

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

SEPTEMBER 24, 2012

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th 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
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

JOEL LAWSON

MATT JESICK

ARTHUR RODGERS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the
minutes from the Regular meeting held on
September 24, 2012.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

Final Action
 ZC CASE NO. 02-38C
 Waterfront 425 M Street, LLC & D.C. Office of
 the Deputy Mayor - 27-Month PUD Time
 Extension6
 Deferred until October 29, 2012 22

Hearing Action
 ZC CASE NO. 12-17
 Holland & Knight - Text Amendment to Reed-
 Cooke Overlay District. 22
 Office of Planning Report
 Matt Jesick. 22
 Vote to set down for rulemaking (4-0-1) . . . 25

Correspondence
 ZC CASE NO. 12-07
 Request from Office of Planning for
 Postponement & Partial Waiver of Posting. . . 26
 Vote to approve 12-07 (4-0-1) 29

Proposed Action
 ZC CASE NO. 11-03A
 Hoffman-Struever Waterfront, LLC - 2nd-Stage
 PUD at Southwest Waterfront 30
 Deferred until October 29, 2012120

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

6:44 p.m.

CHAIRPERSON HOOD: Good evening,
ladies and gentlemen. This is the 1,348th
meeting of the Zoning Commission on Monday,
September the 24th, 2012. It's approximately
6:45. And we apologize for the delay. We are
assembled here in the Jerrily R. Kress
Memorial Hearing Room located at 441 4th
Street, N.W., Suite 220, in Washington, D.C.

My name is Anthony Hood, Chairman
of the Commission. Joining me are Vice-Chair
Cohen, Commissioner May and Commissioner
Turnbull. We're also joined by the Office of
Zoning staff, Ms. Sharon Schellin; Office of
Attorney General, Mr. Ritting; Office of
Planning, Ms. Steingasser, Mr. Lawson and Mr.
Jesick. Oh, I'm sorry. And Mr. Rodgers,
who's back there hiding.

We do not take any public
testimony at our hearings unless we request
someone to come forward.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Let me remind you that we're being
2 Web cast live, and I'm sure we won't have any
3 disruptive noises, so we will not have any
4 disruptive noises.

5 Ms. Schellin, do we have any
6 preliminary matters?

7 MS. SCHELLIN: No.

8 CHAIRPERSON HOOD: Okay. Let's go
9 straight to the -- we don't have anything on
10 the consent calendar. Let's go straight to
11 final action.

12 But let me do this: I do have a
13 preliminary matter. I would like to do final
14 action first, which is already No. 3, so
15 that's first anyway. Hearing action second.
16 And then we do our proposed action. Oh, I'm
17 sorry. Let's do final action first,
18 correspondence -- no, let's do hearing action
19 second, correspondence third and then proposed
20 action. Thank you, Ms. Schellin.

21 Okay. Ms. Schellin, do we have
22 any preliminary matters?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: No more.

2 CHAIRPERSON HOOD: Okay. Let's go
3 to final action, Zoning Commission Case No.
4 02-38C. This is the Waterfront 425 M. Street,
5 LLC and D.C. Office of the Deputy Mayor, 27-
6 Month PUD Time Extension.

7 Ms. Schellin?

8 MS. SCHELLIN: Yes, sir. These
9 are two requests, both for time extensions.
10 Rather than a 27-month period, we should
11 specific the date be requested as to April
12 15th, 2015.

13 Today we received an ANC 6D report
14 in opposition. And we also received a letter
15 from the Applicant I think responding to that
16 report.

17 CHAIRPERSON HOOD: Thank you, Ms.
18 Schellin.

19 Commissioners, have you all had a
20 chance to review the submission that was
21 submitted to us this -- well, this evening
22 actually? This is Exhibit 10 in this case,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 which is an ANC report in opposition to the
2 time extension request for the first stage PUD
3 approval of 425 M Street, S.W.

4 (No audible response.)

5 CHAIRPERSON HOOD: Okay. As
6 stated already by Ms. Schellin, this is two
7 requests, even though we have it listed as
8 one, both coming from the Applicant, as well
9 as the Deputy Mayor's Office.

10 Mr. Ritting, is there any
11 particular order we need to take either one of
12 these in, or can we do them --

13 MR. RITTING: No, doesn't matter.
14 You can choose which one you want to do first.

15 CHAIRPERSON HOOD: Okay. Let me
16 open it up. Anybody like to comment? I'm
17 trying to familiarize myself with the ANC 6D
18 in opposition. Okay. I think I can do two
19 things. I'll listen to you and read at the
20 same time.

21 VICE-CHAIRPERSON COHEN: You can?

22 CHAIRPERSON HOOD: If it doesn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 work, I'll let you know.

2 VICE-CHAIRPERSON COHEN: All
3 right. Mr. Chairman, I would like to first
4 comment on the city's request for an
5 extension. And I think it's of great concern
6 to me that even though the city had some
7 issues related to the transfer of the property
8 from a prior organization to the Deputy
9 Mayor's Office, need for affordable housing is
10 really urgent in this city. And when there's
11 a vacant site, I think the city needs to
12 really be prepared to move forward to request
13 a public/private partnership.

14 In addition, one of the things I
15 notice is that the city seems to want to
16 maximize the proceeds of the sale of this site
17 and achieve affordability, and those are
18 conflicting -- in my experience, they're
19 conflicting objectives. The only way you
20 could afford affordability is basically by
21 reducing the cost of the site to almost zero,
22 or for purposes of low-income housing tax

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 credit, a de minimis amount.

2 So I really am not inclined to
3 give a 27-month extension to the city for the
4 redevelopment of their parcel.

5 CHAIRPERSON HOOD: Okay. Anyone
6 else? Any comments?

7 COMMISSIONER MAY: Mr. Chairman, I
8 would -- I agree somewhat with the Vice-
9 Chairman's concerns about this, although I'm
10 not inclined at this moment to act to deny an
11 extension. I just feel like what we've
12 received in requesting the extension is
13 essentially a statement that they need to
14 figure out what they're going to do with the
15 property. You know, until they figure out
16 what they're going to do I'm not sure that an
17 extension is warranted. I'd be more inclined
18 to, you know, hold this in abeyance for some
19 time and give them some time to figure out
20 what they plan to do and then submit some
21 further information before we act. That's
22 my --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HOOD: Okay. Mr.
2 Turnbull?

3 COMMISSIONER TURNBULL: I would
4 agree. The DMPED letter talks about how
5 they're going to present to the ANC. And
6 we've got the ANC's comments about -- but I
7 don't have -- we don't have any response to
8 what their feeling is -- was towards the
9 meeting, what went wrong. And I think I need
10 to understand that. They've got to present a
11 better case as to what went wrong here, and I
12 don't think we have that in the record.

13 CHAIRPERSON HOOD: I am -- looks
14 like we're going to be all over the place on
15 this. From my standpoint I think that in the
16 past when someone asked for a request, the
17 reason that they need some assurances from the
18 Commission is because they need predictability
19 when they're going out to solicit, or whatever
20 you do when you're trying to get things
21 accomplished in the development world. And I
22 think that the 27-month gives whoever the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Deputy Mayor's Office and the Applicant, or
2 whoever goes out and asks for or tries to
3 negotiate some development on that piece of
4 property, I think it gives, you know, whoever
5 wants to invest or do whatever they're going
6 to do on that property, it gives them
7 assurances.

8 One of the things that I've heard
9 loud and clear since I've been down here is
10 that, you know, people want to know that this
11 is in place. And I think this is -- at least
12 that's the way I perceive the request from the
13 Deputy Mayor's Office.

14 What I would ask -- I'm not
15 necessarily saying that I don't want to vote
16 on it. Obviously tonight we don't have the
17 votes. What I would go along with is
18 Commissioner May and let's -- I actually would
19 like for us to give some assurances to the
20 Deputy Mayor's Office as they go out and
21 negotiation. But maybe we can find out, Mr.
22 Turnbull, at some point in time when they --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I the ANC meeting was on the 13th, if I
2 recall, or sometime this month. On the 10th.
3 Okay. The 10th.

4 And I think what we could do, at
5 least my suggestion would be not to say a hard
6 fast rule of no, because we know in other
7 cases, whether it be a private applicant or
8 whomever, people need assurances of exactly
9 what they're dealing with. And most of the
10 time nobody's going to commit to anybody that
11 doesn't have anything concrete or any type of
12 assurance or a green light of this is the way
13 this is -- this is an opportunity. Just to
14 stop it here and say no, I don't think that's
15 the way I would move with my one vote.

16 So what I would suggest is that we
17 try to find out, as you stated, what's going
18 on with the ANC and try to get some more
19 information as Commissioner May had asked for
20 and revisit this, not discounting what the
21 Vice-Chair said, but I just think that there's
22 need to be some predictability. Those are my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 comments.

2 VICE-CHAIRPERSON COHEN: Mr.
3 Chairman, I just want to add that, yes, I have
4 not been sitting as a Commissioner, but --
5 when this was first introduced, but this has
6 been around since 2007, and that's six years.
7 And again, I just want to emphasize that when
8 you have a parcel and the parcel is being
9 developed for affordable housing, where
10 there's a critical need, I think the city
11 should have done something sooner. And that's
12 my position.

13 So I think they've had the time.
14 I know that it's been difficult to develop
15 affordable housing, but when you have a parcel
16 that you own, I think you can move ahead and
17 do much more than they did.

18 COMMISSIONER TURNBULL: Mr. Chair,
19 just a statement. I am not opposed to
20 granting an extension. We've done it many
21 times for very similar reasons. And I think
22 that here you've got 4th Street back on line.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 You've got two buildings already up. I mean,
2 I think that -- I mean, work is going on. And
3 I think what I'm just -- but seeing -- reading
4 the concerns of the ANC, I just think that we
5 have to give them great weight as to what
6 they're -- what they feel is wrong with it.
7 I think we need just a little bit more
8 information from the city on how they see
9 proceeding. And I don't see their response to
10 the ANC's arguments, but I'd -- you know, if
11 we get the right answers, I'm quite in favor
12 of granting it.

13 CHAIRPERSON HOOD: Okay. I think
14 it may be a little difficult. I think we've
15 got this ANC this evening. So maybe we can
16 get a response and maybe get some headway.

17 COMMISSIONER TURNBULL: I would
18 agree.

19 CHAIRPERSON HOOD: So I would like
20 to -- Commissioner May, before we put this --
21 I'm going to go to Commissioner May, but maybe
22 we look at it today and do a 15-minute special

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 meeting so we can deal with this or resolve
2 this as soon as possible.

3 I'm not sure how, Vice-Chair, how
4 we get to your issue, but --

5 COMMISSIONER MAY: When is the
6 next meeting anyway?

7 MS. SCHELLIN: October 15th.

8 COMMISSIONER MAY: I was just
9 going to say, you know, I didn't really talk
10 about the other Applicant's case. Certainly
11 this is the sort of circumstance where in the
12 past we've been willing to grant extensions,
13 and I think that applies to -- on both
14 applications given the uncertain development
15 climate and the difficulty of getting
16 financing and so on.

17 The District did not make as much
18 of the financing case. It had more to do with
19 getting things sorted out in terms of their
20 legal authorities and whatnot.

21 You know, my inclination is to
22 defer action on this because, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 certainly we could move ahead and approve it
2 and that would give certainty to the developer
3 and to the city, but it doesn't necessarily
4 put much pressure on them to try to address
5 the concerns of the neighbors or to take the
6 necessary steps, you know, on the city's part
7 to clear the path for development and getting
8 the phase 2 application rolling.

9 So I think the best way to put
10 some pressure on and to see a little action
11 and some work with the ANC is to give them a
12 little time, and we could take it up on
13 October 15th. I didn't see anything in here
14 that indicates that they need to have this
15 extension now and that any kind of, you know,
16 financing is contingent upon it or anything
17 like that, as we often will receive.

18 Furthermore, we've often put off
19 applications like this simply because they
20 weren't timely. I mean, this isn't too far
21 out there. We've gotten some that were six
22 months in advance of the expiration. But this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is still, you know, three months in advance of
2 expiration, so I'm inclined to take a month
3 and let the -- both Applicants work more
4 closely with the ANC to try to address the
5 concerns they have, and then maybe we'd
6 actually get a letter of support for the
7 extension from the ANC.

8 VICE-CHAIRPERSON COHEN: Mr.
9 Chairman, I think that Commissioner May's
10 proposal is reasonable and I would agree with
11 him.

12 CHAIRPERSON HOOD: Ms. Schellin,
13 could you --

14 COMMISSIONER TURNBULL: I'll go
15 along with that.

16 CHAIRPERSON HOOD: Okay. Now
17 we're getting some consensus.

18 Ms. Schellin, could you look and
19 make sure in the audience -- I'm not sure who
20 it is -- if us taking another month or is
21 there a problem, or should we try to look at
22 a sooner date. But I think a month should

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 solve everybody's interests. Is that an
2 issue?

3 MS. SCHELLIN: Just if you want to
4 say yes or no, is it an issue waiting until
5 October 15th?

6 CHAIRPERSON HOOD: And this is on
7 both requests. Right? Correct, Commissioner
8 May? Both requests?

9 COMMISSIONER MAY: Yes, I would be
10 inclined to deal with them both in this
11 fashion.

12 CHAIRPERSON HOOD: I really hope
13 it's not, because that's better than where we
14 started off.

15 MS. SCHELLIN: Okay. They're
16 going to work with the ANC on maybe doing a
17 special meeting. We would all of -- whatever
18 you guys are asking them to provide you by
19 3:00 p.m. on October 9th in order to have it
20 in the package, unless you want to get it the
21 night of, which I know you don't. The ANC is
22 now approaching.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The ANC doesn't seem to think they
2 can do a special meeting. So the 15th is
3 their next meeting, so that will not work for
4 them.

5 CHAIRPERSON HOOD: Don't we have
6 two meetings in the month of October?

7 MS. SCHELLIN: We do. We have one
8 on the 29th. So if we could get -- the ANC
9 could still have their meeting and we could
10 have all the responses. So what the
11 Commission has asked for by -- I -- are you
12 looking for the Applicant to provide something
13 and DMPED to provide something, and then the
14 ANC respond to it, or -- because that's going
15 to add some more time. I just --

16 CHAIRPERSON HOOD: I'm saying one
17 of my colleagues is looking for responses to
18 what we received tonight from the Deputy
19 Mayor's Office.

20 What else, Commissioners? I know
21 that's --

22 COMMISSIONER MAY: Well, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I would feel more comfortable if we had more
2 information from the Deputy Mayor's Office's
3 about those steps that they need to take.

4 MS. SCHELLIN: Yes.

5 COMMISSIONER MAY: But in terms of
6 the interactions with the ANC, I would not
7 care as much for a rebuttal from the Applicant
8 to what the ANC put into their resolution. I
9 would be more concerned with them getting
10 together with the ANC and trying to come to
11 some kind of resolution. And if that fails,
12 then -- and, you know, we get whatever further
13 resolution we can from the ANC and then we can
14 get a response from the Applicants.

15 CHAIRPERSON HOOD: Okay. We're
16 going to take what you asked for, Commissioner
17 May. We can also take what Commissioner
18 Turnbull asked. We want it all, what
19 Commissioner Turnbull asked for and
20 Commissioner May. And I'm not sure again --
21 I'm ready to vote tonight, but I want to make
22 sure that -- obviously we don't have the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 votes.

2 So, Ms. Schellin, what we want is
3 a response to --

4 MS. SCHELLIN: So we need a date
5 for the documents to come in and a date for --

6 CHAIRPERSON HOOD: For response.

7 MS. SCHELLIN: -- response to. So
8 I think considering the ANC has a meeting on
9 the 15th, then we would have to ask for
10 submissions by 3:00 on the 16th, with
11 responses by 3:00 p.m. on the 23rd. And then
12 we can do it on the 29th.

13 CHAIRPERSON HOOD: Okay. Is all
14 that doable?

15 MS. SCHELLIN: Mr. Wordskie? Yes.

16 CHAIRPERSON HOOD: Okay. Deputy
17 Mayor's Office representative?

18 MS. SCHELLIN: Deputy Mayor's
19 Office, yes.

20 CHAIRPERSON HOOD: Okay. Good.
21 Anybody else?

22 (No audible response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HOOD: All right. So
2 we will hold this off until October the 29th.
3 We're looking for those responses so we can
4 try to move this off of the agenda.

5 Okay. Next, hearing action.
6 Zoning Commission Case 12-17. This is the
7 Holland & Knight text amendment to the Reed-
8 Cooke Overlay District.

9 Mr. Jesick?

10 MR. JESICK: Thank you, Mr.
11 Chairman and Members of the Commission.

12 The Applicant for the proposed
13 Church Hotel project in Adams Morgan has
14 submitted an accompanying text amendment to
15 the Reed-Cooke Overlay. And this text
16 amendment is the result of lengthy
17 negotiations between the Applicant and the
18 Reed-Cooke Neighborhood Association. And in
19 conjunction with this text amendment the
20 Applicant would modify their PUD application
21 such that the entire Church Hotel property
22 would be under the Reed-Cooke Overlay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Now the amendment itself wheedle
2 allow the uses proposed with the PUD including
3 the hotel, restaurant and bar, uses which are
4 not currently permitted in the overlay,
5 however, those uses would only be permitted in
6 the context of a PUD and for a hotel that
7 incorporates the historic church building.

8 Similarly, the height of 72 feet
9 that is proposed with the hotel would be
10 permitted under the overlay, but again only
11 through a PUD and only with a hotel that
12 incorporates the historic building.

13 The Office of Planning supports
14 the setdown because of the significant effort
15 that went into this negotiation between the
16 neighborhood and the Applicant, and also the
17 text amendment would help to preserve the
18 Reed-Cooke Overlay. And we understand that
19 AUG has already begun its review of the text
20 and has prepared a slightly edited version of
21 the text that was proposed by the Applicant.

22 OP recommends that the original

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 text be set down with the AUG text in the
2 alternative, and I'd be happy to take any
3 questions.

4 Okay. Thank you, Mr. Jesick.
5 Commissioners, any questions of the Office of
6 Planning?

7 (No audible response.)

8 CHAIRPERSON HOOD: If not, would
9 somebody like to on a request make a motion?

10 COMMISSIONER MAY: Mr. Chairman, I
11 would make a motion that we set down Zoning
12 Commission Case No. 12-17, text amendment to
13 the Reed-Cooke Overlay District with
14 flexibility to the Office of Attorney General
15 to revise the text somewhat based on what they
16 have prepared and what the Applicant has
17 prepared to come up with the right wording so
18 that it works better with our standards for a
19 text amendment. And if that doesn't work,
20 then advertising OAG's version as an alternate
21 language, but preferably we'd like them to
22 work something out with the Applicant that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 works.

2 CHAIRPERSON HOOD: Okay. That
3 covers it all. Can we get a second?

4 VICE-CHAIRPERSON COHEN: I'll
5 second that.

6 CHAIRPERSON HOOD: Okay. It's
7 been moved and properly seconded. Any further
8 discussion?

9 (No audible response.)

10 CHAIRPERSON HOOD: I'll just say
11 that I think Commissioner May's motion covers
12 everything. I think we're covered, so it's
13 moved and properly seconded. Any further
14 discussion?

15 (No audible response.)

16 CHAIRPERSON HOOD: All those in
17 favor?

18 (Chorus of ayes.)

19 CHAIRPERSON HOOD: Any opposition?

20 (No audible response.)

21 CHAIRPERSON HOOD: So ordered.

22 Staff, would you record the vote?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: Staff records the
2 vote 4-0-1 to set down Zoning Commission Case
3 No. 12-17 as a rulemaking case. Commissioner
4 May moving; Commissioner Cohen seconding;
5 Commissioners Hood and Turnbull in support;
6 third mayoral appointee position vacant, not
7 voting.

8 CHAIRPERSON HOOD: Okay. Next --
9 last before we go to proposed action,
10 correspondence. Zoning Commission Case No.
11 12-07. This is a request from the Office of
12 Planning for postponement and a partial waiver
13 of the posting.

14 Ms. Schellin?

15 MS. SCHELLIN: Yes, sir. I spoke
16 with the Office of Planning regarding a
17 possible postponement date, a new hearing
18 date, and we looked at December 6th. They're
19 okay with that. And so I would say their memo
20 stands on its own.

21 CHAIRPERSON HOOD: Okay.
22 Commissioners, the memo we received, which is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Exhibit 6, I believe, there are two requests;
2 that the hearing be postponed to the next
3 available date, which we heard from Ms.
4 Schellin. And also that we waive the
5 requirement for the street frontage posting
6 requirement of 3015.5 of our regulations for
7 the Pennsylvania Avenue, N.W. street frontage
8 only. Other frontages would be posted.

9 Let me open it up for discussion.
10 Any discussion?

11 (No audible response.)

12 CHAIRPERSON HOOD: Would somebody
13 like to make a motion?

14 COMMISSIONER TURNBULL: Mr. Chair,
15 I would move that we accept what you said,
16 which is basically that we're going to move
17 the hearing for Zoning Case 12-07 regarding
18 Square 0323 and related text amendment to
19 December 6th, and look for a second.

20 VICE-CHAIRPERSON COHEN: Second.

21 CHAIRPERSON HOOD: It's been moved
22 and properly seconded by the Vice-Chair. Any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 further discussion?

2 COMMISSIONER MAY: Yes, I have a
3 clarification. I think there's a request
4 specifically that we waive the requirement for
5 street frontage posting on Pennsylvania Avenue
6 only, which was not stated in the motion.

7 CHAIRPERSON HOOD: Mr. Turnbull
8 said exactly that he was making a motion to
9 what I said, and I --

10 COMMISSIONER MAY: Okay. So
11 subsumed what you had said? That's fine then.

12 COMMISSIONER TURNBULL: I can add
13 that.

14 CHAIRPERSON HOOD: If you want to
15 say it again.

16 COMMISSIONER TURNBULL: No, I
17 would ask that in addition to what I already
18 motioned for, would waive the requirement of
19 street frontage posting for Pennsylvania
20 Avenue, N.W. street frontage only. Other
21 frontages will be posted.

22 CHAIRPERSON HOOD: Okay. Thank

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you. You amended that.

2 VICE-CHAIRPERSON COHEN: (Off
3 microphone.)

4 CHAIRPERSON HOOD: We couldn't
5 hear you.

6 VICE-CHAIRPERSON COHEN: Okay.
7 And I also second that amended resolution.

8 CHAIRPERSON HOOD: Okay. Thank
9 you. It's been moved and properly seconded.
10 Any further discussion?

11 (No audible response.)

12 CHAIRPERSON HOOD: All those in
13 favor?

14 (Chorus of ayes.)

15 CHAIRPERSON HOOD: Any opposition?

16 (No audible response.)

17 CHAIRPERSON HOOD: So ordered.

18 Staff, would you record the vote?

19 MS. SCHELLIN: Staff records the
20 vote 4-0-1 to approve the request for
21 postponement of the hearing in Zoning
22 Commission Case No. 12-07 and to allow the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 partial waiver of posting. Commissioner
2 Turnbull moving; Commissioner Cohen seconding;
3 Commissioners Hood and May in support; third
4 mayoral appointee position vacant, not voting.

5 CHAIRPERSON HOOD: Okay. Next do
6 we have anything else besides proposed action?

7 MS. SCHELLIN: No, sir.

8 CHAIRPERSON HOOD: Okay. So let's
9 go to proposed action. Zoning Commission Case
10 No. 11-03A. This is Hoffman-Struever
11 Waterfront, LLC, 2nd-Stage PUD at Southwest
12 Waterfront.

13 Our first discussion,
14 Commissioners, as we heard from our hearings,
15 we're going to do parcel 2, the combined
16 heating and power plant; parcel 1, temporary
17 uses; and the transit pier.

18 MS. SCHELLIN: The staff has
19 provided the Commission for each of these
20 parcels all additional documents that were
21 submitted including a late filing from the
22 Office of Planning. It was information that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 was requested but didn't get in until later.
2 But the late filing regarding the IZ
3 requirements, their position on that. That's
4 it.

5 CHAIRPERSON HOOD: Okay.

6 Commissioners, we're going to try to, as much
7 as possible, including myself, stick with the
8 issues that are pertaining in that particular
9 parcel, or that particular case. Some people
10 refer to it as parcels. Some people say
11 hearing 1, 2, 3 and 4, which consequently
12 mentions those parcels which we talk about.
13 So if we can kind of confine our comments,
14 because I think we're going to have four --
15 we've all agreed to four different orders in
16 this particular case.

17 And I'm going to ask for the
18 public indulgence, because this is a major
19 undertaking, and we want to take our time and
20 go through this.

21 Okay. Again, let's start off with
22 parcel 2, the combined heating and power

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 plant; parcel 1, temporary uses and the
2 transit pier. Who'd like to get us started?
3 Anyone?

4 (No audible response.)

5 CHAIRPERSON HOOD: All right. I
6 guess some of the issues we could talk about;
7 I know I asked anybody to start and I open my
8 mouth right up, is the Gangplank Slipholders
9 transition, as well as the cruising community
10 concerns about the mooring field. And we have
11 some -- I believe some documents that were
12 presented to us, and I want to make sure we go
13 through each document that was presented for
14 the most part pertaining to that particular
15 hearing or parcel of land.

16 Would anybody like to start us
17 off?

18 VICE-CHAIRPERSON COHEN: Well
19 actually, Mr. Chairman, I would like to take
20 one step back, and that is with the DDoT
21 issues. Now I believe that the Applicant has
22 addressed to the best of their ability what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 they can accomplish, to address some of the
2 traffic and loading issues, but I don't think
3 we ever got a final DDoT report. There was a
4 report by -- dated April 9th, 2012, Loading
5 and Curbside Management Plan, Exhibit No. 196.
6 I do not believe we ever got anything from
7 DDoT addressing some -- addressing this
8 particular report.

9 CHAIRPERSON HOOD: I think this
10 goes to the -- at least the way I read it, it
11 talks about the Curbside Management Plan and
12 other issues. I think from my standpoint I'm
13 actually going to probably make the request,
14 and I'm sure others may want to chime in --
15 make the requests at each one of the hearing
16 actions. I would like to see DDoT respond.
17 There's a lot of material in here. And you're
18 right, we did not get a final DDoT report
19 responding to this. This is something that I
20 think that at least would do me some good,
21 because there are a lot of items and issues in
22 and things addressed in here about how to deal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 with the loading, how it's integrated with the
2 regular traffic and other things that the
3 Applicant has proposed. But I also -- the
4 loadings docks.

5 I would also like to hear, I would
6 say a sound bite. With all this they can't
7 give us a sound bite, as I was reading this.
8 I would like to hear comments back from DDoT
9 as well. And I'm just not sure if we need to
10 say that at each one of the four hearings. So
11 that's why I kind of held that in abeyance.
12 And also they addressed the traffic and
13 loading issues in which the ANC had also
14 commented on as a whole perspective. What I
15 was going to do was condense it and just
16 mention the same thing at each one of those
17 four hearings or parcels.

18 COMMISSIONER MAY: Mr. Chairman, I
19 don't see a need to sort of repeat ourselves
20 parcel after parcel. I think the idea of
21 getting a supplemental report from DDoT is a
22 great idea.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 You know, I think I would clarify
2 that, you know, we did not receive a "final
3 report" from DDoT, but I don't think that we'd
4 asked for it or were expecting it otherwise.
5 So this is not to fault DDoT. IT's just that
6 there was substantial additional information
7 that was submitted on August 9th from the
8 Applicant. And then of course we had also
9 received additional information from the
10 Applicant -- I'm sorry, from parties in the
11 case and from the ANC that I think also -- it
12 would be beneficial to get DDoT's take on
13 those things.

14 And I think for the most part
15 those are spread across the entire
16 development, but there are some that are
17 specific parcel-to-parcel. And so therefore,
18 I would suggest that DDoT give us, you know,
19 their sort of general project-wide responses.
20 But then anything that's particular to a given
21 parcel, that they should address that
22 distinctly as part of that parcel. For

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 example, the bus parking issue which pertains
2 mostly to parcel 11. And I'm sure there are
3 other issues having to do with the loading and
4 whatnot that would be specific parcel-to-
5 parcel.

6 CHAIRPERSON HOOD: Yes, I think
7 actually that's a good idea, as stated by both
8 of my colleagues. If they give us something
9 general and then something tailored to each
10 particular -- I like to say hearing date or
11 hearing, hearing 1, 2, 3, 4.

12 Mr. Ritting, is that a legal way
13 of asking for -- or is that okay? Well, we're
14 getting a general across the whole --

15 MR. RITTING: I think as long as
16 you've indicated that the DDoT report will be
17 considered in each of the four separate cases
18 that you've divided the case into, I think
19 that's sufficient.

20 CHAIRPERSON HOOD: To keep it
21 clean I think I will continue to ask for it at
22 each hearing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. RITTING: Yes, I think that
2 would probably be better, but --

3 CHAIRPERSON HOOD: Okay. That's
4 what I'll do. We'll just get a general, and
5 forgive me for being redundant, but I'll keep
6 asking for it at each separate hearing.

7 COMMISSIONER TURNBULL: Yes, Mr.
8 Chair, I think -- as part of that I think they
9 need to address a monitoring plan, some type
10 of way of looking at the impacts and giving us
11 their best idea of what they feel a
12 significant or a sufficient monitoring plan
13 would be in order to assess the impact of
14 traffic within the area.

15 CHAIRPERSON HOOD: Okay. Anything
16 else before we move into parcel 1? No, I'm
17 sorry, before we move into parcel 2, temporary
18 uses? Parcel 1, transit pier and adjacent
19 spaces. And again, if somebody's in the
20 audience and we move our heads away looking at
21 stuff, you can -- just raise your hand and
22 we'll get back on the mic.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Okay. Let me open it up. Vice-
2 Chair?

3 VICE-CHAIRPERSON COHEN: Yes, I
4 just wanted to -- the Applicant has stated
5 that, you know, the Gangplank Slipholders
6 transition plan, you know, it's very thorough.
7 I almost even understand it. But I don't
8 think we heard from them specifically that
9 it's been acceptable to them. I don't think
10 there's documentation on record.

11 COMMISSIONER MAY: Just to
12 clarify, the "them" is?

13 VICE-CHAIRPERSON COHEN: The
14 Gangplank Slipholders, who are the actual
15 residents within this -- the area.

16 And let me just add another thing:
17 Their leases are coming up and I think it's at
18 the Applicant's discretion to renew, so that
19 was very confusing to me whether or not --
20 that they -- you know, the Applicant is
21 stating that they want to work with the
22 Gangplank Slipholders, but yet there was that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 kind of, well, we could just renew these
2 leases at will. So I just need to understand
3 that a little bit further and get a reaction
4 from the Gangplank Slipholders transition,
5 that they accept the transition.

6 CHAIRPERSON HOOD: You know, I
7 read a response -- not a response on that, no,
8 a response from the ANC. They actually
9 commented on it. Do we know what exhibit that
10 is? I can't put my hands right on it.

11 Actually Mr. Turnbull has it. I
12 just need to find my copy because I had it
13 marked up. Just give me a moment. If someone
14 else wants to --

15 COMMISSIONER TURNBULL: I think
16 what you're looking for is on the bottom of
17 page 2 and the top of page 3 where ANC is
18 talking about the number of meetings that have
19 been held. And they say, "As of this writing
20 ANC 6D is pleased to report on significant
21 gains," but they're still saying that -- "In
22 our conversations with GPSA and the Applicant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ANC 6D is confident that this agreement and
2 any side letters pertaining to this will be
3 signed within the month."

4 CHAIRPERSON HOOD: That was it. I
5 just was looking for my copy.

6 COMMISSIONER TURNBULL: Right.

7 CHAIRPERSON HOOD: So thank you.
8 I found my copy. Yes, that was exactly it.
9 But I would agree with Vice-Chair that we
10 would maybe put that in the parking lot and
11 ask for -- unless we can be directed to
12 something other than the ANC report that tells
13 us how that agreement is going, because I
14 think they a vested -- a very well vested
15 interest.

16 COMMISSIONER TURNBULL: I think
17 what the Vice-Chair -- apparently there was a
18 letter dated March 1st, 2012. The Slipholders
19 were forwarded their license agreements for
20 renewal through a period April 1st, 2012
21 through March 31st, 2013. And in that letter
22 it basically said that they would have its

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 right, its sole discretion to cancel the
2 license agreement pursuant to paragraph 30,
3 blah, blah, blah, so that there's a little --
4 I think there might be some uncertainty as to
5 individuals having the right to stay there.

6 CHAIRPERSON HOOD: Okay.

7 MS. SCHELLIN: Chairman Hood, if I
8 may? The Applicant's attorney Ms. Brown
9 approached the dais and advised that the
10 Applicant and Gangplank have signed the
11 agreement, but it is in the Office of the
12 Deputy Mayor for their signature. However, I
13 did advise her that the Commission still
14 wanted to hear from Gangplank, how they felt
15 about it, even though the -- do you want to
16 see the signed agreement, too?

17 CHAIRPERSON HOOD: Well, the
18 signed agreement -- I think the signed
19 agreement should suffice, but let me ask the
20 person who requested it.

21 MS. SCHELLIN: Okay.

22 CHAIRPERSON HOOD: Is that -- you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 requested it? Didn't you request it?

2 VICE-CHAIRPERSON COHEN: Yes.

3 COMMISSIONER MAY: Signed by the
4 Gangplank, but we don't know that it's
5 acceptable to the Deputy Mayor.

6 MS. SCHELLIN: It's still waiting
7 for signature. It's there. I think it's
8 acceptable. It's just a matter of getting
9 them to sign it and give it back.

10 CHAIRPERSON HOOD: Okay. That
11 could be provided.

12 MS. SCHELLIN: This might push
13 them.

14 COMMISSIONER MAY: I'm hoping
15 there will be enough time.

16 MS. SCHELLIN: For them to sign
17 it?

18 COMMISSIONER MAY: For them to
19 sign it and give us the fully executed copy.

20 MS. SCHELLIN: Okay. So you want
21 the executed copy? Do you still want to hear
22 from Gangplank also, or is that okay, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 will suffice?

2 COMMISSIONER MAY: If it's a fully
3 executed copy, then I think that would be
4 sufficient.

5 MS. SCHELLIN: Okay.

6 CHAIRPERSON HOOD: Okay. So we'll
7 wait. Shouldn't take that long. So we'll
8 wait to get that.

9 Let's go to the cruising community
10 concerns about the mooring field.

11 VICE-CHAIRPERSON COHEN: Mr.
12 Chairman?

13 CHAIRPERSON HOOD: Yes?

14 VICE-CHAIRPERSON COHEN: I think
15 that again the Applicant, the Army Corps, the
16 harbor master all indicated that, you know,
17 the mooring issue has been addressed and I
18 don't know what more we can ask for.

19 CHAIRPERSON HOOD: Okay. As was
20 stated from the Applicant, it talks about that
21 the Applicant has also adequately addressed
22 issues. It talks about the phase 1 plan for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the Waterside development will include mooring
2 fields for 15 vessels of various length, size.
3 You know, we have all the discussion. Anybody
4 else have any concerns on that?

5 (No audible response.)

6 CHAIRPERSON HOOD: Okay. Any
7 other issues?

8 COMMISSIONER TURNBULL: Well, Mr.
9 Chair, I don't think we'd ever get unanimity
10 from the Seven Seas -- from the cruising
11 community totally, but in light of the fact
12 that Congress has approved narrowing the
13 Washington Channel, I think the Applicant at
14 least tried to come up with some approaches to
15 mooring. I think there were some issue with
16 mooring along the park plan. I don't know if
17 that was ever resolved or that ever -- but I
18 mean, I think there were -- I think they at
19 least tried to accommodate the cruising ships
20 within the channel. I think there was a plan
21 for at least having ships be able to tie up
22 there. Again, I don't think it would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 acceptable -- I don't think it was acceptable
2 to the cruising community, but at least there
3 was an attempt to still provide some moorings
4 for ships.

5 CHAIRPERSON HOOD: Okay. Anything
6 else on this?

7 COMMISSIONER MAY: I would just
8 want to more or less concur. I mean, I think
9 that the -- you know, we heard a lot of
10 different testimony about this and we heard a
11 number of different experts on the topic.
12 And, yes, I think there's going to be some
13 reduction in the area of the mooring fields
14 and the ability of ships to come in and just
15 drop anchor. Yes, it's going to be reduced.
16 It doesn't completely eliminate the
17 possibility, nor does it completely eliminate
18 the ability of visiting ships, cruisers or any
19 sort from coming in and tying up somehow and
20 being able to stop and visit Washington.

21 It may not be the way they've done
22 it in the past, but I still think that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 opportunities are there and I'm not -- I don't
2 feel like we heard compelling enough evidence
3 to really second guess that, that the benefits
4 to a handful of folks who would come and visit
5 and, you know, want to drop anchor and swing
6 all the way around, you know, depending on
7 which way the wind is blowing, that that
8 outweighs the benefits of the rest of the
9 development. And so I think that this is --
10 that what has been proposed is acceptable from
11 my perspective.

12 CHAIRPERSON HOOD: Okay.
13 Commissioners, on page 2.1, let's just look at
14 what -- in the final drawing set. I just want
15 to make sure we are okay with the temporary
16 uses and everything that's presented.

17 COMMISSIONER MAY: I'm sorry,
18 which -- what are you looking at?

19 CHAIRPERSON HOOD: I'm just
20 looking at 2.1. It's in the first hearing.
21 It's dated -- I'm sorry. Is this A8 on 2.1?
22 I think it's A8. 281-200. Maybe I need to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 take my glasses off. 2.1. I just want us to
2 go down this road now and make sure there are
3 no concerns, outstanding concerns. Vice-
4 Chair?

5 VICE-CHAIRPERSON COHEN: Mr.
6 Chairman, I'm just very hopeful that the
7 cogeneration plant is moving forward, and
8 that's the only comment I really have, or
9 concern.

10 COMMISSIONER MAY: You're
11 interested in our comments specific to parcel
12 2, right?

13 CHAIRPERSON HOOD: Yes, specific
14 to parcel 2 and the first hearing. Everything
15 encompasses the first hearing.

16 COMMISSIONER MAY: Right. Yes,
17 I'm hesitant to refer to them as hearings
18 because we had that extra hearing at the end.
19 And so --

20 CHAIRPERSON HOOD: Well, we'll get
21 to that one, too.

22 COMMISSIONER MAY: Well, we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 only -- we're not doing five orders. We're
2 doing four orders. That's why I think to
3 think in terms of parcels.

4 Anyway, you know, I still have to
5 say I don't believe -- I can't say that I'm a
6 huge fan of the architecture overall. I do
7 think it is significantly improved from what
8 we had seen previously and it has become more
9 restrained in the areas where it needed to be
10 restrained. And for the most part my concerns
11 architecturally were limited to those that
12 were not being debated with the Commission of
13 Fine Arts, because I think the Commission of
14 Fine Arts did a good job of trying to guide
15 the development of the specific building
16 designs, and that was appropriate and helpful.

17 You know, for the most part
18 they've addressed the issues of -- well, they
19 certainly have addressed the issue of too many
20 "architectural embellishments" that
21 essentially tried to make the buildings look
22 taller than they really were and didn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 understand that that's not what our objective
2 is here.

3 And so, penthouse has been
4 appropriately set back and I think that's
5 helpful, for the most part. It's not perfect.
6 There are still some areas where I think that
7 the setbacks of the penthouses are not
8 sufficient, but I think that if it's possible
9 in the further design of the building to
10 reduce the setbacks, or to increase the
11 setbacks of the penthouses, I would certainly
12 encourage that. It's not in the Applicant's
13 best interest to have large plain penthouses
14 looming over their courtyards and so on.

15 I would also suggest -- I mean,
16 the one final architectural comment of this is
17 that a number of the penthouses -- and I think
18 this is true on parcel 2, although I will
19 admit to a certain extent it gets a little bit
20 blurred. But on parcel 2 I think I saw that
21 the penthouse was being clad with -- yes, with
22 a precast aluminum composite metal panel

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 system, and it's a very light color. And I
2 understand that the architecture of the
3 building in parcel 2 is very light, but I
4 think in terms of what we've seen on
5 penthouses is that while it may not be the
6 most intuitive thing, that darker colors are
7 better and that they tend to recede more than
8 the lighter colors. Lighter colors tend to
9 shine and again make the penthouse more
10 present. So I would strongly encourage darker
11 colors for the penthouses. And that's as much
12 as I have to say about the architecture at
13 this point.

14 CHAIRPERSON HOOD: Anybody else?

15 COMMISSIONER TURNBULL: Are you
16 looking for drawings, or colors for the
17 penthouse?

18 COMMISSIONER MAY: Not on the
19 volume of drawings that we've already
20 received. We don't need a whole new set for
21 it. But, yes, I mean if they're willing to
22 consider this, I think that, you know, a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 drawing that indicates a darker color I think
2 would be a welcome improvement.

3 But I don't know, Mr. Turnbull, do
4 you have an opinion on this? Do you think I'm
5 barking up the wrong tree, or do you think
6 that -- do you agree that darker colors are
7 better for penthouses?

8 COMMISSIONER TURNBULL: I have
9 mixed feelings. I think sometimes it works.
10 I think in some of their prospectives the
11 penthouse sort of have a grayish cast to them.

12 COMMISSIONER MAY: It's a very
13 light gray.

14 COMMISSIONER TURNBULL: Yes. I
15 don't know if it's just maybe a warmer gray
16 that they need to go to.

17 COMMISSIONER MAY: Well, it looks
18 like it's about a 10 percent gray.

19 COMMISSIONER TURNBULL: Yes.

20 COMMISSIONER MAY: Whether it's
21 warm or cool. But, you know, I think they
22 need to get into like the 50 percent range.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER TURNBULL: Although,
2 you know what, if you look on drawing -- the
3 prospective 1.7, which is sort of from
4 L'Enfant, the plateau up there -- I think it's
5 1.7. The parcel 2 book. The parcel 2, volume
6 1 it's called. It's this one here called
7 201A1-201AG -- A9.

8 COMMISSIONER MAY: Okay. That's
9 the one I'm looking at. And you're looking at
10 what?

11 COMMISSIONER TURNBULL: 1.7. And
12 again, if you look at the penthouse on the
13 left split of the building, I mean, there
14 that's -- I mean, maybe it's a color issue.
15 I don't know. Do you see that penthouse on
16 the one? It looks darker.

17 COMMISSIONER MAY: Yes, on the
18 left it does look a little darker.

19 COMMISSIONER TURNBULL: Yes.

20 COMMISSIONER MAY: But I was going
21 by the materials board --

22 COMMISSIONER TURNBULL: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: -- which --

2 COMMISSIONER TURNBULL: I know.

3 They've --

4 COMMISSIONER MAY: -- was 1.35.

5 COMMISSIONER TURNBULL: Well,
6 maybe we can have them look at submitting a
7 sample that may be closer to that one, set
8 closer to this gray.

9 COMMISSIONER MAY: Closer to what
10 is shown on 1.7?

11 COMMISSIONER TURNBULL: 1.7.

12 COMMISSIONER MAY: Yes.

13 COMMISSIONER TURNBULL: 1.6. I
14 mean, actually -- I mean, it's a matter of
15 representation of colors. Actually if you
16 look at 1.9 and 1.8, it looks like there's two
17 different -- I mean, one is set back farther,
18 but the one looks definitely darker. I
19 mean --

20 COMMISSIONER MAY: Yes.

21 COMMISSIONER TURNBULL: So maybe
22 that's what you're really looking at is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 something on that darker range.

2 COMMISSIONER MAY: Definitely
3 something on the darker range. Again, I was
4 going by the -- what we see on 1.35.

5 COMMISSIONER TURNBULL: Okay.

6 COMMISSIONER MAY: So if that's
7 not an accurate rendition of it, then they
8 just need to show us a more accurate rendition
9 of the color.

10 CHAIRPERSON HOOD: Okay. Anything
11 else?

12 (No audible response.)

13 CHAIRPERSON HOOD: Let me just
14 comment. I know that I was really on the
15 First Source employment agreement, and I
16 actually -- while I understand we don't have
17 a contract; we're very close to getting it, I
18 associate myself with the comments of the ANC.
19 "ANC 6D recognizes" -- and I'm reading from
20 the last page of their report. "ANC 6D
21 recognizes that the Applicant has yet to
22 select a construction firm, however, since

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 construction phase is about six months away,
2 ANC 6D expects the developer to provide us
3 with a CBCC with their employment needs during
4 the three years of the first phase of the
5 construction. We expect the Applicant, their
6 construction firm and DMPED to minimize the
7 number of Pennsylvania and West Virginia" --
8 don't leave out Maryland and Virginia --
9 "license plates that we may see on the streets
10 of Southwest on a daily basis during
11 construction on this PUD. Build locally, hire
12 locally, otherwise it's all just so much
13 posturing."

14 And the reason I -- one of the
15 first projects I voted on in Southwest, in
16 that area, was a town home development, and I
17 used to walk by it. I know I voted on it
18 here. And they're exactly right. The tags
19 were from West Virginia, Pennsylvania,
20 Delaware and other places.

21 So and then I looked at what the
22 Applicant says to me, and I have some concern

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 with this, but the Deputy Mayor's Office says
2 that -- and I think they assured in one of
3 their submissions about the First Source. And
4 obviously the Applicant has done some due
5 diligence. The Applicant coordinated with the
6 Department of Employment Services on the
7 appropriate document to satisfy the
8 requirements on page 11. I kept saying page
9 11. Yes, they obviously wanted to ask about
10 page 11. In light of the fact that a general
11 contractor has not been selected, Mr. de Carlo
12 Washington of the DOES agreed to accept the
13 attached document as evidence of how the
14 prospective general contractor could comply
15 with the First Source hiring requirements.

16 I'm going to ask staff -- and it's
17 not that I don't believe this Applicant.
18 That's not even the case. I just think that
19 it's so crucial. And then when we ask for a
20 report or a submission from the Office of
21 Planning, our numbers are very, very low. I'm
22 not sure exactly how to tackle this, because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 unless something has changed, Ms. Schellin,
2 from what I was -- when we --

3 MS. SCHELLIN: Actually we did
4 contact DOES already on this and that's
5 what --

6 COMMISSIONER COHEN: Did we
7 contact the gentleman that spoke --

8 MS. SCHELLIN: Mr. de Carlo
9 Washington, yes. And he --

10 CHAIRPERSON HOOD: Is that who
11 spoke to us?

12 MS. SCHELLIN: I'm not sure who
13 spoke. He's the one that's in charge of the
14 First Source agreement.

15 CHAIRPERSON HOOD: I thought we
16 heard from Mr. Brown.

17 MS. SCHELLIN: Mr. Brown is a
18 supervisor that really -- I think his main
19 objective are -- is a training, something to
20 do with training people.

21 CHAIRPERSON HOOD: Apprenticeship.
22 That's right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: Right, the
2 apprenticeships. But Mr. Washington, we did
3 have some email exchange. And I let the
4 Applicant know and they contacted him. And
5 that's why that exhibit came out. And what he
6 informed us was that this agreement was signed
7 awhile back. And since then they have in
8 place where they would do an attachment, you
9 know, and Exhibit A like the Applicant has
10 provided, and that would suffice their --
11 satisfy their requirements. And then when
12 it's time for them to actually hire somebody,
13 that exhibit basically says that the developer
14 is allowing whoever I believe that contractor
15 will be to come in to DOES and, you know, go
16 through that whole process also, or actually
17 it binds them to do that.

18 CHAIRPERSON HOOD: I just think
19 that we need to do it more in advance. And
20 I'm not really sure -- I will ask Mr. Ritting
21 how far I can on this, because I want to see
22 it happen. I mean, you know, I've been here

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 long enough to see everybody come down here
2 and get a plan signed. Everybody just wants
3 it signed by Ms. Gilbert. She'd sign them all
4 the time. But the problem was there was
5 nothing happening after that. And I think
6 that that was a disservice to the city.

7 And this whole project is just --
8 well, let me just talk about hearing 1.
9 That's the way I want to refer to it. It's
10 too big to let it just go once it leaves out
11 the door and not happening. I'm not saying
12 this happened, but this whole project is just
13 too big for nothing to really materialize.
14 Vice-Chair?

15 VICE-CHAIRPERSON COHEN: Mr.
16 Chairman, I just want to mention though that
17 HSW has committed \$1 million to a pilot
18 program with the District's Work Force
19 Intermediary Program. And one of the things
20 that I think we have always expected is that
21 people show up for work, yet they aren't
22 prepared. So this \$1 million will be helpful

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 as long as the intermediary program
2 administration is able to implement a job
3 readiness preparation program. I mean, I
4 agree with you, but \$1 million to actually
5 attempt to get the work force identified and
6 in place I think is a pretty significant
7 contribution.

8 CHAIRPERSON HOOD: Okay. I still
9 -- while I appreciate that, I still stand by
10 my -- what I said. I'm just trying to figure
11 out, Mr. Ritting; and we don't have to answer
12 it now, is before we wrap all this up how --
13 what type of follow up can be done? I know
14 there's probably some already in place, but I
15 can tell you most people think that the First
16 Source in this city is a joke. And actually
17 the findings, what I've seen in the past, it
18 is.

19 So but I think it's time for us to
20 bear down and do what we have to do make sure
21 residents -- even if we have to coincide with
22 the administration's -- what is it, First

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Hire, First Employer? Whatever it's called.
2 I think at some point in time there's a lot of
3 things going on in this city where people can
4 get employed. And we need to have the -- we
5 need to know what the pool is, what the needs
6 are much more before it gets started. And
7 that's something I would like for us to look
8 into. We don't have to answer it now. I'm
9 sure that -- if I'm way off to left field, I'm
10 sure that I will be informed. So I don't need
11 a response right now, but that's -- I want to
12 see some follow up and I want to see some
13 reports, like I requested maybe some 10 years
14 ago, try to make sure that this stuff happens.

15 Okay. Anything else on what I
16 like to call hearing 1?

17 (No audible response.)

18 CHAIRPERSON HOOD: Everybody has a
19 way of doing it different, that's why there's
20 four of us here because we all got a vote. I
21 like to call it hearing 1. Call it what you
22 want to call it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Any other questions on hearing 1?

2 COMMISSIONER MAY: Mr. Chairman, I
3 would move -- no.

4 CHAIRPERSON HOOD: Are we read to
5 move to -- thank you. Okay. Let's move to
6 parcel 3A, parcel 3B, District Pier and Pier
7 Avenue Mews. Let me open it up for
8 discussion. I like to call this -- I think
9 this was hearing 2.

10 COMMISSIONER TURNBULL: This is
11 the parcel that the Vice-Chair does not get
12 her clock tower.

13 CHAIRPERSON HOOD: Let me just --
14 not to be redundant. First Source is also
15 here. My comments still stand.

16 Okay. Let me open it up. And
17 DDoT. Okay. The DDoT. I don't think we need
18 to go down the line again. We asked for
19 supplements, a general as well as something
20 narrow scoped to this parcel to be responsive
21 to 3A, 3B, District Pier and Pier Mews --
22 Avenue Mews.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Okay. So with that, let me open
2 it up. And we have updated drawings.

3 VICE-CHAIRPERSON COHEN: Mr.
4 Chairman, just my comment is with -- I think
5 it's Jazz Alley, and that may be -- if I, you
6 know, read things correctly, I don't know if
7 this is the one alley that's not ADA
8 compliant. And I believe that may end up
9 being an issue. And I would suggest the
10 Applicant carefully look at that because the
11 ADA community will be after you if it isn't
12 compliant.

13 CHAIRPERSON HOOD: Okay. Let me
14 go up to my three architects. I think this is
15 where the Office of Planning; and I will let
16 them speak for themselves, had some issues
17 with the air vent.

18 COMMISSIONER TURNBULL: Yes, I
19 just wanted to help expedite that. I think
20 there are drawings by the Applicant. And
21 again, I'm in volume 2, Exhibit 203A1 to
22 203A15. And page 1.34 and 35 show an expanded

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 view of the WMATA solution. Yes, it's sheets
2 1.34, which shows and elevation. And then
3 1.35 shows sort of a cutaway section
4 perspective of all the different pieces.

5 VICE-CHAIRPERSON COHEN: So you're
6 saying that the Applicant has met that
7 concern?

8 COMMISSIONER TURNBULL: Well, I
9 think that's for us to talk about. I mean, I
10 think Commissioner May brought up several
11 concerns at the last hearing on those about
12 just the appearance, the overall appearance of
13 it. I think there was also the entryway next
14 door, the doorway, and I think -- I'm just
15 pointing out that where the drawings are that
16 -- if you wanted to look at it.

17 COMMISSIONER MAY: I had a
18 particular concern about the plan that had
19 sort of a niche off of Maine Avenue there that
20 was -- seemed hazardous, and that certainly
21 has been addressed. I'm trying to find the
22 earlier version of that elevation.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HOOD: Anybody have a
2 old book?

3 COMMISSIONER TURNBULL: I can get
4 an old book, if you want.

5 COMMISSIONER MAY: I have an old
6 books. It's a matter of finding the right
7 drawing.

8 CHAIRPERSON HOOD: Oh, okay.

9 COMMISSIONER TURNBULL: Right now
10 I guess I don't have any major issues with it.
11 I'm not sure how OP has looked at this. I
12 think the creating of the vestibule with the
13 doors that go in, or there's no -- like a
14 utility door now coming off the street, to try
15 to dress that up.

16 COMMISSIONER MAY: Yes, you know,
17 I think we had seen this version of the vent
18 and how it would be made in the earlier
19 iteration. It's not the very earliest version
20 of it. And I think we saw this at the second
21 -- or the follow-up hearing maybe at the end
22 of the month, end of July.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I don't have any great anxiety
2 about this treatment. You know, it's
3 certainly -- it's a difficult thing to try to
4 address having this large vent on the -- on
5 such a prominent façade of the building, but,
6 you know -- and I don't even know if it's
7 possible, but short of like running it all the
8 way up the roof or something like that, I'm
9 not sure how else you would deal with it.
10 You'd have to decorate it in some fashion.
11 Anyway, I'm fine with that.

12 CHAIRPERSON HOOD: Vice-Chair, you
13 -- okay. Let's open it up. Anyone have other
14 issues?

15 (No audible response.)

16 CHAIRPERSON HOOD: I think one of
17 us may have had some issues within -- I
18 believe we talked about the embellishments on
19 the roof. I actually did not have any issues
20 with the embellishments. I actually like
21 them, even since the -- I try to leave it to
22 the -- no, not necessarily the architects,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 because I will comment on it. I kind of like
2 some of the embellishments, but I just wanted
3 to have a discussion.

4 COMMISSIONER MAY: You know, I
5 think the only architectural and -- well,
6 there were a number of embellishments that had
7 essentially just been extensions of the
8 penthouses and they really did nothing other
9 than emphasize the height of the building, or
10 accentuate the height of the building. And I
11 don't think that was beneficial.

12 In the most recent version of the
13 building what we're seeing in terms of an
14 architectural embellishment is the piece over
15 the entry point for the hotel and I'm not --
16 I'm much less bothered by that than what we
17 had seen previously. So in other words, I
18 don't have any problems at this point with
19 "architectural embellishments."

20 But I do think again there's an
21 issue with the setbacks for penthouses and I
22 would urge them to do more to set them back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 further, but I don't have anything -- I don't
2 see anything that I need to see another
3 version of the drawings.

4 CHAIRPERSON HOOD: Can we look at
5 3.34? Does anyone have a safety concern with
6 the dock master, the details? And I remember
7 having this discussion, but I -- let me just
8 ask this question: Does anybody have any
9 concern?

10 COMMISSIONER MAY: I'm sorry, what
11 was the question?

12 CHAIRPERSON HOOD: I was just --

13 COMMISSIONER MAY: About --
14 concern about what?

15 CHAIRPERSON HOOD: The safety.
16 And I think we brought this up during the
17 hearing.

18 COMMISSIONER MAY: Oh, you mean of
19 the protection against people falling into the
20 water?

21 CHAIRPERSON HOOD: The lack of
22 protection.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: Right. The
2 lack of a standard guardrail. Yes.

3 CHAIRPERSON HOOD: Right. Does
4 anybody have a -- I thought we talked about
5 that extensively. I was just wondering,
6 because when I look at this picture, it just
7 resonates back to me that I remember --

8 COMMISSIONER MAY: Well, I mean,
9 it's not -- I mean, we don't get into issues
10 of code. And safety issues like this would be
11 something where they'd have to satisfy folks
12 other than the Zoning Commission. I think the
13 concern I would have is if we think we have a
14 condition that they're going to wind up having
15 to put in a guardrail and then we'd be looking
16 at a different design than what we see today.

17 CHAIRPERSON HOOD: And that's my
18 point.

19 COMMISSIONER MAY: Right.

20 CHAIRPERSON HOOD: While I
21 understand there are certain things we don't
22 get into, but again our jobs are to protect

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the residents of the District. Oh, that's
2 right, you don't take that oath. The mayoral
3 appointees, we take that oath.

4 COMMISSIONER MAY: Yes.

5 CHAIRPERSON HOOD: And that's why
6 I --

7 COMMISSIONER MAY: You were not
8 there when I took the oath? I did take the
9 oath.

10 CHAIRPERSON HOOD: Okay. Well
11 again, you know -- oh, you did?

12 COMMISSIONER MAY: I did. And I
13 shook the mayor's hand.

14 CHAIRPERSON HOOD: Oh, okay. Oh,
15 he gives you the oath, too? I didn't know
16 that.

17 COMMISSIONER MAY: You know, I
18 don't know whether it was -- I was supposed to
19 or I wasn't, but I got called and I showed up
20 and took the oath.

21 CHAIRPERSON HOOD: Oh, okay.
22 Well, you have the same oath that we have.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: Yes, I do.

2 CHAIRPERSON HOOD: To protect the
3 residents and the businesses in the District
4 of Columbia.

5 COMMISSIONER MAY: That's right,
6 and we have -- we protect them in the zoning
7 arena, but not necessarily the because code
8 arena.

9 CHAIRPERSON HOOD: This is --
10 we're getting ready to approve a design.

11 COMMISSIONER MAY: I understand
12 that.

13 CHAIRPERSON HOOD: And that's my
14 issue.

15 COMMISSIONER MAY: Right.

16 CHAIRPERSON HOOD: It's still a
17 design issue, you know?

18 COMMISSIONER MAY: Right.

19 CHAIRPERSON HOOD: That's kind of
20 where I am. And next time you have to invite
21 us, because I'd like to see you take the oath
22 so I can hear the words that you --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: It happened so
2 long ago. I couldn't even tell you what year
3 it was.

4 COMMISSIONER TURNBULL: He was
5 just a baby, this big.

6 COMMISSIONER MAY: I was a baby
7 zoning commissioner.

8 COMMISSIONER TURNBULL: Yes.

9 CHAIRPERSON HOOD: Then it must
10 have not been volleyball night.

11 Anyway, let's get back to --

12 COMMISSIONER MAY: That's right.

13 CHAIRPERSON HOOD: Because you
14 wouldn't have showed up if it was volleyball
15 night.

16 COMMISSIONER TURNBULL: I think
17 there's room for them to work if they have to
18 put a railing in. I mean, they've got the
19 round -- they've got the piers coming. You've
20 got the -- I guess I'm not that concerned. I
21 mean, if they have to do it from a coast
22 railing, I think there's room to work with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that.

2 CHAIRPERSON HOOD: Okay. I just
3 raised it. You know, I have a right to raise
4 it, like all four of us do. Well, all five of
5 us soon to be.

6 Okay. Any other concerns,
7 comments?

8 COMMISSIONER MAY: No, I don't
9 really have a concern about that. I mean, if
10 they can do it and can do it safely, then
11 that's fine.

12 CHAIRPERSON HOOD: Anyone else,
13 comment on hearing 2, some of the submissions?

14 (No audible response.)

15 CHAIRPERSON HOOD: I don't think
16 so. I think as we get to the next one and the
17 last one, that's where most of our submissions
18 came from as far as comments.

19 COMMISSIONER MAY: I would want to
20 add, going back to the architectural issues
21 for just a second, I have the same concern
22 here about the color of the penthouse, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 metal panels of the penthouse.

2 CHAIRPERSON HOOD: Which page are
3 you on?

4 COMMISSIONER MAY: Any number. I
5 mean, I'm looking at an overall view. That's
6 3.1. But any view that shows the penthouse.
7 It's -- and if you look at the materials board
8 pages, whatever those were, it shows the same
9 aluminum panel that was present in parcel 2.
10 And I think that they would just be better off
11 with something darker.

12 CHAIRPERSON HOOD: I actually,
13 believe it or not, agree with you now that I'm
14 looking at it. I think darker would show the
15 building a lot better than those lighter
16 panels.

17 COMMISSIONER MAY: Yes. Thanks.

18 CHAIRPERSON HOOD: Okay. Anything
19 else?

20 (No audible response.)

21 CHAIRPERSON HOOD: So are we ready
22 to move on? Let me make sure.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 We talked about DDoT and all that
2 at the beginning, so we don't need to go
3 through that.

4 Okay. Let's go to -- if there's
5 nothing else on hearing 2, let's go to hearing
6 3, which was parcel 4A, parcel 4B, the Capital
7 Yacht Club, Capital Club, Plaza Mews, the
8 alley and the 7th Street Park. Piazza Mews
9 and Jazz Alley and the 7th Street Park. Let's
10 open it up for discussion.

11 VICE-CHAIRPERSON COHEN: Yes, Mr.
12 Chairman, I had gone -- gotten ahead of
13 ourselves and my comment really on the ADA
14 accessibility I think, you know, is more
15 appropriate for this part of -- because I
16 think it is Jazz Alley that doesn't meet the
17 requirement. I'm not positive, but I think
18 that's the one.

19 CHAIRPERSON HOOD: Okay. Did you
20 want to repeat it for this one, Vice-Chair, or
21 you just want to move your comments from
22 hearing 2 to hearing 3?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE-CHAIRPERSON COHEN: Correct.

2 CHAIRPERSON HOOD: Again, I just
3 want to mention about the First Source which
4 we have talked about, but also the DDoT report
5 in response to the report. We're asking for
6 DDoT, again, general purpose and response
7 specifically to parcels 4A, 4B, Yacht Club in
8 hearing 3.

9 So let me open it up for comments.
10 And again, we have updated drawing that were
11 submitted to us.

12 COMMISSIONER MAY: I'm relieved to
13 say that the penthouse is a dark color.

14 I will also add, you know, most of
15 my concerns, or all my concerns on this, you
16 know, like the other ones have been addressed
17 in their dealings with the Commission of Fine
18 Arts and also our advice with regard to
19 pushing back on some of these instances where
20 they extended the penthouse right to the edge
21 of the building. And they've pushed them back
22 to where they need to be, and I think that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that's appropriate.

2 And what now stands out are the
3 appropriate architectural embellishments, if
4 you will, you know, the one -- the extension
5 that reaches out toward the water, and I think
6 that that's an attractive composition overall.
7 You know, the prow at the very top is perhaps
8 a bit heavy, but I think overall the idea of
9 that projecting glass makes sense so long as
10 the window treatments are consistent in every
11 unit.

12 COMMISSIONER TURNBULL: Yes, if I
13 recall, I think they had actually pulled back
14 the penthouses for the July 31st meeting. I
15 think they had shown that.

16 COMMISSIONER MAY: Yes. Yes,
17 we've already seen it like this and it's -- I
18 mean, it looks fine.

19 COMMISSIONER TURNBULL: I think OP
20 had some concerns also that it had mentioned
21 in one of its reports. I don't know if
22 they're ever responded back, but -- I thought

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 OP had a concern about height of -- the extra-
2 visual height of the penthouses or something
3 in its -- one of its reports.

4 COMMISSIONER MAY: Yes, that was
5 certainly mentioned in their report --

6 COMMISSIONER TURNBULL: Right.

7 COMMISSIONER MAY: -- on this one.

8 COMMISSIONER TURNBULL: I don't
9 know if --

10 COMMISSIONER MAY: I thought that
11 that had been addressed. We picked up on
12 that, so maybe --

13 COMMISSIONER TURNBULL: You okay
14 with it? Okay.

15 COMMISSIONER MAY: Mr. Jesick is
16 nodding that -- yes, now he gives me the big
17 nod saying yes.

18 COMMISSIONER TURNBULL: Okay.

19 CHAIRPERSON HOOD: I think I've
20 already mentioned this, but I would pull back
21 my comments about the lights in Jazz Alley.
22 I have to agree with -- I think I mentioned

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this, but I have to agree with the ANC now.
2 Because when I went home and looked at another
3 project, they had lights. I don't know if
4 they went out and put some out, but I really
5 like the way that that looked over on Rhode
6 Island Avenue. And I would have to agree with
7 the ANC about the lights in Jazz Alley.

8 I'm just trying to see if there's
9 anything we've missed. Anyone see anything
10 else, any other issues?

11 (No audible response.)

12 CHAIRPERSON HOOD: Okay. We ready
13 to move on? If you need some more time, let
14 me know.

15 (No audible response.)

16 CHAIRPERSON HOOD: Okay. Let's go
17 to -- not hearing anything, let's go to
18 hearing 4, which is the parcel 11A, parcel 11B
19 and the Waterfront Park.

20 We did have a lot of comments.
21 ANC. We have another issue on parcel 11 that
22 we need to deal with, and it's Exhibit No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 234, about the waiver from the IZ. We want to
2 make sure that we respond to that.

3 Also we have an exhibit from the
4 attorney for the Harbour Square Owners, Inc,
5 from Mr. Hitchcock, and he raises his
6 concerns. We discussed that. The ANC letter
7 also alludes to some issues. Also the Tiber
8 Island Cooperative Homes, Inc., which is Colin
9 -- Colleen Rooney, or Colin Rooney. Hopefully
10 I didn't butcher the name too bad. And that's
11 -- and also 6th Street Neighbors. Okay.
12 Exhibit No. 215.

13 But let's open it up first and
14 then we'll get into those comments.
15 Commissioner May?

16 COMMISSIONER MAY: Mr. Chairman, I
17 just want to say for the record that I have
18 reviewed the hearing that I missed. I
19 reviewed all the materials from that hearing
20 and the transcript, or the recording of that
21 hearing. So I have gotten completely caught
22 up on the hearing that I missed.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HOOD: Is that the one
2 where Mr. Turnbull mentioned your name? Oh,
3 did you get that, the other -- oh, okay. You
4 didn't hear from me. You'll see it when you
5 read it.

6 Okay. Let's get right into it.
7 Again, the normal issues. DDoT, the general
8 purpose. And as we move into it, we'd like
9 for them to comment as a result of the report
10 that was given to us in the other cases,
11 comments specifically on parcel 11, the
12 Waterfront Park and the adjacent space in our
13 supplemental report and their response to what
14 the Applicant submitted.

15 Okay. Let me open it up. Vice-
16 Chair, want to start us off?

17 VICE-CHAIRPERSON COHEN: Thank
18 you, Mr. Chairman. I'd like to thank the
19 Office of Planning for their supplemental
20 report regarding the parcel 11 affordability
21 analysis, and I support their conclusions.

22 CHAIRPERSON HOOD: Let us know --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I guess we can read it.

2 VICE-CHAIRPERSON COHEN: Yes, the
3 Office of Planning recommends that the
4 Applicant meet the full requirements of the
5 Inclusionary Zoning Program. The Applicant
6 had recommended a waiver of the IZ
7 requirements. And in the -- instead of
8 meeting the requirements of IZ, they had
9 proposed to address work force housing, which
10 is higher income levels. And the analysis
11 that was undertaken by OP said that the
12 information that was submitted, as well as the
13 market in the area did not support the
14 conclusions of the Applicant.

15 CHAIRPERSON HOOD: Okay.
16 Commissioners, let's open it up for
17 discussion. The analysis from Office of
18 Planning was not to support the variance and
19 the IZ regulations. And I think the Vice-
20 Chair has already put her position. Let's
21 open it up for any discussion on this issue.
22 Does anyone disagree with the Vice-Chair?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 (No audible response.)

2 CHAIRPERSON HOOD: I actually am
3 in agreement with the Vice-Chair. I think
4 that again as stated we put things in place
5 for a reason, and this seems like -- goes back
6 to a -- I'm not digging at anybody, but it
7 goes back to every time we put something, then
8 we ask to change it for a specific case. And
9 I think that we put rules in place after much
10 thought and much dialogue and much
11 participation from the public and then we turn
12 around and change it when the request comes,
13 -- or attempt to change it when a request --
14 and this actually goes to -- when I read this,
15 I thought about another case that we had. But
16 anyway, I would agree with the Office of
17 Planning's report that the IZ -- grants from
18 the IZ regulations not be supported, and I
19 would go along with the Office of Planning.
20 And I would agree with the Vice-Chair.

21 Any other comments?

22 (No audible response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON HOOD: No other
2 comments? Okay. Any other issues?

3 COMMISSIONER TURNBULL: I just
4 want to -- I could touch on the parking for
5 the church. I think the ANC in their last
6 submission to us talked -- I think they've got
7 down that there's only seven spaces, but
8 that's inside the parking garage. The
9 Applicant in the -- in our testimony on July
10 31st, which is also shown on figure 4, page 20
11 of Exhibit 195 -- there are 13 spaces, 20 foot
12 -- and I want to read from the hearing. "The
13 13 spaces" -- and I believe this was Mr.
14 Seamon who was talking. "The 13 spaces in
15 yellow that we are showing here would be
16 metered parking, but they would be signed so
17 that they are available for church parking on
18 Sundays and we have to the hours of 8:00 a.m.
19 to noon. We would work with the church
20 certainly to make sure that -- hit the demand.
21 As we have testified previously, there are
22 seven parking internal. This is 13 on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 outside. That would allow up to 20 parking
2 spaces available for the church."

3 And then following that he talked
4 about the lay by area. So basically they're
5 allowing for 20 spaces for the church, 20
6 outside -- I mean, 13 outside and 7 inside.
7 So I mean, I don't know how that -- what kind
8 of language has to be put in the order for
9 that, but I mean, that's what they're
10 providing.

11 CHAIRPERSON HOOD: So I think
12 seven are guaranteed.

13 COMMISSIONER TURNBULL: Seven are
14 guaranteed inside. And if you look at parcel
15 -- on figure -- well, it's actually figure 4.
16 It's figure 4 on page 20. And then
17 highlighted in yellow is the parking spaces
18 that also shows church and residential
19 loading. And it showed metered parking and
20 drop off by the church also.

21 CHAIRPERSON HOOD: But if I'm not
22 mistaken, didn't we get testimony that most of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the parishioners at this church walk?

2 COMMISSIONER TURNBULL: Right.

3 But I think the ANC was concerned that there
4 are 15 spaces now.

5 CHAIRPERSON HOOD: And they're
6 going to seven.

7 COMMISSIONER TURNBULL: And they
8 were only going to go to seven. So I think
9 they were concerned that in theory most people
10 are walking, but it sounds like that may or
11 may not be the case. I think there was
12 concern. So I think the fact that allowing
13 that there's another 13 outside, I think they
14 should cover the issues of parking for the
15 church.

16 CHAIRPERSON HOOD: So that will be
17 a total of --

18 COMMISSIONER TURNBULL: Twenty.

19 CHAIRPERSON HOOD: -- 20. Did we
20 ask if the church was trying to grow at the
21 hearing? I'm just curious.

22 COMMISSIONER TURNBULL: I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 recall.

2 CHAIRPERSON HOOD: If this
3 happens, I'm sure that the membership will
4 pick up. Do you think 20 spaces --
5 Commissioner May?

6 COMMISSIONER MAY: No, I think I'm
7 probably comfortable with that, with their
8 plan for parking right now. You know,
9 certainly there are things that happen at the
10 church that may draw more people by vehicle,
11 but there will be substantial parking for cars
12 in the future development. Certainly in the
13 short term, you know, they'll be showing
14 additional parking lots and they'll be pay
15 parking lots, but you know, that's an issue
16 that we face across the city.

17 If people could park in
18 residential parking for free, are they going
19 to pay to park, you know, across the street or
20 closer to where they're going? And the answer
21 is, you know, they might, but if they don't,
22 DDoT has ways of addressing that with their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 performance parking system and so on. And so
2 they're always, you know, trying to make sure
3 that there's sufficient parking for
4 neighborhood residents who have to rely on
5 that for parking.

6 So I'm comfortable with what's
7 proposed here in terms of the parking for
8 church goers.

9 CHAIRPERSON HOOD: Okay. Anyone
10 else?

11 COMMISSIONER TURNBULL: Oh, I
12 wanted to just -- just carrying on with the
13 same line with -- another concern brought up
14 by the ANC was bus parking. And again, I'm
15 not sure what the exhibit is. It's the letter
16 dated August 21st, 2012.

17 CHAIRPERSON HOOD: Exhibit 198.

18 COMMISSIONER TURNBULL: Is it
19 Exhibit 198? Okay. The last thing that the
20 -- they talk about the ultimate condition,
21 which is again in that same exhibit that we
22 were talking about, 195. And they're pointing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 out figure 6. And the concern is that -- and
2 it shows up actually on figure 5.

3 CHAIRPERSON HOOD: What page is
4 that?

5 COMMISSIONER TURNBULL: On page
6 27. Page 27 and 28, figures 5 and 6 show
7 parking. And there's three buses parking
8 venue -- or places, place holders for buses in
9 front of -- by the church. Now I got to go
10 back to my other -- I guess what concerned me
11 -- and I know this came up in the hearing, but
12 I can remember in the hearing. And again, I
13 don't know whether it was -- I didn't mark
14 down who -- I think it was Mr. Seamon who was
15 going through a whole -- a laundry list of
16 items.

17 And I think that what I'm looking
18 at here is -- and again, it's page 200 of the
19 transcript, it talks about the bus management
20 plan. We have two versions of it. They are
21 the same location. You will just see the
22 background image of what is on-site changes,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 but the plan is to -- between 6th Street and
2 where future parcel 7 is to provide space for
3 up to 8 buses to have 15 minute loading and
4 unloading only. This is not a parking space.
5 It occupies a curbside section that is
6 currently used for parallel parking. So it
7 doesn't impact the flow of Maine Avenue as it
8 is. And he talks about -- later on he talks
9 about the commitment not to have buses going
10 down 6th Street and M Place.

11 So I'm concerned that originally
12 this was going to -- we talked, you know,
13 about eight bus locations by parcel 7. And I
14 know during the hearing at some point; I
15 couldn't find it, we did talk about that there
16 might be a possibility that we might have to
17 temporarily use something in front of the
18 church, but it would be very limited and they
19 would work it out. They would reserve it.

20 Now these two figures basically
21 show that it looks like they're planning on
22 it. So I'm not sure. I think we need some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 clarification on either -- and how we actually
2 regulate that. I think the ANC wants -- needs
3 some certainly as to -- and the neighborhood
4 as to if these buses are -- how much they're
5 going to be -- if it's used in front of the
6 church -- and I don't think the ANC would like
7 to have them in front of the church. But if
8 it's a last-minute option, you know, I mean
9 what governs that?

10 And I think that whole scenario of
11 the buses -- I mean, I think it was originally
12 supposed to be down on the next block and now
13 it looks like these diagrams are showing,
14 like, yes, well, looks like we're going to
15 really have three spaces. I guess that's a
16 big issue. I think that's a question for the
17 neighborhood, it's a question for the ANC, and
18 eventually it could impact the church.

19 CHAIRPERSON HOOD: Yes, so I would
20 agree with Mr. Turnbull. We should probably
21 try to see if we can get some clarification
22 and kind of nail that tour bus piece down a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 little more and the parking.

2 VICE-CHAIRPERSON COHEN: Mr.

3 Chairman?

4 CHAIRPERSON HOOD: Yes?

5 VICE-CHAIRPERSON COHEN: I would
6 concur with that, but one of the things that
7 I notice is that there's these agreements and
8 there's all these operation managers that are
9 going to be running around. And I think
10 what's going to happen and needs to happen is
11 there's sort of an orchestration. It's almost
12 like, you know, putting everybody in sync.
13 It's like, you know, a ballet master who has
14 to make sure everybody's in line and in sync.
15 And I think that there is definite commitment
16 on the part of the participants, but I don't
17 know if the execution is going to be as smooth
18 as we would like. It's going to probably take
19 awhile to get all that, you know, in sync.

20 So that was just my observation.
21 But I do agree that there is some confusion
22 about the buses.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: Yes, Mr.
2 Chairman, I agree with that. I think we need
3 to get something clarified. I did see the
4 same sort of descriptions of how they're going
5 to manage tour buses that are coming to bring
6 people to the entertainment cruise pier.

7 You know, I find the whole thing
8 sort of troubling, because even if they do
9 manage to make it work and they -- with -- or
10 they do intend to enforce it and keep all of
11 the buses parked to the -- you know, in the --
12 those five primary spaces, I mean, that's a
13 long walk. I mean, if you look at figure 5,
14 that's a long walk from there to the pier.
15 And, you know, I don't know what that walk is
16 going to be like in the future, because we
17 don't really have too much of a vision of what
18 happens there with the parcel that's adjacent
19 to parcel 11.

20 We know what we're going to be
21 seeing at parcel 11. There will be an
22 apartment building there. But the rest of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 development -- we can go back to the phase 1
2 and get a sense of what the density is, and
3 I'm not sure what it was, but you know, just
4 it seemed to me that there ought to be a
5 better way to get people a little bit closer
6 to where they're heading for this purpose, you
7 know unless --

8 COMMISSIONER TURNBULL: I think
9 they have a shuttle.

10 COMMISSIONER MAY: Well, you know,
11 you're going to go from a 50-person bus onto
12 little shuttles that take them the rest of the
13 distance? Just like at the Capitol, right?

14 COMMISSIONER TURNBULL: Yes, just
15 like at the Capitol, right.

16 COMMISSIONER MAY: Just like at
17 the Capitol. I don't know. Maybe it's not as
18 long as I'm imagining that it is, but I
19 thought -- and, you know, I think that the
20 circumstance now is a much shorter distance
21 from where they get dropped off, but I don't
22 know that for sure.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE-CHAIRPERSON COHEN: I think
2 that I saw something that -- I didn't think it
3 was a very long walk, and those people who had
4 some trouble would be shuttled on a smaller
5 bus.

6 COMMISSIONER MAY: Yes, that was
7 in the plan. I saw that.

8 VICE-CHAIRPERSON COHEN: I just
9 think people need to walk more anyway. I'm
10 with Michelle Obama on this.

11 COMMISSIONER MAY: Okay. Well,
12 that's fine. I mean, just -- it -- I guess
13 what I was fearing is not so much the people
14 who are not fit to walk would be forced to
15 walk long distances. I was more concerned
16 that in the future there would wind up being,
17 you know, corners cut by bus drivers, you
18 know, wanting to get their people closer and
19 so you'd wind up with people driving -- you
20 know, looping around the church even though
21 they're not supposed to or, you know, God
22 forbid, driving right into the park and doing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 their turnaround in the plaza. So maybe I'm
2 worrying about things I shouldn't have to --
3 I shouldn't worry about.

4 COMMISSIONER TURNBULL: Maybe they
5 can go into the Park Service parking lot then.

6 COMMISSIONER MAY: Yes, where is
7 that?

8 CHAIRPERSON HOOD: Okay. I'm not
9 sure if there's -- it might have been OP, the
10 concern about Water Street and the plaza in
11 front of the church. I'm not sure who had
12 that. I think we had that discussion. Did we
13 come to some -- I'm looking for it in the new
14 drawings, or in the different drawings.

15 Does anybody recall what the issue
16 was?

17 COMMISSIONER TURNBULL: Was that
18 regarding the width of the street? Parking?
19 Narrowing of the street?

20 CHAIRPERSON HOOD: I thought this
21 was Water Street in front of the church. We
22 haven't gotten to 6th Street yet, at least --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 unless I missed something.

2 COMMISSIONER TURNBULL: You're
3 right. I'm thinking of 6th Street.

4 CHAIRPERSON HOOD: Yes. Yes, oh,
5 it's coming. You know what, that's something
6 that I'm going to ask -- unless somebody can
7 put their hands on it any time. Not to hold
8 everyone up, I'm just going to ask Office of
9 Planning to just respond. Is that still an
10 issue, or is that an issue for us? Is that an
11 issue for us, because I thought Mr. -- not to
12 put you on the spot, Mr. Turnbull, but I
13 thought you had --

14 COMMISSIONER TURNBULL: Yes, I
15 think it did. I think what we're thinking
16 about is that OP supported the design
17 direction for Water Street and the plaza, but
18 they wanted additional information on
19 materials, layout and function of those
20 components. I think we talked about that.
21 And we did get some indication. It would be
22 -- it's temporary. I mean, it's going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 change, but I'm not sure if -- do you have
2 anymore concerns?

3 MR. JESICK: Thank you,
4 Commissioners. The plans show an interim
5 condition. I'm referring to 1.9 in the volume
6 4 drawings. And just based on that plan, it
7 does look like kind of a wide expanse of
8 concrete. We understand that that's a
9 temporary condition. If there's any way to
10 just green up that space in the interim -- we
11 don't know what the time frame is for the
12 development of M Street Landing and parcel 10,
13 but in the interim if there could be some kind
14 of temporary landscaping, we think that would
15 be an improvement to the space.

16 CHAIRPERSON HOOD: Okay.
17 Commissioners, do we agree with the request of
18 the Office of Planning?

19 COMMISSIONER MAY: Perhaps I need
20 more explanation. Explain to me where you'd
21 like to see some temporary improvements.

22 MR. JESICK: Immediately in front

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of the church entrance.

2 COMMISSIONER MAY: Right.

3 MR. JESICK: It's a rather
4 large --

5 COMMISSIONER MAY: Oh, the large
6 empty plaza? Yes.

7 MR. JESICK: Right.

8 COMMISSIONER MAY: Yes, I would
9 agree with that.

10 CHAIRPERSON HOOD: Anyone else?

11 COMMISSIONER TURNBULL: Yes, 1.4
12 shows a perspective of what it eventually
13 would look like with like multicolored pavers,
14 and it's got a -- you know, a couple of
15 landscape items. It's still a fairly wide
16 open space. But I would agree it would be
17 nice to see some more definition right now as
18 to what it's going to look like with some more
19 greenery.

20 CHAIRPERSON HOOD: In the long
21 term this is how it's going to look. Yes, I
22 can go with the greenery now, but I really

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 like what I see here in 1.4.

2 Okay. Let's go to the residential
3 building and the building on parcel 11. We
4 had a number of comments. This is Tiber
5 Island Cooperative Homes, Inc. And basically
6 I'm just reading page 3 of their summary,
7 Exhibit 214. And they say, "In summary, we
8 continue to maintain that overall size of the
9 parcel 11B building is inappropriate to the
10 site and the Zoning Commission erred in
11 approving it earlier." Maybe I should not
12 read that part. "The building footprint
13 occupies too much of the site and the building
14 is too tall. The Applicant's loading and
15 curbside management plan makes this clear, as
16 well as the criticism expressed by the
17 Commission of Fine Arts. We urge the
18 Commission to order a reduction in the size
19 and height of parcel 11B, the apartment
20 building. We oppose the Applicant's request
21 for flexibility to include add more apartment
22 units to the parcel 11B site. We oppose the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Applicant's request for maximum lot occupancy
2 of 93 percent on parcel 11B."

3 And I think we had some other
4 comments about 11B from the Harbour Square
5 Owners, Inc. It says for -- well, it said a
6 number of things. It talks about -- I'm going
7 to try to highlight this. It says,
8 "Unfortunately the Applicant's latest filing
9 on traffic, loading and related matters
10 appears to underscore our concern that the
11 proposed apartment building and the traffic
12 and uses it will generate are too big for
13 parcel 11B. First, as a number of neighbors
14 testified, on-street parking for residents
15 remains tight in the neighborhood, yet the
16 Applicant is proposing to add over 100
17 apartments while eliminating parking spaces
18 along what would now be called M Place, figure
19 4. Second, we note that only one parking space
20 for utility vehicles is being proposed for the
21 apartment building. For these reasons and
22 those stated at the hearing, Harbor Square

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 respectfully urges the Commission to approve
2 the Waterfront Park while scaling back the
3 size and density of the apartment building
4 proposed for parcel 11B."

5 I think that again -- and I know
6 Mr. Hitchcock has expressed this, especially
7 during our ZRR. This is an applicant who has
8 concerns and they're stated in Exhibit 213, as
9 well as -- they're not exactly in opposition.
10 They are a proponent with some concerns and
11 they're asking the Commission to look at those
12 things. For example, I think we have at least
13 two -- I know two letters that I've looked at
14 thus far, as well as probably -- if I
15 remember, the 6th Street. But the issue is
16 whether or not what's being proposed for
17 parcel 11 is too dense.

18 Anybody like to comment on that?

19 VICE-CHAIRPERSON COHEN: Mr.
20 Chairman, if I look at the drawings of the
21 matter of right versus what is being proposed,
22 I really don't think that it is -- the design

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is too dense, or the parcel is too dense.

2 CHAIRPERSON HOOD: For me I guess
3 it depends on some of the different angles of
4 -- I'll put this paper down here. And I guess
5 it depends on how you look at it. I don't
6 know. I see what you mean, Vice-Chair. I
7 just don't know if I'll all the way there with
8 you. I'm looking at the matter of right. I'm
9 flipping back and forth, but sometimes the
10 angle looks like the same angle. Maybe I've
11 looked at it too long. Let me do something
12 else.

13 Any other comments?

14 COMMISSIONER MAY: I would say
15 generally speaking it seems to be consistent
16 with what we had approved at -- in the stage
17 1. When I say generally speaking, I mean the
18 height and the overall square footage.

19 The lot occupancy is a little
20 different from what I see in these old -- but
21 I don't know if this was actually what was
22 approved. But I'm looking at the old stage 1,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and there the lot occupancy was listed at 73
2 percent. But I don't -- I'm not sure this is
3 accurate because what's shown in the drawing
4 is very consistent with what's shown. It's
5 the percentage that's printed on the paper
6 that seems to be inconsistent.

7 And the lot occupancy issue, you
8 know, I think this is -- they said in the --
9 the Applicant said in their submission they
10 could reduce the lot occupancy by essentially
11 taking the roof off of the parking level and
12 allowing that to be open air and that would,
13 you know, create an interior courtyard and
14 reduce the lot occupancy down to the 70s or so
15 in terms of percentage. That would certainly
16 not be an improvement for the building and it
17 doesn't make one difference either way for the
18 neighbors.

19 I have to say that looking at the
20 drawings that compared what is -- potential
21 there is a matter right versus what's being
22 proposed. And looking at some of the early

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 versions of what was proposed there with the
2 street widening -- or sorry, with the street
3 narrowing and the front yards widening, those
4 did suggest a building that was a little bit
5 friendlier on the 6th Street side. And so I
6 understand some of those concerns and I'm
7 sympathetic.

8 That's not to say that I think
9 that the overall density of development is
10 inappropriate or the overall height is
11 inappropriate. I mean, I certainly don't feel
12 that there's -- you know, I know there's no
13 right for the 6th Street residents to, you
14 know, look out over the parking lot and
15 perpetuity with a view to the water, and I'm
16 not sure that the building or the site
17 improves by insisting on something that's
18 conforms more strictly to the L-5-B Zone even.
19 I just feel like, you know, there may be some
20 things that could be done with the building to
21 make it a little bit friendlier on the street
22 façade with some street front entrances or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 something like that. I don't know.

2 I would also say that, frankly,
3 the architecture has gotten more sympathetic
4 to what's around it from what we originally
5 saw. It seems to be that it is quite fitting
6 and complementary to the existing architecture
7 across the street.

8 COMMISSIONER TURNBULL:

9 Commissioner May, I think some of the -- I
10 think we've had some -- I think, yes, Tiber
11 Island Community also expressed an interest in
12 having entrances on 6th Street to bring back
13 -- I think their feeling it would add more
14 life to the street.

15 COMMISSIONER MAY: Yes.

16 COMMISSIONER TURNBULL: What's
17 your feeling about a plus 10 percent gain on
18 lot occupancy?

19 COMMISSIONER MAY: I'm not sure
20 what you mean.

21 COMMISSIONER TURNBULL: Well, the
22 way it's reading now, I think the Applicant is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 looking for a plus or minus 10 percent
2 flexibility.

3 COMMISSIONER MAY: Oh, in terms of
4 the number of units?

5 COMMISSIONER TURNBULL: Number of
6 units and I think --

7 COMMISSIONER MAY: It's not in the
8 square footage. It's not going to change the
9 square footage.

10 COMMISSIONER TURNBULL: Oh, I
11 thought they were looking to increase the lot
12 occupancy.

13 COMMISSIONER MAY: No, I think it
14 was to vary the number of units.

15 COMMISSIONER TURNBULL: Just the
16 number of units?

17 COMMISSIONER MAY: That's what I
18 understood.

19 COMMISSIONER TURNBULL: So not the
20 lot occupancy?

21 COMMISSIONER MAY: No, I mean,
22 varying the number of units affects --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER TURNBULL: The size.

2 COMMISSIONER MAY: It doesn't
3 affect the size of the building. It
4 affects --

5 COMMISSIONER TURNBULL: No, but it
6 affects the --

7 VICE-CHAIRPERSON COHEN: The size
8 of the units.

9 COMMISSIONER TURNBULL: -- size of
10 the units.

11 COMMISSIONER MAY: The size of the
12 units, right.

13 COMMISSIONER TURNBULL: Yes.

14 VICE-CHAIRPERSON COHEN: And it
15 affects the number -- I mean, the direct
16 impact of that on the neighborhood is the
17 number of people needing to park a car.

18 COMMISSIONER TURNBULL: Right, so
19 we're talking about only units and not lot
20 occupancy.

21 COMMISSIONER MAY: That's what I
22 understood.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE-CHAIRPERSON COHEN: And
2 that's what I understood.

3 COMMISSIONER TURNBULL: Okay.
4 Just so we're clear for the record on that.

5 COMMISSIONER MAY: Yes.

6 CHAIRPERSON HOOD: Okay. Do we
7 need anything else on that?

8 (No audible response.)

9 CHAIRPERSON HOOD: Commissioner
10 May, I was liking -- are you -- are we -- are
11 you -- I mean, I can go along with it. Are
12 you requesting that we -- the building on the
13 6th Street side be a little more friendly to
14 that side of the street? Is that what you
15 were asking? Maybe not necessarily asking
16 them to maybe revisit that or look at that
17 side, or is that a request for them?

18 COMMISSIONER MAY: You know, I was
19 sort of throwing that out there for discussion
20 because I mean it's a difficult thing to
21 accomplish at this stage, frankly, because of
22 the approvals that they already have. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 also that, you know, I'm not particularly
2 sympathetic to the idea of having to, you
3 know, squish the building down in order to
4 provide more front yard for those buildings.
5 I don't see that necessarily as a good thing,
6 but I wonder if in fact there could be
7 modifications to the building as they've been
8 designed to create some individual entrances
9 to some of these units.

10 CHAIRPERSON HOOD: Can we -- would
11 it be agreeable that we ask for it, not that
12 we're going to ask for a major overhaul, but
13 just ask maybe that they'd look at it?

14 COMMISSIONER MAY: Yes, I would
15 certainly be open to seeing that.

16 CHAIRPERSON HOOD: Vice-Chair,
17 we're okay?

18 VICE-CHAIRPERSON COHEN: I'm fine
19 with that.

20 CHAIRPERSON HOOD: We're just
21 asking -- if it comes back with nothing, then
22 we understand what the request is, or how the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 request was answered.

2 Mr. Ritting, let me ask, the
3 closure of 6th Street is not before us, is it?
4 That's not in front of us.

5 MR. RITTING: I'm a little
6 confused by your question.

7 CHAIRPERSON HOOD: The closure of
8 6th Street, is that -- that's -- is that a --
9 okay. What is the issue about the -- there
10 was something about 6th Street. I thought it
11 was the closure of 6th Street.

12 MR. RITTING: I'm not sure I --

13 CHAIRPERSON HOOD: Okay. That's all
14 right.

15 MR. RITTING: -- can help you out
16 with that.

17 CHAIRPERSON HOOD: I'll come back
18 to that.

19 COMMISSIONER MAY: Mr. Chairman,
20 are you thinking about what was -- there was
21 some information that was submitted by I think
22 it was the 6th Street Neighbors or others with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 regard to a previously discussed closure of
2 6th Street that would have allowed the roadway
3 to be narrowed and the front yard to be made
4 bigger for parcel 11B.

5 CHAIRPERSON HOOD: Okay. Maybe
6 it's the reduction, not the closure. Maybe
7 it's the reducing of the --

8 COMMISSIONER MAY: Yes, reducing
9 the cartway.

10 CHAIRPERSON HOOD: Maybe that's
11 it. I have in my notes "closure of 6th
12 Street?

13 COMMISSIONER MAY: Yes. I mean,
14 it may have actually been proposed as a street
15 closure. I don't know. But it was -- in any
16 case, there were some assumptions made in the
17 early depictions of what the building would
18 look like, having to do with the width of the
19 cartway and it being conversion -- converted
20 to a one-way street and so on.

21 CHAIRPERSON HOOD: And that came
22 from the 6th Street Neighbors in Exhibit 215.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE-CHAIRPERSON COHEN: And then
2 I think that I had some concerns over there
3 being parking on both sides and two-way
4 traffic. And I believe that DDoT answered it
5 verbally. I could not find anything in
6 writing about 6th Street. It just didn't look
7 wide enough to accommodate all of that
8 presence on that street, both sides parking,
9 two-way traffic. So I guess I would like
10 clarification on that, please, when DDoT makes
11 their report.

12 COMMISSIONER TURNBULL: What were
13 you talking about the parking on 6th Street?

14 VICE-CHAIRPERSON COHEN: There's
15 parking on both sides of the street.

16 COMMISSIONER TURNBULL: Right.

17 VICE-CHAIRPERSON COHEN: And then
18 it's two-way traffic and it doesn't look wide
19 enough to accommodate that.

20 COMMISSIONER TURNBULL: Oh, okay.
21 Okay. I understand. Thank you.

22 CHAIRPERSON HOOD: I think that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 was also the argument of the 6th Street
2 Homeowners.

3 Does anyone -- Exhibit 215, is
4 anyone moved -- other than what we just heard,
5 moved by the arguments in Exhibit 215? Want
6 to become familiar with it again? This is
7 from the 6th Street, by Ms. Leslie Randolph,
8 who was the party -- I think she represented
9 the party. And this is her -- actually this
10 is her closing argument, or maybe her
11 findings. We would take it as such.

12 VICE-CHAIRPERSON COHEN: Mr.
13 Chairman, I think a few of her premises were
14 disputed by the Applicant in cross, so I don't
15 know what to, you know, address, frankly.

16 CHAIRPERSON HOOD: Okay. If
17 nobody has any outstanding issue on this, I
18 will -- I didn't highlight anything.

19 The other issue is I think they
20 also made a recommendation about the brick
21 colors, if anybody wants to revisit that.

22 VICE-CHAIRPERSON COHEN: I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the Applicant lightened the brick at their
2 request.

3 CHAIRPERSON HOOD: Okay. The
4 recommendation regarding the trees.

5 VICE-CHAIRPERSON COHEN: I think
6 the Applicant stood by what they had proposed
7 as they were flowering throughout the year, or
8 you know, provided the canopy throughout the
9 year. So I would suggest that the Applicant's
10 response is adequate.

11 CHAIRPERSON HOOD: Okay. Does
12 anybody else want to change anything of what
13 the Applicant has already requested?
14 Everybody's in agreeance with it to a certain
15 extent?

16 (No audible response.)

17 CHAIRPERSON HOOD: Okay. Now, Mr.
18 Solan -- there were a number of things. I
19 want to address two issues. Mr. Solan
20 summarized his concerns as follows:
21 Evacuation issues with a single point pinched
22 harbor exit; the relationship between vessels

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and water body dimensions; and rollway and
2 waterway congestion as cited on July 20th, the
3 letter from the Army Corps, saying that they
4 have not specified to anyone what the proposed
5 Washington Channel pier limits would permit
6 safe harbor passage including during
7 emergencies.

8 Is there anyone who would like to
9 revisit that statement?

10 (No audible response.)

11 CHAIRPERSON HOOD: Okay. Then the
12 next issue I think -- Mr. Solan's issue was
13 regarding the view sheds from his residence.
14 And I've always known that I think you have up
15 until your property line. I'm not sure what
16 the necessary legal argument is, but I think
17 you have as much view up to your property
18 line. And if it's across your -- on somebody
19 else's property, they have a right to build as
20 long as it's within the zoning order or
21 justifies zoning.

22 So does anyone want to revisit

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that argument?

2 (No audible response.)

3 CHAIRPERSON HOOD: Okay. Does
4 anyone have anything else that we may have
5 left out?

6 VICE-CHAIRPERSON COHEN: Mr.
7 Chairman?

8 CHAIRPERSON HOOD: Vice-Chair?

9 VICE-CHAIRPERSON COHEN: I just
10 have a comment and it really is, you know,
11 just in a lot of my reading, I think some of
12 the drawings of the garages, there might be
13 some shortsightedness with regard to the
14 number of electric car changing stations and
15 the car sharing spaces. I just think in the
16 future people are going to be going in that
17 direction more for again fuel efficiency and
18 ease of ownership, that they won't have to own
19 their own car, but share. And I just want to
20 comment on that, because I don't know if there
21 is sufficient number of spaces or electric
22 stations. That's all. I'm a futurist.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON HOOD: And I think,
2 Commissioner May, that also the ANC may agree
3 with us, when we talked about the 6th Street.
4 It says, "We also support a more appropriate,"
5 well, "setback along 6th Street. We encourage
6 along with the unit entrances on the block to
7 mirror the town houses across the street."
8 And we've asked them, you know, to kind of
9 revisit not necessarily the setback issue, but
10 make it a little more friendly with the places
11 across the street from them. I think the ANC
12 concurs to some degree. Actually their
13 statement I think above what I just read
14 reflects that. The units have been redesigned
15 to show for all intents and purposes not being
16 condo/town house-looking complex. And it goes
17 on. A more friendly streetscape with
18 neighbors directly entering and exiting their
19 units across from one another.

20 Okay. So let's see what happens
21 on that. Do we have any other outstanding
22 issues?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 (No audible response.)

2 CHAIRPERSON HOOD: And I just want
3 to say that I really appreciate all of the
4 submissions with the concerns, especially the
5 ANC, which was very detailed and took us
6 straight to the point. Very helpful. All of
7 them actually were very helpful.

8 Okay. Next steps. Any other
9 comments?

10 VICE-CHAIRPERSON COHEN: Yes,
11 maybe as an art piece, Claes Oldenberg can do
12 a watch, you know, like a clock piece. He's
13 very well known for his sculptures.

14 CHAIRPERSON HOOD: Okay. So we
15 have some things that we would like to see.

16 Ms. Schellin, do we have any -- do
17 we need to go down the list?

18 MS. SCHELLIN: I don't think so.
19 There are quite a few people the audience
20 taking notes, so I think they're clear and
21 they can watch this meeting sometime after --
22 sometime tomorrow afternoon probably. So I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 don't think we need to go over it. We just
2 need to --

3 CHAIRPERSON HOOD:

4 CHAIRPERSON HOOD: Don't want too
5 late to watch it. We don't want you to go to
6 sleep.

7 MS. SCHELLIN: Okay. So two weeks
8 for the Applicant and DDoT, and I'll contact
9 DDoT tomorrow. And I don't know that anybody
10 else was actually supposed to submit anything
11 initially other than DDoT and the Applicant.
12 And we could have that by 3:00 p.m. October
13 9th. And then responses from the parties --
14 obviously just like DDoT, break it down into
15 four different submissions so appropriate
16 parties can be served. And then those parties
17 that are served can also respond by 3:00 p.m.
18 on the 16th. And then we'll take this up at
19 our -- do you guys want a special meeting, or
20 we'll do it at the October 29th meeting?

21 CHAIRPERSON HOOD: Do we have a
22 Tuesday and Wednesday night?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: No, we'll do it on
2 October 29th. That looks good. Okay.
3 Thanks.

4 CHAIRPERSON HOOD: So when we
5 going to do this?

6 MS. SCHELLIN: October 29th.

7 CHAIRPERSON HOOD: Okay. Do we
8 have a lot of stuff on the agenda?

9 MS. SCHELLIN: Not yet.

10 CHAIRPERSON HOOD: Okay. This is
11 probably going to be it then.

12 Okay. Do we have anything else,
13 Ms. Schellin?

14 MS. SCHELLIN: No, sir.

15 CHAIRPERSON HOOD: Okay. I want
16 to thank everyone for their patience and their
17 attention tonight. And with that -- and thank
18 my colleagues. And with that, this meeting is
19 adjourned.

20 (Whereupon, the meeting was
21 adjourned at 8:54 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com