

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :
  
:
  
1333 M Street, LLC -- :
  
First-Stage and Consolidated :
  
PUD and Related Map : Case No.
  
Amendment @ Square 1025-E, : 20-06
  
Lot 802; Square 1048-S, Lots :
  
1, 801, & 802; and RES 129 & :
  
299 [1333 M Street, S.E.] :
  
:
  
-----:

Thursday,  
September 10, 2020

Video Teleconference

The Public Hearing of Case No. 20-06 by the District of Columbia Zoning Commission convened at 4:00 p.m. EDT, 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
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from the Public Hearing held on September 10, 2020.

## CONTENTS

|  |     |
|--|-----|
| Preliminary Matters . . . . .                    | 7   |
| Applicant's Case . . . . .                       | 10  |
| Report of the Office of Planning . . . . .       | 118 |
| Report of Department of Transportation . . . . . | 125 |
| Report of the ANC 6B . . . . .                   | 133 |
| Parties in Support . . . . .                     | 144 |
| Parties in Opposition . . . . .                  | 145 |
| Undeclared Parties . . . . .                     | 156 |
| Applicant's Rebuttal/Closing . . . . .           | 169 |

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

4:01 p.m.

1  
2  
3 CHAIRMAN HOOD: Good evening, ladies and  
4 gentlemen. We are convened and broadcasting the public  
5 hearing by video conferencing of the Zoning Commission of the  
6 District of Columbia here.

7 Tonight's case is First-Stage and Consolidated PUD  
8 and related Map Amendment from the PDR--4 zone to the MU-9  
9 zone, at 1333 M Street, S.E., Squares 1025-E, Lot 802, Square  
10 1048-S, Lots 1, 801 and 802, Reservation 129 and 219 in Ward  
11 6.

12 My name is Anthony Hood. Joining me this evening  
13 are Vice Chair Miller, Commissioner Shapiro, Commissioner  
14 May, and Commissioner Turnbull. We are also joined by the  
15 Office of Zoning staff, Ms. Sharon Schellin, our Secretary,  
16 and her grands, also Mr. Paul Young who is handling all of  
17 our virtual operations. All others will be introduced at the  
18 appropriate time.

19 Copies of today's virtual public hearing notice  
20 are available on the Office of Zoning's website. Please be  
21 advised, this proceeding is being recorded by a court  
22 reporter. It's also webcast live, which includes WebEx and  
23 YouTube Live. The video will be available on the Office of  
24 Zoning's website after the hearing.

25 Accordingly, all those listening on WebEx, this

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1 is important, I understand we have some technical glitches,  
2 accordingly, all those listening on WebEx or by phone will  
3 be muted during the hearing until the appropriate time.  
4 Remember mute, unmute when you are getting ready to talk, and  
5 mute when you are not talking.

6 Please state your name and home address before  
7 providing oral testimony or your presentation. When you are  
8 finished speaking, please mute your audio so that your  
9 microphone is no longer picking up sound or background noise.

10 If you are experiencing difficulty with WebEx or  
11 with Telephone Call In, then please call our OZ hotline  
12 number at 202-727-5471 to sign up or to receive WebEx log in  
13 or call in instructions.

14 All persons planning to testify, either in favor,  
15 opposition, or undeclared, in this virtual hearing, we  
16 encourage you to sign up in advance, and if you haven't we  
17 will work it out with staff and make sure that you are signed  
18 in and have affirmed the appropriate time.

19 At the time of sign-ups, all participants complete  
20 the oath or affirmation required by Subtitle Z-48.7.

21 If you wish to file written testimony, or  
22 additional supporting documents during the hearing, then  
23 please be prepared to describe and discuss it at the time of  
24 your testimony, as we have not had time to review that  
25 submission.

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1           The hearing will be conducted in accordance with  
2 Revisions of 11-Z, DCMR Chapter 4 as follows: Preliminary  
3 Matters, Applicant's case, in this case the Applicant's will  
4 have 60 minutes, they are probably going to use it, if not  
5 all most of it, Report of the Office of Planning and  
6 Department of Transportation, Report of Other Government  
7 agencies, Report of the ANC, in this case it's ANC 6B,  
8 Testimony of Organizations, which organizations have five  
9 minutes, individuals which will have 30 minutes,  
10 respectively. And, we are hearing the order of those in  
11 support, opposition and undeclared.

12           After testimony of those in support, we'll hear  
13 from -- well, we don't have any -- I don't believe we have  
14 any parties in opposition, but we'll hear from those in that  
15 order, support, opposition, or undeclared.

16           Then we'll have rebuttal and closing by the  
17 Applicant.

18           While the Commission reserves the right to change  
19 the time limits of presentations if necessary, it intends to  
20 adhere to the time limits as strictly as possible, and no  
21 time shall be ceded.

22           And, if we have any problems, our OZ hotline  
23 number is 202-727-5471, for any outstanding issues during  
24 this hearing.

25           I will again just ask Ms. Schellin and Mr. Young

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1 if they can work through that. I know some people may have  
2 problems signing in. We want to make sure we get folks in  
3 so they can be able to testify and participate.

4 And, I don't think I mentioned, because I have it  
5 written down, today's date is Thursday, September 10, 2020.  
6 I have my notes, and sometimes I don't look at them.

7 I will say welcome back. I hope everyone enjoyed  
8 their month off, and looking forward to begin continuing the  
9 work of the City. So, I just wanted to welcome everybody  
10 back and hope you had a good time off.

11 So, with that, Ms. Schellin, do we have any  
12 preliminary matters?

13 MS. SCHELLIN: Yes. Just, even though they are  
14 not coming forward just real quick. There is a motion from  
15 DDOT to waive the ten-day filing for their late report. I  
16 think it was just a couple days late. So, I just wanted to  
17 bring that up if the Commission would accept that by  
18 consensus.

19 CHAIRMAN HOOD: Yes, I think we have general  
20 consensus we'll accept it.

21 MS. SCHELLIN: Okay. So, expert witnesses, we  
22 have Craig McClure from Parker Rodriguez, is the landscape  
23 architect, previously accepted.

24 I'm sorry, I'll have to move away from the birds.  
25 They are not mine, so I didn't know they were going to start

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1 up.

2 Jami Milanovich in transportation engineering,  
3 previously accepted.

4 And then, Shane Dettman, previously accepted in  
5 Planning and Zoning.

6 And then, those are the only experts that are  
7 being proffered. Their architect is not being proffered as  
8 an expert, and the civil engineer will not be proffered as  
9 an expert, but they are -- one is going to -- the architect  
10 will be testifying, and the civil engineer will be available  
11 for questions.

12 So, we just have the three who have all previously  
13 been accepted, and we just ask the Commission to consider  
14 accepting them in this case also.

15 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.

16 Commissioner, I'm going to look at you, anyone  
17 want to undo what we've already done? Not seeing any, so  
18 we'll do that by general consensus.

19 Okay, Ms. Schellin, do you have anything else?

20 MS. SCHELLIN: And, other than that, that's it.  
21 We have Mr. Glasgow, who is on the phone, and Ms. Batties and  
22 Mr. Cohen from Holland and Knight, as the Applicant's  
23 representatives, and I think we are ready to go.

24 CHAIRMAN HOOD: So, before we do that, I do want  
25 to say this to the public. I've looked at a lot of

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1 submissions, and I'm sure my colleagues and counsel has given  
2 us the necessary regulation.

3 I want to read this, because this may help us stay  
4 focused on what we need to do tonight. One of our statutes,  
5 especially, when it comes to any of the amenities, the Zoning  
6 Commission may not compel an applicant to add to proffer  
7 public benefits, but shall deny a PD application if the  
8 proffered benefits do not justify the degree of development  
9 incentives as requested.

10 Nevertheless, the Zoning Commission may at any  
11 time note the insufficiency of the public benefits, and  
12 suggest how the benefits may be improved.

13 We do have a lot of jurisdiction, but we do have  
14 to stay with our regulations. So, I want to make sure that  
15 we cannot compel any applicants to do anything, subtract,  
16 add, or whatever the case may be. And, I wanted to put that  
17 out there, that may help kind of narrow our testimony tonight  
18 back to where it should be.

19 So, with that, and again, we will listen to  
20 everyone, but let me open it up to Ms. Batties or Mr.  
21 Glasgow, whoever is going to begin.

22 MS. BATTIES: Good afternoon, Lelia Batties, with  
23 the law firm of Holland and Knight, again, joined by my  
24 colleagues, Chris Cohen, my partner, Chip Glasgow, on behalf  
25 of the Applicant, Felice Development.

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1 I'd like to note that our presentation on direct  
2 will be limited to GTM, our traffic consultant, Jami  
3 Milanovich and Shane Dettman.

4 Felice seeks approval of a First-Stage PUD for the  
5 three-acre site at 1333 M Street, S.E., the consolidated PUD  
6 approval for Phase 1 of the PUD, and the rezoning of the  
7 subject property from TDR-4 to MU-9.

8 I'd like to start my remarks by noting that the  
9 applicant has uploaded into the record those items requested  
10 by the Office of Planning in its final hearing report. And,  
11 we are pleased to have a favorable report by the Office of  
12 Planning, as well as DDOT.

13 The Applicant and ANC 6B have also reached  
14 agreements on several terms related to the PUD, which are  
15 reflected in the final draft MOU, which I've uploaded into  
16 the record just prior to this afternoon's hearing. I copied  
17 the ANC on that submittal, and we hope to have it executed  
18 as well.

19 As noted in the ANC report, the only issue in the  
20 way of Applicant having full support of the ANC is the  
21 monetary proffer to support senior programs and,  
22 specifically, an adult daycare center in Ward 6.

23 The ANC report suggests that the proffered public  
24 benefits and amenities are insufficient unless the Applicant  
25 increases its monetary contribution from \$25,000 to \$250,000.

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1           Based on the application documents, the Office of  
2 Planning and DDOT reports, and the testimony by the  
3 Applicant's team today, we believe that the application is  
4 consistent with the Comprehensive Plan, that the flexibility  
5 achieved through the PUD process is commensurate with the PUD  
6 benefits and amenities, and also advances the significant  
7 goals of the Comprehensive Plan and Anacostia Waterfront  
8 Small Area Plan, and that the impacts from the PUD are  
9 appropriately mitigated and, therefore, the application  
10 should be approved.

11           That said, in order to directly address the issue  
12 raised by the ANC, the Applicant agrees to increase its  
13 proffer related to senior programming from \$25,000 to  
14 \$250,000, in accordance with Section 305.3 of the PUD  
15 regulations. Specifically, the Applicant will contribute  
16 \$25,000 to the Department of Parks and Recreation to support  
17 the programming for seniors at the Arthur Capper Rec Center,  
18 and will contribute \$225,000 to the Department of Aging and  
19 Community Living, with the request that the funds be  
20 earmarked to assist a non-profit organization with the cost  
21 of professional services related to securing the site for an  
22 adult daycare center in the Capitol Hill area of Ward 6.

23           As revised, the proffer, one, addresses a specific  
24 community need; two, the proffer is equal to the amount  
25 determined by the ANC to be sufficient for the PUD benefits

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1 and amenities package; and three, the proffer is in  
2 compliance with the PUD regulations related to monetary  
3 contributions, which states, "Monetary contributions shall  
4 only be permitted if made for a District of Columbia  
5 Government program, or if the Applicant agrees that no  
6 certificate of occupancy for the PUD may be issued unless the  
7 applicant provides proof to the Zoning Administrator that the  
8 items and services funded have been or are being provided."

9           This amendment to the application addresses all,  
10 except maybe two or three, of the letters that were submitted  
11 into the record for this case. There was a letter that  
12 raised questions about the bike trail, which Jami Milanovich  
13 will address. There were some comments about the  
14 Comprehensive Plan, which Shane Dettman will address in his  
15 testimony.

16           And then most, if not all, of the other  
17 information that was requested has been addressed with the  
18 Applicant's submittal in response to the Office of Planning's  
19 report, which has been uploaded into the hearing record. A  
20 copy of that submittal was also emailed to the ANC.

21           In light of this amendment, based on the record  
22 and the testimony that will be provided today, we submit that  
23 the application warrants the Commission's favorable review.

24           This concludes my opening remarks, and I will turn  
25 the presentation over to Rick Felice with Felice Development.

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1 MR. FELICE: Good afternoon, everyone. My name  
2 is Rick Felice, Owner and Operator of Felice Development  
3 Group. On behalf of myself and my joint venture partner,  
4 Fields Gray Development, we are thankful for the ability to  
5 present our case to the Commission.

6 Today I am also joined by Larry Clark, who became  
7 part of the company earlier this year. Larry and I have  
8 worked together for over 15 years. Collectively, in our 24  
9 years of professional experience in the D.C. Metro area, we  
10 have delivered over 2,400 units within the District limits,  
11 including the follow: multiple mixed-use projects near the  
12 Shaw Metro with 180 residential units and over 47 square feet  
13 of retail space including a Whole Foods.

14 Several transit oriented developments, Columbia  
15 Heights, Petworth, U Street, Hill East and Minnesota Ave  
16 Metro stations, totally over a 1,000 residential units and  
17 100,000 square feet of retail.

18 We are very excited to be the Applicant and the  
19 developer for 1333 M Street. As you may recall, the property  
20 was previously approved for a PUD. We have brought back the  
21 same professional team and proposed a new development, which  
22 is better than the previous PUD and incorporates many  
23 important District initiatives.

24 We have multiple support letters, including  
25 Capitol Riverfront BID, which shares our excitement for the

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1 project.

2           For months, our team has engaged in an extensive  
3 outreach process with the AMCs and the Member District  
4 Commissioner, which included eight formal public meetings  
5 with full ANC, their Planning and Zoning Subcommittee, and  
6 community members, which carried on late into the evenings.  
7 The effort resulted in an executable MOU, but we were  
8 disappointed not to receive full ANC support because of this  
9 one issue.

10           As our attorney just stated, we have proposed a  
11 solution that complies with the ANC requested dollar amount  
12 and will enable us to comply with the overall regulations.

13           Lastly, through our work with the ANC, and further  
14 input from the Office of Planning, we have strengthened our  
15 initial application. I'd like to, specifically, highlight  
16 the following. The IZ proffer has increased from 10 percent  
17 to 12 percent. We have agreed to enhance the IZ proffer by  
18 setting aside three two-bedroom units in Phase 1, and one  
19 two-bedroom unit in Phase 2, at 50 percent of median family  
20 income, at the recommendation of the ANC.

21           We have agreed to design the project to a LEED  
22 Gold equivalent. We have further increased our proffer to  
23 support the adult daycare, as Ms. Batties just stated. We  
24 have proposed significant improvements to the public space  
25 and private space, which will be accessible to the public.

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1           Based on the record, including today's testimony  
2 from the project team, and our offer tonight to resolve the  
3 one outstanding issue, we respectfully request the Zoning  
4 Commission's approval of our application.

5           Thank you for your time. I will now turn the  
6 presentation over to Colline Hernandez-Ayala, with GTM  
7 Architects.

8           MS. BATTIES: Can you, I don't know if Colline  
9 needs to be unmuted by you all or made a panelist.

10           MS. HERNANDEZ-AYALA: Thank you. Can you hear me?  
11 Can you see me?

12           CHAIRMAN HOOD: We can't see you, but we can hear  
13 you

14           MS. HERNANDEZ-AYALA: Okay. My camera, I couldn't  
15 -- my camera --

16           CHAIRMAN HOOD: If you hit it twice it might work

17           MS. HERNANDEZ-AYALA: If I hit --

18           CHAIRMAN HOOD: If not, we'll listen to you

19           MS. HERNANDEZ-AYALA: Well, we are going to have  
20 the slides up, so I can talk against the slides. So, maybe  
21 Paul can pull the slides up, and then I can begin my  
22 testimony.

23           CHAIRMAN HOOD: Okay, that's good. Thank you

24           MS. HERNANDEZ-AYALA: Thank you. Okay. Great.

25           Good afternoon. My name is Colline Hernandez--

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1 Ayala. I am a principal with GTM Architects in Washington,  
2 D.C., and I'm going to start by walking you through our  
3 proposed development solution. I will begin by giving you  
4 an overview of the existing site conditions, then talk a bit  
5 about the site organization and massing solution, and then  
6 finally walk you through some of the key architectural  
7 features and characteristics of the Phase 1 building.

8           The overall goal for this project was to create  
9 a dynamic new mixed-use development at the waterfront. The  
10 project is inspired by the architectural character of  
11 Boathouse Row, and the tradition of industrial buildings  
12 formerly located along the waterfront in this part of the  
13 City.

14           Our goal has been to deliver an authentic design  
15 solution that will honor the path of this important site,  
16 while simultaneously expressing a modern industrial  
17 aesthetic.

18           I want to point out that the project will seek  
19 LEED Gold equivalence, and that in all phases all faces of  
20 the building are primary facades. We have incorporated high-  
21 quality materials in the development of the project.

22           Paul, can you go to the next slide?

23           I want to start with just talking about the  
24 broader context. Our site is shown here in red. It is  
25 located at the eastern-most end of M Street. We know that

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1 to the north we have Capitol Hill and the Southeast Freeway.  
2 To the southwest we have Maritime Plaza. On down M Street,  
3 we have the Washington Navy Yard, and then the ballpark  
4 stadium. And then, to the southeast we have Boathouse Row,  
5 the Anacostia River, and then across the river to the  
6 Anacostia Park.

7 Next slide, please.

8 We are looking here at an aerial view of the  
9 existing site conditions. The site is an irregular,  
10 triangular-shaped lot. It's bordered by three streets, M  
11 Street to the north, Virginia Avenue to the south, and Water  
12 Street to the southeast.

13 As you can see, the site is largely unimproved.  
14 There is an existing abandoned containment structure in the  
15 middle of the site, and a significant amount of overgrown  
16 landscaping.

17 Next slide.

18 I also want to point out that the existing  
19 topography if the site drops off sharply, approximately, 25  
20 feet from M to Water Street, running north and south across  
21 the site, and that M Street sits, approximately, 12 to 15  
22 feet lower than the elevation of the Southeast Freeway.

23 Next slide.

24 In developing our overall site solution for the  
25 project, we were informed by several planning strategies that

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1 have been outlined for this area. We looked closely at the  
2 Southeast Freeway and Boathouse Row planning studies, and  
3 wanted to ensure that our solution maintained or enhanced  
4 several of the key visual and physical connection points that  
5 are envisioned for a development on this site.

6           So, of primary importance was to think through a  
7 solution that would enhance the opportunity for future  
8 physical and visual connection from the north across the  
9 Southeast Freeway. Also, to maintain the important physical  
10 and visual connection along Virginia Avenue to the  
11 waterfront. And then, to develop a site solution that would  
12 maintain open space and porosity through the site toward the  
13 water.

14           Next slide.

15           Our development program is distributed across  
16 three building structures, and includes 900 residential  
17 units, with retail at the base and two levels of below-grade  
18 parking.

19           Building 1 has an east and west tower, which are  
20 connected at the 3rd level through a bridge element that  
21 provides access for all building residents through a series  
22 of interior and exterior amenity spaces.

23           Building 2 is a stand-alone structure located at  
24 the eastern edge of the site, in order to take advantage of  
25 the steep topography running north and south across the site,

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1 a series of retail plazas, outdoor courtyards, and private  
2 terrace spaces have been organized to create very pedestrian  
3 experiences overlooking the Anacostia River at multiple  
4 levels.

5           This procession begins with the upper retail  
6 plaza, located at the termination of Virginia Avenue, which  
7 leads to a monumental stair connecting the lower retail  
8 promenade and then down to the Great Lawn at Water Street.

9           We also have an additional pedestrian connection  
10 accessible from M Street, via a metal walkway and stair  
11 located adjacent to the 14th Street right-of-way.

12           Next slide. The other, we can go forward. That's  
13 backward. You have to advance in the other -- yes, there you  
14 go. There you go, that's it.

15           Looking at the overall building section here at  
16 the bottom of the screen, you can see that Building 1 is 13  
17 stories, a 130-foot tall. The east and west towers are  
18 connected at level 3 across the private road, providing  
19 access for all building residents to the interior and  
20 exterior amenity spaces.

21           Building 2, at the right end of the graphic, is  
22 nine stories and 92-foot tall.

23           Let's go to the next one.

24           This is a diagrammatic section to the east tower.  
25 One thing to point out is that you can see there's,

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1 approximately, 470 feet of horizontal dimension between the  
2 face of Building 1 and the L Street residential fabric.

3 We've also created additional porosity that we  
4 introduced into the massing, by creating a four-story cutout  
5 at floors three through six. This has been strategically  
6 located in close proximity to the grade level elevation of  
7 L Street.

8 And similarly, in the lower graphic we are  
9 pointing out the future bridge location that will connect the  
10 east and west towers of the building. It will also align  
11 very closely to the elevation of L Street. And, both of  
12 these strategies have been introduced to the massing to  
13 maintain the important view corridors through the site toward  
14 the water.

15 Next slide.

16 This is an image of the overall massing, looking  
17 toward the water. As you can see, how we've maintained those  
18 view corridors at 14th Street, at the private road. You can  
19 also see the cutout that is happening through the center mass  
20 of the building, all done to create open space in and around  
21 the project.

22 Go to the next slide.

23 And, this is looking back at the overall massing,  
24 looking north looking at the three building structures. Here  
25 you can see how the steep topography was dealt with, and how

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1 we've created a series of terraces and courtyard spaces  
2 leading you down through a procession down Virginia Avenue  
3 down to the waterfront, and connecting open space in and  
4 around the site development.

5 Next slide.

6 As you know, our request includes the overall  
7 massing for the first-stage PUD, along with the approval of  
8 the design for the Phase 1 building. As shown here, the  
9 project will be delivered in two phases. Phase 1 includes  
10 the construction of the east tower of Building 1, along with  
11 the majority of the site and landscape improvements. And,  
12 Phase 2 will bring on line the west tower of Building 1, as  
13 well as Building 2.

14 Next slide.

15 This is an image of the facade of the Phase 1  
16 building, looking from the waterfront.

17 Next slide.

18 And for context, we just bring this up so that we  
19 can talk about the Phase 1 east tower, and we will go through  
20 now some of the key programmatic inland features of the  
21 space.

22 Next slide.

23 So, what you are looking at is the lower level P2  
24 level of parking. What you are seeing in red are retail  
25 spaces that front the lower retail plaza. Parking is below

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1 the building. Pedestrians can move from the parking lot  
2 directly onto the lower retail plaza.

3 Next slide.

4 We are looking now at the P1 level. Of course,  
5 the retail is double height, and so we have connection to the  
6 parking above, and at this level we find some of our incoming  
7 utilities, as well as some other support spaces for the  
8 building.

9 Next slide.

10 We are now looking at the grade level plan. At  
11 M Street, you can see the lobby is shaded in yellow. It's  
12 off of M Street. We also have in red some retail at the  
13 corner of M Street and the private road. And then, looking  
14 at the upper retail plaza, it is flanked by significant  
15 amount of retail there.

16 We have residential units in blue along M Street  
17 to activate that corridor, as well as a courtyard where the  
18 residents are looking into a landscape space over the water.  
19 All of our loading and service spaces will be happening for  
20 the building off of the private road.

21 Next slide.

22 This is looking at the second floor. We have a  
23 double-story lobby. This is a connection for residents to  
24 the landscape amenities. There are two courtyards in the  
25 project, and this is showing you the adjacency of the

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1 residential units to those amenity spaces.

2 Next slide.

3 At the third level, this is where all the  
4 amenities of the building are located. We start to see the  
5 visual connection and cutout that I mentioned in section  
6 through to the building. This is also the level where the  
7 future bridge connection will through that will connect to  
8 the west tower when it's constructed.

9 Next slide.

10 And again, level 5 takes you through that  
11 connecting cutout piece, looking at the rooftop terrace that  
12 will sit within that cutout creating that porosity through  
13 the building.

14 Next slide.

15 And then, at level seven, this is really a typical  
16 plan of the building beyond the cutout. All residential  
17 units. We have a mix of terraces, balconies, et cetera, that  
18 will happen around the balance of the building.

19 And then, looking at the rooftop plan, some of the  
20 programmatic elements of our rooftop include a rooftop pool.  
21 We have two rooftop lounges, community gardens, and other  
22 outdoor terraces and green roof spaces.

23 Next slide.

24 I want to talk a little bit about the facade  
25 solution for the project. In response to some of the

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1 comments we previously received, we have made some design  
2 revisions to the building envelope, removing some of the  
3 round arched windows that were located at the top of the  
4 building and at the lower retail area.

5           We've also added a significant amount of a 30  
6 percent more balconies around the entire facade. Looking at  
7 the facade design solution, the juxtaposition of  
8 architectural styles is evident through our use and placement  
9 of contrasting exterior materials on the building envelope.  
10 Traditional masonry detailing is paired with a more modern  
11 industrial aesthetic of metal and glass.

12           The building has been articulated to the scale of  
13 two separate structures, with a connecting element between  
14 them. The facade element on the west end of the building  
15 reads like a traditional masonry bar building, with one end  
16 tamped to respond to the diagonal edge along Virginia Avenue.  
17 This facade is organized within a traditional concept of base  
18 metal top. Two story punched openings are located along the  
19 middle portion of the building, integrating cast stone and  
20 brick detailing at window heads and sills.

21           This masonry facade terminates at the southwest  
22 corner of the building, which you can see in the lower  
23 elevation, revealing a metal and glass skin along the eastern  
24 edge of the bar, and the rest of the building facing the  
25 waterfront.

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1 Next slide.

2 This image is looking at the east and west facades  
3 of the building. Although the architectural language remains  
4 consistent across the entire facade, each face of the  
5 building has been treated as a primary facade, and has been  
6 treated differently related to its adjacent context.

7 Plain views with projecting balconies and abundant  
8 glass are present along the southern and eastern edges of the  
9 building, with traditional masonry facade and punched  
10 openings along the northern and western faces facing the  
11 City.

12 Next slide.

13 The exterior materials palette for the project  
14 includes brick, cast stone, composite metal panel, thermal  
15 pane aluminum windows. You can see some blow ups here of  
16 some of that detailing. We are using metal balcony railings  
17 at some of the units at the top two levels of the floor of  
18 the building on the top two floors on the northern edge.

19 Next slide.

20 And again, you can see the same palette of  
21 materials. This is the M Street face of the building, so  
22 looking at the base along M Street, those units that open out  
23 to their own private gardens is all masonry at the base of  
24 the building. The same palette of materials happens on this  
25 north edge, with large metal storefront glazing at retail

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1 base.

2           Next slide.

3           The theme of contrasting the past and present is  
4 also introduced at the building's main lobby, a traditional  
5 masonry facade with architectural detailing, similar to that  
6 of the former Anacostia Boathouse can be seen through a glass  
7 curtain wall system at the main building entrance.

8           Above this you will find the four-story building  
9 cutout, with programmatic spaces clad in clear anodized  
10 aluminum and glass to further enhance the idea of  
11 transparency and porosity through the building.

12           Next slide.

13           Composite metal panels, framed balconies with  
14 fiber cement panels, and glass railings, will be located on  
15 the southern edge of the building at the upper elevations.  
16 So, we are looking at two types of balcony ideas. As I said,  
17 we have a significant amount of balconies, primarily, on the  
18 southern edge of the building facing the water.

19           Next slide.

20           I'm now going to move to a series of renderings  
21 to give you a sense of the architecture of the project. This  
22 is, of course, looking from the north, from L Street towards  
23 the building.

24           Next slide.

25           We are now at the elevation of L Street, really

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1 to point out that the height of the building is mitigated by  
2 the fact that M Street is, actually, 12 to 15 feet lower than  
3 the elevation of M Street. So, you not really perceive the  
4 entire 13 stories of the building.

5 Next slide.

6 We are now looking west at the building, looking  
7 at the 14th Street right-of-way. As you can see, the  
8 signage, the lookout. We have a very interesting vertical  
9 element that serves to move pedestrians down to the  
10 waterfront, but also as a lookout point over the Anacostia  
11 River.

12 Next slide.

13 We are now looking down on M Street, looking at  
14 that main entrance that I mentioned. You are getting a  
15 visual of the cutout through the building. There will be art  
16 work there, something that will enliven the street scape at  
17 that point in the building.

18 Next slide.

19 And now, we are looking at the building across  
20 from Anacostia Park, looking at it in the distance. It's,  
21 primarily, glass from the waterside, it will glow at night  
22 and look like a jewel sitting on the river's edge.

23 Next slide.

24 We are zooming in, looking at the Great Lawn  
25 panel. You get a very primary view of the Virginia Avenue

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1 corridor, and the preservation of that important street all  
2 the way down to the river front. You can see the Monument  
3 in the distance. This is also looking closely at the Great  
4 Lawn panel and all of the retail and active spaces that will  
5 plank that area.

6 Next slide.

7 Zooming in a little more closely, we can really  
8 see how the landscape works at this area. There's a lot of  
9 activity at the base of the building, at the second level,  
10 and then the subsequent terraces that make their way up  
11 through the building.

12 Next slide.

13 Again, looking more closely at that monumental  
14 stair that connects down to the lower retail plaza. You can  
15 also get the view of the upper level courtyards that I  
16 mentioned, that will be amenities to building residents.

17 Next slide.

18 And then, these last two images are really very  
19 active pedestrian imagery to show what the look and feel of  
20 the project will be like. This is the lower retail plaza  
21 above the Great Lawn. There will be retail activities there.  
22 There will also be residential units above. So, there's  
23 going to be a lot of activity, a lot of open space, at this  
24 level.

25 Next slide.

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1           And then, the final slide is really landing back  
2 at the upper retail promenade, the space that Virginia Avenue  
3 terminates to. It's very open. It continues that visual  
4 connection to the water, and continues that primary access  
5 along the street.

6           I will now turn the presentation over to my  
7 colleague, Jami Milanovich, who will discuss site circulation  
8 and transportation issues.

9           Thank you.

10          MS. BATTIES: Hi, before Jami comes up, in the  
11 interest of time I'm going -- and since DDOT has not  
12 expressed any objection to the application, I'm going to ask  
13 that Jami limit her presentation to address the comments and  
14 questions about the bike trail connection, that will be  
15 proffered in connection with this project.

16          And then, after Jami speaks to that issue, we'll  
17 turn the presentation over to Shane Dettman.

18          Thank you.

19          MS. MILANOVICH: All right, good afternoon. For  
20 the record, my name is Jami Milanovich, an engineer with  
21 Wells & Associates, who are the transportation for the  
22 project.

23          Just, as Leila said, to respond to the concerns  
24 raised regarding the bike trail on the north side of M  
25 Street, which you can see on the slide before you. It's the

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1 yellow line on the north side of M Street, is where we  
2 proposed a 10-foot bike trail.

3           We selected the north side of M Street because we  
4 wanted to minimize conflicts between pedestrians, bicycles,  
5 and vehicles. We do have two proposed curb cuts on the south  
6 side of M Street, that will provide access to the below grade  
7 parking. And so, by providing the trail on the north side,  
8 we've avoided the conflict with those vehicles.

9           We wanted to provide on-street parking on the  
10 south side, because we wanted that parking close to the  
11 destination where those parking are likely to go, because the  
12 north side, obviously, won't be developed because of the  
13 railroad tracks, we wanted that parking on the south side so  
14 that parkers wouldn't have to cross M Street.

15           And then finally, along the south side of M Street  
16 we have planters that are needed for bio retention and storm  
17 water management for the site, and so we can't remove those  
18 to make room for a bike trail on the south side of the  
19 street.

20           We are, it's closest point the bike trail will be  
21 19 feet from the railroad tracks. We are proposing a fence  
22 along the north side of the bike trail, to separate the trail  
23 from the tracks.

24           In terms of safety, you know, Rails to Trails  
25 Conservancy does, actually, encourage bike trails to be

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1 placed along active railway lines. They did a study in 2013,  
2 where they looked at the safety of those trails along active  
3 railway lines. Over a 20-year period, they found a record of  
4 one fatality and two injuries on such facilities. The  
5 fatality was involving a bicyclist who was, actually, at a  
6 crossing over the railroad tracks, which we do not have here.

7           And that study that was done again in 2013,  
8 suggests that providing well-designed pathways dedicated to  
9 cyclists and pedestrians along active rail corridors could  
10 provide a safer alternative than rail corridors without such  
11 a trail, because it reduces the incentive to trespass and use  
12 the railroad tracks as a shortcut, because in a lot of cases,  
13 as with our case, we are providing a barrier that separates  
14 the trail from the tracks. And so, no one can cross the  
15 tracks because there will be a fence there.

16           And then, in cases where the trail does cross over  
17 the tracks, those crossings are carefully planned at select  
18 locations. And, of course, in our situation we don't have  
19 any such crossing of the tracks. We are simply providing a  
20 bike bath roughly parallel, the tracks curve, and so as I  
21 said at our closest point we are 19 feet from those tracks.

22           So, for all of those reasons, we believe that the  
23 trail on the north side of M Street is appropriate, and,  
24 certainly, is safe, and will be designed with all of the  
25 appropriate measures to ensure the safety.

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1           And, just one other point that was raised in that  
2 letter was regarding increased traffic on Water Street, as  
3 a result of our development. And, while our development,  
4 potentially, could add some additional traffic, the vehicular  
5 circulation for the project has really been designed to  
6 minimize the amount of traffic that would use Water Street,  
7 and to provide alternatives so that Water Street isn't  
8 necessary for site traffic.

9           And, as you can see on the slide in front of you,  
10 we are proposing a traffic circle where M Street intersects  
11 Water Street on the eastern corner of our site, and that was  
12 intentional. That traffic circle was designed so that  
13 traffic traveling eastbound on M Street, that might be  
14 dropping off somebody at the residential development, you  
15 know, an Uber or Lyft type trip, or somebody parking in the  
16 on-street parking spaces along M Street, when they are  
17 leaving they could simply turn around at that traffic circle,  
18 head back out M Street without having to turn right to head  
19 down Water Street.

20           And also, that private roadway that connects M.  
21 Street and Virginia Avenue, that bisects the site, also  
22 provides the same function, provides an alternative outlet  
23 so people can access Virginia Avenue, again, not having to  
24 use Water Street. So, the amount of traffic we would be  
25 adding to Water Street would really be very minimal. There's

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1 no need for any of the site traffic to have to use Water  
2 Street.

3 So, with that, I'll go ahead and turn it over to  
4 Shane Dettman for his analysis presentation.

5 MS. BATTIES: Mr. Chairman, I just wanted to  
6 confirm, did you say that DDOT was not going to be presenting  
7 at the hearing today?

8 CHAIRMAN HOOD: I don't think I said that.

9 MS. BATTIES: Oh, okay.

10 CHAIRMAN HOOD: We are getting an echo, I'm going  
11 to cut mine back off, but I'm hoping to hear from DDOT.

12 MS. BATTIES: Okay, thank you.

13 MR. DETTMAN: Okay, next slide, please.

14 Good afternoon -- next slide, keep going, there  
15 you go -- good afternoon, Commissioners.

16 I wanted to start my testimony today with a few  
17 comments regarding the PUD process and the standard of  
18 review. I know that this information is expressly stated in  
19 the regulations, but I think it's an important place to start  
20 in light of the continued decisions being handed down by the  
21 court that address the PUD process and how the Comprehensive  
22 Plan fits in.

23 As you know, the PUD process is about giving the  
24 Commission flexibility. It's not to say that the Commission  
25 gets to ignore the regulations completely, but, in fact, the

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1 regulations say that the PUD process shouldn't be used to  
2 circumvent the regulations.

3           However, the process does give the Commission the  
4 ability to deviate from the technical constraints of the regs  
5 to facilitate higher-quality development, provide new  
6 development that's superior to what would resolve in the  
7 matter of right development parameters, provides a  
8 commendable package of public benefits. It's consistent with  
9 the Zoning Act, and it's not inconsistent with the  
10 Comprehensive Plan.

11           As you also know, a PUD application may include  
12 a related map amendment, such as in this case. And again,  
13 though it's stated in the regs it's worth nothing that for  
14 a PUD related map amendment is only valid by in combination  
15 with an approved PUD. If the PUD expires, or if it's  
16 extinguished, the map amendment goes away. A PUD related map  
17 amendment does not establish any precedent for consideration  
18 of stand-alone map amendments or any other future PUDs. And,  
19 I point this out simply because it further demonstrates the  
20 flexibility that's built into the PUD process, because a PUD  
21 related map amendment is forever tied to an approved PUD, the  
22 Commission may approved a PUD related map amendment where it  
23 may not otherwise approve it if it were a stand-alone map  
24 amendment on a particular site.

25           The reason the Commission has this flexibility is

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1 because the PUD process allows for review of a map amendment  
2 in connection with a specific project and its potential  
3 impacts. This same flexibility is recognized in the recently  
4 amended Comp Play framework element, which is now in effect  
5 as of August 27th. It has been, this flexibility has also  
6 been recognized by the Court of Appeals.

7           Next slide, please.

8           The standard of review for a PUD requires the  
9 Commission to judge balance and reconcile the project  
10 benefits, degree of flexibility, and the potential adverse  
11 effects. In applying that standard, the Commission has to  
12 do three things. They have to conclude that the project is  
13 not inconsistent with the Comprehensive Plan and other  
14 adopted policies and programs. They need to conclude that  
15 the project does not result in unacceptable impacts, but  
16 rather the impacts need to be favorable and capable of being  
17 mitigated, or acceptable given the quality of the public  
18 benefits proffered. And finally, the Commission has to  
19 conclude that the project public benefits are not  
20 inconsistent with the Comprehensive Plan. And, my testimony  
21 today will look at those three criteria in reverse order.

22           Next slide.

23           With respect to the balancing of benefits and  
24 development incentives, despite the large size of this  
25 project, the project, actually, is requesting very little in

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1 the way of development incentives and flexibility. The  
2 Applicant is requesting minimal technical flexibility in the  
3 form of side yard and court flexibility for Building 1's west  
4 tower, and rear yard and court relief for Building 2. These  
5 areas of technical flexibility are largely a result of the  
6 irregular shape of the site.

7 Per the regulations, a PUD related map amendment  
8 is considered a form of flexibility. However, if we look at  
9 what's being gained through the map amendment in this case,  
10 we see that the Applicant isn't gaining anymore density than  
11 is permitted under the existing TDR-4 zoning. In fact, the  
12 proposed 6.17 FAR of the project is only slightly over the  
13 6.0 FAR matter of right density of the existing zone.

14 The map amendment does not provide -- the map  
15 amendment does provide for some additional height.  
16 Specifically, an additional 40 feet of height compared to the  
17 existing zoning. This additional height allows the Applicant  
18 to achieve the intended building program, while keeping a lot  
19 occupancy of only 61 percent, where 100 percent would be  
20 possible under the existing zoning and the proposed MU-9,  
21 which allows the Applicant to unlock opportunities for  
22 substantial open space, site porosity, as well as  
23 environmental benefits.

24 And, I'll discuss in a moment how this additional  
25 height is not inconsistent with the FLUM and is necessary to

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1 advance the full picture of the Comprehensive Plan objectives  
2 that are applicable to the site.

3 Next slide.

4 As the record reflects, the benefits proffered by  
5 the Applicant far outweigh the development incentives being  
6 requested. A review of the plan shows the project is strong  
7 in the areas of benefits related to urban design,  
8 architecture, landscape architecture, and the creation of  
9 open spaces.

10 Overall, the project proposes, approximately, 4-  
11 1/2 acres of new open spaces, plazas, and public space  
12 improvements. The proposed site plan is also efficient in  
13 the use of the PUD site to achieve a wide range of planning  
14 objectives, especially, when considering the current  
15 condition of the site.

16 Next slide.

17 Housing is a major benefit to this project. The  
18 project will contain, approximately, 900 new units of  
19 housing, which in and of itself is a public benefit that will  
20 make a notable contribution to achieving the Mayor's goals  
21 to establish 36,000 new housing units by 2025.

22 Affordable housing is also another significant  
23 public benefit to the project, with 12 percent of the  
24 residential GFA being devoted to affordable housing at 60 and  
25 50 percent MFI.

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1           Looking at it from what IZ would normally require  
2 under the proposed MU-9 Zone, the proffer exceeds the normal  
3 requirement by 50 percent. However, considering that no  
4 residential use is currently permitted on the site under PDF-  
5 4, the entire 12 percent proffer is considered a public  
6 benefit for purposes of this PUD.

7           The project also provides Federal environmental  
8 benefits, which are listed on the slide before you, including  
9 the project will now be designed to a LEED Gold equivalent  
10 standard.

11           Next slide.

12           This slide shows the several street scape and  
13 transportation infrastructure benefits provided by the  
14 Applicant, which are improvements that are not necessary to  
15 mitigate any potential project impacts. The project will  
16 also provide additional benefits that will advance major Comp  
17 Plan themes. Considering the site's long history of  
18 industrial use, the significant amount of impervious surface,  
19 and the absence of any sustainable storm water management,  
20 one can expect there will be environmental benefits simply  
21 from cleaning and greening the site.

22           And finally, as Ms. Batties mentioned at the  
23 outset of this hearing, the Applicant is proffering a  
24 monetary contribution of \$250,000 which will be directed to  
25 DTR as well as the Office of Aging, for senior programming

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1 as well as an adult daycare center in Ward 6.

2 I believe these next two slides clearly show how  
3 the benefits and amenities proffered by the Applicant balance  
4 and arguably outweigh the degree of flexibility being  
5 requested.

6 Next slide.

7 As part of the PUD balancing standard, the  
8 Commission must also consider the potential impacts of the  
9 project and conducting an evaluation of potential impacts in  
10 the proposed PUD, and believe any potential impacts will be  
11 capable of being mitigated or acceptable given the quality  
12 of the public benefits being offered.

13 My evaluation is based upon the evidence in the  
14 record and the inter-agency meeting that was hosted by OP for  
15 this project, which was attended by a number of District  
16 agencies. Similar recent cases, my evaluation of project  
17 impacts are organized according to the City-wide elements of  
18 the Comprehensive Plan, which I believe is appropriate given  
19 the Comprehensive Plan's purpose and the breadth of its  
20 topics.

21 Given the proposed residential program, including  
22 the substantial amount of affordable housing provided, and  
23 the significant improvements that will be made to the project  
24 with respect to its environmental condition, I believe any  
25 potential impacts to housing in the environment will be

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1 favorable.

2 Next slide.

3 Again, considering the current condition of the  
4 site, it's clear the project will have favorable impacts on  
5 economic development and parks and open space. With respect  
6 to urban design, I believe the overall project will have  
7 favorable impacts. The project is of high-quality design on  
8 all sides, and relates to the surrounding context and the  
9 formal industrial use of the site.

10 The use of multiple buildings with respect to view  
11 shed through the site will help break up the massing of the  
12 project and improve physical and visible porosity.

13 Next slide.

14 Finally, I'll note that no objections or  
15 unfavorable comments have been received from HPO, FEMS, DCPS  
16 and DC Water, all of which either participated in OP's inter-  
17 agency meeting, or coordinated directly with OP.

18 So, based on the case record, and the absence of  
19 objections from these agencies, I believe any impacts to the  
20 area shown on this slide will be favorable and capable of  
21 being mitigated.

22 Next slide.

23 Turning to the Comp Plan, at set down for a recent  
24 case, which came on the heels of the recent court decision  
25 in the Bruce Monroe project, Commissioner Miller commented

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1 that in its decisions the court has, essentially, provided  
2 a road map for addressing the Comp Plan and, specifically,  
3 Comp Plan inconsistencies. I agree with that comment, and  
4 don't believe that the road map is as restrictive as some  
5 make it out to be.

6           Looking at various relatively recent opinions, the  
7 court's road map to me, essentially, says that the Comp Plan  
8 is a broad policy framework that's intended to be interpreted  
9 broadly, and that even if the proposal conflicts with one or  
10 more policies, this doesn't prevent the Commission from  
11 concluding that the proposal overall is not inconsistent with  
12 the Comp Plan, because the Comp Plan has internal overlap,  
13 which, in fact, is purposeful. The plan is not binding on  
14 the Commission unless it's expressly stated.

15           Therefore, the Commission may balance competing  
16 policies when determining a proposal is not inconsistent with  
17 the Comprehensive Plan as a whole. However, upon balancing  
18 competing policies, if the Commission approves a proposal  
19 that is inconsistent with one or more policies, it simply  
20 must expressly acknowledge those inconsistencies, and explain  
21 how they are outweighed by other competing considerations.

22           Next slide.

23           These next two slides just simply show the other  
24 adopted policies and programs that are applicable to the  
25 site, that being the 2003 AWI Framework Plan, which calls for

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1 a significant increase in residential density in the near  
2 southeast area, calls for improvements to Water Street, and  
3 calls for a gateway link along Virginia Avenue.

4 Next slide.

5 This is just a list of the planning principles  
6 that form the basis of the AWI Framework, and these  
7 principles and the recommendations of the AWI Framework were  
8 subsequently incorporated into the Comprehensive Plan in  
9 2006.

10 Next slide.

11 With respect to our evaluation of the project's  
12 consistency with the policy map and the FLUM, my testimony  
13 is based upon the recently amended Framework element that  
14 went into effect on August 27th. However, because the  
15 previous Framework element was in effect when we filed this  
16 application, the record reflects, and also an evaluation with  
17 the old Framework element, to the extent that the Commission  
18 has questions with respect to consistency with the old  
19 Framework element.

20 Under either version of the Framework, the project  
21 is not inconsistent with the Comprehensive plan, including  
22 the policy map and the FLUM. The site is designated as a  
23 land use change area on the policy map, which is assigned to  
24 areas where land use change is anticipated, new development  
25 is encouraged, with guidance provided by the FLUM and the

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1 policies in the Comp Plan with respect to the preferred use  
2 mix.

3           The project is not inconsistent with what's being  
4 proposed by way of the project in terms of its land use  
5 change designation on the policy map.

6           Next slide.

7           The site is designated on the FLUM as mixed use,  
8 medium-density commercial, institutional. This designation  
9 was assigned to the site in the 1990s, and prior to that it  
10 was designated TDR, thus clearly signifying the District's  
11 preference for this site to no longer remain industrial.

12           While our Comp Plan evaluation does not rely upon  
13 in any manner, I'll note for the record that the proposed  
14 FLUM currently under review by the Council, changes the  
15 site's designation to mixed use, high-density residential,  
16 medium-density commercial. A mixed-use designation indicates  
17 where the mixing of two or more uses is encouraged. And, I  
18 find the project to be not inconsistent with the FLUM.

19           Next slide.

20           The proposed map amendment to MU-9 is not  
21 inconsistent with the FLUM, although the current Framework  
22 element identifies MU-9 as being consistent with the high-  
23 density commercial FLUM category. This does not  
24 automatically make the project inconsistent with the FLUM.

25           As I've stated, the PUD process provides for

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1 flexibility to approve greater height and density, and to  
2 approve PUD-related map amendments that may not otherwise be  
3 approved as stand-alone map amendments.

4           Sections 2.4.7 and 228.1© of the new Framework  
5 element expressly recognize this flexibility, and the court  
6 has also recognized this flexibility.

7           Next slide.

8           Despite the requested MU-9 zone, the project is  
9 not a high-density commercial project. First, of the  
10 proposed 6.17 FAR only .35 FAR is devoted to non-residential  
11 uses, clearly not a high-density commercial project.

12           Further, the proposed density is well within the  
13 7.2, the 7.864 FAR range that could be expected under a PUD  
14 for the zones that are expressly listed in the Framework  
15 element for medium-density commercial, which is MU-8 and MU-  
16 10. In fact, the proposed density of the project is just  
17 above the matter of right density allowed in the MU-I and MU-  
18 10 zones.

19           Next slide.

20           I think the proposed height of the project is also  
21 not inconsistent with the FLUM. Again, under a PUD the  
22 COMMISSION has flexibility to approve greater height than is  
23 permitted under matter of right parameters.

24           The court has recognized and upheld the  
25 flexibility given to the Commission under a PUD process,

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1 namely, in the first McMillan appeal, where the court, while  
2 raising several other issues, actually, agreed with the  
3 Commission's determination with respect to the 115 foot  
4 height of the medical office building, and its consistency  
5 with the FLUM. It's worth noting in that case, the site only  
6 had a moderate-density commercial designation.

7           Similar to the McMillan case, the policies of the  
8 Comp Plan applicable to the PUD site in this case, support  
9 the proposed height, in part to increase residential density,  
10 retain view sheds, and leverage the creation of a connected  
11 system of parks and open space along the waterfront.

12           The proposed height is necessary to advance Comp  
13 Plan policies related to land use, housing, environmental  
14 protection, and open space.

15           Next slide.

16           In terms of graphically showing the need for the  
17 additional height here, and how that flexibility allows the  
18 Commission to balance other competing priorities in the Comp  
19 plan, I think it's important to go back and look at what the  
20 site currently looks like in this photo.

21           Next slide.

22           What this shows is the proposed site plan.

23           Next slide.

24           And, if we take a look in terms of how the site  
25 has been broken up, of view sheds from the street grid from

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1 the north, being 13th and 14th Street, the view shed along  
2 Virginia Avenue and the gateway connection grid along  
3 Virginia Avenue, and how the architect has further broken up  
4 the building by using multiple buildings and creating that  
5 opening in the east tower.

6 I think that if we were to put a heavy emphasis  
7 on the height, and require that that height for Building 1  
8 proposed at 130 foot be reduced by two floors in order to  
9 bring it within the typical height range of a medium-density  
10 commercial zones under the Framework element, in order to  
11 achieve the intended building program, including the  
12 residential program, while bringing down the height, those  
13 two floors of density would have to be placed elsewhere on  
14 the site.

15 So, you might be looking at putting density in  
16 areas where the street grid, the visual connectivity from the  
17 north has been brought through, losing that visual  
18 connectivity, losing an increase in the mass of the site.  
19 You might be looking at placing some of that density on areas  
20 within the site that are devoted to open space, which would  
21 be taking away from our ability to advance those  
22 Comprehensive Plan policies.

23 So, I think on balance the proposed height is  
24 acceptable through the flexibility afforded in the PUD  
25 process, and the proposed height allows for the advancement

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1 of several other Comprehensive Plan policies.

2 Next slide.

3 I've done a full evaluation of the project  
4 relative to the City-wide and the area elements of the  
5 Comprehensive Plan, and have set forth in detail in our  
6 filings. So, I won't dwell on that, but overall I find that  
7 the project is not inconsistent with those policies.

8 Next slide.

9 And so to round out my presentation today,  
10 Commissioners, we've seen in the court decisions that have  
11 been handed down a need to evaluate a project for potential  
12 inconsistencies with the Comprehensive Plan, and where there  
13 are inconsistencies it doesn't mean that you have to  
14 disapprove the project. It means you have to recognize those  
15 inconsistencies and show how they are outweighed.

16 We went back to the Comprehensive Plan and,  
17 specifically, looked for policies that one could argue,  
18 perhaps, there's an inconsistency. And, I'd say upon  
19 evaluation there are very few policies that we were able to  
20 find, and I think we took a conservative approach.

21 We were able to find very few policies where you  
22 could say there's an inconsistency. They are listed there  
23 in the four bullet points, the four bottom bullet points.  
24 There are a couple policies in the land use element, as well  
25 as the economic development, talking about the retention of

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1 industrial land for industrial purposes, redevelopment of  
2 obsolete industrial land. But, I say that those two policies  
3 are easily outweighed by the Future Land Use Map designation  
4 of the site, indicating a preference for mixed-use, medium-  
5 density development.

6           There's also a couple urban design policies  
7 talking about river views and transition in building  
8 intensity. And, I think given the proposed design I think  
9 the river views are enhanced toward the site, certainly,  
10 along 13th and 14th Street, Virginia Avenue, extended to the  
11 waterfront. Those view sheds, those openings, have been  
12 retained in response to comments, and they also relate to the  
13 comments from HPO.

14           Finally, to the extent that one would argue if the  
15 Commission found that the proposed height of the project is  
16 inconsistent with the FLUM, as I mentioned the MU-8 and MU-10  
17 zones under a PUD would allow for up to 110 feet. So, we  
18 believe that to the extent there is an inconsistency there,  
19 the extent of that inconsistency is 20 feet.

20           And, I believe that, as I described, the  
21 additional 20 feet that's provided through the flexibility  
22 process, and recognized in the Framework element, I believe  
23 that that additional 20 feet is far outweighed by the  
24 policies that are listed on the right-hand side of this  
25 diagram.

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1 Next slide.

2 Commissioners, this is my conclusion. I won't  
3 read it in detail, but overall I believe that the project is  
4 not inconsistent with the Comprehensive Plan. I believe that  
5 any potential impacts caused by the project would not be  
6 unacceptable, rather it would favorable, favorably mitigated.  
7 And, I think on balance the project meets the standard of  
8 review that warrants approval by the Commission in this case.

9 MS. BATTIES: That concludes the Applicant's  
10 direct presentation to the Zoning Commission.

11 CHAIRMAN HOOD: Okay. Thank you all for your  
12 presentation. We let it go over 60 minutes. I think Mr.  
13 Young has 50 minutes on the clock, so I just wanted to put  
14 that on the record.

15 Let me (audio interference) normal format of  
16 questions. Commissioner May, did you any questions or  
17 comments?

18 COMMISSIONER MAY: Of course. So thank you very  
19 much for the thorough presentation. This is a complex  
20 project, so we needed that.

21 The first question I have is with regard to the  
22 increased proffer of \$25,000 to \$25,000 plus \$225, is that  
23 now something that -- I mean it seems like it's generally  
24 consistent with what the ANC was asking for, but have they  
25 actually agreed that this meets what they wanted to see?

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1           You're muted.

2           MS. BATTIES: Good afternoon. The amended proffer  
3 is based on the ANC 6B report and the regulations. We have  
4 not -- the ANC voted on this application on Tuesday and  
5 really just has been preparing up to the very last minute for  
6 this hearing. When decided to increase the proffer.

7           COMMISSIONER MAY: Okay, so they haven't agreed  
8 to it yet. We can ask them and that's fine.

9           All right --

10          MS. BATTIES: I'm sorry, Commissioner May. I  
11 can't hear you.

12          CHAIRMAN HOOD: We can hear you, Commissioner May.  
13 I think it must be something on your end, Ms. Batties. We  
14 all can hear Commissioner May.

15          MS. BATTIES: Okay, I'm sorry. Can you repeat  
16 that? We lost connection temporarily.

17          COMMISSIONER MAY: No problem. So that's okay,  
18 we'll ask the ANC if this is consistent with what they were  
19 hoping to see when we get to that point. You have no problem  
20 hearing me now, right?

21          MS. BATTIES: No, I have no problems hearing you.

22          COMMISSIONER MAY: So let's talk about the height  
23 for a minute. I read this somewhere but I've already  
24 forgotten the number. Can you tell me again what the  
25 difference is in the height of this project as it is now

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1 proposed compared with what was previously approved?

2 MS. BATTIES: There was a prior PUD. It was 110  
3 feet. And this one is proposing 130 for one of the  
4 buildings.

5 COMMISSIONER MAY: For one of the buildings.

6 MS. BATTIES: Yes. The other building is 92 feet.

7 COMMISSIONER MAY: That's building two.

8 MS. BATTIES: Correct.

9 COMMISSIONER MAY: Okay. I mean it looks very,  
10 very tall, in particular in the view from across the  
11 Anacostia River. And that may be the way that renders it  
12 very tall and imposing and I'm trying to understand what the  
13 -- how much different it would be. And I'll come back to  
14 that in a second.

15 Can you explain the reason for the bridge? Maybe  
16 you did, but I missed it.

17 MS. BATTIES: I'm going to ask Colline Hernandez  
18 to --

19 MS. HERNANDEZ-AYALA: Sure, yes. And we're  
20 talking about the bridge connection across the private road?

21 COMMISSIONER MAY: Yes.

22 MS. HERNANDEZ-AYALA: So the bridge is the element  
23 that connects the east and west tower and provides access for  
24 the west tower inhabitants to all of the amenity spaces. So  
25 all of the major amenities of the project are part of the

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1 east tower at that third level, interior and exterior.

2 COMMISSIONER MAY: Okay. And do we have a good  
3 design for that yet, or is that something that we will see  
4 in the stage two?

5 MS. HERNANDEZ-AYALA: So we did submit -- Leila,  
6 I don't know if you want to take this one. We submitted an  
7 exhibit with some conceptual imagery of that bridge element.  
8 The main concept there is to create a transparent element  
9 that would not be a negative impact to that open corridor to  
10 the private road. And then it will have some open space at  
11 the top, a mix of hard and soft scape across the top of the  
12 bridge.

13 MS. BATTIES: Yes, Commissioner May, there was in  
14 our submittal that came in last meeting (audio interference).

15 COMMISSIONER MAY: What number?

16 MS. BATTIES: Exhibit 30. I'm sorry, Exhibit  
17 30A2. A44 slide.

18 COMMISSIONER MAY: So that's just the original  
19 drawing set?

20 MS. BATTIES: 30A2, yes.

21 COMMISSIONER SHAPIRO: I'm not tracking where  
22 you're showing. Can you say that again?

23 MS. BATTIES: Sure. Exhibit 30A, 30, letter A,  
24 number two. And then if you look at Sheet A44. That's the  
25 rendering of the bridge.

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1           COMMISSIONER MAY: Got it. Thank you very much.  
2 For some reason I saw this and I fixated on the precedent  
3 images, not on the bridge itself.

4           But are we actually approving that design for the  
5 bridge with this or will it be part of stage two?

6           MS. BATTIES: It will be actually part of stage  
7 two. We just wanted to give you an idea of the kind of  
8 materials and how it relates to East tower.

9           COMMISSIONER MAY: Okay. All right. I mean the  
10 one comment I have is that the expression of the truss being  
11 sort of masked by the glass is not -- it seems sort of  
12 contrary to the other more industrial aspects or industrial-  
13 looking aspects of the design, but we can sort that out  
14 later.

15           Can we bring up -- maybe Paul, you can bring up  
16 page -- what page is it now, 33? Is that the one I was  
17 looking at? Sorry, okay. Well, that's still 26. Oh, it's  
18 33 and 77. Okay.

19           Give me a second. I'm trying to get a good view  
20 of the portion of the building that has been sort of blown  
21 out. But actually, leave it on this slide for the moment.

22           So one of the things that still concerns me about  
23 the design, first of all, I mean it is much better than what  
24 we had before, but I think that it's still a bit too  
25 complicated and a number of the features while they are

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1 interesting in and of themselves, it's not really all working  
2 together as a coherent whole. So just for example, what  
3 we're seeing here with those -- the double height boxes that  
4 contain balconies on two levels, I mean those are interesting  
5 features, but they really sort of stand out in stark contrast  
6 to the rest of the facade and I'm not sure what would be best  
7 done to do that. Maybe it's just a matter of how they are  
8 rendered, but I think the combination of materials with the  
9 wood look, ceramic material, and the glass guard rails all  
10 sort of add up to something that looks really foreign to the  
11 rest of that facade side.

12 Let's see. Can we flip through and see another  
13 view of the -- another of the rendering? Keep going.

14 MR. YOUNG: Commissioner May, could I just suggest  
15 that maybe you turn the fan off just while you're speaking  
16 because it's pretty loud.

17 COMMISSIONER MAY: Okay.

18 MR. YOUNG: And when you're done speaking, you can  
19 turn it back on.

20 COMMISSIONER MAY: It's gone.

21 MS. BATTIES: And if you don't mind, this is Leila  
22 Batties, if you don't making -- I think I'm no longer  
23 connected as a panelist.

24 COMMISSIONER MAY: We can hear you.

25 MS. BATTIES: But I'm on Shane's computer.

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1           COMMISSIONER MAY: Oh, got it. You don't look  
2 like Shane, but it says you're Shane.

3           So can we look to another -- maybe one that --  
4 keep going -- go backwards. Keep going. More. Okay, yes.  
5 so here, where we see the look out, there's this brick base  
6 to the part of the building that looks like the steel frame  
7 and there's something that doesn't feel quite right with that  
8 and maybe it just has to do with the proportion of brick to  
9 the frame construction. It feels too sort of insignificant.  
10 I don't know. I just feel like that needs to be looked at  
11 a little bit more.

12           Let's try to get a view of the area that's sort  
13 of hollowed out. Yes, that's good. We can work with that.  
14 So I don't really understand what all is happening in that  
15 area that has been hollowed out. It's a -- there are two  
16 sort of built-out sections. It's a large area that's  
17 hollowed out and it looks like the connector piece above it  
18 is trying to read as one piece and then in the hollowed out  
19 section there are two more theoretically transparent pieces.  
20 What's happening in those spaces?

21           MS. HERNANDEZ-AYALA: This is Colline. So the  
22 idea was to create an opening through the building, a cutout  
23 through the building so that we could preserve and create  
24 views of the waterfront from L Street and that the building  
25 would not read as just a massive wall at M Street.

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1           So within the cutout, we changed the material of  
2 those programmatic elements, those little boxes that you're  
3 seeing. They are clad in clear anodized aluminum and glass  
4 and represent units and amenity spaces. So the idea is that  
5 they read as floating elements within this opening that is  
6 this cutout that creates veracity across the facade.

7           COMMISSIONER MAY:    Okay, so the large glassy  
8 section that's on the right on this view, those are units?

9           MS. HERNANDEZ-AYALA:  A portion of it is the lower  
10 two floors are part of the amenity package. And then the  
11 upper two floors are units.

12          COMMISSIONER MAY:    So what we're seeing here, so  
13 there are four floors. Two are --

14          MS. HERNANDEZ-AYALA:  It's four levels in the  
15 cutout, so it's floors three, four, five, and six.

16          COMMISSIONER MAY:    Yes.

17          MS. HERNANDEZ-AYALA:  And when you get to floor  
18 five, you can also -- there's an exterior bridge that spans  
19 across that opening that cutout through the building that  
20 leads to an upper level terrace and then there is some  
21 amenity space on the other side there. So we were creating  
22 some multi-level dynamic interior/exterior space that would  
23 be clad in very light weight material so that it would  
24 contrast to the darker framework of the majority of the  
25 building and read and speak to transparency through that

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1 opening.

2 COMMISSIONER MAY: Okay. So Paul, can you go back  
3 one slide? I think we might see a better view. Yes, that  
4 one. And maybe if you could zoom in on that section in the  
5 middle. Okay.

6 So the problem that I'm having with this at this  
7 moment, well, first of all, again, there's sort of too much  
8 going on and you have one type of glassy structure on the  
9 lowest level and then you've got a different type of glassy  
10 structure on the three floors on the right side. And you've  
11 got a different mullion pattern on the two-storied section  
12 on the left. And the bridge has its own sort of vocabulary  
13 in there.

14 I'm just -- I feel like there's in addition to  
15 there just being too much going on and too many different  
16 ideas happening in this spot, I also feel like because  
17 everything appears to be essentially co-planer with the  
18 section above that bridges the cutout --

19 MS. HERNANDEZ-AYALA: Yes.

20 COMMISSIONER MAY: It just feels like it's the  
21 same box, but you put different wallpaper on it. And I think  
22 it would be much better, I know that you lose square footage  
23 by doing this, but it would be much better if it could be  
24 recessed or something like that.

25 MS. HERNANDEZ-AYALA: Open, yes, part of the

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1 challenge is the square footage is the portion that includes  
2 -- to create a larger, more simplistic opening to reinforce  
3 that big idea. So the challenge and the desire was to find  
4 a middle ground so that we could create some transparent  
5 boxes that would fit within that opening and achieve the same  
6 thing.

7 COMMISSIONER MAY: Right, and they're not reading  
8 as transparent boxes within the opening. They are reading  
9 as just part of the overall structure with just slightly  
10 different treatments on them. So I just feel like some  
11 greater study of this would be beneficial.

12 MS. HERNANDEZ-AYALA: Okay.

13 COMMISSIONER MAY: And I'm not saying that it has  
14 to be recessed ten feet in order to work.

15 MS. HERNANDEZ-AYALA: Right.

16 COMMISSIONER MAY: But doing something that's a  
17 little bit different than just having another flat facade  
18 with a different glazing on it, I don't think that that's  
19 enough.

20 MS. HERNANDEZ-AYALA: Okay. We can look at that  
21 and I just want to point out, too, that there are some  
22 projecting planes. You can see those planes that do come out  
23 of the opening at the two exterior levels, so above the  
24 lobby, that is an exterior game room and then above at the  
25 fifth level, there's another lookout point. So also trying

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1 to capture the ability to experience the city, the water at  
2 different levels and the pedestrians.

3 COMMISSIONER MAY: You know, I completely  
4 understand what you're trying to do. It's just that I don't  
5 feel like it's very successful the way you're doing it.

6 The lower level where it projects out, I think  
7 that one is okay because it is floating free of the rest of  
8 the building. The one on the sort of intermediate level  
9 there, because it is so close to the building, the tower to  
10 the level, it muddies the sort of a separation that you're  
11 trying to achieve. So again, if there are ways to sort of  
12 make those objects within the cutout appear as an object,  
13 physical things that are glommed on to the building on the  
14 left and the building on the right.

15 MS. HERNANDEZ-AYALA: Okay, we can look at that.

16 COMMISSIONER MAY: The -- let's see. So in some  
17 locations you have these projecting balconies. I see there  
18 are some on the top floors here. And I think there were some  
19 on the other side. Generally how deep are those projecting  
20 balconies?

21 MS. HERNANDEZ-AYALA: Five feet. Five feet deep.

22 COMMISSIONER MAY: Okay, five feet deep.

23 MS. HERNANDEZ-AYALA: Yes.

24 COMMISSIONER MAY: Oh, yes. Can we go back to the  
25 view from across the Anacostia. Go back. Yes. Good.

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1           So can we zoom in on the building, Paul? Yes, a  
2 little bit further.

3           So this is a really jarring view when it comes to  
4 the height. I think I mentioned that before. It feels just  
5 like such a massive building given that there's nothing else  
6 around of comparable height. I think part of the reason for  
7 that is that the foreground is absent any trees and I know  
8 that there's property between this development and the river  
9 and right now there are some trees that are not in great  
10 shape, but I imagine that there may be trees in that area  
11 going in in the future.

12           But did you sort of -- is this rendering just done  
13 to sort of -- were you taking license in removing those trees  
14 or is this really what you want it to be?

15           MS. HERNANDEZ-AYALA: I think there's some license  
16 that's been taken so that we could show the building's facade  
17 completely from this vantage point because if we were to  
18 include all of the -- there's a lot of overgrown landscaping  
19 and different things that's currently at Boathouse Row that  
20 you wouldn't see sort of what the plane looks like at the  
21 base of the building.

22           COMMISSIONER MAY: Right.

23           MS. HERNANDEZ-AYALA: So we could certainly alter  
24 this rendering and put those things back in. I think to your  
25 point, you wouldn't feel the height in the same way because

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1 there would be a green line, a green datum, if you will.

2 COMMISSIONER MAY: Right.

3 MS. HERNANDEZ-AYALA: Before you start to see the  
4 metal and glass structure.

5 COMMISSIONER MAY: Right. I think that would be  
6 useful to see it as it is more likely to appear.

7 MS. HERNANDEZ-AYALA: Okay.

8 COMMISSIONER MAY: Particularly again since I  
9 found this view quite jarring. I was always comfortable with  
10 the height of the building in the previous PUD and granted  
11 it was 20 feet lower, but the overall mass of that building  
12 was very similar, right? It just happened to be a little bit  
13 lower. Here, it just feels so much -- sort of so in your  
14 face from across the river.

15 MS. HERNANDEZ-AYALA: The other thing we tried to  
16 do to mitigate the height was to bring in that double-height  
17 read with the metal framework.

18 COMMISSIONER MAY: Yes.

19 MS. HERNANDEZ-AYALA: And then the thought that  
20 the glass plane behind it will lighten how the building feels  
21 in general and at the waterfront. You know, in thinking  
22 about this throughout the day and as the sun penetrates the  
23 building, I think you find there's quite a bit of  
24 transparency through the building because the framework  
25 begins to stand out rather than the mass.

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1 COMMISSIONER MAY: I don't see that at all.

2 MS. HERNANDEZ-AYALA: You don't see that? Okay.

3 (Simultaneous talking.)

4 COMMISSIONER MAY: A large, solid glass building  
5 being transparent does not --

6 MS. HERNANDEZ-AYALA: Not transparent like you see  
7 through it, but not feeling monolithic, I guess, is how I --

8 COMMISSIONER MAY: Right. As these sorts of  
9 buildings go, it does feel relatively light because it's more  
10 of a framed building from this view than a large, brick mass.

11 MS. HERNANDEZ-AYALA: Right.

12 COMMISSIONER MAY: This also does bring up one  
13 other point and this is one of the reasons I think I just  
14 realized a few minutes ago, but where you have the brick base  
15 that runs consistently at two stories or fairly consistently  
16 at two stories on that side, but then it breaks down in the  
17 -- where you have that courtyard.

18 MS. HERNANDEZ-AYALA: Yes.

19 COMMISSIONER MAY: And it really sort of loses a  
20 lot of the strength of that component. I don't know how much  
21 it would alter your design aspirations here, but I think it's  
22 worth looking at whether that brick frame could continue  
23 across that opening and just -- I mean it would be wide open,  
24 right?

25 MS. HERNANDEZ-AYALA: Right, right, right.

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1 COMMISSIONER MAY: Large opening so you could see  
2 out, but and I certainly wouldn't want to have any kind of  
3 glass in that.

4 MS. HERNANDEZ-AYALA: Right, yes.

5 COMMISSIONER MAY: Something that makes it --

6 MS. HERNANDEZ-AYALA: And that's the end of the  
7 courtyard. But I hear what you're saying, just continue the  
8 tiers or something vertically and you have the courtyard on  
9 that side.

10 COMMISSIONER MAY: Yes, something that continues  
11 the brick read across the open. I don't know. That's  
12 something to look at.

13 MS. HERNANDEZ-AYALA: Okay.

14 COMMISSIONER MAY: We may not agree on that one,  
15 but you know.

16 MS. BATTIES: Commissioner May and Colline, if I  
17 can direct, Paul, if you can pull up Exhibit 30A2, if you can  
18 pull up Sheet A-31. Right there.

19 MS. HERNANDEZ-AYALA: Yes. You see the  
20 landscaping.

21 COMMISSIONER MAY: Oh, yes. Okay.

22 MS. HERNANDEZ-AYALA: You see the landscaping at  
23 the boathouse.

24 COMMISSIONER MAY: Right. So it would be good to  
25 see that from the other side.

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1 MS. HERNANDEZ-AYALA: Okay.

2 COMMISSIONER MAY: The last thing is can we bring  
3 up a site plan? I should have given you the page numbers,  
4 but I didn't make note of it all.

5 Okay, so can we zoom in, Paul, on the great lawn  
6 section there which is the lawn with sort of tiers in it  
7 there. No, the other end, sorry, the lower lawn there. So  
8 there are no trees planted here along Water Street. And I  
9 know Water Street is not a normal street, but still it seems  
10 to me that having trees along that edge would be beneficial.  
11 I understand that it may obstruct some views, the retail area  
12 out toward the river, but I think they will already be  
13 obstructed by the trees that we know are there.

14 Did you consider putting trees there?

15 MS. HERNANDEZ-AYALA: Craig, do you want to take  
16 that one? Leila?

17 MS. BATTIES: Yes, Parker Rodriguez should be on.  
18 Paul, I don't know if you need to make Craig McClure or  
19 Rachel Rittler a panelist. And Craig might be showing up as  
20 -- I think he logged in.

21 MR. MCCLURE: Can you hear me?

22 MS. BATTIES: Yes.

23 MS. HERNANDEZ-AYALA: Yes.

24 MR. MCCLURE: So we were trying to maintain strong  
25 visual connections out to the water as you come down the

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1 pedestrian promenade, as you look from the retail promenade  
2 and also the upper terrace levels, while at the same time  
3 creating a grand, open space for people to have open play  
4 opportunities, maybe outdoor movie nights, festivals,  
5 whatever, with the water in the background.

6           COMMISSIONER MAY: Okay, so but you're not going  
7 to have the water in the background between there's property  
8 between Water Street and -- or that's not yours, and I don't  
9 think that's a planned -- I'm going to ask OP about how plans  
10 are coming for Boathouse Row, but I'm pretty sure they don't  
11 include clearing the area so that you have that view out on  
12 to the river.

13           MR. MCCLURE: There are some openings that are  
14 available to view the water.

15           COMMISSIONER MAY: Yes, so you can have -- there  
16 are openings between trees, too. I just -- it seems very odd  
17 to me and I would really like to see some trees along Water  
18 Street there and they don't have to be 75-foot elms in the  
19 end. It's a great spot for plain trees and you can --  
20 depending on the variety they could be maybe 50-foot trees.  
21 That's what we often use on parkways along the river. And  
22 I think that it's something worth looking at.

23           And I feel like that lawn needs some enclosure and  
24 some street trees. And I'm not talking about having  
25 necessarily the same density as what you are planning on M

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1 Street or Virginia Avenue, but I think some trees along Water  
2 Street would be a real benefit, so.

3 Let's see. I think that's -- all right, one more  
4 question and this is probably for Mr. Felice. Can we zoom  
5 out just a little bit so we can see more of M Street?

6 So Mr. Felice, maybe you don't know anything about  
7 this, but I'm going to put you on the spot any way. So I  
8 ride my bike here on a regular basis, riding the trail and  
9 there's a dumpster on M Street on the north side of M Street  
10 that is just -- I mean there are actually two of them and  
11 it's become a community dumping spot. And so it's just  
12 overloaded with dumpsters -- I mean the dumpsters are  
13 overloaded with trash.

14 Do you know whose dumpsters those are? Because  
15 I'm assuming they're not yours.

16 MR. FELICE: They're not mine and I could probably  
17 add to some of your grief. There is a crane that is parked  
18 there that I -- that shouldn't be parked there.

19 COMMISSIONER MAY: Oh, yes.

20 MR. FELICE: There's some cars that are parking  
21 down there. There's going to be a good day when we secure  
22 the site and clean up that whole area, but unfortunately, I  
23 don't know who those dumpsters are. It is a bit of a Wild  
24 West down there at the moment.

25 COMMISSIONER MAY: Oh, it very much is. Next time

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1 you're down there, somebody ought to write down what the  
2 phone number is. Maybe I'll do it and call the dumpster  
3 company and get them to take it away. It's really awful.

4 MR. FELICE: I agree.

5 COMMISSIONER MAY: Yes.

6 MR. FELICE: I agree.

7 COMMISSIONER MAY: All right. Thank you, fellow  
8 Commissioners for indulging my lengthy questioning.

9 CHAIRMAN HOOD: Thank you, Commissioner May. I  
10 think you mentioned the dumpsters before. The first time you  
11 mentioned one dumpster. And now it's two dumpsters. So the  
12 next time you mention it it will be three dumpsters.

13 (Laughter.)

14 COMMISSIONER MAY: Very true. I was mistaken when  
15 I said one. But there are two and one giant pile of trash  
16 that's consuming them both.

17 CHAIRMAN HOOD: Okay. All right, thank you,  
18 Commissioner May.

19 Commissioner Shapiro, any questions or comments?

20 COMMISSIONER SHAPIRO: Yes, sir. Thank you, Mr.  
21 Chair.

22 First, just to thank you all for the responses  
23 from the questions, concerns we have at set down. Most of  
24 the redesign I really like. The IZ proffer, the  
25 environmental benefits that you've added, you know, every

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1 step of the way, it's a very complex project and just noted  
2 how much additional work you've done.

3           So some questions, first, to join with  
4 Commissioner May, I had that same reaction to those box, wood  
5 box balconies on the water side and I'm not quite sure what  
6 to do about it, but they stood out to me as well, so I just  
7 wanted to note that.

8           A question about the bike trail and the bike trail  
9 location. You said something about a fence you were going  
10 to put up. What type fence are we talking about between the  
11 bike trail and the tracks?

12           MS. BATTIES: Jami, if you're on if you can please  
13 respond to that question.

14           MS. MILANOVICH: Sure. So I'm not sure we've  
15 gotten that far in our design of the fence, but I'll ask  
16 Craig. I know he's been more closely working on that if  
17 there's been any discussion about the height of that fence  
18 yet.

19           COMMISSIONER SHAPIRO: I'm just wondering if --  
20 it's about safety. It's about separation, but it's also,  
21 there's any visual -- I don't know what it's blocking and  
22 whether it would be good to have it higher considering what  
23 it might be blocking or whether you want -- just some sense  
24 of what you're going to do with that would be helpful.

25           MR. MCCLURE: We haven't discussed the height, but

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1 it would be a minimum of 42 inches.

2 COMMISSIONER SHAPIRO: Okay. I mean is there  
3 something -- is there a reason to make it higher because  
4 there's something worth blocking on the other side,  
5 considering you're looking at the tracks and you're looking  
6 at -- you know, under the freeway?

7 MS. MILANOVICH: Yes, I don't think -- go ahead.

8 MR. MCCLURE: I think it's something that we can  
9 certainly look at and consider, but I don't see it as being  
10 a solid fence that would prevent you from seeing through it.  
11 It would be more there for safety and decorative purposes.

12 COMMISSIONER SHAPIRO: Yes, I think that's the  
13 reason why I bring it up because I think you're responding  
14 to it because of the -- well, it's the appropriate thing to  
15 do, but in part it's because of the concerns from the  
16 residents.

17 Is it an opportunity to do something else with it?  
18 I just don't know. So you looking at it a little bit more  
19 from a design perspective, not just a transportation safety  
20 perspective. That's what I'd want you to do.

21 MR. MCCLURE: Certainly.

22 COMMISSIONER SHAPIRO: Okay. Oh, the ramp. I  
23 don't remember which slide is the best slide to look at, but  
24 the ramp on the water side that goes down from the upper  
25 level. I don't know who can get me to that slide. Maybe Ms.

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1 Batties.

2 MS. BATTIES: Craig, I anticipate this question  
3 is going to be for you. Let's see, Paul, if you want to go  
4 --

5 COMMISSIONER SHAPIRO: Right there.

6 MS. BATTIES: Okay.

7 COMMISSIONER SHAPIRO: I'm trying to understand  
8 the whole ramp thing and a bunch of slides have showed it at  
9 different proximities, so if somebody could just walk me  
10 through that and help me understand how it's expected to be  
11 used and is there a much closer version of it so I can get  
12 a sense of --

13 MR. MCCLURE: I would be glad to. If we could  
14 zoom in on it it might make it easier.

15 COMMISSIONER SHAPIRO: And there was also one  
16 picture that was taken from the top of it that showed it  
17 being imagined as used as well. I just don't remember where  
18 that one was at all.

19 MR. MCCLURE: So the grade change from the  
20 Virginia Avenue portion down to the Water Street portion is  
21 pretty significant, about 25 to 30 feet in grade change. And  
22 we have a grand staircase that's very wide and generous that  
23 comes down from the main pedestrian promenade walking all the  
24 way down Virginia Avenue on the north side of Virginia  
25 Avenue.

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1           COMMISSIONER MAY: I think if you go to slide 35  
2 you've got a better view.

3           MR. MCCLURE: So perhaps you can move down on the  
4 slide a little. I can't see the bottom of it.

5           COMMISSIONER SHAPIRO: Yes, Paul, you've got to  
6 pull it way out.

7           MR. MCCLURE: Well, I'll try to describe it. So  
8 the grand staircase, we're providing a means for those with  
9 physical disabilities to be able to gently go down a pathway  
10 system that is not a ramp. It's less in percentage of slope  
11 than that and so it's a very gentle way to make it to each  
12 landing and ultimately down to the retail promenade and also  
13 to Water Street.

14           I should also point out that in the building on  
15 the pedestrian plaza on the upper level, there is an elevator  
16 that will allow access as well down to that retail promenade  
17 level, so there's multiple ways for people with disabilities  
18 to access that level from above.

19           COMMISSIONER SHAPIRO: Thank you for that. It  
20 feels like -- my reaction to it is I'm trying to figure out  
21 how practically it's going to get used. I mean it looks  
22 pretty, but part of me thinks it needs something on the other  
23 side. Part of me thinks it needs much fewer turns,  
24 especially you just said it's actually -- it doesn't even  
25 need to have this many turns to still be -- to provide for

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1 handicap accessibility.

2           It looks like it could be terraced enough where  
3 you could have walls that you could sit on, but it's not  
4 designed that way. It just feels like it's just not enough  
5 of anything. With the exception it looks really good.  
6 That's the one thing. It looks pretty.

7           MR. MCCLURE: The number of turns I don't believe  
8 can be eliminated. We could make the distances shorter, but  
9 then they would be greater in slope and more difficult to  
10 navigate. There could be opportunities for seating along it,  
11 but I think the main idea was to be able to access the lower  
12 level in an artful way, allowing people to access it outdoors  
13 instead of going in in an elevator.

14           COMMISSIONER SHAPIRO: I get that. It just feels  
15 like it's a little bit more visual form over function and it  
16 just feels like a real opportunity to be used in more complex  
17 ways. If you can just take a look at it and see if there are  
18 other ideas that you can have. And again, one thought I have  
19 is there something you could put on the other side of it or  
20 some of -- is there some value to some kind of seating?  
21 Maybe there's not, but at least take a look at it. Thanks  
22 for that.

23           And then the last question I have is about the  
24 ground floor units on the other side of the building and I  
25 never got a -- I missed sort of a close up on those and how

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1 they're going to be accessed and the landscaping and the  
2 separation between the public and the private space and the  
3 gardens and all that. I'm not sure what slide is going to  
4 be the best slide for that, Ms. Batties. I should have taken  
5 notes, but I didn't.

6 MS. HERNANDEZ-AYALA: Leila, maybe the overall,  
7 one of the earlier site plans, the overall development.

8 COMMISSIONER SHAPIRO: Is that Ms. Hernandez-  
9 Ayala?

10 MS. HERNANDEZ-AYALA: Yes, sorry.

11 COMMISSIONER SHAPIRO: That's all right.

12 MS. BATTIES: Colline, do you think it's in this  
13 slide that's on the screen?

14 MS. HERNANDEZ-AYALA: Yes. We could go back to --  
15 all the way up to the top, maybe the third sheet from the  
16 beginning with an overall illustrative.

17 Craig, unless there's another sheet we could zoom  
18 in there. The plan view I think is the better.

19 I can start. I can talk about it from a  
20 programmatic perspective and then maybe, Craig, you can add  
21 in some of the landscape pieces as it relates to the public  
22 space. But you can see there in that graphic you see some  
23 sidewalks that there's access from the street into those  
24 units for residents who live at the first floor. The units  
25 are also accessible internally to the building, but they will

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1 also have that outdoor area and that private space for each  
2 of their use.

3 COMMISSIONER SHAPIRO: And that's what I'm trying  
4 to get a picture of, what is that private space for their use  
5 look like.

6 MS. HERNANDEZ-AYALA: Okay.

7 MS. BATTIES: Can we turn to the consolidated PUD  
8 sheet A32, Paul? A32, if you look at Exhibit 30-A2 and  
9 Commissioner Shapiro, I think this is helpful.

10 A32 is a little closer.

11 COMMISSIONER SHAPIRO: This is the other side of  
12 the building.

13 MS. BATTIES: It would be in Exhibit -- is this  
14 Exhibit 30-A? It's the one right -- that might be better.

15 COMMISSIONER SHAPIRO: So zoom it on the base of  
16 the building where the trees are.

17 MS. HERNANDEZ-AYALA: Yes. Craig, do you want to  
18 speak to this? I know there may be some elements that aren't  
19 shown in this rendering that we have elsewhere.

20 MS. BATTIES: There you go. Now go down further.  
21 Is this the level --

22 COMMISSIONER SHAPIRO: Yes, that doesn't look  
23 good.

24 MS. HERNANDEZ-AYALA: That's too close over to the  
25 lobby, so those first two window bays are a part of some of

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1 the lobby programming, so I think it's further down the  
2 street where you will see the entrances to the units, the  
3 lawn panel there. There's also fencing and --

4 MS. BATTIES: A31?

5 MS. HERNANDEZ-AYALA: Craig, maybe you can just  
6 speak to it. I'm not sure, Leila, that we have the  
7 appropriate graphic that's going to explain the full design.  
8 Maybe Craig could just talk to that?

9 MR. MCCLURE: So these are to read as front yards  
10 without patio spaces. So it would be a planted front yard  
11 with lead walks and there's a potential to have individual  
12 fencing around each unit for a garden.

13 COMMISSIONER SHAPIRO: So all that makes sense to  
14 me and all that just needs to be -- I'd like to see that.

15 MS. HERNANDEZ-AYALA: Okay.

16 COMMISSIONER SHAPIRO: See what that -- I mean the  
17 fencing has got to be low, but to see what that fencing looks  
18 like in the context of the building and you know, the  
19 sidewalk, et cetera, et cetera. It just feels like it's kind  
20 of -- from the human scale experience, it's kind of a bigger  
21 thing. So some work, some detail around that.

22 I don't think I have anything else right now, Mr.  
23 Chair. Thank you.

24 CHAIRMAN HOOD: Okay, thank you, Commissioner  
25 Shapiro. Let's go to Commissioner Turnbull.

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1           COMMISSIONER TURNBULL: Thank you, Mr. Chair. I  
2 want to thank you for your presentation. I would agree with  
3 Commissioner Shapiro. Thank you for your response to our  
4 comments that we had at set down. I think we've had a great  
5 response and thank you for addressing the needs of the ANC.  
6 I think the extra contribution goes a long way. So thank you  
7 very much for that.

8           I want to go back to a couple of comments that  
9 Commissioner May had, just touch on. If we can look at the  
10 north elevation, our view of M Street, looking at the side  
11 of the building. Maybe a bigger view, maybe A29 or A30.

12           I guess one of the things that this makes it look  
13 very massive built. Commissioner May mentioned that this  
14 looks really not only with the increased height, but it's  
15 just very massive. And you've tried to break it up into  
16 three sections and I guess what's kind of -- what middle  
17 section changes the whole rhythm of the glass and the grid.

18           One of the things I wanted to do when I saw this  
19 is that in the front part of the building which is what, the  
20 eastern part here, the bigger section, the main grid is like  
21 a two-story grid with a smaller grid in between. And part  
22 of the grid of the next building section lines up. I almost  
23 want to take an eraser and erase that lower glass -- the one  
24 floor before you -- at the bottom of the opening, the top of  
25 the opening. It just seems that it doesn't line up, like it

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1 drops below and it sets up a new rhythm that's a little bit  
2 -- it just looks out of place. It just looks like there's  
3 a rhythm that you've set up with the grids and the base and  
4 having that one floor hang down below the main grid just, to  
5 me it's just a little bit disturbing. There's a sense of  
6 balance that you've tried to achieve and now you've set it  
7 out of whack.

8 MS. HERNANDEZ-AYALA: Can we go to 2-D elevation,  
9 Paul? I think that's A20. It would be behind this. We keep  
10 going back to this two-dimensional perspective, so just going  
11 back a little bit. The next one. This one. Okay.

12 Maybe zoom it in a bit, the calculation a little  
13 bit. There we go. So you're referring to the middle  
14 section. It doesn't have a two story read. It's broken down  
15 floor, floor, floor, floor, floor.

16 COMMISSIONER TURNBULL: Yes, the last floor as I  
17 say I want to take my eraser and erase that floor. You had  
18 a bigger opening going through because I think as  
19 Commissioner May was saying with the extra little additions  
20 you've added, you lose the effective -- I think what you're  
21 trying to achieve with the opening, of being straight  
22 through. I don't know how much of a view you're going to get  
23 going through looking at that.

24 And it just seems like the hole that you wanted  
25 to create is very small now. And granted, it's there, you'll

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1 be able to see a hole through it, but it seems like it's very  
2 blocked up and it doesn't really -- I just don't think it  
3 does what you want it to do and I think the rhythm and the  
4 balance that you've started to work with on the other -- next  
5 to it, is -- it looks like you just stuck something in there.  
6 And I know you tried to work with the grid in trying to make  
7 a change to make it look different, but I think it falls  
8 short of what you really want to do. You may want to take  
9 another look at that.

10 MS. HERNANDEZ-AYALA: Okay, we can look at some  
11 of that. I think we certainly will be challenged with  
12 balancing --

13 COMMISSIONER TURNBULL: Right.

14 MS. HERNANDEZ-AYALA: The idea of concept and  
15 program.

16 COMMISSIONER TURNBULL: The only balconies on this  
17 elevation are on the top floor over the eastern part here,  
18 the main -- is that right, on like 12 and 13 or 12, 11 and  
19 13?

20 MS. HERNANDEZ-AYALA: Twelve and 13.

21 COMMISSIONER TURNBULL: Twelve and 13.

22 MS. HERNANDEZ-AYALA: Yes.

23 COMMISSIONER TURNBULL: And you said those  
24 balconies are about five feet deep?

25 MS. HERNANDEZ-AYALA: Yes.

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1 COMMISSIONER TURNBULL: And the doors, the doors  
2 swing open into the balcony, right?

3 MS. HERNANDEZ-AYALA: Yes.

4 COMMISSIONER TURNBULL: Just maybe it's a dumb  
5 observation on my part, but it looks like the doors that  
6 you've got there are heavily accented. They look like doors.  
7 I don't know whether you did that just for the graphic  
8 presentation to show oh, here are the doors. But it just  
9 highlights those doors enormously.

10 MS. HERNANDEZ-AYALA: We don't think they would  
11 stand out that way in reality, but --

12 COMMISSIONER TURNBULL: Well, I hope not.

13 MS. HERNANDEZ-AYALA: Yes, in explaining the  
14 facade, we do take some license with shade, shadow, and light  
15 --

16 COMMISSIONER TURNBULL: Right.

17 MS. HERNANDEZ-AYALA: -- so that we can point out  
18 different aspects.

19 COMMISSIONER TURNBULL: Something to think about.  
20 When you come out of a room, a living room, I'm assuming it's  
21 a living room there that's coming out onto a balcony, if you  
22 come out into the center, you divide the balcony in half.  
23 And if people are going to have chairs and a table out there,  
24 you're going to go right into -- and it almost more sense at  
25 times to put the door at the side, so they could have more

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1 room and space for someone to really use that balcony. Just  
2 a thought.

3           So your reasoning for putting only these balconies  
4 up at the top on this side are what?

5           MS. HERNANDEZ-AYALA: You know, we looked a lot  
6 at composition and we have this gridded framework that wraps  
7 that building and part of the idea of the projecting base on  
8 the other side too is to create some unexpected moments  
9 within that grid. And when we look at this facade, we wanted  
10 this side to be different and that the primary view would be  
11 at the highest level. I'm thinking about the proximity for  
12 the train and things of that nature and then also to  
13 reinforce the base, middle, top concept that you see in the  
14 traditional facade by doing something different at the top  
15 there, horizontally, all the way across. So those two ideas  
16 were in play when we made this decision.

17           COMMISSIONER TURNBULL: Yes, I think a lot of  
18 people are going to lose out on -- and I'm sure Commissioner  
19 Miller will talk about the lack of not having more balconies.

20           I wonder if you can go to the opposite side of the  
21 building, the river side now.

22           MS. HERNANDEZ-AYALA: If you just push that sheet  
23 up, that's the other side of the building, yes.

24           COMMISSIONER TURNBULL: This doesn't show my  
25 thought as well as a perspective view of your renderings of

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1 that.

2 MS. HERNANDEZ-AYALA: Probably view down from  
3 there, Paul, A33. If you keep pushing forward, we'll see the  
4 perspective view. It's the next one. The next one you'll  
5 see closer in. If you do one more.

6 COMMISSIONER TURNBULL: Okay, as Commissioner May  
7 said, there's a lot going on here and it's almost confusing.  
8 At one point when I looked at this I saw the part of the  
9 building over at the left is very orthogonal, very grid like,  
10 very Bauhaus and it's very industrial.

11 And then I look at what I see right in the  
12 forefront here and it reminded of Hollywood Squares, sort of  
13 like the little boxes had the guys would speak from. I  
14 wouldn't have been surprised to see Paul Lynde looking at one  
15 of these balconies. I don't mean to make a joke, but the  
16 wood in that, looking at these little -- really highlights  
17 something and sets up a vocabulary in this building that's  
18 totally -- if you wanted a surprise, you got a surprise.  
19 It's very much unusual and it's something different from the  
20 rest of the structure, but it just hits me as being -- I  
21 don't know what.

22 Did you want to have -- it just seems like a  
23 random set up. I mean although they're set up in the -- in  
24 a rectangular way, in a rhythmic way, but it just -- it's  
25 unsettling a bit in a way to see it on the building. And I

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1 just think -- I don't know. You may need to rethink, maybe  
2 it's the wood that stands out too much or --

3 MS. HERNANDEZ-AYALA: Yes.

4 COMMISSIONER TURNBULL: I don't know if it plays  
5 with the vocabulary of the rest of the building the way that  
6 you want it to work.

7 MS. HERNANDEZ-AYALA: The intent was really to  
8 break the grid, so to speak, that we have very organized two-  
9 story grid wrapping around the building and then on this side  
10 to one, do something unexpected; and two, to create a framed  
11 view towards the water and you can see we've also kind of  
12 notched out another section in the middle of that building.

13 COMMISSIONER TURNBULL: Right.

14 MS. HERNANDEZ-AYALA: So you see the same thing.  
15 So it is about the unexpected.

16 COMMISSIONER TURNBULL: Well, I think you've  
17 achieved that. I think you've achieved the unexpected. My  
18 only question is I'm not sure how well -- if it works the way  
19 that you want it to work.

20 MS. HERNANDEZ-AYALA: And we can look at the  
21 finishing and the treatment of those ideas. We can certainly  
22 explore that and how that would be executed. But I just  
23 wanted to share the idea, the generation of that.

24 COMMISSIONER TURNBULL: I understand. I  
25 understand that. I wonder if we can look at floor plans that

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1 show the IZ units.

2 MS. BATTIES: Yes, that would be in the submittal  
3 last night.

4 COMMISSIONER TURNBULL: Right.

5 MS. BATTIES: Sheet A6. Paul, if you look at  
6 Exhibit 59, 59A in the record. In the record, not on our  
7 slide presentation.

8 MS. SCHELLIN: It's hard for us to bring the  
9 records. It's going to take him a minute to do that.

10 MS. BATTIES: Okay, sorry.

11 MS. SCHELLIN: Because he has to open and maybe  
12 even save it, I'm not sure. It will take him a minute to  
13 bring up anything from the record. If you point to the  
14 record, the Commissioners can just look at it in ZDOCs.

15 MS. BATTIES: Okay. So it Exhibit 59A and its  
16 Sheet A6.

17 MS. SCHELLIN: And just to let you know, you're  
18 actually on as a panelist. Your camera is just turned off  
19 on your computer.

20 MS. BATTIES: Yes, I don't know where our IT guy  
21 is right now. So I'll just be on Shane's computer. Sorry  
22 about that. We're having technical difficulties on our end  
23 with the camera.

24 COMMISSIONER TURNBULL: Did you say Exhibit 59?

25 MS. BATTIES: 59 and it's 59A specifically.

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1 COMMISSIONER TURNBULL: Okay.

2 MS. BATTIES: And the first sheet is, should be  
3 A6.

4 COMMISSIONER TURNBULL: Now, granted these are  
5 small scale plans. So, they are a little bit hard to read.  
6 Looking at the, am I wrong that -- just tell me about the  
7 placement in this.

8 Most of these units are stacked almost equally on  
9 every floor on this location. There are some changes. But  
10 basically you're stacking them all the way up the building.  
11 Am I correct?

12 MS. BATTIES: That's correct. And I'll let  
13 Colline, if you want to jump in but, yes, that appears to be  
14 correct.

15 MS. HERNANDEZ-AYALA: Yes, that's correct, yes.  
16 The lower levels, you know, there is some difference between  
17 how the floor plans stack. So, you can see the difference  
18 there at the first floor versus floor two.

19 COMMISSIONER TURNBULL: And the reason why you are  
20 putting the IZ units in all those places are for what reason?

21 MS. BATTIES: Well, the intent is that they are  
22 evenly disbursed throughout the building as required under  
23 the regulations.

24 COMMISSIONER TURNBULL: They're all in -- let me  
25 ask you something. How many of these units, how many of the

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1 IZ units have balconies?

2 MS. BATTIES: Colline, are you able to answer that  
3 question?

4 MS. HERNANDEZ-AYALA: I think there is another  
5 sheet there or, I think maybe I don't have that exact number.  
6 We can figure that out, but I don't have that exact number  
7 just right now.

8 COMMISSIONER TURNBULL: My feeling, my count  
9 trying to look at these floor plans, I don't know if there  
10 is any IZ units that have balconies. Maybe there is one.  
11 So --

12 MS. HERNANDEZ-AYALA: No, I know there are some  
13 and I know the lower level units have terraces. They have  
14 the green and the open space. So, we do have that. There's  
15 two IZ units along M Street and both of those would have --

16 COMMISSIONER TURNBULL: Are those the orange units  
17 that I see? Are those the orange units?

18 MS. HERNANDEZ-AYALA: Yes.

19 COMMISSIONER TURNBULL: Those are what, three-  
20 bedroom or what?

21 MS. HERNANDEZ-AYALA: Those are two-bedroom.

22 COMMISSIONER TURNBULL: Two-bedrooms. So, the  
23 two-bedrooms are accessible from the street. And you say you  
24 think you also have some other ones that might have  
25 balconies?

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1 MS. HERNANDEZ-AYALA: No, we have others. I would  
2 need to go back and get the exact count for you.

3 COMMISSIONER TURNBULL: Yes, if you could do that.

4 MS. HERNANDEZ-AYALA: Yes, the typical plan, you  
5 know, with that pattern of where we're showing balconies at  
6 different floors it kind of switches back and forth. But,  
7 you know, there are other units that have balconies as well.

8 COMMISSIONER TURNBULL: Yes, as I say, this plan  
9 is so small looking at it I could not really detect a balcony  
10 on some of the floors, on some of the units.

11 MS. HERNANDEZ-AYALA: It's because it's a  
12 diagrammatic and we can figure that out and give you that  
13 number.

14 COMMISSIONER TURNBULL: Now, none of the IZ units  
15 are on the south side facing the river. They're all inwards  
16 on the little nitch area, the courtyard. But there's none  
17 really on the face, right?

18 MS. HERNANDEZ-AYALA: Well, on the south side if  
19 you look at floor four there, there is that, you see right  
20 in the center of that recessed area facing south that's an  
21 IZ unit that's stacked.

22 COMMISSIONER TURNBULL: Well, that's what I'm  
23 saying. They're on the courtyard. They're on the courtyard.  
24 But there's nothing really in the face of the building that  
25 would have an IZ unit?

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1 MS. HERNANDEZ-AYALA: You know, because the south  
2 side, really all of those edges have really significant water  
3 views looking south as well as on the side that faces the  
4 14th Street right of way there are some there.

5 And you also get, you know, the balcony pushes out  
6 and you also get, because the site is triangular you get  
7 views in all of those locations.

8 COMMISSIONER TURNBULL: So, an IZ unit is not  
9 worthy of a view then, right? And I'm just asking a  
10 question.

11 MS. HERNANDEZ-AYALA: No, no. Those units, is  
12 what I'm pointing out, all have really good views in all  
13 locations around the south and eastern edge of the building.  
14 And so, there's a primary one.

15 That one-bedroom there that's in that recessed  
16 courtyard area, if we pull up the massing I can show it to  
17 you, that's a primary view of the --

18 COMMISSIONER TURNBULL: Okay.

19 MS. HERNANDEZ-AYALA: -- water as well as, you  
20 know, if we look at the massing too, those two units that are  
21 together -- I'm pointing but I know no one can see me  
22 pointing that are on the eastern edge of the building at the  
23 14th Street those also have really great, they have both.  
24 They have city as well as water views. And --

25 COMMISSIONER TURNBULL: On which end?

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1 MS. HERNANDEZ-AYALA: On the eastern edge.

2 COMMISSIONER TURNBULL: But you're going to have  
3 another building across from them, right?

4 MS. HERNANDEZ-AYALA: Right. But that space  
5 between them is very significant. It's plus or minus 70  
6 feet. It's a very wide space.

7 COMMISSIONER TURNBULL: Okay.

8 MS. HERNANDEZ-AYALA: Yes. So, it's not like the  
9 buildings are close. There's a lot of space there. It's a  
10 very wide open view corridor there.

11 So, I would say that I think the IZ units all  
12 have, you know, it's been distributed so we have a mix of  
13 city and water views. The only area that there aren't any  
14 is on that kicked out leg there.

15 And primarily those are studios. So, we wanted  
16 to distribute the unit types equitably.

17 COMMISSIONER TURNBULL: Are there any of these  
18 units by garage ramps or loading docks?

19 MS. HERNANDEZ-AYALA: If you scooch the plan down  
20 a little bit, Paul, on the first floor. The only thing  
21 that's by a garage ramp is there's that two-bedroom unit  
22 there.

23 COMMISSIONER TURNBULL: Okay.

24 MS. HERNANDEZ-AYALA: It is adjacent to the garage  
25 ramp down. That's the only one. But it's a two bedroom

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1 unit. It has the landscaping, the landscape buffer between  
2 that outdoor space and that curb cut down to the parking  
3 garage.

4 COMMISSIONER TURNBULL: Okay, thank you.

5 MS. HERNANDEZ-AYALA: You're welcome.

6 COMMISSIONER TURNBULL: Mr. Chair, I believe those  
7 are my comments for the time being.

8 CHAIRMAN HOOD: Okay, thank you, Mr. Turnbull.  
9 And, Colline, so we'll do another round if we forgot  
10 something. So, let us all finish. But we'll go back around  
11 if we need to ask something.

12 Okay. Thank you, Mr. Turnbull. Vice Chair  
13 Miller.

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. Can  
15 you hear me?

16 Okay, since this is the first time I'm speaking  
17 today I didn't know whether it was working and I did lose  
18 WiFi there for some of Mr. Turnbull's critique and I'll go  
19 back and listen to the five minutes that I missed.

20 But anyway, I want to thank the applicant, Ms.  
21 Batties, all of your team for the presentation of this  
22 project, which I think has a significant number of positive  
23 elements which you've obviously emphasized as part of your  
24 presentation.

25 But I particularly want to commend you for all of

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1 the, well so amongst the most positive aspects of the project  
2 developing housing which is very important for the city  
3 market rate, housing. And the affordable housing we want to  
4 be, we continue to be even in these challenging times a  
5 growing city but an inclusive growing city.

6           And so, I wanted to commend you on the, all of the  
7 changes that you've made since the original application and  
8 set down including increasing the inclusionary zoning proffer  
9 from ten percent set aside to 12 percent set aside and the  
10 provision of the two-bedroom, three of the two- bedroom units  
11 in this phase being at the inclusionary zoning affordability  
12 level and I guess another two-bedroom unit in the next phase,  
13 a total of and I think all those units are at the 50 percent  
14 mark.

15           MS. BATTIES: Yes. Before, so half of the two-  
16 bedroom units that are reserved as IZ will be 50 percent MFI.

17           VICE CHAIR MILLER: Yes. So, that's very --  
18 that's commendable. That's a deeper affordability level and  
19 an increased size of, increased set aside and increased size  
20 of the units that are beyond the minimum required under IZ  
21 and are certainly something that we always are looking for  
22 in the community, the ANC 6B in this case was also looking  
23 for and so that's very appreciated.

24           You have a total of, okay, I think there are 64  
25 two-bedroom units total in this phase of the project which

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1 is commendable.

2           So, I especially want to commend you though for  
3 the responsiveness to the ANC 6B and the community's concern  
4 about providing public benefit of the senior, the  
5 contribution to the Capitol Hill Village concept of an adult  
6 daycare.

7           I, you originally did not have that at all in the  
8 application. I think you added it because of concern at a  
9 25,000 dollar and now you're at a 225,000 level, I heard you  
10 say at the beginning of your presentation.

11           And I guess, we'll get that in writing. I'm not  
12 sure I have, we have it in writing yet. That's something you  
13 were working on up until the hearing, I guess, and you  
14 haven't had a chance to present it to the ANC or for them to,  
15 for the community to evaluate it.

16           But obviously, you will be providing that in  
17 writing so we can evaluate it and it will be part of your  
18 written amenity proffer.

19           MS. BATTIES: Yes.

20           VICE CHAIR MILLER: But if you can repeat again  
21 since it was now two hours ago what the \$225,000 is going  
22 for. I think you said the Office of Aging to be set aside  
23 for the purpose that the ANC and Capitol Hill Village and the  
24 community were seeking it to be used for.

25           MS. BATTIES: Yes.

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1 VICE CHAIR MILLER: And there was 25,000, I think  
2 for some recreation or open space related. If you can just  
3 repeat that and commit that we'll see it in writing at some  
4 point.

5 MS. BATTIES: Sure, yes. So, we have amended our  
6 benefits and amenities package to increase our proffer from  
7 \$25,000 to \$250,000 in accordance with Section 305.3 of the  
8 regulations, PUD regulations.

9 Of that 250,000, \$25,000 will be contributed to  
10 the Departments of Parks and Recreation to support  
11 programming for seniors at the Arthur Capper Recreation  
12 Center.

13 And then \$225,000 will be contributed to the  
14 Department of Aging and Community Living with the request  
15 that the funds be earmarked to assist a non-profit  
16 organization with the cost of professional services related  
17 to securing the site for an adult daycare center in the  
18 Capitol Hill area of Ward 6.

19 I also want to note, Commissioner Miller, if I may  
20 that since the hearing has started we did receive a final  
21 signed MOU from Chairperson Ready from ANC 6B and that final  
22 MOU acknowledging, we didn't have, you know, didn't include  
23 the proffer today.

24 But it included all of the other terms that the  
25 applicant and ANC agreed to with regard to affordable

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1 housing, the public space and the project open space, the  
2 construction of the project as well as the operation of the  
3 project. And so, we got that signed document around 5:15  
4 today and we will also submit that into the record.

5 VICE CHAIR MILLER: Okay, that's great. And we'll  
6 look forward to seeing that written MOU and also the comments  
7 verbally and subsequently written from the ANC and the  
8 community about the increased proffer of this public benefit  
9 of \$250,000, 225,000 of which is for the adult daycare  
10 purpose.

11 And I think the other purpose is also very  
12 important so and it's also geared towards seniors. So, that  
13 fits right into that public benefit which I think helps the  
14 analysis, the very thorough analysis that you have provided  
15 with Mr. Dettman in terms of the comprehensive plan.

16 Since you quoted me about a roadmap and I was  
17 quoting really the DC Court of Appeals or reading into what  
18 they said. I think you have provided a lot of analysis of  
19 why the apparent, in particular, height, apparent height  
20 inconsistency with the current future land use map, although  
21 not necessarily the proposed wasn't even weighed in on yet.

22 But what you've shown, I think why that apparent  
23 inconsistency and maybe a couple others is not necessarily  
24 an inconsistency because of all of the other comprehensive  
25 plan policies which are strongly supported by this

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1 application including the housing and including zoning and  
2 the public and green spaces and environmental aspects.

3 But I think it's, I think this will help in that  
4 weighing of, the balancing of those public benefits with  
5 other comprehensive plan policies that weighs in favor of the  
6 project and helped maybe overcome any apparent  
7 inconsistencies with height or transition scale or some of  
8 the other aspects which on its face by itself might be seen  
9 as an inconsistency.

10 But when you evaluate the overall project's  
11 benefits and strengths and contributions and public amenities  
12 and amenities does meet the comprehensive plan consistency  
13 evaluation. So, I'm pleased with all of that and I'm pleased  
14 that you did increase also the LEED, from LEED silver to LEED  
15 gold.

16 And I think there was a comment from the ANC that  
17 the written scorecard might be part of the proffer that you  
18 are writing.

19 MS. BATTIES: We will submit an updated scorecard.

20 VICE CHAIR MILLER: Yes, that would be great. And  
21 I also, since there was a lot of talk about, I think the  
22 criticism was from some of my colleagues about the design of  
23 the balconies. I think that's what they were criticizing or  
24 asking questions about.

25 I'm pleased that you did increase the number of

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1 balconies from 120, I believe in the original to 160. And  
2 you know that I always like, and I think my Commissioners  
3 agree, that the more balconies the better in a residential  
4 project.

5 I don't share the concern that a majority of  
6 members may have with the design, the wood design. I think  
7 wood softens up, particular an industrially designed project  
8 which this is appropriately designed since this is a former  
9 industrial area.

10 But I think the wood design in calling out the  
11 residential feel of those Hollywood Squares boxes, Mr.  
12 Turnbull, I think it's great. I expected to see Paul Lynde  
13 pop out of one of them or any of the other or a Michael  
14 Turnbull pop out of one of them.

15 There you are. It's very refreshing to see all  
16 of us in boxes and I think we're used to that at this point  
17 even though they're two dimensional. I don't mind seeing  
18 three dimensional if I'm on the river or in that other  
19 commonwealth that's part of the DMV.

20 Anyway, I don't think I, I guess, so I'm very --  
21 so I'm pleased with the balconies. If you want to add more  
22 boxes I'm happy with that. But you can tweak this design.  
23 As long as you don't reduce the number, I'm good.

24 On, Ms. Milanovich or Ms. Batties, or Ms.  
25 Milanovich, I think you may have mentioned this that you are

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1 addressing all of the mitigation recommendations that DDOT  
2 proposed. You're doing all of them or did I, did you make  
3 that statement or can you make that statement?

4 MS. BATTIES: Yes. I said that DDOT has no  
5 objections to the application. But Ms. Milanovich, there she  
6 is, she can address the proffers and the status of all of the  
7 proffers. Thank you.

8 VICE CHAIR MILLER: Okay, thanks.

9 MS. BATTIES: Or proposed conditions rather.

10 MS. MILANOVICH: Yes. So, we are very close to  
11 agreement on almost all of DDOT's requested items. And if  
12 we could maybe bring up our presentation, I believe it starts  
13 on Page 50 or 77 of our presentation.

14 Yes, that's it. Thank you, Paul. So, what I've  
15 shown here are -- there are a few slides. But these are  
16 DDOT's requests. This slide shows the request for additional  
17 TDM measures.

18 What's shown in green we are in agreement with.  
19 And the first red bullet at the bottom of the slide, I'm  
20 pleased to say based on a conversation I had with Mr.  
21 Zimmerman earlier this afternoon, we're in agreement on that  
22 one also. So, we can put that one to a green.

23 The bottom bullet point in red, DDOT had requested  
24 that we prohibit free or discounted parking for the retail  
25 uses. And I don't think it's the applicant's intention to

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1 necessarily provide free parking for retail.

2           But just given the current state of the retail  
3 market I think just wanting some flexibility in order to  
4 ensure that the retail is viable. So, we haven't quite come  
5 to an agreement on that item yet.

6           If you could go to the next slide, please, Paul.  
7 We did agree to the collapsible shopping carts that DDOT  
8 requested. The three bullet points I have there below, and  
9 I apologize there are three bullet points.

10           The bullet for the third one got deleted but the  
11 yellow bullet point that starts with coordinate is actually  
12 a separate bullet point. The first two of those yellow  
13 bullet points deal with monitoring.

14           And I think we have just a couple of concerns we  
15 may need some clarification from DDOT. The first concern  
16 with those is the enforcement. How would those be enforced?  
17 And the second concern, you know, what triggers that  
18 enforcement every five years for that to be, the monitoring  
19 to be submitted?

20           And the second concern that we have is that there  
21 is no sunset clause there. And it just, realistically, you  
22 know, if we're talking about, you know, 20, 40 years out  
23 should we really be required to be submitting a report every  
24 five years. So, I think wanting to have some type of sunset  
25 would make sense.

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1           The third bullet point there again, the one with  
2 the missing bullet, deals with the shuttle. Again, I think  
3 we're very close on that item. I think DDOT's initial  
4 language had partner with the BID or another entity.

5           I think our concern was just that wouldn't be  
6 interpreted as a legal partnership like an LLC. We know that  
7 the BID is working on a shuttle in that area.

8           And so, what we would like to do is work with the  
9 BID to implement that shuttle that would run until such time  
10 as the pedestrian bridge over the Southeast Boulevard is  
11 constructed.

12           But I think we're, we also want to have some  
13 acknowledgment that, you know, the shuttle could be  
14 determined to be obsolete. I think the bridge is probably  
15 ten years away.

16           And certainly, you know, if five years from now  
17 with all of the advances in transportation and the new  
18 alternatives that are coming on board, you know, if no one  
19 is riding that shuttle does it really make sense to have to  
20 pay for a shuttle that's essentially become obsolete?

21           And so, I think that's where we're not quite there  
22 yet with DDOT on that item. Next slide, please, Paul.

23           And then the final element that DDOT requested  
24 again shown here in yellow because we feel like we're, you  
25 know, three-quarters of the way or maybe even more there with

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1 DDOT, they requested that the applicant develop and implement  
2 a concept to convert Water Street to a neighborhood greenway.

3 This actually, I believe originated from the ANC.  
4 And, you know, if you look at the language in DDOT's report  
5 it's very open-ended. They list a number of items including  
6 signing and pavement marking, physical geometric changes,  
7 traffic calming devices.

8 And DDOT, by their own admission, don't have a  
9 developed concept for what a neighborhood greenway would be.  
10 And so, I think our concern here is just wanting to put some  
11 boundaries or limits on what that work could entail.

12 And since that originated, that request originated  
13 from the ANC it's actually part of our MOU. And the language  
14 that we agreed to with the ANC was that we would provide the  
15 signing and striping improvements to implement the  
16 neighborhood greenway.

17 And again, just wanting to sort of better define  
18 that and not leaving it wide open for, you know, basically  
19 a blank check when we get to the public space process and not  
20 understanding what all that could entail.

21 So, other than that we are in agreement on  
22 everything else with the DDOT.

23 MS. BATTIES: And if I can just add to the last  
24 point that Jami made. In our MOU with the ANC with regard  
25 to Water Street what we agreed to do is submit during

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1 permitting the signing and striping plan to DDOT.

2           And subject to DDOT's approval we will implement  
3 that plan during construction of the second phase of the PUD.  
4 So, again our commitment in the MOU is actually a more  
5 definitive commitment than what's being proposed in this DDOT  
6 condition. But I know it is at the request of the ANC.

7           VICE CHAIR MILLER: Well, thank you for that  
8 response and thank you, Ms. Batties and the Felice  
9 Development application team for all of the community  
10 engagement that you have done and are continuing to do with  
11 the Capitol Hill community.

12           I guess my last question, just back to the two-  
13 bedroom units that are, the commendable two-bedroom units  
14 that are part of this project. Have you agreed to, you have  
15 some flexibility with increasing and decreasing the number  
16 of housing units.

17           And I think you may have made some adjustment in  
18 response to Office of Planning in that regard. If you can  
19 speak to that and also speak to the request, I think from the  
20 ANC that the two-bedroom units not be affected by the, any  
21 adjustment in the number of units as a result of that  
22 flexibility being granted.

23           MS. BATTIES: Okay. So, yes. The Office of  
24 Planning asked us to reconsider the flexibility to have an  
25 increase or decrease of ten percent as it relates to the

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1 number of units.

2           And so, what we have agreed to is the flexibility  
3 to increase the number of units by up to five percent and  
4 then a decrease of up to ten percent. With regard to the  
5 two-bedroom units, our MOU does not include -- let me just  
6 look before I speak.

7           I don't recall in the latest version of our MOU  
8 language about impacting the two-bedroom units. But we can  
9 commit to that. That's not a -- we're fine with that. If  
10 the number of units is adjusted we would maintain the same  
11 number of two-bedroom units.

12           VICE CHAIR MILLER: At the same affordability?

13           MS. BATTIES: Yes.

14           VICE CHAIR MILLER: Great. Thank you very much.  
15 That concludes my questions, Mr. Chairman.

16           CHAIRMAN HOOD: Okay, thank you, Mr. Vice Chair.  
17 I will say that there has been a lot of moving parts to this  
18 whole case. And I've been listening for about an hour and  
19 a half and now things are coming together.

20           So, Ms. Batties, what I would suggest is as we  
21 move forward and get any final orders I would like to see  
22 some of the things that were promised in one area, as though  
23 I was a judge. I don't want to have to look through the  
24 whole order looking for things and promises.

25           So, if we can put what has been changed, what the

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1 requests were, how we started off and we can see that all in  
2 one place. And I'm sure you can work with our counsel on  
3 that.

4 I have a few questions. Maybe this one is for Mr.  
5 Felice, Ms. Milanovich or you, Ms. Batties. Let's talk about  
6 the parking validation. It seems from listening the past  
7 hour and a half it seems like we talked more about the  
8 bicycles, which is fine with me taking care of that  
9 community.

10 But I want to make sure that, you know, everybody  
11 70 or 80, even 55, 56 or 57 whatever the case may be don't  
12 always ride bikes. So, we want to make sure like we did with  
13 Department of Transportation, make sure that there is access  
14 for people to get down there and see the water.

15 When they go shopping there should be some type  
16 of reduced rate if they're going to park if they show their  
17 senior voucher or something. Tell me how that's going to  
18 work. I know you said you haven't gotten there yet.

19 But we want to make sure that doesn't get lost and  
20 becomes non-existent. So, help me understand how we're going  
21 to make sure that happens so we can make sure that we take  
22 care of that community as well.

23 MS. BATTIES: Jami, do you have a response to that  
24 as it relates to kind of how the connectivity will be made,  
25 the project?

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1 MS. MILANOVICH: So, I guess, Mr. Hood, I want to  
2 make sure that I understand your question. So, you're  
3 wanting people who have to drive, obviously who, you know,  
4 may not be able to bike to be able to park and perhaps have  
5 that parking be at a reasonable or discounted rate. Am I  
6 understanding that question correctly?

7 CHAIRMAN HOOD: Well, more importantly those who  
8 would come in some of the retail. I saw it in red in the  
9 presentation. More importantly, not to go down and have to  
10 pay the \$100 for 15 minutes. That's where I am.

11 So, and maybe Mr. Felice may be the person that  
12 can answer this question. I know it's out there for  
13 discussion. But I need to make sure it didn't get lost. We  
14 need to make sure that our seniors especially who don't ride  
15 bicycles they can go down there and enjoy the water as well.

16 That's where I am. If you don't have an answer  
17 for me today I don't necessarily want an off the cuff answer  
18 that's not going to last the test of time. I want to make  
19 sure that I have an answer that's going to be in the final  
20 order of how we're going to proceed forward.

21 And, Mr. Felice, that's where I kind of asked you  
22 to come up so you can tell me how can we make sure that this  
23 -- because if you --

24 MR. FELICE: I agree. I don't want to -- it is  
25 something we've talked about. We've talked about creating

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1 parking along the streets as well.

2 In the transportation study we've added some  
3 additional parking areas along M Street and also Virginia  
4 Avenue that will help with the retail, taking the burden off  
5 the retail.

6 In using your example of, you know, paying \$100  
7 for 15 minutes, I would prefer to come back with a stronger,  
8 more precise answer because I want to be able to address your  
9 concern in totality.

10 CHAIRMAN HOOD: Thank you, Mr. Felice. We  
11 appreciate your answer. So, it wasn't off the cuff. It was  
12 a genuine answer and I appreciate that. I get enough off the  
13 cuff answers, but I want you to know I appreciate that.

14 MR. FELICE: All right.

15 CHAIRMAN HOOD: Let me get Mr. Dettman back to the  
16 mic. Mr. Dettman, you mentioned and some of this you  
17 probably don't know. But, you know, I'm getting older now  
18 and sometimes I forget things but then sometimes I forget  
19 things within five minutes.

20 So, you talked about all of the favorable  
21 responses and I know, I didn't hear unless I missed it, I  
22 didn't hear any adverse. There are some negative, adverse  
23 impacts on the project. Could you tell me what some of them  
24 are?

25 MR. DETTMAN: Well so, you know, can you hear me

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1 okay?

2 CHAIRMAN HOOD: Somebody else must have another  
3 mic on. If you can mute it or turn it off because we can  
4 always just use the screen.

5 MR. DETTMAN: How is that? That's okay. I'm not  
6 aware of any comments that have been submitted by, you know,  
7 District agencies or whatnot regarding adverse impacts.

8 I did, you know, in my evaluation of the project  
9 with respect to potential impacts and this is, some of this  
10 is stated in our filings, I think that they're, given the  
11 additional height of the project and whatnot and relative to  
12 the surroundings I think there could be potential for some  
13 minor adverse impacts with respect to, say views, light and  
14 air.

15 But I think that I would categorize those  
16 potential adverse impacts, to the extent that they exist, as  
17 minor which is shown in our shadow study where during the  
18 winter months where shadows are the worst given the over 400  
19 foot distance from the neighborhood to the north, separation  
20 by the tracks and the freeway, even during the winter months  
21 I do not believe that there is going to be, you know, an  
22 unacceptable adverse impact to the neighborhood to the north.

23 I think that the transportation study identifies  
24 some adverse impacts to the level of service for some of the  
25 intersections that were analyzed. However, as Ms. Milanovich

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1 as testified, as shown in the DDOT in our CTR, I think those  
2 adverse impacts can be mitigated through limitation of the  
3 TDM and some of the other improvements that have been  
4 committed to. I can't, you will have to take it up.

5 CHAIRMAN HOOD: When you're telling us about  
6 adverse impacts, I mean, you're supposed to be, your job is  
7 to come and tell us that it is favorable with the  
8 mitigations.

9 But you must professionally know there are some  
10 adverse impacts and you believe, it's your testimony for why  
11 you believe some of them may still exist. It is your  
12 testimony alternatives, while there may be some  
13 inconveniences there are more things that are in favor of the  
14 project than inconveniences. Does that kind of summarize  
15 what you're saying?

16 MR. DETTMAN: Yes. I think with the PUD standard  
17 and the regs it's the impact can't be unacceptable. They  
18 have to be either favorable, capable of being mitigated or  
19 acceptable.

20 I read that language as, you know, if something  
21 has to be mitigated to a certain degree it's an adverse  
22 impact because you have to mitigate it.

23 But I think that to the extent that there are  
24 adverse impacts, say for example to light and air, which I  
25 categorize in my presentation as minor to transportation I

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1 think that those adverse impacts, and there are some in this  
2 project, are capable of being mitigated.

3 My professional opinion is I don't see that there  
4 are even any impacts that can't be mitigated that would  
5 require the Commission to say okay, well even though they  
6 can't be mitigated we're going to find them acceptable  
7 because of the quality of the public benefits being offered.

8 I just don't see an adverse impact that rises to  
9 that level on this project.

10 CHAIRMAN HOOD: You mentioned 20 feet. And why  
11 is the 20 feet essential to this project?

12 MR. DETTMAN: I think it's essential for a couple  
13 reasons. One, that we have, you know, a very favorable  
14 residential program being 900 new additional units and 12  
15 percent of the square footage of the affordable.

16 And so, I think it's critical. If you take that  
17 and only focus only on the housing program we could certainly  
18 find ways to accommodate that residential program in a  
19 different way on the site if we were to reduce the height by  
20 say two floors.

21 We would have to put that gross floor area, that  
22 residential area elsewhere on the site to maintain those 900  
23 units. And as I testified, that would likely go into view  
24 sheds that have been maintained through the site.

25 That would likely go into open spaces that have

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1 been provided on the site. So, I think it's critical to the  
2 project insofar as to say the additional height is critical  
3 in order to achieve the residential program as well as a lot  
4 of the other comprehensive plan goals and objectives that are  
5 applicable to this site at the same time.

6 CHAIRMAN HOOD: And let me ask, along those lines  
7 what benefit that is kind of (audio interference) connected  
8 more to the height? What benefit the applicant is proffering  
9 is connected to the height?

10 MR. DETTMAN: Yes. So, the additional height  
11 allows the applicant to maintain a lot occupancy of 61  
12 percent where under the existing in the proposed zoning it  
13 could be 100 percent lot occupancy.

14 So, by being able to only provide a 61 percent lot  
15 occupancy that opens up the site for all the parks and open  
16 space, the visual connections, the additional pedestrian  
17 connectivity through the site. Rather than filling the site  
18 with buildings, we're providing all those open spaces and  
19 connectivity and view sheds through the site.

20 CHAIRMAN HOOD: Okay. Thank you, Mr. Dettman.  
21 Thank you very much. Ms. Batties, would you come back?

22 MS. BATTIES: Yes.

23 CHAIRMAN HOOD: When you were having a  
24 conversation with the Vice Chair you mentioned about the  
25 earmarks of width. Well, you didn't say earmarks. I said

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1 earmarks.

2           You mentioned about the 125 or 250 or whatever  
3 that number is. Could you read that statement again because  
4 I want to make sure I understand it?

5           MS. BATTIES: Sure. The applicant agrees to  
6 increase its proffer related to senior programming from  
7 \$25,000 to \$250,000 in accordance with Section 305.3 of the  
8 PUD regulations.

9           Specifically, the applicant will contribute  
10 \$25,000 to the Department of Parks and Recreation to support  
11 the programming for seniors at the Arthur Capper Recreation  
12 Center and will contribute \$225,000 to the Department of  
13 Aging and Community Living with the request that the funds  
14 be earmarked to assist a non-profit organization with the  
15 cost of professional services related to securing a site for  
16 an adult daycare center in the Capitol Hill area of Ward 6.

17           CHAIRMAN HOOD: So, suppose they -- I see where  
18 the direction is going. But if the agency decides to do  
19 something else with those funds, and I think you're trying  
20 to work to -- I'm not sure how you're trying to get to what's  
21 requested then in the record from the adult daycare.

22           So, what happens if they decide to do something  
23 else with it? I mean, another place. Not necessarily this  
24 particular avenue. What happens if they do something else  
25 than an adult daycare center?

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1           So, what happens if they do something else? I'm  
2 just, I'm trying to understand that language.

3           MS. BATTIES: Well, we can only make a proffer and  
4 request that the money be available. The regulations don't,  
5 the regulations are very specific that the contributions are  
6 to be made to the District of Columbia or District agency.

7           So, we can continue to work, we can work with the  
8 agency. You know, I've done similar proffers for other  
9 projects and quite frankly, the District agencies have been  
10 supportive in kind of working with us on these requests.

11           Maybe if you're suggesting language that's  
12 stronger like a grant to support, you know, the -- a grant  
13 to support a non-profit that's looking to locate a senior,  
14 an adult daycare center we can try to tighten up the  
15 language. But really the proffer is intended to comply with  
16 the regulations.

17           CHAIRMAN HOOD: And also, what about DPR? How is  
18 that going to work because a lot of times are you going to  
19 administer something? Are you going to just give it to DPR,  
20 it's going to the Rec? We don't want it to go in the general  
21 fund.

22           MS. BATTIES: I have been in contact with the  
23 Partnership Office at DPR. I have confirmed with them that  
24 Arthur Capper does provide senior programming.

25           And I've talked to them about identifying a

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1 specific aspect of the programming whether it's meals or an  
2 activity or an event, but that the money should again be  
3 earmarked for a specific use.

4 CHAIRMAN HOOD: Okay. Let me just say that I kind  
5 of knew when I asked it. But I wanted to put that out there  
6 because things do change. And I didn't want to hear later  
7 on that they didn't do that.

8 But hopefully it's earmarked stating the language  
9 that you've already provided that the agencies will -- and  
10 also I'm sure the community is going to be out there pushing  
11 for what they want. So, hopefully -- I believe you have it  
12 here and then also I'm sure that will go exactly.

13 I just didn't want people to think a lot of times,  
14 I don't like people putting on Promised Land and it changes  
15 because it can be very upsetting if it doesn't come out to  
16 how we would like to see it come out. Anyway, it is what it  
17 is.

18 You've done a great job in pulling a lot of things  
19 together in architecture and my colleagues have really  
20 covered a lot of it. So, I appreciate especially working  
21 with the communities.

22 The only thing I, the biggest issue for me though  
23 is make sure we look at that parking. So, Mr. Felice has  
24 agreed to do that and I'll be looking to see what happens  
25 with that. I have, second rounds, Commissioner May.

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1           COMMISSIONER MAY: Yes. I did have a couple  
2 questions. Can we bring up the elevation of the riverside  
3 view?

4           Yes. And looking for something that shows the  
5 side. Okay. That shows part of it. I have to question the  
6 sort of glass section in the courtyard there. There's one,  
7 you know, sort of midway in the building there.

8           Within the courtyard there's a section of the  
9 facade that's just glass and it doesn't have the full frame  
10 around it. I just want to call it out because it seems  
11 questionable to me.

12           The second thing is, has to do with how the  
13 building turns the corner. We need to see a little bit more  
14 of the facade of the wing that's on the left there. I don't  
15 know what view we have.

16           MS. HERNANDEZ-AYALA: I wonder if we pull up the  
17 two dimensional elevations if that might be helpful.

18           COMMISSIONER MAY: I mean, I want to see them in  
19 3D.

20           MS. HERNANDEZ-AYALA: You want to see them in  
21 three dimensions, okay. I think that, I don't think we have  
22 -- you want to see the corner where we transition from brick  
23 to --

24           COMMISSIONER MAY: Yes, exactly.

25           MS. HERNANDEZ-AYALA: -- to metal, yes.

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1           COMMISSIONER MAY: Stop, go back two slides. Keep  
2 going, one more. Yes, okay. So, zoom in on the lower left  
3 corner of that elevation, if we could, the lower part of it.

4           There we go. Keep going. All right, so we can  
5 start to see it here and I'll start talking about it. I  
6 don't know how I missed this first time around.

7           But that's just really odd having the brick wrap  
8 around from the M Street side and then to this east elevation  
9 and then it just ends with the, you know, and dies there.  
10 I mean, it's -- what it reminds me of is, you know, suburban  
11 tract housing where they put brick on the front of the house  
12 but as soon as you get to the side of the house it's aluminum  
13 siding.

14           I mean, this is obviously more, higher quality  
15 material than that. But it just still seems very weird to  
16 have it end like that. And it's really just saying to the  
17 world that this brick facade is not real, I mean, is just a  
18 skin and it's really just, you know, it's a steel building  
19 that we've slapped some brick on.

20           I feel like it needs to terminate in a more  
21 substantial way. I don't know that it, I mean, ideally --  
22 I don't know if it's ideal or not. I mean, you know,  
23 ordinarily if you're going to do sort of the two part  
24 building like this the entire first part would be brick or  
25 mostly brick and then the other part would be the frame

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1 thing.

2 I don't think that's the right solution here  
3 because I kind of like the view from the side. But I feel  
4 like how that, how you express the brick portion of this  
5 building needs to be different.

6 I mean, just ending it at a corner like that I  
7 don't think is good. You know, maybe it ends part of the way  
8 back on the east side or maybe it wraps the corner and there  
9 is a tower or something, you know, sort of a tower element  
10 there.

11 I'm not sure what the right approach is. But I  
12 just think it's very odd having it end at the corner. I  
13 don't know that I've ever seen anything like that which seems  
14 very odd.

15 MS. HERNANDEZ-AYALA: Okay. We can look at that.  
16 You know, again it was part of the sense of the unexpected  
17 as you turned the corner and the transitioning from the  
18 traditional masonry building to this modern industrial  
19 setting.

20 And we thought that abrupt move, we actually did  
21 that purposefully to make that point of the past and the  
22 present. And I hear what you're saying that it could be done  
23 in another way.

24 We can explore how to do that. But, you know, the  
25 idea was, you know, what was that transition. And we landed

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1 in creating a very sharp transition to bring home the  
2 juxtaposition between the two architectural styles.

3 And so, we have a balcony there. So, it does, it  
4 wraps the corner. We were using that plane for some signage,  
5 for some place making which you can kind of see the Boathouse  
6 Row sign there.

7 COMMISSIONER MAY: Yes.

8 MS. HERNANDEZ-AYALA: And then there would be a  
9 balcony element that would engage with the metal building  
10 around that corner.

11 COMMISSIONER MAY: So, you know, I mean one  
12 suggestion might be to actually continue the brick and kind  
13 of wrap the balconies in some way and make that into sort of  
14 a tower balcony element. I mean, I just, I mean I understand  
15 what you were trying to do.

16 I didn't think it was like a mistake or anything  
17 because obviously it was deliberate. I just think that it's  
18 very odd terminating the way it does. And, you know, like  
19 I said maybe the brick wraps for a bay.

20 I mean, I don't have any problem with there being  
21 a transition there. But I just feel like the tradition where  
22 you have a really thin layer of brick, you know,  
23 transitioning to frame like that just isn't doing it for me  
24 and I think that you could, you know, you could do something  
25 maybe, as I said with the balconies that would make that

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1 transition work better because it's not working.

2 MS. HERNANDEZ-AYALA: We can look at that.

3 COMMISSIONER MAY: Okay, thanks. That's it.

4 CHAIRMAN HOOD: Okay, Commissioner Shapiro.

5 COMMISSIONER SHAPIRO: I have no further  
6 questions, Mr. Chair.

7 CHAIRMAN HOOD: Okay, Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Not really. I just have  
9 one clarification. I think the ANC letter, this is for Ms.  
10 Batties. Right now in the consolidated there is three, two-  
11 bedroom. But overall there will be four two-bedroom,  
12 correct?

13 MS. BATTIES: Yes. Three in phase one and then  
14 the fourth will be in the west tower in phase two.

15 COMMISSIONER TURNBULL: Okay. Thank you. That's  
16 it, Mr. Chair.

17 CHAIRMAN HOOD: Thank you, Mr. Turnbull. I guess  
18 used to watch Hollywood Squares with my father. Anyway, Vice  
19 Chair Miller.

20 VICE CHAIR MILLER: I'm good, Mr. Chairman, thank  
21 you.

22 COMMISSIONER TURNBULL: Would you like to see me  
23 in one of the squares?

24 CHAIRMAN HOOD: I see you now. Okay. Let's get,  
25 Vice Chair, I'm sorry, he was talking.

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1 VICE CHAIR MILLER: I'm good. Thank you, Mr.  
2 Chairman.

3 CHAIRMAN HOOD: Okay. I think ANC 6B, I don't  
4 know if Commissioner Holman is the person. Do we know if  
5 they have any questions in cross examination? I think it's  
6 Commissioner Holman.

7 MR. HOLMAN: I do, yes, just a couple.

8 CHAIRMAN HOOD: Okay.

9 MR. HOLMAN: A couple questions on the ADC and  
10 then one on transportation if, well if the person wants to  
11 be ready. On the ADC kind of moving on from what Chairperson  
12 Hood said, have you talked to Department of Community Living  
13 and are they a willing partner in using the \$225,000?

14 MS. BATTIES: I have not had an opportunity to  
15 talk to them yet. But, you know, I know you've been a  
16 tremendous advocate for this project and other Commissioners.

17 You know, we'll make the proffer and I would  
18 encourage you all to kind of just work with them to make  
19 sure. We know the intent of the funding. And so, I would  
20 encourage you to continue to work with us to work with them  
21 to make sure that the money is allocated accordingly.

22 MR. HOLMAN: Great. And then I guess following  
23 up on that, are there benchmarks or guarantees that you've  
24 worked into proffers to other District agencies before that  
25 you can work into this proffer?

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1 MS. BATTIES: We have not. What we have done with  
2 other District agencies is earmarks, right, how we want the  
3 money to be used but not benchmarks in terms of like  
4 milestones that have to be monitored.

5 MR. HOLMAN: And then on transportation, sorry,  
6 and then on transportation related to the neighborhood  
7 greenway. So, it's my understanding -- I don't think we need  
8 to bring up the MOU language was the proffer, the language  
9 that was included set expectations for what you would do  
10 during phase two construction but did not limit solely to  
11 what is in the MOU.

12 For example, the DDOT report required mitigations  
13 includes other things including traffic control devices,  
14 speed bumps. They have a fancy word for it. The MOU would  
15 not preclude you from doing more or not preclude DDOT from  
16 requiring more.

17 MS. BATTIES: That's correct.

18 MR. HOLMAN: Okay, thank you. That's all.

19 CHAIRMAN HOOD: Thank you, Commissioner Holman.  
20 Let's go to Office of Planning and District Department of  
21 Transportation. We have both of them back to back. I think  
22 Mr. Cochran and then Mr. Zimmerman.

23 MR. COCHRAN: Okay. Good evening, Commissioners,  
24 or really good night, Commissioners. I'm not sure yet. OP's  
25 final report recommended that the Commission approve the

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1 application subject to the provisions of certain information  
2 and clarifications.

3           The applicant provided this information last night  
4 and began some more this afternoon that we haven't really had  
5 a chance to look at yet. While OP defers to DDOT on  
6 transportation matters, our review of the information on last  
7 night's filing when combined with earlier submissions seems  
8 to be sufficient for the hearing.

9           However, we're asking the Commission to permit OP  
10 to file a supplemental report after the hearing if it's  
11 needed to address any matters that may arise from a closer  
12 reading of yesterday's and this afternoon's filings including  
13 the coordination with D.C. agencies in greater specificity  
14 on that \$250,000 proffer and some design concerns that became  
15 more apparent today.

16           While as we noted in our report there may be some  
17 policies in the comprehensive plan with which the proposal  
18 may not be completely consistent, the application meets the  
19 PUD test of providing a project with superior public benefits  
20 and amenities that would not be possible with a matter of  
21 right project in the existing PDR zone.

22           In balance, the contribution the project would  
23 make towards furthering important comprehensive plan goals  
24 and policies outweighs the requested flexibility and makes  
25 the project not inconsistent with the comprehensive plan.

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1 The project is also within the reasonable boundaries of  
2 discretion that the Commission has when considering PUDs.

3           Because of all this, OP recommends that the  
4 Commission give preliminary approval to the application  
5 including the requested PUD related map amendment, the  
6 flexibility on loading inside the yard's open courts and the  
7 requested design flexibility as that was amended in the most  
8 recent filing.

9           And, Paul, if you could pull up the, probably the  
10 second slide? The one that's just the site plan, okay. The  
11 applicant has already reviewed most of the changes it's  
12 proposing, that it has proposed and it summarized most of the  
13 additional information it supplied.

14           I would be happy to go into all that if you really  
15 wish. But I would at least like to note what OP consider the  
16 five most significant increases in proffers since set down.

17           There is the IZ proffer being increased from 11  
18 to 12 percent of residential GFA which would be 50 percent  
19 more IZ square footage than is required by right. And now  
20 for the two-bedroom IZ units would be at that deeper 50  
21 percent affordability level.

22           The project would now be built to LEED gold  
23 standards rather than to the previous LEED silver. Forty  
24 balconies have been added for a total of 160 balconies for  
25 about 900 units.

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1 A view corridor to the waterfront has been  
2 provided down Virginia Avenue. And as of this afternoon, the  
3 applicant is contributing \$250,000 to particular D.C.  
4 government agencies to promote services to seniors. Of  
5 course, this does require some more coordination.

6 On the other hand, the applicant is not proffering  
7 the city any commitment and it has clarified that it would  
8 not be providing a community garden. These were both  
9 questions that OP asked for clarification on in its previous  
10 report.

11 The earlier proffers, most of which would enhance  
12 both public and private spaces in and adjacent to the site,  
13 all remain part of the final proposal. And more details  
14 about their design, use, maintenance and public access have  
15 been provided by the applicant in the most recent filings.

16 At set down the Commission asked OP to further  
17 address the relationship of the proposal to the comprehensive  
18 plan and to the generalized future landings map. The current  
19 FLUM shows the area south of M Street and east of 11th Street  
20 bridges as being appropriate for medium density commercial  
21 and institutional uses.

22 The site is zoned PDR 4 which doesn't permit  
23 residential development. But the area has long been shown  
24 on the generalized policy map as a land exchange area. The  
25 requested zone and the proposed use would be such a change

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1 and would be also consistent with the Anacostia Waterfront  
2 Framework Plan.

3           The proposed FLUM for the area that the Mayor  
4 transmitted to the Council earlier this year would also  
5 further the policy map by changing the FLUM designation to  
6 high density residential and high density commercial. But  
7 the Council hasn't acted on these amendments yet at.

8           So, at this point we're still dealing with the  
9 existing FLUM. But we're also now having to interpret the  
10 FLUM using the new framework that became effective in late  
11 August.

12           That FLUM illustrates what the future land use  
13 maps, land use categories mean. And it illustrates them by  
14 using ranges of densities and zones typical to a project in  
15 these land use categories.

16           The new FLUM no longer uses any height references  
17 to illustrate these categories. Paul, if you could bring up  
18 the next slide?

19           The PUDs requested 6.17 FAR fits within the medium  
20 density FLUM category, especially for a PUD. And that would  
21 be on to the next slide, Paul, the chart.

22           These are probably less than a self-explanatory  
23 chart to help demonstrate just that. While the proposed FAR  
24 is a little over the 6 FAR that the new framework uses to  
25 illustrate the FAR is appropriate for typical by right medium

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1 density development. It's actually more than 1 FAR less than  
2 the buy right FAR of the zones the new framework uses to  
3 illustrate typical zones for medium density land uses.

4 Now, I say typical and by right because for every  
5 type of land use designation the framework element also says  
6 other zones may also apply.

7 That phrase has traditionally been referenced when  
8 discussing the discretion the Zoning Commission has in  
9 considering PUDs. By the way, I keep turning to the left  
10 because I'm using two screens and that's where your faces  
11 are.

12 Okay. The 130 foot height is tall for a medium  
13 density development. But the new framework element stresses  
14 the importance of considering the FAR more than height.  
15 Paul, you can go back to that previous slide, that chart.

16 With the concentration of density on only 63  
17 percent of the site, Shane said 61 percent today. But I  
18 think that it's 63 percent in what they submitted in writing.

19 A site plan design and belated proffers are  
20 enabled that would not only deliver more housing and  
21 affordable housing but it would also make possible the  
22 extensive publicly accessible open space amenities, plazas,  
23 overlooks and connections to the waterfront on both private  
24 space and public space.

25 It also enables the massing to be divided into the

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1 proposed towers with space between them along what  
2 constitutes the alignment of 13th Street and 14th Street up  
3 in Capitol Hill. This thus decreases the apparent mass of  
4 the project and provides some views to the water.

5           The design proffers further other important  
6 elements in the comprehensive plan, so much that the PUD  
7 would not in balance be inconsistent with that comprehensive  
8 plan. This is particularly true through policies dealing  
9 with housing, affordable housing and sustainability.

10           A summary of elements and policies with which the  
11 PUD will be not inconsistent and those of which it may be  
12 somewhat inconsistent is on Pages 13 and 14 of OP's filing  
13 report. And it's noted in much more detail in our, in the  
14 comprehensive plan section of our preliminary report.

15           But these are the kinds of tradeoffs for which the  
16 concept of a PUD is developed in the first place. They lead  
17 to a positive balance between on the one hand the requested  
18 flexibility and the comp plan elements with which the project  
19 may be somewhat inconsistent and on the other hand the degree  
20 to which the public benefits and the furtherance of many  
21 important elements of the comprehensive plan that make the  
22 project in balance not inconsistent with the comp plan.

23           But one last thing. OP notes that the ANC report  
24 expresses concern that the OP recommended retention of that  
25 Virginia Avenue view corridor that may result in planting

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1 fewer trees.

2           If the applicant does not provide that view  
3 corridor we would expect that additional trees would be  
4 planted elsewhere on the site, maybe even along the north  
5 side of water street.

6           That concludes OP's testimony. Of course, I'm  
7 happy to answer any questions.

8           CHAIRMAN HOOD: Thank you, Mr. Cochran. Let's go  
9 to Mr. Zimmerman.

10           MR. ZIMMERMAN: Good evening, Chairman Hood and  
11 Members of the Commission. For the record, my name is Aaron  
12 Zimmerman, Site Development Program Manager at DDOT.

13           We are very supportive of the applicant's  
14 proposal. As part of the project the applicant is making  
15 substantial upgrades to the transportation network including  
16 reconstructing M Street and Virginia Avenue, coordinating  
17 with other entities on deployment of a shuttle service that  
18 would connect the site to Metro rail, installing a Bikeshare  
19 station and providing additional enhancements to the  
20 pedestrian and bicycle network.

21           We did request several conditions in our report.  
22 The first is loading and management plan to address the  
23 loading relief for building two. The second is to strengthen  
24 the TDM plan to encourage more usage of non-auto modes of  
25 travel and offset the traffic impacts identified in the

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1 transportation study.

2           And the third is to work with DDOT and the ANC to  
3 create and implement a new vision for Water Street as an  
4 extension of the Anacostia Riverwalk Trail. As you heard in  
5 the applicant's presentation, DDOT and the applicant are  
6 mostly in agreement on the transportation conditions pending  
7 concurrence on final language.

8           So, with these included in the zoning order, DDOT  
9 has no objection to the approval of this first stage PUD,  
10 consolidated PUD and related map amendment. Thank you.

11           CHAIRMAN HOOD: Okay. Thank you, Mr. Zimmerman.  
12 Mr. Cochran, if there are any questions or comments. We'll  
13 start with Commissioner May.

14           COMMISSIONER MAY: Yes. I do have -- can you hear  
15 me now?

16           CHAIRMAN HOOD: Yes, I can hear you.

17           COMMISSIONER MAY: I have a question for Mr.  
18 Cochran. So, what's happening with the Boathouse Row  
19 redevelopment? It's not been, it's -- let's see it was, the  
20 land was conveyed to the District of Columbia in 2008.

21           And so, not too much has happened down there other  
22 than the Anacostia Community Boathouse temporary  
23 installation. So, what's happening down there? When are we  
24 going to see some real change?

25           MR. COCHRAN: Well, I can tell you what I know.

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1 I certainly can't guarantee you when there will be real  
2 change.

3 COMMISSIONER MAY: Okay.

4 MR. COCHRAN: There was a draft plan done right  
5 about that time of conveyance back in 2008. And in July OP  
6 received plans from the Washington Yacht Club which is down  
7 on the south side of Water Street.

8 And we're reviewing that now. We're reviewing it  
9 in coordination with other D.C. agencies. And as you  
10 probably know, both of the boathouses which people think of  
11 as private are actually on D.C. owned land and they just  
12 lease their space. So, that's all I know for now.

13 COMMISSIONER MAY: Okay. Is there any action  
14 toward revamping the planning that was occurring in the late  
15 2000s?

16 MR. COCHRAN: I don't know what's going to come  
17 out of these coordination talks that are going on about what  
18 the Yacht Club proposed with other agencies. I just, I don't  
19 know whether that will lead to a reopening of the old plan,  
20 an assignment of it.

21 I'm not part of that effort so I can't really  
22 speak to it any more than that.

23 COMMISSIONER MAY: Okay, so --

24 MR. COCHRAN: I can certainly find out.

25 COMMISSIONER MAY: Yes. And since you're going

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1 to do a supplemental plan, if you can find out any  
2 information about that I would be very curious to know what  
3 the future might hold or when it might hold -- I understand  
4 that, you know, there are reasons why things stalled when  
5 they did having to do with the recession.

6 And of course we are in very strange times  
7 financially for the District. So, I'm not expecting that,  
8 you know, things are going to start happening in earnest  
9 tomorrow given the uncertainties of budgets at this moment.

10 But knowing that it's, that at least it's on  
11 somebody's to do list, I think would be nice. So, thank you.

12 And I think it's important, you know, as we start  
13 to see developments like this to know that there is a future  
14 for that area that does not involve, you know, just the, sort  
15 of current run down circumstance and postindustrial kind of  
16 wasteland, you know, the debris skimming operations and the  
17 other stuff that is happening down there because that's like  
18 the only thing that's happening, other than the Yacht Club  
19 and the Community Boathouse. So, all right, thank you.

20 CHAIRMAN HOOD: Thank you, Commissioner May.  
21 Commissioner Turnbull, I mean, I'm sorry, Commissioner  
22 Shapiro.

23 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just  
24 thank, Mr. Cochran and Mr. Zimmerman, for your reports. And  
25 I have no questions, Mr. Chair.

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1 CHAIRMAN HOOD: Okay. Now, Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Mr. Chair, I have no  
3 comments and I'd like to thank Mr. Cochran and Mr. Zimmerman  
4 for their reports.

5 CHAIRMAN HOOD: Okay, Vice Chair Miller.

6 VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
7 thank you both the Office of Planning and DDOT for their  
8 comprehensive reports. I guess my one, well, Mr. Cochran,  
9 you touched on the need -- not touched on.

10 You mentioned that there will be, need to be  
11 coordination in order to effectuate the intent and commitment  
12 by the applicant to provide the funds, the \$250,000 for the  
13 senior programming and at the Arthur Capper and the senior  
14 adult daycare center that Capitol Hill Village and the  
15 community envisions.

16 So, I just -- as part of that coordination I  
17 assume that you or the Office of Planning could reach out to  
18 Department of Parks and Recreation and Department of Aging  
19 and Community Living, I guess it's called now in terms,  
20 letting them know about this commitment, this proffer that's  
21 been made and trying to be part of the coordination that,  
22 between the applicant and the community and these agencies  
23 seeing that this vision is realized.

24 So, can you speak to reaching out to each of those  
25 agencies? I don't know if we can get something from them in

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1 writing or if that's necessary. But if at least that they,  
2 if they can hear from both you as a sister agency on behalf  
3 of the Zoning Commission as well as hearing from the  
4 applicant and the community about this particular, these  
5 particular proffers.

6 MR. COCHRAN: I would be happy to. Certainly,  
7 whatever the applicant proffers has to be deliverable.

8 COMMISSIONER SHAPIRO: Right. So, yes, so we  
9 would appreciate if you get any response to your reaching out  
10 and to the applicant if you get any response from PPR or, I  
11 don't know the acronym for Aging and Community Living now,  
12 ACL? That sounds like something my knee has problems with.

13 Hopefully there won't be problems with getting  
14 this commitment delivered. Thank you.

15 MS. BATTIES: If I may, Commissioner Miller. Like  
16 I said, I've already been in touch with DPR's external  
17 affairs person and I was connected to their person in charge  
18 of their Partnership Office.

19 So, I'm happy to include OP in further  
20 communications with DPR. I have not yet reached out to  
21 anybody at the Department of Aging. But I can make sure to  
22 include the Office of Planning and Mr. Cochran in particular  
23 on those communications as well.

24 VICE CHAIR MILLER: Okay, thank you. Mr.  
25 Chairman.

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1 CHAIRMAN HOOD: I too want to thank the Office of  
2 Planning and DDOT for their presentations and their reports.  
3 But I feel confident with the community and everybody that's  
4 reaching out, I feel confident the neighborhood and community  
5 is going to get this.

6 I mean, it's going to work the way they all want  
7 to see it done. So, I feel very confident. But it's still  
8 good that everybody is reaching out.

9 Let's see if we have any other comments from  
10 applicant, Ms. Batties. Do you have any?

11 MS. BATTIES: No, I don't.

12 CHAIRMAN HOOD: Commissioner Holman, do you have  
13 any questions or comments to Office of Planning or DDOT?

14 MR. HOLMAN: Of course I do. For OP, two  
15 questions. You mentioned some activity at Washington Yacht  
16 Club. Are you aware or do you have any update on plans for  
17 relocation of the South Capitol Heliport to the area directly  
18 adjacent to Eastern Power Boat Club?

19 MR. COCHRAN: I am not aware of anything related  
20 to that other than knowing that there is a rumor around about  
21 it. Beyond that I know nothing.

22 MR. HOLMAN: I guess I'll ask this as a question.  
23 In the comp plan revisions in front of the Council now this  
24 area is noticed as a planning focus area. Would that mean  
25 that if it's passed, I think, they call it planning focus

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1 area or something to that effect.

2 If it passed would that mean there would be, I  
3 know that doesn't mean Small Area Plan, but it means OP would  
4 be starting some planning on this area if it's passed?

5 MR. COCHRAN: I'm sorry. That's a new term to me.  
6 I'll have to get --

7 MR. HOLMAN: It's in the generalized policy map  
8 proposal.

9 MR. COCHRAN: Okay. So, I will get back to you.

10 MR. HOLMAN: Okay. For DDOT, the questions are  
11 all about the neighborhood greenway and the required  
12 condition. The required condition says the applicant should  
13 develop a concept.

14 Do you find that condition sufficient to mitigate  
15 the impact especially designing a site plan that doesn't have  
16 a sidewalk to the south?

17 MR. ZIMMERMAN: In terms of designing a concept,  
18 I mean, I think what they're proposing is pretty close to  
19 what we're looking for. You know, I think the way that they  
20 are wording it in the community benefits package is more, you  
21 know, more of a signage and striping plan.

22 And I think that will get us to (audio  
23 interference) and then I think, you know, there is additional  
24 things that we can talk about during publicized permitting  
25 like, you know, where Water Street plugs into M Street and

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1 the exact design of that. So, does that answer your  
2 question?

3 MR. HOLMAN: Enough. I'll discuss more at my  
4 time. Thank you.

5 CHAIRMAN HOOD: Okay. So, thank you both Office  
6 of Planning and DDOT and appreciate the reports. What I  
7 would suggest is that we don't unmute until the person  
8 finishes because I don't know if it's just my unit but it  
9 sounds like a band is playing.

10 I would suggest that we kind of wait to mute and  
11 unmute because it seems like sometimes we get a lot of  
12 feedback. So, let's all continue to work on that. And it  
13 clears up. But let's just make sure we unmute just before  
14 we're going to talk and mute when we're finished.

15 All right. All the government reports. I didn't  
16 see any others. I didn't see any others. And if I missed  
17 any my colleagues will let me know. Okay. Let's go to the  
18 report of the ANC, Commissioner Holman.

19 MR. HOLMAN: Hi. I guess I should have identified  
20 myself earlier. My name is Corey Holman. I live at 926 14th  
21 Street SE. I'm the single member District commissioner for  
22 this project, Chair of ANC 6B's Planning and Zoning Committee  
23 and Chair of the 1333 M Street SE PUD Subcommittee.

24 For the standing rules of ANC 6B and the  
25 provisions of the ANC Act and zoning regulations, I'm here

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1 today to present testimony bounded by the ANC report provided  
2 in Exhibit 54 to participate as a party in the case to  
3 provide clarification and explanatory information as needed.

4 Before beginning my prepared, the prepared  
5 highlights of my ANC report, I want to -- one thing up front.  
6 Commissioner May is right. The dumpsters on M Street are a  
7 nuisance. And I can give you a list of 311 requests that  
8 were ignored or partially addressed if you want to bring that  
9 up with DPW or DDOT.

10 Anyway, moving on to actual things. ANC 6B  
11 opposed approval of the PUD on the grounds that the proffered  
12 public benefits were insufficient. As to Commissioner May's  
13 question of whether we are in agreement with the updated  
14 proffer, I'm going to be very pedantic and I apologize.

15 But we spent multiple hours wordsmithing these  
16 exact sentences at committee and full ANC hearings. So, the  
17 ANC report in Exhibit 54 is clear that we would find the  
18 proffered public benefits sufficient if the contribution to  
19 support senior programming is raised to \$250,000. The  
20 proffer does that.

21 There is a clause in our report which states the  
22 proffer should go to support the cost of professional  
23 services without specifying the amount that should go to  
24 those services. So, again being pedantic I think the proffer  
25 meets that.

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1           And the ANC went up, took pains to ensure that  
2 there is not a preferred recipient of the proffer. So, I  
3 just want to make sure that's clear.

4           So, in our report there is one other thing I  
5 wanted to note, the Commission wanted me to note. At the  
6 initial discussions involving Capitol Village and an adult  
7 day center focused on providing on site space with free or  
8 reduced rent, free parking and build out costs paid by the  
9 developer.

10           After meetings with applicant and CHB it was clear  
11 that use with those conditions would not be proffered. So,  
12 we landed on this alternative approach. So, that's where we  
13 are on that. I just want to be clear.

14           So, we can move on. There are a number of issues  
15 and concerns that we appreciate the great weight given to  
16 these by the Zoning Commission. And I'm going to sort of go  
17 through in the order of our ANC report.

18           Number one, the affordable housing proffer. We  
19 just want to note our appreciation of the extra proffer of  
20 deeper affordability of a portion of the two-bedroom IZ  
21 units.

22           ANC 6B has a long history of not just supporting  
23 the increase in gross floor area, but larger units and deeper  
24 affordability. And we want to send out our appreciation on  
25 that increased proffer.

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1           We discussed the unit mix and flexibility about  
2 ensuring that the number of two-bedroom units does not go  
3 down and Ms. Batties has already agreed to that. So, we can  
4 move on.

5           As I mentioned earlier, ANC 6B and some of our  
6 Subcommittee Members had long detailed discussions about  
7 Water Street and Water Street's future. We're enthusiastic  
8 about the potential of Water Street SE as a neighborhood  
9 greenway.

10           We want to note our tremendous appreciation of the  
11 applicant and DDOT's insistence on inclusion of ANC 6B in the  
12 design process which is always things many people commit to.  
13 So, we wanted to note that.

14           And as I mentioned earlier, a successful project  
15 here and a successful proposal at 11th Street Bridge Park,  
16 fingers crossed, would be a major trip generator between the  
17 sites, not just on bike, not just on car but on foot and  
18 wheelchair.

19           So, a plan that does not include sidewalks, and  
20 I understand the sidewalks would be disconnected because they  
21 don't own the property to the east. But a plan that doesn't,  
22 to the west, a plan that does not include sidewalks needs to  
23 ensure the safety and sort of passibility for pedestrians.

24           To that end, going further than the DDOT required  
25 mitigations we would encourage the Zoning Commission and DDOT

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1 where possible to accelerate the time line and installation  
2 of the DDOT required plans for a neighborhood greenway to  
3 coincide with the issuance of the certificate of occupancy  
4 of the consolidated PUD.

5           And we understand the limits of zoning and public  
6 space and where one begins and one ends. But again, getting  
7 back to a successful project increases pedestrian circulation  
8 between, along Water Street. And I think we all want a  
9 successful project.

10           And I want to mention real quick something that  
11 I brought up earlier in a question. I think it's more than  
12 a rumor. The owner of the private heliport on South Capitol  
13 Street SW is currently working with, apparently not OP but  
14 other District agencies to move his heliport to riverfront  
15 land adjacent to Eastern Power Board Club.

16           So, that's sort of between the farthest southwest  
17 boat club and the Army Corps, sort of barge site in that sort  
18 of area in there. Again, this is not directly relevant to  
19 this case. But it's directly relevant to the future of Water  
20 Street.

21           This sort of trip generator and types of trips  
22 including emergency access would likely preclude a safe  
23 neighborhood greenway. And again, I understand it's not  
24 relevant to this case.

25           But we want to note approval of a neighborhood

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1 greenway today does not guarantee a safe Water Street in the  
2 future. And we hope to see you soon in a rezoning  
3 application that would hopefully permit that. But we can  
4 talk about that later.

5 Number four, the Bikeshare station location. We  
6 appreciate DDOT's required inclusion of the 23 dock Bikeshare  
7 station as a mitigation as well as DDOT's statements that  
8 they would seek to locate the site where it would be  
9 expandable.

10 When designing public space from scratch ANC 6B  
11 takes issue with the report not requiring expansion  
12 capabilities mitigation. And I say this because the site is  
13 so isolated in the Bikeshare network if somebody shows up and  
14 again, a successful project will hopefully have lots of  
15 people riding their bikes to the site especially from the  
16 Metros because it is very isolated, from the Metro because  
17 it's very isolated.

18 The closest sites, other Bikeshare station is over  
19 2,000 feet away near 9th and Potomac Ave. A full dock when  
20 you get there would be tremendously unfortunate and would  
21 likely, honestly preclude some of the value of a Bikeshare  
22 station.

23 Now, we're not asking the applicant to provide a  
24 bigger dock but simply to site in public space or in private  
25 space a location that can be expanded to 47 docks which sort

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1 of works out in DDOT math because you can only expand four  
2 at a time.

3           And we think again, when we talk about a  
4 successful project and mitigation of the traffic impacts  
5 getting people on bike requires making sure they have docks  
6 to park their Bikeshare bikes, especially with no other  
7 alternatives.

8           Number five, the design of the Virginia Avenue  
9 stub which I guess would be on the 1300 Block of Virginia  
10 Avenue maybe of the new street. So, we've had lots of  
11 discussions with the applicant through this process.

12           And we understand why the road is there and why  
13 the road is designed to DDOT standards. But we find the road  
14 to be unnecessarily wide and missing out on the opportunity  
15 to expand some of the environmental features capable in  
16 public space.

17           A road stub that serves only the site and  
18 hopefully a development opportunity to the south serves no  
19 role and serving no other role in the transportation network  
20 should dedicate as little possible public space to cars. And  
21 this design does not do that.

22           We note this is a concern and will continue to  
23 push DDOT to design this road in a way that reflects its use  
24 and the city's stated goals and the sustainable DC 2.0 Plan.

25           Mr. Cochran mentioned number six, the Virginia

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1 Avenue view corridor and the reference being anything that  
2 removes trees for a view doesn't seem to be the right play.  
3 The, Virginia Avenue was closed by the Council, I don't know  
4 when.

5           But it was closed and that presents a unique  
6 opportunity here to sort of transition from the order of the  
7 street grid to the natural feeling of the Anacostia and Water  
8 Street and specifically large and irregularly shaped trees  
9 and permeable surface and other sort of features like that.

10           Clear cutting that, I know he's not actually clear  
11 cutting it but shrinking the trees, opening it up sort of is  
12 at odds, I think with sort of that transition from order to  
13 repairing, if you will to nature.

14           Seven, architecture and design. This was covered  
15 extensively earlier. And we wanted to note that ANC 6B also  
16 finds the sort of cut out in Building 1 to be only partially  
17 successful in breaking up the mass. Some of the issues  
18 discussed earlier would address this as well.

19           We wanted to note specifically that, you know,  
20 separate towers with the same total gross floor area and  
21 density on the site would be more successful in breaking up  
22 the mass. But again, you know, you are the experts.

23           Eight, public access to private spaces. And this  
24 is something that Ms. Batties referenced in her testimony.  
25 One of the major values and community benefits of this

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1 project is that publicly accessible spaces even though  
2 they're on private land.

3 For the MOU if the developer we're in agreement  
4 with this. But I just wanted to highlight one of the major  
5 benefits and that's publicly accessible restrooms. I think  
6 we all know how few publicly accessible restrooms there are.

7 And where they exist the space is much more  
8 enjoyable. And the sort of, thing I always use to discuss  
9 this is Yards Park and that if that restroom weren't there  
10 with my one and four year old I would not go there as much  
11 as I do.

12 So, this is definitely a benefit and something I  
13 think more projects that sort of have public, blend the  
14 public and private sphere are really, really important.

15 Sorry, nine, building designs -- I promise I'm  
16 almost done. The proffer meeting legal standards is good and  
17 we're happy with that. I don't think that there has been a  
18 LEED scorecard included. If there is I would love to be  
19 pointed to it.

20 But we would request that one be provided in a  
21 supplemental filing so we can evaluate what is being used to  
22 reach that and to also ensure that DCRA, the Zoning  
23 Administrator can ensure those features that those features  
24 are actually being installed not just value engineered away.

25 Lastly, I'm wrapping up I promise. I wanted to

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1 note quickly that the developer and ANC have entered into an  
2 MOU. I apologize it took until 5:15, but we got it done for  
3 some zoning and non-zoning issues including construction  
4 management.

5           These are important to the community and we wanted  
6 to appreciate it, not our appreciation. I want to thank Ms.  
7 Batties and the development team for their continued  
8 involvement in the ANC's process spending many long nights  
9 on WebEx with us.

10           It is a, it's been a slog. But I wanted to note  
11 our appreciation. And finally, I just wanted to take some  
12 time to thank some of the Office of Zoning staff. Ms.  
13 Hanousek was very gracious ensuring our filings were correct  
14 and ready for your review. And Paul Young for running this  
15 meeting and so many others.

16           And finally, I promise, I want to express my  
17 unending gratitude for the unelected residents of ANC 6B who  
18 participated in our Subcommittee and Committee meetings. The  
19 work of volunteer appointed resident members continues to  
20 amaze me and I'm eternally grateful for their work.

21           And I'm sorry, I have one more. Thank you to ANC  
22 representatives on the call and the Members of the Board, the  
23 Zoning Commission for their continued service to the place  
24 we call home and hopefully the future 51st state. Thank you.

25           CHAIRMAN HOOD: Thank you very much, Commissioner

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1 Holman, for your testimony and also thank you for thanking  
2 us. We don't get that a lot. So, we really appreciate that.

3 Let's see if we have any questions, Commissioners.  
4 I'm going to look for nods this time. We won't go in our  
5 regular order. Any questions? I don't see -- I see nods no,  
6 no, okay. I believe Commissioner May is a no as well, okay.  
7 Any questions, Commissioner May?

8 Okay. Maybe, no. Maybe you want to talk about  
9 the two trash bins. Anyway, let's see if Ms. Batties, it  
10 will be three tomorrow. Ms. Batties, do you have any  
11 questions for Commissioner Holman?

12 MS. BATTIES: No, I don't.

13 CHAIRMAN HOOD: Okay. Again, Commissioner Holman,  
14 thank you for all the work that you do with the Commission.

15 MR. HOLMAN: I just want to note there is a couple  
16 more ANC 6B who will testify during the public process. But  
17 I just wanted to make sure, they want it to be noted that  
18 they are here as well.

19 CHAIRMAN HOOD: Okay. And we will get to them.  
20 But again, thank you. You can, well they will hear me as  
21 well.

22 But thank you for all the work you and your  
23 Commission do as volunteers and we appreciate all the time  
24 that you all put into this project and others things that you  
25 all do as well. Not just this, but all the other things.

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1           We appreciate you all as being our front line,  
2 first line electing officials. So, thank you. Let's go to,  
3 let's see where I am.

4           So, I'm going to need the help of Mr. Young and  
5 Ms. Schellin to let me know who is on. Let's go to  
6 organizations or persons who are here on the line who are in  
7 support. Let's bring them up first.

8           MR. YOUNG: Did you want me to bring the other two  
9 ANC Commissioners on first or you want me to wait for them?

10          CHAIRMAN HOOD: They, he represented the ANC.  
11 They can come up, I believe well you can bring them up. But  
12 I think --

13          MR. YOUNG: One of them is undeclared.

14          CHAIRMAN HOOD: Okay. Let's keep that because I  
15 don't want to go out of our normal --

16          MR. YOUNG: Okay.

17          CHAIRMAN HOOD: -- way of doing it because  
18 Commissioner Holman spoke for the ANC and everybody else will  
19 come in as individual Commissioners. Let's make sure we stay  
20 to the process.

21          MS. SCHELLIN: Paul, just so you know SMDs are  
22 considered individuals unless the ANC comes as, you know, had  
23 a full presentation. They are.

24          CHAIRMAN HOOD: So, normally I would bring them  
25 up. But I think with how things are going in the city now

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1 so we want to make sure we stick to our regulations, okay.

2 So, Ms. Schellin.

3 MS. SCHELLIN: That's correct. The first person  
4 up is Mr. Lawrence Johnston if he is on.

5 CHAIRMAN HOOD: Mr. Johnston obviously is in  
6 support.

7 MS. SCHELLIN: Correct.

8 CHAIRMAN HOOD: And I do have to look for this.  
9 I'll let you help me with that.

10 MS. SCHELLIN: I'm sorry. I'm mistaken. He's an  
11 opponent. He is not in support. The first proponent is,  
12 that's not part of the applicant's team is, might not have  
13 any. The first one is, we go straight to opposition.

14 CHAIRMAN HOOD: Okay. Let's go to opposition.  
15 You can bring them up.

16 MS. SCHELLIN: So, that would be Mr. Johnston.

17 CHAIRMAN HOOD: Okay.

18 MS. SCHELLIN: Lawrence Johnston if he is here.

19 CHAIRMAN HOOD: I see Mr. Johnston.

20 MS. SCHELLIN: Okay. And then we have Sally White  
21 of Iona Senior Services.

22 MR. JOHNSTON: I'm here. I'm Larry Johnston. Can  
23 you hear me?

24 MS. SCHELLIN: We're going to have a panel. So --

25 MR. JOHNSTON: Okay.

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1 MS. SCHELLIN: Okay. We usually call several  
2 people at a time so that they're ready. Deborah Edge and  
3 Neil Flanagan. You want to start with four.

4 CHAIRMAN HOOD: Yes, I think four is good. So,  
5 if everyone can turn on their video. I'm hearing my echo for  
6 some reason.

7 DR. EDGE: I'm on mute. But I'm pressing video  
8 and it's not -- there we go, okay.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: So, Mr. Johnston is first.

11 CHAIRMAN HOOD: If everybody could stay on mute  
12 until we get everybody up. And if you're not coming up  
13 unmute and just let us know you're not going to be on video.

14 MR. JOHNSTON: I thought I was going to be on  
15 video but I can't seem to get the video to work. So, it  
16 doesn't really --

17 CHAIRMAN HOOD: Ms. Schellin, I see just two right  
18 now.

19 MS. SCHELLIN: Let's see.

20 MR. YOUNG: I have three up. I didn't see Sally  
21 White in here.

22 CHAIRMAN HOOD: Okay. All right, let's go ahead  
23 and get started. Ms. Deborah Edge, if you can go ahead and  
24 begin.

25 DR. EDGE: You can hear me. Hi, my name is Dr.

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1 Deborah Edge. My address is 909 Massachusetts Avenue NE,  
2 Washington D.C. And, Chairman Hood and other Commissioners,  
3 my name is Dr. Deborah Edge.

4 I have been a Capitol Hill resident for 46 years  
5 raising my daughters and working as a primary care physician  
6 here until I retired from my Capitol Hill practice in 2011.  
7 I am also an early and active member of Capitol Hill Village.

8 I think Director Burman has described the lack of  
9 adult daycare center services within Ward 6. I wanted to add  
10 a personal perspective as a physician on the value and  
11 benefit that an adult daycare center with memory care would  
12 be for seniors on the Hill and the rest of Ward 6.

13 I am very encouraged to hear that the Felice  
14 Development Group has substantially increased its proffer.  
15 An adult daycare service can provide a broad range of  
16 programs to improve the health of seniors.

17 These include facilitating immunizations like flu  
18 shots, helping to monitor blood pressure and diabetes and  
19 other medical issues providing an extra interface between the  
20 patient and their physicians and reducing hospitalizations,  
21 helping with activities of daily living and providing  
22 rehabilitative services.

23 All of these make it easier for the clients to  
24 remain home and help them to be more productive and happier  
25 citizens. Adult daycare services can provide a supportive

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1 environment with socialization that the clients would not get  
2 if they are at home helping to prevent problems such as  
3 depression and isolation.

4           An adult day center services make it possible for  
5 clients to remain in their homes and age in place. This is  
6 better for the clients and saves money for both them, their  
7 families and society.

8           The benefits of the adult daycare center services  
9 to the caregivers are enormous. Primary caregivers, spouses,  
10 partners, children who are unable to leave an elderly person  
11 alone at home must find a friend to stay with the elderly  
12 individual or hire a paid caregiver if they need to run an  
13 errand.

14           They are on duty 24/7. Having a daycare center  
15 to send their loved ones to allows them to have much needed  
16 respite time for their own needs and in some cases allows  
17 them to continue to work.

18           When working as a primary care internist on  
19 Capitol Hill, I had patients whose ability to stay at home  
20 was severely compromised by the lack of services for seniors  
21 on Capitol Hill. Their primary caregivers had no relief and  
22 ultimately many of them had to move off of Capitol Hill  
23 either to an assisted living facility elsewhere or sometimes  
24 a nursing home.

25           It would be ideal to prevent this and provide a

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1 better environment for our seniors to remain in their homes  
2 here on Capitol Hill. The funding that the Village has  
3 requested to launch the planning necessary to find the site,  
4 find an operator, develop a program plan and identify and  
5 seek funding for the adult daycare center is a critical need  
6 in Ward 6.

7 This undertaking is a true community benefit and  
8 Capitol Hill Village is responsible community non-profit who  
9 can be trusted to use this funding responsibly. Thank you  
10 very much.

11 CHAIRMAN HOOD: Thank you again, Doctor. So, I'm  
12 getting feedback. Can somebody mute? Okay. So, thank you  
13 again, Dr. Edge.

14 Let's see right quick, Commissioners, any  
15 questions of Dr. Edge? Okay. Let's go to Mr. Johnston,  
16 Lawrence Johnston.

17 MR. JOHNSTON: Hello. I'm Lawrence Johnston.  
18 I've been a resident of Capitol Hill for 40 years myself.

19 And I guess I want to address given the change in  
20 the events that occurred this evening just one aspect of what  
21 I was going to say since we're gratified that the developer  
22 wants to put \$250,000 on the table toward the general goal  
23 that we were looking for and that is getting adult day  
24 services on the Hill for seniors who are seriously in need  
25 of those services.

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1           And so, we're happy that we've gotten that far.  
2 What we're, I guess what I'm concerned about is that if the  
3 benefits, if the benefit package that's provided in this PUD  
4 is to really be meaningful in the context of the community  
5 in which the PUD exists it's got to have benefits  
6 commensurate with that goal it seems to me.

7           What I was going to address was that the  
8 affordable housing is good for the city resulting, but it  
9 results in probably 20 additional units in phase one if you  
10 just look at phase one. Most of the other proffered benefits  
11 are necessary on site to attract residents and mitigate  
12 design impacts on the environment or support retail.

13           Many of the proffered items like the M Street and  
14 Virginia Avenue extensions are really matter of right design  
15 elements. And really effectively since the PUD is so  
16 isolated from the rest of Ward 6 residents the only two  
17 meaningful public benefits that were available before this  
18 \$250,000 cash benefit that was put on the table was the bike  
19 trail and the original \$25,000.

20           So, again we're so happy that something like  
21 \$250,000 is on the table. What I'm really concerned about  
22 is, is there going to be a connection between the offering  
23 of these funds and the actual accomplishment of the goal that  
24 we wanted to achieve?

25           And we heard that there was no really announced

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1 partnership between the developer and DACL in the preparation  
2 of their alternative language. So, we don't know where DACL  
3 is in this situation.

4 The, and there was some statement that they, well  
5 we just have to depend on the influence of the ANC and the  
6 intent entailed in what they wanted to achieve. But that's  
7 pretty vague.

8 And there are no benchmarks in this. And we  
9 struggled really hard in our proposal, the Capitol Hill  
10 Village wanted to make sure that there were measurable  
11 benchmarks in this so that the goal would be achieved along  
12 the way.

13 We planned for 21 months specific steps to be  
14 made. You can look at Page 7, 8, 13, 14, 24, 25 of our  
15 exhibit.

16 MS. SCHELLIN: Time is up.

17 MR. JOHNSTON: I guess that sums it up.

18 CHAIRMAN HOOD: Okay. We're going to hear from  
19 Mr. Flanagan. Then I would ask Dr. Edge to step in after.  
20 So, Mr. Johnston, if you can mute and, Mr. Flanagan, if you  
21 can unmute you may begin.

22 MR. FLANAGAN: Great, thank you. Can you hear me?  
23 All right. So, Commissioners, thank you for having me  
24 tonight.

25 I want to support this project in its first stage

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1 component. I support the height and map amendment in AFR for  
2 PUD. And I would have supported the previously proposed  
3 parking flexibility and actually think the building should  
4 have less parking.

5           However, I oppose the consolidated PUD on three  
6 grounds. First, that the applicant has failed to meet the  
7 burden of proof for several claimed benefits. Second, that  
8 the design of the consolidated PUD does not rise to meet the  
9 definition of superior architecture urban design as required  
10 to be a public benefit.

11           And third, that the design of the consolidated PUD  
12 is inconsistent with several elements of the comprehensive  
13 plan and other policies of the District of Columbia.

14           So, therefore I ask the Zoning Commission not to  
15 approve the project until the applicant has met the burden  
16 of proof, alters the design of the consolidated PUD in such  
17 a way that it is no longer inconsistent with the  
18 comprehensive plan and conforms to a coherent definition of  
19 superior urban design and architecture required for their  
20 claimed amenity public benefit.

21           I have full confidence the design team can meet  
22 this standard is permitted by the applicant. And what I'll,  
23 my statement letter which I really do encourage you to read  
24 because it gets extremely granular and is potentially there  
25 are several, three sort of issues in this.

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1           One, is that the way that superior architecture  
2 and urban design benefit is formalized is not tangible,  
3 quantifiable or measurable as required by the Zoning  
4 Commission or as is required by the written zoning  
5 regulations.

6           And making it challenging to evaluate the design  
7 as it is now and then also to ensure that the product, that  
8 the building is built to the standards that, to make sure  
9 that the building is built to the design in a substantive way  
10 and that the requested minor flexibility does not allow them  
11 to significantly change things. And I would point to Zoning  
12 Commission Case 1707 and 1616 as excellent examples of how  
13 they do this.

14           The superior value of the environmental and  
15 sustainability benefits is not shown what could be built  
16 beyond the 2017 D.C. construction codes. And the 2017  
17 building codes were actually just implemented, I think on,  
18 at the end of May this year.

19           So, it is something that is relatively new. But  
20 it has, it actually -- and actually since the passage of the  
21 Green Construction Act a few years ago D.C. has actually  
22 required some sort of LEED-equivalence rating in order to,  
23 basically in order to get matter of right approval.

24           That is not, so saying that what they want, what  
25 they are suggesting as LEED and sustainability and green

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1 building is actually not provably better than what they would  
2 have to do on a matter of right project. And I go into very  
3 detail, a great detail about exactly how this is and what the  
4 2017 D.C. Construction Codes change.

5           The second thing is that the applicant does not  
6 show that the design of the consolidated PUD rises to the  
7 standard of superior urban design and architecture because  
8 assertions about contextual and historic reference are  
9 completely unsupported. They specifically say this is a  
10 tribute to Boathouse Row.

11           But none of the buildings look anything like on  
12 Boathouse Row. And they do not provide any evidence as  
13 applicants in 1707 and 1616 actually did to show their work  
14 of what historic references they were looking at.

15           I think then we can look at other projects in the  
16 District and see that their application of historical  
17 references does not actually follow the patterns of  
18 previously approved buildings with, that have similar  
19 features and were deemed superior architecture.

20           The same is applied, the same sort of applies to  
21 the cut out which I don't think serves an intended purpose  
22 and you can actually look at other buildings cuts out to show  
23 why.

24           And I think particularly as Commissioner May has  
25 highlighted a couple of times, the design fails to take

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1 advantage of the waterfront site. Although, I like the  
2 framed balconies. I think those are really cool.

3 I think from an evidentiary perspective it has a  
4 lot of problems in terms of the design and the articulation  
5 of the window systems. And then sort of in conclusion of  
6 that, the design is derivative but not superior to projects  
7 around the neighborhoods.

8 And so, this to me diminishes the opportunity of  
9 what is a remarkable site with a great deal of latitude  
10 provided by this PUD and generates something that could be  
11 in several other neighborhoods in the District. And you  
12 would have to ask why when there is actually historic  
13 precedent in the area. So, I'll go through that.

14 MS. SCHELLIN: Time.

15 MR. FLANAGAN: Sorry, 30 seconds?

16 MS. SCHELLIN: Time is up.

17 MR. FLANAGAN: Okay, fair enough.

18 CHAIRMAN HOOD: Okay. I think from now on I'm  
19 going to, I'll take care of the time. But from now on if we  
20 look at the clock, there is a clock.

21 But the reason why I was not saying anything about  
22 the time, Ms. Schellin and others, is because people have  
23 been sitting waiting for us since 4 o'clock and it's going  
24 on 8:00 now. So, I was giving them some additional time.

25 And I want to make sure that I want to be able to

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1 hear them, what they say. So, that's why I did not go to the  
2 clock and I would beg everyone's indulgence. But I think  
3 that's just only fair and right that we allow them some  
4 additional time. They've been here for all these hours.

5           Anyway, let's move on. Any questions or cross  
6 examination? Any questions, Commissioners, of any one of the  
7 panel members? I'm not seeing any. Let's go to the Office  
8 of Planning. I mean, I'm sorry, let's go to the applicant.

9           I must be getting tired. Let's go to the  
10 applicant. Ms. Batties.

11           MS. BATTIES: I have no questions.

12           CHAIRMAN HOOD: No questions, okay. Commissioner  
13 Holman.

14           MR. HOLMAN: No questions, thank you.

15           CHAIRMAN HOOD: Okay. We've got, so can we bring  
16 up the next group, please?

17           MS. SCHELLIN: Judy Berman, Mary Procter and  
18 Chander Jayaraman, who I don't think I got that name quite  
19 right. That's all of the opponents and then we have a couple  
20 of undeclared.

21           CHAIRMAN HOOD: How many undeclared do we have,  
22 Ms. Schellin? Can we bring them up too?

23           MS. SCHELLIN: One, two, just two.

24           CHAIRMAN HOOD: Let's bring them up too.

25           MS. SCHELLIN: Both of them?

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1 CHAIRMAN HOOD: Yes, let's bring them up too.

2 MS. SCHELLIN: Okay.

3 CHAIRMAN HOOD: I do know the hour is almost 8:00.  
4 So, with respect for others I know others have a number of  
5 other things they have to do before and especially if you had  
6 kids and childcare.

7 So, why don't we look at the clock. The clock,  
8 just what I just said. But now I want you to look at the  
9 clock.

10 MS. SCHELLIN: Okay. We have Kelly Waud, Kelly  
11 Waud and I'm sorry I just missed her name. It's Liza, I  
12 believe, let me find her she's on the first page, Liza Zamd.

13 CHAIRMAN HOOD: Okay. Ms. Schellin, can you bring  
14 up the first four in the order that you called them so they  
15 can go first?

16 MS. SCHELLIN: Yes. Judy Berman, Mary Procter,  
17 Kelly Waud, Chander Jayaraman.

18 CHAIRMAN HOOD: Okay. Let's go in that order and  
19 let's pay attention to the clock. You may begin, Ms. Berman.

20 MS. BERMAN: Thank you. Good evening, Chairman  
21 Hood and other Commissioners. I'm Dr. Judy Berman. I'm the  
22 executive director of Capitol Hill Village.

23 Capitol Hill Village is a community based and  
24 volunteer driven non-profit organization. We're devoted to  
25 supporting older adults in living and aging successfully at

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1 home.

2           We were formed in 2007 when a group of long-term  
3 active and older Capitol Hill residents got together because  
4 they saw a need in this community for a village such as ours.  
5 Today we have a diverse and talented organization with about  
6 500 members.

7           You've heard from a couple of them. You'll hear  
8 from a couple more. It's a pretty extraordinary group.  
9 These are the volunteers who helped develop the proposal that  
10 we've been talking about this evening.

11           And I just want to say a quick word on these  
12 exceptional volunteers because these are folks who have years  
13 of public and private sector experience covering program  
14 management, legislative and regulatory affairs, economic  
15 analysis, senior care, business development, startup  
16 mobilization, fundraising and real estate and they've  
17 invested hundreds of volunteer hours researching this  
18 project.

19           We are, I'm actually glad to say that we're no  
20 longer on the, necessarily on the opposed side which is where  
21 we were when we signed up earlier. So, we're happy to learn  
22 that the develop is now willing to provide a meaningful  
23 proffer regarding this proposal for an adult day center.

24           And at this moment we would just like to request  
25 that the Zoning Commission require the applicant to provide

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1 us the language in the proffer because it does warrant  
2 evaluation. If you look at our proposal you'll see that it  
3 was carefully and specifically considered.

4 And we want to be sure that the same tangible,  
5 measurable goals can be accomplished through this alternative  
6 strategy for that same amount of money. You know, it was  
7 very specific to, you know, we made certain assumptions in  
8 our proposal and we want to see those challenges met.

9 We also would like to ask you at a minimum to  
10 ensure that any proffer language makes clear that the purpose  
11 of these monies is to establish an ADC to serve Ward 6 and  
12 also we would love the opportunity to engage with this. We  
13 work with DACL now and have no objection to working with them  
14 again on anything.

15 But we want to make sure that they are required  
16 to and able to partner with Capitol Hill Village to establish  
17 this ADC. We're aware that there are some legal constraints  
18 on government agencies.

19 May not be, you know, to accept certain funds and  
20 maybe it would be their advantage to partner with us. But  
21 we have spent considerable time and made a really careful  
22 proposal.

23 So, I think to have to take a position on the fly  
24 without having sufficient time to determine how it would work  
25 in the context of our proposal and the community's

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1 expectations is really more than we're prepared to do this  
2 evening.

3           So, I will stop there and just thank you all for  
4 your time and your support of the adult day center. We think  
5 it's an incredibly valuable benefit for this community and  
6 we're just very pleased to see it getting the serious  
7 consideration and support that it's gotten this evening.  
8 Thank you.

9           CHAIRMAN HOOD: Okay, next.

10           MS. PROCTER: Good evening. My name is Mary  
11 Procter. I was one of the founding members of the Capitol  
12 Hill Village and also served as its board president for five  
13 years.

14           I have considerable experience in management and  
15 financing and served as the chief of staff, founding chief  
16 of staff for Friendship Public Charter School, the biggest  
17 charter school in the District where I played a major role  
18 in the financing and development.

19           This is just building on Judy's point that there  
20 is a lot of experience in the Capitol Hill Village. I  
21 submitted my written testimony before knowing about the  
22 proffer that was just produced at this hearing.

23           So, I'm going to echo some of the points that Judy  
24 made and then add a little bit of my own views on this. We  
25 do need to see the language of the proffer first and we also

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1 need to have opportunity to talk to the Department of Aging  
2 and Community Living.

3           We spent a lot of time, as both Judy and Larry  
4 said, in developing a detailed project. And that included  
5 about \$70,000 worth of expertise from volunteers. We have  
6 a wide network of experts both among our membership, on our  
7 board but also in the larger community and we've known these  
8 people.

9           Capitol Hill Village has been in existence for 13  
10 years. And we've developed great relationships.

11           Now, a bit about my personal situation. I am 78  
12 years old, about the median of Capitol Hill Village. And  
13 that is a bit of a scary age because within less than two  
14 years I'll be 80 and five years after that I'll be 85 when  
15 the statistics are that between a third and a half of us will  
16 have some kind of dementia.

17           I have family experience with both Alzheimer's and  
18 strokes. This is a big burden on a family and a tremendous  
19 burden financially.

20           And I can say that thanks to the Capitol Hill  
21 Village I do not fear aging. I welcome aging. It's been  
22 great to have, be part of this community.

23           But I do fear dementia with good reason. It's a  
24 sensible thing to fear dementia. And if there were, for me  
25 or my spouse, and if there were an adult day center in

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1 Capitol Hill it would be an immense comfort to me and my  
2 family. Thank you very much.

3 CHAIRMAN HOOD: Thank you. Next.

4 MS. WAUD: Hi. My name is Kelly Waud. I live at  
5 1333 L Street SE. I directly face the 1333 M Street  
6 development. I'm also a Commissioner, ANC Commissioner for  
7 the single member district of 6B 07.

8 It's a community of row houses, small apartment  
9 buildings and two public housing projects. I'm not speaking  
10 on behalf of the ANC but I'm expressing concerns and  
11 interests shared by my neighbors on the 1300 Block of L  
12 Street.

13 I moved to 1333 M back in 2003 before the Boys  
14 Town development was shuttered and Jenkins Row came to be.  
15 And I moved away from 2009 to 2014 to go live overseas due  
16 to my husband's job.

17 When we came back it was apparent that the  
18 neighborhood and the community has changed and it continues  
19 to change. And some of that change has revealed some things  
20 and it also has enhanced some of my concerns I wanted to  
21 express about this 1333 M PUD.

22 The first is the increased noise pollution that  
23 is captured and reflected from some of the taller buildings.  
24 Like I said, I live at 1333 M. On the street behind me, the  
25 1300 Block of K, three large five story apartment buildings

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1 were developed that reflect sound from trains and the  
2 increased helicopter traffic along the Anacostia River.

3           And it's something I never would have thought of  
4 until it happened, until I felt the effects of it. And so,  
5 I've expressed to both Felice and OP that I'm concerned about  
6 the sound reflecting from the trains and perhaps the freeway  
7 off of this large, broad, flat surface that 1333 M PUD is and  
8 reflecting back into the community to the north.

9           It's a 13 story building and sound can travel.  
10 Felice, thankfully provided a sound study two days ago, on  
11 September 8th that does acknowledge that some sound will be  
12 reflected back from the train tracks.

13           They dismissed the value of it or the effect on  
14 the neighbors. However, I believe that the cumulative affect  
15 of noise pollution from the buildings, the increased traffic,  
16 all of it is going to be a problem for my community.

17           The other thing I wanted to express was also I'm  
18 deeply concerned about, and it's enhancing something that  
19 Corey said, deeply concerned about kind of the lack of an  
20 area plan for the area between M Street, Water Street and  
21 11th Street.

22           And I wonder, you know, what D.C. government has  
23 in mind for this. The Boathouse Row, the heliport that the  
24 owner has said is coming that he is sighting in our area.  
25 So, even though it's just a rumor I know the city

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1 administrator has talked to him.

2           The city administrator came to our ANC meeting and  
3 talked about it. He said that there was no plan in place.  
4 But we know that they've had discussions about it. And so,  
5 I know somebody has been thinking about what this area should  
6 look like.

7           My biggest concern and the biggest risk to me is  
8 that this 1333 M Street PUD is built but then the rest of the  
9 planning that happens around isn't done and isn't done well  
10 and so it becomes a bit of an albatross, a 13 story building  
11 that's underused, underutilized and doesn't benefit the  
12 recreational uses that the Anacostia Waterfront Initiative  
13 envisions for this area.

14           So, I yield the rest of my time. Thank you very  
15 much for your attention.

16           CHAIRMAN HOOD: Okay, thank you. I think we have  
17 one more person. That person can begin. I'm not sure who  
18 it was. I think we have one more. Do we have one more?

19           COMMISSIONER MAY: Yes, it was Chander Jayaraman.

20           CHAIRMAN HOOD: Okay. Mr. Jayaraman, there he is.  
21 You may begin.

22           MR. JAYARAMAN: Gentlemen, I am going to have to  
23 not be able to present tonight. I am on a candidate's forum  
24 at the moment and I'm getting ready to give my opening  
25 remarks.

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1 I do want to say I appreciate Felice making the  
2 offer. I do have concerns about the language about how the  
3 funds are going to actually end up being used. And you  
4 brought up, Mr. Chair, and the right question about what  
5 happens if the funds do not get used in the manner to benefit  
6 residents and seniors of Ward 6.

7 So, I will hold Felice and their attorney to their  
8 word that they are willing to work with us on language to  
9 show that those benefits are realized in Ward 6. That's all  
10 I have to say. Thank you so much.

11 CHAIRMAN HOOD: Okay. Thank you very much. Let's  
12 see if we have any questions of anyone of the panelists. I  
13 think we've covered everyone, right, Mr. Young.

14 MR. YOUNG: I believe we have one more, Mr.  
15 Chairman.

16 CHAIRMAN HOOD: One more, okay. Is it Liza Zamd?  
17 She may begin if we have one. Is that the person you're  
18 talking about? Yes, you may begin.

19 MS. ZAMD: Thank you. I can't hear because of the  
20 reverberations.

21 CHAIRMAN HOOD: You should be good now. Ms. Zamd?

22 MS. ZAMD: Yes. Okay, am I unmuted now? Okay,  
23 thank you.

24 CHAIRMAN HOOD: You can proceed.

25 MS. ZAMD: My name is Liza Zamd and I'm a resident

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1 of the 1300 Block of L Street SE. And I learned a lot about  
2 this process and never realized how much work went into the  
3 large buildings that sometimes popped up in D.C.

4 And so, I really appreciate the Zoning  
5 Commissioners and the ANC Commissioners as well because I  
6 know that so much work goes into it. I submitted my written  
7 comments a few days ago.

8 And my main concerns were about the adult day care  
9 center and the ability for my future M Street neighbors to  
10 bring home groceries and access public transportation and run  
11 other errands. And I was undecided before because I wasn't  
12 sure if the applicant had met its burden.

13 And I'm still not sure now because I haven't had  
14 any time to process or understand the revised proffers. I  
15 am heartened though that the applicant decided to address the  
16 adult daycare center and the transportation issues. Better  
17 late than never.

18 But I want to make sure that they cannot take  
19 advantage of the late hour to have their plan be less  
20 detailed than what you would have otherwise demanded had they  
21 paid attention to these issues before.

22 My one remaining problem is with the sound study.  
23 We had asked, as Kelly Waud my ANC Commissioner mentioned,  
24 we had asked for one several months ago. And we followed up  
25 in each meeting but we only received it two days ago.

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1           And although Kelly asked about the trains, I had  
2 actually also asked that the sound study incorporate the  
3 helicopter noise that in the last few years has been very  
4 puzzling to me because I literally hear, not hear, feel the  
5 reverberations in my ear drums when I'm sitting in my house.

6           And I didn't ever think that maybe it was because  
7 of the condos that were coming up and potentially reflecting  
8 the noise. But it's painful. It's not just noise. It's  
9 actual pain.

10           And so, as Kelly mentioned, you know, there are  
11 two public housing buildings and, you know, families that  
12 live on L Street. And so, these homes would be potentially  
13 unlivable if the helicopter traffic increases as it's going  
14 to and if the building amplifies or reflects sound.

15           And so, I'm not sure why the sound study did not  
16 include helicopter noise. That would be with flight plans  
17 that are both south and north of the building. But I'd like  
18 to see that addressed.

19           And so, I hope that could be taken into account  
20 just for our quality of life here on L Street. So, thank you  
21 all so much for your time.

22           CHAIRMAN HOOD: Thank you very much. Did we get  
23 everyone who wanted to speak? Okay, so I think we got  
24 everybody. And even on the telephone and everything I think  
25 we got everybody. Okay.

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1 MS. SCHELLIN: We got everybody that was on our  
2 list that signed up, like I had spoke to, yes.

3 CHAIRMAN HOOD: Great. Let's see, Commissioners,  
4 any questions of anyone? Okay, does the applicant have any  
5 cross?

6 MS. BATTIES: No, I don't have any cross. At the  
7 appropriate time, Mr. Chair, I'd like to read the conclusion  
8 from the noise study that was done.

9 CHAIRMAN HOOD: Okay. You can do that in  
10 rebuttal.

11 MS. BATTIES: Okay.

12 CHAIRMAN HOOD: Let's go to, Commissioner Holman,  
13 do you have any questions of anybody?

14 MR. HOLMAN: No, sir.

15 CHAIRMAN HOOD: Okay, all right. We thank you all  
16 very much and we appreciate your testimony. And we will see  
17 how things, and there is not going to be a decision made  
18 tonight.

19 So, I heard some discussion about, you know,  
20 trying to hold off. We have a process that we have to go  
21 through and some of those things, I believe can be addressed.

22 It may not be to your liking but at least the  
23 language and some of those things further working that we  
24 mentioned earlier can be addressed between then and when we  
25 take one of our actions.

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1 All right. Let's go to any follow up questions,  
2 Commissioners? Not seeing anyone. Ms. Batties, can you do  
3 rebuttal in closing?

4 MS. BATTIES: Sure. So, just in response to the  
5 comment about the noise study, I'll submit the noise study  
6 into the record for the Commission.

7 But I want to just read the conclusion. Given the  
8 above discussion, we conclude that the noise level increase  
9 at the L Street residence from the construction of the  
10 buildings at 1333 M Street will be imperceptible and most  
11 likely immeasurable.

12 Reflections from the building will not be  
13 significantly directed toward the residences along L Street.  
14 The retaining wall will serve as a noise barrier to the  
15 residents and the added distance the reflected sound must  
16 travel further reduces any residential, residual reflective  
17 noise.

18 Because of reflections there may be a change in  
19 the quality of the noise. But the overall measurable noise  
20 level is not expected to increase. And so, I will put that  
21 into the record tomorrow.

22 And just a very brief closing, Mr. Chair. I'd  
23 like to first acknowledge Commissioner Holman, again who is  
24 the Chair of ANC 6B's Planning and Zoning Committee and the  
25 single member district representative for the subject

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1 property.

2           The applicant first met with Commissioner Holman  
3 in February and after all of these months and literally tens  
4 of hours meetings, numerous Zoom calls and emails, even many  
5 today he has remained committed to this process that was  
6 transparent and provided full stakeholder engagement.

7           His efforts resulted in an executed MOU that  
8 addressed community concerns about the provision of  
9 affordable housing, access to open space and the construction  
10 and operation of the project.

11           Also, because there was full stakeholder  
12 engagement the applicant was able to expand its benefits and  
13 amenities package to address specific need of the community  
14 at the level requested by the ANC and the community.

15           Based on the record, the application is consistent  
16 with the comprehensive plan. The flexibility achieved  
17 through this process is commensurate with the benefits and  
18 amenities and also advances significant goals of the  
19 comprehensive plan and Anacostia Waterfront Small Area Plan  
20 and the impacts for the PUD are appropriately mitigated.

21           In light of those things, the applicant  
22 respectfully requests the Zoning Commission's preliminary  
23 approval of the application. Thank you.

24           CHAIRMAN HOOD: Okay, thank you, Ms. Batties and  
25 team. I will say though the last few residents who spoke,

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1 especially when it comes to the noise I would like to  
2 continue -- while you're going to continue a report there is  
3 still time to have a conversation.

4 I don't know, you know, I can't predict how the  
5 noise is going to be. I live near a train and when I sleep  
6 I feel like I'm riding on it. But that's fine. I sleep good  
7 with that train riding past.

8 But, you know, others with the young lady who had  
9 the ear problems we want to see what we can do to mitigate  
10 as many problems and impacts on that community as possible  
11 if this is going forward. So, I would ask you -- you submit  
12 us the report and we know what the findings were.

13 And I think they just got it two days ago and  
14 someone said they didn't have a chance to digest everything.  
15 So, I think with an opportunity for them being able to digest  
16 and also with the further conversations that have been had  
17 that's what got us to this point because I thought this was  
18 going to be a total different hearing, a totally different  
19 hearing until we got here tonight and I see there was still  
20 further negotiations with Commissioner Holman and others.

21 So, I would encourage you all to continue to have  
22 that. While you might not walk out with everything but you  
23 can still come closer together. But I think you're close.  
24 I think a lot of things have been give and take and I will  
25 continue to see, hopefully continue to do that.

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1           So with that, Commissioners, any follow up  
2 questions for Ms. Batties? Does Mr. Holman, you have any  
3 cross on her rebuttal?

4           MR. HOLMAN: I do not, no.

5           CHAIRMAN HOOD: Okay, all right. So, Ms. Batties,  
6 is that your closing too?

7           MS. BATTIES: Those are my closing remarks.

8           CHAIRMAN HOOD: Okay, all right. Commissioners,  
9 any follow up questions or comments? Not seeing any. Ms.  
10 Schellin, could you help us close out? I know tomorrow is  
11 a school day so can you help us close out, Ms. Schellin?  
12 You're on mute.

13           MS. SCHELLIN: Okay. So, we need to pick some  
14 dates.

15           CHAIRMAN HOOD: Yes, we need some dates.

16           MS. SCHELLIN: How much time do you think you're  
17 going to need because it sounded like there is quite a bit  
18 of follow up? And I believe there was some architectural  
19 type stuff that needed to be, wasn't there or to look at,  
20 yes, so that's what I thought.

21           So, truthfully our next meeting there is not going  
22 to be, I don't think there is going to be enough time to make  
23 it. Well, let's see. I take that back. We don't have  
24 another meeting this month.

25           So, we actually go to October anyway. And our

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1 first meeting in October is the 15th. And in order to allow  
2 the ANC an opportunity to respond you would have to have your  
3 stuff in, in basically a week and a half and I don't think  
4 that's enough time.

5 So, I think we have to shoot for the second  
6 meeting in October which is the 29th. And do you think  
7 that's doable? Is that going to give you an opportunity to  
8 talk with the community still?

9 MS. BATTIES: I think that we can meet the first  
10 meeting date of October 15th. I think a week and a half will  
11 be sufficient for us to address the requests made this  
12 evening.

13 MS. SCHELLIN: Okay. So, then in order -- let me  
14 make sure that's going to work. So, our first meeting is the  
15 15th. So, we would need everything from the ANC by 3 o'clock  
16 p.m. September 28th.

17 MR. HOLMAN: We have an executive committee  
18 meeting on the 29th that we could probably vote on, September  
19 29th. We can't do it before that.

20 MS. SCHELLIN: Okay. No, that's not for you guys.  
21 They would have to provide their --

22 MR. HOLMAN: You said the ANC, sorry.

23 MS. SCHELLIN: Yes, let me finish. So, the  
24 applicant would have to provide their filings to the Office  
25 of Zoning by 3 o'clock p.m. on the 28th.

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1           Actually, you know what I'm going to make it 3  
2 o'clock p.m. on the 25th just to allow the ANC to receive  
3 those items early enough to be able to have it in time for  
4 their meeting on the 29th to accommodate the ANC so that the  
5 ANC can then provide their responses in time by 3 o'clock  
6 p.m. on October 5th.

7           And then draft findings of facts, conclusions of  
8 law by 3 o'clock p.m. on the 5th of October. And we can put  
9 this on for our October 15th meeting. Does that work for  
10 everybody?

11           MS. BATTIES: And October 15th would be for final  
12 action?

13           MS. SCHELLIN: No.

14           MS. BATTIES: I'm not --

15           MS. SCHELLIN: No, this is a two vote case.

16           MS. BATTIES: This is a what?

17           MS. SCHELLIN: You're asking a map, related map  
18 amendment, correct?

19           MS. BATTIES: Right.

20           MS. SCHELLIN: Usually the map amendment has to  
21 go to DC ZC.

22           MS. BATTIES: Right, okay. So, they would be  
23 taking proposed action on the 15th? I'm sorry.

24           MS. SCHELLIN: Proposed, yes.

25           MS. BATTIES: Okay.

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1 MS. SCHELLIN: Yes, I don't think they're giving  
2 you a bench decision this evening.

3 MS. BATTIES: Okay.

4 MS. SCHELLIN: I didn't hear that.

5 CHAIRMAN HOOD: No, far from it. Let's see if,  
6 I think I heard Ms. Cain, somebody was trying to -- Ms. Cain,  
7 were you saying something?

8 MS. CAIN: I was just chiming in to say that it  
9 would be a two vote decision because there is a map amendment  
10 involved. And it seems clear from what the Commission has  
11 said that they will not be taking proposed action tonight.

12 MS. SCHELLIN: Right.

13 MS. CAIN: So, just clarifying that for the  
14 record.

15 CHAIRMAN HOOD: Okay. Thank you, both. Thank  
16 you, Ms. Schellin and Ms. Cain. I know nobody gave that  
17 impression. I hope I didn't.

18 MS. SCHELLIN: That would also include OP and DDOT  
19 if they choose to respond because I believe I heard OP at  
20 least say they would like a second bite at the apple. So,  
21 if they choose to they would have until 3:00 p.m. on October  
22 5th also.

23 CHAIRMAN HOOD: Okay. Are we all on the same  
24 page?

25 MS. BATTIES: Yes.

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1 CHAIRMAN HOOD: Mr. Holman, are we all on the same  
2 page?

3 MS. SCHELLIN: Mr. Holman, does that satisfy you  
4 guys with them serving you on the 25th by 3:00 p.m.?

5 MR. HOLMAN: Yes. I will reach out and hopefully  
6 they can provide some of our narrow issues before that, but,  
7 yes.

8 MS. SCHELLIN: Yes, okay.

9 MR. HOLMAN: That works for us.

10 CHAIRMAN HOOD: All right. So, does anybody have  
11 anything else? Commissioners? All right. So, with that,  
12 Ms. Schellin, anything else?

13 MS. SCHELLIN: I think that's it.

14 CHAIRMAN HOOD: Okay. I want to thank everyone  
15 for their participation tonight and this hearing is  
16 adjourned. The next meeting of the Zoning Commission will  
17 be Monday at 4:00 p.m., our meeting. This hearing is  
18 adjourned.

19 (Whereupon, the above-entitled matter went off the  
20 record at 8:21 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 09-10-20

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