

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC HEARING

+ + + + +

WEDNESDAY,

JANUARY 17, 2007

+ + + + +

The Special Public Meeting of the District of Columbia Zoning Commission commenced in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 7:30 p.m., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY N. JEFFRIES	Commissioner
JOHN G. PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
TRAVIS PARKER
MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.
MARY NAGELHOUT, ESQ.

This transcript constitutes the
minutes from the Public Hearing held on
January 17, 2007.

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P R O C E E D I N G S

7:42 P.M.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a special public meeting of the Zoning Commission of the District of Columbia for Wednesday, January 17, 2007.

My name is Carol Mitten. Joining me this evening are Vice Chairman Anthony Hood and Commissioners Michael Turnbull, John Parsons and Greg Jeffries.

We have an agenda, a short agenda and if you're interested in having a copy of it, it's in the wall bin by the door.

I just want to remind folks that at our public meetings, we don't take any testimony unless the Commission specifically asks someone to come forward. And we are being recorded by a Court Reporter and we're also being webcast live, so I just ask you to refrain from making any disruptive noises in the Hearing Room during our meeting and I'd

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1 ask you to turn off all beepers and cell
2 phones so that we don't have any other
3 disruptions. Thank you.

4 I think we can go right ahead into
5 hearing action. And the first case for
6 hearing action is Case No. 06-36A.

7 Ms. Brown-Roberts.

8 MS. BROWN-ROBERTS: Good evening,
9 Madam Chairman and the Members of the Zoning
10 Commission.

11 On July 26, on July 24th, 2006,
12 the Office of Planning recommended setdown for
13 a zoning case which involved a map amendment
14 from the R-5-A to the R-4. This R-5-B
15 District to the R-4 District was in ANC 1A.

16 As part of that submission, we
17 attached a table outlining the square and lot
18 numbers that was within the area to be
19 rezoned.

20 However, since then, we have -- it
21 has been brought to our attention and we have
22 rechecked the squares and lot numbers and have

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1 realized that we had omitted some of the lot
2 numbers.

3 So this evening, this setdown is
4 to add the remaining lots to that application.
5 It is to add the remaining lots.

6 The table which was submitted
7 outlines all the square and the lot numbers.
8 Our analysis remains the same that was
9 submitted in our July 14, 2006 report. And
10 the public hearing has been set for February
11 8, 2007 for this application.

12 The Office of Planning therefore
13 recommends that the Board set -- that the
14 Commission sets down Application 06-36A.

15 Thank you, Madam Chairman.

16 CHAIRPERSON MITTEN: Thank you.
17 Is this going to affect the timing for the
18 hearing on the lots being added? Or will they
19 be -- is this a separate case or is this going
20 to be part of the original case?

21 MS. STEINGASSER: We were
22 instructed by OAG that it would be a separate

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1 case because the advertisement for the first
2 case has already been issued. And then
3 properties posted and these squares, these
4 lots were not included in that advertisement.

5 So they need to be fully advertised as a new
6 case.

7 CHAIRPERSON MITTEN: Okay,
8 questions or comments from the Commission?

9 VICE CHAIRPERSON HOOD: Madam
10 Chair, let me just ask. I wonder if it's
11 possible the case that case that we set down,
12 could we move it to the new case and then make
13 it all one case?

14 MR. BERGSTEIN: There's not enough
15 time. We talked --

16 VICE CHAIRPERSON HOOD: Instead of
17 moving it forward, I'm saying move what we
18 already set down, postpone it and move it to
19 the new --

20 MR. BERGSTEIN: We asked the
21 Petitioner what their preference would be and
22 they had indicated to us that they really want

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1 to go forward with the case that's been set
2 down because people are expecting to attend,
3 etcetera. And so they were to go
4 forward with the case that has been set down
5 and then have a second case just for these
6 squares. So that would be the preference.
7 You're not bound by it, but I would want to
8 share that with you.

9 CHAIRPERSON MITTEN: Is there a
10 way to incorporate -- would there be a way to
11 incorporate the record in the first case in
12 the second case so people don't have to come
13 back down?

14 Or do we have to create a whole
15 new record?

16 MR. BERGSTEIN: I believe so. I
17 think that should be announced at the hearing
18 for the first case and then a hearing notice
19 could indicate that the record will be
20 incorporated with respect to the second case.
21 So I believe that can be done.

22 CHAIRPERSON MITTEN: Okay. Any

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1 other comments or questions?

2 All right, then I would move that
3 we set down Case No. 06-36A and in the public
4 hearing notice we make it clear that the
5 record in Case No. 06-36 will be incorporated
6 into the record of 06-36A. And I'd ask for a
7 second.

8 COMMISSIONER TURNBULL: Second.

9 CHAIRPERSON MITTEN: Any
10 discussion?

11 All those in favor please say aye.

12 (Ayes.)

13 Those opposed, please say no.

14 (No response.)

15 Ms. Schellin?

16 MS. SCHELLIN: Staff would report
17 the vote 5 to 0 to 0 to set down Zoning
18 Commission Case No. 06-36A. Commissioner
19 Mitten moving, Commissioner Turnbull
20 seconding, Commissioners Hood, Jeffries and
21 Parsons in favor. And this is being set down
22 as a rulemaking case.

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1 CHAIRPERSON MITTEN: Thank you.
2 All right, then we have one item remaining and
3 that's our proposed action in Zoning
4 Commission Case No. 06-12 which is the first
5 stage planned unit development for George
6 Washington University.

7 And I just wanted to say a few
8 things by way of introduction and to sort of
9 lay out what is before us and what is not
10 before us tonight.

11 As you know in hearing this case,
12 we also heard testimony on the Campus Plan and
13 the Campus Plan is not before us tonight.
14 That's a single vote and the Planned Unit
15 Development aspect of the proposal is --
16 requires proposed action and final action and
17 so it's that component of the proposal that's
18 before us tonight.

19 I'd just want to remind everybody
20 why we are taking this up at this time. And
21 in the Office of Planning report, they
22 explained that in -- that the University

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1 desired to bring the proposal forward on
2 Square 54 and before the Office of Planning
3 could support any proposal on Square 54, they
4 needed to satisfy themselves that the growth,
5 anticipated growth of the University could be
6 accommodated within the Campus Plan
7 boundaries, but without including Square 54
8 before they would support other development,
9 non-University development on Square 54. And
10 that is what brings this proposal to us at
11 this point in time.

12 One of the things that, as we take
13 up the Planned Unit Development, I just want
14 to address, both for the Commission's benefit
15 and those present, because we did -- there was
16 testimony about the appropriateness of -- or
17 the concern that the PUD requirements were
18 displacing or replacing the Campus Plan
19 requirements and these are really layers of
20 approvals. The PUD, the first stage PUD will
21 set the framework for the development on the
22 campus in terms of bulk and height and massing

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1 on the campus and set forth specific sites
2 that could be brought forward in the future
3 for PUD-related map amendments in the second
4 stage proceedings. And that is -- the purpose
5 of the first stage is to lay out those general
6 parameters.

7 The purpose of the Campus Plan
8 proposal is consistent with Section 210 of the
9 Zoning regulations is to control University
10 use in residential zones and so that's not
11 changing, so that use of the PUD doesn't
12 change those requirements. It is another
13 layer on top of the PUD requirements.

14 So I just wanted to make that clear as
15 we go forward.

16 I also want to say that to the
17 extent that there was a theme of the 2000
18 Campus Plan order and I think I had written
19 this down fairly verbatim from someone's
20 submission is that the theme had been that
21 GW's use of residentially-zoned property
22 within the campus boundaries for non-

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1 residential uses had become objectionable and
2 it was for that reason that the principal goal
3 of the Campus Plan order in 2000 was to get
4 more housing on campus.

5 And I have to say that in large
6 measure that Campus Plan goal was achieved.
7 So what is now the condition that's now been
8 created is by the University bringing all of
9 that housing on campus, they are limited in
10 the amount of density that they have remaining
11 to devote to programmatic uses that are not
12 residential and so continuing with the desire
13 to keep them within their campus boundaries,
14 they need more density to -- in order to grow.

15 And so the theme has become, as
16 we've heard, grow up, not out. And I think
17 that's a natural progression from the 2000
18 Campus Plan order. So that's what brings us
19 here today.

20 In general, what's being proffered
21 in terms of density and so forth is outlined
22 in Exhibit T. I won't go into a lot of detail

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1 about it, but the existing density on the
2 campus is about 5.6 million square feet which
3 is for the residential districts is about a 3
4 FAR and for the campus overall is about 3.4
5 FAR and the amount of density that's being
6 sought through this first stage PUD which
7 would arise from PUD-related map amendments,
8 would be a total density on the campus of 7.4
9 million square feet which is an overall
10 density of 4.77 and including the density
11 that's being sought and/or has been approved
12 on Square 54 and Square 80, the total build-
13 out of the campus once, if all this density
14 were achieved, would be an aggregated FAR of
15 5.

16 So I think what's important,
17 another important distinction for us as we
18 think about this tonight is that even though
19 what's driving this proposal is what the
20 University needs, we have to decide if what is
21 being requested is appropriate, given the
22 context.

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1 So the context is to the north, we
2 have high density commercial. To the -- I
3 forget all the different -- all the different
4 parameters. But we have higher density
5 residential to the south and we have lower
6 density residential to the west. So we have a
7 context that there's not one single direction
8 that's being provided by the context. And as
9 I expressed the other night in the Square 54
10 proceedings, the institutional generalized --
11 the institutional land use category on the
12 generalized land use map doesn't really
13 provide us any guidance about what's
14 appropriate in terms of density within the
15 campus. So we have to look to these other
16 areas for the guidance.

17 So what I'd like to do is begin by
18 discussing whether or not this density, that
19 the Commission feels that this density is
20 appropriate for the campus and whether the
21 placement of the density on the campus which
22 is illustrated in -- well, we have various

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1 depictions of where the development sites will
2 be located, where the building, how the
3 building heights will be arranged and the lot
4 occupancy that would attend those different
5 developments in the record, so I'd like people
6 to just address those general parameters first
7 and then to the extent that we have some
8 consensus about whether or not what's being
9 requested through the first stage PUD is
10 appropriate, then we can deal with whether or
11 not the proffered amenities and benefits, as
12 it relates to the PUD, not the Campus Plan,
13 are sufficient.

14 So if I could get some comment on
15 the density, proffered heights, lot
16 occupancies and so forth, that have been
17 requested in the first stage PUD.

18 Commissioner Jeffries, thank you.

19 COMMISSIONER JEFFRIES: So Madam
20 Chair, let me just make certain I'm clear on
21 directions here. So the first is that you
22 want a discussion around sort of whether there

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1 is appropriate size, density and so forth as
2 has been set forth.

3 CHAIRPERSON MITTEN: yes.

4 COMMISSIONER JEFFRIES: Through
5 the first stage PUD?

6 CHAIRPERSON MITTEN: Right.

7 COMMISSIONER JEFFRIES: You know,
8 this whole notion of grow up, not out, seems
9 to make sense to me as I look at the proposed
10 zoning and the overall Campus Plan.

11 When the notion of a University
12 campus that is effectively surrounded by quite
13 a bit of residential and the concern is that,
14 you know, that that University does not
15 encroach upon the residential districts and so
16 forth. The question is how does that
17 University grow? How does it continue to be
18 competitive with other national universities?

19 And it would seem to me that the logical
20 conclusion would be that this University would
21 devise a way in which to create density
22 towards the core of the campus, the center of

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1 the campus, and somehow maintain lower
2 densities on the perimeter, that is adjacent
3 to the residential districts.

4 And so I think what's been
5 proposed here seems straight forward and seems
6 logical to me and I am somewhat in favor of
7 the densities that have been set forth as it
8 relates to the first stage PUD.

9 I do have some questions about
10 some of the proffers that are being -- some of
11 the amenities that are being proffered, but I
12 can speak on that later.

13 CHAIRPERSON MITTEN: Thank you.

14 VICE CHAIRPERSON HOOD: Madam
15 Chair, I will tell you that I'm looking at
16 what was proposed in the record and I see an
17 area that really concerns me. I guess it's
18 ADA, case in point. It's on the boundaries
19 and it's up to 90 feet. But it also has lines
20 going through it which says sites to be
21 addressed under separate zoning process.

22 CHAIRPERSON MITTEN: That's the

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1 School Without Walls.

2 VICE CHAIRPERSON HOOD: Oh, is
3 that what it is?

4 CHAIRPERSON MITTEN: Yes, that's
5 what that is.

6 VICE CHAIRPERSON HOOD: Well, you
7 can tell I'm not in the area that much. That
8 -- that negates my issue.

9 But I will tell you that it looks
10 as though, as far as on the peripheries, what
11 is this 75A?

12 CHAIRPERSON MITTEN: 75A. You can
13 look on K is one place to look.

14 They are in a bunch of different
15 places.

16 VICE CHAIRPERSON HOOD: Exactly.

17 CHAIRPERSON MITTEN: 75A. That's
18 a development site on Pennsylvania Avenue,
19 that's being proposed for -- that would be the
20 one PUD map amendment that would be C-4.

21 VICE CHAIRPERSON HOOD: Was there
22 any testimony, and for some reason I need to

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1 be helped to remember some of this, if you
2 guys could help me, but was there any
3 testimony on the outside of the area which is
4 proposed for the first stage PUD what the
5 heights were? And I will tell you from
6 looking at this, it looks like the peripheral
7 areas are 90 feet with the exception of that
8 75A. Is that included?

9 CHAIRPERSON MITTEN: I'm going to
10 attempt to answer your question which is I
11 think that we have heard in the context of
12 this case and also Square 54, we've heard
13 testimony about height, but I don't believe
14 that the bulk of that testimony was in this
15 case. I think the bulk of the testimony
16 related to Square 54 because if you recall, we
17 were hearing about a concern about shadows, of
18 the proposal for the buildings on Square 54.
19 But I do know from that case that directly
20 across Pennsylvania Avenue, well, I don't want
21 to put testimony in the record.

22 VICE CHAIRPERSON HOOD: Okay.

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1 CHAIRPERSON MITTEN: That's not
2 there.

3 VICE CHAIRPERSON HOOD: Okay.

4 CHAIRPERSON MITTEN: But I don't
5 recall height being a --

6 VICE CHAIRPERSON HOOD: Major
7 issue.

8 CHAIRPERSON MITTEN: Major issue
9 in the Campus Plan.

10 VICE CHAIRPERSON HOOD: Okay,
11 well, height has always been an issue with me,
12 whether it was -- because I think when you get
13 into height, you block -- but anyway, I don't
14 put anything in the record that's not there.
15 If it's not an issue for this particular area,
16 then I will just withdraw my comments.

17 CHAIRPERSON MITTEN: Okay.

18 VICE CHAIRPERSON HOOD: Thank you.

19 CHAIRPERSON MITTEN: You do have
20 any concerns about the density that's being
21 proffered in the context of -- there's a fair
22 amount of difference between the northern part

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1 of the campus and the western part of the
2 campus, the density that would sought in the
3 aggregate overall would be 5 FAR.

4 VICE CHAIRPERSON HOOD: It looks
5 like, as I believe as Commissioner Jeffries
6 has mentioned already, it looks like the
7 majority of density is kind of on the inner
8 part of the campus.

9 CHAIRPERSON MITTEN: That's what's
10 being proffered for new development.

11 VICE CHAIRPERSON HOOD: So I don't
12 have any issues with that. It's on the inner
13 side as opposed to outskirts. So I guess I
14 would associate my comments with his.

15 CHAIRPERSON MITTEN: Okay. Anyone
16 else?

17 COMMISSIONER PARSONS: Well, I
18 would agree with Mr. Jeffries, Mr. Hood, but
19 I'd have to do it in the context of the
20 proffer that's coming for an Historic
21 District. Because that, to me, is the balance
22 here.

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1 It's not only build up away from
2 the boundary, but the intent to preserve the
3 historic structures that are within it, which
4 is a different issue, but to me, they're very
5 well linked.

6 CHAIRPERSON MITTEN: Yes. Well,
7 one thing I think that we would -- that we
8 should not overlook is the fact that right now
9 the -- under Section 210, so if there was not
10 a PUD being proffered, then the aggregate FAR
11 for the campus, the portion of the campus that
12 is zoned residential would be 3.5.

13 And that's the R-5-D limitation.
14 And under R-5-D, a PUD in R-5-D, the guideline
15 is to go to 4.5. So leaving out -- if we were
16 to -- just for discussion purposes, if we were
17 to leave out Square 54, since the ultimate
18 density at the moment is unknown and the
19 School Without Walls because I don't have it
20 broken down any other way, then we're at an
21 aggregate density of -- for the campus that
22 includes not only the residential districts,

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1 but the commercial districts and SP-2, that's
2 within the campus. That would be 4.77 FAR and
3 then with Square 54 and 80, then we're at 5.

4 COMMISSIONER JEFFRIES: Madam
5 Chair, where are you reading from?

6 CHAIRPERSON MITTEN: I'm reading
7 off of Tab T to get those FAR numbers.

8 COMMISSIONER JEFFRIES: Okay,
9 okay.

10 CHAIRPERSON MITTEN: But I don't
11 see, we're not getting to the additional
12 density using a PUD layered over R-5-D zoning,
13 but I think that that's a meaningful benchmark
14 when we're thinking about what's appropriate
15 density for the campus overall and we do have,
16 you know, just north of the campus, we have
17 fairly high densities because it's C-3-C
18 within the receiving, one of the receiving
19 zones.

20 So there's a context and we're
21 trying to synthesize all of it and I wouldn't
22 call the density that's being proffered high

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1 density, and so I'm not troubled by it and I
2 think that orienting the additional density to
3 the center of campus is appropriate.

4 I understand the frustration that
5 some of the community members have expressed
6 with the fact that there's been a
7 concentration of density that resulted from
8 the 2000 Campus Plan, its residential density
9 on the periphery of the campus. And that
10 shows one of the shortcomings of the existing
11 plan is that there's not as much control in
12 place and the University did what we asked
13 them to, but there was an unintended
14 consequence of that which is that we got a
15 fairly high concentration of students on the
16 southern boundary of the campus.

17 So this way, there will be more
18 control in place.

19 So Mr. Turnbull, did you want to
20 weigh in before we go to the next aspect?

21 COMMISSIONER TURNBULL: Yes, thank
22 you, Madam Chair. I guess I was just trying

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1 to -- looking at the one plan in Section K
2 which has the heights of the building which
3 Commissioner Hood was looking at earlier.

4 CHAIRPERSON MITTEN: Yes.

5 COMMISSIONER TURNBULL: And then
6 going to Tab W, I guess, which shows the
7 proposed historic area. Touching again, what
8 Commissioner Parsons was getting at, I guess
9 looking at that overlap between the Historic
10 District and the heights of other buildings
11 and I'm -- I just see on -- I guess I'm just a
12 little bit confused. I see Site 77A as in the
13 Historic District and it's adjacent to B1-77.

14 I guess I'm just trying to know
15 what the -- what the overlap is. And I don't
16 know whether it's -- I know they talk about it
17 in their plan developing with the Historic
18 Preservation Office and guidelines I guess for
19 a Historic District, but I guess I'm just
20 trying to feel comfortable with myself that
21 the Historic District related to some of the
22 heights in some of these areas. What's the

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1 nexus between those two areas and how you
2 control that or what's -- what's going to be
3 the significant factors that tie everything
4 in?

5 CHAIRPERSON MITTEN: So what would
6 be helpful is if we -- and I don't know if
7 have it in here. If we had a map showing the
8 historic resources juxtaposed with the --

9 COMMISSIONER TURNBULL: Heights.

10 CHAIRPERSON MITTEN: With the
11 proposed density and the heights?

12 COMMISSIONER TURNBULL: Yes,
13 something that sort of clarifies how they're
14 controlling or how that blends in or what
15 they're trying to achieve and how the historic
16 guidelines which they are developing are going
17 to relate to structures or whatever adjacent
18 and what's going to be the determining factors
19 that tie those two together, I guess.

20 COMMISSIONER PARSONS: Well, as I
21 recall I asked about this during the hearing,
22 77A.

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1 COMMISSIONER TURNBULL: Yes.

2 COMMISSIONER PARSONS: And they
3 talked about -- I'm not going to try to
4 summarize, but the issue was that there are
5 historic resources within there, but they also
6 want to build an addition that will be
7 compatible, in other words, recognizing the
8 resources that are within that, but they want
9 to add to it.

10 COMMISSIONER TURNBULL: So the
11 guidelines that they're developing are going
12 to address those kinds of --

13 COMMISSIONER PARSONS: And they
14 would go through the State Historic
15 Preservation Review Board to do that. I mean
16 that's the importance of this Historic
17 District for me is --

18 COMMISSIONER TURNBULL: Well, one
19 of the other things and I don't know whether
20 they're establishing in conjunction with the
21 Historic Preservation Office, I mean
22 guidelines for this and implementation plan

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1 and how they -- I don't know how you structure
2 that. I mean is it just based upon the review
3 of the Board or are they developing
4 guidelines?

5 COMMISSIONER PARSONS: You declare
6 a Historic District. I mean you nominate a
7 Historic District and then as you begin to
8 develop within that or change elements within
9 that you have to go through the Historic
10 Preservation Review Board to achieve that.

11 COMMISSIONER TURNBULL: But I'm
12 assuming that in those areas, there are going
13 to be established parameters or -- I'm
14 assuming there's something that will establish
15 a criteria of what you're supposed to be doing
16 in each one?

17 COMMISSIONER PARSONS: My
18 experience is that a Historic District
19 identifies the resources and their importance,
20 significance and whether they're contributing
21 or not and then as you move forward with an
22 individual project --

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1 COMMISSIONER TURNBULL: Right.

2 COMMISSIONER PARSONS: But there
3 are different areas within the city. I don't
4 know if there are any particular guidelines
5 within an Historic District that says what you
6 can or cannot do.

7 COMMISSIONER JEFFRIES:
8 Commissioner Turnbull, are you basically -- I
9 mean looking for additional language as part
10 of one of the amenities? I mean they have as
11 one of the proffers, the Historic Preservation
12 -- I mean you just jump to that?

13 COMMISSIONER TURNBULL: Right.
14 They talk about a plan, but I think I was
15 reading somewhere else and I thought they were
16 saying they were developing guidelines.

17 CHAIRPERSON MITTEN: I know where
18 the confusion is coming and this is on -- this
19 in the applicant's proposed findings of fact
20 and conclusions of law, page 13, number 60.

21 And it says that the Historic
22 Preservation Plan which is the component of

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1 this proposal, proposes the creation of a
2 Historic District on the Foggy Bottom campus
3 and the landmark designation of additional
4 campus buildings.

5 It goes on to say the University
6 has worked with the HPO to establish design
7 guidelines for five identified development
8 sites located adjacent or in close proximity
9 to historically significant buildings. And
10 here's the part -- the University is
11 continuing to work with Historic Preservation
12 staff to establish appropriate maintenance
13 guidelines for both existing and proposed
14 landmarks and contributing buildings within
15 the proposed Historic District.

16 So I think that may be the
17 distinction. If we can find out more about
18 that by asking the Office of Planning if
19 anyone is interested, to understand the
20 distinction.

21 COMMISSIONER TURNBULL: I guess
22 I'd just like to clarify on areas where you've

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1 got the density and you've got other
2 structures how that's being related and how
3 they're tying that together.

4 CHAIRPERSON MITTEN: Okay, can you
5 help us with what this additional work that's
6 being done and how that's distinguished from
7 just the normal restrictions that apply in
8 Historic Districts?

9 MS. STEINGASSER: I'll do my best.
10 Unfortunately, Historic Preservation staff
11 couldn't attend this meeting.

12 There's not anticipated by HPO or
13 the applicant that there's going to be an
14 established set of design guidelines for the
15 new buildings or the historic buildings. As
16 the program dictates what kind of building
17 goes in, the usual process is there's kind of
18 a negotiation and the building, as well as the
19 character of the Historic District kind of
20 dictate the ultimate forum as it moves through
21 the review process. That's ultimately
22 approved, reviewed and approved by the

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1 Historic Preservation Review Board and we
2 would expect that same standard to apply here.

3 Each Historic District is very
4 unique and there's not a set of defined
5 guidelines for each of those districts. The
6 maintenance of the buildings, as I understand
7 and remember, was something that was being
8 worked on with the staff so that there would
9 be established preservation elements that
10 would be very clearly enumerated for each of
11 the buildings that are being preserved and
12 deemed designated.

13 I'm not sure if they were
14 anticipating that would be a formal document
15 that would be entered into the record or
16 whether that would be a parameter type of
17 guideline that would be used in the future,
18 but I could certainly has HPO if they would
19 like to submit something more formal prior to
20 final action.

21 CHAIRPERSON MITTEN: Okay. If we
22 don't come back to that, remind me at the end

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1 so that -- we'll just see how the conversation
2 evolves.

3 Thank you.

4 Anything else, anyone else?

5 So I think we have a general
6 consensus that what is being requested in the
7 first stage PUD is not inappropriate for the
8 context provided that the proffered amenities
9 and benefits are sufficient to warrant that.

10 So I think the best summary of the
11 proffered amenities and benefits so that we
12 get -- so that we understand them as they have
13 been proffered is the applicant's Proposed
14 Order where those amenities and benefits are
15 described.

16 And so -- now I'm on page 14 of
17 the Proposed Order from the applicant. And I
18 think it's best if we walked through these one
19 at a time.

20 And I do want to say something
21 else more general about the -- I guess about
22 the using the PUD in this way and what at

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1 least I hope to accomplish through using the
2 PUD in this way, but by laying out where the
3 development will occur and setting these
4 massing parameters and so on.

5 What we know from -- what this
6 Commission knows from our own experience,
7 since we took over the review and approval of
8 Campus Plans is that while not everyone in the
9 community endorses this, we have certainly
10 endorsed the use of PUDs within approved
11 Campus Plans and I guess maybe the only
12 example of that is GW, so that it's a second
13 mechanism to guide development within a campus
14 boundary.

15 And without this framework that's
16 being created through the first stage PUD,
17 there's really no -- there's nothing to stop
18 the University to continuing to come forward
19 on an individual basis as they did with the
20 dormitory and I think it's Square 103 and the
21 School Without Walls proposal and they could
22 continue to do that and as long as those

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1 individual proposals made sense in the context
2 of the campus and the surrounding development,
3 they could bring those forward as they saw
4 fit. And there would be no predictability to
5 that as far as the city is concerned or the
6 community.

7 And so -- because we're -- there's
8 no way -- there's no legal way for the
9 Commission to preclude that. That's their
10 right to bring those forward.

11 So in setting this longer range
12 plan in terms of where the development will
13 occur, what the densities will be and where
14 the heights will be, and so on, I think we are
15 gaining more structure and I think that is - -
16 that's something that's desirable and that's
17 why I find that the use of the PUD in this
18 context is especially helpful because it sets
19 -- it doesn't lock in indefinitely, but it
20 locks in everyone's expectation about where
21 the development will occur and I think that's
22 the value of it in this context.

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1 So I just wanted to add that
2 thought before we move into the amenities and
3 benefits. So at the top of page 14, the first
4 proffered amenity is the streetscape plan and
5 as you know in one of the submissions that the
6 applicant made and they make reference to it
7 here, is that there is a block by block
8 implementation plan because one of the
9 concerns has been it was, as it had been
10 proffered for the existing Campus Plan is when
11 is the streetscape going to be delivered, when
12 is this amenity going to be realized?

13 And with a few exceptions the
14 implementation plan is -- the plan is
15 implemented at the time that there is
16 additional development in a given block. So
17 as we've been talking about these different
18 sites that have numbers and letters associated
19 with them, if there's a development and this
20 is not 100 percent true, but in large measure,
21 as the development occurs in a given square,
22 the streetscape for that square is

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1 implemented.

2 So I think the desirability of
3 that is that as the University takes advantage
4 of -- draws down, if you will against the
5 additional density or realizes the additional
6 density that they would gain through the PUD,
7 then they would deliver the amenities sort of
8 incrementally with that and so I think the
9 implementation plan is helpful in establishing
10 that there would be a gradual building of the
11 density and then there would be a commensurate
12 implementation of the streetscape plan. So I
13 don't know if other folks have thoughts.

14 COMMISSIONER PARSONS: Well, I
15 would agree. It's the only logical way to do
16 it and I think that was what we covered in the
17 hearing. You can't go in and build a
18 streetscape plan and then tear up a site one
19 by one as you go back down the street,
20 rebuilding it.

21 So the incremental approach is the
22 only logical way I can see to do that.

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1 CHAIRPERSON MITTEN: Anyone else
2 on the streetscape plan?

3 Okay, then the next item is
4 sustainable development planning and design
5 principles.

6 And I'm going to let our champion
7 of this item, Commissioner Turnbull, address
8 the sufficiency of the proffer in this case.

9 COMMISSIONER TURNBULL: Thank you,
10 Madam Chair.

11 I guess I would -- I would like to
12 see the direction on this a little bit
13 stronger. I guess, and it's a little
14 paragraph. I would like to see the University
15 actually proffer some LEED finite terms or at
16 least -- I mean LEED --develop in green and
17 although they're speaking the language, this
18 is the direction the city is going and this is
19 the direction the nation is going.

20 I would like to see points or at
21 least -- let's try to be achievable. Let's
22 try to actually set some standard of points

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1 that we could actually try to achieve as a
2 whole Campus Plan.

3 I guess I don't want to see
4 sustainable design sort of become a travesty
5 and a canard, something that we're trying to
6 do it, but if we can't, we can't.

7 I'd like to really see an effort
8 where they establish some LEED criteria, some
9 points they're trying to achieve and make it
10 strong, make it more of a statement here that
11 says we really want to be participatory in
12 this. We really are trying to set some
13 reasonable level that we can reach, rather
14 than -- to me, it's just a little vague and
15 fuzzy.

16 I'd like to see it a little
17 stronger.

18 CHAIRPERSON MITTEN: Well, I would
19 agree with that. I think it's more than a
20 little vague. I think it's totally vague.

21 COMMISSIONER TURNBULL: I was
22 being police.

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1 CHAIRPERSON MITTEN: Yes. I
2 appreciated you pressing the University on
3 this in the hearing and I think we've been
4 pressing more applicants on this to make this
5 more tangible. This is a aspirational proffer
6 at the moment and I think what we've done in
7 other cases and what I think you're suggesting
8 is that we seek a proffer from the applicant
9 not that necessarily they will achieve LEED
10 certification, but that they will obtain a
11 minimum number of points, that they will
12 provide a minimum number of points and so
13 that's something that they really could be
14 held accountable for.

15 I don't know what the other
16 Commissioners think about that, but the
17 direction that I would want to advocate is
18 that we seek a more tangible proffer from the
19 applicant as it relates to sustainable design.

20 COMMISSIONER PARSONS: Agreed.

21 CHAIRPERSON MITTEN: Okay, we
22 talked about this a little bit already -- the

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1 Historic Preservation Plan, and what's being
2 proffered is that the applicant will pay the
3 expenses associated with the preparation and
4 submission of the landmark applications to
5 provide a Historic District on the Foggy
6 Bottom campus, and then landmark specific
7 buildings on the campus, individually
8 landmark, individual buildings on the campus.

9 Thoughts?

10 COMMISSIONER PARSONS: Well, I
11 would like to read because I think this is
12 from the same paragraph. It's the fifth line
13 from the -- "the designation of landmarks in
14 Historic Districts is a long-term, if not
15 permanent, endeavor, and its impact and
16 benefits will certainly extend well beyond the
17 25-year term of the Campus Plan as well as
18 subsequent Campus Plans." And that to me is
19 key to this. This is -- they go on to say "it
20 is far-reaching and unprecedented." It is not
21 unprecedented to establish a Historic
22 District, but it is for a university to do it

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1 within their own campus. To me, this is one
2 of the most significant proffers we've got.

3 CHAIRPERSON MITTEN: I would just
4 note and it may not resonate with the
5 Commission, but there were -- we did receive
6 some comment in the record about the fact that
7 this proffer was not entirely supported by the
8 community, and I think in part because there's
9 been a significant amount of historic fabric
10 lost on the campus. I think we take them as
11 they are. We can't roll back.

12 COMMISSIONER PARSONS: Yes, if I
13 had a frustration with this case, it has been
14 bashing the University, which is what they
15 have been doing for the last 20 or 30 years.
16 I see this is a turning point. We're turning
17 the corner. We're moving ahead in a positive
18 way. I think that was expressed by some
19 members of the ANC that didn't support the
20 ANC. Let's try to look at this as a positive
21 thing and that's the way that I look at it.

22 COMMISSIONER JEFFRIES: And I

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1 would, just sort of add my voice to what
2 Commissioner Parsons is saying. I, too, was
3 quite struck with the University that clearly
4 is somewhat surrounded, is surrounded by so
5 much residential and other uses, to sort of
6 cordon off a certain part, certain parts of
7 its campus, effective campus, for historic
8 designation. I think and we all clearly
9 understand sort of what that means. It is
10 far-reaching, and I too think it is a fairly
11 substantial proffer and I remember asking the
12 University, the applicant, whether that was
13 what they really wanted to do because I'm
14 understanding, you know, how incredibly
15 onerous that for the designation can be. I
16 agree and stand with Commissioner Parsons,
17 that I do think it is a very substantial
18 proffer.

19 CHAIRPERSON MITTEN: Thank you.
20 Anyone else on the Historic Preservation Plan?

21 All right, then next is the I
22 Street retail corridor.

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1 Mr. Jeffries.

2 COMMISSIONER JEFFRIES: I'm going
3 to ask the Office of Planning to help me a
4 little bit on this one, because I'm looking at
5 the findings of fact, and perhaps the
6 applicant wasn't as detailed. I'm trying to
7 recall and, you know, the file is quite
8 voluminous here. Was there establishment of
9 certain types of retail? Were there any sort
10 of restrictions as to certain types of
11 retailers that could not be along I Street?
12 Did you exclude banks or just certain types?

13 COMMISSIONER TURNBULL: We didn't
14 have that discussion, no.

15 COMMISSIONER JEFFRIES: I guess my
16 concern with this proffer is it just seems
17 that it needs a little bit more specificity, a
18 little bit more detail. I'm concerned given
19 so much of the development that's taking place
20 in this area, that you might get besieged with
21 a lot of national retailers, and the "Ma-and-
22 Pa's" are not part of it. I clearly see that,

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1 you know, they are looking for local and "Ma-
2 and-Pa" establishments, but I would just like
3 to see some more specificity around the type
4 of retail.

5 I know it is going to be difficult
6 for them to talk about the exact size of
7 retail and so forth, but you know I would just
8 like to see a bit more texture around this
9 whole notion of the kinds of retails that
10 they're -- retails that they're going to try
11 to attract to this location.

12 I'm seeing that they're looking at
13 certain square foot, certain rents that
14 they're trying to achieve. I'm probably sort
15 of less concerned about that as it is with the
16 mix and type of retails, and if we can get
17 more specificity around that. That's what I'd
18 look for there.

19 CHAIRPERSON MITTEN: Just to add
20 to your comments. I think one of the things
21 that I gained in appreciation for in thinking
22 about this, thinking about Square 54, thinking

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1 about Red Lion Row, is the fact that there has
2 to be critical mass of retail for this to
3 really thrive, to make this all make sense to
4 everything we're trying to achieve here.

5 So I think I would agree with
6 Commissioner Jeffries that we need more
7 specificity. Not only to the type of
8 retailers we're trying to attract. So are we
9 excluding anyone so we get neighborhood
10 serving? But also, and I'm not saying that we
11 should mimic the kinds of requirements we have
12 in the Capital Gateway area, but I think we
13 need to establish that there is going to be a
14 certain amount of street frontage, so that we
15 actually achieve what we say we want to
16 achieve. Certain amount of street frontage
17 along I Street that will be devoted to retail,
18 so that when some University use that, you
19 know, may be they would rather have a
20 University use on the first floor, they
21 remember that the prime thing on the ground
22 floor is going to be retail, so there's a

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1 commitment there.

2 And then also the proffer as it's
3 written doesn't say that they will reserve,
4 doesn't say specifically that they will
5 reserve these spaces for retail uses. And I
6 think it's important that be done, that they
7 do that indefinitely because then they'll get
8 the retailers in there and they'll drop the
9 rents to do it, you know? So it's not a
10 temporary thing, if they can -- they're
11 implying that the rents will be cheaper and so
12 that they will -- so that it will be
13 affordable to sort of smaller, local
14 businesses. But I think we have to ensure
15 that that's the case.

16 So there's several layers of this
17 particular proffer that need to be solidified
18 in order to ensure that it will yield what we
19 anticipate it yielding for the benefit of the
20 community.

21 Anyone else on the I Street? Mr.
22 Turnbull?

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1 COMMISSIONER TURNBULL: Well< I
2 think and maybe I'm remembering -- I thought I
3 remembered that in their testimony, I thought
4 that the University does now give breaks to
5 local retailers. I thought they had mentioned
6 at one point in their testimony and maybe
7 that's what you're looking for, some kind of
8 an indication or actually proffering a break
9 or how --

10 CHAIRPERSON MITTEN: No, I don't -
11 - if we get to -- if we -- if they would like
12 to proffer to us that they're going to cater
13 to local businesses or they're going to
14 provide opportunities for local businesses,
15 how are they are going to do that? And we --

16 COMMISSIONER TURNBULL: To be more
17 specific.

18 COMMISSIONER JEFFRIES: What are
19 the percentages? What types -- I mean, I
20 think we need to sort of hold them to -- at
21 least a percentage of local and small --
22 obviously, you know, market conditions might

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1 be such that they perhaps will come back on
2 this, but I do think that as relates to what
3 the District is trying to do in terms of
4 retail policy, not completely obliterating
5 local, small retailers and neighborhood
6 businesses. We just need to ensure that
7 there's a certain percentage there.

8 The concern I have is that -- and
9 I know that the University has experience with
10 the small business retailers. I just -- I
11 think there might be a clamoring for the
12 national retailers to be here and I just think
13 that we need to make -- ensure that we have a
14 certain percentage.

15 So I would be looking for some
16 percentage. And I wouldn't even be opposed
17 that as relates to Office of Planning, I know
18 in other areas, like Mount Vernon and Mount
19 Vernon Action Agenda, I mean there was clear
20 discussion about ceratin types of retail that
21 you didn't want, that might be attracted.

22 So I just would like the applicant

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1 to spend a minute or two providing a little
2 bit more delineation around the type of retail
3 and how that retail strategy is in alignment
4 with what the District is trying to do in a
5 lot of its retail corridors.

6 CHAIRPERSON MITTEN: Mr. Hood?

7 VICE CHAIRPERSON HOOD: Madam
8 Chair, maybe I need to get myself as up to
9 speed and jovial about this whole situation in
10 which we've been dealing with tonight as my
11 colleagues have so optimistic -- and which I
12 hear and I'm trying to get there. Maybe I
13 have to be honest, if I eat a piece of candy,
14 that will get me up and going.

15 (Laughter.)

16 I'll tell you I'm a little
17 concerned. I'm concerned about the whole deal
18 here, but anyway, let me just stick with the
19 retail on I Street.

20 What stops and I'm trying to work
21 this thing through and think this thing
22 through, with being -- I guess being honest

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1 and straight forward with the community. And
2 I realize that's what this is about. I've
3 heard what you said early on.

4 But let's go to the I Street
5 retail. You mentioned about a certain
6 percentage and maybe I'm not following you,
7 Commissioner Jeffries, but I want to make sure
8 that I understand. If they proffer that to us
9 now, a certain percentage of retail and how
10 they were -- I think you said Mom and Pop and
11 you referred to some different types of
12 retail, they give us that now and we approve
13 it, approve the first stage. What's to stop
14 them from coming back and we made this good
15 faith effort with the community. What's to
16 stop them from coming back, changing the
17 percentages and changing the course and we've
18 got this buy in from us as well as the
19 neighbors. What's to stop them from coming
20 back and doing a modification and changing it?

21 I know nothing, so I'm trying to
22 figure out where we're going here, asking for

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1 that percentage. What is our rationale?
2 Maybe I just don't understand it.

3 CHAIRPERSON MITTEN: Well, I
4 think, Mr. Hood, they've made -- first of all,
5 there's a proffer about I Street retail that
6 is not explicit. So it needs to be made
7 explicit. And in the -- in what I would call
8 the discussion about the -- what they hope to
9 achieve is that they're alluding to the fact
10 that they are going to cater to or they're
11 going to provide opportunities for local
12 retailers.

13 So what Mr. Jeffries is suggesting
14 is that they say specifically a percentage and
15 how are they going to do that. So express to
16 us how they're going to achieve this.

17 I think we all would agree that
18 this is an amenity, so we want to see how it -
19 - how is the amenity actually achievable and
20 to what degree is part of that amenity going
21 to be providing opportunities for local
22 retailers.

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1 Now we've had in other cases where
2 applicants have come back and wanted to modify
3 an amenity and then to the extent that they
4 wanted to do that, then we extract another
5 amenity of equivalent value before we would
6 relieve them of their obligation to provide
7 that amenity.

8 COMMISSIONER JEFFRIES: And Vice
9 Chair, the types of things that I would like
10 to see as part of the language here is for
11 example, how would the University go about not
12 only attracting, but also retention of some of
13 the small businesses. I mean there might be a
14 situation where one of the small businesses or
15 retailers would need assistance with
16 merchandising. I mean there's a number of
17 things that I think could really beef up this
18 proffer, that could really start to sort of
19 promote sort of District retail policy.

20 And so that's really all I'm
21 looking for here. Just a bit more information
22 in terms of how they're going to promote that.

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1 VICE CHAIRPERSON HOOD: Thank you
2 for responding to my question. Thank you.

3 COMMISSIONER PARSONS:
4 Commissioner Hood, I thought your question was
5 different, broader. Your concern is they
6 would come back with revisions to the PUD
7 beyond this retail issue, right?

8 VICE CHAIRPERSON HOOD: Yes, it
9 is, but I just figured I would bring it up at
10 that time, slide it in there, because one
11 minute Square 54 is involved, the next minute
12 we're doing this. The next -- I'm going to
13 tell you, this Commissioner is all over the
14 place and I'm trying to -- I'm hearing the
15 discussions and hopefully maybe I'll catch up.
16 Because right now, my level of service is F.

17 COMMISSIONER PARSONS: Did you
18 want to talk about traffic?

19 (Laughter.)

20 VICE CHAIRPERSON HOOD: As far as
21 me speeding up. I'm understanding -- I will
22 tell you honestly, I'm appreciating the

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1 conversations, but -- and I know where we're
2 trying to get, but it's been so long and I
3 also live in a neighborhood some time where
4 you become at some point you get a little
5 distrust. And I'm not saying that's what I
6 have for GW because I don't, but I'm just
7 saying I want to make sure that what this
8 Commission puts in place I would like to see
9 it carried out as much as possible, so we can
10 continue to build those bridges and build
11 those gaps that I have experienced down here
12 between GW and the Foggy Bottom neighborhood
13 for my nine years being on this Commission.
14 And that's why I'm being rather cautious. And
15 I probably have said too much as it is, but I
16 need to be cautious.

17 Thank you.

18 CHAIRPERSON MITTEN: Well, I think
19 that's the reason for going carefully through
20 the proffer so that we make sure that we're
21 not accepting proffers that are vague and not
22 achievable, that we want things that we can --

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1 that the University can be held accountable
2 for delivering in exchange for the development
3 flexibility that they're seeking.

4 So I do just want to say and I
5 know that it is somewhat confusing because the
6 -- it's the same cast of characters and there
7 have been overlapping conversations in some of
8 the hearings, but I think particularly as it
9 relates to this I Street retail, I think it is
10 helpful to know what's planned on Square 54 so
11 that it puts it in the broader context.

12 So just bear with us and we'll
13 help each other get an understanding of what's
14 being proposed.

15 Next is below-grade parking.

16 Mr. Jeffries?

17 (Laughter.)

18 COMMISSIONER JEFFRIES: I have a
19 couple of questions.

20 CHAIRPERSON MITTEN: Did I jump
21 ahead too soon?

22 COMMISSIONER JEFFRIES: Oh, no,

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1 I'm done, unless someone else.

2 CHAIRPERSON MITTEN: Okay.

3 COMMISSIONER JEFFRIES: You know,
4 at first blush, you know, to say below-grade
5 parking, just looks really attractive. But
6 when you think about it, it's still whether
7 the parking is below-grade or surface or
8 above-grade, I mean, you're still inviting
9 traffic of some sort. I understand that
10 there's going to be an improved environment
11 for and various traffic mitigants, but with
12 the exception of the reduced storm water run-
13 off, which is clearly something that is very
14 attractive, doesn't seem to be such a strong
15 proffer to me. I mean, I would agree that it
16 is. I don't quite know what the applicant can
17 do to turn this around, but it just doesn't
18 seem to be a very strong proffer to me. It's
19 not a situation where your below-grade parking
20 will, again, reduce the number of cars that
21 are coming in and around the campus.

22 I think there are other things in

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1 terms of their transportation plan that's
2 going to sort of deal with that. But below-
3 grade parking, I mean if someone can help me
4 with this, but just at first blush that's how
5 I read it.

6 CHAIRPERSON MITTEN: I agree with
7 you. I mean, in the sense of how is this
8 different from what would happen as a matter
9 of
10 right. Parking garages and surface parking
11 and inefficient uses of land. And the
12 University can't afford that anymore so
13 they're going to do this anyway. So I don't
14 think this is an amenity at all. I would
15 rather that they get serious and take the
16 investment that they are claiming in terms of
17 an amenity in this context, and get real
18 serious about the sustainable developments
19 since that is to me, that's the greatest
20 benefit that you get is dealing with the run-
21 off.

22 COMMISSIONER TURNBULL: A plan to

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1 reuse the storm water run-off.

2 CHAIRPERSON MITTEN: Right. So
3 they can either substitute something else or
4 come back strong on the sustainable
5 development side. We'll see.

6 Anyone else have thoughts on that?

7 COMMISSIONER PARSONS: Well, I
8 guess I've never met an above-grade parking
9 garage that I've liked, okay?

10 CHAIRPERSON MITTEN: Good.

11 COMMISSIONER PARSONS: There might
12 be one at National Airport. Excuse me, Reagan
13 Airport. But the one at 22nd and I is a prize
14 winner --

15 CHAIRPERSON MITTEN: For ugly?

16 COMMISSIONER PARSONS: for an ugly
17 facility. And it's deadly around it except
18 for the pedestrians coming and going, and I
19 look at that a little differently. Certainly,
20 surface parking lots are not a land use that's
21 going to remain. But they've made a
22 commitment to rip down a parking garage and

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1 put it underground, put the parking
2 underground. So I took that aspect of it, not
3 the surface parking, but the elimination of
4 the garage as an aesthetic amenity, an
5 enlivening of a corner that now is deadly with
6 new construction. But they didn't put that in
7 here. They didn't put the aesthetic and the
8 difference in land use on that particular
9 parcel.

10 CHAIRPERSON MITTEN: I don't want
11 to -- I don't strongly disagree with you. I
12 just want to say that there are few, if any --
13 I can't think of any anymore -- above-ground
14 parking garages in what I think of as
15 downtown. And so, this would be part of
16 downtown. And so to me, it's a more, it's a
17 less desirable, perhaps in some ways less
18 desirable land use than surface parking
19 because it is uglier. But it is going to go
20 anyway. I mean, it's inefficient. So we'll
21 just have a difference of opinion about how we
22 weight that particular proffer. But maybe

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1 others would weigh in so that we could give
2 the proper signal to the University about how
3 we're weighing that proffer.

4 VICE CHAIRPERSON HOOD: You want a
5 comment on above-ground parking?

6 CHAIRPERSON MITTEN: Do you find
7 that an amenity at all? We have Mr. Parsons
8 who believes that at least the elimination of
9 the above-ground parking garage is an amenity.
10 Mr. Jeffries and I don't agree that the
11 accommodating parking below-grade is much of
12 an amenity.

13 VICE CHAIRPERSON HOOD: I don't
14 believe so either, but let me reserve my
15 comment. I can reserve my comment.

16 CHAIRPERSON MITTEN: You can do
17 whatever you want, Mr. Hood.

18 VICE CHAIRPERSON HOOD: Well, I
19 knew that but I was just asking. I was being
20 polite. Let me reserve my comment on that.

21 (Laughter.)

22 CHAIRPERSON MITTEN: Thank you.

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1 Did you --

2 COMMISSIONER TURNBULL: No, I just
3 think that the only other is that most above-
4 grade, a lot of -- let me paraphrase. A lot
5 of above-grade garages now wrap the garage in
6 retail or other facilities to make it more
7 attractive. Not only just a garage, but there
8 are other -- it's not just a aesthetic. It's
9 a business venture too. I think people
10 recognize that just sticking a garage on a lot
11 is not the most efficient way of getting a
12 return for your money and that's not mentioned
13 here or anything. They're strictly talking
14 about below grade.

15 I'm just reminded of another
16 garage on another project that doesn't want to
17 do that. But we have no control over that, so
18 I won't talk about that.

19 (Laughter.)

20 VICE CHAIRPERSON HOOD: Madam
21 Chair, let me just say and I'm glad that Mr.
22 Turnbull mentioned that because that's

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1 actually where I was going. But I didn't want
2 to go there because I didn't know how to get
3 there, but I will tell you that I think that
4 the elimination of the parking garage may as
5 well be an amenity. I'm not sure, but I want
6 to just make sure I do stuff across-the-board
7 and consistent, even though that's a totally
8 different case. I don't think we feel that
9 way, the same way here.

10 CHAIRPERSON MITTEN: Okay.

11 VICE CHAIRPERSON HOOD: You know
12 what I'm speaking of.

13 CHAIRPERSON MITTEN: I do. I know
14 exactly what you're saying.

15 VICE CHAIRPERSON HOOD: Thank you.
16 That's why I wanted to reserve my comments.

17 CHAIRPERSON MITTEN: All the
18 Commissioners know what we're talking about
19 and probably no one else does.

20 Okay, off-campus commitments. We
21 have a couple of commitments that are being
22 proffered and among those are that the

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1 University is proffering that they will not
2 acquire any residentially-zoned properties in
3 the Foggy Bottom West End area for University
4 use. And that they will remove -- and there's
5 a schedule that's included in the materials,
6 that they will remove undergraduates from off-
7 campus locations, which is a substantial
8 proffer because, particularly the one that's -
9 - I think was most in the news was the hall on
10 Virginia Avenue when that -- when they had --
11 I think they put the dormitory in there under
12 the SP-2 zoning and that was appealed. And so
13 there was a very strong sense from the
14 community that they didn't want undergraduates
15 in the Hova. So that's a significant
16 concession from the University.

17 The one thing that -- since I
18 suspect we'll be asking the University to
19 respond to us on several of the proffers is
20 what I think would make, would just knock this
21 one out of the park, would be -- and it would
22 address concerns that some of the community

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1 folks had expressed in discussing this
2 particular proffer is that as this -- as
3 letter F which is the off-campus commitments,
4 near the end, it says that the University is
5 in a position to make these substantial
6 commitments as a result of the opportunities
7 created by the scope of the proposed
8 development plan set forth in the Foggy Bottom
9 Campus Plan 2006 to 2025 which will
10 accommodate not only GW's forecasted academic
11 needs on campus, but will also provide for
12 additional on-campus undergraduate student
13 housing.

14 So they're saying we won't -- one
15 of the specific concerns that they're
16 addressing is we will not buy any more
17 residentially-zoned property in Foggy Bottom
18 West End for University use, but one of the
19 other things they're saying is that they
20 intend to be accommodated in all of their
21 University-related needs within the boundaries
22 of the campus. That's their motive in seeking

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1 the degree of density through the first stage
2 PUD.

3 So I can't require this, but I
4 would ask them to consider proffering that
5 they not purchase any property in Foggy Bottom
6 West End for University use, whether that use
7 be residential or programmatic because then it
8 really does make -- it makes very clear and
9 very strong their intention to live within the
10 boundaries, live within the densities that are
11 being sought here.

12 So I just throw that out there for
13 further consideration, but I would ask for
14 comments on these two commitments.

15 Mr. Hood?

16 VICE CHAIRPERSON HOOD: Well,
17 Madam Chair, if that's a motion, I'll second
18 it that we ask them to proffer that.

19 CHAIRPERSON MITTEN: No, I'm just
20 encouraging.

21 VICE CHAIRPERSON HOOD: I'm just
22 saying, that's just how much I agree with

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1 that. I think now we're getting to putting
2 some teeth into what the discussion is and I
3 am wholeheartedly in agreement with that. And
4 I would hope that they would do it.

5 If it's legal.

6 CHAIRPERSON MITTEN: Thank you.

7 (Laughter.)

8 If it's a proffer -- and I also
9 just to further clarify because it doesn't say
10 exactly what they mean by acquisition is it
11 would be their -- I don't know what words we
12 would use exactly, but it would be not only
13 that they acquired an ownership interest but
14 if they leased property. Basically, that they
15 wouldn't acquire through lease or sale.

16 COMMISSIONER PARSONS: Well, it
17 says purchase. I mean, that's the term
18 they've used in here. Well, they say it in a
19 different sense. While this commitment would
20 not preclude the purchase of properties.

21 CHAIRPERSON MITTEN: Right, and I
22 don't want to interfere with their investment

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1 portfolio. It is merely as it relates to
2 University use, but not narrowly. It's
3 broadly.

4 COMMISSIONER PARSONS: So you
5 wouldn't have any objection to them buying an
6 apartment building?

7 CHAIRPERSON MITTEN: They can be
8 investors all they want.

9 COMMISSIONER JEFFRIES: So Madam
10 Chair, beyond -- where, I mean, looking at the
11 proposed zoning, I mean where exactly would,
12 could they possibly purchase? Would it be the
13 SP? Is that what you're saying, the SP Zone
14 that they could actually make a purchase that
15 would be for University use?

16 CHAIRPERSON MITTEN: Well, they
17 could make a purchase in C-4 or C-3-C. The
18 idea, you know, the first just to go back a
19 second. The first problem was that, well, the
20 general problem is that GW is sprawling.
21 Okay? So the sprawl, the most offensive part
22 of the sprawl was that they had undergraduates

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1 all over the place. So the initial effort was
2 bring the undergraduates back to campus.
3 Okay, we've largely accomplished that.

4 So now they're saying for us -- we
5 want to implement this grow up, not out.
6 Okay? And in doing that, they're saying
7 here's the parameter, the campus boundary, and
8 we need this density inside the campus
9 boundary in order for us to thrive and be in
10 this location.

11 So why would they need -- I don't
12 find it, I think it would go a long way to
13 validating the commitment, but I don't think
14 it is an onerous proffer to request. Because
15 they're saying in coming to us with this PUD
16 and saying we want to concentrate our growth
17 right here. What do they need anything
18 outside of the campus anymore? So it really
19 does like reaffirm the whole grow up, not out
20 theme.

21 COMMISSIONER JEFFRIES: Well, I
22 thought this was really about protecting the

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1 residential neighborhoods that line this
2 campus. You know, I don't know. I'm feeling
3 like this is a little bit of a reach. I don't
4 really understand. I mean, I guess they could
5 and obviously, C-3-C or C-4, they could still
6 put housing, residential.

7 CHAIRPERSON MITTEN: Right.

8 COMMISSIONER JEFFRIES: It's just
9 something seems a little amiss to me. Because
10 again, the concern from the residents is just
11 a protection of the residential neighborhoods.
12 I mean, C-3 Zones and C-4 Zones, is there a
13 concern about sprawl there?

14 CHAIRPERSON MITTEN: Well, I
15 think.

16 COMMISSIONER JEFFRIES: I mean,
17 I'm just imagining that the University might
18 have certain uses. I'm sorry, go ahead.

19 CHAIRPERSON MITTEN: What I was
20 going to say is that the part of the concern
21 with the community is, and we'll get to this,
22 we'll have long discussions about this when we

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1 talk about Square 54, is well, why do you need
2 all this additional density within the campus?

3 Why don't you put more -- why do you need
4 all this density for University-related
5 program use. Why don't you put more of it on
6 Square 54? Then you won't need so much.
7 Okay?

8 So they're saying oh no, we need
9 all this density. You know, we need to be
10 able to treat Square 54 as an investment.
11 Office of Planning has suggested to us and the
12 conversation here tonight suggests that this
13 additional density for the balance for the
14 campus is appropriate, and they're going to
15 use that for program use and we put that in
16 place.

17 Then what if they were to say, you
18 know what? We've got this other square. It's
19 not Square 54. It's some other square, and we
20 decided we want to sell that for investment
21 purposes too and that's got some of the
22 density attached to it, that they say they

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1 needed for program use. And then that's going
2 to put pressure. more pressure on the balance
3 of the campus if they sell that, because they
4 can't stop them from selling it, just because
5 it's in the campus boundary isn't going to
6 bind anybody else so then what happens is
7 there's going to be more pressure to either
8 acquire property elsewhere or to get more
9 density on campus. So this, I can't -- we
10 can't stop them from selling things, but we
11 can stop them from sprawling outside the
12 campus. So that was really why I made the
13 suggestion.

14 And they might say, you know what,
15 that Carol Mitten is off her rocker and we're
16 not going to proffer that, but I just think it
17 would nail down and affirm what they are
18 representing to us.

19 COMMISSIONER PARSONS: Well, I
20 don't think you're off your rocker and I
21 wouldn't respond that way, but --

22 CHAIRPERSON MITTEN: They might

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1 when they're having cocktails later.

2 (Laughter.)

3 COMMISSIONER PARSONS: I'm
4 wondering, are you focusing just on Foggy
5 Bottom? They're saying Foggy Bottom and West
6 End for their purchase of residential
7 property.

8 Are you concerned about the
9 commercial properties in the West End itself
10 or is it more trying to protect Foggy Bottom
11 or you haven't really thought that through?

12 You want the same commitment?

13 CHAIRPERSON MITTEN: Yes.

14 COMMISSIONER PARSONS: I think
15 it's a worthy suggestion, and we'll see how
16 they come back. You're right. I mean, if
17 they come in here as they have and said we can
18 accommodate our density within these
19 boundaries, why is there any reason to go
20 outside and let us know why?

21 CHAIRPERSON MITTEN: Anybody else
22 on the proffer they have made about the

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1 residentially zoned property or the proffer to
2 remove undergraduates from off-campus
3 locations?

4 Okay.

5 Then lastly, they are proffering
6 enhanced Campus Plan conditions. And you
7 know, we've tried and I think we've been
8 successful so far to separate what is
9 proffered in the PUD, which is an amenity or a
10 benefit, from what will be when we get to that
11 point conditions that are intended to prevent
12 adverse impacts. I find that what's being
13 proffered as enhanced Campus Plan conditions
14 is really more of a part of mitigating the
15 adverse impacts and not that's Campus Plan
16 related, not PUD related.

17 I know that some of this stuff is
18 not, has not been done in other Campus Plans.

19 But I think, you know, and not to punish
20 anybody but a lot of this is those conditions
21 have to be so well-tuned, finely tuned, for
22 the first time had the Zoning Administrator

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1 helping to guide us in how to craft them so
2 they are enforceable. That speaks to the
3 history here. I think that's more Campus Plan
4 related myself.

5 COMMISSIONER PARSONS: So you're
6 suggesting G be removed?

7 CHAIRPERSON MITTEN: I'm not
8 suggesting that it not be considered an
9 amenity or a benefit of the PUD. And if you
10 feel differently, please say so.

11 VICE CHAIRPERSON HOOD: I'm
12 wondering if we could have it in both places.

13 CHAIRPERSON MITTEN: Well, just to
14 be clear --

15 VICE CHAIRPERSON HOOD: I know
16 they're proffering it. I understand that.

17 CHAIRPERSON MITTEN: No, just to
18 be clear, they're saying that in these other
19 conditions, you know, the conditions that
20 relate to the Campus Plan, see we've done
21 these various things that sort of over and
22 above what we feel are necessary. And so we

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1 want to get credited in the PUD for that. I'm
2 not suggesting that we take any of those out
3 of what's been proffered for the Campus Plan,
4 but I don't know that they should get credit
5 for them here because they've needed to go
6 over and above because of the history of
7 challenges.

8 We just have to get down really
9 deep in the weeds to get the conditions right
10 on the Campus Plan portion.

11 VICE CHAIRPERSON HOOD: I think
12 when they're comparing themselves to other
13 universities, at least the way I'm reading it,
14 they usually do the reporting every two years.

15 That's saying that they are doing it now
16 every year. So I guess they're saying that's
17 an amenity. But anyway, I guess that's how
18 they're looking at it. You know, we don't
19 have to really do this but every two years,
20 but we're willing to do this every year.

21 What do we get out of that? I'm
22 thinking out loud. Maybe that's not a good

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1 thing to do. Okay.

2 COMMISSIONER JEFFRIES: Madam
3 Chair, I concur with you. Based on how we've
4 structure the proceedings here, it would seem
5 like we would really take up these issues as
6 part of the Campus Plan special exception
7 discussion, and not part of a PUD proffer. I
8 mean, I see how some of it might relate to
9 sort of benefits, but my reading of this, it
10 just seems like, you know, we would be taking
11 this up a bit later.

12 CHAIRPERSON MITTEN: And also, we
13 haven't debated those conditions yet. So Lord
14 knows how that will all end up. So I think it
15 is also a little premature to be accepting
16 that before we --

17 VICE CHAIRPERSON HOOD: So we're
18 asking them to proffer something else totally?

19 CHAIRPERSON MITTEN: For this?

20 VICE CHAIRPERSON HOOD: Yes.

21 CHAIRPERSON MITTEN: No, I just
22 don't find that -- I don't find it compelling

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1 as an amenity.

2 VICE CHAIRPERSON HOOD: So you're
3 saying let's remove it completely. We're not
4 asking for them to substitute with anything
5 else?

6 CHAIRPERSON MITTEN: I don't think
7 so. I would rather have them beef up the
8 other areas that we've talked about. The
9 other A through F.

10 COMMISSIONER JEFFRIES: Unless,
11 Vice-Chair, you have something else that you
12 think --

13 VICE CHAIRPERSON HOOD: The only
14 area that I thought that really, from what I
15 heard, you know, I understand about the
16 retail, but something that really has some
17 teeth in it. Which one? The one we did
18 prior, and that's the off-campus commitments.
19 I really liked that one.

20 CHAIRPERSON MITTEN: What was it?

21 VICE CHAIRPERSON HOOD: Well,
22 anyway, I thought maybe we would exchange and

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1 ask for them to proffer something else other
2 than that. But if no one else agrees, I'll
3 end it. Thank you.

4 CHAIRPERSON MITTEN: Well, they
5 could proffer what I suggested and that might
6 do it.

7 VICE CHAIRPERSON HOOD: Let's ask
8 them. They might want to proffer. They're
9 going to beef up everything else and then
10 proffer something else. That's the way I'll
11 leave it. And if nothing comes back, I
12 understand where they're coming from.

13 CHAIRPERSON MITTEN: Okay. All
14 right, so we have I think we have a general
15 consensus about what has been proposed in
16 terms of flexibility, zoning flexibility, and
17 the additional densities, the 16 different
18 development sites on which there would be
19 subsequent second stage applications, and
20 there would be PUD-related map amendments as
21 proffered for those various sites. We have a
22 set of amenities and benefits that we have

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1 some concerns about, and I just want to see
2 how the Commission would like to proceed. We
3 often at this juncture, there's two ways to
4 go.

5 One is to take proposed action and
6 ask for the supplemental filing for final
7 action. If it meets our standard in terms of
8 balancing, or sometimes we hold off on
9 proposed action and ask for the additional
10 information before we take the proposed
11 action. I'm more in favor of the latter, just
12 because I think I'm in favor of holding off on
13 proposed action because I just want the
14 University to know how we're serious we are
15 about getting these additional, the proffers
16 nailed down. But I'm open to other
17 suggestions.

18 COMMISSIONER JEFFRIES: I don't
19 know, Madam Chair, based on our comments -- I
20 didn't consider our comments to appear to be
21 earth-shattering. I mean, quite frankly from
22 what I've heard with the exception of Vice-

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1 Chair Hood, that a lot of what we're
2 requesting could be covered subsequently, I
3 mean, before we get to final action.

4 I do have concerns, however, about
5 going forward tonight in a proposed action
6 simply because I think Vice-Chair Hood has
7 expressed some concerns about the overall
8 process. I think it would probably be
9 important for the applicant to perhaps respond
10 to some of that so that he might get
11 comfortable. I don't feel comfortable going
12 forward with one of the Commissioners ,the
13 Vice-Chair, not. And that's my sense.

14 VICE CHAIRPERSON HOOD: This is a
15 record. Keep going, I like that.

16 (Laughter.)

17 Let me just say this, though, if I
18 can add to it. If the Commission, my four
19 colleagues, you want to propose and we'll wait
20 and see what's submitted, I don't have any
21 problems with that. Because I know what I can
22 do in final. So it's up to the Commission. I

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1 don't want to be -- I noticed I was singled
2 out, which is no problem. I don't want to be
3 the hold-up.

4 CHAIRPERSON MITTEN: I already put
5 myself out there.

6 VICE CHAIRPERSON HOOD: But he
7 didn't mention you, he mentioned me.

8 CHAIRPERSON MITTEN: I know. I
9 don't know what that's about.

10 (Laughter.)

11 VICE CHAIRPERSON HOOD: Okay, so
12 you're in agreement. I do think that I would
13 rather hold off if my four colleagues wanted
14 to move forward with proposed, I wouldn't have
15 any problems with that.

16 COMMISSIONER JEFFRIES: I'm just,
17 you know, with my almost three years of
18 experience on this Commission, the comments
19 that have come from this dais, I mean, to me
20 have not been -- don't seem to express a lot
21 of serious concern about this application,
22 this PUD, first-stage. That's just what I've

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1 heard up here. But again, you know, to be
2 supportive of my fellow Commissioners here,
3 that I'm willing to wait and see what the
4 applicant comes back with. And I'm sorry,
5 Vice-Chair Hood, for singling you out but I
6 was just trying to accommodate.

7 VICE CHAIRPERSON HOOD: That's
8 okay. The Chairperson joined me, so that's
9 fine. Well, I joined her. Whichever way.

10 CHAIRPERSON MITTEN: Commissioner
11 Parsons or Commissioner Turnbull, do you have
12 a strong feeling one way or the other?

13 COMMISSIONER PARSONS: No, I think
14 proposed action tonight would be fine. But
15 I'm not going to argue for it. I just had a
16 procedural question. We certainly said we
17 were going to deal with this issue before we
18 dealt with Square 54.

19 CHAIRPERSON MITTEN: Yes.

20 COMMISSIONER PARSONS: I don't
21 know when that's scheduled and whether we're
22 running up against -- I mean, we run our own

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1 schedule. I don't mean that we're handicapped
2 by it. But let's -- I guess we're talking
3 about dealing with this in another special
4 meeting, or at our February meeting.

5 CHAIRPERSON MITTEN: Well,
6 actually
7 --

8 VICE CHAIRPERSON HOOD: Madam
9 Chair, we have meetings the rest of the month.

10 CHAIRPERSON MITTEN: I know, but
11 to deal with this I think after we get the
12 information in the record is very -- is not
13 going to be a protracted discussion.

14 COMMISSIONER PARSONS: No, it's
15 not.

16 CHAIRPERSON MITTEN: Okay. So Ms.
17 Schellin, what do we have in two weeks?
18 Because I don't think for the applicant, yes,
19 for the applicant.

20 COMMISSIONER PARSONS: Add it to a
21 hearing?

22 CHAIRPERSON MITTEN: Yes, we could

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1 have this as a 6 o'clock --

2 MS. SCHELLIN: That would put us
3 to February 1st.

4 CHAIRPERSON MITTEN: And I don't
5 mean a Wednesday.

6 MS. SCHELLIN: I know. I mean
7 hearing night. We have Sibley Hospital that
8 night, that hearing.

9 CHAIRPERSON MITTEN: February 1st.

10 MS. SCHELLIN: It's a Thursday.
11 So it would be 15 days to be exact.

12 CHAIRPERSON MITTEN: Okay, let's
13 do a special public meeting.

14 MS. SCHELLIN: Now do you want to
15 give them two weeks to respond or do you want
16 to give them a week to respond and get it in?
17 I'm just trying to figure out so we can have
18 it for the package how much time you're
19 actually --

20 CHAIRPERSON MITTEN: Okay, just a
21 second. Mr. Bergstein, do the parties have an
22 opportunity to respond? How does that work in

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1 this context?

2 MR. BERGSTEIN: I think it would
3 be appropriate to allow the parties to be
4 given the opportunity to respond to. And the
5 question would be really whether or not the
6 amenities, it would allow the parties to
7 respond to whether or not whatever is
8 proffered, if anything, is a substantial, an
9 amenity. So I think it is appropriate to
10 allow the parties to respond to that, just as
11 they have already indicated their position on
12 the existing amenities.

13 CHAIRPERSON MITTEN: Okay, so just
14 to be clear. So a week from today we would
15 ask the Applicant --

16 MS. SCHELLIN: January 24th. A
17 week after that would be January 31st for
18 responses from the parties.

19 CHAIRPERSON MITTEN: Okay, the
20 first is a what day of the week?

21 MS. SCHELLIN: It's a Thursday.

22 CHAIRPERSON MITTEN: Okay, then

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1 the following Monday?

2 MS. SCHELLIN: That would be the
3 fifth.

4 CHAIRPERSON MITTEN: Do we have a
5 hearing that night?

6 MS. SCHELLIN: Yes, Trinity
7 University.

8 CHAIRPERSON MITTEN: Okay, let's
9 put that on then for a special public meeting
10 on that night, and that will give us the
11 weekend to read it.

12 MS. SCHELLIN: February 5th at 6
13 o'clock?

14 CHAIRPERSON MITTEN: Yes, please.

15 And the other thing that I wanted to deal
16 with before we go is that we, that this is
17 going to come up when we take up the Campus
18 Plan is that we had this motion to strike from
19 Mr. Hitchcock. And this has to do with the
20 DDOT reports.

21 And what I'd like to do since
22 there's additional time for us before we take

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1 up the Campus Plan itself, because after we
2 take proposed action then there will be a
3 referral to NCPC, so that will set the time
4 off is that we now have -- well, I think we
5 would have to open the record in order to
6 accept the DDOT filings which, as we all know,
7 are late. And we got the additional
8 information, I guess the last few questions,
9 came in in the last day or so.

10 And the information came, you
11 know, it was basically requested for the
12 Commission's information. I know that that
13 the parties were frustrated by the fact that
14 they didn't have the opportunity to cross
15 examine the DDOT representative. But I think
16 their larger concern is that they haven't been
17 able to respond to it. So what I would like
18 to do, if my colleagues agree, is rather than
19 grant the motion to strike that we deny the
20 motion to strike and that we allow additional
21 time for the parties to supplement their
22 proposed orders in order to address what is in

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1 the DDOT report, because that's one of the
2 concerns that they had that they didn't have
3 an opportunity to address the concerns because
4 the DDOT reports came in after the time for
5 filing Proposed Findings of Fact and
6 Conclusions of Law.

7 Mr. Bergstein, is that all good?

8 MR. BERGSTEIN: I agree.

9 CHAIRPERSON MITTEN: So I would
10 move that we deny the motion to strike and
11 that we reopen the record for, let's say,
12 three weeks because I don't think that's going
13 to cause anybody any problems, three weeks to
14 supplement their Proposed Findings of Fact and
15 Conclusions of Law to address the two DDOT
16 reports that came in.

17 COMMISSIONER PARSONS: Second.

18 CHAIRPERSON MITTEN: Any
19 discussion? All those in favor please say
20 aye.

21 (Chorus of ayes.)

22 Those opposed please say no.

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1 (No response.)

2 Ms. Schellin?

3 MS. SCHELLIN: Staff will record
4 the vote 5-0-0 to deny the motion to strike
5 and allow additional time for the parties to
6 address the concerns from the DDOT report, to
7 open the record to accept both DDOT reports
8 and to allow the parties to supplement their
9 Findings of Facts and Conclusions of Law in
10 three weeks, which would put us at February
11 7th.

12 CHAIRPERSON MITTEN: Okay, great.
13 And then just to make it clear, no one
14 responds to each other's Findings of Fact and
15 Conclusions of Law.

16 And also on the prior motion for
17 the proffers, I just want to make it clear
18 that the purpose of reopening the record is
19 not to hear comment on our deliberation. It's
20 strictly on the applicant's submission. So
21 just want to make that clear.

22 MR. BERGSTEIN: Madam Chair, am I

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1 correct that the applicant would not be
2 permitted to respond to the actual submittals
3 of the parties?

4 CHAIRPERSON MITTEN: Yes, you are
5 correct. We have to cut off the circle at
6 some point. Okay, anyone else?

7 All right, so we have a special
8 public meeting for proposed action on the
9 first stage PUD in a couple of weeks. We have
10 some additional submissions. We have the
11 opportunity for the parties to address the
12 DDOT reports, and I think that's all we have
13 before us tonight.

14 VICE CHAIRPERSON HOOD: Depending
15 upon what happens, Madam Chair, do we have a
16 date already for the Campus Plan special
17 exception? CHAIRPERSON MITTEN:
18 We don't, but we'll set a special public
19 meeting for that also.

20 VICE CHAIRPERSON HOOD: Oh, okay.

21 CHAIRPERSON MITTEN: We'll need
22 one. We will need one, but I don't think

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1 we're ready to schedule that yet.

2 COMMISSIONER TURNBULL: I just
3 have one point of clarification. Since we've
4 got a bifurcated process here between the PUD,
5 first stage PUD and the Campus Plan, the term
6 of the PUD is for 20 years.

7 CHAIRPERSON MITTEN: We haven't
8 discussed the term yet. We'll take that up
9 when we pick up the Campus Plan.

10 COMMISSIONER TURNBULL: Oh, okay.
11 Thank you.

12 CHAIRPERSON MITTEN: Anything
13 else? Okay, then I think we're adjourned.
14 Thank you.

15 (Whereupon, at 9:16 p.m., the
16 special public hearing was concluded.)
17
18
19
20

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