

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING
1115th MEETING SESSION (7th OF 2001)

+ + + + +

MONDAY
JUNE 11, 2001

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened at 1:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
HERBERT M. FRANKLIN	Commissioner
JOHN G. PARSONS	Commissioner

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COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC
Gerald Forsburg, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Andrew Altman, Director, Office of Planning
John Fondersmith, Office of Planning
Ellen McCarthy, Deputy Director, Office of
Planning
David McGhettigan, Office of Planning
Jennifer Steingasser, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.
Mary Nagelhout, Esq.

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

(1:35 p.m.)

CHAIRPERSON MITTEN: Good afternoon, ladies and gentlemen. This is the June 11th, 2001 regular meeting of the Zoning Commission.

My name is Carol Mitten, and joining me this afternoon are Vice Chair Anthony Hood, Commissioners Herb Franklin and John Parsons, and we're expecting Commissioner Holman to join us shortly.

I should say, first, before we even get into preliminary matters, just so there's no confusion, is that we now actually have two representatives from the Architect of the Capitol. Mr. Herb Franklin has retired but is still able to vote on those cases that he has heard, and we're happy to have his continued assistance. And he'll be with us for a while yet until we dispose of the cases that he's heard.

But also representing the Architect of the Capitol is Peter May, and he won't be in attendance today, but he has given proxy. So if you hear his name it's -- he is also representing the Architect of the Capitol.

So in terms of preliminary matters, Mr.

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1 Bastida, I had a couple of things that I wanted to
2 raise, and then if there is anything else that you
3 might have. The first was on our agenda. We had
4 postponed by consensus at our last meeting Case
5 Number 01-11TA, which related to unzoned District and
6 federal property. Can you give us the status of that?

7 Because I didn't see it on the agenda.

8 SECRETARY BASTIDA: Yes, Madam Chair. Mr.
9 Parsons would like to have a committee and have some
10 input prior to drafting some regulations. And we are
11 waiting to set up that committee and go through the
12 deliberations in order to have the federal interest
13 input into that regulation.

14 And so it will be taking a little longer,
15 and then Mr. Parsons might have a better timeframe. I
16 would say that it's about six months?

17 COMMISSIONER PARSONS: Six months to what?

18 SECRETARY BASTIDA: I mean, to have
19 perhaps a language in which you will feel confident to
20 go forward on zoning federal land.

21 COMMISSIONER PARSONS: I don't know.

22 SECRETARY BASTIDA: Okay.

23 CHAIRPERSON MITTEN: I guess the -- it's
24 not ready to go forward today, and at the moment we're
25 not sure when it would be ready to --

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1 SECRETARY BASTIDA: That is correct, Madam
2 Chairperson.

3 CHAIRPERSON MITTEN: All right. And then,
4 on the agenda as well, under Proposed Action, which is
5 Roman numeral five, letter B, Zoning Case Number
6 00-29T, the text amendment for the Electronic
7 Equipment Facilities Regulations, there was a problem
8 with the delivery of the Office of Planning report,
9 and we have not had adequate time to review the Office
10 of Planning report.

11 So I think what we'd like to propose is
12 that we take up the permanent regulations for the EEFs
13 at a special public meeting on June 21st at 6:00 p.m.,
14 which would precede a hearing at 7:00 p.m. Is that
15 correct?

16 SECRETARY BASTIDA: That's correct, Madam
17 Chairman.

18 CHAIRPERSON MITTEN: Thank you. Does that
19 fit with everyone's schedule?

20 And then, also under Proposed Action, I
21 would just like to move up out of order letter D, move
22 that to the top of the list under Proposed Action, and
23 when we get to Proposed Action take up Zoning Case
24 Number 00-38C, the PUD for Frederick Douglass
25 dwellings, and take that up first.

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1 SECRETARY BASTIDA: Madam Chairman?

2 CHAIRPERSON MITTEN: Yes.

3 SECRETARY BASTIDA: It might best, because
4 people tend to leave the hearing room when their cases
5 are heard, that we notify them that the July meeting
6 is -- the regularly-scheduled July meeting will not
7 take place on the 9th. It will be on Monday, the
8 16th. And the regularly-scheduled meeting on
9 September 10th will be -- is scheduled for the 17th.
10 And there is also the potential for a special meeting
11 on the 26th of July at 6:00.

12 CHAIRPERSON MITTEN: And both those -- the
13 other meetings that you mentioned -- the 16th of July
14 and the 17th of September -- those would be at the
15 regular 1:30.

16 SECRETARY BASTIDA: That's right. At the
17 regular -- it's a Monday at 1:30.

18 CHAIRPERSON MITTEN: Thank you, Mr.
19 Bastida.

20 SECRETARY BASTIDA: Thank you.

21 CHAIRPERSON MITTEN: Anything else under
22 Preliminary Matters?

23 SECRETARY BASTIDA: The staff has nothing
24 else in Preliminary Matters. Thank you.

25 CHAIRPERSON MITTEN: Thank you.

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1 Now we'll turn to the Public Meeting
2 Minutes of May 14th.

3 SECRETARY BASTIDA: The staff requests
4 approval of the draft minutes.

5 CHAIRPERSON MITTEN: I just had a few
6 editorial changes, nothing substantive.

7 COMMISSIONER PARSONS: I move approval.

8 CHAIRPERSON MITTEN: Is there a second?

9 VICE CHAIRPERSON HOOD: Second.

10 CHAIRPERSON MITTEN: We have a motion and
11 a second to approve the Meeting Minutes from May 14th,
12 2001. All those in favor, please say aye.

13 (Chorus of ayes.)

14 Those opposed?

15 (No response.)

16 Mr. Bastida?

17 SECRETARY BASTIDA: Yes. The staff would
18 record the vote four to zero, Mr. Parsons moving and
19 Mr. Hood seconded, Ms. Mitten and Mr. Franklin voting
20 in the affirmative.

21 CHAIRPERSON MITTEN: Did you have a proxy
22 from Mr. Holman for the minutes?

23 SECRETARY BASTIDA: No, I don't have a
24 proxy from Mr. Holman. Thank you.

25 CHAIRPERSON MITTEN: Thank you.

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1 Next is the status report from the Office
2 of Planning. Maybe we'll defer that to the end, since
3 they don't seem to have joined us yet. We'll defer
4 that to the end of the meeting.

5 I think maybe we should find the Office of
6 Planning, since under Hearing Action they're going to
7 need to take the lead.

8 SECRETARY BASTIDA: Madam Chairman, may I
9 take the opportunity, in case the Office of Planning
10 didn't receive the request regarding the Zoning
11 Commission 01-12C that they are requesting an
12 expedited hearing. So you are aware of it. I'm just
13 bringing it because it is the opportunity to make that
14 presentation, and that way it's not forgotten.

15 CHAIRPERSON MITTEN: Thank you. Well,
16 actually, I think the way we would -- there's a few
17 issues. The first is the setdown, and then, should we
18 decide to set the case down, then there's the request
19 for the waiver of hearing fees and the request for the
20 expedited hearing.

21 SECRETARY BASTIDA: Right.

22 CHAIRPERSON MITTEN: So those would come
23 after --

24 SECRETARY BASTIDA: Okay.

25 CHAIRPERSON MITTEN: -- we vote on the

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1 setdown.

2 SECRETARY BASTIDA: Thank you.

3 CHAIRPERSON MITTEN: In the interest of
4 moving along, we've deferred the status report from
5 the Office of Planning until later in the agenda, so
6 we can go right to the Hearing Action. So we can
7 begin with the Nehemiah Homes PUD, Zoning Commission
8 Case Number 01-12C.

9 MR. MCGHETTIGAN: Good afternoon. We
10 received an application for a PUD from Nehemiah Homes
11 at Fort Dupont, Square 5401, Lots 24 through 28, 48
12 and 49, and Square 5402, Lots 5 through 13, 16, 22,
13 25, 802, 803, 807, 808, and 812. This is a former
14 public housing. It's owned by the Housing Authority.
15 The applicant is going to be developing 147
16 townhouses.

17 The building is on the site of work
18 demolished a while ago, and they are going to be doing
19 some road improvements, including extension of the
20 roads and new road construction.

21 The existing tennis courts and basketball
22 court will be retained and provide a recreational
23 amenity. The relief that will be requested is related
24 to the area of lots. Other requirements are going to
25 be met with the development of the R-5-A zone, and

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1 many of the community needs in the area are for
2 affordable housing, which this will be providing, as
3 well as a home ownership program that they are going
4 to set up to encourage the purchase of these homes.

5 We're recommending that this be set down
6 for public hearing and ask that it be expedited due to
7 the time constraints on the applicant to have the
8 grant from Congress -- \$1 million -- that they are
9 hoping to spend by the end of the year.

10 Any questions?

11 CHAIRPERSON MITTEN: Are there any
12 questions for the Office of Planning?

13 COMMISSIONER PARSONS: I have a request, I
14 guess, rather than a question. In page 4 of your
15 report you talk about agency referrals, and I would
16 urge that you add to that list the National Park
17 Service.

18 MR. MCGHETTIGAN: All right.

19 COMMISSIONER PARSONS: There is some
20 possibility that a portion of this land was
21 transferred from the Park Service to the District for
22 recreation purposes. So we should get that ironed out
23 early.

24 CHAIRPERSON MITTEN: Anything else, Mr.
25 Parsons?

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1 COMMISSIONER PARSONS: That's all. I'm
2 sorry. Thank you.

3 CHAIRPERSON MITTEN: Mr. Hood?

4 VICE CHAIRPERSON HOOD: Madam Chair,
5 there's a few things. You'll probably hear me kind of
6 sound redundant on all of these cases that are before
7 us today. One is that a hearing action and proposed
8 -- I'm not sure if this is the right agency to go to
9 OP, but I'm going to bring it up now.

10 A lot of times we have projects before us,
11 and they talk about this elaborate DOES plan. And the
12 reality of it is when you arrive to the city it
13 doesn't exist.

14 So I'm wondering if we can kind of
15 formulate some type of follow up or if OP can bring us
16 back something showing us where we sit down here
17 Monday, every second Monday of the month, that this is
18 actually happening, that District residents are
19 getting 35 percent of the work, that the people are
20 being trained, because I notice it's always in the
21 report, it's always in the final order, we always
22 approve it.

23 But, in actuality, I don't know if it's
24 actually taking place. And I know it's an enforcement
25 issue, and I'm going to further look into it. But I

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1 will be bringing that up just about on every case,
2 Madam Chair, so indulge me today.

3 The other question to Mr. McGhettigan --
4 the bio retention. Well, I'm afraid we're setting it
5 down -- I hope that when the applicant comes forward
6 that they clearly demonstrate how the bio retention is
7 going to work. I know we had a case previously, and I
8 don't think -- I mean, it took a little while to get
9 it out.

10 It took a couple of hearings, and that's
11 one thing -- that we want to see the flow of how
12 things are going to drain off the land. So that's
13 going to be key. If you could just make the applicant
14 aware of that.

15 The other thing, Madam Chair, I did want
16 to comment -- Mr. McGhettigan, I want to ask you a
17 question. I understand that they -- you've asked for
18 an expedited -- they've asked for an expedited
19 hearing, and it -- from looking at the schedule, it's
20 running kind of close. If anything is off schedule,
21 then what happens?

22 And I know that's kind of a vague
23 question, but from the way I looked at the schedule
24 that was provided to us from Arnold & Porter, if
25 anything goes wrong -- for example, you have down here

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1 a bench decision, if you don't get a bench decision.
2 So I think that needs to be looked into -- some
3 flexibility.

4 I'm not expecting you to answer now, but I
5 think if you don't get a bench decision that needs to
6 be taken into consideration.

7 Thank you, Madam Chair.

8 CHAIRPERSON MITTEN: Just to follow up on
9 that point, and I think we need to understand -- if we
10 talk about an expedited hearing, that means that they
11 get put ahead of other people, but that doesn't
12 guarantee a specific hearing date.

13 So just to follow up on the proposed
14 schedule, the hearing is included on the schedule as
15 September 6th. I don't know that we're necessarily
16 available to have a hearing on the 6th of September.
17 Has that been discussed, Mr. Bastida?

18 SECRETARY BASTIDA: I advised the
19 applicant that it would be -- that the best -- the
20 first opportunity the Commission will have to hear the
21 case will be Thursday, September 13th.

22 CHAIRPERSON MITTEN: And was that
23 satisfactory?

24 SECRETARY BASTIDA: It appears to be.

25 CHAIRPERSON MITTEN: All right.

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1 VICE CHAIRPERSON HOOD: Madam Chair,
2 that's my point exactly, because that's already
3 throwing off the schedule because there was file site
4 work permits, September 7th.

5 CHAIRPERSON MITTEN: Yes.

6 Is the representative of the applicant
7 here?

8 MR. GROSS: Good afternoon, Madam
9 Chairperson. I'm Nate Gross, representing the
10 applicant.

11 CHAIRPERSON MITTEN: Good afternoon.
12 Maybe you can help us with the degree of sensitivity
13 of the schedule, given what you've heard so far, and
14 then we may have a few additional questions for you.

15 MR. GROSS: Sure. Given Mr. Parsons'
16 question, which concerns me, if there's any glitch
17 there it's a fairly serious matter.

18 And also, just recognizing all of the
19 timing factors, I think we could slip until the second
20 or third week -- actually, the third week, since what
21 Alberto mentioned is actually the second week in
22 September, because the way the schedule works now with
23 the prehearing submission being required 65 days in
24 advance, there's a lot of lead time up front.

25 We are, of course, at risk for any

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1 slippage in the schedule. We filed as soon as we
2 could put it together, but obviously it was in our
3 accord to file it when we could. And so we can't hold
4 the Commission to meeting our time table, but that's
5 kind of where we stand on that.

6 CHAIRPERSON MITTEN: Okay. And there's
7 mention in the materials that you provided that relate
8 to the million dollars, says that there are matching
9 funds required. Do you have those matching funds?

10 MR. GROSS: Cynthia Giordano, who couldn't
11 be here today, is familiar with that. I am not on
12 that part of the case, so I'm afraid I can't answer
13 it.

14 CHAIRPERSON MITTEN: Okay. Let me ask, do
15 you know or have you spoken to representatives of ANC-
16 7A, and are they able to meet an expedited schedule in
17 terms of getting their reports in?

18 MR. GROSS: They are generally supportive.
19 They have two or three relatively minor issues but
20 have been fully involved in a multi-year effort to get
21 this site redeveloped with this project. And so I
22 think they are okay with it.

23 I spoke with the chair and the single
24 member district representative, a couple of details
25 about access and egress, and one other thing that I

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1 don't recall. But they are generally supportive.

2 CHAIRPERSON MITTEN: All right. Any other
3 questions for Mr. Gross? Thank you.

4 MR. GROSS: Thank you.

5 CHAIRPERSON MITTEN: Is the Office of
6 Planning prepared to meet an expedited schedule for
7 this case?

8 DEP. DIR. MCCARTHY: We are, Madam Chair.

9 CHAIRPERSON MITTEN: All right. Can I
10 have a motion to approve setdown of Zoning Commission
11 Case Number 01-12C on an expedited schedule?

12 VICE CHAIRPERSON HOOD: Madam Chair, I'll
13 make a motion that we set down Zoning Commission Case
14 Number 01-12C on an expedited schedule.

15 COMMISSIONER PARSONS: Second.

16 CHAIRPERSON MITTEN: We have a motion and
17 a second to set this case down on an expedited
18 schedule. All those in favor, please say aye.

19 (Chorus of ayes.)

20 Those opposed, please say no.

21 (No response.)

22 Mr. Bastida?

23 SECRETARY BASTIDA: The staff would record
24 the vote five to zero, Mr. Hood moving and Mr. Parsons
25 seconded, Ms. Mitten and Mr. Franklin voting in the

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1 affirmative, Mr. Peter May voting on the affirmative
2 by proxy.

3 CHAIRPERSON MITTEN: I'm sorry. But I
4 think Mr. May is voting by proxy and Mr. Franklin was
5 silent.

6 SECRETARY BASTIDA: Oh, I'm sorry. You
7 are correct. I stand corrected.

8 COMMISSIONER FRANKLIN: One vote is
9 enough.

10 (Laughter.)

11 Two is too many.

12 CHAIRPERSON MITTEN: So then the vote
13 would be four to zero.

14 SECRETARY BASTIDA: Four to zero.

15 CHAIRPERSON MITTEN: And there's no proxy
16 for Mr. --

17 SECRETARY BASTIDA: There is no proxy.

18 CHAIRPERSON MITTEN: All right. And I
19 would just emphasize to Mr. Gross for the applicant
20 that if you get in all of the required submissions
21 prior to the hearing that will help to expedite, so we
22 don't have to ask for additional information. I know
23 you're familiar with all of those requirements.

24 Now, we also have the request by the
25 Department of Housing and Community Development to

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1 waive the hearing fees in this case. I would move
2 that this project qualifies as outlined in the letter
3 from Milton Bailey, the Director of the Department of
4 Housing and Community Development, and that we grant
5 the waiver of hearing fees in this case.

6 VICE CHAIRPERSON HOOD: Second.

7 CHAIRPERSON MITTEN: I get to make motions
8 every once in a while.

9 We have a motion and a second to waive the
10 hearing fees in this case. All those in favor, please
11 say aye.

12 (Chorus of ayes.)

13 Those opposed, please say no.

14 (No response.)

15 Mr. Bastida?

16 SECRETARY BASTIDA: I would record the
17 vote three to zero, Ms. Mitten moving and Mr. Hood
18 seconded, and Mr. Parsons voting in the affirmative,
19 Mr. May or Mr. Holman not present, not voting.

20 CHAIRPERSON MITTEN: Thank you.

21 Mr. Bastida, do you think that we could
22 agree on the date for the hearing now, or is there
23 more to be worked out, so that --

24 SECRETARY BASTIDA: If the applicant is
25 willing to be ready to present their hearing --

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1 prehearing statement, I think that September 13th will
2 hold.

3 MR. GROSS: I appreciate that, Mr.
4 Bastida. I think, all things considered, we would
5 probably rather wait another week or -- a week, 10
6 days, in that range.

7 CHAIRPERSON MITTEN: All right.

8 MR. GROSS: The prehearing submission date
9 actually comes up surprisingly quickly, and if we have
10 to work out something with the Park Service, I don't
11 know if Mr. Parsons can shed any more detail on it as
12 to whether -- but that would be my concern at this
13 point.

14 CHAIRPERSON MITTEN: Okay. So you'd like
15 to take maybe another 10 days?

16 MR. GROSS: Yes, another week or 10 days
17 would be perfect.

18 CHAIRPERSON MITTEN: So that --

19 SECRETARY BASTIDA: May I suggest that,
20 then, I work with the applicant --

21 CHAIRPERSON MITTEN: Right.

22 SECRETARY BASTIDA: -- and set it as soon
23 as they feel that they can provide a prehearing
24 statement and --

25 CHAIRPERSON MITTEN: All right.

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1 SECRETARY BASTIDA: -- given the earliest
2 possible timeframe. Thank you.

3 MR. GROSS: Thank you.

4 CHAIRPERSON MITTEN: Thank you.

5 Okay. The next item for hearing action is
6 Zoning Commission Case Number 01-07C, the PUD and air
7 rights related to 1700 and 1730 K Street, Northwest.

8 And before we move to the Office of
9 Planning, I would just like to put on the record that
10 I have appraised both 1700 and 1730 K Street in the
11 past for lenders, and it has been several years and I
12 don't have an ongoing relationship with the applicant.

13 So if there's no objection, I think I can be
14 impartial in this case.

15 All right. Office of Planning? Ms.
16 McCarthy?

17 DEP. DIR. McCARTHY: Good afternoon, Madam
18 Chair. This project involves the demolition of two
19 office buildings that are side by side at the corner
20 of 17th and K. They currently measure -- have an FAR
21 of 11.55 FAR and 13 stories.

22 The proposal is to demolish them to
23 construct a planned unit development in an area where
24 10.0 FAR is the matter of right permissible FAR, and
25 11 would be typically the maximum under the planned

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1 unit development regulations.

2 The applicant is asking for 11.14 FAR,
3 which is permissible under the 11 FAR plus the
4 additional flexibility, should the Commission choose
5 to grant that. And the project is essentially an
6 office building with ground floor retail.

7 They are also asking for rental of a
8 limited amount of -- or utilization of a limited
9 amount of alley air space, which they would rent at
10 the rear of the building. And the amenities they are
11 proffering include architectural design, widening
12 K Street, an additional five feet, landscaping and
13 benches along K Street, and they are in the process of
14 working with the National Park Service to put together
15 a package of enhancements to Farragut Square Park.

16 The Office of Planning, as you know, has
17 recommended that the application be set down, and we
18 have indicated to the applicant that we'd like to
19 continue to work with them on the design of the
20 project, particularly as it meets the street on the --
21 along the K Street frontage, to be sure that the
22 retail vitality and street vitality -- street-like
23 vitality is there, and then also work with them on the
24 adequacy of the public amenities, and on the adequacy
25 of the off-site housing contribution.

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1 But we felt that those were all issues
2 that could be dealt with at the public hearing, and in
3 the intervening time the Office of Planning would work
4 with the applicant to work those out. So we are
5 recommending setting it down for a public hearing.

6 CHAIRPERSON MITTEN: Thank you, Ms.
7 McCarthy.

8 Any questions for the Office of Planning?

9 VICE CHAIRPERSON HOOD: Ms. McCarthy, I
10 notice in the report, the setdown report, it said OP
11 is aware of no discussion with the community to date.
12 I'm sure there's going to be some discussion with the
13 community and with the ANCs, I believe, right?

14 DEP. DIR. McCARTHY: Yes.

15 VICE CHAIRPERSON HOOD: Okay. Also,
16 again, my earlier comment. On your report, page 8,
17 the local business opportunities and first source
18 agreement. And I'm not sure how to work this out,
19 but, again, we need to make sure that 35 percent of
20 small, local, and disadvantaged businesses -- that
21 this is actually being done.

22 Again, I know that's from the Zoning
23 Administrator, who can do the follow up and the
24 enforcement. But, again, for us to sit down and
25 continue to pass these, and deal with this, and write

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1 them into orders, I think we need to make sure that
2 this is actually what has taken place. I don't know
3 how you all can help us with that, but --

4 DEP. DIR. MCCARTHY: Mr. Hood, I think
5 we'd be happy to get in touch with the Department of
6 Employment Services and make available to you any
7 documentation or records they keep on enforcement
8 actions, and what they see has been the performance
9 under those first source agreements, and with the
10 Minority Business Opportunities Commission as well.

11 And then, if it looks like there's a need
12 for some further action, maybe we could have a
13 roundtable with the Commission or the Office of
14 Planning could pursue it further and put together some
15 additional documentation or some sort of a white paper
16 for the Zoning Commission. But we're certainly happy
17 to begin the followup process with those two bodies,
18 to let you know how the enforcement is proceeding.

19 VICE CHAIRPERSON HOOD: And let me just
20 state my rationale. Madam Chair, just indulge me for
21 a second. My rationale is when I watch the City
22 Council channel I see the same people and they're
23 saying the same things.

24 So I was wondering, all of these things
25 that are coming before this Commission with the 35

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1 percent, there's been a lot of 35 percenters that have
2 come through this Commission. So I just want to make
3 sure that we have some followup, and this is actually
4 taking place.

5 Thank you.

6 CHAIRPERSON MITTEN: Thank you.

7 I had a question regarding the manner in
8 which the rental amount is set for the area over the
9 alley. Do you know how that is set?

10 DEP. DIR. MCCARTHY: No. But I'd be happy
11 to pursue that further. I know -- this is not my
12 project. Mr. Cochran has been doing the staff work on
13 that, and he is not available today. So I'd be happy
14 to follow up with him and see what -- what the details
15 are on that.

16 CHAIRPERSON MITTEN: I'd be interested in
17 knowing that. And I'd also I guess just like to -- to
18 thank you for the clarity in your report related to
19 the housing linkage payment. You called out
20 appropriately that that's not an amenity, that's a
21 requirement, and I appreciate that.

22 And I share your concern over the adequacy
23 of the payment, and I would just mention that in
24 Chapter 24 the areas that are mentioned in terms of
25 what's supposed to be the minimum is a minimum. So

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1 it's clear that there is flexibility to do more there,
2 and that the housing linkage payment is intended to
3 bear some relationship to the value of the benefit
4 being obtained.

5 I share your concern about the arcade
6 along K Street that you noted in your report, and I
7 would also just like to emphasize the fact that the
8 requirement for us in allowing density in excess of
9 the PUD guidelines -- the requirement is that it has
10 to be proven to be essential to the successful
11 functioning of the project. You pointed that out as
12 well in your report.

13 I didn't see anything in the prehearing
14 submission other than a statement by the applicant, so
15 I look forward to that being established definitively
16 should we grant a density in excess of the guidelines.

17 Any other questions for the Office of
18 Planning? I'd like a motion to set down the PUD and
19 air rights case for 1700 to 1730 K Street.

20 COMMISSIONER PARSONS: So moved.

21 CHAIRPERSON MITTEN: Second.

22 We have a motion and a second to set down
23 Zoning Commission Case Number 01-07C for public
24 hearing. All those in favor, please say aye.

25 (Chorus of ayes.)

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1 Those opposed, please say no.

2 (No response.)

3 Mr. Bastida?

4 SECRETARY BASTIDA: The staff would record
5 the vote four to zero, Mr. Parsons moving and Ms.
6 Mitten seconded, Mr. Hood voting in the affirmative,
7 Mr. Peter May voting in the affirmative by proxy.

8 CHAIRPERSON MITTEN: Thank you.

9 Next is Zoning Commission Case Number 01-
10 09C, which is the PUD and map amendment for Station
11 Place. And before I turn to the Office of Planning,
12 let me say that I appraised this property for CSX
13 several years ago, and I don't have an ongoing
14 relationship with CSX as a client. I think I can be
15 impartial in this case, if there's no objection.

16 Turn to the Office of Planning.

17 MR. MCGHETTIGAN: Thank you, Madam Chair.

18 This is Square 720, Lots 178 and 179.
19 It's currently zoned C-M-3. It's bounded by Second
20 Street, F Street, H Street, and the rail yard train
21 station to the west.

22 The project proposed is a 10-story
23 commercial office building, two and a half levels
24 below grade for a parking garage. The height of the
25 building, from Second Street and F Street and H Street

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1 is -- varies because of the different elevations of
2 those streets.

3 They measure the height from the H Street
4 overpass, which is 89 feet. It represents about
5 115-1/2 feet on Second and F Street, but those heights
6 are set back from those streets substantially.

7 The applicant is not -- assuming this
8 height interpretation is correct, is not requesting
9 any zoning flexibility for the FAR or the height.
10 They are requesting that it be remapped from C-M-3 to
11 C-3-C. The effect of that would be to reduce their
12 parking requirement, which is one per 800 square feet
13 over 2,000 for the C-M-3 district, instead of one per
14 1,800 square feet for the C-3-C.

15 There is -- this site is actually
16 currently a parking lot. The construction of the
17 building will help buffer the rail yards from
18 neighborhoods to the east. There is a portion of the
19 Metropolitan Branch Trail that is designed to go along
20 Second Street, along the front of the site, and that
21 is shown on their plans.

22 And there is some -- of course, our hope
23 to -- in the area to have a better pedestrian link
24 from the Union Station Metro rail for the -- to the
25 Children's Museum, and the improvement along this

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1 street would probably help do that.

2 And the connection -- pedestrian
3 connections from the east to the Metro rail station
4 are not the best, so if that can be improved we're
5 looking at hopefully we can work with the applicant to
6 improve that. This building will have a direct
7 connection to Union Station for pedestrians and is
8 part of their transportation management plan.

9 Because it's such a substantial, large
10 project, we have a lot of agencies we are going to be
11 asking input from, including the Department of
12 Employment Services as one of the proposals for
13 benefits to the community by the applicant is the
14 things that Mr. Hood is questioning about 35 percent
15 minority participation and the other employment
16 benefits that they've listed.

17 CHAIRPERSON MITTEN: Thank you for
18 anticipating that.

19 (Laughter.)

20 MR. MCGHETTIGAN: So we are recommending
21 that it be set down for a public hearing, and with
22 some continued work in the areas outlined in our
23 recommendation.

24 CHAIRPERSON MITTEN: Thank you, Mr.
25 McGhettigan.

1 Any questions for the Office of Planning?
2 Mr. Parsons?

3 COMMISSIONER PARSONS: Well, on page 5,
4 number 1, under Recommendation, you refer to the
5 facade as bleak. What do you mean by that?

6 MR. MCGHETTIGAN: Well, we're -- as far as
7 the livability and street life of Second Street, this
8 is going to be a granite face for two stories with
9 glass on top of it.

10 There is no openings or retails proposed
11 on this street, except for the landscape plazas, which
12 are -- the access to them are partially blocked, both
13 visibly to the pedestrian and we don't see looking at
14 the facade that walking along the street is going to
15 be that friendly, based just on looking at the
16 architecture.

17 COMMISSIONER PARSONS: So not only will
18 there not be any retail, you feel the courtyards are
19 -- or the portals to the courtyards are designed in
20 such a way that they're rather intimidating. I mean,
21 that the general public wouldn't be urged to go in
22 there?

23 MR. MCGHETTIGAN: That's correct.

24 DEP. DIR. MCCARTHY: We should stress that
25 we thought that this design with the courtyards was a

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1 major improvement over the previous design. It did
2 really help to break down the mass of the building.
3 So in that respect, we think this is a far more
4 successful treatment.

5 But we've indicated to the architect and
6 the applicant that we would like to work with them on
7 what we could do to make that ground level, especially
8 along Second Street, since it is such a long -- such a
9 long facade and such a great expanse, and it directly
10 abuts in some instances very small scale historic
11 buildings, that we wanted to do whatever we could to
12 enliven that side of the building.

13 DIRECTOR ALTMAN: Just to elaborate on
14 that, Mr. Parsons, one of the key issues that we're
15 going to be working on with the applicant is whether
16 any of the retail can be at the ground floor versus
17 bringing in an internalized retail environment.

18 As you know, we're trying to work with
19 many of the federal agencies, so that they don't just
20 have their cafeteria being purely internal to the
21 building, but it can be brought out to the street or
22 at least open out into the street, so that it
23 contributes to the activity. Whether that's possible
24 here is something that we wanted to identify and that
25 we'd be working on with them, to see if that's

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1 possible.

2 COMMISSIONER PARSONS: So the entrances
3 shown -- I'm looking at PO1, a rendering in color of
4 this facade, or facades -- there seem to be doors
5 entering there.

6 MR. MCGHETTIGAN: If you look at SO3, I
7 believe they show the doors -- the entrance locations.

8 And the only one of those wings sticking out there on
9 Second Street that has an entrance are the two at the
10 north side. The three to the south do not have
11 entrances shown.

12 COMMISSIONER PARSONS: So those doors are
13 phony? They're not real?

14 MR. MCGHETTIGAN: Yes, according to SO3.

15 DEP. DIR. MCCARTHY: The applicant was
16 proposing this building be built in phases. And what
17 is labeled on SO3 as the Building 1 entrance and the
18 Building 2 entrance, their expectation -- when we met
19 with them their expectation was if they succeeded in
20 landing the Securities and Exchange Commission, those
21 two phases would be built together and would be built
22 as one. And so they were anticipating the main
23 entrance was the one facing F Street.

24 What's labeled on your plans as Building 3
25 and Building 4 are anticipated to come in a later

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1 phase, and the exact placement -- the number of
2 entrances and all of that is really dependent on the
3 tenants that they receive, whether those are built as
4 speculative office buildings, whether they are built
5 for a particular tenant or not.

6 But as of now, that's what the plans
7 identify, that they have direct entrances from Second,
8 that Building 2 has an entrance setback from the
9 courtyard, and that the main entrance, though, for
10 Building 1 and Building 2 together is off of F Street.

11 COMMISSIONER PARSONS: I was wondering
12 what you thought of the future of the other side of
13 Second Street. I mean, is this really a place for
14 retail? I agree with you that it's bleak, but I -- to
15 encourage retail here, I'm not sure I understand why.

16 MR. MCGHETTIGAN: Well, the zoning across
17 the street is -- is C-2-A. There is also some retail
18 opportunities up on H Street that we'd like to
19 encourage as well. We'd like to revitalize that
20 corridor.

21 But if -- we would rather have -- if
22 there's going to be retail in the building, we would
23 rather have it on the street or have no retail in the
24 building at all, and then force the development of
25 retail in some of the adjoining neighborhoods.

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1 DIRECTOR ALTMAN: I think it's also a
2 question of how the retail is not -- also serves to
3 bring people to the streets, so you're not just going
4 inside the building. So it's how it -- it's the
5 relationship of the retail to the public space and how
6 active that public space is versus being just passive
7 public space that people are there.

8 If there's retail, they'll be more
9 inclined to use it, it gives a different feel to the
10 street, it's more lively, as opposed to everyone just
11 going down to the basement for a cafeteria and coming
12 up, and it's purely internal circulation.

13 COMMISSIONER PARSONS: But the purpose of
14 this building in its design is to lure a federal
15 agency, correct?

16 DEP. DIR. McCARTHY: Well, at least for
17 the first two phases, the applicant has indicated to
18 us that they did plan to put retail in the building.
19 They felt that they'd have a sufficient office
20 population there that there would be a need for
21 convenience retail, you know, lunch places, maybe dry
22 cleaners, whatever, and a number of service
23 establishments.

24 And their plan was to put that retail
25 underground. And our feeling was if you were going to

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1 have retail you might as well put it at the street
2 level where it would have some utility for the nearby
3 residential community.

4 In addition, some of that land across the
5 street that's zoned -- that's indicated as being zoned
6 C-2-A is owned by the District of Columbia. It's a
7 former school and police training activity. So that
8 one of the things that we could be looking to
9 accomplish when the District -- if the District
10 develops that or disposes of that land would be to
11 look at the possibility of neighborhood serving
12 retail.

13 You know, obviously, it's not unrelated to
14 the H Street corridor, and the Office of Planning has
15 a major study effort going on now, cooperatively with
16 that neighborhood, to look at the commercial
17 revitalization of H Street.

18 So we're not looking to encourage this as
19 competition to H Street, but we were looking to do
20 something to keep Second Street as lively as possible,
21 and, if there were going to be retail in the building,
22 to encourage that to be at the street level rather
23 than underground.

24 COMMISSIONER PARSONS: Okay. I wanted to
25 talk a little bit about the refurb -- the Commission

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1 of Fine Arts, Historic Preservation Review Board,
2 NCPC, and the Architect of the Capitol. How do you
3 intend for that to happen? Is that something you
4 would do, or the applicant would do?

5 MR. MCGHETTIGAN: Well, the location of
6 this and its connection to Union Station, which is a
7 historic landmark -- also, the square is in the
8 Commission of Fine Arts' jurisdiction. I would think
9 that NCPC would be interested in this major building
10 going in next to one of these premier federal
11 buildings in Union Station.

12 But I just would think that the applicant
13 could seek some input from them or could get their
14 review of the plan to see if they have any comments or
15 concerns about the mass or architecture of the
16 building at this stage.

17 COMMISSIONER PARSONS: Well, I, too, would
18 like those opinions. I find this building very
19 troubling in its scale size, mass, design, everything.
20 So let's make sure this happens.

21 In other words, rather than getting a
22 meeting with the staff or the Commission of Fine Arts,
23 and a report back from the applicant as to what
24 happened at that meeting, we may want to refer this to
25 the Commission of Fine Arts -- we, the Commission --

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1 for a formal opinion of some kind. So that we don't
2 become a fine arts commission here, which is tempting
3 but not desirable.

4 I don't want to give anybody any more
5 status than they have. But if the Commission of Fine
6 Arts is going to review this in any event, I think we
7 ought to find out what the status of this is and -- so
8 that when we come to hearing we would have their
9 opinion.

10 Thank you.

11 CHAIRPERSON MITTEN: I have a couple of
12 questions. One of my concerns -- and I think the best
13 -- or one of the places to see it is on drawing A01,
14 where the parking entrance, which is at the far right
15 edge of the page, the parking entrance from Second
16 Street, there's a curb cut that's shown to the east,
17 which is near the bottom of the page.

18 And I know there's a site there that -- my
19 concern would be what's the plan for the adjacent
20 site, and are we going to be creating some kind of a
21 bottleneck at that point. Do you see where I'm making
22 reference? Okay. Are you on A01?

23 DIRECTOR ALTMAN: Yes.

24 CHAIRPERSON MITTEN: Okay. Do you see at
25 the --

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1 DIRECTOR ALTMAN: After Building 4?

2 CHAIRPERSON MITTEN: Yes. Where it says
3 "parking entrance."

4 DIRECTOR ALTMAN: It says "parking
5 entrance" after Building 4, and then it goes back to
6 parking ramp?

7 CHAIRPERSON MITTEN: Right. But look to
8 the -- see where the actual words "parking entrance"
9 are going to -- there's a curb cut below that to
10 another property.

11 But my concern is, what's the impact of
12 having an entrance right at the point where there's
13 access to that other property that I think is fairly
14 sizable and I don't think is accessible -- I know it's
15 not accessible from H Street. So I guess I'd just
16 like to have that examined in some greater detail.

17 The issue about having access from the
18 H Street overpass I find very troubling, so I want a
19 full discussion of that. But one of the things, if
20 I'm reading, again, A01 correctly is that that ramp
21 that will lead down to the loading for this building
22 also will provide access to the Union Station loading
23 dock.

24 MR. MCGHETTIGAN: That's correct.

25 CHAIRPERSON MITTEN: So are vehicles that

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1 are serving Union Station also going to be using that
2 ramp?

3 MR. MCGHETTIGAN: Yes. Loading vehicles
4 will also be using that H Street connection.

5 CHAIRPERSON MITTEN: But loading vehicles
6 serving Union Station in addition to this building.

7 MR. MCGHETTIGAN: That's correct.

8 CHAIRPERSON MITTEN: Okay. I think we
9 need to have a full examination of that, because I --
10 I mean, so far in the traffic study, I didn't see --
11 what was mentioned in it, I didn't see the impact of
12 that, because I think that's significant.

13 The other thing about the traffic study is
14 that it's based on space utilization for, let's just
15 say, approximately 1.4 million square feet, which is
16 4,620 employees, and the Office of Planning report
17 makes reference to 6,000 employees. And the
18 1.4 million square feet, to my reading, does not
19 include the below-grade office area that's shown on
20 drawing A02.

21 So I want to be sure the traffic study is
22 representing the full anticipated population of that
23 building.

24 Any other questions for the Office of
25 Planning?

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1 VICE CHAIRPERSON HOOD: Madam Chair, I
2 think Mr. McGhettigan already noted what I was going
3 to ask earlier and that still applies. My other
4 question is: is this property going to -- and I'm
5 trying to get a sense of how -- the relationship
6 between this building and Union Station.

7 Is it going to abut back on the back end
8 where the tracks are? Is it going to abut the
9 station? I'm trying to get -- I couldn't get it by
10 looking at what I had in front of me. Or is there
11 going to be a separation between this building and the
12 property line of Union Station?

13 MR. MCGHETTIGAN: No. The building will
14 be right on the property line, and it's going to be
15 connected directly into the station on two different
16 levels. But there will be pedestrian connections into
17 the -- that end of Union Station where the McDonald's
18 is. But, yes, it's going to be abutting and connected
19 directly to Union Station.

20 VICE CHAIRPERSON HOOD: Okay. My concern
21 is -- and I guess we can pass it on to the applicant
22 once we get started -- my concern is Metro line and
23 those hot wires and safety hazards, and those are
24 things that we're going to be looking at.

25 I'm not an architect, so maybe it's here

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1 and I just don't understand it. But I will be
2 speaking to that at the hearing, if it's set down.

3 Thank you.

4 CHAIRPERSON MITTEN: Anybody else?

5 I would move setdown of Zoning Commission
6 Case Number 01-09C, which is the Station Place PUD.

7 VICE CHAIRPERSON HOOD: Second.

8 CHAIRPERSON MITTEN: We have a motion and
9 a second to set down the Station Place PUD. All those
10 in favor, please say aye.

11 (Chorus of ayes.)

12 Those opposed, please say no.

13 (No response.)

14 Mr. Bastida?

15 SECRETARY BASTIDA: Madam Chairman, the
16 staff will record the vote as four to zero, Ms. Mitten
17 moving and Mr. Hood seconded, Mr. Parsons voting in
18 the affirmative, Mr. May voted in the affirmative by
19 proxy. Mr. Holman not present, not voting.

20 CHAIRPERSON MITTEN: Thank you, Mr.
21 Bastida.

22 Now we will move to Proposed Action, and
23 the first case will be letter D on the agenda. And
24 just in case anyone came in late, letter B, Case
25 Number 00-28T, will be deliberated at a special public

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1 meeting on June 21st at 6:00 p.m.

2 VICE CHAIRPERSON HOOD: Madam Chair, also,
3 can I just ask if it's okay with you and my
4 colleagues, if we could move -- I think we're doing D
5 first. If we can move C before A, because I think, in
6 my opinion, A is going to take us a lot longer to
7 deliberate -- so those who are here for C -- if that's
8 okay.

9 CHAIRPERSON MITTEN: I think that's fair.
10 We will do that. So it'll be Frederick Douglass
11 followed by Connecticut Avenue followed by American
12 University.

13 Mr. Bastida, would you like to introduce
14 the Frederick Douglass PUD?

15 SECRETARY BASTIDA: Thank you, Madam
16 Chairman.

17 The staff has provided you with all of the
18 recommendations regarding the Frederick Douglass PUD.

19 The applicant has provided a proposed order, which is
20 not the usual case on a proposed action. And,
21 accordingly, the staff requests a decision from the
22 Office of -- from the Commissioners.

23 CHAIRPERSON MITTEN: Thank you. And we
24 also have the building samples or the material samples
25 I think.

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1 SECRETARY BASTIDA: Right. Yes. We have
2 the boards here, and we also have pictures of them on
3 the record and in front of you.

4 CHAIRPERSON MITTEN: Thank you.

5 I think we have a fairly extensive record
6 in this -- for the Frederick Douglass Stanton
7 dwellings PUD. And we have a proposed order in front
8 of us. We have findings of fact and conclusions of
9 law from the applicant.

10 Did you need something? Bear with us for
11 one minute.

12 VICE CHAIRPERSON HOOD: I can't seem,
13 Madam Chair, to put my hands on my questions. But I
14 think I know them off the top of my head. One of the
15 things that I wanted to comment about the Frederick
16 Douglass piece was that one thing I noticed in the
17 proposed order was that it did not mention the
18 excavation or the removal of the underground storage
19 tanks. So I thought it was leaking -- the underground
20 storage tanks, but I think that needs to be put in the
21 order.

22 Bear with me. I can't -- we went out of
23 order. I got my stuff out of order.

24 CHAIRPERSON MITTEN: If I can, I know that
25 Mr. Bastida had mentioned to us earlier that the

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1 applicant had filed amended -- an amended proposed
2 order. And I don't know if that included some
3 language related to the underground storage tank
4 removal or not.

5 SECRETARY BASTIDA: On my cursory review
6 of the order that we received this morning, I didn't
7 see it.

8 VICE CHAIRPERSON HOOD: Okay. I think,
9 Madam Chair, it should come on -- on the order that we
10 had on page 2, and it should be referenced somewhere
11 in number 7.

12 CHAIRPERSON MITTEN: All right.

13 VICE CHAIRPERSON HOOD: I believe that
14 would be the appropriate place. I don't necessarily
15 have the language.

16 CHAIRPERSON MITTEN: Okay. The
17 discussion, just for your reference, is at Tab I to
18 the applicant's post-hearing submission. It said, "No
19 records exist of leaking underground storage tanks on
20 the site."

21 VICE CHAIRPERSON HOOD: Right. I'm
22 familiar with that, Madam Chair. But I just think
23 that it needs to be also incorporated into the
24 findings of fact.

25 CHAIRPERSON MITTEN: Oh, I see what you're

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1 saying. All right.

2 VICE CHAIRPERSON HOOD: Because I didn't
3 see where it took place.

4 CHAIRPERSON MITTEN: Fine. Okay. I think
5 we can -- Mr. Bastida has made note of that, and that
6 will be incorporated.

7 VICE CHAIRPERSON HOOD: And also, again,
8 employment and training opportunities, and the low and
9 disadvantaged contractors. I think that's a piece
10 that we really need to start pushing and making sure
11 that's going on and that's really happening.

12 CHAIRPERSON MITTEN: Just on that
13 particular point, I don't -- given that we haven't had
14 the opportunity to have the Office of Planning have a
15 discussion with the Department of Employment Services,
16 and so on, about what a proper mechanism might be to
17 ensure that at least the information is being made
18 available, you know, on a regular basis to the Zoning
19 Administrator, I don't know what more we could
20 incorporate into this particular order unless you had
21 something --

22 VICE CHAIRPERSON HOOD: I do have some
23 ideas, but I will share that with the Office of
24 Planning. I just wanted to put it on record that we
25 need to start really pushing that piece and making

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1 sure that this happens. I do have some ideas, but I
2 don't think this may be the appropriate time.

3 CHAIRPERSON MITTEN: All right. So for
4 the -- to go forward with this, are you satisfied with
5 the language that's in --

6 VICE CHAIRPERSON HOOD: Yes, I'm fine. I
7 didn't have any problems.

8 CHAIRPERSON MITTEN: All right. I think
9 we can -- I just want to assure you that in spite of
10 the fact that Mr. Parsons has left the room, we have a
11 proxy from Mr. May, and depending on the way the vote
12 turns out, we may be able to dispose of this. Okay.

13 VICE CHAIRPERSON HOOD: Madam Chair, with
14 that, I make a motion that we approve Zoning
15 Commission Case Number 00-38C, PUD of Frederick
16 Douglass.

17 CHAIRPERSON MITTEN: And I'll second that
18 motion.

19 And I'll just make note of the fact that
20 in the proposed order from the applicant as delineated
21 in number 13, points A through I, the benefits of the
22 project are adequately identified, and that we have
23 identified no adverse impact from this project that is
24 not addressed in the proposal.

25 So we have a motion and a second to

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1 approve Zoning Commission Case Number 00-38C, the
2 Frederick Douglass PUD. All those in favor, please
3 say aye.

4 (Chorus of ayes.)

5 Those opposed, please say no.

6 (No response.)

7 Mr. Bastida?

8 SECRETARY BASTIDA: The staff will record
9 the vote as three to zero, Mr. Hood moving and Ms.
10 Mitten seconded, Mr. Peter May voting in the
11 affirmative by proxy, Mr. Parsons not being present at
12 the time of the vote, and Mr. Holman not being
13 present.

14 CHAIRPERSON MITTEN: Thank you.

15 We'll now proceed to Zoning Commission
16 Case Number 00-23P, which is the map amendment for
17 Connecticut Avenue between Nebraska Avenue and Jocelyn
18 Street. Mr. Bastida?

19 SECRETARY BASTIDA: Yes. The staff has
20 provided the Commissioners with all the appropriate
21 information, and there were several requests for
22 opening the record to accept material that was filed
23 after the closing of the record.

24 CHAIRPERSON MITTEN: Thank you. Let me
25 begin by stating that we had executive sessions

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1 related to this case on June 8th and earlier today,
2 June 11th. Minutes of those executive sessions will
3 be placed in the file.

4 At the executive session, we entertained
5 the request to reopen the record by Shaw Pittman to
6 respond to the additional report that was filed by the
7 Office of Planning, and we responded to the post-
8 hearing submission -- well, the letters responding to
9 post-hearing submissions that were submitted for the
10 record by Sunrise Assisted Living, by Nebraska Avenue
11 Neighborhood Association, and ANC-3G.

12 And we reopened the record to accept each
13 of those items into the record. We, likewise,
14 reconsidered our -- the action that we took at last
15 month's public meeting not to reopen the record to
16 accept a submission from Charles Doctor on behalf of
17 the estate of Francisco Call Monge, and accepted that
18 information into the record as well.

19 We did that in the spirit of we had not
20 provided an opportunity for interested folks to
21 respond to other people's submissions. And given that
22 this is a rulemaking case, and there will be an
23 additional opportunity after the proposed order is
24 published for 30 days, we will see it anyway and we --
25 our preference was to have as much information on hand

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1 at the time of the initial deliberation as possible.
2 So we accepted all of those additional items into the
3 record.

4 Now, we -- I just want to address as well
5 that we had an original motion, which we took as a
6 recommendation, a request, because there are no
7 motions by parties in rulemaking cases, by Shaw
8 Pittman to dismiss this case or exclude Square 1989
9 from the application.

10 And at the time of the hearing we took
11 that motion under advisement, and we have, by our
12 action thus far, denied that request, because we've
13 moved forward and we have not excluded Square 1989
14 from the application.

15 Additionally, we had a request that we
16 deferred at our last public meeting to defer the
17 decision on this rezoning until after the BZA appeal
18 for -- related to the Sunrise assisted living facility
19 is decided. And the argument there was that the
20 Commission would be in a better position to assess the
21 down zoning request and to determine the most
22 appropriate treatment for specific sites in the area
23 to be rezoned.

24 Is there any support for that deferral? I
25 think from our executive session discussion and the

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1 sentiment related to non-conforming uses I don't find
2 that there is any -- that there was any support, and I
3 don't hear any today, for deferring our decision on
4 the down zoning. So I think we're ready to proceed if
5 that is consistent with everyone else's notion of --
6 okay.

7 COMMISSIONER FRANKLIN: Madam Chair,
8 before we do proceed, let me make a minor
9 clarification of your earlier statement about my
10 status. I suppose, more specifically, I'm on a glide
11 path to retirement. I'm still an employee of the
12 Architect of the Capitol, specifically authorized to
13 represent the office on matters in which I have
14 previously sat. Mr. May will, of course, be on all
15 new matters.

16 CHAIRPERSON MITTEN: Thank you for the
17 clarification. I hope we're all on a glide path
18 toward retirement.

19 (Laughter.)

20 All right. There are several issues in
21 this case, probably the most significant being
22 consistency with the comprehensive plan or a lack of
23 inconsistency with the comprehensive plan and the
24 moderate density residential land use designation that
25 attaches to this site.

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1 And then there's the issue of there are a
2 range of zones that are compatible with that moderate
3 density designation that are available to us to choose
4 from, and then there is an issue related to non-
5 conformity and creating non-conforming structures.

6 I guess I would just begin the discussion
7 by saying that Section 112.1 of the comprehensive plan
8 requires that since the land use integrates the
9 policies and objectives of all other District elements
10 it should be given greater weight than the other
11 elements, which there has been a significant amount of
12 discussion in this case related to which elements of
13 the comprehensive plan are the most compelling for us
14 to strive not to be inconsistent with.

15 And I think the Office of Planning has
16 recommended, and we have clear direction from the
17 comprehensive plan that the land use element is the
18 most important. And so I would suggest that within
19 the range of our discussion that we're fairly well
20 bound to be within the range of the moderate density
21 residential land use designations which would be R-3,
22 R-4, R-5-A, and R-5-B. Is that the general consensus
23 here? All right.

24 Now, there are other issues addressed in
25 the comprehensive plan, and they are not always

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1 compatible. They relate to controlling redevelopment,
2 promoting affordable housing for the elderly, relating
3 new structures to existing buildings in terms of
4 height, mass, and so on, maintaining and improving
5 viable residential areas, and concentrating housing
6 density along transportation corridors.

7 So here we have -- in this particular case
8 we have many of these sometimes conflicting issues
9 raised in the comprehensive plan coming together, and
10 they can influence how we resolve which of the
11 moderate density land use zones we are -- or
12 residential zones we would select.

13 So I think that my feeling is that given
14 that Connecticut Avenue is such an important
15 transportation corridor, and for most of its length
16 it's fairly high density residential, and here within
17 the moderate density category I would lean in favor of
18 the higher and the more permissive end of the range of
19 possible zones. So I would be advocating for R-5-B
20 over something less permissive.

21 COMMISSIONER FRANKLIN: If that is a
22 motion, Madam Chair, I would gladly second it.

23 CHAIRPERSON MITTEN: I think I'd like to
24 flesh it out just a little bit more before I elevate
25 it to the form of a motion.

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1 One of the things that was evolving
2 throughout the hearing was the ANC that brought us
3 this proposal had proposed that R-3, which is the most
4 restrictive moderate density zone, be the designation
5 for this particular stretch of Connecticut Avenue.
6 And the Office of Planning's recommendation was that
7 we rezone the area to a mix of R-4 and R-5-B.

8 And I found that for the sake of
9 consistency and hopefully a consistent ultimate
10 treatment of the area that having a differentiation
11 within a very small area of these different zones is
12 counterproductive. So I would be I guess advocating
13 that we have -- that we just have a single zone for
14 this stretch of Connecticut Avenue. And I would
15 suggest that we rezone the entire area that's the
16 subject to -- that's the subject of this proposal to
17 R-5-B, so just to make that additional clarification.

18 VICE CHAIRPERSON HOOD: Madam Chair, let
19 me also clarify one of your points you made earlier,
20 because, as everyone knows, early on we were kind of
21 fighting this, and everything was going simultaneously
22 with another project in front of the BZA.

23 My question -- and I know they're totally
24 separate -- but my question is: from what was stated
25 earlier, I'm not sure if you stated it or it was Corp.

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1 Counsel, but if we're going to have proposed action
2 now, and for all of those who want to comment there
3 will be another 30 days, I believe --

4 CHAIRPERSON MITTEN: It'll be 30 days
5 after it is published, so --

6 VICE CHAIRPERSON HOOD: After it's
7 published.

8 CHAIRPERSON MITTEN: -- it's even longer
9 from today.

10 VICE CHAIRPERSON HOOD: Okay. I can tell
11 you that in the submittal here from Shaw Pittman -- I
12 believe it's this one -- I was really kind of torn,
13 because I wanted to make sure we were fair. But I
14 think Ms. Dwyer actually answered my question for me
15 when she says -- it's the last paragraph I believe on
16 page 3. Yes, page 3.

17 And I'll just read the last two lines, "We
18 believe the answers are clear. To jeopardize housing
19 solely in the name of consistency with the
20 comprehensive plan generalized land use map is not
21 required by the current plan."

22 What made me move in favor of this was
23 that our charge from the Council and the charge that
24 we've taken as Zoning Commissioners is not to be
25 inconsistent with the comprehensive plan, because I

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1 was toying with this for a while, I had a problem
2 making sure we did -- we were doing good business in
3 the city.

4 In actuality, whether Ms. Dwyer -- even
5 though it's not in her favor she actually answered my
6 question. So that's my comment, Madam Chair.

7 CHAIRPERSON MITTEN: I guess before we
8 vote as well I would just like to spend a moment
9 giving my thoughts about the issue of non-conformity
10 because this is going to I'm sure come back again in
11 other cases, which is when properties are down zoned
12 their value may be adversely affected, just as when
13 properties are up zoned their values may be positively
14 affected.

15 And in the discussion related to creating
16 non-conformities there was a lot of emphasis on the --
17 basically the value diminution that would attend a
18 property that is -- whose structure is made non-
19 conforming by a zoning action. And we had a
20 submission from Shaw Pittman from Boland Smart on that
21 point. And sort of their -- what I got out of a
22 pretty loosely crafted opinion letter is that the
23 maximum effect might be 15 percent.

24 For properties that might be vacant land
25 or underimproved land, when they're down zoned and not

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1 necessarily made non-conforming, they may have much
2 more significant value impacts. And somehow their
3 non-conforming structures are supposed to be treated
4 differently, and I think it's just an unfortunate
5 consequence of down zoning that sometimes property
6 values are reduced.

7 And I don't think that the issue of
8 creating non-conforming structures per se is one that
9 should cause us to -- not to proceed in a manner that
10 would be -- or to proceed in a manner that would be
11 inconsistent with the comprehensive plan.

12 So now I guess I'll elevate all of that to
13 the form of a motion, which is I propose that we
14 rezone the identified lots and squares along the east
15 side of Connecticut Avenue between Nebraska Avenue and
16 Jocelyn Street from their existing R-5-D designation
17 to R-5-B.

18 COMMISSIONER FRANKLIN: Second.

19 CHAIRPERSON MITTEN: We have a motion and
20 a second to rezone the east side of Connecticut Avenue
21 between Nebraska Avenue and Jocelyn Street to R-5-B.
22 All those in favor, please say aye.

23 (Chorus of ayes.)

24 Those opposed, please say no.

25 (No response.)

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1 Mr. Bastida?

2 SECRETARY BASTIDA: Madam Chairman, the
3 staff would record the vote four to zero, Ms. Mitten
4 moving and Mr. Franklin seconded, Mr. Parsons and Mr.
5 Hood voting in the affirmative. Mr. Holman not
6 voting, not present.

7 CHAIRPERSON MITTEN: Thank you, Mr.
8 Bastida.

9 Now, if we could move to Zoning Commission
10 Case Number 00-36CP. Mr. Bastida?

11 SECRETARY BASTIDA: Madam Chairman, the
12 staff has provided you with all of the information
13 that the office has received regarding this matter and
14 requests for you to make a decision. Thank you.

15 CHAIRPERSON MITTEN: Thank you, Mr.
16 Bastida. And just because I neglected to say -- I
17 only said the more cryptic description of this case,
18 it's the American University campus plan that we're
19 now taking up.

20 And if I could by way of introduction
21 state for the record that we have had executive
22 sessions related to this matter on May 17, 2001;
23 June 4, 2001; and earlier today, June 11, 2001. The
24 minutes of those executive sessions will be placed in
25 the record of this case.

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1 An outgrowth of those executive sessions
2 has been a request for additional information, so
3 we'll begin with that.

4 The first relates to the land use
5 designations. Our preference turned out to be for the
6 original Exhibit 11 that was included in the proposed
7 campus plan, which designates the proposed land use
8 categories, and there are four on Exhibit 11 --
9 academic, administrative/support, student life, and
10 athletics/recreation.

11 What we would like is a breakdown of the
12 specific uses for each category, and I'll give you an
13 example of what we're looking for. For instance, in
14 the academic category, we would want a breakdown such
15 as classrooms, laboratories, libraries, conference
16 facilities, and so on -- whatever the intended uses
17 are within those four categories.

18 And we understand that there may be some
19 overlap within those categories. And I'd like parking
20 to be one of those uses that is delineated in one or
21 more of those four categories.

22 We would also like a revised Exhibit 16.
23 Exhibit 16 is the list of proposed building additions
24 and deletions, and those basically identify the
25 project and where it will be located, its size and

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1 height, and the objective of what's to be -- meant to
2 be accomplished there, as well as a listing of which
3 category, which land use category, it's currently in.

4 So given that they are currently listed in
5 broader categories, we'd like the more specific
6 categories to be included -- one of the four more
7 specific categories to be included on Exhibit 16.
8 That will better allow us to determine whether or not
9 there will be adverse impacts related to uses.

10 And, Mr. Parsons, would you like me to --
11 would you like to address your concern related to open
12 space, or would you like me to attempt to address
13 that?

14 COMMISSIONER PARSONS: Are you talking
15 about this summary?

16 CHAIRPERSON MITTEN: No. I was just --

17 COMMISSIONER PARSONS: Oh. You were --

18 CHAIRPERSON MITTEN: It was sort of in
19 this category, so I just --

20 COMMISSIONER PARSONS: Yes. As you may
21 remember, I suggested to the applicant that they may
22 want to dedicate some of the open space, undeveloped
23 open space, not decorative open space, to preclude
24 development in those areas in the future. And they
25 responded saying they weren't prepared to do that,

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1 which didn't surprise me.

2 However, I think we need a category that
3 would apply to the recreation fields, would apply to
4 the area along Massachusetts Avenue to the north of
5 the Katzen Center, that would identify these areas as
6 open space. I think it also applies to the parking
7 lot on Nebraska Avenue. And not lump it into academic
8 or institutional or whatever those other words were.

9 So, but we're just asking them to
10 respond --

11 CHAIRPERSON MITTEN: Yes.

12 COMMISSIONER PARSONS: -- with a more
13 refined land use map. Thank you.

14 CHAIRPERSON MITTEN: Okay. So I guess the
15 direction would be that there should be some specific
16 treatment of open space in that further delineation.

17 Also, the Commission would like additional
18 information regarding the use of proposed Building M.
19 Specifically, who is intended to use the parking
20 garage and what is intended -- what is the intended
21 use of the balance of the building.

22 We'd like to see a discussion of the
23 extent to which the Tenley campus will continue to be
24 self-contained or the extent to which the students,
25 staff, and faculty from the Tenley campus will

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1 interact with the main campus.

2 We would also like additional information
3 regarding the arrangement by which AU students,
4 faculty, and staff may use the Methodist church
5 parking lot, including the duration of any binding
6 agreements. And there may be some additional requests
7 that will grow out of our deliberation today, but
8 that's what came out of our previous discussions.

9 Now, what I would like to propose as a way
10 of moving forward is that, as has been the case in
11 other campus plans, which is that we take up a series
12 of issues and we vote on those individual issues, and
13 basically craft what will ultimately be the motion for
14 the campus plan.

15 And I would suggest that those topics
16 would include enrollment and population caps,
17 transportation and parking, on campus housing, the
18 Tenley campus and its use, conditions related to
19 lighting, noise, use of the athletic field, special
20 events, and so on, as well as the individual -- the
21 locations and issues related to individual buildings.

22 And to the extent that, for instance, we
23 need additional information for Building M, we would
24 defer a discussion of Building M today until we got
25 that additional information.

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1 I would also like to say, in response to
2 the specific requests by the ANCs and by the community
3 groups, that we send the university back for
4 additional discussion with the community, because the
5 issues are still unresolved. And, therefore, it's
6 inappropriate to place it in the lap of the Zoning
7 Commission.

8 After there's been a certain amount of
9 discussion with the community, and I think there's
10 been adequate discussion with the community in this
11 case, even though it hasn't resulted in something that
12 satisfies everyone, it is appropriate to put it in the
13 lap of the Zoning Commission. That's what we're here
14 for. We're here to decide these issues, and that's
15 what we will -- we'll do some of that today and start
16 to draft the plan, and we'll do that at an additional
17 session after we get this additional information.

18 Also, we may make reference to a work
19 product that basically lists the proposed conditions
20 by the parties in the case that is really just a
21 summary for the Zoning Commission to look at.

22 So to the extent that we make reference to
23 that, it's not a document that's in the record. It
24 will not be put in the record. It's merely a summary
25 for us to have an easy way of cross-referencing the

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1 proposed conditions that have been made by the various
2 parties.

3 COMMISSIONER FRANKLIN: Prepared by the
4 General Counsel --

5 CHAIRPERSON MITTEN: Prepared by --

6 COMMISSIONER FRANKLIN: -- or Corporation
7 Counsel.

8 CHAIRPERSON MITTEN: Corporation Counsel.
9 Exactly. Thank you.

10 So with that, let's proceed to a
11 discussion related to enrollment. The proposal has
12 been from the university to maintain the cap, the
13 existing cap from the 1989 plan, at 9,800 full-time
14 equivalent students, full-time equivalent students,
15 and a head count of 11,233.

16 We've had a proposal from community
17 groups, including the ANC, to basically reduce the cap
18 to a head count of 10,175, which would reflect the
19 number of law students that had originally been
20 included in the cap.

21 Based on the discussions that we've had in
22 executive session, I'd like to make a proposal. And
23 the discussions that we've had have been along the
24 lines of the fact that we recognize that there's a
25 fundamental change that has occurred in the background

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1 situation related to the main and Tenley campuses at
2 American University, and that relates to a law school
3 that is now located nearby.

4 And that has an impact on the community,
5 and it's not as direct an impact as the students that
6 are actually on the campus, but it is an impact. So I
7 would propose that we revise the cap that has been
8 proposed by the university downward to reflect
9 approximately half of the law students that were
10 originally included in the cap.

11 So that would be a reduction to 9,250
12 full-time equivalent students. And preserving -- in
13 order to preserve the existing relationship between
14 the full-time equivalent and the head count, which is
15 -- the head count exceeds the full-time equivalent by
16 14.6 percent, the revised head count would be 10,600.

17 So I would move that we -- that the cap
18 for the plan going forward would be a full-time
19 equivalent of 9,250 and a head count of 10,600.

20 COMMISSIONER PARSONS: Second.

21 CHAIRPERSON MITTEN: We have a motion and
22 a second to revise the caps as I had described. Is
23 there any further discussion?

24 COMMISSIONER FRANKLIN: You're referring,
25 of course, to the students.

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1 CHAIRPERSON MITTEN: Yes, students. Yes.
2 Thank you. It pays to be crystal clear.

3 Any further discussion? All those in
4 favor, please say aye.

5 (Chorus of ayes.)

6 Those opposed, please say no.

7 (No response.)

8 Okay. I don't think we need to record
9 these individual votes, Mr. Bastida. We just need to
10 make sure we keep track of what, in fact, they are.
11 All right?

12 SECRETARY BASTIDA: You're correct, Madam
13 Chairman. And the transcripts will reflect all of the
14 numbers and the votes. Thank you.

15 CHAIRPERSON MITTEN: Thank you.

16 Now, related to this issue is the issue of
17 having a cap on students at the Tenley campus, a
18 separate cap on students at the Tenley campus. And
19 that may be best deferred until we find out more about
20 the proposed use of Building M. Is everyone in accord
21 of deferring that?

22 There has also been proposals to either --
23 by the university to keep the staff and faculty caps
24 at the same level or to reduce those caps to some
25 extent. Any thoughts about that? That would be on

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1 page 3.

2 The employee population right now is
3 2,200. The cap is 2,200 full-time equivalent. And
4 the proposal from the community organizations is to
5 reduce that slightly to 2,193.

6 COMMISSIONER PARSONS: I think we ought to
7 leave it at 2,200. I don't see how reducing it to
8 2,193 makes any difference at all.

9 CHAIRPERSON MITTEN: All right. I think
10 maybe we could just do that by consensus. And then,
11 again, the issue about whether or not there might be a
12 separate cap on the Tenley campus for faculty and
13 staff as existed previously. We could defer that as
14 well until we find out more about Building M.

15 All right. Anything that I overlooked
16 related to -- specifically, to enrollment and the
17 population caps? I don't think so. All right.

18 Did you have something? Okay. All right.

19 Let's move to transportation and parking.
20 There have been a number of conditions proposed
21 related to this. But before we move to that, let's --
22 I'll just recap where we stand, which is currently
23 there are -- according to the addendum to the traffic
24 study, the current number of parking spaces is 2,523.
25 This includes 113 on the Methodist church lot, which

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1 is why we're especially interested in the relationship
2 between the university and the church folks for the
3 use of that lot.

4 The required minimum number from the 1989
5 plan is 2,490. The university has proposed to
6 increase the number of parking spaces to a total of
7 2,959 spaces. This would be on both the main and
8 Tenley campuses.

9 The issue has been raised about whether
10 the minimum should be raised from the existing
11 minimum, whether or not the additional spaces should
12 be tied to increased enrollment and staffing, and then
13 we'll decide further about whether or not the church
14 lot should be counted when we know more about the
15 relationship.

16 So thoughts on raising the minimum number
17 of parking spaces required? Let me clarify, in case I
18 didn't make it clear, because there is no guarantee
19 that any given project will go forward, to the extent
20 that there are parking spaces associated with a
21 particular project, there's no, you know, definite
22 commitment to build the additional spaces.

23 I'm sorry. I interrupted you, Mr. Parsons.

24 COMMISSIONER PARSONS: But if you are to
25 approve a plan that contains those elements, they

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1 should be added to this, except for those parking lots
2 that might be removed. So you're referring to this
3 table from the master plan.

4 CHAIRPERSON MITTEN: That's the existing
5 number of parking spaces, yes.

6 COMMISSIONER PARSONS: 2,523. And the
7 proposal is to add a thousand or more.

8 CHAIRPERSON MITTEN: The proposal is to
9 add approximately 400 net gain.

10 COMMISSIONER PARSONS: Net gain. Yes. So
11 what you're saying is we shouldn't add these, because
12 they are not promised? Planned?

13 CHAIRPERSON MITTEN: No. I'm just
14 suggesting that we need to have a discussion about
15 whether -- right now there's a minimum of 2,490
16 spaces. And there's a proposal that if -- depending
17 on which projects get constructed that there may be as
18 many as 2,959 spaces.

19 But given that there is the potential for
20 increased student population, increased staff
21 population, increased faculty, do we need to somehow
22 tie the -- do we need an increase in the minimum
23 number of spaces on campus? That's point A.

24 B is, do we need to tie that to growth in
25 any way?

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1 VICE CHAIRPERSON HOOD: Madam Chair, I
2 just have a clarification. I'm looking at my quick
3 reference, and you said net gain of 400 spaces?

4 CHAIRPERSON MITTEN: Approximately.

5 VICE CHAIRPERSON HOOD: What happened to
6 the other 70 parking spaces?

7 CHAIRPERSON MITTEN: I guess what I'm
8 looking at is the difference between the existing --
9 what you're looking at in terms of what's delineated
10 on page 8 --

11 VICE CHAIRPERSON HOOD: Right. The quick
12 sheet, right.

13 CHAIRPERSON MITTEN: Yes, is -- the
14 minimum that's called for is 2,490. What's currently
15 provided is 2,523. And they are proposing to increase
16 it to as many as 2,959. So I was looking at it as the
17 difference between 2,959 and 2,523, which is 436,
18 whereas the difference between the maximum that they
19 would provide and the existing minimum is 469 or 470.
20 So it's -- I guess I just was using round numbers.

21 VICE CHAIRPERSON HOOD: Okay.

22 COMMISSIONER PARSONS: Well, the Office of
23 Planning seemed to feel that 2,959 was adequate. Are
24 you asking us to discuss that or propose an increase,
25 or what?

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1 CHAIRPERSON MITTEN: Well, as it stands,
2 the 2,959 is not promised. It's anticipated, but it's
3 not -- it's not being proposed as a new minimum, or
4 that by the end of the 10 years that there will be
5 that many. It's just that there might be that many,
6 so it's a question of how tightly do we want to tie
7 the university to increasing the number of parking
8 spaces.

9 COMMISSIONER FRANKLIN: Madam Chair, this
10 particular issue has always been problematic with
11 campus plans from previous experience. There's one
12 school of thought that would like to see parking
13 reduced because it tends to attract more automobiles.

14 There's another school of thought that
15 says they'd like to see parking increased because
16 theoretically it keeps cars from parking in the
17 neighborhood. But, of course, that's a function of
18 how much is charged for on campus parking.

19 So, you know, I don't know that there's
20 any, you know, compelling number that I can see here.

21 And if the Office of Planning thinks that 2,959 is --
22 as a result of new construction is what it has
23 anticipated, I would be reluctant to, you know, impose
24 a very specific number in terms of a cap at this
25 particular stage, because depending on how that

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1 parking is managed it can have a tremendous salutary
2 effect on the neighborhood in terms of keeping cars
3 off the streets.

4 So, but the question in my mind would be
5 whether we want to right now increase the minimum,
6 even though these buildings have not been developed.

7 CHAIRPERSON MITTEN: Just to flesh out the
8 point a little bit more, and I agree with what you've
9 said, but there -- and this is I think just the final
10 point about it, which is we've given some flexibility
11 towards increased enrollment and increased staffing,
12 and so on.

13 There's nothing that says that they have
14 to build anything new before they can take advantage
15 of those increases. So there could be more bodies on
16 campus with no new development, and the question then
17 would be, will the parking continue -- will the
18 minimum number of parking spaces continue to be
19 adequate?

20 So I guess I have -- I have my doubts
21 about that. And I don't have a specific proposal to
22 put forward, but it's -- you know, to the extent that
23 we were anticipating -- we could quantify the
24 potential increased population, and we could have some
25 kind of a relationship between the increased

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1 population and the increased number of parking spaces.

2 Mr. Parsons?

3 COMMISSIONER PARSONS: Well, I think as we
4 deal with each building we should state what has been
5 stated to us that these buildings will contain this
6 much parking, and say that at the end of this master
7 plan development there will be so many parking spaces.

8 But I can't imagine how you can tie it to
9 an increased population without a Katzen Center
10 parking garage. I mean, it just -- you can't do it.
11 That's what you're asking. Suppose the Katzen Center
12 doesn't go forward? Five hundred cars in the
13 basement, and the population increases.

14 CHAIRPERSON MITTEN: So what you're saying
15 is --

16 COMMISSIONER PARSONS: You can't have them
17 parking 500 cars on --

18 CHAIRPERSON MITTEN: There's no --

19 COMMISSIONER PARSONS: -- to fit.

20 CHAIRPERSON MITTEN: There's not
21 necessarily any place to accommodate that.

22 COMMISSIONER PARSONS: They've got to go
23 down, and, I mean, it's irrational to tell them -- I
24 don't mean you're irrational -- but it would be
25 irrational to say, "Well, you've got to build those

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1 500 cars. You'd better dig a hole before you increase
2 your population, and build an underground parking
3 garage because your population is increasing."

4 CHAIRPERSON MITTEN: I understand your
5 point. Do you have -- what's your thought about the
6 idea that without -- even without new development they
7 could increase the population on campus without
8 creating any more parking spaces? And, you know,
9 isn't there going to be an impact related to that?

10 COMMISSIONER PARSONS: I don't know. We
11 didn't discuss it in the hearing. It's a new idea. I
12 don't know how to deal with it. If you would ask the
13 university to provide some thoughts on this, I think
14 it would be helpful, because it's -- I don't know how
15 you could -- it goes beyond my experience.

16 CHAIRPERSON MITTEN: I'm not averse to
17 asking the university for more information. I just
18 want to be sure that we ask it -- that we are specific
19 about what we're interested in, because we don't want
20 to get into a whole discussion about people's --
21 different people's perspectives on the subject.

22 COMMISSIONER FRANKLIN: Well, picking up
23 on what Mr. Parsons said, Madam Chair, you know, this
24 is a voluminous record. And I cannot recall that
25 amidst all of the suggestions and demands and requests

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1 that were made by opponents of the plan that they had
2 come up with some kind of a revised cap on parking or
3 minimum for parking, unless my memory serves me badly.

4 CHAIRPERSON MITTEN: I don't think that
5 there was any specific proposal. I just --

6 COMMISSIONER FRANKLIN: No.

7 CHAIRPERSON MITTEN: -- I mean, I remember
8 that there was a lot of discussion about the whole
9 impact of parking in the community, and I don't know a
10 lot about the dynamics of it, but I know that one
11 thing you have to do if you want to get cars off the
12 street is you have to provide another place for them
13 to go or you have to get people to stop driving.

14 So they have a pretty effective
15 transportation management plan. Notwithstanding that,
16 they use a lot of their parking spaces.

17 COMMISSIONER FRANKLIN: Well, my
18 preference would be to address the parking from the
19 standpoint of its adverse impact on the neighborhood
20 fairly directly rather than engaged in -- be engaged
21 in finding some kind of a number that we would
22 determine would be a minimum or a maximum.

23 CHAIRPERSON MITTEN: All right. How about
24 if we just do this to see if we can possibly get some
25 movement, which would be to just put the question to

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1 the university, which is, if the minimum were
2 increased, what would be -- what would the university
3 be able to accommodate as a new minimum? And to the
4 extent that they can.

5 VICE CHAIRPERSON HOOD: Madam Chair, also,
6 let me just say that I was not satisfied with what was
7 submitted to the record and also what was -- the
8 testimony that I heard on the off-campus parking
9 policy.

10 I don't know if this is the right time to
11 bring it up, but I believe it is --

12 CHAIRPERSON MITTEN: Sure.

13 VICE CHAIRPERSON HOOD: -- so I will.
14 Some of the things that -- if you were really doing
15 something, really doing it full fledged, I believe you
16 would have reported it to this Commission accurately.

17 I can assure you that the information that
18 I heard showed me that there was not a lot of effort
19 in off-street parking -- the off-street policy, the
20 campus parking policy that is off the campus, because
21 some of the information that was reported was
22 inaccurate.

23 What I would like to see also, if it's
24 appropriate, Madam Chair, that they come up with a
25 plan, because, frankly, to be honest, I don't believe

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1 that there is a plan. DPW and getting zoning
2 stickers, out-of-state tags, I don't think that
3 exists. Matter of fact, I know it doesn't.

4 So I guess if that was reported
5 accurately, then I would have some compassion and
6 understanding that we're trying to mitigate and trying
7 to deal with the adverse impacts to the community.
8 But because that information was reported incorrectly,
9 I have problems with it. But that's one key thing
10 that they need to go back, I think, and revisit.

11 COMMISSIONER PARSONS: Mr. Hood, let me
12 understand. Do you mean that the citizens did not
13 make a persuasive case about the parking, or that the
14 university didn't make a persuasive case?

15 VICE CHAIRPERSON HOOD: I'm saying that
16 the information that was reported to us about the work
17 that was being done with Department of Public Works,
18 from my knowledge, unless something changed -- I will
19 be the first one to go on record and say that I made a
20 mistake.

21 But my knowledge, what was reported to us
22 at the hearing on the zoning stickers on out-of-state
23 tags, that doesn't happen in the District of Columbia,
24 unless it just happened recently. I had a problem
25 when it was reported. I didn't mention it. But I was

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1 just wanting to see what evolved out of all of this,
2 as Commissioner Franklin said, voluminous material.

3 But I don't believe that there is a full-
4 fledged, off-campus parking policy to mitigate the
5 adverse impact in the community.

6 CHAIRPERSON MITTEN: Well, perhaps we
7 could -- are you satisfied, or were you --

8 COMMISSIONER PARSONS: Well, just --

9 VICE CHAIRPERSON HOOD: I guess what I was
10 doing --

11 COMMISSIONER PARSONS: -- I was not
12 persuaded just that there is a problem with parking in
13 the community. I did not feel that the citizens made
14 a persuasive case with the limited photography and
15 exhibits they presented that there was a problem. So
16 that's why I'm not terribly concerned about this cap,
17 but I guess you were speaking to a different issue.

18 VICE CHAIRPERSON HOOD: I was speaking as
19 to how they were --

20 COMMISSIONER PARSONS: As to stickers and
21 tags and --

22 VICE CHAIRPERSON HOOD: I was talking
23 about how they were enforcing it. But if I recall,
24 Commissioner Parsons, I think that one of the
25 photographs -- and I think -- oh, you don't have them.

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1 I think one of them had some people parking with no
2 -- and, again, it's a voluminous record.

3 I believe it would have said no parking at
4 any time, and we saw cars parking there. To me, that
5 was a problem within itself. If it was three or four
6 cars or a hundred cars, to me that's a problem. So,
7 that's just the way I looked at it.

8 CHAIRPERSON MITTEN: Well, I think that
9 one of the problems is that there may be -- that the
10 community may be impacted, but tying the impact to the
11 university is what is difficult given that they're in
12 close proximity to a Metro station, and that it's
13 fairly common knowledge that zoned parking is not very
14 well enforced in this city.

15 So what I might propose, and I think it's
16 been -- I think this really gets to the spirit, and I
17 believe this is in the -- in the proposed conditions
18 by the university and is very similar to what was
19 proposed by the ANCs and the community groups, is
20 really to incorporate a condition very similar to that
21 that's in the Mount Vernon campus plan, and at an
22 earlier session that had been distributed.

23 But basically it requires the university
24 -- the university shall require all students, faculty,
25 staff, and vendors servicing the main -- or servicing

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1 the campus to park on the campus, and shall prohibit,
2 to the extent permitted by law, students, faculty,
3 staff, vendors, from parking on the streets adjacent
4 to and surrounding the campus.

5 Then it goes on to say how that will be
6 accomplished, and I think that that would go a long
7 way to -- it gives the university some flexibility in
8 what exactly that mechanism will be, but it puts the
9 responsibility on them to control the users of the
10 campus that they have some -- that they have some
11 contractual relationship with, which would be
12 students, faculty, staff, and vendors.

13 So I would suggest that we adopt a
14 condition similar to that to accomplish just what
15 you're suggesting.

16 VICE CHAIRPERSON HOOD: Second.

17 CHAIRPERSON MITTEN: We have a motion and
18 a second to adopt a similar condition related to the
19 control of off-campus parking as that in the Mount
20 Vernon campus plan order. All those in favor, please
21 say aye.

22 (Chorus of ayes.)

23 Those opposed, please say no.

24 (No response.)

25 Great.

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1 COMMISSIONER FRANKLIN: Before you go on,
2 Madam Chair, could I suggest just to -- the record
3 might need a little further elaboration in terms of
4 the student population cap vis-a-vis the allocation of
5 some of the law school occupancy. It was based on our
6 understanding that law students take joint degree
7 programs and do migrate between the law school and the
8 main campus. They migrate for other reasons as well
9 -- to purchase books, to use the library, etcetera.

10 And, therefore, it struck us that a
11 certain part of the law school population ought to be
12 absorbed into the cap.

13 CHAIRPERSON MITTEN: Yes. I agree with
14 that. And I think also what we had discussed was that
15 there's a -- the neighborhood has changed to some
16 extent, too. The backdrop has changed, which is there
17 is -- you know, there's a significant off-campus use
18 that would be, in terms of us giving it due
19 consideration, would be no different than if there
20 were some other new significant development. We're
21 just recognizing another impact.

22 There's another condition in the Mount
23 Vernon campus plan order that I think would also
24 address -- that we might want to adopt that would
25 address issues related to parking, which it's brief so

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1 I'll read it. "Construction employees, contractors,
2 and subcontractors shall, by contract, be prohibited
3 from parking on adjacent residential streets under
4 penalty of fines and/or revocation of the contract."
5 That's an addition by me. "And/or revocation of the
6 contract" is an addition.

7 "Visitors to the main campus, including
8 attendees of all -- visitors to the campus," excuse
9 me, "including visitors -- including attendees of all
10 conferences, will be encouraged to use parking on the
11 campus and, where feasible, be notified in advance to
12 do so."

13 That's an adaptation of a condition from
14 the Mount Vernon campus plan. I think that's another
15 way of getting at individuals who have a more fleeting
16 relationship with the university, but specifically
17 related when there's construction going on, that that
18 would be -- that that limitation would be placed on
19 those contractors as well.

20 COMMISSIONER FRANKLIN: If the Chair would
21 accept a slight modification, I would say "subject to
22 contractual penalties or revocation," because
23 revocation is such a severe remedy that it tends to
24 not want to be invoked, but penalties could be.

25 CHAIRPERSON MITTEN: So it would be under

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1 -- well, as it reads "under penalty of fines and/or
2 revocation of the contract."

3 COMMISSIONER FRANKLIN: Well, I don't know
4 what "fines" mean.

5 CHAIRPERSON MITTEN: I don't either.
6 So --

7 COMMISSIONER FRANKLIN: So "contract
8 penalties" I would say. In other words, the
9 contractor would be penalized --

10 CHAIRPERSON MITTEN: Contract penalties.

11 COMMISSIONER FRANKLIN: -- in the case of
12 violations.

13 CHAIRPERSON MITTEN: Okay.

14 COMMISSIONER FRANKLIN: You probably also
15 want to use the word "termination" of the contract,
16 rather than "revocation."

17 CHAIRPERSON MITTEN: Thank you.

18 Somebody has got to help me. Where are we
19 with the motion? Do we have --

20 COMMISSIONER FRANKLIN: If you accepted
21 that change, I'll second it.

22 CHAIRPERSON MITTEN: Great. Okay. I lost
23 track. I'm sorry.

24 Okay. I accept it, and we have a second.
25 And I'll include something else, so we can minimize

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1 the number of individual votes. I would also like to
2 include, "For conferences and other special events,
3 large or special events, the university will work with
4 area institutions in order to provide additional
5 parking as needed." That's also from the Mount Vernon
6 campus plan order.

7 Do you accept that as a --

8 COMMISSIONER FRANKLIN: Yes.

9 CHAIRPERSON MITTEN: -- condition? All
10 right.

11 We have a motion and a second to approve
12 these conditions for additional control of off-campus
13 parking. All those in favor, please say aye.

14 (Chorus of ayes.)

15 Those opposed, please say no.

16 (No response.)

17 All right. We have a specific
18 recommendation. We heard a number of conflicting
19 points of view on this issue. We had a specific
20 recommendation from DPW to implement market rate
21 parking fees. I think we were told by the university
22 that they are currently charging parking fees that are
23 below market.

24 DPW had recommended raising that to a more
25 market level, because it would encourage transit use

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1 and that the opposing view was by the community, which
2 is that if the parking is less expensive people are
3 more likely to make use of it, although the other edge
4 of that sword is that they will also be encouraged to
5 drive more. So I don't know if there's any support
6 for a recommendation or a requirement related to
7 market rate parking fees. Anybody want to --

8 COMMISSIONER FRANKLIN: I just happened to
9 think, Madam Chair, that, you know, trying to fight
10 the automobile is like trying to keep the tide from
11 coming in, and --

12 CHAIRPERSON MITTEN: I'm disappointed in
13 hearing that, but I know what you mean.

14 COMMISSIONER FRANKLIN: So I think the
15 idea of raising it to market rates would not have any
16 impact except to have people put their cars on
17 neighboring streets.

18 VICE CHAIRPERSON HOOD: I guess it's just
19 like nailing jello to the wall.

20 COMMISSIONER FRANKLIN: Yes, right.

21 (Laughter.)

22 CHAIRPERSON MITTEN: All right. So we'll
23 leave that alone, but we'll be -- I mean, we have
24 specifically addressed the recommendation by the
25 Department of Public Works, and that it's our view

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1 that imposing market rate parking fees would have a
2 greater adverse impact than what it would seek to
3 relieve. All right.

4 Let's deal with the issue of on-campus
5 housing. In terms of what's being proposed in the
6 campus plan, there is no increase in the number of
7 beds being provided on campus, with the exception of
8 the potential for 200 beds in Building M. And there
9 have been recommendations made that the amount of
10 housing provided on campus should be increased in
11 response to enrollment.

12 There are also two ratios that the
13 university was particularly proud of. One is that 85
14 percent of the freshmen and sophomores are currently
15 housed on campus, and two-thirds of all undergraduate
16 students are housed on campus.

17 I guess my thought would be rather than
18 tying any increase in the housing to enrollment that
19 we seek to have the university maintain these ratios,
20 because they seem to really get at the heart of what's
21 typically problematic, which is that, you know, a
22 higher percentage of younger students that are newly
23 unsupervised or less supervised -- we seek to have
24 those students -- a higher percentage of those on
25 campus.

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1 So I would suggest that we incorporate the
2 percentages as requirements, the percentages being
3 that the university must house 85 percent of freshmen
4 and sophomores on campus, and that they must house
5 two-thirds of all undergraduate students on campus.
6 And I would say that both of those would be based on
7 full-time equivalents.

8 COMMISSIONER PARSONS: I'd agree.

9 CHAIRPERSON MITTEN: So I would move that.

10 COMMISSIONER PARSONS: Oh. Well, I would
11 second it.

12 CHAIRPERSON MITTEN: Great. We have a
13 motion and a second to incorporate these -- the ratios
14 that I mentioned as requirements in the campus plan.
15 All those in favor, please say aye.

16 (Chorus of ayes.)

17 Those opposed, please say no.

18 (No response.)

19 COMMISSIONER PARSONS: There was one thing
20 you said, and that's what slowed me down a bit. I may
21 have misunderstood you, but I think it would be well
22 to correct -- I think you said that the only housing
23 to be provided was at the Tenley campus in the
24 proposed plan.

25 CHAIRPERSON MITTEN: That was --

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1 COMMISSIONER FRANKLIN: Building K also
2 anticipated some housing.

3 CHAIRPERSON MITTEN: If I could just --
4 let me just explain what I said, and I'm not
5 disagreeing with you. I think the only specific
6 proposal for a -- you know, a project that would
7 include a specified number of beds was the one --
8 Building M on the Tenley campus. That was 200 beds.
9 There was no other specific proposal in that regard.

10 COMMISSIONER PARSONS: Oh, I see what you
11 mean. Okay. But there was discussion of residential
12 in other buildings.

13 CHAIRPERSON MITTEN: Well, if I could -- I
14 just feel like I want to hammer this home, which is,
15 for instance, you just mentioned Building K.
16 Building K is an alternative housing site, as opposed
17 to one that's -- was being proposed primarily as a
18 housing site, I guess is the only distinction I was
19 trying to make.

20 COMMISSIONER PARSONS: Okay.

21 CHAIRPERSON MITTEN: But I think we're in
22 agreement with each other.

23 COMMISSIONER PARSONS: All right.

24 CHAIRPERSON MITTEN: All right. Any other
25 proposals or issues related to on-campus housing?

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1 All right. This may -- we may want to
2 defer when we get more information related to
3 Building M, but I'll just raise it in case anyone
4 wants to talk about this now and it wouldn't be
5 premature.

6 Right now, the Tenley campus is limited --
7 the use of the Tenley campus is limited to the
8 Washington Semester and Study Abroad Programs, or
9 comparable/compatible programs. And the students
10 living on the Tenley campus are not permitted to have
11 automobiles. Do you want to defer that until we find
12 out more about whether or not we would want to
13 incorporate those into the campus plan until we find
14 out more? Defer?

15 COMMISSIONER PARSONS: Yes.

16 CHAIRPERSON MITTEN: Okay. We'll defer.

17 Let's just go to a discussion about the
18 individual buildings, and then we'll pick up whatever
19 we haven't discussed that we still have the energy for
20 related to some of the other conditions. So --

21 VICE CHAIRPERSON HOOD: Madam Chair, can I
22 just interrupt?

23 CHAIRPERSON MITTEN: Please.

24 VICE CHAIRPERSON HOOD: I don't know how
25 that went by me after one or two hearings. You said

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1 students on the Tenley campus are not permitted to
2 have automobiles. Is --

3 CHAIRPERSON MITTEN: Yes.

4 VICE CHAIRPERSON HOOD: It's too late.
5 Thank you.

6 COMMISSIONER FRANKLIN: There was a
7 certain inconsistency with that, because my
8 recollection from the hearing was that the large
9 parking facility on the Tenley campus was in response
10 to a perceived demand for parking from Washington
11 Semester students, if I remember correctly.

12 CHAIRPERSON MITTEN: We'd have to look
13 back at that. My recollection was that there's about
14 76 parking spaces on the Tenley campus existing now.

15 COMMISSIONER FRANKLIN: Well --

16 CHAIRPERSON MITTEN: And that the cap on
17 the number of faculty and -- I take it back, there's
18 82. And the number of faculty and staff permitted was
19 125, so I thought that those were primarily for
20 faculty and staff. But we could investigate that.

21 COMMISSIONER FRANKLIN: Well, you know, my
22 recollection was I asked the question about why they
23 were providing a large parking facility so close to
24 mass transit and was told, as I recall, that the
25 Washington Semester students bring their cars and

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1 would have a demand for that parking. And I --

2 CHAIRPERSON MITTEN: Let me --

3 COMMISSIONER FRANKLIN: -- think I
4 responded by saying, well, everyone has a demand for
5 parking.

6 CHAIRPERSON MITTEN: Let's do this. Let's
7 ask the university to tell us who has been parking --
8 who has permission to park on the Tenley campus. That
9 way we won't be guessing anymore.

10 All right. If we turn to page 19, that'll
11 put us on Project A. And I'll say that, as we enter
12 the discussion of the individual buildings, we
13 recognize that we've asked for additional information
14 related to more narrow proposals about the uses that
15 are proposed for these buildings.

16 And so what is being -- what is not being
17 included in this discussion specifically is what uses
18 -- we are not approving uses at this point, or the
19 land use designations for these different buildings,
20 because it's premature given what -- the additional
21 information that we've asked for. But we'll focus
22 instead on things related to building size, location,
23 and ways to accommodate any foreseeable adverse
24 impacts.

25 So Project A, which is -- which would be

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1 built between the Watkins and Kreiger Buildings, would
2 contain 30,000 square feet and basically join those
3 two buildings together, so that the total structure
4 would then contain 60,000 square feet, and the
5 proposed height is 40 feet, which is relatively
6 consistent with the existing Watkins and Kreiger
7 Buildings, both of which are three stories.

8 The recommendations from the Office of
9 Planning have been incorporated into the university's
10 proposed conditions. The concerns by both the ANCs
11 and the neighborhood organizations are that this is
12 the quietest portion of the campus, and it's
13 relatively close to adjoining homes. And there is
14 concern about screening related to noise and light,
15 and the recommendation in each case is that Building A
16 be omitted from the plan.

17 COMMISSIONER FRANKLIN: The recommendation
18 of the opponents.

19 CHAIRPERSON MITTEN: The recommendation of
20 the ANCs and the neighborhood organizations in
21 opposition.

22 COMMISSIONER PARSONS: I disagree. I'm
23 not persuaded that this building shouldn't be built.
24 I think the height of 40 feet is appropriate. Its use
25 for administrative purposes and not residential I have

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1 no problem with.

2 COMMISSIONER FRANKLIN: I agree with Mr.
3 Parsons, and I would like to say that lest there be
4 any, you know, inadvertent confusion when the
5 reference is made, maybe even in the Office of
6 Planning report and the AU recommendations, that the
7 design should be residential in character, that that
8 does not imply that that building should be
9 residential in occupancy.

10 CHAIRPERSON MITTEN: That's a good point.

11 COMMISSIONER FRANKLIN: Now, with respect
12 to lighting, Madam Chair, it seems to me we've learned
13 a lot about how to control lighting for energy
14 conservation purposes. And I would think in new
15 construction the university could easily employ the
16 techniques that basically turn the light off when
17 there's no activity in a room to cut down on the
18 amount of light that is visible from neighboring
19 homes.

20 It is a little irritating sometimes to
21 walk into a dark room, but if you go like this the
22 light goes on, so --

23 CHAIRPERSON MITTEN: Well, perhaps we
24 should incorporate that into a broader --

25 COMMISSIONER FRANKLIN: Right.

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1 CHAIRPERSON MITTEN: -- policy related to
2 lighting on campus. But I think that's a point well
3 taken, and it doesn't -- it needn't apply to common
4 areas that are required to be lighted for security
5 reasons.

6 Would you like to make a motion related to
7 Building A, Mr. Parsons?

8 VICE CHAIRPERSON HOOD: Madam Chair, I --
9 before Mr. Parsons makes his motion, I also was
10 looking at basically -- as far as I was concerned, A
11 and B were basically the same, and I would -- if my
12 colleagues wouldn't mind, maybe we can move them at
13 the same time, unless you have discussions for B, too.

14 COMMISSIONER FRANKLIN: I agree with Mr.
15 Hood.

16 CHAIRPERSON MITTEN: All right.

17 VICE CHAIRPERSON HOOD: With the same
18 conditions and what we have here in front of us, like
19 you stated AU had also put in the recommendations of
20 the Office of Planning taking into consideration the
21 effects of lighting and such.

22 CHAIRPERSON MITTEN: All right. So I'd
23 like a motion to approve the location and sizes of
24 Buildings A and B, with the conditions recommended by
25 the Office of Planning, with -- and I just want to add

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1 this, because I think this would apply in each case.
2 That the size of the building, so as not to -- so as
3 not to seemingly deny flexibility in further
4 processing, which would be that the sizes are up to
5 the designated size.

6 So in this case the size of Building A
7 would be up to 30,000 square feet of gross floor area,
8 and the size of Building B would be up to 50,000
9 square feet, and 40 feet in height apiece, up to 40
10 feet in height. Can I get a motion?

11 COMMISSIONER PARSONS: So moved. And I'm
12 glad you clarified that, because the Office of
13 Planning's conditions did not include the square
14 footage or height.

15 CHAIRPERSON MITTEN: All right.

16 VICE CHAIRPERSON HOOD: Second.

17 CHAIRPERSON MITTEN: Okay. We have a
18 motion and a second to approve Buildings A and B, up
19 to the sizes and up to the heights listed in
20 Exhibit 16, with the conditions proposed by the Office
21 of Planning. All those in favor, please say aye.

22 (Chorus of ayes.)

23 Those opposed, please say no.

24 (No response.)

25 All right. Project C, which is a small

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1 expansion of an existing building, and the addition of
2 bleachers. The number of bleachers that were
3 originally proposed has been reduced now to 500. The
4 recommendation from the Office of Planning was -- and
5 I think this was prior to the reduction to 500. I
6 think it was when the proposal was at 1,000 seats.
7 That the bleachers should be reduced in number or
8 eliminated completely.

9 The ANCs and the neighborhood
10 organizations recommended that the bleachers be
11 eliminated completely due to their orientation
12 relative to the community. And I would also add that
13 what we've been told is that the existing number of
14 bleacher seats facing in the opposite direction is
15 approximately 800, and that the current average
16 attendance at outdoor athletic events on the field is
17 plus or minus 300.

18 VICE CHAIRPERSON HOOD: Madam Chair, I
19 would be inclined to -- I know the proposal -- they're
20 asking for 500. I believe in the OP report and the
21 community is saying do away with them all. I would be
22 inclined to go with 250.

23 And also, I don't know if it's within our
24 scope, but also -- and I'm not too familiar with how
25 they're facing -- but at least have them at a lower

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1 plane and I think go wide as opposed to up.

2 CHAIRPERSON MITTEN: So would you like to
3 limit the number of levels of bleachers, then?

4 VICE CHAIRPERSON HOOD: Yes. And I
5 probably would need more discussion on that, hear from
6 somebody else. But I'm just going off the top of my
7 head, but it seems like it should be longer as opposed
8 to up, so --

9 CHAIRPERSON MITTEN: I see what you're
10 saying.

11 VICE CHAIRPERSON HOOD: And I'm not sure
12 what the level would be, but then, again, that may
13 infringe on something else if we go too long to try to
14 accommodate 250 people. But I do think there should
15 be something on the other side, or if that's the
16 visitors' side, or whatever you have. So --

17 COMMISSIONER FRANKLIN: I agree with Mr.
18 Hood, Madam Chair. I think that 250 seats strung out
19 horizontally will tend to reduce the amount of sound.

20 CHAIRPERSON MITTEN: Do you have any ideas
21 about how many rows we should set as a limitation?

22 COMMISSIONER PARSONS: It seems that the
23 opportunity for the university to respond to this
24 would be in order.

25 CHAIRPERSON MITTEN: All right.

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1 COMMISSIONER PARSONS: But I agree with
2 the 250.

3 CHAIRPERSON MITTEN: Okay. So we'll ask
4 for a response from the university. We would advocate
5 limiting the bleachers to 250 seats, and we're looking
6 for the minimum number of rows that you can construct
7 within the area to accommodate that number of seats.
8 You can get back to us with that.

9 Okay. I think we'll do Buildings D and E
10 together, since we learned how to streamline this.
11 Buildings D and E are located along Nebraska Avenue.
12 Building D is proposed to be up to 100,000 square feet
13 in size. Building E is proposed to be up to 80,000
14 square feet in size. Both are proposed to be as high
15 as 60 feet.

16 There are concerns from the community
17 related to setbacks from Nebraska Avenue, and concerns
18 related to the location of the ramps to the parking
19 garages from Nebraska Avenue in order to preclude
20 cuing onto Nebraska Avenue that would impede traffic.

21 So the issue related to the setback is
22 that Nebraska Avenue is proposed to be widened to
23 accommodate a left turn lane that would -- left turn
24 lane into the campus. And that if Nebraska Avenue
25 were widened, that the actual setback would be reduced

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1 from what it would be currently.

2 So that while the setback for Hurst Hall
3 is desirable, they want that setback to be duplicated
4 in light of the widening of Nebraska Avenue as opposed
5 to lining Buildings D and E up with the face of Hurst
6 Hall.

7 I happen to think that particularly with
8 guidance from the Ward 3 plan that what's more
9 desirable is that the building should be lined up with
10 the plane of Hurst Hall, and that that would provide a
11 more consistent streetscape along Nebraska Avenue.

12 And, secondly, related to the location of
13 the ramps, one of the things that the university has
14 told us is that the way that they control parking is
15 not by gating access to lots or garages, but that they
16 have roving patrols so that -- I don't know if we were
17 to adopt the -- the existing policy, which is not to
18 -- which is to continue to control parking in that
19 manner.

20 I don't think there would be a concern
21 about where the ramps were located, because there
22 really wouldn't be an impediment to getting access to
23 the garage. People wouldn't have to wait their turn
24 to go through the gate.

25 So we can provide -- you know, that would

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1 be guidance and further processing. But I think at
2 this point Projects D and E are acceptable.

3 Any other thoughts about that?

4 COMMISSIONER PARSONS: No. I would agree,
5 and move their approval with the conditions you just
6 outlined.

7 CHAIRPERSON MITTEN: All right.

8 VICE CHAIRPERSON HOOD: Second.

9 CHAIRPERSON MITTEN: We have a motion and
10 a second to approve Projects D and E, up to the sizes
11 and up to the heights that I described at -- with the
12 plane of the buildings consistent with that of Hurst
13 Hall along Nebraska Avenue, and might also
14 incorporate, if it's acceptable, there are some -- a
15 few additional conditions from the Office of Planning
16 related to streetscape, and so on, that we I think
17 would want to incorporate, with an eye towards just
18 locating the ramps in such a way that they would not
19 impede traffic flow along parking garage ramps, so
20 that they would not impede traffic flow along Nebraska
21 Avenue.

22 All those in favor, please say aye.

23 (Chorus of ayes.)

24 Those opposed, please say no.

25 (No response.)

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1 All right. Building F. Okay. Building F
2 is proposed to be up to 100,000 square feet in size,
3 up to 60 feet in height. It's an area of campus that
4 has a more institutional look to it, and the concern
5 by the community is that the building is quite large
6 and that the design should not perpetuate the existing
7 institutional look of the campus, but, rather, seek to
8 be somewhat more compatible with the neighboring
9 residences.

10 And there's issues -- it's also been
11 proposed by the community that there be a landscape
12 buffer in place prior to further processing for this
13 case, because there -- Building F can be viewed
14 directly from homes along University Avenue and
15 Woodway Lane.

16 COMMISSIONER PARSONS: But that buffer is
17 at the edge of the property, right?

18 CHAIRPERSON MITTEN: Yes.

19 COMMISSIONER PARSONS: Not --

20 CHAIRPERSON MITTEN: Not right up against
21 -- correct. Correct.

22 COMMISSIONER PARSONS: Well, with that
23 caveat and the recommendations of OP on lighting,
24 noise, and so forth, I would move we approve this
25 building as well, Building F.

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1 CHAIRPERSON MITTEN: Just before we --
2 before -- I'll second it. But are you satisfied that
3 in terms of the landscape buffer that if that were --
4 if that were made a part of the further processing for
5 Building F as opposed to something that would be
6 separate and distinct and done in advance of
7 Building F, that that would successfully mitigate the
8 adverse impacts related to the size of the building,
9 and so on.

10 COMMISSIONER PARSONS: Well, I think the
11 buffers committed to in 1989, which is what we're
12 talking about, should be done now, not awaiting
13 Building F. So I don't think tying it to Building F
14 is the place to do this. But I may be missing the
15 point.

16 I think this is the same buffers that were
17 illustrated to us by the citizens that had holes in
18 them and should be reinforced, replanted, augmented,
19 whatever, along that property line.

20 CHAIRPERSON MITTEN: So I think what the
21 community was advocating for related to Building F was
22 something more extensive. For instance, I think the
23 specific proposal from the community organizations was
24 Building F should not be constructed until an all-
25 season landscape buffer is put in place that

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1 effectively screens it from view, which I think would
2 go beyond what had been committed to previously.

3 COMMISSIONER FRANKLIN: I really don't
4 know what that means, Madam Chair.

5 CHAIRPERSON MITTEN: I think that means
6 they don't want to see it. Period.

7 COMMISSIONER FRANKLIN: Well, yes.

8 COMMISSIONER PARSONS: You need to plant
9 it with evergreens.

10 COMMISSIONER FRANKLIN: I suppose you can
11 get some --

12 COMMISSIONER PARSONS: I think that's what
13 "all-season" means. You know?

14 COMMISSIONER FRANKLIN: Well, put some
15 leland cypress in that grows to 90 feet, and -- but,
16 you know, that building is on the interior part of the
17 campus, and, you know, we're not -- we're not
18 reviewing the PUD here. So --

19 CHAIRPERSON MITTEN: I just want to be
20 clear about to what degree Building F should be
21 screened as it relates to the plan itself, rather than
22 further processing, because there -- when Building F
23 comes back for further processing, there would be the
24 opportunity, given the design and the nature -- how
25 big it actually is and how compatible the design is

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1 with what's around it, they might not want it to be
2 screened to that degree.

3 So I gather you are not advocating for
4 some separate screening, just in further processing.

5 COMMISSIONER PARSONS: Well, I guess the
6 point I was trying to make, why should the citizens
7 have to wait for Building F to come online to have the
8 buffer that was committed to in 1989 enhanced and
9 upgraded. In other words, I'd like to put that into a
10 separate aspect to the master plan --

11 CHAIRPERSON MITTEN: Okay.

12 COMMISSIONER PARSONS: -- and say you
13 don't get nothing until this is done. I mean, there
14 is no further processing, in other words, unless this
15 buffer is in place.

16 CHAIRPERSON MITTEN: Okay. So that's
17 almost a distinct issue from --

18 COMMISSIONER PARSONS: Yes.

19 CHAIRPERSON MITTEN: Okay. So we'll
20 revisit that in terms of other issues.

21 COMMISSIONER PARSONS: Okay.

22 CHAIRPERSON MITTEN: All right.

23 COMMISSIONER PARSONS: Yes. Yes.

24 CHAIRPERSON MITTEN: But you're not
25 advocating something special related to Building F.

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1 COMMISSIONER PARSONS: No.

2 CHAIRPERSON MITTEN: All right. Okay.

3 Then, I second your motion.

4 You weren't here for that, but I'd be
5 happy to repeat it as best I can remember it now. I
6 think the motion was to approve Building F as it has
7 been proposed, with a size up to 100,000 square feet,
8 with a height up to 60 feet, and with the conditions
9 that have been proposed by the Office of Planning
10 incorporated.

11 VICE CHAIRPERSON HOOD: Okay. Thank you.

12 CHAIRPERSON MITTEN: Did I adequately
13 capture that?

14 COMMISSIONER PARSONS: Correct.

15 CHAIRPERSON MITTEN: All those in favor,
16 please say aye.

17 (Chorus of ayes.)

18 Those opposed, please say no.

19 (No response.)

20 All right. The next is within the -- it's
21 proposed within the campus plan, but it's also one of
22 our further processing cases. It's the Mary Graden
23 Center expansion. I think there has been no -- there
24 were no objections to -- from the community, ANC,
25 Office of Planning, no concerns noted that I recall

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1 related to Project G, the Mary Graden Center
2 expansion.

3 So I would move approval of that --

4 COMMISSIONER PARSONS: Second.

5 CHAIRPERSON MITTEN: -- for further
6 processing as well.

7 COMMISSIONER PARSONS: Second.

8 CHAIRPERSON MITTEN: Okay. We have a
9 second. So all those in favor of approving Project G
10 as proposed, please say aye.

11 (Chorus of ayes.)

12 Those opposed.

13 (No response.)

14 All right. Next is Project H, which is
15 the sports center garage. The idea here is that the
16 university would convert this garage to some kind of
17 finished use for either academic or administrative
18 purposes, which we'll find out more later, more
19 specificity regarding the use.

20 But I think the main concern was that the
21 parking that is provided in the sports center garage
22 not be taken offline until other parking to replace it
23 has been put in place, so that there would never be an
24 occasion where there would be a reduction in the
25 number of spaces -- parking spaces provided on campus

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1 below whatever minimum we would establish.

2 Any concerns about Project H? I would
3 move approval of Project H as --

4 COMMISSIONER PARSONS: With OP's --

5 CHAIRPERSON MITTEN: -- with OP's
6 recommendations. Very good.

7 COMMISSIONER PARSONS: Second.

8 CHAIRPERSON MITTEN: Good. We have a
9 motion and a second to approve Project H with the
10 Office of Planning proposed conditions. All those in
11 favor, please say aye.

12 (Chorus of ayes.)

13 Those opposed.

14 (No response.)

15 All right. Project I relates to -- this
16 is another further processing. It relates to the
17 Butler Pavilion and the enclosure of a section of the
18 road that goes under -- I guess it goes under the
19 Butler Pavilion, and that that section of the road be
20 enclosed.

21 And, again, I don't know that there were
22 any concerns raised by the community or the Office of
23 Planning, and I would move approval of Project I as
24 proposed.

25 COMMISSIONER PARSONS: Second.

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1 CHAIRPERSON MITTEN: We have a motion and
2 a second to approve Project I as proposed, including
3 further processing. All those in favor, please say
4 aye.

5 (Chorus of ayes.)

6 Those opposed.

7 (No response.)

8 All right. Building J. This is the Kaye
9 Spiritual Life Center. I think there is some advice
10 that's worth incorporating in the Office of Planning
11 conditions, given the location of Building J and
12 related to its design and landscaping, that could be
13 addressed in further processing.

14 Building J is proposed to be no larger
15 than 10,000 square feet, no higher than 20 feet.

16 VICE CHAIRPERSON HOOD: Madam Chair, I
17 move approval with the Office of Planning's
18 recommendations.

19 CHAIRPERSON MITTEN: Second. We have a
20 motion and a second to approve Project J,
21 incorporating the conditions of the Office of
22 Planning. All those in favor, please say aye.

23 COMMISSIONER FRANKLIN: Before we vote,
24 Madam Chair --

25 CHAIRPERSON MITTEN: Oh, sure.

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1 COMMISSIONER FRANKLIN: -- Exhibit 15
2 indicates that that might have a residential use, and
3 I -- I don't know that that's an appropriate location
4 for a dormitory. That is a very key point in the Ward
5 Circle area, and I would like to see the university
6 revisit whether they really intend that to have a
7 potential residential use. We've asked them to do
8 that.

9 CHAIRPERSON MITTEN: Mr. Franklin, I think
10 the point that you are raising is exactly why we need
11 more detail on the land use designations --

12 COMMISSIONER FRANKLIN: Right.

13 CHAIRPERSON MITTEN: -- because the
14 category is too broad.

15 COMMISSIONER FRANKLIN: Right.

16 CHAIRPERSON MITTEN: So I think we'll --

17 VICE CHAIRPERSON HOOD: Madam Chair, with
18 that, I will withdraw my motion.

19 COMMISSIONER FRANKLIN: Well, if you
20 accept that as a -- sort of a slight modification.

21 CHAIRPERSON MITTEN: Well, I would just --
22 maybe like to just revisit what the underlying -- I
23 thought that there was an agreement that given what
24 we've asked for, by way of additional information, the
25 one element of each building that we're not including

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1 in our approvals as we go through this is what the --

2 COMMISSIONER FRANKLIN: Right. You're
3 right. Thank you.

4 CHAIRPERSON MITTEN: -- land use
5 designation, and so --

6 COMMISSIONER FRANKLIN: Yes, you're right.

7 CHAIRPERSON MITTEN: -- so I think we're
8 still in good shape.

9 COMMISSIONER FRANKLIN: I think you're
10 right.

11 VICE CHAIRPERSON HOOD: Okay. Well, I put
12 it back on the table.

13 COMMISSIONER FRANKLIN: Right.

14 CHAIRPERSON MITTEN: Okay.

15 COMMISSIONER FRANKLIN: Okay. Let us
16 proceed.

17 CHAIRPERSON MITTEN: Okay. So I think we
18 were just about ready to vote. So the motion is to
19 approve Project J, which is the addition to the Kaye
20 Spiritual Life Center, with the conditions recommended
21 by the Office of Planning because of the prominent
22 location of the building.

23 All those in favor, please say aye.

24 (Chorus of ayes.)

25 Those opposed.

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1 (No response.)

2 Okay. Okay. Project K, Building K is
3 located along Massachusetts Avenue. It is proposed to
4 contain up to 50,000 square feet of gross floor area,
5 with underground parking for 400 cars. The height
6 would be up to 50 feet.

7 And the concerns of the Office of Planning
8 relate -- and these are shared by the community --
9 relate to the relationship between proposed Building K
10 and the President's house, concerns related to
11 existing topography, the design, given its prominence
12 along Massachusetts Avenue. And all of the concerns
13 that were raised by the Office of Planning were I
14 think reiterated by the neighbors.

15 The Office of Planning has recommended
16 approval. The neighbors I think were more concerned
17 because of the -- there should be further study of
18 Building K because of the level of sensitivity of the
19 site.

20 COMMISSIONER PARSONS: Madam Chairman, I
21 think that I'd like to return to the 1989 master plan,
22 which called for a 15,000 square foot building here,
23 rather than 50-. I'll quote -- and my point is I
24 think the 50,000 -- the increase to 50,000 violates
25 what was in that master plan. It says that, "It will

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1 not be noticeable outside the campus except from the
2 Wesley Seminary property. And, therefore, it will not
3 have an adverse impact on residential neighbors."

4 I just think a 50,000 square foot building
5 here is grossly out of scale with the President's
6 home. There is no way that that could be designed to
7 respect the historic structure or Massachusetts
8 Avenue.

9 So I would like to, at the appropriate
10 time, move we disapprove this, or, in the alternative,
11 limit it to 15,000 square feet, which is what is
12 called for in the '89 master plan.

13 CHAIRPERSON MITTEN: If I may just follow
14 up on that, which is there is -- in addition to what's
15 being proposed above grade, which is the 50,000 square
16 feet, there is a 400-car parking garage that's being
17 proposed, which is -- as you pointed out earlier, it's
18 difficult to find places to accommodate large blocks
19 of parking.

20 And those parking spaces would accommodate
21 what will be lost in the sports center garage
22 conversion to a finished structure. So what are your
23 thoughts related to the parking garage?

24 COMMISSIONER PARSONS: Well, the parking
25 garage is seemingly the best part of the project. But

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1 I -- the topography is such -- I think we ought to
2 allow it to go forward for further processing, with
3 the 400 cars. But as OP and others pointed out, the
4 topography is such that they may ruin the place in
5 order to do that. So I'm torn on it, but certainly
6 parking is the kind of amenity we want here.

7 CHAIRPERSON MITTEN: So your
8 recommendation would be to, at least as far as the
9 campus plan is concerned, to allow -- to at least
10 anticipate that there could be a 400-car underground
11 parking garage, but that what would be above grade
12 would not exceed 15,000 square feet.

13 COMMISSIONER PARSONS: Correct.

14 CHAIRPERSON MITTEN: Is that correct? Any
15 thoughts on that?

16 COMMISSIONER FRANKLIN: Madam Chair, I
17 share Mr. Parsons' discomfort, but it's -- at this
18 point, at least in my mind, it has to be kind of a
19 theoretical discomfort, because nothing has been
20 designed. And I don't know what the volume might be
21 in the hands of a careful and sensitive designer in
22 terms of not disturbing the topography.

23 So I'm reluctant to just say that because
24 it was 15,000 in 1989 that's the optimal volume now.
25 I don't know what led to the 15,000 ten years ago or

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1 now 12 years ago -- or almost.

2 In any event, I do think that I'm a little
3 bit reluctant to simply go forward with 50,000. But I
4 think maybe what we have to do is just reserve those
5 issues to future processing, and that includes the
6 parking garage. I think that if the parking garage is
7 to go forward it ought to be going forward in the
8 context of an overall design for the structure.

9 At this point, in the absence of some even
10 conceptual design, it's very difficult to make a
11 judgment.

12 VICE CHAIRPERSON HOOD: Madam Chair, I
13 also agree with Commissioners Franklin and Parsons.
14 It sounds to me that they're on the same page. So I
15 won't have to just elaborate. I'll just agree with
16 Mr. Parsons and Mr. Franklin.

17 CHAIRPERSON MITTEN: Well, I think they
18 might not actually completely agree with each other.

19 COMMISSIONER PARSONS: No, we don't.

20 (Laughter.)

21 VICE CHAIRPERSON HOOD: It sounded to me
22 like they did. Maybe I'm sitting here in another
23 world. I thought that --

24 COMMISSIONER PARSONS: Go ahead.

25 VICE CHAIRPERSON HOOD: I thought that

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1 what I heard was that -- that we were going to go
2 ahead and not just disapprove it outright but deal
3 with -- make sure we keep it in place because of the
4 parking issue and deal with everything else in further
5 processing. That's what I thought I heard. Did I
6 hear that from both sides?

7 COMMISSIONER FRANKLIN: No, you heard it
8 from me, but not from Mr. Parsons.

9 COMMISSIONER PARSONS: No. You heard 15-
10 from me, and he can't deal with 50- from Franklin
11 until he sees a design. So he's saying 50- is okay,
12 as long as it respects the President's house and
13 topography, and so forth.

14 COMMISSIONER FRANKLIN: No. I mean,
15 conceivably, a capable, talented designer can meet the
16 criteria with 50-. I just -- I'm not enough of a
17 designer to know whether that's possible or not. But
18 I'm also not enough of a designer to know it's
19 impossible.

20 VICE CHAIRPERSON HOOD: Let me just say
21 this, Madam Chair, since I didn't understand them two,
22 let me put my point. I'm not in agreeance with just
23 disallowing. I think because of the parking issue I
24 would like to keep it intact, but also deal with the
25 topography and the other issues in further processing.

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1 CHAIRPERSON MITTEN: Well, just to make
2 the point completely clear, Mr. Parsons was not
3 advocating not approving it. He was just advocating
4 changing the scale of what would potentially go there.

5 Just to add to the discussion as a point
6 of reference, the President's office building contains
7 5,500 square feet according to Exhibit 25 of the
8 campus plan, just in terms of the scale of that
9 building. And the design guidelines in the Ward 3
10 plan do give us some pretty strong guidance about
11 consistency of mass and scale, and so on, of -- for
12 new structures.

13 So I think that 50,000 square feet and a
14 height of 50 feet really is probably --
15 notwithstanding that some design could probably make
16 that not incompatible with the President's house, I
17 don't think that's very likely.

18 So I think that there should be a
19 reduction in what is the maximum that would be
20 permitted at Building K, and I agree with Mr. Parsons
21 that we should preserve the opportunity for the
22 parking garage to go forward with the conditions that
23 the Office of Planning has recommended to see if they
24 can, in fact, maintain the integrity of the existing
25 topography and still build that.

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1 And I guess 15,000 square feet is as good
2 a point of departure as any for me, given that that
3 was the scale that had been proposed and approved in
4 the past, and that that strikes me as being relatively
5 consistent with the size of the President's office
6 building. So I would support Mr. Parsons.

7 COMMISSIONER PARSONS: But the President's
8 home -- didn't you just say it was 5,500?

9 CHAIRPERSON MITTEN: 5,500, yes.

10 COMMISSIONER PARSONS: So this is three
11 times that size.

12 CHAIRPERSON MITTEN: Up to 15,000. I
13 mean, I wouldn't -- I mean, once you put up to 50,000,
14 you're really setting the expectation for a much
15 larger building. And I just don't see how that could
16 possibly be compatible. I mean, just because we say
17 up to even 15,000, depending on the design, it doesn't
18 mean that ultimately that would get through further
19 processing. So --

20 COMMISSIONER FRANKLIN: Well, I don't know
21 how economical it is to put 400 cars with 15,000
22 square feet above them. I just think that at this
23 stage of the game maybe the way to approach it is to
24 concern oneself with the height of the building and
25 not be definitive with respect to cutting it back to

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1 15,000 square feet.

2 COMMISSIONER PARSONS: No, this is
3 replacement parking. Correct?

4 CHAIRPERSON MITTEN: This parking would
5 replace -- would help to replace --

6 COMMISSIONER PARSONS: Right.

7 CHAIRPERSON MITTEN: -- the existing
8 parking in the sports center garage.

9 COMMISSIONER PARSONS: Right.

10 CHAIRPERSON MITTEN: So that that building
11 would then be freed up to be renovated into academic
12 or administrative space.

13 COMMISSIONER PARSONS: So that's 466
14 existing spaces in the sports center garage.

15 CHAIRPERSON MITTEN: Yes.

16 COMMISSIONER PARSONS: So I'm not sure the
17 economics of the building above it is really relevant
18 here. I mean, if they're going to use this as
19 replacement parking, we're better off with a smaller
20 building above it, right?

21 CHAIRPERSON MITTEN: Would you --

22 COMMISSIONER PARSONS: They're trying to
23 replace 466 spaces, maybe not just here, but on the
24 campus. This is only 400 of those.

25 COMMISSIONER FRANKLIN: Do you think a 400

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1 square garage adequately complements the President's
2 house, as such?

3 COMMISSIONER PARSONS: If it's above
4 grade, no.

5 COMMISSIONER FRANKLIN: Well, are you
6 going to --

7 COMMISSIONER PARSONS: It's below grade.

8 COMMISSIONER FRANKLIN: So that you don't
9 want anything above grade.

10 COMMISSIONER PARSONS: A 15,000 square
11 foot building, and I don't even know why I'm
12 compromising to that degree.

13 COMMISSIONER FRANKLIN: Oh, okay.

14 CHAIRPERSON MITTEN: Mr. Parsons, did you
15 have a reaction to what Mr. Franklin had suggested,
16 which is that we, at this juncture, needn't be
17 restricting the size of the building but that if we
18 were to restrict the height that that might accomplish
19 what you seek to accomplish?

20 COMMISSIONER PARSONS: I can't imagine how
21 you could get 50,000 square feet under a 20-foot
22 height, if that's what you mean.

23 CHAIRPERSON MITTEN: Well, you just build
24 a big -- you know, you build a building with a
25 relatively big --

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1 COMMISSIONER PARSONS: Oh, yes, I
2 understand that.

3 CHAIRPERSON MITTEN: Well, you said you
4 didn't know how, so I thought I --

5 (Laughter.)

6 COMMISSIONER PARSONS: Thank you very much
7 for clarifying the record that he's not an idiot.

8 (Laughter.)

9 CHAIRPERSON MITTEN: For the record, I
10 didn't say that.

11 (Laughter.)

12 COMMISSIONER PARSONS: Oh, I still am,
13 then.

14 (Laughter.)

15 No, I just -- I would make a motion that
16 we approve Building K with a footprint of -- with a
17 square footage of 15,000 square feet and a maximum
18 height of 20 feet, with the 400 car parking below.

19 VICE CHAIRPERSON HOOD: With that, I'll
20 second it.

21 CHAIRPERSON MITTEN: And would that
22 include the conditions that are recommended --

23 COMMISSIONER PARSONS: Oh, yes.

24 CHAIRPERSON MITTEN: -- by the Office of
25 Planning?

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1 COMMISSIONER PARSONS: Oh, yes.

2 CHAIRPERSON MITTEN: All right. So we
3 have a motion and a second to approve Building K at a
4 size not to exceed 15,000 square feet and a height not
5 to exceed 20 feet, with the opportunity to build a
6 400-car underground parking garage, and incorporating
7 the conditions proposed by the Office of Planning.
8 Any further discussion?

9 All those in favor, please say aye.

10 (Chorus of ayes.)

11 Those opposed, please say no.

12 COMMISSIONER FRANKLIN: No.

13 CHAIRPERSON MITTEN: All right.

14 VICE CHAIRPERSON HOOD: Madam Chair, I
15 have a point of order -- a question. We've been
16 taking a series of votes and -- bear with me -- this
17 is my first campus plan. We've been taking a series
18 of votes, and Mr. Franklin just voted no. That's the
19 first time that has happened today. So when it comes
20 to --

21 COMMISSIONER FRANKLIN: It will not be the
22 last.

23 (Laughter.)

24 VICE CHAIRPERSON HOOD: My concern is,
25 when it comes to the final vote -- I'm not trying to

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1 put anybody's position out there -- then how does that
2 -- I'm sure that has happened in the past, with GW and
3 other cases.

4 CHAIRPERSON MITTEN: Yes.

5 VICE CHAIRPERSON HOOD: So how does that
6 come into play, his vote no on this one particular
7 piece?

8 CHAIRPERSON MITTEN: Well, I guess at the
9 time there would be -- you know, the plan will then be
10 -- it will then be basically a revised version of what
11 had been proposed.

12 And if a given Commissioner who is not in
13 agreement with any specific condition of the plan
14 feels so strongly about that condition or series of
15 conditions that they think that they can't approve the
16 plan overall that we have crafted through this series
17 of votes, that they would vote against the plan.
18 That's --

19 COMMISSIONER FRANKLIN: Highly unlikely.

20 VICE CHAIRPERSON HOOD: Okay.

21 COMMISSIONER FRANKLIN: I would invite the
22 university, though, to -- as long as they have been
23 asked to provide us with further information, to ask
24 their designers to see what, in conceptual terms, both
25 the 15- and something more would look like on that

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1 site, in concert -- to complement the other
2 conditions, just to see what, in very conceptual
3 terms, we might be dealing with.

4 CHAIRPERSON MITTEN: So you'd like a
5 response from the university on --

6 COMMISSIONER FRANKLIN: If they so choose.
7 If they don't -- if they want to live with what seems
8 to be the drift here, fine.

9 CHAIRPERSON MITTEN: Okay. So you have
10 the opportunity to respond related to Building K.

11 We will take a five-minute recess before
12 we continue with the deliberation on the AU campus
13 plan. So we'll be back here at about 4:20.

14 (Whereupon, the proceedings in the
15 foregoing matter went off the record at
16 4:15 p.m. and went back on the record at
17 4:22 p.m.)

18 CHAIRPERSON MITTEN: I think we left off
19 -- and we were just about to get into a discussion of
20 Building L, which is the Katzen Arts Center. And for
21 -- on our summary of conditions, and so on, we would
22 now be on page 31.

23 What's being proposed, in general, is a
24 building -- bear with me a second. Thanks for just
25 letting me get my place.

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1 What we have as Project L is the proposed
2 Katzen Arts Center, and as revised the Katzen Arts
3 Center would contain a total gross area of 115,000
4 square feet. And the FAR -- the FAR component of that
5 would be about 78,500 square feet. We have revised
6 drawings, and so on, that have been submitted by the
7 applicant in terms of the rate of reductions in the
8 height of the building and the reconfiguration having
9 taken place.

10 The site, as everyone knows, is on the
11 east side of Massachusetts Avenue, just north of Ward
12 Circle. There are numerous concerns that have been
13 voiced by the ANCs and the neighborhood organizations
14 related to the massing of this building, concerns
15 about light and the adverse effect of light emanating
16 from the building on the houses to the rear, concerns
17 about screening of the structure, and, let's see, a
18 fair amount of discussion regarding the design of the
19 building as it relates to Massachusetts Avenue as a
20 special street.

21 And there have been accommodations made by
22 the university, including placing more of the building
23 below grade. The loading areas and entrance to the --
24 the entrance to the loading area, and so on, would be
25 basically below grade relative to the rear of the

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1 building, to shield the noise, shield the neighborhood
2 from the noise.

3 Practice rooms for music students would be
4 located below grade or where there would be no
5 windows, so that there would be no adverse impact
6 related to noise there. The building would contain a
7 550 space parking garage with the allocation of 200
8 spaces for resident students, 150 spaces for commuting
9 students, 100 spaces for employees, and 100 spaces for
10 visitors.

11 And we have a variety of conditions that
12 have been proposed related to the operating hours of
13 the building, when loading could occur and when
14 deliveries could take place, and as well as issues
15 related to screening at the rear of the property for
16 -- with a fence and landscaping.

17 So with that, I think I'll turn to Mr.
18 Parsons, who has the most strongly held views related
19 to the Katzen Arts Center.

20 COMMISSIONER PARSONS: I do. Well, bear
21 with me a few minutes. I want to talk about
22 Massachusetts Avenue. And as you probably know, it's
23 the longest avenue in the city and extends from
24 eastern to western avenues, southern to western
25 avenues.

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1 It has along its course some very, very
2 special sections -- Embassy Road, most notably. In
3 Anacostia, it parallels Fort Dupont Park for almost a
4 mile. But its overarching benefit as a special street
5 is that it -- that it does not generally contain high-
6 rise buildings or large buildings. Union Station is
7 an exception.

8 And as it passes to the west of Wisconsin
9 Avenue, it is blessed by Glover Archibald Park, the
10 Naval Research Station -- I can't remember the name of
11 that naval facility -- and as it approaches and goes
12 beyond Ward Circle it is residential in character all
13 the way to the District line.

14 So to propose a building that's 660 feet
15 long here to me is a mistake, or certainly for us to
16 approve it would be a mistake, and I would point out
17 that I would disagree with those who sat on this panel
18 in 1989 when they approved a 500-foot long law center.

19 And I think the thing we're trapped into
20 here is the Cassell Center is large, it's there,
21 people are used to it, and, therefore, it somehow
22 should be compared to what we want to do in the
23 future. And I also disagree with that.

24 What I would imagine is the right thing to
25 do here is a series of buildings that -- probably

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1 three or four of them that serve the same purpose --
2 that is, provided for art. I would point out that in
3 1974 the arts center was 40,000 square feet. In '87
4 it was 60,000 square feet. In '89 it was 65,000
5 square feet. And it was to be spread throughout the
6 campus.

7 But now a benefactor, Mr. Katzen, who is
8 here in the audience, comes forward and it's
9 consolidated in such a fashion to try to make it more
10 efficient, and to some more aesthetic I guess, in its
11 design. But most of the emphasis or response that the
12 designer has been consumed with, in my judgment, is
13 responding to six neighbors who live behind it.

14 So he was forced to keep pushing the
15 building towards Massachusetts Avenue, pushing it
16 underneath the public space, so as to provide this
17 buffer in the rear yard to pacify or satisfy six
18 neighbors. He also was forced to push it all the way
19 up to Ward Circle and have a 50-foot high building
20 overlooking Ward Circle, which I think is out of
21 scale.

22 And what I'm urging, then, is a restudy of
23 the entire concept, and placing a series of buildings.

24 I have no objection to the idea of an arts center, of
25 an underground parking facility. But if there's some

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1 way that it could be retooled, redesigned, have the
2 art gallery and the studios and the auditorium, and so
3 forth, in separate components, rather than a building
4 that is the same length as the American History
5 Museum, the Bureau of Engraving. It's only 100 feet
6 shorter than Union Station. It is out of scale.

7 Thank you for listening. I'm not going to
8 make a motion at this time.

9 CHAIRPERSON MITTEN: Well, thank you for
10 getting the discussion started --

11 COMMISSIONER PARSONS: All right.

12 CHAIRPERSON MITTEN: -- Mr. Parsons.

13 COMMISSIONER PARSONS: Thank you.

14 CHAIRPERSON MITTEN: Mr. Franklin?

15 COMMISSIONER FRANKLIN: Yes, thank you,
16 Madam Chair.

17 It pains me to disagree strongly with my
18 colleague, who, you know, has served on this
19 Commission for 20 years and with whom I have agreed I
20 think probably 95 percent of the time. But I strongly
21 disagree. I think he sees a Massachusetts Avenue that
22 is very different from the Massachusetts Avenue that I
23 have experienced in my 40 years of living in the
24 District of Columbia.

25 Yes, Massachusetts Avenue is very long,

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1 and it has some special characteristics. Its most
2 special characteristic is an urbanity, which we
3 associate with the section roughly from Thomas Circle
4 to the -- to roughly 34th Street.

5 And to say that it doesn't have large
6 buildings seems to me to overlook huge buildings that
7 exist along Massachusetts Avenue, large departments
8 not far from the university. The British Embassy has
9 to be one of the larger embassies in town, if not the
10 largest. There are large buildings in the area
11 between Scott Circle and Sheridan Circle.

12 So, but when you get above 34th Street, as
13 the record indicates from the testimony from the
14 architect, there is a very diverse character to
15 Massachusetts Avenue. The space kind of loses form.
16 And Ward Circle is a very important visual node along
17 Massachusetts Avenue and in the District and under the
18 District's general urban plan.

19 And as such, it seems to me it needs an
20 important signature building to signal that an
21 important special precinct is being entered. You
22 cannot get that sense from that stretch of
23 Massachusetts Avenue above the National Cathedral to
24 Ward Circle, and you should be able to get it at Ward
25 Circle because of the presence of an important

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1 educational institution.

2 I think the architecture of this building
3 avoids a box-like, undifferentiated mass. It has an
4 important building element at the circle that enhances
5 the importance of the circle. The plaza has been
6 greened up, as we've suggested in previous hearings,
7 and I think the architects have done an excellent job
8 of creating a building of great interest.

9 I think it would be a disaster to have
10 this site developed by three or four separate
11 buildings. Now, it seems to me profoundly misleading
12 to look at this proposal in plan, and to look at it,
13 you know, with the length that Mr. Parsons cites.
14 Yes, it is that long.

15 But from the standpoint of the experience
16 of people who will pass by it on foot or by car, they
17 will not be overwhelmed by the mass of this building
18 because of the topography. As the photographs and the
19 record plainly indicate, the topography is such that
20 the building recedes from view as you move outbound on
21 Massachusetts Avenue, and many people will be
22 relatively unaware of its existence.

23 It is a difficult site. It's a long site.
24 It's one -- I know Mr. Parsons feels that the
25 building ought to be moved over to Nebraska Avenue. I

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1 don't think that that is even within the purview of
2 the Commission.

3 So I think that the architect has, as
4 already mentioned, made major accommodations to
5 eliminate the adverse impacts on neighbors in a
6 variety of ways. And what we are talking about here,
7 at least what I hear Mr. Parsons talking about, is
8 essentially an aesthetic consideration having to do
9 with what is an appropriate kind of development at
10 this very visually important node in the urban design
11 of the District of Columbia.

12 And I think that the building would be an
13 enhancement to that precinct of the city and one that
14 we ought to approve.

15 Now, there may be some concerns about the
16 reflective quality of the building materials, and I
17 would have no objection to having a little bit more
18 information on the impact of the lighting at night. I
19 think that that can be handled properly, in a way I
20 have certainly earlier suggested so that noncommon
21 areas just simply are not lit when they're not in use,
22 but the common areas of the building of this character
23 ought to continue to have subdued lighting to indicate
24 its presence and its important element in the
25 streetscape.

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1 I've gone on a little too long. I guess I
2 disagree with Mr. Parsons.

3 CHAIRPERSON MITTEN: Thank you. Mr. Hood,
4 did you want to take a stab before I --

5 COMMISSIONER HOOD: Madam Chair, I'll
6 yield to you and listen to some more conversation.

7 CHAIRPERSON MITTEN: All right. Well, I
8 very much appreciate the perspectives that Mr. Parsons
9 and Mr. Franklin bring to this discussion and I am not
10 and will never pretend to be a design expert and so
11 for me, my response to this building is very much just
12 instinctive and in order to help describe my concern
13 about the building I went to the Ward 3 plan and the
14 design guidelines in the Ward 3 plan to help me
15 articulate my concerns about the building. And the
16 guidance in the Ward 3 plan that I found particularly
17 helpful is that we're advised to relate the size and
18 proportions of new construction to the scale of
19 adjacent buildings. And the discussion that we just
20 had about building K and the President's House which
21 is right across the street from -- right across the
22 street from the proposed Katzen Center is certainly
23 part of the context. Other buildings around Ward
24 Circle at part of that context.

25 New construction should maintain the scale

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1 of existing buildings regardless of size. Avoid new
2 construction in which height, width or massing
3 violates the existing scale of the area. So to me, I
4 mean like Mr. Parsons, this building just feels too
5 big.

6 Other guidance from the Ward 3 plan.
7 Relate the vertical horizontal or nondirectional
8 facade character of new construction to the
9 predominant directional expression of nearby
10 buildings. Avoid strongly horizontal or strongly
11 vertical facade expressions unless compatible with the
12 character of structures in the immediate area.

13 Another thing that strikes me about this
14 building is that it reads very horizontal because of
15 the -- just the fact that it is very long, but also
16 and Mr. Franklin had made the comment about the
17 reflective quality of the building materials, because
18 it's not, at least the way it's been presented so far,
19 it's a uniform kind of building material. It just
20 reads long and monochromatic to me. So that's another
21 area of concern to me. I'm just trying to articulate
22 how I am responding to the building.

23 Also, we're advised to use building
24 materials that match or harmonize with the materials
25 predominant in the area of adjacent structures.

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1 Again, the material that's been selected is very much
2 a downtown kind of material and the fact that this
3 building, as I envision it, in daytime it's very
4 bright looking and white looking because of the
5 exterior building material. At night, and I don't
6 think this has yet been adequately addressed, I think
7 the concern and the concern that I would have is that
8 white quality of the exterior would be replaced with
9 light, so again, I know the concern on the part of
10 members of the community as it relates to
11 Massachusetts Avenue, this would be very urban in feel
12 and I cannot propose a solution as Mr. Parsons has
13 proposed in terms of whether or not the building needs
14 to be actually multiple buildings, but to the extent
15 that it looks like one big long building, then I would
16 that it does. I don't know if there's a way to in one
17 structure to bring this up to a greater extent, but
18 I'm -- my response to the building is that it looks to
19 big and it looks too long and it just doesn't, it does
20 not feel right to me on Massachusetts Avenue and I
21 hope I've been able to articulate that to some degree
22 by referencing the Ward 3 plan.

23 COMMISSIONER HOOD: Madam Chair, if I can
24 start first by -- I consider myself one of the best
25 architects in the city.

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1 (Laughter.)

2 Something Mr. Parsons said about moving it
3 towards -- I think you said moving it towards Mass.
4 Avenue, I think that's what you said.

5 COMMISSIONER PARSONS: Nebraska.

6 COMMISSIONER HOOD: Nebraska. Because of
7 six residents. Let me ask you a question. The
8 massing and the scope of this building as it stands,
9 if it is moved back, Commissioner Parsons, would you
10 have a problem with it?

11 COMMISSIONER PARSONS: If they moved it
12 back down the hill?

13 COMMISSIONER HOOD: Yes. Away from
14 Nebraska on down Mass.

15 COMMISSIONER PARSONS: Oh yes, I would.
16 What I meant was it -- the center now, because it's
17 butt up against the Ward Circle property, public
18 property, it was pushed that way, at least I feel it
19 was to avoid any more houses along Cedric Street. But
20 to say would a 660-foot long building slid down the
21 road work, no. Not for me. It's not the -- the
22 intrusion on Ward Circle is important, but the length
23 of the building is more important.

24 COMMISSIONER HOOD: Madam Chair, your
25 comments, while you were making your argument or

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1 giving us your version, I was looking at the rest of
2 the areas here on the campus. Not having all that
3 much information on exactly where everything is, like
4 my other colleagues, I'm looking at it, comparing it
5 to the Reading Center and the Sports Center together
6 and I'm just going off, I'm not an architect, but I
7 can assure you it looks within scope, but over there
8 where it is, it is long. I would have to agree with
9 your comments. It is long.

10 To say whether it's out of place, to be
11 frankly honest, I don't know. To say whether it
12 should be divided up into two or three buildings is
13 what I heard, I really don't know.

14 What I would like to see and I think I saw
15 it previously is another view. I think they showed us
16 a view going up the hill and I don't know if anyone
17 has it handy.

18 COMMISSIONER PARSONS: I do, I do.

19 COMMISSIONER HOOD: I don't want to start
20 looking for it because I'll never find it.

21 COMMISSIONER PARSONS: There's the 3-story
22 version and here's the 2-story, the reduced.

23 CHAIRPERSON MITTEN: These are, just for
24 the record, these are visual simulation of the Katzen
25 Arts Center.

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1 COMMISSIONER PARSONS: I don't think this
2 is what you're asking.

3 COMMISSIONER HOOD: No, no. I really
4 think that is an issue, the simulation where it shows
5 the trees that have grown and kind of hiding and
6 putting it in a setback, not making it that visible.

7 As far as I'm concerned, the way those
8 trees have grown up and Mr. Parsons, you can help me
9 with this, you're with the Park Service and everything
10 and trees, but that's like 10 or 15 years down the
11 line. It's going to take a while for those trees to
12 grow up and -- I believe.

13 COMMISSIONER PARSONS: I would say it's
14 more like 25 to get that effect.

15 COMMISSIONER HOOD: Twenty-five years?

16 COMMISSIONER PARSONS: It depends on the
17 caliper of the tree planted. Something that we can
18 control.

19 COMMISSIONER HOOD: I'm going to be
20 frankly honest. I really don't know where I sit on
21 this one. But I do know I believe it's a gift to the
22 University.

23 CHAIRPERSON MITTEN: Part of the money is
24 being donated by Dr. Katzen.

25 COMMISSIONER HOOD: I can say this though,

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1 I would like us to come up with some type of
2 resolution which I'm sure all of you would like
3 because any time the University is getting a gift,
4 those are few and far between, while I don't have
5 anything else other than to offer.

6 COMMISSIONER PARSONS: Madam Chair, could
7 I answer some of your points, if I could?

8 CHAIRPERSON MITTEN: Certainly.

9 COMMISSIONER PARSONS: I think the Ward 3
10 criteria that you cited are what might be called
11 contextual criteria. And they don't, in my judgment,
12 readily apply to something that is for lack of a
13 better phrase, a signature or monumental building.
14 You can't expect, for example, that American
15 University is going to develop on that site buildings
16 that are in context with the scale of the houses in
17 Fort King's neighborhood. Those are the adjacent
18 buildings.

19 So I don't see that there is a compelling
20 context here that would normally come into play,
21 otherwise, there would never be the opportunity for a
22 signature building at this very crucial urban site.

23 Now to break it up into separate
24 structures would carry in its train some inevitable
25 negative implications because the fenestration would

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1 be increased. There would be more light emanating
2 from the buildings. And I just want to reiterate that
3 to look at this even on Exhibit 13 in the plan and
4 other plan documents that we have shown is not to see
5 the building as it would be seen in reality because of
6 the topography. It would receive and its most
7 prominent features would be frankly where they should
8 be, closer to Ward Circle.

9 CHAIRPERSON MITTEN: Let me just ask
10 because I just want to be sure that I understand this
11 term "signature building."

12 When you use that term, do you think that
13 that is inherently a building that stands out in a
14 context in terms of both quality of design and size?

15 COMMISSIONER FRANKLIN: Certainly quality
16 of design, but size in relationship to the circle is
17 important as well because that's a very large circle.
18 It's a very open large circle and circles in
19 Washington, that particular circle is never going to
20 have simply because of the way it's been developed
21 over the years, never going to have the -- let's say
22 the urbane characteristics of Sheridan Circle and some
23 of the other circles. For example, if you went
24 further out on Massachusetts Avenue and went to
25 Westmoreland Circle, the prominent feature there is

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1 the church at the apex of that circle or the access to
2 Massachusetts Avenue. I would hope that as the
3 University develops and additional structures occur on
4 the Nebraska Avenue side that there will also be some
5 attention paid to creating a character for that circle
6 that people will be able to visualize, when you say
7 Ward Circle. Today, frankly, if you're not connected
8 with the American University and somebody says Ward
9 Circle to you, there isn't something that occurs to
10 you in your mind's eye about that place. And all I'm
11 saying is that a building of this character can create
12 a way to envision that circle and make it a very
13 special place within the city. And it would be
14 terrible to, in my judgment, lose that opportunity.

15 Now, of course, you could do that with a
16 smaller building not quite as long, but to have a
17 succession of buildings there, you know, might be
18 theoretically something that would be more preferable
19 to members of this Commission, but the University, it
20 seems to me, should have the opportunity to try to
21 meet its needs in a way that is not creating adverse
22 impacts. And I don't see that there's an adverse
23 impact here. I think there's, on balance, a positive
24 impact. We're talking really urban design at this
25 point.

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1 CHAIRPERSON MITTEN: Yes, I think we are.
2 Included in that is massing and so on, but I mean
3 yes, we're talking about --

4 COMMISSIONER FRANKLIN: If this were a
5 flat -- if, for example, the site were such that you
6 would be seeing at one glance, the length of this
7 building, you know, while driving by or perhaps
8 walking, it might be a different case, but I think the
9 topography has a lot to do with my feeling that this
10 building is not an overwhelming building from the
11 standpoint of its scale.

12 COMMISSIONER HOOD: Madam Chair, again
13 referring to the Office of Planning's report, massing
14 and height impacts to homes located behind the
15 proposed building. I think piggybacking a little bit
16 on what Commissioner Franklin was saying, I think it's
17 a little more than just driving past and its impact.
18 From what I'm seeing here in the report, is that there
19 are homes that are going to be adversely impacted and
20 I'm not exactly sure how.

21 COMMISSIONER FRANKLIN: That's because
22 they aren't being. That's why you can't envision it.
23 They have reduced the profile of the building.
24 They've changed the lighting. They have created a
25 buffering. They've created a fence. So that, in

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1 fact, the impact on the Fort King's houses is less
2 than it was or is with the existing structures that
3 are there.

4 COMMISSIONER HOOD: So in other words,
5 it's not blocking views or anything?

6 COMMISSIONER FRANKLIN: No, not as I see
7 it. I think Mr. Parsons would agree that there has
8 been an accommodation. In fact, I think his major
9 concern is there's been too much accommodation to
10 those neighboring houses.

11 COMMISSIONER PARSONS: I want to mention a
12 couple of other things. First, I want to show you
13 this rendering which is new to the record. I don't
14 mean today. This is the one that shows the car
15 entering the parking garage and the front steps and
16 the water spilling down the steps in the garden. And
17 unlike the visual simulation which is taken from a
18 different angle, which I requested, I think you can
19 see there that is this section of the building, this
20 midsection of the building is unscreenable because of
21 its design. It's got the broad stairway, the entrance
22 to the parking garage, the need to have a crosswalk
23 across Massachusetts Avenue. And it seems to me that
24 this drawing proves to me that this is out of scale,
25 whether it's 660-feet long or you're only seeing 300

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1 or 400 of it there.

2 Mr. Franklin had mentioned that I was
3 urging it to be at Nebraska Avenue. I know that's not
4 something that we can -- was in the purview, our
5 purview. But I would point out when the Law Center
6 was studied in 1989, 14 sites were evaluated in that
7 master plan under Appendix E and one of the sites that
8 the University had looked at, site number 5, is along
9 Nebraska Avenue. I thought quite a bit about this and
10 I'm not sure this is as simple as it may sound, but
11 this Katzen Center would sit along that Nebraska
12 Avenue, almost as it's designed and flipped. That's a
13 terrible thing to say to an architect who's designed a
14 building for a specific site that it can be placed
15 anywhere else in the universe. And I understand that
16 as a designer myself, but that to me is worth
17 exploring. Not for us, we can't do that, but the
18 University, so that we can relax and go on with a
19 master plan in the future that deals with what I'll
20 call site L and that's the only other compromise I
21 have to offer.

22 CHAIRPERSON MITTEN: What I might suggest
23 is that -- I think what's happened over the period
24 since the campus plan was proposed is that there's --
25 and this is a very broad statement, but there's two

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1 sides to the Katzen Center that have the biggest
2 impact. One is the back and the other is the front.
3 And there have been people that are -- there have been
4 people who have been advocating changes to the design
5 because of the adverse impacts on the back and those
6 concerns were accommodated, finally, and now what we
7 have is that there is no one specifically advocating
8 for the front of the building, but we have the
9 designation in the comprehensive plan of Massachusetts
10 Avenue as a special street and as we all know, there's
11 limited opportunities for us to have any kind of
12 design control on buildings on special streets because
13 they can proceed by right and we have nothing to say
14 about that.

15 So I have to say I think Mr. Parsons'
16 concern about the relationship of this building to the
17 Massachusetts Avenue is well placed and I share at
18 least some of it as best I've been able to articulate
19 and I guess at this juncture I'd at least like to
20 give, since I don't get an overwhelming sense of
21 consensus that we're ready to go forward with this
22 building as it's been proposed, is give them another
23 opportunity to address the concerns, since we're
24 asking for some additional information and see if
25 there's anything else that can be done, given

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1 everything that they've heard and let's take another
2 shot at it and then we'll vote this thing up or down
3 after we get their next proposal to the extent it can
4 be modified further and we'll just vote it up or down
5 after we give them an opportunity to make additional
6 revisions. Does that suit everyone?

7 COMMISSIONER PARSONS: That's perfect.

8 COMMISSIONER HOOD: Excellent. Thank you,
9 Madam Chair.

10 CHAIRPERSON MITTEN: All right. And given
11 that we would then be -- this is a little bit of a
12 departure from the kinds of things we had been asking
13 for, so we'll have to -- when we set up a time
14 schedule, Mr. Bastida, we'll have to include a time
15 frame for responses. We don't need to do that just
16 now, but just be ready when we get to that point.

17 Okay, so by consensus we will ask for a --
18 to the extent that they can make additional revisions
19 that respond to the concerns that we've raised today,
20 we would be pleased to entertain those and I'll hand
21 those back to you.

22 COMMISSIONER FRANKLIN: Just so the record
23 is clear, Madam Chair, I, of course, will be glad to
24 entertain whatever is proposed, but it's not part of
25 my proposal.

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1 CHAIRPERSON MITTEN: Thank you and I think
2 that is clear.

3 All right, finally, building M, we had
4 agreed that we would defer considering of building M
5 until we get some additional input from the University
6 about the intended use of that and the relationship of
7 the Tenley campus to the main campus.

8 Now I'd like to cover some other areas
9 where we have conditions that have been proposed and
10 just bear with me as I find where these are in our
11 matrix.

12 (Pause.)

13 All right, on page 15 and these are in no
14 particular order, these additional conditions. On
15 page 15, I think there's a general consensus that
16 there will be a community liaison committee and that
17 we need a condition related to that. I think that
18 perhaps the charge of that committee differs among the
19 entities that are proposing it. I think that American
20 University is proposing a liaison committee that's
21 more typically composed as some of the other campus
22 plans include and the community is actually advocating
23 for a more formal dispute resolution mechanism and I
24 wanted the thoughts of the Commission on whether or
25 not that would be appropriate.

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1 COMMISSIONER HOOD: I'm sorry, Madam
2 Chair, could you repeat that?

3 CHAIRPERSON MITTEN: What I'd like to
4 discuss now is the liaison committee that I think
5 every one is in favor of the University, Office of
6 Planning, the ANCs and the neighborhood organizations.

7 It's just the -- what exactly the function of that
8 committee would be is where they differ. And the ANCs
9 and the community groups are actually advocating for
10 an -- that an arbitration procedure be put in place in
11 order for, as disputes would arise in the future, that
12 there would be a formal arbitration procedure that
13 they would participate in.

14 COMMISSIONER HOOD: I think with
15 arbitration you have an issue of who's going to pay
16 for it.

17 CHAIRPERSON MITTEN: That is one of the
18 issues.

19 COMMISSIONER HOOD: Okay, that's already
20 an issue.

21 CHAIRPERSON MITTEN: That's already been
22 raised as an issue.

23 COMMISSIONER HOOD: Okay.

24 CHAIRPERSON MITTEN: But not to say you
25 shouldn't repeat it.

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1 COMMISSIONER HOOD: My opinion is, I
2 believe that a representative from the ANC and the
3 organized community groups, some neighbors, along with
4 the -- along with maybe someone from -- I'm not sure
5 how this would work, but someone from Office of
6 Planning should be able to sit down, when they have
7 those problems, as opposed to going out to hire
8 somebody for arbitration and bring in maybe someone
9 with not a side, someone who is partial, you know, who
10 is not partial to either side, someone who is
11 impartial to come in and maybe help facilitate it. I
12 just see the community group running into an expense
13 when they have to put up their share of someone to
14 come in and be an arbitrator, but I think that the
15 ANCs, the organized groups and American University
16 hopefully could sit at the table and resolve a lot of
17 the issues in which they're on opposite sides with.

18 CHAIRPERSON MITTEN: I agree with you.
19 The cost is -- the cost that would be associated with
20 that is not incidental, but also I just might add that
21 I think some of these concerns arise, that there would
22 be greater ability on the part of the community to
23 engage the University in dispute resolution, I think
24 is an outgrowth of frustration with the enforcement of
25 all manner of Zoning Commission orders and BZA orders

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1 and while I can hope that the Zoning Administrator's
2 Office will be fortified to accomplish that task, what
3 I do know is that this office has been given funds
4 going forward in the next fiscal year to have a
5 compliance review person in the office and concerns
6 about compliance with Zoning Commission orders I think
7 will be dealt with more efficiently and appropriately
8 on the government's -- it's the government's
9 responsibility. So I think that I would support
10 having more typical kind of community liaison
11 committee that would be more advisory and mutual
12 communication and all of that, but to the extent that
13 issues arise where the community thinks there's
14 noncompliance, that they would bring that to this
15 office and an investigation would ensue.

16 COMMISSIONER PARSONS: I agree.

17 COMMISSIONER HOOD: Is that a motion? Do
18 we need a motion?

19 CHAIRPERSON MITTEN: I don't have specific
20 language other than -- I think we should just at the
21 moment we can flesh out a more particular condition
22 related to the community liaison committee, but just
23 to say it will be typical to what has been used in
24 other campus plans.

25 The next issue which is on page 16 of the

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1 matrix which relates to addressing off-campus conduct
2 by students. What's been proposed by the University
3 includes the provision that we voted on earlier today
4 to house at least 85 percent of the freshmen and
5 sophomore FTE students and here's a clarification that
6 I hope will get incorporated into our final decision
7 which is in terms of calculating who must live on
8 campus that excludes students who commute, are married
9 or who have children or have anything that any kind of
10 religious belief that would preclude them from living
11 in that kind of a housing situation. So that's an
12 exclusion that we've used in other cases. So I just
13 raise that here so it doesn't get overlooked.

14 But as part of their Neighborhood Action
15 Program, they would also promote good neighbor
16 guidelines for students, publicize a 24-hour crime
17 reporting system, address student misconduct and again
18 have an off-campus parking program. I think in some
19 other cases there have been provisions where the
20 student code of conduct would apply to students
21 residing off campus and I think that's a worthy
22 inclusion in this case as well.

23 Is there a consensus of that, that the
24 student code of conduct should apply to off campus
25 students as well?

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1 I'd also like to go back to the issue
2 related to off campus parking. There's another
3 condition that's been incorporated into two other
4 recently passed campus plan orders that involves the
5 University promoting the registration of student cars
6 to the extent students are residing in the District of
7 Columbia that they register their cars or obtain a
8 reciprocity sticker and I would suggest that we would
9 include a provision such as that as well.

10 And this is identical language from the
11 George Washington University campus plan and the
12 Georgetown campus plan. If we could agree to that by
13 consensus. Fine.

14 I know that we had -- oh, here we are.
15 This is on page 27. Use of athletic fields for
16 special events. I think most of what the University
17 was proposing in their proposed conditions were
18 consistent with what had been incorporated in the past
19 and the neighbors were advocating that there had been
20 -- that there was one provision that was I would say
21 modified rather than excluded which is that American
22 University shall use its best efforts to avoid
23 scheduling a special event for a date on which a
24 neighbor has informed AU in advance that the neighbor
25 is planning a party or other important occasion,

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1 whereas what the University is proposing is that they
2 will inform the neighborhood residents as far as in
3 advance as possible of when things are scheduled at
4 the University. So it's a question of who's doing the
5 responding, I guess, to the other situation. So any
6 thoughts about whether or not we should restore the
7 provision that the community is advocating regarding
8 American University attempting, at least, to avoid
9 scheduling special events that would conflict with an
10 event held by a neighbor?

11 COMMISSIONER HOOD: Madam Chair, while I
12 always think it's good to have a backup piece in
13 place, I thought from the testimony that that was
14 going pretty well. Maybe I missed something, but I
15 thought that went pretty well. I do know they
16 notified Mr. Herstein a couple of times on different
17 issues and that was in the record, so I thought that
18 worked pretty good. But I have no problems, actually,
19 with what's taking place but for precautionary
20 measure, maybe we want to put something in place.

21 CHAIRPERSON MITTEN: I guess just to
22 follow up on that point which is what has been
23 happening in the past is, in part, a function of the
24 agreement that had been in place in the past, so is
25 everybody in support of restoring the provision that

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1 the University will avoid to the extent possible
2 scheduling a special event on a date that a neighbor
3 has scheduled something and notified the University?

4 COMMISSIONER PARSONS: I find this
5 unbelievable. And maybe I need to read the agreement,
6 that the University which probably schedules its
7 graduations four or five years in advance, its
8 athletic contests two or three years in advance is
9 notified that somebody is going to have a party in the
10 neighborhood and they're going to move the graduation
11 or the sporting event, is that what is intended here?

12 CHAIRPERSON MITTEN: No.

13 COMMISSIONER PARSONS: That's what it
14 says.

15 CHAIRPERSON MITTEN: No.

16 COMMISSIONER PARSONS: Best efforts to
17 avoid scheduling a special event for a date in which a
18 neighbor has informed AU in advance that the neighbor
19 is planning a party.

20 CHAIRPERSON MITTEN: Well, I think the
21 idea is to the extent --

22 COMMISSIONER PARSONS: I disagree.

23 CHAIRPERSON MITTEN: Let me just explain
24 what I understand that to say and then you can still
25 disagree after that, but maybe --

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1 COMMISSIONER PARSONS: Okay.

2 CHAIRPERSON MITTEN: I think the idea is,
3 just as you said, if the University has things
4 scheduled, then they have things scheduled and it's
5 not for them to change their schedule to accommodate a
6 neighbor. It's to the extent that a neighbor has
7 notified the University that they're having an event,
8 an outdoor event or whatever and then the University
9 were to schedule something knowing that is the, I
10 believe that's the distinct difference, as I see it.
11 Not that the University would reschedule anything.

12 COMMISSIONER PARSONS: I think what we're
13 talking about, really, Madam Chair, is both parties'
14 best efforts not to irritate one another.

15 (Laughter.)

16 COMMISSIONER HOOD: But even at that,
17 Madam Chair, it's already something in place. It's
18 not broke. Let's not try to fix it.

19 COMMISSIONER PARSONS: I guess I'll shut
20 up.

21 CHAIRPERSON MITTEN: So we'll put that
22 back, okay? Can we put that back?

23 COMMISSIONER FRANKLIN: What is the
24 current arrangement?

25 CHAIRPERSON MITTEN: The current

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1 arrangement is that they mutually try not to schedule
2 things --

3 COMMISSIONER FRANKLIN: Okay.

4 CHAIRPERSON MITTEN: Just trying to have
5 some accord among the neighbors and the University and
6 among the Commissioners.

7 Okay, campus lighting plan, page 29. I
8 think the University's proposed a fairly comprehensive
9 approach to lighting that I think we could then
10 incorporate what Commissioner Franklin had stated
11 earlier about for new construction that we would
12 require that for -- I don't know the best way to word
13 it, I'm sure that Mr. Bergstein and Ms. Naglehout can
14 help us craft this more effectively, but the idea
15 would be that to the extent that it's possible for
16 spaces in the building to be outfitted with motion
17 sensors that would go off when there's no movement in
18 the room and that would not impede security and so
19 forth and this would not necessarily have applied to
20 common areas, that that would be incorporated into new
21 construction for interior areas in the building.

22 COMMISSIONER PARSONS: And then you've got
23 five other conditions here.

24 CHAIRPERSON MITTEN: You mean the totality
25 of the campus lighting plan?

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1 COMMISSIONER PARSONS: Right.

2 CHAIRPERSON MITTEN: Yes. I'm proposing
3 that that would be in addition to the five.

4 Anything else about the campus lighting
5 plan? We'll just adopt what the University has
6 proposed with that addition related to what
7 Commissioner Franklin had said.

8 COMMISSIONER PARSONS: All right.

9 CHAIRPERSON MITTEN: The issue related to
10 the situation with the Corps of Engineers and so on,
11 we have a proposed condition from the Department of
12 Health that I think runs, addresses the concerns, at
13 least that we have related to adequate notice being
14 given and adequate opportunity for the appropriate
15 agencies to examine the sites for whatever might be
16 proposed for disturbing the soil and so forth. I
17 don't think that there is anything, we have not been
18 given any indication that our going forward with the
19 campus plan approval or further processing approvals
20 would in any way preclude the appropriate reviews of
21 the environmental issue, so notwithstanding what some
22 of the neighborhood organizations have been
23 advocating, I think if we incorporate the Department
24 of Health's condition, we will be behaving
25 appropriately, as far as it relates to the Corps of

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1 Engineers' situation.

2 There may be a few miscellaneous
3 conditions that we can pick up when we revisit this
4 again, because we've covered a lot of ground today and
5 perhaps we could have a draft of proposed conditions
6 that would arise out of everything, out of the
7 discussion today, so that we could review those and
8 decide if we wanted to make any further modifications
9 when we reconvene to discuss this matter.

10 Now, Mr. Bastida -- yes?

11 COMMISSIONER HOOD: Madam Chair, can I say
12 before you move --

13 CHAIRPERSON MITTEN: Please.

14 COMMISSIONER HOOD: I want to commend you
15 on the proceedings today on this, this being my first
16 time. I thought it was well thought out. I thought
17 it went very well, so I just wanted to commend you,
18 even though we're not finished, I wanted to commend
19 you on this part of it thus far.

20 CHAIRPERSON MITTEN: Thank you. Thank
21 you.

22 SECRETARY BASTIDA: As a prelude, I would
23 imagine that you want all the list of what you are
24 requesting input from them at the same time as the
25 Katzen Center?

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1 CHAIRPERSON MITTEN: Would you just repeat
2 what you just said, I'm sorry, I didn't follow you?

3 SECRETARY BASTIDA: Okay, I have written
4 down six different inquiries that you have made in
5 which you had proposed that the University provide
6 this information.

7 CHAIRPERSON MITTEN: Yes.

8 SECRETARY BASTIDA: And I would consider
9 that all that information would come at the same time.

10 CHAIRPERSON MITTEN: Yes.

11 SECRETARY BASTIDA: Secondly, we are
12 acting under the rules of the BZA and so I looked at
13 those rules also.

14 The response time for submissions is 7
15 days. The applicant, because of the commitment of Mr.
16 Katzen with the money, needs a resolution by at least
17 September and we are not meeting in August, so they
18 want to meet the deadline of July 16th. In order to
19 do that, the applicant will have to provide the
20 information to this office and to all the parties by
21 the 5th of July by close of business and serve all the
22 parties on the case. Then all the parties would have
23 until July 12th which is a Thursday, to provide
24 information to this office and then we can provide it
25 to you on the 13th in the package.

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1 It's a rather tight schedule, but that is
2 because of the concerns of the University that they
3 might lose the money.

4 CHAIRPERSON MITTEN: I understand. And so
5 the University can keep that schedule?

6 SECRETARY BASTIDA: Yes. I have worked
7 with them to do that.

8 CHAIRPERSON MITTEN: And the schedule that
9 you suggested in terms of responses meets with what's
10 required by the regulation?

11 SECRETARY BASTIDA: By 31217 which is the
12 BZA and actually one of the Zoning Commission which is
13 30243 is similar. It's identical time frame. It's
14 just worded slightly different.

15 CHAIRPERSON MITTEN: Okay. There is one
16 other thing in my notes that I just want to bring up
17 with the Commissioners because we had talked about it
18 in one of our Executive Sessions and I don't want to
19 lose it because it was something that we had, that we
20 had perhaps wanted some additional input from the
21 University which is particularly now that we've voted
22 on building K, that had been proposed as an
23 alternative housing site and one of the things that we
24 had considered is whether or not we would want to have
25 an alternative housing site proposed on the main

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1 campus, not that it would be required, but just that a
2 site would be specifically designated as a potential
3 site for a dormitory.

4 Is that something that we're still
5 interested in? Anybody?

6 COMMISSIONER PARSONS: Yes. I think it's
7 essential because of the requirement we put on for
8 housing.

9 CHAIRPERSON MITTEN: yes.

10 COMMISSIONER PARSONS: We put on an 85
11 percent requirement and then we take away a building
12 that's going to have some of that in it, yes.

13 CHAIRPERSON MITTEN: Yes, okay.

14 COMMISSIONER PARSONS: Unless it would go
15 to the Tenley Campus, but yes.

16 CHAIRPERSON MITTEN: So the request would
17 be since building K was a site that had been proposed
18 for possibly as an alternative residential site and
19 given that building K at least as we have voted on so
20 far is significantly reduced in size, we'd like you to
21 designate another site on campus that's an alternative
22 residential site to whatever other use is being
23 proposed.

24 SECRETARY BASTIDA: Shall we arrange to
25 write what you have requested, that the Commission has

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1 requested?

2 CHAIRPERSON MITTEN: Please do.

3 SECRETARY BASTIDA: You probably have a
4 better list than I do, but open space designation,
5 campus parking, relationship to that, the bleachers to
6 be limited to 250 and is to see how long of a profile
7 you can have and the direction that it will be and the
8 general location. Building D and E, about the parking
9 gates and that it be so you can drive in and you will
10 not have a back up trying to --

11 CHAIRPERSON MITTEN: We didn't ask for
12 anything additional on buildings D and E.

13 SECRETARY BASTIDA: I thought that you
14 wanted to make sure that, in fact, there was not a
15 parking gate.

16 CHAIRPERSON MITTEN: No. I just wanted to
17 be clear about -- maybe I'll go through my list
18 because I think I have a higher level of specificity
19 just so we're clear.

20 We're looking for a breakdown of the
21 specific uses for each category, each land use
22 category that is on the original Exhibit 11, so that
23 would be academic, administrative, student life,
24 athletics and recreation. What are the specific uses
25 for each of those categories. And as I had said

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1 earlier, there may be some overlap and so on. But
2 within that or in addition to that, we want some
3 treatment, some specific treatment of open space and
4 designation of open space.

5 Now doing that will require a revision to
6 Exhibit 16 that fleshes out in greater detail what the
7 proposed use of each building will be within these one
8 of four categories as opposed to what's in there now
9 which is one of two categories and in some cases it's
10 listed for both, a particular building might be listed
11 for both categories.

12 The issue that I just mentioned related to
13 designating another site on the main campus instead of
14 building K as a potential site for a dormitory.
15 Additional information regarding the proposed use of
16 building M, who will use the parking garage and the
17 intended use for the balance of the building and
18 within the context of that response, a discussion of
19 the extent to which the Tenley campus will either
20 continue to be self-contained or will relate to the
21 main campus, interact with the main campus.
22 Additional information regarding the arrangement,
23 parking arrangement with the Methodist church and
24 their parking lot for 113 spaces. To the extent that
25 you can respond to this, to the extent that we're

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1 interested in raising the minimum number of parking
2 spaces required on campus, can you help us with that
3 in terms of proposing in light of the fact that your
4 building projects are not all going to go forward.
5 The issue that Mr. Bastida mentioned related to the
6 bleachers and I just want to clarify, it's not
7 necessarily the profiles. We want to minimize the
8 number of rows that will be constructed to accommodate
9 the 250 seats and we're looking for some assistance
10 from you and to the -- or the maximum number of rows
11 that would be required and then we would be very
12 interested in any additional modifications on the
13 design for the Katzen Arts Center and you may have one
14 or two other things, Mr. Bastida.

15 Is there anything else?

16 SECRETARY BASTIDA: Yes, building K, the
17 possibility that the different masses are going to do
18 and then the other is the last one that you added, the
19 alternative housing site.

20 CHAIRPERSON MITTEN: Yes. Great. Thank
21 you.

22 SECRETARY BASTIDA: So just to recap, your
23 submission is due at 4 o'clock on July 5th and you
24 have to serve it on all the parties. All the parties
25 needs to serve us on Thursday, July 12th by 4 o'clock.

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1 Thank you, Madam Chair.

2 CHAIRPERSON MITTEN: Thank you, Mr.
3 Bastida. The next item on our agenda, before I go to
4 the status report from the Office of Planning if
5 you're still hanging in there with us, we do have one
6 item on the consent calendar which is the emergency
7 rule making related to the EEFs.

8 Mr. Bastida?

9 SECRETARY BASTIDA: Yes, Madam Chairman,
10 the emergency legislation is about to expire and
11 accordingly, the staff has recommended that you adopt
12 the previous number 2 emergency legislation that is
13 parroted on this one and we request such an approval.

14 CHAIRPERSON MITTEN: Thank you. I would
15 move approval of the zoning, the additional emergency
16 for Zoning Commission case no. 00-28T.

17 COMMISSIONER HOOD: Second.

18 CHAIRPERSON MITTEN: We have a motion and
19 a second to approve the emergency rule making for the
20 EEFs. Any discussion? Any further discussion?

21 All those in favor, please say aye. Aye.

22 (Ayes.)

23 Those opposed, please say no.

24 Okay, thank you, Mr. Bastida. Will you
25 record that vote?

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1 SECRETARY BASTIDA: Yes, the staff will
2 record the vote 5 to 0. Ms. Mitten, moving, and Mr.
3 Hood seconded and Mr. Franklin and Mr. Parsons voting
4 in the affirmative. Mr. Holman voting by proxy in the
5 affirmative.

6 CHAIRPERSON MITTEN: Thank you. All
7 right, now the status report from the Office of
8 Planning.

9 DEP. DIR. McCARTHY: Thank you, Madam
10 Chair. In the interest of time and fatigue, maybe
11 I'll just highlight one case at this point in time and
12 remain open for questions should the Commission want
13 to go into any more detail on any other item and that
14 is just to indicate to you as we had, I think, briefly
15 mentioned last month, we are working with the mental
16 health receiver and the Office of the Chief Technology
17 Officer which is looking at a new site for the uniform
18 call center, located on the east campus of St.
19 Elizabeth's and since that is unzoned, we will need to
20 come up with a proposal for zoning of that element of
21 the campus. We have a proposal which we had
22 originally planned to brief for set down, but we felt
23 that it was really necessary to do more consultation
24 with the community and with the other stockholders in
25 that immediate neighborhood, so we are using the rest

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1 of the month of June for that and expect to get you
2 that case for a July, anticipated for a July set down.

3 CHAIRPERSON MITTEN: Thank you. Any
4 questions for the Office of Planning?

5 I just had two things. One is so that we
6 don't lose it, at the last, I think at the last
7 meeting, we had an agreement that you all were going
8 to undertake a study of a potential for an open space
9 zone?

10 DEP. DIR. McCARTHY: Yes, yes, which are
11 definitely undertaking.

12 CHAIRPERSON MITTEN: I just wanted to get
13 it on the schedule because that's how we remind
14 ourselves of what's happening.

15 And then in addition, we did set down for
16 public hearing at our last meeting case 01-10TA which
17 relates to additions to one family dwellings and
18 flats, if you recall that.

19 DEP. DIR. McCARTHY: Right, we had not
20 formally received that as a referral from the Office
21 of Zoning which usually is what triggers getting it on
22 there, but we'll add it on there for next month.

23 CHAIRPERSON MITTEN: Okay. Thank you very
24 much.

25 DEP. DIR. McCARTHY: Thank you.

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1 CHAIRPERSON MITTEN: All right --

2 SECRETARY BASTIDA: Excuse me, Madam
3 Chair, I think that we'd refer that to the Office of
4 Planning.

5 CHAIRPERSON MITTEN: Either way, it will
6 be taken care of and it will end up on the schedule
7 for next time.

8 We have a piece of correspondence that
9 I'll just acknowledge from Chairman Cropp regarding
10 the petition to amend the zoning ordinance regarding
11 TDRs for historic churches, synagogues and other
12 places of worship.

13 SECRETARY BASTIDA: Could I add something
14 to that?

15 CHAIRPERSON MITTEN: Sure.

16 SECRETARY BASTIDA: It has traditionally
17 been just to provide the letters as they come in. We
18 are writing some letters in response to these letters
19 and I think that it might be worthwhile from now on to
20 provide those letters if it's okay with the
21 Commission. That needs to express, write a letter
22 acknowledging receipt and the status of the case.

23 CHAIRPERSON MITTEN: We would welcome
24 knowing if it is truly correspondence which is back
25 and forth, we'd welcome knowing what's coming out of

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1 the office, thank you.

2 We kind of went through a bit of the
3 reminder schedule already and you had called out and
4 I'll do it again which is that our regular public
5 meeting for July will be held on July 16th at 1:30
6 p.m. Our regular public meeting for September will be
7 held September 17th at 1:30 p.m.

8 SECRETARY BASTIDA: That is correct. I am
9 passing a slightly revised BZA schedule so we can set
10 the dates.

11 CHAIRPERSON MITTEN: And we're also having
12 a special public meeting before our public hearing on
13 June 21st and that special public meeting will be at 6
14 p.m. at which time we will take up the permanent
15 regulations for EEFs.

16 SECRETARY BASTIDA: In interest of
17 thoroughness then, it might be that there is a
18 potential for a special meeting on July 26th.

19 CHAIRPERSON MITTEN: Great, thank you.

20 SECRETARY BASTIDA: Then Madam Chair, the
21 only thing left is Zoning Commission Members attending
22 BZA and I have for June 12th, basically the Chairman
23 will be here all day. June 19th is Mr. Hood will be
24 here all day. On June 26th, Mr. Parsons will be here
25 in the morning. Ms. Mitten has the Phillips

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2 CHAIRPERSON MITTEN: Yes.

3 SECRETARY BASTIDA: And Mr. Parsons has
4 the Washington Hebrew Congregation in the afternoon.

5 Page 5.

6 COMMISSIONER PARSONS: Yes. I was just
7 reading the continuance request.

8 SECRETARY BASTIDA: Okay. For July 3rd is
9 a public meeting so we have several Commissioners of
10 which the two pointed out here are Mitten and Franklin
11 and possibly Mr. Holman and I would imagine that Berry
12 Beauty Salon and the Golden Rule Plaza, the proposed
13 modification which is I think Mr. Franklin.

14 COMMISSIONER FRANKLIN: No, I can't sit on
15 that because that's a new matter.

16 SECRETARY BASTIDA: It's a new matter.
17 Okay. So we need -- this is a public meeting.

18 CHAIRPERSON MITTEN: I guess the thing is
19 is that to the extent that they need someone to read
20 the record because they don't have enough people to
21 make the decision.

22 Well, why don't we figure out who's taking
23 the afternoon and they can pick up the odd cases in
24 the morning.

25 SECRETARY BASTIDA: Okay, who is offering

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1 to come in the afternoon at 1 o'clock.

2 COMMISSIONER FRANKLIN: I cannot.

3 SECRETARY BASTIDA: July 3rd.

4 COMMISSIONER HOOD: I'm going to be here
5 all day July 10th already, so if that will help out
6 any.

7 CHAIRPERSON MITTEN: I guess -- that's a
8 good idea. We could ask Mr. May if he's available.

9 SECRETARY BASTIDA: Okay. He will be
10 giving me a call tomorrow and I will inquire about
11 that and then on the 21st we can revisit this, if
12 necessary.

13 CHAIRPERSON MITTEN: If Peter May is
14 available, let's see if he can take the cases that the
15 odd cases that they need a Zoning Commission Member to
16 read the record on the morning of the 3rd and in the
17 afternoon and if he can't, then I will.

18 SECRETARY BASTIDA: Okay.

19 CHAIRPERSON MITTEN: And then Mr. Hood,
20 you said you're here?

21 COMMISSIONER HOOD: I'm here --

22 CHAIRPERSON MITTEN: All day on the 10th.

23 COMMISSIONER HOOD: I have a case, Berry
24 School, so I might as well just come for the whole
25 day.

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1 CHAIRPERSON MITTEN: That sounds good.

2 SECRETARY BASTIDA: Then I have July 17th
3 because that's the day after the Zoning Commission
4 meeting and I have the Chairman here for Southwest
5 Church of Christ which is the second case of the
6 morning.

7 CHAIRPERSON MITTEN: Mr. Parsons, where
8 are you on that day?

9 COMMISSIONER PARSONS: What are we going
10 to do with the last case of the day here?

11 CHAIRPERSON MITTEN: Let's see, last case
12 of the 17th?

13 COMMISSIONER PARSONS: Yes.

14 CHAIRPERSON MITTEN: We'll cross that
15 bridge in a little while.

16 COMMISSIONER HOOD: We probably should
17 abstain.

18 CHAIRPERSON MITTEN: I think we'll cross
19 that bridge in a bit.

20 COMMISSIONER PARSONS: I could do the
21 17th, if that's the question.

22 CHAIRPERSON MITTEN: Okay.

23 SECRETARY BASTIDA: Okay, Ms. Mitten, you
24 have the second case of the morning, are you going to
25 take the other two or do you want Mr. Parsons to take

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1 them or what?

2 CHAIRPERSON MITTEN: Do you want to take
3 the morning?

4 COMMISSIONER PARSONS: I was going to do
5 the whole thing.

6 CHAIRPERSON MITTEN: Well, maybe they can
7 rearrange those cases and I'll just come first thing.

8 SECRETARY BASTIDA: I will ask then to
9 check to see if they can move up to be the first case.

10 CHAIRPERSON MITTEN: And in fact, it says
11 that there may be a need to readvertise the first
12 case, so it may become the first case by default.

13 COMMISSIONER PARSONS: Okay.

14 CHAIRPERSON MITTEN: Are we all set then?

15 COMMISSIONER PARSONS: Yes.

16 SECRETARY BASTIDA: Yes. And I thank you.
17 Okay, and I guess, I feel a little bit remiss doing
18 this now and especially when he's not here, but Mr.
19 Holman is going off the Commission shortly and we
20 haven't seen him in a while, so we don't even get the
21 chance to thank him publicly, but Mr. Hanrahan will be
22 joining us soon and Mr. Holman has served the
23 Commission for a year and a half and we appreciate his
24 efforts and can we send him a letter to that affect?

25 SECRETARY BASTIDA: Sure.

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1 CHAIRPERSON MITTEN: Great.

2 COMMISSIONER HOOD: Madam Chair, I'd also
3 like to echo your comments. I enjoyed working with
4 Mr. Holman. I've learned a lot from him and I know
5 he's been out for years, working out here for a long
6 time and I'm sorry he's not able to be here to hear
7 this, but I think he did a good job and he served the
8 city very well.

9 CHAIRPERSON MITTEN: Thank you. And with
10 that, we're adjourned.

11 (Whereupon, at 5:38 p.m., the meeting was
12 concluded.)

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