

GOVERNMENT

OF

THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

 IN THE MATTER OF: :
 : Case No.
 : 05-23A
 NoMa West Residential I, LLC :
 Square 3576, Lot 815 :

Thursday,
October 18, 2007

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 05-23A by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chair
GREGORY JEFFRIES	Vice-Chair
MICHAEL G. TURNBULL	Commissioner (AOC)
CURTIS ETHERLY, JR.	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
STEVEN COCHRAN

The transcript constitutes the minutes from the public hearing held on October 18, 2007.

TABLE OF CONTENTS

WITNESSES:

NORMAN M. GLASGOW, JR. 8

SAMUEL SIMONE 16
 Managing Director of Trammell Crow
 Residential

ADAM STEINER 25
 director of Architecture with Urban Limited

OFFICE OF PLANNING 30
 Steven Cochran

VOTE ON Z.C CASE NO. 05-34A 39
 4 To 0 to 1 to approve

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

2 6:35 p.m.

3 CHAIRPERSON HOOD: Good evening,
4 ladies and gentlemen.

5 This is the Zoning Commission
6 hearing of Thursday, October 18th, 2007.

7 My name is Anthony J. Hood.
8 Joining me are Commissioners Jeffries, Etherly
9 and Turnbull.

10 We also are joined by the Office
11 of Zoning staff, Ms. Sharon Schellin. And to
12 my right we have the Office of Planning, who
13 will introduce themselves at the appropriate
14 time.

15 The subject of this evening's
16 hearing is Zoning Commission Case No. 05-23A.
17 This is a request by NoMa West Residential I
18 for PUD modification for a property bounded by
19 Eckington Place, Northeast, and Harry Thomas
20 Way, Northeast, and known as lots 85 and
21 Square 3576.

22 Notice of this hearing was in the

1 D.C. Register on September 7th, 2007. Copies
2 of the hearing announcement are here in the
3 hearing room to my left in the wall bin near
4 the door.

5 The hearing will be conducted in
6 accordance with the provisions of 11 DCMR
7 3022, Preliminary Matters, Applicant's Case,
8 report of the Office of Planning, report of
9 other government agencies and report of ANC 5C
10 organizations and persons in support,
11 organizations and persons in opposition.

12 The following time constraints
13 will be maintained in this meeting: 30
14 minutes: organizations 5 minutes; individuals
15 3 minutes. That action will be adjusted as we
16 proceed. The Commission intends to adhere to
17 the time limits as strictly as possible.

18 Please be advised that the
19 proceeding is being recorded by a court
20 reporter, and it is also webcast live.

21 I also would ask that all persons
22 appearing before the Commission fill out two

1 witness cards. These cards are located to my
2 left on the wall on the table near the door.
3 Upon coming forward to speak to the
4 Commission, please give both cards to the
5 reporter sitting to my right before taking a
6 seat at the table.

7 To avoid any appearance to the
8 contrary, the Commission requests that persons
9 present not engage the members of the
10 Commission in conversation during any recess
11 or during any other time.

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

15 Let me back up, and also welcome
16 Commissioner Etherly. This is his first night
17 he's joining us. I was definitely not going
18 to forget that. He brings a lot to the table.

19 COMMISSIONER TURNBULL: Former
20 Deputy Chair of the BZA.

21 CHAIRPERSON HOOD: Former Deputy
22 Chair of the BZA, and Chair of the -- well,

1 new Commission member. And I think he brings
2 a wealth of knowledge, especially coming from
3 the BZA. We're looking forward to working
4 with him. So welcome.

5 COMMISSIONER ETHERLY: Thank you.

6 CHAIRPERSON HOOD: And that's the
7 only good greeting you're going to get from
8 me.

9 No. I'm just joking.

10 Would all individuals wishing to
11 testify, please rise and take the oath.

12 Ms. Schellin, would you administer
13 the oath?

14 (Witnesses Sworn.)

15 MS. SCHELLIN: Thank you.

16 CHAIRPERSON HOOD: Here's what
17 we're going to do. I think because of the
18 modification process, Mr. Glasgow, I think
19 what we can do if you choose -- unless you
20 just want to give us a presentation -- we'll
21 ask you to just stand on the record. And
22 we'll ask Mr. Sher, if anybody has any -- let

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1 me do this first. If anybody has any
2 questions for Mr. Sher, let's try to get that
3 out of the way now. Are there any planning
4 questions?

5 (No audible response.)

6 CHAIRPERSON HOOD: No questions
7 for Mr. Sher?

8 Mr. Sher, you have a nice trip.

9 Mr. Glasgow, we will --

10 MR. GLASGOW: Yes, we'll stand on
11 the record.

12 CHAIRPERSON HOOD: You'll stand on
13 the record?

14 MR. GLASGOW: Yes, sir. We have
15 some documents that we submitted, including
16 the letter of support from the Advisory
17 Neighborhood Commission, letter of support
18 from Edgewood Civic Association. And then a
19 couple of other pieces --

20 CHAIRPERSON HOOD: Okay.

21 MR. GLASGOW: -- that have been
22 submitted for the record.

1 CHAIRPERSON HOOD: Okay. Do we
2 have that in front of us?

3 MR. GLASGOW: Also, we have seen
4 the letter from that has been submitted from
5 DDOT, which supports the project and supports
6 the modification. What they're asking is that
7 the applicant be responsible for construction
8 of the Metropolitan Bike Trail, as opposed to
9 -- our proposal was to contribute a sum of
10 money for that.

11 We have no objection to doing that
12 as long as they get the right of way that they
13 need across PEPCO's property for the bike
14 trail. All right? We don't want to be in a
15 position where we have to construct something
16 on somebody else's property that they haven't
17 got the right of way for.

18 CHAIRPERSON HOOD: And I think
19 that's reasonable. I think we could hopefully
20 before final get some kind of resolution on
21 that with them. I don't see an issue with
22 that at this point.

1 But I think before final, we
2 should try to tie that down. Not necessarily
3 you, but try to tie that down with them and
4 make sure that we're all on the same page.

5 Anything else right quick, Mr.
6 Glasgow?

7 MR. GLASGOW: No. The other issue
8 that they raise is with respect to number 10
9 on page 23 at the old order. They want to
10 make sure that that remains. We have no
11 objection to that.

12 CHAIRPERSON HOOD: Okay. Let me
13 get number 10 in front of me.

14 MR. GLASGOW: All right. It's at
15 the back of the DDOT report.

16 DDOT's got a two-page report. And
17 on the back of it, they have an excerpt from
18 Zoning Commission Order No. 05-23. And they
19 reference in their letter paragraph number 10.
20 And that talks about a contribution with
21 respect to signalization at intersection. And
22 we have no objection to that.

1 CHAIRPERSON HOOD: The way I
2 interpret it -- if I'm reading it correctly --
3 they're asking you to at least put \$25,000.

4 MR. GLASGOW: That is correct.

5 CHAIRPERSON HOOD: Not necessarily
6 pay for the whole cost of the --

7 MR. GLASGOW: That is correct.

8 CHAIRPERSON HOOD: At least add
9 \$25,000. Okay.

10 MR. GLASGOW: All right. Not less
11 than -- it says not less than \$25,000.
12 Correct.

13 CHAIRPERSON HOOD: Okay. Let me
14 ask --

15 VICE CHAIR JEFFRIES: I'm sorry --

16 CHAIRPERSON HOOD: Go ahead.

17 VICE CHAIR JEFFRIES: -- Mister
18 Chair. This is for the intersection of Rhode
19 Island Avenue and Third Street, Northeast?

20 MR. GLASGOW: That is correct.

21 VICE CHAIR JEFFRIES: I guess I
22 don't -- why are we at Third and Rhode Island?

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1 MR. GLASGOW: We can't answer for
2 DDOT on that. They determined that that was
3 an intersection that needed some assistance
4 and that they wanted us to be a part of.

5 CHAIRPERSON HOOD: But initially
6 it was not Third and Rhode Island. Right? If
7 I'm correct.

8 MR. GLASGOW: No, this is from the
9 old order. This is from the order the
10 Commission issued I guess it was earlier this
11 year.

12 VICE CHAIR JEFFRIES: This is for
13 the Fairfield?

14 MR. GLASGOW: That's correct.
15 Yes. They just attached a copy of that order.
16 We're saying we're not anticipating changing
17 that. They wanted it the same as --

18 VICE CHAIR JEFFRIES: I'm sorry.
19 I'm sorry. I missed that from before I guess.

20 CHAIRPERSON HOOD: We all did.

21 VICE CHAIR JEFFRIES: I mean,
22 Third and Rhode Island. How many blocks is

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1 that? Is that like almost a mile?

2 MR. GLASGOW: It's far.

3 CHAIRPERSON HOOD: It's around the
4 corner and down the street actually. I'm
5 going to school --

6 VICE CHAIR JEFFRIES: Okay.

7 CHAIRPERSON HOOD: You know what I
8 would like to do is -- I don't know.

9 I'll tell you what. We'll
10 deliberate that at the appropriate time
11 because if we did that the first time, I don't
12 know. We missed that. I know I missed it.

13 Okay. Anyway. Let's do this.
14 Let's open it up for questions. Any
15 questions?

16 COMMISSIONER TURNBULL: Mister
17 Chair?

18 CHAIRPERSON HOOD: Mr. Turnbull?

19 COMMISSIONER TURNBULL: I wonder
20 if I could.

21 Getting back to the old order
22 then, on page 10 when we talk about the

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1 housing and affordable housing, obviously that
2 whole section is going to be re-written
3 because you've got three buildings now where
4 we had townhouses before and everything, and
5 the dispersion of the units. Will we get
6 something that talks about the equal
7 dispersion of the units?

8 MR. GLASGOW: Yes. I believe that
9 that was submitted that we would disperse the
10 units in like percentages of bedroom mix, size
11 of units, throughout the building except for
12 the top floor, which is something the
13 Commission has seen before.

14 And that was in the original
15 statement that we had that we filed back in
16 June.

17 COMMISSIONER TURNBULL: Okay.

18 MR. GLASGOW: Okay. It's in Tab F
19 of that exhibit.

20 And we would maintain the eight
21 percent.

22 COMMISSIONER TURNBULL: And that's

1 going to be -- okay. It's in all three
2 buildings?

3 MR. GLASGOW: Yes.

4 COMMISSIONER TURNBULL: I guess
5 one thing that concerns me, you're looking for
6 relief from the setback side yard?

7 MR. GLASGOW: Yes. Along the
8 north wall? Yes.

9 COMMISSIONER TURNBULL: Yes. And
10 I'm just a little bit concerned. It's only
11 like five feet, or five foot one or something.

12 MR. GLASGOW: Yes.

13 COMMISSIONER TURNBULL: Those
14 units are going to be difficult to sell.

15 MR. GLASGOW: I think that I could
16 have Mr. Simone just address that, because we
17 looked at that very carefully. There's no one
18 that has any required light or air from that
19 north side.

20 COMMISSIONER TURNBULL: Okay.
21 Okay.

22 I just worry about affordable

1 units being stuck off in --

2 MR. GLASGOW: No. We have to mix
3 them through the building just like all the
4 other units.

5 COMMISSIONER TURNBULL: Okay.

6 MR. GLASGOW: No. That's not --

7 COMMISSIONER TURNBULL: The other
8 thing I think you talked about is there was
9 some mention of either access to the roof.
10 Are you planning any patios or anything on the
11 roof? You're not? Okay.

12 Maybe because of the change we're
13 picking up language from the old one. I'm not
14 sure.

15 MR. SIMONE: I'm Samuel Simone,
16 Managing Director of Trammell Crow
17 Residential.

18 No, we don't intend to have
19 resident access to the roofs.

20 COMMISSIONER TURNBULL: Okay. So
21 the only thing would be for mechanical access?

22 MR. SIMONE: It would be

1 mechanical units that are up there. There's
2 a stairway that will go up to the top of the
3 roof to service mechanical --

4 COMMISSIONER TURNBULL: Thank you.

5 CHAIRPERSON HOOD: Commissioners,
6 any other questions? I've noticed the changes
7 with the scoreboard. I've read through all
8 that and understand all that. Okay.

9 Anything else? Mr. Jeffries?

10 VICE CHAIR JEFFRIES: I mean
11 clearly we've reduced the height of this
12 development, but we're also covering more
13 ground in terms of lot occupancy.

14 I'm seeing here that the approved
15 PUD had a range of 625 to 675 units. And
16 you're at 558 to 642. Can you just speak a
17 little bit about the range and what would
18 facilitate more units versus less? Is it
19 market-driven, or is it something about
20 design?

21 MR. SIMONE: It would be market-
22 driven. I think our units on average are

1 smaller than the previously proposed
2 development. That's really what it comes down
3 to.

4 VICE CHAIR JEFFRIES: How much
5 smaller? What's the size of a one bedroom?

6 MR. SIMONE: A one bedroom will
7 vary between -- I'd call it 650 square feet to
8 approximately 850 square feet.

9 VICE CHAIR JEFFRIES: A one
10 bedroom. Would that be a one-bedroom den?

11 MR. SIMONE: That would be a one
12 bedroom, and you could put a den in an 850
13 square foot unit. Yes. That's correct.

14 VICE CHAIR JEFFRIES: Okay. And
15 if I'm remembering the previous site plan,
16 there was like a square. And obviously, we're
17 just looking at sort of Q Street here as sort
18 of a main thoroughfare. But you don't have
19 the central square that was part of the
20 previous PUD.

21 MR. SIMONE: And actually, that
22 central square was for the use of the

1 residences.

2 VICE CHAIR JEFFRIES: Oh, okay.

3 MR. SIMONE: What we've provided
4 for is a 4500 square foot public park at the
5 southeast corner of the site at Q Street and
6 Harry Thomas Way. So that would be public
7 access where the previously approved project
8 did not have a public access.

9 VICE CHAIR JEFFRIES: And will
10 there be any level of control of this park?
11 I mean, it'll just be open 24 hours?

12 MR. SIMONE: Yes, sir. That's the
13 way it's contemplated currently.

14 VICE CHAIR JEFFRIES: Now are
15 these condos or rentals? Or you don't know
16 yet? Yes. So much is moving from condos to
17 rentals.

18 But obviously it's going to be
19 maintained by a management company of some
20 sort?

21 MR. SIMONE: Yes. Even though it
22 will be public, it will be maintained by

1 management.

2 VICE CHAIR JEFFRIES: Okay.

3 And then my last question is that
4 of the retail. I believe counsel probably
5 knows that the Commission did have some
6 concerns about the level of retail that was
7 part of the previous PUD. I know I had
8 concerns. Some familiarity with this area.

9 I was just concerned about the
10 sustainability of that much retail in that
11 location, particularly given the fact that
12 there are other commercial corridors where we
13 really need to focus retail concentration.
14 So, I'm personally happy to see that there's
15 considerably less retail, although you seem to
16 swing the pendulum way on the other side to
17 like a 1,000. What did you have in mind for
18 the 1,000?

19 MR. SIMONE: Well, we originally
20 filed without any retail, because I think we
21 felt as the Commission felt that it would be
22 very difficult to get retail at this location.

1 But we listened to the community. The
2 community had really asked for it.

3 They wanted something for
4 convenience, to be able to go to the store and
5 buy an orange or some convenience items. So
6 it's more along those lines.

7 VICE CHAIR JEFFRIES: Okay. Okay,
8 so it'd just be like a corner store or
9 something like that?

10 MR. SIMONE: Yes. Correct.

11 VICE CHAIR JEFFRIES: Okay.
12 That's all I have, Mister Chair.

13 CHAIRPERSON HOOD: Mr. Glasgow,
14 how is the construction management plan going
15 to work?

16 MR. GLASGOW: We filed the
17 construction management plan. And we filed
18 that with the ANC, and they have approved the
19 construction management.

20 CHAIRPERSON HOOD: So we have a
21 signed copy?

22 MR. GLASGOW: You have a copy of

1 what they approved on Tuesday.

2 CHAIRPERSON HOOD: I don't think
3 it has an exhibit number at this time. I have
4 it here, but I don't think it has a --

5 MR. GLASGOW: Yes, that's part of
6 the package.

7 CHAIRPERSON HOOD: Okay. So
8 before final, we'll see a signed copy?

9 MR. GLASGOW: Either that or we're
10 standing on what it was that we submitted to
11 them.

12 That is a copy of what was
13 submitted to the ANC, and what the ANC
14 approved.

15 CHAIRPERSON HOOD: Yes. But
16 typically we usually get signed copies. Yes.
17 Typically we get a signed copy. You can do it
18 between now and final.

19 MR. GLASGOW: All right. We
20 didn't have signature blocks on this one, if
21 you look at it.

22 CHAIRPERSON HOOD: The practice in

1 the past has always been that we get a signed
2 copy.

3 I'm not going to make a big issue
4 over it, but make sure that the record is
5 complete. We need a signed copy.

6 MR. GLASGOW: All right.

7 CHAIRPERSON HOOD: All right. And
8 also, we have a letter from the Edgewood Civic
9 Association, and also the ANC --
10 Chris Hammond, Anita Barnes.

11 Now you presented again the ANC
12 5C. And finally what was the vote? One
13 person abstained. No. One person voted
14 against, I believe.

15 MR. GLASGOW: No, they voted
16 unanimous support.

17 CHAIRPERSON HOOD: Okay.

18 MR. GLASGOW: They had -- let's
19 see, all 11 were there at one point. But I
20 think when the vote actually occurred, there
21 were either eight or nine in the room.

22 CHAIRPERSON HOOD: Okay. All

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1 right. This came in this afternoon sometime,
2 I believe. Anyway at 3:30.

3 All right. So we have a support
4 letter from the ANC. We have a support letter
5 from the Edgewood Civic Association, which
6 singles out and talks about the different
7 amenities that are in the package.

8 There was another thing that
9 you're going to make the contribution now --
10 \$20,000 to the Edgewood Civic Association.
11 Contribution -- okay. This specifies what
12 exactly you're making it, to cover the costs
13 of planning the distribution of the
14 Association's quarterly newsletter, donations
15 of equipment to the Harry Thomas Recreation
16 Center.

17 That's all within the \$20,000 --
18 these six items?

19 MR. GLASGOW: That's correct.

20 CHAIRPERSON HOOD: Now this is
21 separate and apart from the other amenity
22 dealing with the scoreboard I believe. Right?

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1 I'm just trying to make sure it doesn't --

2 MR. GLASGOW: Yes.

3 CHAIRPERSON HOOD: -- get
4 confused. Okay. All right.

5 All right. That's all I have.

6 Commissioner Jeffries?

7 VICE CHAIR JEFFRIES: One last
8 question.

9 The detailed landscape plan,
10 that's principally for this public park.
11 Correct?

12 MR. GLASGOW: That is correct.

13 VICE CHAIR JEFFRIES: Do some of
14 those elements continue anywhere on Q Street
15 extended, or in terms of some of the
16 vegetation that's noted? Or is it pretty much
17 --

18 MR. GLASGOW: Yes.

19 VICE CHAIR JEFFRIES: What do we
20 have on Q Street? Will there be benches or
21 will it --

22 MR. STEINER: Adam Steiner.

1 Director of Architecture with Urban Limited.
2 We're the main architect on the project.

3 VICE CHAIR JEFFRIES: Okay.

4 MR. STEINER: A lot of the large
5 shade trees -- there will be obviously large
6 shade trees along Q Street.

7 VICE CHAIR JEFFRIES: Okay.

8 MR. STEINER: Definitive species
9 is to be worked out with Urban Forestry. We
10 don't know that today.

11 There could be benches along Q
12 Street also. We currently don't have any
13 located. But the tree pit planting furnishing
14 zone that exists between the curb and the
15 sidewalk is often used for that.

16 VICE CHAIR JEFFRIES: Okay. Do we
17 have a blow-up -- I mean, there's obviously a
18 blow-up of the park.

19 But I'm just curious, you said
20 there might be benches. When will a decision
21 be made on that?

22 MR. STEINER: We could do that

1 now. Typically we would actually provide it.

2 I mean, I think to be honest that
3 graphically we didn't have them included. We
4 often include them to try and animate the
5 streetscape though out there so there's more
6 than just trees, and then an open expanse.

7 VICE CHAIR JEFFRIES: Okay. And
8 the reason is that obviously you're relatively
9 close to a Metro, and a lot of people in that
10 community will be using this thoroughfare.
11 And it should be a fairly nice pedestrian-
12 friendly experience.

13 And so obviously in terms of what
14 the plans are in terms of what those elements
15 might be, hopefully we get to proposed action,
16 we can just get some sort of definitive --

17 MR. STEINER: Sure.

18 VICE CHAIR JEFFRIES: -- picture
19 as to what occurs along Q Street.

20 MR. STEINER: We can look at this.

21 VICE CHAIR JEFFRIES: Okay. Thank
22 you.

1 CHAIRPERSON HOOD: Okay. Any
2 other questions, colleagues?

3 Moving right along. Thank you,
4 Mr. Glasgow.

5 Hold on. Commissioner Turnbull?

6 COMMISSIONER TURNBULL:
7 Commissioner Jeffries and I were just talking.
8 You have some elements of green design in the
9 project.

10 MR. SIMONE: Correct.

11 COMMISSIONER TURNBULL: But,
12 you're not going for lead certification or
13 anywhere near there?

14 MR. SIMONE: That's correct.

15 MR. GLASGOW: We're not. We're
16 going to try to do as many points as possible.
17 It's hard on this type of design to obtain
18 lead certification.

19 COMMISSIONER TURNBULL: Can you
20 speak up a little?

21 MR. GLASGOW: We are not going for
22 lead certification. We are going to attend to

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1 as many points as possible. But we will not
2 be lead certified.

3 VICE CHAIR JEFFRIES: But you
4 trailed off. You said because.

5 MR. GLASGOW: In this type of
6 building, it may be a little bit more
7 difficult to get lead certified.

8 VICE CHAIR JEFFRIES: Why?
9 Because it's stick constructed?

10 MR. GLASGOW: Correct.

11 VICE CHAIR JEFFRIES: Can you just
12 explain why that --

13 MR. GLASGOW: Yes. For example,
14 concrete makes up the majority -- the lead was
15 designed really for office buildings of
16 concrete construction, and really not for
17 residential development. So that's where the
18 complication comes. It's really office-
19 related.

20 There's actually a new program
21 called Lead for Homes that is more for
22 residential and buildings along this type of

1 nature. It's actually a pilot program today.

2 COMMISSIONER TURNBULL: Is any of
3 the landscaping going to incorporate some of
4 the sustainable features that we're now seeing
5 in a lot of the other projects?

6 MR. GLASGOW: They will.

7 COMMISSIONER TURNBULL: Okay.
8 Thank you.

9 CHAIRPERSON HOOD: Okay. Any
10 other questions?

11 Thank you. I think you can hold
12 your seat.

13 Next we have the report of the
14 Office of Planning. Mr. Lawson and Mr.
15 Cochran?

16 MR. COCHRAN: Good evening. My
17 name is Steve Cochran. I'm representing the
18 Office of Planning.

19 For the most part, OP would like
20 to stand on the record. There are a few
21 things that we do need to bring to your
22 attention though.

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1 OP is recommending that the zoning
2 be in the alternative -- the C2C -- as opposed
3 to what the Commission had previously
4 approved. The Commission suggested

5 COMMISSIONER TRAVIS: C3A, Mr.
6 Cochran?

7 CHAIRPERSON HOOD: C3A. I think
8 there's a mistake in the report.

9 MR. COCHRAN: I'm so sorry.

10 CHAIRPERSON HOOD: Okay. All
11 right. We're already confused, but that's
12 fine. We all make a mistake.

13 MR. COCHRAN: More than my fair
14 share.

15 Okay. C3A. The plans are dated
16 September 28. A number of plans have been
17 submitted. I want to be sure that you know
18 that they're September 28th.

19 With respect to the \$25,000 for
20 the signal at Third and K, DDOT's felt pretty
21 strongly about that. Excuse me. Third and
22 Rhode Island. I don't have my reading glasses

1 on tonight. I'm very sorry. And I have
2 really bad printing. An "R" and an "I" turn
3 into a K.

4 Okay. So Third and Rhode Island.
5 Yes. Third and K would be very far afield.

6 DDOT feels strongly about this.
7 There are several developments that are being
8 proposed in what used to be called the Capitol
9 Commerce Center. And DDOT is trying to get
10 contributions towards this traffic signal both
11 from this developer and for recently approved
12 large tract review for Capitol Commerce Center
13 North. They feel that the level of new
14 development is going to require a signal
15 there. And so this developer is just one of
16 a few that would be contributing to that.

17 VICE CHAIR JEFFRIES: Okay. So
18 you're saying that with these new
19 developments, they figure that there will be
20 some bottlenecking here -- that traffic will
21 be forced --

22 MR. COCHRAN: Because that's

1 basically the only northern way to get out of
2 the --

3 VICE CHAIR JEFFRIES: Okay.

4 MR. COCHRAN: -- out of that area.

5 VICE CHAIR JEFFRIES: Okay. Okay.

6 Great. Thank you.

7 MR. COCHRAN: The second thing is
8 on the \$55,000 contribution. I'm sorry. The
9 October 15th letter is new to me.

10 But when I talked to DDOT -- and
11 we'll be able to work this out before the
12 final order -- when I talked to DDOT, they had
13 told me that they were okay with the applicant
14 simply making the contribution. They're still
15 in negotiations with PEPCO on some of the
16 easements.

17 They're actually working out
18 arrangements with their Design Build Team for
19 the trail. They felt that it would be okay to
20 give the \$55,000 into a fund as they've done
21 in the past.

22 And a close reading of what they

1 say in that last paragraph says they're simply
2 asking the applicant to enter into a
3 partnership agreement consistent with the
4 Zoning Commission's order. It's only in the
5 last part of the paragraph that they actually
6 ask the Commission to maintain a different
7 condition.

8 So, again, it will be worked out
9 by I believe that this may be DDOT still
10 saying that a contribution is okay, that the
11 applicant may not have to construct it
12 directly. So we'll clarify that.

13 Finally, with respect to your
14 question about benches on Q Street, Q Street
15 is going to be only about 57 feet -- a little
16 bit -- 57 and some change. It's kind of
17 difficult to fit the benches in and still get
18 a good walking area.

19 But what I would point out is that
20 we've had some discussions with the applicant
21 about the landscaping for the publicly-
22 accessible park. OP would encourage the

1 Commission to include in the final order
2 something relating to the maintenance of that
3 park, be it a sprinkler system, be it the
4 applicant being responsible for maintaining it
5 in a certain condition. So while it will
6 certainly be private ownership, it will still
7 appear as if it's a public park. So, I want
8 to be clear who has responsibility for that.

9 That's about it. I'm going to go
10 out and buy some glasses now.

11 CHAIRPERSON HOOD: All right. Any
12 questions of the Office of Planning? Any
13 questions? We kind of asked them as they were
14 doing it, but any other questions?

15 (No audible response.)

16 CHAIRPERSON HOOD: Does the
17 applicant have any questions?

18 MR. GLASGOW: No questions. In
19 fact, we agree with the maintenance of the
20 park area.

21 CHAIRPERSON HOOD: That's good.
22 So what we can do is to nail down exactly what

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1 DDOT is saying, we can do that. We can make
2 sure that the maintenance piece is put in it.
3 We can do all that before final. Okay? We
4 all in agreement?

5 MR. GLASGOW: Yes. Yes, sir.

6 CHAIRPERSON HOOD: Reports of
7 other government agencies. We had DDOT's
8 report, which we discussed.

9 Anything else? That was all we
10 had -- the DDOT one. Yes.

11 Okay. Report of the ANC 5C, which
12 we discussed earlier. And that report came in
13 today, and it was unanimous.

14 Also the letter we have from the
15 Edgewood Civic Association. That was in
16 support.

17 First of all, do we have anyone
18 here from ANC 5C? Anita Barnes is the chair
19 of ANC 5C.

20 Not seeing anyone representing ANC
21 5C, we'll move on. And again, we have a
22 letter of support.

1 Do we have any organizations or
2 persons in support who want to testify?
3 Anyone here who wants to testify in support?

4 (No audible response.)

5 CHAIRPERSON HOOD: Organizations
6 or persons in opposition? Do we have anyone
7 here in opposition -- organizations or persons
8 in opposition that want to testify?

9 (No audible response.)

10 CHAIRPERSON HOOD: Seeing none --
11 okay. Mr. Glasgow, I guess you can conclude.

12 MR. GLASGOW: Yes, sir.

13 I will conclude one thing that we
14 would like to be able to do if we could.

15 As we're laying out the units in
16 the building, we'd like to have the
17 flexibility to enlarge the courts in buildings
18 200 and 300. As long as any that we do there,
19 we won't make any of the courts smaller, but
20 we do want to have the flexibility to make the
21 courts larger. We assume the Commission would
22 think that that's a positive thing.

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1 CHAIRPERSON HOOD: I'm going to
2 turn to the -- 200 and 300.

3 VICE CHAIR JEFFRIES: Is that
4 building 200 up here?

5 MR. GLASGOW: This building -- 200
6 and 300.

7 VICE CHAIR JEFFRIES: Okay.

8 CHAIRPERSON HOOD: 200 and 300.
9 Right?

10 MR. GLASGOW: Right.

11 CHAIRPERSON HOOD: Okay.

12 MR. GLASGOW: Building 200 and
13 building 300 -- flexibility to enlarge these
14 courts.

15 CHAIRPERSON HOOD: Okay.

16 MR. GLASGOW: And with that,
17 Mister Chairman, we believe we've met our
18 burden of proof in this case for this planned
19 unit development modification. And we'd like
20 to ask a bench decision if we could have one
21 from the Commission.

22 CHAIRPERSON HOOD: We don't

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1 usually do bench decisions, but we'll do one
2 tonight. Okay.

3 I would move approval of Zoning
4 Commission Case No. 05-23A, with the
5 modifications as so noted earlier, whichever
6 one is in agreement with, and with the -- I
7 don't know -- we'll go through this after it's
8 over. But with the things -- I want to make
9 sure this is in my motion -- the things that
10 are due before final action that we have for
11 which we'll do after this motion.

12 I'll ask for a second of that
13 motion.

14 VICE CHAIR JEFFRIES: Second.

15 CHAIRPERSON HOOD: Okay. It's
16 moved and properly seconded. Any discussion?

17 (No audible response.)

18 CHAIRPERSON HOOD: All those in
19 favor?

20 (A CHORUS OF AYES.)

21 CHAIRPERSON HOOD: Any opposition?

22 (No audible response.)

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1 CHAIRPERSON HOOD: So the staff,
2 would you record the vote?

3 And after you record the vote,
4 could you kind of summarize and let us know
5 what we're still looking for -- what we need
6 to finalize?

7 MS. SCHELLIN: Okay. Staff
8 records the vote 4 to 0 to 1, to approve
9 proposed action in Zoning Commission Case No.
10 05-23A. Commissioner Hood moving.
11 Commissioner Jeffries seconding.
12 Commissioners Etherly and Turnbull in favor.
13 Commissioner Parsons not present, not voting.

14 And a schedule for additional
15 documents -- how much time, Mr. Glasgow, do
16 you think you need?

17 MR. GLASGOW: Probably I would say
18 two weeks.

19 MS. SCHELLIN: Two weeks. Okay.

20 MR. GLASGOW: I think two weeks.
21 It just depends upon who we can get in touch
22 with at the ANC.

1 MS. SCHELLIN: Okay. That would
2 be November 1st, with the ANC having until
3 November 8th to respond.

4 And if you chose to do so, a draft
5 order would be due also on November 8th.

6 MR. GLASGOW: Okay.

7 MS. SCHELLIN: And then we could
8 consider this for final action at our November
9 19th meeting.

10 MR. GLASGOW: Then why don't we
11 make the ANC November 8th also, since it's not
12 going to have any earlier --

13 MS. SCHELLIN: That's what I said
14 -- November 8th for the ANC to respond.

15 MR. GLASGOW: What we're thinking
16 is if the decision is going to happen on the
17 19th, then what I'm thinking is then we want
18 to take as much time as we can to get the ANC
19 to sign.

20 MS. SCHELLIN: Our problem is our
21 packages have to go out on the 13th. And that
22 Monday is a holiday. The 12th is a holiday.

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1 So it really doesn't leave much more time.

2 MR. GLASGOW: Okay. But we could
3 get their document in on the 8th though it
4 seems -- the ANC.

5 MS. SCHELLIN: What document are
6 we missing for them?

7 MR. GLASGOW: The Chairman wanted
8 them to sign the construction management
9 agreement.

10 MS. SCHELLIN: Okay. I thought
11 you were going to provide that on the 1st.

12 MR. GLASGOW: Well, we're saying
13 if we can provide it on the 8th and still be
14 timely for the action on the Commission, then
15 we'd rather provide it on the 8th.

16 MS. SCHELLIN: Okay.

17 MR. GLASGOW: It gives us more
18 time to work with the ANC.

19 MS. SCHELLIN: Okay. I see.

20 MS. BATTIES: The issue, Sharon,
21 is that they may require to go back before the
22 full ANC.

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1 MS. SCHELLIN: That's fine. Since
2 they're a signatory to it, they won't need to
3 respond to their own signature.

4 MR. GLASGOW: Right.

5 CHAIRPERSON HOOD: All right. I
6 think everything's clear.

7 I thank everybody for their
8 participation this evening.

9 Did we do the list? We did the
10 list?

11 MS. SCHELLIN: Well, I didn't go
12 over the list because I think Mr. Glasgow and
13 Ms. Batties were taking notes. But I just
14 wrote down a couple things.

15 Of course, the signed construction
16 management plan that they mentioned. I don't
17 know -- I'm not clear if you guys still want
18 some information regarding the landscape plan
19 along Q Street.

20 VICE CHAIR JEFFRIES: No.

21 MS. SCHELLIN: Okay. Scratch
22 that.

1 And some information regarding the
2 DDOT contribution -- narrow that down, or nail
3 it down rather.

4 And I think that was it.

5 CHAIRPERSON HOOD: Okay. Let me
6 make sure before -- so all of us are in
7 agreement with the flexibility he's asked for
8 for the interior courts? Okay.

9 All right. That's not a whole
10 laundry list --

11 VICE CHAIR JEFFRIES: As long as
12 the courts are not decreasing in size -- as
13 long as they're expanding.

14 MR. GLASGOW: That is correct.
15 Flexibility to make them larger -- not
16 smaller.

17 CHAIRPERSON HOOD: All right.
18 With that, I thank everybody for their
19 participation tonight. And you can check with
20 Ms. Schellin in the Office of Zoning staff to
21
22 see when this is scheduled for I guess final

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1 action.

2 Okay. Thanks everybody. This
3 hearing is adjourned.

4 (Whereupon, at 7:08 p.m., the
5 hearing was adjourned.)

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