

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSIONER

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PUBLIC HEARING

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IN THE MATTER OF: :

:

WASHINGTON GATEWAY - MIDATLANTIC: Case No.

REALTY PARTNER ON BEHALF OF GMK : 06-14

TITLE HOLDER, INC., D&H TITLE :

HOLDER III, INC., THE SUN OIL :

COMPANY OF PENNSYLVANIA, THE :

WASHINGTON METROPOLITAN TRANSIT :

AUTHORITY AND THE DISTRICT OF :

COLUMBIA :

-----:

Thursday,

November 30, 2006

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 06-14 by the District of Columbia Zoning Commission convened at 7:00 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Carol J. Mitten, Chairperson, presiding.

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ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
TRAVIS PARKER
STEVE COCHRAN

The transcript constitutes the minutes from the Public hearing held on November 30, 2006.

I-N-D-E-X

WITNESS	EXAMINATION
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Report by the Office of Planning	67
Adjournment	85

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

(7:00 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, November 30th, 2006.

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

And I apologize. We ran a little over on our last hearing. But we really needed to get that done. So I appreciate your indulgence.

The subject of this evening's hearing is Zoning Commission Case No. 06-14. And this is a request by MidAtlantic Realty for approval of a consolidated planned unit development for property located in the triangle that is bounded by New York and Florida Avenues, N.E. and I guess the railroad

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1 tracks and known as lots 23, 811, 812, 813 in
2 Square 3584.

3 Notice of today's hearing was
4 published in the DC Register on August 11th,
5 2006 and copies of that hearing announcement
6 are available to you and they are in the wall
7 bin by the door.

8 This hearing will be conducted in
9 accordance with the provisions of 11 DCMR
10 Section 3022 and the order of procedure will
11 be as follows:

12 We will take up any preliminary
13 matters. Then we will have the presentation
14 of the applicant's case, report by the Office
15 of Planning, reports of other government
16 agencies, report of the effected Advisory
17 Neighborhood Commission, in this case, it is
18 5C, organizations and persons in support, and
19 organizations and persons in opposition.

20 Organizations will have five
21 minutes and individuals will have three
22 minutes. And the Commission attends to adhere

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1 to these time limits as strictly as possible
2 in order to hear the case in a reasonable
3 period of time.

4 The Commission reserves the right
5 to change the time limits for presentations if
6 necessary and notes that no time shall be
7 ceded. All persons appearing before the
8 Commission are to fill out two witness cards.
9 They look like this. These cards are on the
10 table by the door.

11 Upon coming forward to speak to
12 the Commission, we ask you to give both of the
13 cards to the reporter who is sitting to our
14 right.

15 Please be advised that the
16 proceeding is being recorded by the court
17 reporter and is also being webcast live.
18 Accordingly, we ask you to refrain from making
19 any disruptive noises in the hearing room.

20 When presenting information to the
21 Commission, please turn on and speak into the
22 microphone, first stating your name and

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1 address. When you are finished speaking, we
2 ask you to turn your microphone off because
3 they tend to pick up background noise.

4 The decision of the Commission in
5 this case must be based exclusively on the
6 public record. To avoid any appearance to the
7 contrary, the Commission requests that persons
8 present not engage the members of the
9 Commission in conversation during a recess or
10 at any other time. Ms. Schellin will be
11 available to answer any procedural questions
12 that you might have during the hearing.

13 So I would ask you to turn off all
14 beepers and cell phones at this time so as not
15 to disrupt the hearing. And I would ask that
16 anyone who is planning on testify in this case
17 this evening rise now, raise your right hand,
18 and direct your attention to Ms. Schellin and
19 she will administer the oath.

20 (Whereupon, potential witnesses
21 were duly sworn.)

22 CHAIRPERSON MITTEN: Thank you.

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1 Ms. Schellin, any preliminary
2 matters?

3 MS. SCHELLIN: No, ma'am.

4 CHAIRPERSON MITTEN: Okay.

5 Mr. Glasgow, any preliminary
6 matters?

7 MR. GLASGOW: None.

8 CHAIRPERSON MITTEN: Okay. So I
9 think we have worked out how you will proceed
10 with your presentation. That I think you had
11 offered that you would stand on the record and
12 then --

13 MR. GLASGOW: Yes.

14 CHAIRPERSON MITTEN: -- just make
15 a presentation addressing those issues that
16 have been raised by the Office of Planning.
17 And then respond to questions from the
18 Commission.

19 MR. GLASGOW: That is correct.

20 CHAIRPERSON MITTEN: That is our
21 preference.

22 MR. GLASGOW: All right.

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1 CHAIRPERSON MITTEN: So please
2 proceed.

3 MR. GLASGOW: All right. Thank
4 you.

5 For the record, my name is Norman
6 M. Glasgow, Jr. of the law firm of Holland and
7 Knight representing the applicant in this
8 case. Here with me this evening are Ms. Leila
9 Batties of the same law firm, Fred Rothmeijer
10 and Jonathan Lischke of MidAtlantic Realty
11 Partners, Michael Patrick of Gensler
12 Associates, Shamin Ammadzadgan of SKI
13 Architects -- I tried to get it close -- Marty
14 Wells, traffic expert, Eric Smart of Bolan
15 Smart Associates, and Mr. Hoover of Oculus.
16 And we have submitted information for them to
17 be expert witnesses. And that is in tab D of
18 the filing that we made on November 9th.

19 And so we just offer those as
20 expert witnesses and the Commission can deal
21 with that at the appropriate time.

22 What I would like to go through in

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1 just a couple of minutes before turning it
2 over the Commission for discussion is the
3 November 30th booklet that we submitted which
4 has, we think, all the responses that we were
5 required to or requested with the report of
6 the Office of Planning.

7 And that is we have our resolution
8 in support from the ANC. We have unanimous
9 support for ANC 5C. That is in tab 1 of the
10 booklet.

11 Tab 2 is our amenities package.

12 Tab 3 are letters from the various
13 District of Columbia agencies and groups that
14 would be the beneficiaries of the amenities
15 package or portions of the amenities package.

16 Tab 4 is the fully executed First
17 Source employment agreement.

18 Tab 5 is the inclusionary housing
19 commitment standards that we are proffering in
20 this case.

21 And we have also submitted a
22 couple of -- there were some drawings that

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1 were saying how large signage would be like
2 for the hotel. We have -- a copy of those
3 have been submitted for the record.

4 And we also submitted the plan and
5 the drawing of the roof structure.

6 CHAIRPERSON MITTEN: Okay.

7 MR. GLASGOW: And I think with
8 that, that is the nature of the submission
9 that we have to answer the questions that were
10 raised by the Office of Planning. And we did
11 have one minor clarification that we would be
12 seeking with respect to the DDOT report. And
13 that is on page 2 of the DDOT report that is
14 dated November 28th.

15 In paragraph 4, the second
16 sentence, it talks about in addition we
17 recommend that the applicant be required to
18 prepare a comprehensive report on the
19 effectiveness of the transportation demand
20 management measures and that the report be
21 reviewed by DDOT annually to evaluate their
22 effectiveness.

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1 We are going to have -- we have a
2 three piece project. We have an office
3 building. We have a hotel. And we have a
4 condominium building which may be rented or
5 may be sold. So you are going to have a
6 number of different ownership entities.

7 And I know with financing, planned
8 unit developments, particularly ones that have
9 a lot of different components, when you have
10 the different lenders who come in and are
11 asking about this, the first part of paragraph
12 4 is easy for me as a zoning attorney. Either
13 you have done the items on pages 40 to 56 of
14 the Transportation Impact Study or you
15 haven't. And you can go with a lender and say
16 this is what we have done. And this is how we
17 have done it.

18 That second sentence is fairly
19 amorphous. Unless all it is is that we are
20 going to prepare a report and submit it
21 because the buildings are there and the
22 parking spaces are there at that point in

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1 time.

2 And so we weren't quite sure what
3 to do with that.

4 CHAIRPERSON MITTEN: We had a
5 recommendation like that from DDOT in another
6 case. And there has been so many lately I
7 can't remember which one it is but what we
8 have said was in making such a recommendation
9 we need -- to the extent that they wanted that
10 to have meaning that there would need to be a
11 benchmark of something that we are trying to
12 achieve.

13 So I don't know if that is
14 something that -- I mean I don't think we have
15 anybody here from DDOT so it is hard to ask
16 them.

17 But to the extent that that is
18 something the Commission feels strongly about,
19 that may be something that we -- when we get
20 to the point of deliberating it, that we might
21 find compelling. But that is what we had done.

22 The purpose of reporting is if you

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1 are hitting your benchmark, that's fine. If
2 you are not hitting your benchmark, then it
3 triggers action to get back to the benchmark.

4 MR. GLASGOW: And that is what, in
5 some ways, concerned us because at that point
6 in time, the structure is there. The parking
7 spaces are there.

8 CHAIRPERSON MITTEN: Right.

9 MR. GLASGOW: If somebody says
10 provide more parking spaces or do something
11 with less parking spaces, they are there.

12 CHAIRPERSON MITTEN: Right.

13 MR. GLASGOW: So we weren't sure
14 what the purpose at that point.

15 CHAIRPERSON MITTEN: I understand.
16 I understand the dilemma.

17 MR. GLASGOW: Okay. Thank you.

18 And with that, that concludes any
19 preliminary comments that I had. Unless there
20 are any preliminary questions or we can
21 proceed with questions that the Commission may
22 have of any of the witnesses.

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1 CHAIRPERSON MITTEN: Should we
2 just go ahead with the questions? Are you
3 guys ready to go? Okay. I think we're ready
4 to go ahead with the questions.

5 MR. GLASGOW: Obviously any of our
6 witnesses are available for questions. Who we
7 have up here right now, we've got the owner,
8 Fred RothMeijer. We have got Mike Patrick
9 with Gensler. And we have the landscape
10 architects.

11 CHAIRPERSON MITTEN: Okay.

12 MR. GLASGOW: And the architects
13 for the residential portion of the project.
14 And if there are other witnesses that you want
15 --

16 CHAIRPERSON MITTEN: Okay.

17 MR. GLASGOW: -- in what any order
18 you want to proceed.

19 CHAIRPERSON MITTEN: Okay. If
20 people need to be brought forward --

21 MR. GLASGOW: We will play musical
22 chairs.

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1 CHAIRPERSON MITTEN: Okay, great.
2 Okay.

3 Mr. Jeffries, would you like to go
4 first?

5 COMMISSIONER JEFFRIES: Thank you,
6 Madam Chair. I have about -- I have one
7 observation and then I have several questions.

8 The observation is I really do
9 very much like the sort of modern vocabulary
10 of the design. I think it is very fitting for
11 the location. It seems very monumental.

12 I mean there are probably a few
13 things that we will probably talk about as it
14 relates to design but overall, for myself, I
15 think that the vocabulary is quite nice. And
16 I think there is a clear distinction between
17 the office and the hotel and the residential.

18 Also, a question is SKI, were you
19 the architects for the Level 2 development on
20 14th Street, N.W.? Is that correct?

21 MR. AMMADZADQAN: Yes, sir.

22 COMMISSIONER JEFFRIES: Oh, okay.

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1 So it is the second design I liked.

2 Now I'm trying to understand who
3 did you engage beyond just the ANC is like
4 community groups and so forth as it relates to
5 this project?

6 MR. GLASGOW: Let me call up Ms.
7 Leila Batties to respond to that. I know that
8 she went to numerous community meetings.

9 MS. BATTIES: Good evening,
10 Commissioner Jeffries we met -- and I'll just
11 -- I'll go by memory here. The first meeting
12 was with the Bloomingdale Civic Association.
13 We met with ANC 5C three times. Then we met
14 with the Eckington Civic Association, the
15 Edgewood Civic Association, and --

16 COMMISSIONER JEFFRIES: Did you
17 meet with the -- was it 6C -- what is the ANC
18 that is directly across the street from --

19 MS. BATTIES: No, we did not.

20 COMMISSIONER JEFFRIES: Did they
21 at all request anything as it relates to the
22 project?

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1 MS. BATTIES: No.

2 COMMISSIONER JEFFRIES: In your
3 estimation do you think that the project has
4 any bearing on the residential community in
5 Ward 6?

6 MS. BATTIES: Not to the -- I
7 think there is a community outreach that we
8 did, was made available, and we reached out to
9 all of the neighborhoods, residential, whether
10 they be in 5C or 6C. I mean we did an
11 extensive community outreach program.

12 The other group that we met with
13 was the North Capitol Main Street.

14 COMMISSIONER JEFFRIES: Good.
15 Okay.

16 What I'd like to do is if you
17 could, you know, in some sort of matrix or
18 whatever, if you can just outline exactly, you
19 know, all the community groups that you
20 discussed the project with and any comments or
21 concerns that they had. Again, it is a large
22 project. It is one of those projects that is

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1 sort of in this precarious location and the
2 question is -- I mean because this is
3 technically not Eckington, you know, but --
4 this area.

5 But, you know, you talked to the
6 Eckington residential. And I just want to get
7 a sense that the residential communities that
8 border or are somewhere in close proximity,
9 you know, were given some sense about what
10 this project is all about.

11 My other question is around the
12 affordability. I guess at set down you guys
13 were at four percent and now we are at six
14 percent. And I just wanted to get some
15 rationale for the difficulties for pushing
16 that up to six percent, particularly given all
17 the office that is part of this development.

18 And then the other question is
19 about -- I think I saw a 10-year control
20 period. And I think our text is what --
21 perpetuity? But I wasn't part of that.

22 (Laughter.)

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1 COMMISSIONER JEFFRIES: But still,
2 I mean obviously, you know, we would like to
3 see, you know, affordability at this point
4 that is, you know, somehow in keeping with,
5 you know, the aims of this Commission.

6 So I just wanted to know if
7 someone could sort of speak about --

8 MR. GLASGOW: Let me talk about a
9 couple of numbers first --

10 COMMISSIONER JEFFRIES: Sure.

11 MR. GLASGOW: -- and then we can
12 get to the applicant and part of that.

13 First of all, this project is
14 zoned C-3-C right off the bat. We are not
15 coming in asking for a rezoning. A lot of
16 these PUDs, particularly in this area, you
17 know, there have been -- you have rezoned it
18 so that you could put the housing on
19 residential on there.

20 We had a site that would
21 accommodate 875,000 square feet of office
22 space as a matter of right. We are at 930,000

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1 square feet approximately on the development.
2 About 580,000 square feet of it is office. So
3 we are below -- we are 300,000 square feet of
4 office space below matter of right.

5 And we did this in accommodate
6 with the Office of Planning. We had talked
7 initially with them about a potential height
8 variance and just having an all-office
9 project. And they said well, why don't you
10 all do a mixed-use project here at this site?

11 The applicant took a look at that
12 and said all right, we will do a mixed-use
13 project and came up with a residential and
14 hotel component for that project. And of the
15 FAR that is being gained through the PUD, we
16 went from 875,000 to 930,000 square feet,
17 which -- we will call it about 50,000 square
18 feet, we have 13,000 square feet that is IZ.

19 So we are 26 percent of the
20 increased FAR going to affordable housing.
21 And then the question became -- and so -- and
22 we were asked by the Office of Planning to do

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1 better than four percent.

2 And we came back and we stretched
3 and pushed and did. We came up to six percent
4 and people thought that was a reasonable
5 compromise given the baseline that we were
6 starting from as opposed to a number of the
7 other PUDs that you may have seen recently and
8 what baseline they were starting from.

9 COMMISSIONER JEFFRIES: But you
10 seem to be merging PUD with the text
11 amendment. And I guess I'm just sort of
12 curious as to why the merger like that. I
13 mean, you know, what the Commission has put
14 forward is sort of what its aims are as it
15 relates to affordability.

16 And, you know, if this was not a
17 PUD project, you know, the text would be in
18 effect. So I guess I'm not clear on why you
19 are merging the PUD with this discussion.

20 MR. GLASGOW: Well, I think that
21 part of that, Commissioner Jeffries, is that
22 we certainly didn't want to be penalized for

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1 doing a mixed-use project.

2 COMMISSIONER JEFFRIES: Okay.

3 MR. GLASGOW: And I think that
4 that is a fair comment. I think that we have
5 a very substantial amenities package that came
6 about for a variety of reasons, some of which
7 came about through construction by WMATA on
8 our property that we needed to deal with.

9 And part of it was sidewalks and
10 other things that are not of the quality and
11 capability that both the District and us saw
12 as being what we would want at this site near
13 a metro station. And significant setbacks
14 that occurred on the private property to
15 accommodate for those sidewalks to make those
16 sidewalks of a width that made sense in that
17 area.

18 So there were a number of
19 different things. And I think if you go down
20 and you look through the overall amenities
21 package, we think that it is a very compelling
22 amenities package, given 50,000 square feet of

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1 FAR.

2 COMMISSIONER JEFFRIES: Okay,
3 well, I mean I appreciate your response about,
4 you know, other, you know, amenities that have
5 been provided. I guess for myself -- and I
6 don't agree with the Office of Planning -- I
7 think a project that is right across from a
8 metro station should have some affordable
9 housing inasmuch as -- I mean that, to me, is
10 where it should be.

11 And so, I'm, you know, I'll wait
12 to hear what my colleagues have to say but I
13 just think it is somewhat of a lost
14 opportunity. But we will see what my
15 colleagues have to say.

16 MR. GLASGOW: Well, we certainly
17 want to engage in the process. We're trying
18 to -- I guess when we are looking at 50,000
19 square feet of gained FAR, 13,000 square feet
20 of affordable housing, I guess from our
21 standpoint, we are saying we think we are
22 stepping up to the plate.

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1 COMMISSIONER JEFFRIES: Yes, but
2 you are still merging the -- and maybe I'm
3 missing this -- you still -- you are making
4 the PUD discussion here. And I guess I'm not
5 -- I'm looking at this project almost as a
6 matter of right that if it were impacted by,
7 you know, IZ text, you would have to present,
8 you know, this amount of affordability.

9 MR. GLASGOW: Well, is it the
10 number of -- is your question the number of
11 years of the affordability or the --

12 COMMISSIONER JEFFRIES: That is a
13 question and also the number.

14 MR. GLASGOW: And the number, I
15 guess where we would be looking at part of
16 that would be our baseline because this was
17 not our original project.

18 COMMISSIONER JEFFRIES: Okay.

19 MR. GLASGOW: Our original project
20 was an all-office project.

21 COMMISSIONER JEFFRIES: Okay.

22 MR. GLASGOW: So there was no

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1 housing. And under C-3-C, we could proceed in
2 that fashion.

3 COMMISSIONER JEFFRIES: Yes.

4 MR. GLASGOW: So we thought we
5 were providing a -- from that standpoint a
6 win-win.

7 COMMISSIONER JEFFRIES: Okay.

8 MR. GLASGOW: All right?

9 COMMISSIONER JEFFRIES: Okay.

10 MR. GLASGOW: And I know it is a
11 different way of looking at it.

12 COMMISSIONER JEFFRIES: Yes.

13 MR. GLASGOW: But coming from our
14 mindset is we were looking at 870,000 --
15 875,000 square feet of office space. We do
16 our office pads. You pre-lease them.

17 COMMISSIONER JEFFRIES: Right,
18 right.

19 MR. GLASGOW: And, you know, there
20 is very little risk --

21 COMMISSIONER JEFFRIES: Right.

22 MR. GLASGOW: -- in that type of

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1 thing as opposed to -- all right, because when
2 you build a condo building, as you well know
3 --

4 COMMISSIONER JEFFRIES: Right.

5 MR. GLASGOW: -- when you do that
6 you have got to -- you can't sell the units
7 until the building is built. You can't lease
8 the units until the building is built.

9 COMMISSIONER JEFFRIES: Yes.

10 MR. GLASGOW: And so there is
11 whole different risk dynamic there.

12 COMMISSIONER JEFFRIES: Right,
13 right.

14 MR. GLASGOW: Hotels are either
15 great to do or not great to do depending upon
16 where you are in the marketplace.

17 COMMISSIONER JEFFRIES: Right,
18 right.

19 MR. GLASGOW: And office buildings
20 are simpler --

21 COMMISSIONER JEFFRIES: Right.

22 MR. GLASGOW: -- because you

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1 either have the tenant in your pre-lease and
2 you start construction or you don't.

3 COMMISSIONER JEFFRIES: Okay.
4 Well, I'm done. I just wanted to put that on
5 the record as it relates to number as well as
6 control period for a project that is across
7 the street from a metro center. It just seems
8 like it is a lot opportunity. But I will move
9 on.

10 The only other question I have is
11 the retail. I thought I read that there was
12 going to be some retail in the courtyard.

13 MR. GLASGOW: Fred, do you want to
14 answer the question?

15 MR. ROTHMEIJER: What we have is
16 we have retail opportunities along Florida
17 Avenue. And if we -- that is where we are
18 basically saying that we will have retail.

19 There are retail opportunities in
20 the plaza but we can't commit to it.

21 COMMISSIONER JEFFRIES: Okay.

22 MR. ROTHMEIJER: We're not sure if

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1 the market will bear that type of retail
2 there. But if we can do it, we will surely do
3 it.

4 COMMISSIONER JEFFRIES: Well, that
5 was my question. I didn't know the
6 feasibility of what type of retail you would
7 have inside the court. I mean, you know --

8 MR. ROTHMEIJER: The site and its
9 geography is pretty isolated --

10 COMMISSIONER JEFFRIES: Yes.

11 MR. ROTHMEIJER: -- because of the
12 wide barrier that you have with Florida. And
13 I think that we have come up with a plan that
14 is very successful in stitching that back
15 together with 2nd Street. But this is
16 certainly not a strong retail location.

17 COMMISSIONER JEFFRIES: Right.

18 MR. ROTHMEIJER: So as such, we're
19 not -- we cannot commit to providing retail in
20 the plaza where it is not visible. So where
21 the bus stop is or projected on Florida Avenue
22 and along Florida Avenue where we are really

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1 creating what is now a six-foot-wide sidewalk
2 where we are going to almost 30 feet, that is
3 where we can see retail --

4 COMMISSIONER JEFFRIES: Right.

5 MR. ROTHMEIJER: -- with a high
6 probability. And that is where we want to
7 commit to doing retail.

8 COMMISSIONER JEFFRIES: And what
9 kind of retail are we talking about?
10 Neighborhood serving or destination? Not
11 destination.

12 MR. ROTHMEIJER: It is certainly
13 not going to be regional.

14 COMMISSIONER JEFFRIES: Okay.

15 MR. ROTHMEIJER: It is going to be
16 local. So we know that ATF is committed to
17 doing about 9,000 to 10,000 square foot of
18 retail. We know that the Eckington Hotel is
19 committed to 9,000 square foot retail.

20 So we would hope that this
21 triangle, basically our retail on the north
22 side, Eckington to the west side on 2nd Street

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1 and the ATF retail to the west side would form
2 a nice retail amenity for the surrounding
3 neighborhood.

4 COMMISSIONER JEFFRIES: Okay.

5 And then my last question -- and I
6 should have some bit of disclosure here
7 because I was named to be on the NOMA Advisory
8 Committee although I went to one meeting so I
9 don't know if it is really -- but I just want
10 to disclose it for the record -- and I might
11 have missed but did any of those -- what was
12 the discussion with that group?

13 Has there been -- I mean I know
14 that they are supportive but was there any
15 written comment on this particular project?
16 Or what occurred there? Or did that all just
17 come through the Office of Planning?

18 MR. GLASGOW: We assume that went
19 through OP.

20 COMMISSIONER JEFFRIES: Okay, so
21 Patricia -- okay, well I'll ask the question
22 of OP. Okay. Thank you.

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1 CHAIRPERSON MITTEN: Thank you,
2 Commissioner Jeffries.

3 I just wanted to say something
4 maybe to piggyback on what Commissioner
5 Jeffries is reacting to in terms of a lost
6 opportunity. I mean we are in this mode now
7 through IZ, which is we are, to put it sort of
8 crassly, is we are giving away density to get
9 more affordability. You know that is the
10 exchange.

11 And so, Mr. Glasgow, what you are
12 describing is well we did a calculation that
13 we are not asking for that much. And maybe
14 the thing is ask for more so we can get more
15 affordable housing approximate to the metro.

16 You know I mean it is not usually
17 the mode that we are in but I think that is
18 part of what you are reacting to. So I just
19 -- perhaps just to flesh out the concern a
20 little bit more for your consideration. But
21 not a response right now unless you feel
22 compelled.

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1 Mr. Hood?

2 VICE CHAIRPERSON HOOD: Okay.

3 Thank you, Madam Chair.

4 Mr. Glasgow, and I guess I'm going
5 to direct this question to whomever, this
6 project is one block away from the metro or
7 maybe two blocks or less. And I was looking
8 at the -- I'm starting to sound like Carol
9 Mitten but anyway, I'm looking at the amount
10 of parking -- I'm looking at the amount of
11 parking.

12 I never thought I would be asking
13 this question. The amount of parking in a
14 residential -- and this is only one block away
15 -- why do we have so much residential parking?

16 MR. GLASGOW: I can give an
17 overview of what we generally have found in a
18 number of residential projects is that people
19 have the cars for nights and weekends. And
20 they own cars. And so we're not New York in
21 that standpoint.

22 So what we found, and I think our

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1 traffic analysis bears this out, is that we
2 are going to have a very high modal split with
3 respect to how people are getting around
4 during the day. But that people want to --
5 people are going to own cars for nights and
6 weekends. And so the cars are going to be
7 sleeping in those spaces during the week.

8 VICE CHAIRPERSON HOOD: Yes, okay.

9 MR. GLASGOW: And that is why we
10 have the .6 ratio. In fact that is a little
11 bit lower than what we normally have. We
12 normally try to have about .8.

13 VICE CHAIRPERSON HOOD: Yes, I
14 just -- well, anyway, let me move on to my
15 next question.

16 You mentioned about the amenities
17 package. You all are -- under the C-3-C PUD,
18 you are asking for an additional 40 feet in
19 height.

20 MR. GLASGOW: Yes, that is
21 correct.

22 VICE CHAIRPERSON HOOD: Right.

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1 And when I look at some of the relief that is
2 being asked for and I look at -- and I think
3 you had mentioned some of this for
4 Commissioner Jeffries but when I look at the
5 amenities package, the amenities package is
6 supposed to be something that provides for the
7 surrounding neighborhood.

8 And when I look at this amenities
9 package, and maybe you can elaborate and help
10 me understand it, to me it looks rather weak.
11 And I'm not talking about dollar amounts. I'm
12 talking about things that effect and will be
13 beneficial to that surrounding area.

14 MR. GLASGOW: Well, I think the
15 things that we looked at that effect the
16 surrounding area is one, the affordable
17 housing which is two and a half -- almost two
18 and half million dollars right there.

19 The Metropolitan Branch Trail is
20 right next to the project, immediately to its
21 east.

22 VICE CHAIRPERSON HOOD: Right, I

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1 understand. It runs up that way.

2 MR. GLASGOW: So that's, you know,
3 so that's a big number. It is a million six
4 for that.

5 The sidewalks, we think, you know
6 impact everybody including the surrounding
7 neighborhoods because we have got that long
8 frontage on New York Avenue and on Florida
9 Avenue.

10 VICE CHAIRPERSON HOOD: Now how
11 are the sidewalks going to benefit? Help me
12 understand this.

13 MR. GLASGOW: The sidewalks there,
14 we were greatly encouraged by the Office of
15 Planning and we agreed with them that the
16 sidewalks around the site are very narrow. On
17 the Florida Avenue side, let's see if you all
18 would help me out with the precise number of
19 the width of the sidewalks there on Florida in
20 particular --

21 MR. PATRICK: Right now the
22 property line is six feet from -- six feet

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1 from Florida Avenue. We are widening it to a
2 minimum of 15 feet and up to 35 feet.

3 VICE CHAIRPERSON HOOD: The way it
4 exists now?

5 MR. PATRICK: In that current plan
6 there yes. It is widening it to 15 up to 35
7 feet --

8 VICE CHAIRPERSON HOOD: Yes.

9 MR. PATRICK: -- as opposed to the
10 six feet if we just built up to our property
11 line.

12 VICE CHAIRPERSON HOOD: Okay. And
13 that is going to be heavily traveled pretty
14 much? The sidewalks?

15 MR. PATRICK: Oh, yes, we think it
16 will be a real amenity for people who are
17 either using the bus stop or coming down to
18 the retail that is along there.

19 MR. GLASGOW: Particularly along
20 Florida Avenue where as soon as you get
21 underneath the overpass, which we have an
22 improvement package on that, too, which is

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1 50,000 dollars, you will then be where the
2 market is right now, which is slated for a
3 potential major mixed-use development. But if
4 not, it is certainly an area where people
5 could be traversing to go and shop to get food
6 products.

7 VICE CHAIRPERSON HOOD: Okay. I
8 don't know, maybe I don't understand all of
9 it. But it looks kind of weak. And I'll
10 leave it at that. I'll continue to study it
11 and see what happens with this.

12 This central plaza, are there
13 going to be any restrictions on the central
14 plaza?

15 MR. GLASGOW: In what fashion?

16 VICE CHAIRPERSON HOOD: Just any
17 restrictions like is it going to be open? You
18 know sometimes you have a --

19 MR. GLASGOW: I think there was a
20 request from the office of Planning for us to
21 have certain time frames that the plaza would
22 be open and available. And how you could

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1 access the site from the bike path.

2 And we had agreed to all the time

3 --

4 VICE CHAIRPERSON HOOD: I must
5 have missed that.

6 MR. GLASGOW: Yes, that is on page
7 18 of the Office of Planning Report, toward
8 the bottom. It talks about how the New York
9 Avenue staircase would be open --

10 VICE CHAIRPERSON HOOD: There it
11 is, okay.

12 MR. GLASGOW: -- from 7:00 a.m. to
13 7:00 p.m. All that, we have agreed to all of
14 that.

15 VICE CHAIRPERSON HOOD: Okay. And
16 that will be in line with the retail? I guess
17 the retail closing and what not?

18 MR. GLASGOW: Mr. Rothmeijer,
19 could you respond to that?

20 MR. ROTHMEIJER: Yes, that is
21 correct. I think it actually corresponds also
22 with the metro. So basically with the metro

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1 hours.

2 VICE CHAIRPERSON HOOD: Seven to
3 seven?

4 MR. ROTHMEIJER: I'm sorry. It is
5 with the retail.

6 VICE CHAIRPERSON HOOD: Oh, okay,
7 because I was going to say I sure hope the
8 metro don't close at seven because I'm in
9 trouble tonight.

10 (Laughter.)

11 VICE CHAIRPERSON HOOD: Okay. I'm
12 looking at New York -- and I know it is a
13 level of service. I'll be frank and honest
14 with you, I didn't look at the traffic board
15 too much because I already know what the level
16 of service is. And I'm sure Mr. Wells made it
17 sound -- I'm sure it is probably level of
18 service B.

19 MR. GLASGOW: No, he's --

20 VICE CHAIRPERSON HOOD: Okay.

21 MR. GLASGOW: You look at the
22 letters there. They are not good letters.

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1 VICE CHAIRPERSON HOOD: So I don't
2 really have any transportation. I think this
3 is a good project. Again, I just -- a word of
4 caution. I'm looking at the amenities package
5 and maybe somebody could help me understand it
6 because I really think it is kind of weak.

7 MR. GLASGOW: All right. We'll
8 have Mr. Sher address that further because it
9 is clear that I have not been able to get
10 through at least on what we thought were
11 amenities that directly impact the immediate
12 site and the surrounding communities such as
13 the Metropolitan Branch Bike Trail and those
14 types of things which, when you look at how
15 this -- the office building is right next to
16 the bike trail. If you are going to lease
17 that office building, you are going to lease
18 the office building whether the bike trail is
19 improved or not.

20 I mean that is life. So that that
21 is something that we viewed as an amenity. It
22 isn't going to hurt us if someone were to say

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1 take the bike trail, you know, out of there --
2 the bike trail amenity out of there. It may
3 impact the community and how the nearby
4 community looks at how the site interacts with
5 its surrounding environs. But it is not going
6 to hurt the office building.

7 VICE CHAIRPERSON HOOD: Right. I
8 understand. I guess I'm looking at beneficial
9 -- like, for example, we talked about the
10 bicycle path -- the bicycle locking stations.

11 MR. GLASGOW: Yes.

12 VICE CHAIRPERSON HOOD: Who is
13 that going to benefit?

14 MR. GLASGOW: People that use the
15 bike path. I mean it is not going to be the
16 office workers. We have very few office
17 workers that are taking bikes in and out of
18 the office. I mean it is mainly --

19 VICE CHAIRPERSON HOOD: But they
20 will be able to lock their bikes up --

21 MR. GLASGOW: -- yes, I think what
22 it will mainly be is people that are using the

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1 bike path during the weekend. If you go on
2 the bike path, what you see on the bike path
3 is that the people that are stopping in
4 certain areas, and the District's part of the
5 bike path isn't used the way that like
6 Montgomery County's part of the bike path is.
7 And I know that that is something that we are
8 all trying to do.

9 You get on the bike path on the
10 weekends and all the bike stalls are being
11 utilized. People are stopping. They are
12 shopping. They are getting things. And then
13 coming and getting back on their bike and then
14 going more on the bike trail.

15 VICE CHAIRPERSON HOOD: Let's talk
16 about the curb cut on New York Avenue. How
17 many feet is that away from that corner of
18 Florida and New York? Just as you get ready
19 to start on the elevation, how many feet are
20 we looking at before we have -- well, there is
21 a cut there now. Is that in the same exact
22 place? Like you are going to the Sunoco gas

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1 station? Is that curb cut the same exact
2 place as is shown here on 201? Is it in the
3 same area?

4 MR. GLASGOW: No, it is further to
5 the east. The curb cut is further -- the
6 proposed curb cut is further to the east.

7 VICE CHAIRPERSON HOOD: If I'm
8 going up New York Avenue, getting ready to go
9 up --

10 MR. GLASGOW: Right.

11 VICE CHAIRPERSON HOOD: -- to the
12 top of the hill, just as I get ready to cross
13 -- just as I pass through the light across
14 Florida Avenue, there is a cut there.

15 MR. GLASGOW: Yes.

16 VICE CHAIRPERSON HOOD: How many
17 feet is that away from that corner?

18 MR. PATRICK: It is about 100 feet
19 from the corner.

20 CHAIRPERSON MITTEN: The existing
21 curb cut?

22 VICE CHAIRPERSON HOOD: Well, yes,

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1 the existing curb cut versus the one proposed.

2 PARTICIPANT: Commissioner Hood,
3 my understanding is the proposed curb cut,
4 which will be front in, front out, right in,
5 right out, would be about 100 feet north or
6 east of Florida Avenue which, I believe, is a
7 little bit north or farther away from the
8 intersection than the existing curb cut.

9 VICE CHAIRPERSON HOOD: To where
10 it is now?

11 PARTICIPANT: Yes. There will be
12 no median break on New York Avenue. You can
13 only turn right in and turn right out. No
14 lefts would be permitted in or out.

15 VICE CHAIRPERSON HOOD: Do you
16 think you will have a problem with a build up
17 once that light changes and everybody is
18 rushing to Maryland and Ward 9? Are you
19 thinking of people trying to make that right?

20 PARTICIPANT: My experience is if
21 you are in a hurry to get out of town, New
22 York Avenue is probably not the best route to

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1 do it. It is pretty slow moving traffic.

2 I think it is close enough, you
3 know, we want some distance from the
4 intersection. But I think it is close enough
5 that you are not going to develop a big head
6 of steam by the time you get to that point.
7 And that is uphill by the way.

8 VICE CHAIRPERSON HOOD: Right,
9 right. Believe me, I know that very well.
10 I'm just making sure that we don't create a
11 problem.

12 PARTICIPANT: This is something we
13 discussed with DDOT at some length. All of
14 these curb cuts as a matter of fact. That one
15 on New York and the two that are proposed on
16 Florida Avenue. We discussed it at great
17 length, the use of those.

18 VICE CHAIRPERSON HOOD: And DDOT
19 didn't have a concern obviously.

20 PARTICIPANT: They did not, sir.

21 VICE CHAIRPERSON HOOD: Okay. All
22 right. Okay, thank you. Thank you all.

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1 Thank you, Madam Chair.

2 CHAIRPERSON MITTEN: Thank you,
3 Mr. Hood.

4 Mr. Turnbull?

5 COMMISSIONER TURNBULL: Thank you,
6 Madam Chair.

7 I'm just curious. Where is the
8 nearest shelter -- homeless shelter for here?
9 Where is the nearest one located? Do you
10 know?

11 (No response.)

12 COMMISSIONER TURNBULL: Okay.
13 Well I am just curious because I know in one
14 of your pictures on page 132, PUD benefits, I
15 see -- I'm not sure what I'm seeing over in
16 the corner there. I'm just saying is there a
17 concern in the area with people who camp out
18 there and park and live?

19 MR. GLASGOW: We haven't --

20 COMMISSIONER TURNBULL: Have you
21 ever noticed it?

22 MR. GLASGOW: Well, we haven't --

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1 in the community meetings that we've have been
2 at, that has not been raised as an issue with
3 respect to this project.

4 COMMISSIONER TURNBULL: Okay.
5 Well, I was just curious. I'm not sure what
6 I'm seeing in this picture on 132.

7 MR. GLASGOW: What do we have?

8 COMMISSIONER TURNBULL: If it is
9 just a -- I don't know if there somebody
10 camped there or it's -- if that is just paper
11 and stuff or if that is just debris. Or is
12 there somebody actually there?

13 MR. GLASGOW: That I can't answer
14 but certainly when the project is -- if the
15 project is approved and constructed, there
16 won't be there activity there.

17 COMMISSIONER TURNBULL: Yes, fine.
18 I was just curious how much -- if there is
19 that kind of activity there now.

20 MR. GLASGOW: But sometimes, you
21 know, in arcades in downtown you find this if
22 you get there early enough in the morning.

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1 COMMISSIONER TURNBULL: Right. I
2 was just curious. I just didn't know what
3 kind of an impact that was on that
4 neighborhood there.

5 The other question I had and I was
6 trying to rectify a couple of your drawings.
7 On your -- Drawing 126 shows the proposed
8 upgrade and it shows, I guess, a pedestrian
9 flow going through, connect to the -- am I
10 understanding -- is this -- your Drawing 126
11 shows metro. I see a red line coming in and
12 is this a pedestrian flow going through? Is
13 that my understanding?

14 MR. PATRICK: Yes, there is public
15 access from the bike trail, through the
16 project, into the plaza, and into the street
17 of the city beyond.

18 COMMISSIONER TURNBULL: Well then
19 if we go to 227, your circulation plan A, if
20 I follow the key, I don't quite see the
21 pedestrian interface on this plan that is
22 implied by the other plan.

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1 MR. PATRICK: Pedestrians enter on
2 the east or the right side of what we call the
3 Metropolitan Branch Trail atrium, which is a
4 three-story space that they enter off of the
5 bike trail.

6 COMMISSIONER TURNBULL: Right.

7 MR. PATRICK: And then they go
8 down -- they go through that space and down
9 the stair. If you can see the stair to the
10 left of that space --

11 COMMISSIONER TURNBULL: Okay.

12 MR. PATRICK: -- into the plaza.
13 And that is open at the same hours that were
14 discussed earlier.

15 COMMISSIONER TURNBULL: All right.
16 Well, I'm just sort of showing that, I guess
17 your other plan sort of shows this crossing
18 going through which here you actually would be
19 crossing this turnaround.

20 MR. PATRICK: Actually you enter
21 at Elevation 78.

22 COMMISSIONER TURNBULL: Okay.

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1 MR. PATRICK: And you are correct.
2 The yellow dotted pedestrian line should, in
3 fact, show you going through that space and
4 down the stair into the plaza.

5 COMMISSIONER TURNBULL: Okay. I
6 was just -- I mean it looks like this is a
7 very busy plaza. I mean you have got a lot of
8 things going on there. And I'm just concerned
9 about the pedestrian interface and what I'm
10 assuming is going to be a very pedestrian-
11 friendly space.

12 But there is loading. There is in
13 and out traffic also. And I'm just wondering
14 how you are separating that. I'm just a
15 little bit concerned by the activity that I
16 see. It looks like it is fairly controlled on
17 the one drawing. It looks like it is fairly
18 straightforward.

19 But when I look at your -- at the
20 circulation plan, there is a little bit more
21 to it. And I'm just a little bit concerned
22 that there is not quite the separation that

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1 would be implied in the one drawing.

2 So it is just a concern. I'm
3 bringing that up. I'm just a little bit
4 concerned about how that really works that
5 well. And if that separation is really -- and
6 you have also this architectural feature which
7 it looks like there is a planting wall that
8 goes over the garage or something. There is
9 some kind of feature that goes over that.

10 MR. PATRICK: I can address your
11 first question. We feel we do have the
12 pedestrian activity separated from loading and
13 the other things. If you come in above
14 loading --

15 COMMISSIONER TURNBULL: Okay.

16 MR. PATRICK: -- and when you come
17 down the stair you are quite separated at the
18 bottom of the stair from loading. You are
19 probably 30 feet approximately to the south of
20 the loading lane.

21 COMMISSIONER TURNBULL: Okay.

22 MR. PATRICK: So you will not be

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1 crossing the loading lane in any way or
2 exiting into the loading. Loading itself is
3 completely head in. So in other words, there
4 are no trucks backing or doing anything. When
5 they go they are under the building at that
6 point, out of sight.

7 COMMISSIONER TURNBULL: Okay.

8 MR. PATRICK: Right. We also have
9 bollards that protect pedestrians from traffic
10 along there as well.

11 COMMISSIONER TURNBULL: Are they
12 continuous bollards? I mean what is -- like
13 four feet on center? Or what do you -- three
14 -six or what?

15 MR. HOOVER: I think the bollard -
16 - no, the bollards are further apart than
17 that.

18 COMMISSIONER TURNBULL: Further
19 apart.

20 MR. HOOVER: Security bollards
21 that you see downtown are about five. These
22 would probably be more --

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1 COMMISSIONER TURNBULL: No, they
2 are probably three-six downtown.

3 MR. HOOVER: Yes, five foot on
4 center. Probably three-six between the
5 bollards yes. These would be a little further
6 apart than that since they are not security
7 bollards.

8 COMMISSIONER TURNBULL: Okay.

9 MR. HOOVER: But it is either
10 bollards or curb is what you have. So --

11 COMMISSIONER TURNBULL: Okay.
12 Thank you. That is it for now.

13 CHAIRPERSON MITTEN: Okay.

14 Mr. Parsons, any questions?

15 COMMISSIONER PARSONS: How do you
16 plan to build out this project? In other
17 words, are you going to build the office
18 first? The residential second? Build it all
19 at once?

20 MR. ROTHMEIJER: We hope to build
21 it -- basically from construction phasing we
22 have to start in the corner. It is a fairly

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1 challenging development site. And there is a
2 pretty significant elevation increase around
3 the perimeter as New York goes up. So we have
4 to do a lot of sheeting and shoring.

5 So what we anticipate to do is
6 start in the northeast corner and work our way
7 out of the site. So we want to start not he
8 north side on the office building and they
9 work down south and down west. But it is our
10 hope that we can build the whole thing within
11 about a 24- to 28-month period.

12 COMMISSIONER PARSONS: So there is
13 no intent to phase this -- to build the office
14 initially to economically help build the rest
15 of the project?

16 MR. ROTHMEIJER: It is our intent
17 to build this all at once. That is correct.

18 COMMISSIONER PARSONS: We've -- as
19 you know, circuit markets go up and down and
20 buildings stop and start. Then the applicant
21 comes back to in five years and says we
22 couldn't get to the residential. Now we want

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1 to make an office out of this.

2 You are fairly confident there is
3 a market for what you are going to build? And
4 you are going to have a finished product in 20
5 months if we approve it tonight?

6 MR. ROTHMEIJER: Yes, sir.

7 COMMISSIONER PARSONS: Okay. The
8 Office of Planning asked for an agreement with
9 DDOT and we see in their report that they have
10 been working with you on the Metropolitan
11 Branch Trail. Certainly a separate agreement
12 is going to have to be struck. Are you
13 working on that?

14 MR. GLASGOW: Yes, we have been
15 working on that.

16 COMMISSIONER PARSONS: And they
17 will be responsible for maintenance at the end
18 of the line on the Metropolitan Branch Trail
19 work?

20 MR. GLASGOW: That is what we
21 envision.

22 COMMISSIONER PARSONS: You haven't

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1 talked to them about that yet?

2 MR. GLASGOW: I don't know that
3 there has been closure on that yet.

4 COMMISSIONER PARSONS: Yes, okay.
5 All right.

6 MR. GLASGOW: But we would prefer
7 that we build it to their specifications. And
8 I will think about a project that we worked
9 together on years ago, I think up at -- for
10 the PUD at 22nd and M Street where we -- they
11 had the circle. And the client that I had did
12 the work in the circle -- you know, to the
13 specifications of the government agency
14 involved with that.

15 And then it was -- we built it in
16 accordance with those specifications. It was
17 agreed that that was constructed in accordance
18 with those specifications. And then it was
19 the responsibility of the government agency.

20 COMMISSIONER PARSONS: I had a
21 couple of design questions. I want to go to
22 pages 147 and 48. And I think we brought this

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1 up during the set down. And it has to do with
2 the columns that are supporting the triangular
3 cantilevers, although they are not cantilevers
4 because you are supporting with a column.

5 But so it would appear that you
6 have put some kind of architectural surround,
7 I'll call it, on the one on the right. Then
8 when we just go to page 48, I think, 148, it
9 shows a different kind of column, a square one
10 indeed, a darker color on the residential
11 building.

12 And I'm just wondering -- maybe
13 I'm hung up on this but -- yes, I am -- it
14 seemed to me that these aren't quite resolved
15 yet. Obviously they are essential or you
16 would have taken them away. But where are we
17 here? I mean these are the kind of gateway
18 elements at grade.

19 MR. PATRICK: I mean I think the
20 general answer is I think it is a good
21 comment. I don't think it is -- I think the
22 massing is very strong at the entry. And I

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1 don't think that it fails as it is. But I
2 think it is a great comment. And I think we
3 would be very open to discussing how those
4 columns could relate, you know, as we move
5 into design development or whatever further
6 construction documentation on the project.

7 COMMISSIONER PARSONS: To me, it
8 is really awkward. I mean on the right side
9 you have got that shaft of metal coming down
10 from the roof.

11 And kind of -- it is either coming
12 into that or I don't know what is going on at
13 the top of that column. I guess I would ask
14 if you would agree to do a little more tuning
15 on these.

16 Now I wanted to go to page 201, I
17 guess. Now is the old 201 or the new -- I'm
18 sorry. And it is the ribbon-like wall that is
19 shown. There is a shadow there. And then if
20 we move to the next page, it becomes a red
21 line. This is the feature wall.

22 But then we go to page 149 -- I'm

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1 trying to get an image of this -- it appears
2 to be a stone wall. And my point is it is
3 very difficult to get a handle on what this is
4 doing and why it is there. And what is its
5 purpose?

6 And maybe I just haven't found the
7 right photograph of it.

8 MR. HOOVER: Well, it is probably
9 a little tricky to tell what is going on. But
10 the purpose of the wall, first of all, is that
11 New York avenue at that location is about 10
12 or 12 feet -- is that right?

13 MR. PATRICK: Well, it is overall
14 about 30-some odd feet from the plaza level to
15 the --

16 CHAIRPERSON MITTEN: I need you on
17 your microphone.

18 MR. PATRICK: I'm sorry.

19 CHAIRPERSON MITTEN: Would you
20 repeat that all with the mike turned on?

21 MR. PATRICK: Yes, of course.

22 It is overall about I'd say 20

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1 feet -- from 20, a little bit more from the
2 plaza level to New York Avenue.

3 COMMISSIONER PARSONS: You see the
4 stairway that gets you up there is pretty
5 substantial.

6 MR. HOOVER: Yes, so the idea of
7 the wall, it really is to be a playful object
8 that instead of having a wall that is parallel
9 to New York Avenue and you are sort of looking
10 back into the space to this sort of, you know,
11 to a flat-faced wall is to do something that
12 gives it a little bit more depth and is a
13 little more playful. And really disguise the
14 garage access a bit.

15 And then the staircase from New
16 York was to be this very light, sort of
17 floating staircase that would take you from
18 New York and land down in the plaza.

19 COMMISSIONER JEFFRIES: Excuse me,
20 is that the monumental stair -- is that what
21 you termed monumental?

22 MR. HOOVER: It could have been

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1 called that, yes. The one coming from New
2 York down into the plaza?

3 COMMISSIONER JEFFRIES: Yes.

4 MR. HOOVER: Yes.

5 COMMISSIONER JEFFRIES: Okay.

6 COMMISSIONER PARSONS: So this is
7 really a piece of sculpture that --

8 MR. HOOVER: I would say so. I
9 think we may have even labeled it somewhere as
10 an art wall. I mean it serves purpose for
11 sure because there is circulation -- vehicular
12 circulation behind it as well as holding back
13 the grade.

14 COMMISSIONER PARSONS: And there
15 apparently isn't much opportunity -- I'm
16 looking at the plan on 202, the landscape plan
17 -- to embellish this with plant material or
18 some kind of vine or something.

19 MR. HOOVER: Well, that's -- the
20 intent is that it is, in fact, I think it is
21 noted in here but it is to vine covered back
22 in that space.

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1 COMMISSIONER PARSONS: Oh, okay.

2 MR. HOOVER: So the hope is that
3 it is this very curvy green wall.

4 COMMISSIONER PARSONS: Oh, that
5 sounds much better.

6 On 202, on that plan where you
7 show it in red, is that where you say climbing
8 hydrangea on wall?

9 MR. HOOVER: Yes, yes.

10 COMMISSIONER PARSONS: Okay. I
11 think I got it. Thank you.

12 MR. HOOVER: Okay.

13 COMMISSIONER PARSONS: Now I want
14 to go to 173. And what is that wall along New
15 York Avenue. Is that part of the same wall?
16 And it appears to be 10 or 12 feet high there
17 on the sidewalk. I just wondered whether it
18 was necessary.

19 MR. HOOVER: I'm not quite sure
20 which wall you mean.

21 COMMISSIONER PARSONS: On 173, the
22 stone wall along New York Avenue.

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1 MR. PATRICK: It is a little
2 retaining wall that is --

3 COMMISSIONER PARSONS: It appears
4 to be the same material.

5 MR. HOOVER: Oh, yes. No, it's
6 not the same wall. It is -- there is a grade
7 change from New York -- if you notice between
8 this wall and the curved wall, there is a
9 terrace space in there, a garden that is set
10 down about six feet from New York. Does the
11 height of that wall need to be that tall?
12 Probably not. I'm looking at this rendering.

13 COMMISSIONER PARSONS: It would be
14 nice, I would think=, if the pedestrians could
15 look over down into the courtyard, don't you?

16 MR. HOOVER: Right. I don't
17 disagree with that.

18 COMMISSIONER PARSONS: Okay. Now
19 my real hangup with the whole project is this
20 sign. Fourteen by 52 feet just seems
21 excessive to me. Unless we are trying to
22 reach people in Baltimore as they come down the

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1 parkway, why on earth do we need such a sign?

2 I mean they do this kind of thing
3 in Roslyn but we try not to do it here in the
4 city. So before I get pushy and prohibit it,
5 how important is this to the project because
6 there is another perspective without it that
7 I like much better, you see. The facade is
8 shown on drawing number such and such. So
9 let's have a little discussion about the sign.

10 MR. GLASGOW: The size of the sign
11 as it is right now is just derived from a
12 computation under the building code, you know,
13 for the size of the face of the wall.

14 COMMISSIONER PARSONS: I see.

15 MR. GLASGOW: So it is --

16 COMMISSIONER PARSONS: So it is
17 permissible.

18 MR. GLASGOW: Yes.

19 COMMISSIONER PARSONS: Not
20 necessarily desirable but permissible.

21 MR. GLASGOW: Yes, the land use
22 lawyers will take responsibility for the size

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1 of that sign. We said go to the building code

2 --

3 COMMISSIONER PARSONS: I see.

4 MR. GLASGOW: -- see how big that
5 sign can be.

6 COMMISSIONER PARSONS: I see.

7 MR. GLASGOW: Put it on the
8 drawing and either people will say it is okay,
9 it is not okay, or whatever.

10 COMMISSIONER PARSONS: Well did
11 the architect give you an argument?

12 MR. GLASGOW: I didn't --

13 COMMISSIONER PARSONS: No, no, no.

14 MR. GLASGOW: -- I didn't phrase
15 it for an argument.

16 COMMISSIONER PARSONS: All right.
17 That is all I have.

18 CHAIRPERSON MITTEN: Are you
19 asking them to see how small of a sign they
20 could live with?

21 COMMISSIONER PARSONS: Yes. And
22 at a lower level. I mean I don't know where

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1 -- how far you have to reach up the street.
2 If this is a sign to help clients locate a
3 hotel as opposed to pure advertising, the same
4 impact could be made on this wall at a much
5 lower level with a smaller sign I would think.

6 MR. GLASGOW: We can relook at
7 that.

8 COMMISSIONER PARSONS: Maybe you
9 can just take a look at that.

10 MR. GLASGOW: We can relook at
11 that.

12 COMMISSIONER PARSONS: Thank you.

13 CHAIRPERSON MITTEN: Okay. I
14 don't have any questions. Anybody have any
15 followup?

16 (No response.)

17 CHAIRPERSON MITTEN: Okay. Is
18 there anyone here from ANC 5C?

19 Okay. Thank you. I think we are
20 ready to move to the Office of Planning.

21 MR. GLASGOW: Thank you.

22 MR. COCHRAN: For the record, my

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1 name is Steven Cochran. OP has been working
2 with the applicant on this project since the
3 late summer or early 2005. And we strongly
4 recommend that the Commission approve the PUD.

5 OP believes that to the degree of
6 the amenities and the benefits would be very
7 high in relation to the degree of flexibility
8 that is requested. Obviously I'm skipping
9 through with great rapidity.

10 In OP's opinion, the applicant has
11 successfully addressed almost all of the
12 issues raised by OP in its report with a
13 couple of exceptions.

14 Excuse me -- with no exceptions on
15 that. I just had a note from something that
16 Commissioner Jeffries asked. There are,
17 however, a few details that OP believes
18 require resolution before the Commission takes
19 final action. These include:

20 One, the submission of more
21 detailed information about the location of and
22 justification for a portion of the residential

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1 roof structure set back shown on sheet 506.
2 And I'd like to go into that in more detail if
3 you would flip to that.

4 The applicant has asked, if you
5 look at that sheet, if you look in the green
6 roof area just to the right of thick portion
7 of the T that forms the mechanical penthouse.
8 You can see that there is a 100 foot setup
9 going from the courtyard to the mechanical
10 penthouse. That is the setback the applicant
11 has asked for relief from.

12 But there is also another setback
13 that is shown as six feet that is
14 perpendicular to that. That is on the roof
15 terrace. The applicant didn't ask for that.
16 We think it is minor but if they are going to
17 ask for relief from one, they may as well ask
18 for relief from the other just to be
19 consistent.

20 The second condition would be, of
21 course, your condition, incorporation of
22 DDOT's November 28, 2006 recommendations as to

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1 the conditions of approval but with the
2 possible exception of that annual reporting on
3 TDM requirements and how well they have been
4 implemented.

5 We think it may be more
6 appropriate to have the applicant report on
7 that only until the condominium regime
8 actually takes over the residential portion of
9 the project.

10 That would still give two,
11 possibly even three years in a bad market of
12 reporting time for the applicant to indicate
13 how well the TDM measures are working at least
14 with respect to the hotel and the office
15 building measures. And we think that would be
16 a pretty good compromise.

17 And by the way, the other project
18 you were talking about, Ms. Mitten, was the
19 New York Bladensburg Abdo Project where this
20 kind of boilerplate that I think DDOT took
21 from that.

22 But that project was going to be

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1 built in many phases. So that is why DDOT
2 felt more comfortable requiring this. I think
3 they just took something and moved it into
4 another report.

5 The third is the, as Commissioner
6 Parsons mentioned, the Metropolitan Trail
7 Agreement on who pays for the maintenance and
8 things like that. And even for the relocation
9 of it during construction.

10 The fourth, again, has been
11 alluded to. The conditions that OP mentioned
12 in its report about the times that the
13 staircase and the NBT atrium and the elevators
14 to the central plaza and the central plaza and
15 at least one bathroom will all be open.

16 We mentioned that in our report so
17 I won't go into all of that but the applicant
18 needs to -- has agreed to it orally but I
19 think it is going to need to be conditioned in
20 your decision.

21 And that's about it. I would only
22 note, however, that the applicant -- let's see

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1 -- Mr. Jeffries asked about whether ANC 6C
2 knew about the project. And they did in that
3 this project was included in all of the NOMA
4 presentations for about eight months. And ANC
5 6C was well represented both in the NOMA
6 steering committee meetings and at the general
7 public meetings.

8 This wasn't called out in
9 particular but as part of our presentation, it
10 was cited as one of many developments.

11 And that concludes our
12 presentation.

13 CHAIRPERSON MITTEN: Okay. Mr.
14 Jeffries?

15 COMMISSIONER JEFFRIES: Could you,
16 in terms of those presentations with NOMA, I
17 mean was there a lengthy discussion about the
18 details of the development programs of
19 individual projects? Or was it just sort of
20 taken in the aggregate?

21 MR. COCHRAN: It was taken more in
22 the aggregate but I can remember some people

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1 coming up to me after the presentations and
2 looking at the boards and asking oh, what is
3 this. And I would explain what the Gateway
4 Project is.

5 But I believe there were at least
6 two, possibly three, steering committee
7 meetings where the square footages generally
8 were presented for the individual projects.

9 When it came to the amenities
10 package and the traffic impact, no, those
11 weren't presented.

12 COMMISSIONER JEFFRIES: Okay. I
13 just look over the room and, you know, I don't
14 see the community people. And if everyone is
15 fine, I'm great. It's just -- I just want to
16 -- just sort of concerned about the size and
17 the scale of this project. And, you know,
18 that it was properly vetted.

19 I mean clearly, you know,
20 obviously know that the attorney is very much
21 on top of that. But I just wanted to make
22 certain that, you know, everything was covered

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1 in that regard because again, it sits in a
2 somewhat a precarious sort of location, you
3 know. I mean it really doesn't abut up
4 against residential but residential is in
5 close proximity.

6 MR. COCHRAN: Well, I was at three
7 presentations the applicant made to ANC 5E --
8 5C, excuse me. And I can assure you that
9 there was discussion.

10 COMMISSIONER JEFFRIES: Thank you.

11 CHAIRPERSON MITTEN: I just have
12 one question regarding the recommendation to
13 have this reporting to DDOT which is if we are
14 not going to have benchmarks, like we talked
15 about in the other case, what is the purpose
16 of the reporting?

17 I mean if we are not going to --
18 and I don't know that I am wedded to the
19 concept -- but I don't want to have the
20 applicant go through an exercise that is just
21 basically for general information if it is not
22 going to lead to something.

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1 So what would you suggest?

2 MR. COCHRAN: I don't feel
3 comfortable answering on DDOT's behalf on that
4 one.

5 CHAIRPERSON MITTEN: Okay.

6 Okay, anyone have questions? Any
7 one else have questions?

8 Mr. Glasgow, did you have any
9 questions?

10 MR. GLASGOW: No questions.

11 CHAIRPERSON MITTEN: Okay. I
12 don't think we have any other government
13 agencies represented.

14 And I already asked for the ANC
15 but as Mr. Glasgow had noted earlier we now
16 have in the record the ANC's report in
17 support.

18 Is there anyone who would like to
19 testify in support? Anyone who would like to
20 testify in support?

21 (No response.)

22 CHAIRPERSON MITTEN: Anyone who

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1 would like to testify in opposition?

2 (No response.)

3 CHAIRPERSON MITTEN: Okay. Mr.
4 Glasgow?

5 MR. GLASGOW: I'd just like to --
6 just a couple of quick comments. We would
7 like to have this case decided this evening if
8 we can have it decided this evening.

9 We have been working on this
10 project a very long time. Mr. Cochran was --
11 I'm glad he brought up -- I had meant to and
12 had not stated my testimony --- not my
13 testimony, my opening statement that we have
14 been working with the Office of Planning since
15 the fall of last year on this project.

16 It has gone through several
17 iterations in the design standpoint. We have
18 been months with the community on this
19 project. And to get it to the point where we
20 are right now, including going to the three
21 ANC meetings.

22 And I thought that there was

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1 another one earlier in the year where we told
2 them we are going to be coming with this
3 project. And this is where it is going to be
4 located. And this is the approximate size of
5 it.

6 So there was pre-notice, if you
7 will. And then there were meetings that I did
8 not attend with all the community groups but
9 that Ms. Batties was at with numerous
10 community groups. And more than one with
11 several of those community groups.

12 And people were comfortable with
13 this project. And it is a large project. And
14 I think people understood what it was that
15 this project could do at this location as a
16 positive to the community without intruding on
17 the community.

18 There are few sites in the
19 District that you can pick out where you can
20 put a large project that can have a very
21 positive impact on a community that doesn't
22 intrude upon the community.

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1 And because of the street system
2 around this site and the railroad system, this
3 is a place where you can do that. So that it
4 is almost like you can have your cake and eat
5 it, too. Get the benefits of what a big
6 project does with respect to a community but
7 not be overwhelmed by it.

8 And so that is the opportunity
9 that we have here. And we have worked -- we
10 have worked hard to not have any adverse
11 reaction within the community and to get the
12 unanimous support of the community.

13 And we would like to have the
14 support of the Zoning Commission on this. And
15 I understand that there are a couple of things
16 that would need to be submitted for the
17 record.

18 And that those things could be
19 handled between -- if the Commission were so
20 inclined to take action this evening, between
21 now and final action such as getting the sign
22 to the part where the size is not dictated by

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1 zoning attorney but by architects and people
2 that ought to be doing it in the first place.
3 And any other things that the Commission
4 thinks may need to be dealt with between any
5 potential action tonight and final action.

6 Thank you.

7 CHAIRPERSON MITTEN: Thanks. I
8 heard some fairly significant concerns from my
9 colleagues and if anyone disagrees with what
10 I'm going to suggest, please go ahead.

11 I would suggest that we do have
12 some things that we would like, you know, we
13 heard some concerns expressed that we would
14 like to spend at least a few days thinking
15 over.

16 We have a public meeting on the
17 11th of December. So get your reactions to
18 some of the things you heard tonight. And get
19 you on the agenda for the 11th, which isn't
20 very long to wait.

21 So I just don't want to put -- I
22 think I heard some things tonight that deserve

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1 some response. And it is ironic.

2 But what you were describing in
3 terms of this opportunity to do something for
4 the community without intruding on the
5 community I think is really what Mr. Jeffries
6 was, you know, reacting to, which is yes, you
7 know, the reaction that we have gotten all
8 along to IZ is we don't want the density that
9 comes with the affordable housing component.

10 Well, here is the chance to do it.
11 And so we'd like you -- I'd like you to spend
12 some time thinking about that. I think it is
13 a very valid observation.

14 And just to respond to that. And
15 then we had some smaller things we had -- Mr.
16 Hood's concern about the benefit for the
17 existing community of the amenities.

18 And so if you could have an
19 addition submission where you at least
20 describe, as you were trying to do, orally how
21 those various amenities benefit, I think that
22 would be helpful.

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1 And then we had, just to run down
2 what I heard, Mr. Jeffries had asked for, you
3 know, a list of the community groups that had
4 been engaged.

5 And Mr. Parsons had asked for a
6 few things. In addition to the sign, possibly
7 lowering the wall along New York Avenue and
8 then the design treatment, revisiting the
9 design treatment of the external columns along
10 the New York Avenue side at the entrance
11 points.

12 And then getting in writing the --
13 I'm sorry, Florida. Really? Oh, okay, on the
14 Florida Avenue side. Okay, sorry. And then
15 to get -- yes, I got that wrong -- yes, that
16 was -- wall is New York, the columns is
17 Florida. Sorry.

18 And then as Mr. Cochran pointed
19 out to eh applicant just to accept or to
20 articulate in writing which of those
21 conditions that OP had recommended that you
22 are accepting.

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1 And then how close is the
2 Metropolitan Branch Trail Agreement to being
3 finalized? Is that something we have a
4 reasonable expectation about getting in before
5 -- would you turn on your microphone?

6 MR. GLASGOW: I think I would
7 prefer that we just -- if we have a condition
8 that we need to have some --

9 CHAIRPERSON MITTEN: Okay.

10 MR. GLASGOW: -- type of agreement
11 there, I would prefer that our conditions be
12 that we have an economic number that we are
13 supposed to do with respect to that. And I'm
14 thinking about the other project that we had
15 the I had the dialog with Mr. Parsons on.

16 CHAIRPERSON MITTEN: Okay.

17 MR. GLASGOW: We didn't have the
18 MOU at the time of the PUD as I recall.

19 CHAIRPERSON MITTEN: Okay. That's
20 fine.

21 MR. GLASGOW: We had a dollar
22 amount that we were to expend and then we got

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1 the agreements done.

2 CHAIRPERSON MITTEN: Okay. I
3 didn't want it to hang --

4 MR. GLASGOW: Because they could
5 take --

6 CHAIRPERSON MITTEN: -- anything
7 up. I just thought if it was close --

8 MR. GLASGOW: I think it may be
9 the other way because it is going to be a
10 while before it gets constructed.

11 CHAIRPERSON MITTEN: No problem.
12 No problem.

13 So Ms. Schellin, how quick do we
14 need things in? I know it is pretty quick.

15 MS. SCHELLIN: Monday, the fourth.

16 CHAIRPERSON MITTEN: Can you get
17 these in by three o'clock on Monday?
18 Everybody is nodding. Not vigorously but --

19 MR. GLASGOW: I've taken that as a
20 yes --

21 CHAIRPERSON MITTEN: Okay.

22 MR. GLASGOW: -- from the team.

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1 CHAIRPERSON MITTEN: All right.
2 Great. So if you get those in by three
3 o'clock on Monday, we will get you on the
4 December 11th agenda. And look forward to
5 your responses to the concerns that you heard
6 tonight.

7 And thanks again for waiting a
8 little extra time while we finished up with
9 GW.

10 MS. SCHELLIN: Chairman Mitten,
11 can I just ask, are you expecting also a draft
12 order if they would like to do that?

13 CHAIRPERSON MITTEN: That would be
14 really helpful.

15 MS. SCHELLIN: Would you be able
16 to --

17 CHAIRPERSON MITTEN: -- I don't
18 know if you can work with that. We will be
19 flexible if you can't but it would be
20 preferable if you can. At least -- how about
21 doing this, at least getting the conditions
22 drafted, that would be great.

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1 MR. GLASGOW: At least a proposed
2 set of conditions.

3 CHAIRPERSON MITTEN: Yes, that
4 would be great. Okay.

5 Anybody else got anything?

6 (No response.)

7 CHAIRPERSON MITTEN: Okay. Thanks
8 again. And we will see you on the 11th I
9 guess.

10 We are adjourned.

11 (Whereupon, the above-entitled
12 public hearing was concluded at 8:08 p.m.)

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