

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

<p>IN THE MATTER OF:</p> <p>TEXT AND MAP AMENDMENTS ESTABLISH AND MAP THE HILL EAST DISTRICT</p>
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<p>Case No. 04-05</p>

Monday,
June 30, 2008

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 04-05 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
CURTIS L. ETHERLY, JR., Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)

PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.
LORI MONROE, ESQ.

The transcript constitutes the minutes from the Public Hearing held on June 30, 2008.

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

2 6:36 p.m.

3 CHAIRPERSON HOOD: Good evening,
4 ladies and gentlemen. This is a public
5 hearing of the Zoning Commission of the
6 District of Columbia for Monday, June 30,
7 2008. My name is Anthony J. Hood.

8 Joining me this evening are
9 Commissioners May, Etherly, and Turnbull. We
10 are also joined by the Office of Zoning staff
11 Ms. Schellin and Ms. Bushman. Also the Office
12 of Attorney General Ms. Nagelhout and Ms.
13 Monroe. And the Office of Planning who will
14 be introduced at the appropriate time when
15 they begin their presentation.

16 The proceeding is being recorded
17 by a court reporter and is also webcast live.
18 Accordingly, we must ask you to refrain from
19 any disruptive noises or actions in the
20 hearing room.

21 The subject of this evening's
22 hearing is Zoning Commission Case No. 04-05

1 which is being continued from May 5, 2008.
2 This is a request by the Office of Planning
3 for text and map amendments to the Zoning
4 Regulations to establish the Hill East Overlay
5 District for the site known as Public
6 Reservation 13.

7 Notice of today's hearing was
8 published in the D.C. Register on May 21, 2008
9 and copies of the announcement are located to
10 my left on the wall near the door.

11 This hearing will be conducted in
12 accordance with the provisions of 11 DCMR 3022
13 follows: Preliminary matters, presentation by
14 the petitioner, in this case the Office of
15 Planning, report of other government agencies
16 if any, report of the ANC, organizations and
17 persons in support, organizations and persons
18 in opposition.

19 The following time constraints
20 will be maintained in this hearing.
21 Organizations five minutes; individuals three
22 minutes. The Office of Planning will start

1 with 60 minutes. Commission intends to adhere
2 to the time limits as strictly as possible in
3 order to hear the case in a reasonable period
4 of time. The Commission reserves the right to
5 change the time limits for presentations if
6 necessary and notes that no time shall be
7 ceded.

8 All persons appearing before the
9 Commission are to fill out two witness cards.
10 These cards are located to my left on the
11 table near the door. Upon coming forward to
12 speak to the Commission please give both cards
13 to the reporter sitting to my right before
14 taking a seat at the table.

15 When presenting information to the
16 Commission, please turn on and speak into the
17 microphone first stating your name and home
18 address. When you are finished speaking,
19 please turn your microphone off so that your
20 microphone is no longer picking up sound or
21 background noise.

22 The decision of the Commission in

1 this case must be based exclusively on the
2 public record. To avoid any appearance to the
3 contrary, the Commission request that persons
4 present not engage the members of the
5 Commission in conversation during any recess
6 or at any time. The staff will be available
7 throughout the hearing for any procedural
8 questions.

9 Please turn off all beepers and
10 cell phones at this time so not to disrupt
11 these proceedings. At this time the
12 Commission will consider any preliminary
13 matters. Does the staff have any preliminary
14 matters?

15 MS. SCHELLIN: Just to advise that
16 we have received the affidavit of posting and
17 also the maintenance. Really the affidavit of
18 maintenance, not posting.

19 CHAIRMAN HOOD: Ms. Brown-Roberts,
20 if you could just turn on your microphone.

21 MS. BROWN-ROBERTS: This is Maxine
22 Brown-Roberts from the Office of Planning.

1 That is the affidavit of posting. I maintain
2 it's correct.

3 MS. SCHELLIN: Okay, if the
4 Commission is okay with it. It's supposed to
5 be a separate document. I don't think Ms.
6 Roberts knew that. I mean, it looks like it
7 was posted and checked each week but if the
8 Commission is okay with accepting that.

9 CHAIRMAN HOOD: I don't see any
10 problems.

11 MS. SCHELLIN: Okay.

12 CHAIRMAN HOOD: Thank you. Let me
13 just say this. Thank you, Ms. Schellin. Let
14 me just say this to Ms. Steingasser and Ms.
15 Brown-Roberts. We are going to put 60
16 minutes. If you don't need the whole 60 -- I
17 know this is very thorough and detailed but if
18 you don't need it, some time can be ceded back
19 to us. We'll open it up. Who is going to
20 start. Ms. Brown-Roberts?

21 MS. BROWN-ROBERTS: Yes. Good
22 evening, Mr. Chairman and members of the

1 Commission. I am Maxine Brown-Roberts from
2 the Office of Planning. Of course, with me
3 this afternoon is Jennifer Steingasser.

4 There are also a number of other
5 people who may be speaking tonight
6 accompanying the Office of Planning. There's
7 Genevieve Hanson from the Deputy Mayor's
8 Office. There's Glen Williamson who is a
9 consultant to the Deputy Mayor's Office.
10 There is K. C. Dutton and Chris Rzomp from
11 EE&K.

12 Particularly on the design
13 guidelines, which you have in front of you,
14 the representatives from EE&K will be doing a
15 more in-depth explanation of that portion of
16 the presentation.

17 Just as a background for this Hill
18 East District, as you know the Reservation 13
19 is currently federal property and is proposed
20 to be given over to the District of Columbia.
21 In the meantime, what we wanted to do was to
22 go ahead and put down the zoning on the

1 property in preparation for that taking place.

2 We have worked on this zoning
3 district for a number of years and we have
4 worked with the community. We've had a number
5 of community meetings as well as worked
6 closely with ANC-6B in which the property is
7 located.

8 The boundary for the Hill East
9 District to the north is Independence Avenue
10 and also the D.C. Armory and RK. To the east
11 of the property right now there is not a
12 street there but it's park land to the east of
13 the property and that is going to be where we
14 will have the east portion of the property
15 which will be named for the time being Water
16 Street.

17 To the south of the property is
18 the cemetery and to the west is 19th Street.
19 19th Street further to the west is, of course,
20 Capitol Hill or the Hill East community.

21 As can be seen on the pictures,
22 one of the things that we were asked to do is

1 have a wider picture of what was going on
2 around the site. I think from the pictures
3 you can see the outline of the Armory.

4 To the east is the Park Service and the Warsaw
5 Station there. Then a small lot line of some
6 of the residences to the west of 19th Street.

7 This was the illustrative plan
8 that was part of the master plan. I think
9 that this plan was truly an illustrative
10 master plan. We have tried as much as
11 possible to be consistent with what was
12 recommended in the master plan in doing the
13 zoning.

14 However, there are a number of
15 issues that came up since this illustrative
16 master plan was done. We'll go some more into
17 those changes as we go along but this was the
18 illustrated master plan that was part of the
19 -- this is the plan that was part of the
20 master plan.

21 The master plan had a number of
22 guiding principles that went along with the

1 development of the site. The first one was to
2 connect and integrate reservation into the
3 adjacent neighborhoods. As you know, that
4 property was basically the D.C. General
5 Hospital and, of course, the jail which is
6 there currently.

7 As part of the master plan some of
8 the issues that came up was how to develop
9 this site so it's not isolated from the
10 existing community. The driving force was
11 that it should be integrated into the
12 community, into the existing community, and
13 reflect some of the existing community right
14 now.

15 The second was to utilize the site
16 to meet diversity of public use, public need.
17 This is a site that was dedicated to the
18 District government. We do have a number of
19 public needs that need to be addressed.

20 As part of that, that was also
21 something that was driving in coming up with
22 this development that we did not preclude --

1 well, we did preclude some uses but public
2 uses were not totally prohibited on the site.
3 One of the things we had to meet was how to
4 integrate the private uses with public needs.

5 Another thing was to extend the
6 existing pattern of local streets through the
7 site. That, again, was to continue the grid
8 that is on Capitol Hill, through the site, and
9 in the District. That, again, would help us
10 to connect with the neighborhood.

11 The fourth one was to maintain a
12 human scale of building heights. The adjacent
13 community, Capitol Hill or Hill East
14 community, is basically rowhouses adjacent to
15 there and so what this was telling us was that
16 we needed to have a development that respected
17 the heights of those buildings and also the
18 buildings on the site did respect the human
19 scale.

20 Again, the Hill East neighborhood
21 is part of the overall AWI initiative and it's
22 a little way off or a little way from the

1 Anacostia River so it's part of the overall
2 waterfront development.

3 Demonstrate environmental
4 stewardship was also something that is a major
5 portion of any development that takes place on
6 this site. Seeing that it is a District owned
7 property we wanted to make sure that we had
8 the highest level of environmental sensitivity
9 and be a demonstrative project on how other
10 developments throughout the city can be
11 environmentally sensitive.

12 Promote the use of mass transit.
13 Of course, there is a Metro station on the
14 property so that is something else that we
15 wanted to use as a drawing force and to help
16 to reduce traffic in that area.

17 Create attractive place of unique
18 and complimentary character. This property
19 abuts Independence Avenue which is major
20 thoroughfare through the city and also 19th
21 Street with the Metro center there. What we
22 wanted to do is to make sure -- also people

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1 use this as an entrance into the city. We
2 wanted to make sure that was something that
3 was capture.

4 Then we have the correctional
5 facilities that are on the southern portion of
6 the site. That is a facility that is going to
7 remain on the site for the foreseeable future
8 anyway.

9 One of the things that the
10 community talked about was not having the
11 correctional facility spill-over into a major
12 portion of the site. Therefore, part of the
13 recommendation of this was not all the
14 correctional facilities will remain on the
15 south side of Massachusetts Avenue.

16 Here is the generalized -- the
17 general uses on the site as part of the master
18 plan. The master plan divided the property
19 into four main areas, the Independence Avenue
20 area which is on the north, central C Street
21 neighborhood which was supposed to be mostly
22 residential and would pull on and sort of

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1 continue the residential use that is to the
2 west of the site into this area. Then there
3 is the Massachusetts Avenue. Massachusetts
4 Avenue is going to be extended and would have
5 sort of a different character.

6 On the plan there is also the
7 Waterfront area. That area is park land but
8 it's envisioned to become -- it's envisioned
9 to be part of the overall AWI development and
10 part of this site.

11 CHAIRMAN HOOD: Ms. Brown-Roberts,
12 if you want to, we have a pointer. I don't
13 know if you have one but we have one up here
14 for people like me whose orientation is off.

15 Ms. Schellin, if you want to show
16 her because I done forgot.

17 MS. BROWN-ROBERTS: Thanks. I
18 spoke awhile ago about some differences that
19 has occurred since the master plan was
20 developed and what the current layout is. You
21 can see from here that we did try to keep the
22 grid pattern here and going both north, south,

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1 and east/west.

2 Another major thing was that you
3 can see we have outlined here some unit types.
4 These are mostly recognized as being
5 townhouses. This is the C Street District and
6 we are talking about pulling from the
7 residential area to the east so that was sort
8 of a continuation of that.

9 On the right-hand side is the
10 current layout that we're using. A number of
11 things has happened. We have here the
12 Archibald Hall that has been designated
13 historic. There is also the C Sosa Building
14 here.

15 One of the things that happened
16 that this street is coming through somewhere
17 here and with the C Sosa Building that
18 prevented that street from coming right
19 through. Therefore, the grid pattern is a
20 little off center.

21 One of the things is that 21st
22 Street was also adjusted a little bit in order

1 to accommodate Archibald Hall and to give it
2 a good setting or a vista down the street.
3 That is some of the major issues that have
4 taken place.

5 One of the questions I was also
6 asked is that both 21st and 20th Street has
7 also been shifted a little bit in order to
8 make sure that it lines up with the grid
9 coming down from the Armory so there is some
10 continuation there. Of course, there is the
11 Massachusetts Avenue which will be included
12 which does not exist right now but will be
13 constructed.

14 The building mason was also
15 something that was in the master plan. Going
16 from west to east the plan called for
17 buildings along 19th Street to be two to four
18 stories and then in the center to be four to
19 seven and seven to 10 along Water Street,
20 Mass. Avenue, and generally on the eastern
21 side of the property.

22 Then on that we had the uses which

1 were sort of going in the next direction that
2 went into a sort of a north/south direction so
3 the challenge was how to do a zoning that
4 would complement or bring these two things
5 together.

6 One of the things that we also
7 identified in the plan was that we would have
8 -- these are the major streets around the site
9 and these are called the primary streets.

10 Then the secondary street are more internal to
11 the site. They are more pedestrian friendly.

12 We are creating a zoning district
13 called the Hill East District and we will have
14 three areas. The first area was HE1 which
15 will be sort of the lower density area. Then
16 it goes into the HE2 District and then the
17 higher density areas which is the HE3
18 District.

19 Each of them have -- the sub-
20 districts include square root frontages along
21 in the HE1. We have 19th Street and Mass.
22 Avenue. The central portion is basically on

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1 20th Street and then the eastern portion is on
2 Water Street. I'm sorry. There's also the
3 HE4 which is singularly reserved for the
4 Department of Correction facility here.

5 As you can see, we have the zoning
6 boundary outlined. When we started this has
7 changed a little. There was some concern by
8 the community that this was not being true to
9 the master plan but called for a more lower
10 density development in this area here. The
11 line was pulled back a little to include
12 square H.

13 One of the concerns of both the
14 community and Office of Planning is how we
15 measure the heights of the buildings. As you
16 know, the property slopes from east to west so
17 there is a great change.

18 We have had a number of issues
19 around the city where building heights are
20 measured from a number of places and so we
21 want to set a tone for this that the height of
22 the building will be measured from the lowest

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1 curb level on the street on which is abutting
2 the lot so that is highlighted.

3 The density in building
4 developments are also outlined. In the HE1
5 District we have a maximum lot occupancy of 80
6 percent and then the building height between
7 26 and 50 feet and a maximum FAR of 3. That
8 roughly gives us -- came up with the maximum
9 number of stories that we think may be able to
10 be accommodated in that area.

11 Then it increases as we go into
12 the HE2 and HE3 and then under HE4 there is
13 some flexibility or, at least, some additional
14 height based on what is there now with the
15 corrections building. Those numbers were
16 based on what's there.

17 There is also a limitation on
18 nonresidential uses and those are outlined in
19 Square F, G, H, and I. Again, because we want
20 to have a mix of uses we sort of went through
21 and designated what was the nonresidential FAR
22 within each square.

1 One of the things that is
2 important to this mixed-use development is
3 that we want to have a true mixed-use
4 development with residential. In a lot of
5 buildings we want to have the ground floor
6 retail.

7 We designated some specific areas
8 that we think we want to require ground floor
9 retail. Some areas have the flexibility of
10 having the ground floor retail uses because
11 those are some areas, for example, around the
12 Central Park here some of the buildings may
13 want some ground floor small retail uses that
14 people may want to use while they are at the
15 park. That is something that will give us
16 some flexibility as to whether they are there
17 or not.

18 Some of the areas where we truly
19 want to have retail use, of course, is at the
20 Metro station which is right here. That is
21 also the area where we are calling the town
22 center. Also at what we are calling the

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1 Monument Circle which would make a connection
2 to the park. We want to have this as an
3 active area. Therefore, those areas are
4 pulled out.

5 There are also some areas where
6 there is no line and those areas is where we
7 are strictly prohibited from any retail use at
8 all in order to keep those areas as being
9 truly residential.

10 At the Metro station we see that
11 as a big asset to the property and, therefore,
12 we are proposing to have what we call a
13 village square there with ground floor retail
14 uses and these are going to be buildings with
15 two to four stories and make that as active as
16 possible. This is just the design as to what
17 we envision there to be.

18 One of the things that we have
19 also as part of this development that we've
20 tried doing is including some design
21 guidelines in order to have a truly active
22 development.

1 As you know from our submissions,
2 we've talked about using the form-based codes
3 on this property. What it does is the
4 community wanted to have some predictability
5 about what sort of development they were going
6 to get.

7 We thought that using this form of
8 urban development or style of urban design
9 that we could have some predictability as to
10 what we were going to site as well as having
11 -- as well as giving the developers some
12 flexibility as to what they can do.

13 Basically give them some
14 guidelines that talked about how you develop
15 the street frontage, how the building must
16 look, how the building should be setback.
17 Again, when we talk about primary frontage and
18 secondary frontage, we are talking about along
19 the primary streets and secondary streets.

20 We have things like having minimum
21 height for ground floor for retail uses so I
22 think the people who are going to talk about

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1 design guidelines may get some more into that.
2 The 2006 comprehensive plan reflects what the
3 recommendation of the master plan and this is
4 what that is.

5 There are a few things that in
6 writing the text some of them we had some
7 difficulty with and some of them were sort of
8 easy. One of them was what was going to be
9 the design review for these projects. Some
10 people were saying that we wanted every
11 project to be developed. The Office of
12 Planning also had an idea that we would review
13 any development of 10,000 square feet.

14 However, we ran into some problems
15 with what we could do legally. One of the
16 concerns that we heard from the community was
17 that they wanted to have some way that they
18 could also be part of the process. Therefore,
19 what we are recommending tonight is that all
20 the projects will come to the Zoning
21 Commission for design review for consistency
22 with the master plan and the design

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1 guidelines.

2 One of the other things that we
3 also did was that we had, again, as part of
4 the recommendation from the community was that
5 the design guidelines be included as part of
6 the zoning. We had a stand-alone document
7 that we were going to include.

8 However, again, we were told that
9 this was not possible. What we did was that
10 we included it as in the purposes so it is
11 referenced somewhere in the zoning.

12 Also pulled out many of the
13 recommendations and they are including in the
14 text amendment.

15 The PUD process. We are also
16 recommending the PUD process be left
17 available. I think some people see this
18 conflicting with the Zoning Commission design
19 review but the Office of Planning thought that
20 was a process we wanted to leave there just,
21 again, to give as much flexibility since the
22 zoning is going to be there for some time and

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1 we wanted to make sure that people had
2 whatever processes were available through the
3 zoning regulations and that this be a part of
4 it.

5 However, it also stipulates that
6 no relief will be given for the matter of
7 right heights and FAR. Special exceptions
8 will also be reviewed by the Zoning Commission
9 and there are a number of uses that we have
10 outlined that are allowed by special
11 exception.

12 The IZ requirements are also
13 including in the matter of right heights and
14 densities and, therefore, there will be sort
15 of no deviation from these so an applicant
16 cannot come in and say, "Well, you recommended
17 3.0 but if I do IZ, then I can get
18 additional." Those were taken into
19 consideration so those requirements are
20 already included in the text.

21 One of the questions when we had
22 our short meeting last April, I think, the

1 Zoning Commission had some questions about
2 that there was a great increase in the number
3 of units that the master plan has. The master
4 plan has that they were going to have about
5 800 units and right now we are saying that
6 they may go up to about 3,000.

7 A number of things has happened.
8 When the master plan was done there was no
9 zoning in place and it was sort of not
10 connected to anything and, therefore, the 800
11 units that we came up with to us now didn't
12 seem very realistic.

13 Since then we have had
14 -- one of the things that the master plan
15 recommended was for a hospital on the site.
16 Right now that is off the table and that took
17 up a whole block, one of the larger parcels,
18 Parcel C, on the northern portion of the site.

19 What we are looking at right now
20 is a much smaller medical facility and,
21 therefore, that frees up all of that space to
22 be able to increase the number of residential

1 units that may be accommodated on this site.
2 Again, as I mentioned, there will be no
3 increase in the FAR in the PUD process.

4 Healthcare uses. That was
5 something that was also -- that was a question
6 that was also mentioned about what are these
7 healthcare uses. Again, the District is
8 looking into what is the best sort of facility
9 for them to have on the site. It may include
10 some both in-patient and out-patient
11 facilities as well as some doctor offices that
12 are going to be outside of Parcel C. That is
13 what that is all about.

14 Monument Circle we have not been
15 in touch with NCPC about a monument to be
16 located at Monument Circle. As yet I think
17 that is something that will come later on as
18 the site gets developed. That location has
19 been dedicated if a monument is desired to be
20 there. The same thing does not apply to the
21 other park. There is not a monument planned
22 for that.

1 The Department of Corrections they
2 have plans for right there they are doing --
3 they are planning on doing some upgrade in
4 their access from Independence Avenue. They
5 are also doing a comprehensive master plan for
6 their site so that is something that we will
7 be seeing sometime later.

8 One of the questions that we were
9 asked some time ago is about when we talked
10 about -- at the set down when we talked about
11 using the form-based code. Someone wanted an
12 example of what would it look like. Petaluma
13 is a small city in California and they have a
14 form-based code they have developed.

15 This is a small area of their
16 plan. This is one of the buildings that was
17 built under that form-based code. This is
18 apartment and retail. This is another one
19 that has commercial ground floor and retail
20 above also.

21 That's it for now. Any questions?

22 CHAIRMAN HOOD: Let me just ask do

1 we have some more people that want to do a
2 presentation? Let me see. Colleagues, Ms.
3 Brown-Roberts has given us a lot of
4 information. Do we want to stop and -- this
5 breaks our normal tradition. Do we want to
6 ask our questions now of Ms. Brown-Roberts or
7 do we want to wait until we thoroughly
8 complete all the presentations?

9 COMMISSIONER MAY: I'm confused.
10 Are the other presentations part of the
11 application, if you will, or is it other
12 groups in support or in opposition?

13 MS. BROWN-ROBERTS: No. They are
14 the architects who did the design guidelines.

15 COMMISSIONER MAY: I would be
16 interested in hearing the totality of the
17 case, if you will, from the applicant.

18 CHAIRMAN HOOD: Okay. If we
19 could, Ms. Brown-Roberts, could we hear the
20 whole presentation.

21 MS. BROWN-ROBERTS: Yes. That's
22 okay.

1 CHAIRMAN HOOD: Was all this
2 included in the 60 minutes or they need
3 another 60 minutes?

4 MS. BROWN-ROBERTS: No, I think
5 it's included in the 60 minutes.

6 CHAIRMAN HOOD: Okay. We're not
7 rushing you. We want to make sure we get it
8 all out. Take your time. We'll rest our
9 minds for a few moments.

10 MR. DUTTON: I'm K.C. Dutton with
11 EE&K Architects. This is Chris Rzomp and we
12 are working with OP on this project. We just
13 want to go through very quickly a couple
14 issues of the design guidelines. We're not
15 going to show the whole document which is
16 massive. We are just going to do a couple
17 things very fast.

18 Basically we have already heard
19 about where the project is and what is forming
20 all the stresses and forces against what we
21 end up with here and I'll keep going. We'll
22 go right into a couple of issues which had to

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1 do with the right-of-ways on the streets.

2 As we have talked about that we
3 have extended as much as is practical from the
4 outside of the rest of the neighborhood with
5 the streets. For instance, the Burke Street
6 and C Street are extending straight in from
7 the west.

8 20th Street and 21st Street are
9 extending from the north toward the south.
10 One thing that is important to point out is
11 that the street right-of-ways are going to be
12 the same size as they are in the rest of the
13 neighborhood in the surrounding developments
14 except that what we've done is Burke Street
15 and C Street we have actually made a bit wider
16 because on the west side of the 19th Street
17 it's almost exclusively residential and we
18 have these mixed-use development blocks.

19 We have made Burke Street, which I
20 think was 65 feet wide. The right-of-way on
21 the west side of 19th Street is now 80 feet
22 wide as it comes in to the new Hill East area.

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1 C Street was 85 feet wide on the west side of
2 19th Street and becomes 100 feet wide on the
3 east side of 19th Street. The other right-of-
4 ways are the same size as they are elsewhere.

5 This is a diagram to show you
6 relative heights of things, different
7 development blocks. It replaces a diagram
8 that is in the design guidelines that we
9 thought was a little bit misleading. This one
10 is only talking about the heights of the
11 blocks as the one that was in the guidelines
12 shows as if we had specific buildings.

13 Rather than limiting it that way
14 we are showing what the heights are of the
15 blocks. If you can see, the horizontal lines
16 are the 50 foot areas. The cross-hatching
17 area, the diagonal cross-hatch, is the maximum
18 80-foot maximum height areas and the vertical
19 lines are the 110 foot maximum height areas.
20 There are minimum heights in each of those
21 areas as well.

22 We want to go right ahead and talk

1 about some of the issues we knew had some up
2 in prior meetings. This diagram is showing
3 you the street section along Massachusetts
4 Avenue and the concept of how we have of
5 looking at that where we have 160 foot right-
6 of-way from building face to building face
7 which is consistent with Massachusetts Avenue
8 elsewhere in the city and nearby.

9 This is a section if you were
10 looking at the village square which we are
11 calling the town center elsewhere. It crosses
12 and includes both a portion of Burke Street
13 and C Street. You can see the entire width of
14 that public place. This is looking toward the
15 east along the line cut north and south.

16 This is the Village Square or Hill
17 East Park which is in the center of the area.
18 Again, it's cutting across C Street and Burke
19 Street. If you want to go into detail, we can
20 talk about that but the right-of-ways at the
21 streets are basically the same going all the
22 way across but you can see how open it is at

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1 these two parks.

2 Now, as you get further west and
3 the buildings get higher as you get closer to
4 the water, this is a section at C Street which
5 is 100-foot right-of-way and you can see where
6 the buildings are up to seven and 10-stories
7 tall but there is a setback at 80 feet.

8 We are using this here to show you
9 this 3D model to just show you the general
10 form of the plant area. The colors indicate
11 for this purpose general uses so, for
12 instance, yellow is residential and you can
13 barely see underneath it retail which is shown
14 as orange. The government use is indicated --
15 is that red? Yes. And medical use. I'm
16 sorry. Then office use is in the blue.

17 What we wanted to show you here is
18 this also helps you to understand where the
19 height issues are at play where we have this
20 50-foot area, the 80-foot area, and the 110-
21 foot areas as it gets taller along
22 Massachusetts avenue and then taller as you

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1 get closer to the water.

2 This is Archibald Hall which is
3 preserved in this case and you can see that it
4 is lining up with the new street that was
5 moved so that it dealt with the access of
6 Archibald Hall, the public space here at Hill
7 East Park which then continues through as 21st
8 Street up this way into the open space by the
9 Armory.

10 CHAIRMAN HOOD: Do we have that in
11 our package?

12 MR. DUTTON: That particular view
13 is not in the package but these other ones
14 are. That was just to give you an overall
15 view.

16 CHAIRMAN HOOD: We want to make
17 sure we get that.

18 MR. DUTTON: Sure. This here is a
19 view from where Massachusetts Avenue and Burke
20 Street intersect near 19th Street. That is
21 showing you, again, the view from 19th Street.
22 That is Burke. I'm sorry, that's C.

1 Massachusetts is over here and that is C
2 there.

3 The gray in the foreground are the
4 residential areas on the west side of 19th
5 Street. That's 19th Street going across
6 there. Just for clarity we are showing it
7 without trees so you can see how things work.

8 This is a view that also is not in
9 your package but is similar to one that is.
10 This is a ground-level view if you are at the
11 circle at the end of Massachusetts Avenue
12 looking back up the hill towards 19th Street.
13 What you see here is the retail on the ground
14 floor. Again, this is purely to show you
15 uses.

16 The blue is office space with
17 trees around the circle. If we were to show
18 you without the trees, what you would see in
19 the winter except for the tree trunks is
20 further up Massachusetts Avenue.

21 This would be the jail over here
22 and the lower gray items that you see further

1 on are the houses on the other side of 19th
2 Street. This is the model looking at C Street
3 looking down toward the river. What is this
4 cross-street here?

5 MR. RODGERS: That's right at
6 Village Square.

7 MR. DUTTON: This is Village
8 Square so the public space of Village Square
9 is over here to the side. Again, you are
10 seeing the retail areas in three and four
11 story buildings on either side. Without trees
12 it becomes a little bit easier to see that the
13 buildings are steeping down the hill and these
14 are the taller buildings which are meeting
15 Water Street at the end.

16 Because of the hill and because we
17 have some setback areas here, they will be
18 perceived as not really any taller as this
19 even though they are taller because they are
20 further away. They are down the hill and they
21 have setbacks that align with parts of the
22 lower buildings at this end of the view.

1 This is at Burke Street and we are
2 again looking toward the water. You have a
3 little bit of St. Coletta's over here on this
4 side of the view. These are the health
5 related buildings here and residential and
6 retail on this side. Again, if we take the
7 trees away, you can see that piece of office
8 space and then again you see more residential
9 and retail further down the hill looking
10 toward the water.

11 This view also helps to illustrate
12 the fact that these buildings have smaller
13 floor heights because of the residential
14 heights. These buildings here, the red
15 buildings, have higher floor-to-floor height
16 because they are institutional uses for
17 healthcare and things like that. They might
18 only be seven stories but they have a higher
19 -- the top of their roof is higher off the
20 ground than a building that is only seven
21 stories across the street.

22 That is really what we had to show

1 you. There were a couple issues that we know
2 have become up for questions the last time you
3 had a meeting. I think the Office of Planning
4 has talked about some of them but if that has
5 to do with setbacks and things like that we
6 can talk about that.

7 There was an issue about why we
8 might not have a lower setback height when we
9 were talking about having a setback at 80 feet
10 when you have a height change to go from along
11 a certain street. We can go back and look at
12 that. Actually, let's look at the street
13 section. Here we can see that we have a
14 setback at 80 feet and we know that it came up
15 why can't you have a setback at 50 feet.

16 What we want to talk about is a
17 couple things here and one is if you have a
18 low-rise residential area where you might only
19 have three or four-story buildings, the 50-
20 foot height works because that is where
21 everything else is at. When you start getting
22 the denser buildings because of mixed-use or

1 a higher level of residential use, you are
2 going to end up with the 90 or 110-foot
3 buildings.

4 Most of the streets in D.C. that
5 have denser buildings when they have a setback
6 it is going to be around 80 feet and the
7 reason that is is because it's usually based
8 upon the street width. The narrower the
9 street, the lower the setback height. The
10 wider the street, the higher that point is.

11 Most of the D.C. streets that have
12 dense buildings on them, and most American
13 cities that have denser buildings, there is a
14 clear relationship -- planned cities. Let's
15 put it that way. A clear relationship between
16 the width of the street and the height of the
17 building.

18 The buildings don't seem too
19 oppressive and too tall next to the building.
20 There is a setback at usually roughly the
21 height equally the width of the street right-
22 of-way. That is what we have here. We have

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1 100-foot streets and 80-foot streets so we end
2 up with the setbacks around 80 feet. That is
3 predominately the pattern in the rest of the
4 city. You will find that in other parts of
5 down.

6 Another way of looking at it is
7 that you want to have the ratio of the height
8 of the setback to the height of the whole
9 building seem like it's a good proportion.
10 It's like somebody with their belt at the
11 wrong height. You don't want to have it at
12 the wrong height. You want to have it where
13 this happens so that is more like the collar
14 on somebody as opposed to their belt where
15 that setback would be.

16 So when you look here you will see
17 that we have those ratios. Now it's working.
18 Here we have setbacks where the top two or
19 three floors but the bottom six or seven
20 floors are at the real what is perceived as
21 the height of the street, height of the
22 building.

1 Then the other ones are setback.
2 When you get closer to those buildings you
3 really don't notice those upper floors. If
4 the setback was lower, you would actually
5 notice the upper part of the building more.

6 The other thing is you're not
7 really gaining any light or air coming into
8 the street by having the setback at 50 versus
9 80 if the setback -- if the total building is
10 still the same height so we wanted to point
11 those things out.

12 COMMISSIONER MAY: Excuse me.
13 Just a quick question about that view. You're
14 not showing any penthouses on any of those
15 buildings. Right?

16 MR. DUTTON: The penthouses will
17 be -- yeah, we are not showing them right now.
18 That's right. Penthouses will be regulated
19 the same way other zoning areas or districts
20 regulate penthouses where they have to be
21 setback. They can't be any more than 18.5
22 feet tall and they have to be setback at least

1 at far away from the parapet as they are tall.

2 In those places in town you really
3 don't notice the penthouses unless you are
4 incredibly far away. This view is taken up at
5 about the 7th floor height in a part of the
6 western area of Hill East that doesn't have
7 any buildings that tall so you really can't
8 ever see this.

9 That is why we are looking more at
10 the street level views. When you get down to
11 the street level views, any of these, you
12 won't ever see the penthouses because you are
13 down lower down by the ground.

14 I don't know if there were any
15 other issues that you thought we needed to
16 address. Now we don't want to use up all the
17 time.

18 COMMISSIONER TURNBULL: I wonder
19 if I might ask one question since we are
20 dealing with height. 2809.7 talks about
21 architectural embellishments and the language
22 basically mentions architectural

1 embellishments, spires, towers, domes may be
2 erected to a height in excess of that which
3 this section otherwise authorizes and then we
4 throw in the corollary pursuant to the act to
5 regulate the heights of buildings in the
6 District of Columbia approved June 1, 1910.

7 MR. DUTTON: Right.

8 COMMISSIONER TURNBULL: What's the
9 delta that we're looking at?

10 MR. DUTTON: Generally it's around
11 20, 25 feet, something like that. If you look
12 around town a good example would be on the
13 older buildings in town even when they have
14 steeple or cupolas or towers in the corners
15 those are done in excess of the 1910 height or
16 they are done in excess of the regulation
17 about what the rule is for buildings on that
18 street because, again, everything is depended
19 upon the width of the street or the district
20 that you're in. Most of these things are non-
21 occupiable space. They are not part of a
22 program area.

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1 COMMISSIONER TURNBULL: Well, that
2 may be debated on a lot of the PUDs we've
3 seen.

4 MR. DUTTON: Well, normally
5 they're not that way. There are modern
6 buildings where they have done that but
7 usually what they end up doing is the double
8 height space of a building where only the
9 occupiable space is at level.

10 Oh, I know. A good example would
11 be behind the Christian Science Church on 16th
12 Street the building that faces I Street has
13 got a tower. It's an all-glass tower that is
14 really close to the Christian Science -- the
15 octagonal building that is the Christian
16 Science Church that is on 16th Street.

17 Right next to it is a building
18 that faces I Street and is about 10 or 12
19 stories tall. It has a tower that goes up
20 next to it that has -- it's lite at night and
21 becomes a feature. At holiday time they have
22 different lights on it. That tower is about

1 20 feet higher than the adjacent. Maybe 30 at
2 most.

3 The upper part of that is not
4 occupiable space. The bottom level of it is
5 level with the top floor and they use it for
6 a big conference room. It ends up becoming a
7 big lantern and it becomes an embellishment at
8 night.

9 As far as a mass is concerned it
10 is very small. What it does is it gets rid of
11 what Washington unfortunately has which is a
12 lot of monotonous flat-roofed boring buildings
13 if you look at it in pure massive terms.

14 COMMISSIONER TURNBULL: I'm just
15 concerned because we've had a lot of
16 complaints, too, about some of these features
17 becoming such dominant elements that they take
18 away from the life of the other buildings.
19 I'm just a little bit worried that the
20 architectural embellishment becomes a feature
21 unto itself and does not speak to what the
22 building wants to be.

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1 MR. DUTTON: I think that is
2 something that can be dealt with in the
3 individual reviews that are going to be
4 happening with all these buildings. There are
5 places if you look at some of the language in
6 the document I think we have kind of
7 suggestions as to where they can happen.

8 Everybody would want to look
9 really hard at somebody out of the blue
10 putting one in a different place. Usually
11 they happen where there is a street corner
12 that you are turning from one major street to
13 another or it's at the end of a vista,
14 something like that.

15 If you look at the rendering here
16 on the corner -- yeah, if you look there where
17 the hand is, right there, we are showing that
18 kind of tower you see at the end. That's the
19 idea where it's just one element to help kind
20 of punctuate the fact that the block is ending
21 and you have a big vista beyond.

22 COMMISSIONER TURNBULL: Thank you.

1 MR. WILLIAMSON: My name is Glen
2 Williamson. I'm a real estate advisor to the
3 Office of the Deputy Mayor for Planning and
4 Economic Development. I just wanted to --
5 I've been a consultant to this project for the
6 last several years.

7 I just wanted to reemphasize a
8 point that Maxine had made earlier about the
9 difference between the 800 units of housing
10 that was mentioned in some of the initial
11 documents and the potential for maybe 3,000
12 units. Really what that is is there is no
13 restriction.

14 If you could go back to that
15 aerial that shows the overall.

16 There's no restriction or
17 requirement that these buildings have to be
18 residential or have to be commercial. A lot
19 of them can be mixed use and so the increase
20 in the anticipated residential units is really
21 offset almost completely by the reduction in
22 the commercial and specifically medical

1 facilities from the time of the original
2 master plan.

3 If you look at Parcel C, which is
4 that parcel right there, that's almost a
5 million square feet right there. In the
6 Master Plan Approval Act of 2002 they spoke
7 about a full-service hospital being built on
8 the site in the City Counsel Act.

9 Now, in the Master Plan Amendment
10 Act of 2006 it speaks of a primary care
11 facility so the thinking has really changed
12 and that is simply an estimate when we were
13 trying to estimate for purposes of approaching
14 developers in the request for expressions of
15 interest that the Deputy Mayor's Office has
16 issued saying what might be possible.

17 It's not as if we have added all
18 these additional units and not taken away
19 something else. All we have simply done is
20 estimated that there will be more residential
21 units in this overall area and less office
22 space because this shows approximately 2

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1 million square feet of office of commercial
2 space, not the 3 million square feet that was
3 shown on the original one primarily, like I
4 said, because of Parcel C. I just wanted to
5 add that clarification.

6 MS. STEINGASSER: That concludes
7 our presentation. We are available for any
8 kind of questions.

9 CHAIRMAN HOOD: Okay. Thank you
10 all for your presentation. Let me just go
11 back to Mr. Williamson right quick since this
12 is the last thing he spoke about. The
13 healthcare facility, the hospital building, I
14 thought that was a federal mandate that a
15 hospital be built on that land?

16 MR. WILLIAMSON: There is the
17 Master Plan Approval Act says that you are
18 required -- a developer is required to set
19 aside approximately two acres on the campus to
20 provide a facility. The description of that
21 facility now is a primary care facility.

22 Once the need of that primary care

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1 facility as defined in this Rand study that is
2 ongoing has been met, then the two acre
3 requirement goes away. You see, the example
4 that is often given is there is Enova
5 Healthplex which is in Virginia that people
6 site as something that might be built.

7 That would easily fit within that
8 red area and especially because the Enova
9 facility has give acres of land but most of it
10 is surface lots. You are not allowed to have
11 surface lots in this development so you look
12 at the size of the building and it's
13 approximately 200,000 feet. That building is
14 more than that.

15 I think there is more than enough
16 room in the red area to accommodate the
17 medical requirement which is not a federal
18 requirement to my knowledge. It is possible
19 for the medical requirement and in the zoning
20 it says it can be placed on either Parcel B or
21 Parcel C.

22 Again, there is no requirement

1 that it go exactly there but it has to be in
2 the city-wide area so we might get a proposal
3 from a developer that says it should be where
4 the blue building is instead for some reason.
5 It's not required that it goes in the red
6 area. It's just simply illustrative that it
7 might work that way.

8 CHAIRMAN HOOD: Okay. Thank you.
9 I'm going to open it up to my colleagues to
10 start off the questioning. Who wants to
11 start? If not, I'll continue.

12 Commissioner May.

13 COMMISSIONER MAY: I'm glad you
14 have that image up there. One of the things
15 that struck me in understanding how the zones
16 are divided between HE1, 2, 3, etc., or
17 whatever the coding was, is that you have the
18 different building heights butting up against
19 each other and you could have a zone that is
20 four to seven stories next to the zone that is
21 seven to 10 stories which to me means you
22 could have a four-story building next to a 10-

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1 story building.

2 It looks kind of like we see
3 something like that there in the yellow. No,
4 no, no. There you go. Right in that area.
5 That looks like four stories, five stories and
6 across the street from that is 10 stories.
7 I'm not sure that is really a great
8 combination.

9 Granted, it's across the street,
10 it's not next to each other, but I'm wondering
11 if these sort of -- I think the idea of having
12 this sort of graduating implies the sort of
13 uniformity of grading. Even in your own
14 diagram it's not showing up that way.

15 It looks like these very drastic
16 steps and some that are exaggerated by, you
17 know, one zone being at the low end of the
18 spectrum and the next zone being at the high
19 end of the spectrum so I'm wondering if you
20 have given that some thought and whether this
21 is really what you want to have happen or
22 what.

1 MS. STEINGASSER: I'll take a stab
2 at it. We did purposely leave H as the lower
3 square if that is the one you are mostly
4 concerned with. It's kind of the one in the
5 center next to the park in the blue areas.

6 What is interesting here is there
7 is a transition of height and the height is on
8 the east side so the afternoon sun won't be
9 blocked which is when most people use their
10 yards in the afternoons and the evenings so
11 the lower density is predominantly to the west
12 and won't necessarily be blocked.

13 We did not feel it was a stark
14 transition as Capitol Hill butts up against
15 the Union Station. There is a lot of that and
16 you start getting up against the federal
17 complex of the Air Station Capitals realm.
18 There's a lot of larger buildings with
19 rowhouses right up against them.

20 COMMISSIONER MAY: I remember
21 there being a fair number of complaints about
22 Union Station butting up against the housing.

1 MS. STEINGASSER: The new Station
2 Place project there was but eventually that
3 was all resolved and the neighbors did accept
4 the building in support.

5 COMMISSIONER MAY: I think they
6 probably had to, didn't they?

7 MS. STEINGASSER: The most
8 intimate one I can think of is the Supreme
9 Court. It's right there across 2nd from a
10 very well-established street of rowhouses.
11 That relationship does exist. It exist in
12 areas of Brooklyn.

13 It exist in Connecticut Avenue.
14 All along the high rise of Connecticut Avenue
15 is very low-density single-family rowhouse
16 semi-detached. It's not an unusual pattern in
17 Washington at all.

18 COMMISSIONER MAY: Okay. Just
19 because it's not necessarily unusual doesn't
20 necessarily mean that it's good. I'm not sure
21 whether it's good or it's bad. Seeing it just
22 in plan and knowing what the stepping of the

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1 zones was it prompted that question in my mind
2 and then seeing it here I'm not convinced that
3 really is an ideal relationship but I
4 understand the logic now.

5 I guess I wonder, this is going
6 back to the issue of architectural
7 embellishments and I'm glad you brought up
8 that particular example of the glowing tower
9 which has gotten mixed reviewed in terms of
10 how people appreciate it or don't appreciate
11 it. I think that is part of the risk that we
12 run by doing too much to encourage
13 embellishments.

14 That is sort of a side note. My
15 real question is that with the setbacks that
16 occur or that are planned and then you could
17 be setting back at 50 feet and then going up
18 another 30 or whatever it is and substantial
19 additional stories.

20 Not just the one or two stories on
21 the top of a building after a setback but an
22 actual, you know, another three stories or

1 something. How well is that going to work
2 architecturally with embellishments?

3 I'm thinking of the corner towers
4 and spires and things like that and I'm trying
5 to picture them on some of those buildings
6 that are stepped back like that. I'm just
7 interested in your opinion on that because
8 we're not seeing any embellishments on those
9 buildings.

10 MR. DUTTON: I think there is an
11 example if you look in some of the
12 architectural things. The AARP building
13 downtown near the FBI building.

14 COMMISSIONER MAY: I know the
15 building.

16 MR. DUTTON: It has a cylindrical
17 tower on the corner. I can't remember if it
18 has a setback necessarily but most of that
19 upper part of that tower is actually open.
20 It's like a pergola or a trellis that is open
21 to the sky.

22 You could have an element at the

1 corner of one of these setbacks where it
2 actually projects up but becomes light and
3 airy and has the idea of a tower at the corner
4 of the building without it necessarily having
5 the mass of a tower at the corner of the
6 building. I think that would be -- there it
7 is.

8 That is actually taller than the
9 rest of the building so you could imagine,
10 say, this was seven stories tall and that
11 behind it was something that was nine stories
12 tall and the setback depending on where you
13 are on the street you really don't notice the
14 upper couple floors that are setback but at
15 the corner you have something.

16 I think this is probably overly
17 grand for my taste but the idea of having an
18 open tower where you can see the sky through
19 it I think might be the kind of thing that
20 we're talking about where it's not necessarily
21 adding to the FAR or to the volume of the
22 building at that location.

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1 COMMISSIONER MAY: I'm most
2 concerned about adding FAR. I'm not sure how
3 it works architecturally. I'm trying to think
4 of examples of other buildings with
5 embellishments.

6 MR. DUTTON: Go back. There's a
7 more modern one where there you've got this
8 thing here is a tower at the corner. You can
9 see there's a setback. There's a top floor
10 here and then beyond it there's another floor
11 probably setback from that but this is going
12 up higher than either of those things.

13 COMMISSIONER MAY: Where's the
14 setback on that? I don't see a setback.

15 MR. DUTTON: I'm sorry. That is
16 misleading to me. I thought that was a
17 setback. That's just a sunscreen. Here the
18 tower is higher but there is no reason why
19 that couldn't go up another 10 feet and then
20 back 12 feet behind this you have a setback
21 for another floor.

22 COMMISSIONER MAY: I guess --

1 MR. DUTTON: We can provide that
2 if we need to. We can provide you with
3 examples or sketches.

4 COMMISSIONER MAY: You do have
5 another example in another image. I think
6 it's the next slide.

7 COMMISSIONER TURNBULL: Mr. May,
8 before they leave that picture, I guess the
9 other thing that comes up is we have the
10 architectural embellishment of the trellis
11 that we've had before --

12 COMMISSIONER MAY: Can we have a
13 no trellis rule?

14 COMMISSIONER TURNBULL: -- which
15 is not a vertical but it's a horizontal
16 embellishment that keeps appearing that
17 doesn't seem to be regulated.

18 MR. DUTTON: What I'm seeing here
19 is they are probably not really doing much
20 work other than being decorative. I think if
21 one was to look at it more scientifically in
22 a more sustainable way, on the facades facing

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1 south or west they might be doing more work.

2 I think if you could look at them
3 as being part of a sunscreen idea, then that
4 might be acceptable. I agree with you. They
5 seem to be like mold growing on something all
6 over the place and there was way too many of
7 them.

8 COMMISSIONER MAY: Yeah. I mean,
9 a trellis like that might do some work on one
10 story but it's not -- I mean, unless you do it
11 all the way down.

12 MR. DUTTON: That's the image at
13 the bottom there where it looks like there's
14 a setback story on that and the corner --

15 COMMISSIONER MAY: The corner goes
16 up a little taller.

17 MR. DUTTON: -- is more
18 pronounced.

19 COMMISSIONER MAY: Yeah. There
20 you have the idea. There is a setback there
21 on the majority of the building and the corner
22 turns up a little higher.

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1 MR. DUTTON: Okay. I'm kind of
2 bouncing all over the place. Sorry for this.
3 The 800 versus 3,000 dwelling units. I mean,
4 we are realistically projecting there could be
5 as many as 3,000 dwelling units. Is that what
6 the bottom line is now?

7 MR. WILLIAMSON: The answer is it
8 depends on how big each unit is and it depends
9 on what the ultimate -- I mean, it's going to
10 take 20 years to develop this site so the
11 market as it evolves over the next 20 years no
12 one can really predict with any certainty. I
13 think it's more realistic now that the scope
14 of the medical facilities is not as large.

15 There is no obvious other
16 commercial office candidate to say there is a
17 need in this part of the city for that type of
18 office. At the same time people like living
19 on Capitol Hill and you're talking about next
20 to the water. It's reasonable to assume that
21 the residential area would be -- you would
22 have more residential units and less office

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1 units.

2 It's not fixed in stone but, like
3 I said, a lot of it hinges on the Parcel C.
4 That number was brought up in the initial
5 meeting in May, I believe, when this was first
6 discussed that's a big difference. Well, it's
7 only a large difference because you're not
8 looking at the reduction of the other one.

9 COMMISSIONER MAY: I have no value
10 judgment associated with too big, too small.
11 I'm just curious about what the number is. Do
12 you have a projected number of persons per
13 acre or anything like that in terms of the
14 density that you're striving for.

15 MR. DUTTON: I've never heard it
16 described that way.

17 COMMISSIONER MAY: Really? Okay.
18 That's the way they taught it to us in school.

19 MR. DUTTON: The only thing that
20 we could talk about is that we do have some
21 places where we may be having townhouses and
22 depending on the market if those townhouses

1 end up being 1,200, 1,500, 2,000 square feet
2 each, then it changes how things are and you
3 may need to put less units. We don't know
4 what that will be yet.

5 COMMISSIONER MAY: Okay. One of
6 the reasons why I'm curious about this is that
7 I'm curious specifically about how many people
8 might actually wind up living there and at
9 what point with a certain number of people
10 living there does it start to have a
11 reasonable impact on services like schools.

12 I happen to be familiar with the
13 neighborhood and I know how many schools are
14 in the vicinity and you are not allowing for
15 a school to be developed in this area, not
16 that there really needs to be. I'm just
17 wondering if at a certain point we anticipate
18 that this would put a significant burden on
19 the public schools but we don't have any sense
20 of that.

21 MR. WILLIAMSON: Well, I mean,
22 the median in the city is two people per

1 household so if you took the 3,000 number you
2 could look at 6,000 people. Just adjacent
3 west and north of this site is an enormous
4 public school campus, the Eastern High School
5 and next to it the other junior high school.

6 COMMISSIONER MAY: Right. It's
7 elementary schools that I'm most concerned
8 about because those are the ones that kids
9 don't travel very far to.

10 MR. WILLIAMSON: It might be an
11 opportunity to -- I believe they are closing
12 a number of schools. They are building
13 charter schools.

14 COMMISSIONER MAY: Not in that
15 neighborhood.

16 MR. WILLIAMSON: You might know
17 more than me.

18 COMMISSIONER MAY: I'm not saying
19 it is an issue. I'm just curious about
20 whether anybody looked at it. That's all.

21 MR. DUTTON: What's good about --
22 sometimes I curse the process but what is good

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1 about our process is that we have things like
2 the environmental impact screening form which
3 is part of the building permit process.

4 Whenever you go in the very first
5 stages of building permit process, before you
6 can get a permit, and most people start this
7 process before they are ready to file for
8 permit, you have to go through the process
9 where a rough idea of your building is
10 submitted and every agency in the city has to
11 see that.

12 They come back and they tell you
13 about the impacts you will have on their
14 services. DCPS does that, fire department
15 does that. They all do that. They track
16 these trends. They know these things and each
17 agency has the ability to rule in on these
18 things before they get too far.

19 COMMISSIONER MAY: Okay. I guess
20 I don't really have a good sense of this yet
21 still but, for the moment, the plan is for the
22 jail to be there in perpetuity. Right?

1 MS. BROWN-ROBERTS: For the
2 moment, yes.

3 COMMISSIONER MAY: And there
4 hasn't been any thought yet on what the
5 replacement facility will be? At a certain
6 point, particularly buildings like that that
7 take a beating in terms of just the use of the
8 building. It's a very high wear and tear
9 building and it wears out and that whole
10 complex is sort of worn out and has been
11 rejuvenated and --

12 MS. BROWN-ROBERTS: That's
13 correct.

14 COMMISSIONER MAY: We have to keep
15 it going.

16 MS. BROWN-ROBERTS: That's
17 correct. That is one of the major issues that
18 they are looking at now and they are going to
19 be doing their master plan to see what sort of
20 improvement in facilities. That's underway.

21 COMMISSIONER MAY: But there is no
22 thought at this moment of where of might be

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1 relocated?

2 MS. BROWN-ROBERTS: No, no, no.

3 COMMISSIONER MAY: Okay,
4 unfortunately. I guess the only other thing
5 is there were a number of images that you have
6 in your presentation, some of those aerials of
7 the blocking diagrams. We need copies of
8 those.

9 MR. DUTTON: We'll get you copies
10 of those. I think we only made like two more
11 things, two more images.

12 COMMISSIONER MAY: I think that's
13 it for me for now.

14 CHAIRMAN HOOD: Okay.
15 Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Thank you,
17 Mr. Chair. Just wanted to go back. I asked
18 my question on the embellishments but in your
19 book on page 21 you show a section through
20 Halley's Park, Burke Street and C Street. I'm
21 trying to -- isn't that all within the four to
22 seven story range? You've got two to four

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1 stories and you've got four to seven. If
2 you're cutting that section through the park,
3 wouldn't they both be four to seven?

4 MR. RODGERS: According to the key
5 plan in the lower corner you'll see the
6 section cuts through lot B.

7 MR. DUTTON: See there the little
8 red line is? That's showing you where the cut
9 is happening.

10 MR. RODGERS: SO this side is
11 actually the proposed healthplex or health
12 facility. The buildings here would be four to
13 seven stories. Over here is the two to four
14 residential uses.

15 MR. DUTTON: So if you look at the
16 key plan at the bottom you can see where it's
17 cutting through.

18 MR. RODGERS: Right.

19 MR. DUTTON: You also have to
20 remember when you have these different uses
21 they have taller floor heights so the
22 residential uses are going to leave you. You

1 can have a four-story building on both sides
2 of that section but they would be vastly
3 different heights.

4 COMMISSIONER TURNBULL: I was just
5 going back to this page and it looks like it's
6 all in the four to seven but maybe I'm not
7 reading it right.

8 MR. DUTTON: Parcel H is the two
9 to four range now.

10 COMMISSIONER TURNBULL: Oh, so
11 it's different than what's on this then?

12 MR. WILLIAMSON: That's what
13 Maxine was explaining in her presentation.
14 The original master plan had the straight ice
15 cream layers going one side to the other. In
16 the zoning now it's a little bit more refined
17 and the idea was to provide a further
18 extension of the lower height on Parcel H
19 partly because it's south of the park so the
20 sun will shine on the park a little bit nicer.
21 As Mr. May pointed out, the result of
22 extending that is it --

1 COMMISSIONER TURNBULL: I see the
2 revision. I see how it's changed. Okay. I
3 guess my other question is when we talk about
4 a PUD if there is no relief over matter of
5 right height or FAR, what are we looking for
6 in a PUD?

7 MS. STEINGASSER: The reason we
8 left the PUD in there is there is always an
9 option for multiple flexibility whether it's
10 some type of variance unforeseen. We didn't
11 want to preclude the maximum flexibility for
12 design so we left it in there making it very
13 clear that you could apply for one but there
14 isn't going to be any extra density or height
15 but there may be yard movement that you could
16 incorporate your special exception review in
17 there. There may be a reason we haven't
18 foreseen.

19 COMMISSIONER TURNBULL: Okay. All
20 right. Thank you.

21 Mr. Chair, I'll yield.

22 CHAIRMAN HOOD: Commissioner

1 Etherly.

2 COMMISSIONER ETHERLY: Thank you
3 very much, Mr. Chair. Just very briefly, I
4 perhaps want to take a step back from some of
5 the detail that my two architectural
6 colleagues have gotten into to understand a
7 little bit of some of the big picture kind of
8 thinking.

9 Perhaps for me a good place to
10 start is coming back to the building massing
11 issue as we talk about kind of the transitions
12 between the two and four story, the four to
13 seven stories, and then the seven to 10
14 stories. I perhaps want to kind of walk along
15 a couple of the major thoroughfares here.
16 Perhaps first let me start with Independence
17 Avenue.

18 I'm open to perhaps any of the
19 illustrations that show some of the massing
20 along Independence Avenue whether it's the
21 representations that aren't included in our
22 packet. That might be a helpful place to

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1 start, the one that provides kind of that
2 overhead view in the different shaded colors.
3 That will be a good place to start.

4 As you are looking along
5 Independence Avenue, which is starting from
6 the Armory moving kind of to -- thank you very
7 much, Mr. May. Mr. May is kind enough to
8 share his high-tech laser pointer here.

9 As you begin at the Armory and
10 move up Independence Avenue the transition
11 here from height, this building here is in
12 what range, the four to seven story range?
13 Okay. Then where is the transition point? Is
14 it at this building where you could begin to
15 step up to seven to 10 or it's here?

16 MR. DUTTON: Right now it's
17 between the blue and the yellow one.

18 COMMISSIONER ETHERLY: Okay. As
19 you're looking in that direction, is the gray
20 change as prominent in this corner of
21 Reservation 13 compared to here or we pretty
22 much on-grade here all the way along?

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1 MR. DUTTON: It's sloping more on
2 one side than the other?

3 COMMISSIONER ETHERLY: Yes.

4 MR. WILLIAMSON: I was just
5 looking at that. It's 35 feet at the top of
6 the Parcel C.

7 MR. DUTTON: So here where I'm
8 indicating with the laser pointer.

9 MR. WILLIAMSON: Right there is
10 65. Right there is 20 so it falls 45 feet
11 from here to there but right there is 35 so
12 it's already fallen from there to here. This
13 is falling slightly to there but it's more or
14 less flat. It's falling down to 35 feet and
15 then down to 20 feet there so 15 feet down
16 this way but 45 feet from here to there.

17 COMMISSIONER ETHERLY: So as
18 you're traversing Independence Avenue just
19 along that frontage the transitions from a
20 height standpoint how would you characterize
21 them? Perhaps my question is is it a harsh
22 transition?

1 MR. DUTTON: It's more like
2 instead of 45 feet it's more like 20 to 30
3 feet. It's going down hill but it's not going
4 down as much.

5 COMMISSIONER ETHERLY: But it's
6 gradually. It's more gradual.

7 MR. DUTTON: Yes.

8 COMMISSIONER ETHERLY: Okay. I
9 get it as you're coming in this direction
10 essentially kind of southeast. I get it from
11 this standpoint. I just wanted to make sure
12 along Independence Avenue --

13 MR. DUTTON: It's still dropping
14 as you go east on Independence. It's just not
15 dropping as steeply.

16 COMMISSIONER ETHERLY: Okay.
17 Okay.

18 CHAIRMAN HOOD: Let me interject.
19 Help me to understand. The slope runs -- what
20 does the slope run, west to east?

21 MR. WILLIAMSON: Yeah, it runs
22 towards the river so it runs from the top.

1 This is 65 feet at an elevation, it's 20 feet
2 at Monument Circle and then it falls another
3 20 feet into the actual river. It's 35 feet
4 there and then it falls down to the RFK
5 parking lot again towards the river there.

6 CHAIRMAN HOOD: All right. Thank
7 you.

8 COMMISSIONER ETHERLY: Now, with
9 respect to the seven to 10 story area I
10 recognize that there will be -- there is
11 buffering, if you will, between the structures
12 and the waterfront, the water line, if you
13 will. Was there a conversation or discussion
14 or concern expressed about going higher as you
15 move towards the water?

16 Again, understanding that you have
17 a buffer of green space there so, to an
18 extent, I hear the argument that the water is
19 very well respected here if you will. We are
20 not looking to abut right up against it.

21 Was there a discussion or a
22 concern expressed about going to those taller

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1 heights as you move towards the water? Again,
2 recognizing that there is a grade change and
3 so to an extent the impact is going to be much
4 softer.

5 MS. BROWN-ROBERTS: Mr. Etherly,
6 the master plan -- this goes way back towards
7 the master plan and we had a number of
8 agencies including the National Park Service
9 who were part of the whole discussion. I
10 certainly can't remember expressing any great
11 consternation about what we were proposing at
12 the time.

13 COMMISSIONER ETHERLY: Okay. So
14 from a design standpoint, if you will, there
15 most certainly wouldn't be -- there most
16 certainly isn't any concern on OP's part or
17 from an architectural standpoint, if you will,
18 about that height as you move towards the
19 water?

20 MS. BROWN-ROBERTS: No. I think
21 it is also the height of the building but also
22 the activity that we are looking forward to

1 along the street.

2 COMMISSIONER ETHERLY: Okay.

3 Okay. My brow is perhaps still furrowed just
4 a little bit because I think I'm still trying
5 to kind of work through that. I'm kind of
6 flagging it but I think I get it. Let me just
7 say it like that. I think I kind of get it
8 right now but I did want to at least raise
9 that question.

10 Let me come to -- let me change
11 gears a little bit and come to a slide that
12 was in your presentation, Ms. Brown-Roberts,
13 if I could locate it that indicated -- there
14 is not a number but it was the slide that had
15 the retail frontages. It identified where you
16 would have required ground floor retail uses,
17 where there would be allowed ground floor
18 retail uses.

19 I'm just curious. It indicates on
20 that particular slide that clearly around the
21 Metro station location there would be a
22 preference for ground floor retail. I think

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1 that makes sense to me. Required ground floor
2 retail I should say. I think that makes sense
3 to me.

4 Then there is some indication as
5 you come to the -- as you come to the park
6 that there would be the opportunity for
7 possible ground floor retail. Was there --
8 again, I'm just trying to orient myself to
9 some of the history and some of the dialogue
10 from a community standpoint. Was there any
11 thinking to not having retail on that park
12 green space?

13 MS. BROWN-ROBERTS: Yes, there was
14 a discussion about having retail. You mean on
15 the park property?

16 COMMISSIONER ETHERLY: About not
17 having retail around the park.

18 MS. BROWN-ROBERTS: No.

19 COMMISSIONER ETHERLY: So on 21st
20 Place, 20th Place, along Burke Street or C
21 Street, again, it's indicated along those
22 corners that there would be allowed ground

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1 floor retail uses. Was there any concern
2 expressed that any of our witnesses would
3 recall about not having ground floor retail?

4 MS. BROWN-ROBERTS: No, I don't
5 remember any negative about that. Again, it's
6 allowable so there is an option there. What
7 we wanted to do is have the park and have
8 people be able to sit around the park and
9 enjoy some coffee or something like that.

10 COMMISSIONER ETHERLY: Okay. Then
11 finally just to make sure I'm clear on the
12 right-of-way designation, let me come back to
13 the slide, if we may. It's indicated as page
14 6 of the presentation that was provided to us
15 that illustrates the public right-of-way
16 designations. I just wanted to be sure I
17 understood the rationale for Burke Street
18 being widened to 85 was, again, to match
19 what's going on on the west side of 19th
20 Street? Is that correct?

21 MR. DUTTON: It's wider than on
22 the west side.

1 COMMISSIONER ETHERLY: It's wider
2 than on the west side.

3 MR. DUTTON: Most of that is
4 because you have nothing but residential on
5 the western side and here you have mixed uses.
6 You have the park and you have a lot more
7 activity.

8 COMMISSIONER ETHERLY: Okay. Then
9 with respect to C Street, same rationale
10 there?

11 MR. DUTTON: Same thing.

12 COMMISSIONER ETHERLY: Okay.
13 Thank you.

14 Thank you, Mr. Chairman.

15 CHAIRMAN HOOD: Thank you. Let me
16 ask a few questions. Right now, Ms. Brown-
17 Roberts, help me to understand. I guess I
18 should know this answer for the record. Does
19 the Zoning Commission deal with special
20 exceptions in the overlay?

21 MS. BROWN-ROBERTS: Yes.

22 CHAIRMAN HOOD: Okay. Right now

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1 do we deal with any special exceptions within
2 the overlay?

3 MS. STEINGASSER: Within this
4 overlay?

5 CHAIRMAN HOOD: No, not this
6 overlay.

7 MS. STEINGASSER: You are provided
8 through the CG overlay the option to consider
9 special exceptions and variances both in
10 combination with the design review that is
11 mandatory.

12 CHAIRMAN HOOD: That brings up
13 another question I had. I'm just asking. I'm
14 not saying -- let me phrase this so nobody
15 won't think I don't mind doing CG design
16 review. Is there a way that we may be able to
17 expedite the process? I've heard talk that
18 HPRB does with conceptual design and I'm sure
19 some of this is legal but I'm just asking the
20 question.

21 To my knowledge most of our
22 special design review for the CG overlay,

1 those hearings usually last us 15 to 20
2 minutes. I don't mind coming down and being
3 with my colleagues but I'm wondering if there
4 is a way that maybe we can cut some of the red
5 tape.

6 MS. STEINGASSER: Sure. We would
7 be happy to look at that. We've got a couple
8 of ideas that have come out of the planning
9 zoning development study about how to do
10 consent agendas that give you the option of
11 saying, "Good enough. Give it approval," at
12 a meeting rather than having to have a
13 hearing.

14 CHAIRMAN HOOD: And that is kind
15 of where I'm going. I'm not sure how we could
16 do it. We're just trying to be creative here.
17 Like at a set down we would still comment and
18 if we had to come back and visit it again at
19 the next meeting, come in and see whether or
20 not we say we'll just go with this.

21 MS. STEINGASSER: Right.

22 CHAIRMAN HOOD: My colleagues may

1 not agree with me. I'm just throwing this out
2 there.

3 MS. STEINGASSER: Right now it's a
4 pretty expedited process for design review.
5 There is no set down required. They file with
6 the Office of Zoning and the public hearing is
7 advertised immediately and then you are free
8 to take a bench decision the night of the
9 hearing.

10 It's basically a 45-day process,
11 50-day process. It moves pretty quickly
12 provided the Commission is happy with the
13 design. If there is a map amendment attached
14 to it, it's a longer more traditional zoning.

15 We could look at options of
16 providing even a faster track to that that
17 would perhaps consider a consent item to these
18 kind of design only projects with certain
19 established criteria, ANC support, no
20 community opposition, things like that. Maybe
21 you could just consider a monthly meeting. I
22 don't know. I'm talking off the top of my

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1 head.

2 CHAIRMAN HOOD: That's kind of
3 what I was doing.

4 MS. STEINGASSER: I would be happy
5 to work with OAG and Office of Zoning as to
6 what we can draft.

7 CHAIRMAN HOOD: Let's see what we
8 can do with that. I'm basing that on a lot of
9 our CG design review. Let me ask this now.
10 I brought this up during the -- maybe it was
11 the setdown, the PUD. I think you had it in
12 your presentation where you mentioned we don't
13 deal with height. Was it height? What was
14 the other one, Ms. Brown-Roberts? Height and
15 FAR.

16 MS. BROWN-ROBERTS: Yes.

17 CHAIRMAN HOOD: So basically you
18 are asking us -- I don't know if I say
19 dismissed but not -- you see, we already have
20 a PUD requirement how we deal with PUDs but,
21 in this case, you're asking us not to look at
22 height and FAR in the PUD.

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1 MS. BROWN-ROBERTS: Yes, that's
2 correct. What we want to have and what is
3 recommended is that the height and the FAR are
4 set so in the area that is for four to seven,
5 height limit of four to seven, we don't want
6 to waive that to have someone come in for a
7 10-story building. I think then that would
8 change the form that we are looking for if we
9 should allow something like that.

10 CHAIRMAN HOOD: But what I'm
11 trying to understand is we have a PUD
12 guideline and someone is going to come in and
13 make the argument -- not that they would but
14 someone could come in and make the argument,
15 "You already have a PUD guideline. I'm coming
16 in under the PUD. How come I cannot get this
17 under the PUD?"

18 MS. BROWN-ROBERTS: Because this
19 regulation will specifically say that --

20 CHAIRMAN HOOD: So we have two PUD
21 guidelines now.

22 MS. STEINGASSER: We could be

1 happy -- you know, we love a text amendment.
2 We'll be happy to go with Chapter 24 and amend
3 that so that it makes it very clear. The same
4 provision exist in the southeast federal
5 center overlay where a PUD is permitted but it
6 does not get additional height or density
7 because we have already established that
8 through the overall zoning.

9 It's just a vehicle to allow
10 flexibility. At the same time the Commission
11 does have the prerogative to consider
12 variances and special exceptions separately so
13 somebody could come in for a series of
14 variances and achieve the same and then we
15 could just close any potential controversy
16 through amending Chapter 24.

17 CHAIRMAN HOOD: Let me ask you.
18 You said we already had that previously.
19 Sometimes I miss things and I must have missed
20 that one because I'll probably ask the same
21 question. I guess this has already been
22 vetted through OAG?

1 MS. STEINGASSER: They did not
2 flag it as an issue. They are pretty vocal
3 about it.

4 CHAIRMAN HOOD: Okay. If we could
5 just look at that.

6 MS. STEINGASSER: We would be
7 happy to. If it feels redundant, we can
8 address it otherwise.

9 CHAIRMAN HOOD: Okay. Ms. Brown-
10 Roberts, I'm sure Vice Chairman Jarboe will
11 mention this in his letter. I was looking at
12 the one dated June 12th. Have you seen that,
13 the latest one that supersedes the one dated
14 June --

15 MS. BROWN-ROBERTS: The ANC
16 report? Yes.

17 CHAIRMAN HOOD: Yes, ANC-6B. Have
18 we satisfied most of -- I saw the change in
19 the language about the setback on Burke
20 Street. I guess that alludes to what the ANC
21 was requesting?

22 MS. BROWN-ROBERTS: Yes.

1 CHAIRMAN HOOD: I'm sure I can ask
2 the vice chair when he comes up the process of
3 putting the decisions to the zoning
4 administrator. I'm just trying to hit some of
5 these before it comes up so I can see if they
6 have been vetted. I'll just wait for him to
7 come up.

8 All right, colleagues. Any other
9 questions? Mr. May.

10 COMMISSIONER MAY: Yes. I have a
11 couple of hopefully quick follow-ups. I
12 forgot to ask about the C Sosa Building. How
13 tall is that building now?

14 MR. WILLIAMSON: It's eight
15 stories in one direction and nine from the
16 other because of the fall in the grade there.

17 COMMISSIONER MAY: So it's about
18 100 feet roughly?

19 MR. WILLIAMSON: I'm not sure of
20 the height but I counted the windows. It's
21 eight from the west and nine from the east.

22 COMMISSIONER MAY: That was

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1 telling because in your diagram that you have
2 -- actually, could you bring that one back up
3 again because I have a follow-up question
4 about that.

5 MR. WILLIAMSON: There is a
6 mistake in one of the diagrams that you may
7 have just discovered.

8 COMMISSIONER MAY: Yeah. That was
9 my other question.

10 MR. WILLIAMSON: It shows there
11 are two portions to the height of the C Sosa
12 Building. There is sort of a cafeteria
13 section and then there is the higher area and
14 this shows the cafeteria so it's misleading.

15 MR. DUTTON: There is a wing that
16 sticks out that is lower than the rest of it.

17 COMMISSIONER MAY: That was not
18 what I was focusing on but if you could bring
19 that diagram up again, I just want to make
20 sure I saw --

21 MR. DUTTON: This one?

22 COMMISSIONER MAY: No, it wasn't

1 the sections. It was the aerial massing view.
2 There we go. That's it. There is C Sosa. It
3 looks like the blue buildings that flank it
4 there are just a hair taller. Am I seeing
5 that right?

6 MR. DUTTON: The one the hand is
7 on right now are 10 stories tall? Is that
8 correct? They are office buildings and they
9 have higher --

10 PARTICIPANT: Nine probably.

11 MR. DUTTON: Nine stories.

12 COMMISSIONER MAY: The reason why
13 that's striking is that now that they've
14 renovated the C Sosa building and it's so
15 brilliantly lit at night it really stands out.
16 You can get a real sense for how tall that
17 building is and it seems very, very tall.
18 Anyway, that's just a comment.

19 What is the term on that now? How
20 many more years is the District obligated to
21 leave them there and do you intend to push
22 them out after that?

1 MR. WILLIAMSON: I believe they
2 have options to go until 2022. I think they
3 have a specific lease but I know that building
4 was a very active subject in the Land Transfer
5 Act but I think it's 2022 when their options
6 would run out.

7 COMMISSIONER MAY: I thought it
8 was a shorter term than that for some reason.

9 MR. WILLIAMSON: It's a shorter
10 lease but I believe there are two five-year
11 options. I think it might be 2012. I'm not
12 sure but I can check.

13 COMMISSIONER MAY: I remember the
14 two five-year options but I thought that we
15 were already a couple of years into one of
16 them so, therefore, they only had about eight
17 years left.

18 MR. WILLIAMSON: I'll check.

19 COMMISSIONER MAY: It's toward the
20 tail end of the development that it might
21 theoretically be redeveloped. Right? Just to
22 confirm, the drawing that I have here that

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1 shows where the lines are between the three
2 zones there, the C Sosa property is not blue.
3 I don't have an indication of what blue means
4 but I assume it is going to be in the HE3
5 zone. Right? It's not being left unzoned.
6 Right?

7 MS. STEINGASSER: It will be in
8 the zone but it has been deemed a federal
9 property for federal use so it's not subject
10 to zoning at this point but it will be zoned.

11 COMMISSIONER MAY: It will be
12 zoned. I know it's not important to the
13 federal building used for federal purpose and
14 all that but I just want to make sure it was
15 actually going to be zoned.

16 The issue that I had, in going
17 back to this, is that this part of this block
18 here that is Block I, the western most side of
19 that is actually in the HE2 zone according to
20 this.

21 MS. STEINGASSER: That's correct.

22 COMMISSIONER MAY: That building

1 actually should be stepping down the way this
2 is stepped down from the L buildings there.

3 MS. STEINGASSER: Right. We
4 worked with the neighborhood on this issue as
5 a way to kind of force the transition onto the
6 taller buildings as opposed to the lower
7 buildings.

8 COMMISSIONER MAY: Okay. I mean,
9 this is the part that I have the heartburn
10 about, seeing that transition from four or
11 five stories to 10 stories here but it's
12 actually going to be limited here to seven.

13 MS. STEINGASSER: It will be
14 setback more a little more dramatically.

15 COMMISSIONER MAY: All right.
16 That's it. I assume that I'm correct in that.
17 Is that right?

18 MS. STEINGASSER: Yes.

19 MR. DUTTON: This is probably a
20 mistake. I mean, we were looking at this and
21 we had an earlier version where we have shoved
22 that back further and I don't know what

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1 happened. The height diagram is correct the
2 way the demarcations between the height things
3 are now and probably that's wrong.

4 COMMISSIONER MAY: Okay. Thanks.
5 Would that also be the case in square C?

6 MR. DUTTON: No, because the blue
7 building is all inside that lower zone.

8 MR. RODGERS: That building is the
9 mediating area.

10 MR. DUTTON: What we did there
11 just for the sake of illustration we show
12 where if you had that much space it's big
13 enough to be a building. We have actually
14 shown an alley.

15 COMMISSIONER TURNBULL: Oh, you're
16 showing an alley between the blue, the purple,
17 and the yellow?

18 MR. DUTTON: The blue and the
19 yellow we have shown -- purple, I guess, yes.
20 Purple and the yellow we have shown an alley.
21 It doesn't have to be an alley but we did that
22 because probably that's the way you would

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1 build it.

2 That building that you were
3 calling purple between the red one and the
4 yellow one -- I guess that's a good name for
5 that color -- you know, you could have had the
6 yellow and the purple shoved right up against
7 each other but we put an alley in there
8 because we thought if it was all residential
9 and the other one was not, that's probably how
10 they would service the buildings.

11 COMMISSIONER TURNBULL: Does that
12 alley then go out onto Independence?

13 MR. DUTTON: It's shown that way
14 now but, again, it doesn't necessarily have to
15 be that way. You could have yellow buildings
16 shoving up all the way against it the way the
17 height zones are marked here.

18 MS. STEINGASSER: The alley is not
19 part of the plan. It's just part of the
20 illustrative demonstration for height.

21 MR. DUTTON: On a given building
22 you might put aside some space to make a

1 service area for that building.

2 CHAIRMAN HOOD: Okay. Thank you.
3 Any other last questions? Okay, no last
4 questions. Last questions around here is an
5 inside joke because they go on forever. Okay.
6 Let's look at the -- next let's go to our
7 reports of other government agencies.

8 We do have a representative of
9 Planning and Economic Development present, Ms.
10 Hanson. Did you want to come up and testify?
11 Okay. Does anybody have any questions of Ms.
12 Hanson while she's here? Okay. Let the
13 record reflect while she wasn't on the mic she
14 mentioned that she didn't have anything else
15 to add unless we had questions but we don't
16 have any so thank you.

17 Okay. Let me see if we can make a
18 place without everybody moving just in case we
19 have to come back. I'll ask for Vice Chair
20 Jarboe if he could come up and give us the ANC
21 report. This is his presentation. We're not
22 doing cross examination.

1 MR. JARBOE: Mr. Chairman, for the
2 record, my name is Kenan Jarboe. I am ANC
3 commissioner for 6B-05 and vice chair of ANC-
4 6B. I am here representing ANC-6B. You have
5 our letter dated June 12 that you've already
6 referred to. You should have copies of my
7 testimony.

8 The testimony itself I'll just cut
9 relatively short here. The testimony simply
10 outlines some of the process we've gone
11 through and why it is that some of the things
12 I'm going to say tonight are slightly
13 different from the letter because we have gone
14 through a number of revisions here.

15 First of all, as you know, this is
16 a very complex project. I have to tell you I
17 was getting a little nervous sitting there
18 with people starting to refer to station plays
19 and 16th Street and downtown as the reference
20 points for this.

21 I think we need to go back to part
22 of the purpose of this which is an integration

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1 of Reservation 13 into the neighborhood. That
2 is a lot of where we are coming from on this.
3 We are trying to avoid Crystal City on the
4 Anacostia and there is a real concern that is
5 where we are headed with this.

6 Two points are still outstanding
7 based on the ANC's vote. The issue of the
8 appeals of the zoning administrator is now a
9 moot point because of the change in the
10 process. We fully support an expedited type
11 of review process.

12 The whole purpose there was to
13 have some consistency so we wouldn't be going
14 to the zoning administrator for one thing and
15 BZA for special exceptions and you guys for
16 something else so that we pull it all
17 together.

18 We have one body, the Zoning
19 Commission, that oversees everything that is
20 going on in this site and that's what we were
21 looking for. We are happy with that process.
22 We would be happy with an expedited consent

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1 calendar type process. As you know, we're not
2 shy about raising objection and taking things
3 off the consent calendars so we wouldn't have
4 a problem with that.

5 The two outstanding points are
6 still the height issue and the mix of housing
7 types. This, Commissioner Etherly, is the
8 chart that I have that gives me the most
9 heartburn because I think the answer to your
10 height question is it hasn't been completely
11 addressed.

12 One of my guiding principles, and
13 I think the ANC's guiding principles
14 throughout the process when we were doing the
15 master plan, and I'm old enough to have gone
16 back and been through all those meetings, is
17 that the whole idea here was that the building
18 height should fall off as you go down to the
19 river.

20 As you've heard, there is a
21 tremendous grade change. It's actually by St.
22 Coletta's there is a huge drop-off right

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1 there. You are going, as you heard, from 65
2 feet down to 20 feet in some areas.

3 That allows you to build the
4 buildings up higher but the concern always was
5 that the buildings near the river don't get
6 taller than the buildings on 19th Street and
7 that is why this particular slide gives me
8 heartburn because it shows that the buildings
9 as you get further down actually do rise up
10 higher.

11 You lose some of that perspective
12 from walking down Burke and C Street.
13 Frankly, I'm so worried about the view
14 corridor from Independence. I'm more worried
15 about the view corridor or Massachusetts.
16 It's really Burke Street and C Street where
17 you get the canning effect.

18 What our recommendation here is to
19 deal with that is not necessarily to lower the
20 height but to compress the height into the
21 center of the blocks. What we are calling for
22 is not a setback at 50 feet as opposed to 80

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1 feet.

2 We are calling for a setback at
3 both 50 feet and 80 feet so that you do, in
4 fact, compress the height into the center of
5 the blocks on this so you get rid of that. I
6 think the purpose of the height of the setback
7 at 80 feet was explained very nicely
8 concerning the ratio to the streets.

9 The purpose of an additional
10 setback at 50 feet is then to match the
11 buildings in the transition. In fact, the
12 original draft, and this draft as well, has
13 that matching at 50 feet when you are going
14 north/south between the zones.

15 I believe it's sections 2805 --
16 I'm sorry, 2809.5 that talks about where
17 you're matching the HE1 to HE2 you have a 50-
18 foot setback there. We are recommending that
19 you carry that through so that you have a 50-
20 foot setback on especially Burke and C Street.

21 The other point is the mix of
22 housing. We are very concerned that this

1 project not turn into a condo project. I
2 think you heard earlier from one of the
3 drawings of the original master plan
4 illustrated that there was going to be
5 townhouses along the C Street neighborhood.

6 That seems to be disappearing. We
7 are very concerned that we have some sort of
8 family oriented units in this particular
9 development. The neighborhood that they are
10 abutting are single family residential units.
11 Again, if you're talking about integrating it
12 with the neighborhood you need to have at
13 least some single family dwellings in there.

14 We are recommending that an actual
15 percentage be put in the zoning text. The
16 AG's office may disagree with that. I don't
17 know. There may be other problems with it.
18 The ANC did not vote on a particular percent
19 but in my testimony I recommend around 30
20 percent, that you require units of three
21 bedrooms or more.

22 Now, that may not be the best way

1 to do this but I think the goal here is to
2 make sure that we get some family-sized
3 housing in this. I vaguely remember we've
4 done that in some PUDs before. I may be
5 misconstruing that but I think there is a way
6 that we can get at that. Again, not being a
7 zoning lawyer I don't know exactly how to do
8 that.

9 With those two recommendations, we
10 are in support of this. It's been a long
11 road. As I say, we would like to kind of
12 bring that height down into the center of
13 those blocks where we can't see it and it
14 doesn't become as visible and we would like to
15 see the family units.

16 I also just pointed out in my
17 letter, and I think the Office of Planning has
18 it, there is still a little glitch in one of
19 the sections. In 2808.1 there's some
20 misnumbering. Originally we found out that
21 the text from the setdown and the text from
22 advertised had a lot of changes, omissions.

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1 We came up with a group of about
2 18 plus errors, omissions, additions, and
3 things like that. I'm happy to say that the
4 Office of Planning dealt with almost all of
5 those. There is only, as I say now, two
6 outstanding issues. I would be happy to
7 answer any questions.

8 CHAIRMAN HOOD: Vice Chairman
9 Jarboe, let me start and ask you those two
10 outstanding issues to make sure I understand,
11 one and two of your testimony that was
12 provided tonight. Numbers one and two.

13 MR. JARBOE: That is correct.

14 CHAIRMAN HOOD: Okay. Has that
15 been discussed already because you all I know
16 have had a lot of sessions on this reservation
17 -- excuse me, Hill East District. Were these
18 discussed?

19 MR. JARBOE: They are issues that
20 came up repeatedly, yes, in various
21 discussions. I think we just simply have a
22 disagreement with the Office of Planning,

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1 especially on the setback issue. The housing
2 issue I think they are in agreement. In
3 principle the question is how you do it. I
4 won't speak for them but I think there is some
5 concern about putting that into the zoning
6 text itself on their part.

7 CHAIRMAN HOOD: I heard you say
8 something that was very interesting and I
9 can't remember how we did it with -- sometimes
10 I call it W zero and sometimes I call it WO.
11 I meant to ask the Office of Planning when
12 they were up here why is this different from
13 WO? I know it's a different part of town and
14 I know it's a different waterfront zone but
15 this is water.

16 Maybe that is something -- we
17 don't typically bring them back up but maybe
18 we could get Ms. Steingasser to -- she's ready
19 to come up right now. She already has the
20 answer. I shouldn't have gave her time to
21 think about that one. No, I'm just playing.
22 Could you help me with that, Ms. Steingasser?

1 MS. STEINGASSER: Well, the W0
2 typically is specifically designed to be right
3 on the water's edge. It's for boathouses and
4 docks and waterfront shoreline uses. This
5 track doesn't actually go to the water's edge.
6 There is national park service land that
7 separates this track from the river itself so
8 we would not be zoning that.

9 MR. JARBOE: Mr. Chairman, if I
10 may.

11 CHAIRMAN HOOD: Thank you, Ms.
12 Steingasser.

13 MR. JARBOE: There is another
14 issue, too, on that which is the fact that we
15 do have the grade change here with the ground
16 falling off so you can have those higher
17 buildings closer to the river. I do remember
18 a few other zoning cases where we dealt with
19 waterfront and I know it was a principle of
20 the Commission at that time that they wanted
21 smaller buildings as you got closer to the
22 water.

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1 I think you can do this
2 conceptually by having larger buildings that
3 take advantage of that fall-off. My concern
4 here is I'm not sure they have taken enough
5 advantage of the fall-off and that the
6 buildings near the river may still be a little
7 bit higher than we would like them to be.

8 CHAIRMAN HOOD: Okay. All right.
9 Thank you.

10 Commissioner May?

11 COMMISSIONER MAY: Yes. I'm a
12 little confused now about the setbacks that
13 would happen at 80 feet. You are recommending
14 50 feet and 80 feet?

15 MR. JARBOE: That's correct.

16 COMMISSIONER MAY: And the 50 feet
17 would apply for everything along C Street and
18 Burke Street?

19 MR. JARBOE: Correct. So you
20 would have a double setback on the HE3 zone.

21 COMMISSIONER MAY: So we have this
22 sort of zig kind of thing going on.

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1 MR. JARBOE: Well, two zigs. I
2 understand it makes it architecturally
3 challenging.

4 COMMISSIONER MAY: Yeah. I was
5 having trouble with the embellishments and the
6 setback. I think the two double setbacks like
7 that architecturally is difficult to handle
8 and do gracefully. I have to think about
9 that.

10 I am very sympathetic to the
11 question of having the three bedroom units and
12 some minimum requirement for that. What it
13 reminded me of is that I was thinking back to
14 the initial master plan and even looking at
15 the illustrative master plan that we have
16 here, even though we know those streets aren't
17 quite right.

18 What we saw in that master plan is
19 many buildings that were very clearly
20 townhouse style development in terms of the --
21 I mean, if you look at what is happening on C
22 Street and C Place, in fact, C Place almost

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1 all the way to the park, or the swirl
2 concentrator if you want to consider that part
3 of the park there, it even looks like very
4 typical townhouse configurations very similar
5 to what is happening in the neighborhood. I
6 don't see that anymore.

7 When we talk about the master plan
8 did this idea of just having regular old
9 townhouses just go away for the sake of having
10 ground floor retail and taller buildings and
11 stacked townhouse units and is that okay with
12 you? It just seems like it's not there
13 anymore.

14 MR. JARBOE: I couldn't tell you
15 the process of how it went away. That is the
16 concern that it did go away. I think, at
17 least in my mind, there was an implicit
18 acceptance of that for some of the areas,
19 especially what is now the HE3 area because
20 there seemed to be a conflict in even those
21 illustrative drawings between what was being
22 called for in the density and heights and the

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1 idea of having townhouses along there because
2 you're not going to have a 110-foot townhouse
3 in that area.

4 As we went to the form-based code
5 type of system to allow the developer to have
6 some flexibility to get up to what might be
7 the height range that we are thinking of
8 there, I think it became clear that you
9 weren't going to -- necessarily have
10 townhouses in that area.

11 What worries me more are the loss
12 -- the potential loss of townhouses further
13 towards 19th Street on what would be the west
14 side of the park along C and Burke and that is
15 where I think having a requirement would force
16 a developer to look at that area for
17 townhouses as opposed to building a condo
18 block.

19 I think we are kind of splitting
20 the difference here. I think we realize that
21 some of the areas where they were showing
22 illustrative townhouses we probably never

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1 would have gotten them but there are other
2 areas where we probably should push for them.

3 COMMISSIONER MAY: Sorry, I don't
4 recall your name. Would you mind pulling up
5 that other image with the aerial of the whole
6 block? If we had gotten it on paper I
7 wouldn't be making you do this all the time.
8 There we go. So these units in here and these
9 here could actually be fairly traditional
10 townhouses.

11 MR. JARBOE: And I think even the
12 area to the south of the park a little bit,
13 some of those conceivably could be. That's my
14 reading of it. I think you are going to have
15 to -- part of our process here is two-fold
16 because we've got the zoning but we also have
17 the request for expressions of interest from
18 the developer.

19 There is going to be another
20 process here where we put the developers on
21 the grill and say, "What are you going to do
22 for us? What are you actually going to build

1 on that site?" What we are trying to lay down
2 here is some guidance for that but there is
3 another part of that process.

4 Frankly, if they come back and say
5 we are going to build all condo blocks there,
6 that would be something that I would tell the
7 Deputy Mayor's Office that the community
8 didn't think they wanted.

9 COMMISSIONER MAY: Right. Is the
10 community pushing for more traditional
11 townhouses or would the sort of vertical condo
12 drive in the back into the garage under the
13 house kind of condo that happens at Brian
14 Square and places like that, or Brian School?
15 Is that okay with the community?

16 MR. JARBOE: I think if you polled
17 the community the model would be Owen Wilson.

18 COMMISSIONER MAY: Okay.

19 MR. JARBOE: Close to that would
20 be Brian School. I think when we think of
21 townhouses and condos, both what is going on
22 and what was built at Owen Wilson and then

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1 what is being built at Caper Carrolsburg is
2 kind of what we are thinking of. Again, I
3 can't speak for the entire community. The ANC
4 didn't vote on that part but that is kind of
5 the general sense I get from talking to
6 people.

7 COMMISSIONER MAY: I want to try
8 to hold out for actual rear yards and not just
9 more driveways.

10 MR. JARBOE: Rear yards would be
11 nice. They are in the first draft -- if I
12 remember correctly the first draft of some of
13 the design guidelines. They talked about
14 things like alleys and garages and things like
15 that.

16 COMMISSIONER MAY: These clearly
17 have rear yards. I can see them even though
18 they are not drawn. Thank you very much.

19 MR. JARBOE: Thank you.

20 CHAIRMAN HOOD: I saw the
21 representative Ms. Hanson from the Deputy
22 Mayor's Office. We might be able to get some

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1 resolution tonight so I'm going to ask her to
2 come forward. I did see her gesturing.

3 MS. HANSON: Good evening. I just
4 wanted to make a quick comment addressing the
5 issue of kind of a mix of housing to encourage
6 families at Hill East site. We did have a few
7 conversations with ANC reps about this. From
8 our discussions we determined that the zoning
9 code would probably not be the most
10 appropriate place to indicate types of housing
11 or really types of units for the site.

12 During the RFEI process when we
13 are receiving proposals from developers on
14 their plans for the site, that is an area
15 where we can encourage family-style living.
16 That could be part of a preference for
17 evaluation.

18 That is a proposal that we kind of
19 have on the table that we've been discussing
20 where rather than set it in stone and zoning
21 give a little bit more flexibility on the
22 concepts that the developers would present but

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1 use the number of units to encourage larger
2 size housing as a criteria for evaluating the
3 proposals.

4 CHAIRMAN HOOD: Okay. Thank you.

5 COMMISSIONER MAY: Can I ask a
6 question?

7 CHAIRMAN HOOD: Hold your seat.

8 COMMISSIONER MAY: For the RFEI
9 process are you planning to include community
10 representatives or ANC members in the
11 evaluation panel?

12 MS. HANSON: Absolutely. We
13 haven't formalized the schedule for the RFEI
14 process. Currently the proposals are due
15 September 8th. Part of that process, like we
16 normally do at DMPED is after the proposals
17 have been submitted we will probably take a
18 short list of maybe four to five developers or
19 proposals that have been submitted and
20 scheduled a community meeting where we invite
21 ANC reps, other community stakeholders to
22 participate in evaluating a presentation.

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1 We also will provide a comment
2 period, probably about two to three weeks, for
3 the community stakeholders to provide comments
4 and we'll review it.

5 COMMISSIONER MAY: That's a little
6 different from what I was asking. Is there
7 going to be community input? It seems that
8 there is. The other question is whether
9 someone from the ANC will actually be part of
10 the panel that makes the short list and that
11 chooses among the short list.

12 MS. HANSON: We hadn't planned for
13 that right now.

14 COMMISSIONER MAY: Okay.

15 MS. HANSON: What we typically do
16 is have a technical review team where we will
17 take experts from the different federal
18 agencies to be part of --

19 COMMISSIONER MAY: The Park
20 Service?

21 MS. HANSON: Park Service could be
22 one of them, yeah. It's representatives from

1 Office of Planning, from OPM, from CFOs
2 office. The different disciplines that would
3 typically weigh in on development of this
4 size.

5 COMMISSIONER MAY: Sometimes I
6 think the mayor has made a practice of
7 bringing in committee members or council
8 members. Well, I'm not sure how often they've
9 done that. I know that the council member
10 staffs are part of the Boathouse Row Advisory
11 Committee.

12 MR. JARBOE: We're still working
13 out a little bit of what the actual authority
14 of the ANCs is concerning reviews of RFPs. We
15 typically have a process of where we have
16 input into the development of the RFP and try
17 to get all of our criteria in there but it's
18 not clear that we have any authority to
19 actually sit on a selection committee.

20 COMMISSIONER MAY: There are other
21 ways that might be handled, though. The ANC
22 might recommend representatives from a

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1 community who could sit unconflicted. Anyway,
2 just curious.

3 CHAIRMAN HOOD: Tonight is my
4 first time hearing DMPED. What is it?

5 MS. HANSON: Deputy Mayor's Office
6 of Planning and Economic Development.

7 CHAIRMAN HOOD: I've been around
8 here for over 10 years and I've never heard
9 DMPED so that must be a new term. Anyway, I
10 was messing around and I forgot my question.
11 Oh, was that RFP?

12 COMMISSIONER TURNBULL: No, RFEI,
13 Request for Expressed Interest.

14 CHAIRMAN HOOD: What are the
15 initials?

16 MS. HANSON: RFEI, Request for
17 Expressed Interest. It's similar to an RFP,
18 it just shortens the evaluation period and
19 shortlisting period.

20 CHAIRMAN HOOD: Okay. RFEI. All
21 right. Any other questions?

22 COMMISSIONER TURNBULL: I just had

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1 one. After listening to Commissioner Jarboe
2 I see his concern that when he sees under HE1
3 where the minimum building height is 26 feet
4 and the maximum building height is 50 feet the
5 developer is going to want to optimize and go
6 for the maximum. What if your developers all
7 come to you and say, "We can't develop at 26
8 feet. We can't develop townhouses. We have
9 to go for condos at 50 feet."

10 MS. HANSON: That is a
11 possibility. I think this goes back to
12 firming up evaluation criteria that speaks to
13 extension of the field of the existing Hill
14 East neighborhood. When you are looking at
15 HE1 you've got the square for F1 and G1.

16 Since there is retail allocated on
17 the first level, you automatically lose a
18 story for building residential so that really
19 leaves three stories left for residential so
20 you're not going to have these mammoth
21 condominium buildings but that could be a
22 possibility.

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1 Again, that's where we may have to
2 try to stress more of a townhouse feel or
3 maybe a duplex type feel for the development
4 that faces the 19th Street neighborhood.

5 COMMISSIONER TURNBULL: Okay. I
6 think my concern, and I think I'm expressing
7 Mr. Jarboe, is that may get lost and how do we
8 -- how does the community get that reinforced?
9 Is there some reassurances?

10 MS. HANSON: I'm not prepared to
11 give any reassurance now but I think we can
12 continue a dialogue on what evaluation
13 criteria we would have and express that
14 preference to developers prior to submission
15 of proposals.

16 COMMISSIONER TURNBULL: Okay.
17 Thank you.

18 CHAIRMAN HOOD: Thank you. I will
19 concur. I hope with all the work that I've
20 heard is going on over there, I'm sure the
21 work is not going to stop or working together
22 with the neighborhoods. Anyway, Commissioner

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1 Jarboe, have you finished?

2 MR. JARBOE: Yes, sir.

3 CHAIRMAN HOOD: Okay. Any other
4 questions of Commissioner Jarboe and Ms.
5 Hanson? Normally we don't normally do that
6 but I think we were trying to put some resolve
7 and I guess we have to deal with it
8 accordingly.

9 All right. Thank you both.

10 MR. JARBOE: Thank you.

11 MS. HANSON: Thank you.

12 CHAIRMAN HOOD: We don't have
13 anyone here in opposition. Do we? If not,
14 they haven't signed up. Do we have anyone in
15 opposition? Okay. Let me bring Mr. Peterson
16 to the table, Capitol Hill Restoration
17 Society. Yes, Colleen Garibaldi. Thank you,
18 Ms. Schellin. Ms. Garibaldi and David Loiter.

19 Do we have anyone else that wants
20 to testify in support? We don't have too many
21 more people. I think everybody else has
22 testified. Okay. We are going to begin with

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1 Mr. Peterson. You have five minutes and
2 everyone else will have three minutes.

3 MR. PETERSON: Good evening, Mr.
4 Chairman. I'm Gary Peterson. I'm the Chair
5 of the Zoning Committee of the Capitol Hill
6 Restoration Society. The society has been
7 involved in this process for about eight
8 years. I've been involved in it for about
9 seven.

10 First, let me say so we can kind
11 of cut this short, everything Mr. Jarboe said
12 I join in. We are one in agreement with the
13 ANC on those issues. I'm not going to discuss
14 them any further unless there are further
15 questions on them.

16 First, let me say I really
17 appreciate all the work that the Office of
18 Planning has done and they have done an
19 excellent job of working with the community
20 and listening to the community. I really
21 appreciate all of their efforts.

22 I would say that the draft of the

1 proposed zoning that we currently have before
2 us is actually quite good and has answered a
3 number of the issues that I raised in my
4 letter of April 29, 2008 that I went to you.

5 The only issue is the one of
6 height which Mr. Jarboe has already addressed
7 and the other one having to do with having
8 more residential -- larger residential units
9 that I raise in almost every PUD application
10 as well that we're concerned about.

11 I did want to point out a couple
12 things to you. First of all, there was
13 discussion about having a lower height on the
14 water.

15 There were some people in the
16 neighborhood who wanted it actually to be a
17 lower height along the water but this was a
18 compromise that was reached in negotiations
19 between OP and the neighborhood that the two
20 have the lower height at the 19th Street side
21 and allow the development to take advantage of
22 that drop in height. This was a compromise

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1 but it was raised and discussed in our many
2 meetings.

3 Also about the hospital use. I
4 think everyone believes that eventually when
5 this site is developed if there is no one
6 stepping forward for any type of medical use
7 that these tracks will be used for other
8 purposes, either office or residential.

9 This is reserve but at some point
10 it's going to be developed and if there is no
11 hospital or medical use available, then it
12 will be developed as office or residential.

13 The other thing that was
14 mentioned, I think, was about the double
15 setback. Commissioner May was having a little
16 architectural problem. I would suggest if you
17 look there is one site that I think addresses
18 that and that's at the Navy Memorial but
19 actually there is a double setback at the top
20 of that building where the residences start it
21 sets back and then it goes up two stories and
22 then sets back again for another floor

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1 residential.

2 In fact, you cannot see the
3 residential from the street. If you're
4 walking down the street you don't see it. You
5 see the office part of the building. The
6 building does disappear after the office. You
7 don't see it except from a long distance away.
8 The reason I know this is I had an office in
9 that building at one point so I would
10 recommend that.

11 The other thing were the questions
12 about the PUD. I had raised that in
13 discussions with the Office of Planning and we
14 had gotten the same answer. I don't
15 understand the answer frankly and I see no
16 reason to allow PUDs in this case. It doesn't
17 offer anything and I think it has no place in
18 this particular zoning.

19 With that, I think I'll end my
20 comments.

21 CHAIRMAN HOOD: Thank you, Mr.
22 Peterson. Just hold your seat.

1 Ms. Garbidini.

2 MS. GARIBALDI: Garibaldi.

3 CHAIRMAN HOOD: Garibaldi. I'm
4 sorry.

5 MS. GARIBALDI: That's okay. I'm
6 Colleen Garibaldi and I'm a resident of the
7 Hill East neighborhood. My house is on 19th
8 Street and I overlook the Hill East project.
9 I've been going to the meetings since the get
10 go I believe.

11 I bought my house in 2000 and was
12 able to participate in a lot of the meetings.
13 From my understanding and from the
14 understanding of the people that were at least
15 in the big surrette around me there is the
16 expectation that the height was going to be a
17 lot lower than what has actually come out.

18 In all of the subsequent meetings
19 that I attended when I saw that there was
20 designation of four to seven stories, seven to
21 nine stories I had always questioned it and
22 thought that was higher than what I

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1 remembered. I was always told, "There will be
2 a zoning hearing and you can express it then."

3 I wasn't totally onboard with the
4 heights but I must say that through the
5 process working with the Office of Planning
6 and getting the model from EEK I really came
7 to understand the heights a lot better. I
8 feel very strongly through that we do need the
9 setbacks at 50 feet as well as the setback at
10 80 feet.

11 As Ken so succinctly put it, push
12 the massing into the center of the building --
13 excuse me, into the center of the block. I
14 really must say I came on board and I just
15 wanted to acknowledge that being a person who
16 has been through this process and who
17 overlooks it.

18 I also wanted to point out that
19 one thing that may be a little misleading in
20 our evaluation, particularly using this
21 example, is that the height is measured from
22 the lowest point along the curb of the street

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1 frontage.

2 I'm not sure that is what is
3 represented on this model but if that is
4 indeed how the site is developed, the change
5 in the heights might not be quite as obvious
6 because the building heights aren't
7 necessarily going to be 50 feet all the way
8 across.

9 If you have a building that is
10 going to be on one block, that block may be 10
11 or 20 feet lower than the block next to it so
12 that's going to be 50 feet of that block and
13 then 50 feet on this block. It is going to be
14 a little bit different. I just wanted to
15 point that out while you are evaluating the
16 images.

17 I also wanted to reiterate as
18 someone who lives in the neighborhood that I
19 really do love the idea of the retail and if
20 there is any thought of making less retail, I
21 would like to request that it not be reduced.
22 I'm really looking forward to being able to

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1 pop across the street and have something to
2 eat or go shopping or something like that.

3 Anyway, thank you very much. I
4 guess I'm at the end.

5 CHAIRMAN HOOD: Okay. Thank you
6 very much. You can hold your seat.

7 Mr. Loiter.

8 MR. LOITER: Good evening. My
9 name is David Loiter and I'm here on behalf of
10 the Hill East Waterfront Action Network. I
11 hope all of you have the submitted testimony.
12 I don't want to take up too much of your time.

13 I'm also here to say that we do
14 support the latest text but that our
15 organization's membership has expressed the
16 same concerns that were raised in the ANC-6B
17 testimony.

18 We are concerned that proposed
19 regulations might not be strong enough or
20 clear enough to preserve the view down to the
21 Anacostia to make the nature of this new Hill
22 East fit existing rowhouse nature of other

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1 streets west of 19th Street.

2 That is especially true of Burke
3 Street and C Street. I don't know if any of
4 you have ever been on those blocks immediately
5 west of 19th Street but they are all
6 rowhouses. They are all residential and it
7 would be a shame if their view down to the
8 river looked like a canyon.

9 Also, a lot of people have chosen
10 to live in our neighborhood because they like
11 a rowhouse neighborhood and they would like to
12 see some of that extended across 19th Street
13 in this development. That's why I'm here this
14 evening.

15 CHAIRMAN HOOD: Thank you very
16 much. It appears as though the only
17 outstanding issues are the same two that the
18 ANC has had and Mrs. Garibaldi. It must be
19 getting late. Pronounce your last name again
20 for me. I'm getting tongue tied.

21 MS. GARIBALDI: Garibaldi. Or, as
22 they say in the old country, Garibaldi.

1 CHAIRMAN HOOD: Okay. Ms.
2 Garibaldi, it appears that while we have
3 proponents we still have those two main
4 sticking points and issues. I will tell you
5 what I will ask the Office of Planning to do
6 for me.

7 I think it alluded to the
8 presentation of my colleague Commissioner
9 Etherly picked up on. I think the comment was
10 that the picture, and I'm looking at page 19,
11 was about seven stories high. I want to see
12 what it looks like from the street. I know
13 you have some submissions that you are going
14 to be submitting to us.

15 You already have them? Here's the
16 thing. First, I need you to come up to the
17 mic if you're going to speak. I tell you
18 what. Why don't you just submit it to us
19 unless we already have it. I don't think we
20 already have it.

21 MR. RODGERS: No, you don't have
22 those views in your package but we can either

1 go through that right now or we can --

2 CHAIRMAN HOOD: Just submit it.
3 Like my colleague said, it's always good when
4 we have them in front of us and we digest it
5 a little better and get better reasoning. It
6 looks like those are two of the issues that I
7 think we are going to have to basically
8 grapple with and other issues that we might
9 come up with. Some of those issues we are
10 grapple with when we are deliberating.

11 Okay. Anything else? Colleagues,
12 do you have any other questions? I want to
13 thank you all for your testimony and coming
14 down and providing that to us this evening.
15 Okay.

16 Ms. Garibaldi, forgive me for
17 messing your name up this evening.

18 Okay. That's it. What we are
19 going to do now is ask Ms. Schellin to run
20 over things that we would like to see and
21 let's get some dates.

22 MS. SCHELLIN: I'm not sure I have

1 everything but I know the first thing was the
2 overall view and any other slides that they
3 show that was not in the packages. I think
4 that OP was going to make some recommendations
5 regarding cutting down the time for review for
6 the design review where an ANC supports it.

7 Also maybe look at the PUD
8 guidelines since it's not permitting any
9 height or FAR above matter of right. Maybe
10 take another look at that. Street views and
11 any other views that may give you a better
12 idea of what it looks like from the street.
13 And the double setback, address that. The
14 view. Sorry, the double setback view.

15 CHAIRMAN HOOD: Does that cover
16 everything? Anything else? All right. We
17 have some dates?

18 MS. SCHELLIN: I think the next
19 meeting that is going to come up is September.
20 Is that good for you guys, OP? If we could
21 get those documents -- how much time do you
22 guys need for that?

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1 CHAIRMAN HOOD: If you can just
2 come up. Do me a favor. For those who want
3 to respond, just come up to the table to make
4 sure we get it for the record. Not that we
5 don't believe you but we want to make sure
6 we're on the record.

7 MR. WILLIAMSON: Just to clarify
8 what's being asked, when you say the documents
9 to be provided, the double setback view, you
10 would like EEK to draw a setback at 50 feet
11 and 80 feet? Is that what is being asked?

12 MS. SCHELLIN: Yes.

13 MR. WILLIAMSON: Okay.

14 MR. DUTTON: We can provide that
15 maybe in a week or so or less than a week.

16 MS. SCHELLIN: Okay. I think we
17 can give you more time than that since we are
18 not going to take this up until our September
19 meeting because it's too close to the July
20 meeting. If we could get those -- today is
21 the 30th. Say by July 21st.

22 MR. DUTTON: I think we can do

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1 that.

2 MS. SCHELLIN: If the ANC wants to
3 -- are we going to allow the ANC to respond
4 since this is a rulemaking case? Allow them
5 to provide some input if they would like by
6 July 28th. Then we'll take this up at the
7 September meeting which is September 8th.

8 CHAIRMAN HOOD: Ms. Schellin, do
9 we know right off do we have a lot for our
10 September 8th meeting? That's like asking you
11 to pick the lottery number, I'm sure.

12 MS. SCHELLIN: Yeah. It's not a
13 whole lot yet but we still have the month of
14 July to go through.

15 CHAIRMAN HOOD: Okay. I don't see
16 this taking us no more than 30 minutes and I
17 know that my colleagues don't like special
18 public meetings but it's just easier on us, I
19 think, if we identify a special public
20 meeting. We'll just leave this on the agenda
21 for September.

22 MS. SCHELLIN: Okay.

1 CHAIRMAN HOOD: Okay. Anything
2 else? Are we all on the same page?

3 Mr. Jarboe, if you would come up.

4 MR. JARBOE: I apologize. I
5 didn't get the date at which we had to submit.

6 MS. SCHELLIN: July 28th.

7 MR. JARBOE: 28th. Great. Thank
8 you.

9 CHAIRMAN HOOD: Okay. Hearing
10 nothing else I want to thank everybody else
11 for their participation tonight and this
12 hearing is adjourned.

13 (Whereupon, at 9:10 p.m. the
14 hearing was adjourned.)

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