

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY

APRIL 13, 2008

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission was held in Room 220 South, 441 4th Street, N.W., Washington, D.C., at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- GREGORY N. JEFFRIES, Vice Chairman
- WILLIAM WARREN KEATING, Commissioner
- MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)
- PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
MAXINE BROWN-ROBERTS
STEVEN COCHRAN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Regular meeting held on April 13, 2008.

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P R O C E E D I N G S

(6:34 p.m.)

CHAIRMAN HOOD: This is the
regularly scheduled meeting for April 13th,
2009.

My name is Anthony Hood. I will
also be joined by Vice Chairman Jeffries,
Commissioners May, Keating and Turnbull; also,
the Office of Zoning staff, Office of Attorney
General staff, and the Office of Planning
staff.

Copies of the agenda are located
near the door. We do not take any public
testimony unless the Commission requests you
to come forward.

Please be mindful we are being
Webcast live. Accordingly, we must ask you to
refrain from any disruptive noises or actions
in the hearing room. Please turn off all
beepers and cell phones at this time.

Ms. Hanousek, do we have any
preliminary matters?

1 MS. HANOUSEK: I don't believe so.

2 CHAIRMAN HOOD: That's a good
3 answer. Okay. If we do, could you let Ms.
4 Schellin know I've called for it, and if we do
5 we'll come back to it.

6 What I want to do tonight, and
7 this is for the benefit of those in the
8 audience, I'm trying to move this around so we
9 can kind of move efficiently and effectively.
10 We're going to take first final action.
11 Second we're going to do hearing action, and
12 third we're going to do proposed action
13 beginning with the Matthews Memorial Terrace,
14 LLC case first and the Athena Group case last,
15 and then we'll take everything else in the
16 order in which it appears on your agenda.

17 Okay. First, Ms. Schellin, we're
18 going to do final actions, Zoning Commission
19 Case No. 04-05. That's the Office of Planning
20 -- Hill East text and map amendment.

21 Ms. Schellin.

22 MS. SCHELLIN: Yes. You have

1 before you a copy of the proposed rulemaking
2 that was submitted to the D.C. Register.
3 There were no further comments received, and
4 so it is before you for a final action.

5 CHAIRMAN HOOD: Okay. Again, I
6 think, colleagues, if you'll remember, it has
7 been a little while, but we have fleshed this
8 out, I think, very thoroughly where we did
9 proposed. So with that, I would move approval
10 of Zoning Commission Case No. 04-05, Office of
11 Planning -- Hill East text amendment, and ask
12 for a second.

13 COMMISSIONER TURNBULL: Second.

14 CHAIRMAN HOOD: Moved and properly
15 seconded. Any further discussion? Any
16 further discussion?

17 (No response.)

18 CHAIRMAN HOOD: All those in
19 favor, aye.

20 (Chorus of ayes.)

21 CHAIRMAN HOOD: Any opposition?

22 (No response.)

1 CHAIRMAN HOOD: Hearing none, Ms.
2 Schellin, could you record the vote?

3 MS. SCHELLIN: Yes. Staff records
4 the vote four to zero to one to approve final
5 action in Zoning Commission Case No. 04-05.
6 Commissioner Hood moving, Commissioner
7 Turnbull seconding, and Commissioners Jeffries
8 and May in support, Commissioner Keating not
9 voting having not participated.

10 Sir, I am hesitating because Mr.
11 Jeffries is questioning whether he
12 participated in that case. I think he did.
13 So we're having our own little discussion off
14 to the side. So he's confusing me. So I'll
15 double check that.

16 CHAIRMAN HOOD: Okay, and if we
17 need to we'll revisit it.

18 Okay. Next hearing action, Zoning
19 Commission Case No. 09-06, Abdo New York, LLC,
20 consolidated PUD and related map amendment at
21 Square 2001, New York Avenue, N.E.

22 Mr. Cochran.

1 MR. COCHRAN: Good evening, Mr.
2 Chair and members of the Commission. For the
3 record, my name is Steven Cochran from the
4 D.C. Office of Planning.

5 The Abdo New York, LLC, is
6 applying for a new PUD and associated rezoning
7 from C-M-1 to C-3-A for a 16 acre site
8 generally bounded by New York and Montana
9 Avenues and Bladensburg Road, N.E. This is
10 the same site for which the same applicant
11 received PUD approval in 2006.

12 However, since then market
13 conditions have changed so much that the
14 applicant has realized that the approved
15 project is no longer achievable and is now
16 seeking approval for an entirely new and
17 smaller scale PUD.

18 Construction on this would be
19 stick built and would be five to six stories
20 tall. The site would be opened up with three
21 internal streets giving access from the three
22 major roads bordering the site.

1 If you have the OP report, as you
2 can see from the diagram on pages 5 and 6,
3 this would allow for three groupings of
4 buildings. Each grouping would face two of
5 the major external roads and one of the more
6 intimate internal roads. There would be ten
7 buildings overall.

8 They would be constructed over the
9 next 15 years with the first phase being the
10 two buildings on the northwest corner of the
11 site, Building A-1 facing New York and Montana
12 Avenue and Building A-2 facing New York Avenue
13 and internal Street A.

14 The proposal would contain between
15 1,350 and 1,420 residential units. A third of
16 them would be reserved for households making
17 up to 80 percent of the area median income.
18 The other two-thirds of the housing units
19 would be market rate.

20 Depending on financing and
21 possible grants, some of the affordable
22 housing may be reserved for households earning

1 no more than 60 percent of AMI. If so, the
2 financing source most likely would require
3 concentrating a higher percentage of the
4 affordable units in Buildings A-1 and A-2 than
5 in the rest of the development.

6 You should note that contrary to
7 statement in OP's report, there would not be
8 units reserve for households making up to 30
9 percent of the AMI.

10 In addition to the residential
11 units, there would also be approximately
12 69,000 square feet of retail space. Now, the
13 PUD associated C-3-A zone district that the
14 applicant has requested permits residential
15 uses. The existing C-M-1 zoning does not.
16 The associated zoning permits 4.5 FAR as a PUD
17 as opposed to the 3.0 FAR in a C-M-1 zone.

18 The actual project, including the
19 above ground parking garages would have 2.43
20 FAR. There would also be three acres of open
21 space, including three external plazas and an
22 internal plaza and courtyards.

1 Space would be reserved for a day
2 care center and a health club. The retail
3 space would be large enough to accommodate a
4 grocery store or a mid-box retailer, but the
5 applicant thinks that a series of smaller
6 shops would be more likely.

7 For parking there would be 0.75
8 spaces per unit, approximately 50 percent more
9 than the zoning regulations require. Based on
10 the applicant's retail use projections, there
11 would be seven more retail parking spaces than
12 the regulations require. All of the parking
13 and loading would be off of the internal
14 streets or allies or the access road the
15 applicant would build in conformance with the
16 District Department of Transportation's New
17 York Avenue corridor plan.

18 To build the project, the
19 applicant has requested zoning relief that's
20 noted in the table on page 14 of OP's report.
21 This relief includes theoretical lot
22 subdivision and construction of more than one

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1 building on a single lot, less than one-to-one
2 roof structure setback for some buildings,
3 varying heights for some buildings' roof
4 structures, and loading relief.

5 Project amenities would include
6 the provision of over three times as much
7 affordable housing as would be required by
8 inclusionary zoning for a matter of right
9 project in a C-3-A zone, the three external
10 plazas, a reduction in the number of curb cuts
11 off of major streets when the land is
12 consolidated, the provision of space for
13 various services and retail uses in a
14 significantly underserved area of the city,
15 contribution of \$25,000 and a pickup truck to
16 the Friends of the Arboretum, and a low impact
17 development standard.

18 As explained in OP's report, this
19 project would be consistent with the
20 comprehensive plan, the northeast gateway
21 revitalization strategy, the industrial land
22 use study, and DDOT's New York Avenue corridor

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1 study.

2 As such, OP recommends that the
3 commission schedule a public hearing on this
4 application based on its proposed land use
5 massing, overall site design, and amenities.
6 After set down, OP would continue working with
7 the applicant and other District agencies to
8 further refine aspects of the project's design
9 and technical aspects.

10 That concludes OP's testimony.
11 I'd be happy to answer any questions that you
12 have.

13 CHAIRMAN HOOD: Thank you, Mr.
14 Cochran.

15 The initial case that was dealing
16 with this particular site which I'm sorry to
17 see that it didn't move forward, let me just
18 ask a few questions.

19 Mr. Cochran, as far as the public
20 amenities, do we know if any of that really
21 got underway?

22 MR. COCHRAN: Yes, the \$25,000 and

1 the fire truck.

2 CHAIRMAN HOOD: Did you say fire
3 truck?

4 MR. COCHRAN: Sorry. I'm thinking
5 of a recent newspaper story.

6 (Laughter.)

7 MR. COCHRAN: Pickup truck.

8 CHAIRMAN HOOD: I was going to say
9 that sounds familiar. How many miles did it
10 have on it? No, but anyway, no, seriously,
11 has any of that --

12 MR. COCHRAN: Those are the ones
13 that have actually been given so far as far as
14 I know.

15 CHAIRMAN HOOD: The 25,000, was
16 that to the school, Langdon?

17 MR. COCHRAN: Those were to the
18 Friends of the Arboretum and a children's
19 program that they sponsor.

20 CHAIRMAN HOOD: The other thing is
21 I want to make note, and I looked at your
22 report. I know you mentioned arboretum and

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1 the arboretum community and Trinidad, but I
2 also want to make note because of the
3 situation I think I actually did mention this
4 previously. The Woodridge community is to the
5 north. The Gateway community is up the street
6 to the right, and I think when we look at
7 impacts, especially when it comes from
8 traffic, like when you're coming down Montana,
9 going on to New York in that little circle
10 area which the applicant has in his
11 submissions, I think all of that needs to be
12 put into this equation.

13 And I notice, again, it has been
14 omitted, and I think I mentioned the same
15 thing previously.

16 The other thing is when you look
17 at schools and impact, you've got Langdon
18 Elementary School, which is in the Woodridge
19 community. Again, I know there's a school
20 that's on the site, Washington Math Tech,
21 which is a math school which is relocating; it
22 will no longer be there and maybe that has

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1 something to do with this.

2 But I think when we do our
3 analysis, and I'm looking forward to seeing
4 when the applicant comes forward, again, some
5 of the amenities packages that are going to be
6 beneficial to the neighborhood.

7 But I will just say, and I know
8 the applicant is listening, I am very sorry to
9 see that the first piece, the first
10 application in front of this Commission did
11 not move forward. I understand, you know, the
12 market conditions and how things work, but
13 anyway, with that, let me just open it up for
14 any comments or questions.

15 COMMISSIONER TURNBULL: Mr. Chair.

16 CHAIRMAN HOOD: Commissioner
17 Turnbull.

18 COMMISSIONER TURNBULL: And I know
19 where the Office of Planning made some
20 comments about working with the applicant on
21 design issues, some of the architecture, and
22 I would second wholeheartedly that issue. I

1 think some of the designs, when I look at
2 Drawing A-025, there's not quite the
3 character.

4 When you look at where they're
5 drawing their influence from with the streets
6 in London, this really doesn't come up to
7 that. There's a boring sameness to this that
8 is really rather sad.

9 I guess the other thing that I
10 really want to see is that there's these
11 garages, and on A-025 next to Building B3, you
12 see this gray -- I don't know whether it's an
13 open garage or not, but you don't see the
14 elevation looking down the street. If we're
15 perpendicular to -- and I'm not sure what
16 street that is, it's --

17 CHAIRMAN HOOD: New York Avenue,
18 West Virginia?

19 COMMISSIONER TURNBULL: Well, it's
20 the little alleyway or street off of -- it's
21 the one right after New York Avenue. So I
22 don't know.

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1 CHAIRMAN HOOD: Which page are you
2 on?

3 COMMISSIONER TURNBULL: A-017 is
4 the plan I'm looking at, but I don't really
5 see a --

6 MR. COCHRAN: I believe,
7 Commissioner, if you're looking at the
8 location map -- are you looking at A-017, not
9 24?

10 COMMISSIONER TURNBULL: Well, A-
11 024 and 25 just for the elevations, but A-017
12 for the plan, and the view we're looking at is
13 sort of from -- on A-025 is from the
14 Bladensburg-New York Avenue corner, and we're
15 looking down that street where the pedestrian
16 bridge is, and what I like to see is the
17 elevation that looks around there and looks
18 back on the A garage and B garage to see what
19 that really looks like because I'm afraid if
20 I look in A-17 I see the garage is rather just
21 as gray concrete structure, and I'm assuming
22 that there's cars parking on top of that also.

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1 I'm not sure.

2 So I'm a little bit worried about
3 what that looks like in that area. So I'd
4 really like to see what happens along that
5 street, and I'd like to get some more
6 definition, well, some more definition on the
7 elevations, the architecture, the detailing,
8 and the pedestrian bridges. I think they've
9 got to flush this out a little bit more.

10 But I'm just concerned that these
11 garages look rather minimalist, and they don't
12 -- and I'm just afraid that as you look down
13 that one street you've got two rather long
14 garages which doesn't sort of follow the one
15 sheet that shows the sort of London townhouse
16 streets.

17 MR. COCHRAN: I think I might be
18 able to clear a little bit of that up. The
19 elevations that you're seeing with the London
20 townhouses, townhouse-like development would
21 be Streets A, B, and C, which intersect at the
22 specially paved area shown with the circle.

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1 COMMISSIONER TURNBULL: Right.

2 MR. COCHRAN: The circulation that
3 you're asking about on the face of the parking
4 garage is actually a service road. You can
5 see a few parking spaces parallel to the
6 courtyard --

7 COMMISSIONER TURNBULL: That's
8 correct.

9 MR. COCHRAN: -- behind A-2 and B-
10 1.

11 COMMISSIONER TURNBULL: Right.

12 MR. COCHRAN: Those would be
13 parallel parking spaces for the shops that
14 would be on New York Avenue, those and
15 possibly some parallel spaces on the access
16 road that is parallel to New York Avenue.

17 Undoubtedly some of the apartments
18 would look out towards the shopping center,
19 but they would be looking out toward -- excuse
20 me -- over the parking garage, but some of
21 them would be looking at it over a landscaped
22 courtyard.

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1 COMMISSIONER TURNBULL: Well, and
2 I guess I'd also like to see that C garage,
3 some elevations around that one that's down by
4 -- I'm just concerned that they're going to
5 fall a little bit flat.

6 MR. COCHRAN: Right. The
7 applicant has not submitted elevations for
8 those garages yet.

9 COMMISSIONER TURNBULL: Okay.
10 Thank you.

11 CHAIRMAN HOOD: Any other
12 comments? Commissioner May?

13 COMMISSIONER MAY: Yes. I share a
14 certain concern about the design. It mostly
15 has to do with, I think, the level of
16 development that we're seeing in this package.
17 You know, for the most part I'm -- let me put
18 it this way. Often when projects get to us at
19 this stage, they are overly complicated, and
20 there are sort of -- the applicant will make
21 moves to try to dress up a building, you know,
22 and sort of pretend like it's more than one

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1 building when it's really only one building,
2 and I don't see any of those moves. So I'm
3 glad to see that. I'm glad to see sort of a
4 unified architecture.

5 Maybe it's too unified in that too
6 many buildings share too many characteristics.
7 There could be a little bit more variety, but
8 I think generally speaking the approach is, I
9 think, a lot easier to work with.

10 The level of development that I
11 feel is missing, you know, for me has more to
12 do with the detailing and the rendition of
13 surfaces and how do you deal with things like
14 the top of buildings because in some cases
15 it's a fairly well developed idea, and in
16 other cases it's just, you know, the facade
17 kind of ends, and it doesn't really end in
18 something, not that everything needs to have
19 a lid, but there does have to be some
20 expression of top, I think.

21 And I think that, you know, the
22 palate is generally speaking, I think, in a

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1 good direction. It's not, again, overly
2 varied as we sometimes see, and it seems that
3 there's a kind of richness to it that I think
4 will come out as we see future versions of
5 this.

6 And of course, when we see the
7 future versions, I want to make sure that we
8 get good detailed blow-up elevations of some
9 sections of the building so that we really
10 understand, you know, how the planes work and
11 so on, and also, you know, full material
12 boards. It seems like if I don't actually ask
13 for the material boards they don't always get
14 submitted, so even though I think it's part of
15 the regulation that they should be. So I'm
16 very much interested in seeing that.

17 And also, when it comes to even
18 some of the plan ideas, I think there's a
19 level of development, I think, that's still to
20 come because I don't think that that central
21 plaza is quite there yet. I think there are
22 nice ideas. I just think there's a little bit

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1 more development and sophistication that I
2 think will improve the project.

3 And I agree with the comments on
4 the parking garages. I mean, the parking
5 garages have to be more -- there has to be
6 more to them than just the plain gray boxes
7 that we have, and I would strongly encourage
8 things like green walls and that sort of
9 treatment because there's a risk here of being
10 a little bit too harsh, too hard surfaced.

11 That's it for me.

12 CHAIRMAN HOOD: Okay.

13 Commissioner Keating.

14 COMMISSIONER KEATING: I just had
15 one question. I'm not sure if I may have
16 missed it in the documents, but I understand
17 this project is going to go over for a number
18 of years, and did they get a sense of the
19 phasing of how this was going to be built,
20 which area starts first?

21 Does it start with A? I would be
22 very curious to hear about that.

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1 MR. COCHRAN: It starts with A-1
2 and A-2, which are along Montana Avenue and
3 then mainly along New York Avenue. Then it
4 would go to A-3. I believe the applicant is
5 proposing to do the B buildings next and the
6 C buildings third, but you know, the order of
7 B and C could change as further developments
8 happen.

9 COMMISSIONER KEATING: I would be
10 interested in hearing kind of from the
11 applicant on how that comes together and which
12 of some of these design elements come when.
13 Is that courtyard included in that first phase
14 with the trees and with some of the other
15 retail?

16 Kind of how is this really going
17 to evolve? Because I think that makes a
18 little bit of a difference.

19 MR. COCHRAN: Well, the plaza at
20 New York and Montana, if it's built as part of
21 Phase 1, would come in with the first two
22 buildings, and there would be the access road

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1 between Building A-1 and A-2, and what would
2 be the parking garage. The parking garage and
3 Building A-3 would be constructed as the
4 second phase of the development of the A
5 module.

6 COMMISSIONER KEATING: Okay, and
7 then the central courtyard?

8 MR. COCHRAN: Excuse me. I'm
9 seeing some shaking heads by the applicant.
10 So let me just stop at A-1 and A-2.

11 COMMISSIONER KEATING: We'll get
12 some clarity on that, I guess, going forward.

13 MR. COCHRAN: I'm sure if you set
14 it down.

15 COMMISSIONER KEATING: That would
16 be very helpful. I share my fellow
17 Commissioner's interest in seeing more of the
18 design for such an important space here in the
19 District. This road, this intersection, this
20 gateway to kin of our nation's Capitol I think
21 is very important and ought to have a design
22 that fits with that. So that's something I'm

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1 interested in seeing kind of going forward.

2 But the phasing of this is
3 probably my first and top most concern.

4 That's it.

5 CHAIRMAN HOOD: Okay. Thank you.
6 Commissioner Jeffries.

7 VICE CHAIRMAN JEFFRIES: Well, I
8 think most of you know I was a huge fan of the
9 original proposal, and once again, we see the
10 economic downturn, yet another casualty. I
11 thought it was a very appropriate project for
12 this location. So there is a lot of distance
13 between what was presented before and what we
14 have in front of us.

15 I probably align my comments with
16 Commissioner Turnbull in terms of the
17 architecture. It's somewhat flat, and you
18 know, to the extent that we can get a lot more
19 playfulness, if that's the word, in terms of
20 the roof line so that we're not just looking
21 at a situation where someone has just sort of
22 cut off a fairly large development at one

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1 height; if we could get some movement there in
2 terms of the roof line, that would be helpful.

3 I do think that we need to do a
4 better job of looking at how the garages merge
5 with the actual buildings and interior spaces
6 of this, and so I align my comments there as
7 well.

8 And, you know, I'm looking at
9 these comparisons. We have a lot of
10 applicants that are now showing precedence.
11 It's hard to sort of, you know, to me make the
12 case that what's been presented here is going
13 to look like what's in this four to six story
14 housing precedence.

15 It would be helpful, I think,
16 during the hearing if Tour de Gallos could
17 show us perhaps some of its work that would be
18 similar to what we might see. I just think
19 it's very critical that this Commission should
20 get a good sense of the materials and just
21 really how this thing is going to look.

22 So to the extent that the

1 architect has done similar designs that have
2 been built that are here in the District and
3 other places, if we could see photos of that
4 to get a sense about, you know, how this could
5 perhaps look, I think that might be helpful.

6 But beyond that, those are my
7 comments.

8 CHAIRMAN HOOD: Okay. Thank you.

9 Any other comments?

10 (No response.)

11 CHAIRMAN HOOD: Okay. With that,
12 I would move that we set down with the
13 comments as noted Zoning Commission Case No.
14 09-06 and ask for a second.

15 COMMISSIONER TURNBULL: Second.

16 VICE CHAIRMAN JEFFRIES: Moved and
17 properly seconded. Any further discussion?

18 (No response.)

19 CHAIRMAN HOOD: All those in
20 favor, aye.

21 (Chorus of ayes.)

22 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you please
2 record the vote?

3 MS. SCHELLIN: Yes. Staff records
4 the vote five to zero to zero to set down
5 Zoning Commission Case No. 09-06 as a
6 contested case, Commissioner Hood moving,
7 Commissioner Keating seconding, Commissioners
8 Jeffries, May and Turnbull in support.

9 And, Commissioner Hood, before we
10 go any further, I would like to go back and
11 correct the vote in the final action case for
12 04-05. I stand corrected by Commissioner
13 Jeffries. He did not participate in that
14 case.

15 VICE CHAIRMAN JEFFRIES: I'm
16 getting old, but I'm not that old.

17 MS. SCHELLIN: Well, I'm getting
18 old then. My memory fails me. That was back
19 in September. He did not participate.

20 CHAIRMAN HOOD: Okay.

21 MS. SCHELLIN: So I would like to
22 correct that vote, three to zero to two,

1 Commissioner Hood moving, Commissioner
2 Turnbull seconding, Commissioner May in favor,
3 Commissioners Jeffries and Keating not voting
4 having not participated.

5 CHAIRMAN HOOD: And let me just
6 ask Mr. Ritting because you know how things
7 have to be procedurally done: do we need to
8 revisit the vote or can we just do it like
9 that, as a correction?

10 MR. RITTING: If the consensus of
11 the Commission is that that's the appropriate
12 vote, there's no further action needed.

13 CHAIRMAN HOOD: Okay. That's
14 fine. Okay, good. Thank you.

15 Thank you, Ms. Schellin, and thank
16 you, Mr. Ritting. And thank you, Vice Chair,
17 for remembering that you didn't. They all run
18 together for me.

19 Okay. Let's move to proposed
20 action. Again, as I stated earlier, I'd like
21 to take Zoning Commission Case No. 08-25,
22 Matthews Memorial Terrace, LLC, consolidated

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1 PUD and related map amendment at Square 5868.

2 Ms. Schellin.

3 MS. SCHELLIN: Staff has nothing
4 further to add for this case other than to ask
5 that the Commission consider this case for
6 proposed action.

7 CHAIRMAN HOOD: Okay. Colleagues,
8 I will just say that I think one of the
9 discussions I remember in this case is that we
10 really dealt with the egress and ingress of --
11 ingress and egress of how the site was going
12 to work in relationship with Martin Luther
13 King, Jr. Avenue.

14 We also have a letter submitted on
15 March 26th, which is Exhibit 37, which talks
16 about -- and I'm just going to read the
17 conclusion because I know we've already read
18 it.

19 The conclusion: as explained
20 above, some safety concerns do remain,
21 specifically those related to vehicular,
22 bicycle and pedestrian conflicts that can

1 occur at the Matthews Memorial curb cuts on
2 MLK, Jr. Avenue. The MLK corridor will
3 undergo an unprecedented amount of growth for
4 this area of the city over the next ten years,
5 which would place additional pressures at the
6 access point to this development.

7 DDOT continues to support the
8 overall project, but strongly recommends that
9 the Commission require the noted DDOT approved
10 measures as conditions of the PUD approval.

11 And we have a list. I think it
12 was four of them that were listed, but anyway,
13 there were four or five of them listed. I
14 can't put my hands on it right now, but there
15 were four or five of them listed somewhere,
16 where the applicant was working along with the
17 -- thank you.

18 Do you know what? Here, I do have
19 it highlighted. Must be getting old.

20 But anyway, there are four
21 mitigation methods actually on page 2 -- thank
22 you, Commissioner Keating -- of the DDOT

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1 report, which talks about some of the
2 concerns, and I think both the applicant and
3 DDOT both agree to these four.

4 Now, the issue, I think, that we
5 have was the issue of whether or not this
6 applicant should be held responsible for a
7 traffic light, and I think we dealt with that.
8 I think my colleagues and myself have made it
9 loud and clear that we didn't think that was
10 doable, but they have some other mitigations
11 that both sides agree on and are asking us to
12 incorporate that into the order.

13 With that, we have a submission
14 from the applicant from March 26th, which
15 talks about some of the things, I think, that
16 we've asked for, and it even shows again some
17 more renderings.

18 We also have the minutes from the
19 applicant's traffic consultant of the meeting
20 they had, which led to result of the four
21 mitigation things.

22 And then we have a map in the

1 back. Terrace will contribute 10,000 towards
2 the transportation improvements.

3 So with that, let me open it up
4 for discussion. Any further discussion?

5 COMMISSIONER MAY: Yes, I would
6 note for the record that there were some
7 substantive changes to address.

8 "Substantive," I guess, is maybe overstating
9 it slightly, but there were some changes to
10 the building that I think there are
11 significant improvements. You know, I still
12 think that the PUD overall has some design
13 flaws, but they did address issues like
14 dealing with the trash from the community
15 center building, dealing with the entry at the
16 community center building, dealing with
17 penthouses that were either -- well,
18 penthouses and rooftop structures that needed
19 to be connected. Those things got cleaned up.

20 They did provide a better access
21 to the building from where the senior shuttle
22 would drop off down by the garage entrances,

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1 and I think that's, you know, an improvement.
2 And I think overall for all of these things
3 the building is measurably improved over what
4 we had reviewed before.

5 It's still not as good a building
6 as it could be. I think that the practicality
7 of the seniors or the residents of the
8 building entering across that very long plaza
9 with a significant elevation change I think is
10 still going to be a challenge, and I think
11 that the conflicts of materials being loaded
12 in and out of the community center building
13 through that entrance point, going upstairs to
14 the restaurant area and the kitchen, and you
15 know, that entrance being shared with the
16 access or at least one of the access points to
17 the bookstore and the access to the community
18 room, and I think that's still problematic.

19 I don't know what the right
20 solution is, and as I say, it got better from
21 the last version, but it's still not great.
22 You know, I'm not sure what else to say at

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1 this point. The project is significantly
2 improved. It's not bad, but it's certainly
3 not as good as it could be in my view. But I
4 would be interested in hearing what the other
5 Commissioners have to say.

6 CHAIRMAN HOOD: Anyone else want
7 to comment on that or comment on their own
8 issues?

9 COMMISSIONER TURNBULL: No, I
10 would concur with Commissioner May. I
11 appreciate the fact of the way they organized
12 to show the changes, clearly, as to what we
13 talked about and how each one is defined very
14 clearly. I appreciate being able to go
15 through the document and look at that.

16 Yeah, I guess you get to a certain
17 point and it's how far do you go. I think
18 there are some drawbacks, but I think for the
19 most part they solved some of the issues that
20 we were concerned with, and I think we need to
21 move on.

22 CHAIRMAN HOOD: Anyone else?

1 Commissioner Keating.

2 COMMISSIONER KEATING: Yes, I have
3 to agree with that. I do very much appreciate
4 -- what page is this? -- A-0. I think it's
5 fantastic. I think we're going to have
6 everyone in the future do something similar
7 when we ask for changes to be made because it
8 makes our lives much easier in reviewing
9 documents.

10 I do think you've made some very
11 significant improvements in the design here.
12 I think we addressed the trash issue, although
13 I would say that the trash dumpster on A-24 is
14 not facing the right direction to be serviced
15 properly. It ought to be facing out towards
16 MLK so the truck can come in and pick that up.
17 It's a minor thing, but I think that might
18 want to be corrected.

19 I am still uncertain about DDOT's
20 -- the discussions with DDOT, and whether or
21 not there will eventually be a traffic light
22 here. DDOT's response seems to be somewhat

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1 noncommittal about whether or not they will.
2 So they're going to do additional study. I
3 guess I'm a little frustrated that they
4 couldn't make that commitment.

5 But overall, I think we made a lot
6 of strides here, addressed many of the issues,
7 if not all of them, and I think we'll move
8 forward.

9 Thank you.

10 CHAIRMAN HOOD: Okay. All right.
11 We've heard the comments.

12 Let me just ask Commissioner May.
13 I want to make sure I got a good read on you,
14 which I didn't. While I know you had some
15 accolades, but I think you still had some
16 pause. Was that a show stopper for you?

17 COMMISSIONER MAY: No, not at this
18 point, and honestly, there aren't other
19 improvements that I would suggest at this
20 point that are really going to address this
21 short of taking a much more drastic look at
22 the site plan, and I know that that's not

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1 possible at this time.

2 So I'm prepared to move forward.

3 CHAIRMAN HOOD: Okay.

4 Commissioner Keating asked that in the site
5 plan that the trash receptacle be turned
6 around, I guess, for better access. So if we
7 could see that, that one page design by final,
8 I think it would be great with that correction
9 noted.

10 Anything else?

11 (No response.)

12 CHAIRMAN HOOD: Okay. With that,
13 I would move approval of Zoning Commission
14 Case No. 08-25 and ask for a second.

15 COMMISSIONER KEATING: Second.

16 CHAIRMAN HOOD: Moved and properly
17 seconded. That is the Matthews Memorial
18 Terrace, LLC, consolidated PUD and related map
19 amendment, Square 5868. It has been moved and
20 properly seconded.

21 Any further discussion? Any
22 further discussion?

1 (No response.)

2 CHAIRMAN HOOD: All those in
3 favor, aye.

4 (Chorus of ayes.)

5 VICE CHAIRMAN JEFFRIES: Not
6 hearing any opposition, Ms. Schellin, would
7 you record the vote?

8 MS. SCHELLIN: Staff records the
9 vote five to zero to zero to approve Zoning
10 Commission Case No. 08-25, Commissioner Hood
11 moving, Commissioner Keating seconding,
12 Commissioners Jeffries, May and Turnbull in
13 support.

14 CHAIRMAN HOOD: Okay. The last
15 case under proposed action, I think other than
16 the status report, we're just about finished.
17 To bad it didn't happen like this last Monday,
18 but anyway, Zoning Commission Case No. 08-21,
19 the Athena Group consolidated PUD and related
20 map amendment at 4460 MacArthur Boulevard,
21 N.W.

22 Ms. Schellin.

1 MS. SCHELLIN: Yes. There were
2 some additional requested items that did come
3 in, and this case is before you to consider
4 for a proposed action.

5 CHAIRMAN HOOD: Okay, colleagues.
6 There are different issues that we had asked
7 for. We had asked for fire department
8 approval for the bollards. We asked for the
9 adding up of the number of trees from the
10 survey. We asked for a reply to Mr. Tucker
11 and Mr. Brown's presentation, the element of
12 the comp plan for the area, and I have a note
13 here, updated agency memo. I can't exactly
14 remember what that was. Okay. Proper R-1-B
15 elevations and the location of the bike rack
16 space.

17 The applicant has submitted in the
18 letter dated March 30th, 2009, modified
19 project. It talks about a comparison on page
20 -- well, on the letterhead page it talks about
21 the comparison of what's being asked for and
22 the matter of right, and then it goes on to

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1 page 2, and it talks about additional
2 materials which gives us Exhibit B for the
3 fire department response to Canal Views'
4 submittal.

5 Also, the calculation sheet, we
6 have that which is from the applicant on page
7 3. It talks about the comprehensive plan
8 element. Also, we have the tree survey, which
9 is in Exhibit F, and the smart bike station,
10 which is also in the submission. It's
11 probably in G. Yeah, I'm sorry. It is
12 Exhibit G.

13 Also, I think the updated memo may
14 have been the calculations from the office of
15 planning, which I think were derived from some
16 comments that were made, and I think my
17 colleague, Commissioner Keating asked for
18 this.

19 Now, Ms. Schellin, we have some
20 submittals that the way I read it went a
21 little outside of the scope of what we asked
22 form, barring some new stuff, but I think what

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1 we can do is unless any of my colleagues
2 object is to accept it into the record. I
3 didn't see anyone opposing us accepting canal
4 view. I think it was basically Canal View and
5 Palisades into the record.

6 So can I get a general consensus?
7 And if I don't hear no, then we're all on the
8 same page. We'll just go ahead and accept it
9 into the record.

10 Okay. All right. We'll do that.

11 All right. That's all I have.

12 Can someone start off the discussion? This
13 particular case is very involved. The
14 community brought up some very good issues.
15 The applicant responded, some of them to my
16 benefit, especially dealing with the wetlands.
17 I don't think there's any need for me to probe
18 that question, but what I'll do is open it up
19 to my colleagues, whoever wants to start
20 first.

21 (Pause in proceedings.)

22 CHAIRMAN HOOD: Or what I can do

1 is just call for a vote.

2 Commissioner May.

3 COMMISSIONER MAY: Yes. I think
4 we had some very interesting submissions here
5 from the applicant and from Canal View and to
6 some extent Palisades. You know, the one
7 issue that was raised in Canal View Homeowners
8 Association with regard to how FAR is
9 calculated, I think we ought to discuss that
10 a little bit.

11 You know, I appreciate the fact
12 that as a matter of principle roads and alleys
13 shouldn't be part of the calculation of or
14 shouldn't count toward the overall lot. The
15 fact that they're private or public in theory
16 doesn't make them functionally any different
17 in their relationship to the buildings and
18 open space and so on. It's not functionally
19 any different, and so I guess I kind of am
20 sympathetic in principle to the notion that
21 when you do an FAR calculation, the overall
22 lot size, you know, shouldn't include streets

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1 and alleys.

2 However, from a purely practical
3 point of view, in all the cases that I've ever
4 seen here on the Zoning Commission, when we
5 consider the FAR of a PUD, it is the total lot
6 that we consider and the fact that it gets
7 divided into -- we have a theoretical
8 subdivision and we have private roads, you
9 know. It doesn't really matter just from a
10 technical point of view.

11 So I think that it would be
12 difficult for me at least to break from that
13 otherwise unbroken precedent that it's the
14 total lot that needs to be considered.

15 And that is one of the reasons why
16 I was raising questions, I mean, going back to
17 my initial sort of sympathy for that point of
18 view. It does go to my initial questions
19 about how much of the open space was actually
20 roads and alleys. You know, honestly I don't
21 like the amount of roads and alleys or I don't
22 like the fact that roads and alleys get

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1 counted toward open space in doing these sorts
2 of things, and I would hope that this is an
3 issue that's going to be addressed in the
4 zoning regulations we write because I think in
5 principal it shouldn't make a difference
6 whether it's a private city or a public
7 street.

8 And I also think that as a matter
9 of principle an alley that abuts directly to
10 the back of a house should not be considered
11 a rear yard. I mean, maybe there's another
12 way that you should be -- we should be
13 considering this building type, but it's not
14 the same as having an actual rear yard when
15 you've got 15 feet of shared alley that's
16 somehow considered your rear yard.

17 So anyway, I just wanted to start
18 with that issue and air that one out and see
19 what anyone else has to say on that particular
20 issue.

21 CHAIRMAN HOOD: Anyone else, how
22 we calculate FAR and private street versus

1 public streets? Anyone else want to comment
2 on that?

3 COMMISSIONER TURNBULL: I would
4 concur with Commissioner May on the FAR
5 calculation. I think the way the applicant
6 has done it is justified. I think that is the
7 way that we've normally done it. So, I mean,
8 I think it is what it is.

9 CHAIRMAN HOOD: Okay. All right,
10 and again, I would agree with Commissioner
11 May. Hopefully some more clarity will be a
12 little more straightforward in the rewrite,
13 and that's to my colleagues, hopefully we'll
14 remember when we get to that point.

15 Okay. Any other issues?

16 COMMISSIONER MAY: Mr. Chairman.

17 CHAIRMAN HOOD: We've deal with
18 the FAR issue. Anything else?

19 COMMISSIONER MAY: Yes.

20 CHAIRMAN HOOD: Commissioner May.

21 COMMISSIONER MAY: Why not? You
22 know, I think that my sense when we left the

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1 hearing last was that we were actually quite
2 hopeful that the applicant on this project and
3 the citizens who were affected by it would get
4 together and move a little bit closer, and it
5 seems like there was a little bit of movement
6 on the part of the applicant, and it seems
7 like the parties in opposition or the parties
8 in support with conditions, whatever they
9 were, just ran further away.

10 You know, we don't even have a
11 good amenities package now because they
12 weren't willing to start talking about
13 amenities. I mean, this is a very difficult
14 spot to be put in. I think that it's
15 troubling for me that we're at a point that we
16 simply have to vote this up or down because
17 there hasn't been a constructive dialogue when
18 I think there's room for a constructive
19 dialogue.

20 CHAIRMAN HOOD: You're exactly
21 right, Commissioner May. When I looked at and
22 when I started trying to reconcile this,

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1 actually the applicant didn't help me any
2 better when they gave me a by right proposal,
3 and it says the by right site plan is strictly
4 conceptual, and then when I looked at the
5 other plan, you know, from an opinionated
6 standpoint I actually liked the by rights. So
7 that didn't help me out.

8 But be that as it may, what's in
9 front of us is 24-3.8, and it says when they
10 sign the PUD application the Commission shall
11 judge, balance and reconcile the relative
12 value of the project amenities and public
13 benefits offered. The degree of development
14 that Simca has requested and any potential
15 adverse effects according to the specific
16 circumstances of the case.

17 And I think, again, and it was
18 stated and I think the Office of Planning
19 spoke about what they meant when they
20 mentioned about the amenities package. OP was
21 not informed of any specific request from the
22 community as to other amenities that should be

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1 considered.

2 It is our understanding that
3 because of the community, the community has
4 other issues regarding the development of the
5 property that needs to be resolved. They were
6 not yet in position to discuss other
7 amenities. And it just goes right to what you
8 said, Commissioner May. It puts us in a very
9 bad position in having the dealings, but like
10 I said, we'll make the hard decision.

11 I guess my question is are there
12 issues enough to where we either send the
13 entities involved back and come up with
14 something and come back with something more
15 substantive or do we just take the hard line
16 vote tonight, and I don't know, either vote it
17 up or down, and who knows who all loses? The
18 applicant loses and the community lose
19 depending on which way that goes.

20 Vice Chair.

21 VICE CHAIRMAN JEFFRIES: Well, I
22 believe I stated before that, you know, we've

1 had to do this before, you know, when we have
2 a situation where, you know, both parties are
3 just on opposite sides. At some point, you
4 know, we have to be the arbiters and vote up
5 and down. So I'm prepared to do that tonight.

6 COMMISSIONER MAY: Mr. Chairman,
7 honestly I would prefer if the applicant and
8 the neighbors would take another shot at it to
9 see if there's any room to improve this or to
10 give us an amenities package that might start
11 to offset some of the relief that's been
12 requested.

13 I also want to go back to one
14 point that you made, Mr. Chairman, with regard
15 to the theoretical site layout for matter of
16 right, which I'm not sure. I mean, I really
17 feel like I need to study that a little bit
18 more thoroughly, but I don't think that that
19 actually works, and I think that there are
20 significant issues with that, and that does
21 kind of skew the numbers because, you know,
22 the rear yards there in the R-5-A section I

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1 don't think work, and I think that the lot
2 sizes don't work, and you know, to do
3 something as a matter of right, it all has to
4 work.

5 So I mean, I think there's a
6 little bit of -- you know, there are some
7 games that are going on here that I think that
8 we ought to get past and we ought to get past
9 really fast.

10 CHAIRMAN HOOD: And I would agree.
11 I'm glad you brought that up because I know
12 that there's a lot more relief than what's
13 been discussed. I mean, you know, but when I
14 was talking about this, I was talking about
15 basically the posturing of it, the position of
16 it, not necessarily that everything was going
17 to fall in line and the rear yard was right,
18 the side yards were right, but I can tell you
19 if we look into what's presented to us,
20 there's a lot more to what's being asked than
21 simply what's been submitted.

22 You know, when I read the cover

1 page, 36 dwelling units, 32 permitted as a
2 matter of right, and it talks about the square
3 feet and FAR and the 29 using 36, and as I got
4 at least at that point, I said, "Well, why are
5 they doing a PUD?" You know, that's what I
6 actually asked myself. Why are we doing this?

7 But anyway, I'm hoping to get a
8 win-win, and we don't mind making the hard
9 decisions. We might not ever get -- I see my
10 colleague shaking his head, but I'm just
11 optimistic, and I would agree with
12 Commissioner May. I don't want to see anybody
13 lose, but if they have to, I mean, you know,
14 and it's up to my colleagues.

15 If we want to vote tonight,
16 frankly speaking, with everything that's in
17 front of me I'll be honest. I don't know
18 which way I'm going to vote.

19 VICE CHAIRMAN JEFFRIES: I just
20 have a quick question. I just want to be
21 clear. From the Office of Planning, what
22 relief is being requested here?

1 PARTICIPANT: In 20 words or less?

2 VICE CHAIRMAN JEFFRIES: As many
3 words as it takes.

4 MS. BROWN-ROBERTS: Let's see. On
5 page 4 of the Office of Planning report, what
6 we did was we looked at the overall project.

7 VICE CHAIRMAN JEFFRIES: This is
8 the original?

9 MS. BROWN-ROBERTS: Yes. That was
10 November 21st, 2008, and what we did was we
11 did look at the R-5-A PUD standards and then
12 what were the deviations, and basically there
13 was the rear yards, the side yard. Those are
14 the two major ones.

15 VICE CHAIRMAN JEFFRIES: Well, you
16 did a little of that also here on your April
17 6, right?

18 MS. BROWN-ROBERTS: Right, and
19 this was sort of in response to your request.
20 Again, what we looked at in this area was more
21 to look at some of the individual lots.

22 VICE CHAIRMAN JEFFRIES: Right.

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1 MS. BROWN-ROBERTS: So I think
2 there are sort of two issues. One is that
3 usually when we look at a PUD, we look at the
4 overall project.

5 VICE CHAIRMAN JEFFRIES: Correct.

6 MS. BROWN-ROBERTS: And look at
7 the overall where the side yard is, the rear
8 yard, that sort of thing. That's the overall
9 principle of the PUD.

10 However, this also involves a
11 portion of the property that's in the R-5-A,
12 which has a set of standards, and so if we're
13 looking at just the R-5-A, if we had an R-5-A
14 PUD BZA case, then we would look at all the
15 individual lots.

16 And in spite of my original
17 report, I did provide a table that showed all
18 of the deviations for each individual lot. So
19 I think what I was hoping was that the
20 Commission would have a sense of, okay, here
21 is what each of lots -- here is how each of
22 the lots deviated from the requirement, but

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1 here is also what the overall deviation for
2 the overall PUD related to.

3 VICE CHAIRMAN JEFFRIES: Okay. So
4 when you did report individual lots, you
5 cannot collapse all of that into sort of one
6 sort of lot?

7 MS. BROWN-ROBERTS: Yeah, if you
8 look at -- I think if you look at the overall,
9 you know, you would look at the side yards and
10 I think they were asking for some deviation
11 from that, from the side yard, yeah, and then
12 from the rear yard they had asked for some
13 deviations from that.

14 Their overall lot occupancy was
15 within that what is permitted, and the overall
16 FAR and the height was within the 50 foot
17 height limit.

18 VICE CHAIRMAN JEFFRIES: Okay. So
19 the only deviations -- I mean, I'm really
20 getting you to just --

21 MS. BROWN-ROBERTS: Yes. So
22 basically I think the overall deviation was

1 looking at the rear yard and the side yard.

2 VICE CHAIRMAN JEFFRIES: And then
3 there are four or five, according to May it
4 could be more, in terms of what could actually
5 be built matter of right. There are four to
6 five to six units above what could be done
7 matter of right.

8 MS. BROWN-ROBERTS: Yes.

9 VICE CHAIRMAN JEFFRIES: And,
10 Commissioner May, you said the amenities
11 package has moved further away. Did you say
12 that? I thought you say --

13 COMMISSIONER MAY: No, no. I
14 mean, there's --

15 VICE CHAIRMAN JEFFRIES: It's the
16 same?

17 COMMISSIONER MAY: Yeah, it's the
18 same. What moved further away was the
19 applicant and then the parties in support with
20 conditions.

21 CHAIRMAN HOOD: Mr. Jeffries, are
22 you finished with your line of questions?

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1 VICE CHAIRMAN JEFFRIES: I guess
2 I'm just really trying to get to the bottom of
3 what's driving this. I mean, it doesn't sound
4 so much that the community folks are really
5 look -- I mean, they have issues of density,
6 height. I mean, that seems to be principally
7 what this is about.

8 And what I'm getting to the bottom
9 of is that it seems if the applicant as it
10 relates to a PUD, they're within that
11 envelope.

12 CHAIRMAN HOOD: I'm not sure. I'm
13 not sure. Again, I look at 24-3.8. That's
14 the stickler for me. That's the stopping
15 point, 24-3.8. I don't have anything to
16 reconcile. What do I reconcile?

17 VICE CHAIRMAN JEFFRIES: Well, but
18 they do list a number of public benefits and
19 amenities, you know. You know, they talk
20 about urban design, architecture, site
21 planning, efficient and economical land uses,
22 vehicular-pedestrian access. They have green

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1 design.

2 You know, obviously they're
3 dealing with beautification. I mean, they
4 list a number of, you know, environmental
5 benefits and so forth. So, I mean, that's
6 what they stated here. I mean, there's not
7 like dollar amounts attached to it or
8 anything.

9 CHAIRMAN HOOD: I guess I don't
10 want to question you, but I guess the way I
11 look at that in that order, proposed order, is
12 that it basically points to the majority of
13 things that probably need to be done anyway.
14 So I'm looking at what is the benefit.

15 VICE CHAIRMAN JEFFRIES: Well,
16 what I'm doing is I'm trying to look at the
17 amount of relief that's requested and tie that
18 to the benefits that are being offered, you
19 know, and I just don't find that this
20 applicant is asking for that much, and then
21 when I look at some of the benefits, they seem
22 to be somewhat in line.

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1 And, again, I'm open, too, if my
2 colleagues here have something else, but I'm
3 not seeing where we have an applicant that's
4 really, you know, asking for a sizable amount
5 of relief, and quite frankly, from what I've
6 gathered, they've made several movements since
7 we've started this long waltz in terms of this
8 particular application. I mean, they've moved
9 on their numbers. They've changed a lot of
10 architecture, you know. They've made several
11 changes as it relates to Langdon Way. You
12 know, they made changes around the center
13 court. So they've actually made a lot of
14 movement.

15 And, again, you know, at some
16 point, you know, it's just really not this
17 Commission's job to manage community relations
18 like this. I mean, you know, we've been on
19 the record saying, "Hey, come together, come
20 together, and people are moving," and I just
21 think it's up for this Commission to, you
22 know, vote this up or down.

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1 You know, I'm leaving in a month
2 or two so you guys will go forward with
3 whatever you like, but I don't think it's a
4 good precedent.

5 CHAIRMAN HOOD: Well, we can
6 always make sure you stick around until we
7 finish this case. We do have friends in other
8 places.

9 I don't know. I just hate to see
10 a missed opportunity because I think there's
11 an opportunity here. I'm not really sure how
12 I want to proceed, and that's why I was hoping
13 to hear the discussion.

14 I hear what Vice Chairman Jeffries
15 says, but what I'd like to do is ask one of my
16 colleagues who has not spoken so that we can
17 kind of get a flavor of how this Commission
18 wants to do. Because I'll tell you one of the
19 reasons why we're doing this exercise, it
20 would be good if everybody could come together
21 and something that doesn't happen. I meant
22 what I said. I've been here long enough that

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1 we will take the harsh stand, but this
2 Commission has delayed a vote to try to see,
3 but if it comes back like it is now, we will
4 make the hard stand, and we've done that.

5 Let me open it up and see if I can
6 get somebody else. Commissioner Keating.

7 COMMISSIONER KEATING: Yeah,
8 again, I'm trying to get a sense of what
9 relief is being requested. I still don't have
10 it clear in my head, I guess, so that it can
11 help me understand.

12 I do feel like some of these
13 issues that are being raised, that I guess
14 maybe we just need to make it clear where our
15 stance is. I think Commissioner May spoke for
16 all of us about the FAR question and whether
17 or not the streets and alleys would be
18 considered and how that precedent is set.

19 It seems to me that some of the
20 arguments of the community center around that,
21 and hopefully maybe we've gotten some clarity
22 in the discussion about the fact that the way

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1 we see this and the way that is consistent
2 with the way the Planning has presented it and
3 the .96 is where I think I'm coming out; I
4 think Commissioner May was saying the same
5 thing, is that's where this project sits, and
6 so it's within the one that's required.

7 So I'm just wondering if between
8 us and as we speak and comment we might be
9 able to clarify some more of these issues,
10 that if we were to ask the parties to go back
11 and talk again, that you know, now some of
12 these discussion points have been decided
13 effectively by our comments here from the
14 Commission. Maybe now there's a better
15 opportunity for the two groups to come a
16 little closer together, you know.

17 CHAIRMAN HOOD: Or go further
18 apart.

19 COMMISSIONER KEATING: Or find
20 other issues to debate, and we'd have to take
21 that into consideration.

22 CHAIRMAN HOOD: Okay.

1 Commissioner Keating, I'm sorry. Are you
2 finished?

3 Let me just hear from my other
4 colleague, Commissioner Turnbull, to kind of
5 get a feel if we want to give that opportunity
6 or if we want to just go ahead and deal with
7 the vote tonight.

8 And I'm not putting it all on you,
9 Mr. Turnbull. I'm just trying to get a -- no,
10 I'm not, and happy birthday, by the way, but
11 I'm not putting it all on you, Commissioner
12 Turnbull.

13 COMMISSIONER TURNBULL: Well,
14 thank you, Mr. Chair.

15 You know, I'd like to find a
16 common ground on this, I think, if it's
17 possible. If not, I'm ready to vote also, but
18 I was just going through the ANC's letter,
19 which is Exhibit 80. It sounds like they're
20 looking for some more stuff from the
21 applicant, too, and I'm not sure that that's
22 all been provided.

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1 I mean, this is one of those
2 opportunities where you could really get
3 something nice here. I mean, I agree with
4 Commissioner May that the private alley for me
5 is a sore spot in the design. I think that
6 it's stretching things a bit to try to make
7 that work, but it is what it is, but I would
8 throw it back for one more session, and
9 especially in light of the ANC letter.

10 I mean, there's quite a few things
11 in here that have not been touched upon.

12 I'm curious about this one about
13 the affordable housing, and I'm not sure I
14 understand that. The applicant is providing
15 two units of affordable housing for incomes of
16 80 percent of the area median income. These
17 two units are distinguishable in size, height,
18 number of stories and length from the
19 adjoining units, which is inconsistent with
20 the city-wide element of the comprehensive
21 plan, which states affordable housing should
22 be indistinguishable from market rate housing

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1 in its exterior appearance.

2 So I'm not exactly sure.

3 VICE CHAIRMAN JEFFRIES: How can
4 that be? I don't understand that.

5 COMMISSIONER TURNBULL: Yeah, I
6 mean, I'm not sure. I mean, that's something
7 that --

8 VICE CHAIRMAN JEFFRIES: I mean,
9 are they saying that the two units look
10 different than any other unit that's being
11 proposed?

12 COMMISSIONER TURNBULL: Well,
13 that's what they're implying.

14 VICE CHAIRMAN JEFFRIES: How can
15 that be? You know.

16 COMMISSIONER TURNBULL: Well, I
17 think there's a little bit of excess on both
18 sides.

19 VICE CHAIRMAN JEFFRIES: Yeah.

20 CHAIRMAN HOOD: You know, what
21 bothered me is I think this was the hearing.
22 I hope this is the right one, but when we

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1 started off with this, I remember was this
2 where we had parties in support with
3 conditions or was that another case?

4 COMMISSIONER TURNBULL: Yes.

5 VICE CHAIRMAN JEFFRIES: Yes, but
6 by the time you got through all of the
7 conditions.

8 CHAIRMAN HOOD: Well, I remember.
9 I think this is where I asked Mr. Fiola was
10 that a show stopper, and I think he told me
11 yes. Early on I asked that before we even
12 started. I think this was the case.

13 And now I get a letter, April 6th,
14 2009, and yes, we do have the ANC letter, and
15 it says ANC-3D does not support the latest
16 version of the Canal Park proposal.

17 So it goes back to what my
18 colleagues said. It seems as though we're
19 getting further apart, and we'll make sure we
20 give the ANC great weight.

21 VICE CHAIRMAN JEFFRIES: But you
22 want to give them more time though.

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1 CHAIRMAN HOOD: More time to come
2 back to where they were.

3 VICE CHAIRMAN JEFFRIES: Okay.

4 CHAIRMAN HOOD: And that may be
5 our fault. I don't know.

6 COMMISSIONER MAY: Well, you know,
7 coming back to where they were, I mean, as you
8 said before, the conditions included some show
9 stoppers. So the fact that they were, quote,
10 in support with conditions was -- I mean, they
11 really were opposed to the project as
12 presented, and now that it has come down to
13 the wire, they've stated more clearly that
14 they oppose it.

15 In fact, I mean, that's what all
16 of the submissions said today, that they all
17 oppose it now.

18 CHAIRMAN HOOD: You know, I just
19 feel better, and I understand the applicant is
20 making every effort, but the parties in the
21 ANC, they live in that community, and they're
22 going to have to deal with whatever we do, and

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1 I just feel better if I know in good
2 conscience that we gave them an opportunity to
3 go back and try to resolve some of this.

4 I'm not asking for a 100 percent
5 case in front of us where everybody agrees.
6 I don't expect that, but I expect it to be a
7 little closer than what we are. I don't know.
8 I just want to make sure it's the full
9 consensus of the full Commission that we move
10 in that fashion, and if not, we'll just take
11 the vote tonight.

12 (Pause in proceedings.)

13 COMMISSIONER KEATING: The
14 question we were trying to get answered was
15 where were the affordable housing units, and
16 the point raised by the ANC on page 4
17 regarding the difference in appearance between
18 the affordable housing and the other market
19 rate units, I think we've gotten an idea from
20 the site plan, page 01 and 02, that there is
21 -- it's not 02. I'm sorry -- but there is a
22 difference between the units, the market rate

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1 units, and the affordable housing units.

2 CHAIRMAN HOOD: Let me do this.
3 Let's not get stuck on -- let's come back to
4 that issue. That's major. I'm not sure who
5 had the issue about the bollards and the fire
6 department. I think they've come up with --
7 and they even had an example of what the
8 bollards looked like.

9 COMMISSIONER KEATING: Yes, I'm
10 satisfied with the letter from the fire
11 department, dated April 3rd, saying that they
12 are satisfied with the revisions that were
13 made. It's attached to the OP report of April
14 6th.

15 COMMISSIONER MAY: But DDOT has
16 not yet given their okay to it, right? Is
17 that right?

18 MS. BROWN-ROBERTS: That's
19 correct. DDOT is sort of --

20 COMMISSIONER MAY: So what do we
21 do with that one?

22 MS. BROWN-ROBERTS: Well, DDOT is

1 -- and just to give you a little explanation
2 -- DDOT is opposed to bollards in principle.

3 COMMISSIONER MAY: I understand
4 that. I am, too, but you know, there are
5 certain times when --

6 MS. BROWN-ROBERTS: Yes. I'm
7 sorry. I couldn't get anything else.

8 COMMISSIONER MAY: I guess what I
9 find very frustrating about DDOT is very often
10 DDOT's issues don't get resolved, and we're
11 forced to, you know, vote them and impose
12 their conditions or take their side when I
13 would prefer that they work with applicants
14 and negotiate the solution so that what we're
15 voting on is something that everybody agrees
16 on.

17 I mean, at the very least on the
18 government side of the case, there ought to be
19 some consistency.

20 MS. BROWN-ROBERTS: I tried.

21 COMMISSIONER MAY: I understand
22 you did. I'm hoping that the folks at DDOT

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1 are all watching us now because I know that
2 that's what they like to do at night.

3 VICE CHAIRMAN JEFFRIES: I mean, I
4 hope it's not to be, you know, construed from
5 what I've said that, you know, I'm necessarily
6 supportive of the application. It's just that
7 if we are not voting tonight because, you
8 know, we're hoping to somehow manage the
9 community relations and so forth and get them
10 to come to some sort of consensus, you know,
11 unfortunately I'm just not as convinced that
12 that will happen just given some of the
13 posture that I've seen previously.

14 And so I just want to be clear
15 that no one should assume that because I'm
16 willing to negotiate this tonight that, you
17 know, I'm either for or against, but I just
18 think that there's probably enough in the
19 record that we could come to some sort of
20 conclusion as to how we should move on this.

21 CHAIRMAN HOOD: Well, one thing
22 about me. I'll obtain a motion at any time,

1 but I think, Commissioner May, you bring up
2 another point. I actually misinterpreted what
3 DDOT and fire department -- I thought they
4 were all in sync. So again, here we are. We
5 have the subject. I'm not a transportation
6 person. I guess most people can tell by the
7 questions I ask, by the transportation experts
8 to come down here, and one issue is safety.

9 When I saw the fire department, I
10 figured everybody was, you know, in agreement,
11 and I must have missed that where DDOT still
12 had issues with it. I think you have two
13 subject matter experts who should be able to
14 give us the guidance on how we need to proceed
15 with projects, and here we are. Like you say,
16 they both disagree, and, Ms. Brown-Roberts, I
17 appreciate the effort, but typically from this
18 Commissioner's standpoint, I depend a lot --
19 I don't say I agree with them and I might not
20 vote with them all the time -- but I depend a
21 lot on the city's subject matter experts when
22 it comes to fire and emergency and when it

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1 comes to circulation planning and
2 transportation.

3 VICE CHAIRMAN JEFFRIES: But, Mr.
4 Chair, we can certainly, whether it's tonight
5 or next month or whenever, you know, put
6 language in the order that, you know, just
7 gives the applicant some level of leeway in
8 terms of dealing with this particular issue I
9 would imagine. I mean, we've done that
10 before, haven't we?

11 COMMISSIONER MAY: Yeah, I think
12 if that were the only issue it would be easy
13 enough to deal with that by final action.
14 Again, I still don't like the idea of DDOT's
15 business being unfinished here.

16 VICE CHAIRMAN JEFFRIES: It seems
17 to be fairly typical.

18 COMMISSIONER MAY: That's why I'm
19 so --

20 VICE CHAIRMAN JEFFRIES: And I
21 don't think that we should hold up the
22 applicant.

1 COMMISSIONER MAY: Right.

2 VICE CHAIRMAN JEFFRIES: I mean,
3 they're going to deal with this.

4 COMMISSIONER MAY: Again, if that
5 were the only issue, I think that would be
6 fine, but you know, I think that there's
7 enough question about this that I just don't
8 feel like the case is very clearly made, and
9 you know, if it came down to a vote at this
10 moment, I don't know what way I'd vote.

11 I mean, the most I'm feeling at
12 any moment is 55-45, and I've felt both ways
13 tonight. So I mean, I think that if we
14 determine that we're not ready to decide this
15 to night, I think that both sides of this case
16 should take that as a warning that, you know,
17 this could go either way depending on how they
18 deal with the extra time that we give them.

19 VICE CHAIRMAN JEFFRIES: Okay. So
20 this is what I'm hoping that we do because it
21 sounds like we're going down this route.
22 We're not going to vote tonight. If we can

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1 give a very short, short list of items that we
2 want both parties to sort of address because
3 I really think we should keep this fairly
4 narrow and not look at something overtly broad
5 in terms of the things that we're looking at
6 so that we can quickly put this all together
7 and take a vote. If we can just break this
8 down in four or five issues, I mean, I don't
9 even know if it's possible.

10 CHAIRMAN HOOD: I actually think
11 I've broken mine down and how I've reconciled,
12 and here's the thing. I don't want to put a
13 whole lot of work on anybody, but the way I
14 would like to see it proceed, and not
15 necessary to put an amount; I would like to
16 see the relief, I think, as Commissioner May
17 or someone spoke, spelled out, and the
18 applicant I thought did a better job, and when
19 it says as the project now stands before the
20 Commission it has, and they had this is A and
21 this is A. This is what we get as a matter of
22 right. This is what we get as a square foot.

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1 This is what we get as a matter of right.

2 And there is some relief. I may
3 be wrong, but I believe there's some relief
4 that's not even being asked for. Some of it
5 is in the order that I didn't even see that
6 was being asked for.

7 Now, I'll tell you what we can do.
8 We can discount the issue about wetlands.
9 Does anybody have anymore issues with that?

10 VICE CHAIRMAN JEFFRIES: That's my
11 point. Can we just take some things off the
12 table.

13 CHAIRMAN HOOD: Right. I think we
14 can take it off, yeah.

15 COMMISSIONER MAY: I do believe
16 that there has been significant progress on
17 the wetlands issue. I also believe that the
18 site plan could have been done in such a way
19 to do much more, but it probably would have
20 cost density, and it probably would have meant
21 changing the building types in some way, in
22 other words, not all just these townhouses

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1 because, you know, there's a regularity of the
2 grading and things like that that necessitate
3 retaining walls and things like that, which I
4 would prefer to avoid.

5 But that having been said, I think
6 a lot has been done to try to address that,
7 and I think that what we have before us now in
8 terms of the treatment of the wetlands is
9 significantly better than what we had when we
10 walked in the door.

11 VICE CHAIRMAN JEFFRIES: Okay. So
12 we can take the wetlands off the table. So we
13 will not hear anything else about wetlands
14 from anyone. Okay.

15 CHAIRMAN HOOD: Don't count on it,
16 but anyway.

17 VICE CHAIRMAN JEFFRIES: No, you
18 can speak on it, please, you know, but I'm
19 just saying just understand from this
20 Commission we've sort of dealt with wetlands.

21 CHAIRMAN HOOD: Right. I'm trying
22 to back out as opposed to say what we want to

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1 see, and one thing I don't want to do is tell
2 any Commissioner who was appointed like I was
3 or representing the government agencies or the
4 federal government to say what you can't say
5 because we all have that right, but I won't go
6 that far to say we won't hear any more, but
7 what I will say is I think we don't have that
8 issue anymore.

9 COMMISSIONER KEATING: Well, we're
10 not looking for any information from the
11 applicant or the parties.

12 VICE CHAIRMAN JEFFRIES: Well, let
13 me just say it again. Okay? Of course, say
14 anything you want, but you know, part of the
15 reason that we have set-downs and these kind
16 of meetings is that you hear about where the
17 Commissioners are on certain things, and what
18 the Chair is saying is that we've sort of, you
19 know, dealt with this wetlands and we're sort
20 of comfortable with where things are.

21 If you want to put more into the
22 record, you can, but --

1 CHAIRMAN HOOD: Well, no, actually
2 I disagree with you, Vice Chair. I don't want
3 anymore. I don't personally, this Commission
4 doesn't want anything else more into the
5 record about wetlands, and what I'm trying to
6 basically do is just back out of it.

7 But I did want to go as far as
8 saying my colleagues cannot say anything about
9 wetlands. I didn't want to go that far.

10 VICE CHAIRMAN JEFFRIES: Oh, oh.

11 CHAIRMAN HOOD: That's all.
12 Please don't give us anything about wetlands.
13 I think that's resolved. We've gotten through
14 that.

15 The other issue that stands out
16 for me, again, is this DDOT-fire issue, and I
17 maybe need to go to OAG to find out how to
18 deal with that because, you know, here we have
19 subject matter experts who are supposed to
20 provide us expertise on these different
21 issues, and they're in disagreement.

22 Are they in disagreement about the

1 bollards or the street or what are they in
2 disagreement about?

3 VICE CHAIRMAN JEFFRIES: But this
4 has nothing to do with the applicant. I mean,
5 this is the problem I have. This is a DDOT
6 problem, and I don't think we should be
7 holding up. Can't we write -- I mean, once we
8 make a decision, can't we leave enough space
9 open that no matter how DDOT falls on this,
10 you know, that it would be covered in our
11 order and they don't have to come back to
12 visit us?

13 CHAIRMAN HOOD: But we're being
14 asked to put conditions in place dealing with
15 that whole bollard street issue.

16 VICE CHAIRMAN JEFFRIES: Right,
17 right, right, the bollards, right. I mean, I
18 agree with Office of Planning, DDOT. I don't
19 like the bollards either, although the way
20 they did them, you know, I could live with
21 them, and they're collapsible, my
22 understanding. Aren't they collapsible?

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1 Yeah.

2 But I just felt that perhaps we
3 could write something in such a way that, you
4 know, does not have the applicant to come back
5 if there is some change in opinion from DDOT
6 or fire department as relates to how this is
7 working.

8 CHAIRMAN HOOD: But I think the
9 fire department is straightforward, and my
10 issue is with DDOT, and I don't know. Maybe
11 it is something that I don't --

12 COMMISSIONER MAY: Mr. Chairman,
13 you know, I think that the fact that the
14 street closure is even there and that the
15 roads are not connecting were the applicant's
16 effort to address the concerns of those
17 adjacent neighbors or those neighbors who are
18 off of that portion of Langdon Way or Langdon
19 Place or whatever. So they're on the Canal
20 Park side of the bollards, and they want the
21 bollards there because they don't want it to
22 be a through street.

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1 You know, in the overall scheme of
2 things, whether or not we have bollards,
3 whether or not that's a through street I think
4 is not the really critical, large scale issue
5 that concerns me about that. Again, if that
6 were the only issue that were unresolved, I
7 wouldn't have any problem with proceeding, and
8 deciding it one way or another.

9 CHAIRMAN HOOD: Well, I'll tell
10 you this, Commissioner May. That issue
11 concerns me because we're talking about a
12 safety issue. There's nothing worse than
13 watching the news and seeing something happen.
14 I know people get a little tense, but let's
15 just settle down.

16 VICE CHAIRMAN JEFFRIES: Well, I
17 think it's a safety issue for the fire
18 department. If the fire department were
19 unhappy with it, I would be very concerned.
20 With DDOT unhappy about it, it's a matter of
21 principle that they don't like bollards.

22 I mean, what's the safety issue

1 from their point of view? The safety issue
2 from their point of view is that they don't
3 like bollards.

4 CHAIRMAN HOOD: Okay. So here's
5 the way I see it, and I actually thought all
6 of -- I'm referring to I thought everybody was
7 on -- I thought DDOT and the fire department
8 both. I misread something.

9 But, Mr. Ritting, can we leave
10 leeway for that to be dealt with?

11 MR. RITTING: Certainly, and if
12 the parties or the applicant want to submit
13 something or have a suggestion to ameliorate
14 the situation, the Commission could consider
15 that when you take final action.

16 CHAIRMAN HOOD: Okay, okay. So
17 that's not a major issue. Can we take that
18 off the table, DDOT and the fire department?
19 I don't know what they're doing honestly.

20 VICE CHAIRMAN JEFFRIES: Okay. So
21 I hear two things off the table. How about
22 three? Let's do it. Three things, four.

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1 CHAIRMAN HOOD: Okay. So do you
2 know what? At any time I'll entertain a
3 motion. I'll be frankly honest.

4 VICE CHAIRMAN JEFFRIES: So what
5 about density?

6 COMMISSIONER TURNBULL: I think
7 that's one of the key -- that is the key issue
8 between the neighborhood and the developer.
9 That's the nexus of it all.

10 CHAIRMAN HOOD: And there was one
11 house taken off the little path.

12 VICE CHAIRMAN JEFFRIES: Right,
13 right, right.

14 CHAIRMAN HOOD: And then that was
15 taken off, but the issue still remains
16 density. It's still an issue.

17 VICE CHAIRMAN JEFFRIES: Okay. So
18 density is still on the table, and then,
19 Commissioner Keating, you brought up the
20 affordable housing, that those two units
21 are --

22 CHAIRMAN HOOD: Distinguishable?

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1 VICE CHAIRMAN JEFFRIES: Yes.

2 CHAIRMAN HOOD: So we've got two
3 issues, and also I still need to understand
4 reconciliation. I really need to understand
5 that, and I know it alludes to it in what we
6 saw in the 24-3.8. I need to understand that.

7 COMMISSIONER KEATING: Is it
8 possible for us, from that perspective of
9 answering this question about what amenities,
10 is it possible to get us on the ANC report,
11 page 4 and page 5? We do have a list of some
12 things that have been asked for. One is a
13 commitment or an assurance to access public
14 spaces.

15 Second would be bike racks for
16 each unit. I think that was actually a
17 question I raised.

18 Summary construction management
19 plan.

20 Commitment to contribute to the
21 Palisades Community Fund. I don't see an
22 amount there, but a commitment.

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1 And then this is somewhat broad, a
2 beautify MacArthur Boulevard. I'm not sure
3 how that gets quantified or qualified.

4 (Pause in proceedings;
5 Commissioners conferred.)

6 VICE CHAIRMAN JEFFRIES: Are you
7 saying that we need to look at that, greater
8 beautification of MacArthur, or are you just
9 reading from --

10 COMMISSIONER KEATING: No, I'm not
11 saying that we need to look at that. I'm
12 thinking about what are the remaining -- what
13 appear to be the issues and addressing this
14 question of what amenity is being provided.

15 VICE CHAIRMAN JEFFRIES: Well,
16 hopefully we as a Commission can look at this
17 and determine. I mean, we might not agree
18 with all the things that the ANC considers to
19 be open ended things. So those that we think
20 are, you know, worth pursuing, I mean, we
21 should put those on the table.

22 CHAIRMAN HOOD: Okay.

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1 Commissioner May, would you want to add
2 anything else?

3 COMMISSIONER MAY: No, but I'd
4 like to summarize, you know, in terms of what
5 I think is still unresolved.

6 CHAIRMAN HOOD: Okay, if you can
7 do that, and I'll add whatever I have.

8 COMMISSIONER MAY: We have the
9 density question both in terms of FAR and in
10 terms of the number of units. I'm a little
11 more concerned about FAR than I am the number
12 of units, but the height issue in that there
13 are some of those buildings, not the
14 individual homes, but some of the buildings
15 that are --

16 CHAIRMAN HOOD: Sorry to interrupt
17 you. I thought we dealt with the FAR issue.
18 I thought we were fine with that issue.

19 COMMISSIONER MAY: Oh, no, no, no,
20 not the FAR calculation.

21 CHAIRMAN HOOD: Oh, okay.

22 COMMISSIONER MAY: I don't think

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1 that's an issue. I mean, when you talk about
2 density, it's an issue of FAR or it's an issue
3 of number of units. There's the height of the
4 building and there are still some areas where
5 I know the neighborhood is still unhappy about
6 the heights of the buildings.

7 I think in some areas they've
8 addressed that successfully, in others less
9 successfully, and then there's the issue of
10 balancing the relief that's being requested
11 against the amenities, and I don't have a very
12 clear picture of the relief. You know, some
13 of the information we got on that was helpful
14 in kind of knowing more about it, but I don't
15 have a really good picture on it. So it's
16 relief versus amenities.

17 CHAIRMAN HOOD: And that kind of
18 goes along with what I said. Whatever that
19 regulation was, the 24.3-5 or 8 or whatever it
20 is, and it's talking about reconciliation.

21 Commissioner Keating, did you want
22 to add anything or you've already -- I know

1 you've pointed your comments already.

2 Okay. Commissioner Jeffries, I
3 don't think you have anything. Commissioner
4 Turnbull.

5 COMMISSIONER TURNBULL: No, I
6 think one of the big issues out there, as
7 Commissioner May just said and as I said a
8 little earlier, is going to be density. I
9 mean, that keeps coming back in the ANC's
10 report, and I don't know how you're going to
11 get around that.

12 COMMISSIONER MAY: And I can tell
13 you what's not going to happen is that if we
14 get more arguments about how you calculate
15 density or, you know, further arguments that
16 this is just not workable, that's not going to
17 be helpful on anybody's part.

18 I think I'd like to see some
19 movements, some compromise.

20 CHAIRMAN HOOD: Now, on that
21 limited scope -- and, Mr. Ritting, I may need
22 some help from you -- I think we have to allow

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1 the parties to respond on that limited scope
2 only.

3 MR. RITTING: Can we try to narrow
4 the density issue a little further? I'm not
5 sure. What is the issue around density from
6 the Commission's standpoint?

7 VICE CHAIRMAN JEFFRIES:
8 Commissioner May should because I don't
9 initially agree with Commissioner May on that
10 point.

11 CHAIRMAN HOOD: Hold on. Let me
12 do this first, and we can narrow it down, but
13 I think it has already been narrowed down, but
14 if the Commission needs to understand, we'll
15 let Commissioner May, if he choose to expound
16 on it.

17 But let me ask my question first
18 about the process.

19 MR. RITTING: Let me just clarify
20 what you're asking. You're intending to ask
21 the applicant for those enumerated items?

22 CHAIRMAN HOOD: Yes, just the

1 narrow scope.

2 MR. RITTING: And then your
3 question to me is do the other parties have to
4 have a chance to respond, and the answer is
5 yes.

6 CHAIRMAN HOOD: Okay. We're
7 looking for one-pagers or sound bites. Now,
8 if it can't be done, two pages, that's fine,
9 but we're looking for sound bites. I don't
10 think this next conversation will be as -- let
11 me reserve my comments. It won't be like the
12 this, but, Commissioner May, Commissioner
13 Keating, I guess, need some more specifics or
14 bring it down even more, I guess.

15 COMMISSIONER MAY: You know, I
16 think that the major difficulty that the
17 neighborhood is having with this development
18 has to do with the overall density of the
19 project. I mean, I think that some of the
20 arguments about how you calculate density
21 aren't really as important as the perceived
22 density of the project, and that's why I think

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1 things like the move where they shifted their
2 rooftop decks to the front of the building
3 rather than the back of the building on
4 MacArthur Avenue, I think that that helped
5 because it reduced the perceived density, and
6 doing the same at that one building at the end
7 of the row also on MacArthur, I think that
8 also helped deal with the perceived density.

9 VICE CHAIRMAN JEFFRIES: Also
10 breaking up that last thing.

11 COMMISSIONER MAY: Yeah, and I
12 think that, you know, reducing the unit count
13 also affects that because one of the big
14 factors in density, frankly, is the number of
15 cars coming and going, and every house times
16 two or three is the number of cars that you're
17 going to be dealing with in the long run, you
18 know, in the neighborhood.

19 So all of those things, I think,
20 apply, and I'm not saying that if the overall
21 square footage dropped to the point where it
22 was only a .92 FAR or something like that, but

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1 suddenly it's going to be good for me, but I
2 do think that there's room for them to make
3 some strategic moves in the massing of the
4 buildings or, you know, maybe it is in the
5 unit count, one or two of the units, something
6 like that, just to push things a little bit
7 closer, but I think that, you know, it's
8 really got to be up to the applicant, and
9 frankly, if they can have some discussions
10 with the community to find out what makes
11 sense.

12 But I'll tell you. You know,
13 overall if this were designed a different way,
14 I wouldn't have any problem with something of
15 this FAR.

16 VICE CHAIRMAN JEFFRIES: But, you
17 know, I have to say from where I sit and how
18 I look at this, I think the applicant does not
19 -- the impression I get, I mean, we're talking
20 about 36 units. I mean, you take off another
21 unit, take off a second unit, a third unit.
22 You are probably eating into profit, and you

1 know, really viability of the project.

2 I mean, it just doesn't seem like
3 there's a lot of space here. There's not a
4 lot of room. This is not like, you know,
5 1,000 units and we're going to get rid of 20
6 of them. I mean, this is -- I'm just
7 concerned that we might be getting to a
8 tipping point as relates to this project.

9 I'm not saying that it can't get
10 it done by, you know, shaving off two or three
11 units, but there are certainly economics tied
12 to this, and then also, you know, these units
13 have to be of a certain size and width and
14 style to be attractive, to be competitive in
15 this marketplace.

16 And so you know, clearly we're not
17 taking that into consideration here at Zoning,
18 but I'm just, you know, sort of sensitive to
19 that as relates to this whole discussion
20 around density, and also, it would be very
21 helpful because that the applicant might want
22 to look at sort of a matter of right

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1 volumetric dealing with height and density and
2 sort of how that looks in the neighborhood
3 versus, you know, what's being proposed here
4 just so that we have a sense of what we're
5 talking about.

6 I appreciate, Commissioner May,
7 what you said, that if this was designed
8 differently, you might not have a problem so
9 much with density, but I just, you know, would
10 like for my colleagues to just sort of
11 consider that this is really not a large
12 project. It just isn't, and so that's it.

13 CHAIRMAN HOOD: The applicant
14 actually did that. I don't have what I was
15 showing up here earlier as a matter of right
16 and what was being proposed.

17 VICE CHAIRMAN JEFFRIES: A
18 volumetric.

19 CHAIRMAN HOOD: Yeah.

20 COMMISSIONER MAY: No, no, no.

21 CHAIRMAN HOOD: No, not a
22 volumetric.

1 COMMISSIONER MAY: Just a plan.

2 VICE CHAIRMAN JEFFRIES: Oh, just
3 a plan.

4 CHAIRMAN HOOD: Just a plan, but I
5 would agree we've taken it a step further.
6 That may be a lot more helpful to me because,
7 as I said earlier, I was trying to figure out
8 how we even got to a PUD when I looked at what
9 I see here.

10 But, again, this is our first
11 crack at it. They've been working in the
12 community for a couple of years or so.

13 VICE CHAIRMAN JEFFRIES: What,
14 three years?

15 CHAIRMAN HOOD: Three years?

16 VICE CHAIRMAN JEFFRIES: I don't
17 know.

18 CHAIRMAN HOOD: And I want to say
19 this for the record. A lot of times when
20 applicants and the community come down and we
21 get to a point like this, they get upset with
22 you. You've got to remember we only had --

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1 how many hearings did we have on this, three
2 hearings? A little homework, and then this is
3 our first time fully discussing this, how
4 we're going to proceed with this case.

5 So simply I would just ask your
6 indulgence and ask you to be a little patient
7 as we grapple to try to do some of the same
8 issues that you all had to deal with, that we
9 have to deal with. And sometimes we don't get
10 it all the time as soon as we come down here
11 the first night the first time.

12 VICE CHAIRMAN JEFFRIES: Okay.
13 So, Mr. Chair, okay. Commissioner May, who
14 summarized the "to do" list?

15 CHAIRMAN HOOD: We've already done
16 that. What we're going to do is call back and
17 ask Ms. Schellin and we ask for narrow scopes.
18 We have to have a response period, but I'm
19 looking at a time frame of two weeks. We meet
20 in two weeks, and I guess my question is is
21 that doable.

22 MS. SCHELLIN: I don't think so.

1 I think we're going to have to really look at
2 our May 11th meeting. Mr. Fiola, can you do
3 this in a week, ten days? Ten days, okay.

4 So we would have a deadline of
5 April 23rd for your submissions, and the
6 parties would have until May 5th. They, too,
7 would have ten days to file their response.

8 And I have a list to balance the
9 relief against the amenities; take a look at
10 the density as far as looking at the number of
11 units, not the FAR that was discussed earlier
12 about the roads being included or not
13 included.

14 COMMISSIONER TURNBULL: They could
15 look at the FAR of the project. We're not
16 looking to redefine the FARs.

17 MS. SCHELLIN: Right, right. The
18 affordable housing being distinguishable, the
19 issue that the ANC brought up in their letter
20 to address that issue, and then the ANC
21 report, pages 4 and 5. There were some items
22 that were listed that I believe Mr. Keating

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1 brought up he wants you guys to take a look
2 at. There are some items like the bike rack
3 and access to public space.

4 Height of the buildings, take a
5 look at those, again, and a matter of right
6 volumetric in the neighborhood.

7 CHAIRMAN HOOD: Ms. Schellin, did
8 you give us the dates already?

9 MS. SCHELLIN: Yes, I did.
10 Applicant will provide those items by 3:00
11 p.m. on April 23rd. The parties have until
12 3:00 p.m. May 5th, and then we will take this
13 up at our May 11th public meeting, 6:30 p.m.

14 CHAIRMAN HOOD: Okay, and if we
15 can remember to make this last on proposed
16 action. It probably won't be as long as it
17 was tonight though, I hope.

18 Okay. Are we all on the same
19 page? So we're going to deal with this on May
20 11th at our meeting. I appreciate everyone's
21 attention to this and also their patience.

22 Okay. Let's move right along with

1 our agenda for tonight. Anything else,
2 colleagues?

3 (No response.)

4 CHAIRMAN HOOD: Okay. We did not
5 have anything else except for --

6 MS. SCHELLIN: Office of Planning.

7 CHAIRMAN HOOD: Hold on. Did we
8 clear everything on that? Hold up for one
9 second. Did we clear everything on the Athena
10 Group?

11 MS. SCHELLIN: Yes, sir.

12 CHAIRMAN HOOD: I see a hand from
13 the ANC. Ms. Hask (phonetic), do you have an
14 issue? And Mr. Fiola, if you have to come to
15 the mic you can, too, also.

16 MS. HASK: I'm planning to be out
17 of town on May 11th.

18 MS. SCHELLIN: It's just a
19 meeting. So there's no public participation.

20 MS. HASK: Okay, all right, okay.

21 CHAIRMAN HOOD: Okay. Anything
22 else? Okay.

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1 Let's move right along. Let's do
2 the -- Ms. Schellin, in the past we've done a
3 report of the Secretary, the reminder schedule
4 for BZA. I think that's more important now.

5 MS. SCHELLIN: We've already taken
6 care of that.

7 CHAIRMAN HOOD: So we're all
8 straight?

9 MS. SCHELLIN: Yes, sir.

10 CHAIRMAN HOOD: Are we straight
11 until July?

12 MS. SCHELLIN: I think so, until
13 the end of June, yes.

14 CHAIRMAN HOOD: The end of June,
15 okay, good. It is very important at this time
16 more than ever.

17 Let's go to our status report, Mr.
18 Lawson.

19 MR. LAWSON: There's no status
20 report tonight. Thanks, Mr. Chair.

21 CHAIRMAN HOOD: No status report.

22 All right. That means that the status is good

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1 then. Okay.

2 Do we have anything else before
3 us?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: Okay. Again,
6 thank everyone for your participation for this
7 meeting and this meeting is adjourned.

8 (Whereupon, at 8:14 p.m., the
9 regular meeting was concluded.)