

This transcript constitutes the minutes
from the public hearing held on January 30, 2006.

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

6:37 p.m.

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

My name is Carol Mitten and joining me this evening are vice-chairman Anthony Hood and Commissioners Greg Jeffries, John Parsons and Michael Turnbull.

The subject of this evening's hearing is Zoning Commission Case No. 05-10 and this is a request by the Office of Planning for text amendments to Title 11 of the District of Columbia Municipal Regulations to provide regulations pertaining to existing combined lot provisions, establish a Zoning Commission review and approval process and design guidelines for additional properties within the existing boundaries of the CG Overlay or for any property which is the recipient of additional density through the combined lot provisions, establish preferred use; that is, retail and entertainment requirements and regulations along 1st and Half Streets, S.E. south of M Street, S.E., provide for a 15-foot setback and a one-to-one upper

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1 story stepback above a height of 110 feet for
2 buildings fronting South Capitol Street, provide for
3 an upper story setback for buildings fronting Half
4 Street, S.E. south of M Street, S.E., and provide
5 for a one-to-one upper story setback above a height
6 of 110 feet for buildings fronting on Potomac
7 Avenue, S.E. and S.W.

8 Notice of today's hearing was published
9 in the *D.C. Register* on December 9th, 2005 and
10 copies of that hearing announcement are available to
11 you and they're on the table by the door.

12 This hearing will be conducted in
13 accordance with the provisions of 11 DCMR Section
14 3021, and that's the order of procedure for
15 rulemaking cases.

16 The order will be as follows: We'll take up
17 any preliminary matters, then we'll have the
18 presentation by the Office of Planning, reports of
19 any other Government agencies, reports of affected
20 ANCs, organizations and persons in support and
21 organizations and persons in opposition. And just
22 to help us organize the testimony, there is a sign-
23 in sheet, so if you would, just sign in and indicate
24 which side of the issue you're on.

25 The following time constraints will be

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1 maintained in this hearing: Organizations will have
2 five minutes and individuals will have three
3 minutes. The Commission intends to adhere to these
4 time limits as strictly as possible in order to hear
5 the case in a reasonable period of time. The
6 Commission reserves the right to change the time
7 limits for presentations if necessary and notes that
8 no time shall be ceded.

9 All persons appearing before the
10 Commission are to fill out two witness cards and
11 those cards are also on the table by the door. Upon
12 coming forward to speak to the Commission, please
13 give both cards to the reporter who's sitting to our
14 right.

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

19 When presenting information to the
20 Commission, have a seat at the table in front of us.
21 Please turn on and speak into the microphone, first
22 stating your name. When you're finished speaking,
23 please turn the microphone off because they have a
24 tendency to pick up background noise.

25 The decision of the Commission in this

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1 case must be based on the public record. To avoid
2 any appearance to the contrary, the Commission
3 requests that persons present not engage the members
4 of the Commission in conversation during a recess or
5 at any other time. Mrs. Schellin will be available
6 throughout the hearing to answer any procedural
7 questions.

8 I'd ask you to turn off all beepers and
9 cell phones at this time so as not to disrupt the
10 hearing.

11 And first we'll take up any preliminary
12 matters. Mrs. Schellin, anything?

13 MRS. SCHELLIN: Staff has none.

14 CHAIRPERSON MITTEN: All right. Then we
15 will turn to the Office of Planning for their
16 report.

17 Mr. Lawson, how are you tonight?

18 MR. LAWSON: Fine. Thank you, Madam
19 Chair, and good evening.

20 My name is Joel Lawson. I'm with the
21 D.C. Office of Planning and with me tonight is
22 Jennifer Steingasser, also with the Office of
23 Planning.

24 Zoning Commission Case 05-10 is for text
25 amendments to the Capitol Gateway Overlay District.

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1 The Capitol Gateway Overlay was first
2 established by the Zoning Commission in October of
3 2002, following many years of study and public
4 hearings.

5 This initiative rezoned from industrial
6 to mixed-use a portion of the southeast-southwest
7 area and established specific criterion intended to
8 encourage the development of a vibrant mixed-use
9 neighborhood with strong connections to existing
10 residential neighborhoods and to the waterfront.

11 As shown on the mass and also as shown
12 the map attached to our earlier report dated
13 November 21st, the Capitol Gateway Overlay is very
14 roughly bounded by M Street to the north, the
15 Anacostia River to the south, Fort McNair to the
16 west and the Southeast Federal Center site to the
17 east. It does not include existing low-density
18 residential areas within the southwest neighborhood.

19 The Capitol Gateway Overlay was
20 previously amended in October of 2005 to accommodate
21 the proposed new Major League Baseball stadium.

22 The Capitol Gateway area is currently
23 experiencing significant development interest with
24 many development projects either planned or under
25 construction. The proposed amendment to the Capitol

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1 Gateway Overlay is intended to better address
2 overall goals and objectives for this rapidly
3 changing area.

4 In our report and testimony at the
5 Zoning Commission setdown meeting, OP requested
6 input from area landowners on the potential impact
7 of the proposed changes. OP has met with the
8 Anacostia Waterfront Corporation and with some area
9 landowners, some of whom have expressed concerns
10 with the potential impact of certain aspects of the
11 proposal on development feasibility, however, OP has
12 not received additional analysis of the impact of
13 these requirements on specific properties. As such,
14 we have not drafted specific changes to the proposed
15 text. However, in our testimony we will highlight
16 some of these concerns as we understand them and
17 outline possible options to address them which the
18 Zoning Commission may wish to consider and which OP
19 feels would be acceptable.

20 As advertised, proposed amendments to
21 the Overlay text include the following:

22 1) Objectives. Additional objective or
23 purpose statements related to the form and character
24 of South Capitol Street, Half Street, S.E. and 1st
25 Street, S.E. are proposed.

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Combined Lot Development, Section 1602.

The proposed amendments to existing combined lot development regulations would regulate the transfer of density from one parcel to another within the Capitol Gateway Overlay using this provision. With some restrictions, OP feels that such a transfer is not contrary to the objectives for the area, since it would not alter overall densities possible within the area and could provide additional flexibility for development and opportunities for better overall building form. However, OP has proposed limitations on this transfer; namely, one, limit the maximum floor area ratio of a receiving parcel, one which receives density to 8.0 on parcels for which a height of 110 feet is permitted under the Height Act or 8.5 FAR on parcels for which a height of 130 feet is permitted.

This is intended to ensure that the density can be accommodated within building envelope constraints such as setback, height and lot occupancy. Some area landowners, particularly those owning land directly to the north of the ballpark location, have expressed concern with this FAR limit noting that development on receiving parcels would require Zoning Commission review and that other lot

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1 occupancy and proposed setbacks would address
2 building bulk and streetscape character issues. OP
3 agrees that on some of the larger sites such as
4 those north of the ballpark additional density above
5 and beyond the proposed amounts may be able to be
6 accommodated without jeopardizing overall
7 neighborhood character. As such, the Zoning
8 Commission may wish to consider either increasing
9 the proposed FAR limits or establishing a special
10 exception process to permit, for example, an
11 additional one FAR of density on receiving parcels
12 to be permitted through the proposed Zoning
13 Commission review process, in which case the text
14 should be amended to allow discretion to the Zoning
15 Commission to approve this increase.

16 Limitation number two is to limit the
17 amount of commercial density transferred from one
18 parcel to another to the lesser of an FAR of 3.0 or
19 the amount of residential density being transferred
20 intended to promote the desired residential mix of
21 development -- to ensure that the desired
22 residential mix of development is maintained.

23 Number three, allow buildings to the
24 height that's permitted under the Height Act of 1910
25 within the Capitol Gateway CR District.

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1 And finally, to prevent the transfer of
2 density to or from the Capitol Gateway C-3-C
3 District which is within the South Capitol TDR
4 Receiving Zone.

5 Other proposed changes, mandatory Zoning
6 Commission review. Such review is currently
7 required for properties facing M Street, on the
8 ballpark site and within the Capitol Gateway W2
9 District. OP is proposing that mandatory Zoning
10 Commission review be extended to also include any
11 property on a lot that abuts South Capitol Street,
12 on a lot located within Square 700 and 701, north of
13 the ballpark site.

14 On Square 601, 656 and 657, which are
15 adjacent to the existing lower-density residential
16 development to the north of the Capital Gateway
17 Overlay District, or any lot which is the recipient
18 of density through the combined lot provisions of
19 Section 1602.

20 The intent is to provide for Zoning
21 Commission review against a specific set of
22 objectives and guidelines for the area addressing
23 such things as siting, architectural design, site
24 planning, views, sunlight access, landscaping and
25 sidewalk treatment.

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1 Required ground floor retail space.
2 Ground floor retail, entertainment and other public
3 uses would be required on 1st Street, S.E. and Half
4 Street, S.E. to encourage streetscape vitality and
5 safety throughout the year and to encourage the
6 creation of year-round destination retail area
7 similar to current preferred use requirements for
8 properties facing M Street and for on the ballpark
9 site, and within the Southeast Federal Center site
10 adjacent.

11 Proposed regulations include ones
12 related to facade length and building depth devoted
13 to such preferred uses, transparency, direct street
14 access and minimum floor to ceiling heights.

15 Subsequent to advertising, some concerns
16 were raised that the amount of space that would be
17 required should be amended to be more in line with
18 requirements found elsewhere and to make the
19 requirements more feasible. In specific, OP agrees
20 that the amount of ground floor retail devoted to
21 these uses could be and should be reduced from 75
22 percent to 50 percent as a more realistic and
23 management amount which would continue to ensure
24 that the intent of pedestrian-oriented streetscape
25 would be provided. This amount also corresponds to

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1 the amounts required in the Southeast Federal Center
2 Overlay and the existing requirements within the
3 Capital Gateway Overlay for M Street and setbacks.

4 A setback requirement on South Capitol
5 Street of 15 feet plus a one-to-one upper story
6 stepback above 110 feet are proposed to provide a
7 consistent street while of monumental character to
8 the section of South Capitol Street. These are
9 identical to setbacks currently adopted for South
10 Capitol Street within the ballpark site.

11 Secondly, a 20-foot stepback above a
12 height of 65 feet on Half Street is proposed to
13 encourage achievement of the vision for this street
14 as pedestrian-friendly scale of development. Some
15 concern regarding this stepback has also been
16 expressed by property owners, but an alternative
17 proposal has not been put forward and more detailed
18 analysis of the impact of the stepback on
19 development potential has been provided to OP.

20 OP would not support eliminating this
21 requirement as it is an important aspect of ensuring
22 a pedestrian-friendly streetscape along this
23 relatively narrow but important connection between
24 the Metro station and the new ballpark site to the
25 south. However, it may be that flexibility and

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1 actual amount required is appropriate. As such, OP
2 would support Zoning Commission review flexibility
3 to vary this requirement for a specific development
4 proposal as part of this mandatory review of any
5 development in the area.

6 And finally, for setbacks a one-to-one
7 upper story stepback above 110 feet is a proposal on
8 Potomac Avenue consistent with its importance and
9 more monumental character.

10 And finally, driveways. Driveway access
11 for loading and parking is proposed to be prohibited
12 from South Capitol Street, Half Street, S.E. and P
13 Street, S.W. to complement the existing curve cut
14 prohibition from M Street and to minimize pedestrian
15 conflicts and traffic impacts. Again, some
16 landowners have indicated this might restrict access
17 to parking and loading on some properties,
18 particularly given the current restriction on such
19 access from M Street as well. However, OP believes
20 it is important to minimize driveway access from
21 major vehicular streets such as South Capitol and M
22 Street and major pedestrian streets such as Half
23 Street and 1st Street. So it does not support any
24 large changes to these restrictions. In addition,
25 there's a comprehensive minor street and alley

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1 system available throughout the area from which
2 service access can and should be provided.

3 No map amendments are proposed at this
4 time. OP has noted a number of minor non-
5 substantive wording corrections and clarifications
6 that will also be required and which can be
7 incorporated into an amended version of the
8 amendment prior to proposed action.

9 With these amendments, OP feels that the
10 Capital Gateway Overlay will better respond to the
11 rapidly changing nature of the area and provide
12 greater opportunity for input from the community.

13 That actually concludes the Office of
14 Planning testimony and we're available for
15 questions. Thank you.

16 CHAIRPERSON MITTEN: I just want to
17 clarify one of the things that you said and I think
18 there are probably some other amendments to the
19 amended text, as you said. But is it in Sections
20 1606.1 and 1607.2 that you're now recommending that
21 the preferred use requirement be 50 percent?

22 MR. LAWSON: Sorry. Which sections did
23 you say again?

24 CHAIRPERSON MITTEN: 1606.1 and 1607.2.

25 MR. LAWSON: That the required -- I may

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1 be looking at a different version; I'm sorry, but
2 this is --

3 CHAIRPERSON MITTEN: What I'm looking
4 at --

5 MR. LAWSON: Okay.

6 CHAIRPERSON MITTEN: Yes, your November
7 21st report.

8 MR. LAWSON: I got it. Yes, it's those
9 two sections that we're referring to.

10 CHAIRPERSON MITTEN: Okay. Thank you.

11 Questions? Anyone have questions?

12 (No audible response.)

13 CHAIRPERSON MITTEN: In the purpose or
14 in the preamble -- yes, it's in the purposes, in the
15 new (g) that's being proposed, "Provide for the
16 establishment of South Capitol Street as a
17 monumental civic boulevard." And then there's a
18 variety of things if we were to take up the review
19 in 1605.

20 What is it, when you say monumental, I
21 understand that, you know, having the setbacks and a
22 wide sort of right-of-way and a promenade and all of
23 that go part of the way, but are you also looking
24 for a certain kind of architecture that would evoke
25 something monumental?

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1 MR. LAWSON: We're not proposing a
2 specific architectural type for any of the areas
3 within the Capital Gateway Overlay District. It
4 would be subject to review. And so, some nature of
5 how the design relates to what else is happening on
6 South Capitol Street, to some extent, which may --
7 you know, assuming the baseball stadium goes
8 forward, that may help to kick start how that design
9 will happen. But I think we're more concerned that
10 the Zoning Commission review be put in place so we
11 can assess how individual buildings relate to the
12 overall character of South Capitol Street and how
13 South Capitol Street will read as a whole as the
14 important gateway to the District that it should be
15 and could be.

16 COMMISSIONER JEFFRIES: I understand
17 that, but if you -- you may not agree with this, but
18 I think of or I hope that people think of South
19 Capitol Street as mostly a blank slate, that there
20 isn't something there to be consistent with yet. So
21 if we are trying to create a character, really the
22 first proposal that comes in will be the one that we
23 all just have a visceral reaction to as being
24 appropriate or not, and I'm wondering what guidance
25 we could give in the text that would say what we're

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1 looking for.

2 Mr. Parsons?

3 COMMISSIONER PARSONS: Well, it's the
4 ballpark itself that began to dictate this, because
5 the ballpark itself is only 110 feet on that South
6 Capitol Street side, right?

7 MR. LAWSON: That's my understanding of
8 the plan so far.

9 COMMISSIONER PARSONS: Right. And when
10 we made that decision, we began to say well, why
11 should this be a lower facade than the other facades
12 on the avenue, that they should come up to 130,
13 which I think is what the right-of-way would allow.

14 MR. LAWSON: That's correct.

15 COMMISSIONER PARSONS: And that's where
16 we started to set back is because of our decision on
17 the baseball stadium.

18 CHAIRPERSON MITTEN: Okay.

19 COMMISSIONER PARSONS: I think. That's
20 my recollection.

21 CHAIRPERSON MITTEN: Okay. So then; and
22 as Mr. Lawson says, assuming the baseball stadium
23 goes forward --

24 COMMISSIONER PARSONS: Of course it
25 will.

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1 CHAIRPERSON MITTEN: I'm just saying,
2 that will be the first thing out of the box.

3 COMMISSIONER PARSONS: Yes.

4 CHAIRPERSON MITTEN: But I guess what
5 I'm saying, what if it's not, then we don't -- then
6 we have --

7 COMMISSIONER PARSONS: Well, it's a much
8 different circumstance, I would say.

9 CHAIRPERSON MITTEN: Okay. So then we
10 would consider revisiting this and providing some
11 more guidance?

12 COMMISSIONER PARSONS: I think so.

13 CHAIRPERSON MITTEN: Okay.

14 MS. STEINGASSER: Madam Chair, if I may,
15 are you asking if we're trying to prescribe a
16 certain type of architectural style or character?

17 CHAIRPERSON MITTEN: I guess the
18 simplest question that I should put to you is, what
19 do you mean when you're saying create a monumental
20 civic boulevard?

21 MS. STEINGASSER: I think it's more the
22 sense of the open and public space than the design
23 of the buildings themselves.

24 CHAIRPERSON MITTEN: Okay.

25 MS. STEINGASSER: It's creating a

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1 uniform corridor when you look down the street, much
2 like when you look down Pennsylvania. You don't
3 necessarily notice whether all the buildings are the
4 same architectural style, but there's a view shed
5 that's very uniform. The roof lines draw you down.
6 The streetscape is consistent. The sidewalks
7 reflect that same pedestrian space. It's those kind
8 of elements that we're looking for, rather than a
9 particular monumental architecture.

10 CHAIRPERSON MITTEN: Okay.

11 MS. STEINGASSER: We expect South
12 Capitol to actually, especially on the southeast
13 side, have quite and eclectic opportunity, an
14 opportunity for very eclectic and distinct
15 architecture, maybe a little different than what
16 we've seen. But we want that public open space
17 experience to be very uniform, that we're used to
18 Washington.

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

21 COMMISSIONER JEFFRIES: But, Madam
22 Chair, do you feel that the text is not providing
23 enough of a blueprint of what Ms. Steingasser just
24 said?

25 CHAIRPERSON MITTEN: No, I mean, I

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1 understand that, but I guess -- I think I was
2 hearing a tinge of something and reading something
3 into it, which is oh well, there will be in addition
4 to these setback requirements and so on, there will
5 be a Zoning Commission review. Well, if we're going
6 to be imposing something, some kind of notion on the
7 review process, to be fair, we need to articulate
8 what it is so that people can come in with projects
9 that will be consistent with that notion and I
10 didn't know if the Office of Planning had something
11 in mind on that score.

12 Mr. Hood?

13 VICE-CHAIR HOOD: Thank you, Madam
14 Chair, and continuing on with your comments about
15 further guidance, I'm looking at 1610.2. I
16 understand everything else, but in reading it, I'm
17 having a slight problem with (d). It says,
18 "Minimize conflict between vehicles and
19 pedestrians."

20 When that was crafted and put into the
21 language, what was the intent? What are we trying
22 to arrive? I know we're not trying to get anybody
23 hit by any cars; we're trying to make it pedestrian-
24 friendly, but what drove that to make it into the
25 text?

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1 MR. LAWSON: Yes, there is actually a
2 safety issue. There is a safety issue trying to
3 minimize conflicts between vehicles and the streets
4 that we anticipate to be major pedestrian corridors
5 through the uses on the streets and through the uses
6 at the ends of the streets. And Half Street and 1st
7 Street are the primary examples of that, where we
8 expect them to be carrying a lot of pedestrian
9 traffic.

10 The other issue is also one of
11 streetscape character to minimize the number of
12 driveway accesses and kind of cuts along the street
13 to maintain that pedestrian flow, to maintain that
14 pedestrian character along the streetscape. We
15 weren't talking, you know, really long blocks here.
16 We aren't talking about, you know, huge distances.
17 We're talking most cases just a few blocks or, you
18 know, even just one block. So we feel that there
19 should be alternatives to the provision of these
20 access ways from these major pedestrian corridors so
21 that we can just separate those uses out as much as
22 possible.

23 VICE-CHAIR HOOD: And again, in 1607;
24 I'm not picking it apart, I'm just trying to make
25 sure I understand. 1607.5, the famous clause, "for

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1 good cause shown the Commission may authorize
2 interim occupancy," And it refers us back to 1607.2.
3 And I don't know, in the past that hasn't really
4 done it for me, but what was driving that again?
5 Good cause. I haven't seen anything since I've been
6 here that has not been good cause, at least sounded
7 to be good cause.

8 MR. LAWSON: Yes.

9 VICE-CHAIR HOOD: So that puts us back
10 in the same realm of things.

11 MR. LAWSON: Right. The intent of this
12 provision, much like the similar provision in the
13 Southeast Federal Center Overlay, is that we want to
14 see the retail space built. But we recognize that,
15 particularly at the early stages of development, the
16 critical mass to support that retail may not exist
17 in both the Southeast Federal Center site and in the
18 Capital Gateway Overlay District area.

19 So we want to make sure that that retail
20 space exists, but we acknowledge that it may be
21 preferable to allow alternative uses in that space
22 for an interim period while additional development
23 comes on stream to provide that critical mass for
24 the retail to support the retail space that's there.
25 The only other alternative would be to have the

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1 retail space constructed and then have it sit
2 vacant, have it sit empty until the market exists
3 for the retail. And it may be that the market will
4 exist right away, in which case there will be a
5 market for the retail and the retail space will be
6 rented out. But I think we want to give the
7 flexibility to developers of these individual sites,
8 that if there is an interim period where the market
9 doesn't exist that they would be able to use that
10 property or use that space for some use which at
11 least provides some streetscape vitality, provides
12 some purpose as opposed to vacant space. That's
13 what it's for.

14 If you would like us to work with OAG on
15 more definitive language or different language, we'd
16 happy to do that, but that's the intent of what
17 we're after.

18 VICE-CHAIR HOOD: Okay. I mean, I've
19 seen for good cause. I don't know if we need to go
20 to that point. Case in point though, Mr. Lawson, if
21 I come down, if I'm an applicant and I come down and
22 have a good cause to have an automobile shop in this
23 area, I know it's a prohibited use, but if I have an
24 automobile shop or some of the uses that we're not
25 looking for, so this should not be permitted, and I

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1 show good cause to be there, then I would have a
2 right, in the language I believe I would have a
3 right to be able to do that. Am I right?

4 MR. LAWSON: Well, they would have to
5 come to the Commission and show what that good cause
6 is and certainly in the case of; you know, I realize
7 this is just a specific example, but an automobile
8 shop, you would have to show how you're providing
9 access to that shop because we're not allowing
10 driveway access from the streets where preferred
11 retail is required. So there would be a number of
12 issues that would have to be resolved.

13 VICE-CHAIR HOOD: Okay.

14 MR. LAWSON: But that would be the
15 intent. They'd have to come and say how they're
16 doing it and request permission to do it.

17 VICE-CHAIR HOOD: Okay. All right.
18 Thank you.

19 Thank you, Madam Chairman.

20 CHAIRPERSON MITTEN: Anyone else? Mr.
21 Turnbull?

22 COMMISSIONER TURNBULL: Madam Chair, I
23 was just getting back to your original statement or
24 question that you had on (g), the new purpose
25 statement, and after hearing the Office of

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1 Planning's explanation, which sort of goes back to
2 1610.5, I'm comfortable with that. It's a very
3 simple statement, and I know that they're trying to
4 keep it simple, but I don't know that there's a way
5 to relate it back, but I mean, I feel comfortable
6 seeing -- 1610.5 kind of explains it a little better
7 as far as what they mean by monumentality, but I
8 don't have an issue with that. I guess I see it
9 amplified enough to describe what their intent is.

10 CHAIRPERSON MITTEN: Okay. Thank you.
11 Anyone else?

12 (No audible response.)

13 CHAIRPERSON MITTEN: Okay. Thank you
14 very much.

15 Just a little tricky thing I have to
16 deal with now is, is the Anacostia Waterfront
17 Corporation considering themselves another
18 Government agency? Would you like to go next, or
19 would you like to just be part of the throngs in
20 support? You want to go next? Okay. And we won't
21 even time you.

22 MR. BRANDES: Good evening. My name is
23 Uve Brandes. I'm the vice-president at the
24 Anacostia Waterfront Corporation and director of
25 Capital Projects and Planning, and I'm delighted to

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1 be here tonight to testify in strong support for the
2 overall goals and objectives of this case.

3 Just by way of background, the Anacostia
4 Waterfront Corporation is an entity created by the
5 District of Columbia, an instrument, and we have
6 been working since our creation a little bit less
7 than a year ago on the South Capitol Street corridor
8 through the NCPC process and also through direct
9 conversations with the Office of Planning and with
10 conversations with community stakeholders.

11 We believe that given the, you know,
12 enormous investment that's about to occur in South
13 Capitol Street in the form of the proposed ballpark,
14 that redevelopment of the corridor is going to
15 happen in both an accelerated fashion and also in a
16 very positive manner in order to draw people to this
17 part of the city and to essentially create a new
18 cultural destination along the Anacostia River.

19 The mayor has designated AWC as a lead
20 development entity of two key parcels adjacent to
21 the ballpark. One is the WASA site, which I think
22 people are familiar and it's indicated in the plan
23 on the left, which will be immediately adjacent to
24 the ballpark and the WMATA site, which is along Half
25 Street right at the Navy Yard Metro station which

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1 will lead people from the Metro station down to the
2 ballpark itself. And the corporation has, in the
3 fall, gone through a request for expressions of
4 interest process to designate development teams to
5 begin to transform those sites from essentially
6 industrial sites today to sites that would conform
7 to this zoning.

8 I have come here tonight with several
9 considerations for the Commission and we look
10 forward to refining these with the Office of
11 Planning in the coming weeks before the Commission
12 takes proposed action, and I'd like to go through
13 those right now.

14 First, given the overall urban design
15 objective of transforming South Capitol Street, we'd
16 like to just highlight one of the considerations
17 with regard to the building setback. And that is
18 that, the text reads that a 15-foot setback would
19 occur along the length of South Capitol Street, and
20 given that the overall design objective is to create
21 a grand boulevard with a uniform streetwall along
22 this street, this matter becomes quite technical
23 given that the existing right-of-way of South
24 Capitol Street itself is not uniform. And so, I
25 think the special exception process is in fact an

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1 excellent process in order to determine, literally
2 on a site-by-site basis, what the specific proposed
3 setback should be because the right-of-way today at
4 certain points along South Capitol Street is 130
5 feet and that's generally cited as the typical width
6 of the right-of-way. However, at certain
7 intersections, particularly at M Street, the right-
8 of-way widens to 155 feet. And this is a level of
9 documentation that DDOT has just completed in its
10 work in preparing a full engineering analysis and
11 survey of the streets. So that, imagine if you
12 will, if 15 feet were the typical setback along the
13 entire corridor, you would essentially just be
14 mirroring the changes in the right-of-way as they
15 exist today, which I don't think is the objective.
16 I think the objective is a uniform streetwall
17 condition along the entire street. And so while I
18 think that the goals and objectives are correct in
19 the zoning text, we look forward to refining the
20 precise kind of mechanism whereby the setback is
21 achieved.

22 A second point is; and this is really a
23 tangential point, and that is that, you know, it's
24 easy when you look at the map that this goal of
25 achieving a monumental corridor along South Capitol

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1 Street literally with the river at one end and the
2 Capitol Building at the other is not achieved by
3 this zoning text alone. And there are substantial
4 portions of the corridor which are on the opposite
5 side of the street that are not covered by this text
6 and certainly sites north of M Street which are not
7 covered by this text, and I believe it's only with
8 the full kind of treatment of the entire corridor
9 that you'll achieve the goal of a unified civic
10 boulevard.

11 AWC is now working with the designated
12 development teams for each of the sites around the
13 ballpark in order to analyze what in some respects
14 is an unforeseen set of development trends. And that
15 is that, with the construction of the ballpark
16 itself there is substantial development density that
17 essentially is being foregone. And I think, you
18 know, you can easily imagine, if you look at the
19 overall site development of the ballpark, clearly
20 much of the ballpark is a grass field and doesn't
21 have any buildings on it whatsoever. And so, when
22 that case comes in to the Commission for the special
23 exception review, I think you'll find that the FAR
24 calculations of the ballpark itself are extremely
25 low.

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1 Given that, we are commencing now a
2 detailed analysis of the FAR build-out of all of the
3 sites around the ballpark and the objective really
4 is to achieve what I think some of the planning
5 documents have always kind of held out as the great
6 goal of creating a really viable, vital and mixed-
7 use neighborhood. And so, this issue of density and
8 how it's distributed along the corridor is one that
9 we are studying in detail on a site-by-site basis
10 right now.

11 We fully support the notion of setbacks
12 along Half Street. Half Street will be such an
13 important gateway, if you will, from the Metro to
14 the ballpark. The ballpark itself has been oriented
15 in a manner such that coming out of the Metro one
16 will be able to look into the space of the ballpark
17 bowl. And like the issue of the FAR, we're
18 beginning to look at an architectural level what the
19 setbacks mean with regard to views into the ballpark
20 and out of the ballpark in order to really truly
21 create a great urban experience, not just in the
22 ballpark itself, but the experience of the ballpark
23 if one is not in the ballpark. And that represents
24 really one of the unique design opportunities again
25 linking the ballpark itself to the surrounding

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1 neighborhood. And so we look forward to coming back
2 to you with detailed rationale on setbacks along
3 Half Street.

4 I'd like to pick up on that point that
5 was mentioned before with regard to the required
6 retail at the ground level. The one example where
7 additional refinement we believe is also necessary,
8 we believe the definition should be 50 percent of
9 the net usable area of a ground floor of a building
10 such that all of the circulation and mechanical
11 areas of the ground floor not be included in that
12 calculation and we look forward to additional
13 discussions with the Office of Planning on that
14 issue.

15 In conclusion, I'd like to just state
16 AWC is in the midst of negotiating one of the
17 largest public-private development agreements within
18 the city and we expect to make substantial progress
19 in defining the development program for these key
20 sites around the ballpark in the next 60 to 90 days.
21 AWC looks forward to working with the Office of
22 Planning to refining specific language within the
23 zoning text amendment and we look forward to
24 reporting back to the Commission in writing. Thank
25 you very much.

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1 CHAIRPERSON MITTEN: Thank you. To the
2 issue of the right-of-way that you raised and the
3 varying widths, if we assume that there's a, you
4 know, uniform centerline and so we're just measuring
5 from the same -- you know, we want the main view to
6 be down that centerline, you didn't take a position
7 about whether or not a 15-foot setback from the 130-
8 foot mark makes sense, but let's just say for the
9 purposes of my question that it does. So you're at
10 whatever half of 145 is from the centerline, 15 plus
11 half of -- no, half of 130 plus 15, right? Whatever
12 that is. So then when you get to where it's wider,
13 then what would people do, build on the right-of-
14 way? Is DDOT going to relinquish some of the right-
15 of-way? You know, to meet that line --

16 MR. BRANDES: Yes.

17 COMMISSIONER PARSONS: -- you'd have to
18 come into the right-of-way. Do you know what I'm
19 saying?

20 MR. BRANDES: Yes. Let me try to state
21 it maybe differently.

22 CHAIRPERSON MITTEN: Please.

23 MR. BRANDES: We're in full support of
24 the kind of planning recommendation of a typical
25 setback of 15 feet at the typical right-of-way width

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1 of 130 feet.

2 CHAIRPERSON MITTEN: Yes.

3 MR. BRANDES: And what that does is, if
4 you do it on both sides of the street, it gives you
5 an effective public realm of 160 feet.

6 CHAIRPERSON MITTEN: Yes.

7 MR. BRANDES: And that's similar to some
8 of the other kind of typical great streets that we
9 have in the city.

10 The point that I was trying to make is
11 that if you setback from the property line or the
12 right-of-way line, which is one and the same, that
13 changes as you move up the corridor, particularly at
14 M Street where over time and -- you know, I don't
15 have the history of this and why this has happened,
16 but presumably over time the District has purchased
17 additional width of that right-of-way in order to
18 handle the turning movements at M Street and South
19 Capitol Street, which are many. And so, the
20 definition either needs to be keyed off of the
21 centerline, presuming that the centerline is
22 straight --

23 CHAIRPERSON MITTEN: Yes.

24 MR. BRANDES: -- or through -- there
25 needs to literally be a line keyed into the site

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1 engineering studies or site engineering survey which
2 then would become the basis for determining the
3 proper setback at every site along the street. And
4 we believe and we're suggesting that that's a
5 process that could be handled at the Office of
6 Planning because all of those sites facing the
7 street will go through the special exception
8 process.

9 So I think presuming that the centerline
10 is indeed straight, your suggestion could work. The
11 setback could occur from the centerline of the
12 right-of-way corridor. Or alternatively, a setback
13 line could be created on an engineering document
14 which then would become the basis for essentially
15 determining the setback on a site-by-site basis.

16 Does that make sense?

17 CHAIRPERSON MITTEN: Yes, but it sounds
18 like rather than just hand over all of that
19 authority or that responsibility to the Office of
20 Planning, I think it would be helpful for the
21 Commission to be able to see the DDOT study so we
22 can see the way the right-of-way changes.

23 MR. BRANDES: Sure.

24 CHAIRPERSON MITTEN: So we know what we
25 want to articulate by way of guidance to them.

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1 MR. BRANDES: Right. My main point for
2 here tonight is that a typical solution is not going
3 to achieve the end that I think everybody desires.

4 CHAIRPERSON MITTEN: Good to know.

5 Let me just see if there's other
6 questions, then I have a few more.

7 Mr. Jeffries?

8 COMMISSIONER JEFFRIES: Yes, I just want
9 to make certain I understand. I appreciate your
10 comments about this whole business of the monumental
11 street, South Capitol, and that this text is not
12 going to really, you know, address that. And, so is
13 it my understanding that AWC will -- are you going
14 to be looking to, as you do further studies or in
15 terms of this overall area, are you going to be
16 going to the Office of Planning looking for
17 amendments to this text? I mean, I'm just trying to
18 understand in terms of when you're done with your
19 further analysis, what does that mean to us?

20 MR. BRANDES: Yes. Well, for the issue
21 of South Capitol Street as a whole, I don't think
22 any additional analysis is necessary. I mean, I
23 think the overall objective has been vetted. I at
24 least have not heard any opposition, strong policy
25 opposition from either NCPC or any other entity.

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1 The point I was making here tonight on
2 that issue is that you can see from looking at the
3 map that the language that's in the text is a
4 positive step forward, but does not achieve the
5 overall goal because the text amendment before us
6 tonight only handles essentially, you know, a third
7 or maybe a quarter of the overall street frontage
8 along South Capitol Street --

9 COMMISSIONER JEFFRIES: Right.

10 MR. BRANDES: -- between the river and
11 the Capitol Building.

12 COMMISSIONER JEFFRIES: But what about
13 the setbacks on Half Street? Did you say that
14 that --

15 MR. BRANDES: Yes, and so on Half Street
16 that is an issue that we are looking at and we'll
17 continue to coordinate with the Office of Planning
18 and will come back to the Commission in writing with
19 a proposed refinement to the kind of numeric setback
20 details. And so we are in support of the idea of a
21 stepback on -- excuse me; stepback, not setback, on
22 Half Street, but what remains to be seen and tested,
23 if you will, is how that affects the building cross
24 sections, the number of floors that can be achieved
25 and how the residential program that is anticipated

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1 along Half Street will be designed in concert with
2 the retail program that is anticipated along Half
3 Street.

4 So just as a for instance, we may come
5 back with further clarification and refinement such
6 that, you know, the setback occur at 70 feet or for
7 a distance of 15 feet rather than 20. You know,
8 those kinds of --

9 COMMISSIONER JEFFRIES: Yes, I recognize
10 it's a rather fluid process here.

11 MR. BRANDES: Yes.

12 COMMISSIONER JEFFRIES: But do you
13 believe that the text should somehow address the
14 whole business of making South Capitol monumental,
15 or do you think what's been put in place is fine?

16 MR. BRANDES: No, we do believe it has
17 to include that language because the sections of
18 South Capitol Street within this zone are so
19 important to setting the stage for the overall
20 transformation of the corridor and given the pace of
21 development, I mean, I think that the time to act is
22 now.

23 COMMISSIONER JEFFRIES: Okay.

24 CHAIRPERSON MITTEN: I think this was
25 actually part of Commissioner Jeffries' question

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1 that was one of the things I wanted to ask you as
2 well, is when do you think all this follow-up and
3 continued coordination with the Office of Planning
4 will be concluded?

5 MR. BRANDES: In 60 days.

6 CHAIRPERSON MITTEN: Sixty days?

7 Okay. Mr. Parsons?

8 COMMISSIONER PARSONS: Follow-up on a
9 couple of things. Are you suggesting on the west
10 side of South Capitol Street that this void that
11 we've created, if you will, from I guess it's S
12 Street to P, the left side or the west side that we
13 are not dealing with, are you urging us to do
14 something about that?

15 MR. BRANDES: Yes.

16 COMMISSIONER PARSONS: To expand -- I'm
17 sorry.

18 MR. BRANDES: No, I'm done.

19 COMMISSIONER PARSONS: Okay. I mean,
20 that's what you were -- I just wanted to pin you
21 down to be sure I understand because this is an area
22 which contains a residential component --

23 MR. BRANDES: Correct.

24 COMMISSIONER PARSONS: -- an existing
25 residential component.

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1 MR. BRANDES: Yes.

2 COMMISSIONER PARSONS: And I think
3 that's the reason that we have tiptoed around it,
4 frankly.

5 MR. BRANDES: Yes.

6 COMMISSIONER PARSONS: What basis would
7 we have to go in there? The planning efforts that
8 you're engaged in now?

9 MR. BRANDES: The establishment of the
10 setback I think everyone agrees makes sense for the
11 corridor as a whole. And so there's kind of an
12 ideal planning departure here, if you will, to
13 create a monumental corridor and there's a notion
14 that one of side of the street should be the same as
15 the other side of the street.

16 The issue of the existing residential
17 row houses along South Capitol Street is obviously a
18 major issue in terms of the kind of development
19 context today, but to truly achieve the idea of
20 South Capitol Street, which I believe this text is
21 the first step in trying to achieve, one must deal
22 with both sides of the street. And, you know, I'm
23 not sure exactly procedurally what is necessary in
24 order to begin to establish either setback
25 requirements or any other zoning changes on those

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1 sites that are currently residential, but suffice it
2 to say that if any of those sites are assembled and
3 redeveloped without the setback, literally will have
4 a condition where you'll be traveling down a street
5 that's wide that jogs in and continues for some
6 period of time and maybe jogs back out again. I
7 mean, the notion here is of a uniform streetwall
8 condition.

9 COMMISSIONER PARSONS: Yes.

10 MR. BRANDES: And with respect to timing
11 and process of how those sites would be dealt with,
12 I'd defer to the Office of Planning. But the notion
13 that this text amendment will achieve the uniform
14 South Capitol Street, I just wanted to make sure
15 that one recognizes that this text amendment on its
16 own will not achieve that.

17 COMMISSIONER PARSONS: Right. So, we
18 need some kind of a if-and-when kind of provision,
19 which is -- Zoning's pretty clumsy to use that kind
20 of a tool.

21 MR. BRANDES: Yes. And I think that
22 given the pace of development in the neighborhood,
23 the sites north of M Street are probably in the next
24 wave of development, if you will. And so again,
25 this may be handled in a series of iterative steps,

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1 but this first step is not enough to achieve the
2 overall goal.

3 COMMISSIONER PARSONS: So if we were to
4 do that, it would require readvertising, rethinking.
5 I mean, it's a major effort for us to do what you're
6 suggesting.

7 MR. BRANDES: I'm not going to suggest a
8 specific --

9 COMMISSIONER PARSONS: This is something
10 we could do in a final action.

11 MR. BRANDES: I'm not going to suggest a
12 specific approach to it. I'm just flagging that
13 this --

14 COMMISSIONER PARSONS: Well, it's wise
15 counsel.

16 MR. BRANDES: Good.

17 COMMISSIONER PARSONS: Wanted to get
18 back to the right-of-way issue. Is this anomaly
19 only at M Street where it bumps out to 155?

20 MR. BRANDES: That's where it --

21 COMMISSIONER PARSONS: Because I recall
22 some of your planning called for major parks. Well,
23 areas of open space at this same location and I
24 wouldn't want us to do something that could encroach
25 on that and say well, let's keep it at a certain

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1 setback if the idea was to have public open space on
2 those four corners.

3 MR. BRANDES: Yes.

4 COMMISSIONER PARSONS: Is that still
5 imagined or envisioned?

6 MR. BRANDES: It was an idea that we
7 floated and have explored. I think the significant
8 point here though is that at no point in the
9 corridor is there ever a typical right-of-way. I
10 mean, the street is literally wavy --

11 COMMISSIONER PARSONS: Oh.

12 MR. BRANDES: -- in the sense that, you
13 know, it has been widened in areas where for
14 instance the ramps come off of the freeway.

15 COMMISSIONER PARSONS: Sure.

16 MR. BRANDES: And especially, as I had
17 mentioned before, at M Street itself where there's
18 an underpass and there was a need presumably to
19 widen the right-of-way in order to accommodate the
20 turning movements.

21 COMMISSIONER PARSONS: So should we do
22 something from the centerline as a device that we
23 could use to use for measuring, rather than right-
24 of-way? Is that an approach?

25 MR. BRANDES: Again, I think the

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1 mechanics of this need to be probably worked on at
2 the Office of Planning.

3 COMMISSIONER PARSONS: Right.

4 MR. BRANDES: But I think that the
5 centerline could be one approach. I think that a
6 build-to-line established within an engineering
7 survey could also be a mechanism.

8 COMMISSIONER PARSONS: Okay. All right.
9 Those are good points. Thank you very much.

10 CHAIRPERSON MITTEN: Anyone else? Mr.
11 Turnbull?

12 COMMISSIONER TURNBULL: Thank you, Madam
13 Chairman. I just had two questions.

14 Well, you had mentioned earlier and I
15 just want to clarify on your point about using the
16 calculation of 50 percent of the net floor retail
17 for retail. That's rather in lieu of the 75 percent
18 of the gross?

19 MR. BRANDES: Correct.

20 COMMISSIONER TURNBULL: Okay. That's
21 your recommendation or what you feel makes more
22 rational sense to a development?

23 MR. BRANDES: Yes, and I'd be happy to
24 explain it. Given any building ground floor area, a
25 certain percentage of that gross floor area is

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1 required for mechanical and HVAC.

2 COMMISSIONER TURNBULL: Right.

3 MR. BRANDES: And so you want to take
4 that out, because you can't ever build retail on
5 that space. And of the net ground floor area, there
6 are always building functions related to mail rooms
7 or lobbies and so forth. And so, as we've looked at
8 this problem, our recommendation is 50 percent of
9 the overall area that one can use on a building
10 ground floor should be dedicated to retail.

11 COMMISSIONER TURNBULL: Okay. The other
12 item that you were -- I don't know if you really
13 finished discussing it, but I think you made
14 reference to the ballpark having -- obviously its
15 FAR is low, that its density is low. And I'm sort
16 of being led to feel that you think that either side
17 you could make up that, or you could transfer FAR?
18 Or how were you --

19 MR. BRANDES: Well, I think the overall
20 objective is to create a place of vitality. And the
21 particular challenge that we have certainly is not
22 the challenge that the Sports and Entertainment
23 Commission has, but the particular challenge that we
24 have is to make this a viable destination on all of
25 those days where's there's no ball game.

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1 And so, the manor in which density is
2 distributed across the neighborhood, the assumption
3 that there would be an even distribution of density
4 along South Capitol Street is an assumption that is
5 kind of pre-baseball thinking. And so given that,
6 we have a very large building really in the middle
7 of this neighborhood bringing lots of vitality on
8 game days leads us to question how will this
9 neighborhood work on non-game days? How many people
10 will be there on a daily basis? How many people
11 will be drawn down here on a daily basis whenever
12 there's no game? And so those are the questions
13 that we're exploring right now.

14 COMMISSIONER TURNBULL: So one thought
15 is it's a bonus FAR to some of the adjacent
16 properties?

17 MR. BRANDES: Again, I'm not here
18 tonight with a specific recommendation.

19 COMMISSIONER TURNBULL: Right. No, I
20 understand. Okay.

21 MR. BRANDES: But the manner in which
22 that FAR is distributed across the neighborhood is
23 of extreme interest to us.

24 COMMISSIONER TURNBULL: Okay. Thank
25 you.

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1 CHAIRPERSON MITTEN: Anyone else?

2 (No audible response.)

3 CHAIRPERSON MITTEN: Just to follow up
4 on the question that Commissioner Turnbull just
5 asked about the net area, I mean, hopefully no one
6 would be attempting to avoid putting retail where it
7 was viable, and you mentioned how you might define
8 net area, but if you're netting out say a lobby and
9 someone were motivated to avoid the requirement,
10 then they could just make their lobby inordinately
11 large.

12 MR. BRANDES: Yes.

13 CHAIRPERSON MITTEN: So I'm going to ask
14 you a couple of things, as you spend some more time
15 thinking about this. One is, you would have to
16 offer to the Commission a definition of net area.

17 MR. BRANDES: Sure.

18 CHAIRPERSON MITTEN: And then in
19 thinking about that, think about the issue that I
20 just posed and, you know, we can take that up. I
21 mean, the point you raise is relevant too, but I
22 think perhaps when the Office of Planning decided to
23 change the requirement to 50 percent, that was with
24 that sort of thing in mind as well. So, okay.

25 If there are no more questions, then --

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1 MR. BRANDES: I would just only add
2 that, you know, you might want to look at the word
3 usable, net usable. That's another terminology that
4 might get you closer there.

5 CHAIRPERSON MITTEN: Thank you.

6 MR. BRANDES: Great. Thank you.

7 CHAIRPERSON MITTEN: Thanks, Mr.
8 Brandes. Okay. Now we'll have anyone here
9 representing an ANC who'd like to come forward and
10 testify. I think we're all set.

11 MR. SOBESOHN:

12 Commissioners and Staff, good evening.
13 I'm David Sobesohn, vice-chair of Advisory
14 Neighborhood Commission 6-D.

15 Tonight I represent my ANC as its vice-chair.
16 The views I will express are not necessarily my own;
17 rather, they reflect my attempt to summarize the
18 concerns of my colleagues.

19 My colleagues see the proposed amendment
20 to the Capitol Gateway Overlay District as part of a
21 plan to build a baseball stadium in our
22 neighborhood. On January 9th, at a regularly-
23 scheduled properly-noticed public meeting, with a
24 quorum present and by a divided vote, our ANC
25 rejected a motion to support this amendment.

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1 My colleagues have expressed a variety
2 of reasons for not supporting this amendment.

3 First, our ANC has consistently opposed
4 construction of a baseball stadium in our
5 neighborhood. We remain concerned about the effect
6 of a stadium on our constituents, especially
7 regarding traffic, parking and noise. We first
8 raised these concerns in October 2004, when, right
9 after the mayor unveiled his plans, some of us met
10 with agency directors, the city administrator and
11 representatives of the Sports and Entertainment
12 Commission.

13 Most of my colleagues feel deeply
14 unsatisfied with the city's efforts to address our
15 concerns. For example, despite our repeated
16 requests, the Department of Transportation has not
17 given us a comprehensive traffic study of how the
18 stadium will affect our neighborhood. Until this
19 city satisfies our concerns, some of my colleagues
20 will oppose any stadium-related overlay amendments.

21 Some of my colleagues also have more
22 specific problems with the proposed amendment. The
23 amendment broadly bans private driveways in or
24 adjacent to new buildings. Some of my colleagues
25 wonder what this ban suggests about traffic patterns

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1 that would be expected from a stadium. Others worry
2 about the impact on current homeowners, especially
3 those who live next to new construction.

4 More generally, my colleagues want to
5 see the traffic analysis on which the Office of
6 Planning based the assumptions behind this proposed
7 amendment. We haven't seen that analysis.

8 The current proposal also excludes from
9 mandatory Zoning Commission review 28 and a half
10 acres at the center of Buzzard Point between South
11 Capitol Street and Fort McNair. Some of my
12 colleagues believe this historic area deserves at
13 least as much protection from this Commission as the
14 rest of the Overlay District, including mandatory
15 review.

16 My colleagues also urge reconsideration
17 of parts of the Overlay District zoning regulations
18 not included in this proposed amendment. In
19 particular, we disagree with the limited number of
20 spaces reserved for stadium parking, especially the
21 number reserved for buses. We also demand a plan to
22 keep stadium buses out of the residential parts of
23 our neighborhood. We remain concerned that the
24 Overlay fails to clarify the primacy of protecting
25 our neighborhood from stadium light, noise and other

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1 environmental effects and appears to equate the
2 value of such protection for our neighborhood with
3 the importance of providing stadium patrons with
4 views of the Capitol. Some of us also fear that as
5 currently written the Overlay will permit stadium
6 signs to detract from the plan character of South
7 Capitol Street as a grand urban boulevard and even
8 to overpower views of the Capitol for residents and
9 visitors not attending a stadium event.

10 For these reasons, ANC 6-D does not
11 support the current Capitol Gateway Overlay District
12 amendment. Thank you.

13 CHAIRPERSON MITTEN: Thank you.
14 Questions for Mr. Sobesohn? Any questions?

15 COMMISSIONER JEFFRIES: Yes, I wondered
16 if you had any specific recommendations to overcome
17 some of these fears, especially the stadium signs
18 and so forth on page 2. Have you gone to look at
19 the regulation or the proposal and say if you edited
20 it this way or changed it this way, that it would
21 help?

22 MR. SOBESOHN: We can provide specific
23 recommendations. We have none at the present time,
24 but we are concerned about the possibility that the
25 signage of the stadium will detract and we think

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1 that -- perhaps I can come up with suggestions on
2 the spur right now. Regulations about the size of
3 the signs, the intensity of the signs may help a
4 great deal. But if you like, we can put together a
5 set of proposals with regard to signs.

6 COMMISSIONER JEFFRIES: I don't know
7 about my colleagues. I think it would be helpful to
8 go beyond just expressing concern. If you could get
9 in there and suggest recommendations, it would be
10 helpful.

11 CHAIRPERSON MITTEN: Just so that I'm
12 clear, since I didn't sit on the baseball stadium
13 case itself, would you see whatever those
14 suggestions would be coming in in the context of
15 this case, or they would relate to the baseball?

16 COMMISSIONER JEFFRIES: I'm not sure
17 what the recommendations would be.

18 CHAIRPERSON MITTEN: Okay.

19 MR. SOBESOHN: Well, I've suggested,
20 I've hinted at the possibility of some suggestions,
21 like about size of signs, intensity, that sort of
22 thing. I mean, on the spur of the moment those are
23 the things that I can think of.

24 COMMISSIONER JEFFRIES: Right. Yes, I'm
25 not sure which --

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1 MR. SOBESOHN: Location is also --

2 COMMISSIONER JEFFRIES: -- certainly I'm
3 not suggesting we reopen the case of the stadium to
4 accommodate this, but if there's something we could
5 do along South Capitol Street, that's a specific
6 suggestion.

7 CHAIRPERSON MITTEN: Okay.

8 COMMISSIONER JEFFRIES: That maybe we've
9 missing something that could be fixed.

10 CHAIRPERSON MITTEN: Well, I suspect we
11 will be leaving the record open for some period of
12 time so that if you wanted to go back and try and
13 formulate some specific suggestions, we'd be happy
14 to entertain those.

15 MR. SOBESOHN: Do you have a sense of
16 how long you'll be leaving the record open?

17 CHAIRPERSON MITTEN: Well, Mr. Brandes
18 asked for -- I believe he was -- he didn't actually
19 articulate asking for 60 days, but I think 60 days
20 would allow them to work with the Office of Planning
21 and I suspect that's the kind of timing we're
22 talking about.

23 MR. SOBESOHN: That will also allow me
24 to go back to my ANC in time to have a decision at
25 our next meeting.

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1 CHAIRPERSON MITTEN: Great.

2 MR. SOBESOHN: Thank you.

3 CHAIRPERSON MITTEN: Okay. Anyone else?

4 (No audible response.)

5 CHAIRPERSON MITTEN: Okay. Thank you
6 for coming down.

7 Anyone else representing an ANC that
8 would like to speak?

9 (No audible response.)

10 CHAIRPERSON MITTEN: All right. Then
11 we're ready to go to organizations and persons in
12 support. And I see a few people have realigned
13 themselves, so perhaps they have opinions in both
14 camps. so we'll ask for Mr. Glasgow to come
15 forward, Mr. Sher, Mr. Hines and Mr. Epperson. No?

16 Mr. Glasgow, if either you or Mr. Sher
17 is going to take five minutes, then you should --

18 MR. GLASGOW: I was going to take three
19 and Steven was going to take five.

20 CHAIRPERSON MITTEN: Okay. Great.

21 MR. GLASGOW: All right. Okay.

22 Steven has handed out an agenda. I'm
23 sorry. For the record, I'm Norman M. Glasgow, Jr.,
24 of the law firm of Holland Knight.

25 Good evening, Members of the Commission.

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1 I was going to cover the introduction and Roman
2 Numeral II on the outline that Steve has prepared
3 and he was going to cover the rest of the items.

4 CHAIRPERSON MITTEN: We have. Yes.

5 MR. GLASGOW: We are here on behalf of
6 owners of property both north and south of M Street
7 in the area of the proposed amendments. We
8 represent Monument Realty. Mr. Hines is here from
9 Monument Realty and the Cohen Davis Camalier
10 families who own -- between these two property
11 owners they own essentially all of the private
12 property in Square 700 and 701 which are immediately
13 north of the stadium.

14 I'm going to talk about the Section
15 1602.1(a), and we have been meeting with the Office
16 of Planning on this issue, and I'm using the hearing
17 notice for that.

18 CHAIRPERSON MITTEN: Okay.

19 MR. GLASGOW: And that was with the
20 CLDs. Because what we have been doing to focus
21 right in on our specific issue is, we have had
22 discussions with the Deputy Mayor for Economic
23 Development, the Office of Planning and other
24 organizations, the Office of the Attorney General as
25 both of these groups that we represent, both

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1 Monument and the Cohen Davis Camalier families, also
2 own significant holdings within the baseball stadium
3 site. And so, instead of having a situation with
4 the District, given the condemnation that was
5 occurring in the baseball stadium site, we said
6 maybe we can work out an agreement where we are
7 using the combined lot development provisions that
8 are already in place, take the FAR from the sites
9 that are within the stadium, move them a block to
10 the north and therefore avoid condemnation. We
11 would take a significantly reduced payment for the
12 properties as a result of those negotiations --

13 CHAIRPERSON MITTEN: Can I just
14 interrupt you right there?

15 MR. GLASGOW: Sure.

16 CHAIRPERSON MITTEN: I think that I
17 should turn this over to Commissioner Hood because I
18 didn't know -- I was hoping that this case would be
19 sufficiently removed from the ballpark and all of
20 that.

21 I'm just going to stop and ask you to
22 take over because when you're talking about
23 compensation related to the acquisitions, I just
24 want to recuse myself at this point.

25 MR. GLASGOW: I think that we can just

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1 -- I was laying that out for background. We're not
2 going to get into any specifics on that.

3 CHAIRPERSON MITTEN: I guess if you're
4 asking for some flexibility from what's been
5 proposed as a result of negotiations, then I don't
6 want there to be any confusion about what my
7 motivation would be.

8 MR. GLASGOW: From what we've heard from
9 the Office of Planning this evening, I think what it
10 is that they are proposing is something that we
11 generally can be supportive of as a result of
12 hearing that tonight. In other words, they were
13 talking about a special exception provision where
14 you could go one FAR over the eight-and-a-half and
15 the eight, or potentially being more than the eight-
16 and-a-half FAR on streets that are 110 feet wide and
17 more than then eight FAR on streets that are up to
18 90 feet, or at least 90 feet in width.

19 CHAIRPERSON MITTEN: Would you just give
20 us one minute so I could just confer with my
21 colleagues and then we'll come back?

22 MR. GLASGOW: Sure.

23 (Whereupon, at 7:40 p.m. off the record
24 until 7:43 p.m.)

25 CHAIRPERSON MITTEN: Mr. Hood's going to

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1 take over from here and I'm going to step out.

2 Thank you.

3 MR. GLASGOW: I don't have anything more
4 on that issue. I think I --

5 CHAIRPERSON MITTEN: I understand.

6 VICE-CHAIR HOOD: Mr. Glasgow, you're
7 going to great extremes to make sure that I don't
8 take over. No, I'm just --

9 MR. GLASGOW: Not at all. I can tell
10 from the way this is going, sign up in opposition.
11 We want to be in support. Everybody clears the
12 room.

13 CHAIRPERSON MITTEN: We're so confused.
14 Thank you.

15 VICE-CHAIR HOOD: What I would ask you
16 to, Mr. Glasgow, since, you know, it's a little
17 different when I'm chairing it, I would ask you to
18 begin -- I hate for you to start all the way at the
19 top, but if you'd begin your statement, if you don't
20 mind.

21 MR. GLASGOW: That's fine.

22 VICE-CHAIR HOOD: Just bear with us a
23 moment and let Mr. Parsons --

24 MR. GLASGOW: Sure.

25 (Whereupon, at 7:45 p.m. off the record

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1 until 7:46 p.m.)

2 VICE-CHAIR HOOD: Okay. Mr. Glasgow, if
3 you can continue. Kind of take it back up and --
4 you don't have to go exactly to the beginning, but
5 take it back to your earlier comments.

6 MR. GLASGOW: The comments that we had
7 were concerning Section 1602.1(a) of the notice, the
8 hearing notice. And that dealt with the limitation
9 of 8.0 FAR. This is through the combined lot
10 development process on streets that were up to 90
11 feet in width and 8.5 FAR on the street that was at
12 least 110 feet wide.

13 We had heard the proposals from the
14 Office of Planning that would indicate how those
15 FARs would be increased. We support those, either
16 the one FAR through a special exception on both of
17 these sites, in Square 700 and 701; we're going to
18 be coming to the Zoning Commission in any event, or
19 that those FAR limitations be increased, that if
20 there were to be a maximum, that those FAR numbers
21 would be eight-and-a-half and nine respectively.
22 The nine FAR number would certainly be consistent
23 with the discussions that we had had with the Office
24 of Planning, Deputy Mayor of Economic Development
25 for the transfer. We had had discussions where our

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1 FAR numbers were a little bit lower, but some of the
2 sites have changed around a little bit in their
3 configuration because we have been working with the
4 Office of Planning, we've been working with the
5 Office of the Attorney General and the Deputy
6 Mayor's office as to how to work this out and our
7 FAR numbers are now slightly higher than what they
8 were before. A nine FAR would do it on a site
9 that's 110 feet wide for the property that is on the
10 east side of Cushing Place, which is in Square 701.

11 We do not yet have enough information on
12 the monument side as to whether or not nine FAR
13 works out that site development, but we did hear the
14 special exception that would get up to a 1.0 FAR
15 increase, which would be very helpful.

16 We think that the size of the Capitol
17 Gateway District is small enough here that the
18 density transferred from these one sides, because
19 we're talking about sites that are the baseball
20 stadium size to the sites that are immediately to
21 the north would not upset any redistribution within
22 the entire area because we're talking about a one-
23 block situation. And of course you would have to
24 meet the standards of the underlying CR zoning with
25 respect to rear yards, parking lot occupancy if you

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1 have residential and on both of these projects we
2 are looking at a significant residential use along
3 with office use.

4 And that concludes my testimony on that.

5 VICE-CHAIR HOOD: We'll hold our
6 questions until the end. Mr. Sher?

7 MR. SHER: Good evening, Madam Chairman,
8 Members of the Commission. For the record, my name
9 is Steven E. Sher, Director of Zoning and Land Use
10 Services with the law firm of Holland & Knight.

11 Again, I want to emphasize as Chip did
12 that the section numbers that we refer to here are
13 from the notice of hearing, which are a little bit
14 different than the ones that have been referred to
15 in some of the other conversations, just so you can
16 follow where we are on that.

17 And I'm going to sort of skip lightly over
18 this in order to stay within my allotted time.

19 One issue that we've identified is in
20 proposed Section 1602.1 regarding height as it
21 relates to combined lot developments and that being
22 necessary to accommodate density from another lot.
23 We understand concerns that have been expressed by
24 the Office of Planning about the possibility
25 that someone could buy a very minimal amount of

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1 density in order to gain a significant amount of
2 extra height. That may have some unintended
3 consequences particularly limiting design options
4 and making development winding up being shorter and;
5 I'm not sure if squatter is a term, but shorter and
6 fatter as opposed to maybe taller and slenderer or
7 thinner. You may want to consider as a means to
8 address OP's issues setting some kind of absolute
9 minimum amount of density in, for an example, 10,000
10 square feet. So if you buy that much density,
11 you've demonstrated the serious commitment to moving
12 from one to another and then you get the extra
13 height.

14 I don't want to belabor the South
15 Capitol Street setback. I'm probably in the
16 minority around here, thinking that I don't really
17 know why 130-foot wide right-of-way needs to be a
18 lot wider, but I've just said that. If you're going
19 to adopt that, clearly Mr. Brandes' concerns about
20 the varying right-of-way has some real issue there
21 and if you're trying to get that uniform setback,
22 you need to be concerned about where that is taken
23 off from. If there is a centerline that's uniform
24 and you can go off that, that's fine, but there's
25 obviously some more work that needs to be done

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1 there.

2 The setback on Half Street at 65 feet,
3 the only concern or one of the concerns we have
4 about that really is, is 65 feet the right number?
5 And Uve himself said maybe it's 70 feet and 15 back
6 or 65 feet and 20 back. Particularly when you're
7 looking at the difference between a non-residential
8 building and a residential building, the floor-to-
9 floor heights are not the same. So when you get up
10 to the fifth floor or the sixth floor on one
11 building you might be here, he's holding his hand at
12 one level, and here on the next building or here
13 because the floor-to-floor heights are different.
14 So you need to just take all that into consideration
15 and remember that particularly along Half Street
16 everything's coming to you anyhow, because south of
17 M Street it's all in one of those areas that's been
18 designated for review, so you may not need to
19 constrain yourself with an absolute number if
20 everything's got to come here. So you could fix the
21 number as the case comes in. If it needs to be here
22 or here, you make that decision as you go forward.

23 Another concern we have, and I've
24 identified the section numbers in VI, is the
25 question of uses. Clearly the design controls seem

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1 to be identified at building form more than building
2 use, but the term use keeps coming back in those
3 various sections and we would suggest that you
4 clarify that these provisions are not intended to
5 have the Commission say this building has to be an
6 apartment house or this building can't be an
7 apartment house.

8 COMMISSIONER JEFFRIES: Excuse me.
9 Where are you referring again?

10 MR. SHER: I'm in VI, Section 1603.1,
11 4.1, 5.1, 6.1. All refer to new building structures
12 or uses. And the thrust here seems to be design
13 control.

14 MRS. SCHELLIN: Excuse me, Mr. Jeffries.
15 He's actually referring to what was in the public
16 hearing notice, not that OP report. Sorry. I could
17 just see what he was looking at.

18 MR. SHER: Yes.

19 COMMISSIONER JEFFRIES: It's at page 3.

20 VICE-CHAIR HOOD: Where he is is in his
21 testimony he's on page 2, VI.

22 MR. SHER: Oh, on page 2, VI(A). Sorry.

23 VICE-CHAIR HOOD: Design Controls
24 Applicable to Uses.

25 MR. SHER: Right. And those sections

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1 referenced in that outline point refer to building
2 structures or uses when it seems like the thrust is
3 more design control of buildings or structures
4 rather than what's going on inside other than the
5 ground floor where you've clearly got some interest
6 in having retail. So we would suggest that that
7 section be clarified.

8 And another point that I had about the
9 use of the term use is, does that mean you're
10 controlling a change of use in an existing building?
11 I don't think that's what you're after, but I just
12 think something that needs to be addressed.

13 You heard discussion of the ground floor
14 use requirements; I'm on now VII, page 3. We
15 suggest that 75 percent ought to be reduced to
16 something less than that. And the one thing that --
17 also remember is that in those sites that are zoned
18 CR, CR has got this unique requirement that 10
19 percent of the area of the ground floor be devoted
20 to public space. So not only do you have this 50
21 percent or whatever the percentage is, 10 percent of
22 the whole site is off the board to begin with. So
23 maybe 50 percent really needs to be 40 percent,
24 given the 10 percent of the total site has to be
25 devoted to public entry function. And you just need

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1 to look at the underlying CR. That's the only zone
2 where that applies, or maybe you don't make that
3 apply in the Capitol Gateway Overlay or something.

4 The driveway access requirement. The
5 real question here is, particularly in Square 701
6 for example, three out of the four streets that
7 surround the square are designated as streets where
8 you can't have a driveway. So that puts all the
9 driveways down on N Street, but maybe your
10 properties don't go to N Street or N Street is a
11 street that faces the ballpark across the street to
12 the south and maybe that's not the place where you
13 really want all the driveways. So another thing to
14 think about.

15 The whole question of these setback
16 standards and other things, if all these cases are
17 coming to you for design review anyhow, do you want
18 to write all these specific standards into the
19 regulations or do you want to just give yourself
20 some goals that you're trying to achieve and then
21 step back and look at the cases as they come in?
22 Just food for thought. It's back to whether 65 feet
23 is the right number or 110 feet's the right number,
24 or whatever. And then there's a whole bunch of
25 little typo type things that we picked up that are

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1 referenced in X.

2 VICE-CHAIR HOOD: Okay. All right.
3 Thank you. I think we have Mr. Hines. You're Mr.
4 Hines, right?

5 MR. HINES: Yes.

6 VICE-CHAIR HOOD: Okay.

7 MR. HINES: I'm Russell Hines from
8 Monument Realty. I represent one of the landowners
9 near the baseball stadium.

10 And first I'd just like to say I think
11 most of our concerns were addressed today by Mr.
12 Lawson's comments and especially taken in -- in
13 light of what Mr. Brandes had to say as well.
14 Monument Realty is working very closely with AWC to
15 develop some of the land around the baseball stadium
16 and we would just like -- since that process is a
17 very public process; it's going to have a lot of
18 scrutiny, we'd like to have some flexibility and I
19 think the 60 days that Mr. Brandes spoke of probably
20 will give us enough time to report back to you and
21 let you know what we're thinking of in terms of
22 setbacks and so forth, in particular the one along
23 Half Street where we are the only private developer
24 that is affected by that setback. And so, we just
25 want to let the architects and the planners have

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1 some time to do their job, report back to you and
2 tell you what they think makes most sense and then
3 you can consider all those recommendations as well.

4 The one item that I have left, Mr. Sher
5 actually took the public space. I thought maybe it
6 had slipped through the cracks, but there is that 10
7 percent public space requirement. I'm not sure it
8 had been taken into consideration when the retail
9 was calculated.

10 Another thing I had, just to point out,
11 rather than simply deduct it from the retail
12 requirement, since retail is such an important
13 component of the area directly north of the
14 ballpark, we may want to consider eliminating the
15 public space in that area just to put more retail.
16 We're trying to get a critical mass. So that's
17 really my only comments and I appreciate Office of
18 Planning working with us and addressing many of our
19 comments. Thank you.

20 VICE-CHAIR HOOD: Okay. Commissioners,
21 we have any questions of this panel? Any questions?

22 COMMISSIONER PARSONS: I guess I did
23 have a question, but it was more to OP about the 10
24 percent public space and what they felt about that.

25 I didn't mean to delay the proceedings.

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1 VICE-CHAIR HOOD: No, that's fine.
2 That's fine. We can do that right now.

3 MR. LAWSON: I'm sorry, Mr. Chair, Mr.
4 Parsons. We were just consulting on this. It's
5 kind of a new idea.

6 We'd be certainly willing to take a look
7 at the 10 percent requirement, particularly along
8 specific stretches of the Capitol Gateway Overlay
9 District as opposed to for the whole District as a
10 whole. And those areas most logically would be 1st
11 Street and Half Street where we are trying to create
12 a more vibrant and, you know, fairly dense form of
13 development that is very attractive to people. So
14 we'd be willing to take a look at that.

15 COMMISSIONER PARSONS: Okay.

16 MR. LAWSON: Particularly, as it was
17 kind of alluded to, if it was in return for more
18 retail along the street, which is what we really
19 want to see.

20 COMMISSIONER JEFFRIES: Perhaps Office
21 of Planning could comment on Mr. Hines' comment
22 about, you know, increased retail.

23 In fact, maybe you can restate it better
24 than me. Your last comment, Mr. Hines, you talked
25 about perhaps looking at greater retail rather than

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1 public realm?

2 MR. HINES: Actually, I think I was
3 probably --

4 COMMISSIONER JEFFRIES: Or maybe I've --
5 you had stated --

6 MR. HINES: Yes, it may have been that,
7 I think I was addressing the same point that Mr.
8 Lawson just spoke of.

9 COMMISSIONER JEFFRIES: Okay. Okay.

10 MR. HINES: Where rather than have the
11 10 percent open space in certain areas, for example
12 on Half Street where I'm most concerned, or on 1st
13 Street, that that would just switch to retail.

14 COMMISSIONER JEFFRIES: Okay. Okay.

15 MR. HINES: Possibly. I think that was
16 the suggestion.

17 COMMISSIONER JEFFRIES: Okay. Great.
18 Thank you.

19 MR. HINES: And that was similar to what
20 I was saying.

21 COMMISSIONER JEFFRIES: I guess my only
22 question is getting back to the right-of-way issue
23 and maybe Office of Planning, and this has now come
24 up from several people about the right-of-way and
25 the centerline issue. And when you were laying out

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1 that -- when looking at the differences on the
2 street, did that come into play? I wonder if you
3 could go back through that.

4 MR. LAWSON: Sure, I can just kind of
5 touch on it because it's a fairly new concept. Some
6 of the survey work is just being completed now by
7 DDOT, so it's fairly new stuff.

8 So the planning work, up until quite
9 recently from all the agencies who'll be doing
10 planning, NCPC and Office of Planning and AWC, has
11 been to look at a 15-foot setback from the property
12 line. But I think, you know, as Mr. Brandes stated,
13 I think he's correct in that the intent of that is
14 really more to create a fairly uniform streetwall at
15 a width that is wide enough to support the sort of
16 monumental public space character of South Capitol
17 Street that we discussed earlier.

18 So I think it's an interesting idea and
19 I think I agree that it is a question that needs to
20 be looked at in some more detail. The difficulty is
21 it has -- I would say it has less impact on the area
22 that we're talking about tonight, which is the
23 existing Capitol Gateway Overlay District, because
24 in the area of South Capitol Street that is actually
25 within the existing Capitol Gateway Overlay, the

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1 road right-of-way is relatively even. There's not
2 the major bumping out that exists for example on the
3 west side of South Capitol Street at M, which is not
4 within the Capitol Gateway Overlay District. So
5 it's relatively uniform. So the 15-foot setback,
6 which is already in place of course for the baseball
7 stadium site, is less of an issue there than if the
8 Zoning Commission decides to pursue extending the
9 boundaries or establishing a new overlay or doing
10 something to establish additional control or setback
11 requirements along the remainder of South Capitol
12 Street.

13 COMMISSIONER JEFFRIES: Thank you.

14 VICE-CHAIR HOOD: Mr. Lawson; and this
15 is just very informal because we were going through
16 this and we're talking about 60 more days, a lot of
17 this stuff will be revisited, but did you understand
18 what Mr. Glasgow was talking about? He was talking
19 about the bonus density. Did you take all that into
20 consideration, and where are we with that?

21 MR. LAWSON: I rarely understand what
22 Mr. Glasgow is saying.

23 VICE-CHAIR HOOD: Okay.

24 MR. LAWSON: Yes, actually we have had
25 discussions already and we've talked about the

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1 issue. We've raised a couple of possibilities to
2 the Zoning Commission to address some of these
3 issues and as, you know, also raised by Mr. Brandes.

4 We also agree that there is an
5 opportunity to, to some extent, kind of compensate
6 for the loss of density on the baseball site to the
7 area as a whole. The baseball site will almost --
8 well, will certainly be at a much lower density than
9 the rest of the area. It will be much lower than
10 what is permitted by zoning. So that's a lot of
11 density that's not going to be built. And when
12 you're trying to create a vibrant active area, that
13 density is necessary. So if there are opportunities
14 to catch some of that in proximity to the baseball
15 area, we need to look at all the issues associated
16 with that, the impacts on, you know, the surrounding
17 residential areas, the impacts on traffic. You
18 know, all those kind of issues have to be looked at.
19 But we think there's definitely opportunity there.

20 VICE-CHAIR HOOD: So all that's going to
21 be in our threshold of a 60-day review process. I
22 don't know if that's what we're calling this.
23 Things that we're going to continue to look at in
24 that 60-day time frame.

25 MR. LAWSON: My anticipation is that

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1 when we come forward with something, we would come
2 forward with a more specific proposal rather than
3 the suggestions that Office of Planning made and Mr.
4 Brandes made and Mr. Glasgow made. We'd come
5 forward with a more specific proposal saying this is
6 what we feel is the appropriate course of action for
7 the Commission to take.

8 VICE-CHAIR HOOD: Okay. Any other
9 questions?

10 COMMISSIONER JEFFRIES: Just one last
11 question. I mean, Mr. Sher seemed to speak about,
12 you know, perhaps the text is really prescriptive
13 and, you know, that we could, you know, look at some
14 flexibility in some areas. Can you just comment on
15 that a little bit, or do you feel that there is
16 sufficient flexibility throughout the text?

17 MR. LAWSON: Well, we certainly don't
18 disagree with Mr. Sher that there needs to be
19 flexibility. That's why we're proposing a Zoning
20 Commission review process for these critical areas,
21 you know, at all so that we have the flexibility of
22 looking at kind of the exact nature of the
23 development as it comes forward.

24 It's kind of interesting that it's being
25 suggested that maybe we reduce the number of kind of

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1 guidelines, the number of criteria and kind of open
2 up that review and that's certainly a course of
3 action the Zoning Commission could take if they
4 wished to.

5 We think that it's not a bad idea to
6 have some criteria there to give both the Commission
7 and the neighborhood when they're looking at these
8 things because, you know, every time a proposal
9 comes forward for Zoning Commission review, it's
10 also reviewed by the neighborhood and the ANC, as
11 well as the Office of Planning and other District
12 agencies. We feel it's appropriate to establish
13 some sense of what that review is for, whether it's
14 for a completely opened-ended review, which I guess
15 is one approach, or a more limited review is, you
16 know, again something that we could come forward
17 with more specific information if we wish, but at
18 the present time we're fairly comfortable with the
19 general gist, I guess, of the guidelines we've
20 recommended.

21 COMMISSIONER JEFFRIES: You know, the
22 only reason that I even bring that up is that, you
23 know, from time to time, you know, you sit up here
24 and you see something that, you know, sort of takes
25 you by surprise. And if the development community

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1 is sort of stifled in a way with a certain guideline
2 and we don't get a chance to see perhaps that one
3 building that might be two stories above that
4 actually creates a very nice vista or view, when you
5 start to sort of set the guideline, then you sort of
6 keep everything at a sort of water level. And I'm
7 really speaking generically. I mean, I clearly
8 understand the need for setting some guidelines and
9 a blueprint for the development community so we
10 don't go too far afield, but I do know that from
11 time-to-time, you know, through this PUD process
12 we're able to see some very creative solutions that
13 really help move some of the District's policies
14 forward. And I would just hate to see places where
15 we sort of keep things sort of at a certain level
16 and then we're not able to see some of the
17 flexibility that might come through some of the PUD
18 process. But you've worked that out, I understand,
19 in terms of some Zoning Commission's review within
20 the text.

21 MR. LAWSON: well, certainly the PUD
22 process is an infinitely more flexible process than
23 this one in that you basically start from scratch,
24 you know, with everything and everything is up for
25 discussion. We're proposing something I guess a

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1 little bit more limited than that. But I think the
2 key point is that what we're proposing is that there
3 be this review, this consistent review in this case
4 by the Zoning Commission, over all of the properties
5 where we feel critical that review happen. For
6 example, all the properties along South Capitol
7 Street, all the properties along Half Street, that
8 kind of stuff, so that there is that kind of
9 cumulative knowledge of what's gone before and
10 what's coming in the future and so that we can
11 develop not necessarily consistency, because that's
12 not necessary. We're not necessarily after
13 everything being exactly the same. But certainly a
14 relationship of developments one to another and I
15 think that's the key part to it. The guidelines are
16 just to kind of set some ground rules of yes, these
17 are the kinds of things that we're looking for so
18 that when it, you know, gets out there, that people
19 have a clear understanding of what that's about.

20 COMMISSIONER JEFFRIES: And the other
21 question was --

22 MR. LAWSON: But again, as I said, we're
23 fine. We're happy to make that a more opened-ended
24 review if that's what the Zoning Commission would
25 like to see.

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1 COMMISSIONER JEFFRIES: Well, I just was
2 moved with those comments and, you know, I mean,
3 obviously we have another 60 days or so to sort of
4 look at this.

5 And the other question I had was around
6 Mr. Brandes' comments around, you know, the fact
7 that the text is really not really helping fully
8 with the monumentality issue of South Capitol Street
9 and he actually put forward the possibility of in
10 the future if there are redevelopment options for
11 the west side of South Capitol that we could
12 somehow, you know, include some of that into the
13 text. And what are your comments on his comments
14 around?

15 MR. LAWSON: Well, I think it's
16 interesting that the Capitol Gateway Overlay
17 District, when it was first established by the
18 Commission, you know, the boundaries are odd. Like,
19 you know, it's not a box; it's a very amorphous and
20 amoeba-like boundary and it specifically excludes
21 particular areas and kind of goes around specific
22 areas. And the main area that it kind of goes
23 around is that residential area in the southwest.

24 I understand Mr. Brandes' comments and
25 it's true that if you're looking at a very far

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1 distant build-out that I guess that level of
2 consistency along South Capitol Street would be an
3 important aspect, whether it be on the west side of
4 South Capitol Street or north of M Street along
5 South Capitol Street. I think we just have to be
6 very careful to make it really clear that from our
7 standpoint we want to make it very clear that even
8 if some new guidelines or directions for South
9 Capitol Street development were put in place,
10 particularly along that section of South Capitol
11 Street, that we're not advocating the redevelopment
12 of those properties. What we're doing is we're
13 stating that if those properties were to redevelop
14 at some point, we would want that consistent
15 streetscape character to be shown, to be preserved
16 on those properties as well. I'm not sure if that's
17 answering your question, but --

18 COMMISSIONER JEFFRIES: How would that
19 be capture though, I guess?

20 MR. LAWSON: Captured through the
21 establishment of that setback requirement on those
22 properties even though, as I said, we're not
23 anticipating they redevelop any time in the near
24 future.

25 MS. STEINGASSER: Mr. Jeffries, if I

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1 could also add, you might recall when OP first
2 brought this case forward we had a much broader both
3 east and west side of South Capitol and the
4 Commission was a little concerned about the reach of
5 that particular case. So we took it back and
6 refined the original setdown to what we thought were
7 the most pressing issues before us, which confined
8 it to this part of the southeast.

9 At that time and in our setdown report
10 we did notice that we would be coming back with the
11 rest of the corridor and parts of M Street as well
12 and looking at what else would be needed through
13 there. So there's at least two other amendments
14 that will be coming forward.

15 VICE-CHAIR HOOD: All right. Any other
16 questions or comments?

17 (No audible response.)

18 VICE-CHAIR HOOD: Okay. Thank you.
19 Thank you. Thank you to the panel.

20 I don't know whether people are support
21 -- I see different supporting proponent, opponent,
22 but Mr. Epperson?

23 (No audible response.)

24 VICE-CHAIR HOOD: Okay. Is there anyone
25 else that would like to testify, whether you're a

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1 proponent or opponent? Anyone else?

2 (No audible response.)

3 VICE-CHAIR HOOD: Okay. All right.

4 We're going to -- and I think if all parties are
5 agreeable, which was discussed earlier before the
6 chair dismissed herself or left the room, the record
7 will stay open for 60 days. We're looking at
8 keeping it open until 3:00 p.m. Mrs. Schellin has
9 provided the date of April the 3rd. Does that work,
10 Mr. Lawson? Ms. Steingasser? Everyone else? Mr.
11 Brandes? Okay. Everyone? Okay. Good.

12 And after that we can consider proposed
13 action possibility at our April the 10th meeting.
14 Possibly.

15 Okay. With that, you should be aware
16 that should the Commission propose affirmative
17 action, the proposed action must be published in the
18 *D.C. Register* as a proposed rulemaking with a period
19 of time for comments. In addition, the proposed
20 rulemaking will be referred to the National Capital
21 Planning Commission for federal impact review. The
22 Zoning Commission will then take final action at a
23 public meeting following receipt of public comments
24 and NCPC comments after which a written final
25 rulemaking and order will be published.

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1 I thank everyone for their participation
2 tonight and this hearing is adjourned.

3 (The hearing was adjourned at 8:13 p.m.)
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