

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :
  
:
  
LOWE -- MODIFICATION OF :
  
SIGNIFICANCE TO A : Case No.
  
CONSOLIDATED P.U.D. -- : 07-13G
  
RANDALL SCHOOL :
  
(SQUARE 643-S, LOT 801) :
  
:
  
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Thursday,
  
March 29, 2018

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

The Public Hearing of Case No. 07-13G by the
District of Columbia Zoning Commission convened at 6:30
p.m. in the Jerrily R. Kress Memorial Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001, Anthony J.
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
MATT JESICK

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from  
the Public Hearing held on March 29, 2018.

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(9:23 a.m.)

1  
2  
3 CHAIRMAN HOOD: Good evening, ladies and  
4 gentlemen. This is a public hearing of the Zoning Commission  
5 of the District of Columbia. Today's date is March 29th,  
6 2018.

7 My name is Anthony Hood. Joining me is Vice Chair  
8 Miller, Commissioner Shapiro, Commissioner May, and  
9 Commissioner Turnbull. We're also joined by the Office  
10 Zoning staff, Ms. Sharon Schellin; Office of Planning staff,  
11 Mr. Jesick; and District Department of Transportation, Mr.  
12 Zimmerman.

13 And we're located in the Jerrily R. Kress Memorial  
14 Hearing Room. This proceeding is being recorded by a court  
15 reporter and is also webcast live.

16 Accordingly, we must ask you to refrain from any disruptive  
17 noises or actions in the hearing room, including display of  
18 any signs or objects.

19 Notice of today's hearing was published in the  
20 D.C. Register and copies of that announcement are available  
21 to you on the wall near the door.

22 The hearing will be conducted in accordance with  
23 the provisions of 11 D.C.M.R., Chapter 4, as follows.  
24 Preliminary matters, the applicant's case, report of Office  
25 of Planning, report of other government agencies, report of

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1 the ANC -- in this case it's 6D -- organizations and persons  
2 in support, organizations and persons in opposition, rebuttal  
3 and closing by the applicant.

4           The following time constraints will be maintained  
5 in this meeting. The applicant has up to 60 minutes. This  
6 is a modification of significance. I think that we can  
7 condense that, Mr. Avitabile. We could probably do it, I  
8 guess, I see ten, so we'll shoot for ten. Because the  
9 record, I think is complete, and we can just ask our  
10 questions.

11           Organizations, five minutes. Individuals, three  
12 minutes. The Commission intends to adhere to the time limits  
13 as strictly as possible in order to hear the case in a  
14 reasonable period of time. The Commission reserves the right  
15 to change the time limits for presentations if necessary and  
16 notes that no time shall be ceded. The staff will be  
17 available throughout the hearing to discuss procedural  
18 questions. If you would like to testify tonight, we would  
19 ask that you sign up to the kiosk to my left. And if you  
20 need assistance, Ms. Schellin will be able to help you.  
21 Please turn off all electronic devices at this time so as to  
22 not disrupt these proceedings.

23           Would all the individuals wishing to testify  
24 please rise to take the oath? Let me just say, we've also  
25 been joined by Mr. Lawson from the Office of Planning.

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1 Ms. Schellin, would you please administer the  
2 oath?

3 MS. SCHELLIN: Yes. Please, raise your right  
4 hand. Do you solemnly swear and affirm that the testimony  
5 you'll give this evening will be the truth, the whole truth,  
6 and nothing but the truth?

7 (Witnesses sworn.)

8 MS. SCHELLIN: Thank you.

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

12 MS. SCHELLIN: The only preliminary matters are  
13 the proffered expert witnesses. Three, I have three, and  
14 they've all been previously accepted.

15 MR. AVITABILE: So we've proffered three expert  
16 witnesses that have all been previously accepted, and one  
17 expert witness that has not yet been accepted, but we wanted  
18 to proffer her. Jessica Anderson.

19 MS. SCHELLIN: Jessica Anderson, who's available  
20 for questions, yes.

21 MR. AVITABILE: Right.

22 MS. SCHELLIN: So Jessica Anderson at Exhibit  
23 11(b), she's being proffered as an expert in architecture.

24 CHAIRMAN HOOD: Okay.

25 MS. SCHELLIN: She's not going to be presenting,

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1 but she's going to be available for questions.

2 CHAIRMAN HOOD: All right. One second. All  
3 right, Commissioners, we have a request for Ms. Anderson, who  
4 has not been proffered before us before, in architecture.  
5 Any objections or any comments? And as stated, her resume  
6 is in the exhibit, 11(b), right?

7 MS. SCHELLIN: Yes.

8 CHAIRMAN HOOD: Okay.

9 COMMISSIONER SHAPIRO: No objections.

10 COMMISSIONER MAY: I don't have any objections,  
11 but I want her to do the presentation instead of Mr. Hassan.  
12 What do you think?

13 (Laughter.)

14 COMMISSIONER MAY: I'm just giving him a hard  
15 time, sorry.

16 CHAIRMAN HOOD: All right. So, no objections.  
17 We will add her to our expert proffered list. All right,  
18 anything else, Ms. Schellin?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay. We will turn it over to you  
21 and you may begin.

22 MR. AVITABILE: All right. Good evening,  
23 Commissioners. David Avitablile with Goulston and Storrs for  
24 the Applicant. We'll be brief with the presentation tonight  
25 that really will just be an overview of the design.

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1           We have, I think, addressed every issue that was  
2 in the record, at least until 4:54 p.m. today. And we've  
3 worked with the Office of Planning, we've worked with DDOT.  
4 We've been working for over a year to try to bring this  
5 project finally forward. So I think, with that, I'll turn  
6 it over to Mr. Hassan to review the design, and we will be  
7 happy to answer questions.

8           MR. HASSAN: Good evening. My name is Hany  
9 Hassan. I'm a partner with Beyer Blinder Belle, responsible  
10 for this project.

11           Just for orientation and in terms of the materials  
12 that we have available, is we have a brief PowerPoint  
13 presentation in addition to a scale physical model that is  
14 on the table in front of me, as well as material samples  
15 behind the desk.

16           First, I would like to thank you very much for  
17 giving us the opportunity to present this project, and I will  
18 be rather brief to adhere to the time allocated.

19           Before I begin, I just wanted to give credit to  
20 the entire team, which is displayed on this first image. Our  
21 client is here as well as our consultants, and they're all  
22 available for questions and answer as necessary.

23           Very briefly, going back to the approved PUD in  
24 2014, it shows the extent of the development of the  
25 residential building, but as you look at the revised and

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1 proposed modification, it shows a pretty dramatic change and  
2 improvement, in our mind, in a number of ways.

3           One, in terms of eliminating the wings, which were  
4 rather blocking the open space, which is dramatically opened  
5 and improved. Elimination of the addition to the museum on  
6 the north side which opened up the open space substantially.  
7 Those are major changes that I think we feel that have made  
8 great improvements to the composition, and the model  
9 complements that as well.

10           In terms of the plan, this emphasizes it one more  
11 time, the elimination of wings and the addition to the  
12 museum, which you can see how it was to a great extent  
13 compromising the open space, which is really the heart of the  
14 whole development.

15           By comparison, the proposed plan maintains the  
16 openness of the open space to the users and the public from  
17 both the east and the west. It also freed up the historic  
18 buildings, the three historic buildings, where we will be  
19 able to now renovate them and restore them, both on the north  
20 and the south.

21           Other modifications we have done is the entrance  
22 to the garage, which was on the upper right-hand corner of  
23 the site, as well as the loading dock.

24           A brief comparison of the elevations of the  
25 approved 2014 scheme by comparison to the current scheme, as

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1 you could see illustrated in those two elevations.

2           Once again, very briefly, you see in this image  
3 the distribution of the affordable units throughout the plan,  
4 which is indicated in the sort of tone, this darker tone on  
5 the plan, as well as the amenities indicated in yellow. The  
6 museum part, which is also going to be open to the public,  
7 indicated in blue, and it will be mostly accessible from the  
8 east side.

9           I neglected to mention that, at the ground level,  
10 on the north and west, we have provided what we refer to as  
11 townhouses, which is two-story units that have their own open  
12 space and patios which activates the ground level in this  
13 case. And you see it illustrated here, as well as the  
14 introduction of special texture for just those units in  
15 particular with the wood doors and the canopies above the  
16 doors which animates the street level as well.

17           I'll just go rather quickly through these plans.  
18 The second floor and third floor, and the lower part of the  
19 building. You'll notice that the configuration of the  
20 building is tilted to open up and invite people to the  
21 courtyard with the angular expression of the massing, but as  
22 we go up the building it becomes rectilinear again as  
23 indicated in the lobby.

24           On the roof, we do have amenities sort of related  
25 to both wings around the core, and some of the other

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1 amenities, like the pool and lounge at that level. And you  
2 see also the indication of the mechanical space.

3 Above those elements, we indicated not only the  
4 green roof, but also the solar panels on both wings. We also  
5 modified the garage to make it, on one hand, simpler, more  
6 constructable, which is within the confines of the new  
7 development. Most importantly, we kept the garage away from  
8 the historic building to avoid any damage to the historic  
9 building or any underpinning. So those are the two levels  
10 of the garage.

11 This is the overall image of the whole composition  
12 between the historic buildings and the new addition. And you  
13 could see the openness of the courtyard, how more inviting  
14 it is, bathed in light, and more approachable both from the  
15 east and west.

16 This is an image of the southeast corner showing  
17 the prominence of the historic building by comparison to the  
18 residential addition. And I'll call your attention also to  
19 the museum entrance, which is now on the east side through  
20 this new pavilion as an introduction and inviting people and  
21 more recognition for the presence of the museum as you  
22 approach it from South Capitol.

23 Again, the composition continues to be  
24 approachable from the east and west into the courtyard.  
25 Another rendering showing the quality of that oasis within

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1 that space, which we think it's really a great asset for the  
2 entire development and for the whole community.

3 I'd like to also speak very briefly about the  
4 expression of the building itself in terms of not only the  
5 massing but in terms of texture.

6 When we redesigned the envelope, we wanted to make  
7 it sort of simplified in so many ways and create some order  
8 to the facade, but it's mostly a simplification while we are  
9 articulating the facade into its major component.

10 What I mean by that is that we used the balconies  
11 as an architectural device to define those massing, and also  
12 we changed the texture between those various blocks between  
13 a combination of metal and glass as well as -- mostly glass,  
14 as you see indicated in the wings on this image. I can  
15 explain this as well as necessary in the model. I'm just  
16 trying to be as brief as I can to adhere to the time.

17 The east and west facades, similarly, are  
18 articulated with the presence of the balconies, and we made  
19 sure that those balconies are usable, meaning having a depth  
20 of seven feet so people can actually utilize them as  
21 balconies and as amenities within unit.

22 And the north facade is articulated in the same  
23 manner as well. Actually, I am going to stop for a second  
24 and turn the model around so you could see this facade as  
25 well.

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1           The materials and textures that I have on this  
2 image, we have the actual glass samples, metal samples, and  
3 wood that are on the boards just directly behind you. The  
4 actual samples are there.

5           This particular area shows the two different types  
6 of glass, but whether it's in the area that it's a  
7 combination of metal and glass or an all-glass part of the  
8 project.

9           This is maybe more details than we need at this  
10 point so I am going to go through this quickly to go to the  
11 historic building, unless you want me to stop there. I'm  
12 getting to my 10 seconds.

13           CHAIRMAN HOOD: Keep going.

14           MR. HASSAN: Okay. In terms of the historic  
15 building, I think this is a very important component of this  
16 project, and we just wanted to show you the diligence that  
17 we have done in order to maintain the quality and the  
18 integrity of the three historic buildings.

19           This is the center building by itself before wings  
20 were added, and this is when the school was expanded with the  
21 east and west wings.

22           In the previous design, we had proposed  
23 modifications to the front of the building, introducing ramps  
24 and entering the building at the lower level. In this case,  
25 we no longer have to do that, by introducing the pavilion on

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1 the east to enter the building from the east wing, and it  
2 gives us the opportunity to restore the front door as it was  
3 originally designed.

4 Plus, the project still maintains the innovation  
5 and the reintroduction of the balustrade shield and the flag,  
6 which currently -- which had been removed. We think that  
7 this is a big plus to bring the building to its original  
8 quality.

9 On the north side, by eliminating the north  
10 addition of the museum, we now will be able to restore the  
11 entire facade and be able to appreciate it as it was  
12 originally conceived. And there will be also a connection  
13 and entrance on the first level.

14 And this is the pavilion on the east that I have  
15 just spoken about before. It's very approachable and the  
16 ground level is rather animated in this case with the  
17 presence of this terrace on the south side.

18 And this is the overall view and image of the  
19 whole composition with both the center building and the east  
20 and west wing.

21 I'd be happy to answer any questions as well as  
22 the rest of the team as well. Thank you very much.

23 MR. AVITABILE: All right. So, that's our brief  
24 presentation. I think we can then answer anything with  
25 questions. But we are here tonight with support from the

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1 Office of Planning, from DDOT, ANC 6D, from Capitol Park  
2 Tower, one of our adjacent neighbors.

3 And, again, the project also has received concept  
4 review and approval from the Historic Preservation Review  
5 Board. And as recently as last week, we got concept approval  
6 from the Public Space Committee.

7 So, everyone that's reviewed this has been very  
8 supportive of the project, and we look forward to answering  
9 your questions. Thank you.

10 CHAIRMAN HOOD: All right, let's open it up.  
11 Thank you. Let's see if my colleagues have any questions or  
12 comments.

13 I will echo, I noticed that you had overwhelming  
14 support. Actually, I noticed that the letter, especially  
15 from our frontline leaders, the ANC states that  
16 enthusiastically, and I saw also a letter in support.

17 So that's overwhelming support from what I see,  
18 and I think the record is sufficient. And from what I see,  
19 especially as far as support, I see quite a bit of support  
20 with this modification of significance.

21 Let's open it to any questions or comments. Any?  
22 Mr. Shapiro?

23 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just  
24 a few brief -- I wonder if I understood the -- I think it was  
25 one of the conditions, that courtyard, you're committing to

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1 it being open eight to five?

2 MR. AVITABILE: Yes, that's correct.

3 COMMISSIONER SHAPIRO: And then the assumption is  
4 then it won't be open, or possibly won't be open beyond those  
5 hours?

6 MR. AVITABILE: So, it will be open to the  
7 residents of the project. It just the hours when it would  
8 be open to the public would be 8:00 a.m. to 5:00 p.m. And  
9 that's the minimal hours. Certainly, you know, in summer  
10 months when it is lighter, there may be extended hours. But  
11 we want to also preserve the ability to use that area for  
12 events for the museum or events for the residential building  
13 as well, and those might tend to occur later in the day.

14 COMMISSIONER SHAPIRO: That all makes sense. My  
15 questions were around sort of the design implications of  
16 that, because when I was looking through I didn't see any  
17 kind of control systems or gates or anything like that around  
18 the courtyard. I may have just missed it.

19 MR. AVITABILE: There is a gate, and I think we're  
20 going to pull up an image of it, that will allow us to  
21 enclose it should we need to. There it is.

22 MR. HASSAN: Lisa Delplace from Oehme van Sweden  
23 is here as well and could speak to this as well. But just  
24 very briefly, what we have tried to do here is that -- is to  
25 design those gate-like elements to be less obtrusive and have

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1 a natural quality and minimize their impact.

2 Lisa, I'm sure you want to elaborate on that.

3 MS. DELPLACE: Yes, Lisa Delplace with Oehme van  
4 Sweden & Associates.

5 COMMISSIONER SHAPIRO: I can't hear you. Just  
6 pull the mic toward you. Thank you.

7 MS. DELPLACE: Lisa Delplace with Oehme van Sweden  
8 and Associates, for the record. Yes, the idea behind the  
9 fencing was that we wanted to make sure that it was  
10 transparent. We also wanted to make sure that it was  
11 indicative of the heavy tree planting that we have there so  
12 it has a very vertical feel to it. But the idea is that it  
13 can be open fully so that it allows people to come and go as  
14 they need to.

15 COMMISSIONER SHAPIRO: And this is the only way  
16 in and out of the courtyard?

17 MS. DELPLACE: There is access from the  
18 residential building. There is also access from the museum.  
19 So, public access, would come through here, that people  
20 wouldn't have to necessarily go through the museum to access  
21 the courtyard.

22 COMMISSIONER SHAPIRO: Okay. Thank you. The  
23 other quick question was related to the wood doors, and this  
24 may be a question for you, but it might also be a question  
25 for my colleagues.

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1           There's something about the -- when I'm looking  
2 at the wood of the wood doors and how they're designed,  
3 there's something that feels a bit jarring to me. I can't  
4 quite -- I think it was in the -- you know, if you go back  
5 a few, where there was that elevation where we saw the --  
6 never mind.

7           We're there. So what's your thinking about the  
8 doors and why the wood doors, why this kind of wood, and  
9 what they're actually going to look like in practice?

10           MR. HASSAN: Sure. That's a good point. What we  
11 wanted to create, particularly on the north and west side of  
12 the building, is more pedestrian scale or quality, and  
13 somehow introduce those two stories in a different manner,  
14 have a different texture compared to the rest of the  
15 building.

16           Complemented with the patios in front of them, we  
17 wanted to give it a different texture, or maybe a softer  
18 texture that it's a maybe a wood door as opposed to a metal  
19 door or any harder material.

20           We also articulated that by the introduction of  
21 the canopy to make sure that those units are accessible from  
22 the street to activate and animate the street as opposed to  
23 limiting the access to the building from the main lobbies.

24           So that's just the thought behind the process that  
25 we have gone through and we thought that the wood will soften

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1 that aspect of it and introduce more of a pedestrian scale  
2 as opposed to the overall building itself.

3 COMMISSIONER SHAPIRO: All right. I don't really  
4 have much in the way of a solution to the problem, but just  
5 -- again, maybe this is a question for my colleagues, but it  
6 just -- it feels like it doesn't quite -- I don't know, I'll  
7 just leave it at that.

8 The last thing is -- I apologize if I missed it --  
9 but what's the theme of the art gallery and what's the --

10 MR. AVITABILE: It's a contemporary art museum.

11 COMMISSIONER SHAPIRO: This is not an art gallery.  
12 This is a museum.

13 MR. RIVERS: This is a museum. I'm Mark Rivers  
14 with Lowe Enterprises. We are the lead developer on the  
15 project. Our venture partners here are Telesis and the  
16 Rubell family, which is the answer to your question. The  
17 Rubell family owns one of the largest contemporary art  
18 collections in the world, which is based in Miami, and this  
19 museum will rotate their collection through here.

20 So the Rubells will not only be displaying their  
21 collection but also operating the museum. So, the great news  
22 here is we have the collection and we have the operator  
23 already in place.

24 COMMISSIONER SHAPIRO: Thank you. That's all I  
25 have, Mr. Chair, for now. Thank you.

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1 CHAIRMAN HOOD: All right. Any other questions?  
2 Commissioner May?

3 COMMISSIONER MAY: Yeah, just a couple of minor  
4 things on the rooftop. So there was, yes, something that  
5 shows the setbacks. Actually, you know, an overall view.  
6 That. Okay. Let's stop there.

7 So, there seems to be a glass guardrail around the  
8 entire perimeter, even outside of the areas where it is  
9 actually amenity space. Can you explain why that's  
10 necessary?

11 MR. HASSAN: We did set back -- we did create the  
12 one-to-one setback --

13 COMMISSIONER MAY: I understand that. I'm just  
14 wondering why you bothered -- I mean, are people going to be  
15 in that space or is that just to protect the people who are  
16 going to weed the green roof?

17 MR. HASSAN: It's more for protection because  
18 nobody is going to be occupying that part of the roof in that  
19 particular area.

20 COMMISSIONER MAY: Right. I mean, it just seems  
21 like extra stuff and isn't necessary, I don't know. I don't  
22 feel strongly about it, but, you know, it would be different  
23 if it were actually -- if there was going to be a walkway or  
24 something like that, or people, you know, were doing laps  
25 around. I don't know.

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1 MS. ANDERSON: Jessica Anderson with Beyer Blinder  
2 Belle Architects.

3 COMMISSIONER MAY: I really just wanted to ask  
4 this question so you could answer something.

5 MS. ANDERSON: It also has to do with wind uplift  
6 for all the material on the roof, so it helps with the wind  
7 uplift and shield all that material in there.

8 COMMISSIONER MAY: Okay. Is it some sort of tray  
9 system?

10 MS. ANDERSON: Yes, it's a tray system.

11 COMMISSIONER MAY: Yeah, okay. All right. That's  
12 a good answer. I had not heard that answer before.

13 So, the other question I have is, you seem to have  
14 three different heights of penthouse: 10 feet, 12 feet, and  
15 then the 18.6. Is that right?

16 MR. HASSAN: Yes. Correct. Because of the  
17 setback, the one-to-one setback. So as we --

18 COMMISSIONER MAY: Sure, I mean, you know, and I  
19 can understand why. I mean, the question I have is, I  
20 thought we allowed two: one for habitable space and then one  
21 for mechanical space.

22 MR. AVITABILE: So, there's a third height allowed  
23 for screened areas.

24 COMMISSIONER MAY: For screened areas. But that  
25 screened area seems to enclose part of the mechanical space

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1 toward the south end of the building, right there in the  
2 foreground.

3 MR. HASSAN: That's correct.

4 MR. AVITABILE: That area evolved as we --  
5 basically, when we integrated the solar panels, we realized  
6 there was an opportunity to put them on top and so that's how  
7 that it evolved into that design.

8 I guess, as I look at it now, you are right. That  
9 does include a third area that's enclosed but has a separate  
10 height. All else being equal, I think it makes sense to keep  
11 it at that height rather than artificially raise it just to  
12 match the height of the habitable space that's on the north  
13 side of the building.

14 COMMISSIONER MAY: I think -- I mean, that's  
15 always the argument, and that's the argument for having like  
16 17 different heights.

17 MR. AVITABILE: Right.

18 COMMISSIONER MAY: And I'm thinking about sort of  
19 rooftop clutter and the visibility of things. So, but, let  
20 me ask you one question. There's going to be solar panels  
21 on top of that green roof, right?

22 MR. AVITABILE: Correct.

23 COMMISSIONER MAY: So how much higher are -- how  
24 much taller are the solar panels?

25 MR. AVITABILE: Four feet.

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1 MS. ANDERSON: Maybe four feet at the most.

2 COMMISSIONER MAY: Okay. So, now you have a 10-  
3 foot, plus four feet above that, but it's going to be set  
4 back four feet?

5 MS. ANDERSON: Yes.

6 COMMISSIONER MAY: Boy, it's just getting more and  
7 more cluttered all the time. I mean, why would it be four  
8 feet? Is it just because you're going to try to pitch them?

9 MS. ANDERSON: Yeah. We need to pitch them --

10 COMMISSIONER MAY: No, you don't need to pitch  
11 them. You don't need to pitch them.

12 MS. ANDERSON: Okay.

13 COMMISSIONER MAY: We've seen plenty of them when  
14 they're flat. I mean, I understand that it has an effect on  
15 the efficiency, but you don't really have to.

16 MS. ANDERSON: Okay.

17 COMMISSIONER MAY: Or, if you do pitch them,  
18 pitching them so that it's four feet in the air when the  
19 panels are five feet, you know, I mean, that's almost 45  
20 degrees, right? That's a big pitch.

21 I understand they're not resting, you know, on the  
22 green roof, but I think that needs to be just thought through  
23 just a tiny bit more, to understand that. And, you know,  
24 again, I'm not trying to reduce the amount of solar, and I'm  
25 not trying to reduce the efficiency. I'm just trying to make

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1 this as uncluttered, as streamlined as possible, because the  
2 penthouse structures should not be bringing attention to  
3 themselves. They shouldn't be a distraction.

4           Toward that end, do we have a sample of the  
5 material, the wall material of the penthouse up here? Is  
6 that one of the things that you've given us?

7           MR. HASSAN: No, we don't have the penthouse fence  
8 included in this.

9           COMMISSIONER MAY: Right, but it's a metal panel  
10 or something?

11          MR. HASSAN: Yeah, but it's also sort of lacy, if  
12 you will, or --

13          COMMISSIONER MAY: So that it can breath.

14          MR. HASSAN: Yeah. It's kind of like a scrim,  
15 scrim-like.

16          COMMISSIONER MAY: Yeah, a scrim. Okay. So, I  
17 mean, that's fine. It'd be nice to see that material. I'm  
18 not going to insist on seeing that, but generally speaking,  
19 we'd like to see that.

20                 And it is a little bit darker than the rest of the  
21 facade, but not very; and generally speaking, at least I tend  
22 to like them much on the darker end of the spectrum because  
23 they tend to recede more and being less visible.

24          MR. HASSAN: Disappear.

25          COMMISSIONER MAY: Yeah. It seems somewhat

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1 counterintuitive because it's up against the bright sky, but  
2 it actually still works that way.

3 MR. HASSAN: Right.

4 COMMISSIONER MAY: Right. So, a little bit.  
5 Again, I'm just -- these are small things. Then I have one  
6 other question. Can you show me the truck diagram, how you  
7 get a truck into the loading dock? I think it's like back  
8 in the civil -- or to the back of the set in the civil  
9 drawings. Oh, you know what, it was page A19. Maybe I  
10 messed you up. To the front. Oh, there we go, A19. Okay.

11 So, in order for the truck to back in, it has to  
12 pull past the property line, through the chainlink gate that  
13 controls access to the Randall Recreation area, and then back  
14 in.

15 MR. AVITABILE: No.

16 COMMISSIONER MAY: No?

17 MR. AVITABILE: No. Dan, do you want to explain  
18 it?

19 MR. VAN PELT: So, the maneuver you're looking at  
20 here is all happening on the property itself.

21 COMMISSIONER MAY: Is the red not the property  
22 line?

23 MR. VAN PELT: The red line is the property line,  
24 but it's staying within the envelope of the property line.

25 COMMISSIONER MAY: No, it's not. On the upper

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1 right-hand corner, the truck is --

2 MR. VAN PELT: Oh, you're -- oh, okay. I'm sorry.  
3 There's two different areas for maneuvering. I thought you  
4 were looking at --

5 COMMISSIONER MAY: Got it.

6 MR. VAN PELT: Yes, so it does need to cross the  
7 property line, the rec center.

8 COMMISSIONER MAY: Right.

9 MR. VAN PELT: And so I understand that, Dave, you  
10 want to address that in terms of easement?

11 MR. AVITABILE: Yeah. Part of the project  
12 development with both the Council and with Deputy Mayor's  
13 office has been developing a series of the easements that  
14 will allow for -- because right now that section of H Street  
15 is -- half of it is on our property, half of it is on the  
16 Randall Recreation Center property.

17 So it is anticipated that there will be a series  
18 a cross-easements where we'll continue to allow access along  
19 our portion of H Street to get into Randall Recreation  
20 Center, and conversely they will allow it on their side. And  
21 then that then extends over into that part of Randall Rec to  
22 allow for these truck maneuvers.

23 COMMISSIONER MAY: Okay. So, what are you going  
24 to do to improve that little bit of the Randall Rec Center?  
25 Because I can tell you, that's just a busted up sidewalk that

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1 people have been driving on for decades and it's in very bad  
2 shape. And there's a chainlink gate there that most of the  
3 time is locked now. And it's locked because I complained to  
4 DPR that people are driving through there and parking on the  
5 grass.

6 So, I mean, it's not a -- this is not a big thing,  
7 but that's part of what should be figured out. And, boy,  
8 that sidewalk back there between the pool and the playing  
9 field sure could use a complete repaving. Just saying.

10 MR. AVITABILE: We hear you.

11 COMMISSIONER MAY: Yeah. And it's not just  
12 because that's the way I ride my bike through there, but  
13 that's why I know it's in the condition that it's in. No,  
14 I mean, it's an area where people have been driving on what  
15 was built as a sidewalk for years, including very heavy  
16 trucks. Garbage trucks go there like twice a week and pick  
17 up the trash from the rec center and the sidewalk is all  
18 busted up. It looks like hell. And plus people try to drive  
19 there and then park on the grass. So. I'm not asking you  
20 to fix everything. So.

21 That's it for my questions, I think. I don't know  
22 that we necessarily need to see anything to show that there's  
23 resolution of that, but I wanted to make sure you were aware  
24 of it and that you --

25 MR. AVITABILE: It's helpful.

1                   COMMISSIONER MAY:    -- you do the right thing  
2 somehow.

3                   MR. HASSAN:       Thank you very much.     Okay.  
4 Commissioner Turnbull.

5                   COMMISSIONER TURNBULL: Thank you, Mr. Chair. I  
6 want to get -- getting back into what something that  
7 Commissioner Shapiro had mentioned when we talked about the  
8 wood doors.

9                   If you could pull up A10, which I think is the  
10 perspective looking at the townhomes, a view of the ground  
11 floor.

12                   (Pause.)

13                   COMMISSIONER TURNBULL: Yeah, that's it. I guess  
14 one of the thing -- this just sort of ties into, originally,  
15 on the previous design, there was a stone fence and there  
16 were balconies at the second floor. And it gets back into  
17 OP's comment that, you know, you've only got 18 percent of  
18 your units have balconies, and they had said they'd like to  
19 see more.

20                   The whole idea of eyes on the street, more  
21 livable, it's more a friendly, it's a more intensively used  
22 urban street. I guess I'm right here getting, as Mr. Shapiro  
23 said, the only accent here is those wood doors.

24                   And it keeps the -- you've got the white panels  
25 that repeats through the whole building, and it's just,

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1 somehow as it meets the street, it's more open than what it  
2 used to be, I understand, and you can see the grass and the  
3 plantings, but there's just something about a street level  
4 coming into your house that the other one had a little bit  
5 more of an inviting flavor to it.

6           This seems to be a little bit -- I don't want to  
7 say it's banal, but I just want to say it's a lot more  
8 restrained, and it keeps up the language, the character, the  
9 materiality of what you want in the building, but I think,  
10 in the process of doing that, something seems to be --  
11 there's not an accentuation of these that these are townhomes  
12 of a street that people are going to be coming in and out of.  
13 It just seems like there's a character of a streetscape level  
14 that seems to be a little bit less.

15           They also, --again, I think the balconies were  
16 something that -- and I'm sure Commissioner Miller can talk  
17 about the balconies more so than me, but it just seems like  
18 there was a loss. This would have been a place that the  
19 balcony coming out over of this would have been an advantage.  
20 It's just something to add to the character that these are  
21 townhomes.

22           And this is not -- to me, there's just something  
23 lacking that I feel that needs a punch or something to beef  
24 stuff up. The lights, it looks like you have -- lighting is  
25 somehow up in the canopy, the roof structure that comes out

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1 over the door, looks like some kind of a uniform fluorescent  
2 light. I'm not sure. It just looks -- I'm not sure what it  
3 is. It really doesn't show it. It just -- it looks very  
4 slick, and maybe that your intent, but, to me, I just think,  
5 from a pedestrian or a homeowner coming in, I just wish there  
6 was something more that would punch out something and  
7 accentuate something on that level that would make me feel  
8 more comfortable.

9 But that's just my own comments on this. I'm not  
10 telling you to change it. I'm just saying that -- I don't  
11 what my colleagues feel, but I just -- I'm just reflecting  
12 some of the things that OP said about the balconies and the  
13 life of the street. I just think that there was an  
14 opportunity here to really do something.

15 MR. HASSAN: Yeah, we will look harder at those  
16 two levels and see how it could be enhanced.

17 COMMISSIONER TURNBULL: Okay.

18 MR. HASSAN: Thank you very much.

19 COMMISSIONER TURNBULL: The other question. One  
20 of the things you brought up, you were talking about, we  
21 really didn't get into the landscape plan, but you have --  
22 in the courtyard, you have a bosque of Himalayan birch.

23 A Himalayan birch is a very beautiful tree, very  
24 white, very pristine, it's an incredible tree, but it's used  
25 a lot in northern climates. It has a big susceptibility to

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1 heat and humidity and borers and Japanese beetles, and I'm  
2 just afraid that in that courtyard it might get very hot.

3           And maybe I'm all wet, but, I mean, maybe -- my  
4 forte is not landscape design, but I know enough about it and  
5 seen enough installations of trees to know that certain trees  
6 do better in certain climates than others, so do you feel  
7 this is going to survive? I mean, that's what I'm looking  
8 at. You're going to plant this beautiful grove of trees,  
9 this specific birch tree, which is a very beautiful tree.  
10 And I'm just wondering the survivability of this tree in this  
11 environment.

12           MS. DELPLACE: We've actually looked at it and  
13 researched it quite a bit before we even proposed it because  
14 we knew that it's a very specific environment. And we've  
15 found growers who, you know, have -- we've spoken to them  
16 about this particular application.

17           One of the things that we did research, the white  
18 birch, the traditional northern white birch is actually more  
19 susceptible. So, the disease rates for this particular white  
20 birch is less than a traditional northern white birch.

21           COMMISSIONER TURNBULL: I thought the Himalayan  
22 was also northern.

23           MS. DELPLACE: It is a northern -- you know, we're  
24 right at the southern limits of it, but it's the eastern  
25 white birch that is more susceptible than this birch.

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1 COMMISSIONER TURNBULL: Okay.

2 MS. DELPLACE: Yes.

3 COMMISSIONER TURNBULL: I'll take your word for  
4 it.

5 Affordable housing. We really didn't get into a  
6 lot about that, but, I guess -- and we're only at 80 percent  
7 AMI on this. And I guess if I was -- if we were at the other  
8 level of 60 percent, I would be more incensed at what I've  
9 seen on the plan.

10 And I look at, you can go to sheets 12 and 13.  
11 Let's look at 12, which is floors three through six. And  
12 what I'm seeing now, the whole point of affordable housing  
13 is that we have a diverse mix throughout the building. You  
14 put the units all the way around. So, please tell me why you  
15 have six units in a row at the eastern end overlooking the  
16 rec center on four floors: three, four, five, and six. You  
17 have six affordable housing units all lined up, all ganged  
18 up in a row. And then as you go up to the upper floors, you  
19 will have four out of the seven all ganged up on that.

20 Now, it's over looking the rec space, it's going  
21 to be a little louder on that side, maybe a little bit  
22 noisier, so maybe that's not the most desirable side to have  
23 homes. And so I would really be upset if it was at 60  
24 percent, but since these are 80 percent, maybe you feel that  
25 it is still marketable and that's what you can --

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1 MR. AVITABILE: Well, I also think if you look --  
2 and this may be part of the confusion, not all of those units  
3 are on every floor. So if you look at --

4 COMMISSIONER TURNBULL: It says third through six  
5 levels.

6 MR. AVITABILE: Right. But then if you look at  
7 the individual units, it indicates which floor those units  
8 are on. We didn't break them up by floor.

9 COMMISSIONER TURNBULL: Oh, well that's confusing.

10 MR. AVITABILE: You're right. So --

11 COMMISSIONER TURNBULL: That is confusing.

12 MR. AVITABILE: Right. You only have three units  
13 along that side on the third floor, and they're not right  
14 next to each other.

15 Then on the fourth floor --

16 COMMISSIONER TURNBULL: It would've been better  
17 if you had separate floor plans, I guess. That would've made  
18 it easier to understand instead of trying to, three, five,  
19 three, six, six, six, six, three, five.

20 It is confusing, I will admit. It is confusing.

21 MR. AVITABILE: So I think the end result is you  
22 do have the units spread throughout the floor plan --

23 COMMISSIONER TURNBULL: Okay. All right. I stand  
24 corrected then.

25 MR. AVITABILE: No, no. It's partly in the way

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1 the plan is set up.

2 COMMISSIONER TURNBULL: Yes. When I first saw it,  
3 again, I didn't see the numbers underneath. You're right.  
4 I didn't take a close look at that. All right. Thank you.

5 CHAIRMAN HOOD: Thank you. Vice Chair Miller?

6 COMMISSIONER MILLER: Thank you, Mr. Chairman, and  
7 thank you for your presentation, and all of the work that  
8 you've done to be responsive to the advisory, ANC 6D, and the  
9 Office of Planning, and DDOT, and the changes you've made in,  
10 or that you've attempted to make or made in response to their  
11 comments.

12 And as we said at set down, it's definitely an  
13 improved design and I think it's generally very attractive  
14 including the materials, including the wood door.

15 I always like wood on residential, but I  
16 understand what my colleagues are saying in terms of, but you  
17 did add the canopy which is what OP requested and lighting.

18 Maybe they would've wanted a lamp at the front  
19 door, I don't know. But I also echo Commissioner Turnbull's  
20 comments about more balconies.

21 You did not add more balconies beyond the 18  
22 percent that were already there, and they thought that that  
23 was, OP thought that was important and I always do for a  
24 residential project, so to the extent more can be added, that  
25 would be great.

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1           And I think this was done prior to set down. I  
2 think the changes you've made on the sustainability, the  
3 upgrade to LEED Gold for the residential, and LEED Silver for  
4 the historically restored Randall School and museum use, and  
5 the addition of the solar panels on the roof for Commissioner  
6 Shapiro.

7           And the 1 percent use for the building is all  
8 good. On the affordable housing, I think I did raise at set  
9 down the concern about the 80 percent MFI/AMI level even  
10 though it's a 20 percent set aside, but these are mostly  
11 rental units which are new IZ regulations, call for 60  
12 percent AMI.

13           And I realize you did offer at the ANC and the  
14 city to, I think one of your alternatives was to offer 14  
15 percent set aside at 60 percent AMI, which if I was in charge  
16 of affordable housing in the city, I would have taken that  
17 offer.

18           60 percent AMI is critical and you'd still be  
19 doing almost a lot more than what the IZ minimum would have  
20 been requiring.

21           I just don't understand what the problem is with  
22 our inclusionary zoning covenants or affordable. I realize  
23 this is a land disposition agreement, as legislation, which  
24 provided for the 80 percent AMI with the 20 percent set  
25 aside.

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1           But I don't understand why our LDA's or our  
2 legislation, why our IZ covenants, why our affordable  
3 covenants, why our IZ regs before we changed it, I think we  
4 changed this part of it, don't say that the set aside is a  
5 minimum and you can do more and the affordability level is  
6 a maximum and you can do deeper, always.

7           You can always do deeper, and we should be able  
8 to accept that, and the city should have the flexibility to  
9 be able to adjust the covenants or the LDA by just clicking  
10 a button and plugging it in there.

11           I just don't understand it, and I disagree with  
12 it but I, this project has been in the making for over ten  
13 years.

14           I certainly don't want to do anything to delay it  
15 and it's going to take DHCD or whoever it is, to recompute  
16 their whole covenant and the OAG has to sign off on the  
17 covenant.

18           I don't want to hold it up for, but 14 percent set  
19 aside with 60 percent AMI, to me, is a much better deal than  
20 the 20 percent set aside at 80 percent AMI because, well, it  
21 just is in my mind.

22           So that's my soapbox there. I don't know if you  
23 have any response. Did you get a specific rejection from the  
24 DHCD, or you just heard from OP, through OP.

25           I guess I'll ask OP, that the city said they

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1 couldn't do it or didn't prefer it, preferred the 80 percent.

2 MR. RIVERS: We expressed to every stakeholder  
3 that we were flexible on this and in the end I think the  
4 conclusion, I guess, may be my interpretation, but it was  
5 similar to yours, and that is that the 20 percent at 80  
6 percent was good.

7 It was agreed upon and there wasn't, I guess, good  
8 enough consensus or basis to change it now. And so that's  
9 where we are. And you know, but it was a significant  
10 dialogue with all the stakeholders and that was --

11 COMMISSIONER MILLER: I appreciate you having that  
12 dialogue with ANC initially. That's what they wanted to  
13 have. They preferred the 14 percent set aside at the 60  
14 percent AMI level.

15 So maybe we can develop the systems to be more  
16 accommodating when a developer and applicant wants to go to  
17 a deeper affordability level.

18 I thought we had done that, Mr. Chairman, in RIZ,  
19 or revised IZ regulations, but this isn't an IZ case. It's  
20 an LDA case that went through the council, DHCD.

21 I'm not sure I have any other, any specific  
22 questions. On the phasing, you asked for flexibility on the  
23 phasing. You were hoped to do it all in one phase, but you  
24 wanted flexibility where phase one would have half the  
25 residential and the museum use the historic preservation and

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1 the parking, and maybe something else.

2 MR. AVITABILE: And the courtyard and all the  
3 perimeter improvements.

4 COMMISSIONER MILLER: What would be the timing if  
5 you went to a two-phased, do we have that in the record?

6 MR. AVITABILE: It is. It's in the condition.  
7 Essentially the way the timing would work, it's pretty  
8 standard for a phased project within two years after opening,  
9 getting the Certificate of Occupancy for phase one, we'd have  
10 to file for a building permit for phase two.

11 And then start construction within three years.  
12 So it mimics the standard PUD timing of two years to get a  
13 building permit, one year to start construction.

14 I think that generally fits after you've finished,  
15 take a break, you work on the permit drawings, you get into  
16 the system and you go.

17 COMMISSIONER MILLER: So, this is certainly, it's  
18 a public benefit to have this museum, free museum, free to  
19 all D.C. residents, this incredible art collection free.

20 Does that mean you're going to charge non-D.C.  
21 residents? They're really going to check I.D. when they come  
22 into the --

23 MR. RIVERS: That's to be determined. What we're  
24 able to commit to today is that D.C. residents would not be  
25 charged general admission. We haven't established whether

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1 there would be a charge for non-D.C. residents.

2 COMMISSIONER MILLER: That's probably a good  
3 decision since there's so many free museums and those that  
4 charge are, some that charge, are having some difficulty.

5 So I think overall it's a very good project and  
6 I'm pleased that it's finally, seems to be coming to  
7 fruition.

8 CHAIRMAN HOOD: Let's talk about this letter from  
9 the Commander of the First District. Did you all address the  
10 security plan? If you did, I didn't see it, maybe.

11 MR. AVITABILE: So first off, I'll preface it by  
12 saying we reached out to the Commander and corresponded back  
13 and forth trying to set up a time to talk.

14 But ultimately didn't connect. With that said,  
15 I think they had outlined two concerns. One was security,  
16 the other was just general traffic and parking.

17 And any of the traffic and parking issues have  
18 been addressed, and DDOT is certainly comfortable. As far  
19 as security goes, I don't know, Mark, whether you want to  
20 speak to that issue or guess.

21 But these are standard ground level entry units  
22 that are present throughout Southwest, whether they're in  
23 townhouses or in apartment buildings.

24 And I don't think these will be any different in  
25 terms of their viability. Certainly they'll have doors that

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1 lock, and the gates as well, on the outside for the terraces.

2 But I think functionally, they operate just as any  
3 other ground level unit would operate and --

4 CHAIRMAN HOOD: I don't think I mean that. I just  
5 wanted to hear it from you. I think that, unless you have  
6 something different you can add.

7 MR. AVITABILE: Okay.

8 CHAIRMAN HOOD: My only concern is any time you  
9 have the top official of a police district, that gives me a  
10 lot of pause and cause, but I can tell you because the, I  
11 think your answer is exactly correct.

12 What I would encourage and ask is that you  
13 continue to work with the Commander of the First District.  
14 I was about to say fifth, First District, because I know what  
15 the wharf and other things that are going on, a lot of  
16 security issues, a lot of pedestrian traffic, we want to make  
17 sure the residents of the city are safe.

18 So continue to have those discussions. It's not  
19 often that we get something from the police department. But  
20 when we get it, I think, like any time, some people make a  
21 lot of noise all the time, but when the police department  
22 says something, you pay a lot of attention to it because they  
23 don't normally say a whole lot.

24 MR. AVITABILE: Don't tell OP and DDOT although  
25 I'm saying it in from of them, but I responded to the

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1 Commander much more quickly than I would to OP and DDOT. It  
2 got our attention.

3 CHAIRMAN HOOD: Oh, okay. Okay. So, yes, that's  
4 the seriousness of it. But I think that it's very important  
5 that you do that and I would think they would want you do to  
6 that as well.

7 Okay. Any other questions. Vice Chair Miller?

8 COMMISSIONER MILLER: Yes, on the affordable  
9 housing, I forgot to express appreciation for your response  
10 to OP to provide an additional townhouse style affordable  
11 unit.

12 So I just wanted to, in order that it be the same,  
13 at least the same ratio as the market rate townhouse unit so.  
14 Even though it's at 80 percent AMI.

15 CHAIRMAN HOOD: Okay. Do we have anyone here who  
16 is representing ANC 6D?

17 MS. SCHOCKLEY: Yes, sir.

18 CHAIRMAN HOOD: Do you have any cross examination?

19 COMMISSIONER MILLER: No, we don't have --

20 CHAIRMAN HOOD: Okay, we'll call you up shortly.  
21 Okay. Let's go to the Office of Planning and District  
22 Department of Transportation, Mr. Jesick and then Mr.  
23 Zimmerman.

24 MR. JESICK: Thank you, Mr. Chairman and members  
25 of the Commission. The Office of Planning is recommending

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1 approval of the modification.

2 We did, however, in our report note a few areas  
3 we would like the Applicant to continue to study and we  
4 appreciate them taking a look at all those things.

5 There were, I think, just two items that we felt  
6 were still outstanding. One was we wanted to ensure that the  
7 large building facades had enough texture and depth to them.

8 So we asked them to look at the portion of the  
9 facade that was both glass and metal to see if any more depth  
10 or texture could be added to the window mullions and reveals.

11 We also asked and we support the Zoning  
12 Commission's asking the Applicant to take another look at  
13 balconies on the building.

14 We feel that those are always helpful for  
15 residential units to make them more livable, and also to add  
16 eyes on the street, and add life to the facade of the  
17 building.

18 But those were our only two outstanding items, and  
19 we again support the project and recommend approval. Thank  
20 you.

21 CHAIRMAN HOOD: Thank you. Mr. Zimmerman?

22 MR. ZIMMERMAN: Good evening. Thank you, Chairman  
23 Hood and Commissioners. For the record, my name is Aaron  
24 Zimmerman with the District Department of Transportation.

25 As you heard in the Applicant's presentation, DDOT

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1 has come to an agreement with the Applicant on several  
2 conditions recommended in our March 19, 2018, report.

3 One, is the implementation of the Loading  
4 Management Plan. Two, is the implementation of an updated  
5 and revised Transportation Demand Management Plan.

6 And three, is the construction of a missing curb  
7 ramp at I and Half Street. The Loading Management and  
8 Transportation Demand Management Plans are memorialized in  
9 March 26th and March 29th, 2018, Gorove/Slade memorandums  
10 respectively, and have been added to the record.

11 With the agreed-to conditions incorporated into  
12 the final zoning order, DDOT has no objection to the approval  
13 of this modification of significance.

14 CHAIRMAN HOOD: Okay. Thank you, both. Let's see  
15 if we have any follow up questions or comments? Not seeing  
16 any, okay. Does Applicant have any? Does ANC have any  
17 comments or questions for DDOT or OP?

18 Okay. Not at this time. Okay. Thank you very  
19 much. Let's see. Other than the, well, I mentioned the  
20 report. Do we have any other government agency reports that  
21 I may have missed, colleagues?

22 Okay. I think we've covered everything. Let's  
23 now go to the report of Advisory Neighborhood Commission 6D.

24 MS. SCHOCKLEY: Good evening, I'm Cara Lea  
25 Schockley, ANC 6D02. This is within my single member

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1 district which is why I'm here this evening.

2 First of all, I would like to thank you, Lowe, for  
3 getting this moving again. They walked the property with me,  
4 went through, they put up a sign so that if anybody notices  
5 issues, they can be called and have the issues taken care of  
6 in a timely fashion.

7 Something that we did not have before, and they  
8 have been very, very cooperative on every level. I also want  
9 to note that when it was announced that a homeless shelter  
10 would be moving in next door, they did not balk.

11 Now we just had a rumor that a homeless shelter  
12 might possibly be coming over in the Navy yard area, and we  
13 had every developer on our back going you can't allow it to  
14 happen.

15 So the idea that they were welcoming and are  
16 cooperating with them in the building of the homeless shelter  
17 is to me an absolutely huge thing.

18 I also want to say that we did want the deeper  
19 MFI. The fact that it wasn't approved at whatever level or  
20 for whatever reason is fine, but we do need not affordable  
21 housing, but workforce housing in this city as well.

22 And I do think that this answers the workforce  
23 housing ideal. We have asked them to make sure that they  
24 advertise widely, of course, but that they also have an  
25 outreach to all of the local schools, especially Amidon-Bowen

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1 and Jefferson, since they are in the neighborhood.

2           Because, frankly, most of our teachers would be  
3 at 80 percent MFI, which is a crime, but that's a whole  
4 different argument to get into. The last thing I want to say  
5 is they've demonstrated a high degree of cooperation with the  
6 ANC.

7           They've demonstrated a high degree of cooperation  
8 and intent going forward. Oh, and, sorry, back to the MFI  
9 for just a moment.

10           At the time of the 60 percent MFI with 14 percent  
11 of the units, they offered to do it in perpetuity. When that  
12 was again, by an agency that wasn't the ANC, taken away as  
13 an option, they're still commemorating it in perpetuity.

14           That is also a very big thing for more affordable  
15 housing in the area. So I have to thank them for that. If  
16 every developer was as cooperative as this developer has  
17 been, I would have no problems and I could sleep a lot easier  
18 at night as an ANC and I'm sure you could as well.

19           But I have to say that we do expect them to live  
20 up to their intentions with the traffic plan for once the  
21 museum opens, especially the traffic plan for those who would  
22 be covered under the ADA.

23           And that they work on integrating into the  
24 neighborhood. They have promised to look at businesses that  
25 would be helpful to the neighborhood or offices that would

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1 be helpful to the neighborhood.

2 We haven't defined what that is yet, but the very  
3 fact that they've agreed to sit down on that is a huge thing  
4 for me. Any questions?

5 CHAIRMAN HOOD: Let's see if we have any  
6 questions.

7 COMMISSIONER SHAPIRO: I don't have any questions,  
8 but I just want to thank you for the, for your efforts around  
9 this and actually I appreciate the clarity of your high  
10 praise. It's helpful to hear.

11 MS. SCHOCKLEY: Thank you.

12 CHAIRMAN HOOD: Any further questions or comments?  
13 Commissioner Schockley, I want to thank you for all the hard  
14 work that you all do over at 6D. I know for years you all  
15 have been dealing with a lot of development issues.

16 MS. SCHOCKLEY: I wish I could claim more credit,  
17 but my colleagues are doing a lot more than I am, I'm afraid.

18 CHAIRMAN HOOD: I understand, but you all are a  
19 team. I will say this, though, I heard a good story today,  
20 and I'm probably going to say this a while, colleagues, so  
21 bear with me.

22 About a homeless gentleman who kept coming around  
23 the site. And he kept coming around that site to the point  
24 that eventually, they said, well, let's give him a job.

25 You know, he kept, can you do such and such, and

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1 he said yeah. And so that was the way to begin to help our  
2 homeless population. And I'm going to tell you that I'm  
3 going to be starting to mention that story.

4 It's a great story. I just have to recapture all  
5 of it. So you all just got the first phase. And then at the  
6 next hearing that I have and a developer comes, I'm going to  
7 go even further into that story.

8 But I can you tell you, that's key. He kept  
9 coming around the site. They eventually hired him. And now  
10 he's, I believe, he's off the street, hopefully things are  
11 working out for him.

12 But I think those are the kinds of success stories  
13 that I like to hear. And I'm just throwing it out there so  
14 if you have somebody that's homeless coming around the site  
15 as a development is going on, you might want to follow suit,  
16 because it works.

17 Anything else up here? Okay. Does the, okay,  
18 does Applicant have any questions? Okay. That's it.

19 Thank you very much. We appreciate all the work  
20 you've done.

21 MS. SCHOCKLEY: Thank you.

22 CHAIRMAN HOOD: Okay. Do we have a list? We have  
23 no witnesses. Let me ask, is there anyone here who would  
24 like to testify in support of this project?

25 Is there anyone here that would like to testify

1 in opposition of this project? Anyone here who's undeclared?  
2 You're undeclared.

3 You come forward. Identify yourself and you may  
4 begin.

5 MR. MCKINNEY: My name is Cory McKinney. I'm a  
6 Southwest resident. I've lived in Southwest for the past  
7 eight years. I'm happy to see that the Randall Project is  
8 moving forward.

9 But one of my main concerns is the secret about  
10 Southwest is out, and there's plenty of development coming  
11 towards Southwest.

12 And with that, my main concern is, which Mr.  
13 Turnbull and Mr. Miller presented, is the affordable housing  
14 issue.

15 I've helped around our community garden in  
16 Lansburgh Park and that's been my connection to the  
17 neighborhood. And I've seen unfortunately some of our  
18 regular volunteers move out because of displacement issues.

19 I've seen people who, middle income people, middle  
20 class people, they've moved out. They wanted to start a  
21 family. They weren't able to find housing.

22 And so in hopes of keeping the community intact,  
23 my main concern is for more affordable housing. The 80  
24 percent AMI to me is not affordable.

25 And so if there's a way that that concern can be

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1 addressed, that would be, I think that would do a lot for the  
2 community.

3 One of the reasons that I'm attracted to Southwest  
4 is the diversity that's in Southwest. It's diverse  
5 economically, racially, architecturally as well.

6 So part of that, and that's my main concern, is  
7 that the thing that attracts me and keeps me staying in  
8 Southwest, I don't want that to be overdeveloped.

9 CHAIRMAN HOOD: As you know, this was a  
10 modification of consequence. We had heard part of this  
11 already and I think that Joel, significance, I get them  
12 turned around.

13 Okay, significance, because that's why we're  
14 having a hearing. Consequence, we don't have a hearing.

15 Okay. But this is a modification of significance  
16 and I believe that when we first heard this case at the time,  
17 our deeper affordability was not in place by this Commission  
18 down to 60 percent.

19 But for me, at some point, and not in this case,  
20 because I know this case is unique, there are some cases  
21 that, for me, affordable housing, when you talk about  
22 affordable housing, affordable to who and what is the AMI.

23 To me, it's down to 30 and 20. That's affordable  
24 housing to Anthony Hood. So, you know, those are things that  
25 I've pushed some years ago in one particular project. It's

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1 30 percent now and it's working.

2 But I think when we really talk about it, we  
3 really need to take that serious. We come down and we say  
4 80 and 60, but we really need to go down to 30 and 20.

5 That's where I am. I know people say it can't be  
6 done, but they also, this is just one of the tools in the  
7 toolbox.

8 There's some other things that needs to take place  
9 for us to get down to those deeper, real deep  
10 affordabilities. So we can do exactly as you just mentioned.

11 But in this particular case, the affordable  
12 housing that we approved previously was at 80 percent. And  
13 our rule, I think, came in the place of the 016.

14 And I'm looking at my colleagues because I'm  
15 trying to make sure that what I'm citing is exactly correct.

16 Okay. Nobody is saying no, so I'll take it on  
17 face value. Okay. Any questions or comments up here?

18 Does the Applicant have any? Does the ANC have  
19 any? Thank you for all you're doing and keep up the good  
20 work.

21 All right. I notice I see some students. I'm  
22 always, I'm curious when I see students. I'm going to ask  
23 the representative from the students. Just bear with me.

24 I want somebody to come to the mic and tell me  
25 what school you're from, and what class you're in. Oh,

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1 you're not students? Nobody is, okay.

2           Okay, come forward, and tell us why you all are  
3 here tonight. I'd like to know.

4           MR. MEISEL: My name's Bradford Meisel. I am, my  
5 classmates and I are third year law students at Georgetown  
6 University. We're taking a land use law course, and one of  
7 our assignments was to attend a hearing of your Commission  
8 and report back to the class on what we saw, and the issues,  
9 and the legal issues, that came up through the course of the  
10 application.

11           CHAIRMAN HOOD: Okay. So would it be a conflict  
12 when we do the Georgetown Campus Plan for you all to come  
13 down and do that case? I would be interested.

14           So anyway, we want to welcome you and thank you  
15 for coming down. Hopefully this was very insightful.

16           If not, we have plenty on the web that you can  
17 watch. Some are more exciting than others. You can get all  
18 those legal issues there.

19           MR. MEISEL: It definitely was, it was very  
20 insightful.

21           COMMISSIONER MAY: Can I ask, who's your  
22 professor?

23           MR. MEISEL: Peter Byrne.

24           COMMISSIONER MAY: Yes, okay. I figured. We know  
25 Peter.

1 CHAIRMAN HOOD: Okay, all right. Thank you. We  
2 appreciate you coming up and doing that and welcome.

3 Okay. Does anybody have any closing, rebuttal and  
4 closing?

5 MR. AVITABILE: Can you give me one second. I  
6 just want to confer with my colleagues.

7 All right, thank you, apologies.

8 CHAIRMAN HOOD: It's okay.

9 MR. AVITABILE: The only real, I think, issue that  
10 might merit a little bit of further conversation is the issue  
11 of the balconies.

12 We thought it might be helpful to share a little  
13 bit more about our thoughts on that and some of the work that  
14 we had done on that issue.

15 And then I'll wrap things up. So Mr. Hassan.

16 MR. HASSAN: Thank you, David. I just wanted to  
17 speak a little bit about our design process with respect to  
18 the balconies which we fully understand, just to share with  
19 you how we arrived to the resolution that you see in front  
20 of you.

21 If you can get the north facade. What we attempt,  
22 just going back to the approved PUD, what we had there is  
23 what we refer to as Juliet balconies, which are relatively  
24 shallow, they're not necessarily useable, but they provide  
25 openness and exposure to the street.

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1           Given that all the windows here in this building  
2 are almost nearly full height, there is a lot of glazing  
3 which sort of negate the necessity of a Juliet balcony, but  
4 we also felt that Juliet balconies are not as useful as a  
5 true balcony.

6           So we wanted to provide balconies that people  
7 could actually use by having like that seven-foot depth, but  
8 we've taken it a step further to use them.

9           Rather than being just sort of random through the  
10 entire building, is to use them as an architectural device  
11 to define the various blocks and various masses of the  
12 building to articulate and then break down the scale as you  
13 see, for instance, in the north facade.

14           So that was our thought process with respect to  
15 that approach. And we also feel that if we add other  
16 balconies elsewhere, I think it will compromise or compete  
17 with the simplicity of the facade.

18           So with respect to the historic building, we  
19 wanted to create a building that is very simple in its  
20 texture and its expression, as essentially a background or  
21 a backdrop for the historic building.

22           And not necessarily compete with it. These are  
23 the, this was the thought process and design process that we  
24 have gone through in order to arrive to the design that we  
25 have in hand, so we feel good about it.

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1           We feel that we have made a good decision, but I  
2 fully understand the desire, and the need for additional  
3 balconies. Thank you.

4           MR. AVITABILE: And then, I think, just to wrap  
5 up. Again, we're pleased to be here tonight with  
6 enthusiastic support from the Office of Planning, DDOT.

7           CHAIRMAN HOOD: Is that your closing statement?

8           MR. AVITABILE: That is closing, if you want to --

9           CHAIRMAN HOOD: Yes, let me see if we have any --

10          MR. AVITABILE: Sure.

11          CHAIRMAN HOOD: -- questions or any cross on  
12 rebuttal. Commissioner Shapiro?

13          COMMISSIONER SHAPIRO: Just so I understand. In  
14 response to your very helpful explanation, so you have one,  
15 two, three, four, five, six floors of balconies.

16          So the idea is if you added a seventh floor, what,  
17 it would make, it would just from a design perspective, it  
18 would make it too top heavy or --

19          MR. HASSAN: It would, maybe the model expresses  
20 this easier. So what I meant specifically is that the  
21 balconies, the three tiers of balconies, they define these  
22 blocks compared to the unshaped blocks.

23          In addition to the fact that we also project them  
24 out. So if we begin to introduce other balconies elsewhere,  
25 it sort of compete, it competes with that whole expression.

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1           So we were very deliberate where to place them and  
2 they're obviously throughout the entire facade, north, south,  
3 east, and west.

4           CHAIRMAN HOOD: Okay. Let's see if we have any  
5 other questions or comments? Any follow up questions?

6           Okay. While we wait to see if we have any, does  
7 the ANC have any cross on rebuttal, just on the balconies?  
8 That's the only thing there.

9           Can you come to the table and identify yourself.

10          MS. SCHOCKLEY: Again, Cara Schockley, ANC 6D02.  
11 Yes, we would like more balconies. I'm Jane Jacobs, eyes on  
12 the street. I live in the building next door to this  
13 project, Capitol Park Plaza, and every single one of ours has  
14 a balcony.

15          But I also understand that if you're trying to  
16 show off the historic facade, you need something plain behind  
17 it.

18          And from that point of view, this seems to be, I  
19 won't say the best they can do, but it does seem to be the  
20 right way to go about it.

21          Would I like more? Absolutely.

22          CHAIRMAN HOOD: Okay. All right. Well, thank you  
23 very much. All right. Any other questions up here on  
24 rebuttal?

25          Okay. I'm not hearing any. Okay. Mr. Avitabile,

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1 your closing statement.

2 MR. AVITABILE: Yes, thank you very much. So as  
3 I was saying, we're here with support from the Office of  
4 Planning, District Department of Transportation, the ANC, the  
5 nearby residents, and both HPRB and Public Space Committee  
6 have already supported this project as it's designed.

7 And I wanted to also note that as we've gone  
8 through this particular PUD process, in meeting with the  
9 various agencies, you know, we've had multiple interactions  
10 with the Office of Planning and DDOT.

11 We also participated in an interagency meeting  
12 that DHCD and DOEE were also present at. We had a separate  
13 meeting with the Department of Energy and the Environment  
14 where we talked about sustainability and resiliency issues.

15 Even within the agencies we met with with OP and  
16 DDOT, it wasn't just development review at OP, it included  
17 people from their long range planning, from the ward planning  
18 group, from people involved who specialized in the public  
19 realm design.

20 There were affordable housing policy experts. We  
21 also have the comments from the Metropolitan Police  
22 Department. There were some comments provided that OP noted  
23 from the Department of Parks and Recreation.

24 They also reached out to the D.C. public schools  
25 and I guess, as you noted, the historic preservation office

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1 also participated in the review through the historic review.

2           So this has received a full analysis of its  
3 impacts through not just this process and everyone I talked  
4 about, this project has been reviewed multiple times over a  
5 decade.

6           There's has been a, you'd be hard pressed to find  
7 a more fulsome review of a project. And I say all of this  
8 leading up to the only, you know, piece of negative paper  
9 that I've seen in this project in the year that I've been  
10 working on it was the letter we received, you know, two hours  
11 ago, that was filed in the record, which was disappointing  
12 to see given all the efforts that we made.

13           At no point have we heard from anyone on this  
14 project that there were any issues. No one showed up at the  
15 ANC and said so much as a bad word about the project.

16           So I did want to highlight that. These comments  
17 certainly don't reflect our experience out in the  
18 neighborhood or the experience I think that you heard  
19 tonight.

20           And I think that's important. I also think that  
21 the, well, first of all, I think we've all seen versions of  
22 this letter in quite a few PUD cases.

23           It's basically the same comments every time. So  
24 it's a little hard to think that these are actually discrete  
25 issues about this particular project.

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1           But, you know, I think it's important to  
2 understand that this is a project where there's no housing  
3 there now. No one is being displaced.

4           What this project is doing is creating new housing  
5 opportunities including new housing opportunities that will  
6 be affordable at 80 percent.

7           And that will be across a broad range of unit  
8 mixes of studios up to the townhouse units. In addition to  
9 that, signature benefit of the project, a free contemporary  
10 art museum with a world class collection in it is unique.

11          I can't think of another PUD that involved  
12 something along those lines, being free for everyone. We  
13 have the courtyard and all the other public benefits.

14          We have eleven pages of conditions which I think  
15 again speaks to the extensive efforts to go through this  
16 project and identify ways to address, mitigate impacts,  
17 provide public benefits.

18          So I say all of that because I think it's  
19 important for all of us to recognize that these projects, we  
20 spent a lot of time working on them.

21          Right up to the night of the hearing and we worked  
22 to address every single issue. And I think we'd be happy to  
23 engage with people if they want to engage with us.

24          But this sort of thing isn't really engagement.  
25 This is just throwing something out to try to create some

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1 leverage in the appeal process, and I just find that  
2 extraordinarily disappointing.

3 I do not want to end on a sour note, so I will  
4 simply close by saying that we certainly appreciate the  
5 Commission's time in reviewing the project.

6 We appreciate the additional questions and I would  
7 ask for a leave to respond to these issues in writing just  
8 so we can make sure that the record is clear on these issues,  
9 you know, following the hearing. Thank you.

10 CHAIRMAN HOOD: I think, to add to your point, I  
11 think that the record is complete. I think that the evidence  
12 of this hearing as well as what the submissions were shows  
13 the support that this project has.

14 The -- I've seen it a few times since I've been  
15 here on the Commission, but I can just tell you that there  
16 was overwhelming support and I think there was a lot support  
17 and even the undeclared today was just talking about the  
18 affordability issue.

19 But I will find, we will find a way for you to be  
20 able to respond to that if you all choose, but I think the  
21 record is complete and it far succeeds, exceeds what was  
22 submitted at five minutes to five today.

23 MR. AVITABILE: Thank you.

24 CHAIRMAN HOOD: All right. Let me open up, any  
25 questions or comments? Vice Chairman Miller?

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1           COMMISSIONER MILLER:    Yes, I would echo your  
2 comments, Mr. Chairman, and back to the balconies. I'm much  
3 more concerned about the affordable housing level than I am  
4 about the balconies.

5           But if as you go forward, you want to add more  
6 balconies to your plan, I'm sure this Commission would be  
7 open to considering that a minor modification on the consent  
8 agenda so as to not delay anything.

9           And I certainly, although it would be a major  
10 modification to go down to 60 percent AMI, I would also  
11 consider that a consent agenda item just because I think  
12 there is so much support for that deeper affordability level.

13           But that's not your problem, that seems to be a  
14 different bureaucratic problem which we'll be discussing in  
15 our training sessions with, that we have on the issue of  
16 affordable housing.

17           We've had a conversation in the past so. Thank  
18 you, Mr. Chair.

19           CHAIRMAN HOOD:        Okay.     Any other comments?  
20 Closing comments?

21           COMMISSIONER TURNBULL: I would just, I would echo  
22 the Vice Chair's comments, and if there's any way you can do  
23 something, that would be great. Thank you.

24           COMMISSIONER MILLER:   I understand what you're  
25 saying about the simplicity and not taking away from Randall

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1 School, but the balconies look pretty simple.

2           And the building looks pretty simple and you know,  
3 one person's simplicity and cleanness, might be another  
4 person's monolith. So I don't want to leave on a sour note  
5 either, though.

6           It's overall, it's a very good project that is  
7 finally moving forward.

8           MR. HASSAN: Thank you very much.

9           CHAIRMAN HOOD: Commissioner May?

10           COMMISSIONER MAY: Yes, okay. So I wasn't going  
11 to say anything about balconies. Generally speaking, I do  
12 like more balconies, but I have to say that for this  
13 building, the way it's been designed, I think that what  
14 they've done is very good and I'm not, I wouldn't necessarily  
15 push for more.

16           But I may not be in the majority here so, you  
17 know, feel free to explore, but you know, make sure it looks  
18 really good because, you know, it looks pretty good now and  
19 I wouldn't want to mess it up, so. Thank you.

20           CHAIRMAN HOOD: Mr. Shapiro?

21           COMMISSIONER SHAPIRO: Yes, Mr. Chair, actually  
22 on this case, I lean more with Commissioner May as I was  
23 actually kind of convinced by the very direct explanation  
24 that the ANC Commissioner made here about how this has to be  
25 done in relation to the historic building.

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1           And so that just made sense to me. So, for me,  
2 I'd leave it at that. Thank you, Mr. Chair.

3           CHAIRMAN HOOD: All right. Anything else up here?  
4 Ms. Schellin, do we have any dates?

5           COMMISSIONER MAY: I'm sorry, Mr. Chair. Can I  
6 note one more thing. I actually, there was the other  
7 comment, the architectural comment from the Office of  
8 Planning which I do think is worth a little bit more study.

9           I mean, you may find that it's, you know, you  
10 can't really do that much, but I think that, you know,  
11 looking a little bit more at the depth of windows and things  
12 like that is worth another look since we're not obviously  
13 wrapping up tonight.

14           So, whether you can do anything, I don't know, but  
15 it's worth looking at.

16           MR. HASSAN: All right. Thank you.

17           CHAIRMAN HOOD: Okay. Anybody, are we wait, what  
18 are we waiting for? If we're waiting for nothing, then --

19           COMMISSIONER MAY: No, I mean, I would like them  
20 to address the rooftop issues and get clarity about what's,  
21 what the heights are, what the setback needs to be, how the  
22 solar panels fit into that puzzle, because I don't really  
23 want to be looking at too much clutter up there.

24           And I think, you know, four foot tilted solar  
25 panels on top of the ten foot, on the third height of, I

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1 mean, you know, you need to fix that or you need to request  
2 relief for something like that.

3 So something that needs to be done to address  
4 that, and I would like the solar panel placement to be  
5 addressed. I'd be very happy if the walls just went up  
6 another two feet and it got sat back a little bit.

7 And then the panels were inset within that, I  
8 mean, that's one solution, but obviously not the only one.  
9 You can figure it out.

10 CHAIRMAN HOOD: Okay. So with that, and I think  
11 any one Commissioner can, we don't do like we usually do if  
12 we got four to one, we just go ahead, but I think this is  
13 only one vote.

14 And also I think that there's some other issues  
15 that you possibly can look at as well. So we will, we're not  
16 going to tarry long with it.

17 I don't think it's that long winded, but hopefully  
18 we can get some dates. Ms. Schellin, can we get some dates?

19 MS. SCHELLIN: Sure. How much time do you think  
20 you guys need, Dave?

21 MR. AVITABILE: A week or two.

22 MS. SCHELLIN: A week or two. Okay. Let me see  
23 when our next meeting is. How about if you guys take until,  
24 we'll work it for the April 30th meeting, if you guys take  
25 until April 12th, that's two weeks, and then the ANC, if they

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1 choose to respond, would have until April 19th.

2           And then if we could have draft findings of facts  
3 and conclusions of law also by the 19th, then we could put  
4 it on for the 30th at 6:30.

5           MR. AVITABILE: I think that works. And to  
6 clarify a point that I know I discussed with the Office of  
7 the Attorney General, because this is a project that's a  
8 modification, but the conditions are, the benefits are  
9 largely the same as they were previously, we'd ask that the  
10 proffer of process be waived here.

11           MS. SCHELLIN: That's done when they take a vote.

12           MR. AVITABILE: Great, okay.

13           MS. SCHELLIN: Yes.

14           MR. AVITABILE: Thank you.

15           CHAIRMAN HOOD: So do we have anything else? I'm  
16 just going to say this to the young folks who are in school  
17 or in college. I always tell people, make sure you do your  
18 own homework.

19           A lot of people accuse us of rubber stamping and  
20 all. You see how we made changes in this case. So this case  
21 is not exactly how it was brought in to us.

22           So always make sure you research what goes on in  
23 the Zoning Commission other than just taking somebody's word  
24 for it, okay?

25           If you don't remember anything else about Anthony

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1 Hood, remember he said that, all right? Anything else? So  
2 with that, I want to thank every one for their participation  
3 tonight and this hearing is adjourned.

4 (Whereupon, the above-entitled matter went off the  
5 record at 8:01 p.m.)

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C E R T I F I C A T E

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In the matter of: Public Hearing

Before: DCZC

Date: 03-29-18

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