

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
ESTHER BUSHMAN Gen. Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
STEPHEN MORDFIN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN H. BERGSTEIN, ESQ.

This transcript constitutes the minutes from the Public Hearing held on July 26, 2007.

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

2 8:03 p.m.

3 VICE-CHAIRPERSON HOOD: I will
4 open our next hearing for the evening, which
5 is Zoning Commission Case No. 07-17. Okay.
6 Again, I'm joined by Commissioners Parsons,
7 Turnbull and also Commissioner Jeffries. The
8 Office of Zoning staff to my left and Office
9 of Planning staff to my right.

10 Notice of today's hearing was
11 published in the D.C. Register on July 6,
12 2007. Copies of today's hearing announcement
13 are available to you and are located to my
14 left in the wall bin near the door. The
15 hearing will be conducted in accordance with
16 provisions of 11 DCMR 3022.

17 The order of procedures will be as
18 follows: Preliminary matters; applicant's
19 case; report of the Office of Planning. Let
20 me stop and thank all those who probably left
21 the room. I thank all those who participated
22 in the first case. Report of the other

1 Government agencies; report of Advisory
2 Neighborhood Commission 6D; organizations and
3 persons in support; organizations and persons
4 in opposition.

5 The following time restraints will
6 be maintained in this meeting: The applicant
7 30 minutes, organizations 5 minutes,
8 individuals 3 minutes.

9 Would all individuals wishing to
10 testify, please, rise to take the oath? Ms.
11 Schellin, would you administer the oath?

12 MS. SCHELLIN: Yes, sir.

13 (Whereupon, the witnesses were
14 sworn.)

15 MS. SCHELLIN: Thank you.

16 VICE-CHAIRPERSON HOOD: Mr. DePuy,
17 we want to thank you for consenting to stand
18 on the record and what we will do is we will--
19 we thank you for already doing that. What we
20 will do, unless there are any issues, any
21 questions, you can just identify yourself and
22 who is with you. And we want to also thank

1 you ahead of time for standing on the record.

2 MR. DePUY: Be glad to do so and
3 will introduce the witnesses and will respond
4 to questions that the Commission might have.
5 For the record, I'm Jacques DePuy, attorney
6 with Greenstein, DeLorme and Luchs for the
7 applicant. Our witnesses tonight and here to
8 answer questions, to my immediate right,
9 Ramsey Meiser, Senior Vice President of
10 Development Forest City Washington. Next to
11 his right Robert Schiesel, PE, Project Manager
12 with Gorove/Slade. And then Jeff Lee, ASLA,
13 principle, Lee and Papa Associates, Inc.,
14 landscape architecture.

15 I would like to make several
16 introductory or preliminary comments just for
17 the record. First of all, the applicant would
18 like to withdraw one of the requested parking
19 lots. This is a decision that was made just
20 today, so we were not able to submit any
21 information to the Commission previously. But
22 for reasons I'll explain, we would like to

1 withdraw Parcel L from the application and not
2 seek approval for a parking lot in that
3 particular location.

4 If I could ask Mr. Lee to point
5 out where Parcel L is, as you will see, Parcel
6 L is immediately to the east of the site which
7 contains the WASA facility, pumping facility.
8 There have been some issues with respect to
9 the property around WASA, with respect to the
10 property line, with respect to fencing and
11 other issues that are being discussed and
12 negotiated and worked out with WASA, but those
13 issues have not yet been resolved and the
14 feeling is that it's premature, at this point,
15 to come before the Commission and ask for
16 approval of that particular parking lot,
17 because depending upon the outcome of
18 discussions with WASA and others, the
19 applicant may not go forward on that
20 particular parking lot site.

21 So we would withdraw that
22 particular parking lot from the application.

1 That means then that the total number of
2 parking spaces requested is 785, which is a
3 reduction from some 900 and some, which
4 previously was the case.

5 We have submitted qualifications
6 for our professional witnesses, that's in the
7 record. I would also like to point out that
8 there was a presentation made to ANC-6D. And
9 the ANC after considering the application took
10 no action and, therefore, there is no report
11 of the ANC in the record.

12 And I will waive any opening
13 statement. We are here to answer any
14 questions the Commission might have with
15 respect to the special exception application
16 for temporary parking lots of a duration up to
17 five years. Thank you very much.

18 VICE-CHAIRPERSON HOOD: Well, you
19 mentioned your list of witnesses. You're not
20 proffering Mr. Slade? You're not proffering
21 experts?

22 MR. DePUY: If I need to call them

1 as experts, I would do so.

2 VICE-CHAIRPERSON HOOD: Okay.

3 MR. DePUY: But if we're going to
4 stand on the record, that won't be necessary.

5 VICE-CHAIRPERSON HOOD: Okay.

6 Good. Any questions?

7 COMMISSIONER JEFFRIES: No.

8 Chairman Hood, unless there is any questions
9 here, I would like to make a motion that we
10 approve Zoning Commission Case 07-17, review
11 of now three temporary parking lots within
12 Southeast Federal Center, pursuant to
13 Southeast Federal Center Overlay District and
14 section 3104.1 special exceptions.

15 COMMISSIONER PARSONS: Second.

16 COMMISSIONER JEFFRIES: With the
17 modification so noted by the applicant.

18 VICE-CHAIRPERSON HOOD: Okay. It
19 has been moved and seconded. Mr. Turnbull?

20 COMMISSIONER TURNBULL: I just had
21 a question that I would like to ask. What --
22 I'm just curious on the lots with the

1 bioretention, there is bridges. There is
2 bridges indicated on the plans, but there is
3 nothing really showing what these things look
4 like or I'm just concerned about access,
5 pedestrian access going across these.

6 MR. LEE: The bridges are --

7 MR. DePUY: Mr. Lee, you better
8 identify yourself for the record.

9 MR. LEE: Yes. My name is Jeff
10 Lee, a principal of Lee and Papa Associates
11 and we're the landscape architects for this
12 project. And the bridge structure is -- would
13 be any -- is just like any other structure
14 that you will see in any parks or other areas.

15 We just thought that given the
16 fact that we had planting areas that were sort
17 of sloped down, that having bridges to cross
18 into those areas would keep people out of the
19 planting beds, which is always one of the
20 biggest problems is when you have large people
21 moving from parking to where they are going,
22 they start cutting through.

1 And the fact that the bridges have
2 rails on the sides, they make it much more
3 visible and access much easier. And in terms
4 of accessibility, the bridges will allow two
5 pedestrians to pass at the same time as well
6 as wheelchairs and other --

7 COMMISSIONER TURNBULL: Are we
8 looking at a non-slip surface or something?
9 Obviously, the maintenance of these things
10 will be done by the parking lot -- by the
11 owner that clears snow or whatever?

12 MR. LEE: That is correct.

13 COMMISSIONER TURNBULL: Okay.
14 Lighting on these is just basically from the
15 street lighting then?

16 MR. LEE: The light poles have
17 been designed by the electrical engineer and
18 there are -- not only are there lights in the
19 streets, but there are also going to be lights
20 for the parking lots.

21 COMMISSIONER TURNBULL: Okay.
22 Thank you. My only other question and since

1 you have taken the lot off, I saw that
2 structure and I just wanted to know more about
3 that structure. But since the lot is off the
4 table, I was just curious, but thank you.

5 VICE-CHAIRPERSON HOOD: Okay. And
6 the only question I had, I'm almost scared to
7 ask it, we're moving so fast. The only other
8 question that I had was how is that going to
9 work with the federal employees using the lot
10 as well as when they transform into baseball
11 users, who is going to manage control of how
12 that's going to work, especially during the
13 afternoon game? And I didn't see how that was
14 going to work.

15 MR. MEISER: Hi, my name is Randy
16 Meiser.

17 VICE-CHAIRPERSON HOOD: I got the
18 answer up here. I'm going to throw them away,
19 but anyway.

20 MR. MEISER: My name is Randy
21 Meiser. I'm with Forest City Washington.
22 Forest City has a parking subsidiary that will

1 manage these lots for us. And we will have to
2 work arrangements with the parkers, so that by
3 a certain point of the day -- of games, of
4 night games that they will have to be out of
5 the lot, so that the lots can become available
6 for the baseball parkers.

7 During the day games during the
8 week, that's something, obviously, we're going
9 to have to manage. Fortunately, there aren't
10 that many of those per season and that's just
11 something that our parking folks are going to
12 have to negotiate as we do monthly parking and
13 work out parking arrangements for the day
14 parkers. They are going to have to understand
15 that on certain days they may not be able to
16 park in the lots.

17 VICE-CHAIRPERSON HOOD: Okay. Can
18 we get something like that before we do final
19 action? Can we get something?

20 MS. SCHELLIN: Actually, this
21 would be final action. It's one action, it's
22 Chapter 18.

1 VICE-CHAIRPERSON HOOD: Oh. Never
2 mind. Okay. Well, good faith effort. Okay.
3 I'm sure you will make it work, because I like
4 the day games. But anyway, let me do this
5 before I call for the motion. Anyone here to
6 testify in support? Anyone here to testify in
7 opposition? Do we have any ANCs that would
8 like to testify? Okay. We have a motion.

9 MS. STEINGASSER: Chairman Hood?

10 VICE-CHAIRPERSON HOOD: Yes?

11 MS. STEINGASSER: The Office of
12 Planning is happy to stand on the record in
13 support of this application.

14 VICE-CHAIRPERSON HOOD: Oh.

15 MS. STEINGASSER: And for the
16 record, I would just like to commend Forest
17 City and Mr. Lee for doing an incredible
18 landscape plan that is far beyond the minimum
19 requirement. And we appreciate having this as
20 a bar to push other parking lots, too. So
21 thank you very much for that.

22 VICE-CHAIRPERSON HOOD: Thank you

1 to the Office of Planning also for giving us
2 a very brief report and thank you. Okay.
3 There's a motion. Did I leave anything else
4 out?

5 MS. SCHELLIN: NCPC.

6 VICE-CHAIRPERSON HOOD: Oh, NCPC.
7 Let me read this. We have a letter dated July
8 the 24th from NCPC asking that we not take
9 action until August the 3rd. However, today
10 they submitted their staff's recommendation
11 which recommends that the project be approved.
12 Accordingly, there is no reason to delay our
13 action in this matter.

14 We have a motion on the table. It
15 has been moved and properly seconded. All
16 those in favor?

17 ALL: Aye.

18 VICE-CHAIRPERSON HOOD: Any
19 opposition? Staff, would you record the vote?

20 MS. SCHELLIN: Okay. Staff
21 records the vote 4-0-1 to approve final action
22 in Zoning Commission Case No. 07-17.

1 Commissioner Jeffries moving, Commissioner
2 Parsons seconding. Commissioner Turnbull and
3 Hood in favor. Commissioner Mitten not
4 present, not voting.

5 VICE-CHAIRPERSON HOOD: Thank you.
6 And, Mr. Mordfin, you had an easy night
7 tonight. Thank you everybody for
8 participating. This hearing is adjourned.

9 (Whereupon, the Public Hearing was
10 concluded at 8:15 p.m.)

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