

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

THURSDAY

JULY 6, 2006

+ + + + +

The Special Public Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 5:30 p.m., Anthony J. Hood, Vice-Chairperson presiding.

ZONING COMMISSION MEMBERS PRESENT:

| | |
|---------------------|--------------------|
| 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 |
|--------------------|-----------|

OFFICE OF PLANNING STAFF PRESENT:

ELLEN McCARTHY
JENNIFER STEINGASSER
JOEL LAWSON
TRAVIS PARKER

OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

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The transcript constitutes the minutes
from the Special Public Meeting held on July 6, 2006.

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

5:36 p.m.

VICE-CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is a Special Public Meeting of the District Zoning Commission on Thursday, July 6, 2006 at 5:44.

Joining me for the Special Public Meeting are Commissioners Jeffries, Parsons and Turnbull.

Let me ask first does the staff have any preliminary matters.

MRS. SCHELLIN: No sir.

VICE-CHAIRPERSON HOOD: I will ask everyone's indulgence. There's a lot of information that's come into the record that we requested. We're going to try to go through this as thoroughly as possible.

Colleagues, the relief sought, I'm just going to run through this and if I miss anything please let me know. The requirement is relief from 1606.7, 1606.14D, 1606.14E, 1606.16. Does anyone have anything to add? I think we've captured -- okay.

So what I'd like to do first is to discuss 1606.7, the requirement is all parking spaces within the ballpark site shall be provided underground. The

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1 relief requested, we have and I don't want to call
2 them options but we have two alternatives in front of
3 us.

4 One is two structures above ground, 925
5 above-ground parking spaces in two above-ground
6 structures. And the second, well let's deal with the
7 first one unless someone wants to proceed in another
8 fashion. I'll open it up.

9 COMMISSIONER PARSONS: Well, Mr.
10 Chairman, I would just make some preliminary remarks.
11 The problem with the relief sought all the way down
12 that you just cited is we're presented with options.

13 And in my view most of the options that are provided
14 are superior, not only from a design standpoint but a
15 land use standpoint.

16 And at the same time we're asked to
17 approve a lesser project or alternative because of
18 something I don't understand, and I don't know that
19 it's our place to understand, the economics of things,
20 the permitting of things and, as land use body, I
21 think it's our role to advise the decision makers in
22 other forums what we feel. And it's clear to me that
23 temporary parking above ground, if it is temporary, is
24 the wrong way to go as opposed to the alternative that
25 was brought forward, so I think we should be sending

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1 a signal back that we just deny the parking structure
2 as presented to us in May and select the preferred
3 alternative that we saw last week. So that's my view
4 on this aspect of it.

5 VICE-CHAIRPERSON HOOD: Okay. Let me
6 make sure I understand. When we open it up for
7 discussion I want to make sure I have a process on how
8 we're going to do it. I was planning on dealing with
9 one then moving to the next, but I guess if you want
10 to we can open them up and discuss both in that
11 fashion.

12 COMMISSIONER PARSONS: Well, yes, I think
13 it's two separate actions but I just want to let you
14 know where I was going.

15 VICE-CHAIRPERSON HOOD: Okay. Okay.
16 Anyone else want to comment?

17 COMMISSIONER TURNBULL: I would just echo
18 Mr. Parsons' summation of where we are on those two
19 issues. I would agree with him.

20 COMMISSIONER JEFFRIES: And I would also
21 agree with Commissioner Parsons. We are purely and
22 simply a land use regulatory body and, of course,
23 there are a number of items that are floating around
24 as relates to Council and cost control and opening day
25 and things of that sort but I think in terms of what's

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1 been put before us here, I am certainly not willing to
2 go the dual approval route.

3 So therefore the part of the approval that
4 would ask us to, you know, fall back to the above
5 ground structures that are not encased with retail,
6 residential and hotel, I would not be in favor of.

7 VICE-CHAIRPERSON HOOD: Okay. I'm just
8 trying to frame this discussion and maybe I've gotten
9 confused so I'm going to try it another way.

10 The proposal that came to us May 3rd, as
11 Mr. Parsons alluded to, which was the 925 above ground
12 parking spaces in those two structures. The way I
13 wanted to move, and maybe we're moving that way, maybe
14 it's just I'm a slow learner and I'm not
15 understanding, but I would like for us to deal with
16 that and then whether or not we want to move to the
17 alternative and let's discuss that. Because I think
18 we're combining them.

19 COMMISSIONER PARSONS: Well, let me try
20 it this way. I move that we deny the above ground
21 parking structures.

22 COMMISSIONER TURNBULL: I'll second.

23 COMMISSIONER PARSONS: Is that what you
24 wanted?

25 VICE-CHAIRPERSON HOOD: I thought we were

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1 going to deliberate, I didn't want it that quick.

2 COMMISSIONER PARSONS: Well, you know, if
3 we get a motion on the floor and then we can talk
4 about it.

5 VICE-CHAIRPERSON HOOD: I didn't even ask
6 for a second. Okay, it's been moved and seconded.
7 And let me just say discussion? No further
8 discussion?

9 COMMISSIONER TURNBULL: I just think that
10 we would be remiss in approving above ground garages
11 in a part of the city that's under development. I
12 mean here we're looking for redevelopment of an area
13 and going back to exposed garage without any retail
14 around it does not do anything for what the community
15 wants to be.

16 I don't think, as Mr. Parsons said
17 earlier, it's a good land use, it's not good planning,
18 it's not good for the development of the city. I
19 just think it's something we shouldn't even consider.

20 COMMISSIONER JEFFRIES: And, you know,
21 it's not a compelling argument the way I see it as it
22 relates to this whole notion about April 2008. That
23 date's going to come and go and we're going to be left
24 with, if we were, this Commission, to go forward with
25 the second proposal, the May proposal, I think

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1 there'll be a lot of regret to pony up and
2 move under duress for this opening day. I just don't
3 think it's in keeping with what this Commission is all
4 about as it relates to land use.

5 Again, we're a one-trick pony up here,
6 that's what we do, land use, and I think in terms of
7 what's been put before us, at least for the above
8 ground parking, is just not acceptable.

9 VICE-CHAIRPERSON HOOD: I would agree
10 with my colleagues but, you know, when this was first
11 given to us and I would say that this area is going to
12 jumpstart and I'm sure that this mechanism is going to
13 trigger what's going to happen down there, but it took
14 me back to when we did the tech hotels. I know Mr.
15 Parsons, I'm sure you remember the tech hotels and how
16 those were being built to how the electronics and
17 stuff for the time, but at a later time they would
18 come back to be able to use for retail use and that's
19 what I was kind of thinking in terms of this. But it
20 seems like we're not going in that direction so it's
21 been moved and properly seconded and this is to vote
22 on the 925 above ground parking spaces in two above
23 ground structures. All those in favor? Aye.

24 (Ayes)

25 VICE-CHAIRPERSON HOOD: Opposition?

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1 Staff, would you record the vote?

2 MRS. SCHELLIN: Yes. Staff will record
3 the vote 4-0-1 to deny the above ground parking
4 structures. Commissioner Parsons moving, Commissioner
5 Turnbull seconding, Commissioners Jeffries and Hood in
6 favor, Commissioner Mitten not present and not voting.

7 MR. BERGSTEIN: I'm sorry, could I just
8 ask that the motion be noted more in terms of denying
9 the request for relief from the requirement that all
10 parking be underground based upon the provision of two
11 above ground parking structures because it's about --

12
13 VICE-CHAIRPERSON HOOD: Okay. Thank you.
14 Well we'll just tell you and you can make the motion.
15 Okay. Now this is the fashion in which I think we
16 need to move. Again, I'm going to read the
17 requirement 1606.7. All parking spaces within a
18 ballpark site shall be provided underground and the
19 proposal we got for June would be the 23rd, which is
20 the alternative 925 above ground parking spaces within
21 a mixed use addition to the ballpark. And I'll open
22 that up for discussion.

23 COMMISSIONER PARSONS: I would move
24 approval of that preferred alternative.

25 COMMISSIONER TURNBULL: I'll second.

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1 VICE-CHAIRPERSON HOOD: It's been moved
2 and seconded. All those in favor?

3 (Ayes.)

4 VICE-CHAIRPERSON HOOD: Any opposition?
5 So ordered. Staff would you record the vote. Was
6 that okay Mr. Bergstein?

7 MR. BERGSTEIN: I think we got it, yes.

8 VICE-CHAIRPERSON HOOD: Okay.

9 MRS. SCHELLIN: Staff will record the
10 vote 4-0-1 to approve the relief from Section 1606.7
11 to provide for the above ground parking spaces within
12 a mixed use addition to the ballpark. Commissioner
13 Parsons moving, Commissioner Turnbull seconding,
14 Commissioners Jeffries and Hood in favor, Commissioner
15 Mitten not present and not voting.

16 VICE-CHAIRPERSON HOOD: Okay. While
17 we're on parking I wanted to talk about, and I think
18 there's an OP report, the south side parking area. I
19 think our regulations require that it be covered and
20 I don't think it's covered. I think it's kind of down
21 in the pit and I'm not sure if it's covered. And the
22 rationale, I think, and anyone can chime in to help
23 me, make sure I keep this straight, was so that there
24 can be some development over the top of that. Does
25 anybody else remember it like that?

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1 MR. BERGSTEIN: Mr. Chairman, I do need
2 to correct you that there's no requirement that the
3 parking be covered just that it be underground. The
4 question is whether or not you accept the design as
5 chosen, that is provided for you which has changed
6 from being underground parking that's covered to
7 underground parking that's not, you feel that meets
8 the design criteria for the overlay.

9 VICE-CHAIRPERSON HOOD: Okay.

10 COMMISSIONER PARSONS: Did you want to
11 talk about that now?

12 VICE-CHAIRPERSON HOOD: Yes. I wanted to
13 talk about it since we're on parking.

14 COMMISSIONER PARSONS: Okay. Well here
15 the exact reverse is in play. In May they produced a
16 drawing that showed a plaza here, a grassed areas as
17 well, a front yard if you will to the building.

18 Then they come forward with a proposal
19 that's an open pit. Now they've come back with a
20 response to our concern but I prefer the original,
21 that is that showed a plaza. Certainly they're not
22 asking us to approve a building, it's a theoretical
23 building at this point that may never be built or
24 approved.

25 I'm troubled by this because -- I wanted

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1 to discuss this last but we can discuss it now. I
2 think I'm willing to go with a compromise that's been
3 produced, to be specific un-numbered drawings, but a
4 series of four drawings that you saw probably.

5 My point is I prefer the plaza but I know
6 that's costly. And there are other actions, the one
7 we just took and so forth, that I feel I'm willing to
8 compromise on this tent device if you will, but I
9 don't know how you feel.

10 COMMISSIONER JEFFRIES: But is the
11 applicant asking, I mean this parking is already below
12 grade.

13 VICE-CHAIRPERSON HOOD: It's already
14 below so it meets, as I've been corrected, it meets
15 the requirement under the --

16 COMMISSIONER JEFFRIES: So what is the
17 applicant -- then what are they asking us to do as it
18 relates to the south plaza?

19 MR. BERGSTEIN: They're not asking you to
20 do anything but approve the plans as provided. In
21 this case it would be if the Commission felt that that
22 portion of the plan was unacceptable, someone would
23 have to indicate that and the Commission would have to
24 agree that instead of it being shown as it's now
25 shown, it should be covered as originally illustrated

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1 in the first submittal.

2 So this is a question for the Commission
3 to initiate, the actual drawing is within what's
4 provided by the regulations.

5 VICE-CHAIRPERSON HOOD: Let me start and
6 I think Mr. Parsons is opposite of where I'm coming
7 from. I agree with it as is shown in the latter part
8 where it just shows that it's below grade. And I
9 agree with as it was presented to us last. That's why
10 I --

11 COMMISSIONER PARSONS: So the first one
12 as shown on the cover of the original book, that's
13 grass. The second one I don't think we saw, it just
14 said it's going to be cars, you're going to be looking
15 at cars.

16 VICE-CHAIRPERSON HOOD: But it would meet
17 our requirement.

18 COMMISSIONER PARSONS: Yes.

19 VICE-CHAIRPERSON HOOD: Right. It met
20 our requirements.

21 COMMISSIONER PARSONS: And the third one
22 places canvas or other kind of fabric tent-like
23 structures so that people won't be looking down into
24 a parking lot. And you're willing to look into the
25 parking lot, I just want to make sure.

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1 VICE-CHAIRPERSON HOOD: Well, you know,
2 we're making concessions and I just think that we're
3 trying to make this thing work and make it work right.
4 And I just think that while we just voted the two
5 structures down, I'll just you give and take a little,
6 and that's kind of where I'm coming from.

7 COMMISSIONER PARSONS: Well that's where
8 I was coming from too, and I was compromising from
9 grass to tents.

10 VICE-CHAIRPERSON HOOD: But the way I
11 understand it now, and I stand to be corrected because
12 I can tell you pulling this stuff and reading this
13 stuff, like I said at the hearing, it's all over the
14 place and trying to pull it together is very
15 difficult.

16 But I understand that there's no
17 requirement in the CG overlay that says that it has to
18 be covered, and that's what I was just told.

19 COMMISSIONER PARSONS: No, that's right.
20 It's a design issue clearly.

21 VICE-CHAIRPERSON HOOD: Well I'll open it
22 up to the rest because I know when I'm outnumbered.

23 COMMISSIONER TURNBULL: Well, no, Mr.
24 Chairman, you just made the statement when you
25 referred to it as below grade, which to me is not

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1 underground. To me this is surface below-grade
2 parking, it's not underground. I mean if we're
3 talking semantics it's below grade but it's not
4 underground, it's surface below-grade parking. I
5 think what Mr. Parsons is saying is that by having the
6 tented structure we are making a compromise from the
7 original plan, which showed it totally underground
8 covered with a green plaza, rather than just having
9 looking out over into this exposed surface graded
10 parking lot, which I think offers, which is a
11 compromise.

12 COMMISSIONER PARSONS: This is the main
13 ceremonial entrance where the administrative offices
14 of the team are going to be and they're going to be
15 looking down into a parking lot. It's wrong.

16 VICE-CHAIRPERSON HOOD: You know I have
17 to yield but I will be frankly honest and this is
18 where my lack of, and I'm not putting myself down, but
19 this is where my lack of architectural experience
20 comes in because I don't really see a difference
21 between looking at the cars and looking at those
22 tents. I really don't. I really don't.

23 COMMISSIONER PARSONS: Oh, now I got you.

24 VICE-CHAIRPERSON HOOD: I really don't
25 I'm being frankly honest with you. But I will yield

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1 to the experts. I don't have any problem yielding
2 because we want to make sure we make the best decision
3 possible, and I think that's where we are. Do you want
4 to chime in on it?

5 COMMISSIONER JEFFRIES: I concur with
6 Commissioner Parsons. In fact, it seems to me that
7 the plaza's actually deteriorating, it seems to be
8 getting worse. I had problems with it from the
9 beginning but, you know, looking at sort of what's
10 come through subsequently I'd have to go back to what
11 was submitted back in May, May 3rd.

12 Again, it goes back to that little dirty
13 secret no one wants to talk about is that our land
14 resources in the District is valuable and we just
15 cannot put it in a position to not get the most
16 benefit. And I think this fairly large triangle when
17 you're looking at parking down there is just not a
18 very attractive thing, particularly given that it's at
19 one of the more prominent portals that we're trying to
20 create into the District. I think it's kind of
21 counter-intuitive and I'm not in favor of it. So I
22 would prefer that we go back to the May version.

23 VICE-CHAIRPERSON HOOD: Okay. That's
24 fine.

25 COMMISSIONER PARSONS: There's one thing

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1 that hasn't been said here. We've all worked so hard,
2 this Commission, 18 federal agencies, the Mayor on
3 making the Anacostia one of the best rivers in the
4 country, and if this is our first effort it's got to
5 be first class to the degree we can do it. And this
6 is the Anacostia River side, this is where people are
7 going to spill down and go to what, hopefully, is an
8 exciting waterfront. And to have this pit there just
9 doesn't make sense. It just doesn't.

10 COMMISSIONER JEFFRIES: You know, I just
11 don't want to get -- you said something earlier,
12 Chairman, concessions, and I just don't think this is
13 quite the way we should be sort of approaching this.

14 I mean we really need to be very honest
15 and true to what we ultimately are trying to achieve
16 here at the ballpark district and that's a world class
17 development.

18 I was just in Chicago looking at
19 Millennium Park, and I mean there was a lot of drama
20 getting up to that, but it was well worth it that, you
21 know, that particular development. And I want to just
22 make certain that we don't get into this sort of
23 trading back and forth here and that we really try to
24 stick to what will really create the best product.

25 So I'm trying to keep that in mind as we

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1 go down this list and I just wanted to put that on the
2 record.

3 VICE-CHAIRPERSON HOOD: Let me just say,
4 when I say concessions I don't mean give it away.
5 I'm not saying that. I just know that there have been
6 some projects in this city that I've sat on this
7 Commission and voted on and rolled back by and
8 actually there's a street in this city that I don't go
9 down any more because I think we approved something
10 that we should not have. And I'm just being frankly
11 honest. And some of that was due to me not really
12 knowing exactly, I was at a learning stage at that
13 point.

14 And when I say concessions, I think
15 everything has its balances and that's all I'm trying
16 to do. Believe me, just getting through this is hard
17 enough. So can I get a motion?

18 COMMISSIONER JEFFRIES: Yes. I make a
19 motion that as it relates to the plan the South Plaza,
20 that we approve the plan that was submitted May 3rd
21 2006 by the applicant for the design of the South
22 Plaza.

23 COMMISSIONER PARSONS: Grass versus the
24 tents.

25 VICE-CHAIRPERSON HOOD: All right. It's

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1 been moved. Second?

2 COMMISSIONER TURNBULL: Can I ask a
3 question first?

4 VICE-CHAIRPERSON HOOD: Can I get a
5 second and then we'll open it to discussion.

6 COMMISSIONER TURNBULL: Oh I'll second
7 it.

8 VICE-CHAIRPERSON HOOD: Okay. It's been
9 moved and seconded. Discussion? Mr. Turnbull?

10 COMMISSIONER TURNBULL: You're asking for
11 the one covered with grass?

12 VICE-CHAIRPERSON HOOD: Yes, the one with
13 grass.

14 COMMISSIONER PARSONS: So the compromise
15 plan is taken off then? Got you.

16 VICE-CHAIRPERSON HOOD: Okay. It's been
17 moved and properly seconded. All those in favor?

18 (Ayes.)

19 VICE-CHAIRPERSON HOOD: Any opposition?
20 So ordered. Staff would you record the vote?

21 MS. SCHELLIN: Staff will record the vote
22 4-0-1 to approve the South Plaza as per the May 3rd
23 plan that was submitted by the applicant, Commissioner
24 Jeffries moving, Commissioner Parsons seconding,
25 Commissioners Hood and Turnbull, Commissioner Mitten

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1 not present and not voting.

2 VICE-CHAIRPERSON HOOD: Mr. Bergstein,
3 let me just ask you a quick question. Because there's
4 four of us, three of us need to all agree, correct?

5 MR. BERGSTEIN: Yes.

6 VICE-CHAIRPERSON HOOD: All right. Thank
7 you. Thank you colleagues.

8 Let's move right now to the next relief,
9 the next requirement --

10 COMMISSIONER JEFFRIES: Now also let me
11 make certain I'm clear. There's other aspects of the
12 ballpark that we're going to -- so we're just going to
13 almost pick this thing apart and just go place by
14 place in terms of voting up and down, right?

15 VICE-CHAIRPERSON HOOD: Yes.

16 COMMISSIONER JEFFRIES: So we'll go to
17 other parts for retail and all those things, we're
18 going to go right down?

19 VICE-CHAIRPERSON HOOD: Right down. And
20 I went through all the reliefs and this is what I
21 asked in the hearing about the relief, I'm going to
22 try to get all the requirements and the reliefs that
23 they ask for.

24 COMMISSIONER JEFFRIES: Right. Okay.

25 VICE-CHAIRPERSON HOOD: Okay. We're done

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1 with parking. The next one is 1606.14, the minimum
2 floor to ceiling height of area devoted to preferred
3 uses shall be 14 feet clear. That's what our
4 requirement is. And one of the reliefs with parking
5 structures, the floor to ceiling height varies from 12
6 to 17 feet.

7 First, before we do that let me go back
8 and I think the question came up at the end of the
9 hearing also, we spoke about whether the applicant was
10 asking for a variance or a waiver. And I think that
11 all of these should be treated as a variance. That's
12 just where I'm coming from. I think it's clean and
13 --

14 MR. BERGSTEIN: Mr. Chairman, I'm sorry,
15 I was distracted, but for the relief you're under
16 because you've denied the parking --

17 VICE-CHAIRPERSON HOOD: We don't need to
18 do that. That's why I moved to something else.

19 MR. BERGSTEIN: Okay. I'm sorry.

20 VICE-CHAIRPERSON HOOD: I was trying to
21 cover my mistake up, not let everybody know, we don't
22 really even need to deal with that, that's why I went
23 to the variance and waiver. I moved away from that.

24 But anyway, I made a mistake, we don't need to do
25 that.

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1 But anyway let's deal with this variance
2 and waiver issue because I think that's how we're
3 going to proceed and you can keep me clean, Mr.
4 Bergstein.

5 We still need to handle, under 1606.14, no
6 we don't need to do that either. Okay. But we still
7 need to deal with this issue of the variances and the
8 waiver, whether we're going to treat these as a
9 variances or waiver. And we need to establish some
10 type of, I look at as though like we do our PUDs, and
11 I don't know if we want to go to that magnitude
12 because in our regulations it says the Zoning
13 Commission will look at a relief from a variance or
14 special exception, and I think it just keeps it clean.

15 COMMISSIONER PARSONS: Well, waiver is
16 introducing a new term that's not in our regulations,
17 and the variance is just a way to go. Mr. Bergstein,
18 have you got any views on this?

19 MR. BERGSTEIN: I agree with you that the
20 Zoning Act provides for special exceptions in
21 variances. You have the PUD process which also allows
22 for relief from the zoning regulations based upon a
23 certain standard. I don't see anything within the
24 provisions that you're looking at that allow for a
25 waiver, other than there's three provisions for

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1 parking for the extent of preferred uses and for
2 additional above ground parking for which a waiver is
3 specifically allowed and there's a specific standard.

4 But there's no over-arching provision for a waiver
5 that I see in the regulations.

6 I believe the applicant is arguing that
7 point 22 provides some sort of general waiver
8 requirement, but there's no standard that's been
9 proffered to us that you could apply to determine
10 whether or not to grant the waiver as they're calling
11 it.

12 We advertised it using the term strict
13 applicability of the zoning regulations, which is a
14 variance term, but it's up to you to decide whether or
15 not there is sort of an over-arching ability to
16 request waivers from all the requirements in the
17 section. But then you'd have to articulate what that
18 standard is. If not, use the variance standard where
19 they have to show an exceptional condition and that,
20 as a result of that exceptional condition, the strict
21 application of the zoning regulations result in a
22 practical difficulty.

23 VICE-CHAIRPERSON HOOD: Thank you, Mr.
24 Bergstein, for that explanation but as I stated I'm
25 inclined to look at this as a variance and I'll open

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1 it up for discussion.

2 COMMISSIONER PARSONS: Agreed.

3 VICE-CHAIRPERSON HOOD: Mr. Parsons
4 agrees. Mr. Jeffries? Okay. Thank you. Moving
5 right along with 1606.14e, and I'm going to ask Mr.
6 Bergstein and you guys to help keep me on track.

7 MR. BERGSTEIN: You need to deal with
8 1606.14d in terms of the preferred alternative because
9 even with the preferred alternative, some of the
10 height of the retail is less than the 14 feet floor
11 ceiling required, so you do need to --

12 VICE-CHAIRPERSON HOOD: Okay. Let me
13 back up, 1606.14d, the minimum floor to ceiling height
14 of area devoted to preferred uses shall be 14 feet
15 clear. The relief request, as was already stated with
16 preferred alternative, the height varies between 11
17 and 23 feet. And we've already decided to deal with
18 this as a variance. Mr. Jeffries?

19 COMMISSIONER JEFFRIES: Mr. Chair, I want
20 to ask a question of the Office of Planning.
21 Apparently the retail floor to ceiling heights vary
22 from 11 to 23 feet. Where is the 11 feet floor to
23 ceiling in the latest plan?

24 MR. LAWSON: I didn't get a clear
25 understanding from the applicant exactly where the 11

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1 feet was versus the 23 feet. The 11 feet would be
2 within the mixed-use buildings as opposed to within
3 the -- if my memory serves me right, it would be
4 within the mixed-use buildings as opposed to being
5 within the ballpark footprint.

6 And it's because of that we had somewhat
7 fewer concerns about a wide variety of retail heights
8 because it allows for a wider variety of retail type
9 tenants and allows the buildings to respond to the
10 fairly steep pitch and grade philosophy.

11 COMMISSIONER JEFFRIES: Okay. So it's
12 not -- but you're pretty certain it's not along First
13 Street?

14 MR. LAWSON: That's my understanding.
15 There was some retail along First Street that also
16 would not fully comply with the 14 foot height, but it
17 was a lesser amount, and certainly with the option two
18 that was also put forward of extending the retail out
19 closer to the property line, the retail that bumps out
20 would be able to conform fully to the 14 foot height.

21 COMMISSIONER JEFFRIES: Well, we're going
22 to get to the depth later. Right now I'm --

23 MR. LAWSON: No, no, I meant in terms of
24 height. If it's deeper they'd be able to provide the
25 height for that section that comes out from the

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1 footprint of the ballpark itself.

2 COMMISSIONER JEFFRIES: Okay.

3 VICE-CHAIRPERSON HOOD: Mr. Jeffries, I'm
4 trying to follow your question. You asked was the
5 less height, 11 feet, on First Street?

6 COMMISSIONER JEFFRIES: Yes. He's
7 thinking that the 11 foot floor to ceiling is probably
8 part of the preferred option along N Street and not
9 necessarily on First Street.

10 VICE-CHAIRPERSON HOOD: On N Street?

11 COMMISSIONER JEFFRIES: Yes, it's
12 probably on N Street, the 11 foot, because they're
13 saying 11 to 23 feet, I mean 23 feet, yes but 11 feet
14 that gets a little low for retail. But I just wanted
15 to get a sense of where it is.

16 And obviously the critical retail corridor
17 here is First Street. So I mean if the Office of --
18 excuse me?

19 MR. LAWSON: Yes, if I may. I just
20 received some information that actually would -- we're
21 both kind of right, it would be within the mixed-use
22 buildings but the 11 feet would be within the mixed-
23 use building portion that fronts on to First Street.

24 COMMISSIONER JEFFRIES: Okay. Let --

25 MR. LAWSON: The mixed-use buildings have

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1 retail frontage on N Street and on First Street. Some
2 of the retail on First Street would be the retail that
3 would have 11 foot height.

4 COMMISSIONER JEFFRIES: So it would be
5 the retail space that's what 3,200 square feet?

6 MR. LAWSON: Now I'm getting more advice
7 again. Actually, okay, now I understand the plan I'm
8 looking at. It's actually the retail that's fronting
9 onto the Plaza so it's neither on N Street nor on
10 First Street. My apologies, Mr. Chair. It would some
11 of the retail facing onto the center Half Street Plaza
12 entrance to the ballpark site.

13 COMMISSIONER JEFFRIES: So it's the
14 2,727 square foot space?

15 MR. LAWSON: I don't have the drawing in
16 front of me.

17 COMMISSIONER JEFFRIES: Oh it's the
18 ticket office. Okay. I just wanted to --

19 VICE-CHAIRPERSON HOOD: Let me do this
20 though because we want to make sure we're on the
21 record and we don't take comments from the audience,
22 even though we appreciate your help, if you could let
23 Office of Planning. Everybody, we all need some help
24 on this even if you can just let the Office of
25 Planning know we're appreciate it and they will relay

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1 it to us. That way we'd keep some uniformity here.

2 COMMISSIONER JEFFRIES: And let me just
3 make a motion that we grant relief with the preferred
4 alternative, the height variance, varying between 11
5 feet and 23 feet.

6 COMMISSIONER PARSONS: Second.

7 VICE-CHAIRPERSON HOOD: It's been moved
8 and properly seconded. All those in favor?

9 (Ayes.)

10 VICE-CHAIRPERSON HOOD: Any opposition?
11 So ordered. Staff, would you record the vote?

12 MS. SCHELLIN: Staff record the vote 4-
13 0-1 to approve relief from Section 1606.14d to allow
14 height from 11 to 23 feet, Commissioner Jeffries
15 making the motion. Commissioner Parsons seconding,
16 Commissioners Turnbull and Hood in favor, Commissioner
17 Mitten not present and not voting.

18 VICE-CHAIRPERSON HOOD: Okay. Thank you.
19 The next requirement is 1606.14e, the average depth
20 from the exterior facade in towards the center of the
21 building for space devoted to preferred retail shall
22 be at a 50 feet minimum. I think on the 30th, no I'm
23 sorry, May 3rd, average depth from the parking
24 structures is 31 percent.

25 MR. BERGSTEIN: Commissioner, can I help

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1 you on this?

2 VICE-CHAIRPERSON HOOD: Yes, I need as
3 much help as I can yet. Yes.

4 MR. BERGSTEIN: Okay. The 31 percent is
5 for the parking structures that you denied. The
6 application doesn't really indicate what the depth is,
7 what the average depth is when you combine the
8 preferred alternative with the ballpark, but from
9 reading their submission they seem to concede that
10 it's less than 50 percent. But there's no exact
11 figure.

12 VICE-CHAIRPERSON HOOD: So we don't need
13 to deal with that?

14 MR. BERGSTEIN: Oh no, you do. It's
15 just not a specific figure that I can offer you for
16 what the depth is but it's less than 50 percent so
17 they do need relief.

18 VICE-CHAIRPERSON HOOD: Okay.

19 COMMISSIONER JEFFRIES: I have a question
20 for the Office of Planning. I remember Option 2 took
21 the retail to the site line, correct?

22 Excuse me?

23 VICE-CHAIRPERSON HOOD: I actually asked
24 him to do that so we'll let him do that.

25 COMMISSIONER JEFFRIES: Well, I'll wait.

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1 So I just wanted to know what is the average depth of
2 the retail space, particularly along First Street if
3 we were to take the line, take it out to the building
4 line, I think that was Option 2 that was presented.

5 MR. LAWSON: I'd have to look up that
6 number, I know that it's in one of the earlier
7 applications. It was well in excess of an average of
8 50 feet. Without that bump-out of retail, the average
9 depth was about 30 feet so if you include that bump-
10 out to the property line, which I believe is certainly
11 in excess of 20 feet, you'd end up with an average
12 well in excess of 50 feet along First Street.

13 VICE-CHAIRPERSON HOOD: Commissioner, if
14 we look up under Tab (i) and my stuff is so
15 disorganized I can't find it, but it's under Tab (i).
16 I think it came under the June 23rd.

17 COMMISSIONER JEFFRIES: The May 3rd?

18 VICE-CHAIRPERSON HOOD: June 23rd.

19 COMMISSIONER JEFFRIES: Somehow my eye is
20 gone.

21 VICE-CHAIRPERSON HOOD: You know my eye's
22 missing too. You're sure it's June 23rd? Oh that's
23 what we just got. The's the one, the last submittal
24 we got.

25 COMMISSIONER JEFFRIES: Let me just go

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1 right to my point. I'm interested in more retail,
2 not less. I'm interested in deeper depths, not more
3 shallow depths. So I'm interested in Option 2. Now
4 I don't know what that does to our discussions up
5 here, but that's where I'm at and I'm not certain
6 whether, and I know there's funding that needs to be
7 identified and so forth, but that's the route I'd like
8 to go. I'd like to make a motion that we approve if
9 I can do this.

10 Mr. Bergstein, am I going in the right
11 direction or do I need to pull back?

12 MR. BERGSTEIN: Well, you're in the
13 middle of going through the types of relief that's
14 being requested. As I understand it, even if you
15 include the retail, the only effect that Option 2 has
16 on the relief that's being requested is depth. Okay?

17 COMMISSIONER JEFFRIES: Right.

18 MR. BERGSTEIN: And what I read in the
19 applicant's submittal is that Option 2 may ameliorate
20 the depth but there seemed to be an uncertainty, so I
21 think you still need to grant depth relief even if you
22 go with Option 2. But if want to interrupt this part
23 of the discussion and indicate whether or not you're
24 accepting Option 1 or Option 1 to include the retail
25 component of Option 2, which is what the applicant had

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1 suggested as an alternative -

2 COMMISSIONER JEFFRIES: But wait a
3 minute, I thought that the Office of Planning stated
4 that from Option 2 that those depths exceeded 50 feet?
5 Did you not say that or did I mishear you?

6 MR. LAWSON: That's certainly our
7 understanding that the average depth would easily
8 exceed the 50 foot.

9 MR. BERGSTEIN: If that's the case then,
10 you don't need to have this discussion if you're going
11 to require Option 2.

12 COMMISSIONER JEFFRIES: Right. So we
13 don't have to make a motion, we're just not granting
14 relief. I mean if, depending on where this Commission
15 is going.

16 MR. BERGSTEIN: Right. But then I think
17 you actually do need to resolve that first if you're
18 going to in terms of the application that's before
19 you, if what you're going to require is not just
20 Option 1 with an alternative to do the retail
21 component of Option 2 but actually require Option 1
22 with the retail component of Option 2, then you might
23 as well do that because then you really don't have to
24 reach the need for depth, if the Office of Planning is
25 correct and I've no reason to doubt them.

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1 COMMISSIONER PARSONS: But we need to
2 deny the request for a variance for retail depth?

3 MR. BERGSTEIN: No, you don't need to
4 because --

5 COMMISSIONER PARSONS: And approve Option
6 2, as shown on sheet A4 in the May 3rd submission.
7 That's what we really should be doing because what
8 they've asked us to do is once again approve two
9 options so they can fall back if they don't have any
10 money.

11 COMMISSIONER JEFFRIES: But Commissioner
12 Persons, my understanding, based on what the Office of
13 Planning has said is that if we were to say we want
14 them to do Option 2, then we're not actually granting
15 them any relief on the retail depth because they think
16 it's within it. Within our regulations.

17 COMMISSIONER PARSONS: Well, let's go
18 that way then.

19 VICE-CHAIRPERSON HOOD: Well --

20 COMMISSIONER JEFFRIES: I mean unless
21 they're going to change something here but I'm saying
22 that if this Commission is interested in Option 2 with
23 the depths that have been set forth, and if we're
24 comfortable that it exceeds the 50 feet depth that's
25 set in our regs, then I think we should just make a

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1 motion that this Commission goes with Option 2 and
2 that's that.

3 VICE-CHAIRPERSON HOOD: But let me make
4 sure I understand what the applicant has asked for and
5 I want to make sure that you do, too. Well I want to
6 make sure I do, not necessarily you.

7 COMMISSIONER JEFFRIES: But they want
8 options. They want Option 1.

9 VICE-CHAIRPERSON HOOD: They've asked for
10 Option 1 with a request to go forward with the retail
11 component of Option 2.

12 MR. BERGSTEIN: If the funding is
13 available. In other words, they could do Option 1 and
14 if they only do Option 1, that would be lawful. They
15 want you to provide them the flexibility, if the
16 funding is available, to then proceed with the retail
17 component of Option 2. If they only do Option 1 they
18 do need relief from the depth requirement. If
19 they're able to go with the retail component of Option
20 2, what I've just heard is that they do not need to
21 obtain relief from the depth requirement.

22 So if you're entertaining the notion of
23 giving them the option to do only Option 1, with the
24 option to do Option 2, then you will need to grant the
25 depth relief in case they only do Option 1.

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1 If you're going to say you're only
2 interested in approving Option 1 with the retail
3 component of Option 2, then you don't need to grant
4 depth relief because they will provide enough retail
5 depth on average to meet the requirement. It's
6 complex but that's what it is.

7 COMMISSIONER JEFFRIES: So I'd like to
8 make a motion that we approve Option 2 as a retail
9 option along First Street that was presented to us in
10 the June 23rd, no, that was the May 3rd. The May 3rd
11 proposal, sheet A4.

12 COMMISSIONER PARSONS: Second.

13 VICE-CHAIRPERSON HOOD: It's been moved
14 and properly seconded. Discussion.

15 COMMISSIONER JEFFRIES: I guess I hear,
16 you know, we're trying flexibility and it seems as if
17 we need to be sort of trying to narrow this window
18 rather than keep it too wide open and we're getting
19 close, we need to be, the way I see it, be very clear
20 about exactly what we're looking for. So that's why
21 I just think it's better that at this point we just
22 start to say exactly what we're in favor of.

23 VICE-CHAIRPERSON HOOD: Yes, and I was
24 actually in favor of giving the applicant the
25 flexibility.

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1 COMMISSIONER JEFFRIES: Okay.

2 VICE-CHAIRPERSON HOOD: That's where I
3 was so I would be voting against this. I will not be
4 voting against the final -- well I will be voting
5 against this particular piece because I just think
6 that this whole thing throughout has been a back and
7 forth and flexibility and I just don't want to nail
8 them to this point. I think want to give them room.
9 That's just my opinion.

10 COMMISSIONER JEFFRIES: That's fine.

11 VICE-CHAIRPERSON HOOD: Any other
12 comments? What was your motion again? Can I
13 persuade you -- seriously, did somebody second it?

14 COMMISSIONER PARSONS: Yes.

15 VICE-CHAIRPERSON HOOD: Mr. Parsons.
16 Okay. He's right beside me. Okay. It's been moved
17 and properly seconded, all those in favor? And that
18 was Option 2.

19 COMMISSIONER JEFFRIES: That was
20 submitted to the Commission May 3rd.

21 VICE-CHAIRPERSON HOOD: Okay. It's been
22 moved and properly seconded. All those in favor?

23 (Ayes.)

24 VICE-CHAIRPERSON HOOD: Opposed?
25 Opposed. Staff would you record the vote?

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1 MRS. SCHELLIN: Staff will record the
2 vote 3-1-1 to approve Option 2 as the retail option
3 from Sheet A4 from the May 3rd submission,
4 Commissioner Jeffries moving, Commissioner Parsons
5 seconding, Commissioner Turnbull in favor,
6 Commissioner Hood opposed, Commissioner Mitten not
7 present and not voting.

8 VICE-CHAIRPERSON HOOD: Moving along,
9 1606.16. The requirement, each building or structure
10 located on the portion of South Capitol Street that
11 lies within the ballpark site shall be set back for
12 its entire height in frontage not less than 15 feet.

13 For the relief requested applicant wishes
14 to extend the pedestrian ramps into the setback area
15 in order for the public to be able to view the
16 Capitol. And in our last submittal, I think it was
17 dated 29th, we had some views which I think were
18 requested by Commissioner Jeffries.

19 COMMISSIONER JEFFRIES: Yes.

20 VICE-CHAIRPERSON HOOD: Did you ask for
21 the views, Commissioner?

22 COMMISSIONER JEFFRIES: Yes. Within the
23 actual stadium.

24 VICE-CHAIRPERSON HOOD: Okay. Within the
25 actual stadium and I also think there were some views

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1 provided that Mr. Turnbull had asked for dealing with
2 the ramp issue. So with that I open it up for
3 discussion and comments.

4 COMMISSIONER TURNBULL: Thank you. Well
5 I was really hoping that what we would have would
6 offer something more of an amenity to this building
7 that we could rule on favorably. But I think when I
8 saw sheet 17 of 36, I really am concerned about the
9 streetscape and what this ramp does.

10 I don't think it does justice to the
11 street. I'm really concerned that from a cityscape,
12 from an urban design, from the fabric of what we're
13 getting, that this thing jutting out really takes away
14 the views of anyone else on the street. And I think
15 it really interferes with views and the street life
16 that's going to be happening on South Capitol Street
17 as a monumental corridor.

18 I look at this thing, I mean their
19 streetscape shows just one row of trees and these
20 things are smack right up against the trees so that
21 anyone down below looking up or down the street is
22 going to have this layered effect above in their
23 viewshed and I really don't think it adds anything to
24 what we're trying to do with the monumental corridor
25 street. I don't think it really adds a significant

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1 piece to the street that we could hang our hat on and
2 say that this is really great.

3 I guess there was an element, reading
4 through here, that the AWI architectural design
5 guidelines actually call for a double row of trees
6 along this street, which I wasn't aware of at the time
7 which to me would even make this even more cramped I
8 guess.

9 I guess as an amenity for the ballpark for
10 the amount of use that someone could get out of this,
11 and one of their other views looking down the street,
12 it sounds like with another building on the other side
13 of N Street you're not going to get much of a view
14 anyways. I mean you'd almost have to be at the very
15 tip of this thing leaning over to actually try to get
16 a glimpse of the Capitol.

17 I don't see the point of it. I really
18 don't see how it gives you much of a view at all. I
19 just think the gymnastics that you have to go
20 interfering with the basic street wall, I just don't
21 think it's worth it. I just don't think it does
22 anything for anyone.

23 VICE-CHAIRPERSON HOOD: I have to agree
24 with you Commissioner Turnbull. When we heard the
25 presentation at the hearing I was excited, I thought

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1 that would be a great idea. But when I got the views,
2 I would agree you would have to lean pretty far to be
3 able to look and see the Capitol and I don't
4 understand the relevance of it and I don't understand
5 what we're trying to accomplish.

6 And also I want to make sure we protect
7 the safety of those folks who will be attending the
8 event, the baseball games. So I would not be in favor
9 of what I see and it's unfortunate, this is what I'm
10 looking at, it doesn't have a number.

11 COMMISSIONER TURNBULL: Oh I see.

12 VICE-CHAIRPERSON HOOD: So when I look at
13 this, this does not give me the same enthusiasm as I
14 had when I heard it of what it was actually going to
15 be used for because I just don't see what purpose it
16 serves. And I open it up for any other discussion.

17 COMMISSIONER JEFFRIES: Well, I'm going
18 to bring Office of Planning back into the picture
19 here. I mean what's your thoughts about this
20 pedestrian ramp and what it adds to our wanting South
21 Capitol to be this monumental civic boulevard.

22 MR. LAWSON: We've always supported the
23 applicant in the provision of this feature. We
24 thought it was an interesting feature kind of for two
25 main purposes.

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1 First of all, it's an interesting feature
2 for the patrons of the ballpark. We think patrons
3 will use it to get a view of what's happening on South
4 Capitol Street. That would include the dome, it
5 would include the activity, the other buildings,
6 whatever is happening on South Capitol Street. I
7 think it will give people that kind of sense of
8 connection back to South Capitol Street as they're
9 moving up and down the ballpark stadium itself and
10 getting some views of the Capitol dome and down
11 towards the waterfront will certainly be part of that.

12 The other reason that we like this feature
13 is we feel that properly designed with all the details
14 we're told, it will be a good architectural feature on
15 this elevation. This is a long facade, relatively
16 speaking, and it can serve to help to emphasize the
17 sense of entry into the stadium and also serve to kind
18 of break up some of that facade length by providing
19 additional articulation kind of in and out on the
20 facade that wouldn't otherwise be provided.

21 So we have always encouraged the applicant
22 in their provision of this feature and we continue to
23 do so.

24 COMMISSIONER JEFFRIES: And Commissioner
25 Turnbull you had, and I can't seem to find the

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1 elevation, sorry the perspective looking south on
2 South Capitol that looks at the entire development.
3 Do you have that? Do you have a copy? What sheet
4 number is that?

5 COMMISSIONER TURNBULL: This is sheet 17
6 of 36.

7 COMMISSIONER JEFFRIES: 17 of 36? So
8 looking at it from that perspective if you can look at
9 sheet 17 of 36, you feel that it adds to the
10 streetscape along South Capitol?

11 MR. LAWSON: Yes, actually, I continue to
12 feel that it does.

13 COMMISSIONER TURNBULL: Would you do that
14 on Pennsylvania Avenue?

15 MR. LARSON: Pardon me, sorry?

16 COMMISSIONER TURNBULL: Would you do that
17 on Pennsylvania Avenue?

18 MR. LAWSON: I think this is a case of
19 what's appropriate for this street. I don't disagree
20 with the Commission that some additional articulation
21 of that entry, of that feature, would be helpful and
22 we've had some very preliminary discussions, very
23 preliminary discussions with the applicant about ways
24 that it could be lightened up, made more of an
25 architectural feature because I think we heard the

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1 comments made at the last meeting that some of the
2 concerns anyways were with the design of the feature
3 as well as the existence, I guess, of the feature
4 itself.

5 And so we think that there are ways that
6 it probably could be improved to incorporate on to
7 that facade a little bit better, but we do think that
8 it's an interesting feature.

9 Again, I think that the principal purpose
10 for this would be to provide that sense of connection
11 between, you know, augmenting that sense of connection
12 between the ballpark and the federal core to the north
13 and to the waterfront to the south by providing that
14 kind of in and out movement of the pedestrians as they
15 walk up and down the baseball stadium.

16 COMMISSIONER TURNBULL: But the
17 pedestrians on the street won't be able to see one way
18 or another with this huge ramp structure up in front
19 of them.

20 MR. LAWSON: Well we think that the ramp
21 structure can be lightened, and I think that's one of
22 the features that we took from the discussion the
23 Commission had last time about some of the heavier
24 features of the structure and ways that it could be
25 lightened to increase that.

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1 We think that the views of the pedestrians
2 will still be possible. You have to remember this
3 isn't extending out to the street. This is extending
4 out to the property line, so there will continue to be
5 a fairly extensive sidewalk for pedestrians on the
6 other side, and that also allows for the continuation
7 of all this kind of streetscape improvements that we
8 all want to see on South Capitol Street.

9 COMMISSIONER TURNBULL: Well this shows
10 the canopy of the trees running up to it.

11 MR. LAWSON: I think that additional work
12 on the nature of the landscaping on South Capitol
13 Street needs to be done. I think that's been raised
14 in our report as well as in reports from the District
15 Department of Transportation, that the drawings don't
16 necessarily reflect what we consider to be the
17 ultimate end result for what the landscaping along
18 South Capitol Street is going to be.

19 But the ramp extending out to the property
20 line shouldn't impact the ability to provide the kinds
21 of streetscape improvements that we want to see.

22 COMMISSIONER TURNBULL: I guess I just
23 can't -- I just feel looking at this elevation that
24 this really does not do anything for the facade of the
25 building. I don't think this does anything for the

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1 people on the street. I don't think it gives anything
2 to the life.

3 I think it's a safety issue, too. I mean
4 this is going to be used one third of the time, 100
5 days of the year or whatever, and the rest of the time
6 there's going to be these empty platforms up there.
7 And I don't see how that adds to the vitality and
8 integrity of the street that we want to have all of
9 the time.

10 COMMISSIONER PARSONS: Mr. Chairman, I
11 agree with Mr. Turnbull and look forward to his motion
12 to deny it. But I must say that the sketch on the
13 initial submission I'm looking at, 31 of 53, which
14 shows, I think it really makes your point. This is
15 the south entrance, the river entrance, which is steel
16 and the back side of the stadium. And these ramps fit
17 in that architectural venue if you will, but don't fit
18 in this glass and pre-cast stone facade going along
19 South Capitol Street. It's a foreign object that
20 comes out.

21 COMMISSIONER TURNBULL: I agree with you.
22 I would make a motion, Mr. Chairman, to decline the
23 applicant's request for 1606.16 to extend the ramp
24 into the 15 feet, to get relief from the 15 foot set
25 back.

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1 VICE-CHAIRPERSON HOOD: It's moved. Is
2 there a second?

3 COMMISSIONER PARSONS: Second.

4 VICE-CHAIRPERSON HOOD: Discussion. Let
5 me go back to Mr. Lawson because I did have a question
6 as it evolved. And I know there's a motion on the
7 table but I just want to open it for discussion.

8 You mentioned that this now was going to
9 be utilized for fans to be able to look out on South
10 Capitol Street, but at the hearing, at least the way
11 remember it, it was to look at the Capitol. So again
12 that's why I held this up and that's why I said what
13 I said. This, according to what this view that was
14 provided to us, doesn't do that. And that's why I
15 took the position that I took because what is the use.

16 And also Mr. Turnbull said something I
17 thought of when I heard drink beer; unfortunately it
18 does I think create a safety issue because people have
19 a tendency I think, and I want to make sure this clear
20 for the record, when they get a little intoxicated
21 that they seem to want to throw stuff. Which leads me
22 to my question: what happens on the street level?
23 People are walking back and forth under there, right?

24 MR. LAWSON: That's correct.

25 VICE-CHAIRPERSON HOOD: Okay. I will be

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1 supporting, your motion, Mr. Turnbull.

2 COMMISSIONER JEFFRIES: My only comment
3 here is I think the goal was an admirable one in terms
4 of what they were trying to achieve. I don't think
5 that it was articulated appropriately to arrive at
6 sort of what they wanted to as it relates to this
7 overall street walk. I think you were trying to have
8 some animation and have some movement and so forth and
9 so on but I do think that these drawings here just
10 didn't serve the applicant well in terms of pushing
11 this pedestrian -- because it looks rather
12 disconnected here. So I will be signing on with
13 denial here as well.

14 VICE-CHAIRPERSON HOOD: Okay. It's been
15 moved and properly second. All those in favor?

16 (Ayes.)

17 VICE-CHAIRPERSON HOOD: Aye. Any
18 opposition? Well, all those wishing to deny? Aye.
19 Any opposition? So ordered. Staff would you record
20 the vote.

21 MRS. SCHELLIN: Yes. Staff will record
22 the vote 4-0-1 to deny relief from Section 1606.16
23 with regard to the ramps extending on South Capitol
24 Street. Commissioner Turnbull moving, Commissioner
25 Parsons seconding, Commissioners Hood and Jeffries in

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1 favor, Commissioner Mitten not present and not voting.

2

3 VICE-CHAIRPERSON HOOD: Okay. Let me
4 just say for those who are here for our hearing
5 tonight which is supposed to start at 6:30, 06-01, we
6 will be with you shortly and we will also after we
7 finish this special public meeting allow the applicant
8 of that case a little time to get set up and our
9 Chairperson will hopefully join us. And if I'm
10 leaving anything out, Commissioners please don't
11 hesitate to chime in.

12 There was a request, and let me ask Mr.
13 Bergstein to help me with this, about a phase
14 development, phase 2 I think was it referred to.

15 MR. BERGSTEIN: The applicant in their
16 submittals talk about seeking approval for zoning
17 envelope for phase 2 which they describe as the
18 ability to do additional development on the north
19 side, though at the time of the original request there
20 wasn't the mixed use residential building that you
21 have before you now. And they also talk about the
22 ability to develop south of the site.

23 And I have to confess that it's not clear
24 to me what is the nature of the relief of what they're
25 seeking, the approval they're seeking, because the

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1 text this section sets forth, together with the
2 underlying zone, what is the zoning envelope as a
3 matter of right. And so it's unclear to me, it
4 remains unclear to me what it is that the applicant is
5 seeking approval of because, as I said, the zoning
6 envelope is defined by the text.

7 So my recommendation would be that you
8 either indicate that that portion of the application
9 is dismissed because it's beyond the scope of the
10 design review that is before you or, if you grant it,
11 you indicate what it is that you're granting in terms
12 of approval.

13 VICE-CHAIRPERSON HOOD: Which is going to
14 be hard to do unless Office of Planning can add
15 something to that.

16 MS. STEINGASSER: That request has been
17 withdrawn by the applicant. So that would be the
18 other option.

19 VICE-CHAIRPERSON HOOD: That was real
20 easy, we don't have to deal with it. I didn't know it
21 was withdrawn but anyway, okay, thank you.

22 Next let's talk about this MOU. Does
23 everybody have the MOU? I think in the submissions it
24 was the last submission in the packet that we received
25 on the 29th.

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1 MR. BERGSTEIN: It's in your Tab C.

2 VICE-CHAIRPERSON HOOD: Tab C, thank you.

3 It was in mine, it's all out now but I have it.

4 Mr. Bergstein, let me ask you. This
5 agreement, how does this fit into our order?

6 MR. BERGSTEIN: Well, what you've been
7 provided with is, okay, there are certain findings
8 that you need to make in order to grant this
9 application, specifically that the building as
10 designed and constructed will minimize parking traffic
11 conflict between ballpark patrons and neighborhood
12 residents. They'll encourage the use of bicycles for
13 provision of safe and secure and convenient bike
14 storage and it will minimize conflict between vehicles
15 and pedestrians.

16 What you've been provided with is a
17 preliminary traffic operations and parking plan that
18 sets forth generally how the applicant proposes to
19 meet those requirements.

20 I believe that DDOT wanted to ensure there
21 would be greater specificity down the line and so they
22 entered into an MOU, part three of which provides that
23 a traffic and parking plan has to be submitted to DDOT
24 by April 2007.

25 There's also a part four that requests

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1 specific information from the Sports and Entertainment
2 Commission concerning parking, traffic and other
3 similar issues, and it indicates that DDOT will not
4 consent to any building permit until it receives that
5 information.

6 So it fits into your order in that you may
7 be able to say, and this is what you have to decide,
8 that with the preliminary traffic plan and the MOU,
9 that gives you enough confidence that you can make the
10 findings that I just stated.

11 My concern with the MOU is that part three
12 of it doesn't seem to set any consequence if the
13 traffic and parking plan isn't presented in time, and
14 also doesn't address what might happen if DDOT
15 disagrees with the traffic and parking plan. And I'm
16 not sure in terms of part four whether or not the
17 applicant will be able to provide the information
18 needed by DDOT in time to get its building permit, but
19 I'm assuming that that was worked out between the
20 applicant and DDOT.

21 So my principal concern is the lack of
22 any consequence if they don't provide a traffic and
23 parking plan but DDOT has not requested any greater
24 condition from the Commission, such as indicating that
25 the Certificate of Occupancy won't be granted unless

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1 DDOT indicates that it's satisfied with the traffic
2 and parking plan. They haven't requested that. So
3 you have to decide whether or not the enforcement
4 mechanisms in the MOU are sufficient for you to feel
5 comfortable at the end of the day the traffic and
6 parking plan will address those findings in terms of
7 pedestrian and vehicular traffic that would result
8 from the operation of this new stadium.

9 VICE-CHAIRPERSON HOOD: Okay. Well let
10 me start off and I'll hear from my colleagues. I will
11 tell ou that enforceability is always an issue, at
12 least from my standpoint, and we mentioned this at the
13 hearing, I look at how the participants and those who
14 attend the baseball games and how they react. And I
15 stated this previously and I know that they're on the
16 Metro and I think that they're going to use public
17 transportation.

18 I didn't hear a whole lot about this bike,
19 and I don't know if that was taken off the table. It
20 is in the memorandum about the bike pad I think, what
21 street was it on? I think it was on First Street.
22 But anyway I didn't hear a lot about that but I see in
23 the MOU it is mentioned, bike and pedestrian use.

24 But my issue is I think that people won't
25 come, and I may be wrong and I'll go out on this one,

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1 I think people won't come to events where corrective
2 measures are not put in place or ongoing and I see
3 that they have an MOU with the Department of
4 Transportation and I believe that they're going to try
5 and do what's in this MOU. Period. I have the
6 confidence level that this will happen because people
7 are not going to keep going and a lot of congestion.
8 I think you will have a complaint, not just from the
9 patrons but from the city as a whole, if that issue is
10 not rectified ongoing.

11 The first couple of times it's going to
12 have to be tweaked and I feel confident with what I
13 have here in front of me. And I'll just leave it at
14 that and open it up for discussion.

15 COMMISSIONER PARSONS: Mr. Bergstein, I
16 want to go the top of page 5. Do you have a copy of
17 the agreement?

18 MR, BERGSTEIN: I just realized I left
19 mine upstairs. Oh I've got it now, thank you very
20 much. No, this is actually the ANC resolution.

21 COMMISSIONER PARSONS: I could read it to
22 you if that's easier. I'm trying to decide whether
23 this is a wet noodle or a stick. Okay. It says prior
24 to DDOT providing its consent to the issuance of any
25 building permit -- and I'm trying to understand the

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1 meaning of that. In other words, is there some
2 process in this city that a building permit won't be
3 issued without the consent of DDOT?

4 MR. BERGSTEIN: Yes.

5 COMMISSIONER PARSONS: So this is a
6 pretty heavy provision here isn't it?

7 MR. BERGSTEIN: It's an extraordinary
8 provision. That's why I'm hoping that the applicant
9 and DDOT understood what they were doing here because
10 basically there's a lot of information that needs to
11 be provided by DDOT and it suggests that DDOT won't
12 consent to any building permit that it has the ability
13 to consent to and I'm not sure if it's all building
14 permits or just those building permits that deal with
15 activities that encroach or abut public space.

16 But this does say that until all these
17 things are provided that are enumerated in part four,
18 that the Sports & Entertainment Commission can't pull
19 any building permits which DDOT --

20 COMMISSIONER PARSONS: Right.

21 MR. BERGSTEIN: So it really is an
22 extraordinary provision and I was just noting that I
23 had assumed that the building permits for the stadium
24 would be pulled pretty much as soon as the Zoning
25 Commission order came out, which I would assume would

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1 be, I would hope would be very quickly after this
2 vote.

3 What this imposes is a delay until all
4 this information is provided. And that is a pretty
5 significant enforcement tool, if that's what the
6 parties intended.

7 COMMISSIONER PARSONS: So your concern
8 about this instrument is that it's unenforceable?

9 MR. BERGSTEIN: It's just that my only
10 concern is the previous -- this part deals with issues
11 that DDOT needs addressed. The previous part, which
12 is part three and that begins at the bottom of page 2,
13 you'll see it says Traffic Operation and Parking Plan?

14 COMMISSIONER PARSONS: Yes.

15 MR. BERGSTEIN: And it provides on (a) at
16 the next page that the plan will be provided on April
17 30th, and then the remainder sets forth what the plan
18 should contain.

19 What I didn't see, and I'm ending it at
20 the bottom of page 4 which begins in part 5, it talks
21 about DDOT to review, modify and approve the TOPP
22 within 30 days, but it doesn't say what happens if the
23 TOPP is not provided within the time period and what
24 happens if DDOT disapproves the Traffic Operation and
25 Parking Plan.

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1 COMMISSIONER PARSONS: Well, they
2 probably don't get --

3 MR. BERGSTEIN: Unless by modified it
4 means that the Sports Commission agrees to make all
5 the changes that DDOT suggests. If that's what
6 they're intending then that too would have a fairly
7 significant enforcement tool.

8 Normally, there's something that says what
9 happens after, what I'm reading at (f), so either it
10 means that DDOT has the absolute right to modify the
11 Traffic Operation and Parking Plan, in which case
12 there would be significant enforcement, but if it
13 doesn't then it's not clear to me what happens if the
14 parking plan isn't provided or if DDOT disagrees with
15 the parking plan. That's my only concern.

16 COMMISSIONER PARSONS: Thank you. Well
17 in my judgment this is beyond the scope of our
18 activities. And it's only in effect until the end of
19 the first season, right? I mean it's over in December
20 2008 so it's either going to work or it's not and
21 renegotiate something for the second season.

22 COMMISSIONER PARSONS: And Chairman, I
23 agree with you. I clearly think it's in the best
24 interest of all parties and this will work itself out
25 and unless I'm missing something this doesn't seem to

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1 be in our jurisdiction.

2 VICE-CHAIRPERSON HOOD: Well, I may just
3 differ with you and Mr. Parsons just a small bit,
4 because in the regulations it says minimizing parking
5 and traffic conflict between ballpark patrons and
6 neighborhood residents. And while I know there's an
7 enforceability issue it's still in the regulations to
8 a point.

9 So I'm thinking that and I again I go back
10 to my first statement so we don't need to belabor and
11 argue this one because I think that folks won't come
12 if it ain't right.

13 COMMISSIONER JEFFRIES: Right. I agree
14 with you.

15 VICE-CHAIRPERSON HOOD: Okay. So we
16 agree, so we all agree that we don't need to do
17 anything. We all agree.

18 COMMISSIONER JEFFRIES: And quite frankly
19 we have really nothing to review here.

20 VICE-CHAIRPERSON HOOD: Okay. Good. All
21 right. I think that's all I have, except for I did
22 want to acknowledge that I think we've covered a lot
23 that was in the NCPC submittal.

24 We did look at the -- there was something
25 and I want to make sure, I'd like to do this,

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1 Southwest Neighborhood Assembly had mentioned to us
2 about providing jobs and other issues, I think that's
3 been taken of in another forum.

4 I just want to run down the list of ANC.
5 I know one of the issues was this traffic around the
6 area and the pedestrians, not who come to the game and
7 participate but the pedestrians who live in the
8 neighborhood. There's information in the record that
9 that's being looked at, someone's working on that, and
10 I hope that that happens. I'm not sure. All we can do
11 is make requests or put it to some degree that this
12 MOU, and it's mentioned in the MOU, and we have a
13 confidence level that that's going to work. And
14 that's where I am on that. Anything else?

15 COMMISSIONER JEFFRIES: Yes, just one
16 thing and I'm sorry that I'm going back, but I was
17 looking over a couple of things here. I just want to
18 make certain as it relates to our discussion around
19 the South Plaza, that I made this motion about the
20 green space. I just want to get some clarity and I
21 want to get that from the Office of Planning about
22 parking spaces, because I don't want to impact on the
23 number of parking spaces.

24 What's the number of parking spaces as it
25 relates to the proposal for South Plaza that was

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1 submitted May 3rd? How many parking spaces?

2 MS. STEINGASSER: I believe that was 114
3 in the May 3rd.

4 COMMISSIONER JEFFRIES: Okay. And that
5 number stays the same throughout the subsequent
6 proposals?

7 MS. STEINGASSER: No. The open plaza had
8 300 spaces in it.

9 COMMISSIONER JEFFRIES: So what accounts
10 for the difference?

11 MS. STEINGASSER: The elevation.

12 COMMISSIONER JEFFRIES: Just the
13 elevation?

14 MS. STEINGASSER: Right. Because it was
15 open there was not the need for the height.

16 MR. LAWSON: Sorry. Were you asking what
17 was the difference between 114 and 300?

18 COMMISSIONER JEFFRIES: No, no I mean not
19 the actual number but why is there a difference? Why
20 the difference? How did we lose --

21 MR. LAWSON: Well, our understanding was
22 that because of agreements between Major League
23 Baseball and the District, that the number of parking
24 spaces in that location needed to actually be about --
25 needed to be 300 spaces. So they needed to find a way

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1 to fit 300 spaces on the south side of the ballpark.

2

3 There were concerns with the ability, this
4 is just my understanding, but our understanding is
5 that there were problems with the ability to put those
6 parking spaces entirely underground and stay within
7 the budgets that were set for the parking.

8 COMMISSIONER JEFFRIES: So it's not a
9 practical difficulty --

10 MR. LAWSON: Sorry, I was going to
11 continue, and also there may be some grading problems
12 to provide access in a safe and adequate way from
13 Potomac Avenue into the parking. I don't know if
14 those plans for providing 300 parking spaces entirely
15 underground were ever done, I don't know how far that
16 analysis went because we didn't see it. It may be that
17 the applicant went through actually trying to put
18 those entirely underground and it just simply wasn't
19 possible. I can't answer that.

20 COMMISSIONER JEFFRIES: Okay. So there
21 could have been some sort of practical difficulty of
22 getting 300 underground?

23 MR. LAWSON: There were grading problems
24 associated with the increase in the number of parking
25 spaces. It just takes up more space so it spreads out

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1 over more space so it's more difficult to kind of tuck
2 it underneath.

3 COMMISSIONER JEFFRIES: And the applicant
4 actually sat down with you and sort of walked you
5 through what those difficulties were? I mean you
6 could actually see it visually or through
7 illustrations?

8 MR. LAWSON: Well, as I said, we saw the
9 original proposal of course for the entirely
10 underground parking with the plaza and then lawn on
11 top if it. And, of course, we saw the more recent
12 proposals with the open parking and then the parking
13 with the tents of the top. I didn't see a proposal
14 that showed the parking entirely, 300 parking spaces
15 entirely underground, but the applicant did advise us
16 that it wasn't feasible for them to do it and they
17 raised economic issues and they also raised issues
18 related to the grading along South Capitol Street and
19 the changes of grade down to where the parking would
20 have to go.

21 MR. BERGSTEIN: And if I could just add,
22 because they put 300 down in the south, they reduced
23 the total number from the north down to 925. So if it
24 turns out that they can't as a matter of fact, as Mr.
25 Lawson just indicated, if they can't put 300 parking

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1 spaces in the south then they won't be able to provide
2 a total of 1,225 parking spaces because it reduced the
3 total number of parking spaces to the north under a
4 plan that you accepted.

5 COMMISSIONER JEFFRIES: The 925.

6 MR. BERGSTEIN: 925 so if you take 300
7 and 925 it's 1,225, anything less than that would mean
8 they can't provide the 1,225 on site if they can't
9 accommodate it underground in the south.

10 VICE-CHAIRPERSON HOOD: Okay. I don't
11 think, and I was just doing a wrap up --

12 COMMISSIONER PARSONS: I've got a couple
13 more issues, Mr. Chair.

14 VICE-CHAIRPERSON HOOD: Okay. Good. Go
15 right ahead.

16 COMMISSIONER PARSONS: First I want to
17 talk about signage and the naming rights which has
18 become the standard practice throughout this country.
19 I think we should preclude naming rights opportunities
20 on South Capitol Street.

21 Now there's one image, or a number of
22 images I guess we've seen, I'll pick one up, again
23 it's un-numbered. We were using it for the
24 discussion on the ramps, and here is shown a banner
25 saying "The Nationals." It's flush with the facade,

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1 that is it's not protruding out over the sidewalk, but
2 I'm reminded of the Verizon Center, well you know
3 where the Verizon Center is, and I think with the
4 Capitol Dome on South Capitol Street the temptation
5 would be to put what I would call commercial
6 advertising, which is what naming rights is, on that
7 facade. And I don't think it should be.

8 In our record is a diagram that I think
9 was presented by the applicant to the Planning
10 Commission. You may remember this but it's a series
11 of exhibits having to do with lighting and so forth
12 and one is called proposed signage and it's called
13 exterior naming rights opportunities, and the two
14 entrances on South Capitol Street are shown as that
15 potential. Not a banner like this that says
16 Nationals, but says Anthony Hood Stadium of whatever
17 it's going to say. Are you in for that?

18 VICE-CHAIRPERSON HOOD: Well if it says
19 Anthony Hood I have no problems with it being on South
20 Capitol Street. Actually, I don't have any problems
21 at all but anyway.

22 COMMISSIONER PARSONS: All right. The
23 other major naming opportunity is the southern
24 entrance, that is towards South Capitol Street, but
25 that one's proposed with 17 foot high letters. I

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1 cannot imagine the necessity to have 17 foot high
2 letters. It just seems way out of scale and overdone.

3

4 So I want to suggest that we eliminate any
5 opportunities for commercial exterior naming rights.
6 I mean if they want to put up a banner that says "The
7 Nationals," I don't have any problem with that.

8 Let me finish my thought, I sidetracked,
9 I'm sorry. That there be no naming right
10 opportunities on South Capital Street and that the
11 sign on the southern entrance be limited to six foot
12 high letters. And I just picked that size as
13 something I think is more in scale with what we're
14 trying to do here.

15 And they also want to put one on N Street
16 and I don't have any problem with that. That is the
17 northern entrance to the stadium along Half Street.
18 But that's my suggestion.

19 VICE-CHAIRPERSON HOOD: So you're saying
20 no signage on South Capitol Street?

21 COMMISSIONER PARSONS: Correct.

22 VICE-CHAIRPERSON HOOD: Between N and M,
23 no signage.

24 COMMISSIONER PARSONS: For naming
25 opportunities. That's my point. I don't mind

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1 celebrating the fact that there's a ballpark here and
2 it represents the Washington Nationals, it's when it
3 becomes commercial signage along South Capitol Street,
4 I think is wrong.

5 VICE-CHAIRPERSON HOOD: Let me ask you
6 this Mr. Parsons and then I'll hear from Mr. Turnbull
7 and Mr. Jeffries. The size of the lettering, is that
8 an issue on South Capitol Street or just no signage?

9 COMMISSIONER PARSONS: No signage. The
10 lettering size is facing the new South Capitol Street
11 Bridge, 17 foot high, I mean that's twice the height
12 of this ceiling. Well maybe not twice the height but
13 it's just enormous.

14 VICE-CHAIRPERSON HOOD: Mr. Turnbull, did
15 you want to add to that?

16 COMMISSIONER TURNBULL: I just want to,
17 but as far you were saying originally that a Nationals
18 banner would be acceptable?

19 COMMISSIONER PARSONS: Oh sure. I just
20 don't think South Capitol Street ought to have that.
21 As you're being introduced to the Capitol dome over to
22 the right is this signage potentially similar to
23 what's on the Verizon Center.

24

25 COMMISSIONER TURNBULL: I could support

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1 that.

2 VICE-CHAIRPERSON HOOD: I don't
3 necessarily agree with that. I think South Capitol
4 Street in relationship is a major thoroughfare. I
5 think that it should be a proud venue and I don't
6 think it would take anything away from the Capitol,
7 but I don't agree with that. I think if I was doing
8 something of this nature, this is where I would want
9 it to be prominent, I would want it to be seen.

10 COMMISSIONER PARSONS: I know you do.

11 VICE-CHAIRPERSON HOOD: You're looking at
12 me all puzzled. But anyway I just don't agree with
13 Mr. Parsons' comments.

14 COMMISSIONER PARSONS: What I'm
15 suggesting is we give them one shot and that's it, Mr.
16 Turnbull has in his hand, that's where they can put
17 their image. But not 17 foot high, 6 foot high.

18 VICE-CHAIRPERSON HOOD: Okay. So if I'm
19 riding down -- help me with this. If I'm riding down
20 South Capitol Street, how high will it have to take
21 for me -- I'll be able to see it?

22 COMMISSIONER PARSONS: Oh you bet.

23 VICE-CHAIRPERSON HOOD: Okay.

24 COMMISSIONER PARSONS: That's what I'm
25 saying, one is enough.

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1 VICE-CHAIRPERSON HOOD: So going south to
2 north. What if I'm coming the other way?

3 COMMISSIONER PARSONS: Oh you're not
4 going to see it. I mean you're going to see this I
5 think fine architecture but it's just going to have
6 any --

7 VICE-CHAIRPERSON HOOD: So I'm visiting,
8 I don't know what this is over here to the left. I
9 don't know. I'm just asking.

10 COMMISSIONER PARSONS: It's going to say
11 The Washington Nationals. It's just not going to say
12 the name of the sponsor.

13 VICE-CHAIRPERSON HOOD: When I'm looking
14 for the Verizon Center I'm not looking for The
15 Washington Nationals. I'm just throwing that out
16 there, you know.

17 Commissioner Jeffries, do you want to add
18 to it? Coming from the other side.

19 COMMISSIONER JEFFRIES: Well, my only
20 comment is I mean this is a baseball stadium and it
21 has to do what it has to do, particularly around
22 signage, and so while I'm sympathetic as it relates to
23 how we deal with signage along South Capitol, I guess
24 I would not want to somehow, you know, harm as it
25 relates to being able to identify the stadium through

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1 some sort of signage.

2 I know that wasn't much of a response
3 really but I guess what I'm saying is that I mean I'd
4 like to sort of leave that somewhat to those who
5 create baseball stadiums and I would not want the
6 Commission to have too much direction around some of
7 the placement of the naming rights.

8 VICE-CHAIRPERSON HOOD: Okay. Sounds
9 like we have two here so I'm going to ask how can we
10 come to some agreement, because we need three.

11 COMMISSIONER PARSONS: We do.

12 COMMISSIONER JEFFRIES: Okay. What are
13 you requesting Commissioner Parsons, because I stepped
14 away for minute, what are you looking for along South
15 Capitol as it relates to naming?

16 COMMISSIONER PARSONS: I'm just saying it
17 should not contain signs which are naming rights
18 signs, no commercial signs in other words. If it
19 wants to say The Washington Nationals, as it does in
20 this diagram, I think that's great. But no matter
21 what the name of the stadium is, people are going to
22 find it. I mean is there any confusion about Kennedy
23 Stadium? People get there and it doesn't even say
24 Kennedy Stadium on it.

25 But I think South Capitol Street,

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1 commercial advertising on it is wrong. You don't
2 have it on Pennsylvania Avenue.

3 COMMISSIONER JEFFRIES: So you don't have
4 a problem with The Washington Nationals being there,
5 but if there's any type of like Cingular Wireless or
6 whatever who's partly underwriting the stadium, you
7 don't want all those names along South Capitol?

8 COMMISSIONER PARSONS: That's my point.

9 VICE-CHAIRPERSON HOOD: But isn't that
10 the going thing? Isn't that the reason they do that?
11 That's the reason Verizon comes in and wants to do
12 that.

13 COMMISSIONER PARSONS: But how many times
14 do they need to do it is my point. So I'm going to
15 compromise with one.

16 VICE-CHAIRPERSON HOOD: One sign on South
17 Capitol?

18 COMMISSIONER PARSONS: And one on N
19 Street to the north.

20 COMMISSIONER JEFFRIES: Maybe the signage
21 could be subdued signage at ground level or something.

22 VICE-CHAIRPERSON HOOD: Let me ask this
23 question first. Is this something that we really need
24 to deal with because if you put a motion and I assume
25 you're thinking out loud, but if you put a motion on

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1 the table it's going to fail.

2 COMMISSIONER PARSONS: Are you sure?

3 VICE-CHAIRPERSON HOOD: Going by what I'm
4 hearing now. I've sat up here and other things have
5 happened but I think if you put a motion on the table,
6 put a motion --

7 COMMISSIONER JEFFRIES: Okay but wait a
8 minute. Time out. But I am a little concerned, I
9 mean something that Commissioner Parsons just said
10 that would concern me. Oftentimes it's how you couch
11 the stuff. I mean I don't want a whole bunch of neon
12 signs and things of that sort along South Capitol for
13 certain. Obviously there needs to be some level of
14 guidelines as it relates to how we place them.

15 But are we charged with, you know, voting
16 this?

17 COMMISSIONER PARSONS: No, I'm bringing
18 it up but there's another one too, and you won't like
19 that either, I'm going to try that.

20 I move that there should be no more than
21 two principal external naming rights signs, one sign
22 may be mounted approximately 62 feet above the
23 Potomac, the entrance on Potomac Avenue, with
24 lettering no more than 6 feet high; a second sign may
25 be located on the M Street entrance just above the

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1 turnstile canopy approximately 20 feet above the
2 plaza.

3 VICE-CHAIRPERSON HOOD: It's been moved.
4 Do I hear a second?

5 COMMISSIONER TURNBULL: I would second
6 it but I think I need some more clarification. So I
7 don't know if you want --

8 VICE-CHAIRPERSON HOOD: Do you want to
9 table it?

10 COMMISSIONER TURNBULL: I want to table
11 it.

12 COMMISSIONER JEFFRIES: I don't think we
13 can table it, I think this is it.

14 VICE-CHAIRPERSON HOOD: Do you really
15 want to second it or would you like to --

16 COMMISSIONER TURNBULL: Not as it is
17 stated right now.

18 VICE-CHAIRPERSON HOOD: Okay. So we just
19 have a motion on the table and you withdrew your
20 second. And if I'm not parliamentarily correct I'm
21 sure Mr. Bergstein will correct me.

22 MR. BERGSTEIN: There's no motion on the
23 table.

24 VICE-CHAIRPERSON HOOD: Right. It dies
25 for lack of a second, which I figured out about ten

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1 minutes ago. Let's finish the discussion.

2 COMMISSIONER JEFFRIES: Okay. I'm
3 curious and has the Office of Planning taken a look at
4 signage naming rights along South Capitol?

5 MR. LAWSON: Well, in the drawings that
6 have been submitted so far the drawings haven't shown
7 any signage for team naming rights along South
8 Capitol. There would be certainly signage on South
9 Capitol associated with the entrances to the stadium
10 and I think some of the drawings show certainly
11 Nationals' banners and things like that.

12 But at least the drawings that I've seen
13 so far the naming rights signs are the two that were
14 pointed out by Commissioner Parsons, the one on
15 Potomac Avenue and the one on N Street.

16 COMMISSIONER JEFFRIES: So do you have
17 concerns? Should we have guidelines as it relates to
18 how we deal with the naming rights along South
19 Capitol?

20 MR. LAWSON: Certainly one of the
21 guidelines that exists in the Capitol area overlay is
22 for the Commission to look at signage in general. We
23 think that the signage locations that have been
24 proposed by the applicant and seem to be generally
25 supported are good locations for the signage and if

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1 the applicant at some point wished to provide, I
2 guess, additional naming rights signs for whatever
3 reason on either First or South Capitol, they'd always
4 have the option of coming back and requesting, you
5 know, permission to do that.

6 COMMISSIONER PARSONS: My point is in the
7 record is a diagram that shows one, two, three, four,
8 five, six naming rights signs. And if we don't say
9 anything, this is approved. Right?

10 COMMISSIONER JEFFRIES: But you have two
11 that are currently --

12 COMMISSIONER PARSONS: I'm suggesting we
13 approve two not seven.

14 COMMISSIONER TURNBULL: Could we approve
15 the two with the option that for any others, the
16 applicant has to come back and request approval for
17 any additional?

18 VICE-CHAIRPERSON HOOD: I like that. I
19 like that, and that way we don't close the door. Can
20 you reword your motion to incorporate that language?

21 COMMISSIONER PARSONS: Well, I move that
22 we approve two principal external naming rights signs,
23 one sign being mounted to approximately 62 feet above
24 the entrance, I'm using 62 feet because that's what's
25 in the record, on Potomac with lettering no more than

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1 6 feet high. A second sign may be located on N
2 Street entrance just above the turnstile canopy
3 approximately 20 feet above the plaza, and that any
4 further signs that the applicant wishes to erect,
5 further naming rights signs that the applicant chooses
6 to erect, will be brought back before the Commission
7 for approval.

8 COMMISSIONER TURNBULL: I would second
9 that.

10 VICE-CHAIRPERSON HOOD: It's moved and
11 properly second. All those in favor?

12 (Ayes.)

13 VICE-CHAIRPERSON HOOD: Any opposition?
14 So ordered. Staff would you record the vote.

15 MRS. SCHELLIN: Staff will record the
16 vote 4-0-1 to approve the signage as stated by
17 Commissioner Parsons. Commissioner Parsons making the
18 motion, Commissioner Turnbull second, Commissioners
19 Jeffries and Hood in favor, Commissioner not present
20 and not voting.

21 COMMISSIONER PARSONS: Mr. Chairman, I'm
22 testing your patience but let me try something else
23 here. You may recall at the hearing I had asked for
24 a response to the RiverKeepers points. And I was
25 somewhat pleased with that but also disappointed, so

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1 I really think it's worth the effort to try to insist
2 that green roofs be placed on portions of this
3 building.

4 The response we got is we'll try if we
5 have the money, and I just don't think that's enough.
6 I think of all the public buildings that I can think
7 of in this city or any other, the place to display
8 green roofs is where people can really see them, and
9 here they can. They can see them on top of the
10 restaurant, they can see them on top of the building
11 next to the scoreboard, they can see them on the
12 retail.

13 So I would move that we require green
14 roofs on the restaurant, the unnamed building that's
15 to the north of the scoreboard, I'm looking at sheet
16 A4 just because we had it out before. And the retail
17 that we've approved, or the option to retail that
18 we've approved here tonight.

19
20 Was it not clear that was a motion?

21 VICE-CHAIRPERSON HOOD: Is there a
22 second?

23 COMMISSIONER TURNBULL: I'll second that.

24 COMMISSIONER PARSONS: Thank you Mr.
25 Turnbull.

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1 VICE-CHAIRPERSON HOOD: I actually asked
2 for it lightly because I was hoping there wasn't one.
3 But let me ask a question. Mr. Bergstein, legally
4 that was proffered or mentioned. They said they would
5 try. Can we actually make a motion, Mr. Bergstein,
6 and actually require them to do that when the
7 applicant has not proposed to actually do it, they
8 said they would try. Can we actually do that
9 legally?

10 MR. BERGSTEIN: I think you'd have to
11 look at the standard that you have before you. I
12 believe in 1606.19 talks about the requirement that
13 they use environmentally friendly measures. I think
14 that if you don't feel that they've gone far enough
15 then you could require what Mr. Parsons is suggesting.

16 VICE-CHAIRPERSON HOOD: And that's
17 1606.19. Can you take me right to it. I'm still
18 looking for it. Meanwhile, any other comments?
19 Anybody else want to comment on that? It's been moved
20 and properly second.

21 COMMISSIONER TURNBULL: I guess I would
22 just comment on Mr. Parsons' -- I think what he's
23 trying to do is trying to up the ante and really get
24 something for not only baseball goes there but for
25 the city in the way that we're moving with green roofs

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1 and be environmentally-friendly and creating an urban
2 environment that is something that you really want to
3 be excited about.

4 I think that the green roofs at the
5 ballpark would be a fantastic and encouraging thing
6 for everyone. I really support it. I think it's a
7 wonderful idea.

8 VICE-CHAIRPERSON HOOD: Okay. Go ahead.

9 COMMISSIONER JEFFRIES: Yes, but you
10 know, Commissioner Turnbull, this is the 11th hour and
11 the weight of the stadium is getting just a bit much.
12 I think there's so many different issues that are on
13 the table as it relates to the stadium.

14 I do think there are a number of amenities
15 that are being offered to the District as it relates
16 to a baseball stadium. I don't want this Commission
17 to sort of pile it on, and that's not to minimize the
18 importance of green roofs, but I'm just concerned
19 about the timing and I'm just concerned about
20 everything that is ahead of the applicant as it
21 relates to this very ambitious program.

22 We should perhaps have talked about this
23 a little sooner so that it could have been more
24 comfortably integrated, there could have been some
25 time for the applicant to logically and comfortably

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1 absorb this. And I'm not in favor of sort of this
2 last minute insertion.

3 VICE-CHAIRPERSON HOOD: Okay. So I would
4 associate my comments with Commissioner Jeffries. I
5 was trying to do the same thing with it previously but
6 it doesn't look like I need to, so if someone wants to
7 make a motion they can. And if not --

8 COMMISSIONER TURNBULL: It's already been
9 moved and second.

10 VICE-CHAIRPERSON HOOD: Okay. It's been
11 moved and second. All those in favor?

12 (Ayes.)

13 VICE-CHAIRPERSON HOOD: Opposition?
14 Opposed?

15 COMMISSIONER JEFFRIES: Opposed.

16 VICE-CHAIRPERSON HOOD: So ordered.
17 Staff would you record the vote.

18 MRS. SCHELLIN: Yes. Staff will record
19 the vote 2-2-1. The motion fails to provide for green
20 roofs. That was Commissioner Parsons moving,
21 Commissioner Turnbull seconding, Commissioners Hood
22 and Jeffries opposed and Commissioner Mitten not
23 present and not voting.

24 COMMISSIONER PARSONS: Mr. Chairman, I
25 would move that this Commission urge the applicant to

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1 include green roofs on the restaurant, the building
2 adjacent to the scoreboard and retail.

3 VICE-CHAIRPERSON HOOD: I can go with
4 that. I'll second that. Any further discussion? You
5 said urge?

6 COMMISSIONER PARSONS: Urge.

7 VICE-CHAIRPERSON HOOD: Urge. I can
8 agree with that. It's been moved and seconded. Any
9 further discussion? All those in favor?

10 (Ayes.)

11 VICE-CHAIRPERSON HOOD: Any opposition?
12 So ordered. Staff would you record the vote.

13 MRS. SCHELLIN: Staff will record the
14 vote 4-0-1 to urge the applicant to provide green
15 roofs on the restaurant, the building to the north of
16 the scoreboard and the option to retail that was
17 approved earlier. Commissioner Parsons moving,
18 Commissioner Hood seconding, Commissioners Turnbull
19 and Jeffries in favor, Commissioner Mitten not present
20 and not voting.

21 VICE-CHAIRPERSON HOOD: Okay. Mr.
22 Turnbull, go ahead.

23 COMMISSIONER TURNBULL: Thank you, Mr.
24 Chairman. I was going back to the most recent Office
25 of Planning report of July 5th on page 4 where Office

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1 of Planning has noted their concern about the loading
2 facilities.

3 VICE-CHAIRPERSON HOOD: That's dated the
4 19th?

5 COMMISSIONER TURNBULL: July 5th. The
6 most recent one.

7 VICE-CHAIRPERSON HOOD: Right.

8 COMMISSIONER TURNBULL: And they raised
9 their concerns about the loading facilities and their
10 concerns and DDOT's concerns about pedestrian
11 vehicular conflicts. They wanted to reduce the amount
12 of facade area devoted to loading bay doors. And they
13 might want to comment more upon it. I think it's very
14 valuable.

15 MR. LAWSON: Thank you, Commissioner
16 Turnbull. I think first of all I'd like to point out
17 that the applicant has addressed some of these
18 concerns for sure. They've minimized, they've reduced
19 the number of parking bays entering onto First Street.
20 Through the ballpark design especially they've reduced
21 the number of loading bays significantly.

22 We would obviously like to see that
23 reduced even further. We note that the MOU agreement
24 between the applicant and DDOT includes a review of
25 parking and loading and access onto the site in

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1 general to ensure that it's provided in a safe and
2 convenient way. And we're comfortable with leaving
3 this issue for the applicant and DDOT to work out as
4 part of their overall transportation management
5 program.

6 COMMISSIONER TURNBULL: I would like to
7 make a motion that we encourage the applicant --

8 VICE-CHAIRPERSON HOOD: You want to
9 encourage.

10 COMMISSIONER TURNBULL: I'm just
11 concerned and again I don't want to be sounding like
12 we're dumping on anybody but I think it's a very valid
13 concern. And I'd like to encourage them to
14 significantly look at this plan and to work with the
15 Office of Planning and DDOT to resolve some of the
16 issues.

17 VICE-CHAIRPERSON HOOD: We have a
18 motion.

19 COMMISSIONER PARSONS: Second.

20 VICE-CHAIRPERSON HOOD: Moved and second.

21 All those in favor?

22 (Ayes.)

23 VICE-CHAIRPERSON HOOD: Any opposition?

24 So ordered. Anything else --

25 MRS. SCHELLIN: If I could record that

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1 vote please.

2 VICE-CHAIRPERSON HOOD: Oh I'm sorry.
3 Staff will record.

4 MRS. SCHELLIN: Staff will record the
5 vote 4-0-1 to encourage the applicant to look at the
6 plan and work with the Office of Planning and DDOT
7 regarding the issues that they have. Commissioner
8 Turnbull moving, Commissioner Parsons seconding,
9 Commissioners Hood and Jeffries in favor, Commissioner
10 Mitten not present and not voting.

11 VICE-CHAIRPERSON HOOD: Thank you.
12 Commissioner Jeffries?

13 COMMISSIONER JEFFRIES: Yes. I just
14 wanted to make it clear that, assuming the applicant
15 is in earshot here, that previously the Commission
16 approved the retail Option 2, that Option 2 retail
17 plan as sort of an enhancement of Option 1. I mean
18 there is some level of connection but I just wanted to
19 make certain that the applicant is clear that the
20 Commission is looking at Option 2 as an enhancement of
21 Option 1.

22 VICE-CHAIRPERSON HOOD: Okay. Thank you.
23 Mr. Bergstein, do you think we've covered all the
24 relief and requirements?

25 MR. BERGSTEIN: I want to clarify a

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1 little bit more what Mr. Jeffries said.

2 VICE-CHAIRPERSON HOOD: Okay. Go right
3 ahead.

4 MR. BERGSTEIN: And that was the
5 applicant, and this is what I need to hear the
6 Commission agrees with this, that the applicant may
7 not proceed with Option 1 alone. That it may only
8 proceed with Option 1 as enhanced by the retail
9 component of Option 2, that's what you've decided.

10 Originally the applicant asked for
11 flexibility to do Option 1 and if the money was
12 available to proceed with Option 2. What I understood
13 Mr. Jeffries to say your vote earlier reflected was
14 that alternative is not available to the applicant,
15 that they can only proceed with the amount of retail
16 that's called for in Option 2.

17 COMMISSIONER JEFFRIES: Correct.

18 VICE-CHAIRPERSON HOOD: I think that's
19 how the vote was and I think I'm recorded as voting
20 against that. Hopefully. Okay. With that Mr.
21 Bergstein --

22 COMMISSIONER PARSONS: Mr. Chairman, it
23 just dawned on me that by necessity what we've done is
24 to go through and deal with specifics and haven't said
25 a thing about the project. And I want to

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1 congratulate the architect not only for the ballpark,
2 I think it's going to be very handsome and very well
3 thought through and I've dropped my opposition to your
4 administration building Bill, I shouldn't personalize
5 it, but the administration building. I was persuaded
6 that we should do that.

7 And the housing is very exciting. I think
8 it's just going to be terrific and I just wanted to
9 say something maybe more positive than we have said
10 all night. Thank you.

11 VICE-CHAIRPERSON HOOD: Any other
12 colleagues want to say anything? I would just add I
13 want to thank everyone for all of my colleagues,
14 Office of Planning, the Office of the Attorney General
15 and also the officers on the staff for their
16 assistance in helping us move forward.

17 And I want too to also commend the
18 applicant and his team for what they've done. And, as
19 the Mayor said when he testified, we are where we're
20 are. So hopefully we can move forward and hopefully
21 things will work out.

22 This Special Public Meeting is adjourned.

23 (Whereupon, the above-entitled matter went
24 off the record at 7:20 p.m.)

25

NEAL R. GROSS

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