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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 06-14D [Mid-Atlantic Realty Partners, LLC -
PUD modification at Square 3584.]

6:32 p.m. to 8:01 p.m.

Thursday, February 9, 2017

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 STEPHEN MORDFIN

14

15 Department of Transportation:

16 JONATHAN ROGERS

17

18

19

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen. This is a public hearing of the Zoning
4 Commission for the District of Columbia. Today's
5 date is February the -- what's today's date, the 9th?
6 February 9th, 2017.

7 My name is Anthony Hood. We're located in
8 the Jerrily R. Kress Memorial Hearing Room. Joining
9 me -- soon to be joining me are Vice Chair Miller,
10 also joined by Commissioner Shapiro, Commissioner
11 May, and Commissioner Turnbull. We're also joined by
12 the Office of Zoning staff, Ms. Sharon Schellin, as
13 well as the Office of Planning staff, Ms. Steingasser
14 and Mr. Mordfin, and the District Department of
15 Transportation, Mr. Rogers.

16 This proceeding is being recorded by a court
17 reporter and is also webcast live. Accordingly, we
18 must ask you to refrain from any disruptive noises or
19 actions in the hearing room, including display of any
20 signs or objects. Notice of today's hearing was
21 published in the D.C. Register and copies of that
22 announcement are available on the wall near the door.

23 The hearing will be conducted in accordance
24 with provisions of 11-Z DCMR, Chapter 4 as follows.
25 Preliminary matters, applicant's case, report of the

1 Office of Planning, report of the other government
2 agencies, report of the ANC, organizations and
3 persons in support, organizations and persons in
4 opposition, rebuttal and closing by the applicant.

5 Okay. The following time constraints will be
6 maintained in this meeting. The applicant has 20
7 minutes. More if needed, and I think we'd be better
8 advised if we asked our questions, but they can hit
9 the highlights in 20 minutes. Organizations, five
10 minutes. Individuals, three minutes.

11 The Commission intends to adhere to the time
12 limits as strictly as possible in order to hear the
13 case in a reasonable period of time.

14 When presenting information to the
15 Commission, please turn on and speak into the
16 microphone, first stating your name and home address.
17 When you are finished speaking, please turn off your
18 microphone so that your microphone is no longer
19 picking up sound or background noise.

20 All persons wishing to testify this evening
21 may sign in to the kiosk to our left, and fill out
22 two witness cards. And make sure, before you speak,
23 if you can give them to the reporter to my right.
24 Please turn off all electronic devices at this time
25 so not to disrupt these proceedings. Also, the staff

1 is available throughout the hearing to discuss
2 procedural questions.

3 Would all individuals wishing to testify
4 please rise to take the oath? Ms. Schellin, would
5 you please administer the oath?

6 MS. SCHELLIN: Yes. Please raise your right
7 hand.

8 [Oath administered to the participants.]

9 CHAIRPERSON HOOD: Okay. At this time the
10 Commission will consider any preliminary matters.
11 Ms. Schellin, do we have any preliminary matters?

12 MS. SCHELLIN: Yes. At Exhibit 26 the
13 applicant filed a motion requesting a waiver of the
14 rules to submit its transportation assessment late.
15 They submitted it December 27th. It was due 30 days
16 prior to the hearing, but that was when the hearing
17 was scheduled for January 19th, which it was
18 postponed due to the inauguration, and so I don't
19 think we need to worry about that anymore now.

20 CHAIRPERSON HOOD: Okay. So, we won't have
21 to figure that out. We'll accept it.

22 MS. SCHELLIN: Yeah. Right. And so, they
23 have some proffered experts. Looks like all three,
24 Jeff Barber, Don Hoover, Christopher Kabatt, have all
25 been previously accepted. We'd ask the Commission to

1 accept them for this case. Or actually, it looks
2 like maybe somebody got substituted?

3 MS. BATTIES: Yes. Mr. Hoover had a conflict
4 in his schedule this evening, so Ms. Lauren Brandes
5 from his office is here. We've submitted her resume
6 into the record and respectfully request that the
7 Commission accept her as an expert in landscape
8 architecture.

9 CHAIRPERSON HOOD: Has she been accepted in
10 front of us before?

11 MS. BATTIES: She has not.

12 CHAIRPERSON HOOD: Okay.

13 MS. BATTIES: She has testified before the
14 Commission several times.

15 CHAIRPERSON HOOD: Okay. Okay,
16 Commissioners, what is your pleasure. Ms. Brandes,
17 is the name? Brandes? Brandy?

18 MS. BRANDES: Brandes, yes.

19 CHAIRPERSON HOOD: Ms. Brandes. You're not
20 related to Hoover Brandes, are you?

21 MS. BRANDES: No.

22 CHAIRPERSON HOOD: Oh, okay. Oh, so I asked
23 the question. Okay. All right. I haven't seen you
24 in a while. At least I haven't. Let us get back on
25 topic.

1 Okay. Any objections, landscape
2 architecture?

3 [No audible response.]

4 CHAIRPERSON HOOD: Okay, so we will accept
5 her as an expert in landscaping architecture.

6 Anything else, Ms. Schellin?

7 [No audible response.]

8 CHAIRPERSON HOOD: Okay. Good evening, Ms.
9 Batties.

10 MS. BATTIES: Good evening, sir.

11 CHAIRPERSON HOOD: Now I'll say good evening
12 to you. Good evening.

13 MS. BATTIES: Good evening.

14 CHAIRPERSON HOOD: You may begin.

15 MS. BATTIES: Leila Batties and Jessica
16 Bloomfield with the law firm of Holland and Knight on
17 behalf of the applicant, Mid-Atlantic Realty
18 Partners, LLC. The subject property is a portion of
19 the Washington Gateway PUD that was approved by the
20 Commission in 2007, located at the intersection of
21 Florida and New York Avenues Northeast.

22 The PUD is currently approved with the
23 existing apartment house, elevation at Washington
24 Gateway, which opened in August of 2014. It also,
25 the approval also includes an unconstructed office

1 building that consists of two towers, a north tower
2 and a south tower, which are the subject of this PUD
3 modification application.

4 In response to shifts in the market, which
5 Matt Robinson from MRP, Mid-Atlantic Realty, will
6 explain in his testimony, the applicant seeks
7 approval of the -- it seeks approval of three
8 modifications to the PUD.

9 First, it's to change a use of the north
10 tower from office to residential. Second is to
11 change the architectural design and reconfiguration
12 of the south tower, and third, the applicant seeks
13 flexibility to change the use of the south tower from
14 office to residential, so long as the applicant comes
15 back before the Zoning Commission for approval of the
16 design of that south tower, if the use changes to
17 residential.

18 The Office of Planning report is supportive
19 of the application, subject to certain -- to four
20 conditions listed in the report. The applicant is
21 agreeable to all four conditions.

22 Also, as noted in the DDOT report dated
23 January 9th, DDOT has no objections to the
24 application subject to certain conditions and the
25 conditions are listed. We have outlined those

1 conditions in a memo that was uploaded into the
2 record today, and the applicant and DDOT mutually
3 agree on all of the conditions listed in that memo.

4 It has been suggested that the applicant
5 expand the PUD and amenities package by increasing
6 the affordable housing for the north tower, beyond
7 what's required under the IZ regulations. And, we
8 respectfully submit, we have looked at that element
9 of the project and respectfully submit that the PUD
10 benefits and amenities package as proposed, many of
11 the amenities are already constructed. But we
12 believe that the benefits and amenities package which
13 is estimated at \$8 million in terms of its value is
14 actually commensurate with the flexibility that has
15 been achieved through the PUD process, including this
16 PUD modification.

17 And I just want to note, in that regard, I
18 want to note that this modification with the
19 conversion of the north tower from office to
20 residential, actually generates more new affordable
21 housing on the project, affordable housing units that
22 would not otherwise be there.

23 Also, the habitable penthouse space on the
24 office tower will result in a contribution to the
25 Housing Production Trust Fund, and in the event the

1 office tower is converted to residential use, that
2 use would generate an additional 45,000 square feet
3 of affordable housing that again would not otherwise
4 be developed on the site.

5 This modification also results in a reduction
6 of the density for the project. We go from 7.06 FAR
7 to 6.7 FAR, and we have a reduced lot occupancy from
8 55 to 52 percent.

9 With the PUD modification, we've also
10 expanded the benefits and amenities package to
11 increase the hours of the trail/lobby connection, or
12 the trail -- trail connection lobby. Originally it
13 was intended or proposed to be open from 6:00 a.m. to
14 9:00 p.m. We have expanded the hours for it to stay
15 open until midnight. We have also proffered LEED
16 Gold for the office tower component of the project.
17 The residential tower will include solar panels and
18 achieve LEED Silver V4 certification. And the solar
19 panels -- excuse me. The solar panels were added as
20 a result of the OP's comments as well as the
21 applicant's discussions with J. Wilson at DOEE, and
22 their own analysis, sustainability design analysis
23 for the project.

24 And also, just last -- want to point out as
25 it relates to the benefits and amenities package, the

1 applicant has been working very closely with DDOT to
2 not only enhance the design of the bicycle lobby, but
3 also to make sure there are certain improvements
4 along the Metropolitan Branch Trail, which the
5 applicant will maintain for the life of the project.

6 I do want to note that also, there has been a
7 number of community outreach as it relates to the
8 design of the Metropolitan Branch Trail and the bike
9 lobby, and those have all been incorporated into the
10 package that's submitted before you.

11 Lastly, before I conclude my remarks I want
12 to note that the applicant has, for the last 18
13 months, been working very closely with not only
14 community stakeholders, but the ANC.

15 ANC 6C is located directly across the street
16 from the project. So, the applicant has presented
17 the project to the full ANC as well as its
18 transportation committee, and we'll be working with
19 them to get a letter of -- a formal vote and letter
20 in support of the project within the next month.

21 Last month, ANC 5E, which is the ANC that the
22 project falls within, last month there was a motion
23 by the single-member district representative to
24 approve the project. That motion failed, but the ANC
25 did not take any subsequent action on the

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1 application. So, they don't have any recommendation
2 as it relates to the project.

3 That concludes my opening remarks, and unless
4 you have any questions I will turn the presentation
5 over to the project team.

6 MR. ROBINSON: My name is Matthew Robinson.
7 I'm a principal at MRP Realty, the developer for the
8 project. I will cut my remarks very drastically, and
9 really just give the background on why, since Leila
10 covered most of the stuff kind of in broad terms, of
11 why we're here tonight.

12 So, this project was originally approved in
13 2007, and during that time if you think about it, we
14 were really designing these office buildings in 2005.
15 At that time the focus was on big floorplates to meet
16 GSA leasing requirements. It's the antithesis of
17 what people want today. GSA leasing has been cut
18 back and we think we have a product that we really
19 don't have tenants to really use, and that led us to
20 the desire to change the uses to residential, or
21 change the north tower to residential in particular
22 because the floorplates were so deep for the
23 previously approved office building.

24 And then, also requesting flexibility on the
25 south building. But we would like to proceed with

1 that as office. We think it would be great to have
2 that continued mixed use in the project.

3 And with that, I'll turn it over to Marius
4 with SK&I, who will walk through the overall design
5 and the architecture for the residential building.

6 MR. RADUVESCU: Good evening. I'm Marius
7 Raduvescu with SK&I. We are one of the architects in
8 the project.

9 And, on this slide we just want to point out
10 how the development is located. On the upper left-
11 hand side is phase 1, which has been completed. And
12 on the right-hand side we have, on the upper corner,
13 the residential component of the project, and on the
14 lower portion of the drawing is the office.

15 The access, the main access remains as was
16 designed in phase 1, through a plaza that is right
17 here, in the center of the project. The pedestrian
18 access is this way, to the residential lobby, and
19 this will be the access for the office building. The
20 vehicular access is, again, from Florida Avenue,
21 there's a turnaround in this plaza, and the garage
22 access is here in between phase 1 and phase 2, while
23 the loading dock is located in between the
24 residential component and the office components, as
25 the loading docks, there is both buildings.

1 On the upper -- this is the second layer, the
2 upper floor, that highlights the bike lobby that
3 connects the plaza level, which is one floor below,
4 to the trail here, along the track. So, as you
5 progress, we'll get in more details of how this
6 connection works. But there is another connection to
7 New York Avenue here, which has been built already.
8 So, there is a stair cascading down and landscape
9 into the plaza.

10 In terms of architecture -- by the way, this
11 is a view from New York Avenue showing -- or Florida
12 Avenue, I'm sorry. Showing on the left-hand side,
13 phase 1, already built. This is the access for the
14 plaza.

15 In the background is the residential
16 component with the lobby here. And on the right-hand
17 side is the office building.

18 Turning the corner on the east counter
19 clockwise, this is the view from Southeast, looking
20 Northwest. And on the left-hand side is phase 1.
21 This is the office component and the residential
22 component. And, I'm going to get more into the
23 dealings of the residential component.

24 The site itself is very challenging. Not
25 only that there is only one visible access point, but

1 you are boarded on both sides by tracks. Not only
2 Metro but trains terminating into Union Station. And
3 on the Northwest edge we have New York Avenue that
4 ramps up into a bridge that again offers very little
5 in terms of interaction.

6 So, in designing the project we wanted to
7 extend what we already started in phase 1. So,
8 because of the site and where it's located, we view
9 it as the name suggests, as a gateway really, to the
10 city. And what we did in phase 1 is to have a very
11 bold, very dynamic, very dramatic corner that marks
12 that intersection of New York Avenue and Florida
13 Avenue.

14 So, we wanted to extend that on the corner
15 between, on the right-hand side here, between the New
16 York Avenue and the tracks. And the reason for that
17 is mainly because as you face high volume, high
18 traffic, high speed area, there is no room for people
19 actually to take a break and contemplate the building
20 and worry about the small details. We wanted to have
21 an impact, a visual impact, a memorable one, for
22 commuters or people visiting the city. They have,
23 really, only a few seconds to form an image, form an
24 idea and impression about the building.

25 So, we traded off small details for a bold

1 move that will be again, memorable.

2 So, this is the corner on New York Avenue and
3 the tracks. You see that the Metro is the next
4 adjacent to the building. And then you have the
5 railroad tracks. And this is New York Avenue,
6 ramping down into the intersection of Florida Avenue.

7 On, this is the phase 1 building, and again,
8 this is a phase 2 residential. So, we wanted to
9 continue this sharp dynamic and dramatic corners into
10 phase 1. But also, faced with these railroad tracks,
11 we wanted somehow to suggest the movement, the
12 continued fluidity of movement of the cars, of the
13 train cars. So, it's just one volume is, we have
14 this sequence of ribbons, but again we wanted to have
15 this very, very dramatic corner.

16 The details of the residential building. So,
17 this is a blow-up, if you want, of the first floor.
18 Again, the plaza, existing plaza, the connection to
19 New York Avenue, and we want to push the lobby closer
20 to the plaza so it is going to become as pedestrian
21 friendly as possible.

22 Typical second floor, typical floor, the
23 roof. Sections through the roofs. This is an
24 exhibit that shows how the roof works and in meeting
25 all the setbacks.

1 This is the interaction with the trail, the
2 bike trail façade. And I'm going to generally
3 mention the materials.

4 For the most part, we have metal panel of
5 this sculpture piece that is anchored on the base by
6 brick. So, the light color is this very light grays
7 to light beige and to light -- to medium gray. And
8 we have intersecting panels that are darker grays.

9 A few of the materials here are the railings.
10 In the corner, we have glass. The rest of the
11 balconies have perforated or metal mesh, while the
12 base of the building has masonry. This masonry
13 actually is the same one that we are using on phase
14 1. So, we want the base of the building to kind of
15 tie everything together.

16 Signage showing the location, but not really
17 the font and the color. So, this is just to show
18 where we want to position the signage and how big
19 it's going to be, but not really the color and the
20 texture or the name.

21 And with that, I'm going to turn it over to
22 Jeff.

23 MR. BARBER: Thank you, Marius. Chairman
24 Hood and Commissioners, I am Jeff Barber, a principal
25 at Gensler, a global design firm with an office in

1 D.C. for over 30 years. I'll describe the design of
2 the south office building.

3 The design of the south office building is
4 reflective of creative tenants, and that the building
5 seeks to attract. The building offers multiple
6 amenities meant to encourage connections between co-
7 workers and tenants in the community. It's
8 conceptualized as a dark metal frame holding a grid
9 of panelized light beige concrete as it spans
10 vertically from plaza to roof. These materials have
11 been chosen to echo the industrial railway context of
12 the surroundings.

13 At the base, the corner lobby is highly
14 visible and transparent to the street. The south
15 façade is the building's face to Florida Avenue.
16 It's articulated with a series of step terraces
17 starting at level 11, and two-story high loggias that
18 allow the façade to be occupied and animated by the
19 building's tenants. Warm wood elements on the façade
20 set off the loggias and soffits, while the retail
21 stone base is a nod to the adjacent train abutment.

22 At the heart of the tower the two-story
23 public trail connection lobby that provides a unique
24 environment for the community to interact with the
25 office tenants. And, I'll present this separately in

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1 a few minutes with its own set of drawings.

2 So, looking at the base, you'll see how it
3 abuts the wall against the train tracks, and
4 introduces the feeling of stone there, and the lobby
5 is located on the left, and slides along the left
6 side of the building. Retail is to the right of it
7 at the ground floor.

8 This is the distant rendering that Marius
9 already showed. The office building is in the
10 foreground on the southern end of the project, and
11 you can see how it starts to step up.

12 The ground floor, the yellow is the lobby
13 entered on the west side of the building. We have
14 opportunities for retail on both sides of it. The
15 site slopes up from the left to the right of the
16 drawing, and so the grades changes a little bit at
17 those slab levels as well.

18 And then jumping to the roof, you can see
19 from the roof plan, the series of stepped parts of
20 the building that are below you at different levels,
21 those elements that you saw from the south façade.
22 We do have some habitable space on the roof, and a
23 terrace element that allows views to the south, and
24 then the rest is surrounded by green roof.

25 Quickly looking through the elevations, this

1 is the south elevation where you see the concrete
2 panels, and in the background the dark metal frame.
3 This is the east elevation along the tracks, seeing
4 that the materials are related to, but not identical
5 to, the materials of the residential building.

6 And then on the plaza side itself, the west
7 elevation, you can see how the ground slopes up from
8 Florida, up into the driveway, past retail, and the
9 front door to the building as well.

10 This is just a diagram to show that we meet
11 the one-to-one setbacks measured from the
12 intersection of the roof slab to the exterior of the
13 building, whether it be railing or an adjacent piece
14 of architecture going up to the penthouse. This is
15 one of the small changes we've made, to make it
16 clear, the section 8A that was submitted today just
17 show the most restrictive part, 20-foot setback to a
18 20-foot tall penthouse.

19 And then, there's been a lot of great
20 discussion. We've been working with DDOT on the
21 design of the trail connection lobby. Within it
22 there were a couple of key elements. There's an
23 elevator here that is large enough for two bicycles.
24 There is trail maps and information here. And the
25 stair has been reduced in its rise to run. It's a

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1 very gentle stair. It's 17 feet wide and it has four
2 places to roll your bike up and down.

3 There's also storage of some bikes in the
4 lobby. It's 12 spaces there, two more outside.

5 The bike lobby is open during the day, and
6 only an open grill will come down when it is closed,
7 and it comes from this position here, and from this
8 beam here at the lower level. What you're seeing
9 here is some core 10, a product that looks like core
10 10 steel, as the architectural face inside this open
11 bike lobby. And then the overlook into that where
12 you can see a trail map as a piece of art on the
13 wall. And then a couple more views. On the bottom,
14 it's just what that grill might look like. And then
15 the view here is from the plaza side, and the view
16 here is from the trail side.

17 Indication of where signage might go. So, on
18 the south façade, something that's approximate three
19 feet tall and approximately 30 feet wide above the
20 doors. A similar zone above the retail door that's
21 farther up on the plaza, about three feet tall and 10
22 feet wide.

23 And then we did bring panels that are behind
24 you for the building materials. The metals will be
25 dark. The main frame of the building will be almost

1 black. The upper penthouse level will be a charcoal
2 gray. We're working with the precise color of the
3 concrete panels, but they're in this light beige
4 tone. And then the loggias that we spoke of are
5 lined on their inner face with Next Year Wood Panel
6 product. And then you see, also, a picture of the
7 stone that adjoins the lobby and slides out from the
8 train abutment area.

9 MS. BRANDES: Thank you. I'm Lauren Brandes.
10 I'm a senior associate at Oculus, and I will briefly
11 walk you through the site design of the project.

12 The plan you see here is the entire site.
13 The phase 1 portion has been faded back slightly so
14 that you can see the context of this new development
15 within the entire site.

16 The approach, the general approach of the
17 site design is to continue a lot of the materials and
18 a lot of the design elements from phase 1 into the
19 phase 2 portion of the site, and really looking at it
20 as an entire site, and this is a completion of the
21 overall design.

22 With that we also have looked at the,
23 especially with the north tower, how to create more
24 of a four court for that building entrance, and to
25 increase the landscaping at that entrance to give it

1 a little bit more of a residential feel, while at the
2 same time we're maintaining the connection to the New
3 York Avenue stairs along that edge there.

4 In terms of the streetscape along New York
5 Avenue, we are continuing along with the streetscape
6 design that exists there from the phase 1 portion,
7 with street trees and a tree pit, a concrete
8 sidewalk, and then a landscape buffer up against the
9 building. The street scape on Florida Avenue is a
10 concrete sidewalk consistent with the rest of the
11 streetscape along there.

12 In addition to these elements, we're also
13 creating sort of the formal edge of this project site
14 along the rail corridor. And, with that come
15 improvements to the Metropolitan Branch Trail. It's
16 important to note that the trail doesn't increase --
17 it doesn't change in the width or the alignment that
18 it currently is. And I'll show you some more images
19 of that edge along that building.

20 Very quickly, this plan just shows an interim
21 condition should the south building not be built, and
22 we maintain a connection to the bike trail.

23 This slide shows the bike trail and the
24 stoops, and how we plan to treat the edge there with
25 landscaping and site lighting. And then finally this

1 slide deals with the materials that we have on the
2 site, from phase 1 and the ones that we intend to
3 bring into the phase 2 portion of the site. Thank
4 you.

5 MS. BATTIES: That concludes our initial
6 presentation to the Commission. I do want to note
7 that as it relates to the signage that's contained or
8 shown in the plans, really, they are there just to
9 show the location and size, and we'd ask the Zoning
10 Commission to grant flexibility as it relates to the
11 color, texture, and font of the signs for the
12 building.

13 CHAIRPERSON HOOD: I want to thank you all
14 for your presentation. Let's see if we have any
15 comments or questions up here. Commissioner Shapiro.

16 MR. SHAPIRO: Thank you, Mr. Chair. Just a
17 few questions. I really was impressed with the trail
18 connection lobby. I just had just a few questions
19 about that. There was a comment from a letter in the
20 record around what the hours of that were going to
21 be. And I understand that you have agreed to
22 increase the hours by a certain amount. The comment
23 was, why not align the hours with the Metro. And
24 that makes perfect sense to me. So, I'm curious as
25 to why you haven't done that, just to make sure that

1 it's serving the most people possible.

2 MR. ROBINSON: A couple thoughts. So, I
3 guess as originally proved, the hours were 6:00 a.m.
4 to 9:00 p.m., and we're proposing to go 6:00 a.m. to
5 midnight, which is 18 hours. And when you really
6 think about opening -- there's some question about
7 when Metro really will close. Right now, they're at
8 midnight, will they go back to 3:00 a.m. at certain
9 time periods? We have no idea what that turns into.

10 And then if you think about the time, like
11 who would actually benefit from this trail connection
12 being open with Metro, if you were in Metro, you
13 would go from the metro up to trail and go across,
14 and the only one that's not benefitting -- the only
15 one that would use it at that time to get through,
16 would be this particular project. And we're okay
17 with going on second street to the plaza and coming
18 in the main front doors, because if you live to the
19 north you'd get on the trail and stay to the north.
20 If you were going to the west, you'd get on the Metro
21 and go west. If you lived to the east, you'd just
22 get on the metro and go on Florida Avenue east.

23 But nobody is, other than people that live at
24 this building, would be going through that lobby,
25 that is related to Metro use. So, we didn't think it

1 was necessary to match our hours with Metro hours, if
2 that makes sense.

3 MR. SHAPIRO: It does. That's pretty
4 logical.

5 MR. ROBINSON: Okay.

6 MR. SHAPIRO: Thank you. Other question is,
7 you've proposed -- am I understanding this correctly,
8 you've proposed LEED Gold for the residential. For
9 the office.

10 MR. ROBINSON: Yeah, LEED Gold for the office
11 building and LEED Silver V4 with the addition of
12 solar panels in addition to the LEED Silver V4 for
13 the residential.

14 MR. SHAPIRO: And what's the -- I mean, the
15 notes that I'm reading is saying, you're saying is
16 cost prohibitive, but I don't really have a sense of
17 how much additional cost there is. There's a number
18 of ways to meet LEED Gold and I would encourage you
19 to work with, I guess it would be DOEE as much as
20 anybody.

21 MR. ROBINSON: Correct, and --

22 MR. SHAPIRO: If you find they want to do it.

23 MR. ROBINSON: I'm sorry to interrupt, but we
24 have been working with DOEE and our sustainability
25 consultant to run through it, and my understanding

1 from DOEE has been they are a little less conscious
2 of getting the gold star, so to speak, and more
3 conscious of trying to use renewable energy; use
4 renewable energy sources rather than look for the
5 star.

6 So, on other projects they have accepted this
7 as a good middle ground that meets their goals, more
8 so than doing -- going for the 10 extra points that
9 give you Gold, but doesn't really address
10 sustainability with respect to renewable energies.

11 MR. SHAPIRO: Right. I would agree with
12 that. I think it matters more what you do than
13 getting the certification. But I'd like to see the
14 case for why this is essentially LEED Gold
15 equivalent, even if you're not LEED Gold certified.

16 MR. ROBINSON: Okay.

17 MR. SHAPIRO: And I appreciate the solar
18 panels. One thing that I didn't understand, and I
19 mean, maybe we can look at that. It was A-308, is
20 that right? Just help me to understand why that
21 amount of solar panels, why not elsewhere. And also,
22 it looks like you're not doing it on the office in
23 the south tower. You're not proposing that.

24 MR. ROBINSON: Yeah, the --

25 MR. SHAPIRO: The additional supplement that

1 you sent us.

2 MR. ROBINSON: Sure. So, you asked a couple
3 questions there. So, with respect to the amount of
4 area from our analysis from our electrical engineer,
5 that's the area necessary to generate the power
6 required for what we're proposing, which is one
7 percent of the residential project.

8 Providing more gets into some complications
9 with respect to storm water management and green area
10 ratios. So, we are trying to balance all those
11 sustainability and green concerns together, and this
12 seemed like a good balance between active usable
13 space for residential, enough green roof, and things
14 to meet our green area ratio, as well as solar
15 panels. And this is where we've come to the balance
16 to make it work.

17 MR. SHAPIRO: And I'm wondering if this is
18 connected to the -- the Zoning Administrator said
19 that this is essentially one building. Right?
20 That's --

21 MR. ROBINSON: Correct.

22 MR. SHAPIRO: -- what we read on this?

23 MR. ROBINSON: That --

24 MR. SHAPIRO: So, are you, when you're
25 talking about the one percent, are you talking about

1 one percent of the north tower? Or are you talking
2 about one percent of the one building?

3 MR. ROBINSON: One percent of the north
4 tower.

5 MR. SHAPIRO: So, that's not one percent of
6 the building, because by your own request you have a
7 letter that says this is essentially one building.

8 MS. BATTIES: It's a single building for
9 zoning purposes, and the solar panels will serve the
10 north tower.

11 MR. ROBINSON: Correct. And maybe we were --
12 maybe we're using the word building loosely. Capital
13 B building, from a zoning definition --

14 MS. BATTIES: The correct term is tower.

15 MR. ROBINSON: -- is both of them together.
16 You are correct.

17 The intent is that the south building, the
18 south tower is office and is LEED Gold. The north
19 tower is residential and will be Silver with the
20 solar panels that meet one percent of the north
21 tower's energy usage.

22 MR. SHAPIRO: Yeah, I guess I would just
23 rather see more solar panels.

24 MR. ROBINSON: Okay.

25 MR. SHAPIRO: And if there's a way to get

1 solar panels on the south tower, which is the issue,
2 right? You know, I guess I'd want to hear a
3 rationale, a clear rationale for why that just
4 doesn't work. And I think it's not just strictly an
5 economic issue because the incentives are such in
6 D.C. where, you know, you're making money by putting
7 solar panels up there.

8 MR. ROBINSON: Okay.

9 MR. SHAPIRO: I think, Mr. Chair -- oh, one
10 very quick last question. You said, Ms. Brandes?

11 MS. BRANDES: Brandes, yes.

12 MR. SHAPIRO: You said that the trail width
13 wasn't shrinking. I actually thought I saw in the
14 record that the trail width was shrinking by one
15 foot. Did I misread that?

16 MS. BRANDES: The design of the trail does
17 not change with this project. That's correct. So,
18 the width does not change.

19 MR. SHAPIRO: So, am I remembering that
20 wrong? I thought I remember reading specifically it
21 said they were shrinking by one foot.

22 MR. MORDFIN: Yeah, that had been included in
23 our report because we were under the impression that
24 that was something that was going to happen. That
25 was before the applicant has gone back and made

1 revisions to their plans, and --

2 MR. SHAPIRO: So, it's not?

3 MR. MORDFIN: It's my understanding it is
4 not, currently.

5 MR. SHAPIRO: Okay. Thank you.

6 MR. ROBINSON: There was some concern with
7 also the width of the trail and the buffers on either
8 side. And to make sure that we had, is it two feet
9 of space on either side, to make sure that your
10 handlebars, if you were riding along the edge, you
11 wouldn't get tripped up.

12 MR. SHAPIRO: Uh-huh.

13 MR. ROBINSON: And so, I think there was some
14 confusion with respect to the buffers and the width
15 of the trail, and we've actually pushed some things
16 back to make sure we have that area on the buffer
17 side of the trail.

18 MR. SHAPIRO: That sounds smart. I'm
19 actually agnostic to which way you went. I just
20 wanted to make sure there's clarity --

21 MR. ROBINSON: Yeah.

22 MR. SHAPIRO: -- around what it is. Thank
23 you, Mr. Chair.

24 CHAIRPERSON HOOD: Okay. Any other questions
25 or comments up here? Commissioner May?

1 MR. MAY: I don't have a lot of questions.
2 You seem to have designed it to like meet a number of
3 my pet peeves, and so it's all kind of taken care of.
4 You know, the penthouses are dark in color, all the
5 setbacks are met, and all those sorts of things. So,
6 I do appreciate it. And I think it's an attractive
7 set of buildings.

8 I just have -- I do have a couple minor
9 questions or comments. I do know that we have seen
10 DOEE on a number of occasions, recommend LEED V4 for
11 residential buildings instead of pushing to LEED
12 Gold. I'm not sure I understand really what the true
13 difference is there, but you know, this is I think
14 probably the first time that anybody has actually
15 done that. Or at least certainly in my memory. I
16 could be wrong.

17 And I appreciate the expansion of the access
18 through the bike lobby, or whatever you call it. And
19 I'm not sure it really is that critical that it
20 be beyond like 6:00 a.m. to 12:00. I mean, if you're
21 riding on the trail in between like 12:00 and 3:00 in
22 the morning, not a really great time to be on a trail
23 like that. It's, you know, streets are one thing,
24 but being on a trail at that hour -- so, I don't know
25 that it makes a difference trying to encourage that.

1 I do have a question, though. What are the
2 other nearest access points from the trail to the
3 road system?

4 MR. ROBINSON: So, one block to the south is
5 where the Marriot and the Metro is. There is a
6 vertical connection there. There is a stair --

7 MR. MAY: Is it open 24?

8 MR. ROBINSON: It is open 24 hours.

9 MR. MAY: Uh-huh.

10 MR. ROBINSON: Is my understanding. And the
11 next connection is up on, is it R Street in
12 Eckington.

13 MR. MAY: Okay.

14 MR. ROBINSON: So, is the next connection and
15 that's at grade.

16 MR. MAY: Right.

17 MR. ROBINSON: And that's open 24 hours. And
18 that, once the NoMa park gets built to that side,
19 there will connections through there as well. So
20 there's --

21 MR. MAY: Right.

22 MR. ROBINSON: -- connections to the north
23 and south of us, which help mitigate that issue --

24 MR. MAY: Right.

25 MR. ROBINSON: -- of our opening hours.

1 MR. MAY: Right. Okay. I mean, it seems
2 like if people are coming and going from that point
3 they're either going to be people who are going --
4 who are in your building, or going to your building,
5 or something like that. Or going to the retail
6 that's in the immediate vicinity, and I know there
7 are some things there that, you know, could be
8 destinations.

9 And just confirm again, what's the trail
10 width and the buffer width that remains?

11 MS. BRANDES: The trail width actually varies
12 along there because of the connection over Florida
13 Avenue. It gets a little bit wider. So, I think
14 near the New York Avenue Tunnel is about 12 feet
15 wide.

16 MR. MAY: Uh-huh.

17 MS. BRANDES: And I think it's closer to 13
18 or 14 feet near the Florida Avenue bridge portion.
19 And then the buffer is any structures or you know,
20 sight lights or those things are set off two feet.

21 MR. MAY: Uh-huh.

22 MS. BRANDES: A two-foot clear zone from the
23 edge of the trail.

24 MR. MAY: On either side?

25 MS. BRANDES: I believe on the building side

1 that's true. But I believe -- the fence, the
2 existing fence that is there, I don't know if it's
3 exactly two feet, but it would be maintained at what
4 it is now.

5 MR. MAY: But it's at least a 12-foot wide
6 paved trail.

7 MS. BRANDES: Right.

8 MR. MAY: Which is --

9 MS. BRANDES: Correct.

10 MR. MAY: -- pretty good.

11 MS. BRANDES: Uh-huh.

12 MR. MAY: I mean, a lot of places in the Park
13 Service we can't get that because it's too hard and
14 we have to get by with like eight.

15 MS. BRANDES: Uh-huh.

16 MR. MAY: But 10 is sort of a minimum and 12
17 is probably the more standard. So, that's good.

18 I mean, I know there will be questions about
19 the Inclusionary Zoning aspect of it, but I'm
20 probably not the most expert to ask any of those
21 questions. I'll leave that to my fellow
22 commissioners.

23 I do appreciate the fact that this is a
24 modification, and so you know, it does trigger some
25 things. It doesn't necessarily trigger a complete

1 relitigation of the original benefits. So, but
2 that's just a general comment.

3 Do we actually have a plan that shows exactly
4 where the solar panels will be, because I was looking
5 at 308 and I didn't see any exactly where they are.

6 MR. ROBINSON: We show the, in red is the
7 field.

8 MR. MAY: Oh, that's the red area. That's
9 the field.

10 MR. ROBINSON: Or that the -- is the field
11 where they would occur.

12 MR. MAY: Got it.

13 MR. ROBINSON: But the exact layout hasn't
14 been determined.

15 MR. MAY: Okay. And I was looking through my
16 drawings here. For some reason, I wasn't seeing
17 that. Okay.

18 MR. ROBINSON: This was added with this
19 submission, today.

20 MR. MAY: Oh, so it's only in the PowerPoint?

21 MR. ROBINSON: Yeah. Yesterday.

22 MR. MAY: Okay.

23 MS. BATTIES: No, it was submitted -- it's
24 Exhibit 39, on the record.

25 MR. MAY: Thirty-nine. Okay.

1 MS. BATTIES: Submitted yesterday.

2 MR. MAY: And those are on top of the highest
3 level of penthouse, or --

4 MR. ROBINSON: Right. But the penthouse
5 doesn't go up to the full 20 feet in that area.

6 MR. MAY: Right. So, it's all below 20 feet.

7 MR. ROBINSON: Correct.

8 MR. MAY: And they're essentially laid flat,
9 the solar panels would be flat as opposed to being
10 pitched?

11 MR. ROBINSON: We were looking at maybe a
12 pitch of -- trying to work within a pitch of about
13 one foot tall on the one side.

14 MR. MAY: Got it. So, a little bit -- yeah.

15 MR. ROBINSON: Have some angle, but not --

16 MR. MAY: Like a 15 degree or something like
17 that. But still within the 20 feet. Okay.

18 MR. ROBINSON: Correct.

19 MR. MAY: That's good. You know, I can't --
20 I'm going to remember this moment next time somebody
21 comes in here and tells me they have to be at that
22 angle, and so therefore they have to be 25 feet tall.

23 Who did that? That wasn't a District agency
24 that did that. Not OP. Not DOEE at their
25 headquarters, no? No, they wouldn't do that. All

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1 right. Thank you.

2 MR. SHAPIRO: Thank you, Mr. Chair. Just a
3 quick follow up on Commissioner May's point about the
4 width of the trail. Am I correct in understanding if
5 I'm looking at this, that the trail that -- what do
6 you call -- there's an eight-foot wide trail
7 connection from the trail into the building. I think
8 I'm looking at L-104.

9 MS. BRANDES: So, that plan is representing
10 if the south tower is not built at the same time as
11 the north tower. And because the trail lobby
12 connection exists through the south tower. So,
13 should the project be phased, then we would maintain
14 a connection from the plaza level to the bike trail
15 by means of an eight-foot wide paved pathway that
16 this is shown graded at a five percent slope. So,
17 that connection would be maintained.

18 MR. SHAPIRO: But I'm just thinking of what
19 Commissioner May said and if, you know, he's the
20 biker amongst us. And if, I mean, his experience is
21 that 10 foot is better, I'm not sure there's a huge
22 cost difference on that and I'm wondering even in an
23 interim measure, is it just a whole lot safer and a
24 whole lot healthier to make that one 10 feet too? I
25 don't have a strong opinion about it. I was just

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1 reflecting on what you said, Commissioner May.

2 MR. MAY: Yeah, I mean, as I said, we get by
3 in some circumstances with eight or in some cases
4 even less than that. But we try to get at least 10
5 or 12.

6 Now, I mean, there are circumstances -- you
7 know, I'm not a big trail rider. I'm more of a
8 street person. That's not the right way to put it
9 either. I ride mostly in the street. But there are
10 times when having a narrower trail is helpful, just
11 like having narrower streets to, you know, slow the
12 traffic. And I don't know, I mean, is that
13 switchback that we see there, is that necessary to
14 deal with the grade?

15 MS. BRANDES: It is necessary because we have
16 a 13-foot grade difference.

17 MR. MAY: Right.

18 MS. BRANDES: So, in order to keep it at a
19 five percent slope, the switchback, this is the
20 length of trail that we need. And it's currently on
21 the site on the north portion, where the north tower
22 is. We have a similar trail connection and I believe
23 that one is eight feet wide and has a switchback in
24 it as well. So, it would be just sort of taking that
25 approach and moving that to the south portion of the

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1 site.

2 MR. MAY: Yeah, I mean, you know, I think the
3 things to be concerned about are if you know, how
4 tight is the turning radius, and you know, how likely
5 are you to get you know, people wandering off the
6 trail. Certainly, cyclists can deal with more than,
7 you know, with steeper grades.

8 MS. BRANDES: Right.

9 MR. MAY: And so they might, you know, be
10 cutting corners and things like that. Then again,
11 you also don't want to constrain it by fencing it or
12 putting shrubs around it or anything like that,
13 because that's going to create a hazard. I would even
14 say that the, you know, planting trees sort of
15 between that switchback may not be a great thing
16 because you want to be able to see people coming and
17 going and --

18 MS. BRANDES: Uh-huh.

19 MR. MAY: -- you know, make sure who is
20 approaching you. Especially when it's a little bit
21 narrower.

22 I don't have -- I wouldn't have great
23 heartburn about an eight-foot trail, but you know,
24 you might just check in with DDOT about what they
25 think if you wind up having to do this.

1 MS. BRANDES: Okay.

2 MR. MAY: What their thought is. So, thank
3 you.

4 MR. SHAPIRO: Thank you, Mr. Chair.

5 CHAIRPERSON HOOD: All right. Do we have any
6 other questions besides bicycle questions? Mr.
7 Turnbull?

8 MR. TURNBULL: Thank you, Mr. Chair. I just
9 have a couple of comments. I guess on the landscape
10 portion, there's a lot of hard surfaces. Is there
11 any -- describe to me a little bit more what's going
12 on with the landscape.

13 MS. BRANDES: Sure.

14 MR. TURNBULL: As far as water, drainage,
15 materials.

16 MS. BRANDES: Uh-huh. So, in terms of the
17 materials, let me go back to my plan here.

18 MR. TURNBULL: Are you collecting the water
19 in any way?

20 MS. BRANDES: We are -- we do not have any
21 cisterns on the site in the project, and I don't
22 believe right now that we have any biofiltration. I
23 don't think so.

24 So, there is sort of a balance in trying to
25 maintain hardscape connections because we do

1 anticipate, you know, obviously pedestrian usage
2 through here, but also having to balance the fact
3 that there's the entrance to the loading dock there.
4 So, obviously that needs to be paved. And then also
5 making sure that there's enough space for bicyclists
6 who come through this to have a safe paved area and
7 not cause conflict with the pedestrians.

8 So, in the areas that we have really looked
9 to enhance the landscaping, it's mostly focused in
10 front of the north tower, residential entrance there.
11 And as I mentioned, sort of creating this more of a
12 four-court space with a garden-like entrance to that
13 building there. And then also tying in to some of
14 the green space that leads up to the New York Avenue
15 stair.

16 MR. TURNBULL: Okay. Thank you. The light
17 pole.

18 MS. BRANDES: Yes.

19 MR. TURNBULL: Is that a -- it's just a
20 narrow thin pole, has a light on the side that goes
21 continuously?

22 MS. BRANDES: Yes. So, there will be sight
23 lights on the plaza side which match the existing
24 sight lights in the plaza.

25 MR. TURNBULL: Okay.

1 MS. BRANDES: And then on the bike trail
2 side, on the north tower, we will use what you see in
3 the bottom middle there. That is the sort of
4 standard fixture used along the Metropolitan Branch
5 Trail, although this one will be wired in, instead of
6 it being solar because I think there's -- we talked
7 with DDOT about that and that seems to be the
8 direction they're going in.

9 Where it gets closer to the south building,
10 there's less room, and we'd be using sconce fixtures
11 attached to the building to light the trail at that
12 portion.

13 MR. TURNBULL: Okay. Thank you. Getting
14 back to a question that Commissioner Shapiro brought
15 up about we had a paper submitted by Mr. Layman,
16 talking about that's the Citizen's Planning
17 Coalition. And they talked about Metro, the
18 operating hours.

19 One of the questions I guess that came up, or
20 that was presented is if Metro changes their hours.
21 There's certain days that Metro goes to 3:00 a.m.,
22 but you're going to close at midnight. I'm just, the
23 question is concerning. Is there any flexibility in
24 the future about changing the hours of use to get to
25 Metro or in dealing with the hours that Metro would

1 come up with?

2 MR. ROBINSON: I think in the future anything
3 is possible. I think what our concern is always
4 safety and make sure -- and we've had lots of
5 discussions about the trail connection lobby with the
6 community. It was actually great to see how vocal
7 and how important that even just the temporary
8 connection we have right now is important to
9 particularly the Eckington community to the north,
10 because it's their lifeline to get down into NoMa and
11 Union Market in the future.

12 So, we understand it. We realize that and
13 something that we really want to embrace as part of
14 the project.

15 So, what -- after looking at that memo, like
16 you said before, I think having a tie of the hours to
17 Metro doesn't really benefit anybody else, where if
18 you were going to -- if you're coming from the Metro
19 you're not going to go off the Metro, up on to the
20 trail, over, across, down through the bike lobby,
21 only to get to where you could have just walked one
22 block north and gotten to the exact same spot.

23 MR. TURNBULL: Okay. I guess my other
24 comments here are, you have, as Ms. Batties knows,
25 you often have notes on your drawings that are a

1 little bit fuzzy and allow for some misinterpretation
2 by the Zoning Administrator. You have a note on the
3 IZ unit locations, and you have a nice drawing, A-
4 310, which shows a proposed IZ layout of units. But
5 your note says, "The IZ unit locations are based upon
6 the current 372 dwelling unit count. The number and
7 location of the IZ units are subject to change if the
8 total number of dwelling units changes within the
9 range requested as part of the PUD flexibility."

10 Now, I understand that the numbers may
11 change. What bothers me is by agreeing to this
12 totally, the locations and the mix of the units can
13 also change. In other words, what I'm afraid of is
14 stacking. I don't like to see IZ units stacked one
15 above the other, and if I read this, you could do
16 that.

17 So, I think we need to somehow change this
18 language to tighten it so that the overall
19 positioning of the units would remain similar. Then,
20 the count could change, but I don't want the -- I
21 mean, I think you've done a good job of spreading out
22 the units, and I think that's fine. But I don't like
23 the language that says, you have the flexibility to
24 change the locations totally. So, I think we need to
25 have some other language that would say, similar to

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1 what has been provided.

2 MS. BATTIES: Yes. We'll change that. We'll
3 fix that.

4 MR. TURNBULL: Okay. The other thing is, as
5 we talked about the signage. I don't mind the
6 signage that I see. The residential building calls
7 out clearly, the size and heights of where the
8 signage is and where it's going. There's like four
9 locations on drawing A-311, which sort of shows it.

10 The office building does not show a sign,
11 although it was just said that they were going to be
12 three feet high by so and so. But it doesn't show
13 that; doesn't call out that height and dimension
14 anywhere. I think that needs to be called out.

15 The other thing that I would change on your
16 note, is that it says, "The exterior signage
17 elevations are preliminary and shown for illustrative
18 purposes only. Font, message, logo, and color may be
19 revised provided the maximum overall dimensions," and
20 I would say, "and locations, signage materials do not
21 change.

22 So, I think you need to add, "locations do
23 not change."

24 The other thing is that we get back to the
25 one about the materials. The applicant with

1 flexibility to vary the selection of materials. And
2 again, what I always struggled with is that the way
3 the language reads, it's almost you could change
4 materials. I don't mind changing the colors within
5 the materials. In other words, if you want to go a
6 little deeper, a little lighter within the colors.
7 But I hate to see stone becoming terracotta, becoming
8 metal panel, without coming back to the Commission
9 and letting us know exactly what you're doing.

10 So, I think we need to change it so that you
11 could change, there is within the color ranges of the
12 materials provided. So, right now it sort of reads
13 you can change colors and materials both at once.
14 So, I think it would be better that you've chosen the
15 materials, we've agreed to the materials, but you
16 might have a slight variation within the color range.
17 So, I think that needs to be tweaked.

18 And I think after that, Mr. Chair, those are
19 my comments.

20 CHAIRPERSON HOOD: Okay. Vice Chair Miller,
21 you have any comments?

22 MR. MILLER: Thank you, Mr. Chairman, and
23 thank you for your presentation. It's very
24 attractively designed project. The existing building
25 is very attractive. I think you, Mr. Chairman, have

1 commented on that many times.

2 CHAIRPERSON HOOD: I have commented on that
3 building. I'm very proud of that building. So,
4 hopefully this one is the same way.

5 MR. MILLER: And you have so much
6 responsibility for it. Yeah.

7 CHAIRPERSON HOOD: Yeah, I was here.

8 MR. MILLER: Yeah. I like the materials and
9 the colors and the overall design and all the
10 elements in the trail connection is a great public
11 benefit.

12 So, I just had a couple questions. I might
13 have missed it because I was a little -- you might
14 have covered this because I was a little late because
15 of Red Line delay.

16 And speaking of Red Line delay, you're right
17 next to the tracks. So, I'm now influence by today's
18 daily news, which we're not supposed to bring into
19 these hearings but people in Petworth and Southwest
20 are now complaining about their buildings being --
21 are rattling with the new 7,000 series. Have you
22 designed this building to make sure that it's not
23 going to rattle and fall off the chart into the
24 tracks?

25 MR. ROBINSON: We anticipate doing that as

1 part of the design, but we have not to date. We have
2 looked at the acoustic considerations because of it,
3 it being so close to the tracks. We've always --

4 MR. MILLER: You have special windows or
5 what?

6 MR. ROBINSON: There will be special windows
7 along the length of the track. More so on the
8 residential than the office because of the different
9 sound transmission co-efficient ratings that you
10 need. But it will only go up a certain height. But
11 that's all on our side to fix, and part of it is a
12 kind of a code related issue on the sound. But it's
13 in our best interest to make sure it works, because
14 obviously --

15 MR. MILLER: Obviously. Yeah, obviously.

16 MR. ROBINSON: -- if you can hear all the
17 trains going by we're not going to have people
18 staying there for --

19 MR. MILLER: Or buying it.

20 MR. ROBINSON: Or renting.

21 MR. MILLER: Is it condo or rental?

22 MR. ROBINSON: Rental.

23 MR. MILLER: Rental. And so, the other
24 things in today's news was about the lack of full
25 service restaurants, tablecloth restaurants in NoMa.

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1 What is the retail plan for these new buildings?

2 MR. ROBINSON: And our project was
3 highlighted in that article as well. For the first
4 phase our tenant went dark. We are working on a
5 tenant in there. But the intent on the first phase
6 is to have a full-service restaurant there. We're in
7 negotiations with a couple different groups, but not
8 ready to make any announcements there yet, which is
9 what I told the press at the time.

10 For the south building, Jeff, would you want
11 to walk through what the retail is?

12 MR. MILLER: What's the total retail square
13 footage?

14 MR. BARBER: Phase 1 has 5,000 square feet.
15 Under the old PUD there was a minimum of 7,000 square
16 feet, approximate, of square footage of retail.

17 MR. MILLER: And in the north and south
18 towers there's --

19 MR. BARBER: In the north and south we have
20 basically two different pods. If the pod here --
21 like I said, this is the office, or the lobby, the
22 intent is that that will be a good spot for a deli
23 for the users of the building and the complex as well
24 as elsewhere.

25 And then that meets kind of our 7,000 square

1 feet minimum requirement on the whole project. This
2 piece, depending on what happens, could be retail or
3 kind of flexible office, or it could be office space
4 that has a retail component, a storefront. Like it
5 could be a -- what's a good example of, not a travel
6 agency because they don't exist anymore, but of that
7 kind of ilk where you might have a retail component
8 or something like that. It's a great spot because it
9 also has really tall ceilings at that point in time.

10 MR. ROBINSON: There is the chance of
11 building mezzanine within this taller space as well.

12 MR. MILLER: Okay. That's great. On the
13 Inclusionary Zoning, and I might have missed this at
14 the beginning of your presentation when I wasn't
15 here, but can you clarify what you're providing in
16 the north and south?

17 MS. BATTIES: Sure.

18 MR. MILLER: There's habitable space on the
19 rooftop of the office and the residential, which
20 triggers some kind of requirement. If you can
21 clarify that, plus the total amount?

22 Are you only doing the minimum amount that's
23 required under --

24 MS. BATTIES: Yes.

25 MR. MILLER: -- under IZ?

1 MS. BATTIES: Yes.

2 MR. MILLER: And you're not willing to --

3 MS. BATTIES: Well --

4 MR. MILLER: -- respond to OP's -- or what
5 would be your response to OP's suggestion to increase
6 the amount or the -- or deepen the affordability
7 level?

8 MS. BATTIES: My response to that is that our
9 benefits and amenities package we believe is
10 commensurate with the flexibility that has been
11 achieved through the PUD process, including this
12 modification. So, we have a pretty significant
13 benefits and amenities package, and going beyond
14 what's required by IZ would be an expansion of that.

15 And, so that's our position. We are with
16 this modification, generating affordable units that
17 would not otherwise be generated, because we're
18 converting the office, the north tower from office to
19 residential. So, we're bringing in an additional
20 27,000 square feet of affordable units through the
21 north tower.

22 MR. MILLER: And that will all be at 80
23 percent AMI, though?

24 MS. BATTIES: Correct. Under the option
25 where we have the north towers, residential, and the

1 south towers office, the penthouse on the office
2 tower will also generate a contribution to the
3 Housing Production Trust Fund because it does have
4 habitable penthouse space on top.

5 Our residential tower, our north tower, will
6 not; does not have noncommunal habitable penthouse
7 space. So, that does not generate affordable
8 housing.

9 If both projects were to go -- or both towers
10 were to go residential, we'd -- the project generates
11 an additional 45,000 square feet of affordable units.
12 So, we are, through this modification, we are
13 increasing the affordable units for the project
14 significantly, where, you know, otherwise with two
15 office towers you'd have zero additional affordable
16 housing in the project.

17 So, we just believe, given the benefits and
18 amenities package as it exists, and as it's been
19 expanded through the PUD modification, the package is
20 warranted and commensurate with the flexibility
21 that's been achieved.

22 MR. MILLER: I appreciate that comment, but
23 I'll have a follow up to that in a second. But, do
24 you have an estimate on the Housing Production Trust
25 Fund contribution that's triggered due to the

1 habitable on the office? Or can you provide that for
2 the record?

3 MS. BATTIES: Yes, we will do our best. And
4 the only reason why I hesitate is because there has
5 been different interpretations by the Zoning
6 Administrator as to how to calculate that on projects
7 that have multiple phases and multiple record lots.
8 But we will work to get that, a calculation to you.

9 MR. MILLER: Okay.

10 MS. BATTIES: And it's come up on other
11 projects. Not this project, but we are aware that
12 the Zoning Administrator is working through some
13 interpretations of the regulations.

14 MR. MILLER: We would appreciate being
15 educated about those interpretations. Maybe we can
16 give guidance of our interpretation as well.

17 So, I mean, I realize there are increased
18 public amenities and benefits provided. But you also
19 are aware that we've taken action to deepen the
20 affordability level for rental buildings to be 100 --
21 for the set aside that's required for IZ to be 100
22 percent at the 60 percent level, which isn't in
23 effect now, doesn't apply to your building. But to
24 the extent that you can take another look at that and
25 see if you can make a gesture toward where this

1 Commission is on that issue, and where the affordable
2 housing need in the city is. That certainly would be
3 appreciated. So, that's my only comment there.

4 On the DDOT conditions, you all are in total
5 agreement with all the conditions that they have on
6 the last couple pages of their most recent report?

7 MS. BATTIES: Yes.

8 MR. MILLER: Okay. Great. Thank you. Thank
9 you, Mr. Chairman.

10 CHAIRPERSON HOOD: All right. Thank you. I
11 don't really have any questions and I'm not going to
12 belabor it, and I'm not going to be redundant, so I'm
13 going to move on.

14 Let's see if there's anyone here from ANC 5E,
15 5D, or 6C. Did you have any cross-examination?

16 [No audible response.]

17 CHAIRPERSON HOOD: Okay. Let's go to the --
18 any other ANC here present?

19 [No audible response.]

20 CHAIRPERSON HOOD: Let's go to the Office of
21 Planning and the District Department of
22 Transportation.

23 Oh, but I will say though, a lot of the
24 comments that Mr. Turnbull, I hope you all take note
25 on it because I agree with all of his comments, and a

1 number of what I've heard earlier, but especially his
2 comments about all that flexibility and unsureness,
3 especially with the signage and some other things.
4 And if you all can nail some of that down, that would
5 be great.

6 Okay. All right. Let's go to Office of
7 Planning. Mr. Mordfin.

8 MR. MORDFIN: Good evening. I'm Stephen
9 Mordfin, and the Office of Planning finds that the
10 applicant did respond to the comments of its report
11 and therefore it does stand on the record but is
12 available for questions.

13 CHAIRPERSON HOOD: Thank you. Mr. Rogers.

14 MR. ROGERS: Good evening, Mr. Chair and
15 members of the Commission. For the record, I'm
16 Jonathan Rogers, District Department of
17 Transportation.

18 The project features a strong transportation
19 demand management plan to account for the change in
20 transportation behaviors and impacts generated by the
21 change in land use. There are high quality
22 improvements proposed for the trail, as well as a
23 maintenance agreement to take care of those
24 improvements, and a really thoughtful well-designed
25 bike lobby that employs best practices for vertical

1 circulation elements for bicyclists, and that
2 includes the shallow stair that was discussed
3 earlier, as well as the bike channel employing best
4 practices that we worked together with the applicant
5 on and found on examples from some European
6 countries.

7 And so, the product of all that is a project
8 that has really nice -- especially bike and
9 pedestrian amenities and it's the product of very
10 close coordination between the applicant and DDOT,
11 which we appreciate.

12 With that, I'll pause and answer any
13 questions that you may have.

14 CHAIRPERSON HOOD: Okay. Let's see if there
15 are any questions of Office of Planning or DDOT from
16 up here. Okay. Does the applicant have any cross of
17 either Office of Planning or DDOT?

18 MS. BATTIES: No.

19 CHAIRPERSON HOOD: Does the ANC have any
20 cross with either Office of Planning or DDOT?

21 Okay. Let's go to other government reports.
22 Did we miss any? I think we've discussed all the
23 ones that have been given to us.

24 Next, we will go to organizations and person
25 -- oh, I'm sorry. ANC. Are you from -- which ANC

1 are you from?

2 [No audible response.]

3 CHAIRPERSON HOOD: 5E. If you can come
4 forward.

5 Do we have anyone else who has an ANC report?

6 MS. SCHELLIN: We have a letter, so we need
7 to have the letter from her giving her permission to
8 give the report.

9 CHAIRPERSON HOOD: Do you have anything
10 giving you permission to give the report?

11 MS. POWELL: I have a letter that I think --

12 CHAIRPERSON HOOD: First, have a seat and
13 identify yourself.

14 MS. POWELL: Yes, sir. My name is Hannah
15 Powell. I am the Advisory Neighborhood Commissioner
16 for 5E-03, which is the single-member district that
17 includes this -- the applicant's project.

18 I believe that the ANC reporting secretary
19 sent something in today, and I apologize if it didn't
20 get here. I do have a copy of the letter that I can
21 read and -- or I can e-mail something to you all
22 right now if that would help.

23 CHAIRPERSON HOOD: No, here's what we can do.
24 You can go ahead and read the letter. Who is your --
25 who is the person that's supposed to -- what's the

1 commissioner's name?

2 MS. POWELL: Well, I was listed, as well
3 as --

4 CHAIRPERSON HOOD: No, I mean the
5 commissioner that was supposed to send it in. What
6 was the commissioner's name?

7 MS. POWELL: Katherine McClelland.

8 CHAIRPERSON HOOD: Okay. I won't get on her.
9 I don't know her.

10 MS. POWELL: We had a lot of turnover with
11 the commission this past year, since the election, so
12 we've all been trying to get up to speed.

13 CHAIRPERSON HOOD: Okay. Go ahead. Go ahead
14 and give us your notice at later time that would be
15 great.

16 MS. POWELL: Yes, sir. Absolutely.

17 CHAIRPERSON HOOD: Okay.

18 MS. POWELL: Just let me pull that up right
19 now.

20 So, "Dear Chairman Hood, please take notice
21 that the representatives of Mid-Atlantic Realty
22 Partners appeared at a duly noticed public meeting of
23 Advisory Neighborhood Commission 5E at Friendship
24 Armstrong Public Charter School on January 17th,
25 2017, to present MRP's request for support from ANC

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1 5E for a modification to its Planned Unit Development
2 at 100 Florida Avenue Northeast, Square 35874, Lots
3 820, 7,003, 7,005, and 7,007."

4 "The project is located within the boundaries
5 of Single-Member District 5E-03, which is represented
6 on the commission by Commissioner Hannah Powell."

7 "ANC 5E is comprised of 10 commissioners,
8 thus requiring a minimum of six to be present to
9 constitute a quorum. At the January 17th, 2017
10 meeting eight members were present. Various
11 provisions of the MRP proposal, including but not
12 limited to the existing community benefits package,
13 the proposed trail lobby, and the provision related
14 to an 8 percent set aside for affordable housing at
15 80 percent AMI were discussed, with participation by
16 several commissioners, as well as members of the
17 public in attendance in the audience."

18 "At the conclusion at the discussion period a
19 motion to support the MRP proposal, duly made and
20 seconded, was defeated by a vote of six to two.
21 Respectfully submitted, Hannah Powell, Commissioner
22 ANC 5E-03, Bradley Thomas, Chair, ANC 5E, and
23 Katherine McClelland, Corresponding Secretary, ANC
24 5E."

25 CHAIRPERSON HOOD: Okay. Thank you very

1 much, commissioner. Let's see if we have any
2 questions or comments up here.

3 [No audible response.]

4 CHAIRPERSON HOOD: Okay. Does the applicant
5 have any cross?

6 MS. BATTIES: No, we don't.

7 CHAIRPERSON HOOD: Okay. And again, the
8 other two ANCs --

9 MR. MAY: Mr. Chairman, I'm sorry to --

10 CHAIRPERSON HOOD: Commissioner May?

11 MR. MAY: Yeah. I'm sorry. So, it was the
12 motion was to support the PUD and it was defeated six
13 to two?

14 MS. POWELL: Yes, sir.

15 MR. MAY: Can you explain something about
16 this because it seems a little surprising?

17 MS. POWELL: Yes, sir. And again, let me
18 just preface by saying, we're a new commission so
19 what we probably should have done was do another
20 vote, perhaps to oppose and get some reasons on the
21 record for why it was opposed.

22 I had hoped that the chair of ANC 5E was
23 going to be here, because I was hoping to testify in
24 my single-member district capacity as opposed to
25 present for the whole commission because there are

1 two separate positions there. But, in representing
2 what the Commission discussed at our meeting last
3 month, I believe the strongest concerns were with the
4 affordable housing provision and a desire for
5 additional or deeper affordability than the minimum
6 required by Inclusionary Zoning.

7 MR. MAY: So, you seem to be implying that --

8 CHAIRPERSON HOOD: So, let me say something.
9 I must have missed that. Could you read the vote
10 again? Read the part about the vote. Maybe because
11 the way it's written, it went right over my head.

12 MS. POWELL: Yes, sir.

13 CHAIRPERSON HOOD: Thank you, Commissioner
14 May.

15 MS. POWELL: "Various provisions of the MRP
16 proposal, including but not limited to the existing
17 community benefits package, the proposed trail lobby,
18 and the provision related to an eight percent set
19 aside for affordable housing at 80 percent AMI were
20 discussed, with participation by several
21 commissioners, as well as members of the public in
22 attendance in the audience."

23 "At the conclusion of the discussion period a
24 motion to support the MRP proposal duly made and
25 seconded, was defeated by a vote of six to two."

1 CHAIRPERSON HOOD: Okay. Okay. I missed
2 that part. Normally when I hear it, it's supported
3 six to two. But anyway. Okay.

4 Commissioner May, you wanted to --

5 MR. MAY: I mean, I think it's okay for you
6 to present the Commission's position and then your
7 position separately. So, I take it that you didn't
8 necessarily agree and that you support the project?

9 MS. POWELL: Yes, sir. That's correct.

10 MR. MAY: In your personal. Okay. Just want
11 to be clear on that.

12 CHAIRPERSON HOOD: So, do we have anything on
13 the record from the former commissioner telling us --
14 so how are we supposed to even know?

15 MS. SCHELLIN: They can follow up with --

16 CHAIRPERSON HOOD: That wasn't really a
17 question for you.

18 MS. SCHELLIN: Yeah. Yeah. Yeah.

19 CHAIRPERSON HOOD: I'm just trying to -- I'm
20 putting that on the record because then, six months
21 from now we're going to be accused of not taking the
22 ANC and giving them the great weight. But right now
23 we don't have anything to weigh it on.

24 MS. SCHELLIN: Well, a vote can't be taken
25 tonight anyway.

1 CHAIRPERSON HOOD: Right. A vote from us.

2 MS. SCHELLIN: Yes.

3 CHAIRPERSON HOOD: I'm going to ask you
4 something, but I'm just saying, see, some of these
5 issues, Commissioner, I know you all have a new
6 relative -- who's the chair?

7 MS. POWELL: Bradley Thomas.

8 CHAIRPERSON HOOD: I think I know him. I'm
9 trying to figure who's on your commission that I can
10 get on, that I can admonish from here. But since I
11 can't figure anybody in 5E right now, no, I'm not
12 going to do that.

13 MS. SCHELLIN: And it sounds like the vote
14 should have been two to six, since it was defeated.

15 MS. POWELL: Oh, yes, I --

16 MS. SCHELLIN: Instead of six to two.

17 MS. POWELL: Perhaps it's written -- the vote
18 was defeated.

19 MS. SCHELLIN: Yeah.

20 MS. POWELL: There was a motion to support
21 the project and that was defeated.

22 MS. SCHELLIN: That was seconded.

23 MS. POWELL: It may have been --

24 MS. SCHELLIN: Yeah, two to six, then.

25 MS. POWELL: -- switched up in the letter.

1 We'll have to check on that.

2 MS. SCHELLIN: And if it's -- Chairman Hood,
3 I think to answer your question, as long as they
4 submit it prior -- by the date that you guys give,
5 then you can give it great weight in the order that
6 the Commission issues. Otherwise, if you don't
7 receive it then you cannot give them great weight.

8 CHAIRPERSON HOOD: Well, even at that, I
9 wanted to be able to talk to the applicant about some
10 of the issues. I think Vice Chair Miller has already
11 hit on one. But I wanted to know what the other
12 ones. See, this is a missed opportunity that we
13 could have had. Even though I know you probably --
14 you're in support, so you don't mind the missed
15 opportunity.

16 So, I'm just, I just, you know, trying to
17 figure out how to deal with this. But maybe if the
18 Commission desires, they can submit a letter to us
19 and I don't know, you know, you'll have to see what
20 their concerns were. If they're that concerned they
21 can submit something because the record still will be
22 open, because we can't take a vote on this case
23 tonight. But if not, then silence, we'll deal with
24 your comments and move forward.

25 MS. POWELL: Okay. Yes, sir. And I can

1 certainly take this back to the Commission. I think
2 we realized after the meeting ended that we didn't
3 take a vote that resulted in a specific rationale for
4 why the Commission didn't support. So, I will go
5 back with that to our chair and see if we can get a
6 vote on the record with a specific rationale.

7 I can tell you unofficially, the rationale
8 was affordable housing. They would like to see
9 deeper affordable housing. But obviously, we need to
10 give you the tools that you need so that you can give
11 our community's voice great weight.

12 CHAIRPERSON HOOD: Well, I think you can take
13 back what our Vice Chair has asked. I think you
14 asked them to relook at that, I believe, right?
15 Yeah, so we have done that. So, maybe we're reading
16 the commissioner's mind.

17 But anyway, any other questions up here?
18 Commission Miller, Vice Chair.

19 MR. MILLER: Commissioner Powell?

20 MS. POWELL: Powell, yes.

21 MR. MILLER: You're the single-member
22 district commissioner for this site, right?

23 MS. POWELL: Yes, sir.

24 MR. MILLER: Okay. I just wanted to make
25 sure I had that in my mind. Thank you. Thank you

1 for coming down here.

2 MS. POWELL: Thank you.

3 CHAIRPERSON HOOD: Okay. We went through all
4 that. Nobody had any questions. Thank you very
5 much. We appreciate your testimony in coming down.

6 Let's go to organizations and persons who are
7 here in support. You can come forward at this time.
8 Organizations and persons who are here in opposition.

9 Okay. Ms. Batties, you have any rebuttal?

10 MS. SCHELLIN: [Speaking off microphone.]

11 CHAIRPERSON HOOD: Oh, that's right. We do
12 have some new rules. Undeclared, if you can come
13 forward?

14 MS. SCHELLIN: [Speaking off microphone.]

15 CHAIRPERSON HOOD: If you can give those to
16 the court reporter and then if you could stand and
17 raise your right hand and you can take the oath, and
18 then you can begin your testimony. Identify yourself
19 and begin the testimony.

20 [Oath administered to the participant.]

21 MR. AIELLO: I do.

22 MS. SCHELLIN: Thank you.

23 MR. AIELLO: Hi there. I'm Mike Aiello. I
24 also live in the single-member district. I just want
25 to say hi to Hanna and Andrew. I live at 221 R

1 Street, a couple blocks north of this site, and I --
2 there's some great things about this project.
3 Especially the trail lobby and MRP has been great
4 with that.

5 I do want to -- oh, sorry. Do I have to
6 start again?

7 [No audible response.]

8 MR. AIELLO: I do want to bring up a point,
9 just something that hopefully the Commission will
10 think about with this project and some potentially
11 future projects, is the height for this project. I
12 know that was brought up 10 years ago with the
13 National Capitol Planning Commission, how it's taken
14 from New York Avenue and not Florida Avenue. But I
15 do want the Commission to weigh what the project is
16 in height with the Community Benefits Agreement, and
17 what the city is getting.

18 It's a tall building. It's 16 stories, which
19 is taller than average. It's 173 feet from what I
20 can calculate, from the plaza level. It's tall.
21 That's more than what is planned for Pennsylvania
22 Avenue. So, I also have a question about the south
23 tower. I'm not exactly sure why the south tower is
24 granted the same height, because it has no
25 relationship to New York Avenue.

1 As a gateway to the city, I wish it had a
2 softer look from New York Avenue. It is definitely
3 dramatic. I think too dramatic. And, you know, even
4 though the site is now less dense with this
5 modification, because of the height afforded because
6 of where the point of measure is, there are benefits
7 that the developer is getting. Extra floors, extra
8 views, et cetera, et cetera.

9 So, it's not a, you know, just because it's
10 less dense doesn't mean it's, you know, it's lesser
11 than.

12 So, I just wanted the Commission to weigh
13 that as they make their decision. It also will
14 affect, if the FedEx development across New York
15 Avenue gets redeveloped, sites near Union Market on
16 the other side of the train tracks, where there are
17 points of measure, I think this will set a precedent.
18 So, that's it.

19 CHAIRPERSON HOOD: Okay. I want to thank you
20 for coming down. And you are undeclared, right?

21 MR. AIELLO: I am.

22 CHAIRPERSON HOOD: Okay.

23 MR. AIELLO: I mean, there's -- yeah.

24 CHAIRPERSON HOOD: Okay.

25 MR. AIELLO: There's more pros than cons. I

1 would personally like to say, I think it would be
2 great to have that 60 percent AMI. I think that's an
3 easy, hopefully an easy thing to do now that they've
4 come back to the Commission. So.

5 CHAIRPERSON HOOD: Okay.

6 MR. AIELLO: Especially considering the
7 height of the building.

8 CHAIRPERSON HOOD: Okay. All right. We
9 thank you very much. Let's see if we have any
10 questions up here. Any questions?

11 MR. MAY: I don't have a question for Mr.
12 Aiello, but I actually, I think it would be useful to
13 get clarification on why the measuring point for this
14 building is where it is, and how that comports with
15 the regulations, because this is an issue that we
16 looked at. You know, we redefined how we measure
17 heights of buildings when you have this kind of a
18 circumstance. That related to station place down by
19 H Street as I recall. So, that was like 12 or 14
20 years ago. Do you recall?

21 Well, in any case, I mean, the point is that
22 it's -- there is a rationale for why it is the way it
23 is. I can't remember it so I'm like looking at Ms.
24 Batties and Ms. Steingasser, who can give a cogent
25 explanation.

1 MS. STEINGASSER: In this particular case
2 there was a lot of discussion and a lot of -- the
3 Commission did go -- the Zoning Commission did go so
4 far through a text amendment to clarify that they
5 could measure from the viaduct, as long as the
6 viaduct still had terra firma beneath it.

7 And so, the Height Act actually says you
8 shall measure your height from the street that
9 provides the highest height. So, it's not optional.
10 The height act actually requires that.

11 Then, we also had a case, the Portals, not
12 far from here in Southwest, where the viaduct goes
13 over the train tracks, and then there is Union
14 Station north where they're built over the train
15 tracks. So, there has been many cases where the
16 Zoning Commission has worked with the applicant or
17 worked through making text amendments to define how
18 that Height Act is interpreted in establishing that
19 height.

20 MR. MAY: Thank you for the trip down history
21 lane. Anyway.

22 CHAIRPERSON HOOD: Okay. Any other comments,
23 questions from up here?

24 Does the applicant have any?

25 MR. TURNBULL: Mr. Chair, I just had a

1 comment for the -- or a question for the applicant.

2 I know you're going for LEED Silver, or Gold,
3 or hopefully both Gold. And maybe Mr. Barber or Mr.
4 Raduvescu can explain.

5 CHAIRPERSON HOOD: If you can just hold your
6 seat? Actually, I need to finish questioning you,
7 but he's going to the applicant.

8 MR. TURNBULL: Yeah. What I didn't see on
9 the rooftop of the building was lighting. I'm
10 assuming it's all downlighting. But I didn't really
11 see a lighting plan that showed anything, unless
12 maybe I missed it.

13 MR. ROBINSON: On the office building we have
14 not shared a lighting plan. But the minimal lighting
15 that we might provide would be downlighting for sure.

16 MR. TURNBULL: Downlighting. Okay. And on
17 the residential you've got a pool up there and --

18 MR. RADUVESECU: That would be the case too.
19 We are not showing right now, a lighting plan, but
20 usually it's downlighting.

21 MR. TURNBULL: It's all downlighting. So, no
22 up-lighting anywhere on the building?

23 MR. RADUVESECU: No.

24 MR. TURNBULL: Okay. Thank you.

25 CHAIRPERSON HOOD: Okay. Ms. Batties, do you

1 have any questions of this gentleman?

2 MS. BATTIES: I do not.

3 CHAIRPERSON HOOD: Okay. Well, thank you
4 very much, we appreciate you. Okay.

5 Any other comments or questions from up here?
6 Ms. Batties, you have any closing?

7 MS. BATTIES: Yes. I just want to say, two
8 things in closing, first as it relates to the south
9 tower height, just to add to what Ms. Steingasser has
10 said.

11 The south tower again, we use the terms
12 building and tower kind of loosely, and actually this
13 is a single building. The south tower and north
14 tower constitute one building. And we have received
15 confirmation from the Zoning Administrator that the
16 connection between the two towers does meet the
17 definition of significant. It's not a significant --

18 MR. MAY: Meaningful.

19 MS. BATTIES: Meaningful connection between
20 the two towers. So, we do have that e-mail for the
21 record if we need to include it in the record, if we
22 need to include it in the record.

23 MR. MAY: Can you just state how the
24 meaningful connection is made?

25 MS. BATTIES: Sure.

1 MR. MAY: For the benefit of Mr. Aiello?

2 MS. BATTIES: I'm sorry.

3 MR. MAY: For the benefit of --

4 MS. BATTIES: Oh, for the benefit. Sure.

5 It's the vestibule at the plaza level, serves as a
6 shared egress exit lobby where there is a single
7 door. Can you guys -- there is a single door instead
8 of two that leads to the plaza.

9 Do you have a pointer or something to show?

10 MR. ROBINSON: So, this is the dividing line
11 between the north tower and the south tower. Loading
12 dock is on the north tower, and this is the bike --
13 the lobby connection here. There's these two egress
14 paths come together and they meet and share a
15 vestibule above grade on the plaza level. So,
16 there's an entrance and exit that connect to both
17 buildings that's right adjacent to the loading.

18 UNIDENTIFIED SPEAKER: [Speaking off
19 microphone.]

20 MR. ROBINSON: Okay.

21 MS. BATTIES: And because of the change in
22 grade for the project, on the levels, we actually had
23 to work.

24 MR. ROBINSON: The white area is the shared
25 vestibule between the two parties.

1 MR. MAY: I mean, is it really just an exit
2 way, or is actually an active door? I mean, are
3 people going to be coming in and out that way or is
4 it just there as an emergency exit?

5 MS. BATTIES: Actually, it provides access to
6 the loading.

7 MR. ROBINSON: Well, what's actually -- Jeff,
8 could you go to the floor above this?

9 This is actually where we're getting tripped
10 up a little bit with meaningful connection. There is
11 actually a connection in the bike lobby itself that
12 is -- could actually be more active, where the north
13 tower connects into the bike lobby adjacent to a bike
14 amenity for the north building.

15 MR. MAY: Okay. So, that.

16 MR. ROBINSON: But, because it's open air,
17 because we made it open air, it technically doesn't
18 count as a meaningful connection.

19 So, then we had to go find another --

20 MR. MAY: So, where is that?

21 MR. ROBINSON: That connection is right here.
22 So, in blue is --

23 MR. MAY: Sorry, there are lots of things
24 moving on the screen there. So, one of you --

25 MR. ROBINSON: I believe the red pointer.

1 MR. MAY: Okay.

2 MR. ROBINSON: Is that connection right
3 there. And this is a hallway. This would be a
4 residential amenity that we think will be bike fix
5 station private to that entity, to that north.

6 So, that will be a meaningful connection, but
7 technically doesn't --

8 MR. MAY: Okay. So, you mentioned several
9 things and you said, that will be a meaningful
10 connection. So, point to the meaningful connection
11 and tell me what it is.

12 MR. ROBINSON: This is a not zoning compliant
13 meaningful connection --

14 MR. MAY: Okay.

15 MR. ROBINSON: -- between the north and
16 south. It was a meaningful connection when we had
17 these glass-enclosed. But we think it's a better
18 plan to have this open air, which is what we've
19 presented.

20 MR. MAY: Because the bike lobby is --

21 MR. ROBINSON: Is public.

22 MR. MAY: Is closed on one side, or whatever.

23 MR. ROBINSON: Well, now it's open air on
24 both sides.

25 MR. MAY: Open air on both sides, but it's

1 lockable.

2 MR. ROBINSON: Correct. At night. Once, to
3 be a meaningful connection --

4 MR. MAY: It has to be a closed space. I
5 understand that.

6 MR. ROBINSON: Has to be closed space.

7 So then on the floor below it, where the two
8 stairs come together, there is a shared vestibule
9 also.

10 MR. MAY: Right. And so back to my original
11 question about that shared vestibule is, is it
12 actually actively used or is it just an emergency
13 exit?

14 MS. BATTIES: I can say that it meets the
15 definition of meaningful connection, which I have
16 right in front of me. It doesn't say --

17 MR. MAY: That's okay. I'm not asking for
18 that meaning -- yeah. All right.

19 MS. BATTIES: So --

20 MR. MAY: I was just, you know, comes up
21 every once in a while. It's nice to understand how
22 it's being interpreted. We accept it readily, but --

23 MS. BATTIES: The challenge here was --

24 MR. MAY: -- knowing what it actually means
25 is something.

1 MS. BATTIES: Because there's so many -- the
2 site is sloped and trying to get at grade, the
3 connection at grade, we had to work really hard to
4 design that connection to meet the letter of the law.

5 So, the only -- and the other thing I wanted
6 to comment on in my closing remarks, and I say this
7 respectfully, I was at the ANC meeting where they
8 took a vote. They voted against the motion to
9 approve. There really was no discussion on the
10 record at that meeting relating to affordable housing
11 option, like in terms of a proffer. Maybe they've
12 had other conversations, but that particular meeting,
13 nothing was discussed with the applicant in terms of
14 what would be a viable alternative.

15 But, we got the message from you,
16 Commissioner May, and we heard Commissioner Powell,
17 so we will definitely look at that element of the
18 project.

19 MR. MAY: Yeah. Well, and I think the
20 Commissioner, you know, was not trying to represent
21 that as if it were the official position of the ANC
22 worthy of great weight because certainly we can't
23 give it great weight without having the letter that
24 expresses that. So, I think we all know, you know,
25 we understand the context for that information that

1 we received.

2 MS. BATTIES: Okay.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
4 need any dates, or did we ask for anything? I don't
5 think we did.

6 MS. SCHELLIN: I think we did, yeah.

7 CHAIRPERSON HOOD: We do have a few things.
8 Yeah, we have a few things.

9 MS. SCHELLIN: And they, I think Ms.
10 Bloomfield was back there keeping track of
11 everything.

12 CHAIRPERSON HOOD: Okay. So, they should
13 have that. Let's come up with some dates.

14 MS. SCHELLIN: Because they need to go
15 through the benefits and conditions, there has to be
16 a minimum of 28 days, plus time for OAG to review the
17 draft order, so we need to shoot for the March 27th
18 public meeting to put this back on.

19 So, if we could have the items that were
20 requested by I'd say March 13th, or March 6th for the
21 items that were requested, and allow the ANCs if they
22 choose to do so, to respond by March 13th, 3:00 p.m.
23 for all submissions. And you know the process for
24 the benefits and conditions, the first response being
25 due in seven days.

1 UNIDENTIFIED SPEAKER: And what about the
2 draft order?

3 MS. SCHELLIN: The draft order would be due
4 on the 13th also.

5 Actually, if you could have the draft order
6 at the same time that you do your final benefits and
7 proffers, I think that will come out to the 9th.
8 That's the 28th day. So, when you're doing that,
9 because you have to provide the conditions at that
10 time anyway. That would be great.

11 CHAIRPERSON HOOD: Okay. Are we all on the
12 same page? Any questions?

13 [No audible response.]

14 CHAIRPERSON HOOD: All right. So, with that
15 we will close this hearing. I want to thank everyone
16 for their participation tonight, and this hearing is
17 -- you have a question?

18 MS. BATTIES: No. I was going to say thank
19 you.

20 CHAIRPERSON HOOD: And this hearing is
21 adjourned. You're welcome.

22 [Whereupon, the Hearing adjourned at 8:01
23 p.m.]

24

25