

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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	:	
IN THE MATTER OF:	:	
	:	
FOREST CITY SEFC, LLC	:	Case No.
	:	13-03
	:	
-----	:	

Thursday,
April 11, 2013

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

The Public Hearing of Case No. 13-03 by the District of Columbia Zoning Commission convened at 06:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)
ROBERT MILLER, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
BRANDICE ELLIOT

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JAMIE HENSON
FLEMINY EL-AMIN

The transcript constitutes the
minutes from the Public Hearing held on April
11, 2013.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

ZC CASE NO. 13-03 Forest City SEFC, LLC - SEFC Overlay Review of Three Temporary Parking Lot

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

6:32 p.m.

CHAIRMAN HOOD: Good evening,
ladies and gentlemen. This is the public
hearing of the Zoning Commission for the
District of Columbia for Thursday, April 11th,
2013.

My name is Anthony Hood. Joining
me this evening are Vice Chair Cohen,
Commissioner Miller and Commissioner Turnbull.

We're also joined by the Office of
Zoning Staff Ms. Sharon Schellin, the Office
of Planning Ms. Elliot, District Department of
Transportation Mr. Henson and he just
introduced me to the gentleman Mr. -- you
know, I forgot just from the time.

Mr. El-Amin. Okay. Thank you.

This proceeding is being recorded
by a court reporter. It is also webcast live.
Accordingly, we must ask you to refrain from
any disruptive noises or actions in the
hearing room.

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1 The subject of this evening's
2 hearing is Zoning Commission Case 13-03. This
3 is a request by Forest City SEFC, Southeast
4 Federal Center, LLC for a review and approval
5 under the SEFC Overlay for temporary parking
6 lots at the yards including Lot 806 in Square
7 744, Lot 800 in Square 771 and Parcel Q.

8 Notice of today's hearing was
9 published in the D.C. Register on February
10 15th, 2013 and copies of that announcement are
11 available to my left on the wall near the
12 door.

13 The hearing will be conducted in
14 accordance with provisions of 11 DCMR 3022 as
15 follows: Preliminary matters, Applicant's
16 case, report of the Office of Planning, report
17 of other Government agencies, report of the
18 ANC, in this case, it's 6D, organizations and
19 persons in support, organizations and persons
20 in opposition, rebuttal and closing by the
21 Applicant.

22 The following time constraints

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1 will be maintained in this meeting: The
2 Applicant 45 minutes, but we'll talk about
3 that, organizations 5 minutes, individuals 3
4 minutes. The Commission intends to adhere to
5 the time limits as strictly as possible in
6 order to hear the case in a reasonable period
7 of time.

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

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

22 The decision of the Commission in

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1 this case must be based exclusively on the
2 public record. To avoid any appearance to the
3 contrary, the Commission requests that persons
4 present not engage the members of the
5 Commission in conversation during any recess
6 or at any time.

7 In addition, there should be no
8 direct contact of any kind whatsoever with any
9 Commissioner concerning this matter. The
10 staff will be available throughout the hearing
11 to discuss procedural questions.

12 Please turn off all beepers and
13 cell phones at this time so not to disrupt
14 these proceedings.

15 Would all individuals wishing to
16 testify please rise to take the oath?

17 Ms. Schellin, would you please
18 administer the oath?

19 MS. SCHELLIN: Please raise your
20 right hand.

21 Do you solemnly swear or affirm
22 the testimony you'll give this evening will be

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1 the truth, the whole truth and nothing but the
2 truth?

3 Thank you.

4 CHAIRMAN HOOD: And we've also
5 been joined by Mr. Lawson from the Office of
6 Planning.

7 We're going to welcome Mr. El-Amin
8 from the District Department of Transportation
9 to the Zoning Commission and I hope to see you
10 more. Hopefully, tonight we won't run you
11 away. Okay.

12 MS. SCHELLIN: Chairman Hood,
13 could you check and see if you have the mikes
14 turned off?

15 CHAIRMAN HOOD: Was Lloyd here
16 previously? He must have turned the mikes
17 off. I'm sorry. You're good. Okay. Thank
18 you.

19 I don't think we have to turn them
20 off tonight. That's a joke. Some people may
21 know what I'm talking about.

22 Okay. Ms. Schellin, do we have

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1 any preliminary matters?

2 MS. SCHELLIN: Just to advise, we
3 have received the affidavit of maintenance.
4 So, there's an order. I think we have --
5 they're proffering one expert I believe.

6 CHAIRMAN HOOD: Okay. Mr. Andres,
7 yes, we -- Commissioners, any problems? I
8 think we've done it tons of times before.
9 Okay. So, we will accept him as an expert.

10 COMMISSIONER TURNBULL: Mr. Chair,
11 I just had -- I just noticed that Mr. Andres
12 is from Rutgers. I just want to offer my
13 condolences on your basketball team.

14 MR. ANDRES: Thank you, Mr.
15 Turnbull.

16 CHAIRMAN HOOD: He may have some
17 information he can share with us so we can be
18 in the loop, but okay. Yes, I know what it's
19 about. Yes.

20 Okay. You know, if we can just
21 hit the highlights, Mr. Blanchard. I know
22 there are some issues maybe between the Office

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1 of Planning and DDOT. If we can hit those, I
2 just don't see 45 minutes unless -- maybe I'm
3 wrong. Maybe two hours and 45 minutes.

4 MR. BLANCHARD: I'm happy. Mr.
5 Hood and Members of the Commission.

6 CHAIRMAN HOOD: So, let's just hit
7 the highlights unless my colleagues think
8 otherwise. Okay.

9 Okay. You may begin.

10 MR. BLANCHARD: Thank you. Good
11 evening, Chairman Hood and Members of the
12 Zoning Commission.

13 My name is Lyle Blanchard. I'm an
14 attorney with the law firm of Greenstein,
15 DeLorme & Luchs and with me this evening are
16 Mr. Ramsey Meiser who's a Senior Vice
17 President with the Applicant, sorry, not
18 Southeast Federal Center, but Forest City of
19 Washington. Forest City Washington's
20 Southeast Federal Center, LLC and thank you
21 for accepting our proffer of Mr. Erwin Andres
22 who's a PE and a Principal with Gorove/Slade

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1 Associates and he will do our traffic report
2 testimony. My colleague Kat Olson is also
3 here and she's going to be manning the
4 PowerPoint which we can go through quickly.

5 We understand your concern about
6 not spending too much time. So, we'll rely on
7 a lot of things that are already in the record
8 and you now have or Ms. Schellin not has the
9 copies of the PowerPoint slides and you also
10 have the affidavit of maintenance.

11 As you know, Forest City
12 Washington has been involved with the
13 Southeast Federal Center since 2004 through a
14 development agreement with the General
15 Services Administration and although the
16 Applicant was before the Commission back in
17 2007 for an application for some of these lots
18 or really all of these lots, one of them was
19 withdrawn at the hearing, but we're back for
20 three lots and we're asking for the
21 Commission's permission on a temporary basis.
22 But, for the full five-year period to use

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1 these three lots which comprise a total of 789
2 parking spaces for a five-year period.

3 The current application extends
4 two of those lots, H and I and Q. Q was never
5 developed. Also ask for permission for L
6 which was constructed, but inadvertently.

7 So, we are here before you to lay
8 out the -- what those uses are going to be.
9 I'm going to have Mr. Meiser talk about the
10 background of those uses in detail and Forest
11 City's development plans in general for those
12 lots and the parcels around them and then
13 we'll discuss how these lots respond to the
14 community goals of providing parking and
15 preferred future residential and retail uses
16 both on those lots in the future and for the
17 surrounding parcels in the interim.

18 We're also willing to respond to
19 concerns that were raised both by the Office
20 of Planning and DDOT in their reports, but we
21 believe we've addressed the vast majority of
22 those and we'll talk to you about that in a

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1 few minutes.

2 So, again, we would like to use
3 these lots under the Southeast Federal Center
4 Overlay for five years as outlined under
5 Sections 1803.2 and 1808.

6 And with that, I'm going to turn
7 it over to Mr. Meiser and we're going to run
8 through a few slides.

9 MR. MEISER: Good evening. My
10 name is Ramsey Meiser. I'm Senior VP of
11 Development for Forest City and have
12 responsibility for The Yards projects in
13 Southeast D.C.

14 It's a 42-acre site that used to
15 be part of the Washington Navy Yard and at
16 full build-out will include approximately 52
17 million square feet and roughly 25 buildings.

18 To date, we have successfully
19 delivered Yards Park in September of 2010,
20 Foundry Lofts in December of 2011 and the
21 Boilermaker Shops in December of 2012.

22 This year, we'll deliver the

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1 Lumber Shed building in Yards Park in the
2 middle of there and next year, 1212 a mixed-
3 use building including a 50,000 square foot
4 Harris Teeter and a Vida Health Club we'll
5 deliver as well.

6 So, we are actively moving forward
7 with the development and intend to continue to
8 deliver buildings.

9 There are certain parcels in the
10 site that because of various conditions don't
11 lend themselves to development at this time
12 and those are the parcels that we are in here
13 tonight to talk about for parking.

14 The parking does benefit a number
15 of different constituents. Employees of the
16 DOT, Navy Yard and surrounding office
17 buildings use the parking lots. Residents not
18 just in The Yards, but in the neighborhood use
19 the parking lots. Patrons of the Boilermaker
20 Shops and the soon to open Lumber Shed will
21 use them because those are two historic
22 adapted for use buildings that have no parking

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1 associated with either of them and combined,
2 the two buildings will contain 45,000 square
3 feet of retail and 25,000 square feet of
4 office space.

5 Construction workers, the project
6 will deliver -- The Yards will take ten to 15
7 years to develop. So, there will be an
8 ongoing need for construction parking on the
9 site and not to be understated, baseball
10 employees and patrons do use the parking lots
11 and that number has grown since last year into
12 this and we expect that to grow this year as
13 well.

14 Eventually, all these parking lots
15 will be replaced by underground lots built in
16 conjunction with each parcel.

17 Our business deal with GSA gives
18 us control of the entire site. It's a 42-acre
19 site. However, at this time, we only own four
20 parcels. So, the majority of the land is
21 still owned by GSA. However, we do have the
22 responsibility for controlling the entire

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1 site. GSA, as part of our deal, identified
2 that parking lots were an opportunity to raise
3 revenue to pay for ongoing operations and
4 maintenance of the site for the land that was
5 still within their ownership. So, that's why
6 the parking lots were built initially on the
7 project to help pay for ongoing operations of
8 the GSA-owned land.

9 In addition, one of my
10 responsibilities for Forest City is to lease
11 all of the retail space in our project and I
12 will tell you that while the Capital
13 Riverfront is certainly growing, it is still
14 considered an emerging neighborhood.

15 And in discussions with retailers
16 and restaurateurs, they are all in agreement
17 that while they see what's coming and they are
18 encouraged by the residential growth and, you
19 know, they see baseball as a great, you know,
20 addition to the neighborhood and it brings new
21 customers for them, you know, they still are
22 concerned about how they will be successful in

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1 the early years and so, they like the idea of
2 having the parking lots here.

3 And I will you tell you that
4 pretty much 100 percent of the deals that
5 we've done, they all are counting on having
6 parking lots to help provide opportunities for
7 their customers who are coming from farther
8 outside of the neighborhood because the
9 neighborhood is still, in fact, emerging.

10 They view it as crucial to their
11 success. I can certainly reinforce that
12 Forest City is in the development business.
13 They're not in the parking business. We fully
14 intend to develop The Yards. We have
15 successfully developed other mixed-use urban
16 in-fill projects around the country in cities
17 like New York, Boston and Denver and we will
18 do the same here at The Yards.

19 However, the company does look at
20 the parcels and make sure that they are
21 financially viable to be developed in a timely
22 manner and also logically viable.

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1 For example, two of the lots that
2 are in our application, Lot L and Lot I, are
3 adjacent to the D.C. Water Pumping Station and
4 if you haven't been down to the site recently,
5 that is now the home of a number of cranes and
6 other type of equipment as part of the D.C.
7 Water's Clean Rivers Project and that work is
8 going to be continuing for years.

9 So, we view that those two parcels
10 at this point are not particularly attractive
11 for development considering they'll be looking
12 out onto that work for years to come.

13 So, again, as part of our
14 development pipeline, there are certain
15 parcels that are not at this point, you know,
16 logically viable to develop and that's a
17 couple of the parcels that are covered by
18 these parking lots.

19 So, anyway, to be brief, we would
20 ask for your support for our application
21 tonight and thank you for the opportunity to
22 speak and available for any questions.

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1 MR. BLANCHARD: Thank you. Mr.
2 Andres.

3 MR. ANDRES: Good evening,
4 Chairman Hood, Members of the Commission. My
5 name's Erwin Andres for Gorove/Slade
6 Associates.

7 I'd like to just take you quickly
8 through our scope and our coordination with
9 DDOT and the Office of Planning because I
10 think those are the important aspects that we
11 want to address this evening.

12 With respect to what we did, we
13 performed a traffic analysis dated March 18th,
14 2013 which we submitted and the report that we
15 submitted basically confirmed our previous
16 study that the traffic generated by these
17 temporary parking lots will not create an
18 adverse impact because of the fact that it's
19 going to be less traffic -- well, the traffic
20 that's generated by those parking lots today
21 will ultimately be less than the traffic
22 generated once those parking lots are

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1 developed as viable projects. So, we've
2 confirmed that.

3 Now, with respect to the
4 comparison between our previous application
5 and our current application, our previous
6 application in 2007 had requested 789 parking
7 spaces as part, excuse me, 785 parking spaces
8 as part of what is currently proposed. We are
9 proposing -- with the temporary lots in Lots
10 H/I, L and Q, we're actually proposing 789
11 parking spaces.

12 So, in essence, you know, if we're
13 talking about ranges, we're in the same range
14 as what was previously proposed in 2007 except
15 for an increase in four spaces.

16 Now, with respect to how we
17 coordinated with DDOT, we met with DDOT and we
18 identified sort of the program elements of the
19 temporary parking plan and there were
20 conditions that DDOT had identified in their
21 review letter that I want to address with my
22 testimony and these conditions are located on

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1 the last slide of your packet.

2 And the first condition is parking
3 spaces in Parcel Q shall not exceed parking
4 spaces currently provided on Parcel N. Parcel
5 N currently has 160 parking spaces. When it
6 is developed which will be within this year,
7 that parking lot which currently holds 160
8 parking spaces will be closed and in order to
9 compensate for those spaces, parking lot Q
10 will be developed as a temporary parking lot
11 to basically replace those 160 spaces.

12 Parking lot Q is programmed to
13 include 199 parking spaces. Which is only 39
14 spaces more than what is being lost in Parcel
15 N and we believe that those additional 39
16 parking spaces will be critical to address
17 some of the parking needs of two historic
18 buildings within The Yards that currently do
19 not have any parking and obviously, they can't
20 have any parking because of the historic
21 nature of those buildings and those two
22 building include the Boilermaker building and

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1 the Lumber Shed building. Two buildings which
2 are about 70,000 square feet total. Forty-
3 five of that is retail and 25 of that is
4 office.

5 Because of the nature of that
6 historic building, we believe that the
7 additional spaces that are provided by Parcel
8 Q will help mitigate the parking impact
9 associated with those historic buildings. So,
10 that's one of the primary drivers of the
11 parking lot being slightly larger in replacing
12 Parcel N.

13 Now, if we look at condition
14 number 2, Parcel Q shall not operate as a
15 parking lot until such time that the existing
16 surface parking on Parcel N is no longer
17 accessible. We agree to that condition.

18 As I stated earlier, we're not
19 going to operate Parcel Q -- excuse me. We're
20 not going to operate Parcel Q until Parcel N
21 is shut down for construction. So, in
22 essence, it's going to be swapped spaces and

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1 that's the intent of the plan. Is to swap
2 those spaces.

3 So, the last condition, provide an
4 unobstructed pathway for users from Water
5 Street to the Anacostia River Trail, in
6 preliminary discussion with DDOT, they had
7 identified a recommendation to add an
8 additional bike trail that would connect Water
9 Street with the current end of the trail at
10 the Washington Navy Yard border and if I can
11 focus your attention on the screen, the end of
12 the Washington Navy Yard trail is located sort
13 of in the lower right-hand corner of the page.

14 As the trail continues along the
15 water, you have an option to go along the
16 water and come up as it ties into the street
17 that borders Parcel Q. There's also a network
18 of smaller trails that tie into this long
19 parallel trail to Parcel Q. Because of this
20 network of trails that is currently out there,
21 adding sort of an asphalt pavement, a pervious
22 pavement to a -- which would actually run

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1 parallel to this trail that runs east/west we
2 believe would be redundant.

3 You know, obviously, as part of
4 the site plan for this Parcel Q, there's
5 actually a swale that's proposed along the
6 southern border of that parcel and the reason
7 why that swale is there is to accommodate some
8 stormwater -- to provide some stormwater
9 management measures and providing a pervious
10 trail parallel to an existing pervious trail,
11 we don't think that it's -- we think that
12 there's a redundancy there that we don't
13 support.

14 So, what we'd like to do is
15 actually go through some of the slides.

16 This is a trail that runs along
17 the river and these are the asphalt trails
18 that connect up in -- that connect north.

19 This is the asphalt path that is
20 parallel to the southern edge of that Parcel
21 Q. The distance between this pole and these
22 hedges is in the range of 5 feet which is the

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1 same dimension associated with a proposed bike
2 path. Proposed bike lanes in the street are
3 about 5 feet wide.

4 And again, here's another view of
5 that path. That if we were to create a
6 parallel path to that, it would be essentially
7 where the grass is. So, we're taking out
8 grass and putting in a bike path which would
9 be redundant to this path.

10 So, given that condition, we
11 believe that the existing bike infrastructure
12 out there is what should be maintained with
13 the development of Parcel Q and we don't think
14 another bike path in addition to that is
15 necessary.

16 So, given that, those are our
17 traffic issues. So, if you have any
18 questions, I'm available for questions.

19 Thank you.

20 MR. BLANCHARD: Thank you, Mr.
21 Andres.

22 Commissioners, if you have some

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1 other questions at this point, we'd be glad to
2 answer them.

3 CHAIRMAN HOOD: Okay. Thank you
4 all very much for your presentation.
5 Commissioners, any questions?

6 VICE CHAIR COHEN: Yes.

7 CHAIRMAN HOOD: Vice Chair.

8 VICE CHAIR COHEN: Thank you, Mr.
9 Chairman.

10 When this development was first
11 approved, I obviously did not have a role on
12 the Zoning Commission. So, I'm not as
13 familiar with what was anticipated.

14 For example, we have the surface
15 parking lots and there's a period of time.
16 You're asking for an extension from five years
17 to another five years and I'm wondering why
18 didn't you ask for six or seven or eight years
19 originally?

20 MR. BLANCHARD: That's a good
21 question, Commissioner Cohen.

22 VICE CHAIR COHEN: All my

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1 questions are good.

2 MR. BLANCHARD: Well, I'm just
3 acknowledging that.

4 The regulations limit us to a
5 five-year period and we're here again because
6 of the economic downturn in 2008 and 2009
7 impacted the development of the surrounding
8 parcels.

9 So, I'll let Mr. Meiser maybe
10 explain some more about why, but essentially,
11 we're bound by the five-year restriction.

12 VICE CHAIR COHEN: Then I think I
13 read in the package that was submitted on the
14 Parcel Q you're hoping to start development in
15 two years. So, why would you need a five-year
16 extension on Parcel Q?

17 MR. MEISER: There's a chance
18 we'll start development on Parcel Q. The
19 crystal ball starts getting a little bit
20 cloudy when you get two or three years out.

21 But, in the short term, Q is
22 necessary to accommodate the Foundry Lofts'

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1 residents that are currently parking in the
2 lot next door to Foundry Lofts. Foundry Lofts
3 is in another adaptive reuse building, 170
4 units and it only has 54 parking spaces inside
5 of it because that was the most we were able
6 to add inside the building.

7 So, in the short term, we need to
8 relocate the residents who are currently
9 parked in the lot next to Foundry Lofts to
10 this Parcel Q so that we can start
11 construction on Parcel N with our next
12 residential building.

13 VICE CHAIR COHEN: Well, why
14 couldn't they park in one of the other two
15 parcels?

16 MR. MEISER: Based upon existing
17 demand and use so far, we feel that Parcel Q
18 is a more appropriate place for them to park.

19 VICE CHAIR COHEN: I guess I'm
20 having problems with if I lived in that
21 neighborhood and being surrounded by open
22 parking lots, it really is, I think, a

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1 negative for your marketing efforts. Not that
2 you've had a problem marketing what's already
3 there, but I would have a problem being
4 surrounded by parking lots. It's just not a
5 very attractive way of, you know, living
6 looking out your window at parking lots.

7 So, again, I'm going to ask the
8 question about Q. Because I could see where
9 you have a problem with I and J. Is that what
10 it is?

11 MR. MEISER: L.

12 VICE CHAIR COHEN: L. I could
13 understand that because you have the equipment
14 for the clean up. But, I'm concerned about Q.
15 Why you need that.

16 MR. MEISER: In response to your
17 comment, we certainly have not seen in terms
18 of our lease up and our rent growth that the
19 surface parking has impacted our residential
20 leasing process.

21 I cannot minimize the importance
22 of these lots as it relates to the delivery of

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1 the Boilermaker Shops and the Lumber Shed
2 building. Where you have retailers and
3 restaurateurs that are willing to take a
4 chance on the neighborhood as the neighborhood
5 is growing, but want to have as many
6 opportunities as possible to be successful and
7 these parking lots help provide that
8 opportunity.

9 VICE CHAIR COHEN: So, the number
10 700 is very important to them or over 700
11 spaces.

12 MR. MEISER: If they were sitting
13 here, they would tell you that's not enough.
14 They would take more.

15 VICE CHAIR COHEN: I guess I just
16 don't get that. Because again, it's just
17 postponing the development and parking should
18 not be what draws development.

19 MR. MEISER: It is not postponing
20 the development. Just because we are in here
21 asking for five years doesn't mean we will
22 wait five years before we develop that

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1 parcels.

2 Sitting here today, I know that
3 Parcel H which is part of the H and I Lot will
4 absolutely be developed prior to that because
5 that's the next one in our pipeline.

6 VICE CHAIR COHEN: So, maybe what
7 we should be doing is giving you a two-year
8 extension to kind of keep the pressure on you
9 to move forward.

10 MR. MEISER: We are -- as I
11 mentioned, we are a development company.
12 We're not in the parking business long term.
13 We're using the revenue to pay for ongoing
14 operations.

15 We are trying to develop the
16 project as quickly as is possible from a
17 financial standpoint and from a logical
18 standpoint. So, the five-year term does not
19 have an impact on our development pipeline and
20 we won't hold off on developing a building
21 just because we have the right to have a
22 parking lot for five years.

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1 CHAIRMAN HOOD: Okay. Thank you.
2 Any other questions? Commissioner Miller.

3 COMMISSIONER MILLER: Thank you,
4 Mr. Chairman.

5 Could you address how you are
6 going to address the Office of Planning or
7 whether and how you're going to address the
8 Office of Planning condition to provide
9 additional landscape screening on the south
10 end of Parcel Q?

11 MR. MEISER: There's a landscaping
12 plan that I believe was submitted that shows
13 the landscaping we have in mind. In addition,
14 there are bioswales that are anticipated to
15 handle the stormwater run-off on the south
16 side of Parcel Q.

17 In addition to -- to respond to
18 Office of Planning's comments, there are
19 sections of the existing Lots H and I and L
20 that we're awaiting a proposal and a plan from
21 Rupert Landscaping who is our landscape
22 company to add additional landscaping to help

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1 augment what's there.

2 There's been some die off.

3 Although Rupert -- and we have a letter that

4 I think we've submitted --

5 MR. BLANCHARD: It's being

6 circulated.

7 MR. MEISER: -- where Rupert

8 actually said, you know, it looks like there's

9 not as much landscaping as there is because a

10 lot of it is perennials and because of the

11 fact that the winter has been longer, it just

12 hasn't come up yet.

13 So, the letter that you're getting

14 states that and however, we have asked them to

15 look at where possible to add additional

16 landscaping and we will do that.

17 COMMISSIONER MILLER: I have just

18 a couple of more questions, Mr. Chairman.

19 I didn't realize the parking lots

20 were still GSA owned. You're not the operator

21 of the -- are you the operator of the parking

22 -- do you have a separate operator that you --

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1 MR. MEISER: We hire an operating
2 company.

3 COMMISSIONER MILLER: It gives you
4 the revenue for using the -- are they paying
5 D.C. sales tax?

6 MR. MEISER: Yes.

7 COMMISSIONER MILLER: Okay. Just
8 wanted to clarify that since it's federally-
9 owned land.

10 MR. MEISER: Yes, sir.

11 COMMISSIONER MILLER: That's good.
12 That's a good thing.

13 The only other question I had was
14 about Parcel L and the inadvertence of having
15 been constructed without having the zoning.
16 Was a building permit issued by the District
17 for that or was it just constructed without
18 even a permit?

19 MR. MEISER: No, there was a
20 permit issued.

21 COMMISSIONER MILLER: So, it's not
22 only your error. It was also the District

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1 Government's error to issue a permit for
2 property that didn't have zoning.

3 MR. MEISER: I want to address
4 that. I will certainly take credit for being
5 guilty of stupidity and not coming back to the
6 Commission after we had withdrawn Parcel L
7 when we were here five years ago.

8 There were some open-ended
9 conversations going on with D.C. Water as it
10 relates to 2nd Street which is a street that's
11 adjacent on the east side to the pump station
12 and there was the belief that that might
13 affect the size of the parcel parking lot.
14 So, we pulled it back with the intent to come
15 back and neglected to do so.

16 COMMISSIONER MILLER: Okay. Thank
17 you. Thank you, Mr. Chair. Thank you.

18 CHAIRMAN HOOD: Okay. Thank you.
19 Any other questions? Mr. Turnbull.

20 COMMISSIONER TURNBULL: Thank you,
21 Mr. Chair. On the drawing that we just got
22 for the bioswale, I was looking at the section

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1 and it shows that there's a 24-inch diameter
2 pipe at the bottom of the swale.

3 How does that go? Where does that
4 go?

5 MR. MEISER: It ties into the
6 existing storm system. I don't know exactly
7 where it does.

8 COMMISSIONER TURNBULL: Oh, it
9 does.

10 MR. MEISER: But, it will tie into
11 the existing storm system on the property.

12 COMMISSIONER TURNBULL: Okay.

13 MR. MEISER: Yes, sir.

14 COMMISSIONER TURNBULL: So,
15 basically, it's there or you're redoing it.
16 I'm not sure. There is a swale there now.

17 MR. MEISER: There's a swale there
18 now. However, this is going to be a more
19 sophisticated system.

20 COMMISSIONER TURNBULL: So, you're
21 putting in an engineered bioswale?

22 MR. MEISER: Yes, sir.

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1 COMMISSIONER TURNBULL: Okay. All
2 right. Thank you.

3 CHAIRMAN HOOD: I just wanted to
4 follow back up on the Vice Chair's query of
5 maybe we should do two years and I'm not sure
6 if you gave an answer.

7 What kind of -- how would that --
8 well, one thing, it would probably do is bring
9 you -- I can probably answer the question
10 myself. It would bring you back down here
11 quicker. What do you think the impact would
12 be if we did go two years?

13 MR. MEISER: I'd see you in two
14 years. For the majority of the lots, I think
15 we would see you in two years. Certainly with
16 L and I, we would see you in two years because
17 it just doesn't make sense to advance a
18 building on either side of that construction
19 project and it is extensive.

20 I know, in fact, you saw the
21 announcement of the Lady Bird tunneling
22 machine that D.C. Water recently, you know,

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1 had their -- I'm not even sure whether it's a
2 groundbreaking or a ribbon cutting or what it
3 is, but that's the machine that's going to
4 come up and end up north of the pumping
5 station.

6 CHAIRMAN HOOD: I was in a meeting
7 last night. I heard. Is that a football
8 field long from what I was told?

9 MR. MEISER: It's big.

10 CHAIRMAN HOOD: Yes, the Mayor
11 mentioned that in a meeting last night. It's
12 a couple. Yes, I know he mentioned that last
13 night.

14 MR. MEISER: Yes. Right.

15 CHAIRMAN HOOD: Okay.
16 Interesting.

17 MR. MEISER: So, that's what's
18 occurring north of the pumping stations and
19 that will be there for -- I think they're
20 intending to be completed by 2018.

21 CHAIRMAN HOOD: Okay.

22 MR. MEISER: So, I mean it's an

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1 extensive project. I mean it's great. We're
2 fully supportive because obviously, it does a
3 lot towards, you know, reducing the number of
4 come ons or outflow events into the Anacostia
5 River. It's a great project for the city.
6 But, it will take some time and it does come
7 with repercussions for our site because it's
8 right in the middle of our project.

9 CHAIRMAN HOOD: Now, about how
10 many residents are close to these parking
11 lots? Do you know? Do you have a feel for
12 that? How many residents are --

13 MR. MEISER: There's 107 units in
14 Foundry Lofts. I don't remember exactly how
15 many residents that means or how many are in
16 the building. There are --

17 MR. BLANCHARD: That's using --

18 MR. MEISER: those are parkers.

19 MR. BLANCHARD: Right. Those are
20 parkers.

21 MR. MEISER: And then 1212, the
22 next building that's under construction now,

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1 has 220 units.

2 CHAIRMAN HOOD: All right. I'm
3 just curious. What do you think of the
4 Department of Transportation's new building?
5 Do you like it or I'm just curious.

6 MR. MEISER: I love having it next
7 to my project.

8 CHAIRMAN HOOD: Do you think it
9 was very well done or --

10 MR. MEISER: I think it's great.

11 CHAIRMAN HOOD: You must have just
12 realized that we voted on that sometime.
13 Okay. I was just asking.

14 MR. MEISER: Well, you know, and
15 again, you know, as we negotiate with
16 retailers and restaurateurs, they like having
17 6,000 people right next to them. I mean, you
18 know, the Boilermaker building -- the
19 restaurants in the Boilermaker building see
20 those potential customers for lunchtime and
21 dinner and so, yes, we're -- we're fans of
22 DOT.

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1 CHAIRMAN HOOD: Okay. So, is it
2 safe to say -- and I know Commissioner Miller
3 and my colleagues have already pretty much
4 went through conditions that Office of
5 Planning and what DDOT -- is it safe to say,
6 Mr. Blanchard, that you all are in agreement
7 with the exception, I think, of one issue on
8 all those conditions?

9 MR. BLANCHARD: Yes, we believe
10 we've addressed all of those issues. The only
11 remaining issue might be a timing issue raised
12 by one of OP's questions and we'd ask for
13 flexibility on because the -- as Mr. Meiser
14 knows, there's so many moving parts with
15 development of two parcels. So, they're going
16 to have to paved Parcel Q in order to make it
17 a lot and put in all the plantings and they're
18 going to have to break ground on Parcel N and
19 the timing of those two projects may overlap.

20 So, we'd prefer that that not be
21 made a condition, but we believe -- because of
22 the flexibility issue. But we believe we've

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1 addressed all of the other issues about bike
2 trails and landscaping.

3 CHAIRMAN HOOD: Okay. All right.
4 Any other questions up here? Okay. Thank you
5 very much.

6 I don't see anyone here from ANC
7 6D. We've got their supply letter.

8 Let's go to the Office of Planning
9 and then DDOT. Ms. Elliot.

10 MS. ELLIOT: Good evening, Mr.
11 Chairman and Members of the Commission.

12 The Office of Planning is
13 recommending approval of Zoning Commission
14 Case Number 13-03. Which is a special
15 exception that would allow the development of
16 a temporary lot on Parcel L and the continued
17 use of Parcels H/I and Q as temporary parking
18 lots.

19 I believe the Applicant has
20 addressed several of the issues raised by
21 Planning and in regards to the use of -- I'm
22 sorry, providing better connections between

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1 Parcel Q and the River Walk, I believe that
2 they have addressed that by providing this.
3 It was an aerial view showing those
4 connections. I believe that those are
5 sufficient and the paths are wide enough to be
6 utilized by both pedestrians and cyclists.

7 In terms of landscaping, the
8 Office of Planning believes that the effort
9 made by the Applicant to restore the
10 landscaping has been made. It's gone a good
11 way to addressing our concern.

12 One thing that hasn't been
13 addressed though is one of the conditions
14 relating to a larger buffer on the south side
15 of Parcel Q adjacent to the River Walk. The
16 Office of Planning still thinks that a buffer
17 along that south property line would be a
18 benefit to the area. We're not -- we don't
19 believe that the use of a parking lot is
20 exactly complementary immediately adjacent to
21 The Yards Park which is quite an asset to the
22 area. So, ideally, we would appreciate a

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1 larger buffer along that southern property
2 line.

3 But, with that, we are generally
4 supportive of the application with the
5 conditions noted.

6 Thank you.

7 CHAIRMAN HOOD: Thank you. We
8 will come back and let you respond to that
9 larger buffer.

10 Let's go to DDOT.

11 MR. EL-AMIN: Thank you. Okay.
12 Great. Thank you, Mr. Chairman and fellow
13 Zoning Commissioners.

14 Again, my name is Fleminy El-Amin
15 for the record.

16 We, as stated previously, have a
17 few conditions. We have reviewed the
18 transportation analysis report submitted by
19 the Applicant and have concluded that no
20 significant impacts are anticipated on the
21 transportation network per the requested
22 zoning relief.

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1 However, we're not supportive of
2 the increase of temporary surface parking in
3 The Yards' redevelopment area and as stated
4 previously, we mainly object to there being an
5 increase in net parking spaces such that the
6 supply that's currently existing on Parcel N
7 is just supplanted with what is planned for
8 Parcel Q. But, we don't feel there's been
9 justification for the demand of the additional
10 spaces that would be constructed.

11 And just if I could speak just
12 real quickly on the demand. There is existing
13 vacancy on a daily basis at Parcel H and I.
14 On average, we estimate between 75 to 100
15 spaces there are currently available.

16 Also, in terms of user of the lot
17 Q or anticipated users, the Federal DOT and
18 Navy Yard has ample or sufficient parking for
19 their employees. So, we don't think that
20 should be factored into the demand that's
21 being considered for Parcel Q.

22 And also, there was some mention

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1 of baseball patrons. Certainly, there's the
2 Metro rail. There's several bus lines and so,
3 we're not in support of additional parking for
4 that purpose because there's other ways of
5 getting there.

6 So, that in essence -- and I guess
7 the other condition related to the asphalt
8 path. We still think that the most direct
9 route to accommodate users of the trail,
10 getting that connection back to Water Street
11 would be along the property line of Parcel Q.

12 That's pretty -- that covers
13 everything in a nutshell. Thank you.

14 CHAIRMAN HOOD: Okay. Thank you,
15 Mr. El-Amin and Ms. Elliot.

16 Commissioners, any questions of
17 either DDOT or Office of Planning? Either
18 one?

19 COMMISSIONER TURNBULL: Mr. Chair.

20 CHAIRMAN HOOD: Mr. Turnbull.

21 COMMISSIONER TURNBULL: Ms.

22 Elliot, on the -- when you talk about an

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1 increase on the south side, are you talking
2 about a hedge or just a widening or a
3 lengthening of the area? An increase?

4 MS. ELLIOT: Potentially both. I
5 think that ideally we would like to see that
6 last row of parking removed. The parking that
7 is adjacent to that landscape buffer. We
8 think that would add sufficient buffer to
9 separate the two users.

10 COMMISSIONER TURNBULL: So, but
11 you agree with the concept of the swale?
12 Leaving the swale?

13 MS. ELLIOT: Yes.

14 COMMISSIONER TURNBULL: Okay.

15 MS. ELLIOT: Sure.

16 COMMISSIONER TURNBULL: I was just
17 wondering, you know. All right. So, in
18 addition to -- I mean they've got the swale,
19 but you're actually saying either on --
20 probably on the south side of the swale, some
21 type of a planting system along there or would
22 you want that adjacent to the parking lot?

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1 Closer to the parking lot. I mean is there a
2 preference from your standpoint as to or would
3 you have the Applicant come back and show some
4 other --

5 MR. LAWSON: I'm hoping the
6 Applicant -- sorry. Joel Lawson with the
7 Office of Planning.

8 I'm hoping the Applicant doesn't
9 have to come back actually.

10 We just feel that there should be
11 a bit more space, I guess, between where the
12 park starts and where the parking starts. So,
13 it's kind of a space thing.

14 So, you know, Ms. Elliot raised
15 the possibility, for example, that the
16 southernmost row of parking could become
17 landscaping, landscaping to form a visual
18 screen, and we think to further assist in the
19 stormwater management efforts of a surface,
20 you know, for the District a fairly large
21 surface parking lot.

22 COMMISSIONER TURNBULL: Oh, so,

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1 basically remove that row of parking.

2 MR. LAWSON: Well, it could be
3 removed or it could be pushed back. You know,
4 whatever kind of works out best for them.

5 For us, I know DDOT has different
6 issues. For us, it's not so much a number of
7 parking spaces. So, if there are ways that
8 they could do without significantly impacting
9 the number of parking spaces, I don't think
10 that would be a major concern for us.

11 Although, I think that's something that maybe
12 could address some of DDOT's issues about the
13 numbers.

14 For us, it's just, you know, again
15 making sure that there is a clearer separation
16 between where the park ends and where the
17 parking begins. A visual screen.

18 And that's why I thought your
19 question was a really good one about are we
20 talking about just space or are we also
21 talking about, you know, kind of a visual
22 screen.

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1 COMMISSIONER TURNBULL: A buffer.
2 Yes.

3 MR. LAWSON: And in our minds, we
4 really are talking about potentially both.

5 COMMISSIONER TURNBULL: Okay.

6 MR. LAWSON: A visual screen so
7 that people using the park aren't -- you know,
8 that the cars don't become what people, you
9 know, see, what they focus on, but also a
10 physical separation just to keep the two, you
11 know, more firmly apart.

12 COMMISSIONER TURNBULL: Okay.
13 Thank you, Mr. Lawson.

14 Mr. El-Amin, I don't know if
15 you've made your case for an additional bike
16 path. I'm concerned that since we do have
17 that swale down there and it does solve an
18 environmental issue, I'm not sure you're
19 making a good case for putting a physical
20 barrier there that would impact water at the
21 south end of the site.

22 MR. EL-AMIN: Yes, and probably

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1 our concern is the connection along Water
2 Street. That's not really defined and even if
3 there wasn't a connection along the edge where
4 the swale is represented, our primary concern
5 is actually getting that connection to Water
6 Street and so, it's kind of hard to anticipate
7 exactly what the lot would look like improved
8 as a parking lot.

9 But, our primary, I guess,
10 interest was actually getting that connection
11 along Water Street identified as a -- that it
12 would be open to the public to use and at this
13 point in time, it's uncertain if that would
14 look more like private property or actually
15 accessible to the public and so, our primary
16 concern is that connection on Water Street
17 from the River Walk and not so much along the
18 -- I guess parallel to the site on the south
19 side.

20 MR. HENSON: Let me add a little
21 bit of clarity. Jamie Henson with DDOT.

22 We're talking actually the

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1 north/south connection. So, maybe that clears
2 up a little bit of the concern.

3 COMMISSIONER TURNBULL: Oh, you're
4 not -- not by --

5 MR. HENSON: We're not talking
6 east/west. We're talking north/south. So, an
7 extension of I think that's 4th Street
8 extended southward.

9 So, you may remember we have bike
10 facilities from 4th Street across Capitol
11 Hill. So, the idea is to extend the bike
12 facilities or the ability to bike all the way
13 down Capitol Hill to the Riverfront Trail on
14 that facility and so, this extends that bike
15 lane all the way down to the water and so,
16 that's what we're looking for. It's not the
17 east/west piece. It's really the north/south
18 piece.

19 COMMISSIONER TURNBULL: The south
20 piece.

21 MR. HENSON: Yes, sir.

22 COMMISSIONER TURNBULL: So, what's

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1 there now? I'm looking at an aerial view and
2 I can't recall.

3 MR. HENSON: My families been out
4 there quite a few times and quite frankly, I
5 can't remember on that side. It seems that
6 it's --

7 COMMISSIONER TURNBULL: Is there a
8 street?

9 MR. HENSON: Yes. Yes, and so
10 Partly Street. I'll actually defer to the
11 Applicant if you'll allow them to clarify
12 what's out there because honestly I can't
13 remember.

14 MR. MEISER: Certainly. Happy to.
15 There's a gravel road right now that extends
16 from the intersection of 4th and Water all the
17 way down to the park. We had to create that
18 connection because the sidewalk that is right
19 -- can I borrow that for a second? So, this
20 sidewalk right there is the emergency access
21 for emergency vehicles to get onto the
22 boardwalk if necessary.

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1 So, this is the intersection of
2 4th and Water. This is a gravel road that
3 exists today so that vehicles can get all the
4 way down onto the park. So, that connection
5 is there now.

6 COMMISSIONER TURNBULL: So, there
7 is no bike path connection really then.

8 MR. MEISER: Well, it's not a
9 striped bike path, but bikes can use that and
10 then also right next to it, there are
11 sidewalks right adjacent to that right there.

12 COMMISSIONER TURNBULL: So, the
13 request from them is for you to put in a paved
14 strip then. Am I understanding that right?

15 MR. HENSON: Right. That's
16 correct. So, some of our bikeshare bikes with
17 really fat tires might do okay in that, but
18 Commissioner Hood's bike with the real skinny
19 tire might not do so well in the gravel.

20 CHAIRMAN HOOD: Or with no tire.

21 MR. HENSON: Or with no tire.

22 MR. MEISER: So, if we go back to

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1 the previous slide. So, you're proposing that
2 there would be an asphalt path installed right
3 next to the concrete one that's right there?

4 COMMISSIONER TURNBULL: There is a
5 concrete? See I'm --

6 MR. MEISER: Yes, sir.

7 COMMISSIONER TURNBULL: I heard a
8 gravel street, but then --

9 MR. MEISER: And right next to it
10 is a concrete sidewalk.

11 COMMISSIONER TURNBULL: How wide?
12 Five feet or --

13 MR. MEISER: Oh, it's wider than
14 that.

15 COMMISSIONER TURNBULL: Six feet?
16 But, I guess the path that's on the south side
17 now connects up to the north/south link.

18 MR. MEISER: Yes, sir.

19 COMMISSIONER TURNBULL: So, there
20 is --

21 MR. MEISER: I don't know the
22 protocol for --

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1 COMMISSIONER TURNBULL: Okay.

2 MR. MEISER: But, that's there
3 now.

4 CHAIRMAN HOOD: Do we have that
5 picture somewhere? I think I saw it
6 somewhere.

7 MR. MEISER: You can see the
8 concrete area next to the gravel area.

9 CHAIRMAN HOOD: Okay.

10 MR. MEISER: In response to the
11 additional landscaping, when we saw the
12 comment from the Office of Planning, I did go
13 back to our civil engineer and said, you know,
14 can we accommodate this and I got a lesson in
15 stormwater management and what he said was the
16 reason that there's no landscaping down there
17 is because as the water moves across the
18 parking lot, there's a strip of grass that
19 slows the water down prior to entering into
20 the bioswale.

21 So, from a functionality
22 standpoint, landscaping would interfere with

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1 how the stormwater management system is
2 designed to work.

3 CHAIRMAN HOOD: Mr. Turnbull,
4 still going?

5 COMMISSIONER TURNBULL: Oh.

6 CHAIRMAN HOOD: Okay.

7 COMMISSIONER TURNBULL: I guess
8 just sort of to wrap -- to finalize our
9 discussions, it sounded like there was some
10 confusion with Department of Transportation
11 regarding a north/south link to the southern
12 link.

13 MR. MEISER: Right.

14 COMMISSIONER TURNBULL: You're
15 saying it's there. It does exist.

16 MR. MEISER: Yes, sir.

17 COMMISSIONER TURNBULL: That you
18 can traverse all the way up.

19 MR. MEISER: Yes, sir.

20 COMMISSIONER TURNBULL: All right.
21 Mr. Henson, would that satisfy you? I mean it
22 looks -- I mean we've got some pictures here

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1 that --

2 MR. HENSON: Right. So, I'm not
3 sure I -- you know, I've seen what you've
4 seen. Generally, that looks like the ped
5 path. Bikes tend not to like the pavers. The
6 way I saw that and I don't know. I'm not
7 familiar. I'll be glad to look at the
8 pictures and glad to get back to you.

9 Generally, for our bike paths, we
10 like a 10-foot paved space so the bikes can
11 travel past each other without running over
12 each other. In places such as this where
13 there's high pedestrian activity, we prefer to
14 have a separate space for peds so that there's
15 fewer conflicts. So, that's going to be on
16 the order of a 10-foot bike path, on the order
17 of 6 to 10-foot walking path.

18 COMMISSIONER TURNBULL: Well, I
19 guess you'd have to look at the picture here
20 to assess. Maybe there's going to have to be
21 some follow up. I'm not sure, but there's
22 something there. There's pedestrian access.

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1 It looks like some -- again, I don't know how
2 much you want to -- I mean it sounds like you
3 need a 15-foot wide pathway for bikes and
4 pedestrians. Then which seems like a lot.

5 MR. HENSON: Well, this is
6 actually quite an enticing place to be. So,
7 the idea is to try to provide facilities.

8 I mean the idea of this particular
9 trail was that once the River Walk Trail was
10 open, you'll be able to go around the entire
11 river and so, it will be a way that many
12 people commute. So, we've actually invested
13 quite a bit of money just to create a bike
14 trail that goes across the railroad tracks to
15 RFK and so, literally, you're able to get the
16 entire neighborhood of Capitol Hill onto this
17 bike facility. They can come all the way down
18 into the office area of the Southeast Federal
19 Center area.

20 So, it becomes a place not only
21 for people to come down from the southside of
22 Capitol Hill, but also from the larger part of

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1 the neighborhood to commute down and come back
2 up into the office district as well. So, the
3 idea is to have enough space so that all those
4 activities can take place in a manner that
5 keeps folks relatively safe and --

6 COMMISSIONER TURNBULL: Okay.

7 MR. HENSON: -- accommodated.

8 COMMISSIONER TURNBULL: I mean
9 part of the problem is that this whole thing
10 is going to be an iterative process. Once the
11 site gets developed, it's going to change
12 again. This is going to be continually
13 evolving.

14 I guess my concern is I see the
15 picture of the sidewalk. It's got pavers and
16 it's got concrete. It's almost 15 feet now.
17 There's some planters, but the only other
18 issue is that I do see some storm drains. It
19 looks like there's some storm drains in the
20 gravel area.

21 So, I don't know to what extent
22 they can -- I mean I'm not opposed to asking

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1 the Applicant to put in another 5 feet of
2 asphalt, but I think you need to really look
3 at these and talk to the Applicant about what
4 your needs are because I don't think they
5 ought to jump through hoops in one way if
6 something can satisfy them.

7 MR. HENSON: No, and we agree with
8 you. I frankly haven't seen those. I'm not
9 sure that we've seen those. I mean we're
10 looking at a schematic of a parking lot layout
11 that looks like the only paved section is just
12 enough to get in and out of the parking lot
13 and so, we don't know the detail of what's
14 around.

15 So, from a brief look at it, I
16 would not say -- I would say that's the ped
17 space. I mean we would be looking for a
18 little bit of space that would be comparable
19 to the road because you've got the planters
20 that -- while there's places that are 15-feet
21 wide, you've got it looks like 5 or 6-foot
22 deep planters plus the curb.

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1 So, I mean 7 or 8 feet for a fair
2 amount of bicyclists with a fair amount of
3 pedestrians. I mean yes, it could work. Is
4 it ideal? Is it what we should have? No.

5 CHAIRMAN HOOD: I want to thank
6 you, Mr. Turnbull, for having that discussion.

7 One of the things Mr. Henson said
8 is it ideal? No, but, yes. Could it work?
9 Possibly. And I don't know if you said it
10 exactly like that.

11 But, I don't know if I agree with
12 DDOT. Usually, I agree with you guys. I
13 don't know if I agree with you all on this
14 one.

15 But, what I would ask is that you
16 all continue to have discussions as Mr.
17 Turnbull, I think, alluded to with the
18 Applicant depending upon how we move forward.

19 I'm not against bicycles, but I'm
20 not that strong, you know. We still have a
21 way to go north and south and as he mentioned,
22 this thing is going to change. It's so many

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1 different moving parts.

2 But, I will put that in the
3 parking lot of things that probably have
4 issues.

5 But, it looks like we're talking
6 about the larger buffer as well as this issue
7 with the, what was it, 199 cars versus the --
8 hold on because I wrote it down. A hundred
9 and ninety-nine cars in Parcel Q from the 39
10 additional spaces or whatever that number is.
11 I think it's 160 in N.

12 So, basically what you're saying
13 if I understand this correctly, the amount of
14 parking in Parcel N is 160 and you do not want
15 or Office of Planning -- I mean who's report
16 is this? Oh, DDOT does not want Parcel Q to
17 go above 160 spaces. Is that --

18 MR. EL-AMIN: Yes. Yes, sir,
19 that's correct.

20 We just feel that there is no
21 reason to increase surface parking. It's not
22 -- you know, generally, Southeast Federal

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1 Center Overlay District was intended to
2 provide a pedestrian oriented environment and
3 surface lots have a potential to provide
4 obstacles from conveniently accessing some of
5 the other development and such that we are
6 finding a shift, but not an increase in terms
7 of parking supply -- surface parking supply.

8 CHAIRMAN HOOD: And right now, Q
9 can hold -- how many does Q hold now without
10 -- how many does Q hold now?

11 MR. MEISER: One hundred and
12 ninety-nine spaces.

13 CHAIRMAN HOOD: That's what it
14 holds now.

15 MR. MEISER: Oh, I'm sorry.
16 There's no parking lot there today.

17 CHAIRMAN HOOD: Okay. So, there's
18 no parking on that.

19 MR. MEISER: Sorry.

20 CHAIRMAN HOOD: Okay. Parcel Q.
21 So, I guess you all need to continue to have
22 discussions on that. It would be good if DDOT

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1 -- and I know there may be some further
2 permitting they may need where you might not
3 need our approval, but you all disagree on
4 that about the 39 spaces or whatever it is.
5 Okay. So, again, have discussions on that.

6 And I think that was it. It was
7 the buffer, the north and south connection and
8 the amount of spaces. That's where we still
9 have a stalemate. Those three areas. Okay.

10 We'll give you some time, Mr.
11 Blanchard. You all continue to have those
12 discussions. If my colleagues agree to it.
13 Some may be happy with what we have now.

14 Commissioner Miller.

15 COMMISSIONER MILLER: Ms. Elliot,
16 I thought you had withdrawn the condition on
17 the bike connection because you thought it was
18 sufficient. I thought I heard you say that.

19 MS. ELLIOT: Correct. It is
20 sufficient for the Office of Planning, but not
21 for DDOT.

22 COMMISSIONER MILLER: Right and I

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1 thought I saw a distinction there. So, I tend
2 to think it is -- I tend to agree with Mr.
3 Turnbull that it does seem sufficient and in
4 terms of the number of spaces, if you could go
5 on with the 39 number, it's only 5 percent of
6 the total. If you're going with the net 4,
7 what was actually approved then and what would
8 be allowed now, it's 4. Which is nothing
9 hardly.

10 So, I have a comfort level with
11 what's been proposed. I think this
12 development team by what it's produced has
13 shown that they know what they're doing down
14 there and it is very attractive. Even with
15 all that construction going on, all the
16 surface parking, it is a very attractive,
17 exciting part of the city that is developing
18 and it's usable and exciting to use right now
19 with all that there.

20 So, just so you know, I have a
21 comfort level with what's been proposed
22 without some of these -- without the bike

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1 connection condition which OP doesn't have a
2 problem with anyway and with the number that's
3 been proposed.

4 CHAIRMAN HOOD: Okay. Thank you.
5 Vice Chair.

6 VICE CHAIR COHEN: Okay. I guess
7 I still have a great deal of discomfort about
8 the amount of blacktop. Because I believe
9 towards the west of the ballpark, there's
10 quite a bit of blacktop as well because we
11 extended some parking areas there.

12 And just for the record, I mean
13 we're in an interest rate environment that is
14 very favorable towards development and I don't
15 understand why now. Because I think in 18
16 months from now, we're going to see -- you
17 know, if unemployment continues to be reduced,
18 we're going to see interest rates increase
19 probably.

20 I guess I'm just very
21 uncomfortable that we're not pushing the
22 development side of things on Parcel Q. I

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1 just want to share that with you.

2 I basically began my career in
3 urban renewal and I know that you've done a
4 lot of work in Cleveland and, you know,
5 there's just so much blacktop left over from
6 that program 30 years ago and that's kind of
7 where I'm coming from.

8 The experience of not having the
9 -- you know, I appreciate what happened in the
10 recession, why no one could really move ahead,
11 but now is like the perfect time because of
12 interest rates.

13 So, I'm just very uncomfortable
14 having so much blacktop out there and I don't
15 know if, you know, the Office of Planning
16 wants to react to that or should I just see a
17 shrink.

18 MR. LAWSON: Well, as Ms. Elliot
19 noted in our report, we recommended approval
20 of the extension.

21 We do understand the need for
22 parking in this area. We do understand, you

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1 know, the intent all along was that as
2 development comes along the parking lots will
3 go away and be replaced by underground parking
4 that'll serve the same needs and I think that
5 Forest City has done a pretty amazing job of
6 dealing with the site overall.

7 We have made the one
8 recommendation for a relatively small amount
9 of additional green space, but other than that
10 when the Zoning Commission approved the
11 original application, they did put in some
12 landscaping requirements and I know that the
13 Applicant has been working with DDOE on
14 stormwater management issues. So, we're
15 relatively comfortable.

16 I think it is interesting that
17 it's Parcel Q. The one that's right on the
18 waterfront that everybody assumed would be,
19 you know, kind of the most desirable site of
20 all that was not the first one, but I think
21 that the developments that have come forward
22 have been, you know, really, really

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1 interesting and really well done and so, we're
2 reasonably comfortable.

3 Thanks.

4 VICE CHAIR COHEN: Thank you.

5 Maybe I just need to see somewhat of a
6 timetable in development. I don't know if
7 that was part of the submission earlier. I
8 don't recall seeing it. So, maybe that would
9 give me greater comfort in knowing that.

10 I understand your development
11 company, but as I said, it's just the time
12 seems ripe now and, you know, maybe you can
13 just explore that a little bit more based on
14 my reservations.

15 MR. MEISER: To explore that now
16 in a conversation or --

17 CHAIRMAN HOOD: No, we can explore
18 it when we get towards the end. If you want
19 to do some rebuttal in closing, we can do it
20 at that time.

21 Turn your mike on. Page 4 of the
22 supplement -- the phase plan.

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1 MR. BLANCHARD: On page 4 of the
2 supplemental, there is a chart that talks
3 about when different projects are coming
4 online and a lot of them --

5 CHAIRMAN HOOD: We have it.

6 MR. BLANCHARD: -- in the near
7 future.

8 CHAIRMAN HOOD: Good. Okay. All
9 right. Any other questions of the Office of
10 Planning or DDOT?

11 Does the Applicant have any cross
12 examination of either the Office of Planning
13 or DDOT?

14 MR. MEISER: And I apologize for
15 bringing it up when we were talking about the
16 bike path, but I did mention the reason from
17 a stormwater management standpoint why an
18 additional landscape buffer is problematic on
19 Parcel Q because that would affect the
20 functionality of the stormwater management
21 system in the bioswale. So.

22 MR. LAWSON: I would just note

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1 that is the first time I've ever heard the
2 argument that landscaping is contrary to
3 stormwater management. That may very well be
4 the case.

5 If so, we would very much
6 appreciate why? A description from the
7 landscape architect as opposed to from the
8 engineer because they'll have a different
9 standpoint of why landscaping is a worse
10 solution for stormwater management and
11 particularly creative onsite stormwater
12 management than asphalt would be.

13 CHAIRMAN HOOD: Okay. Vice Chair.

14 VICE CHAIR COHEN: I would just
15 like to point out that the parcels that are
16 the parking lots are not listed on page 4.

17 MR. BLANCHARD: Back and forth,
18 but there are so many parcels involved with
19 this 42-acre site that these other parcels
20 coming online will create parking demand for
21 the lots we're discussing.

22 VICE CHAIR COHEN: Okay. But, I'm

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1 still interested in what the proposed
2 development timetable is for the parking lot.

3 CHAIRMAN HOOD: Other than what
4 you've already -- I guess the parcels that
5 we're talking now. That's what she's
6 interested in. Is that on --

7 VICE CHAIR COHEN: Is that --

8 MR. BLANCHARD: And part of the
9 PowerPoint. It's actually slide 19.

10 CHAIRMAN HOOD: Okay.

11 MR. BLANCHARD: Which is up on the
12 screen, but there's a box at the bottom that
13 talks about these parcels.

14 CHAIRMAN HOOD: Okay. Okay. Does
15 the Applicant have any more cross examination
16 of the Office of Planning or DDOT?

17 MR. MEISER: No, sir.

18 CHAIRMAN HOOD: Okay. Let's go to
19 the report of Government agencies. I think
20 we've spoken on everything that we have. Did
21 I miss any agencies?

22 Okay. Report of ANC 6D. I don't

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1 see anyone present. So, I will take the
2 liberty and look at what their letter says.
3 They actually voted -- 6D voted 5 to 0 in
4 support of the above referenced application
5 and it's signed by Andy Litsky who's the Chair
6 of ANC 6D.

7 Do we have any organizations or
8 persons here in support?

9 Organizations or persons here in
10 opposition?

11 Okay. Mr. Blanchard, do you have
12 any rebuttal? Any closing by the Applicant?

13 MR. BLANCHARD: Just in rebuttal.
14 A quick rebuttal and then a closing.

15 We believe that the existing
16 north/south access road for a sidewalk and
17 gravel road is significant as far as providing
18 a bike connection and there is a substantial
19 landscaped buffer within the 100-foot area
20 between the Anacostia and the property line of
21 Parcel Q.

22 Those are really the only two

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1 points that I wanted to mention.

2 CHAIRMAN HOOD: Do you have a
3 closing?

4 MR. BLANCHARD: So, in closing, we
5 believe that we've satisfied the conditions of
6 1803.2 and 1804.2 of the Zoning Regulations
7 which require the Zoning Commission for the
8 construction of temporary parking lots within
9 the Southeast Federal Center Overlay CR and 5-
10 D and 5-E zoned districts in accordance with
11 the standards specified in Section 1808.

12 The development proposed the
13 continued use of the parking lots H/I and L
14 and the paving of Q will help to encourage and
15 support the retail that's coming online and
16 the residential that's there in Foundry Lofts.

17 These proposed lots are temporary.
18 We can only ask for five years to go back not
19 ten and as development of the property
20 progresses, these lots will be replaced with
21 residential and nonresidential buildings --
22 mixed-use buildings. I'm sorry. They're all

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1 mixed use.

2 Under 1808.2, the landscaping on
3 this as shown in the plan for Parcel Q is
4 significant. It's almost 25 percent. On H
5 and I, it's 8 percent. On L, it's 5 percent.

6 And most of the plant materials
7 are native to the region and would provide
8 relatively low maintenance, landscape screen
9 and provide a minimum of heat and glare
10 reduction and they're compatible, most
11 compatible with the landscaping requirement in
12 that section.

13 Under Section 3104.1 of the Zoning
14 Regulations, the parking lots will not cause,
15 we believe, any adverse effect on neighboring
16 or neighboring or nearby property and will
17 actually be in harmony with the general
18 purpose of the overlay. Which is to promote
19 development albeit on a staggered schedule.

20 In summary, the request for
21 permission to use Parcel L as a temporary
22 parking lot for 5 years and renew the approval

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1 of Parcels H and I and Q for 5 years will not
2 have any adverse impacts on the surrounding
3 properties and meets the objectives and
4 standards of the Forest City, I'm sorry, of
5 the Southeast Federal Center Overlay.

6 And we request the Commission's
7 approval.

8 CHAIRMAN HOOD: Okay. Thank you,
9 Mr. Blanchard.

10 Any follow-up questions up here?

11 I think we -- I'm prepared to go
12 right into a few deliberations. Is everybody
13 okay?

14 And this is proposed action. So,
15 we will have -- this is final. Oh, that's
16 right. Okay. I forgot what kind of case I
17 was doing. All right.

18 I really don't have a problem with
19 the parking space. I actually think that --
20 especially with the letter from the ANC being
21 a supporter of this and the 199 spaces in
22 Parcel Q and with the other developments going

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1 on, I actually think that's a good complement.
2 I think that's a good scheme.

3 I don't think it will -- I don't
4 know if I necessarily agree with this from
5 Department of Transportation. I think those
6 additional 39 spaces up to 199 spaces for a
7 temporary piece for the time being. It's
8 still moving. I don't see an issue with that.

9 I also would say and I'm glad to
10 hear Office of Planning had removed their
11 issue about the pathway, obstructing the
12 pathway on Water Street as opposed to this in
13 here. We have both our agencies. Maybe one
14 agency still having an issue and one not. I
15 would err on the side -- or go with the Office
16 of Planning on that issue.

17 And then, there was one other.
18 The north and south. I will yield to one of
19 my colleagues to speak on that, but I think
20 what's there is sufficient especially if that
21 will change. I don't think that that's going
22 to be -- it's only for 5 years if that long

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1 and I don't think that that's a major piece.

2 I think it gives clearance. I
3 don't know. My bicycle tires, I don't know if
4 some people ride on gravel or they don't. I'm
5 not an expert bicycle rider. At least not
6 yet. I'm working on it.

7 So, I think that this case is
8 ready. I think that there's a good scheme and
9 a good fit and especially with the concurrence
10 of the ANC and I will be moving forward in
11 supporting this application in force tonight.

12 Is there any other comments?

13 COMMISSIONER TURNBULL: I also am
14 in support.

15 Although, I did have some
16 reservations when Mr. Lawson talked about
17 getting a landscape architect or someone to
18 look at it. I mean it does seems counter
19 intuitive that some type of a buffer, a hedge
20 or something would be -- I mean I don't know
21 if it's a showstopper, but I'm just wondering.

22 I mean I think what they're

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1 concerned about is that there is a hedge or
2 something that's a buffer or something along
3 that edge and I may be -- I don't know where
4 we're deliberating ourselves and it's not
5 really a showstopper for me. But, I think I'm
6 in favor of going ahead with this, but I don't
7 know. I'm just throwing it out there. Does
8 that raise any issues for anyone else?

9 VICE CHAIR COHEN: Excuse me.

10 Yes, maybe the Applicant would be willing to
11 include that in the Zoning Order. Would you
12 be willing to? That buffer.

13 CHAIRMAN HOOD: What are we
14 saying? Let me ask this because we're
15 deliberating among ourselves right now and I'm
16 just curious. When you say include it, what
17 are we looking for?

18 VICE CHAIR COHEN: An agreement --

19 CHAIRMAN HOOD: The argument about
20 the --

21 VICE CHAIR COHEN: An agreement to
22 add it.

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1 CHAIRMAN HOOD: The landscaping
2 messing up the stormwater? I mean I'm trying
3 to figure out what is -- and I actually agree
4 with Mr. Lawson. I think if I didn't
5 misunderstand, you know, he said that was the
6 first time he's heard that argument. I've
7 been here long enough. There's a whole lot of
8 first-time arguments and I think that's a
9 bigger issue because that's something I've
10 never heard before either.

11 I'm not saying I agree or
12 disagree. I guess the engineer or somebody
13 will have to look at that. But, I'm not sure
14 what we will achieve by even putting in an
15 order. Maybe I'm missing something. What are
16 we achieving?

17 VICE CHAIR COHEN: Well, again,
18 this is a 5-year extension and I think what
19 you're achieving is much more aesthetic and
20 separation between the parking and the
21 walkway, bikeway.

22 CHAIRMAN HOOD: But, I thought

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1 that the Office of Planning had pulled that
2 issue, the buffer away.

3 VICE CHAIR COHEN: Maybe I just
4 didn't --

5 CHAIRMAN HOOD: You didn't?

6 VICE CHAIR COHEN: -- think they
7 did that.

8 CHAIRMAN HOOD: Yes. Yes. Yes.
9 I'd like for you to correct this because we
10 all seem to be in different areas. I must be
11 on another.

12 MR. LAWSON: Sure. Happy to. I
13 think there are kind of a couple of issues
14 being discussed right now.

15 The Office of Planning would
16 continue to still see additional buffer space
17 there.

18 When we opined I guess on the
19 issue of stormwater -- of additional landscape
20 buffer impacting stormwater management, to be
21 honest, I meant that more as an education tool
22 for us. It is something we haven't heard

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1 before. So, we'd be interested in knowing
2 more about how that could be the case.

3 I didn't mean that to sound like
4 it should be from an Office of Planning
5 standpoint anyways, as you put it, a
6 showstopper to the case itself.

7 So, I think the two issues the
8 Commission is discussing right now is do you
9 want that -- do you want that additional
10 information? I think we would be interested
11 in seeing that information.

12 And then I think Commissioner
13 Cohen is asking about whether or not the
14 buffer itself should be -- whether the
15 Commission should be including an additional
16 condition regarding the buffer in the order.

17 So, I think there are kind of two
18 issues you're discussing right now.

19 CHAIRMAN HOOD: But, Mr. Lawson,
20 that latter part, I thought you all had a
21 comfort level. You all were fine with that.
22 Am I right?

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1 MR. LAWSON: In terms of the
2 buffer space, we would continue to prefer
3 additional buffer space which we think will
4 serve a visual purpose. We continue to think
5 it would probably serve a stormwater purpose,
6 but certainly serve the visual purpose that
7 was our primary goal anyway. So.

8 CHAIRMAN HOOD: Okay. All right.
9 Anybody else? Commissioner Miller.

10 COMMISSIONER MILLER: Well, I'm
11 prepared to move approval with some conditions
12 if you think it's appropriate, Mr. Chairman.

13 I would include the additional --
14 let me just say what I would -- what I'm
15 prepared to do and see if there's support for
16 it.

17 I would move approval of the
18 Zoning Commission Case Number 13-03, Forest
19 City SEFC, LLC Overlay Review of Three
20 Temporary Parking Lots, Parcels H/I, L and Q,
21 Square 744, Lot 806; Square 771, Lot 800 and
22 Parcel Q with some of the conditions outlined

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1 by -- with two of the three conditions
2 outlined by the Office of Planning.

3 That there be landscape
4 restoration -- Conditions 1 and 3, landscape
5 restoration of all lots prior to approval for
6 construction of any new parking on Parcel Q
7 and their Condition Number 3, provision of
8 additional landscaping screening which we were
9 just talking about on the south end of Parcel
10 Q.

11 I think that's worded in a way
12 that can be general enough that they can do
13 what they need to do and get the parking that
14 they need to get and still have additional
15 landscape screening as requested by Office of
16 Planning.

17 And then one of the conditions --
18 adding also one of the conditions from DDOT
19 which the Applicant has agreed to. Which is
20 Parcel Q shall not operate as a parking lot
21 until such time that the existing surface
22 parking lot on Parcel N is no longer

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1 accessible.

2 So, Mr. Chairman, I would move
3 approval with those conditions, OP's
4 Conditions 1 and 3 and DDOT's Condition Number
5 2.

6 CHAIRMAN HOOD: Okay. It's been
7 moved. Is there a second?

8 COMMISSIONER TURNBULL: I could
9 second that. I'll second that.

10 CHAIRMAN HOOD: Okay. Is there
11 any other discussion? Any discussion?

12 So, we're looking at 199 spaces.

13 But, you know, let me just say
14 this. Mr. Lawson did ask for something and
15 I'd be interested about this. I think the
16 landscaping.

17 This was about -- I don't know how
18 we get that from this Applicant since he made
19 the statement. It would be something good for
20 the file I think or good for us. I don't know
21 if we can do that prior to anything.

22 Well, Mr. Blanchard is the type of

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1 guy that he will stick to his word. If we ask
2 for it, he'll get it to us.

3 VICE CHAIR COHEN: I think -- is
4 OP just asking for it for themselves or do
5 you --

6 CHAIRMAN HOOD: No, I actually
7 want to see it, too.

8 VICE CHAIR COHEN: After you take
9 a vote?

10 CHAIRMAN HOOD: You can share it
11 with us. Okay. We'll work that out.

12 MS. SCHELLIN: I mean once
13 action's taken, then --

14 CHAIRMAN HOOD: I believe Mr. --

15 MS. SCHELLIN: Are you putting it
16 as a condition in the record, in the order?
17 I mean what purpose do you want it for.

18 CHAIRMAN HOOD: Informational
19 purposes.

20 Mr. Blanchard, can you provide
21 that to us?

22 MR. BLANCHARD: Certainly.

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1 CHAIRMAN HOOD: Okay. I've been
2 known to -- Mr. Blanchard will provide it.

3 MR. BLANCHARD: Right. Certainly,
4 the Applicant is willing to talk to its
5 consultants and provide a response both to --

6 CHAIRMAN HOOD: And just for
7 informational purposes. If you could just
8 supply it to the Office of Planning. I'll get
9 it from them. Okay.

10 MR. BLANCHARD: My only concern is
11 that if you make -- and the Applicant's
12 willing to meet the condition of restoring the
13 plantings.

14 My question is if you make it a
15 condition of the order, how do you measure it?

16 CHAIRMAN HOOD: I don't think --
17 that was not a -- was that included in it?
18 That was not included in the condition.

19 MR. BLANCHARD: Okay. I thought I
20 heard Mr. Miller make that as well.

21 COMMISSIONER MILLER: The
22 additional landscape screening.

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1 CHAIRMAN HOOD: Oh, the additional
2 landscape screening, yes.

3 MR. BLANCHARD: Right. Restoring
4 the landscaping.

5 CHAIRMAN HOOD: But, we're talking
6 two different things.

7 MR. BLANCHARD: No, I'm going to
8 cover all --

9 CHAIRMAN HOOD: Isn't that
10 different from -- that's different from Mr.
11 Lawson's.

12 MR. BLANCHARD: And so, the third
13 condition of OP's, Mr. Miller's second
14 condition, is if we -- we would be glad -- the
15 Applicant would be glad to provide a response
16 on the feasibility of adding additional
17 screening at the bottom of Parcel Q.
18 Landscaping. Whether it's screening or
19 plantings.

20 The reservation we have about that
21 is what if the landscape architect says it's
22 not feasible or the engineer?

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1 CHAIRMAN HOOD: We're going down
2 the line where you want us to pull the motion
3 off the table and where you're going now until
4 we get some -- I was ready to move -- we were
5 ready to move forward. I just wanted you to
6 answer that bit I think that you talked about
7 where something would go away and it causes
8 harm to the -- what was it? The bio-retention
9 or something. That was all we wanted.

10 COMMISSIONER TURNBULL: I mean the
11 other option is that they come back on the
12 29th. Which is our next public meeting.

13 CHAIRMAN HOOD: Yes, that's where
14 we're going and I think he could give us that.

15 COMMISSIONER TURNBULL: With plans
16 that would show.

17 CHAIRMAN HOOD: So, do you have a
18 problem with a vision of additional landscape
19 screening on the south of Parcel Q adjacent to
20 The Yards?

21 MR. MEISER: Only if it negatively
22 affects the functionality of the bioswale.

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1 That's my only -- I would put in all the
2 landscaping I possibly could. But, the
3 experts and it's not a landscape architect,
4 it's an engineer who is working under DDOT --
5 DDOE standards says that adding landscaping
6 there will affect the flow of water off the
7 parking lot through the grass into the
8 bioswale. I'm not opposed to landscaping.

9 COMMISSIONER TURNBULL: Well, what
10 about if it's on the other side of the swale?

11 MR. MEISER: The swale at this
12 point is adjacent to the curb that you saw in
13 the picture. There's a sidewalk, the curb and
14 then the bioswale would be next to that.

15 CHAIRMAN HOOD: I must be
16 confused. Some of this is kind of going
17 together now for me. I thought it was two
18 separate issues, but now, it seems to me like
19 it's coming together.

20 I would suggest that we pull this
21 off until we ask for -- we take that -- unless
22 you want to take that out of there. I would

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1 suggest that we schedule this for a hearing
2 once we ask for some submissions. Where we
3 ask the Applicant to submit and get some
4 responses and give Office of Planning a chance
5 to do a supplemental. Once he speaks to his
6 engineer.

7 So, we can probably deal with as
8 an April the 29th case and in that way, we're
9 all, including me, will be clear as we move
10 forward. Okay.

11 So, we have a motion on the table.
12 Do we want to take that motion off the table?

13 COMMISSIONER MILLER: Yes, I'd be
14 happy to withdraw, Mr. Chairman, so that we
15 can get the feasibility of this. I wasn't
16 trying to affect the program on the parking
17 lot. So, it looks like it might only --
18 they're making an argument that it won't be
19 feasible unless they affect the program on the
20 parking lot. I wasn't trying to affect that.

21 So, I will withdraw my motion so
22 that we can get that additional information.

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1 CHAIRMAN HOOD: Okay. And the
2 second, will you repeal?

3 COMMISSIONER TURNBULL: I'll
4 withdraw the second.

5 CHAIRMAN HOOD: Okay. Now, Mr.
6 Lawson, can I ask you a questions? About the
7 bioswale, will you all be able to comment on
8 that?

9 MR. LAWSON: If the Commission
10 would like us to, we'd be happy to.

11 CHAIRMAN HOOD: Okay. All right.
12 Is that the only outstanding issue that we
13 have? Everything else we all agree. I think
14 even -- well, I can't say the Commission. I
15 don't know where we are. But, is that the
16 only outstanding issue that we have?

17 Okay. So, will the 29th be
18 sufficient, enough time? Ms. Schellin, can
19 you work out --

20 MS. SCHELLIN: It's going to be
21 tight. I mean we'll need their response
22 pretty quickly if we're going to allow time

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1 for OP to respond. We're going to need the
2 Applicant to provide an answer fairly quickly
3 in order to allow OP to respond. Otherwise,
4 we need to move to May 13th. To the May 13th
5 meeting.

6 CHAIRMAN HOOD: We also have some
7 hearings coming up. If we can do a special
8 public meeting because this shouldn't take us
9 no more than 15 minutes if that long. Didn't
10 somebody said that tonight? Didn't they?

11 MS. SCHELLIN: I mean as a --

12 MR. BLANCHARD: Mr. Hood, in the
13 alternative, can we go back to just agreeing
14 to add landscaping? Okay. To be clear.

15 MR. MEISER: To be clear, I'm
16 willing to add landscaping assuming it doesn't
17 affect the functionality of the bioswale. If
18 the DDOE is willing to sign off on the design
19 of the bioswale with the landscaping, I'm
20 happy to install it. But, if DDOE says that
21 this won't work, then I'm not sure how we
22 solve that.

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1 VICE CHAIR COHEN: I think then we
2 could just include that language that as long
3 as it conforms to the appropriate DD0E --

4 MR. MEISER: Standards.

5 VICE CHAIR COHEN: -- standards.
6 Yes.

7 MR. MEISER: I'm fine with that.

8 VICE CHAIR COHEN: OP's agreeable
9 to that. Yes.

10 MR. MEISER: I'm fine with that.

11 MR. LAWSON: It's the contingency
12 we can't control here.

13 CHAIRMAN HOOD: Right and I think
14 that that would be out of our hands to a point
15 anyway, but it's good that you would include.

16 COMMISSIONER MILLER: So, Mr.
17 Chairman, then I would remake the motion with
18 the conditions that I previously articulated,
19 but on the conditions regarding Condition
20 Number 3 of OP that refer to additional
21 landscape screening on the south end of Parcel
22 Q adjacent to The Yards Park if it complies

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1 with DDOE standards.

2 CHAIRMAN HOOD: Okay. Okay. It's
3 been moved. Get a second.

4 COMMISSIONER TURNBULL: I will
5 second it.

6 CHAIRMAN HOOD: Okay. It's been
7 moved and properly seconded. I shouldn't ask
8 this. Any further discussion? Okay. Good.

9 All those in favor?

10 (Ayes.)

11 CHAIRMAN HOOD: Any opposition?
12 Not hearing any. Ms. Schellin, would you
13 please record the vote?

14 MS. SCHELLIN: Yes, staff records
15 the vote 4 to 0 to 1 to approve final action
16 on Zoning Commission Case Number 13-03.
17 Commissioner Miller moving with the conditions
18 -- including Conditions 1 and 3 of OP's report
19 as long as Condition 3 meets with DDOE
20 standards and Condition Number 2 of DDOT's
21 report. Commissioner Miller moving.
22 Commissioner Turnbull seconding.

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1 Commissioners Hood and Cohen in support.

2 Commissioner May not present, not voting.

3 And I believe the Applicant's
4 going to provide some information on
5 stormwater to OP and OP will share that with
6 the Commission not with regard to this case,
7 but for informational purposes only.

8 MR. BLANCHARD: Yes, we will.

9 CHAIRMAN HOOD: Okay. I want to
10 thank everyone for their resolution and
11 working together as a team to get this done
12 tonight and with that, this hearing is
13 adjourned.

14 MR. BLANCHARD: Thank you.

15 (Whereupon, at 8:00 p.m., the
16 hearing was adjourned.)
17
18
19
20
21

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