

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: :
 :
 :
MidAtlantic Realty Partners : Case No.
LLC-Modification to PUD at : 06-14B
New York and Florida Avenues N.E.:
-----:

Monday,
March 07, 2011]

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

The Public Hearing of Case No.
06-14B by the District of Columbia Zoning
Commission convened at 06:30 p.m. in the
Office of Zoning 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
KONRAD SCHLATER, Vice Chairman
PETER MAY, Commissioner (NPS)
GREG SELFRIDGE, Commissioner
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)

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OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
STEVEN COCHRAN

The transcript constitutes the minutes from the Public Hearing held on March 07, 2011.

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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 Monday, March 7, 2011. My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner Selfridge, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning Staff, Ms. Donna Hanousek, Office of Planning Staff, Mr. Lawson and Mr. Cochran.

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. The subject of this evening's hearing is Zoning Commission Case Number 06-14B. This is a request by MidAtlantic Realty for approval of a PUD Modification for property located at New York and Florida Avenue NE, in Square 3585.

1 Notice of Today's hearing was
2 published in the D.C. Register on January 21,
3 2011, and copies of that announcement are
4 available to my left on the wall near the
5 door. The hearing will be conducted in
6 accordance with provisions of 11DCMR3022, as
7 follows: preliminary matters, Applicant's
8 Case, Report of the Office of Planning, Report
9 of Government Agencies, Report of the ANC who,
10 in this case is 5C, Organizations and Persons
11 in Support, Organizations and Persons in
12 Opposition, Rebuttal and Closing by the
13 Applicant.

14 The following time constraints
15 will be maintained in this meeting: the
16 Applicant 30 minutes, Organizations five
17 minutes, individuals three minutes. The
18 Commission reserves the right to change the
19 time limits for presentations if necessary and
20 notes that no time shall be ceded. All
21 persons appearing before the Commission are to
22 fill out two witness cards. These cards are

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1 located to my left on the table near the door.

2 Upon coming forward to speak to the
3 Commission, please give both cards to the
4 reporter sitting to my right, before taking a
5 seat at the table. When presenting
6 information to the Commission, please turn on
7 and speak into the microphone, first stating
8 your name and home address. When you are
9 finished speaking, please turn your microphone
10 off so that your microphone is no longer
11 picking up sound or background noise.

12 The decisions of the Commission,
13 in this case, must be based exclusively on the
14 public record. To avoid any appearance to the
15 contrary, the Commission requests that persons
16 present not engage the members of the
17 Commission in conversation during the recess,
18 or at any time. The Staff will be available
19 throughout the hearing to discuss procedural
20 questions. Please turn off all beepers and
21 cell phones at this time, so as not to disrupt
22 these proceedings.

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1 Will all individuals wishing to
2 testify please rise to take the oath? Ms.
3 Hanousek, will you please administer the oath?

4 MS. HANOUSEK: Yes, Commissioner
5 Hood. Do you solemnly swear or affirm that
6 the testimony you are about to give in
7 tonight's proceeding will be the truth, the
8 whole truth, and nothing but the truth?

9 (Whereupon, witnesses were sworn.)

10 MS. HANOUSEK: You may be seated.

11 CHAIRMAN HOOD: Okay. At this
12 time, the Commission will consider any
13 preliminary matters. Does the staff have any
14 preliminary matters?

15 MS. HANOUSEK: Yes. We have an
16 affidavit of maintenance that has been filed
17 and is in good order. And we have some late
18 filing from the Applicant.

19 CHAIRMAN HOOD: Okay. I guess
20 what we need to do is deal with that first.
21 Do we need to waive -- I guess we can waive
22 our rules, Commissioners, to accept the late

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1 filings. It looks like those may be some
2 renderings and they may answer some questions
3 that we might have. And we can maybe --
4 either it's going to make us ask more
5 questions, or it may cut the questions. So
6 let's see what happens. So any problems with
7 accepting the late filings? Okay. So
8 ordered. So Ms. Hanousek, if you don't mind,
9 you can pass that out.

10 Okay. Good evening. Ms. Batties?

11 MR. GLASGOW: Correct. I'm here
12 to assist only.

13 CHAIRMAN HOOD: This is -- this an
14 honor. I am so happy that Ms. Batties is
15 presenting. You know what, I'm still here and
16 you're presenting. I'm honored that you're
17 presenting. I don't know what's going to
18 happen.

19 MS. BATTIES: Can we bet on that
20 or anything?

21 CHAIRMAN HOOD: Pardon? Well,
22 that's good. Actually, it was good that you

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1 and, I think, Karas Freeman, I've seen you all
2 come in for years. It's good to see you
3 presenting.

4 MS. BATTIES: Thank you, very
5 much. I'm happy to be here.

6 CHAIRMAN HOOD: Okay. Let's get
7 started, Ms. Batties. Let's look at -- I
8 don't know why we go through this with Mr.
9 Sher. I really don't -- expert witnesses.
10 Mr. Sher has already been accepted before and
11 also Mr. Cabot -- is it Cabot?

12 MS. BATTIES: He's not here.

13 CHAIRMAN HOOD: Oh, he's not? Who
14 is it, Cohler?

15 MS. BATTIES: No. Mr. Marius
16 Radulescu.

17 CHAIRMAN HOOD: Okay.

18 MS. BATTIES: With SK&I Architects
19 will serve as an expert in architect and
20 design. It's my understanding that he has not
21 been qualified as an expert before by this
22 body. So we'd like to do that this evening.

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1 CHAIRMAN HOOD: Do you have your
2 transportation person here?

3 MS. BATTIES: No, we don't.

4 CHAIRMAN HOOD: Okay. So we won't
5 need to deal with that. Okay. Let's -- Mr.
6 Radulescu? Is that how you pronounce it?
7 Okay. Radulescu? Okay. I hope we don't mess
8 your name up too bad. You can come and join
9 them at the table if you'd like.

10 Let's see, Commissioners, let's
11 take some time to look at his resume. It was
12 attached. And I'll wait to hear some
13 comments. How do you pronounce your name
14 again?

15 MR. RADULESCU: Radulescu.

16 CHAIRMAN HOOD: Turn your
17 microphone on, please.

18 MR. RADULESCU: Radulescu.

19 CHAIRMAN HOOD: Radulescu?

20 MR. RADULESCU: Yes.

21 CHAIRMAN HOOD: Okay. Okay.

22 COMMISSIONER TURNBULL: Mr. Chair,

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1 I have a question.

2 CHAIRMAN HOOD: Yes?

3 COMMISSIONER TURNBULL: Mr.

4 Radulescu, are you a licensed architect?

5 MR. RADULESCU: Yes.

6 COMMISSIONER TURNBULL: In what
7 jurisdiction?

8 MR. RADULESCU: In the state of
9 New York.

10 COMMISSIONER TURNBULL: The state
11 of New York. Because you -- I'm just -- I'm
12 asking that because it doesn't really say in
13 your vitae here.

14 MR. RADULESCU: Oh.

15 COMMISSIONER TURNBULL: Okay.

16 Thank you.

17 CHAIRMAN HOOD: Okay. We really
18 run down the -- we really scrutinize that. We
19 don't just grant it. And I really lean on the
20 professionals -- experts on that. So we will
21 -- we will -- I think everyone's in agreement.

22 We will proffer him as an expert. He will be

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1 an expert witness. Okay. Ms. Batties, I
2 think that's it. You may begin.

3 MS. BATTIES: Good evening,
4 Chairman Hood and members of the Zoning
5 Commission. Leila Batties and Chip Glasgow
6 with the law firm of Holland and Knight,
7 representing the Applicant, MidAtlantic Realty
8 Partners, LLC. MidAtlantic Realty Partners is
9 represented this evening by Mr. Matthew
10 Robinson, who is the Senior Vice President for
11 Development.

12 Prior to our direct testimony, I
13 would like to just -- just a preliminary
14 matter of the item that was submitted into the
15 record this evening. This filing is
16 referenced in the Office of Planning report.
17 It's actually a response to the Office of
18 Planning report. It includes revised drawings
19 with minor enhancements to the building
20 facades and, in that letter, in that
21 statement, we also proffer -- we also include
22 a proffer regarding the distribution of

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1 affordable housing. It also includes
2 corrections to the floor area calculations for
3 the project.

4 With regard to the building
5 calculations for the project, please note that
6 the floor area for the office building has not
7 changed under this PUD modification. The
8 calculations for the residential and hotel
9 building, however, were corrected to include
10 5070 square feet of ground floor retail. And
11 that brings that building -- the residential
12 hotel building -- to a total floor area of
13 351,475 square feet. The total FAR for the
14 project -- with this change, the total FAR for
15 the project changes nominally from 7.06 to
16 7.08. And, however, the -- go ahead.

17 COMMISSIONER TURNBULL: Can we ask
18 you one thing? The drawings -- without
19 sounding too stupid, but these are different
20 than the ones we got for -- on December 17th?
21 The elevations?

22 MS. BATTIES: They are, in that

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1 they include frosted windows -- a frosted
2 window on the Florida Avenue building facade,
3 next to the loading dock. And then it also
4 shows frosted glass on the parking garage and
5 loading docks near Florida Avenue. So that
6 was the minor change requested by the Office
7 of Planning, that's reflected in those
8 drawings.

9 COMMISSIONER TURNBULL: Okay.
10 Well maybe Mr. Radulescu can go through those.

11 MS. BATTIES: Yes.

12 COMMISSIONER TURNBULL: Okay.
13 Thank you.

14 MS. BATTIES: Yes. So again, the
15 total FAR for the project changes slightly
16 from 7.06 to 7.08, with the correction in the
17 square footage for the residential hotel
18 building. However, the FAR for this parcel of
19 the PUD remains as originally approved, which
20 is at a 7.3 FAR.

21 Before proceeding with the direct
22 testimony of the witnesses, I would like to

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1 give a brief opening statement. The
2 Application before you this evening seeks a
3 modification of the PUD approved for the three
4 acre vacant site located at the intersection
5 of New York and Florida Avenues. The PUD,
6 known as the Washington Gateway, as originally
7 approved by the Zoning Commission, includes a
8 mix of office, residential, and hotel uses,
9 along with ground floor retail along the
10 Florida Avenue side of the project. The
11 approved project also includes a number of
12 public improvements, including the widening of
13 sidewalks adjacent to the subject property
14 along New York and Florida Avenues, a central
15 public plaza, and enhancements to the
16 Metropolitan Branch Trail. The public benefit
17 and amenities package also includes monetary
18 contributions that have already been made to
19 support several community programs. Mr.
20 Robinson will provide more details on the
21 project and the public benefits and amenities
22 package in his testimony.

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1 Under the proposed PUD
2 modification application, the office building
3 and the project benefits and amenities package
4 remain as originally approved. However, the
5 Applicant would like to have the option of
6 constructing dwelling units in lieu of the
7 approved hotel rooms. Specifically, under the
8 proposed residential option, 140 to 195 hotel
9 rooms would be replaced with approximately 160
10 dwelling units. And the project will have a
11 total of up to 430 dwelling units. In a
12 memorandum dated May 6, 2010, which was
13 attached as Exhibit I of the Application
14 Statement filed on May 17, 2010, the traffic
15 consultants for this project, Wells and
16 Associates, concluded that the proposed
17 residential option generates 13 fewer a.m.
18 peak hour trips and 17 fewer p.m. peak hour
19 trips than the approved PUD.

20 The Applicant presented the
21 proposed residential option to the community
22 in a series of meetings over the past two

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1 months. Specifically, we made presentations
2 to the Edgewood Civic Association, the
3 Eckington Civic Association, and ANC-5C. I
4 would like to acknowledge ANC Commissioner
5 Clark, who is here tonight. The PUD site is
6 within his single-member district and he was
7 also very helpful in guiding us through the
8 public community outreach process the second
9 time around. The proposal of the residential
10 buildings in lieu of the hotel rooms was well
11 received by the community. And the ANC voted
12 unanimously to support the PUD modification
13 application.

14 This concludes my opening remarks.

15 And, at this time, I will ask Mr. Robinson to
16 provide information about MidAtlantic Realty
17 Partners, the project components, including
18 the benefits and amenities package, and the
19 project history. After Mr. Robinson's
20 testimony, Mr. Radulescu will discuss the
21 project design and architectural elements,
22 including the changes that were made to the

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1 project since this -- since set down, in
2 response both to the Zoning Commission and the
3 Office of Planning. And finally, Mr. Sher
4 will close out the testimony with the planning
5 and zoning analysis for the project.

6 MR. ROBINSON: Thank you for the
7 opportunity to be before you today. My name
8 is Matthew Robinson and I'm the Senior Vice
9 President with MRP Realty, the developer for
10 the Washington Gateway project. My company
11 began working on the project back in 2005.
12 And that eventually led to the approval of the
13 Washington Gateway PUD, by the Zoning
14 Commission in February 2007. The PUD approval
15 is for a mixed use development consisting of
16 three separate components, approximately
17 229,000 square feet of residential,
18 approximately 120,000 square feet of hotel,
19 and approximately 601,000 square feet of
20 office space. The approved project has a
21 maximum building height of 130 feet and a
22 floor area ratio of 7.06. Also, it's required

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1 to have a minimum parking ratio of .6 spaces
2 per dwelling unit, .25 spaces per guest room
3 for hotel use, plus one space for every 300
4 square feet of floor area in either largest
5 function room, and then one space per 1800
6 square feet for every gross square foot of
7 office use.

8 The PUD order became effective in
9 June 29, 2007, and was valid for two years
10 from said date. And construction of the
11 originally approved project was to commence no
12 later than June 29, 2010. The difficult
13 financing market made construction capitol
14 impossible to obtain in 2009. And therefore,
15 we requested and were granted a two-year
16 extension of the approved PUD in 2009. This
17 had the effect of extending the PUD approval
18 to June 29, 2011, and extending the date for
19 construction to commence on June 29, 2012.

20 We are now before you today to
21 request a modification of the original PUD
22 approval to allow the option of either

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1 constructing the hotel component as originally
2 approved, or converting the hotel space to
3 residential, replacing approximately 177 hotel
4 rooms with up to 160 dwelling units. At this
5 time, the financing markets are opening up for
6 residential development. However, financing
7 hotel development is still challenging. The
8 option that we are requesting will allow the
9 flexibility to adapt the programmatic uses to
10 what can be financed.

11 Under the requested PUD
12 modification, the building height would remain
13 the same at 130 feet and the overall density
14 would remain approximately the same, 953,000
15 square feet. Parking would be provided at the
16 same ratios that were included in the original
17 PUD approval. The office building would
18 remain unchanged from the PUD approval. The
19 option to convert the hotel space to
20 residential would result in revisions to the
21 architecture in the building, that Marius will
22 explain in more detail shortly.

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1 Our team has presented the option
2 to convert the hotel to residential and both
3 the Office of Planning, as well as the
4 community at large. We've worked closely with
5 OP on addressing their concerns. Our team has
6 met with Edgewood -- with the Edgewood Civic
7 Association on January 24th, the Eckington
8 Civic Association on February 7th, and the
9 ANC-5C on February 15th. In each of these
10 meetings, the option to convert the hotel was
11 well received and each group has voted to
12 support the modification. The Applicant is
13 committed to maintaining affordable housing
14 within the project. Under the option to
15 convert the hotel component to residential,
16 eight percent of any converted space shall be
17 reserved for persons who's income does not
18 exceed 80 percent of the area median income.
19 These affordable dwelling units that are
20 generated by the conversion of hotel space
21 shall comply with Chapter 26 of the Zoning
22 code and shall be distributed in the building

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1 in conformance with the language proposed by
2 the Office of Planning.

3 Other community benefits include
4 \$100,000 in community contributions that were
5 funded by MRP shortly after the approval of
6 the PUD in 2007. These contributions include
7 \$50,000 contribution to the District of
8 Columbia Commission on the Arts and Humanities
9 for the arts related project for the Florida
10 Avenue Underpass, a \$25,000 contribution to
11 City Year to cover the five-year operating
12 cost for the Young Heroes' Program, a \$10,000
13 contribution to Emory Elementary School's
14 Student Activity Fund for field trips,
15 educational celebrations, audio-visual
16 upgrades and technological upgrades, a \$10,000
17 contribution to the Harry Thomas Community
18 Center for the purchase of and the
19 installation of a score board, and a \$5,000
20 contribution to the North Capitol Main Street,
21 Inc., for the development of a database for
22 the commercial retail properties in the

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1 organizations service area. In addition to
2 these contributions, the project includes
3 numerous onsite community benefits and
4 improvements. The New York Avenue sidewalk
5 will be widened from approximately four feet
6 to 23 feet, as well as improvements and
7 upgrading -- upgrade paving and additional
8 landscaping. A monumental stair will be
9 constructed that connects New York Avenue to
10 the central plaza in the middle of the
11 Washington Gateway Project. The Florida
12 Avenue sidewalk will also be widened to at
13 least 15 feet at its narrowest point, and will
14 include upgraded paving and landscaping.
15 Retail will be provided along the ground level
16 at Florida Avenue, in both the residential and
17 office buildings. The project includes
18 upgrades to the adjacent Metropolitan Branch
19 Trail, including upgrading the entire portion
20 of the trail adjacent to the property and
21 providing a continuous concrete wall base with
22 decorative metal fence along a significant

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1 portion of the Metropolitan Branch Trail
2 adjacent to the PUD. A three-story atrium
3 that functions as a connector between the
4 trail and the central plaza of the project
5 will remain and will be constructed to serve
6 as a special place dedicated to pedestrians
7 and urban cyclists. The Metropolitan Branch
8 Trail atrium will have space designated for
9 information about the trail and surrounding
10 neighborhoods, station maps, an automatic bike
11 tire pump, drinking fountain, plants, and
12 bicycle racks. An oversized elevator and
13 stair -- bike channel -- with bike channel
14 will allow cyclists and pedestrians to
15 conveniently get from the trail to the plaza
16 and to the streets beyond.

17 The project includes a number of
18 sustainable design features, concentrated on
19 elements that reduce or eliminate storm water
20 discharge into the District's combined sewer
21 system, including a planted green roof on the
22 residential hotel building, high reflectivity,

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1 low heat island effect sustainable roof
2 material design on the office building,
3 rainwater harvesting from the office building
4 roof, which will capture rain water in
5 cisterns for reuse in irrigation, window
6 washing, and other uses, in lieu of portable
7 water, Filtrara Storm Water bio-retention
8 Filtration System at catch basins around the
9 perimeter of the site, and the use of native
10 plant species. Also, the PUD will further
11 environmental injectives -- objectives, by
12 providing reserve parking -- reserved -- I'm
13 sorry -- car share plan, Zip Car, Flex-Car,
14 creating a significant connection to the
15 Metro-Rail Station and the Metropolitan Branch
16 Trail, thus promoting bicycle and pedestrian
17 activity and reducing the number of vehicular
18 trips and clearing the property of the gas
19 station underground tanks and contaminated
20 soil within the excavation area.

21 I'd like to thank you for your
22 time and I'll let you hear from Marius, from

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1 SK&I Architectural Design Group, who will
2 discuss the project design and architectural
3 elements.

4 MR. RADULESCU: Hello. I'm Marius
5 Radulescu at SK&I. We are the architects for
6 the project. And I would like to move to the
7 board so that I can present the project.

8 CHAIRMAN HOOD: Okay. Let's see
9 if we have the microphone. Oh, there it is.
10 Okay.

11 MR. RADULESCU: This is the site
12 plan. And it just shows the location of the
13 site. It's New York Avenue on the north,
14 Florida on the south, and the railroad tracks
15 on the east. This is the residential building
16 and these two buildings are the future office
17 buildings. The area delineated by this red
18 line is -- was the hotel portion. And this is
19 where the residential may be -- this east part
20 of the residential building. And over at this
21 board, there is a overall roof plan that shows
22 how the building looks on New York Avenue, the

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1 step-down towards Florida on the south. They
2 extended the roof plan and this is the green
3 roof over the retail area. I'll move to the
4 elevation site. Any questions about this?

5 CHAIRMAN HOOD: We'll probably ask
6 all of our questions at the end of the
7 presentation unless my colleagues chime in.

8 MR. RADULESCU: Okay. The overall
9 goals for the project, from the architectural
10 point of view, were to establish a gateway
11 since the location is a prominent one along
12 the eastern approach to downtown D.C. So
13 again, this is New York Avenue. And the
14 second goal is to redefine, if you will, the
15 urban edge of the site. Right now, the site
16 is -- basically, the center is vacant. But on
17 this edge, the eastern edge, there is a
18 railroad track. New York Avenue is a high
19 traffic avenue that changes into a bridge and
20 then, on the north, there are a couple of
21 semi-industrial buildings. One is the FedEx
22 then the Sirius XM Radio. And, on the south,

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1 there is a fast food restaurant and then the
2 ATF, I think. So, right now, the -- the whole
3 space, from the urban point of view, looks
4 fairly disorganized. We hope that the
5 building will achieve this -- not only the
6 gateway that I mentioned as -- as the
7 approach, but also it will redefine the street
8 and animate the street.

9 This is the elevation on the New
10 York Avenue. And that will be the high
11 portion, so that the bridge over the railroad
12 track, the approach from the east into
13 downtown, this is the office building and this
14 is the residential building. The only part
15 that changed from the previous submission is
16 this area where we used to have the hotel.
17 This is the elevation on the south. There is
18 minimal change on this side. And this is the
19 overall southern elevation, which as I said
20 will be the view oblique from the south -- the
21 ATF side across the Florida Avenue all the way
22 into the site.

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1 On this board, there is a side-by-
2 side comparison between the previous
3 submission and the current one. So this is
4 the approved submission and this is the
5 proposed. And this will be the New York
6 Avenue. This will -- this is the Florida
7 Avenue straight on. The approved and the
8 proposed. And this is the south overall
9 elevation. So again, looking from the ATF
10 across Florida Avenue. The approved proposed
11 and the approved proposed -- those -- the last
12 elevations is the site elevation as you would
13 approach New York Avenue coming from the east
14 and going downtown. So again, on the left
15 side of either board is the approved and on
16 the right hand side is the proposed building.

17 As I mentioned, the only change here is on
18 this half, which is represented by this leg of
19 the plan. And on the -- both the boards,
20 there's virtually no change. The only change
21 that appears is probably a function of how the
22 drawings were -- were done -- were produced.

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1 Even the -- the color scheme and overall
2 materials are the same.

3 This is a southern view. This is
4 the residential building. The two office
5 buildings and the railroad tracks, and that is
6 Florida Avenue. In between the three
7 buildings, there is a pedestrian plaza --
8 elevated plaza, and this plaza connects
9 Florida Avenue through New York Avenue. So
10 you can walk, actually, down from let's say
11 the midpoint of the -- the bridge, not that
12 span but only the midpoint of the development
13 and connect to Florida Avenue. So that --
14 that will enhance the pedestrian experience on
15 that avenue. This is the same view, the
16 street level. So this is the residential
17 building and the two office buildings that you
18 see here.

19 And what I have here is the
20 material board, which shows the range of the
21 finishes that we would like to use on the
22 outside. On New York Avenue is mainly tan

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1 brick, glass, and mirror pane. The base of
2 the building will be a more solid material,
3 masonry in different finishes, alternating
4 with the ground face, with polished. The rest
5 of the building is mainly red brick, glass,
6 and metal.

7 MS. BATTIES: Marius, can you talk
8 about the changes in the plans between the
9 plans that we submitted tonight and the ones
10 that we submitted in January?

11 MR. RADULESCU: Yes. The change
12 is basically concentrated on this area -- this
13 is a service access and the other change is
14 the garage entrance. What we did is to
15 supplement that edge and to -- by - by having
16 -- for this is a garage door, that is not your
17 typical metal. It's basically aluminum and
18 glass which has opaque in the clear glassed in
19 part. So as you're on the street, there's a
20 more friendly experience. Also, what they do
21 have is a -- is a window. So, during the
22 evening hours, you'll see light filtering

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1 through the building onto the site and you
2 know, giving that more light -- giving more
3 presence to the building by making the
4 pedestrian experience more pleasant. And we
5 extended the same finishes for this garage
6 door to the two parking garage doors. So we
7 have again, aluminum, glass, which alternates
8 between frosted and clear. And the
9 alternation is not for privacy. It's just to
10 -- to be more joyful or more detailed than the
11 typical garage door. So those are the only
12 two changes.

13 CHAIRMAN HOOD: Could you go ahead
14 and pass the material board up? We'd like to
15 touch them and --

16 MR. RADULESCU: Sure.

17 CHAIRMAN HOOD: Some of us like
18 to. All right. Thank you.

19 MR. SHER: Good evening Mr.
20 Chairman and members of the Commission. For
21 the record, my name is Steven E. Sher, the
22 Director of Zoning and Land Use Services with

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1 the law firm of Holland & Knight. The
2 Commission, in approving the original PUD,
3 issued a very detailed order, 21 pages long,
4 back in 2007, in which it went through all of
5 the various elements that -- that it usually
6 does in a case like this, consistency with the
7 Zoning regulations, consistency with the
8 Comprehensive Plan, and -- and all of the
9 findings and conclusions that would support
10 the decision. As you have heard from previous
11 witnesses, what this case is about is a
12 relatively small change to the overall
13 package. What it is we seek to do is to take
14 that portion of the project which was a hotel
15 and make it an apartment house. And if -- on
16 page -- let me get to the right page here --
17 on page -- starting on page four and going on
18 to page five, I've -- I've gone through the
19 uses, the buildings, the height, the FAR, the
20 parking and the loading, and, on each one,
21 compared what was approved to what is now
22 proposed to be modified. And so I think

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1 you've heard some of that description from Mr.
2 Robinson and you've heard some of it from Mr.
3 Radulescu. I'm not going to repeat all of
4 that. Essentially, again, what we have is a
5 project that's still at 130 feet. It's at
6 7.08 FAR instead of 7.06 FAR. Instead of
7 having approximately 195 hotel rooms, we now
8 have -- and 270 apartment units, we now have
9 430 apartment units. The analysis of the
10 amenities package is essentially the same as
11 -- as was previously stated. We're going to
12 take the additional amount of -- of space to
13 be devoted to residential, over and above what
14 was previously proposed, and take eight
15 percent of that and have it comply with all of
16 the IZ Standards. I think that's all I need
17 to say about this. We have done a -- a pretty
18 comprehensive assessment in all of the written
19 documents. But I think, as far as the
20 Commission is concerned, what we have before
21 you is a request to have an alternative that
22 we may proceed with the plan, as originally

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1 proposed, or that we may proceed with the plan
2 which takes the hotel out and -- and has all
3 residential uses in its place. Thank you,
4 very much.

5 MS. BATTIES: This concludes our
6 direct presentation, Mr. Chairman. And we're
7 available for any questions.

8 CHAIRMAN HOOD: Okay. Some kind
9 where we're getting feedback. I don't know if
10 we have too many mikes on. Or maybe that's
11 the bad mike. Is that the bad mike? One of
12 those mikes down there is bad. I think that
13 might be the one. That's probably what the
14 issue is.

15 Let me ask a few questions. Ms.
16 Batties, the -- you mentioned ANC. I know we
17 have Commissioner Clark here. And I also know
18 that the Edgewood Civic Association -- how
19 many people were in attendance when this was
20 presented? Was it all done at the ANC
21 meeting, or was it done separately?

22 MS. BATTIES: There were three

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1 separate meetings. The Eckington Civic
2 Association was probably the smallest crowd.
3 But the Edgewood Civic Association and the ANC
4 meetings were both very well attended.

5 CHAIRMAN HOOD: And which one is
6 -- I think -- I don't want to get into this
7 because this has happened once before.
8 Eckington -- and does Eckington and Edgewood
9 overlap?

10 MS. BATTIES: No.

11 CHAIRMAN HOOD: Okay. Which one
12 is this in? Which area?

13 MS. BATTIES: Oh. This one is
14 closer to the Edgewood Civic Association.

15 CHAIRMAN HOOD: Now, you can't
16 tell from the water. Is that -- I can wait
17 and ask him.

18 MS. BATTIES: Okay.

19 CHAIRMAN HOOD: I'll just ask
20 Commissioner Clark. Okay.

21 MS. BATTIES: They don't -- I
22 mean, they operate separately. So I don't --

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1 I don't want to get too much into the --

2 CHAIRMAN HOOD: Right.

3 MS. BATTIES: -- politics between
4 the two. But we had to make presentations --

5 CHAIRMAN HOOD: To all of them.
6 To both of them.

7 MS. BATTIES: -- to all of them.
8 That's what was recommended to us.

9 CHAIRMAN HOOD: Okay. How many
10 were at the presentation to Edgewood?

11 MS. BATTIES: Oh, it was a crowded
12 room. Probably 30 or 40 people maybe.

13 CHAIRMAN HOOD: Okay. Okay.

14 MS. BATTIES: Okay.

15 CHAIRMAN HOOD: And then it was
16 also presented to 5C?

17 MS. BATTIES: Correct. And that
18 was also a crowded room.

19 CHAIRMAN HOOD: Was Chairperson
20 Edwards there?

21 MS. BATTIES: Yes.

22 CHAIRMAN HOOD: Okay. All right.

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1 Since I've started, Mr. -- I'm going to call
2 you by your first name like everybody else.
3 Let's make it real informal. But anyway, I
4 wanted to ask you about the New York Avenue
5 experience. Can you put that back up?
6 Because I'm just trying to understand the New
7 York Avenue experience. I'm thinking about
8 the New York Avenue pedestrian experience.
9 Was that the one -- I think it was another
10 rendering. But I'll take your word for it. I
11 think it was another rendering where you were
12 showing how you could get to -- I guess
13 pedestrian mall, or is that what it was? Yes,
14 the pedestrian mall.

15 MR. RADULESCU: Yes. This --

16 CHAIRMAN HOOD: That's not exactly
17 the one I'm looking for. You spoke about how
18 you get the experience with the New York
19 Avenue pedestrian experience. That's it.
20 That's it. That's it. Can you just go back
21 over that? I started to interrupt you, but I
22 didn't want to interrupt your presentation.

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1 MR. RADULESCU: Yes. So this view
2 is from Florida Avenue, looking into this
3 plaza. So there's New York Avenue and there's
4 the view into the plaza. So what they do have
5 is from Florida Avenue, which is fairly
6 extensively landscaped, there is a stair which
7 leads into this park. So -- so there's a
8 pedestrian connection. You can walk down into
9 the plaza and then to Florida Avenue without
10 doing that. You can just --

11 CHAIRMAN HOOD: So if I'm -- if
12 I'm coming down New York Avenue --

13 MR. RADULESCU: If you're coming
14 down New York Avenue, so in this view -- so --
15 so if you walk down, right around this point
16 would be a stair that would lead you down into
17 the plaza.

18 CHAIRMAN HOOD: Oh. Okay. Right.
19 Okay. That's all the questions I actually
20 have. Any other questions? Who'd like to
21 start off or continue? Vice Chairman
22 Schlater?

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1 VICE CHAIRMAN SCHLATER: Thank
2 you, Mr. Chair. I think my first question has
3 to do with there was some back and forth in
4 the filings regarding affordable housing units
5 and their distribution within the building.
6 And I think where it ended up is that now more
7 -- on floor shall not have over 50 percent
8 affordable units. And I guess my question is,
9 is that -- is that a target to have 50 percent
10 of certain floors as affordable units?
11 Because it appears -- that number feels high.
12 It feels like an over concentration of
13 affordable units on any given floor.

14 MS. BATTIES: That proffer was
15 actually made in response to the
16 recommendation of the Office of Planning. So
17 --

18 VICE CHAIRMAN SCHLATER: Because,
19 if you do the math on that, and I could be
20 doing the math wrong, but for eight percent,
21 that means you could have the affordable units
22 on the first, second and a portion of the

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1 third floors, and then have no affordable
2 units on four through 14. And so, I don't
3 know. Maybe I can ask the Office of Planning
4 how that conforms with the inclusionary zoning
5 regulations.

6 MR. COCHRAN: This case is not
7 under inclusionary zoning.

8 VICE CHAIRMAN SCHLATER: But, in
9 the statement, it said they would conform with
10 the regs.

11 MR. COCHRAN: But, we would prefer
12 to have a -- a broader distribution of the
13 units. You recall that, in past years, you've
14 actually asked for the applicant to provide
15 the location of the units in projects that are
16 not involving local or federal funding.

17 VICE CHAIRMAN SCHLATER: I could
18 be mistaken, but I read somewhere in the
19 filings that the Applicant agreed to adhere
20 and conform to the inclusionary zoning regs
21 with respect to the distribution, location,
22 and mix of affordable units. So I guess I'm

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1 curious. I don't recall, off the top of my
2 head, how that --

3 MS. BATTIES: Mr. -- Commissioner
4 Schlater.

5 VICE CHAIRMAN SCHLATER: Yes?

6 MR. COCHRAN: Excuse me. Let me
7 just finish the answer to the question. At
8 one point, the Applicant -- one of the
9 Applicant's documents had said that no -- no
10 one floor would be 100 percent affordable.
11 And we just said no. This isn't acceptable.
12 And that's -- and having talked about it with
13 my colleague who helped develop the IZ
14 regulations, we -- we agreed that -- to say up
15 to but not including 50 percent would comport
16 with the IZ regulations.

17 VICE CHAIRMAN SCHLATER: It would?

18 MR. COCHRAN: It says a
19 preponderance. Or I believe that's the word
20 that's used in the IZ regs.

21 VICE CHAIRMAN SCHLATER: Okay.

22 MS. BATTIES: Commissioner

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1 Schlater, if I can just add. What Mr. Cochran
2 is referring to, when we had this project
3 approved originally in 2006, prior to IZ, the
4 Applicant did make a proffer that said
5 affordable apartment units shall be
6 distributed vertically and horizontally
7 throughout the residential building, except
8 for the top three floors. No floor shall be
9 comprised of 100 percent affordable units.
10 And so, in response to that, Mr. Cochran or
11 the Office of Planning wanted to make sure
12 that there was still not an over-concentration
13 of affordable units on any one floor. And I
14 believe that's where the 49 percent threshold
15 came from.

16 VICE CHAIRMAN SCHLATER: To me, it
17 just -- I mean, we see a lot of projects come
18 through. I understand that this project is
19 not subject to inclusionary zoning and it,
20 from what it sounds like, the proffer is in
21 conformance with those regs anyway. But 50
22 percent of any one floor being affordable, you

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1 know, from my perspective, is over
2 concentrated. That's just my take on it. But
3 I can move on in my questioning.

4 The -- we set this case down a
5 while ago, June 26, 2010. Why the delay in
6 the hearing?

7 MR. ROBINSON: Okay. We -- we
8 were working through a recapitalization of the
9 project. And so we brought in a new capital
10 partner. And that occurred in November. And
11 that's when we started back up and continued
12 in full force on the PUD modification.

13 VICE CHAIRMAN SCHLATER: The PUD
14 expires in June 2011, correct?

15 MS. BATTIES: Correct.

16 VICE CHAIRMAN SCHLATER: And if it
17 moves forward, is it going to be a single
18 phase construction or multiple phases?

19 MR. ROBINSON: It is intended for
20 -- most likely be in multiple phases.

21 VICE CHAIRMAN SCHLATER: Okay.
22 And what's the schedule -- the working

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1 schedule for construction right now?

2 MR. ROBINSON: That we would
3 construct the residential or residential hotel
4 component first.

5 VICE CHAIRMAN SCHLATER: Okay.

6 MR. ROBINSON: And that would
7 include the plaza, the monumental stair, and
8 some of the other public amenities with that.
9 And then the office, based on -- would be
10 constructed, based on market -- marketability
11 and pre-leasing of the space.

12 MS. BATTIES: And, if I may add,
13 since we're on this topic, it is our
14 intention, if the Commission is so inclined to
15 approve this application, we would file, in
16 fairly short order, an application to extend
17 the PUD to give the Applicant time to prepare
18 drawings for the residential option and then
19 file the building permits. So that would be
20 coming before you very soon.

21 VICE CHAIRMAN SCHLATER: Okay.
22 Thank you. And so the schedule for

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1 construction on the -- you're not going to
2 meet the building permit deadline in June
3 2011, I guess is the --

4 MR. ROBINSON: We -- we actually
5 have drawings -- permit drawings available for
6 the hotel and residential component piece. So
7 we could make that submission.

8 VICE CHAIRMAN SCHLATER: So you
9 could get it in? How does the order address
10 the phased construction of the project from a
11 schedule standpoint?

12 MR. SHER: Mr. Vice-Chairman,
13 since I handled the case back at that point in
14 time, we have worked with the Zoning
15 Administrator in the past when you have a
16 large site like that, we would -- we're going
17 to be staging on the site. And so you -- we
18 always envisioned that the -- the residential
19 hotel would go first, back at that point in
20 time. So you're a couple years in
21 construction. You pull everything off, and
22 then you would keep -- there would be

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1 continuous construction. But, because of the
2 size of the project, it would be going -- the
3 construction on the site would be going on, I
4 guess, about four years or so.

5 VICE CHAIRMAN SCHLATER: Once you
6 pull the permit and then start construction a
7 year later, does that fulfill your timing
8 requirements under the order?

9 MR. SHER: Yes. As long as we are
10 diligently pursuing the construction of the
11 project. And I think, as opposed to projects
12 where you're saying well, we are asking for a
13 specific phasing plan --

14 VICE CHAIRMAN SCHLATER: Yes.

15 MR. SHER: -- it -- you've got a
16 project that's 950,000 square feet --

17 VICE CHAIRMAN SCHLATER: Big
18 project.

19 MR. SHER: Big project. You're
20 not going to start on it all at one period of
21 time. We were looking at you would build the
22 first -- the -- the hotel residential piece

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1 or, if you all were so inclined, the
2 residential piece.

3 VICE CHAIRMAN SCHLATER: Yes.

4 MR. SHER: Then we would pull off
5 and then start building the -- we were hoping
6 that the office market, by that point in time,
7 would have gotten to a point where we've got
8 at least part of the site pre-leased and can
9 build part of it. And then either build the
10 whole piece of it or one of the two office
11 buildings.

12 VICE CHAIRMAN SCHLATER: Okay.
13 Thank you. Last question has to do with
14 ownership of the various parcels. I saw a
15 footnote in there that a portion of the site
16 had been conveyed to the District of Columbia
17 and WMATA. What impact does that have --
18 maybe this is a good question for -- well, the
19 attorneys. Is -- does that have on the zoning
20 analysis with the PUD? The fact that those
21 parcels are no longer under ownership.

22 MS. BATTIES: It doesn't. It does

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1 not have an impact on the zoning analysis at
2 all.

3 VICE CHAIRMAN SCHLATER: Are those
4 parcels encumbered by the Pipe Covenant?

5 MS. BATTIES: Yes. And they are
6 signatories to the Covenant.

7 VICE CHAIRMAN SCHLATER: Okay.
8 Great. Thank you, very much.

9 CHAIRMAN HOOD: All right. Thank
10 you, Vice-Chair. Who would like to go next?
11 Commissioner May?

12 COMMISSIONER MAY: Can you explain
13 -- I understand there is a -- there is some
14 sort of a change in the roof set backs. Can
15 somebody explain that to me?

16 MR. RADULESCU: I think that, on
17 the previous version, the length of the
18 mechanical penthouse was I think maybe out to
19 here. So there is a reduction in the overall
20 length of the mechanical penthouse.

21 COMMISSIONER MAY: And that's the
22 only thing that changed?

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1 MR. RADULESCU: Yes.

2 COMMISSIONER MAY: Okay. There is
3 an indication that something went from six
4 feet to 16 feet and something went from 12 to
5 10 foot 11 inches. That's in the Office of
6 Planning's version of it. Is that incorrect?

7 MS. BATTIES: With the variances.

8

9 COMMISSIONER MAY: The relief?

10 MS. BATTIES: I'm sorry. The
11 relief that's requested. I think that's what
12 he's referring to.

13 MR. RADULESCU: I really don't
14 know without the -- without the old plans, I
15 really don't -- don't remember the numbers.

16 COMMISSIONER MAY: Okay. Well,
17 maybe I can get clarity from the Office of
18 Planning when they make their report. I guess
19 my -- my key question is there were a couple
20 of spots where the relief is -- oh, okay. I
21 was just trying to figure out what the
22 previous distances were. And I'm looking in

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1 the -- at the original project file, I guess.

2 And those look like it's -- it looks like
3 it's the same set-backs, 10 foot 11 and 16'1".

4 Okay. So I guess -- I mean, I was concerned
5 because 10 foot 11" is -- is simply too short.

6 But it was previously approved. So I won't
7 make an issue of it.

8 What is the length of that stair
9 that's coming down from New York Avenue into
10 the plaza? I know this is not really part of
11 what's changing. I'm just curious about it.

12 MR. RADULESCU: I think that the
13 difference in elevation is about 15 feet.

14 COMMISSIONER MAY: Okay.

15 MR. RADULESCU: I don't know the
16 length, but I can make a few calculations.

17 COMMISSIONER MAY: I can figure it
18 out. Yes. I can calculated that too. Just
19 out of curiosity, in the process of developing
20 this project, did anybody ever talk to you
21 about not having the loading and parking
22 entrances right at the point of the building?

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1 I mean, this is like -- this is a totally
2 internally focused site and I'm just curious
3 as to why -- why, on the -- on that prominent
4 point of the project, you've got entrance to
5 the parking garage and entrance to the loading
6 dock?

7 MR. ROBINSON: There's -- the way
8 the site configures, it's -- it was -- there
9 were a lot of different options looked at.
10 And that was the only way to service that
11 building. It ends up becoming underground at
12 that point. And how do you service the retail
13 at that level with loading.

14 COMMISSIONER MAY: Yes.

15 MR. ROBINSON: And, with the
16 hotel, there is a decent amount of through put
17 through the loading dock. And that was --
18 other than putting it on the plaza, which the
19 front doors have to go there if retail joined
20 Florida Avenue. So there was no other
21 location. The office loading went into the
22 plaza.

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1 COMMISSIONER MAY: Okay. Well,
2 that's not really the subject that we're here
3 for. But I think the building is backwards.
4 Anyway, thanks.

5 CHAIRMAN HOOD: Okay. Thank you,
6 Commissioner May. Commissioner Turnbull?

7 COMMISSIONER TURNBULL: I can
8 agree -- I agree with Commissioner May on a
9 lot of his -- his statements on the site with
10 the curb cuts. I'm curious. I guess what's a
11 little disturbing a bit, or just -- I mean,
12 it's a very flat building. It was a flat
13 building to begin with, for the most part. I
14 mean, it was very planer. But the -- the
15 changes now look like they have lost all of
16 their sort of accentuation. It's just -- it's
17 become even more flatter and longer. And the
18 red brick has increased tremendously on the
19 south elevation. And it's just like a
20 hospital addition that's been added on. It's
21 just growing like crazy and I'm -- is there
22 any way to offer some relief. It's just -- it

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1 looks like it's just lost even whatever
2 character it had. The end piece over there on
3 the north elevation, that's gone. And now
4 you've just continue it. And then it looks
5 like you've added -- you're trying to accent
6 like eight rooms or something like that by --
7 I -- is that what you're doing, just to
8 highlight some of that?

9 MR. RADULESCU: Well, the short
10 answer is yes. But I would like to address
11 your questions. The length of the building is
12 the same. This bay is actually the same
13 appearance. There is a difference in those
14 drawings, versus that. And it is more of a
15 function of how this one was produced. But
16 again, this portion of the -- and the panel of
17 the glass is the same. But the color -- even
18 the composition we have a base -- we have an
19 end point, and I have a dot, which is actually
20 somewhat more articulated on these drawings.
21 Now, there is a marked difference here. And
22 that is a function of the program. The hotel

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1 has a short simulated ceiling there. So
2 therefore, the floors do not align.

3 COMMISSIONER TURNBULL: Right.

4 MR. RADULESCU: So the floors
5 actually, today they're being like that. That
6 was not something that we really wanted. But
7 it was necessary part of the of these because
8 the program was different and the construction
9 was different when truly there isn't really
10 very different. I think that this building is
11 very well defined now. Though it misses let's
12 say for the plans look. So the relief is --
13 but, in reality, you will not experience this
14 view because, first of all, you're looking at
15 it and it doesn't matter to go that far to see
16 that building in its entirety. They will see,
17 especially with the high traffic, you will see
18 the building here in acute angles, you know,
19 have just a brief view of it to get acquainted
20 and to be -- well for lack of a better thing,
21 impressed by the building. Now, this may seem
22 a little smaller. but I think that is a

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1 project site. So, in the building that you
2 see fully askew, that projection out has more
3 lead than all the fluent design that you see
4 in this building.

5 COMMISSIONER TURNBULL: So are
6 those more expensive rooms?

7 MR. RADULESCU: For that -- I'm
8 not privy to the rents.

9 COMMISSIONER TURNBULL: Well, how
10 about on the south elevation?

11 MR. RADULESCU: Yes?

12 COMMISSIONER TURNBULL: You've got
13 the same thing going on. You've got what was
14 the hotel. And I understand all about the
15 hotel, the design, the sizes and the rooms.
16 I'm just thinking that, because of different
17 programs, there was a little bit more
18 articulation to the building. And I think,
19 with the change in program, you sort of lost
20 -- it just seems a little bit repetitious of
21 the same thing. And I know you're just
22 looking to unify it. But it just --

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1 MR. RADULESCU: It seems to be
2 because this half is -- is different. And
3 that wall here seems to have the same program.

4 The windows are the same. The only thing I
5 would add that I think that should not be a
6 problem is that the fact that you had this bar
7 that you see actually here -- oh, sorry --
8 that you see on these drawings. So, from --
9 looking from Florida Avenue, your view would
10 be broken by this element. So you'll never
11 see those two things together. And I will
12 preserve as much as we could from the original
13 concept. The yellow tan or the tan brick from
14 New York Avenue wraps around the top and again
15 the base. So we have a floating effect that
16 you see on Florida Avenue. So yes, while the
17 two halves looks more similar now, there is
18 this brick that will now disappear.

19 COMMISSIONER SELFRIDGE: How long
20 is that break?

21 MR. RADULESCU: That's about 120
22 feet.

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1 COMMISSIONER TURNBULL: Yes.

2 Well, I know we struggled with this two years
3 ago or three years ago. And I -- and, at that
4 time, I think the final solution was the one
5 that's the proposed one. And I -- to me, it
6 just seems like it's gotten a little flatter
7 since then. And I'm just struggling with
8 that. It's just --

9 MR. RADULESCU: So as this
10 prospective illustrates, once you see that,
11 you don't see the other side.

12 COMMISSIONER TURNBULL: Are there
13 less balconies on the newer version or are
14 they smaller balconies on some of the units?

15 MR. RADULESCU: I think that they
16 have the same -- same amount and probably the
17 same size.

18 COMMISSIONER TURNBULL: Look at
19 the south elevation. Where they grey is, the
20 balconies there look very large. And then you
21 go to a smaller balcony. Maybe it's just the
22 angles changed.

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1 MR. RADULESCU: Well, that's true.

2 On the other hand, those are larger and they
3 have all that row that here doesn't exist.
4 The length here is longer than that. So I
5 feel that, overall -- I feel like they will
6 not be allowed to actually make the balconies
7 smaller. I mean, the client, I think, is
8 fairly strict on that. So, it may look like
9 there is more here, but maybe they -- I'm sure
10 that is a compensatory effect somewhere else.

11 COMMISSIONER TURNBULL: Okay.
12 Thank you.

13 VICE CHAIRMAN SCHLATER: I just
14 wanted to say this building reminds me of View
15 14 on 14th Street at Florida Avenue. And I
16 think it's a very popular building. So -- and
17 I do -- I do like that building. I hope it's
18 -- I hope it turns out as nice.

19 CHAIRMAN HOOD: Any other
20 questions? Oh, did you ask a question?

21 VICE CHAIRMAN SCHLATER: I did.
22 I'm good.

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1 CHAIRMAN HOOD: Okay. We all
2 straight? Any other questions? Okay. At
3 this time is the time for Commissioner Clark,
4 if you have any cross-examination of the
5 Applicant. This is not your presentation.
6 But if you want to ask the Applicant any
7 questions about anything you weren't sure or
8 did they present something at the ANC meeting
9 that you heard different here tonight. If you
10 have any questions or something you want to
11 ask the Applicant, this is the time to do
12 that.

13 COMMISSIONER CLARK: I do not.

14 CHAIRMAN HOOD: Okay. Let the
15 record reflect that Commissioner Clark
16 mentioned from the audience that he did not
17 have any cross-examination questions. Okay.
18 Let's go to the Office of Planning's report.
19 Mr. Cochran?

20 MR. COCHRAN: Thank you, Mr.
21 Chair. OP recommends that the Commission
22 approve the requested modification. Prior to

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1 OP's filing its final report on February 25th,
2 the Applicant had satisfactorily addressed all
3 the questions and the issues that had been
4 raised at set down by the Commission or OP.
5 The additional information presented by the
6 Applicant today, plus a photograph that they
7 submitted to us, but not seemingly to you, of
8 the -- the glass facade at View 14, to show
9 more detail, all of that does satisfy the four
10 concerns that OP had raised after set down.
11 The Applicant has clarified the proposed
12 square footage and the FAR of the proposed
13 residential alternative. The corrections are
14 very minor. And the revised FAR would fall
15 well within what would be permitted as C2-C
16 PUD. So given all of this, the OP is prepared
17 to stand on the record and to answer any
18 questions the Commission may have.

19 COMMISSIONER MAY: Okay. I am
20 still confused by the roof set back. Has that
21 changed?

22 MR. COCHRAN: Okay. As the

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1 Applicant explained to me, in response to one
2 of the Commissioner's concerns about the
3 length of the roof structure, it was shortened
4 approximately --

5 COMMISSIONER MAY: Okay. But
6 that's -- that's between when it was set down
7 in June, for the modification, and today.
8 Right? But there is a change in the original
9 relief under the PUD? At least that's
10 indicated in your report.

11 MR. COCHRAN: Well --

12 COMMISSIONER MAY: And I'm just
13 having trouble understanding where that's
14 occurring. It's in the chart.

15 MR. COCHRAN: Conceptually, I know
16 that they -- they shortened the length and
17 fattened the roof structure slightly. Now let
18 me --

19 VICE CHAIRMAN SCHLATER:
20 Commissioner May, I read somewhere that the --
21 the residential bar had narrowed a little bit
22 as well.

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1 COMMISSIONER MAY: And I'm just
2 trying to get a sense of what had changed,
3 from what to what and where. That's all I'm
4 trying to figure out.

5 MR. COCHRAN: Okay. So previously
6 it was approved at six feet of a set back on
7 the southeast corner.

8 COMMISSIONER MAY: Where is the
9 southeast corner?

10 MR. COCHRAN: If you consider New
11 York Avenue to be running essentially, at this
12 point, east to west, the southeast corner
13 would be on -- basically close -- close -- the
14 closest one to the plaza, and up from Florida.

15 Do you see where they're -- on Sheet 209, you
16 see where it -- there's a line that says 50
17 feet and then green roof location?

18 COMMISSIONER MAY: Yes.

19 MR. COCHRAN: The southeast corner
20 is to the left of the green roof location
21 notation.

22 COMMISSIONER MAY: Okay. So

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1 originally, that was a set back of only six
2 feet? Because it's not --

3 MR. COCHRAN: I beg your pardon. I
4 think I have a typo in here. I think that
5 should have read the southwest corner.

6 COMMISSIONER MAY: I think you're
7 right. And I think you picked that up from
8 the Applicant's statement. Because I think
9 it's the southwest corner. So it used to be
10 just six feet back?

11 MR. COCHRAN: I would have to look
12 at the earlier drawings. It was quite --
13 quite minimal. But I can't swear that it was
14 six feet. Even though with that -- I know
15 that's in my chart. I'd still want to look at
16 the -- the drawings.

17 COMMISSIONER MAY: It really was a
18 minimal set back?

19 MR. COCHRAN: Absolutely.

20 COMMISSIONER MAY: Yes. And then,
21 on the south side of the building, it changed
22 from 12 to 10'1". So that's that entire

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1 length.

2 MR. COCHRAN: Correct. And that's
3 where they made it a slightly fatter, but
4 considerably shorter.

5 COMMISSIONER MAY: 12' to 10'1".
6 Okay. Does the Applicant have more to add to
7 this?

8 MR. RADULESCU: So, in the -- in
9 the original design, that edge was closer to
10 the -- to the face of the building. And it
11 shows six foot and, while I don't have the
12 dimension here, but this is probably -- if
13 this is 10, probably this is 16 or so. So
14 this portion of the penthouse has moved in by
15 about ten foot each side.

16 COMMISSIONER MAY: Oh, I see. So
17 it was focused around that little bump out
18 areas? All right.

19 MR. RADULESCU: Yes.

20 COMMISSIONER MAY: Okay. I have
21 clarity, I think. Thanks.

22 CHAIRMAN HOOD: Any other

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1 questions for the Office of Planning? Okay.
2 Does the Applicant have any cross-examination
3 for the Office of Planning?

4 MS. BATTIES: No.

5 CHAIRMAN HOOD: Commissioner
6 Clark, do you have any cross-examination of
7 the Office of Planning?

8 COMMISSIONER CLARK: No.

9 CHAIRMAN HOOD: Okay. All right.
10 Okay. Report of any other government
11 agencies? Do we have any other reports that I
12 may have missed from any other government
13 agencies? Okay. Report of ANC-5C. And I
14 guess that we ought to just -- Mr. Glasgow,
15 you didn't hand him the bad mike did you?
16 Because one of those mikes -- okay. You would
17 want to hand him the good mike, I think.
18 Okay. Commissioner Clark, you may begin.

19 COMMISSIONER CLARK: For the
20 record, I would like to state my name is
21 Timothy Clark, Commissioner of ANC-5C-05. The
22 Commission, as a whole, ANC-5C, reviewed this

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1 application thoroughly. I worked with Ms.
2 Batties and her group to reach out to the
3 neighboring community groups, both Eckington
4 and Edgewood Civic Associations, because they
5 both do cover the same geographic boundaries,
6 somewhat. And we didn't want anyone in the
7 community to feel particularly slighted. So I
8 felt that they should present to both groups.

9 Both groups received the project pretty well.

10 They all voted unanimously to support the
11 project. I think it's in line with the
12 visions of the community for development. The
13 features are what the community is looking for
14 and they're in line also with the nearby NOMA
15 development.

16 The Commission also had a
17 presentation from Ms. Batties and the group
18 and the Commission voted unanimously to
19 support it. We also passed a resolution,
20 which I would like to submit later to the
21 record. I think this project is great,
22 particularly because it will bring development

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1 to the New York Florida Avenue corridor and
2 we're looking forward to it being completed as
3 soon as possible. So I guess my -- my
4 testimony is just in support of the project.
5 The Commission supports it. The community, as
6 a whole, supports it. I also reached -- I
7 sent out an online communication to the
8 community via ListServe, and it was well
9 received by that community as well. So I
10 think it's safe to say that the entire
11 community is looking forward to this project.

12 CHAIRMAN HOOD: Okay. Thank you,
13 very much, Mr. Clark. And yes, we -- we would
14 typically -- we would need to have in advance
15 who's going to speak for the ANC. We would
16 need to have in advance -- it would be good to
17 get the letter out. I noticed we did not have
18 a letter from 5C. So what we're going to do
19 is -- I think of what happens with this, we're
20 going to ask for at least either tonight or
21 some point we're going to give the ANC an
22 opportunity to provide us, so they can be

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1 accorded a rule of great weight.

2 So ANC-5C -- but let me just ask
3 you a question. And this really doesn't have
4 anything to do with the case. I'm just an
5 informal guy. Do you have a younger brother?

6 COMMISSIONER CLARK: I do. I have
7 several younger brothers.

8 CHAIRMAN HOOD: Okay. But was one
9 of them the Youth Mayor?

10 COMMISSIONER CLARK: That's my
11 older brother, actually.

12 CHAIRMAN HOOD: Oh, that's your
13 older brother?

14 CHAIRMAN HOOD: Yes.

15 CHAIRMAN HOOD: Are you sure?

16 COMMISSIONER CLARK: Yes. That's
17 my older brother, Mike -- Mike Junior.

18 CHAIRMAN HOOD: Man, I must be
19 getting -- Commissioner Selfridge, you're
20 getting old, man.

21 COMMISSIONER SELFRIDGE: I'm
22 getting older sitting up here.

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1 CHAIRMAN HOOD: Well, I do know
2 the work that the family had done in that
3 area. I want to commend you for being a
4 Commissioner. We're looking forward to having
5 some great things from you and looking forward
6 to that. But first of all, right now we're
7 looking forward to that letter of great
8 weight. We will work that out towards the
9 end. So any questions of Commissioner Clark?
10 Man, I might have to turn it over to you for
11 cross-examination. That's your older brother.
12 Okay. But anyway, he was a great Youth
13 Mayor, I can tell you that. He was a great --
14 but I just thought -- I just still remember
15 him as -- but anyway. Okay. Any other
16 questions? Okay. Thank you, very much,
17 Commissioner. We appreciate it. Okay. Do we
18 have any organizations or persons in support?
19 Any organizations or persons in opposition?
20 Ms. Batties, do you have any closing remarks?
21 No. Before you do closing remarks, did we
22 ask for anything? An ANC letter. We need to

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1 work on that. Anything else? Anybody want to
2 see anything?

3 COMMISSIONER TURNBULL: I -- I
4 just had one more question.

5 CHAIRMAN HOOD: Okay. Can we do
6 that? Let's do that.

7 COMMISSIONER TURNBULL: On drawing
8 255, the east elevation, you're still showing
9 a signage area. Is that just a hold-over from
10 the hotel or?

11 MR. ROBINSON: We were showing an
12 area for signage that we could use also for
13 the apartment building if it goes in that
14 direction.

15 COMMISSIONER TURNBULL: Okay.
16 Thank you.

17 CHAIRMAN HOOD: Vice Chairman
18 Schlater?

19 VICE CHAIRMAN SCHLATER: I think
20 I'd like to see an exhibit that shows the
21 location of the affordable units.

22 CHAIRMAN HOOD: Okay. Anything

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1 else? Okay. Ms. Batties, we will have your
2 closing remarks.

3 MS. BATTIES: They're very brief.

4 I think we've adequately addressed the
5 comments and concerns raised by the Office of
6 Planning and the Zoning Commission. Since set
7 down, we've had a favorable response from the
8 community. We are happy to provide, within
9 very short order, the -- the document
10 requested by Vice-Chairman Schlater, as well
11 as the -- the resolution from ANC-5C. I think
12 we can get that also very soon. And so, with
13 there being no objection to the residential
14 option being proposed under the PUD
15 modification, we respectfully request the
16 Zoning Commission's approval of the
17 application.

18 CHAIRMAN HOOD: All right. Okay.

19 Thank you, very much, Ms. Batties. And again
20 I'm glad that you're representing. So, Ms.
21 Hanousek, do we have everything that we've
22 asked for? Do you have that recorded? I

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1 think we only ask for one -- two things, ANC
2 letter for great weight and the distribution
3 of affordable housing. You can say it on the
4 mike. Do you have something else?

5 MS. BATTIES: Mr. Chair, I'm
6 sorry. If I may also, we would also present,
7 at the appropriate time, a consolidated and
8 combined set of plans that includes what was
9 submitted with our pre-hearing statement, as
10 well as the documents submitted tonight, so
11 that we have one set of drawings controlling
12 the project.

13 CHAIRMAN HOOD: Okay. Could we
14 get all that by the time we're getting ready
15 to take proposed action?

16 MS. BATTIES: Proposed action?

17 CHAIRMAN HOOD: Yes. What did I
18 say? What is this?

19 COMMISSIONER MAY: I believe they
20 may be suggesting we'd want to take proposed
21 action tonight.

22 CHAIRMAN HOOD: Well, I think my

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1 comment was could she have everything by the
2 time we do proposed action. So, I mean -- but
3 if you guys -- okay. You don't have to twist
4 my arm. Let's do it tonight. Is somebody in
5 favor of moving tonight and we'll get it by
6 final action? That's what I heard, right?
7 Nobody has a problem? I can't predict -- I'll
8 tell you. Okay. So it looks like we're ready
9 to move forward tonight. Does one of my
10 colleagues want to make a motion to approve
11 and we'll just accept everything else by final
12 action?

13 COMMISSIONER SELFRIDGE: Mr.
14 Chairman, I move that we approve Zoning
15 Commission Case Number 06-14B, Modification
16 Request for Washington Gateway PUD Square
17 3584, Lots 23811 to 813 at Florida and New
18 York Avenues.

19 CHAIRMAN HOOD: Okay. It's been
20 moved. Can I get a second?

21 VICE CHAIRMAN SCHLATER: Second.

22 CHAIRMAN HOOD: It's moved and

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1 properly seconded. Any further discussion?
2 Are you ready for the question? All those in
3 favor, Aye.

4 ALL: Aye.

5 CHAIRMAN HOOD: Not hearing any
6 opposition, Ms. Hanousek, would you record the
7 vote?

8 CHAIRMAN HOOD: Yes. The
9 Commission has approved Case Number 06-14B,
10 five to zero to zero, with Commissioner
11 Selfridge making the motion and Vice-Chair
12 Schlater seconding, and May, Turnbull, and
13 Hood approving.

14 CHAIRMAN HOOD: Okay. Thank you.
15 We're on a roll. Let's keep going. Shall we
16 do next Monday's --

17 CHAIRMAN HOOD: Thank you, very
18 much.

19 CHAIRMAN HOOD: Should we do next
20 Monday's hearing tonight too? Okay. Let me
21 do this, so we can get all that before final,
22 now, do we have any dates. Do we need to --

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1 All right. I'll tell you what. You all can
2 work that out. Okay. The quicker you get
3 everything in, and go through the NCPC
4 process, the quicker we can take it for final
5 action. And the ANC get their letter, we'll
6 go from there. All right.

7 MS. HANOUSEK: We could be looking
8 at April 25th.

9 CHAIRMAN HOOD: April 15th?
10 That's our second meeting in April. Okay.
11 Thank you, Ms. Hanousek, for giving us that
12 date. Okay. Again --

13 MS. BATTIES: Oh, right. And we
14 will be filing the extension request.

15 CHAIRMAN HOOD: Prior to -- to
16 final action?

17 MS. BATTIES: Prior to final
18 action.

19 CHAIRMAN HOOD: Okay. We'll deal
20 with that then. Okay. We'll work with you.

21 MR. GLASGOW: We were thinking --
22 what I was thinking internally is that if, by

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1 April 25th, if that's the date, if we hurry up
2 and get the extension request in, then the ANC
3 would have 30 days notice. And then we could
4 have everything just done at one time.

5 CHAIRMAN HOOD: For that, we can
6 deal with it at that one meeting.

7 MR. GLASGOW: That's right.

8 CHAIRMAN HOOD: Okay. That sounds
9 great. Okay. Anything else? Ms. Hanousek,
10 are we all straight? Okay. With that, I
11 thank everyone for their participation in this
12 hearing tonight. And this hearing is
13 adjourned.

14 (Whereupon, the hearing was
15 adjourned at 7:43 p.m.)

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