

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: :
   
:
   
MAP AND TEXT AMENDMENTS - : Case No.
   
:
   
SOUTHEAST FEDERAL CENTER : 07-11
   
OVERLAY DISTRICT :
   
-----:

Thursday,  
January 10, 2008

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 07-11  
by the District of Columbia Zoning  
Commission convened at 6:30 p.m. in the  
Office of Zoning Hearing Room at 441 4<sup>th</sup>  
Street, N.W., Washington, D.C., 20001,  
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- GREGORY N. JEFFRIES, Vice Chairman
- CURTIS L. ETHERLY, JR., Commissioner
- PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

The transcript constitutes the minutes from the Public Hearing held on January 10, 2008.

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

6:36 p.m.

CHAIRPERSON HOOD: We're going to go ahead and get started. Let me read the opening statement.

Happy New Year and good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, January 10th, 2008.

My name is Anthony J. Hood. Joining me this evening are Vice Chairman Jeffries, Commissioner Etherly and Commissioner May. Commissioner Turnbull will not be joining us this evening.

We are also joined by the Office of Planning staff, Ms. Sharon Schellin and Ms. Donna Hanousek. And from the Office of Planning we have Mr. Lawson.

This proceeding is being recorded by a Court Reporter and is also Webcast live. Accordingly, we must ask you to refrain from

1 any disruptive noises or actions in the  
2 hearing room.

3 The subject of this evening's  
4 hearing in Zoning Commission Case No. 07-11.  
5 This is the request by Forest City, SEFC, LLC,  
6 for Text and Map Amendments to the Zoning  
7 Regulations.

8 Notice of today's hearing was  
9 published in the D.C. Register on November  
10 23rd, 2007. And copies of the announcement  
11 are available to my left on the wall bin near  
12 the door.

13 The hearing will be conducted in  
14 accordance with the provisions of 11 DCMR 3021  
15 as follows:

16 Preliminary matters, presentation  
17 by the petitioner, reports of other Government  
18 agencies, if any, report of the ANC,  
19 organizations and persons in support,  
20 organizations and persons in opposition.

21 The following time constraints  
22 will be maintained in this hearing:

1       Petitioner 45 minutes, organizations 5  
2 minutes, individuals 3 minutes and I will tell  
3 you that the petitioner's minutes we will have  
4 to adjust that because we have your submittal  
5 and we want to make sure we just get to the  
6 highlights, the high points.

7               The Commission intends to adhere  
8 to the time limits as strictly as possible in  
9 order to hear the case in a reasonable period  
10 of time. The Commission reserves the right to  
11 change the time limits for presentations, if  
12 necessary, and notes that no time shall be  
13 seeded.

14              All persons appearing before the  
15 Commission are to fill out two witness cards.  
16 These cards are located to my left on the  
17 table near the door.

18              Upon coming forward to speak to  
19 the Commission, please give both cards to the  
20 reporter sitting to my right before taking a  
21 seat at a table. When presenting information  
22 to the Commission, please turn on and speak

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1 into the microphone first stating your name  
2 and home address. When you are finished  
3 speaking, please turn your microphone off so  
4 that your microphone is no longer picking up  
5 sound or background noise.

6 The decision of the Commission in  
7 this case must be based exclusively on the  
8 public record. To avoid any appearance to the  
9 contrary, the Commission requests that persons  
10 present not engage the members of the  
11 Commission in conversations during any recess  
12 or at any other time.

13 The staff will be available  
14 throughout the hearing to discuss procedural  
15 questions.

16 Please turn off all beepers and  
17 cell phones at this time so not to disrupt  
18 these proceedings.

19 At this time, the Commission will  
20 consider any preliminary matters.

21 Does the staff have any  
22 preliminary matters?

1 MS. SCHELLIN: I think the only  
2 thing is to see if we have the maintenance  
3 affidavit. We do? Okay. So, we have --  
4 actually, we don't have the updated  
5 maintenance. We have the affidavit of posting.  
6 So, we need a maintenance affidavit.

7 CHAIRPERSON HOOD: Okay. What  
8 we'll do, we'll go ahead and proceed but we'll  
9 ask Mr. DePuy if he can come forward.

10 Again, let me just ask Ms.  
11 Schellin and make sure.

12 Is the Office of Planning petition  
13 or -- okay. All right.

14 Mr. DePuy, how much time do you  
15 really need?

16 MR. DOPE: We have planned  
17 basically to do this in about half an hour.  
18 We are trying to keep it brief and to the  
19 point.

20 CHAIRPERSON HOOD: Okay. So,  
21 we'll work.

22 Ms. Hanousek, we'll work with 30

1 minutes. Start with 30 minutes. Okay.

2 All right. Thank you. You may  
3 begin.

4 MR. DEPUY: Thank you.

5 Mr. Chairman, members of the  
6 Commission. For the record, I'm Jacques  
7 DePuy, attorney with Greenstein DeLorme &  
8 Luchs and appearing with me is co-counsel  
9 Stephanie Baldwin.

10 Our witnesses this evening are Mr.  
11 Ramsey Meiser to my right, representing Forest  
12 City and Mark Gilliland from Shalom Barnanes  
13 Associates, the architect for the Master Plan  
14 and for several of the buildings within this  
15 particular project.

16 We will supply.

17 CHAIRPERSON HOOD: Let me just say  
18 this. When you say project, what we have in  
19 front of us and I can stand to be corrected.  
20 We have a map amendment and text amendments.  
21 We don't have a specific project.

22 MR. DEPUY: That's correct. I

1       tried to be careful, but I wasn't careful  
2       enough in describing their role.

3                 The Baranes firm has been retained  
4       by Forest City to do the Master Plan for the  
5       site as a whole.  It's also doing some of the  
6       individual buildings.  So, that's its role.

7                 The other architectural firms are  
8       doing some of the other buildings.

9                 With respect to the maintenance  
10       affidavit, we'll obviously supply that for the  
11       record.

12                CHAIRPERSON HOOD:  I just want to  
13       make it clear that we're going to be talking  
14       about these map amendments, the test  
15       amendments and not any specific building or  
16       structure of anything of that nature?

17                MR.  DEPUY:  That's correct.  
18       Except to the extent that the existing text  
19       refers to some specific sites.  We will by  
20       necessity have to refer to some specific  
21       sites.

22                CHAIRPERSON HOOD:  Okay.

1 MR. DEPUY: But you're correct.  
2 We're not presenting any projects, any  
3 buildings, to the Commission. This is just  
4 map and text amendment proceeding.

5 CHAIRPERSON HOOD: And I won't  
6 interrupt you anymore.

7 MR. DEPUY: Oh, that's quite all  
8 right.

9 Mr. Chair, I'm really at a loss  
10 for words. It really passed the opportunity  
11 to make an opening statement. But I really  
12 have nothing to say to the Commission tonight,  
13 so I'm going to call our first witness and ask  
14 Mr. Meiser if he would give his testimony.

15 We have submitted copies of his  
16 statement to the Commission. We've also  
17 submitted a copy of the Power Point and we've  
18 also submitted several plans that show  
19 specific sites that are referred to in the  
20 Text Amendment that we will give a little more  
21 attention to than perhaps some of the other  
22 sites.

1                   So, with no further comments from  
2 me, we'll ask Mr. Meiser to give his statement  
3 to the Commission.

4                   MR.    MEISER:  Good evening,  
5 Chairman Hood, and Member of the Commission.  
6 My names is Ramsey Meiser.  I'm Senior Vice  
7 President of Development for Forest City  
8 Washington.

9                   We are here before you tonight to  
10 request the Commission's approval of map and  
11 text amendments to the Southeast Federal  
12 Center Zoning Overlay in order to facilitate  
13 the development of the site we now refer to as  
14 "The Yards".  The site, which consists of 42  
15 acres, is located between the Washington Navy  
16 Yard and the new baseball stadium.

17                  As you know, Forest City was  
18 selected by the General Service Administration  
19 as the master developer for the site in 2004.  
20 Before I address the specific proposal pending  
21 before you, permit me to briefly update the  
22 Commission on the multitude of activities that

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1 have taken place since it adopted the  
2 Southeast Federal Center Zoning Overlay  
3 District in July 2004 and we were designated  
4 master developer.

5 Forest City and a large team of  
6 professionals have held literally hundreds of  
7 meetings with federal and district officials,  
8 elected representatives, community  
9 representatives and other stakeholders in  
10 order to refine, update and add important  
11 detail to the master plan and to implement the  
12 vision that was set forth by this Commission  
13 and incorporated in the Southeast Federal  
14 Center zoning overlay.

15 Among many notable milestones have  
16 been the following:

17 Preparation by Forest City of a  
18 revised and updated Master Plan for the Yards  
19 site and approval of such plan by the General  
20 Services Administration, national Capital  
21 Planning Commission, Commission of Fine Arts,  
22 Advisory Council on Historic Preservation,

1 State Historic Preservation officer, Office of  
2 the Deputy Mayor, Office of Planning and other  
3 federal and local governmental agencies.  
4 among a myriad of other circumstances to which  
5 Forest City has needed to respond, the Master  
6 Plan was revised to respond to the location  
7 of, and area-wide plan for the new baseball  
8 stadium. This important addition to the  
9 Southeast Waterfront area was not planned at  
10 the time this Commission created the Southeast  
11 Federal Center Overlay District.

12 Preparation of detailed  
13 construction plans and drawings for a network  
14 of new site improvements include streets,  
15 curbs, gutters, public and private utilities,  
16 sidewalks and street furniture and other  
17 infrastructure, flood prevention and  
18 environmental measures. These plans have been  
19 approved by federal and district agencies and  
20 construction on the earliest phases of this  
21 work is underway.

22 Preparation and submission of an

1 application for the expansion of the Navy Yard  
2 Historic District to include the many historic  
3 resources located within the Yards. The  
4 application was recently approved and the site  
5 was listed on the national Register of  
6 Historic Places last week. We anticipate that  
7 HPRB will consider the inclusion of this  
8 expanded Historic District on the D.C.  
9 Inventory within the next 60 days.

10 Preparation of detailed plans for  
11 the construction of two new mixed-use  
12 buildings and several renovated historic  
13 buildings within The Yards' site. Our  
14 architect, Mark Gilliland of Shalom Baranes  
15 Associates, will briefly summarize our plans  
16 for these buildings but allow me to say that  
17 Forest City hopes to have as many as four  
18 buildings ready for occupancy in 2009 and  
19 2010.

20 Preparation of a detailed plan of  
21 street closings and street dedications and  
22 openings. this application is currently

1       undergoing review by D.C. and federal agencies  
2       and public and private utilities and has  
3       already received the approval of most of such  
4       agencies. We expect to go before the D.C.  
5       Council this year in order to obtain  
6       legislative approval for our street plan.

7                   Execution with the District of  
8       Columbia of two separate PILOT programs in  
9       consideration of financial assistance by the  
10      city for park and other site improvements.

11                   I would like to note for the  
12      record that the Office of Planning has  
13      provided invaluable assistance, a whole host  
14      of creative ideas and other input with respect  
15      to our development of this important site from  
16      the beginning of our selection as master  
17      developer and has given new meaning to the  
18      term "public-private partnership." Forest  
19      City would like to publicly commend and thank  
20      OP for its tireless work on The Yards'  
21      development project.

22                   Permit me to now direct your

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1 attention to the proposed map and text  
2 amendments currently pending before the  
3 Commission. As previously stated, the  
4 Southeast Federal Center Overlay District was  
5 created by the Zoning Commission in 2004. At  
6 the same time, the Commission mapped the  
7 previously unzoned area with a variety of  
8 zoning districts. At the time the Overlay was  
9 adopted, it was noted that minor amendments to  
10 the regulations would be likely, as more  
11 detailed plans for the development of the site  
12 were prepared and as the master developer  
13 further evaluated the site.

14 We are here to present the results  
15 of our work and of a collaborative process  
16 with the Office of Planning, other agencies  
17 and stakeholders.

18 Let me say at the outset that we  
19 are not proposing that any of the sites be  
20 rezoned to more dense (i.e., less restrictive  
21 zoning districts nor are we requesting any  
22 increases in FAR or building heights through

1 the zoning overlay. We believe in the  
2 correctness, soundness and strength of the  
3 original vision incorporated by the Commission  
4 in the Southeast Federal Center Overlay and  
5 its associated mapping of individual sites.  
6 Thus, many of our proposed amendments are  
7 essentially clarifications or corrections of  
8 inconsistencies found in the original  
9 language. In some cases, however, our  
10 requests are the result of our more detailed  
11 analysis of specific site or building  
12 constraints (including limitations that arise  
13 out of the difficulty of reusing and  
14 rehabilitating historic buildings built for  
15 industrial or military use) or responses to  
16 changing circumstances, such as the ballpark  
17 development.

18 In particular, I would like to  
19 direct your attention to the preferred use  
20 requirements of Sections 1803.3 and 1804.3.  
21 Under the current overlay regulations,  
22 preferred uses are required among other

1 locations from M Street south along New Jersey  
2 Avenue and 4th Streets, Southeast. However,  
3 since the adoption of the Southeast Federal  
4 Center Overlay the site for the baseball  
5 stadium as selected just to the west of The  
6 Yards site and a planning effort was  
7 undertaken to adopt a plan for the ballpark  
8 area. As a result, Forest City proposes to  
9 reorient the preferred uses along east/west  
10 corridors towards the baseball stadium,  
11 including N and Tingey Streets, S.E., in order  
12 to provide a better connection between the two  
13 burgeoning neighborhoods.

14 Several of the proposed amendments  
15 seek to address the conflict between the  
16 public open space requirements of the CR  
17 district, the residential lot occupancy  
18 requirements of both the CR and residential  
19 zone districts and the preferred use  
20 requirements of the Southeast Federal Center  
21 Overlay District. Our architect, Mr.  
22 Gilliland, will address the specifics of our

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1 proposal.

2 Like many of the text amendments,  
3 the map amendments are also minor in nature.  
4 They include an adjustment of the property  
5 line between the Navy Yard and the site and  
6 respond to recommendations of federal historic  
7 preservation agencies and the State Historic  
8 Preservation Officer to establish historic  
9 vistas within the site along certain rights of  
10 way.

11 I am pleased to report that the  
12 text and map amendments were developed in  
13 close collaboration with the Office of  
14 Planning and that Forest City and OP have  
15 agreed with respect to essentially all of the  
16 text and map amendments pending before the  
17 Commission, including several refinements and  
18 minor revisions outlined in the December 30th,  
19 2007, OP report. I would like, however, to  
20 briefly discuss and clarify for the record the  
21 only issues that were not resolved at the time  
22 of "set down" of this proceeding, namely, the

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1 preferred use requirements that apply to an  
2 existing historic building known as Building  
3 160 located on Parcel M and an issue that  
4 pertains to preferred uses on Tingey Street  
5 east of 4th Street.

6 Building 160, Parcel M. Page 8 of  
7 the OP report recommends that Building 160 be  
8 required to provide 3,000 square feet of  
9 preferred uses along Tingey Street and 6,000  
10 square feet of such uses along Water Street  
11 for a total of 9,000 square feet, both to a  
12 depth of 45 feet. We are in full agreement  
13 with Op with respect to the minimum amount of  
14 required preferred uses on each frontage and  
15 in total, but request that the minimum depth  
16 provision be deleted.

17 While it is true that much of the  
18 preferred uses in this historic Building 160  
19 will reach a depth of 45 feet, we cannot  
20 commit to such a rigid standard because of the  
21 location of the residential lobby and a stair  
22 tower and elevators along Tingey Street and an

1 exit corridor along Water Street. This is  
2 represented on the image that's up on the  
3 PowerPoint right now.

4 We have discussed these concerns  
5 with OP and are hopeful it is supportive of  
6 our position.

7 Preferred Uses on Tingey Street  
8 West of 4th Street, Parcel O. Finally, with  
9 respect to the required street frontages for  
10 preferred uses that face Tingey Street, we had  
11 previously discussed with OP our position that  
12 such required ground floor uses would be  
13 required on buildings fronting Tingey Street  
14 but only such buildings that are located west  
15 of 4th Street. Thus, the application  
16 submitted by Forest City in this proceeding  
17 includes the "west of 4th Street" language.  
18 (See Item 8 on page 2 of Exhibit A to the text  
19 amendment application regarding Section  
20 1804.3(a) of the Southeast Federal Center  
21 Overlay).

22 By contrast, however, the December

1 30th OP report on page 8 omitted the "west of  
2 4th Street" language. As you will see in the  
3 PowerPoint slide that depicts the intersection  
4 of 4th and Tingey. Forest City plans to  
5 provide ground floor retail at all four  
6 corners of this important intersection.  
7 However, as you can also see, we cannot extend  
8 such retail uses east from 4th Street along  
9 Tingey because of a flood plain wall.

10 In addition, the Tingey Street  
11 corridor east of 4th Street changes from an  
12 active, vibrant, pedestrian-oriented mixed-use  
13 neighborhood to a quieter residential  
14 neighborhood.

15 Finally, Tingey east of Parcel O  
16 is bounded on the south by the Navy yard and  
17 as a result it is not possible to provide  
18 retail on both sides of the street.

19 For the foregoing reasons, we  
20 request that the Commission include the "west  
21 of 4th Street" provision in the final text.

22 In summary, we respectfully

1 request that the Zoning Commission approve the  
2 proposed text and map amendments discussed  
3 this evening as modified by the OP report with  
4 the minor revisions that I have discussed in  
5 my testimony. The proposed map and text  
6 amendments are essential to the successful  
7 development of The Yards and will assist in  
8 the implementation of the Commissioner's  
9 vision as set forth in the Southeast Federal  
10 Center Overlay District.

11 The proposed amendments do not  
12 alter the nature and intent of the current  
13 Southeast Federal Center Overlay District  
14 regulations. Moreover, the proposed  
15 amendments will facilitate the development of  
16 a new and exciting waterfront neighborhood.

17 Thank you for the opportunity to  
18 testify and I would be pleased to answer any  
19 questions.

20 CHAIRPERSON HOOD: Just one quick  
21 question and we'll go to Mr. Gilliland.

22 But, Mr. Meiser, you mentioned in

1 your testimony on page 6 December 30th OP  
2 report. You're not necessarily referring to  
3 the 28th -- December 28th OP report? Or does  
4 anybody else have December 30th OP -- maybe I  
5 just don't have it.

6 I was wondering if there was one  
7 that came out afterwards. Do you have one  
8 that says December 30th, Mr. DePuy?

9 MR. DEPUY: I do. Can I consult  
10 with Mr. Lawson to make sure we're referring  
11 to the same one? I think we are.

12 MR. LAWSON: Mr. Chair, if I can  
13 address this?

14 I'm just looking at my own report  
15 and I'm realizing that the date on the cover  
16 of the stamped report is December 28th, but on  
17 the inside on at least one of the pages on the  
18 attachments it does say December the 30th. I  
19 fully expect it's the same report.

20 CHAIRPERSON HOOD: Mine says the  
21 28th.

22 MS. SCHELLIN: Actually, it's just

1 the attachment 1 that has December 30th.

2 MR. LAWSON: Yes.

3 MS. SCHELLIN: But the report  
4 itself, all the pages are December 28th.

5 MR. LAWSON: But that is the only  
6 report that OP submitted.

7 MS. SCHELLIN: But I mean -- yes.  
8 Only the attachment to that report has  
9 December 30th.

10 MR. LAWSON: Right. No. I was  
11 just letting the Chair know that we did not  
12 submit an additional report on the 30th. The  
13 report of the 28th is the same.

14 CHAIRPERSON HOOD: Okay. We're  
15 all on the same page and the same date. Okay.  
16 Thank you.

17 MR. DEPUY: Mr. Gilliland.

18 MR. GILLIAND: Good evening. My  
19 name is Mark Gilliland. I'm with -- a  
20 principal with the architectural firm of  
21 Shalom Baranes Associates. Our address is  
22 3299 K Street, NW.

1           Since the overlay district was  
2 established and after Forest City was named  
3 master developer, we've been able to work up  
4 various overall site development scenarios  
5 that have allowed us to test the zoning.  
6 We've had the great advantage of looking at  
7 multiple hypothetical development scenarios  
8 for each of the parcels on the site.

9           As a result of this extensive  
10 testing we've encountered some minor issues  
11 with the text but we've also determined that  
12 a few more substitutive changes could provide  
13 additional flexibility in the design and  
14 siding of new buildings. We believe these  
15 changes, if approved, will make for a better  
16 neighborhood development and further the  
17 objectives of the overlay district.

18           We prepared a series of images to  
19 show the Commission if the Commission so  
20 desires as an update on what's been going on  
21 with the design of The Yards, so I can either  
22 move into that update briefing or just jump

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1 right to a presentation on some of the  
2 specific map and text amendment issues,  
3 whatever the Commission prefers?

4 CHAIRPERSON HOOD: I would consult  
5 also with my colleagues but I think it would  
6 serve us better at least from my standpoint if  
7 we go straight to the specific amendments and  
8 text -- map amendments and test amendments.

9 VICE CHAIRPERSON JEFFRIES:  
10 Agreed.

11 CHAIRPERSON HOOD: Unless someone  
12 else feels differently?

13 MR. GILLIAND: Very good. give me  
14 a moment to fast forward here to the  
15 appropriate.

16 CHAIRPERSON HOOD: And let me ask.  
17 Can we go in some kind of, whether we  
18 reference from the OP report whether it's the  
19 28th of the 30th in some type of order? And  
20 in that way if questions come up we can ask  
21 them. I guess what I'm trying to do is  
22 reference some type of order.

1 MR. GILLIAND: I structured this  
2 presentation to try to group sort of similar--

3 CHAIRPERSON HOOD: Okay.

4 MR. GILLIAND: -- types of --

5 CHAIRPERSON HOOD: Don't let me do  
6 your presentation. I'll be quiet.

7 COMMISSIONER MAY: Maybe it would  
8 be helpful as we go -- I mean, follow your  
9 order but that we, you know, stop kind of with  
10 each topic and then reference the sections of  
11 the text that are affected by this so that we  
12 can --

13 CHAIRPERSON HOOD: Thank you.

14 MR. GILLIAND: -- understand that  
15 and Mr. Lawson is probably going to be very  
16 helpful in kind of tying those in and I in  
17 particular to the attachment to the report  
18 which has sort of the side by side language  
19 changes.

20 CHAIRPERSON HOOD: Okay. And we  
21 won't go out of our normal scope of things.  
22 I think that's a great idea.

1 Thank you.

2 MR. GILLIAND: Great.

3 I'd like to start with the map  
4 amendments. I think they're relatively  
5 straightforward. This diagram that's being  
6 projected right now shows -- superimposes the  
7 existing --

8 VICE CHAIRPERSON JEFFRIES: Excuse  
9 me. I'm looking at your hard copy. What  
10 page?

11 MR. GILLIAND: Oh, let's see. I'm  
12 not sure. I don't have a copy of that in  
13 front of me with any page petitions.

14 VICE CHAIRPERSON JEFFRIES: Okay.

15 MR. GILLIAND: This -- this  
16 diagram shows the -- what's highlighted in  
17 blue are boundary lines of the existing zoning  
18 districts and the proposed ones where they're  
19 coincidental, where there's no change.

20 What is shown in the pink color is  
21 the existing zone boundaries and what's shown  
22 in the red dash sort of property line type

1 designation line is a proposed change.

2 So, there's two general areas  
3 where these map amendments are occurring. The  
4 first i up in the northeast corner of the site  
5 up against the Navy Yard. This next image  
6 zooms in on it a bit.

7 The previous boundary was draw  
8 roughly down the middle of Isaac Hull Avenue  
9 which is a street that is within the Navy  
10 Yard. It's -- It's -- it has a Navy  
11 controlled gate at the end. It's completely  
12 within the boundaries.

13 As a result of some discussions  
14 with the United States Navy we ended up  
15 adjusting that boundary to the west so it  
16 follows their fence line, their security line.

17 Another area where text amendments  
18 are -- excuse me, where map boundaries are  
19 changed is down at the juncture of the R-5-E,  
20 R-5-D and WO Zones. I'll just zoom in on that  
21 for a moment.

22 The existing zone boundary line

1 had a correspondence to a road configuration  
2 that was part of -- that was assumed at the  
3 time the zoning overlay was put in place.

4 As a result of some negotiations  
5 through a Section 106 process, the  
6 configuration of that street changed. You can  
7 see it here. Water Street is now reoriented  
8 and the intent here is to -- to redraw those  
9 boundary lines to match Water Street.

10 And the reason why Water Street  
11 was reconfigured as really to kind of  
12 choreograph movement through the site so as to  
13 highlight the historic resources that are on  
14 the site. So, what I'd like to do here briefly  
15 is take you on a little tour up and down Water  
16 Street to kind of show what those -- what  
17 those historic resources are.

18 Here we're on the section of Water  
19 Street between Third Street and Fourth Street  
20 heading in a westerly direction. This imagine  
21 shows that that vista has as its terminus a  
22 very ornate facade on the WASA main pumping

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1 station.

2 Moving in the other direction on  
3 that segment of the street from Second up to  
4 Third you see Building 160. One of the old  
5 Pattern and Joiner's shop on the site and it  
6 is the focal point and we are moving in that  
7 direction.

8 Here's another view on the section  
9 of the street between Fourth and Third looking  
10 west and that view is framed by a couple of  
11 historic buildings.

12 And then the last of this series  
13 of images is down close to Fourth Street  
14 looking back towards Fifth Street and towards  
15 the Navy power plant which isn't on The Yard  
16 site, but has some very strong vertical  
17 elements in the way of smoke stacks.

18 So, that's the explanation on the  
19 reconfiguration of Water street.

20 There are also a couple of little  
21 minor changes. This boundary, southern  
22 boundary of the R-5-D where it abuts the WO

1 Zone was adjusted to run parallel to the  
2 bulkhead along the Anacostia River frontage  
3 and there was also a little adjustment down  
4 the southwest corner also just to match the  
5 boundary line with the bulkhead line.

6 CHAIRPERSON HOOD: I guess when we  
7 do take into consideration what Commissioner  
8 May is saying if we have questions we can just  
9 open up the dialogue and if we have questions  
10 of the Applicant or OP we'll do it all at this  
11 time as you're going down them.

12 MR. GILLIAND: Okay. Well, that's  
13 the conclusion of the map amendment portion.  
14 So --

15 CHAIRPERSON HOOD: We're not  
16 pushing any questions from up here but --

17 MR. GILLIAND: Right.

18 CHAIRPERSON HOOD: -- we just --

19 MR. GILLIAND: Okay. If there are  
20 no questions, I'll move on to talk about some  
21 of the preferred use adjustments.

22 This diagram illustrate where a

1 preferred use frontages are currently required  
2 by the zoning overlay. They are along M  
3 Street west of New Jersey, coming down New  
4 Jersey Avenue, the western side of New Jersey  
5 Avenue opposite of the USDOT's new  
6 headquarters. There are also some preferred  
7 use frontage requirements along this stretch  
8 of Fourth Street in the R-5-E Zone flanking  
9 both sides from Tingey down to Water and then  
10 the frontages that look over into the WO Zone  
11 into the park area also have some preferred  
12 use frontage requirements. I'm sorry, I went  
13 the wrong way. Here we go.

14 This diagram superimposes in the  
15 yellow color anticipated retail frontage  
16 around The Yards. And, you know, much of this  
17 was put in place when the Commission adopted  
18 the Capital Gateway Overlay, a fair amount of  
19 retail being promoted, encouraged to the west  
20 of the site and along M Street.

21 And what's shown in blue is the  
22 new preferred use frontages that are called

1 out for in the text amendments. And what's  
2 happened here is that the frontage that was  
3 required along the western edge of New Jersey  
4 is flipped down to N Street, on both sides of  
5 N Street and then the frontage that was  
6 required on this stretch of Fourth Street  
7 between Tingey and Water has moved up to the--  
8 to the south edge of Tingey.

9 And as Mr. Meiser noted earlier in  
10 his testimony the intent here is to be able to  
11 create a north/south retail street that has  
12 primarily neighborhood serving retail types of  
13 uses on it that will make a very strong  
14 connection back to what's going on with the  
15 ballpark district.

16 VICE CHAIRPERSON JEFFRIES: Mr.  
17 Gilliland you said north/south. I think you  
18 meant to say east/west.

19 MR. GILLIAND: I did. Yes. Thank  
20 you.

21 Move on to another of the  
22 preferred use adjustments.

1           This highlights one of the parcels  
2 within Southeast Federal Center. This is  
3 Parcel I and we just -- we developed the  
4 diagram for illustrative purposes to kind of  
5 talk about this particular issue.

6           Parcel I sits directly to the west  
7 of WASA's main pumping station and directly to  
8 the north of some of the other WASA property,  
9 their service and maintenance yards. It has  
10 N Street frontage along the north side.

11           There was some potential we felt  
12 in the original proposed language that said if  
13 you had preferred use -- there's a preferred  
14 use frontage required that it might also be  
15 interpreted to need to be pulled around to the  
16 other frontages of the parcel. And  
17 discussions with the Office of Planning we  
18 understood that that was not their intent.  
19 And we're seeking a text adjustment just to  
20 make it very clear that the retail, the  
21 preferred uses, the retail arts entertainment  
22 types of uses would only be required along

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1 that specific frontage.

2 So, in the case of Parcel I with  
3 the adjustment to have preferred use frontage  
4 on N would only be what's shown here. This is  
5 trying to describe on the left kind of what  
6 the current -- how the current test we feel  
7 could be interpreted and on the right the  
8 adjustment in the proposed text. So, the  
9 intent is really that those preferred uses  
10 only be on N Street. We don't think they  
11 would be appropriate sitting opposite the pump  
12 station and the service and maintenance yards  
13 of WASA.

14 There is also an adjustment to the  
15 area requirements for preferred uses.  
16 Previously or currently I should say the  
17 requirement is for 50 percent of the ground  
18 floor, gross floor area exclusive of certain  
19 things like parking access, parking ramps and  
20 some building common areas that those -- 50  
21 percent of that ground floor needs to be  
22 devoted to retail uses.

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1           The proposed language changes that  
2           to be a 75 percent requirement of the area to  
3           a depth of 50 feet back from the frontage.

4           CHAIRPERSON HOOD: Let me  
5           interrupt. I'm trying to find that test, what  
6           you just referenced proposed in the OP. Mr.  
7           Lawson would you point me directly to where  
8           that it?

9           MR. LAWSON: The bulk of that  
10          language would be included in 1803.3, which is  
11          the Southeast Federal Center CR District and  
12          that would be 1803.3(a).

13          CHAIRPERSON HOOD: 1803.3(a)?

14          MR. LAWSON: That's correct.

15          CHAIRPERSON HOOD: Okay.

16          MR. LAWSON: I was going to ask  
17          Mr. Chair if it would be -- if it would be  
18          helpful or if you think it would be better,  
19          for example, if I provided the OP comments on  
20          the changes as the Applicant is going through  
21          the application? Or if you would rather that  
22          I took the more traditional approach and wait

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1 until the end?

2 CHAIRPERSON HOOD: No. That's  
3 kind of what I was saying but I thought  
4 everything was fine. But, yes. That would be  
5 great. Do we need to back up or --

6 MR. LAWSON: No. I don't think we  
7 need to back up. We absolutely fully  
8 concurred with all the map amendment changes.  
9 We thought that they made perfect sense.

10 We very much concurred with the  
11 change to where -- what streets the retail was  
12 to be located on. It's a very positive change  
13 to move the retail, for example, from New  
14 Jersey down to N Street to provide that link  
15 with the Ballpark District.

16 CHAIRPERSON HOOD: We're going to  
17 break the formality. And that's exactly what  
18 we need to do.

19 MR. LAWSON: Okay. Thank you.  
20 Okay.

21 CHAIRPERSON HOOD: So, just hit  
22 your mike and speak up. Okay.

1 MR. LAWSON: Don't tempt me.

2 MR. GILLIAND: parcel I in the  
3 Southeast Federal Center and The Yards is used  
4 here again to illustrate the reasons why we're  
5 seeking a text amendment. This time it's  
6 related to the public space requirement in the  
7 Southeast Federal Center CR District.

8 And here again the image on the  
9 left depicts what the current text would  
10 require -- would potentially require and the  
11 image on the right depicts what would be  
12 required with the proposed text change.

13 As we discussed in the last slide,  
14 N Street is proposed to be the street with  
15 required preferred use frontage and therefore  
16 building on Parcel I would need to devote 75  
17 percent of its N Street frontage to preferred  
18 uses. N Street is the most significant street  
19 that this particular parcel fronts on to and  
20 therefore the most logical for locating a  
21 principal entrance to a building.

22 The current text requires that a

1 minimum of 10 percent of the lot area be  
2 devoted to public space and that that public  
3 space be located immediately adjacent to the  
4 main entrance of the building. So, we tried  
5 to illustrate what that might look like  
6 diagrammatically here on the left. The main  
7 entrance being off N Street. Ten percent of  
8 the site area left open directly in front.

9 The preferred use requirement and  
10 the public space requirement are in our  
11 opinion a little bit in conflict here and the  
12 proposed test amendment would essentially say  
13 that the public space requirements in the CR--  
14 the underlying CR are not applicable to a  
15 building in the Southeast Federal Center  
16 Overlay District.

17 So, that we could pull that. Put  
18 our principal entrance on N Street and we  
19 could have a good type urban street wall with  
20 retail on it to reinforce the connection from  
21 the Ballpark District into The Yards.

22 MR. LAWSON: I'll just note that

1 that's point number 6 in the OP table which is  
2 Section 1803.15.

3 If the Commission has really good  
4 memories you may remember that some time ago  
5 Office of Planning was actually quite  
6 concerned about this change. And we weren't  
7 particularly supportive of it.

8 We've taken another look at this  
9 and independently actually in this case from  
10 the Applicant. And started to look at what  
11 this could actually mean.

12 Because the setback requirement is  
13 only on the ground floor, it's not for the  
14 entire building. It can result in the  
15 creation of -- of arcade spaces that aren't  
16 particularly streetscape friendly and don't  
17 contribute to the kind of character that we  
18 anticipate in Southeast Federal Center.

19 We're certainly not at the point  
20 of saying that the requirement should be  
21 eliminated altogether throughout the District,  
22 but we feel that in Southeast Federal Center

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1 with the character, with the controls -- other  
2 control put in place that we agree with the  
3 elimination of this requirement essentially.  
4 So, we agree with the Applicant.

5 COMMISSIONER MAY: Why did you  
6 initially disagree?

7 MR. LAWSON: Originally we just  
8 hadn't done the full thought analysis and  
9 there is an advantage to having the sense of  
10 open space in some area.

11 In this case we're providing that  
12 open space, you know, along the waterfront.  
13 There's a much broader mix of uses that is  
14 being proposed and is somewhat necessarily the  
15 case in the CR District. And because there is  
16 the level of review and control that we think  
17 is necessary in the critical parts of the  
18 overlay, we were satisfied that the likelihood  
19 that this requirement would result in a better  
20 solution was pretty small. And the likelihood  
21 that it would result in a worst design  
22 solution was -- was -- was greater.

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1                   MR. GILLIAND: The slide that's  
2 being projected now speaks to the ceiling  
3 height requirement for preferred uses.

4                   The current Southeast Federal  
5 Center Overlay regs require in the Southeast  
6 Federal Center is of course highlighted here.  
7 It's a 15-foot ceiling height requirement for  
8 that preferred use.

9                   The requirement in the Capital  
10 Gateway Overlay to our west was well as the  
11 requirement that's in place for the Capper  
12 Carrollsburg Hope VI Project to the north is  
13 a 14-foot dimension. We were looking to have  
14 a similar dimension associated with this site.

15                  MR. LAWSON: This would be point  
16 number 2 which is Section 1803.3(g) as well --  
17 and that's within the Capital Gateway CR  
18 District, as well as if I can quickly find it,  
19 point number -- I don't have a separate point  
20 number. But it's 1804.3 on the last page of  
21 my table right at the top which applies in the  
22 R-5-E and R-5-D Districts.

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1           As you will see from this, the  
2 Office of Planning fully supports this change  
3 as being consistent with the requirements  
4 throughout the rest of the District.

5           CHAIRPERSON HOOD: That last point  
6 was 1804.3(a) right?

7           MR. LAWSON: 1804.3(g).

8           CHAIRPERSON HOOD: (G). Okay. I  
9 need to catch up here. Give me a second.

10          MR. LAWSON: Sure.

11          CHAIRPERSON HOOD: All right.  
12 That's fine. I put a question mark by the --  
13 okay.

14          MR. GILLIAND: The next slid is  
15 also related to preferred use issue.

16                 in order to encourage retail,  
17 entertainment and arts uses and building  
18 frontages where they're not required by the  
19 overlay, the proposed test amendments would no  
20 longer required that that retail where  
21 provided meet minimum frontage areas, street  
22 wall, external access and ceiling height

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1 requirements.

2           The -- currently -- the current  
3 wording of the text would say that if we were  
4 to -- and this is a diagram that shows -- it's  
5 one you've seen earlier. The background image  
6 that shows all the required -- currently  
7 required proposed changes anticipated around  
8 the site. But, for example, if the Applicant  
9 was looking to put some retail in the corner  
10 of Parcel D in the southwest corner which is  
11 by the way their intent, they're looking to  
12 not have to be subject to certain minimum  
13 requirements related to frontage area, street  
14 wall, exterior access and ceiling height that  
15 are associated with where preferred uses are  
16 required.

17           And -- and we really believe that  
18 this change will promote the incorporation of  
19 more retail around the site if the, you know,  
20 the ability to put a little coffee shop in the  
21 south end of the E-1 building, for example  
22 without having to devote a significant area.

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1 So, that's our intent.

2 MR. LAWSON: And this would be  
3 section 1803.3(b) which is on page 1 of the OP  
4 attachment.

5 OP actually also very much agrees  
6 with this change as well for the real that Mr.  
7 Gilliland pointed out. The preferred use  
8 retail where it's required to be will provide  
9 that extra height, will provide that extra  
10 store frontage. We get the kind of street  
11 scape character that we want where the retail  
12 is required.

13 We see this as being a provision  
14 that does allow for more flexibility in terms  
15 of the provision of retail so maybe the  
16 neighborhood serving dry cleaner or the  
17 neighborhood serving coffee shop, that kind of  
18 thing that it doesn't necessarily need a 14-  
19 foot height and might actually -- it might  
20 actually be difficult to locate some of these  
21 uses in this more expensive retail space.

22 It provides an opportunity for the

1 provision of more of that kind of retail in  
2 places where the Applicant deems it  
3 appropriate. So, -- so, as much as, you  
4 know, we would love to see all the retail as  
5 great as possible, some of the neighborhoods  
6 serving retail maybe doesn't need all of those  
7 requirements. We think it just provides more  
8 flexibility and probably therefore more retail  
9 to serve the residents of the area as opposed  
10 to retail which will also serve visitors and  
11 tourists and that kind of stuff. So, that's  
12 why we support it.

13 MR. GILLIAND: this next slid  
14 speaks to issues associated with lot occupancy  
15 requirements in the R-5-E and R-5-D primarily.

16 In order to encourage retail and  
17 the establishment of a good definition to an  
18 urban street wall, there are some test  
19 amendments that look to allow 100 percent lot  
20 occupancy on the lower two floors of buildings  
21 where preferred uses are required -- are  
22 provided.

1                   This slide shows Parcel L which is  
2 directly to the east of WASA's main pumping  
3 station. And it has a preferred use frontage  
4 requirement along the south side and if the  
5 adjustments are made to the test amendments  
6 will also have a preferred use frontage along  
7 the north side along Tingey. You know, we're  
8 looking to kind of have those as good retail  
9 frontages addressing the street, creating some  
10 continuity to retail that runs along Tingey  
11 and N. And also on the east and west sides of  
12 that particular parcel, we could very easily  
13 envision some residential units that open up  
14 onto the street.

15                   So, we like the ability to be able  
16 to have 100 percent lot occupancy on the lower  
17 floor. However, once you're up above those  
18 lower floors be subject to the lot occupancy  
19 provisions of the underlying zoning. In this  
20 case in the R-5-E District it would be a 75  
21 percent requirement from there on out.

22                   It's sort of like to my mind it's

1 really like a C-R zoning a little bit that  
2 allows you to do something.

3 MR. LAWSON: Yes. I can speak to  
4 this just a little bit.

5 This would be Section -- I just  
6 had it and now I've lost it. Section --  
7 points in the OP attachment, point number 4  
8 for the Southeast Federal Center CR District  
9 as well as point number 9 for the Southeast  
10 Federal Center, R-5-D and R-5-E Districts.

11 OP is supportive of this change as  
12 -- as -- as it's included in the OP report  
13 which the Applicant seems to be fully in  
14 conformance with in this presentation.

15 Se do like the idea of providing a  
16 proper street wall. Retail that's set back  
17 from the street tends to be not as successful  
18 as retail and tends to not provide the type of  
19 streetscape character that we're looking for  
20 a vibrant, urban kind of environment such as  
21 this one is undoubtedly going to be.

22 So, we do appreciate the need to

1 provide the higher level of lot occupancy on  
2 the ground floors where the retail is  
3 predominately going to be.

4 For the upper stories, we think  
5 that the setback that -- sorry, that the lot  
6 occupancy that, you know, currently exists for  
7 retail development in CR as well as for the R-  
8 5-E and D Districts is appropriate to be  
9 maintained. So, it's our suggestion and it  
10 looks like the Applicant is agreeing with it  
11 that -- that 100 percent lot occupancy is  
12 appropriate for the ground floors. The lot  
13 occupancy that's required by the underlying  
14 zone is appropriate for the upper stories.  
15 And that's about it.

16 That also by the way conforms to  
17 some of our -- even some of our other  
18 commercial zones which -- which do allow for  
19 a higher level of lot occupancy for the ground  
20 floor. It also helps to accommodate things  
21 like loading and good entrances and that kind  
22 of stuff. So, anyways, we fully support the

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1 changes described by the Applicant and as  
2 included in the OP report.

3 CHAIRPERSON HOOD: Mr. Lawson, you  
4 still are saying -- when you say ground  
5 floors, you mean the ground floor and the  
6 second floor?

7 MR. LAWSON: Ground and second  
8 floors. Yes.

9 CHAIRPERSON HOOD: All right.

10 MR. LAWSON: Where there's retail  
11 on the second floor.

12 CHAIRPERSON HOOD: All right.

13 MR. GILLIAND: Very good. Well,  
14 that was the last of the -- of the issues that  
15 I was prepared to talk about. I don't think  
16 we covered absolutely everyone of them but we  
17 tried to get sort of -- the major -- major  
18 issues in this presentation.

19 If there's something specific that  
20 we haven't addressed here in one of these  
21 images, we can try to pull back to something  
22 that will allow us to have a conversation

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1 about it.

2 CHAIRPERSON HOOD: Let's pull back  
3 to -- and we may have addressed it. I may  
4 have missed it.

5 Was it 45 the depth that was --

6 VICE CHAIRPERSON JEFFRIES: Page 5  
7 of Mr. Meiser's --

8 CHAIRPERSON HOOD: Okay. Can you  
9 help me with that?

10 MR. LAWSON: Yes. Page 5 of Mr.  
11 Meiser's statement, Building 160, Parcel M.

12 CHAIRPERSON HOOD: Oh, page 5.

13 VICE CHAIRPERSON JEFFRIES: There  
14 were two outstanding issues according to Mr.  
15 Meiser's statement, that there was some  
16 difference with the Office of Planning.

17 Is that what you're referring to,  
18 Mr. Chair?

19 CHAIRPERSON HOOD: Yes.

20 VICE CHAIRPERSON JEFFRIES: Did  
21 you want --

22 CHAIRPERSON HOOD: Yes. I wanted

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1 to hear from --

2 VICE CHAIRPERSON JEFFRIES: Mr.  
3 Lawson?

4 CHAIRPERSON HOOD: Yes. That's  
5 it. Yes. Mr. Lawson. If you could address  
6 those to us and also point to me where we are  
7 here in the Office of Planning report.

8 MR. LAWSON: On the attachment,  
9 the section dealing with -- with what's  
10 referred to as Building 160. I'm looking for  
11 it myself now. I know I should have it in  
12 front of me. Is in point number -- oh, yes.  
13 point number 7 which is Section 1804.2(f) on  
14 this attachment.

15 I think there are a number of  
16 issues here and I think I'll just start off by  
17 saying that I think we and the Applicant are  
18 actually in agreement now on how the language  
19 should be. So, I think that we fully  
20 understand that because this is an historic  
21 building, there are particular constraints on  
22 this building in terms of what can and can't

1 be done.

2 So, we appreciate that it would be  
3 difficult to meet the otherwise requirements  
4 for required retail in this building,  
5 certainly much more difficult than it will be  
6 for the brand new buildings.

7 So, we accept the fact that retail  
8 space -- and, by the way, what they're  
9 proposing comes awfully close actually to  
10 meeting the, well, what would otherwise be  
11 required for preferred us. So, we kind of  
12 commend the Applicant on getting as close --  
13 as close as they did.

14 There are -- so they are proposing  
15 a slightly lower amount. OP does believe that  
16 the language that's adopted by the Commission  
17 should include what those amounts are I think  
18 the Applicant is fine with that. And those  
19 amounts would be, correct me if I'm wrong,  
20 3,000 feet on the north end of the building  
21 and 6,000 square feet on the south end of the  
22 building along Water Street.

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1           There's the issue of depth as well  
2           and -- and the minimum depth of 45 feet is  
3           acceptable but the Applicant has pointed out  
4           there are existing and future serving  
5           constraints that may make it difficult to  
6           fully meet that 45-foot depth. And so the  
7           Applicant has proposed some language with  
8           respect to dealing with those service areas.  
9           And I think that's in their supplemental  
10          report dated December 28 of 2008 -- or 2007,  
11          sorry.

12                 So, I guess as a -- I'm kind of  
13                 going on and on here. But as a summary, we  
14                 feel that the language proposed by the  
15                 Applicant is fully acceptable provided that  
16                 the 3,000 square foot and 6,000 square foot  
17                 minimums for the two streets are added and the  
18                 Applicant is I think okay with that.

19                         MR. DEPUY: Mr. Chair, if I could  
20                         just clarify on that.

21                                 We did as Mr. Lawson said submit  
22                                 by letter dated December 28 language with

1 respect to Building 160. And in that proposal  
2 we did suggest the 45 foot minimum requirement  
3 but we also set forth certain exclusions  
4 including lobbies, elevators, stair towers,  
5 etcetera, etcetera.

6 The OP report took a -- a more  
7 straightforward and simpler approach to  
8 setting forth the square footage which we're  
9 fine with. There's full agreement on that.  
10 And added the 45-foot depth but did not  
11 include the recommended exclusions. So, our  
12 position has been that either our original  
13 approach which has the 45-foot with exclusions  
14 or deleting the 45 foot would accomplish the  
15 same purpose. But I think in terms of  
16 simplicity, simply deleting the 45-foot  
17 requirement accomplishes the objective in a  
18 most straightforward way.

19 CHAIRPERSON HOOD: In your  
20 submittal that you just -- dated December 28th  
21 you still leave that in your proposed text.

22 MR. DEPUY: Well, this submittal

1 was provided to the Commission before the  
2 Office of Planning report was made available.  
3 When we reviewed the Office of Planning  
4 report, we thought that its approach was  
5 simpler and we could accept it as long as the  
6 45-foot depth requirement was eliminated.

7 CHAIRPERSON HOOD: So, I guess  
8 what I'm trying to say now. We're in  
9 agreeance of taking it out?

10 MR. LAWSON: I have to admit I'm a  
11 little confused myself right now. So --

12 MR. DEPUY: Let me try to explain  
13 again.

14 Our original proposal did set  
15 forth a 45-foot depth requirement but it had  
16 from that requirement certain exclusions for  
17 exit corridors, lobbies, elevator -- elevator,  
18 stair towers and the like.

19 The OP report did not contain  
20 those exclusions and so it has the 45-foot  
21 requirement but it's a rigid requirement. So,  
22 we think the best approach is to accept the OP

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1 position as set forth in its report but to  
2 eliminate the 45-foot requirement which also  
3 avoids any discussion of all these exclusions.  
4 We don't need to deal with them.

5 VICE CHAIRPERSON JEFFRIES: And so  
6 that's why I was looking at Mr. Lawson to  
7 figure out if he agreed with that proposal.

8 MR. LAWSON: To be honest, I was  
9 more comfortable with -- with the -- with the  
10 more -- I would agree the more restrictive  
11 language which would include the square  
12 footage minimums as well as the depth minimums  
13 with the additional language as proposed by  
14 the Applicant to exclude some of the service  
15 areas that are being proposed.

16 Looking at the drawings and, you  
17 know, again knowing that this building is  
18 going to be going through some level of  
19 municipal review, I don't -- I don't think  
20 it's a disaster, I guess, if the language is  
21 simplified to just include the square  
22 footages.

1 I guess what I'm saying is I think  
2 the square footages are more critical than the  
3 depths because I think that the existing  
4 building to some extent will dictate what the  
5 appropriate depths of that retail are going to  
6 be.

7 I'm a little bit nervous about  
8 getting rid -- eliminating the depth  
9 requirement but that I think is probably more  
10 because -- because I wasn't -- I wasn't  
11 anticipating eliminating those depth  
12 requirements.

13 VICE CHAIRPERSON JEFFRIES: But  
14 what now. I want to be clear. What would --  
15 by removing the depth requirement, what  
16 potentially could occur here that would be  
17 problematic?

18 MR. LAWSON: And that's what I  
19 just don't know because I haven't really  
20 thought about it. I haven't really -- I  
21 haven't really looked at it. And that's what  
22 I'm saying. I -- I -- I -- I doubt that there

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1 would be any serious impact because I don't  
2 see, you know, I'm kind of looking through  
3 this and analyzing this as you are -- at the  
4 same time as you are. I don't really see a  
5 chance that we're going to get a lot of retail  
6 that significant is less than that, except for  
7 where the servicing would make it less than  
8 that. I think it's in the Applicant's  
9 interest to provide retail that's functional--

10 VICE CHAIRPERSON JEFFRIES: Right.

11 MR. LAWSON: -- and most rentable  
12 and that tends to be retail that is as deep as  
13 it can possibly be within limits.

14 So, you know, I guess what I'm  
15 saying is for simplicity sake if the  
16 Commission is comfortable with eliminating the  
17 depth for this one particular building, I  
18 think that -- I think that there are  
19 extenuating circumstances with this building  
20 that make that acceptable.

21 VICE CHAIRPERSON JEFFRIES: Yes.

22 I guess I would, you know, agree. I don't --

1 I don't have a problem with removing the  
2 depth. I mean, unless someone can tell me  
3 how, it's obviously in the developer's best  
4 interest, I mean, there are, you know,  
5 restrictions or limitations on the building.  
6 It seems like we would allow, you know, that  
7 flexibility for depth at least. As long as  
8 you're saying that the square footage should  
9 be maintained.

10 MR. LAWSON: That would be my  
11 proviso.

12 VICE CHAIRPERSON JEFFRIES: I'm  
13 physically fine with that.

14 CHAIRPERSON HOOD: Commissioner  
15 May.

16 COMMISSIONER MAY: Yes. I don't  
17 want to belabor the point but I'm just a  
18 little bit confused. How is it -- how would  
19 it have been possible to maintain the minimum  
20 without including the exception? The  
21 exception for, you know, lobbies and what now  
22 because, I mean, I can see having a 3,000,

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1 6,000 requirements. I could see having the 45  
2 feet and the exception, but I can't see having  
3 a 3,000, 6,000 and the 45 feet anyway, you  
4 know what I mean?

5 MR. LAWSON: to some extent I  
6 think I understand what you're saying.

7 Like it fairly common now  
8 certainly with -- with new people that are  
9 coming -- that the retail includes both a  
10 minimum requirement. That's usually a  
11 percentage of something as well as a minimum  
12 depth. And that's to make sure, you know,  
13 again, just to really reinforce that the kind  
14 of retail that we want to make sure is  
15 happening is being provided is as function as  
16 possible.

17 In this case I think I'm agreeing  
18 with you in that -- in that the -- the  
19 existing characteristics of the existing  
20 building, as well as, you know, actually  
21 starting to see some of the conceptual plans  
22 and where the retail is going to be and how

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1 it's going to look, is giving me some comfort  
2 that provided we have the square footage  
3 minimums, that the depth will take care of  
4 itself.

5 VICE CHAIRPERSON JEFFRIES: Yes.  
6 I mean, we're not on Georgia Avenue here.

7 MR. LAWSON: Exactly.

8 VICE CHAIRPERSON JEFFRIES: I  
9 mean, what concerns do we have about certain  
10 uses? I mean, clearly it's in the developer's  
11 best interest to, I mean, they're going to  
12 have to market the space and get, you know,  
13 the quality retailers. I still see a problem  
14 with the 45. But I understand what you're  
15 saying.

16 COMMISSIONER MAY: I was just  
17 trying to understand where OP was originally  
18 coming from.

19 VICE CHAIRPERSON JEFFRIES: Oh.

20 COMMISSIONER MAY: And not that I  
21 was arguing the 45 feet. I mean, conceivably  
22 with just 3,000 and the 6,000, you could come

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1 up with a really bad scheme for the retail --

2 VICE CHAIRPERSON JEFFRIES: Right.

3 COMMISSIONER MAY: -- if you  
4 wanted to, but you'd have to want to.

5 VICE CHAIRPERSON JEFFRIES: You  
6 would have to want to and --

7 COMMISSIONER MAY: Really want to.  
8 I mean, it just, you know, it's in their best  
9 interest too.

10 VICE CHAIRPERSON JEFFRIES: Yes.

11 COMMISSIONER MAY: I'm comfortable  
12 enough with that.

13 CHAIRPERSON HOOD: Okay. So, I  
14 guess I want to make sure we hash that out so  
15 the deliberations, you know, we deliberate it  
16 now that would be resolved on all ends.

17 Anything else?

18 MR. LAWSON: I'm sorry, Mr. Chair,  
19 were you looking at me?

20 MR. DEPUY: Mr. Chairman, there  
21 was one other specific item that Mr. Meiser  
22 discussed and that is the preferred uses on

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1 Tingey Street east of 4th Street that the  
2 Commission might want to discuss with the  
3 Office of Planning.

4 VICE CHAIRPERSON JEFFRIES: Didn't  
5 we --

6 CHAIRPERSON HOOD: I thought we  
7 talked about that.

8 VICE CHAIRPERSON JEFFRIES: You  
9 didn't bring that up? Maybe I missed it.

10 MR. DEPUY: Mr. Meiser addressed  
11 that in his testimony but --

12 CHAIRPERSON HOOD: Okay.

13 VICE CHAIRPERSON JEFFRIES: Oh,  
14 I'm sorry. I'm sorry.

15 MR. DEPUY: We do have a slide.

16 VICE CHAIRPERSON JEFFRIES: Yes.  
17 Let's see that.

18 MR. DEPUY: You've got pictures  
19 right there.

20 VICE CHAIRPERSON JEFFRIES: I'm  
21 sorry. I thought you had talked about this  
22 but let's --

1 CHAIRPERSON HOOD: Does this begin  
2 the part -- the bottom of page 5?

3 VICE CHAIRPERSON JEFFRIES: Yes.  
4 Preferred uses on Tingey Street west of 4th  
5 Street, Parcel O.

6 MR. GILLIAND: The proposed test  
7 amendments would require preferred use --

8 COMMISSIONER MAY: You need to  
9 speak up and speak into the microphone I  
10 think.

11 MR. GILLIAND: The proposed text  
12 amendments as currently worded would required  
13 preferred use frontage as I did discuss  
14 earlier along the south edge of Tingey  
15 extending over to 5th Street here all the way  
16 across.

17 There's some practical  
18 difficulties kind of associated with placing  
19 retail in this particular parcel. There is a  
20 substantial area of the site that is currently  
21 within the 100 years flood plain and we're  
22 working to elevate the sites -- working with

1 FEMA and the Department of the environment to  
2 elevate the site about at the 100 year flood  
3 elevation.

4 And we can do that in almost all  
5 location across the site with exception of a  
6 stretch here along Tingey which has to remain  
7 at its current elevation because it matches up  
8 with the street and the Navy Yard at a  
9 connection there. And also these Navy Yard  
10 buildings on the south side of Tingey have --  
11 are serviced off of that existing elevation.

12 So, what's happening is that this  
13 stretch of Tingey is down at -- down at its  
14 current elevation within the 100 year flood  
15 plain plan and then we're sloping Tingey up to  
16 where it's out of the -- out of that flood  
17 plain and at a certain point that slope  
18 crosses the 100 year flood line.

19 Similar sort of configuration  
20 that's in the north/south direction here in  
21 the flood plain. Fifth Street sloping up it's  
22 out of the flood plain and that's

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1 approximately the line where the street moves  
2 out of it.

3 In order to retain water in that  
4 100 years flood event, we've got a retaining  
5 wall that we have to build along the northeast  
6 corner of Parcel O. And -- and we have to in  
7 order to meet certain FEMA and DOE  
8 requirements for not having to deal with flood  
9 issues and flood insurance issues, we're going  
10 to have to set the building back behind that  
11 flood wall in that corner as well. So, it's--  
12 I think our point is that retail along here --  
13 it's not really viable when it's set back  
14 behind the flood retaining wall and the  
15 building needs to be set back behind it.

16 VICE CHAIRPERSON JEFFRIES: Excuse  
17 me. I'm sorry.

18 MR. GILLIAND: Yes.

19 VICE CHAIRPERSON JEFFRIES: West  
20 4th is where?

21 MR. GILLIAND: This is 4th Street  
22 right here.

1 VICE CHAIRPERSON JEFFRIES: 4th  
2 Street. Okay. Okay.

3 MR. GILLIAND: Yes. Yes.

4 VICE CHAIRPERSON JEFFRIES: So,  
5 okay. So, anything, you know, east of 4th  
6 Street is where you -- because of the flood  
7 plain you're saying you'd like the exception?

8 MR. GILLIAND: That's correct.

9 CHAIRPERSON HOOD: Commissioner  
10 May.

11 COMMISSIONER MAY: This is just a  
12 safety question.

13 The -- I'm assuming that since  
14 you've been talking to FEMA and DOE recently  
15 that you're not affected by recent information  
16 about the flood map changes and all that  
17 stuff? You're working with the most recent  
18 current information and it's not a shifting  
19 picture for you because I'd hate to sort of  
20 draw the line there and then find out that,  
21 oh, no, it has to be different because of new  
22 information from FEMA.

1 MR. GILLIAND: Right. Well, we  
2 are aware that the new maps out there. We  
3 became recently aware of them. We did go --  
4 we've been talking to FEMA and DOE for years  
5 on this issue. And recently became aware that  
6 there were some new documents being put  
7 together. And we have some hydrologists and  
8 flood engineers looking at that right now.

9 So, I guess to truthfully answer  
10 your question we don't know yet exactly how it  
11 impacts us. We do believe that while the  
12 lines were redrawn a little bit to conform a  
13 little more closely with the existing  
14 topography, the flood elevation is still the  
15 same. And so where we're elevating our sites  
16 up out of the 100 year flood plain, we're  
17 reasonably confident, as confident as we can  
18 be at this point without the input of these --

19 COMMISSIONER MAY: Right.

20 MR. GILLIAND: -- these folks that  
21 we're going to be okay.

22 COMMISSIONER MAY: It's my

1 understanding that the changes in the map have  
2 more to do with levies and things like that --  
3 existing levies around the city and I don't  
4 think you're affected by those.

5 MR. GILLIAND: Right.

6 COMMISSIONER MAY: And  
7 particularly in this location. But I just  
8 want to, you know, make sure that that's --  
9 that's being addressed.

10 MR. GILLIAND: We appreciate that.  
11 We're very focused on it.

12 COMMISSIONER MAY: Yes. And it's  
13 not unlike government organizations like FEMA  
14 to have one part talking to you and -- about  
15 your particular concerns, but not necessarily  
16 being completely in sync on what else is  
17 happening with the flood map. So, anyway --

18 MR. DEPUY: Mr. Chair, and Members  
19 of the Commission, I'd like to emphasize or  
20 point out one thing that Mr. Meiser testified  
21 to that may not have been understood by the  
22 Commission because of the complexities of some

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1 of these issues and that is at this particular  
2 location, retail is being proposed at all four  
3 corners of 4th and Tingey even though the  
4 proposed text as it was originally proposed  
5 would only required on two and is not required  
6 on the north side at all. And with our  
7 proposal that is to limit the Tingey  
8 requirement to west of 4th Street, the  
9 Applicant still proposes to have retail on all  
10 four corners. It just won't be required.

11 So, there is going to be retail.  
12 There is going to be preferred use, but we  
13 want to make it clear that because of this  
14 flood plain issue, we don't want the  
15 requirement to extend all the way across  
16 Parcel O to 5th Street again because of the  
17 flood plain.

18 COMMISSIONER MAY: So, just trying  
19 to sync up all these different pieces of map--  
20 I mean, of amendments here -- test amendments.

21 The -- I'm looking at this drawing  
22 which shows the preferred use -- it's a

1 preferred use frontage diagram. And -- there  
2 we go. Nope. There we go.

3 Okay. So, with the -- in Parcel O  
4 what we were looking at before in the previous  
5 diagram which showed our flood plain and stuff  
6 that was coming up Tingey Street there.  
7 Right?

8 MR. GILLIAND: Tingey is on the  
9 north side.

10 COMMISSIONER MAY:

11 Right, so the flood plain sort of  
12 goes across the middle -- the middle of the  
13 top. Goes like right through there.

14 MR. GILLIAND: Closer to the west  
15 end than the east end.

16 COMMISSIONER MAY: Right.  
17 Roughly.

18 Okay. So, then -- then  
19 theoretically this -- what's shown there is  
20 somewhat inconsistent in that that one band of  
21 blue at the top of Parcel O really only  
22 extends across half a block.

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1 MR. DEPUY: To clarify, Mr. May,  
2 the proposal as advertised would required  
3 preferred retail across the entirety of Parcel  
4 O.

5 COMMISSIONER MAY: Right.

6 MR. DEPUY: And we're requesting  
7 that --

8 COMMISSIONER MAY: That it be  
9 limited.

10 MR. DEPUY: -- that it be limited  
11 so that there's no requirement east of 4th  
12 Street.

13 COMMISSIONER MAY: Right. So,  
14 that's just not showing up in here yet.  
15 Right.

16 MR. GILLIAND: That's correct.

17 VICE CHAIRPERSON JEFFRIES: These  
18 are outstanding issues. I mean, between  
19 yourselves and OP.

20 So, then what could potentially  
21 occur on the east side of the O Square? I  
22 mean, if it's -- what would happen there? I

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1 guess, I'm not understanding exactly if it's  
2 not preferred, if there's not an  
3 exception, then what are the possibilities that  
4 would go there?

5 MR. GILLIAND: That parcel has not  
6 been designed yet but we have done some  
7 hypothetical test fits for what could be  
8 possible on that particular parcel. And what  
9 we have -- I think -- my recollection is that  
10 for that northeast corner we've been showing  
11 residential uses kind of coming down to grade  
12 and having a little bit of an exterior area  
13 out in front of them. Because we have to set  
14 our building back behind the floor retaining  
15 wall in order to be clearly out of the flood  
16 plain in order to have some at-grade  
17 residential uses potentially in that corner.

18 VICE CHAIRPERSON JEFFRIES: Mr.  
19 Chair, can we hear from Mr. Lawson on this  
20 topic?

21 CHAIRPERSON HOOD: You're talking  
22 about east of --

1                   VICE CHAIRPERSON JEFFRIES: The  
2 northeast corner of Square Zero -- soft of  
3 Square O.

4                   CHAIRPERSON HOOD: Yes. Sure.

5                   MR. LAWSON: The Office of  
6 Planning, I guess, fully became aware of the  
7 flood plain issue relatively recently as well.  
8 But we had had some discussions earlier with  
9 the Applicant on other sides which were facing  
10 some of the -- some of the same difficulties,  
11 particularly the site directly to the north of  
12 this one which is Parcel D. And some of the  
13 exact same flood plain issues.

14                   And so we understand the  
15 constraints that the flood plain issue are  
16 placing on the Applicant in that there -- in  
17 that where they need to deal with the flood  
18 plain in this way is not frankly conducive to  
19 the provision of really highly effective  
20 retail.

21                   Now, if the Applicant can find  
22 ways to put retail there I think that we would

1 be supportive of it as long as it's  
2 successful. The last thing that we want to  
3 encourage is the provision of either more  
4 retail than this neighborhood can support or  
5 the provision of a bad retail space because  
6 that tends to stay vacant and tends to be kind  
7 of downer on the whole neighborhood as a  
8 whole.

9 So, we understand the intent of  
10 this one and I think we're in agreeance with  
11 the intent. You know, again, I would say that  
12 I'd be more comfortable if the retail  
13 requirement was actually maintained on the  
14 corner of 4th and Tingey.

15 I understand that the Applicant  
16 you know, fully intends to put retail there  
17 anyways. I think it's in their best interest  
18 to create that retail nub kind of. There is  
19 going to be retail on the other three corners  
20 of that intersection. And I think that it is  
21 desirable -- highly desirable actually to have  
22 retail on the 4th corner if language could be

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1       crafted to have a required retail on that  
2       corner without requiring it for the whole --  
3       for the whole length of the square. It would  
4       certainly make us much more comfortable.

5               And perhaps that could be  
6       something as simple as requiring a retail at  
7       a depth of 50 feet and 50 feet from both of  
8       those streets. I suspect they will probably  
9       be requiring more than that. But at least at  
10      a minimum to make sure that we get the retail  
11      on what would be the southeast corner of the  
12      intersection.

13             I have not proposed this to the  
14      Applicant until now so I don't know what their  
15      reaction is going to be.

16             VICE CHAIRPERSON JEFFRIES: So,  
17      you're referring to the northwest corner -- a  
18      requirement for the northwest corner of Parcel  
19      O? Is that what you're saying?

20             MR. LAWSON: Yes. That's correct  
21      in eliminating the requirement.

22             VICE CHAIRPERSON JEFFRIES: Other

1 than -- the intention to do we should probably  
2 just simply say they are required so that we  
3 could have an intersection that has retail on  
4 all four corners.

5 MR. LAWSON: Yes. It would also  
6 make sure that retail is consistent with the  
7 retail that's across the street because the  
8 retail across the street is required and,  
9 therefore, would be required to meet the  
10 requirements of required preferred uses.

11 VICE CHAIRPERSON JEFFRIES: Right.

12 MR. LAWSON: But, again, I haven't  
13 had an opportunity to discuss this with the  
14 Applicant. I don't know if there are other  
15 issues that might make that difficult to do.

16 CHAIRPERSON HOOD: Okay. That  
17 seems to be the outstanding sticking point.  
18 That seems to be the issue and I'm not sure  
19 how my colleagues -- whether we want to make  
20 sure that that requirement stays in there for  
21 now because we have to redo this after 30 days  
22 and we look at this.

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1                   So, there's a time frame.

2                   If we were to -- basically I think  
3                   that's the only concern here and I think  
4                   basically if we were to deal with this tonight  
5                   that would be an issue that we could revisit  
6                   at final.

7                   VICE CHAIRPERSON JEFFRIES: Okay.

8                   CHAIRPERSON HOOD: Okay. Is that  
9                   okay, because it seems like everything else is  
10                  we're of one accord.

11                  VICE CHAIRPERSON JEFFRIES: Yes.  
12                  It's pretty straightforward.

13                  CHAIRPERSON HOOD: So, we will do,  
14                  we will do it as proposed and keep the  
15                  requirement in and then we can revisit it  
16                  after maybe OP and the Applicant has  
17                  discussions at a later time unless my  
18                  colleagues have something else now?

19                  VICE CHAIRPERSON JEFFRIES: So,  
20                  Mr. Chair, you're saying just -- we would, you  
21                  know, perhaps if we decide to do a bench  
22                  decision tonight that we would just do it

1 based on what has been proposed.

2 CHAIRPERSON HOOD: Proposed.

3 Right.

4 VICE CHAIRPERSON JEFFRIES: So,  
5 the entire north section of Parcel O would  
6 stay as is and then final action, you know,  
7 the assumption is that Office of Planning and  
8 the Applicant will get together and figure  
9 something out and then we can get that change  
10 reflected in the final action.

11 CHAIRPERSON HOOD: And I'm going  
12 to have to move things along unless my  
13 colleagues feel differently we can always wait  
14 and deliberate that at another time without  
15 even taking a vote.

16 MR. DEPUY: Mr. Chair, could we  
17 suggest that the alternative suggested by Mr.  
18 Lawson would be preferable, namely, 50 feet of  
19 depth from that corner. And we would prefer  
20 that that be advertised so that if NCPC or any  
21 other parties look at this that they have in  
22 mind what's been suggested.

1           Now, I think all of us realize we  
2           may have further thoughts about that including  
3           the Planning Office. But in terms of what  
4           proposed action the Commission might take, we  
5           would be more comfortable with that.

6           CHAIRPERSON HOOD: So, what you're  
7           asking is that we do what Mr. Lawson is asking  
8           about the 50 feet in the alternative without--

9           MR. DEPUY: We'd suggest that as  
10          the solution.

11          CHAIRPERSON HOOD: As the  
12          alternative.

13          MR. DEPUY: Yes.

14          CHAIRPERSON HOOD: Okay.

15          VICE CHAIRPERSON JEFFRIES: I  
16          mean, Mr. Lawson is, you know, a superb  
17          planner and so forth, but you know, he's sort  
18          of -- I mean, 50 feet. Why is it not 60? You  
19          know, is it possible that, you know, we could  
20          go with what's here and then you'll get a  
21          second or two to sort of look at this and  
22          study it or do you feel comfortable that 50

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1 feet is fine?

2 I just don't -- just didn't want  
3 to get into, you know, designing from the dias  
4 here.

5 MR. LAWSON: Right. I'm  
6 comfortable with 50 feet --

7 VICE CHAIRPERSON JEFFRIES: Okay.

8 MR. LAWSON: -- being advertised  
9 with the knowledge that -- and for the reasons  
10 that the Applicant brought out. So, that the  
11 people who do look at the text have a clear  
12 understanding. But you may want to include  
13 somewhere in the notice that this is an issue  
14 that is going to be discussed further. I  
15 think we've done that on occasions in the past  
16 for refinement prior to final action.

17 We'd be comfortable with that.

18 CHAIRPERSON HOOD: Okay.  
19 Commissioner May.

20 COMMISSIONER MAY: Yes. I would  
21 just want to make sure that whatever -- that  
22 whatever we're doing is going to meet the

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1 legal requirements for, you know, for  
2 advertising this sort of a change and that  
3 we're covering kind of the -- I mean, it's  
4 hard to do that without OAG present to say,  
5 well, we have to advertise it two ways or we  
6 have to pick the one that's the worst. I  
7 don't know how you would even define that in  
8 this circumstance.

9 MS. SCHELLIN: You can leave it to  
10 OAG to advertise it so that it meets what you  
11 guys are trying to come across.

12 CHAIRPERSON HOOD: And is legally  
13 sufficient.

14 COMMISSIONER MAY: Legally  
15 sufficient.

16 MS. SCHELLIN: And they'll do that  
17 because they'll get the transcript.

18 COMMISSIONER MAY: Release the  
19 issue to cover both versions of it?

20 MS. SCHELLIN: Yes.

21 CHAIRPERSON HOOD: We're going to  
22 do that in the motion.

1 COMMISSIONER MAY: Okay.

2 CHAIRPERSON HOOD: I think we'll  
3 include that in the motion.

4 COMMISSIONER MAY: Okay. All  
5 right. That's fine.

6 CHAIRPERSON HOOD: Give staff and  
7 OAG flexibility.

8 COMMISSIONER MAY: Okay.

9 CHAIRPERSON HOOD: Okay.

10 COMMISSIONER MAY: Okay. Sounds  
11 good.

12 CHAIRPERSON HOOD: Okay. So,  
13 that's the only sticking point.

14 All right. Anything else?

15 Let me -- let me go through the  
16 agenda now if I can find it.

17 Okay. Everybody just hold their  
18 seat.

19 Report of any other Government  
20 agencies. Do we have anyone representing an  
21 ANC?

22 Any organizations or persons in

1 support?

2 Any organizations or persons in  
3 opposition?

4 Okay. Seeing none, Mr. Dope do  
5 you want to have any closing remarks?

6 MR. DEPUY: Very briefly.

7 Mr. Chair and Members of the  
8 Commission, I think that the record is clear  
9 that the proposal as modified by the OP report  
10 and is further modified by the Applicant and  
11 pursuant to the Commission's discussion on  
12 several outstanding issues, satisfies the  
13 requirements for a map and a text amendment  
14 and we would request approval.

15 Thank you.

16 CHAIRPERSON HOOD: Okay.  
17 Colleagues, I think we really have flushed  
18 this out, unless anyone feels any differently.

19 Commissioner May?

20 COMMISSIONER MAY: I just have a  
21 question whether there had been any discussion  
22 with the ANC or any feedback in that area

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1 since there isn't anything official.

2 MR. DEPUY: I can respond, Mr.  
3 May.

4 We did meet with the ANC and the  
5 ANC was supportive but did not apparently file  
6 a report. We thought they might file a report  
7 but they did not file one. But we did meet  
8 with them and they were supportive.

9 COMMISSIONER MAY: Thank you.

10 CHAIRPERSON HOOD: They don't  
11 always respond I think until final action.

12 MS. SCHELLIN: They can respond to  
13 the public -- the 30 minute -- the 30-day  
14 comment period.

15 CHAIRPERSON HOOD: Comment period.  
16 Right.

17 Okay. Let me see if I can rehash  
18 this.

19 I would move approval of the  
20 proposed map amendments and text amendments  
21 with 1804.3(a) which deletes the 45 feet. And  
22 what else? And also give the Office of the

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1 Attorney General, I'm going off the top of my  
2 head here, I don't like to do -- flexibility  
3 to work with -- help me out, Mr. Lawson. What  
4 are they working with, the 50?

5 MR. LAWSON: I think what you're  
6 referring to is the -- is the preferred retail  
7 requirement on Parcel O on the northwest  
8 corner of Parcel O.

9 CHAIRPERSON HOOD: Okay. Per your  
10 recommendation which was -- what was it 50  
11 feet?

12 MR. LAWSON: That was my  
13 suggestion as --

14 CHAIRPERSON HOOD: That is what  
15 you were suggesting. Okay.

16 Fifty feet frontage, but we'll --  
17 if my colleagues are okay with this motion, we  
18 will leave the flexibility up to the Office of  
19 Attorney General staff, Office of Planning and  
20 Applicant.

21 Okay. Anything else?

22 I mentioned the 45-foot depth.

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1 Right?

2 Anything else?

3 Okay. With that I would move  
4 approval and ask for a second.

5 COMMISSIONER JEFFRIES: Second.

6 CHAIRPERSON HOOD: Moved and  
7 properly seconded.

8 Any further discussion?

9 Ms. Schellin, do we have anything  
10 to cover before I call the vote?

11 Okay. All those in favor?

12 (AYES)

13 CHAIRPERSON HOOD: Any opposition?

14 So ordered.

15 Staff, would you record the vote?

16 MS. SCHELLIN: Staff records the  
17 vote four to zero to one to approve Zoning  
18 Commission Case No. 07-11 as discussed on the  
19 dias for proposed action.

20 Commissioner Hood moving,  
21 Commissioner Jeffries seconding,  
22 Commissioners May and Etherly in favor and

1 Commissioner Turnbull not present, not voting.

2 CHAIRPERSON HOOD: Okay. I thank  
3 everyone for their participation tonight and  
4 this hearing is adjourned.

5 (Whereupon, the above matter was  
6 concluded at 7:53 p.m.)

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