

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

Forest City SEFC, LLC - :

Southeast Federal Center :

Overlay District Review @ :

Square 743, Lot 854 (Parcels :

A, F, G) : Case No.

: 13-16

:

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Monday,

February 3, 2014

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 13-16 by

the District of Columbia Zoning Commission

convened at 6:33 p.m. in the Jerrily R. Kress

Memorial Hearing Room at 441 4th Street, N.W.,

Washington, D.C., 20001, Anthony J. Hood,

Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

BRANDICE ELLIOTT

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

ANNA CHAMBERLIN

The transcript constitutes the minutes from the Public Hearing held on February 3, 2014.

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

6:33 p.m.

CHAIRMAN HOOD: Good evening. My name is Anthony Hood. Joining me is Vice Chair Cohen, Commissioner Miller, Commissioner May and Commissioner Turnbull.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, Office of Planning staff, Mr. Lawson, Ms. Elliott and Ms. Guyer. No, not Ms. Guyer, Chamberlin. I'm sorry, Ms. Chamberlin. Forgive me. Okay. Congratulations.

And we're expecting to be joined by Ms. Steingasser? Okay.

This proceeding is being recorded by a Court Reporter and it is also webcast live. Accordingly, I must ask you to refrain from any disruptive noises or actions in the hearing room including a display of any signs or objects.

Notice of today's hearing was published in the D.C. Register and copies of

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that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with the provisions of 11 DCMR 3022 as follows. Preliminary matters, Applicant's case, Report of the Office of Planning, Report of Other Government Agencies, Report of the ANC, Organizations and Persons in Support, Organizations and Persons in Opposition, Rebuttal and Closing by the Applicant.

The following time constraints will be maintained in this meeting. The Applicant will have ten minutes. You can just summarized. We have read the materials. Organizations five minutes, individuals three minutes. The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time.

Again, all persons appearing before the Commission are to fill out two witness cards. These cards are located to my left on the table near the door.

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

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

Would all individuals wishing to testify please rise to take the oath.

Ms. Schellin, would you please administer the oath?

SECRETARY SCHELLIN: Please raise your right hand.

Do you solemnly swear or affirm that the testimony you will give this evening will be the truth, the whole truth and nothing but

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the truth? Thank you.

CHAIRMAN HOOD: Okay. Ms. Chamberlain, you work with DDOT, right? Okay. I remember now. Okay. So, again, Ms. Chamberlain has joined us from DDOT.

Do we have any preliminary matters? Well, first let me acknowledge the students from Johns Hopkins. Can I get one of the students to come up and just tell us what you're studying and what the class is about? Not that we're going to gear the hearing towards your subject matter but I'm just curious.

MR. MATTHEWS: Hi, good evening. I'm Tyler Matthews. All of us are from Johns Hopkins and we're all in the Masters of Science and Real Estate and Infrastructure. So, we come from a variety of backgrounds but now we're pursuing some avenue in commercial real estate, primarily development.

CHAIRMAN HOOD: Okay.

MR. MATTHEWS: That's who we are. We're in the class right now that's applicable

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to Zoning. So, we want to learn tonight. So, thank you.

CHAIRMAN HOOD: Okay. We're glad to have you and I'm sure this will be very helpful. Come back some other nights and it would be extremely helpful and exciting. Okay. Thank you and glad to have you.

Do we have any preliminary matters?

SECRETARY SCHELLIN: We have received the affidavit of posting from the Applicant and it's an order and they have proffered two experts that have both been previously accepted by the Commission. Other than that, there are no other preliminary matters that staff has.

CHAIRMAN HOOD: Okay. Mr. Blanchard, your witnesses are? First of all, good evening. Your experts are Kyle Oliver and Mr. Andres, right?

MR. BLANCHARD: Yes, that's correct.

CHAIRMAN HOOD: Commissioners, we have accepted them previously, any objections?

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Not seeing any, we will stick with what we did previously. Okay.

Do we have anything else, Ms. Schellin? Okay.

Mr. Blanchard, whenever you are all ready.

MR. BLANCHARD: All right. Thank you very much.

I know the Commission's time is limited. We have filed our application back on November 27th. It's fairly extensive as to the background information on the previous case which was a text amendment to allow the Trapeze School to exist in another parcel and also the, it seems like only yesterday but actually last year. In April we had a previous parking lot case to extend some of the other parking lots within the Forest City's Yard's project in the areas of what you all know is the Southeast Federal Center.

So, I'm not going to go into the background of what Forest City is or what the

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Southeast Federal Center is other than, you know, it's a 42 acre parcel. Construction started in 2007 and is moving along at a better pace more recently now that the economy is improving.

This is an application under the standards of Chapter 18 to allow relief for another parking lot and that parking lot is going to be on parcel - well, the project consists of parcels A, F and G. And the parking lot is going to be on Parcel F. The Trapeze School will be relocated to Parcel G and Parcel A where we're not asking for any relief will be an open space area.

We have support of both the ANC and you have reports as you'll hear in a few minutes from the Office of Planning and from the Department of Transportation. We're asking for a five-year temporary use for both the parking lot and for the Trapeze School. And the reason for that is the timing, construction on this portion of the Southeast Federal Center.

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The national geospatial agency, intelligence agency occupied the large building that sits on these three parcels. That building is now vacant. They've relocated out of the jurisdiction. Demolition has begun, but that parking lot allowed for about, I believe, 229 parking spaces and those parking spaces, a slightly lesser number will be needed as other phases of The Yards takes place, as other phases, as other lots come off and we'll get to that in a minute.

So, with that, I'm going to turn to Mr. Meiser and allow him to say a few things but you have his testimony for the record. We've given it to Ms. Schellin. It's rather brief and I'm not going to ask either of our experts to speak unless you have questions for them.

Thank you.

MS. MEISER: Chairman Hood and Members of the Commission, my name is Ramsey Meiser. I'm senior vice president for development for Forest City. I will be even

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more brief than Lyle since you have my testimony.

Basically, we would like to tear down the NGA building. One, it's vacant and two, it's an eye sore for the development of the neighborhood. We think that the open space will provide a nice opportunity for neighbors to enjoy activities on the green space.

The Trapeze School we would like to relocate because the parcels it is currently sitting on is going to be activated for development within the next 18 months or so. And the parking we need for development in the neighborhood and also some of the parking lots that were actually here a year ago will not last the full five years. I thought you'd like that. So, some of those parking spaces will go away and so this parking would replace some of that parking.

We think these are good interim uses for the site, help the community and we would appreciate your support tonight.

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So, we're available for any questions if you have any.

Thank you.

MR. BLANCHARD: We do have some slides which we've given you copies of those. So, I don't know if it's even necessary to go through the brief PowerPoint presentation or not. I'll leave that to your discretion, Chairman Hood.

CHAIRMAN HOOD: Vice Chair, I know you have about the parking lot but do you want to see the slide presentation

VICE CHAIR COHEN: No, I probably am the one Commissioner that has the least experience with the Southeast Federal Center. So, I just wanted to know, have there been any updates in the redevelopment of Parcels A, F, G, H and I? Are they still what was anticipated?

MS. MEISER: Parcels A, F, and G on our master plan are our future office development parcels. And Forest City is not a

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speculative office developer. So, we would need to have some pre-leasing done before we would be able to start an office building which is why we want to pursue these interim uses on these parcels until the office market in the city picks up.

In terms of Parcels H and I those are the actual parcels that are affected and the spaces will be decreasing after what you approved back in April.

VICE CHAIR COHEN: Right.

MS. MEISER: Parcel H is the next residential building we're going to be advancing at The Yards. So, that parcel which is adjacent to intersection of 1st and N that entire parcel will go away and reactivated with a residential building. We've hired an architect and they've started doing the design process for that parcel. So, I would expect within conservatively two years that parcel would be under development and those parking spaces would go away.

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Parcel I a little further in the development pipeline, however, associates of mine have been in before the Commission to talk about the D.C. Water site which is to the south of this land and there are some opportunities to develop that land. As part of that development we would need to temporarily relocate D.C. Water's operations to Parcel I.

VICE CHAIR COHEN: Okay.

MS. MEISER: So, a good portion of that parking lot would be consumed by D.C. Water operations while that current property is developed. So, that parking lot would be smaller as well.

VICE CHAIR COHEN: Now, Forest City is the leasee, is that correct, of the land?

MS. MEISER: Forest City in terms of the Southeast Federal Center land?

VICE CHAIR COHEN: Yes.

MS. MEISER: It depends on whether or not it's a residential parcel or an office parcel. Our deal with GSA is that we take fee

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ownership of any of the parcels that are residential, but any of the office parcels are long-term ground leases.

VICE CHAIR COHEN: And the income that you're receiving from the parking, some of that is to the management company of the parking, is that correct?

MS. MEISER: The income pays the management company. We do have a third party management company who manages the parking for us. The remainder of the income goes to pay for ongoing operations of the Yard site. Since the majority of the site is still owned by GSA we take the property down parcel by parcel. The majority of the site is still owned by GSA and these funds pay for the ongoing operations of GSA's land that we have under the terms of the lease.

VICE CHAIR COHEN: The city is getting nothing?

MS. MEISER: Other than the parking tax.

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VICE CHAIR COHEN: Other than the parking tax. Okay.

MS. MEISER: They do get the parking tax income.

VICE CHAIR COHEN: All right. Why do you need five years? Why not three years? Two years?

MS. MEISER: My answer to that would be because it's difficult to predict the market, particularly for the office development. I think we've proven now that the economy is back. We're willing to move forward and develop residential parcels. The office is a little bit harder to predict because of pre-leasing requirements. It just - I'm trying to decide how much comedy to bring into my presentation.

VICE CHAIR COHEN: You love comedy.

MS. MEISER: Considering how much fun we had last April talking about parking, one could say, you know, spreading out these opportunities to get together would be better

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for all of us so -

VICE CHAIR COHEN: All right. Thank you. Those are my questions, Mr. Chairman.

CHAIRMAN HOOD: Okay. Commissioner Miller and then Commissioner Turnbull.

COMMISSIONER MILLER: Thank you, Mr. Chairman.

Parcel O is where the Trapeze School currently is located.

MS. MEISER: That's correct.

COMMISSIONER MILLER: And I see that there's a reference that construction might begin there later this year or next or what is

-

MS. MEISER: Next year.

COMMISSIONER MILLER: What are the proposed uses there?

MS. MEISER: We - we are going to be selling a portion of that land for some common development. Forest City doesn't do condo for sale development but we want to have for sale product at The Yards. And so we're going to be

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selling a portion of that land for a condo building.

COMMISSIONER MILLER: And the use there or the proposed development there and on Parcel H that you're planning neither of those are coming back or are those coming back before the Zoning Commission or do they need to come back or no?

MS. MEISER: Parcel O does not need to come back before the Zoning Commission. I think there may be some conversations to come back on Parcel H to talk about some of the issues on that parcel.

COMMISSIONER MILLER: Okay. And my last question. Have you seen the DDOT report which they're going to be speaking to a minute but they talk about - they say they have an expectation that the Applicant will upgrade the existing pedestrian infrastructure surrounding the site to current DDOT standards including sidewalks, tree boxes, crosswalks and curb ramps. Is that your intention to do

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that?

MS. MEISER: Yes, in fact, we're going to go, I think, further than probably what DDOT was looking for. We've decided and I hope that DDOT and OP got a plan today that at least kind of started talking about what we have in mind which is The Yards has a very specific streetscape and hardscape program between LID Zones and granite cobbles and we decided to actually do that permanent hardscape around Parcels A, F and G. So -

MR. BLANCHARD: The last page, Commissioner Miller, of the slides -

COMMISSIONER MILLER: Right, I'm looking at that now.

MR. BLANCHARD: Mr. Olson has up on the - is the plan we just got today.

MS. MEISER: The hardscape program along New Jersey Avenue is - was already previously approved as part of our overall Yards streetscape plan. However, the streetscape along M Street and 1st Street was

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not designed so we would need to work through DDOT and the Public Space Committee for that component.

COMMISSIONER MILLER: And when do you think that open space is going to be on Parcel A?

MS. MEISER: On Parcel A. I was going to take - I'm sorry.

COMMISSIONER MILLER: Yes.

MS. MEISER: It will take us approximately six months to fix the environmental abatement and tear down the NGA building. And then we'll roll right in from that into the hardscape - the open space assuming the parking lot and Trapeze School are approved tonight. I would think by the end of 2014 all that work would be completed.

COMMISSIONER MILLER: And part of that includes walkways from the corner of what New Jersey -

MS. MEISER: First. Yes, sir.

COMMISSIONER MILLER: - and - is

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that where the Metro is?

MS. MEISER: Right across the street. Right.

COMMISSIONER MILLER: And what are going to be the material of the walkway?

MS. MEISER: We anticipated a pea gravel similar to what's on the mall.

COMMISSIONER MILLER: Okay. Thank you.

COMMISSIONER TURNBULL: I just wanted to follow up on Commissioner Miller's comment on Parcel O. You said you were going to subdivide it. I mean it's not that big of a parcel as it is. Do you see two buildings being put on that site?

MS. MEISER: Yes, the master plan always anticipated two building on that parcel, yes, sir.

COMMISSIONER TURNBULL: And the Trapeze School now gets relocated for an interim period of five years and then it goes somewhere.

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MS. MEISER: Well, on the one hand it would be nice for them not to have to go and on the other hand if they don't go it means I haven't got an office building under construction there yet.

COMMISSIONER TURNBULL: Right.

MS. MEISER: But we would again difficult to predict five years from now. We chose that location in the hopes that as that A, F and G Parcels developed that perhaps that parcels up along M Street would develop first because of the proximity to Metro.

COMMISSIONER TURNBULL: Yes. Okay. Thank you.

CHAIRMAN HOOD: Any other questions? Commissioner May.

COMMISSIONER MAY: So, when you said that the walkway would be pea gravel you mean the actual it will be an exposed aggregate pavement with pea gravel, right? Okay. Because we have loose gravel as well as pea gravel on the mall, I mean, exposed aggregate.

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In fact, there's quite a bit of exposed aggregate sidewalk on the Capitol grounds, too, as I recall.

The rest of that parcel is it just going to be open grass field?

MS. MEISER: Yes.

COMMISSIONER MAY: And is that large enough for it to be used for sports of any kind?

MS. MEISER: We're hoping so. That's the intent.

COMMISSIONER MAY: Right.

MS. MEISER: Is that we would work with the Capitol River Front bid to try to see about neighborhood whether it's bocce or, you know, something to activate the space.

COMMISSIONER MAY: Because I know that Canal Blocks there was an active - I think there was a frisbee group that used that regularly and, of course, they were displaced by the development of that park.

I don't know, is it big enough to be able to do large field games like, you know,

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softball and ultimate frisbee?

MS. MEISER: Maybe not softball but I think we felt it probably could accommodate kick ball.

COMMISSIONER MAY: Kick ball. Okay. And who is going to actually maintain it to make sure because you're going to have a lot of - I don't think all of the national stands are going to stay necessarily within the sidewalk and, of course, if it gets a lot of use -

MS. MEISER: Right.

COMMISSIONER MAY: - with any kind of sports, it's going to get worn down. So, who is going to maintain that?

MS. MEISER: We will, Forest City will.

COMMISSIONER MAY: Okay.

MS. MEISER: Ruppert Landscaping is our landscaper. They do all of our maintenance for us around the sites.

COMMISSIONER MAY: Okay.

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MS. MEISER: This would just get added into their maintenance contract.

COMMISSIONER MAY: Okay. All right.

And I assume just keeping it simple just because you know that you're going to have people making that diagonal walk. I mean, it's almost a shame to have that large green area split in half by the walk but I understand why you'd want to do it because there's going to be a strong desire line across that.

MS. MEISER: It was mean to try to tie into two. One was diagonally to tie into the stadium.

COMMISSIONER MAY: Right.

MS. MEISER: For people coming in from Metro not using the, you know, the Half Street entrance.

MR. OLSON: Right.

MS. MEISER: And then also in light of the development on the D.C. water site with a future movie theater it would tie into One and

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a Half Street which leads right down in to the movie theater. So, that was the intention behind both those walkways.

COMMISSIONER MAY: Right. Okay.

Well, I know they're also youth sports organizations that are active in that area that would be interested I think. I mean, even smaller fields. The organization that I was involved in for awhile, Sports on the Hill, they have - the growth in youth soccer teams has been really strong the last few years and almost all of it is like under six and they use relatively small fields like they get four teams practicing at Providence Park which is just a few blocks north and it may well be that, you know, that this will be something that they would be interested in as well.

MS. MEISER: We'd be happy to talk to them.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: Any other questions?
Okay. I don't have any questions.

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Do we have anyone here from ANC-6D for cross-examination? Okay.

Let's go to the Office of Planning's Report and DDOT's Report at the same time. Ms. Elliott.

MS. ELLIOTT: Thank you. Good evening, Mr. Chairman and Members of the Commission.

For the record, I'm Brandice Elliott representing the Office of Planning.

The Office of Planning believes the Applicant has demonstrated compliance for a Special Exception approval that would permit an additional temporary parking lot and the relocation of the Trapeze School in Southeast Federal Center for a period of five years.

The Applicant has done a pretty good job of summarizes the request. I'll just take some of the highlights of our report.

Parcel A would is proposed as temporary open space and we don't have any concerns with that. However, we would like the

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Applicant to consider continuing a landscape theme as has been proposed on Parcel F for the temporary parking lot north so it continues along First Street up to M Street. Because there's no special exception required we haven't offered that condition and I know that the Applicant has presented us with an infrastructure plan. I don't know how far it goes to getting to that point but we would just like for it to be considered if possible.

In terms of the temporary parking lot of Parcel F, there are currently 230 parking spaces around the NGA building. The temporary parking lot would actually be reducing the overall number of spaces to 208. However, this parking lot has never been calculated or included in a special exception approval process for temporary lots in Southeast Federal Center. So, the approved number of spaces currently is 789 and this takes us forward to the special exception that was approved last April.

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Although those spaces are already there, because they're being included now into the special exception process, it increase the number of spaces to 997. So, I just wanted to make sure that you are aware of that.

And then the Applicant has indicated that the temporary parking lot would comply with all green area ratio landscape and storm water requirements so we don't any concerns in that regard.

The Trapeze School which would be relocated from Parcel O to Parcel G, that would also comply with all green area ratio and storm water requirements and, in general, we don't have any concerns with that.

So, I would like to point out that the proposed plan would actually open the public space that's currently closed off by a fence along First Street making it accessible to pedestrians. Right now there's a fence that it pretty much abuts the sidewalk so this would make it a much more pleasant experience for

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pedestrians.

So, the proposed plan demonstrates compliance with the regulations in the Southeast Federal Center Overlay District and will not tend to adversely affect the neighboring properties. So, we believe the Applicant has demonstrated compliance with the special exception approval.

So, with that I'd be happy to answer any questions you have.

MS. CHAMBERLIN: Good evening, I'm Anna Chamberlin with DDOT. And as we mentioned I'll hit the highlights that I guess OP didn't hit.

As mentioned in our report it's unusual to see an Applicant reduce their trip generation rates by including a site that they do not control stating that their parking spots are being eliminated at the same time. So, we looked a little bit further into the Transportation Impact Study that was performed for Square 701 and realized that when they

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performed their analysis they actually didn't subtract their amount of parking from the future conditions. They just added their future trip generation on top of the existing conditions which included that existing parking lot right now. So, in that sense there is sufficient capacity in the area to accommodate the existing - well, the proposed parking on Parcel F.

The one concern we did have which we didn't bring up is it's unclear in terms of timing when all of this would happen. In Square 701 when the construction actually will happen since the Applicant doesn't control that in terms of will both surface parking lots be open at the same time. It's not necessarily a use we want to encourage in the area since we're hoping to reduce the surface lots. But, I guess, our concern, our purview, would be that the Applicant wasn't proposing any substantial upgrades of the public space specifically.

Three sides of the parcels don't

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have any existing trees and they're not proposing new trees or tree boxes and it's unclear even from what they submitted today what they're actually proposing. I don't see any trees or tree boxes being proposed. Obviously, these are all issues we can deal with during public space permitting.

Thank you.

CHAIRMAN HOOD: Okay.

Commissioners, any questions of either OP or DDOT?

Vice Chair?

VICE CHAIR COHEN: Yes, a question for DDOT.

So, would you be expecting as part of the landscape plan that trees be planted that may end up being removed later on?

MS. CHAMBERLIN: Well, I guess, what we've pointed out to the Applicant in the meeting is five years is a lot of time for a tree to establish itself and grow and the Applicant can come back and get another renewal. So, it

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might be, you know, it could be 10 years before there's a substantial change to these parcels and the tree would have had more than sufficient and adequate time to establish itself and become, you know, a decent size tree which they would just have to protect during construction of their site which is what we require of other projects as well.

CHAIRMAN HOOD: Any other questions?

Okay.

Do we have any cross-examination of either the Office of Planning or DDOT?

MR. BLANCHARD: No.

CHAIRMAN HOOD: Okay. And, again, I don't think there's anyone here from ANC-6B. So, with that, I will read the ANC's letter which is our Exhibit Number 21. And basically what it says in short. ANC-6D, Advisory Neighborhood Commission 6D voted six to zero to support of the above referenced application. The Applicant presented this request with supporting documentation described in detail

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the basis of the application. ANC-6D recommends that the Zoning Commission approve the application and requests that this recommendation be accorded great weight. And it's signed by Chairman Roger Moffatt, ANC-6D. Okay.

Do we have any organizations or persons who would like to testify in support? Any organizations or persons who would like to testify in opposition? Okay.

Mr. Blanchard, do you have any rebuttal or any closing?

MR. BLANCHARD: Just a very brief closing, Chairman Hood.

Based on the record, we believe that the Applicant has satisfied the landscaping requirements in Section 2111, the parking lot requirements in Section 2115 and 2117, the GAR requirements complied with and the Special Exception and comprehensive plan We're not and I know Mr. Miller will get me if I butcher this but the project is not inconsistent with the

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Comprehensive Plan. But we are - we believe and assert that we are in compliance with the Exception Relief Standards. Neither the Trapeze School nor the parking lot will cause objectionable conditions or adversely impact neighboring or nearby property. And the proposal is in harmony with the general purpose and intent in the Zoning Regulation and the Zoning Maps. And for that reason we ask for your approval of this case.

Thank you.

CHAIRMAN HOOD: Okay. Thank you.

Commissioners, any follow up questions or comments?

Vice Chair Cohen.

VICE CHAIR COHEN: Thank you, Mr. Chairman. I think it is worthwhile for the Applicant to respond to DDOT's concerns about this is a five-year extension and then, again, because of unpredictability of the market it maybe another, break my heart, another extension. So, I think it's worthwhile to just

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come back with a response to that concern.

CHAIRMAN HOOD: Okay. Anything else? Any other comments?

COMMISSIONER TURNBULL: Mr. Chair, I would agree with the Vice Chair on this. There were a couple of items not only brought up by Department of Transportation but OP which I think need clarification from the Applicant. I mean, I'm not opposed to granting this but I think there are some items that need clarification for us to that before we go to final action I'd like to see something resolved on some of the items.

COMMISSIONER MAY: There's only one vote on this, right?

CHAIRMAN HOOD: There's actually two.

COMMISSIONER TURNBULL: There's only one.

CHAIRMAN HOOD: Oh, yes, there's only one. I was taking final too. Okay.

There were a number of things that

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were mentioned, Mr. Blanchard and Mr. Meiser, there were some things that were mentioned from both the Office of Planning and DDOT. If you can respond to those and especially the Vice Chair's question or issue. She mentioned that DDOT inquired about as far as the trees and some of the other things that they mentioned in their testimony to us, if you can respond on that and we'll work out some dates.

Any other comments? Okay.

And we will take because this is only one vote. Typically, we would probably vote and give you time to respond for final and depending upon how you come back, the vote will be the same or it may change. But in this case, we only have one vote.

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Yes.

COMMISSIONER MAY: I hate to be the odd man out but, I mean, this is a really very straightforward matter and while there may be some current concerns that still need to be

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worked out with DDOT and OP it seems like the Applicant has a reasonable relationship with both agencies and can work these things out and I don't think it harms us to simply go ahead and vote and let DDOT and OP coordinate with the Applicant and, you know, address whatever concerns they might have.

CHAIRMAN HOOD: Well, I actually agree with you but I heard so many comments and people wanting information before the vote so that's where I was just going. I could actually deal with this tonight but when you're the Chair you try to be collegial and I have two votes. Am I getting three? I got three. I got five.

Somebody like to make a motion?

COMMISSIONER MAY: Mr. Chairman, I would move approval of Zoning Commission Case Number 13-16 Forest City SEFC, LLC, SEFC Overlay Review at Square 743 and related Special Exception relief.

CHAIRMAN HOOD: And I'll second

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that.

It's been moved and properly seconded. I would go on the motion and the discussion with Commissioner May.

VICE CHAIR COHEN: Could I just have a question?

CHAIRMAN HOOD: Any further discussion? Vice Chair Cohen.

VICE CHAIR COHEN: Thank you. I would just like to be assured that, again, the Applicant gets together then with DDOT and OP and goes over these issues. So, we're assuming this.

CHAIRMAN HOOD: One of the things we have done is before anything is issued we get a chance to look at that. The majority move in that direction? Get a chance to look at it and then it will be issued.

VICE CHAIR COHEN: I'm voting for it.

CHAIRMAN HOOD: No, what I'm saying is, we're approving it but we get a chance to look at it before anything is issued to the

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Applicant.

VICE CHAIR COHEN: Yes.

CHAIRMAN HOOD: Is that sufficient?

VICE CHAIR COHEN: Yes. I'm just making a suggestion?

COMMISSIONER MAY: Honestly, I don't need to see it again but I don't have any objection to somebody -

CHAIRMAN HOOD: Just give us a copy for the Vice Chair. Anybody else need to see a copy?

COMMISSIONER MILLER: We'll be seeing this Applicant anytime that we'll have any opportunity to make sure that the concerns were addressed.

MS. MEISER: You're going to be seeing me Thursday.

CHAIRMAN HOOD: So, you better have it right by Thursday.

MR. BLANCHARD: Just for clarification.

CHAIRMAN HOOD: Yes.

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MR. BLANCHARD: The only two points that I think we brought up. OP asked for landscaping to continue of the site and -

CHAIRMAN HOOD: Mr. Blanchard - let me do this. Let me finish the motion. We have a motion on the table.

MR. BLANCHARD: I'm sorry.

CHAIRMAN HOOD: And I want to make sure - we don't want to teach the students incorrectly.

MR. BLANCHARD: Right.

CHAIRMAN HOOD: So, we have a motion on the table. We need to finish our deliberation on the motion and then we'll come back for clarification.

MR. BLANCHARD: Very good.

CHAIRMAN HOOD: Vice Chair, is that okay?

VICE CHAIR COHEN: Yes.

CHAIRMAN HOOD: Okay. So, we'll move in that fashion, Mr. Turnbull?

Okay. So, it's been moved and

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properly seconded and nothing will be issued until we get a chance to see it prior to the issuance of any orders. Okay.

Mr. Meiser, you look like you're puzzled.

MS. MEISER: I'm confused. What are we -

CHAIRMAN HOOD: Let me just do this and we'll talk about it. Okay.

It's been moved and properly seconded. Any further discussion? Anything else?

All those in favor, aye?

(AYES)

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you record the vote?

SECRETARY SCHELLIN: Yes, staff records the vote five to zero to zero to approve final action on Zoning Commission Case Number 13-16. Commissioner May moving, Commissioner Hood seconding, Commissioners Cohen, Miller

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and Turnbull in support.

CHAIRMAN HOOD: All I'm trying to do, Mr. Meiser, is to make sure that the Vice Chair and others have a comfort level and all we simply do is ask that you respond to those issues prior to anything being issued to you which shouldn't take you long. You follow me?

COMMISSIONER MAY: Mr. Chairman, can I ask a question. So, you're basically asking for them to report back on the results of their further discussion with DDOT and OP and where the dust settled and all that?

CHAIRMAN HOOD: And that information will be provided to the record and then once satisfaction - we've already voted. That's a little leverage, you know, Mr. Meiser. I know you wouldn't leave out of here and not do it. That's a little leverage for us to be able to make sure that that's done, okay, and give us a comfort level. Okay?

Mr. Blanchard, is that achievable?

MR. BLANCHARD: Yes, it is.

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CHAIRMAN HOOD: Okay.

MR. BLANCHARD: I just wanted to make sure.

CHAIRMAN HOOD: We're all going to walk out of here holding hands very shortly. I don't think this is a major show stopper, I really don't.

Okay. Ms. Schellin, did you call the vote?

Okay. Do we know what's needed? Everything that's needed?

Mr. Blanchard, are you on target?

Okay.

Ms. Schellin, do we have anything else? Okay. All right.

So, with that, I want to thank everyone for their participation tonight. And again, students, I hope you all learned something. We almost made it hard but we tried not to.

With that, this hearing is adjourned.

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(Whereupon, the above matter was
adjourned at 7:10 p.m.)