in a dumpster that close to
12 the residential units, but, you know, given
13 that these retail bays would most likely not
14 be, you know, food service or generating that
15 type of waste and given the management
16 measures that the applicant has committed to
17 in his latest exhibit, you know, I think we
18 are okay with having that trash there.

19 VICE CHAIR JEFFRIES: I mean, what
20 do you think about the Commission putting some
21 level of restriction on the type of retail,
22 you know, in these three locations or do you

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1 not want to get into that ballpark?

2 I mean, because clearly, I mean,
3 certain types of retail is going to -- I mean,
4 you know, having, you know, food being taken
5 back and forth, I mean, but a card shop or
6 something else, I mean, that's not going to be
7 so intensive. So I'm just wondering is there
8 any thought to just making certain that the
9 applicant does not, you know, have a certain
10 type of retail that might, you know, cause
11 some operational problems?

12 MR. LAWSON: Sure, thanks, Mr.
13 Chair. Joel Lawson with the Office of
14 Planning. I think that we would be happy to
15 discuss that with the applicant, if you would
16 like --

17 VICE CHAIR JEFFRIES: Okay.

18 MR. LAWSON: -- us to. It's not
19 something that we have considered, at this
20 point, up until this point.

21 VICE CHAIR JEFFRIES: Um-hum.

22 MR. LAWSON: I would be a little

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1 bit nervous about how those restrictions could
2 be drafted to allow it to be, you know,
3 expansive enough that these spaces could be
4 rented. The last thing, I think, that anybody
5 would want is for the space to be built and
6 then have it unleaseable because of
7 restrictions.

8 VICE CHAIR JEFFRIES: I mean, I
9 might get to the point of just prepared food
10 or something, just that would be the only
11 restriction or something. I mean, something
12 that -- you know, I don't know. I mean, we --
13 well, yeah, yeah, yeah, right, Starbucks,
14 yeah. Yeah, God, I mean, we all know -- I
15 mean, I love retail. I mean, you know, I
16 don't want to put any restrictions, but, I
17 mean, if we are really thinking -- if they are
18 pretty comfortable that, you know, just doing
19 some loading from the street is sufficient --

20 MR. LAWSON: It is an unusual
21 circumstance.

22 VICE CHAIR JEFFRIES: Yeah.

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1 MR. LAWSON: Because we do feel
2 strongly that it is not appropriate, because
3 of the residential units behind that that
4 corridor be used for either loading or for
5 trash. And I think that the trash is probably
6 the bigger of the two issues, because it would
7 need to be wheeled around the building to the
8 alley.

9 And so we would be happy to
10 discuss that with the applicant, but I think
11 we would have to be very careful about the
12 extent of those restrictions.

13 VICE CHAIR JEFFRIES: Okay. Well,
14 if we are able to get, you know, Mr. Chair,
15 through proposed -- this is proposed, right?
16 Maybe that's something that we can take up, if
17 we are able to take a vote tonight, we can
18 take that part up, you know, if we take a vote
19 for proposed.

20 MR. LAWSON: I could also discuss
21 with -- this with the applicant prior to, you
22 know, final action.

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1 VICE CHAIR JEFFRIES: Final, yes,
2 that's what I'm saying, yeah.

3 CHAIRPERSON HOOD: Yeah, let's
4 just see how it goes.

5 VICE CHAIR JEFFRIES: Yes, let's
6 just see.

7 CHAIRPERSON HOOD: I'm not really
8 sure if I -- and that's why I -- I'm not sure
9 if I necessarily agree with the last
10 conversation that went back and forth about --

11 VICE CHAIR JEFFRIES: Um-hum.

12 CHAIRPERSON HOOD: -- restricting
13 certain types of retail. But, you know, if
14 that discussion takes place, then maybe it's
15 doable. But I'm sure -- let's just see where
16 we go here first.

17 VICE CHAIR JEFFRIES: Um-hum, um-
18 um.

19 CHAIRPERSON HOOD: I'm just trying
20 to get through some of this. But I do have
21 that also in the parking lot, colleagues, the
22 last two items. We will discuss at the end

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1 and see how we want to move forward, if we
2 want to vote on it or if we want to see
3 something change before we do it or do we want
4 to accept it at final.

5 So anyway, next on page 45 is the
6 parking required by the market and
7 neighborhood parking garage design. You know,
8 I think one of the discussions was the site
9 was over-parked. And I will turn to my
10 colleague, if he doesn't mind, to start off
11 the discussion, Vice Chair Jeffries.

12 VICE CHAIR JEFFRIES: Oh, yeah.
13 Yeah, I think that was my concern. And it was
14 probably more of a global concern. I mean, I
15 didn't want to, you know, necessarily just
16 target this particular application, but, you
17 know, in the last few years, I mean, we have
18 seen a number of instances where we have
19 applications that, you know, are proposing
20 projects that are in very close proximity to
21 Metros.

22 And in this case, we have two.

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1 And I'm very sensitive to some of the concerns
2 that were put forward by Commissioner Padro
3 on, I think it was, Exhibit 66, yeah. I only
4 have one concern and that is -- and not just
5 from the Commissioner, but also from a few
6 other letters.

7 The baseline assumption is always
8 that, you know, if you have a unit, you should
9 have a parking space or you should have a
10 vehicle. I mean, they always seem to start
11 off from that basis. You know, if you are
12 looking to rent something in a particular
13 neighborhood, you have to assume that that
14 unit should always have a parking -- should
15 always have a vehicle and there should be some
16 place for them to park the vehicle.

17 My argument has always been, you
18 know, we need to start making some of these
19 particular areas attractive to people without
20 vehicles. They want to live here and they
21 don't have a car. Clearly, I understand a lot
22 of neighborhoods, Ward 5, Ward 4, you know,

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1 there is a need to have vehicles and so forth.

2 But in some of the close end
3 neighborhoods, you know, I just think that we
4 really need to, you know, put the brakes, no
5 pun intended, around just having, you know,
6 more parking spaces, because I believe it
7 invites more vehicles.

8 I think one of the issues here is
9 that while one level is simply not enough, a
10 second level might sort of push it over. So I
11 think I'm going to just take a pass on this.
12 I do hear some of the comments that
13 Commissioner Padro is making, but I think I'm
14 more speaking globally about this whole need
15 for this Commission and for others as we go
16 forward to really start to get our arms around
17 this whole parking business, particularly
18 over-parking these developments that are in
19 close proximity to Metros.

20 We have to start pushing this,
21 because I think we all saw the traffic this
22 past weekend and I know it was a special

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1 weekend, but it made me think that, you know,
2 we're going to have to start to do something
3 about it.

4 And so I think I'm going to pull
5 back on this. I mean, unless my colleagues
6 have any issues. I think given -- again, this
7 awkward configuration of the site, you know, I
8 don't think there is much you can do. I think
9 the parking is what it is.

10 CHAIRPERSON HOOD: I would just
11 say that I think we need to do some more. And
12 while I hear you, Vice Chair, but I think we
13 really need to make sure that it's the right
14 situation. And while I agree with -- I
15 thought maybe this was the scenario where this
16 could happen, but after I read Exhibit 58 and
17 I started looking at the church parking and
18 also from what we heard from the community, I
19 just don't believe that this site is over-
20 parked once I looked at O.R. George and
21 Associates.

22 And I also look at where one of my

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1 friends lives off of Morgan Boulevard.

2 VICE CHAIR JEFFRIES: Um-hum.
3 Morgan?

4 CHAIRPERSON HOOD: Yeah, Morgan
5 Boulevard right off of Central Avenue. Metro
6 is right there and haven't nobody moved in
7 there yet that doesn't own a car. And I will
8 tell you, and I'm not saying -- and I
9 understand this is a different scenario, but
10 I'm just looking at Metro Stations.

11 Until mindset and things change,
12 what gives me pause is they may build it and
13 we cut back on parking and then nobody -- you
14 know, I don't know. How many -- I'm may get
15 in trouble saying this with you and the former
16 chair, but how many exactly people are -- and
17 I know there are a few and the number is
18 growing who depend upon Metro and the bus all
19 the time?

20 Now, I know there are a few. I'm
21 not saying --

22 VICE CHAIR JEFFRIES: There is

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1 probably more than a few.

2 CHAIRPERSON HOOD: Okay, okay.

3 VICE CHAIR JEFFRIES: I mean, I
4 just, you know --

5 CHAIRPERSON HOOD: More than I
6 know of, but I can just tell you that when I
7 look at that site and I think about this site,
8 even though I know it's outside the city, what
9 they are trying to achieve there has not
10 happened. Even to the point they are looking
11 at other ways to make that happen.

12 And the reason I know, because I
13 have asked a question.

14 VICE CHAIR JEFFRIES: Well, I
15 don't know if I would actually pinpoint that
16 on those units not having parking spaces. I
17 mean, we do have a general, you know,
18 recession going on and so forth. But I
19 understand, you know, your concern and I do
20 think it would -- it's a bold thing.

21 I mean, but, you know, at some
22 point, we have to really start to discipline

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1 the market. And we really need to start
2 really trying to promote less vehicle use in
3 some of our close end locations. And that's
4 the only thing I'm saying.

5 CHAIRPERSON HOOD: Right.

6 VICE CHAIR JEFFRIES: I'm not
7 trying to --

8 CHAIRPERSON HOOD: I'm not
9 disagreeing with you.

10 VICE CHAIR JEFFRIES: Yeah.

11 CHAIRPERSON HOOD: But I'm just
12 saying we have to make sure --

13 VICE CHAIR JEFFRIES: Um-hum.

14 CHAIRPERSON HOOD: -- when we do
15 that it is the right site.

16 VICE CHAIR JEFFRIES: Yeah.

17 CHAIRPERSON HOOD: I just don't
18 think we need to go in there heavy handed.
19 And I'm not saying you're doing this, but I
20 just don't think we need to -- and I haven't
21 changed, you haven't changed your position.
22 But I just don't think we -- that we just need

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1 to go in there and say look, no parking.

2 VICE CHAIR JEFFRIES: Oh, no. I'm
3 certainly not saying no parking. But what I'm
4 saying is there are places in the District and
5 I know of one place in particular on U Street
6 where a lot of people who live in this
7 building, which is like half a block away,
8 they get on the Metro day in and day out,
9 every day of the week and they leave their
10 cars parked all week, you know.

11 And then weekends they are driving
12 their cars out. What I'm saying is, you know,
13 to the extent that we can promote more
14 SmartGrowth, more Zipcars and so forth, you
15 know, we need to start to get to that place.
16 I'm certainly not saying that we need to get
17 rid of all parking. I'm certainly not saying
18 that.

19 But I'm saying in places where we
20 are close to the Metro, we really need to
21 promote that, because I really do believe when
22 you create parking spaces, you invite more

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1 vehicles and people use them, you know.

2 CHAIRPERSON HOOD: On that note
3 about the Zipcar, I will just say that I think
4 DDOT had encouraged the applicant and they
5 submitted an email "Thank you again for your
6 interest in having a Zipcar live at the
7 property and for submitting the tenant amenity
8 questionnaire. We reviewed the demand in your
9 area and currently there isn't enough to
10 justify placing another Zipcar there. We will
11 keep your questionnaire on file and consider
12 your location as demand in your neighborhood
13 grows."

14 So the applicant has made an
15 effort to at least try, okay, for that.

16 VICE CHAIR JEFFRIES: Well, I
17 mean, yeah, we can move on. I mean, like I
18 said, I'm not going to say -- I'm going to --
19 I'm not going to vote against this project
20 because of the parking situation.

21 CHAIRPERSON HOOD: Is that -- the
22 parking -- over-parked a stickler for anyone

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1 else? Okay. Let me see, DDOT. I did have
2 some questions about the DDOT report. But
3 then later -- I can ask office of planning
4 later. Okay.

5 The unit mix. Did anybody have
6 any issues on the unit mix? I don't remember,
7 recall that. Okay. Let's move on. And then
8 we have conclusion. Okay. Commissioners, did
9 we leave anything out? So the only two issues
10 that I have that are really outstanding for us
11 are the interior design and the retail loading
12 bays. Anything else?

13 COMMISSIONER TURNBULL: Mr. Chair?

14 CHAIRPERSON HOOD: That's why I'm
15 asking.

16 COMMISSIONER TURNBULL: Mr. Chair,
17 did we get any drawing at one time that shows
18 where the locations of the AMI units are?

19 CHAIRPERSON HOOD: I think that
20 was what they meant by the unit mix. Was that
21 what they meant by the unit mix?

22 COMMISSIONER TURNBULL: No, that's

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1 the number of bedrooms.

2 CHAIRPERSON HOOD: Oh, okay. Did
3 we ask for that?

4 COMMISSIONER TURNBULL: I don't
5 remember if we did or not.

6 VICE CHAIR JEFFRIES: We asked
7 Office of Planning.

8 CHAIRPERSON HOOD: Did we ask for
9 that?

10 VICE CHAIR JEFFRIES: Office of
11 Planning?

12 CHAIRPERSON HOOD: I just walked
13 around thinking about Kelsey Gardens for two
14 months. I know exactly what we asked for.
15 Mr. Lawson, can you help us with that
16 question?

17 MR. LAWSON: Yes, I can't remember
18 the exact distribution that the applicant
19 quoted in earlier submission, but I know the
20 affordable units will be on all floors of the
21 building.

22 COMMISSIONER TURNBULL: All

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1 floors?

2 MR. LAWSON: That's correct.

3 MS. SCHELLIN: Page 2.

4 COMMISSIONER TURNBULL: Page 2?

5 VICE CHAIR JEFFRIES: Oh, geez, I
6 can't read this. Whew.

7 CHAIRPERSON HOOD: I don't wear
8 glasses. I guess I'm going to have to get
9 some.

10 VICE CHAIR JEFFRIES: I just have
11 them, I can't read it. Oh, okay, there it is.
12 Affordable dwelling units, so there's four on
13 the first floor, nine on the second, eight on
14 the third, eight on the fourth, seven on
15 fifth, six on -- seven on sixth floor, six on
16 the seventh floor and five on the eighth
17 floor.

18 COMMISSIONER TURNBULL: But you
19 know, wait a minute, they are saying that G1
20 through G4 on the first floor are all
21 affordable units? Those are the ones we have
22 just been talking about that are going to be

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1 con -- fighting retail trash. That's
2 ridiculous. Why should these units have to be
3 subjected to that? That's absurd. You've got
4 to look at that. I mean, that to me is
5 unfair, totally unfair.

6 CHAIRPERSON HOOD: Let me -- I was
7 trying to still -- did we say G1?

8 COMMISSIONER TURNBULL: G1 through
9 G4 on the first floor in the area that is
10 going to be impacted by trash and everything
11 else, if that's what is going to happen, is
12 going to be affordable units. I can't buy
13 that. I mean, I can't -- you know, that to me
14 is not right.

15 CHAIRPERSON HOOD: Okay.

16 COMMISSIONER TURNBULL: And that's
17 the corridor that doesn't have on any of the
18 set-backs that the other corridors have. I'm
19 sorry, there is a double standard here. And I
20 don't like it.

21 CHAIRPERSON HOOD: All right.
22 I'll put that in the parking lot, too. Okay.

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1 Is there anything else that I may have
2 missed?

3 VICE CHAIR JEFFRIES: Well, I do
4 want to say -- have one comment for
5 Commissioner Turnbull. The placement of these
6 units are such that I'm not certain that they
7 are going to be able to get -- if they were
8 market rate units, my suspicion is that they
9 are not going to be able to hit those price
10 points.

11 COMMISSIONER TURNBULL: Well, then
12 they need to upgrade the design of it more to
13 make them in the same type of tradition that
14 they are doing in the other units that are
15 affordable. They ought to approach it with
16 the same design philosophy as that. And not
17 shortchange anything.

18 I think there ought to be a little
19 bit more wholesome outlook on how you design
20 these units and how you design the corridors
21 and take a little bit more care. If that's
22 the case, I understand, but then there ought

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1 to be a little bit more care on that.

2 VICE CHAIR JEFFRIES: This really
3 is a tough little part of placement.

4 COMMISSIONER TURNBULL: It is.

5 CHAIRPERSON HOOD: This whole
6 building.

7 COMMISSIONER TURNBULL: This gets
8 back to the whole -- this gets back to what
9 Commissioner May said, you know, this is a
10 tough site. And these are tough problems, but
11 the architect has got to work it through with
12 the applicant and come up with a solution that
13 works for people.

14 COMMISSIONER MAY: We don't really
15 even have the plans for those. We have the
16 unit plans for just about all the other units,
17 but I don't see a unit plan that shows where
18 the bedrooms lay out in those units either.
19 It just would give us a better sense of how
20 comfortable those units actually are.

21 CHAIRPERSON HOOD: Okay. So
22 that's three. Now, let me just look at this

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1 DDOT letter, because I remember reading how
2 DDOT is still convinced that a more aggressive
3 TMP would benefit the District. They talked
4 additionally, DDOT, and I saw this maybe in
5 the report. I don't know if the report
6 committed to everything, but I know there was
7 still a sticking point, I thought.

8 Okay. They are still discussing,
9 for example, I believe the Smart Bike Station.

10 And I thought it was an issue still
11 outstanding with the SmarTrip cards. But you
12 know what, what I'm going to recommend, unless
13 there is any other issues --

14 VICE CHAIR JEFFRIES: You're
15 sensing, you know --

16 CHAIRPERSON HOOD: Okay. Are
17 there any other outstanding issues, other than
18 three or four that we --

19 COMMISSIONER MAY: Yeah, I mean,
20 it's hard for me to just sort of roll it up or
21 to break it down into the specific issues and
22 say yes or no do I have a problem with those.

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1 I mean, I have more of a collective opinion
2 about the whole thing as a result of, you
3 know, what's improved and what hasn't and so
4 on.

5 CHAIRPERSON HOOD: Okay. Let's
6 put Commissioner May on the clock and I will
7 give you eight minutes to --

8 COMMISSIONER MAY: No, I'm not
9 going to take eight minutes.

10 VICE CHAIR JEFFRIES: Wait a
11 minute.

12 CHAIRPERSON HOOD: You say that
13 all the time.

14 COMMISSIONER MAY: You're not
15 going to permit --

16 CHAIRPERSON HOOD: I was just
17 joking. But go ahead and --

18 COMMISSIONER MAY: No, I think
19 that since we saw it last, the project has
20 significantly improved in certain areas. I
21 mean, eliminating the cantilever and the
22 balcony, I think were improvements. The brick

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1 color changes were -- is an improvement.
2 There have been some other improvements in the
3 facades, the dressing up the hallways is an
4 improvement.

5 Getting the materials boards helps
6 a lot, mostly for seeing the materials. I
7 don't consider these to be adequate in terms
8 of enlarged details, because I think I
9 remember talking about this and saying that
10 enlarged details does not mean taking the
11 existing details and putting them on the
12 copier and blowing them up.

13 It means drawing things in a
14 greater level of detail. We don't have that,
15 but what we have here gives me some level of
16 comfort, as I said, particularly with the
17 materials that are presented, the brick and
18 the stone, that helped me a lot in knowing
19 that the quality of the construction is going
20 to be better.

21 There are still glaring problems
22 in my mind. The retail and loading situation,

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1 I think, is still a problem. The long
2 corridor is still a major problem. And the
3 facades overall, I still think, are not up to
4 the quality that I would normally expect for a
5 PUD.

6 I don't consider the parking to be
7 much of an issue any more nor am I that
8 concerned about the issues that DDOT raised.
9 I think in terms of the overall project,
10 that's an area where, you know, I'm really
11 sympathetic to the sensitivities of the
12 neighborhood and what they see as a parking
13 issue for the neighborhood.

14 And I also would acknowledge that
15 there are tremendous benefits of the project
16 in and of itself. But there are too many
17 glaring problems, I think, for me to be able
18 to vote for it, tonight at least. If they
19 were able to, at least, address the plan of
20 the first floor, to take in -- to deal with
21 the retail corridor or the retail loading and
22 that -- the issues with those units at the

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1 north end that Mr. Turnbull pointed out, you
2 know, I would be much more sympathetic to
3 this.

4 But I mean, really honestly, the
5 building needs to have two cores. It needs to
6 have two elevator cores and it needs to have
7 the loading dock in the middle of the first
8 floor, that's what it really needs. I'm not
9 saying it has to have that for me to vote in
10 favor of it, but at the very least, there
11 needs to be more work on that ground floor
12 level to make it more workable, because
13 otherwise I think that you are going to wind
14 up with empty retail and really unpleasant
15 units at the northeast side.

16 CHAIRPERSON HOOD: Let me just
17 say, Commissioner May, those were the same
18 issues that I was -- since you have already
19 done that, I appreciate it.

20 COMMISSIONER MAY: Okay.

21 CHAIRPERSON HOOD: Because I think
22 I heard this loud and clear. I don't think

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1 any one of us, especially with the last issue
2 that Mr. Turnbull just brought up, are
3 prepared to vote on this tonight, even to deal
4 with other issues that come up on Final
5 Action. And I know I haven't asked you guys
6 yet, but I'm just going out there from what I
7 have heard.

8 What I would like to see us to and
9 we can discuss this on the issues. The only
10 issue I think you brought up, Commissioner
11 May, that we didn't talk about was the facade.

12 I don't recall us talking about that. But
13 the other issues, I think, we have hashed all
14 those issues out. And we have narrowed this
15 down to maybe about four or five issues.

16 And what I would like for us to do
17 is to, the applicant has been sitting here the
18 whole time, they have heard it, go back and
19 revisit those, just those four or five things.

20 And we will work with Ms. Schellin to see
21 exactly what they are, unless somebody has
22 something else they want to add and then we

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1 will take this up at a later date.

2 VICE CHAIR JEFFRIES: First of
3 all, I could vote on this tonight, you know,
4 so I don't know about Commissioner Turnbull,
5 but what I was going to suggest, you know, for
6 the ground floor and particular it seems that
7 on the north end of this building, you know,
8 that's where our problem is. I mean, we might
9 get a blow-up of this area and just get a
10 clearer sense of just operationally how it
11 works.

12 And the other issue, since the
13 parking garage issue isn't really a problem,
14 it just seems to me that it is possible that
15 there might be a couple of ways to sort of get
16 this thing moved along here with some
17 additional things that could come up in final
18 action, because we are talking about the
19 loading situation. We're talking about these
20 units.

21 We can get the ground floor, this
22 portion of the ground floor blown up, so we

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1 could see the design of these units. We can
2 understand, we can get more detail in terms of
3 operationally how the retail will work in
4 conjunction with the residential units. We
5 can also get some information on the loading,
6 you know.

7 So I just wanted to put that on
8 the table that that's another way to skin a
9 cat here. The possibility of perhaps taking a
10 vote tonight, who knows where it goes if we
11 don't think we can move this. But if we do
12 think we can move it, you know, we can just
13 get these things squared away before Final
14 Action.

15 So I just wanted to put that on
16 the table.

17 COMMISSIONER TURNBULL: Mr. Chair,
18 I guess, you know, I threw out that idea about
19 putting a corridor behind that Retail 2, but
20 that simply worsens the problem of having
21 trash and retail of loading in that corridor.

22 So let's -- I guess that idea is gone. To me

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1 that's a non-starter that really doesn't work.

2 It would have been different if it
3 had been all retail back here, but it isn't.
4 So I'll throw that out. I think Commissioner
5 May has got a point about having -- they
6 really have to address some of the issues on
7 this first floor. I think we can probably get
8 by some of the other issues. We're not that
9 enthusiastic about it, but I think they need
10 to address this first floor and somehow make
11 it work.

12 VICE CHAIR JEFFRIES: So you have
13 no other issues around the loading?

14 COMMISSIONER TURNBULL: Well, the
15 only issue, and we talked about the
16 townhouses.

17 VICE CHAIR JEFFRIES: Right.

18 COMMISSIONER TURNBULL: We talked
19 about that 14 feet. The only issue I have,
20 you know, the end unit is only 11.5 feet? The
21 end unit on the row house is only 11.5 feet.

22 VICE CHAIR JEFFRIES: That can't

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1 be.

2 COMMISSIONER TURNBULL: Well, if
3 I'm reading that right, they have got 14, 14,
4 14, 14, and then they say 11.5. I mean, if 14
5 is a compromise, what the hell is 11.5? I
6 don't know. I mean, we want to create -- this
7 project in this location will be a good
8 project. I just don't want to create some
9 substandard issues here.

10 We're trying to get people -- I
11 don't know. I'm just raising that as an
12 issue. I'm just raising as a red flag. Do we
13 care? I mean --

14 CHAIRPERSON HOOD: I think --
15 while I appreciate what the Vice Chair was
16 trying to do, I think we've been here long
17 enough. We don't want to risk anything. We
18 don't want to do that. I want to make sure we
19 have a comfort level.

20 If it was one item, yes, I would
21 say let's do it at Final. But what I would
22 like to do now, if it's okay with all of us,

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1 let's -- the applicant has heard us. Let's
2 look at what we have asked for, Ms. Schellin.

3 And also, let's see how quick -- because now
4 that we are doing two meetings a month -- is
5 it two meetings a month or two meetings
6 every --

7 MS. SCHELLIN: Almost every month.

8 CHAIRPERSON HOOD: And then we can
9 find out, Ms. Schellin --

10 MS. SCHELLIN: Okay.

11 CHAIRPERSON HOOD: -- how long it
12 will take to get some of this.

13 MS. SCHELLIN: Okay. I think just
14 to clarify, and yes, I know that Ms. Giordano
15 has been taking lots of notes over there, what
16 I heard was the length of the hallway, the
17 corridor that you guys want something
18 addressed there. The loading --

19 VICE CHAIR JEFFRIES: What
20 corridor?

21 MS. SCHELLIN: The first floor.

22 CHAIRPERSON HOOD: See, maybe --

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1 MS. SCHELLIN: No?

2 VICE CHAIR JEFFRIES: No.

3 CHAIRPERSON HOOD: I see Ms.
4 Giordano shaking her head. I can see she is
5 going like that. I don't know whether it's
6 not what we asked for or she doesn't
7 understand.

8 MS. SCHELLIN: Maybe she should
9 come to the table and tell you what she heard.

10 CHAIRPERSON HOOD: Ms. Giordano,
11 let's do this. We're going to break what we
12 normally do.

13 MS. SCHELLIN: That might be
14 better.

15 CHAIRPERSON HOOD: I always do
16 this, so, but let's not hold us to it at the
17 next time.

18 MS. SCHELLIN: Yeah.

19 CHAIRPERSON HOOD: Ms. Giordano?

20 MS. GIORDANO: Yes, thank you very
21 much. We -- can I just preface this by saying
22 that we would like to do this as quickly as

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1 possible, because we do have a lender that I
2 assured him we would probably get a decision
3 tonight and didn't understand why we didn't
4 get one last time. So we are feeling the
5 pressure in this market, as I'm sure you can
6 understand.

7 But what I heard, correct me if
8 I'm wrong, is that we are down to just the
9 issue really of the first floor. Is that
10 correct?

11 VICE CHAIR JEFFRIES: That's what
12 I see.

13 MS. GIORDANO: Okay. And then I--

14 CHAIRPERSON HOOD: Is that the
15 only issue?

16 MS. GIORDANO: -- suspect that
17 this townhouse end unit is probably a mistake
18 on the plans. That I will clarify that, the
19 11.5 foot wide. I'm hoping that is just a
20 mistake and we can clarify that.

21 But the first floor plan, I also
22 want to say that, I'm not an architect, that's

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1 where the -- and we mentioned -- we discussed
2 this at the hearing, that's where the large
3 affordable units are. There are four bedroom
4 units, four of them. So the other units are
5 all stacked and there was no way to stack a
6 four unit on -- you know, under a two unit,
7 because they have to be uniform.

8 So that's why they are placed
9 there. That's not to say that we couldn't
10 improve on the plan and we will look at that.

11 And I'm hoping that we can turn this around
12 quickly.

13 CHAIRPERSON HOOD: Ms. Giordano, I
14 don't know, you know, I thought we had four
15 issues. Maybe all together and I just got
16 them all mixed up. But I was looking at the
17 interior corridor was an issue, I thought.
18 The loading bays.

19 VICE CHAIR JEFFRIES: Well, what
20 interior corridor? Throughout each floor?

21 CHAIRPERSON HOOD: No, it was the
22 long interior corridor that we spoke about.

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1 That was an issue.

2 MS. GIORDANO: Right, it was.

3 CHAIRPERSON HOOD: It was.

4 MS. GIORDANO: But I thought --

5 CHAIRPERSON HOOD: Any way, I'm
6 fine.

7 MS. GIORDANO: No, I think you are
8 right. And I thought I heard a majority of
9 the Commission Members saying it wasn't
10 perfect, but it had improved and that we could
11 probably take that one off the table for now.
12 That's what I thought I heard.

13 VICE CHAIR JEFFRIES: Actually,
14 that was my understanding, too. I mean, with
15 the exception of Commissioner May.

16 CHAIRPERSON HOOD: That was not
17 exactly what I heard. Maybe I'm incorrect.
18 Mr. Turnbull?

19 COMMISSIONER TURNBULL: No, I
20 think --

21 COMMISSIONER MAY: I --

22 COMMISSIONER TURNBULL: Go ahead,

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1 Commissioner May.

2 COMMISSIONER MAY: No, I agree
3 with that. I'm not comfortable with it, but
4 my sense was that the rest of the Commission
5 was okay with moving forward with the corridor
6 the way it was.

7 COMMISSIONER TURNBULL: Yeah.

8 CHAIRPERSON HOOD: Mr. Turnbull, I
9 thought you had an issue.

10 COMMISSIONER TURNBULL: No, we're
11 not happy with it, but I think we would
12 acquiesce to it. My concern was the same
13 standard of detail and design was not applied
14 to the first floor corridor. That's the
15 corridor that seems to have been a let down.

16 VICE CHAIR JEFFRIES: Well, that's
17 why --

18 MS. GIORDANO: No.

19 VICE CHAIR JEFFRIES: -- I asked
20 you which corridor. I didn't --

21 MS. GIORDANO: On the first floor,
22 where there is G1 through G4.

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1 VICE CHAIR JEFFRIES: Okay.

2 MS. GIORDANO: That's what I was
3 saying. That corridor still has issues.

4 MS. SCHELLIN: Right, the whole
5 first floor plan.

6 MS. GIORDANO: The whole first
7 floor.

8 MS. SCHELLIN: Right.

9 MS. GIORDANO: So when I was
10 talking about the corridor, that's what I'm
11 talking about, the first floor.

12 CHAIRPERSON HOOD: Here's what I
13 don't want to happen. I don't want us to send
14 this applicant away --

15 MS. GIORDANO: Right.

16 CHAIRPERSON HOOD: -- and come
17 back later on and bring up some other stuff
18 that we were not clear on.

19 MS. GIORDANO: Right.

20 CHAIRPERSON HOOD: That's all I'm
21 trying to say.

22 MS. SCHELLIN: So where the G1

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1 through G4, where those four bedroom
2 affordable units are, that corridor that Mr.
3 Turnbull was bringing up where the trash was
4 going to run out the courtyard, that issue.
5 The loading issue, the loading problem --

6 CHAIRPERSON HOOD: Loading bay is
7 still on.

8 MS. SCHELLIN: -- is still a
9 problem.

10 MS. GIORDANO: Yes.

11 CHAIRPERSON HOOD: Okay.

12 MS. SCHELLIN: I think they are
13 all connected, but we just want to make sure
14 that they are all addressed, so that we don't
15 come back and have to postpone again or end up
16 with an unfavorable decision.

17 COMMISSIONER TURNBULL: I think we
18 also might have mentioned, I think at least
19 the Office of Planning's recommendation, was
20 to have no retail entrance into that corridor
21 on the first floor, that they didn't want
22 trash or anything going out that way.

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1 MS. GIORDANO: We said that we
2 would agree to that in our last submission.

3 COMMISSIONER TURNBULL: Oh, that's
4 what I thought. Okay.

5 MS. SCHELLIN: And --

6 CHAIRPERSON HOOD: So there's only
7 two issues.

8 MS. SCHELLIN: Basically.

9 CHAIRPERSON HOOD: Okay.

10 MS. SCHELLIN: The narrow corridor
11 and the loading and, of course, that --

12 CHAIRPERSON HOOD: Okay. Well,
13 let me ask --

14 MS. SCHELLIN: -- getting rid of
15 the trash out in the affordable unit area.

16 CHAIRPERSON HOOD: Commissioners,
17 let me ask this, since the issues went from
18 four to two, if you want to lump them all
19 together, could -- is anyone in favor of us
20 doing proposal tonight, Proposed Action? And
21 making contingent, as Vice Chairman mentioned
22 earlier, because we have done that in the past

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1 stopped it at Final.

2 If you don't think we're serious,
3 just stick around. Is anyone interested in
4 entertaining that? If you don't say anything,
5 you're not interested and we'll move on.

6 COMMISSIONER TURNBULL: Well, what
7 are the items we have then? You said two.

8 CHAIRPERSON HOOD: Two. The
9 corridor with that whole issue.

10 COMMISSIONER TURNBULL: Right.

11 CHAIRPERSON HOOD: Which I think
12 to me there is more than one issue on that
13 whole corridor, that's one. And the other one
14 was the lay-by which --

15 COMMISSIONER TURNBULL: Okay.

16 CHAIRPERSON HOOD: Okay.

17 COMMISSIONER TURNBULL: And then
18 the other, they still need -- and Ms. Giordano
19 said she was going to look at the end unit on
20 the row houses.

21 VICE CHAIR JEFFRIES: She thinks
22 it's a mistake.

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1 COMMISSIONER TURNBULL: Whether it
2 is a mistake or --

3 CHAIRPERSON HOOD: It's a mistake.
4 I guess she will provide us with drawings.

5 VICE CHAIR JEFFRIES: But can I
6 just go back to one thing and that's the
7 corridor on the ground floor. If the Office
8 of Planning is saying that we are going to
9 remove these doors here and that this corridor
10 on the ground floor is not going to be used
11 for retail transporting of trash or whatever,
12 are we saying that we want a wider corridor
13 here? What are we saying we want to happen
14 here? You want --

15 COMMISSIONER TURNBULL: Well, I
16 think like they did on the other floors. They
17 have a couple of areas that jump to 7 feet,
18 either by entrances --

19 VICE CHAIR JEFFRIES: Okay. Okay.

20 COMMISSIONER TURNBULL: I think
21 that's the same approach, I think, should
22 happen on that floor for these people.

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1 VICE CHAIR JEFFRIES: Okay.

2 MS. GIORDANO: I mean, I think
3 it's fairly cosmetic and I would just --

4 COMMISSIONER TURNBULL: I would
5 think so.

6 MS. GIORDANO: -- request that
7 maybe we could deal with that on Final. It
8 seems to me that it's something fairly minor.

9 VICE CHAIR JEFFRIES: Okay. I'm
10 trying to get there. Hold on for one second.

11 So that's the one issue here. And then also,
12 there was a question about how these units lay
13 out. I mean, does the Commission need to see
14 how these units lay out, G1 through G4?

15 COMMISSIONER MAY: I think it
16 would be helpful to understand the floor. I
17 mean, to see where the doors go in and how
18 that relates to the -- what modulation they
19 might introduce.

20 COMMISSIONER TURNBULL: They may
21 have to do that -- they should have to do that
22 anyway when they lay out their little set-

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1 backs.

2 VICE CHAIR JEFFRIES: Okay.

3 COMMISSIONER TURNBULL: So I don't
4 think that will be a big deal.

5 MS. GIORDANO: I'm sure they have
6 been laid out.

7 COMMISSIONER TURNBULL: Right.
8 I'm sure they have been, too.

9 MS. GIORDANO: But generally,
10 there is flexibility also to modify internal
11 components, so I'm not sure what purpose it
12 would serve, but we're happy to share that.

13 COMMISSIONER TURNBULL: Okay.

14 VICE CHAIR JEFFRIES: Okay. Well,
15 the last thing, I'm just -- Chair, if you will
16 just indulge me for one second, so I want to
17 move to the loading dock situation. What
18 exactly are we asking them to do as relates to
19 the loading dock situation?

20 COMMISSIONER TURNBULL: You're
21 looking at me?

22 VICE CHAIR JEFFRIES: Yeah, yeah,

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1 yeah, yeah.

2 COMMISSIONER TURNBULL: I don't
3 know what great solution they are coming up
4 with.

5 VICE CHAIR JEFFRIES: But no, I
6 just want to be clear about --

7 COMMISSIONER TURNBULL: I mean,
8 either they are off-loading on 7th Street --

9 VICE CHAIR JEFFRIES: Um-hum.

10 COMMISSIONER TURNBULL: -- and the
11 trash pick-up is in the alley, but they are
12 going to wheel it around from the front door
13 to the -- I don't know what they are doing.
14 If that's going to work at all, I don't know.

15 MS. GIORDANO: That is what we are
16 proposing.

17 VICE CHAIR JEFFRIES: I guess what
18 I'm saying is that it doesn't seem like they
19 set much here. I mean, I don't get a sense
20 that Commissioner May is going to go forward,
21 you know, with this in this configuration
22 anyway. So I'm just wondering, Mr. Chair, I

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1 mean, how much is left really for this
2 applicant to do?

3 CHAIRPERSON HOOD: Right. Well,
4 what I would like to do is go ahead and just
5 ask finally, how long -- how quick, because we
6 can meet, we can do a Special Public Meeting,
7 which I know no one likes. How quick will
8 they have the submissions to us and we can
9 deal with this, just on those limited issues,
10 the record is closed, only for what we are
11 asking for.

12 COMMISSIONER TURNBULL:
13 Commissioner May, would you vote for Final
14 Action or --

15 COMMISSIONER MAY: Well --

16 COMMISSIONER TURNBULL: -- with
17 these outstanding issues?

18 COMMISSIONER MAY: -- what I --
19 I'm sorry, you're asking me if I would -- how
20 I would vote when it comes to Final Action?

21 COMMISSIONER TURNBULL: No, like
22 for tonight. If we wanted to approve it for

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1 Final Action, I mean, we can still always not
2 approve it at Final, but considering these
3 last issues.

4 COMMISSIONER MAY: There -- I have
5 been a consistent critic of this project.
6 There is enough about this that I don't like
7 in general --

8 COMMISSIONER TURNBULL: I know.

9 COMMISSIONER MAY: -- that I just
10 don't think it's up to PUD standards to -- for
11 this building. And you know, we have approved
12 projects like this in the past that were maybe
13 not quite as well designed and quite as well-
14 detailed, but this is the biggest one that I
15 have ever seen that was like this. And it
16 just seems to me that, you know, if it doesn't
17 come off well, it's just going to -- it's not
18 necessarily going to bring all the benefit to
19 the neighborhood that we want.

20 I also don't want to stand in the
21 way of progress. I mean, if the balance of
22 the Commission is prepared to move forward and

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1 vote in favor and we can see some improvement
2 on the first floor, I would probably vote for
3 it at final. But I'm really hesitant about
4 voting in favor tonight.

5 CHAIRPERSON HOOD: Before we keep
6 belaboring this point, what I would like to do
7 is go back to Ms. Schellin. What's the
8 quickest date? And then we can move forward
9 from that point.

10 MS. GIORDANO: The end of the
11 week.

12 MS. SCHELLIN: That would put us
13 at our March -- excuse me.

14 CHAIRPERSON HOOD: March?

15 MS. SCHELLIN: I got the wrong
16 month here.

17 CHAIRPERSON HOOD: We've got the
18 whole month of February.

19 MS. SCHELLIN: Yeah. That would
20 put us at February 9th, our regular meeting.

21 MS. GIORDANO: That's not too bad.

22 CHAIRPERSON HOOD: Okay. And we

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1 would have to do it at our February 9th
2 meeting or could we do a Special Public
3 Meeting?

4 MS. SCHELLIN: It wouldn't make it
5 any earlier, not for when they are going to
6 submit.

7 CHAIRPERSON HOOD: Okay. So
8 February 9th, Ms. Giordano, is that going to--
9 I just don't want to run the risk, okay. I
10 called for something and I don't know, you
11 know, that's just my --

12 VICE CHAIR JEFFRIES: Ms.
13 Giordano?

14 CHAIRPERSON HOOD: -- call for --
15 asked for it.

16 VICE CHAIR JEFFRIES: Can you
17 replay back exactly what you are going to be
18 getting us?

19 MS. GIORDANO: My understanding is
20 it is basically, I think, we are down to the
21 layout of the --

22 VICE CHAIR JEFFRIES: Corridor.

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1 MS. GIORDANO: -- four units on
2 the ground floor. And --

3 VICE CHAIR JEFFRIES: I thought
4 you didn't want that? Did you want the layout
5 for these? Just the corridor, not the layout,
6 right? Oh, okay. Sorry, go ahead.

7 MS. GIORDANO: Right. And an
8 upgraded corridor on the ground floor.

9 VICE CHAIR JEFFRIES: Okay.

10 MS. GIORDANO: I think that's it.
11 I mean, I -- that's -- correct me if I'm
12 wrong. And then --

13 MS. SCHELLIN: And a corrected
14 plan showing the --

15 MS. GIORDANO: Yes.

16 MS. SCHELLIN: -- correct --

17 MS. GIORDANO: We need to address.
18 Hopefully, that's a typo, yes.

19 VICE CHAIR JEFFRIES: That's what
20 I'm saying. Okay. The loading dock. I guess
21 that's what we are trying to deal with.

22 MS. GIORDANO: Right. But

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1 operationally, I think, I mean, I can clarify,
2 you know, what we are proposing. I don't know
3 if it's a plan necessarily, but I think Mr.
4 Turnbull hit it right on the head what we are
5 proposing to do there. But operationally, we
6 can describe that.

7 CHAIRPERSON HOOD: Ms. Giordano,
8 let me just take it from here.

9 I would move approval of Zoning
10 Commission Case No. 08-14 with the necessary
11 issues that we raised before Final Action that
12 they be due upon us and we will contemplate
13 and discuss and deliberate those final issues
14 upon Final Action and ask for a second.

15 VICE CHAIR JEFFRIES: Second.

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

18 All those in favor?

19 ALL: Aye.

20 CHAIRPERSON HOOD: Hearing no
21 opposition, staff would you record the vote?

22 MS. SCHELLIN: Staff records the

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1 vote 4-0-1 to approve Proposed Action, I mean,
2 based upon the requested additional items by
3 Final Action. Commissioner Hood moving,
4 Commissioner Jeffries seconding, Commissioners
5 Turnbull and May in support. Third Mayoral
6 Appointee seat vacant at the time of the
7 hearing, not voting.

8 CHAIRPERSON HOOD: This is almost
9 like being at a boxing match. Okay. With
10 that, Ms. Schellin, do we have anything else?

11 MS. SCHELLIN: No, sir.

12 CHAIRPERSON HOOD: Okay. With
13 that, this meeting is adjourned.

14 (Whereupon, the Regular Public
15 Meeting was concluded at 7:46 p.m.)
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