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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Planning

Zoning Commission  
Case No. 13-12  
12/1/2014 Public Hearing

6:30 p.m. to 9:58 p.m.  
Monday, December 1, 2014

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

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Vice-Chairperson

4 ROBERT MILLER, Commissioner

5 PETER MAY, Commissioner

6 MR. TURNBULL, Commissioner

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9 Office of Planning:

10 STEPHEN COCHRAN

11 JOEL LAWSON

12 Department of Transportation:

13 MR. ROGERS

14 MS. CHAMBERLIN

15 Other participants

16 LEILA BATTIES

17 JAMI MILANOVICH

18 NORMAN GLASGOW

19 CRAIG MCCLURE

20 ERIC SEIGAL

21 COLLINE AYLA

22 NICHOLE OPKINS

23 ROBERT FORD

24 KAREN HARRIS

25 Kimberly Lee

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

2 CHAIRPERSON HOOD: All right. I'm going to  
3 ask the applicant if they can come forward and come  
4 to the table.

5 Okay. Good evening, ladies and gentlemen,  
6 this is a public hearing of the Zoning of Commission  
7 for the District of Columbia. Today's date is  
8 December the 1st, 2014. We're located in the Jerrily  
9 R. Cress Memorial Hearing room.

10 My name is Anthony Hood. Joining me are Vice  
11 Chair Cohen, Commissioner Miller, Commissioner May,  
12 and Commissioner Turnbull. Also from the Office of  
13 Zoning staff, Ms. Sharon Schellin. Office of  
14 Planning staff, Mr. Lawson, Mr. Cochran, and the  
15 District Department of Transportation, Mr. Rogers and  
16 Ms. Chamberlin.

17 Are we expecting Ms. Steingasser this  
18 evening?

19 MR. LAWSON: No.

20 CHAIRPERSON HOOD: Okay. This proceeding is  
21 being recorded by a court reporter and it's also web  
22 cast live.

23 Excuse me. Accordingly we must ask you to  
24 refrain from any disruptive noise or actions in the  
25 hearing room, including display of any signs or

1 objects. Notice of today's hearing was published in  
2 the D.C. Register and copies of that announcement are  
3 available to my left on the wall near the door.

4 The hearing will be conducted in accordance  
5 with provisions of 11-DCMR-3022 as follows,  
6 preliminary matters, applicants case, report of the  
7 Office of Planning, report of other government  
8 agencies, report of the ANC, organizations and  
9 persons in support, organizations and persons in  
10 opposition, rebuttal, and closing by the applicant.

11 The following time constraints will be  
12 maintained in this meeting. The applicant has up to  
13 60 minutes. I don't know if we need the whole 60.  
14 Maybe try to do it in 45 but you have up to 60  
15 minutes, organizations five minutes, individuals  
16 three minutes.

17 All persons appearing before the Commission  
18 are to fill out two witness cards. These cards are  
19 located to my left on the table near the door. Upon  
20 coming forward to speak to the Commission please give  
21 both cards to the reporter sitting to my right before  
22 taking a seat at the table.

23 When presenting information to the Commission  
24 please turn on and speak into the microphone, first  
25 stating your name and home address. When you are

1 finished speaking please turn your microphone off so  
2 that your microphone is no longer picking up sound or  
3 background noise.

4 The decision of the Commission in this case  
5 must be based exclusively on the public record to  
6 avoid any appearance to the contrary. The Commission  
7 requests that persons not engaged with members of the  
8 Commission in conversation during any recess or at  
9 any time.

10 The staff will be available throughout the  
11 hearing to discuss procedural questions. Please turn  
12 off all beepers and cell phones at this time so as to  
13 not disrupt these proceedings. Would all individuals  
14 wishing to testify please rise to take the oath?

15 Ms. Schellin, would you please administer the  
16 oath?

17 MS. SCHELLIN: Yes. Please raise your right  
18 hand.

19 (Oath administered to participants.)

20 PARTICIPANTS: Yes.

21 MS. SCHELLIN: Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms.  
23 Schellin. Do we have any preliminary matters?

24 MS. SCHELLIN: Yes, sir. First, DDOT filed a  
25 request for waiver for a late filing of their report,

1 so we have that, to ask the Commission to waive the  
2 filing of the late report. And the applicant has  
3 proffered some expert witnesses, so we'd ask that you  
4 consider that. I believe they've just got two that  
5 have not previously testified as experts.

6 CHAIRPERSON HOOD: Okay. Let's go to the  
7 DDOT Waiver Report, that's our Exhibit 21, request  
8 for the waiver of the late filing. Any objection?

9 MS. SCHELLIN: No.

10 CHAIRPERSON HOOD: Okay. So we will accept  
11 that late filing into the record. Let's go to Ms.  
12 Batties or Mr. Glasgow. Who is --

13 MS. BATTIES: It's Batties.

14 CHAIRPERSON HOOD: Ms. Batties. Okay. Ms.  
15 Batties, who are you proffering? I think two of your  
16 experts have already been proffer approved. So let's  
17 work -- tell us who those two are.

18 MS. BATTIES: The only two expert witnesses  
19 that will be presenting tonight are our traffic  
20 consultant, Ms. Jami Milanovich who --

21 CHAIRPERSON HOOD: Has already been  
22 proffered. Okay.

23 MS. BATTIES: -- has presented as an expert.  
24 And then Mr. Craig McClure. And Craig.

25 CHAIRPERSON HOOD: So you're only proffering

1 two tonight.

2 MS. BATTIES: Correct.

3 CHAIRPERSON HOOD: Ms. Milanovich and Mr.  
4 McClure. Have you been proffered already as an  
5 expert in front of the Zoning Commission?

6 MR. MCCLURE: I believe that I have, yes.

7 CHAIRPERSON HOOD: Okay. Do we have a record  
8 of that, Ms. Schellin?

9 MS. SCHELLIN: I could not find it, no. I  
10 searched and didn't find it.

11 CHAIRPERSON HOOD: Let's be cautious and,  
12 colleagues, let's look at the resume. Does everybody  
13 have it in front of them?

14 Do we know what exhibit number that is right  
15 off without having to open up every file?

16 MR. TURNBULL: 10F.

17 CHAIRPERSON HOOD: 10F. Thank you. Oh, I  
18 almost -- say, I don't have 10F. Thank you.

19 MR. TURNBULL: Mr. McClure is a member of the  
20 American Society of Landscape Architects, so I have  
21 no -- that satisfies me.

22 CHAIRPERSON HOOD: Okay. Any objections?  
23 His resume is in 10F. In this state he's already a  
24 member of the American Society of Landscape  
25 Architects. Now you proffered him as a landscape

1 architect.

2 MS. BATTIES: Correct.

3 CHAIRPERSON HOOD: Okay. No problem. So  
4 from this point on we know that we've already  
5 proffered you as an expert. So, all right. Anything  
6 else, Ms. Batties?

7 MS. BATTIES: No other preliminary matters.

8 CHAIRPERSON HOOD: Okay. Well, we're ready  
9 to get started. You may begin.

10 MS. BATTIES: Okay. Great. Good evening,  
11 Mr. Chair, members of the council, Lila Batties and  
12 Chip Glasgow with the law firm of Holland and Knight  
13 on behalf of the applicant for tonight's case, which  
14 is 33 M Street Southeast, LLC.

15 I'm joined this evening by our project team.  
16 Immediately to my right is Mr. Eric Seigel of Cohen,  
17 Siegel Investors. The architects for this project is  
18 GTM, and they're represented by Mr. George Myers,  
19 behind Colline Hernandez Ayala and Kim Lee. Our  
20 landscape architects are Parker Rodriguez,  
21 represented by Mr. Craig McClure, and our traffic --  
22 transportation consultant is Wells and Associates,  
23 represented by Ms. Jami Milanovich.

24 In terms of just giving a brief overview of  
25 the application and the project, we are here seeking



1 three requests from the Zoning Commission. The first  
2 is a first HPUD on a four phase project. Second is a  
3 related map amendment, rezoning the property from M  
4 to C3C, and third we're seeking approval of a  
5 consolidated PUD for the first phase of the project.

6 The subject proposed is a triangular shaped  
7 2.9 acre parcel that is bounded generally by M  
8 Street, Water Street, and Virginia Avenue Southeast.  
9 The property is designated mixed use, medium density  
10 commercial, and institutional on the land use map.  
11 And the current zoning for the proposed is M, general  
12 industrial district, which is consistent with the  
13 past use and present improvements on the property,  
14 which include fuel pump storage facilities.

15 The proposed development is, again, a four  
16 phase PUD that will consist of three buildings with  
17 four towers. The buildings will house approximately  
18 673 residential units and approximately 10,000 square  
19 feet of retail on the ground floor.

20 Because the site is relatively isolated from  
21 the adjacent neighborhood parking will be provided in  
22 excess of what is required by the zoning regulations.  
23 Specifically we're providing 219, 221 parking spaces,  
24 where 180 are required under the zoning regulations.

25 The proposed height for the project will

1 range from 90 to 110 feet. This is a maximum 20 feet  
2 higher than what's permitted on the proposed as a  
3 matter of right now with the current M zoning.

4 The overall FAR for the project will be 4.13  
5 and the overall lot occupancy will be approximately  
6 45 percent, which is substantially lower than what  
7 can be developed as a matter of right on the  
8 property. As well as substantially lower than what  
9 can be permitted on the property for PUD in the C3C  
10 district.

11 For phase one, where we're seeking the  
12 consolidated PUD approval, the building height will  
13 be 100 feet. The FAR will be 2.27, and the lot  
14 occupancy will be 21 percent. And the design team,  
15 Colline Hernandez, will go into details about the  
16 design elements of the project shortly.

17 In terms of flexibility the project requires  
18 flexibility from the zoning regulations in five  
19 areas. Loading, we require loading relief for all  
20 three buildings. We require roof structure relief to  
21 have multiple roof structures of varying heights, on  
22 Building 1, Tower A, and as well as Tower B.

23 And there was originally a request or a need  
24 to have setback relief for the roof structure on  
25 Building 1. However, we are going to be revising

1 that roof structure so that the setback complies with  
2 the zoning regulations and relief is no longer  
3 needed.

4 In addition, for Building 3 we require rear  
5 yard relief. Building 2 we require open court  
6 relief. Or relief for an open court. And then we're  
7 also requesting relief for the timing, for the  
8 phasing of the PUD overall.

9 There are a number of issues raised by the  
10 Office of Planning in their report, as well as the  
11 DDOT report. And I will just quickly highlight them  
12 and let you know who on the team will handle each of  
13 those issues. There was a question as it relates to  
14 shuttle service. Our traffic consultant will address  
15 the details of that proffer, including the frequency  
16 of the shuttle service. There were questions about  
17 the view impact from Capitol Hill, as well as the  
18 east side of the Anacostia River. We are prepared  
19 tonight to present exhibits that show the views from  
20 L Street, in particular with a 90 foot high building,  
21 versus what is proposed under the proposed PUD, and  
22 those exhibits show that actually there is  
23 effectively no difference when constructing a  
24 building that is permitted as a matter of right on  
25 the property now, versus what we're proposing under

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1 the PUD.

2           Also, in the 20 day filing there were  
3 additional photos that provided views of the property  
4 from the east side of the Anacostia River. We're  
5 prepared tonight to discuss the view shed analysis,  
6 particularly as it relates to Virginia Avenue. We  
7 know this was a concern raised by the Zoning  
8 Commission at set down. In response we maintain --  
9 the applicant, actually, has maintained a 90 foot  
10 wide view shed from the river through the site, where  
11 none is required. This has resulted in the placement  
12 of buildings that do not optimize views of the river  
13 for the applicant, while reducing the FAR on the site  
14 from the presently permitted 6 FAR to 4.14 FAR.

15           We have also studied, extensively, the right  
16 of way of Virginia Avenue from 14th Street Southeast  
17 to 14th Street Northwest, and have found that this  
18 right of way varies from 160 to 110 feet, to 50 feet  
19 to 40 feet to 30 feet in width during the course of  
20 blocks along the 14th Street corridor.

21           In addition the Virginia Avenue view shed  
22 corridor is obstructed by new raps for Interstate  
23 695 --

24           MS. COHEN: Excuse me. I'm sorry for  
25 interrupting. Can you repeat that again, because --

1 MS. BATTIES: Sure. And I'll just say --

2 MS. COHEN: -- hoping (indiscernible).

3 MS. BATTIES: -- it probably very plainly.

4 If you were to measure or look at plats that show the  
5 right of way for Virginia Avenue, from 14th Street  
6 Northwest to 14th Street Southeast, the right of way  
7 width varies along that stretch of Virginia Avenue.

8 In addition -- so at some places it's 110  
9 feet, some places it's 90, some places it's 30. But  
10 in addition to that, it's significantly impacted by  
11 things like the freeway, various buildings, the south  
12 -- what do we have here? The Patriots Plaza  
13 Building. So there are a number of buildings and  
14 other things that obstruct the view shed corridor for  
15 Virginia Avenue.

16 And so we believe that in the context of  
17 these facts that the applicant has been more than  
18 responsive to addressing the concerns about the view  
19 shed corridor along Virginia Avenue near the  
20 property.

21 There is also a question -- comment about  
22 clarifying the affordable housing subsidy that the  
23 applicant is providing. If you recall, the applicant  
24 has reserved all of the two-bedroom units at 60  
25 percent AMI at the request of the ANC. And so that

1 calculation that is listed for the subsidy was  
2 actually a calculation that has been presented and  
3 accepted by the Zoning Commission in two cases,  
4 actually very recently.

5           The first one is the Tellis One zoning case,  
6 which was case number 07-13D, and the same  
7 calculation was accepted by the Zoning Commission in  
8 the Jamal Hechts case, which was case number 14-01.  
9 So that is really to address the Office of Planning's  
10 report and the issues raised there.

11           I do want to note that both the Office of  
12 Planning and DDOT have proposed conditions that are  
13 more onerous than the ones proffered by the  
14 applicant. For example, the Office of Planning has  
15 recommended that the applicant provide car and bike  
16 share memberships for every resident in each unit  
17 throughout the life of the project and each time the  
18 unit changes ownership or occupancy. And the  
19 applicant is instead proposing that the membership be  
20 provided at the initial occupancy or sale of the  
21 unit. And our traffic consultant has confirmed that  
22 this is appropriate for the project given that  
23 there's no flexibility from the parking requirements  
24 that is being considered as part of the application,  
25 and the value of the amenity as presently proposed by

1 the applicant is approximately, or estimated at  
2 \$40,000.

3 OP has also recommended that the applicant  
4 enter into a CBE agreement. However, we have not  
5 proffered that as part of this application, and our  
6 research indicates that based on the last 10 PUDs  
7 approved by the Zoning Commission, only one included  
8 a CB agreement as a condition of the approval, so we  
9 have a memo that outlines all of the 10 case -- the  
10 most recent cases approved by the Zoning Commission  
11 if you guys care to have that.

12 But again, only one included a CBE agreement.

13 Similarly DDOT has made recommendations for  
14 conditions that are either more onerous than  
15 proffered by the applicant, or not contemplated by  
16 the applicant at all. And so the project team has  
17 reviewed them carefully as recently as two hours ago.  
18 We reviewed them as a group and we have included in  
19 our list of proposed benefits and amenities, several  
20 of the measures recommended by DDOT. Not all of  
21 them, but several of the measures.

22 And we have submitted into the record, a list  
23 of the project benefits and amenities. We have  
24 highlighted in yellow, those that were recently added  
25 based on DDOT's report. And our traffic consultant

1 will discuss in detail why the conditions as proposed  
2 are appropriate for the project.

3           So we have included an updated list of  
4 project benefits and amenities, and from that list we  
5 have also put together a partial list of proposed  
6 conditions for the PUD, specifically as it relates to  
7 the benefits and amenities package. So you can have  
8 that in your review of the application, and basically  
9 to respond to the proposed conditions raised by the  
10 Office of Planning and DDOT.

11           In terms of the few more issues, or actually  
12 to address a few more issues raised in the Office of  
13 Planning and DDOT report, with regard to the timing  
14 for the infrastructure improvements, the timing is  
15 included in the list of project benefits and  
16 amenities. It's tied to each benefit and public  
17 space improvement and open space improvement is tied  
18 to a phase of the project, and that's specified in  
19 the list of benefits and amenities that we have  
20 submitted to the Zoning Commission today.

21           And the last thing I'll close with before  
22 turning the mic over to Eric is that we have worked  
23 very closely with AN6B on the benefits and amenities  
24 package. We memorialized these elements of the  
25 project in a memorandum of understanding, and we have



1 specifically worked very closely with the single  
2 member district representative, Commissioner Opkins,  
3 who is here to testify on behalf of the ANC in  
4 support of the project. So I want to thank her for  
5 being very helpful during this process.

6 And with that, if there are no questions, I  
7 will turn it over to the developer.

8 MR. SEIGAL: Good evening. I'm Eric Siegel  
9 on behalf of Cohen Siegel Investors. The entity is  
10 1333 M Street Southeast, LLC.

11 I'm going to be very brief with my comments  
12 because you have a written document that sets forth  
13 the public benefits and amenities. But I wanted to  
14 highlight some things for you because we've tried to  
15 envision, for this project given it's longstanding 40  
16 plus years of essentially being choked off from the  
17 rest of the City by the freeway and being by itself,  
18 is to create a sense of place, and to create a place  
19 where we are celebrating the water and we are  
20 celebrating Boathouse Row and providing more access  
21 to the Anacostia River so that there will be much  
22 more opportunities for District residents both near  
23 and far to come down, not only to the Capitol River  
24 Front bed, but also to this area and really  
25 experience the gem that is the Anacostia River along

1 this section of the city.

2           So, we have worked hard to try to fulfill the  
3 Anacostia Waterfront Initiative, as well as some of  
4 the Capitol River Front Business Improvement District  
5 Initiatives for place making, for way finding, and  
6 the likes, with the provision of this property.

7           And to create more vibrancy by creating more  
8 public space and congregation space and event space  
9 as part of the project so that we can create  
10 opportunities for people to commune and congregate in  
11 this particular area.

12           As Ms. Batties suggested, we have spoken with  
13 the ANC, we have met with the Capitol Hill  
14 Restoration Society, we have met extensively with  
15 Boathouse Row stakeholders to understand what their  
16 needs and concerns have been. Bid stakeholders and  
17 the Navy Yard.

18           As you well know there's many employees that  
19 work at the Navy Yard and we've worked with them and  
20 try to understand what their needs are from not only  
21 from an egress standpoint but from a retail  
22 standpoint, should the demands of the project  
23 increase over time.

24           So I'd like to just briefly highlight some of  
25 the public benefits and amenities that we're

1 providing the project. On the south side of M  
2 Street, if you look at the packet, it's actually  
3 listed up there and it's also -- it's entitled Page  
4 9. On the south side of M Street we're providing a  
5 permeable paver parking spaces and low-impact  
6 development basins with plantings and street trees  
7 for storm water management.

8 We're also installing a wildflower meadow  
9 along the Water Street right of way that is going to  
10 provide the opportunity to increase plant bio-  
11 diversity, create wildlife habitat, and restore that  
12 section of the city, and to preserve some of the open  
13 space quality of the existing site, while  
14 reactivating that design for pedestrians to enjoy.

15 We've estimated the value of that particular  
16 amenity to be \$40,000. We're also providing a public  
17 dog park at the termination of 14th Street, and this  
18 particular amenity is also valued at around \$25,000.

19 Next we're intending to improve M Street and  
20 construct an extension of Virginia Avenue south of M  
21 Street, as well as constructing eternal north/south  
22 private street, and those roadway improvements will  
23 generate new on-street parking, public parking which  
24 we'll be detailing as well as part of the  
25 presentation.

1           In addition on the south side of M Street  
2 we'll be providing a sidewalk that runs the length of  
3 the project along M Street. And the Estimated cost  
4 for that amenity is \$250,000.

5           We're also, during the second phase of the  
6 project, and this is detailed in the submission,  
7 providing an uninterrupted eight foot wide paved  
8 Anacostia Riverwalk trail segment along the north  
9 side of M Street. Right now it's kind of a  
10 hodgepodge in front of the property and we feel it's  
11 a much more sustainable, as well as a straight run  
12 and free of traffic by providing on the north side of  
13 M Street. And that also is a \$250,000 estimated  
14 value.

15           As part of the project for that portion of M  
16 Street alone, the frontage of our property, we're  
17 going to be paving the entire width of the street,  
18 along with the installation of the permeable pavers  
19 that I mentioned before for parking spaces and the  
20 plantings. That estimated value is \$1 million.

21           One of the major public amenities of this  
22 particular project is the construction of a public  
23 plaza on the waterside portion of the project, as  
24 well as a monumental staircase and a lower plaza that  
25 will bring citizens down through a promenade along

1 Virginia Avenue and create greater egress and  
2 opportunities to walk to the water. And that would  
3 be also in the phase two part of the project. That  
4 estimated value is about \$1.4 million.

5 On the Water Street side we're proposing to  
6 construct a sidewalk along that side along the length  
7 of our property, and that also will have a price tag  
8 of approximately \$250,000.

9 Because of the phases of the construction  
10 we're going to be providing some temporary green  
11 spaces and then permanent green spaces. So the  
12 temporary green spaces, once the first phase one  
13 building is built there will be a great lawn between  
14 the phase one building as it goes towards Water  
15 Street. When that goes away, as we get to the phase  
16 two, which would be the Building 1B phase, we'll be  
17 replacing the public parking -- or I should say the  
18 service parking for the project with a recreation  
19 lawn, which is also a temporary public amenity.

20 When it's all built out there will be -- if  
21 you include the promenades, the lawn in front of the  
22 project at the corner of M and Virginia Avenue, as  
23 well as the dog park, there will be sufficient enough  
24 or more than sufficient enough green space that adds  
25 to the openness, if you will, of the project and the

1 creation of a community.

2           Because of the expense of this particular  
3 plaza and the monumental staircase, it is our  
4 intention and commitment to maintain maintenance  
5 responsibility for this particular portion of the  
6 plaza that goes on to public property. And so we'll  
7 be maintaining that year round.

8           On the affordable housing front, in addition  
9 to IZ requirements, we spent some time with the  
10 number of stakeholders, including the AN6B, and they  
11 impressed upon us the importance, and given our past  
12 developments in the city, understanding the  
13 importance of affordable housing, and the need  
14 particularly for families to have affordable housing.  
15 We've designated all of the two-bedroom units, which  
16 in the first phase, there are four of them, at 60  
17 percent of our median income.

18           That has a -- from the other two cases that  
19 were mentioned previously before you by Ms. Batties,  
20 that has a value combined of \$524,000.

21           From a sustainable design element  
22 perspective, when we go to the phase two design for  
23 the project, we're creating a water wall as well as a  
24 very intricate storm water management structure basin  
25 along Water Street that goes up towards the pool if

1 you look in the diagram there.

2           And those particular concrete plinths, which  
3 Mr. McClure will explain more in detail, as well as  
4 draining the overflow water into cisterns, is an  
5 opportunity to create an educational opportunity for  
6 the public. As they're walking through the plaza  
7 they'll see actually how water goes from the top of  
8 the building, runs through runnels along the plaza,  
9 down through the water wall, and into the cistern in  
10 the rural area so they can actually -- there's a very  
11 pleasing visual display, but also an educational  
12 opportunity as well. And that estimated value is  
13 about \$750,000.

14           We've also agreed, pursuant to a DDOT  
15 request, to include at least one 240 volt electric  
16 car charging station in Building 1 parking garage,  
17 and a similar one in the Building 2 parking garage.

18           From a transportation standpoint, while we  
19 are optimistic and we envision great public  
20 infrastructure projects happening over the next 10  
21 years in this particular area, including a  
22 revitalization of the southeast/southwest Freeway  
23 Barney Circle Project (phonetic), but also potential  
24 street car and other transportation opportunities.  
25 We feel it's incumbent upon us to commit to a shuttle

1 service also from our project, which will take  
2 residents from the property to the Navy Yard Ball  
3 Park Metro Station.

4 We estimate the value of this particular  
5 amenity on an annual basis to be between \$150,000 and  
6 \$200,000 to operate.

7 We're also including a transportation  
8 management plan, which would include a transportation  
9 management coordinator. We're going to be listing  
10 information on our website that has access to Capitol  
11 Bike Share, Uber, and the likes of the various  
12 transportation amenities.

13 As was mentioned, at least two vehicle  
14 parking spaces will be designated for car-share, if  
15 that interest from a car-share service emerges.  
16 We're going to include electronic displays in all the  
17 common shared areas, and provide storage for a  
18 minimum of 224 bicycle in the entire development, as  
19 well as bike stands around the project to encourage  
20 others coming down to the project can park on the  
21 street for the public.

22 At initial occupancy we would provide one  
23 year of Capitol Bike Share membership or registration  
24 fee for Car to Go. We've estimated that combined to  
25 be about \$40,000. And we've reserved an adjacent



1 area to the PUD site for a future Capitol Bike Share  
2 station.

3 We've also agreed to install lighting around  
4 the perimeter of the subject property to create,  
5 again, more vibrancy, but also to respect the natural  
6 component of that area by not overpowering it.

7 And lastly, we've agreed with DDOE -- DOES,  
8 rather, to a first source agreement as part of our  
9 proffer.

10 Just to summarize, the combined costs or  
11 value of the public benefits and amenities we're  
12 proffering as part of this project amounts to  
13 approximately four and a half million dollars. We  
14 don't take it lightly, but we feel that it's  
15 important to create a sense of place, and to really  
16 create an opportunity to succeed from the get go.  
17 And so we hope that you'll take that consideration as  
18 part of your process.

19 With that I'm going to turn it over to the  
20 architectural team to describe the project.

21 CHAIRPERSON HOOD: Okay. Before you do that  
22 can you stop the clock?

23 I want to apologize Ms. Batties, I thought  
24 your name was Batties. So when I heard that I said,  
25 all these times you've been coming in front of this

1 commission I want to apologize for mispronouncing  
2 your name. And is it Batties or Batties?

3 MS. BATTIES: It's my last name.

4 MR. SEIGAL: Batties?

5 CHAIRPERSON HOOD: Oh, so I've been right.  
6 Okay. Well, I won't listen to Mr. Siegel no more  
7 then. Okay. I thought I had mispronounced your  
8 name.

9 MR. SEIGAL: No, my bad.

10 CHAIRPERSON HOOD: Batties. Okay. I never  
11 heard -- I thought it was Batties. So it is Batties,  
12 not Batties.

13 MR. SEIGAL: It is Batties. My bad.

14 CHAIRPERSON HOOD: Okay. Okay. All right.  
15 I was going to apologize but I'll take it back.  
16 Okay.

17 MR. SEIGAL: We have a running joke with --

18 CHAIRPERSON HOOD: Okay. Okay. All right.  
19 Next.

20 MR. SEIGAL: I'm turning red now.

21 CHAIRPERSON HOOD: Turn their microphone off  
22 that's close by.

23 MS. AYALA: Good evening. My name is Colline  
24 Ayala. I want to first apologize for this voice. Of  
25 all the days, I lost my voice last night so I've been

1 working real hard to get it back. So please bear  
2 with me.

3 But I'm going to take you through the plan  
4 and design elements for the project. I want to start  
5 out talking a little bit about -- can everybody hear  
6 me? Yeah. Okay.

7 Talking about the existing characteristics of  
8 the site.

9 CHAIRPERSON HOOD: Excuse me. There is a  
10 light right there on the table if you want to turn  
11 the -- right, if you turn the knob it should give you  
12 a little more light so you can see. There you go.

13 MS. AYALA: Perfect. Perfect. The existing  
14 site is approximately 127,000 square feet. It's  
15 located in Southeast, D.C. And it is unique in the  
16 sense that it is triangular in shape and bound by  
17 three streets.

18 To the north it is bordered by M Street and  
19 the CX Railroad tracks, with the Southeast Freeway  
20 and Capitol Hill beyond.

21 To the Southeast the site is bound by Water  
22 Street, the Anacostia River, and Boathouse Row.

23 To the Southwest it is bound by Virginia  
24 Avenue with Maritime Plaza and the 11th Street Bridge  
25 located west along M Street.

1           It's changed so much. This slide gives you a  
2 better sense of the existing topography and site  
3 conditions currently found on our site. There is a  
4 large abandoned containment structure located on the  
5 eastern end of the site. As you can see, the eastern  
6 edge of the site also drops off very sharply at Water  
7 Street. The elevation at Water Street is  
8 approximately 26 to 28 feet lower than the elevations  
9 at M and Virginia Avenue.

10           As you can also see through some of the  
11 pictures at the top of the slide, the conditions  
12 along M Street are variable. There's work currently  
13 going on along M Street, and much of the existing  
14 roadway has been demolished, along with the Anacostia  
15 River Walk.

16           This slide gives you a sense of some of the  
17 issues that we looked at that drove our final design  
18 solution for the site. It really analyzes some of  
19 the opportunities and barriers to opening up this  
20 area to the city and to pedestrian and vehicular  
21 access. As you can see on the diagram we're locating  
22 some of the trail systems, the multiuse trail, the  
23 river walk trail, which are planned to border the  
24 site.

25           We're showing orange arrows to depict future

1 connectivity areas that would open up access east of  
2 the site to pedestrians, and then possibly north  
3 across the freeway.

4           We had three major goals in mind when we  
5 looked at an appropriate site solution for the  
6 project. The major goal was to develop a solution  
7 that would reestablish and enhance pedestrian  
8 connectivity to the water in this part of the city,  
9 developing appropriate design solution for the  
10 termination of Virginia Avenue is obviously a key  
11 element to achieving this.

12           Secondly, we wanted to develop a solution  
13 that would appropriately respond to the site's steep  
14 topography along Water Street. Excuse me. As well  
15 as address the orientation of the immediate streets  
16 which surround the site.

17           Again, looking at how best to create a site  
18 solution that would respect the orthogonal  
19 orientation of M Street, but also respond to Virginia  
20 Avenue and the diagonal edge set up by Water Street  
21 and the Anacostia River.

22           The third goal was to develop a solution that  
23 would establish a new sense of place in this area of  
24 the city by creating vibrant outdoor experiences at  
25 grade that would take full advantage of the site's

1 proximity to the water and Boathouse Row.

2           The final design solution as you will see,  
3 involves the development of three buildings. It's  
4 approximately 673 units. We've got a large public  
5 plaza and monumental stair leading down to the  
6 waterfront along Virginia Avenue. The buildings are  
7 oriented to maximize city and water views while  
8 respecting key corridor views north and south across  
9 the site.

10           I'm going to take you through the phasing of  
11 the project. The project will be delivered in four  
12 phases. It is comprised of three buildings. On the  
13 subsequent images I will highlight the key components  
14 of each phase.

15           In phase one, Building 1 Tower it will be  
16 constructed. This building is approximately 10  
17 stories tall. It will be composed of 218 units.  
18 There will be two levels of below grade parking below  
19 the building, as well as a small amount of surface  
20 parking west of the site.

21           During this phase the Virginia Avenue  
22 Promenade will be established. There will be a large  
23 green lawn area located outside of Building 1, Tower  
24 A, that will have a lookout point that will take  
25 advantage of the water views.

1           We will also be providing a dog park in the  
2 location of the existing 14th Street right of way,  
3 and a wildflower meadow will occupy the steep slope  
4 that we described along Water Street.

5           In phase 2 the second tower of Building 1  
6 will come online. This tower is nine stories tall,  
7 it will be connected at the grade level so this will  
8 function as a single building. At this point the  
9 plaza, the retail plaza, as well as the monumental  
10 stair, will be developed, taking you down to Water  
11 Street. Also, the large landscaped central courtyard  
12 will come online. There will be vibrant retail --  
13 I'm sorry, vibrant recreation uses and a pool for the  
14 building users.

15           And at this point we'll also, as Craig will  
16 talk about at the bioretention, features of the  
17 projects which really deal with the sustainable  
18 design features will come online as well.

19           And then to the west the existing surface  
20 parking lot will be turned into a large public  
21 recreation lawn.

22           In phase 3 of the project Building 2 will  
23 come online. This building will be located west of  
24 the site. There will be a large entry plaza located  
25 off of Virginia Avenue for pedestrian and vehicular

1 access to the building, and all other areas remain  
2 the same.

3 In phase 4 the project, Building 3 comes  
4 online, which is the smallest component of the  
5 development. It is nine stories, 88 units. This  
6 building is accessible via Water Street for the  
7 vehicular and pedestrian access to the building.

8 The next slide really gives you a sense of  
9 the topography and how the buildings stack up across  
10 the site. The longitudinal site section at the  
11 bottom gives you a sense of how the different phases  
12 are related. The building's step-up from east to  
13 west with Building 3 being approximately 91 feet,  
14 Building 1, Tower A, approximately 100 feet, and  
15 Building 2 at 110 feet.

16 You can also see the below grade parking that  
17 I mentioned in Buildings 1 and 2, and no parking is  
18 planned for the Building 3 project, below ground.

19 Okay. Go back one, Kim. If you look at  
20 Section AA of the project, that's really taking a  
21 look at Building 1, Tower A and B with the central  
22 landscaped courtyard, and as I mentioned there is  
23 parking below the ground, but you can also see the  
24 retail component that will be adjacent to the large  
25 public plaza we're creating.



1 I'm just going to quickly walk you through  
2 the overall floor plans for the project. This is the  
3 P2 level of the project that really lays out the  
4 below grade parking and how it will work. As you can  
5 see on Building 1, in the center of the site, because  
6 of the existing topography we have some exposure of  
7 the exterior wall on the southern edge of that  
8 building, and we're taking advantage of that by  
9 locating some amenity space. That orange block there  
10 is some amenity space that will be located for  
11 building users.

12 And again, at this level for building three,  
13 this will be the lower level entrance for that  
14 smaller boutique building.

15 The P1 level is very similar in nature to the  
16 P2 level. Again, we have the amenity space which  
17 lines the southern edge of Building 1, and then we  
18 have retail -- I'm sorry. Amenity and residential  
19 uses on Building 3 at this level.

20 This is a look at the grade level plan for  
21 the project. And as you can see along the Virginia  
22 Avenue Promenade which terminates in a large public  
23 plaza and monumental stair, we've got retail uses  
24 flanking that entire area. On Building 1, the retail  
25 at the corner will have adjacent terrace space that

1 will look out over the water.

2           On the north side of the building, along M  
3 Street, all of the blue shaded areas are residential  
4 units. So both the buildings will have grade level  
5 residential units with private yards at the base.  
6 And pedestrian access for Building 1 will be along M  
7 Street while pedestrian access will be off of  
8 Virginia Avenue for Building 2.

9           This image is just giving you a sense of the  
10 typical residential floor plan for all of the  
11 buildings, the unit mix, and layout, specific layout  
12 of the units will be determined at a later date.

13           And this image is giving you a sense of our  
14 rooftop uses across the project. It's contemplated  
15 that we have green roof spaces on all of the  
16 buildings. Of course we want to maximize the city  
17 and water views surrounding the site so there's an  
18 intention to have open recreation spaces above grade  
19 as well.

20           And Craig McClure will talk more about that  
21 as he gets into the landscape designs solution.

22           I want to quickly just go through the phase  
23 one building façade changes that we have made in  
24 response to comments from the Commission during set  
25 down.

1           The original idea for the façade was to  
2 create a dynamic massing that would address the  
3 context in and around the site. So you're now  
4 looking at a north façade of the building that reacts  
5 to city views looking towards Capitol Hill. One of  
6 the things that we've done is to tone down the pallet  
7 and the contrasting materials and use more  
8 traditional brick colors to reflect what is found  
9 more typically in the city.

10           We've also changed the color of the  
11 projecting bays to align with all of the aluminum of  
12 the windows elsewhere on the project. And then as  
13 you'll see in the next image we've done a good job at  
14 giving you a sense of the transparency that you would  
15 see at the base. There will be residential units  
16 flanking the building entrance with private yards  
17 along M Street.

18           This is another view looking east along M  
19 Street. The building will have very specific details  
20 that are more aligned with what you would see in the  
21 city. We're going to be using soldier course  
22 banding, brick headers and sills, and precast banding  
23 along the second level before the first bays begin.

24           Again, this is just another view looking east  
25 along M Street. Just taking it around to the edges

1 of the building where we create the transition  
2 between the very contrasting facades. On the east  
3 and west faces of the building we create an  
4 interlocking idea where the more transparent façade  
5 facing the water is aligned with the more solid  
6 façade facing Capitol Hill.

7           We'll just quickly look at the southern face  
8 of the building. Again, more transparent, more  
9 glass, frame portal views really maximizing the water  
10 views towards the river.

11           Another image looking at the large lawn space  
12 that will come online during phase 1, and all of the  
13 active uses at the base.

14           Another image depicting activity at the base.

15           And then a view from the water's edge,  
16 looking back at the building.

17           This is an overall image to give you a sense  
18 of the contrasting facades north and south, and the  
19 interlocking nature of our solution on the east and  
20 west edges of the building.

21           Just blowups of the details as I mentioned.  
22 The southern façade is precast panel, large  
23 transparent glazed openings, projecting balconies,  
24 frame portal views, and the northern façade is brick  
25 with thermal pane aluminum windows, custom canopy at

1 the base.

2 I'm just going to skip past some of these.  
3 And land with an overall image of the building that  
4 gives you a sense of what we're doing at the rooftop.  
5 We really, again, wanted to maximize all of the views  
6 afforded to the building around the site, and Craig  
7 will now take you from the top down.

8 MR. MCCLURE: So good evening. Again, my  
9 name is Craig McClure with Parker Rodriguez. I'm  
10 very excited to be here before you tonight to talk  
11 about this great project.

12 As Colline had said and done, she's brought  
13 you up to the top of the building and I'm going to  
14 start from the top and bring you down to tell you a  
15 story about water and the landscape.

16 So, very much this project is very much about  
17 that story and the visual water trail that will lead  
18 through the entire site, starting at the roof.

19 So, at the roof we have an inlay in the upper  
20 right-hand side that shows where the green roofs will  
21 be located on top of the penthouse. And then on the  
22 roof terrace itself there is a central amenity space  
23 that on the east side there is an exercise room  
24 associated with an outdoor exercise area on the east.  
25 And then on the west is a terrace that is lushly

1 landscaped and there is a continuous running track  
2 around the entire perimeter of that roof.

3           If you go to the next image in your packet  
4 you'll see some perspective views of what that might look  
5 like. So a lot of the water, the rain water that  
6 falls on this building will be collected and absorbed  
7 in the green roof. But there will be areas that will  
8 not do that. So what we want to do is take any of  
9 that excess storm water flow and bring it down to the  
10 ground level and express it in the landscape.

11           So if you go to the first plan view, this is  
12 what the landscape is going to be looking like in  
13 phase one. So the water will be brought down from  
14 the building and introduced into the landscape here.  
15 There will also be other storm water management  
16 features that will be incorporated into the  
17 streetscape, such as the permeable pavers and the  
18 parking spaces, the low-impact development basins  
19 around the trees in the tree amenity panel, and other  
20 lush plantings like the wildflower meadow.

21           And then if you go to the next image, this is  
22 what happens in phase two when some really exciting  
23 features are introduced into the project. This is  
24 where the visual water trail really begins to be  
25 expressed. Water will come down from the rooftops of

1 these buildings and be introduced into the central  
2 courtyard, and it will go through troughs and runnels  
3 through that terrace, and end up on the southeast  
4 wall, at which it will be expressed on the face of  
5 that wall and incorporated into the buyer retention  
6 planting that you see labeled there in the southeast  
7 corner. I'll show you a perspective rendering of  
8 what that will look like.

9           Also in this phase the central amenity plaza  
10 will be incorporated at the terminus of Virginia  
11 Avenue. And this will be a great place for community  
12 gatherings such as farmer's markets or festivals, or  
13 what have you.

14           Then as you continue to head east, as Colline  
15 had mentioned to you, there is about a 25 to 30 foot  
16 grade change between that plaza and the lower plaza  
17 that you see on that graphic. So we needed to figure  
18 out a way to transition that grade, and we think  
19 we've done it in a very exciting terraced and grand  
20 stair.

21           So there will be a grand stair that runs at  
22 the terminus at the promenade walk that runs along  
23 Virginia Avenue, and there will also be some, they're  
24 not quite ramps because they're lower than five  
25 percent. But they'll be ramps that would switch back

1 and traverse that grade, so it's a completely  
2 accessible pathway down to the water.

3           So if you were to go to the next image, there  
4 are two blowup plans. The one on the right in the  
5 middle is the phase 1 plan of the great lawn, and the  
6 prospect looking out over the water at the terminus  
7 or the promenade. And the plan on the left is the  
8 urban plaza that you can see along the top is, there  
9 is some imagery that might depict how we're  
10 envisioning that to appear.

11           Then if you look at the lower right-hand  
12 image, that is an image on the highline in New York  
13 City that kind of illustrates the inspiration behind  
14 how we can traverse the grade from the top of the  
15 plaza to the lower plaza.

16           Then if you go the next page there is a  
17 blowup of the -- or an enlargement of the plan that  
18 shows, in the lower left-hand corner, that grand  
19 staircase. And the one thing that I neglected to  
20 mention in the previous image was that between the  
21 grand staircase in the building there is a series of  
22 terraced buyer retention planter that water from that  
23 main plaza is going to flow into that zone and it  
24 will traverse the grade down through there in an  
25 invisible trail, ending up in the arroyo at the

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1 bottom.

2           The water that is coming down from the top of  
3 the buildings and within the central courtyard is  
4 going to be funneled out to the leading edge  
5 curvilinear wall that you see there, into another  
6 runnel and water will cascade down the face of that  
7 wall into the buyer retention planters below.

8           So if you go to the next image that is a  
9 section through the grand staircase, so you get an  
10 idea of how that functions. You can see beyond how  
11 the building comes out of the ground and how we have  
12 this very intricate etched stone or cast stone  
13 paneled wall that water will run down the etchings.

14           So if we skip past the next one and we go to  
15 the perspective at the end -- going the wrong way  
16 here. Well, I have it on a board so I could show it  
17 to you on the board. So hopefully you can see this.

18           So basically what you have here, right here,  
19 is the wall that we were talking about, which is the  
20 amenity space and the parking garage structure that's  
21 below that's jutting out where you have the 25 to 30  
22 foot grade difference. Water runs through the plaza,  
23 comes out on to a runnel, and then can run down the  
24 etchings in the wall face, into buyer retention  
25 planter. And if you will, the wall itself kind of

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1 peels away like an onion. There's different layers  
2 to this where you have the hardscape here, then you  
3 have a green wall here in this location, then heavy  
4 planting as you go further up the hill. So it really  
5 is a surprise and comes out of the landscape.

6           And you can see some of the imagery here that  
7 shows what the visual character of that would be.  
8 And then the last image is just an image of native  
9 plant material that we expect would be part of our  
10 pallet, our planting pallet for the project.

11           So with that I'll turn it over to Jami  
12 Milanovich.

13           MS. MILANOVICH: Good evening, Chairman Hood,  
14 members of the Commission. For the record my name is  
15 Jami Milanovich with Wells and Associates, the  
16 transportation consultant for the project.

17           I'd like to start just by giving you a brief  
18 overview of the site circulation. This image shows  
19 the vehicular, pedestrian, bicycle circulation,  
20 vehicular circulation shown in green. And as you can  
21 see, two curb cuts on M Street will provide access to  
22 the below grade parking that Colline discussed  
23 previously.

24           We're also proposing loading for the site for  
25 Buildings 1 and 2 off of a newly created private

1 street that generally runs north/south between  
2 Buildings 1 and 2, which you can see depicted here.  
3 Building 3 will have an on-street loading zone on M  
4 Street, which I'll discuss in more detail later.

5           And you can see the pedestrian circulation  
6 with the proposed sidewalks, as well as the bicycle  
7 circulation with the proposed river walk trail on the  
8 north side of M Street.

9           Next. As Lila mentioned earlier, we are  
10 providing more parking than what is required by code.  
11 Upon completion of Building 1 we will have 73 percent  
12 more parking spaces than required by code. With  
13 construction of phase 2, the surface parking lot will  
14 go away, but will still be 20 percent higher in the  
15 parking supply than what is required by code. And by  
16 full build out of the project we'll be providing 27  
17 percent more parking spaces than required by code.

18           In terms of loading we are seeking relief  
19 from some of the loading requirements. Building 1  
20 and 2 we're proposing 30 foot loading berths, one for  
21 each of those buildings in lieu of the 55 foot  
22 loading berths for residential buildings. And as I  
23 mentioned Building 3, we had originally proposed an  
24 on-site loading berth. However, because the building  
25 is small it wasn't possible to have trucks come in

1 front first and exit front first. So at DDOT's  
2 request we are now proposing a loading zone on M  
3 Street to serve Building 3 in lieu of on street  
4 parking.

5 I would note that in DDOT's report they  
6 referenced two loading zones on M Street and I'd just  
7 like to clarify, we have since removed the reference  
8 to the loading zone in front of Building 1B. There  
9 is only one loading zone proposed on M Street, and  
10 that is the loading zone in front of Building 3 to  
11 serve Building 3.

12 To support the requested loading relief the  
13 applicant will implement a loading management plan.  
14 There will be a designated loading coordinator who  
15 will be responsible for coordinating loading  
16 activities for the residential buildings. They'll  
17 be responsible for informing tenants of the  
18 procedures, and I would note that we've added an  
19 additional responsibility at the request of DDOT and  
20 the loading coordinator will also be responsible for  
21 assisting trucks that are using the loading berth to  
22 back in off of the private roadway. So they will  
23 assist trucks in that backing maneuver.

24 There will be a lease provision that will  
25 require the tenants to use the loading dock except in

1 special circumstances. Those special circumstances  
2 will be in the very rare instance when and if a 55  
3 foot truck would be required. For example, if  
4 somebody uses a Mayflower moving company or something  
5 similar, there will be procedures in place by which  
6 the tenant can apply for and obtain temporary no-  
7 parking signs, and then that 55 foot truck would do  
8 the loading or unloading curbside, and the loading  
9 coordinator will assist the tenant in obtaining those  
10 no-parking, temporary no-parking signs.

11 At full build out the project is anticipated  
12 to generated nearly 200 a.m. peak hour vehicle trips  
13 and an estimated 286 p.m. peak hour vehicle trips.  
14 We did do a comprehensive transportation study which  
15 was scoped with DDOT methodology, study area,  
16 everything was agreed to with DDOT at the outset.  
17 Next slide.

18 You can see in this slide the study  
19 intersections that we looked at, so we evaluated the  
20 impact of those additional trips on the study  
21 intersections, including three future intersections  
22 that would be created as part of the Southeast  
23 Boulevard project. And so we did a detailed study of  
24 those intersections showing in both the blue and the  
25 green on the slide.

1           What we found was during the a.m. peak hour  
2 at full build out, the site generated traffic as  
3 projected to account for less than three percent of  
4 the total traffic at eight of the nine intersections.  
5 The one exception is at the intersection of M Street  
6 and 12th Street where the site generated traffic  
7 would account for 5.7 percent of the total traffic.

8           During the p.m. peak out at full build out  
9 site generated traffic is projected to account for  
10 three percent or less of the total traffic volume at  
11 seven of the nine intersections. The two exceptions  
12 during the p.m. peak are the M Street/Water Street  
13 intersection where site generated traffic will  
14 account for almost eight percent of the traffic, and  
15 at the M Street/12th Street intersection where the  
16 site generated traffic will account for 10.4 percent  
17 of the traffic.

18           As noted in the DDOT report we did recommend  
19 timing adjustments at three of the intersections, M  
20 Street/12th Street, M Street/9th Street, and I Street  
21 and 11th Street to better accommodate the future  
22 volume of traffic projected at each of those  
23 intersections.

24           I did note that in DDOT's report they  
25 indicated that they will review the signal timing

1 changes to determine if they are appropriate. But I  
2 think it's important to point out that the proposed  
3 timing adjustments are very minor in nature and  
4 involve shifting only a few seconds of green time  
5 from one phase to another to better accommodate those  
6 future traffic volumes. And these changes would not  
7 be unlike changes that DDOT periodically makes in the  
8 maintenance or you know, the routine maintenance of  
9 maintaining their signal system to better accommodate  
10 changing traffic volumes and traffic patterns.

11 And because these very minor timing  
12 adjustments have been showed to mitigate the impact  
13 of the development traffic we don't think that the  
14 additional site traffic rises to the level of needing  
15 additional lane capacity to accommodate that site  
16 generated traffic.

17 This map shows the alternative transportation  
18 options available in the vicinity of the site. As  
19 shown there are a few bus stops on the periphery of  
20 the quarter mile radius from the site. While there  
21 are not bus stops currently within a quarter mile  
22 radius, I would note that there's currently not a  
23 reason for the buses to penetrate that quarter mile  
24 radius. There's simply not a reason for bus stops to  
25 be within a quarter mile radius.

1           The site is approximately a third of a mile  
2 from the Potomac Avenue Metro Station, however there  
3 is not currently a direct walking path to that Metro  
4 station. The site is also approximately one mile  
5 from the Navy Yard Ball Park Metro Station.

6           In order to bridge the gap in the existing  
7 transit service and to encourage residents to use  
8 non-auto modes of transportation, the applicant will  
9 implement a comprehensive transportation demand  
10 management plan.

11           Eric previously went through a number of  
12 those items, included -- I will just highlight some  
13 of the significant components and some of the things  
14 that we've added as a result of our discussions with  
15 DDOT. Again, I want to reiterate that we will be  
16 running a shuttle to the Navy Yard Metro. This will  
17 begin with phase 1. And then some of the things that  
18 we've added at the request of DDOT, we will be  
19 providing space for up to two car sharing vehicles  
20 onsite, assuming that there is a car sharing service  
21 that wants to have vehicles located there.

22           We will coordinate with local businesses and  
23 service providers to promote delivery services that  
24 the business may provide to the residents of the  
25 building. The parking costs will be unbundled from



1 the lease costs. We'll be providing at least one car  
2 charging station in each of the garages for Buildings  
3 1 and 2. And in lieu of providing or paying for the  
4 cost of installing a Capitol Bike Share station and  
5 paying for one year cost, the applicant has committed  
6 to providing a space for a future Capitol Bike Share  
7 station on the site.

8 I would note that there are a couple of  
9 additional items which DDOT requested that we are not  
10 able to agree to, and I just would like to take a  
11 minute to address those.

12 The first is that DDOT requested that we  
13 provide a one year Capitol Bike Share membership and  
14 a one year Car Share membership to all new residents  
15 of the project for a period of 10 years, rather than  
16 at initial occupancy. And I would note that the  
17 intent of providing the Capitol Bike Share membership  
18 or Car Share membership is to incentivize residents  
19 to use those alternate modes of transportation.

20 However, a shuttle also is considered to be  
21 an incentive for using alternate modes of  
22 transportation, specifically in this case, Metro.  
23 Therefore we believe that that providing both a  
24 shuttle and the bike share or car share membership at  
25 initial occupancy as we've currently proposed, goes

1 above and beyond what is typically required for a  
2 residential project. Typically one or the other is  
3 provided, but not both.

4           And I would also note that in my experience I  
5 can't recall a project where if a parking variance  
6 wasn't being sought, that Capitol Bike Share or Car  
7 Share memberships were provided beyond initial  
8 occupancy. I mean, there have been a few cases where  
9 there have been parking variances sought where that  
10 has been extended to five years, and a couple of  
11 cases where no parking was provided. It's been  
12 offered in perpetuity.

13           But for a project that is exceeding the  
14 parking requirements, I don't recall a case where  
15 it's been done for anything other than initial  
16 occupancy.

17           The second thing that DDOT requested was a  
18 prohibition of satellite parking agreements with off-  
19 site providers. We think it's a little bit premature  
20 to commit to that, given the fact that the proposed  
21 parking supply in phase 1 of the project will be 73  
22 percent higher than what's required by code, we would  
23 suggest that this issue be revisited, perhaps with  
24 the second stage PUDs for subsequent phases. At that  
25 time we'll have some real data from phase 1 to better

1 be able to make an informed decision.

2 But again, phase 1, 73 percent more parking  
3 than required by code, and even at full build out  
4 we're providing 27 percent more parking than required  
5 by code.

6 And just on the transportation improvements  
7 in the interest of time, I just want to note that  
8 DDOT requested that we provide the sidewalk on the  
9 south side of M Street with phase 1. We've agreed to  
10 do that, and they've requested some additional  
11 certainty with regard to the shuttle. We will run  
12 the shuttle within an estimated 15 minute headway.  
13 Shuttles will be provided for a minimum of three  
14 hours during the morning rush and three hours during  
15 the evening rush.

16 And the capacity at the outset at phase 1  
17 will be sufficient to accommodate the anticipated  
18 phase 1 and phase 2 demand, and we would suggest that  
19 the need for additional capacity be again, evaluated  
20 at each subsequent phase, just to make sure that  
21 we're providing. And it's in the developer's best  
22 interest to have shuttle service that can accommodate  
23 the demand. He wants it to be successful. He wants  
24 it to be an amenity for the residents. He wants them  
25 to move in there with that certainty that there will

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1 be a shuttle provided.

2           So we would suggest revisiting rather than  
3 committing to certain capacities at this stage,  
4 reinvestigating or reevaluating that at each  
5 subsequent phase moving forward.

6           CHAIRPERSON HOOD: Are you finished?

7           MS. BATTIES: Mr. Chairman, if I may take 20  
8 seconds to clarify one area of flexibility. I failed  
9 to do so in my opening remarks. And that's to  
10 clarify the flexibility requested as it relates to  
11 the timing for the phasing of the project.

12           The applicant intends to develop phase 1 of  
13 the project consistent with the PUD regulations,  
14 meaning that they'll have two years from the time of  
15 the final approval to file for a building permit and  
16 then commence construction of phase 1 within three  
17 years of the final approval.

18           Within a year of the phase 1 building being  
19 delivered, the applicant will file an application for  
20 consolidated review of phase 2. And within one year  
21 of the final approval being granted for phase 2, they  
22 will file a permit for the construction of the phase  
23 2 building. And that will be the pattern for  
24 subsequent phases of the project.

25           So I just wanted to clarify that because it's

1 a little different than what was presented in the OP  
2 report.

3 CHAIRPERSON HOOD: All right. Is that it?  
4 Okay. Thank you all very much for your presentation.  
5 Ms. Batties let me -- it's Batties or -- which?

6 MS. BATTIES: Now you're confused.

7 CHAIRPERSON HOOD: Let me go back. Ms.  
8 Batties, let me just ask you about the phase, and  
9 then we'll go to my colleagues. What's the total  
10 time that we are anticipating this project will be  
11 done, completed?

12 Estimated was about 15 to 17 years?

13 MS. BATTIES: I mean, I don't --

14 MR. SEIGAL: Mr. Chairman, we're thinking  
15 somewhere between 12 and 14.

16 CHAIRPERSON HOOD: Okay. All right. May  
17 come back to that phasing. I want to talk about that  
18 a little more. But let me open it up to my  
19 colleagues. I usually don't go first, but I just  
20 wanted to ask that really quick.

21 Any questions? Are we going to do the normal  
22 order? Okay. Commissioner May.

23 MR. MAY: Okay.

24 CHAIRPERSON HOOD: Ms. Schellin, could you  
25 put us on 10 minute rounds, and we'll go more than

1 one round if need be?

2 MR. MAY: All right. So a lot of the --  
3 well, first of all let me say, I appreciate the fact  
4 that you revised the building and the design is more  
5 subtle than it was before. It was a little hard to  
6 really accept the way it was. It was a little too  
7 wild in the colors and what was going on. And I  
8 appreciate the fact that it's settled down a bit.

9 And I think overall it could still use a  
10 little settling down. I mean, you have an incredibly  
11 complex landscape going on there and it just, it  
12 looks like it's going to be a very difficult thing to  
13 maintain in the long run. But, you know, if that's  
14 what you want to do, okay, go ahead. But I do think  
15 it's incredibly complex.

16 The big issue in this seems to be how people  
17 get here. So what can you tell me about future  
18 improvements? We've talked about what you're doing  
19 now to try to address it as you build this project in  
20 an area where there is not good transit and not good  
21 walking. And you may make the sidewalk better but  
22 DDOT has managed to really screw up 11th Street with  
23 the 11th Street bridge by making it very pedestrian  
24 unfriendly. So I can't imagine there are going to be  
25 many people wanting to walk, you know, up 11th Street

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1 from there. So tell me, I mean, what does the more  
2 distant future hold for this?

3 MS. MILANOVICH: So as you mentioned, there  
4 are a number of things we are doing sort of in the  
5 interim. But, you know, what we foresee is  
6 potentially the completion of the Southeast Boulevard  
7 project, Barney Circle project that would create a  
8 pedestrian bridge over top of the boulevard that  
9 would more directly link this site with the Potomac  
10 Avenue Metro Station. That bridge would land within  
11 footsteps of this particular development.

12 There is also, DDOT is studying and looking  
13 at a street car that we hope will be extended to  
14 serve residents of this site.

15 MR. MAY: So where would the streetcar lines  
16 go? Up 11th? Down M? Which?

17 MS. MILANOVICH: I believe it would terminate  
18 at 11th and M.

19 MR. MAY: Uh-huh. Okay. Because I mean  
20 right now you're really taking a flyer being all the  
21 way out there and frankly not with a lot of parking.  
22 So, you know, you talk about how it's over, it seems  
23 like it's actually under what you will realistically  
24 need. At least in the short-term.

25 I mean, I guess you're comfortable with these

1 numbers, but I can easily see the demand for parking  
2 being much bigger than what you are providing.

3 MR. SEIGAL: Well, if I may? I mean, we feel  
4 comfortable with the numbers based on what we're able  
5 to build subterranean with two levels.

6 MR. MAY: Uh-huh.

7 MR. SEIGAL: There will be some, and we're  
8 not sure at this point how many, but there will  
9 certainly be some new public parking metered spaces  
10 as a result of the project being generated, and  
11 that's why we focused heavily on shuttle service. I  
12 mean, I'm optimistic about a number of the public  
13 infrastructure projects that the District is trying  
14 to implement, that it will open up that entire  
15 segment of Southeast with shuttle, with pedestrian  
16 bridges and access over the CSX tracks.

17 But in the interim, having a shuttle and  
18 having opportunities for, you know, for people to get  
19 to Metro, for people to get throughout the bid, and  
20 to get to walking distance to the three or four bus  
21 stops that are there is, we feel, is sufficient  
22 enough to get enough generated occupants.

23 MR. MAY: Okay. All right. The FAR  
24 calculations, at this moment does that include the  
25 private street, or is that --



1 MS. BATTIES: It does include the private  
2 street.

3 MR. MAY: It does include the private street.  
4 So we'd like to see it without the private street  
5 included as well.

6 MS. BATTIES: Okay. We can --

7 MR. MAY: So, also there's rooftop accessory  
8 space, and it just needs to be demonstrated that it's  
9 accessory so the calculation that we've often  
10 requested. And for the penthouse relief you're  
11 showing, I think, three houses, the sort of trellis  
12 structure and then the stairwells, and then the  
13 elevator core.

14 And I'm wondering if there is a reason why  
15 you are not --I mean, I like to try to simplify the  
16 rooftops, and so why are you -- you know, why is that  
17 sort of trellis structure even at a different height  
18 than the heights of the stairways? Or is it actually  
19 at the same because it looked like it might have been  
20 at the same height in some drawings and not at the  
21 same height in other drawings.

22 MS. AYALA: The trellis structure is at the  
23 same height as the stairways.

24 MR. MAY: It is.

25 MS. AYALA: Yeah, it is.

1 MR. MAY: Okay. All right. So it's --

2 MS. AYALA: If you look at the --

3 MR. MAY: I was looking at a drawing. Where  
4 is it shown?

5 MS. AYALA: Thirty-one.

6 MR. MAY: Thirty-one.

7 MS. AYALA: The three-dimensional image of --

8 MR. MAY: Okay.

9 MS. AYALA: -- the building.

10 MR. MAY: All right. Thanks. So the very  
11 large sign that is emblazoned on the penthouse  
12 itself, probably not surprisingly I'm not a big fan  
13 of that.

14 MS. AYALA: Sure.

15 MR. MAY: Again, because penthouses are  
16 supposed to be -- you know, are not supposed to be  
17 the center of attention a the building. And having  
18 that kind of big signage -- I mean, I understand why  
19 you might want to do it, but I'm a little concerned  
20 that it opens the door for every penthouse to have  
21 giant signage on it, and that's not a precedent we  
22 want to set.

23 MR. SEIGAL: Commissioner May, respectfully,  
24 having researched the issues we have determined that  
25 this is actually technically not a sign, because it's

1 not advertising anything.

2 MR. MAY: I don't care what it is  
3 technically. I care about what it looks like.

4 MR. SEIGAL: What we were --

5 MR. MAY: It looks like a sign.

6 MR. SEIGAL: What we were trying to  
7 accomplish, and again we certainly would adhere to  
8 whatever you all conclude, but we were trying to  
9 create --

10 MS. BATTIES: Create a sense of place.

11 MR. SEIGAL: -- it is an opportunity place.  
12 No one knows where Boathouse Row is. Or very few  
13 people know where Boathouse Row is and it's not been  
14 announced in any fashion. So we felt that it was an  
15 opportunity to get people down to Boathouse Row that  
16 has been a long forgotten gem of the city. And so  
17 that's what we felt, it was something we could  
18 provide and it wouldn't be offensive.

19 If it's certainly offensive to this body we  
20 can certainly revisit it, but that's --

21 MR. MAY: All right. Well, we'll have to see  
22 what the rest of the Commission thinks, but I'm  
23 certainly not a big fan of it, again because I'm  
24 concerned about the precedent of essentially putting  
25 a sign on a penthouse like that, that's permanent and

1 there forever. And I don't think that's the way we  
2 want to go with penthouses.

3 What is the state of the contamination on the  
4 site? That wasn't raised in the DDOE report.

5 MR. SEIGAL: As far as we know it's clean.  
6 We received a closure letter when we purchased the  
7 property.

8 MR. MAY: Okay.

9 MR. SEIGAL: We're certainly going to be  
10 remediating by taking out quite a bit of soil.

11 MR. MAY: Sure.

12 MR. SEIGAL: So to the extent that there is  
13 anything remaining that's underneath the vaults that  
14 contain the former Stuart Petroleum structures,  
15 they'll be gone.

16 MR. MAY: Right. Okay.

17 Looking at the view of the -- I'm sorry, I'm  
18 kind of hopping all over the place, but that's the  
19 way I wrote down my questions. On page 28 we have a  
20 view of the building as we approach it along M  
21 Street, and what we see there is a pretty bland  
22 corner of the building, and there's a substantial  
23 amount of blank face that's along the private street  
24 there and then there's the loading dock door. And  
25 I'm just wondering if there is -- you know, if that

1 couldn't be treated better because it's, you know,  
2 you want it to be an inviting point. I'm not saying  
3 that, you know, you really have to celebrate the  
4 corner because this is not a building that's about  
5 the corner. But, you know, maybe another window or  
6 something like that will help make it seem a little  
7 bit less bland.

8 MS. AYALA: Yeah.

9 MR. MAY: And the portal windows that are on  
10 the large retaining wall, those enter into or show --  
11 that's a window on to the amenity space that's below.

12 MS. AYALA: Correct. Yes.

13 MR. MAY: Okay. So what is that? That  
14 amenity space is a, it's just a party room or a --

15 MS. AYALA: It could be a --

16 MR. MAY: -- exercise room or something?

17 MS. AYALA: -- exercise room or --

18 MR. MAY: Yeah, okay.

19 MS. AYALA: -- a party room.

20 MR. MAY: Okay. I am also concerned about  
21 the phasing. We've seen projections if you run it  
22 all the way out for the maximum length. And I'm not  
23 even sure it's the maximum length based on what you  
24 just testified to. But it's showing up to 17 years,  
25 2032 before it's all finished. And I know you don't

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1 want it to run 17 years, but --

2 MS. BATTIES: We'll do more accurate  
3 calculation.

4 MR. MAY: Okay.

5 MS. BATTIES: Again, that is consistent with  
6 the time frame that I just presented.

7 MR. MAY: Right.

8 MS. BATTIES: At the end of our testimony.

9 MR. MAY: Right. And I mean, again, I think  
10 that even being consistent with that it's running out  
11 really, really long. Like a lot longer than we'd  
12 normally like to see.

13 I can see giving a little more room up front  
14 and I can see having sort of standard durations  
15 between, but maybe there just needs to be an overall  
16 cap of, I don't know, I would want to say no more  
17 than 10 years, but you know, you're already talking  
18 12 or 14.

19 So let's see. I am a little disappointed  
20 that you're not actually providing a Capitol Bike  
21 Share station because it seems like the project  
22 really needs it. And almost to the point where I'd  
23 say, you know, maybe a little less emphasis on the  
24 shuttle service and more emphasis on Bike Share.

25 I also think that Bike Share membership

1 rolling throughout the project, or Car Share rolling  
2 throughout the project as opposed to it just being a  
3 one off, are also important things. I know they're  
4 not required normally, or not part of what we talk  
5 about when we're talking about a project that doesn't  
6 have parking relief. But you've got a project that  
7 is remote from all transit, and not a good -- you  
8 know, not an easy place to get to without a vehicle.  
9 And so I think, you know, these extra measures are  
10 going to be required in the long run.

11           So anyway, I would think that more emphasis  
12 on Car Share and Bike Share would be a good thing.

13           So I think that's everything I have for right  
14 now. I may have a couple more.

15           CHAIRPERSON HOOD: Okay. We'll do another  
16 round. Vice Chair Cohen?

17           MS. COHEN: Thank you, Mr. Chairman. Just  
18 want to make a couple of comments, building on what  
19 my colleague, Commissioner May said. I too believe  
20 there should be a Capitol Bike Share program. I feel  
21 very strongly about that because again, you are  
22 eventually improving the entire bike lane along the  
23 water front.

24           As far as the signage on the roof, again, it  
25 worries me as well that it's like a Trump-like, you

1 know, advertisement and too many people will take  
2 advantage of that. I'm concerned.

3 I just want to mention that I read that  
4 you're looking for a LEED -- well, first of all I do  
5 want to compliment. I happen to like all of the  
6 landscaping that you're proposing. I think it looks  
7 great. And I'm assuming that you have ramps for ADA  
8 accessibility. That's what I saw in the drawings.

9 But you do say LEED Silver equivalency. I  
10 really think you should go for certification. It's  
11 just going to help you market that project, and I  
12 think people are looking for LEED certified buildings  
13 to live in, and so I think it behooves you to do that  
14 instead of this equivalency language. Go for the  
15 certification, have that signage up there in the  
16 lobby.

17 You were listing actual figures next to some  
18 of the benefits you're proposing, and I need you to  
19 kind of explain to me how you believe that the M  
20 Street improvements and some of the other road  
21 improvements really are benefiting your project in  
22 particular. If you didn't do them no one can get to  
23 your property. So I don't look at it as you do as a  
24 public benefit, so you need to elaborate more on why  
25 you are saying it's a public benefit. It will be



1 eventually when people can reach maybe the  
2 waterfront. But right now, if you don't do those  
3 improvements you don't have access to your property.

4 MR. SEIGAL: I'm not sure I completely  
5 understand the question. When you say access to the  
6 property --

7 MS. COHEN: You are in a very --

8 MR. SEIGAL: I'm sorry, do you have a  
9 response or you --

10 MS. COHEN: -- isolated spot.

11 MR. SEIGAL: Right.

12 MS. COHEN: If you do not do the improvements  
13 no one will be able to get to your property. So  
14 you're stating that they're public benefits and I  
15 don't see it that way. I see it as very normal  
16 business decision to do those improvements to make,  
17 you know, my investment feasible.

18 MS. BATTIES: Commissioner Cohen, if I may?  
19 I'm looking through the list of the public space and  
20 open space improvements and I understand some of this  
21 we have to do to just mitigate the impacts of our  
22 project. But several of them are above and beyond  
23 what would be required solely as access to the site.  
24 And, you know, things like the bioretention area, the  
25 dog park, the --

1 MS. COHEN: No, I understand those.

2 MS. BATTIES: But there's only, I think,  
3 three here that relate specifically to M Street and  
4 access to the property. The other stuff is really  
5 above and beyond.

6 MS. COHEN: Well, that's what I want the  
7 distinction.

8 MS. BATTIES: Okay.

9 MS. COHEN: As I said, there's some that you  
10 have to do for the benefit of your own property, and  
11 it's you know, business decision. I don't think  
12 those count.

13 MS. BATTIES: Okay.

14 MS. COHEN: I think a lot of the smaller  
15 ones, the dog park, 40,000 here 25,000 there, yes,  
16 those are above and beyond and I appreciate those,  
17 but --

18 MS. BATTIES: The public plaza and the  
19 monumental stair is significant. That's \$1.4  
20 million.

21 MS. COHEN: Yeah, that is. But what I'm  
22 trying to say is that every project is unique. What  
23 you have done is provide us with some things that  
24 other projects haven't done and there may be other  
25 circumstances why we did make a certain decision,

1 obviously.

2           So it helps us to know where you're coming  
3 from but you have to understand that I see this as a  
4 very unique project, isolated. If the developer did  
5 not do these things his site would not be --

6           MS. BATTIES: Right.

7           MS. COHEN: You know, he has to make these  
8 investments. He or she, later.

9           MS. BATTIES: I understand.

10          MS. COHEN: Again, I had a question on the  
11 phasing so your elaboration will be very helpful.

12          The building faces the CSX railroad, the  
13 Southeast Freeways about, what 15 feet above the  
14 site, something like that. Has anybody done any kind  
15 of noise studies? Is that appropriate in your  
16 calculation of putting housing there?

17          MR. GLASGOW: Madam Vice Chair, you've  
18 approved projects for MRP out at New York and Florida  
19 Avenue. I worked on that PUD. We did, for that  
20 site, extensive studies because nobody had  
21 contemplated building that close to the railroads  
22 before, and so they wanted to understand,  
23 particularly when we started changing part of the  
24 project from office to residential.

25          MS. COHEN: Right.

1           MR. GLASGOW: And then also in a project that  
2 you recently decided for Toll Brothers, and Square  
3 749, that's very close to the railroad tracks too and  
4 a lot of that technology is being used on that site  
5 and then, I assume will be used here with respect to  
6 the soundproofing.

7           MR. SEIGAL: If I may interject for one  
8 moment? The Union Place Project, the Lore Grand  
9 (phonetic) that we received a PUD for from this body,  
10 we did extensive sound analysis and worked with sound  
11 engineers to construct windows for that because its  
12 proximity to the railroad.

13          MS. COHEN: Well, you have to understand, I  
14 haven't sat here that long. It seems like a  
15 lifetime, I know, but --

16          MR. SEIGAL: My apologies.

17          MS. COHEN: What is the width of the private  
18 street? If I read it, I don't recall it.

19          MS. AYALA: 62.4 from building face to  
20 building face. So the right of way is 62.4 feet.

21          MS. COHEN: All right. But a truck going  
22 down doesn't, you know, doesn't go from face to face  
23 of the building. That --

24          MS. AYALA: It's 24 feet, is the roadway.

25          MS. COHEN: Okay, 24 feet. And that's a

1 problem. So you have to back in to the garage.

2 MS. BATTIES: For the loading.

3 MS. COHEN: For the loading, yeah.

4 MS. MILANOVICH: Yeah, you would need to.

5 We've run Auto-turn. We've done Auto-turn studies,  
6 but the way the loading berth and dock have been  
7 designed you would back in off of the private street.

8 MS. COHEN: Then I'm glad you did accept  
9 DDOT's recommendation about having that flagger.

10 I just wanted to understand something. The  
11 100 year floodplain, you're not only set back but you  
12 do have a lot of green space. So where does the 100  
13 year floodplain come in to this. And the reason why  
14 I'm asking this is, again, in my mind this project  
15 reminds me a little bit about, you know, the  
16 Georgetown properties that got flooded. It had a  
17 floodgate, but you have a lot of substantial -- you  
18 know, you're back from the --

19 MR. GLASGOW: Right.

20 MS. COHEN: Whoever.

21 MR. GLASGOW: Back in the higher elevation  
22 than where Georgetown Waterfront is.

23 MS. COHEN: Yeah.

24 MR. GLASGOW: Which is right on the Potomac  
25 River there, not that much higher than the river

1    itself.  And then we've got the --

2                   MR. SEIGAL:  Commissioner Cohen, on page 5 of  
3    the site development plan --

4                   MS. COHEN:  Is that the original that you're  
5    referring to?

6                   MR. SEIGAL:  Yes.  The dotted line, or the  
7    dashed line that shows the 100 flood plan doesn't  
8    reach the site.  It's below the site.  So at most it  
9    would, if it ever got to that point according to the  
10   floodplain it would be somehow impinging upon the  
11   lower plaza along Water Street.

12                   MS. COHEN:  Okay.

13                   MR. SEIGAL:  And no higher.

14                   MS. COHEN:  Okay.  And then how high is the  
15   site itself?  Built, treated by bioretention.

16                   MS. AYALA:  The top of Virginia Avenue is  
17   about 32 -- between 32 and 34 feet above sea level.  
18   And Water Street at the bottom of the plaza is plus  
19   six feet.

20                   MS. COHEN:  Oh gosh, I have more questions.  
21   Okay, again, I take it that -- I think I agreed with  
22   DDOT's analysis of your assumption of use of transit  
23   is a bit too aggressive.  And then my last question  
24   is, 11th Street Bridge, what is the timing on that?  
25   Do you know?  The completion?

1 MS. MILANOVICH: I mean, it's virtually done.  
2 I know there's still some sidewalks and such close,  
3 but I mean, it's very close to being done.

4 MS. COHEN: Okay. Thank you.

5 CHAIRPERSON HOOD: Okay. Commissioner  
6 Turnbull.

7 MR. TURNBULL: Thank you, Mr. Chair. Now,  
8 first of all I want to thank Ms. Ayala for struggling  
9 through your presentation with your voice. You did  
10 remarkably well, so, thank you.

11 I would share several of my colleagues'  
12 comments concerning the shuttle and access to the  
13 site. And I know you mentioned earlier that you  
14 didn't want to commit to size or quantity of the  
15 shuttle or what you were doing, but I think the  
16 proposed cost was \$150,000 for the shuttle but --

17 MS. BATTIES: Per year.

18 MR. SEIGAL: Per year.

19 MR. TURNBULL: Per year, but you're  
20 committing to multi-year, I'm assuming.

21 MR. SEIGAL: Yes.

22 MR. TURNBULL: I mean, I would like something  
23 in the proffers that would say that you're committing  
24 to multi-year, you know, shuttle service.

25 MS. BATTIES: Commissioner Turnbull, the

1 proposed conditions state that the shuttle will  
2 operate through the operation of the project, until  
3 such time that the applicant and DDOT determine that  
4 it's no longer warranted because of --

5 MR. TURNBULL: Okay.

6 MS. BATTIES: -- infrastructure improvements.

7 MR. TURNBULL: That's good. Thank you.

8 I would agree with my two colleagues on the  
9 Boathouse Row, and I understand the applicant's need  
10 for that but I think it's a little excessive.

11 And I guess you know, what's confusing is  
12 with all these changes on the penthouse, and I know  
13 you're not looking for relief now, but without  
14 accurate drawings to show us what it is I'm really  
15 concerned what they -- it sounds like you've either  
16 moved the elevator a bit to accommodate that you've  
17 got the height down to what you need to get the  
18 setback. So I guess I'd like to see some better  
19 drawings that actually show that, either some  
20 sections or a better perspective, or some kind of  
21 elevations that show that because I understand if  
22 you're planning to do it but I'd like to see a  
23 drawing that actually shows that.

24 And the other question is, I see a very small  
25 mechanical farm up on the roof. I don't see a



1 mechanical penthouse, per se. Or I see a penthouse  
2 that's got all this, you know, amenity space, but all  
3 I see is what looks to be a mechanical farm. Does  
4 that mean you're having through all units on the  
5 sides of the building?

6 MS. AYALA: No, we are using split systems.  
7 There will be condensers on the roof. If you look on  
8 page 36 there is an area, it looks like it's screened  
9 with a green wall on elevation two. All of the  
10 mechanical units are located in that area, and the  
11 major mechanical that supports the building, the air  
12 handling units for the common areas, et cetera, would  
13 be in that location.

14 MR. TURNBULL: On the roof?

15 MS. AYALA: On the roof.

16 MR. TURNBULL: Yeah, that's what I said. It  
17 looks like a very small mechanical area. I mean --

18 MS. AYALA: No, we have some additional  
19 drawings that lay out our conceptual solution for how  
20 the building is heated and cooled that really depict  
21 that rooftop, that we can share.

22 MR. TURNBULL: Okay. Yeah, I'd like to see  
23 something. I'm just confused because usually we see  
24 a roof plan that's just smothered with a mechanical  
25 farm up there with condensing units all over the

1 place, and this looks extremely light for what you're  
2 doing.

3 MS. AYALA: Yeah. No, we're going -- it's a  
4 very slim unit. There's a new kind of unit that  
5 we're going to use that it's very slim and we're able  
6 to get more units in the footprint than using a  
7 traditional unit that's square in nature and about  
8 four feet tall. So we can share that plan.

9 MR. TURNBULL: And you're going to do that on  
10 all your buildings, then?

11 MS. AYALA: I would assume --

12 MR. TURNBULL: Or at least --

13 MS. AYALA: -- it would be similar.

14 MR. TURNBULL: -- similar.

15 MS. AYALA: Yeah.

16 MR. TURNBULL: Well, maybe you could share  
17 that with the rest of the architectural community.

18 Okay. Yeah, I don't want to make a big thing  
19 about the rooftop area now that you've said you're  
20 going to do it. But in light of the drawings that we  
21 have the building sections and the elevations and the  
22 renderings don't quite match. So if you could put  
23 them in synch for us it would be good.

24 And again, I would agree with my colleagues  
25 that what we're seeing architecturally is a lot

1 better than what it was at set down, so I think I  
2 want to congratulate you for making those changes.

3 The open parking area, the permeable paving,  
4 maybe that was tied in with something else, but I  
5 heard \$1 million. Is that --

6 MS. BATTIES: It's actually, if you look on  
7 the list of public benefits and amenities, project  
8 benefits and amenities, number 8, and it shows the  
9 improvements along M Street. It includes permeable  
10 paver parking spaces and plantings.

11 MR. SEIGAL: All right. Excuse me.

12 MS. BATTIES: And repaving of the width of M  
13 Street.

14 MR. SEIGAL: The lion's share of the expense  
15 is repaving the entire width of M Street --

16 MR. TURNBULL: Okay.

17 MR. SEIGAL: -- for the entire distance of  
18 our property.

19 MS. BATTIES: Right.

20 MR. TURNBULL: Okay. All right.

21 MR. SEIGAL: That's really the lion's share  
22 of the expense.

23 MR. TURNBULL: Okay. I just felt it was kind  
24 of a shame that we spent a lot of money on this  
25 parking area that's permeable and we're going to lose

1 it all and it just seemed like a lot of money that  
2 wasn't being recaptured into the project for  
3 landscape elements that are going to be permanent in  
4 the future. But I appreciate what you're doing on  
5 that.

6 I guess, you know, and the DANC letter has a  
7 lot of -- they've got this MOU or MOA, whatever you  
8 want to call it. Are those elements that you've  
9 agreed to and are being proffered that will be in the  
10 order eventually?

11 MS. BATTIES: Yes. Yes.

12 MR. TURNBULL: All right. So that's cut and  
13 dry. It's all -- okay.

14 I guess what I would like to see, what I'm  
15 struggling with is trying to put together what's in  
16 and what's not in as far as the department of  
17 transportation OP, and I'd like to somehow get a  
18 running checklist of what you're not agreeing to and  
19 I'm struggling with this.

20 MS. BATTIES: So we can put that together for  
21 you. What is shown on the partial list of proposed  
22 conditions. The highlighted text is what we have  
23 added in response to DDOT's report.

24 MR. TURNBULL: To DDOT. Okay. Well, if you  
25 could just do that I would appreciate that.

1           Let me just go through my notes. I would  
2 also agree with my colleagues. You know, we're  
3 seeing a lot of projects now that are going to  
4 basically almost LEED Gold. We're getting stronger  
5 LEED commitments from a lot of our applicants and I'd  
6 like really a strong commitment that you're going --  
7 minimum LEED Silver or beyond is what you're really  
8 committing to.

9           I also agree with my colleagues on the  
10 Capitol Bike Share. I'm really struggling with how  
11 people are getting into your site and back and forth.  
12 So, that is a big element.

13           And I guess the other element you show a  
14 solar shading device on the waterfront side at the  
15 very lower level. And it's the only area in the  
16 whole building there that calls out for solar shading  
17 and I don't see it anywhere else. I don't see any of  
18 the units on that side of anything, and I'm just  
19 struggling as to why the very ground level only gets  
20 it.

21           MS. AYALA: Yeah, if you look at page 31, and  
22 it's an elevation of that south façade, that device  
23 is used at that lower level. There's a significant  
24 amount of glazing with the lower level units there,  
25 so we saw that as an opportunity to provide something

1 that would sit off of the building to provide sun  
2 shade.

3           If you look up the façade there are several  
4 framed portal balcony areas that because we're going  
5 to project the slab at that point, will create some  
6 sun shade at those units. And that represents about,  
7 I'd say 30 or 40 percent of the façade on that side.  
8 And then at the top level the, excuse me, the  
9 roofline actually hovers beyond the façade, which  
10 would also --

11           MR. TURNBULL: How much is that overhang?

12           MS. AYALA: I'd say it's about five feet.

13           MR. TURNBULL: Really?

14           MS. AYALA: Yeah.

15           MR. TURNBULL: I didn't catch that. I  
16 didn't --

17           MS. AYALA: If you look at how the buildings  
18 connect on the ends you can see how that overhang  
19 aligns with the masonry façade of the piece that's  
20 coming around from the northern face of the building.

21           MR. TURNBULL: Okay.

22           MS. AYALA: And it's about the same distance  
23 out as the balconies.

24           MR. TURNBULL: Okay. And Building 2 will  
25 connect at the ground floor only? Is that it? Is

1 that my understanding or --

2 MS. AYALA: Yes.

3 MR. TURNBULL: Okay.

4 MS. BATTIES: Tower B?

5 MR. TURNBULL: Tower B. Yeah, the --

6 MS. AYALA: That's right.

7 MR. TURNBULL: Phase 2.

8 MS. BATTIES: Phase 2.

9 MR. TURNBULL: Phase 2.

10 MS. AYALA: Phase -- yeah.

11 MR. TURNBULL: Okay. All right, Ms. Chair, I  
12 think that will be it for now.

13 CHAIRPERSON HOOD: Commissioner Miller.

14 MR. MILLER: Thank you, Mr. Chairman. I  
15 think there's a lot of good things about this  
16 project, and I mean, just the activation of a  
17 underutilized, vacant, formerly industrial site with  
18 you know over 673 residential units and retail and  
19 all these connections to the waterfront finally, I  
20 think that all is very exciting. And I appreciate  
21 all the applicants' responsiveness so far to the DDOT  
22 conditions and OP conditions and the Zoning  
23 Commission comments at set down, and I appreciate  
24 your having worked with the ANC to reach an MOU. I  
25 think that community outreach is important in all

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1 cases, and I think you've demonstrated that here with  
2 this presentation.

3           On the affordable housing units, I appreciate  
4 that you were responsive to the ANC in setting aside  
5 the four two-bedroom units for this Phase 1 at the 60  
6 percent AMI level. So there are a total of 19  
7 affordable units out of the 218.

8           Do you happen to know what the total number  
9 of affordable units are for the 673 total units for  
10 all four phases, and are you going to continue your  
11 good commitment to the 60 percent AMI level for some  
12 of the units, some of the IZ units there?

13           MR. SEIGAL: Certainly our intention is we  
14 keep coming back before you for each subsequent  
15 stages is to deal with the demands, the housing  
16 demands of the city, and certainly the concerns of  
17 the ANC are important to us. So certainly we would  
18 revisit it with each stage. Right now obviously we  
19 have the IZ requirement. But we do see a need and we  
20 want to fulfill that if we can, financially, and  
21 that's why we offered this particular one because of  
22 the need that was expressed to us and we felt that it  
23 was an important expense to have.

24           MR. MILLER: Right.

25           MR. SEIGAL: To make.



1 MR. MILLER: So, do you have a number or a  
2 square footage, or approximate number of units for  
3 the total project that would be at the IZ? I guess,  
4 it's eight or 10 percent of the 673.

5 MS. AYALA: It's eight percent of 517,000  
6 square feet. So we're just quickly doing that  
7 calculation. I don't do math. It's in the 40,000 --

8 MR. TURNBULL: Yeah, okay.

9 MS. AYALA: -- 45,000 square foot range.

10 MR. MILLER: And that's good enough. I just  
11 wanted to get confirmation that the rest of it would  
12 include that affordable housing as well.

13 The orientation of this first building toward  
14 the water, that's obviously important, but then  
15 you're going to block half of the views with the  
16 second -- with 1B. Did you look at other ways to  
17 orient it so that more people -- or is this the  
18 maximizing with the number of units you wanted to  
19 get? It just seems like half of those or more than  
20 half of those people on that southern façade are  
21 going to have balconies for a few years with  
22 beautiful water views and then suddenly they're going  
23 to be looking at another building.

24 MR. SEIGAL: Well, the reason why we did it  
25 that way, quite frankly, is to maintain the view

1 shed. But at the same time we're stepping down the  
2 buildings as we get closer to the water so that the  
3 1B building is 90 feet tall, so that there is some  
4 views above that to the 100 foot level on the 1A  
5 building.

6 MR. MILLER: Is it on the same grade as the  
7 1A?

8 MR. SEIGAL: It's actually, it's stepped down  
9 a little bit.

10 MR. MILLER: So it's more than a 10 foot --

11 MR. SEIGAL: Yeah. So there is some  
12 viewpoints from the first building that are not lost,  
13 and frankly we just wanted to make sure we maintained  
14 it at a nice corridor view, but at the same time  
15 created a sense of community and a courtyard for the  
16 residents.

17 MR. MILLER: The ground floor residential on  
18 M Street, you think that's going to be successful,  
19 and why do you think that's -- I understand why you  
20 want to do the retail on the waterfront and activate  
21 the waterfront along Virginia Avenue and the plaza,  
22 the area, but you think that M Street, the ground  
23 floor residential is going to work, and how many  
24 units actually is that on the ground floor? And  
25 there a ground floor on the other side, the water

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1 side too?

2 MR. SEIGAL: Correct, both sides. While  
3 they're looking at the number of --

4 MR. MILLER: I could see the waterside maybe  
5 working, but M Street is --

6 MR. SEIGAL: Well, they're looking at the  
7 number for the M Street side. I think our reasoning  
8 behind offering front yards, we're trying to create  
9 more opportunity as a unique housing opportunity for  
10 someone who lives on the first floor. So having your  
11 own private front yard, we wanted to create that as  
12 well as the glazing on the front side to create sound  
13 attenuation.

14 You know, we recognize that it's not the best  
15 view as it is on the other side, but it's certainly,  
16 we feel it's marketable. And in light of some of the  
17 other projects in the Capitol Riverfront area, for  
18 example, Forrest City's first floor units with their  
19 own private yards are doing very well. So we feel we  
20 could capitalize on that as well.

21 MR. MILLER: Okay.

22 MR. SEIGAL: There's a demand for it.

23 MR. MILLER: And speaking of Forrest City,  
24 that reminds me of the Boathouse Row signage. I  
25 don't agree that -- I guess I'm a minority here --

1 that the Boathouse Row words, verbiage on top there,  
2 I think it could be done -- it could be done in a  
3 very toned down way, like a former industrial site  
4 building, which this area is. You know, it's kind of  
5 painted and faded in a way and it would kind of mask  
6 that rooftop structure there as well. And I think it  
7 is important that this very remote isolated,  
8 currently isolated neighborhood, get an identity.

9           You know, it's one thing if it said Cohen  
10 Siegel Investors, LLC., I would think that that might  
11 be inappropriate. But Boathouse Row is the  
12 connection with what's there right now and it's not  
13 commercial, in my view, and I think it could be done  
14 in a way that's toned down and appropriate.

15           I would agree with my colleagues that the  
16 Capitol Bike Share installation -- installation of  
17 the Bike Share station would be important for the  
18 residents there, given the access problems that  
19 exist, and I appreciate your commitment to the  
20 shuttle. I think that that's great.

21           The shuttle is going to Navy Yard versus  
22 Potomac Avenue. I guess that's an easier route and  
23 less disruptive, I guess. You can't really fly over  
24 the freeway.

25           MS. MILANOVICH: Yeah, it's a quicker, easier

1 route.

2 MR. MILLER: Yeah. I would also would agree  
3 with Commissioner Turnbull on making a stronger  
4 commitment, if you can, to the lead, and with Vice  
5 Chair Cohen on the lead commitment that it's, you  
6 know, it's a minimum silver but maybe you're striving  
7 for gold and, you know, I think it would be a  
8 signature selling point for this property on the  
9 water.

10 Did you have a response to DDOT's opposition  
11 to the proposed -- or they want removal from the site  
12 plan, the lay-bys for Building 1B and the circular  
13 driveway for Building 2? Do you have a response to  
14 that or are you working with DDOT on that?

15 MS. MILANOVICH: Yeah, we've removed the  
16 circular driveways from the plan, and as for the lay-  
17 bys, you know, we acknowledge their current position  
18 and understand that if we were to get those approved  
19 at some point in the future it would have to be  
20 approved through the public space process.

21 MR. MILLER: Well, thank you for your  
22 presentation. That's all my questions, Mr. Chairman,  
23 for now. Thank you.

24 CHAIRPERSON HOOD: I'm more concerned with  
25 making sure that how we move forward. And this is

1 not necessary, just to this applicant. But I noticed  
2 that a lot of orders are always subject to appeal and  
3 questions. I really want to make sure we really nail  
4 down things in orders. Case and point, how many  
5 levels are there going to be in the Building 1, Tower  
6 A, how many levels of parking? Is it one level, two  
7 levels?

8 MR. SEIGAL: Two.

9 CHAIRPERSON HOOD: Okay. Show me where that  
10 is. And I simply may have missed it. I miss a lot.

11 Okay. Well, I'm going to go to my next  
12 question while you're getting that because I'm on the  
13 clock.

14 MR. SEIGAL: Go ahead.

15 CHAIRPERSON HOOD: And I'm probably going to  
16 be the bad guy tonight. Let me come back to that.

17 How do we get the placement of the dog park?

18 MR. SEIGAL: How did we get the placement of  
19 it?

20 CHAIRPERSON HOOD: Yeah, how did we get it --  
21 to me that's a prominent area. How did we get the  
22 placement there?

23 MR. SEIGAL: So we actually thought very  
24 strategically about this. It really wasn't just  
25 done, just willy-nilly.

1           What we did was, this, the 14th Street right  
2 of way is a CSO outfall for DC Water. As such -- I'm  
3 sorry. So a combined sewer outflow pipe that runs  
4 through the 14th Street right of way down to the  
5 river. As you may be aware the long-term control  
6 plan that DC Water is putting into place a \$3.2  
7 billion tunnel is going to be eliminating CSO outfall  
8 discharges into the Anacostia River by as much as 98,  
9 perhaps 99 percent.

10           But because of that we were required to keep  
11 the CSOs in place. So this particular pipe that runs  
12 through the 14th Street right of way, if we offered  
13 to build over it we'd have to do a 25 foot setback on  
14 either side and 50 foot above. And so we made the  
15 strategic decision that, you know what, we have a  
16 green space opportunity here. Rather than building  
17 over it and creating more massing, let's keep the  
18 view shed open, let's keep the green space open, and  
19 since we've got a relatively flat portion at the M  
20 Street level, because as you saw from the topography  
21 it drops off considerably as you get closer to Water  
22 Street. It's the best place, if we're going to have  
23 a dog park will be right there because it's flat.  
24 And if you move it further down the hill you're going  
25 to have it at an angle and it just won't work.

1           CHAIRPERSON HOOD: I understand that. Okay.  
2 So when you get to Building 3, in between Building 1,  
3 Tower A and Building 3 is basically going to be the  
4 dog park?

5           MR. SEIGAL: That will be a permanent view  
6 shed right of way. There will be nothing ever built  
7 on top of it so it will be green, and the dog park  
8 will basically take the top part at M Street and go  
9 into the 14th Street right of way.

10          CHAIRPERSON HOOD: And that was negotiated  
11 with the ANC and the community and you all agreed on  
12 that placement?

13          MR. SEIGAL: Absolutely.

14          CHAIRPERSON HOOD: The prominent placement of  
15 the dog park.

16          MR. SEIGAL: We proffered it, we discussed it  
17 with them. They agreed that it was a nice benefit,  
18 and so we're keeping it there.

19          CHAIRPERSON HOOD: And I'm not against the  
20 dog park. Yes, I'm just trying to figure out where  
21 it is. Unlike the one in my neighborhood, the only  
22 people they have one dog every so often and myself.  
23 So, and I don't have a dog. So I'm just making sure  
24 that prominent area is being utilized.

25          MR. MAY: It's nice they let you run around



1 in there, then.

2 CHAIRPERSON HOOD: The other thing -- I'm  
3 going to forget that Commissioner May is even here.  
4 One of the things I do like about this, I think even  
5 though some of the views may get blocked with  
6 Building 1, Tower B, I do like the way it respects.  
7 It kind of reminds me of some things we did when we  
8 did the waterfront zoning. I like the way it  
9 respects the water. The slim, trim fit, and I kind  
10 of like Building A. I know we're taking away some  
11 views, but I do like that.

12 I want to say something positive because I  
13 don't know what the rest may be said. But anyway, I  
14 just wanted to say that.

15 This Bike Share issue and this shuttle bus,  
16 who are we trying to attract to these residential --  
17 who are we attracting? I keep hearing about bicycles  
18 and I have no problem with bicycles. But I'll say it  
19 again, and I'm sure this will get quoted, at some  
20 point in life we all are not going to be riding  
21 bicycles. Right now the focus down here seems to be  
22 bicycles. Some of us, when we get certain ages,  
23 you're not going to be able to ride bicycles. And  
24 that's just reality.

25 So who are we trying to attract down here?

1           MR. SEIGAL: Well, I can say, and I certainly  
2 haven't polled everyone in the area, but we met with  
3 quite a few stakeholders when we were working up the  
4 idea and the concept for this particular project.  
5 And I can tell you having met with a number of people  
6 on Boathouse Row, particularly people who enjoy the  
7 water, the kayakers, the canoers, there is already a  
8 big demand to move into this development once we  
9 build it.

10           CHAIRPERSON HOOD: What about the seniors.

11           MR. SEIGAL: Sure. I mean, the reason why  
12 we've over parked it is for that particular purpose.  
13 And the reason why we're providing shuttle service is  
14 to ensure that people have the ability to do so, to  
15 get to the Metro.

16           And I'm optimistic. I've always been an  
17 optimist. And I believe quite frankly that at some  
18 point there will be sufficient funding and the  
19 concepts that Office of Planning put together for the  
20 Southeast/Southwest Freeway that include more  
21 pedestrian access from Capitol Hill will create  
22 opportunities for egress, particularly along 14th  
23 Street, which makes you basically a little less than  
24 a third of a mile to walk to Metro.

25           So with that, and the street car, you know, I

1 believe at some point the street car will come over  
2 the Anacostia Bridge -- I mean, the 11th Street  
3 Bridge, and will take a left on M Street, and it's  
4 only two blocks from the project.

5 CHAIRPERSON HOOD: So it's your testimony  
6 that the parking would allow for the seniors, who may  
7 not be as mobile, who may not be looking for the  
8 pedestrian walkways at the time because when you get  
9 70 and 80, none of us may be looking for walkways.  
10 So I guess that's where I'm going down the line. Are  
11 we making sure we're building this for all?

12 MR. SEIGAL: I would say absolutely. And  
13 having studied the site and having studied the  
14 topography in proximity to the water, we can only go  
15 down two levels for parking because otherwise we're  
16 going to be well below the aquifer if we go three  
17 levels. It would just be too expensive to build at  
18 that point.

19 And so we maximize the amount of parking we  
20 could build, recognizing that there has been a time  
21 in the city where having more parking than code has  
22 been frowned upon. We felt that we needed to  
23 maximize the parking for this particular site, simply  
24 because we're the groundbreakers.

25 CHAIRPERSON HOOD: Okay.

1           MR. SEIGAL: We're the mavericks trying to go  
2 in try to create a new catalytic change to this  
3 particular area.

4           CHAIRPERSON HOOD: Now, what is the process  
5 for the soil remediation? What are we going to do?  
6 How is that going to work?

7           MR. SEIGAL: So the way it works typically,  
8 because we're going to be excavating quite a bit of  
9 soil out is, you have two dump trucks, essentially,  
10 but it's in simple terms. One goes to the right, one  
11 goes to the left. And we have people on site that  
12 designate through testing very quickly what's  
13 contaminated and what's not.

14           We know when we purchase a property, having  
15 done several -- not several but many boring tests on  
16 the site, that it's a clean site. It was given a  
17 closure letter. But we also recognize that because  
18 of its industrial history that we have to remember  
19 not only the vault but also quite a bit of the dirt  
20 underneath in order to build the subterranean garage.  
21 So all that dirt will be carted off to a special  
22 facility that accepts that type of soil.

23           CHAIRPERSON HOOD: So it's going to go to a  
24 facility, be burned, and then brought back?

25           MR. SEIGAL: No, it wouldn't be brought back

1 because we'll be building a garage there, so it  
2 wouldn't be --

3 CHAIRPERSON HOOD: Okay. So we're not going  
4 to use any of that contaminated soil. When you say  
5 remediate I'm thinking about -- I know years past,  
6 they take it somewhere, they cook it or whatever they  
7 do, heat up the process and then they bring it back.  
8 So that's not what's going to happen.

9 MR. SEIGAL: Not at all. Not at all.

10 CHAIRPERSON HOOD: Okay. I also would say,  
11 we could probably look at the signage issue. I don't  
12 go as far with my colleague who think we need to do  
13 away with that. I think we can possibly try to find  
14 a way to make it work so it can be identifiable.  
15 That's something we can look at. But again, that  
16 goes back to my point, we need to be very specific  
17 about the signage and how it's going to be done if  
18 it's approved, if it has the votes up here. I'm not  
19 saying it doesn't have the votes, but I'm not that  
20 far away without that. I think it needs to have some  
21 identity.

22 I have some questions about the circulation,  
23 Ms. Milanovich. Let's talk about the circulation.  
24 Let me bring it up. Let's talk about how we're going  
25 to go in between I think it's -- let's bring up the

1 circulation. And run me through that.

2 I'm sorry you all didn't have a pointer.  
3 It's always good to bring a pointer so you can show  
4 us. Oh, you thought about that, huh? It's always  
5 good to have a pointer so you can kind of take us  
6 around different areas. Does anybody have a pointer?  
7 Ms. Milanovich, do you have one? Okay.

8 I want you to run me around the site, Ms.  
9 Milanovich, if you don't mind. And I think in your  
10 submissions you had a circulation pattern with green  
11 arrow dotted lines. That was pretty good. That was  
12 actually very good. It answered a lot of my  
13 questions, but I do have one or two.

14 MS. MILANOVICH: Okay.

15 CHAIRPERSON HOOD: Is that it?

16 MS. MILANOVICH: I think this is what you're  
17 referring to.

18 CHAIRPERSON HOOD: Yeah, can you dim the  
19 light for a second, Ms. Schellin? I'm going to try  
20 to use that if I can see this far.

21 You see up between, what is that -- is that  
22 Building 2 and --

23 MS. MILANOVICH: This is Building 2.

24 CHAIRPERSON HOOD: Okay. And Building 1.

25 MS. MILANOVICH: This is Building 1A, 1B.

1 CHAIRPERSON HOOD: And where the two loading  
2 zones are, in between.

3 MS. MILANOVICH: Right.

4 CHAIRPERSON HOOD: How is that going to work?  
5 Say if I'm going, what is that, north? If I'm coming  
6 north and I want to make a left.

7 MS. MILANOVICH: Into the loading?

8 CHAIRPERSON HOOD: Right.

9 MS. MILANOVICH: Well, so the trucks  
10 accessing the loading berth would be coming in off of  
11 M Street, so they'd be making the right in.

12 CHAIRPERSON HOOD: Okay.

13 MS. MILANOVICH: They would pull past the  
14 loading berth and then back into the loading berth.

15 CHAIRPERSON HOOD: So they would pull back in  
16 and they would load -- well, let's just deal with  
17 Building A. So they would pull up and back into A.

18 What about the traffic that's coming the  
19 other way?

20 My time is up. We're going to come back to  
21 that. I'm going to be a good steward. I want my  
22 colleagues to follow my lead.

23 MR. MAY: I think you should go ahead and  
24 finish while the lights are down.

25 CHAIRPERSON HOOD: No, I'm going to -- I'd

1 like to set the example. We'll come back to that.  
2 Can you turn the lights back on, Ms. Schellin? Thank  
3 you.

4 Commissioner May?

5 MR. MAY: I would just like to see the  
6 materials board. That's all I have, so.

7 MS. COHEN: I've got a question on the  
8 private -- I think they're entry ways. They're meant  
9 to be entry ways in Building 1, Tower A. They're  
10 really not for recreational use because they're very  
11 public. But it's just a private entry?

12 I'm looking at -- it doesn't have a page  
13 number or anything. But it's on M Street.

14 MS. AYALA: Okay.

15 MS. COHEN: Which is a very heavily traveled  
16 street.

17 MS. AYALA: You're talking about the yellow  
18 area, the main lobby entry. Is that right?

19 MS. COHEN: Next to the lobby entrance.

20 MS. AYALA: Okay. You're talking about the  
21 private yards --

22 MS. COHEN: Yeah.

23 MS. AYALA: -- in front of the units. Okay.  
24 And I'm sorry, what was the question again?

25 MS. COHEN: The question is, what is their



1 use other than entry and exit?

2 MS. AYALA: Really it's to provide access for  
3 that apartment unit that has that private space, so  
4 that they can go out to M Street directly. They  
5 don't have to go in through their space and out  
6 through the main lobby. So it provides just more  
7 accessibility for those grade-level units that have  
8 the private spaces.

9 MS. COHEN: Will people be allowed to sort of  
10 decorate their private spaces? Or, I mean, they  
11 might want to put up different, I don't know, like  
12 one of those gnomes or something. Are you going to  
13 allow that? You know, because it's private space,  
14 but it's really public.

15 MR. GLASGOW: Well, it's a rented -- I think  
16 you're envisioning a rental project?

17 MR. SEIGAL: Yes.

18 MR. GLASGOW: And there will probably be  
19 rules and regulations as to who can put what where.

20 MR. SEIGAL: Points well taken, Commissioner.

21 CHAIRPERSON HOOD: Commissioner Turnbull.

22 MR. TURNBULL: If I want to have a barbeque  
23 out there can I do that? I have no further  
24 questions.

25 CHAIRPERSON HOOD: Okay. Commissioner

1 Miller.

2 MR. MILLER: No further questions.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, if  
4 you don't mind, if we can go back to -- Ms.  
5 Milanovich, I think you already know what my question  
6 is, right? If you could -- let's work on that  
7 question. Help me.

8 MS. MILANOVICH: Yeah. So if I'm  
9 understanding your concern, so once the truck backs  
10 into the loading berth they will be out of the  
11 street, out of the sidewalk, back into the building  
12 so that traffic on the private roadway, be it  
13 pedestrian traffic or vehicular traffic, will be able  
14 to pass through without being impeded by the truck  
15 that's contained within the loading berth.

16 CHAIRPERSON HOOD: Okay. And I think, Ms.  
17 Ortiz, we need to deal with traffic. This Commission  
18 should be able to deal with traffic throughout this  
19 phasing process. You know what I mean, because I  
20 hear a lot. The first stage, and I know we're doing  
21 it consolidated with phase -- I mean, Building 1 or  
22 Tower A. When we get ready to go to Building 2, this  
23 Commission still should be able to deal with traffic  
24 issues. Okay? I just want to make note of that. I  
25 may not be here when you all get there, but I just

1 want to make sure that we understand that. Because  
2 my question is actually germane to how things are  
3 going to work between Building 1 and Building 2.

4 Okay?

5 So I think you've answered my question for  
6 Building 1.

7 Now let me ask this, the bioretention, does  
8 that have to be cleaned?

9 MR. MCCLURE: Yes, there will be some  
10 maintenance procedures that will have to be performed  
11 on the bioretention facilities.

12 CHAIRPERSON HOOD: And who is going to be  
13 responsible for that? Management?

14 MR. SEIGAL: Management. The building  
15 management.

16 CHAIRPERSON HOOD: Okay. Okay. Is it a lot  
17 to clean it or --

18 MR. MCCLURE: No, I don't believe so. It  
19 will just be, you know, quarterly maintenance, I  
20 believe. If even that.

21 CHAIRPERSON HOOD: Because I know, what it  
22 has to be cleaned probably about what, twice a year?

23 MR. MCCLURE: Correct.

24 CHAIRPERSON HOOD: You know that or you're  
25 just agreeing with me so we can move on?

1 MR. MCCLURE: No, I know that.

2 CHAIRPERSON HOOD: Okay.

3 MR. MCCLURE: These facilities are, you know,  
4 they're functional landscapes, they perform a  
5 function and occasionally you'll have to come in and  
6 you'll have to remove silt from them, you'll have to  
7 weed the beds. You know, when you're talking about  
8 removing silt that's a one or a two time a year  
9 procedure. If you're talking about weeding then  
10 that's, you know, during the summer. It's probably  
11 once a month.

12 CHAIRPERSON HOOD: Okay.

13 MR. MCCLURE: You know, so there's varying  
14 levels of it. We'll help establish a maintenance  
15 manual.

16 CHAIRPERSON HOOD: Okay.

17 MR. MCCLURE: That the owner can use.

18 CHAIRPERSON HOOD: Great. Okay. All right.  
19 Well, again, I really like the respect that the  
20 building, at least Phase 1 Building and actually all  
21 of them, the way it respects the water. And it goes  
22 back to what I think this Commission, at the time,  
23 envisioned when we did the waterfront, whole rezoning  
24 of the waterfront and I think this goes right to it.  
25 So I think you also did a good job with

1 outreach. I see the ANC Commissioners here, and I  
2 know this ANC also works very hard. So that's all  
3 the questions I have.

4 Any other questions up here? Not hearing any  
5 let's go to the ANC. Any cross-examination? Any  
6 cross? Not time for your report, but any cross of  
7 them?

8 (No audible response.)

9 CHAIRPERSON HOOD: Okay. All right. Let's  
10 go to the Office of Planning's report and District  
11 Department of Transportation. But before they start  
12 how many people are here to testify in support?

13 Okay. The ANC Commissioner.

14 How many people are here to testify in  
15 opposition?

16 Okay. All right. I just wanted to see who  
17 all was here.

18 Okay, Mr. Cochran.

19 MR. COCHRAN: Thank you, Mr. Chair. After  
20 your questioning I don't think that the Office of  
21 Planning has a very extensive verbal report tonight.

22 We do support the project and we recommend  
23 that you approve it. Basically we support it because  
24 it's consistent with the comprehensive plan, both  
25 future land use map and the policy map, which shows

1 it as an area for land use change. It's consistent  
2 with the Anacostia Waterfront initiative plan. It's  
3 a very challenging site that we think the applicant  
4 has shown some real guts to take on, and is going to  
5 be improving it with a significant number of public  
6 benefits; benefits that to some extent take on the  
7 scale almost of being a public works project.

8 I mean, we're looking at a termination to an  
9 important street like Virginia Avenue, that I don't  
10 think any of us in the Office of Planning had ever  
11 contemplated a private entity doing.

12 Now, when it comes to the benefits,  
13 undoubtedly a number of them are going to be  
14 necessary for the applicant, simply to get somebody  
15 to come to a remote site like this. No question.  
16 But the significant majority are way beyond what most  
17 applicants would do just to market or get  
18 accessibility or provide remediation for -- not  
19 remediation, but mitigation for a particular site.  
20 So I don't want to go into all the specifics right  
21 now. You've all identified them. But that's  
22 basically why OP is in support of the project.

23 There are a few remaining concerns. One, our  
24 conditions. We will be happy to defer to DDOT and  
25 the discussion that it may be having with the

1 Commission on anything relating to transportation,  
2 the OP recommendation which is basically like the  
3 DDOT recommendation on maintaining provisions for  
4 alternative transportation modes, a little bit beyond  
5 the first time somebody moves in to a unit.

6 But again, we recognize that they are  
7 providing more parking than is required, but we still  
8 think it's enough of a challenging site that people  
9 are going to need access over and above just the  
10 shuttle, for which we also think, and we agree with  
11 DDOT that additional details are needed on what the  
12 schedule will be.

13 Our second condition had to do with CBE.  
14 This is something that has traditionally been very  
15 favorably viewed by the Zoning Commission when an  
16 applicant proffers it. We recognize that it is not a  
17 requirement of either the zoning regulations or of  
18 the LSDBE Agency. But we do think that it has  
19 traditionally been something very beneficial. It  
20 will be up to the Commissioner of course to weigh  
21 whether the degree of public benefits and the  
22 amenities that the applicant is offering are  
23 sufficient to outweigh the kind of expense that there  
24 might be in proffering a CBE, which now by the way is  
25 of course, you do get penalized if you don't follow

1 through on a CBE agreement that you actually signed,  
2 which may be one reason you are seeing fewer of them  
3 being proffered.

4           Finally, let's see, satisfaction of  
5 additional information. The applicant has satisfied  
6 all of our requested information to be provided with  
7 the exception of DDOT related issues.

8           There's one new one though, that we would  
9 like to raise. Because the public spaces are  
10 designed to a level where it's going to be pretty  
11 difficult to distinguish between what's a private  
12 space that has pretty much universal public access,  
13 and what's a public space that the private developer  
14 has developed. We think it's going to be important  
15 to deal with signage on what's a private space and  
16 what's a public space, what are the hours of access,  
17 and also importantly insurance and liability. We're  
18 not dealing with a courtyard that is provided for  
19 access to the public, but the public may not even be  
20 able to see. We're dealing with something that's in  
21 the road bed of a major roadway going down to a good  
22 plaza that's going to provide access to the river.  
23 And we just want to make sure that those kinds of  
24 liability issues are dealt with before an order is  
25 issued. We wouldn't want to see these private space



1 things get overly restricted in the long run because  
2 of liability concerns.

3 That pretty much concludes what we have to  
4 say tonight, and of course I'm open to any questions.

5 CHAIRPERSON HOOD: Okay. Before we go to  
6 Office of Planning, questions of Office of Planning,  
7 let's hear from DDOT. Mr. Rogers.

8 MR. ROGERS: Good evening, Mr. Chair, members  
9 of the Commission. Obviously there's been lots of  
10 comments related to transportation, lots of details  
11 related to transportation and I'll try to hit on the  
12 highlights.

13 I first wanted to start by acknowledging that  
14 the applicant has worked closely with DDOT on a  
15 variety of issues related to the project, including  
16 the review of the project's transportation impacts.

17 As it relates to site access, in the existing  
18 conditions, the roads adjacent to the site are either  
19 substandard or unbuilt, and the applicant has offered  
20 a number of physical improvements. I won't get into  
21 the details, but improvements to M Street, Virginia  
22 Avenue, private streets, as well as the Anacostia  
23 Riverwalk Trail, and a pedestrian facility along M  
24 Street in the short-term and Water Street.

25 DDOT agrees with these physical improvements

1 and the applicant will need to work with DDOT through  
2 the public space permitting process on final design  
3 of these facilities.

4           As it relates to project impacts to the  
5 transportation network, despite the improvements the  
6 new streets and pedestrian facilities and bike  
7 facilities, they'll have a positive impact on  
8 immediate vicinity, but the subject site is still  
9 relatively isolated by the 11th Street Bridge to the  
10 west and the former interstate to the north, and that  
11 limits the site's access to the rich transit options  
12 and bicycle pedestrian infrastructure at the slightly  
13 larger level. That's available just outside the  
14 boundaries of the site.

15           The applicant's transportation analysis  
16 assumes a high rate of non-auto travel. And while  
17 DDOT believes that this mode split is achievable in  
18 light of the onsite parking provision, realizing high  
19 rates of non-auto use will require significant TDM  
20 and programmatic commitments, such as shuttles.

21           With a sufficiently robust TDM program higher  
22 auto travel than predicted in the analysis may be  
23 realized, which could lead to additional delay in the  
24 intersections in the study area in the vicinity  
25 around the site.

1           To encourage non-auto travel the applicant  
2 has committed to a transportation demand management  
3 elements and a shuttle service initially, and has  
4 since added some additional TDM and detail around the  
5 shuttle service. DDOT finds that this is a good  
6 basis for managing transportation generated by the  
7 site, but additional measures are needed.

8           So according to my review it seems like there  
9 are three or four TDM elements that there isn't yet  
10 agreement on. And I'll run through those. But I'd  
11 first like to start by just talking briefly about the  
12 reason for DDOT asking for those additional TDM  
13 measures. And it's not related to parking or the  
14 relationship of the proposed provision of parking to  
15 what's required by the zoning regulations. It's more  
16 about the impacts and the mitigations.

17           There's a lot of vehicle traffic in the area,  
18 and what was studied as part of the transportation  
19 analysis assumed a certain level of vehicle trips and  
20 a certain number of non-vehicle trips. And in order  
21 -- if those trips aren't realized then there is the  
22 opportunity to have additional impacts to the network  
23 that haven't been studied. So it's important that  
24 the measures be put in place to help realize to help  
25 justify the non-auto mode split that was assumed in

1 the analysis, which DDOT believes is achievable but  
2 needs to just be supported.

3 So the first TDM element that there's a lack  
4 of agreement on is the Car Share membership for a  
5 period of 10 years. The reason behind that is to  
6 have long-term behavioral changes throughout the life  
7 -- or a significant period of the life of the  
8 project.

9 The next two pieces are connected. It's the  
10 Capitol Bike Share membership for a period of 10  
11 years, as well as the commitment to fund the  
12 installation of a Capitol Bike Share station plus a  
13 year of operating expenses.

14 As proposed, the commitment to reserve a  
15 space for a Capitol Bike Share station isn't  
16 considered an amenity by DDOT because that space,  
17 where a Capitol Bike Share station would be located,  
18 is actually would be in DDOT Public right of way, and  
19 that's not in the control of the applicant.

20 And for the same reasons that the Car Share  
21 membership is important for encouraging long-term  
22 behavioral changes, the Capitol Bike Share membership  
23 is also important for that reason. But without the  
24 provision of a Capitol Bike Share station in close  
25 proximity, it's unlikely that folks will use Capitol

1 Bike share because I believe the closest station is  
2 about a third of a mile away, which is outside the  
3 typical walk shed of Capitol Bike Share.

4           And the final TDM element that I have a  
5 little bit of uncertainty on is the prohibition of  
6 satellite parking agreements. I've seen -- if DDOT  
7 could get clarity, if that's something that's being  
8 committed to by the applicant or not. I've seen  
9 different references to that and I'm not sure where  
10 that stands.

11           But there is ample surface parking  
12 immediately to the west of the site that could  
13 potentially be used for residents of the proposed  
14 development. And if those spaces were to be made  
15 available for future residents, again, that would  
16 lead to more vehicle travel, which would have an  
17 impact on the vehicular operations in the vicinity.

18           As it relates to the shuttle plan, DDOT is in  
19 agreement that a shuttle plan -- a shuttle is  
20 necessary and some of the additional details and  
21 commitments from the applicants, such as the 15  
22 minute headways and the three hour run times are  
23 appropriate and what DDOT had requested. The  
24 applicant has proposed a sunset provision and DDOT is  
25 happy to work with the applicant on defining that a

1 little bit more and getting that as part of the  
2 overall shuttle plan.

3 And finally, with the public space amenities  
4 that were in one of the handouts today, DDOT had not  
5 seen for the most part, the list of the amenities in  
6 there. That includes things like the permeable paver  
7 parking and potentially the dog park. DDOT needs  
8 time to review these elements. The only element and  
9 public space that received approval from the Public  
10 Space Committee was the stairs, which received  
11 conceptual approval just a few weeks ago.

12 And so there's concern from DDOT to include  
13 other elements in public space as amenities when they  
14 haven't been permitted. So flexibility around  
15 approval of those may be appropriate or additional  
16 time for DDOT to review, or for approval of permits  
17 to be sought could also be appropriate.

18 And with that I will stop and happy to answer  
19 any questions.

20 CHAIRPERSON HOOD: Okay. Thank you, both,  
21 Mr. Cochran and Mr. Rogers. Commissioners, is there  
22 any questions of the Office of Planning or DDOT?  
23 Commissioner May?

24 MR. MAY: So can you shed a little bit of  
25 light on the plans for the Southeast Boulevard so we

1 know what the future holds there?

2 MR. ROGERS: Certainly. The DDOT had begun  
3 an environmental planning process for the Southeast  
4 Boulevard project. That was put on hold in order to  
5 -- at the request of the community to better  
6 determine what the community needs and desires are.  
7 So the Office of Planning stepped in and is currently  
8 wrapping up a sort of a concept envisioning process  
9 for different alternatives for the land use around  
10 the Southeast Boulevard, future Southeast Boulevard,  
11 and once that's complete the next step would be for  
12 DDOT to perform a feasibility analysis to determine  
13 the feasibility of implementing some of the concepts  
14 that have come out of the Office of Planning study.

15 So it will look at things like, are the  
16 transportation needs met by what's being proposed?  
17 What are some cost elements? What are right of way  
18 constraints and you're dealing with topography and  
19 height. So not only width, but height. So those are  
20 some of the elements that will be addressed during  
21 the feasibility study.

22 MR. MAY: Do you believe that a connection of  
23 some sort along the 13th Street or 14th Street right  
24 of way, pedestrian connection at the very least, is  
25 possible, likely, certain?

1           MR. ROGERS: It's desirable. Whether or not  
2 it's feasible I think remains to be seen. The  
3 engineering hasn't been done for that, but I think  
4 that's the intention is to make those connections.  
5 Especially pedestrian connection.

6           MR. MAY: And I mean, I know there's a fair  
7 amount of controversy around the whole project, but  
8 there is generally support about having at least a  
9 pedestrian connection. Is that right?

10          MR. ROGERS: From what we've heard and  
11 working closely with the ANC is that that was  
12 something that was highly desirable.

13          MR. MAY: Okay. I hear your concern about  
14 prohibition of satellite parking agreements, which  
15 seems to be all about making sure that we don't have  
16 any more cars on the streets as opposed to making  
17 sure that the people who live there can get there  
18 adequately. So what I'm wondering is exactly how bad  
19 is the traffic situation right there? I mean, are we  
20 dealing with this project potentially really locking  
21 things up if all of a sudden you've got 50 percent of  
22 the people, you know, with cars because they're  
23 parking next door at the office building? Or is it  
24 just a general desire to keep the, you know,  
25 unnecessary vehicles off the road?



1           MR. ROGERS: So the transportation facilities  
2 in the area do have heavy volumes of traffic and they  
3 serve more of a regional need. The answer to your  
4 question about the additional project impacts, the  
5 short answer is, we don't know. That's not something  
6 that's been studied. So sometimes you know, the  
7 transportation network is just that. It's a network.  
8 So if you create a small problem at one intersection  
9 it may have cascading impacts to other intersections  
10 in the vicinity. And until that's been studied we  
11 wouldn't know and we do know what was studied, and  
12 that was based on an aggressive mode split, but one  
13 that we think is achievable if the right support is  
14 in place.

15           MR. MAY: Okay. I mean, it just seems to me  
16 that I mean, being an area that I frequent, there  
17 seems to be substantial capacity for vehicles in the  
18 area, and a certain lack of concern about or care  
19 about pedestrian facility. So it's really good that  
20 this is going to be introducing some pedestrian  
21 facilities.

22           But with the 11th Street Bridge project there  
23 is so much vehicular capacity. I mean, 11th Street  
24 is like, I don't know, six lanes wide or something  
25 like that when it passes under the freeway there.

1 It's crazy. It's hard for me to imagine that ever  
2 filling up with vehicles. And certainly this  
3 building isn't going to make much of a dent. So I  
4 just, I have a certain amount of doubt about whether  
5 there really is a strong need to suppress parking  
6 demand so much so that you would want to prohibit  
7 satellite parking agreements at this stage.

8 I mean, maybe it's something that you might  
9 want to introduce in the future as a potential TDM  
10 measure. I mean, honestly, you know, not that I'm  
11 really that big a fan of having more cars here than  
12 are necessary, but I just think that it's almost like  
13 it's a necessary fact of life until some of those  
14 other connections are made. You know, the bridge  
15 across the freeway and the street car and things like  
16 that, so that you have better ways to get here  
17 because otherwise it's hard to get here.

18 Maybe you'll want to respond to that. Maybe  
19 you want to just say, okay.

20 MR. ROGERS: I agree that it is an isolated  
21 site. People who live here are going to need to  
22 travel, and I think the goal is to have them travel  
23 by means other than automobile. And a great way to  
24 do that is to manage the parking supply.

25 MR. MAY: And I think generally I'm in total

1 agreement with that, but it's hard when there are not  
2 a lot of other options for people to come and go, so.  
3 All right. Thanks.

4 MS. COHEN: Well, first of all I want to  
5 commend the Office of Planning and DDOT for a very  
6 thorough report. I really appreciate it, how you had  
7 covered just about every detail of this project, and  
8 that was helpful.

9 But I still would like some response from OP.  
10 You talked about Virginia Avenue being something that  
11 was never contemplated to be extended and fixed up.  
12 But tell me why you're thinking M Street is a public  
13 benefit.

14 MR. COCHRAN: Could I first clarify the  
15 Virginia Avenue thing?

16 MS. COHEN: Absolutely.

17 MR. COCHRAN: It's not that we never  
18 anticipated that it wouldn't be made into a  
19 significant terminus for the city, for this portion  
20 of the city overlooking Anacostia. It's that we  
21 hadn't imagined it would be done without public  
22 dollars.

23 With respect to M Street, it's typical that a  
24 -- let's just call it a Class B bike trail, would be  
25 replaced with a Class A bike trail when it has to get

1 replaced, which the applicant is clearly going to  
2 have to do because of construction on the site. So  
3 yes, it's a benefit, but it's also just something  
4 that's normally required as a matter of course.

5           Putting in the permeable pavers for the  
6 public parking spaces, that's not being required by  
7 DDOT. That's not necessary, so that would be a  
8 public benefit.

9           Would the applicant have to construct as much  
10 of M Street as its constructing in the initial phases  
11 of the project just to get access to the project?

12 No, it wouldn't. And would it have to construct both  
13 Virginia Avenue and M Street to get access to one  
14 building in the first phase of the project? No, it  
15 wouldn't. So you begin to add those things up and  
16 you have a scale of investment that both because of  
17 the absolute nature of the construction and also  
18 because of the timing of the construction, becomes  
19 more of a public benefit than it is just of something  
20 necessary for the applicant to get people to the  
21 project.

22           MS. COHEN: Well, thank you for your  
23 response. I'm not sure you persuaded me, though.

24           I have a question with regard to what you're  
25 talking about, some of the uses on site that you, you

1 know, really hadn't taken a closer look at them. And  
2 I'm wondering why you wouldn't defer a lot of the  
3 approval of the site plan to the ANC, give them for  
4 example, the dog park you're talking about. You  
5 mentioned that, and some of the other amenities on  
6 the site. You want to take a look at them again, you  
7 said?

8 MR. COCHRAN: I'm sorry. I'm not sure that I  
9 know -- I'm actually sure I don't know what you mean.  
10 Could you --

11 MS. COHEN: Steven, you anticipated some of  
12 my questions when you made your presentation, so.

13 MR. COCHRAN: Your channeling has been  
14 reduced since then. I'm not sure I understand at  
15 this point now. Sorry.

16 MS. COHEN: All right. No, I think your last  
17 comments were that you wanted to take another look at  
18 some of the --

19 MR. COCHRAN: Oh, it had more to do with the  
20 liability. For instance the dog park, as I  
21 understand it is actually in private space, not a  
22 public space location. I was more concerned not  
23 about whether certain things are being designed at a  
24 certain point or implemented as --

25 MS. COHEN: You answered my question, the

1 liability.

2 MR. COCHRAN: It's the liability.

3 MS. COHEN: Yeah, okay.

4 MR. COCHRAN: Yeah.

5 MS. COHEN: All right. Thank you. This is  
6 just a couple of questions for DDOT.

7 In my vast reading I am beginning to see that  
8 electric cars are getting more and more use and  
9 they're more likely to be a product of the future.  
10 Is that correct?

11 MS. CHAMBERLIN: Yes, absolutely. So we're  
12 seeing an increase in the demand for public charging  
13 infrastructure, and specifically at residential  
14 homes. So we've had a couple residents put in public  
15 space permits where they're actually requesting to  
16 put a charger in front of their house, which we're  
17 not necessarily able to accommodate at this time. So  
18 we are seeing increased demand. The chargers at  
19 Canal Park are very well used at all times during the  
20 day, 24 hours a day. So.

21 MS. COHEN: So your suggestion for one for  
22 this particular project is, you think, sufficient?

23 MS. CHAMBERLIN: One per each garage. Per  
24 garage.

25 MS. COHEN: And that will be sufficient, do

1 you believe? In the future, because this is a build  
2 out, remember, to 2032 or whatever.

3 MS. CHAMBERLIN: No, we don't necessarily  
4 think it's sufficient, it's just a minimum. And we  
5 have no way -- I guess it's a different realm for us,  
6 the charging stations. It's not necessarily a  
7 transportation demand management function. It's a  
8 request that we're putting in to support the increase  
9 in the demand of the use.

10 MS. COHEN: Yeah, okay.

11 MS. CHAMBERLIN: So if the applicant wants to  
12 put more we would absolutely support that. But that  
13 comes from the demand from the residents.

14 MS. COHEN: I see. Thank you. I think those  
15 were my questions, actually. I thought I had one  
16 more, but --

17 CHAIRPERSON HOOD: Okay. Any other  
18 questions, Mr. Turnbull?

19 MR. TURNBULL: Thank you, Mr. Chair. On the  
20 private space issue we've had PUDs before that have  
21 had a courtyard where people can go in and it's  
22 private space. So I don't know how we've handled  
23 that before. That's an issue for Ms. Batties and Mr.  
24 Glasgow, I guess, to resolve. And I don't know if we  
25 ever put that in an order or anything. I don't think

1 that's a zoning --

2 MR. GLASGOW: I believe there was some  
3 comment with respect to that in the Square 749 PUD  
4 with respect to what the hours of operation would be.

5 MR. TURNBULL: Right. Yeah, I don't know how  
6 you'd do that here.

7 MR. GLASGOW: I don't believe that --

8 MR. TURNBULL: I don't know if you -- are you  
9 looking to add something to that here, or?

10 MR. GLASGOW: We weren't.

11 MR. COCHRAN: Okay. Could I explain  
12 something?

13 MR. GLASGOW: Sure.

14 MR. COCHRAN: This public improvement is so  
15 seemingly public in nature that it can't very well be  
16 closed off. It's not an interior courtyard that the  
17 public is --

18 MR. TURNBULL: Right.

19 MR. COCHRAN: -- invited into. It's going to  
20 look to most people like, oh, this is a public park.  
21 I don't know what the applicant is going to do about  
22 somebody tripping on the monumental staircase. I  
23 don't know whether they're going to be closing off  
24 access to one or the other of the plazas after a  
25 certain hour at night. None of this has been

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1 clarified.

2           And some of the improvements at the lower end  
3 of Virginia Avenue will actually be in public space.  
4 We'll have to go through the Public Space Committee.  
5 And while the applicant has agreed to maintain those,  
6 again, we don't know whether the District Government  
7 is going to accept liability for something that the  
8 private applicant has constructed in public space.  
9 They're details. I mean, you know --

10           MR. TURNBULL: Right.

11           MR. COCHRAN: -- everyone is a person of free  
12 will, but that has to be worked out.

13           MR. TURNBULL: Well, we've had private  
14 streets that have been used by the public too, so  
15 yeah, I know it's a fine point and maybe you want to  
16 comment on it for us, sir. I'm not really sure what  
17 we --

18           MR. GLASGOW: We can submit something but we  
19 had, for instance, the project up at I think it's  
20 6,000 New Hampshire Avenue, where we built a whole  
21 private roadway system --

22           MR. TURNBULL: Right.

23           MR. GLASGOW: -- in that. All of that is  
24 private roads. And the public is going in and out of  
25 there.

1 MR. TURNBULL: And using it.

2 MR. GLASGOW: That project is now being  
3 constructed.

4 MR. TURNBULL: Okay. Mr. Rogers, I guess on  
5 the issue of your items 1 and 2, the Car Share and  
6 the Bike Share, are you looking for the applicant to  
7 come back and haggle with you over those two points  
8 still? You were looking for 10 years. Are we  
9 looking at maybe something less or are you willing to  
10 entertain some other option?

11 MR. ROGERS: The 10 years -- so looking at  
12 other projects, the DDOT projects in the vicinity  
13 that would improve access to options, we talked about  
14 the 11th Street Bridge project and a little bit about  
15 the street car project, and the Southeast Boulevard  
16 project as well. Those, the Southeast Boulevard  
17 project, which would as currently conceived, would  
18 improve access to the Potomac Avenue Metro Station  
19 and the street car project that would provide an  
20 additional transit option in close proximity, have a  
21 longer timeframe, a longer horizon year. So that's  
22 part of the reason why the 10 years is appropriate.  
23 Neither of those projects are imminent, so the 10  
24 years would hopefully be able to carry the project to  
25 the point where there is a valuable option or

1 infrastructure project that improves options, or  
2 access to options for the site.

3 MR. TURNBULL: Okay. Well, maybe the  
4 applicant would take another look at that and rethink  
5 an option as an alternative. Or you've basically  
6 said no right now, but maybe you might want to take  
7 another look and see if there's some other measure  
8 that you could come up with.

9 CHAIRPERSON HOOD: Commissioner Miller.

10 MR. MILLER: Thank you, Mr. Chairman. I have  
11 no question. Just want to thank OP and DDOT for  
12 their very thorough reports.

13 CHAIRPERSON HOOD: Okay. I too want to thank  
14 you all. I don't have any questions. Let's see,  
15 does the applicant have any cross of either Office of  
16 Planning or DDOT?

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

18 CHAIRPERSON HOOD: Okay. Does the ANC have  
19 any cross of either Office of Planning or DDOT?

20 Okay, other government reports. DDOE, and I  
21 want to applaud -- I don't know how we got to DDOE.  
22 I don't see many of them but I want to applaud DDOE,  
23 District Department of the Environment, for giving us  
24 a report. I don't want to say anything bad about  
25 that. I didn't know you was here. But I'm giving

1 you all a compliment. I want to applaud because we  
2 don't see many.

3 Did you want to come up and make a report, or  
4 you're fine with your report as it is in the record?

5 DDOE REPRESENTATIVE: I'm fine with the  
6 report.

7 CHAIRPERSON HOOD: Okay. I will say to the  
8 applicant that DDOE did make some -- they did give  
9 you some applause on some issues and they did make  
10 some recommendations. I'm not sure where you are,  
11 but I would like before, depending upon how this  
12 thing moves, that you comment on their record.  
13 Unless you already have, commented on their report.  
14 We don't usually see them. We encourage them. Very  
15 helpful to us because you all are the subject matter  
16 experts, just like we depend on DDOT and Office of  
17 Planning. Now you've set the tone, we'll be looking  
18 for DDOE and reports and PUDs in zoning cases. So,  
19 thank you very much, we greatly appreciate it.

20 And who is your director?

21 DDOE REPRESENTATIVE: Keith Anderson is the  
22 Director.

23 CHAIRPERSON HOOD: Okay. When I run in to  
24 him I will tell him we appreciate that. And I do  
25 that a lot, as everyone knows, thanking people,

1 because we really appreciate that.

2 Any comments on the DDOE report, colleagues?

3 Okay. It's Exhibit 18. Eighteen. There it  
4 is.

5 They made a lot of recommendations and they  
6 applaud certain issues, so I would ask that you all  
7 respond to that for us. Okay.

8 Any other reports that I may have missed?

9 (No audible response.)

10 CHAIRPERSON HOOD: Okay. Let's go to the --  
11 I mean, I'm sorry. I was going to go backwards.  
12 Lets' go to the ANC 6B. I'm going to try not to mess  
13 up. Commissioner Opkins?

14 MS. OPKINS: Yes.

15 CHAIRPERSON HOOD: Did I get that right?

16 MS. OPKINS: Opkins.

17 CHAIRPERSON HOOD: Opkins. Okay. It's  
18 getting late so I'm being able to do things  
19 correctly. Okay. You may begin.

20 MS. OPKINS: Thank you. Thank you for the  
21 opportunity to testify before the Zoning Commission.  
22 My name is Nichole Opkins, I am the ANC Commissioner  
23 for Single Member District 6B06.

24 On November 19th, 2014, at a properly noticed  
25 meeting with a quorum present, this testimony was

1 approved by ANC 6B. At that meeting 6B voted five to  
2 zero to support approval of Zoning Commissioner Case  
3 Number 13-12.

4 The applicant has cooperated fully with the  
5 ANC and other community stakeholders in connection  
6 with the PUD application. Several presentations on  
7 the project were made as follows.

8 On April 3rd, 2014 the applicant first  
9 presented the project to ANC 6B's Planning and Zoning  
10 Committee. After this presentation the Committee  
11 established a subcommittee with a singular focus on  
12 this project to work more closely with the  
13 development team.

14 On June 9th the applicant met with the  
15 subcommittee to address a number of community  
16 questions and present an update on the project  
17 design. On June 12th the applicant met with the  
18 Zoning Committee for the Capitol Hill Restoration  
19 Society.

20 On November 5th the applicant presented the  
21 revised project design to the full ANC 6B Planning  
22 and Zoning Committee and discussed the terms of a  
23 proposed memorandum of understanding.

24 With respect to the MOU the applicant and ANC  
25 6B have worked through four drafts and have reached

1 mutually acceptable terms. The MOU includes  
2 restrictions on the use of the property, public space  
3 improvements, and the timing for those improvements,  
4 requirements for affordable housing, transportation  
5 demand measures, and restrictions around construction  
6 activities.

7 The memorandum of understanding also states  
8 that its provisions must be incorporated into the  
9 order adopted by the Zoning Commission.

10 In order to address ANC 6B's concerns about  
11 affordable housing options for families the applicant  
12 has agreed to reserve all of the two-bedroom units in  
13 Phase 1 of the project for households earning up to  
14 60 percent of the AMI. The remaining affordable  
15 units will be a mix of studio and one-bedroom units  
16 and will be reserved for households earning up to 80  
17 percent of AMI.

18 In addition to the affordable housing  
19 program, the PUD benefits and amenities package  
20 includes the following public improvement and design  
21 elements; construction of the Anacostia Riverwalk  
22 Trail, repaving M Street, constructing a public  
23 plaza, monumental stairs, and a wild flower meadow,  
24 constructing the sidewalk north of Water Street along  
25 the property's edge, constructing the dog park at

1 14th and M, and constructing a water wall feature for  
2 public viewing and Water Street.

3           While ANC 6B appreciates the improvements to  
4 certain aspects of the design through the many  
5 revisions of the project over the past year, we find  
6 overall the aesthetics presented at set down to be  
7 more inspired, interesting, and unique. We regret  
8 the dilution over time of the project's more  
9 interesting features, such as color of the north  
10 façade and bay fenestrations. We ask that the Zoning  
11 Commission allow the developer to more fully realize  
12 the original architectural vision.

13           Based on the foregoing and on behalf of ANC  
14 6B, I urge the Zoning Commission to approve Zoning  
15 Commission Case number 13-12. Thank you.

16           CHAIRPERSON HOOD: Thank you, Commissioner  
17 Opkins. Let me just ask you a question on your note  
18 about the original at set down.

19           MS. OPKINS: Yes.

20           CHAIRPERSON HOOD: So I'm trying to make sure  
21 I understand exactly what you said. So due to the  
22 Commissioner's comments it looks like we made the  
23 project go backwards. Is that -- you might not have  
24 said it exactly like that, but -- and I'm just asking  
25 because sometimes I agree with you, sometimes we do.



1 I'm just asking, you like what you saw first, right?

2 MS. OPKINS: I could say that 6B felt that  
3 the original plans that were designed -- I'm sorry,  
4 designed at set down were more interesting. And  
5 since we see this project as a place maker and a  
6 unique space, having a building that represents that,  
7 it could have been a nice opportunity to see  
8 something like that down on the water front.

9 CHAIRPERSON HOOD: Okay. I need to go back  
10 and look at that. Okay. Any other comments,  
11 questions?

12 Vice Chair?

13 MS. COHEN: Thank you, Mr. Chairman. But I  
14 would like to commend your ANC for being so proactive  
15 when it comes to affordable housing. It appears to  
16 me that you support diversity, not only in income as  
17 well as I would think in other -- having families  
18 there as well. So thank you.

19 MS. OPKINS: Thank you.

20 CHAIRPERSON HOOD: Any other questions or  
21 comments?

22 Okay. Does the applicant have any cross?

23 MS. BATTIES: No.

24 CHAIRPERSON HOOD: Okay. We want to thank  
25 you and your commissioners. Tell them we appreciate

1 all the hard work. Thank you.

2 MS. OPKINS: We certainly will, Commissioner.  
3 Thank you for the opportunity.

4 CHAIRPERSON HOOD: Thank you. Okay. I have  
5 a list here -- well, it's not really a list. I have  
6 two people. If we can get two seats. Okay.

7 I'm going to call both up. One is in support  
8 and one is in opposition. I'm going to ask Mr.  
9 Robert Ford, who is in support, to come up. And then  
10 Ms. Karen Harris, who is in opposition also to come  
11 forward at this time.

12 Is there anyone else who would like to  
13 testify?

14 (No audible response.)

15 CHAIRPERSON HOOD: And, Ms. Batties, before I  
16 forget, DDOE's comments, if you could also share them  
17 with DDOE so they can respond to your comments that  
18 you make, and then we'll look at the final version.  
19 Okay? And that will get them an opportunity to  
20 respond. Okay?

21 Okay, Mr. Ford, typically we go with the  
22 proponent first so we're going to start with you.

23 MR. FORD: Okay.

24 CHAIRPERSON HOOD: You want to turn your  
25 microphone on? When it lights up you're -- slide it.

1 MR. FORD: Okay.

2 CHAIRPERSON HOOD: There you go.

3 MR. FORD: My name is Robert Ford. I am  
4 associated with the Boathouse Row Group. I have only  
5 several comments. I thought that the president of  
6 the Historic Anacostia Boating Association would have  
7 been here. But since he's not and I'm representing  
8 those that are part of one of four clubs, I'm a  
9 member of Seafarers Yacht Club as well, and for those  
10 of you who don't know, that Historic Boathouse Row,  
11 those clubs range from 1900 to 1945 in terms of their  
12 origination on the Anacostia Waterfront. And then  
13 there's also the Anacostia ACBA group, the Rowboat  
14 Club, that's also there.

15 In support of what the group is trying to do,  
16 we support the structure itself. And again, I wasn't  
17 prepared to make a statement today but I did want to  
18 say something to also mention our concerns in support  
19 of what they're trying to do. We think that it would  
20 improve our community boathouse association in terms  
21 of the membership. There was an initiative, an  
22 Anacostia Waterfront initiative that did put out  
23 information about improving the clientele at our boat  
24 clubs, and we think that this would be in support of.  
25 We're trying to get more boaters who are actually

1 near their boats so they can take better care of  
2 their boats. So we think they would support that.

3 The few questions that we did have was that  
4 in relation to the traffic down there because we are  
5 directly affected by the traffic. But we don't know  
6 exactly where that promenade is going to really drop  
7 off at one of the boat clubs. I believe it's  
8 District Yacht Club that's located at 1301, I believe  
9 it is, Water Street. And then there's the Easter  
10 Powerboat Club that's right next door to it, right on  
11 the Water Street side.

12 There's traffic right now that comes through  
13 there. That road is pretty narrow so we're also  
14 asking that the road be widened a little bit. But  
15 we're trying to work together collectively with the  
16 group to do a petition to work with DDOT first. If  
17 that doesn't work out we would be concerned about the  
18 safety of people walking on the streets back there.

19 The M Street, once that opens up, that is  
20 usually the direct access to two of the clubs.  
21 That's Washington Yacht Club as well as Seafarers  
22 Yacht Club. And so once the traffic does open up  
23 there will be quite a bit of traffic going back and  
24 forth.

25 There is the, as well as for the rowboat

1 group, they have quite a bit of events back there,  
2 and so there's quite a bit of cars that do come back  
3 there. So we might want to look at those event times  
4 and how many events that they have, because the  
5 traffic could get, you know, pretty congested as it  
6 is right now.

7 In terms of the signage, we generally have  
8 looked at the Boathouse Row as a community, as not --  
9 you know, when you talk about putting a signage on a  
10 building, you know, if there's a possibility to look  
11 at the signage from the standpoint of having some  
12 type of a art sign at the three different entrances,  
13 one at M Street, maybe one at Virginia Avenue, and  
14 one at Water Street, I'm just putting that out there  
15 as a suggestion to consider. And if you still need  
16 to keep the name of the building the same, that's  
17 great. But that's been called Boathouse Row since  
18 about 1998, as far as I can remember, and that's all  
19 we've known since -- that's all I've known since I've  
20 been around the group.

21 I think that's about all the comments that I  
22 have.

23 CHAIRPERSON HOOD: Thank you very much. Any  
24 questions of Mr. Ford, first. Vice Chair Cohen.

25 MS. COHEN: How many members are there of

1 these boat clubs? Do you have an idea?

2 MR. FORD: Yeah. Good question. I would say  
3 on average, amongst all four clubs, I would say about  
4 between 200 and 250. So it is a pretty decent  
5 community of boaters back there, along with their  
6 families, and some have dogs and we do community  
7 projects all the time.

8 MS. COHEN: And what is the access that you  
9 use now to get there?

10 MR. FORD: So since the construction project  
11 that's began we been using Water Street. It's really  
12 dark back there. There are no streetlights so we did  
13 ask about the possibility of, you know, if there's a  
14 way to light the area, whether it be the city or  
15 whether it be a partnership with the city and the  
16 group and us, we don't know how that can work out,  
17 but we know that it's a possibility that that could  
18 be a safety issue because it's very dark out there  
19 after -- you know, once it gets dark there's no light  
20 once you go into the entrance. You don't know where  
21 you're going until you get to the first stop sign.  
22 Or the second stop sign. I'm sorry. Yeah.

23 MS. COHEN: Okay. So lighting is very  
24 important and I don't think we covered that. But I  
25 thought I read something about it didn't -- yeah, I

1 think there will be, is my recollection.

2 MR. FORD: But we did work with 6B and --

3 MS. COHEN: Okay.

4 MR. FORD: -- talk with them about possibly  
5 trying to work out mitigating some safety measures.

6 MS. COHEN: All right. Thank you.

7 MR. FORD: Okay. Thank you.

8 CHAIRPERSON HOOD: Any other questions? Mr.  
9 Turnbull.

10 MR. TURNBULL: Yeah, Mr. Ford, are you  
11 talking about lighting on Water Street primarily?

12 MR. FORD: Right now for Water Street. We  
13 don't know what the situation is going to lend later,  
14 but right now if you drove back there right now, if  
15 you don't know where you're going you would not be  
16 able to find your way.

17 MR. TURNBULL: There is not that many street  
18 lights. I can't picture --

19 MR. FORD: There's no street lights once  
20 you --

21 MR. TURNBULL: None at all.

22 MR. FORD: -- go past the first stop sign on  
23 Water Street if you're coming off of 11th Street.

24 MR. TURNBULL: Okay. Thank you.

25 MR. FORD: Okay.

1 CHAIRPERSON HOOD: Okay. Any other  
2 questions?

3 And I think your lighting issue, you're not  
4 waiting for the project. That's an immediate need.  
5 Correct?

6 MR. FORD: Yes. Because right now there is a  
7 construction project going on. I believe it's D.C.  
8 Water that's working on a project right now. And  
9 once it gets dark, you know, they're out there with  
10 the flags but we can barely see the flags sometimes.  
11 There are no speed signs back there, but of course if  
12 you're a D.C. resident you kind of know, you know, if  
13 there's no signage then you're supposed to, you know,  
14 go at a certain speed.

15 CHAIRPERSON HOOD: Yeah, I'm sure DDOT is  
16 listening. That's a safety issue and I'm sure the  
17 city tries to deal with all those safety issues.

18 Mr. Rogers, you will take that back. I'm  
19 sure you all will. And then your ANC is very  
20 proactive so.

21 MR. FORD: And I forgot to mention something.  
22 If I have a second just to mention, about the  
23 transportation. We're working closely also with DDOT  
24 through Mr. Eulis Cleckly (phonetic) in terms of the  
25 water transportation. We have a water transportation



1 initiative, and we hope to be able to extent our  
2 project. In the next year we'll probably be sitting  
3 here before you asking for some of the same things  
4 that they're proposing to do, but from a waterfront  
5 initiative.

6 CHAIRPERSON HOOD: Okay. All right. Any  
7 other questions? Does the applicant have any cross?

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

9 CHAIRPERSON HOOD: Does the ANC have any  
10 cross?

11 MS. OPKINS: No.

12 CHAIRPERSON HOOD: Okay. Thank you very  
13 much, Mr. Ford. We appreciate it.

14 MR. FORD: Thank you.

15 CHAIRPERSON HOOD: Okay. Let's go to Ms.  
16 Harris, and you are in opposition.

17 MS. HARRIS: Yes.

18 CHAIRPERSON HOOD: Okay. You may begin.

19 MS. HARRIS: Good evening. My name is Karen  
20 Harris. I'm a resident of 6B07, ANC 6B07. And only  
21 because I'm the only one here today I'm going to take  
22 the liberty of representing the residents and  
23 homeowners of the 1300 block of L Street Southeast.  
24 L Street is immediately north of the project. This  
25 development will immediately block our view, change

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1 our quality of life, among some other things.

2 We realize view is not guaranteed, but I want  
3 to run through a few things that I took notes, and I  
4 apologize for them not being in a certain sequence.  
5 As Commissioner May, I took them as I went along.

6 We understand these will be rental units.  
7 They're not going to be sold, which did raise some  
8 concern. We also know that they're generally not in  
9 alignment with the general lower height of the area.  
10 And that's a big concern for us, is the height.

11 We've talked with them before. We met in the  
12 ANC meetings and we presented our concerns, and we're  
13 basically just dismissed from our perspective. The  
14 Capitol Hill Restoration Society even was at one of  
15 the meetings and they opposed the development, and  
16 particularly the height.

17 One of the things, we know that that area is  
18 zoned for 90 feet, but that's supposedly for  
19 industrial and residential carries more weight. But  
20 we even saw in the drawings that then there will be a  
21 rooftop, and then there's elevator controls and  
22 mechanisms and trees. And so how do you get 10  
23 stories out of 90 feet? So we're not clear on the  
24 height and we want it to just cap at 90.

25 We asked for a light study, which they

1 provided, which we don't agree with. The sun going  
2 in the southern sky, which is what we face, the  
3 buildings will just block our daylight.

4 Moving along, the retail. We saw photos of  
5 café space as part of their retail plaza. We're  
6 concerned about the kinds of businesses that will be  
7 coming in. What is the real expectation? We don't  
8 want a rambunctious group, anything that would  
9 attract a rambunctious group there.

10 The parking, which you all have addressed,  
11 yes, they're providing more than what code provides,  
12 but with 673 units and 220 spaces, that's 450 people  
13 or, you know, homeowners that you know, don't have  
14 parking. So again, you've addressed that thoroughly,  
15 talked about satellite parking, but you talked about  
16 satellite parking crossing over 11th Street, and we  
17 were right there on L. It might be just as easy to  
18 start parking on L, and we want to avoid all of that.

19 And we are concerned about who are you  
20 attracting. We agree with you there. You know, when  
21 we brought up this issue before we were told, well,  
22 people who can't ride a bike won't rent there. Well,  
23 maybe I want to sell my house to maintain the river  
24 view. Maybe I want an apartment in Building 2 or  
25 Tower B or whatever it is, but I'm not going to do

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1 that without having transportation. I'm not riding a  
2 bike.

3 (Timer sounding off.)

4 MS. HARRIS: We talked about -- well --

5 CHAIRPERSON HOOD: That's all right. Keep  
6 going.

7 MS. HARRIS: Thank you. We heard about the  
8 street traffic jams, you know, from the boating  
9 community. And it was even mentioned in the ANC  
10 meeting that this does not seem to be a  
11 transportation friendly development. We're not clear  
12 on that.

13 And we heard in the testimony today about  
14 light timings. They're not easily secured and that's  
15 how 11th and I Street got to be so severely backed  
16 up, there right along the side of Potomac Gardens. I  
17 tried to have that light adjusted and we didn't do  
18 very well.

19 They also make mention of a pedestrian  
20 bridge. We were told that it's not the developer's  
21 responsibility to provide a pedestrian bridge, that  
22 that has to come from DOT. And so DOT, we heard  
23 Commissioner May say, what is the status of the  
24 Southeast/Southwest Boulevard project. And we were  
25 told, well, they're doing drawings.

1           In the meantime they're putting the freeway  
2 right back the way it was five years ago, or whatever  
3 it is.

4           Two more quick points. We're talking about  
5 10 years of construction. There's no way just with  
6 what's going on now on the Southwest Freeway, that we  
7 can live with 10 or more years of construction on a  
8 daily basis, including Saturdays, spring and summer,  
9 open window days, 8:00 a.m. to 7:00 p.m. And that's  
10 a compromise down.

11           And the noise factor. I heard you ask about  
12 CSX. CSX is entering a tunnel at this point. They  
13 blow their whistles a lot all night long. It's not  
14 like it is on Florida Avenue, as the comparison was  
15 made. There's no tunnel entry there.

16           So with all of that said we have concerns.  
17 We are not opposed to development. We just want to  
18 have it maintained in some way. We want us to be  
19 considered. We were not considered because we're not  
20 considered stakeholders because we are more than 200  
21 feet away from the development. And I think if you  
22 really consider it, it doesn't matter that you're  
23 more than 200 feet. You know it's going to impact  
24 the quality of life of all of these homeowners.

25           And there have been no benefits or

1 compensations made to us or for us or suggestions  
2 other than that there will be public spaces. You can  
3 come use the dog park. I don't have a dog. And we  
4 don't want to use the dog park. That's not  
5 considered a compensation. So thank you for  
6 listening.

7 CHAIRPERSON HOOD: All right. Thank you, Ms.  
8 Harris.

9 Do we have something in the record for you?  
10 I may have missed that. Or we don't have anything in  
11 our record from you or from your group, do we?

12 MS. HARRIS: Such as?

13 CHAIRPERSON HOOD: Anything, like what you  
14 just --

15 MS. HARRIS: No.

16 CHAIRPERSON HOOD: -- spoke about, the  
17 petition I saw you just hold up.

18 MS. HARRIS: Yeah. No, I was advised by the  
19 ANC that I could come to this meeting. But no one  
20 told me what to do when I came. I checked with the  
21 registrar to find out how do I speak here, you know?

22 CHAIRPERSON HOOD: Yes, well, it's very  
23 important because when I review the record, and I'm  
24 sure my colleagues, it looks like there was no  
25 opposition, there was a lot of support. And this is

1 new to me, your comments.

2           What I would like to do, colleagues, is give  
3 Ms. Harris some time, leave the record open, because  
4 I'd like to see what you just spoke to. I'd like to  
5 be able to read it and digest it and see what's --  
6 yeah, give you some time to prepare it.

7           What's germane, which is within our  
8 bailiwick, what's germane to zoning, and we'll see  
9 what we can do work with the applicant and see  
10 what -- I'm not making any promise because all we  
11 deal with is zoning issues. And, you're right, to me  
12 it's more than 200 feet. You're going to be  
13 impacted. Your community is going to be impacted.

14           Who is your ANC Commissioner?

15           MS. HARRIS: Sarah -- for my particular zone  
16 is Sarah Loveland.

17           CHAIRPERSON HOOD: Sarah Loveland. Okay.

18           MS. HARRIS: Yes.

19           CHAIRPERSON HOOD: And you've been to the ANC  
20 meeting and you all have -- I guess it's a group  
21 because I saw you with a petition, it looked like.

22           MS. HARRIS: Right. Okay. So Ms. Loveland  
23 was not very effective and I'm just going to be very  
24 honest with you. We feel that we've been dazzled by  
25 this Southeast/Southwest Boulevard issue and we've

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1 been trying to focus on that, and that no one said  
2 anything about, P.S. look past the boulevard, there's  
3 13-33M coming. So by the time we got to the ANC to  
4 say, you know, what's going on, the ANC had already  
5 had a list of meetings that the developer had already  
6 gone through, and steps, appropriately.

7           So we wanted our voice heard and so we, you  
8 know, prepared this little letter stating our  
9 concern, similar to what I just said. And the main  
10 line where you're concern is, we're particularly  
11 concerned about the height of the four buildings and  
12 these development plans that we've seen indicate  
13 heights up to 110 feet and perhaps beyond, given  
14 utility and elevator mechanism storage on the rooftop  
15 level.

16           CHAIRPERSON HOOD: How soon can you get us  
17 that into the record?

18           MS. HARRIS: Today is Monday. Wednesday?  
19 Again, I --

20           CHAIRPERSON HOOD: I mean, I'm not going to  
21 push you that hard.

22           MS. HARRIS: Okay.

23           CHAIRPERSON HOOD: Because I know in the  
24 community, you volunteer, you don't get paid for this  
25 stuff. So I'm not going to push you that hard.



1           What about one week from Wednesday?

2           MS. HARRIS: That's fine. Thank you.

3           CHAIRPERSON HOOD: And that will be something  
4 in the record for us to be able to deal with because  
5 this record does not reflect any opposition, and to  
6 hear this tonight is surprising to me, at least. And  
7 I think we need to have some of those issues that  
8 were germane within our bailiwick to be able to  
9 respond and see if we can get responses and see how  
10 far we need to push. At least that's why -- does  
11 anyone disagree with me on that?

12          MR. TURNBULL: No, I totally agree.

13          CHAIRPERSON HOOD: Okay. Okay. All right.

14          MR. MAY: Had you been able to go to the ANC  
15 meeting at all, or --

16          MS. HARRIS: Yes, we went to several. We  
17 went to the one at St. Colletta's (phonetic) on  
18 November the 5th or 6th, I think it was, and then the  
19 next one was November -- what happened was we  
20 presented at that meeting, our concerns, and the ANC  
21 was kind. They responded and said, this is going to  
22 take more time than we have, and so we're going to  
23 pull this off the agenda and have a special meeting  
24 surrounding this.

25           And so on November 19th the developer went

1 before the Commission, at which point Commissioner  
2 Opkins formulated the response which you heard today.

3 CHAIRPERSON HOOD: Okay.

4 MS. HARRIS: And we raised some issues at  
5 that point and we were told, well, you know, we were  
6 given various answers to certain things. To the  
7 credit of the developer, and again, we're not opposed  
8 to development. To the credit of the developer, they  
9 responded but it was the kind of the standard answer,  
10 you know, well, this is a benefit to the community  
11 because it's residential. Right now you don't have  
12 anything. You know? That's okay. You know, right  
13 now you don't have anything so we're going to put  
14 housing and there will be public spaces and you can  
15 visit these places.

16 So I said, well you know, what kind of  
17 places? Are we going to have -- what will some of  
18 the retail stores be? We'd like to have some input  
19 in that. We want a Mom's Organic Market. We want  
20 places that will support the health and vitality of  
21 the community. We don't want -- I saw the pictures  
22 of, you know, café tables and we just have concerns.

23 MR. TURNBULL: So did you get any response on  
24 the retail that you were happy with, or no?

25 MS. HARRIS: I was told by our ANC

1 Commissioner that there are some guidelines in the  
2 MOU about retail use. But again, we don't feel like  
3 we have full information. I get more by attending  
4 meetings by this and learning more about it.

5 MR. TURNBULL: Thank you.

6 CHAIRPERSON HOOD: Okay. Any other questions  
7 for Ms. Harris?

8 MR. MAY: Yeah.

9 CHAIRPERSON HOOD: Commissioner May.

10 MR. MAY: Tell me again exactly where you  
11 live, or the group that you represent lives.

12 MS. HARRIS: Yes. So, the very top of that  
13 diagram, I believe is M Street. Am I right there?

14 MR. MAY: Right.

15 MS. HARRIS: And then there's the Southwest  
16 Freeway.

17 MR. MAY: Uh-huh.

18 MS. HARRIS: And then there's L Street.

19 MR. MAY: So it's that section, that sort of  
20 secluded section of L Street that overlooks the  
21 freeway?

22 MS. HARRIS: That's right.

23 MR. MAY: Right. Okay.

24 MS. HARRIS: The formerly best kept secret --

25 MR. MAY: Right.

1 MS. HARRIS: -- on Capitol Hill.

2 MR. MAY: So that's got to be 500 or 1,000  
3 feet away from the building.

4 MS. HARRIS: Maybe. They can tell you,  
5 they've checked.

6 MR. MAY: Right. Okay.

7 MS. HARRIS: I don't know.

8 MR. MAY: So I mean, I understand many of the  
9 concerns that you have and why you would have them,  
10 but one thing that I would dispel immediately is the  
11 idea that it would have any impact on your light  
12 because there's no way that that -- I mean, there's  
13 no way that the sun gets so low in the southern sky  
14 that it would actually obstruct the light that  
15 reaches L Street. It's just too far away.

16 MS. HARRIS: See, I appreciate your comment.  
17 That's similar to theirs, except that right now  
18 there's a building, CSC, I think, that's about --

19 MR. MAY: Uh-huh.

20 MS. HARRIS: -- four stories. So when  
21 they're going to be on the same plain as CSC.

22 MR. MAY: Uh-huh.

23 MS. HARRIS: That's going to be twice the  
24 height. There's no way. I'm standing there --

25 MR. MAY: I'm sorry, I don't know what you're

1 -- where is CSC?

2 MS. HARRIS: Right on the corner of -- is  
3 that 11th or 12th?

4 MR. MAY: 12th and M.

5 MS. HARRIS: 12th and M?

6 MR. MAY: The two little office buildings  
7 that are there.

8 MS. HARRIS: Yes.

9 MR. MAY: Right? And I'm sorry, does that  
10 affect you now?

11 MS. HARRIS: No, it doesn't affect the sun  
12 because it's further west.

13 MR. MAY: Right.

14 MS. HARRIS: But what I'm saying is if you  
15 take that height, and you know that that's four feet  
16 -- I mean four stories, and they're talking 10 --

17 MR. MAY: Yeah, I think it's more than four.  
18 But in any case it's -- but still again, I mean, 100  
19 feet in the air and I don't know, how many feet away?

20 UNIDENTIFIED SPEAKER: It's about 400 feet.

21 MS. HARRIS: Thank you.

22 MR. MAY: Four hundred feet away. So it's  
23 just too far away. The sun is never that low in the  
24 southern sky.

25 MS. HARRIS: You don't think we're going to

1 have any blockage? I mean, you --

2 MR. MAY: Not sunlight. Not direct sunlight.  
3 I don't believe it. I mean, if they've shown you  
4 diagrams that say that I would believe them.

5 MS. HARRIS: They did give us a light study.  
6 I asked them. And I'll be glad to share it with you  
7 if you'd like.

8 UNIDENTIFIED SPEAKER: We have copies.

9 MS. HARRIS: You have copies you can give  
10 them? And so there's only one part where at sunset,  
11 at 4:00, it shows the shadow coming over to L Street.  
12 I just --

13 MR. MAY: And reaching the retaining wall.

14 MS. HARRIS: Yes.

15 MR. MAY: Yeah. And not actually reaching  
16 the street.

17 MS. HARRIS: The street.

18 MR. MAY: Reaching the street.

19 MS. HARRIS: No, you're right.

20 MR. MAY: Not reaching the street. Yeah.

21 MS. HARRIS: Reaching the retaining wall.

22 MR. MAY: Yeah.

23 MS. HARRIS: So I guess where this was sun  
24 for -- it was daylight, it's just not there anymore.

25 MR. MAY: Right, but it's not -- I mean,

1 that's the freeway that's in shadow.

2 MS. HARRIS: Yeah.

3 MR. MAY: Yeah. Okay. All right. Well,  
4 that's just one thing I thought I had to understand  
5 better and clarify.

6 MS. HARRIS: And then I'm assuming that these  
7 buildings used for this study are the 110 feet that  
8 they're proposing and not the 90. I mean, I don't  
9 know that all things are equal. I have to assume  
10 that and trust.

11 MR. MAY: Yeah, I mean, I think the one thing  
12 I would question is that I'm not seeing any  
13 penthouses on top of these, and there are penthouses  
14 on top of them. But that's not going to add a huge  
15 amount of distance. It's still not going to reach  
16 the facades or the yards of the buildings and the  
17 houses on L Street. Based on what I see here.

18 MS. HARRIS: Thank you.

19 MR. MAY: Anyway. And you all, just so I can  
20 get a sense of, you know, what other people are  
21 thinking about this, you support the idea of having  
22 at least a pedestrian connection over the boulevard  
23 whenever that's -- or somehow traversing the  
24 boulevard once it's done with a bridge or if it's,  
25 you know, back up to grade somehow. But somehow

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1 being able to walk from where you are to the  
2 waterfront, directly, instead of having to go around  
3 to 11th Street.

4 MS. HARRIS: So that's a little bit of a  
5 trick question because DOT has the plans for the  
6 boulevard. No, we don't have plans.

7 MR. MAY: There are no specific plans yet.  
8 I'm just asking you a question, do you want to be  
9 able to walk from where you are on L Street down to  
10 the waterfront?

11 MS. HARRIS: To the -- yes.

12 MR. MAY: And so you like the idea, at least  
13 as a pedestrian, being able to make it over there.

14 MS. HARRIS: Yes.

15 MR. MAY: Putting aside cars because --

16 MS. HARRIS: Yes.

17 MR. MAY: -- cars opens a different can of  
18 worms.

19 MS. HARRIS: Well, I can't speak for everyone  
20 on the block --

21 MR. MAY: Yeah.

22 MS. HARRIS: -- but I think most people would  
23 agree, yes, they would like that. On the other hand,  
24 oh what was the -- I lost my thought. It will come  
25 back. That's okay.



1 MR. MAY: Well, I mean, I can see how cars  
2 might be a different issue.

3 MS. HARRIS: Well, it wasn't about cars. It  
4 was about the pedestrian being able to go down there.  
5 I think it was just what kind of traffic -- does that  
6 mean that if we can go down, obviously they can come  
7 up and there will be more traffic going to the  
8 Potomac Avenue Metro.

9 MR. MAY: Right.

10 MS. HARRIS: You know, and that's the --

11 MR. MAY: Or foot traffic, which is --

12 MS. HARRIS: Or foot traffic.

13 MR. MAY: -- generally regarded as a good  
14 thing.

15 MS. HARRIS: Yeah.

16 MR. MAY: It means, you know, more eyes on  
17 the street and --

18 MS. HARRIS: Right.

19 MR. MAY: -- so on. Okay. Thanks.

20 MS. HARRIS: Thank you.

21 CHAIRPERSON HOOD: Okay. Any other  
22 questions? Commissioner Miller?

23 MR. MILLER: Thank you, Mr. Chairman, and  
24 thank you for coming down here this evening.

25 I don't know how big a concern this is, but

1 to the extent in terms of the parking, overflow  
2 parking or parking on L Street, but you all have, I  
3 assume residential permit parking?

4 MS. HARRIS: Yes.

5 MR. MILLER: So in other cases, I don't know  
6 if it's necessary here, but there could be a  
7 restriction on the tenants getting the RPP zoned  
8 parking, or this building being eligible for RPP  
9 parking. We've done that condition in the past and  
10 to the extent that is a legitimate concern that's one  
11 possibility that we could look at. I just wanted to  
12 let you know that.

13 MS. HARRIS: Thank you.

14 CHAIRPERSON HOOD: And one of the things,  
15 though, I would like since now we find out there is  
16 some concern, opposition and concern, slash, concern,  
17 I would like for you to just formulate something for  
18 us so we can have that to articulate. And also if we  
19 could give a copy to the applicant. Mr. Batties and  
20 Mr. Glasgow, they come back with miracles. They make  
21 things work. So if you could work with them, and I  
22 think they get what I'm saying, if you could work  
23 with them and then give it to us, and then we will,  
24 as we proceeding in this case, we will take those  
25 comments and see, as far as zoning concern, how far

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1 the limits are that we can go and try to find some  
2 resolution. I know you've got two of the best. You  
3 have Ms. Batties and you have Mr. Glasgow. And they  
4 know what to tell their clients. Okay. Or how to  
5 work with their clients.

6 Is that a plug for you, Mr. Glasgow and Ms.  
7 Batties? Well, I tried. I did the best I could.

8 But no, seriously, I think they do very well  
9 at that, and also working along with your ANC  
10 commissioner as well.

11 MS. HARRIS: Ms. Loveland is on her way out,  
12 I believe. Isn't she? We have a new commissioner  
13 coming in the first of the year?

14 UNIDENTIFIED SPEAKER: The 2nd of January.

15 CHAIRPERSON HOOD: Sometimes that doesn't  
16 work to our benefit. Then we have to start all over.  
17 But we're going to work with the existing ANC and try  
18 to -- you can try to work with the existing ANC  
19 because they know all the back history and everything  
20 of this case.

21 MS. HARRIS: Well, to Commissioner Opkin's  
22 credit, I mean, she spearheaded that project even  
23 though she's not my single point, because she's in  
24 6B --

25 CHAIRPERSON HOOD: Okay.

1 MS. HARRIS: -- 6, I think, I'm in 7.

2 CHAIRPERSON HOOD: Okay.

3 MS. HARRIS: But she's responsible for the  
4 parties so right now I'm channeling everything  
5 through Commissioner Opkins.

6 CHAIRPERSON HOOD: So let's try to work  
7 through the commissioner that is helping you and work  
8 with the applicant and try to resolve some of those  
9 issues. But we need to have it so we can work with  
10 it also --

11 MS. HARRIS: Thank you.

12 CHAIRPERSON HOOD: -- within our bailiwick.

13 Okay. Any other questions? Okay. Does the  
14 applicant have any questions?

15 (No audible response.)

16 CHAIRPERSON HOOD: Okay. All right. Thank  
17 you very much, Ms. Harris.

18 Oh, does the ANC have any questions?

19 (No audible response.)

20 CHAIRPERSON HOOD: Okay. All right. So  
21 we'll do rebuttal and closing. Ms. Batties.

22 MS. BATTIES: I really don't have any remarks  
23 in terms of rebuttal. I'll just close by saying that  
24 we have listened to the Commission and the various  
25 agencies, as well as Ms. Harris. We will come back

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1 to the Zoning Commission responding to the comments  
2 made and look forward to working with you to get  
3 timely approval of the project.

4 CHAIRPERSON HOOD: Okay. Thank you very  
5 much. I don't think we need to say any more than  
6 that. We appreciate your comments and continue to  
7 work with all the parties involved.

8 Okay. Did we have anything that we need, Ms.  
9 Schellin?

10 MS. SCHELLIN: I saw they were taking notes  
11 as we were going along so I thinks he has the full --  
12 she's shaking her head yes. So we just need to set  
13 some dates.

14 CHAIRPERSON HOOD: Okay. Does anybody think  
15 we need to run through the list? Okay.

16 MS. SCHELLIN: No. Okay.

17 CHAIRPERSON HOOD: Mr. Turnbull.

18 MR. TURNBULL: There's a couple of things.  
19 After hearing some of what we just heard I think --  
20 after hearing what we just heard I think I'd like to  
21 just maybe add some clarification from the applicant.

22 We heard about retail. I went back to the  
23 ANC and it basically talks about what they really  
24 don't want, and it's notwithstanding the foregoing --  
25 the parties agree the ANC may recommend approval of a

1 perspective tenant, otherwise prohibited in this  
2 paragraph. I'd like to just have some idea of  
3 what -- are we looking at neighborhood retail or  
4 going in. There's some idea of what we -- it would  
5 be good to have that in the record as to what you  
6 expect to see going in there.

7 MR. SEIGAL: Sure. The short answer is we do  
8 expect to see neighborhood service retail. As far as  
9 background for that conclusion I spent quite a bit of  
10 time in probably half a dozen meetings with  
11 administrators and personnel at the Navy Yard to find  
12 out, because a number of those individuals who work  
13 at the Navy Yard, quite frankly, don't want to be  
14 eating on the Navy Yard every day.

15 So potential restaurant that services not  
16 only the residents but also the adjacent Maritime  
17 Plaza and Navy Yard personnel and close proximity  
18 people. Potentially a dry cleaner. I mean, that  
19 type of a service oriented retail. That's what we're  
20 looking at for this.

21 MR. TURNBULL: Okay.

22 MR. SEIGAL: And I would add this one last  
23 point, and that is at full build out we projected  
24 about 10,000 square feet of retail. It's not a lot  
25 because we're in a very small isolated area.

1           However, we are flexible that we can look at,  
2 based on demands of the surrounding population to  
3 consider perhaps expanding it if necessary if there  
4 is demand for it. But we believe that this is a  
5 suitable amount of retail to cover what should likely  
6 be there.

7           MR. TURNBULL: Okay. I guess what we should  
8 have for the record is an updated solar study that  
9 was actually submitted for the record, whether it  
10 includes the penthouses on it. The one that we just  
11 got tonight. I mean, I don't know as Commissioner  
12 May had said, does that include the penthouses, does  
13 it not? I think for the record we need some answer  
14 on that, just for our own benefit.

15           We talked about lighting and it's in the ANC  
16 report about lighting on the site. We didn't talk  
17 about lighting on the roof. We're usually wanting  
18 something very subtle. This is a residential  
19 community so we're not looking at up lighting, we're  
20 looking at down. So I think I'd like to have  
21 something that shows us what type of lighting is  
22 going to be on the roof.

23           And we talked -- there was a concern  
24 mentioned about construction. We haven't heard  
25 anything about a construction plan on how you're

1 going to be entering the site. So some idea of how  
2 this will affect the neighborhood.

3 MS. BATTIES: Okay. We did discuss it a  
4 little --

5 MR. TURNBULL: Did you?

6 MS. BATTIES: -- bit in the MOU. There was  
7 some --

8 MR. TURNBULL: Okay.

9 MS. BATTIES: -- elements of a construction  
10 management plan, but we can --

11 MR. TURNBULL: Just clarify it a little bit  
12 more. And as Commissioner Miller brought up, maybe  
13 looking at the RPP. Maybe a follow up on that.

14 CHAIRPERSON HOOD: I'm still not sure if the  
15 RPP, what we try to do even works. That's a question  
16 that's been out there for me, but we can at least  
17 try.

18 MR. TURNBULL: Yeah.

19 CHAIRPERSON HOOD: Maybe eventually we'll get  
20 the answer to that.

21 No, that's a question that goes long beyond  
22 this case, believe me.

23 MS. BATTIES: I hear you. I get you, but I  
24 think Jami has looked at this a little bit, this  
25 issue, already.



1 CHAIRPERSON HOOD: No, I don't think she --

2 MS. BATTIES: I know what you're saying.

3 CHAIRPERSON HOOD: This is not a good time to  
4 get into that --

5 MS. BATTIES: Okay.

6 CHAIRPERSON HOOD: -- because that will be  
7 another hour.

8 MS. BATTIES: Okay. I get you.

9 CHAIRPERSON HOOD: Okay. But if you've got  
10 an answer you can provide it in writing.

11 MS. MILANOVICH: I think I have an answer, a  
12 right answer.

13 CHAIRPERSON HOOD: How did you have an answer  
14 and I can't get one from DDOT?

15 MS. MILANOVICH: Well, for this particular  
16 case, what I understand from DDOT is that they  
17 anticipate that parking on M Street and Virginia  
18 Avenue will be metered. And if that's the case then  
19 the residents of this new building would not be  
20 eligible for RPP permits. Right?

21 CHAIRPERSON HOOD: Okay. All right. Okay.  
22 Well, what about the other ones? Does it work  
23 everywhere else? That's what I was trying to go to.

24 Okay. Anyway, anything else? Thank you, Ms.  
25 Milanovich. Are the other places metered? All the

1 ones across the city that have an issue with it?

2 MR. GLASGOW: No, we don't want to get into  
3 that.

4 CHAIRPERSON HOOD: You don't want to get into  
5 that one.

6 MR. GLASGOW: I'd ask, no, sir.

7 CHAIRPERSON HOOD: Okay. Okay.

8 MR. GLASGOW: I don't want to do that to you.

9 MR. SEIGAL: Respectfully I want to just ask  
10 for the list, just so I can make sure we have  
11 everything, if you don't mind.

12 MS. SCHELLIN: Okay.

13 MR. SEIGAL: If that's okay.

14 MR. TURNBULL: Yeah, we want the list.

15 MS. SCHELLIN: Because I mean, I have the  
16 full list.

17 I have down that OP and DDOT are going to  
18 file supplemental report based on the submissions  
19 received. Ms. Harris, her submission is going to be  
20 due by December 10th, 3:00 p.m. The applicant,  
21 submit calculations with and without the private  
22 streets included.

23 MR. GLASGOW: Uh-huh. FAR calculations.

24 MS. SCHELLIN: Yes.

25 MR. GLASGOW: Right.

1 MS. SCHELLIN: Provide the calculation for  
2 the accessory use of the penthouse. Commissioner May  
3 asked for that.

4 The sign on the penthouse, Commissioner May  
5 and Commissioner Cohen did not like that, but I heard  
6 at least two others say that maybe you could provide  
7 some alternatives for that, maybe some alternative  
8 drawings on that. Or submissions that maybe they  
9 could approve.

10 Commissioner May said that he was concerned  
11 about the phasing. Maybe you could provide some more  
12 details, a breakdown on that.

13 Commissioner May and Commissioner Cohen, and  
14 I think maybe Commissioner Turnbull said that they  
15 think more emphasis needs to be provided -- or looked  
16 at on the Bike Share and Car Share.

17 Commissioner Turnbull asked for a better  
18 perspective elevation of the penthouse.

19 Commissioner Turnbull asked for additional  
20 drawings showing the mechanical space on the roof.

21 Commissioner Turnbull asked for a list of  
22 what you're agreeing to and not agreeing to with  
23 regard to what DDOT provided in their report.

24 Commissioner Miller asked that you strive for  
25 LEED Gold.

1           Commissioners Hood and Miller -- actually,  
2 that was the alternative on the signage.

3           Commissioner Hood asked that you respond to  
4 DDOE's report.

5           Commissioner Hood -- I mean Commissioner  
6 Turnbull asked that you provide updated solar studies  
7 with the penthouses added.

8           Commissioner Turnbull asked that you show  
9 lighting on the roof and provide a construction  
10 management plan or clarify what you've already  
11 provided.

12           And that's all I've got.

13           MS. COHEN: I had asked for the benefits, you  
14 know, they were reading off numbers. I'd like to see  
15 that. And I would like more compelling justification  
16 on the public benefit and they said that they would  
17 do this on M Street.

18           MS. SCHELLIN: I'm sorry. What was that?

19           MS. COHEN: More compelling argument about  
20 counting M Street improvements as a public benefit.

21           CHAIRPERSON HOOD: And I think not  
22 necessarily germane to this case, and I just want to  
23 put the Office of Planning on notice that the CB  
24 agreements, we need to start looking at that. I was  
25 wondering what happened to them. I know that was

1 something we pushed a lot down here and I guess maybe  
2 because they penalize. But that's something at some  
3 point in time -- that's very important to the city.  
4 So we need to get this back on my radar screen at  
5 least, and we need to go back to looking at them CBs  
6 and find out why they're not being proffered.

7 MS. SCHELLIN: Are you asking for one in this  
8 case?

9 CHAIRPERSON HOOD: No, I'm just making a  
10 statement. I'm letting everybody know that that's  
11 back on our radar screen. And it wasn't on there for  
12 a while. We had so many things going on. But CB's,  
13 and now it's back on I know the Vice Chair and I's  
14 radar screen and you'll be hearing more about it to  
15 come. So.

16 MS. SCHELLIN: Okay.

17 CHAIRPERSON HOOD: Okay. Anything else?

18 MS. SCHELLIN: Anything else?

19 CHAIRPERSON HOOD: Do we have everything?  
20 What about dates?

21 MR. MILLER: No, just on the Bike Share thing  
22 you can include me with the two or three others you  
23 mentioned.

24 MS. SCHELLIN: Okay.

25 MR. GLASGOW: Oh, members of the Commission,

1 I just want to make one quick comment with respect to  
2 environmental sustainability concerns. We just  
3 adopted a new building code, spent several years  
4 going through it. We have three ways now to address  
5 not just one. It's just not LEED. There's green  
6 buildings and there are others. And by just focusing  
7 so much on LEED and saying getting a LEED  
8 certification denies alternative ways of meeting  
9 sustainability requirements.

10 And we have, from what we understand, one of  
11 the most progressive and strictest environmental  
12 codes in the nation. And so I know that --

13 MR. MILLER: And DDOE makes that point in  
14 there, their report.

15 MR. GLASGOW: Yes. And so we're saying, if  
16 we're meeting that now at this point in time I think  
17 -- there was a point in time when the Commission was  
18 in the vanguard of pushing sustainability, when we  
19 didn't have this new code in place, and for years the  
20 Commission was out in front. Now we've got other  
21 ways of dealing with that with a code that is very  
22 very strict, and we hope that we wouldn't be just  
23 channeled in a certain direction.

24 MS. COHEN: The reason why you're being  
25 channeled in a certain direction is because U.S.

1 Green Building Council has not been created by  
2 corporations. And I have to tell you some of the  
3 corporations that are from the alternative  
4 certifications are -- you say they're strict, but  
5 they have corporate involvement, corporations took  
6 over, and I think they have watered them down. And I  
7 asked DOES to do a more careful study because what  
8 I've learned from my contacts and reading is that the  
9 people who initiated the other ways of certifying are  
10 sponsored by corporations, and that does not make me  
11 comfortable.

12 So I will really like to hear more  
13 information from -- and maybe at one of our trainings  
14 we can have that.

15 MR. TURNBULL: Maybe, Mr. Chair, the Office  
16 of Planning, Mr. Lawson, Mr. Cochran could come back  
17 with a comment on that.

18 CHAIRPERSON HOOD: Okay. That sounds good.

19 Now, you heard Mr. Glasgow's comment, Mr.  
20 Turnbull, because I think you asked about the LEED.  
21 Are you fine with that or you --

22 MR. TURNBULL: Yeah. No, but and there are  
23 other options out there, and I think maybe we're at a  
24 point where we ought to have some comments come back  
25 to explore that.

1 CHAIRPERSON HOOD: Okay. All right.

2 MS. SCHELLIN: So are we ready for dates?

3 CHAIRPERSON HOOD: Yeah, let's get some  
4 dates.

5 MS. SCHELLIN: Okay.

6 CHAIRPERSON HOOD: And also let's add the  
7 Vice Chair to giving us some training too. Okay.  
8 Ms. Schellin.

9 MS. COHEN: I would be happy to.

10 MS. SCHELLIN: Okay. So I wanted to see if  
11 the applicant could comply with their submissions by  
12 January 22nd. Does that work?

13 MR. GLASGOW: January 22nd.

14 MS. SCHELLIN: 3:00 p.m.? And draft findings  
15 of facts/conclusions of law by that same date. And  
16 then the ANC, OP, and DDOT, if we could have their  
17 supplemental reports and ANC's response to the  
18 applicant's submission by 3:00 p.m. January 5th, then  
19 we can put this on the January 12th agenda.

20 MR. GLASGOW: Did you mean December 22nd for  
21 us?

22 MS. SCHELLIN: Yes.

23 MS. SCHELLIN: You said January.

24 MR. GLASGOW: You said January.

25 MS. SCHELLIN: I'm sorry. December 22nd.



1 MR. GLASGOW: Yeah. Because I knew we were  
2 trying to get everything in by this ANC.

3 MS. SCHELLIN: Yes, December 22nd for you  
4 guys.

5 MS. BATTIES: I'm sorry. Can you start over,  
6 Sharon? December 22nd.

7 MS. SCHELLIN: December 22nd.

8 MS. BATTIES: Is our submission and findings  
9 of facts and --

10 MS. SCHELLIN: Yes.

11 MR. GLASGOW: ANC response.

12 MS. SCHELLIN: Response from the ANC by  
13 January 5th, 3:00 p.m., OP and DDOT's supplemental  
14 report if they choose to provide one would be January  
15 5th, 3:00 p.m., and then we'll put this on the  
16 January 12th agenda.

17 CHAIRPERSON HOOD: Is that enough time? One  
18 thing I don't like to do is do stuff around the  
19 holiday season, honestly. I'm sorry. But I'm  
20 asking. I'm looking at the ANC. Are you all meeting  
21 before now and January the -- well.

22 MS. OPKINS: Yes, we --

23 CHAIRPERSON HOOD: Okay. Okay. That's all I  
24 want to know. Okay. All right. So everybody is  
25 okay with the dates, right?

1 MR. GLASGOW: Yes.

2 CHAIRPERSON HOOD: Ms. Harris, you'll be able  
3 to meet some kind of timeline also. Okay. All  
4 right. Anything else?

5 All right. I want to thank everyone for  
6 their participation tonight and this hearing is  
7 adjourned.

8 (Hearing adjourned at 9:58 p.m.)

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