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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-22 [301 FL Manager, LLC. - Consolidated
PUD and Related Map Amendment at Square 722N, Lot
803.]

6:36 p.m. to 8:35 p.m.

Monday, February 22, 2016

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

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, VICE CHAIR

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13 STEPHEN GYOR

14

15 DDOT:

16 JONATHAN ROGERS

17 Other:

18 NORMAN M. GLASGOW, JR., ESQ.

19 JESSICA BLOOMFIELD

20 ERWIN ANDRES

21 KYRUS FREEMAN, ESQ.

22 MARTIN DITTO

23 CHUONG CAO

24 DAVID LANDSMAN

25 TONY GOODMAN

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

2 CHAIRPERSON HOOD: Okay. Good evening. We
3 ready to get started. Good evening, ladies and
4 gentlemen, this is the public hearing for the Zoning
5 Commission for the District of Columbia. Today's
6 date is February 22nd, 2016. My name is Anthony
7 Hood. Joining me are Vice Chair Cohen, Commissioner
8 Miller, Commissioner Turnbull, and Commissioner May.
9 Also the Office of Zoning staff, Ms. Sharon Schellin,
10 Office of Planning staff, Mr. Lawson, Mr. Gyor, and
11 the District Department of Transportation, Mr.
12 Rogers.

13 This proceeding is being recorded by a court
14 reporter. It's also webcast live.

15 Notice of today's hearing was published in
16 the D.C. Register and copies of that announcement are
17 available to my left on the wall near the door.

18 The hearing will be conducted in accordance
19 with provisions of 11-DCMR-3022 as follows,
20 preliminary matters, applicant's case, report of the
21 Office of Planning, report of other government
22 agencies, report of the ANC, organizations and
23 persons in support, organizations and persons in
24 opposition, any rebuttal and closing by the
25 applicant.

1 The following time constraints will be
2 maintained in this meeting. The applicant has up to
3 60 minutes but we have fully reviewed the record and
4 I see we have 15 minutes on the clock and we'll ask
5 our questions in that fashion.

6 Organizations, five minutes. Individuals,
7 three minutes.

8 The Commission reserves the right to change
9 the time limits for presentations if necessary, not
10 time shall be seated. Upon coming forward to speak
11 to the Commission please give both cards to the
12 reporter sitting to my right before taking a seat at
13 the table. When presenting information to the
14 Commission please turn on and speak into the
15 microphone, first stating your name and home address.
16 When you are finished speaking please turn your
17 microphone off.

18 The decision of the Commission in this case
19 must be based exclusively on the public record. The
20 staff will be available throughout any hearings to
21 discuss procedural questions. Please turn off all
22 electronic devices at this time so not to disrupt
23 these proceedings. Would all individuals wishing to
24 testify please rise to take the oath? Ms. Schellin,
25 would you please administer the oath?

1 MS. SCHELLIN: Yes. Please raise your right
2 hand.

3 [Oath administered to the participants.]

4 MS. SCHELLIN: Thank you.

5 CHAIRPERSON HOOD: Okay. At this time the
6 Commission will consider any preliminary matters.
7 Does the staff have any preliminary matters?

8 MS. SCHELLIN: Yes, sir. Before going in to
9 their expert, OZ had determined that there was a
10 misstatement of the square in the public hearing
11 notice, although the address was correct that was
12 advertised. And after consultation with Office of
13 the Attorney General it has been determined that no
14 advertisement is necessary. We notified the
15 applicant about this and all future documents will
16 reflect the correct square, and I'd ask the
17 Commission for concurrence of moving forward in this
18 fashion.

19 CHAIRPERSON HOOD: Okay. Commissioners,
20 you've heard the report of our secretary. Any
21 concerns, any problems with moving forward? And
22 she's already checked with legal to make sure there
23 was no issues.

24 Okay, Ms. Schellin, not hearing any
25 objections.

1 MS. SCHELLIN: Okay. And so the other
2 preliminary matter is that we have -- the applicant
3 has proffered four expert witnesses. Three have
4 previously been accepted as experts before the
5 Commission. I only see one that has not. At Exhibit
6 17D we have the resume for this person in
7 architecture.

8 CHAIRPERSON HOOD: Okay. Mr. Freeman, if you
9 could help us -- well, help me pronounce the
10 architect's last name?

11 MR. FREEMAN: Chuong Cao.

12 CHAIRPERSON HOOD: Cao is the last name.
13 Okay. I want to make sure I pronounce that.

14 Okay, colleagues, we have Mr. Cao's resume
15 and he's the only one I think we need to -- unless
16 someone wants to revisit the other three. I don't
17 think we typically do it so we'll leave it -- Mr.
18 Andres, yeah, I don't think we -- do we need to --
19 Mr. Andres, they want to take another look at -- what
20 is it, you all see him too much, or what you want?

21 No, I think we're fine with the other three.
22 We'll just look at Mr. Cao.

23 MR. FREEMAN: Mr. Cao has testified before
24 the BZA in a number of cases. I think this might be
25 his first Zoning Commission case, however his bio is

1 included as Exhibit D of our prehearing statement and
2 we believe he -- he's registered in D.C. and Maryland
3 and we believe he meets the standards for expert
4 qualification.

5 CHAIRPERSON HOOD: Okay. We have looked at
6 his resume. I'm not seeing any --

7 MS. COHEN: I have a question.

8 MR. TURNBULL: Yeah. Well, I don't have a
9 question. I'll be okay with it. I just think that
10 in the future maybe something more than just a little
11 sketchy, a little bit more filling out on the
12 projects, a little more clarification on some of
13 these things might be a little bit more helpful, but
14 I'm not going to take issue with it tonight.

15 MR. CAO: Thank you.

16 CHAIRPERSON HOOD: Vice Chair Cohen.

17 MS. COHEN: My question is, how do you define
18 trophy building?

19 CHAIRPERSON HOOD: Can you speak into the
20 microphone? Identify yourself and speak into the
21 microphone.

22 MR. CAO: Chuong Cao, Principal at Dep
23 Design. Trophy buildings are, if you're talking
24 about commercial, you're talking let's say office
25 buildings that are designed to a standard that's

1 above and beyond the market value. Let's say for an
2 office building, typical office buildings in D.C. are
3 probably 8-2 in ceiling heights. Trophy buildings
4 are 8-6. They're defined by high end materials in
5 terms of the façade, curtain walls, and the material
6 uses of lobby. There is also in the speed in the
7 elevators in terms of the wait time and number of
8 elevators, as well as the expected use and materials
9 as well as fixtures in some of the building commons,
10 and you can apply that similarly to residential
11 buildings as the, again, as the materials that are
12 used, the elevators, ceiling height, level of
13 finishes, all those things are above and beyond the
14 market that defines the trophy.

15 MS. COHEN: And are most trophy buildings
16 LEED certified?

17 MR. CAO: Yes.

18 MS. COHEN: To what level?

19 MR. CAO: In terms of my involvement, 1050 K
20 Street was designed to Gold level certified.
21 Columbia Center was designed, although not certified,
22 to Silver level. 1828 L Street was designed to LEED
23 Gold EB, and all the components of that.

24 MS. COHEN: Thank you for the education.

25 MR. CAO: Absolutely.

1 MS. COHEN: Appreciate it.

2 CHAIRPERSON HOOD: Okay. So we will give him
3 expert status. Anything else, Ms. Schellin?

4 MR. TURNBULL: Mr. Chair, maybe we should
5 revisit Mr. Andres's resume.

6 CHAIRPERSON HOOD: Okay. Well, it's always -
7 - everything is always up --

8 MR. TURNBULL: Well, I'm just looking at his
9 submittal. It's Exhibit 26B. It's addressed to
10 Jamie Weinbaum and Dan Roth. I think his office is
11 going to have to need to know who the current
12 director of zoning is.

13 CHAIRPERSON HOOD: Oh, okay.

14 MR. FREEMAN: Jamie Weinbaum works with Ditto
15 Residential. So as does Dan Roth. And then it was
16 submitted to DDOT.

17 MR. TURNBULL: This isn't submitted. Oh, I
18 see, Ditto Residential. Oh, interesting. Cute.

19 CHAIRPERSON HOOD: Well, Mr. Turnbull, if it
20 makes you feel any better, I ditto your comments.

21 MR. TURNBULL: Ditto. Yeah, ditto. Okay.
22 Didn't catch that.

23 CHAIRPERSON HOOD: Yeah, that's a name we've
24 seen.

25 MR. TURNBULL: Thank you, Mr. Freeman.

1 CHAIRPERSON HOOD: We've seen around. Jamie
2 Weinbaum. That's a name from the past.

3 MR. TURNBULL: Ditto.

4 CHAIRPERSON HOOD: All right. Okay. So we
5 will go ahead -- anything else, Ms. Schellin? Okay.
6 Nothing else. Okay. Mr. Freeman, we may get
7 started. We probably wasted 15 minutes.

8 MR. FREEMAN: Good evening, Chairman Hood and
9 Members of the Commission. For the record my name is
10 Kyrus Freeman. I'm a partner with the law firm of
11 Holland and Knight, here on behalf of the applicant.
12 We have a number of people here tonight. To my
13 immediate left, Jessica Bloomfield, Chip Glasgow. To
14 my immediate right Mr. Martin Ditto, our architects,
15 Mr. Andres, as well as a number of other people in
16 the audience that can answer any question.

17 However, for tonight, we're going to just
18 have the architect describe the plans and focus on
19 the highlights.

20 CHAIRPERSON HOOD: Let me just ask this
21 question. Is there anyone here in opposition of this
22 case?

23 [No audible response.]

24 CHAIRPERSON HOOD: Okay. All right. Thank
25 you.

1 MR. FREEMAN: As you are aware, we filed a
2 PUD and map amendment to rezone what is currently a
3 C-M-1 property to a C-3-C to permit what we think is
4 an exciting mixed use development that includes 56
5 units and approximately 5,000 square feet of
6 residential gross floor area.

7 It's important to note as you think through
8 this, that the current zoning is actually
9 inconsistent with the Comp Plan designation since the
10 current zoning doesn't allow for any new residential
11 use, whereas we believe the proposed development and
12 map amendment are directly consistent with and
13 implement the Comp Plan, and that we're proposing new
14 housing and retail use.

15 As you'll see --

16 MR. MAY: Wait. Hold on, stop right there.
17 You think the current zone is inconsistent with the
18 Comp Plan.

19 MR. FREEMAN: Yes.

20 MR. MAY: But the Comp Plan allows for a PDR.

21 MR. FREEMAN: Well, the Comp Plan is mixed
22 use residential --

23 MR. MAY: No. I mean, the Comp Plan allows
24 for a PDR. You can do one of those. You don't -- do
25 you have to do all of them?

1 MR. FREEMAN: Well, it's mixed use, so you
2 cannot do --

3 MR. MAY: But it's striped three ways,
4 residential, commercial, and PDR.

5 MR. FREEMAN: Right.

6 MR. MAY: So why wouldn't you be able to do a
7 PDR?

8 MR. FREEMAN: Well, we think it's -- you
9 couldn't do the residential --

10 MR. MAY: I'm not saying that this isn't
11 better.

12 MR. FREEMAN: Okay.

13 MR. MAY: I'm just saying, to say that it's
14 inconsistent may not be correct.

15 MR. FREEMAN: Well, you would not be able to
16 do the housing that the Comp Plan designation laws --

17 MR. MAY: Under the current zone, that's
18 correct. But the zone that it's in right now isn't
19 necessarily inconsistent because it's PDR. It's
20 consistent with PDR. I just had to stop you on that.
21 You know, I mean, it just --

22 MR. FREEMAN: Okay. Okay. In any event we
23 think it results in a better development than what's
24 there now, and that we're providing an efficient
25 building design on what is a very inefficient

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1 triangular lot. We're closing a number of curb cuts
2 and we're creating what our architect would call an
3 iconic and trophy residential building that includes
4 family size units on a very challenging site.

5 We submitted a number of materials which we
6 think clearly indicate that we meet the standard, so
7 we're not going to spend a lot of time going through
8 all of those materials. But you'll see from our
9 architect presentation that we've worked extremely
10 hard since setdown and improved the project and
11 answered a number of questions that were raised at
12 set down.

13 We're happy to report, as I'm sure you know,
14 that we have OP, ANC, as well as DDOT support. I
15 think you'll hear Commissioner Goodman say to night
16 that the ANC strongly supports our project and that
17 we've responded to and submitted all of the
18 information that they asked us to submit as outlined
19 in Exhibit 26 of their report.

20 We've also filed today you would see a chart
21 that kind of goes through and indicates a response to
22 all of OP and DDOT's request for additional
23 information and commitments. We have, in response to
24 OP's comments, we have increased our affordable
25 housing proffer such that we are now providing half

1 of the IZ units at 80 percent and the other half at
2 50 percent. We have confirmed our commitment to
3 design towards LEED Gold, the equivalent of LEED Gold
4 and we're confirming that now, and you will hear the
5 architect say that.

6 And we have provided more detail regarding
7 the proposed placement of \$125,000 in escrow for the
8 proposed improvements along the north side of N
9 Street which is something that the ANC has requested
10 and we're definitely happy to support their efforts
11 to see that happen.

12 And last but not least we have agreed to
13 adopt DDOT's two commitments with respect to
14 installing a transit screen and offer. And for the
15 first five years of the building, offering each unit
16 either a Capitol BikeShare or a CarShare membership.
17 So we've agreed to all the DDOT's requests. We've
18 agreed to most of OP's requests, and have provided
19 the information. And therefore we believe that we're
20 ready to move forward so that we can -- so that Mr.
21 Ditto can deliver an exciting project.

22 So with that I will turn it over to our
23 architect who will walk through the design.

24 MR. CAO: Again, my name is Chuong Cao with
25 Principal at Dep Designs. Before I jump into design

1 I think it's very important, I know I have a lot of
2 time, maybe 10 minutes or less, but I think it's
3 important and worthwhile saying is that -- and I want
4 to briefly talk about, quickly, the Ditto and Zusant
5 (phonetic) development team. What you have here is a
6 developed team, and that places high value in quality
7 design. And not only that it's a responsibility to
8 provide that for the community and the city. And we
9 share those vision and those beliefs. And it makes a
10 wonderful process of when the architect and the
11 client carries the same vision, it creates a very
12 dynamic process and produces results.

13 As you can see, outside right there where
14 it's marked in red, one can arguably say that is an
15 iconic site that provides an opportunity to create a
16 jewel of a design. It's in an area of the city that
17 is diverse in scale, context, and use.

18 To the south of us is mixed use retail and
19 residential, along with 3rd Street Corridor. And
20 then to the south and southwest, you have recent
21 high-rise residential development of No-MA, while to
22 the east of the site you have historic Gallaudet
23 University as well as to the north you have light
24 industrial and commercial market of the Union Market.
25 So it's an exciting site.

1 As you can see, the site is, you have curtain
2 walls, high rises, two, three stories, brick
3 buildings, industrial -- I'm sorry, institutional
4 buildings, industrial structures, rustic stone walls.
5 These things define the fabric of the neighborhood.
6 You can see the site, although it's relatively small
7 and poses certain design challenges, but provides a
8 real appealing proportion, it is extremely visible in
9 both directions of Florida Avenue, as well as marks
10 the beginning of the future 3rd Street retail
11 corridor.

12 The design of the building, starting with the
13 massing, takes advantage and maintains the beautiful
14 proportion of the triangular site. And it goes from
15 the ground floor all the way up to the 8th floor.
16 The massing is really defined by two components, the
17 ground floor base and the seven-story residential
18 top.

19 The features of the ground floor base
20 reflects the industrial characters of the site. For
21 example, at the corner or the point of Florida N
22 Street, you have structural count trusses, as well as
23 long Florida Avenue and 3rd Street. Those are
24 reminiscent of the railroad signal bridges, as well
25 as along Florida Avenue and 3rd Street and N Street,

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1 you have the use of dark iron spot masonry walls and
2 granite plinth to echo the rustic -- deep, dark
3 rustic wall of the underpass adjacent to the site.
4 While the ground floor base reflects the industrial
5 character of the surrounding site, the upper floor
6 mass from 2nd to 8th floor really reflects the high
7 density scale of the neighborhood. You have window
8 walls, bay windows, punch windows that create a
9 rhythm along the street and a façade to create
10 penetrations and depth and level interest to help
11 break down the scale of this seven-story tall mass
12 that defines the top.

13 Along the ground floor, the basic program is
14 mostly retail along Florida Avenue, and N Street, and
15 party at the corner of 3rd Street. At the corner of
16 3rd -- I'm sorry, 3rd Street and Florida Avenue is
17 the building residential lobby defined by what you
18 will see later in the later images, by this eight-
19 story tower that denotes the arrival of the site as
20 well as mark the beginning of the 3rd Street corridor
21 of detail.

22 In terms of public space improvements we
23 envision retail seating, exterior retail seating
24 along N Street, as well as the corner of 3rd Street.
25 Also the glass retail store fronts go from the paver

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1 all the way up the ceiling, and special pavers go up
2 to the -- right up to the retail glass line to
3 integrate and -- the exterior with interior to
4 promote interaction and animate the street.

5 Along Florida Avenue we've set the retail
6 storefront back by three feet to give much more wide
7 friendlier sidewalk.

8 The cellar, the program of the cellar is
9 mostly service. You've got the mechanical, main
10 mechanical system, pump room, and retail storage, as
11 well as bike storage with one bike for every unit. A
12 total of 56 units including bike fixing station with
13 elevators going down.

14 On a typical floor, as Kyrus mentioned, the
15 design is focused on larger units composed mostly of
16 four-bedroom units, three-bedroom units, including
17 studio. As you can see that each and every one of
18 these units receive abundant light with the bay
19 windows, as well as connection to the exterior and
20 views to the City.

21 On the roof the program is, as you can see,
22 mostly green roof with a roof terrace with a view
23 towards the Capitol. The design of this building is
24 equivalent to a LEED Gold, mid-rise home, certain
25 sustainable features include addition of the green

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1 roof, storm water management, energy and water
2 efficient systems, planting and landscaping along the
3 public space as well as recycle, high recyclable
4 content materials.

5 Jumping on to the façade articulation, again,
6 if you focus on the ground floor our envision of the
7 ground floor is something that not only connects with
8 the industrial character of the neighborhood, but we
9 see a lot of glass that imbues colors and retails and
10 signs, light up with animated with site amenities and
11 landscaping, bike racks, to create a lot of energy on
12 the ground floor. While the upper floors, again, you
13 have bay windows that begin to create a rhythm along
14 the streets, as well as the bay windows begin to
15 define the living spaces behind the units, and punch
16 windows define bedrooms. And the rest of the façade
17 on a secondary level begins to speak of vertical and
18 horizontal weaving.

19 The bay windows serve several purposes. It
20 helps to break down the scale of the building, as
21 well as create a level interest and rhythm, but in
22 addition to that really gives connection for the
23 occupants to the exterior, both visual as well as
24 light. We are applying for a waiver, or we have
25 applied construction wave for the bay windows and we

1 are very optimistic in meeting with the agencies,
2 including Mr. Rogers, that will have this approved
3 based on meetings that we've had.

4 To the extent that they're not approved we'll
5 present the design to the Zoning Commission again.
6 And that's the view of 3rd, the corner of 3rd Street
7 and N Street. As you can see, the bay windows
8 provide a façade consistency on all streets. But our
9 goal here is to really animate and create an energy
10 along the ground floor, both retail and -- okay.

11 And then this is a façade of Florida Avenue.
12 If you zoom in and you can reference the material
13 board that you have behind you. It's basically
14 composed of bay windows, Swiss pearl. That's a fiber
15 cement composite panel, as well as the brick that
16 we're using is two inches by 16 inches. It's a
17 dimensional -- very pleasing dimension of that. I
18 don't think that you would find in the city.

19 Again, 3rd Street and Florida -- I'm sorry.
20 3rd Street and N Street are similar in materials.
21 Okay. Again, you have two different bricks, one at
22 the base, a dark level brick to reflect the
23 industrial nature of the neighborhood, by the lighter
24 brick with the pattern, horizontal pattern, and
25 precast create an interweaving of vertical and

1 horizontal patterns.

2 And again, the landscaping echoing what I
3 mentioned to you.

4 I'm going to turn it over to Erwin.

5 MR. FREEMAN: That actually concludes our
6 direct presentation. We'll have Erwin just answer
7 any questions you have regarding the parking or
8 loading aspects of the project.

9 CHAIRPERSON HOOD: Okay. Thank you for the
10 presentation, Mr. Cao, and I'm sure we may have a few
11 questions for Mr. Andres. So let's see who may like
12 to get us started and have some questions. Okay.
13 Sure, Commissioner May.

14 MR. MAY: Okay. So let's talk about the bays
15 for a second. I understand you had meetings with
16 DDOT about it, but can you go into that in a little
17 bit more detail? I mean, exactly how much of a
18 waiver are you requesting because it seems like it's
19 a lot of really big bays and so I mean --

20 MR. CAO: Well, in terms of the length or the
21 amount of bay windows we are compliant based on the
22 formula defined by the construction code. What we're
23 asking for is the projection, the depth of the bay
24 windows along Florida Avenue, of four feet, because
25 of the narrow width of the sidewalk. I'm sorry,

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1 three feet. Right. We're asking for --

2 MR. MAY: I'm sorry, you're asking for three
3 feet or four feet?

4 MR. CAO: I thought it's four feet. No, it's
5 four feet. Four feet.

6 MR. MAY: Four feet is requested?

7 MR. CAO: Yes.

8 MR. MAY: And you would ordinarily be
9 allowed --

10 MR. CAO: Well, due to the side of the width
11 of the sidewalk construction code says a street that
12 is 100 feet wide or more than 100 feet wide is
13 permitted to have a four-foot projection. However,
14 from the face of the projection to the face of the
15 curb, that dimension can be no less than 15 feet.
16 Currently the sidewalk along Florida Avenue is only
17 12 feet.

18 MR. MAY: So I mean, but you're already
19 setting back your building by three feet, right?

20 MR. CAO: That's right. On the ground floor
21 level.

22 MR. MAY: On the ground floor level.

23 MR. CAO: That's correct.

24 MR. MAY: And then above that it's all at the
25 same façade, and then you're going another four feet?

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1 MR. CAO: That's correct.

2 MR. MAY: Oh, yeah. Okay. Now I understand
3 what the issue -- and that's the only issue with the
4 projections?

5 MR. CAO: That is.

6 MR. MAY: Okay. And why do you think they're
7 going to approve it?

8 MR. CAO: Well, in conversations with OP as
9 well as DDOT, one of the things as we've sat down
10 with OP in the very beginning when we were developing
11 the design, because this building is 101-foot-tall
12 there was concern that a façade without any
13 articulation, particularly along Florida Avenue,
14 would be overwhelming.

15 By having the bay windows it helps to break
16 down and create a variety along Florida Avenue. And
17 I think when we were able to build this model and
18 demonstrate to that, to OP as well as DDOT, they
19 agreed that it's a design that enhances the
20 neighborhood.

21 MR. DITTO: Yeah, the current sidewalk is not
22 sufficient for the traffic that's going to be going
23 down Florida Avenue.

24 MR. MAY: Right.

25 MR. DITTO: In the future. And DDOT is in

1 the process right now of considering and approving a
2 plan to redo that sidewalk so that it is sufficient,
3 and that is the --

4 MR. MAY: So are they going to take away a
5 travel lane? Or narrow the travel lanes?

6 MR. DITTO: That is the idea. I mean, one of
7 the reasons, one of the requests --

8 MR. MAY: I mean, they actually did a plan
9 for this, right? I mean, they have a concept plan
10 for it?

11 MR. DITTO: They did a plan but it's not --
12 it's just a concept plan. It's not approved.

13 MR. MAY: Right.

14 MR. DITTO: And but one of the requests from
15 DDOT in working with OP was actually to step the
16 building back on the first floor in order to increase
17 the depth of the sidewalk.

18 MR. MAY: Right. I understand that, but
19 you're basically going to be -- you're going to have
20 a 15-foot sidewalk and almost half of that is going
21 to be building above you, right?

22 MR. DITTO: No. No.

23 MR. MAY: Your sidewalk is going to be 15
24 feet. Your face of your building is going to be
25 three feet from that.

1 MR. DITTO: Right.

2 MR. MAY: And then you're adding four feet.

3 So when those -- where you have those bays,
4 seven out of 15 feet of sidewalk will be covered.

5 MR. FREEMAN: I think we should get a section
6 because it's at most, four feet over the property
7 line. So it's not --

8 MR. MAY: I understand. But the sidewalk is
9 15 feet, three of it on your property, right?

10 MR. FREEMAN: No, the sidewalk is 15 feet.

11 MR. MAY: Three of which would be on your
12 property.

13 MR. DITTO: I understand what Mr. May is
14 saying. Mr. May is correct. Essentially the face of
15 our building is three feet back from the property
16 line.

17 MR. MAY: Okay.

18 MR. DITTO: So you add the four feet of the
19 bay. That's correct.

20 MR. MAY: Right. Yeah. So I mean, that is a
21 little weird, and Florida Avenue, in this section
22 it's fairly wide open, although it's like a highway
23 with the travel lanes and the speeds and all that.
24 But the rest of Florida Avenue is -- I mean, it's
25 really not, was never envisioned to carry the volumes

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1 of traffic that it has had to carry. And so the
2 stretch of Florida from, you know, really from New
3 York up to 9th Street or something like that, it's
4 really quite tight. And here it's a little bit
5 wider, although it's all taken up with travel lanes.
6 I think that's one of the things they try to address
7 in the study. But the idea that we're going to be,
8 you know, cramping that in for the sake of this just
9 because it's aesthetically more pleasing to have
10 bays.

11 I mean, I don't have any problem with bays, I
12 just feel like it's really -- you're really kind of
13 pushing it here, and there are ways to articulate the
14 façade that don't require projecting four feet into
15 public space. So I mean, I'm just a little concerned
16 about it.

17 MR. DITTO: The plan is actually, they are
18 going to take the curb line out. I mean, they are
19 going to --

20 MR. MAY: Okay. Well, I'll --

21 MR. DITTO: They're adding sidewalk, so it's
22 just not as if it's going to be -- I mean, that is
23 the main reason that I think it is --

24 MR. MAY: Got it. Okay. So and I mean, I
25 think that's a sensible thing if we know that in the

1 future there's going to be --

2 MR. DITTO: That's right.

3 MR. MAY: -- another, you know, four or eight
4 feet of sidewalk.

5 MR. DITTO: If you've walked -- I mean, you
6 have walked that section and it sounds like you're
7 familiar with it. It is downright, you know, it is
8 very tight right now on both sides.

9 MR. MAY: Yeah.

10 MR. DITTO: Because it is -- I mean, if you
11 were to, like on a Saturday afternoon imagine once
12 the market is fully occupied it would be worse than
13 Georgetown today.

14 MR. MAY: Uh-huh. Right. Yeah. All right.
15 Well, I'll ask DDOT more about what their plans are
16 for Florida Avenue when they redo it.

17 The Office of Planning raised the issue of
18 closing N Street. There's a little bit of
19 uncertainty about whether you can actually realize
20 that plan. So can you tell me more about what your
21 thoughts are about -- I mean, the idea right now is
22 you're going to put \$125,000 into escrow for a
23 potential future closing to transform it into a park,
24 right?

25 MR. FREEMAN: So the plan is to put 125,000

1 in escrow for as many improvements that can occur
2 without requiring the closure of N Street. So for
3 example, the sidewalk can be extended for
4 approximately 20, 25 feet or so, without requiring a
5 closure of N Street. So we have -- we understand
6 that DDOT is not supportive of closing N Street, but
7 the ANC strongly advocates closing of N Street. So
8 what we had said is we'll put this \$125,000 in an
9 escrow fund to achieve as much that can be achieved,
10 without requiring the closure of N Street.

11 MR. MAY: Okay. So it's hard to do something
12 like this on speculation. It's much better to
13 understand exactly what the dollars are going to go
14 to. So it's a little bit of a stretch. Or maybe a
15 lot of a stretch. Have you given consideration to
16 actually proposing those changes to the sidewalk and
17 extending the sidewalk into the street and trying to
18 pursue that immediately as part of this project?

19 MR. FREEMAN: We have, and we've presented,
20 it's included in our materials that we filed today, a
21 conceptual N Street plan that we've presented to the
22 ANC as well as -- again, it's included.

23 MR. MAY: Is that in this?

24 MR. FREEMAN: It's tab -- what's the tab
25 number.

1 MR. MAY: Oh, it's in there.

2 MR. FREEMAN: Behind Exhibit A.

3 MR. MAY: Oh, okay.

4 MR. FREEMAN: There's an exhibit that shows a
5 conceptual and expanded N Street.

6 MR. MAY: Uh-huh.

7 MR. FREEMAN: Or the sidewalk, along the
8 north side of N Street.

9 MR. MAY: So how much sidewalk does this
10 actually add?

11 MR. FREEMAN: Right now there's really
12 limited sidewalk so this is rebuilding a large
13 portion all the way out to 20 feet. There is
14 additional storm water management features that would
15 be included in that. There's special paving.
16 There's planning, there is potential new lights. So
17 I think we will easily get through at \$125,000,
18 whether N Street is closed or not.

19 MR. MAY: Okay. I'm not worried about you
20 really to spend the money. I'm more worried about
21 what we're going to get for it.

22 MR. FREEMAN: Right.

23 MR. MAY: So, but the sidewalk now, I mean,
24 you said it's not very big. I mean, even in the
25 existing block it looks like it's 22 feet or

1 something like that. And then you're adding 10?

2 MR. FREEMAN: It's not built. No, it's not
3 built.

4 MR. MAY: Oh, it's not. What am I -- then
5 walk me through this plan. Explain to me what I'm
6 seeing here.

7 MR. FREEMAN: We'll go to a site photo that
8 shows the current street conditions.

9 MR. FREEMAN: Maybe we'll get Dave Landsman.

10 MR. MAY: I mean, it would be most beneficial
11 if you could actually --

12 MR. FREEMAN: Yeah.

13 MR. MAY: -- talk to this plan that you just
14 gave us.

15 MR. FREEMAN: I want to get the -- yeah. I
16 want to have Dave come up. He's the one who prepared
17 a plan. So I'd like him to walk through it for you.

18 MR. MAY: Okay.

19 [Discussion off the record about the
20 exhibit.]

21 MR. LANDSMAN: The exhibit that we put in.
22 If you guys have it in front of you I'm happy to go
23 ahead.

24 CHAIRPERSON HOOD: Before you get started can
25 you identify yourself? Your name, please?

1 MR. LANDSMAN: All right. So what we're
2 looking at there --

3 CHAIRPERSON HOOD: Can you identify yourself
4 first?

5 MR. LANDSMAN: David Landsman, Cast
6 Engineering, civil engineer for the project.

7 So what we were looking at with this exhibit
8 was under the assumption that we couldn't close N
9 Street, you know, what could we accomplish with the
10 sidewalk, keeping you know, the one-way travel on N
11 Street and one parking lane, closing the parking lane
12 on the north side of N Street would be extending that
13 curb line 10 feet to the south. And what that
14 allowed us to do is create more open sidewalk area.
15 The percentage of that that would end up being
16 special paving versus regular sidewalk or typical
17 concrete thoroughfare, still kind of up in
18 discussion. Something that we would work out with
19 DDOT during an ultimate PDRM and a, you know, permit
20 review process.

21 MR. MAY: Okay. So can you just walk me
22 through the dimensions that I'm seeing here because
23 it looks like I'm seeing a 23-foot sidewalk that's
24 dashed in.

25 MR. LANDSMAN: Right. So the 23-foot, what

1 that's meant to represent is, that is the curb line
2 in its current status.

3 MR. MAY: Right. So there is --

4 MR. LANDSMAN: And then the --

5 MR. MAY: So --

6 MR. LANDSMAN: -- 10 foot is just the shift
7 between the two.

8 MR. MAY: Got it. So the additional area is
9 just 10 feet, but there is --

10 MR. LANDSMAN: It would be a 10-foot
11 correction.

12 MR. MAY: So if none of this happens there
13 will be a 22-foot-wide sidewalk on the north -- I'm
14 sorry, on the south side of the building.

15 MR. LANDSMAN: It will be 23 feet with the --

16 MR. MAY: Twenty-three. Got it.

17 MR. LANDSMAN: -- streetscapes, but between
18 tree box, special paving, and sidewalk.

19 MR. MAY: Right. Right.

20 MR. LANDSMAN: This would give us 10
21 additional feet and some, you know, planting areas,
22 sidewalk, more of a pedestrian experience.

23 MR. MAY: Right. But in the current plans
24 for the 23 feet. I think I saw a lot of like, it's
25 special paving for retail, so the idea is that that's

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1 all going to be public space, rented for cafes and
2 that sort of thing, right?

3 MR. FREEMAN: That was very conceptual. So
4 we'll work with the ANC. We've been told that it
5 will not be all retail. It's going to be landscaped
6 and other things that will be invited for general
7 public use.

8 MR. MAY: Okay.

9 MR. FREEMAN: Again, this was a conceptual
10 plan that --

11 MR. MAY: Sure. Okay. So, I think this is
12 the challenge. I mean, we'll see what the rest of
13 the Commission has to say but my thought on this is
14 that it has to be a really concrete improvement that
15 you're suggesting, so it was speculating that we
16 could close the street and 125,000 toward that. I
17 mean, I'd be much happier if what you're proposing
18 was some sort of linear park. You know you can
19 deliver.

20 MR. DITTO: So basically, at the request of
21 the ANC, we did try, meeting with the ANC, meeting
22 our fellow developers, we tried to close N Street
23 because we think it would be a nice -- I mean, I
24 think Mr. Goodman was thinking, and we agree that it
25 would be a nice, you know, public amenity to close

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1 the street that's not used very often. You can stand
2 there, no cars go down it now. Ultimately we could
3 not get the consensus amongst the players, so this
4 was, you know, this was a kind of the next best
5 thing. The idea is if this money is not used for
6 this then it would go to the local bid to be used for
7 other improvements.

8 So we are open to other ways of using the
9 funds. This was not a way of us trying to avoid
10 spending the money. It was actually a way to try to
11 appease, you know, and work with the community to try
12 to, you know, to accomplish the closure.

13 MR. FREEMAN: And I would just add one other
14 point. In our submission we proposed language that
15 we would -- if approved, that we would include in an
16 order. Page five of our response, towards the
17 bottom, commits us to spending the money. I'll read
18 it. So prior to the issuance of a C of O for the
19 project, the applicant shall submit to DCRA a fully
20 executed escrow agreement, similar to the escrow
21 agreement included as Exhibit 26 of the record. And
22 the applicant shall provide evidence to the Zoning
23 Administrator that the escrow funds have been used or
24 are in the process of being used for improvements
25 along the north side of N Street between 3rd and 4th,

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1 or have otherwise been released to the No-Ma bid for
2 improvements to parks and public space within the
3 boundaries of ANC 6C.

4 So we could tweak the language but the
5 commitment is there to ensure that the funds are
6 spent for the improvements that the ANC has asked us
7 to do.

8 MR. MAY: Uh-huh. So again, we'll hear from
9 what the rest of the Commission has to say, but I for
10 one would rather see a specific commitment to spend
11 money or deliver a project really. And if it's the,
12 you know, doing a linear park along the north side of
13 that curb line, you know, that, I think that that
14 would be a really good thing to be able to work out
15 with the ANC and to actually commit to delivering it.
16 And then we don't have to worry about escrow and
17 language and what happens if it doesn't get delivered
18 and all that sort of stuff.

19 And in the event that between now and
20 whenever you actually construct this, if it's
21 determined that N Street actually could be closed and
22 there's something else, I mean you can come back for
23 a minor change at that point because then you've got
24 a project. But I think committing to something now
25 is a much better way to go and I really would not be

1 in favor of any kind of language that basically just
2 allows the dollars to revert to some other project
3 that's to be dreamed up by the bid.

4 MR. DITTO: Yeah, and we're perfectly happy
5 with that. It was a -- yeah, again, we're happy to
6 commit to something specific.

7 MR. MAY: Okay.

8 MR. DITTO: Yeah.

9 MS. COHEN: Keep going.

10 MR. MAY: Okay. Similarly, I mean, I would
11 say that if what you were committing to was a
12 contribution to the Metro entrance, I mean, that is
13 something that I could see because there's other
14 substantial benefit that goes with that and I know
15 it's more than one PUD would pay for. So, go ahead.

16 MR. FREEMAN: That was an option. We
17 explored that with the ANC and they would rather see
18 the money go towards --

19 MR. MAY: Uh-huh. Do you know how much it
20 will cost to renew Metro entrance?

21 MR. DITTO: It is such a large number. I
22 lived on that street when the first one was built.
23 It was supposed to cost 50 million. It ended up
24 costing 100 just build the Metro there.

25 MR. MAY: Right.

1 MR. DITTO: I think they're saying the
2 entrance is going to be upwards of 10 or \$20 million.
3 So this money would only go towards a -- wouldn't
4 even pa for a study --

5 MR. MAY: Right.

6 MR. DITTO: -- to see if the Metro. And I
7 think the thinking of the ANC, which I tend to agree
8 with, is that we've got to do something concrete with
9 the money, actually to your point, rather than pay
10 for a study which might get paid for out of the --

11 MR. MAY: Well, just knowing how much money
12 you think it might be to do the Metro entrance, I
13 fully understand why that's not a, you know, 125,000
14 would just sit around for a long time before somebody
15 comes up with real money to do it. So it's not worth
16 it. And I don't like spending PUD money on a study.

17 So one other question about the building. Is
18 this planned to be rental or condominiums?

19 MR. DITTO: The plan is a rental at this
20 point although, you know, all this -- I mean, we're a
21 year out from starting it, which is two years from
22 delivery, so the plan now is rental.

23 MR. MAY: Okay. All right. I don't have a
24 lot to say about the architect. I mean, I think, you
25 know, it's fine. I think that the -- I mean, it

1 certainly is an interesting building and whenever
2 you're dealing with a building that's on one of these
3 triangular plots it gives you opportunities to do
4 things you don't otherwise get to do. So that's very
5 exciting.

6 You know, I'm not a big fan of the lighter
7 colored brick and the lighter colored treatments, but
8 you know, that's -- I'm not going to fuss over those
9 things. At least it's not white metal panel which I
10 think would be really problematic. So, lighter
11 brick, I mean, you know, it does look like you're
12 using some very good materials. So, I'll let my
13 colleagues talk more about the architect if they'd
14 like.

15 One last question which is that there is a
16 National Park Service parcel at the corner, and I'm
17 wondering what your plans are for that because it's
18 kind of one of those little forgotten parcels.

19 MR. DITTO: Well, I was going to say that we
20 -- our goal was to try to speak to them to get
21 something done there. We have not -- it's not an
22 easy thing to do as our consultants have told us.

23 MR. MAY: I'm not surprised. I can make them
24 call you back though.

25 MR. DITTO: Oh, you can? All right. Well,

1 that's great.

2 MR. MAY: Yeah. But that was my question
3 was, have you talked to anybody at the park, so.

4 MR. DITTO: We have reached out and just to
5 understand the process.

6 MR. MAY: Uh-huh.

7 MR. DITTO: And anyway, I would love to do
8 something. And one thought was just to plant seed
9 there.

10 MR. MAY: Yeah.

11 MR. DITTO: Just to make it prettier than it
12 is now.

13 MR. MAY: Right. And I think that that's
14 probably all that's really appropriate or necessary
15 there. I mean historically that's all that it's
16 been. I actually, I went to our records and pulled
17 up some information on it and I can share these with
18 you, including a photograph of a lovely Texaco
19 station that was there. I don't know exactly what
20 the date of it was.

21 MR. DITTO: It's actually still there, it's
22 just below grade.

23 MR. MAY: Right. But the really cool sign
24 isn't there anymore. So, and actually the little --
25 I'll pass these to my colleagues and then it will

1 make its way to you.

2 But originally all it was, was a pot of grass
3 with a standard rolled curb. And that's probably
4 what it needs to be in the future. I don't think it
5 needs anything special. But I think you'll just need
6 to get a permit from the park to be able to do that
7 and I think you'd want to you know, do -- because you
8 don't want to have it looking the way it looks now
9 once you've finished your building. It would
10 probably even, you know -- they'd probably even let
11 you mow the lawn and stuff if you, you know, talked
12 to them about it.

13 MR. DITTO: That's nice of them. Yeah.

14 MR. MAY: All right. So anyway, I appreciate
15 your paying attention to this.

16 MS. COHEN: How large is this park?

17 MR. MAY: It's 352 square feet. I have
18 records on that. So, that's it. Thank you.

19 CHAIRPERSON HOOD: Let me just ask right
20 quick, you said the Park Service, you reached out.
21 Did they return phone calls? I'm just asking, did
22 the Park Service return phone calls?

23 MR. MAY: Some of my colleagues do not -- are
24 not very good at that.

25 MR. FREEMAN: Yes, yes, they do.

1 CHAIRPERSON HOOD: Oh, okay. I was just
2 curious. Okay, Vice Chair Cohen.

3 MS. COHEN: Thank you, Mr. Chairman. First
4 of all, I'm very pleased that you are going LEED
5 Gold. I'm very pleased that you have decided to
6 provide family units, and that two of them will be at
7 50 percent of median income.

8 I support Commissioner May's proposal to have
9 a linear park as opposed to a maybe and what-if,
10 that's more concrete, especially in light of the bulk
11 of the building -- although, I think it's
12 aesthetically pleasing, but I don't know how it's
13 going to look when you have, you know, these narrow
14 sidewalks and again, across the street there's some
15 narrowness as well. So it's going to be hard to
16 actually absorb, I think, the beauty of the building
17 and the sculptural look of it.

18 It is a family building so can you elaborate
19 on what amenities are available for families?

20 MR. DITTO: Sure. Yeah.

21 MS. COHEN: Either in the building or in the
22 neighborhood.

23 MR. DITTO: Sure. The neighborhood, I mean,
24 as the Florida Market area develops, obviously it
25 will be more and more attractive, you know, as time

1 goes by. I think that, you know, we have planned for
2 stroller storage on each floor with some storage
3 rooms. And, I mean, the main -- with a building this
4 small it's actually very difficult to have common
5 area space. And so we have, you know, a roof deck
6 for congregation and we have obviously more bedrooms,
7 you know, to allow for families to live there. It's
8 actually something that we've done in the past and
9 has been, you know, fairly successful.

10 So those are the amenities that we had
11 expected to provide.

12 MR. FREEMAN: And, Commissioner Cohen, you
13 might recall to the north right across Florida Avenue
14 there's a Level 2 project that has a small park, but
15 it will be open and available for public use.

16 MR. DITTO: And the trail that actually goes
17 up to Silver Spring and down to the Union Station.

18 MS. COHEN: And, Mr. Freeman, I did not
19 recall that at all but thank you for triggering.
20 Let's see.

21 Again, most of my concerns were really around
22 the narrowness and squeezing in this building and not
23 having the vistas to really appreciate it. So I
24 think that's really -- Mr. Chairman, I will have you
25 move on and maybe I'll find some of my other notes.

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1 CHAIRPERSON HOOD: Okay.

2 MS. COHEN: Oh, I know. I'm sorry. Just one
3 other thing. Where are the vaults going to be for
4 this building because again, there's not much room?

5 MR. CAO: The PEPCO vaults right now are as
6 we figure it out with our engineer, would be located
7 along 3rd Street. And what we show is -- can we --

8 It's located on public space along 3rd
9 Street, close to the -- near the lobby entrance with
10 landscaping all around it.

11 MR. FREEMAN: And that's one of the things
12 that DDOT noted and we will obviously work with them
13 during the Public Space permit to make sure we are
14 meeting all of their requirements in terms of cover
15 and then buffering around the vaults. So.

16 MS. COHEN: Yeah, because they're really
17 dangerous. They're absolutely dangerous. Especially
18 when it's you know, wet and snowy and stuff like
19 that. But PEPCO doesn't seem to care. I don't know
20 what your experience has been working with PEPCO.
21 They don't really care whether it's in private or
22 public. I've noticed even on newer buildings, you
23 know, they're on public space. So --

24 MR. FREEMAN: DDOT, generally, if they're in
25 public space they want some type of buffering around

1 them in order to help direct pedestrians around them,
2 or to cover them. We'll have to kind of look through
3 that, look at that closer as we go through the
4 permitting. But as of now the idea is to have a
5 landscape place around the vaults.

6 MS. COHEN: Oh, sure, those are usually ideas
7 that don't get implemented. So DDOT, come to my
8 neighborhood and Shaw and 14th Street. Thank you.

9 Now I'm ready, Mr. Chairman.

10 CHAIRPERSON HOOD: Okay. Mr. Turnbull would
11 like to go next, so.

12 MR. TURNBULL: Sure. Well, thank you for
13 your presentation. Dealing with a very unique and
14 awkward site.

15 Do I understand you're going for LEED Gold
16 but you're not getting it certified. Is that
17 correct?

18 MR. CAO: That's correct. We're designing it
19 to LEED equivalent of Code 4.

20 MR. TURNBULL: And you're not going for a
21 certification because?

22 MR. DITTO: It's mainly, it's the cost. Our
23 understanding from our LEED consultant is that it's
24 between 100 and \$200,000 from the commissioning
25 and --

1 MS. COHEN: You need a new LEED consultant.
2 I don't think that's true.

3 MR. FREEMAN: Well, we've designed equivalent
4 of LEED Gold which is what this Commission has
5 approved in other cases. You generally have not
6 required projects that actually go through the
7 certification process because of the cost.

8 MR. TURNBULL: The Vice Chair is pushing
9 thought.

10 MR. FREEMAN: Because of the costs associated
11 with that. And if necessary we could substantiate
12 what our --

13 MR. TURNBULL: Could you? If you could look
14 into that and get back to us, that would be great.

15 CHAIRPERSON HOOD: Mr. Freeman, let me just
16 say this. I heard you say, generally with the Zoning
17 Commission. I'm here every night mostly, and I don't
18 know what may happen, so things do change. Okay? I
19 was actually siding with you.

20 MS. COHEN: Oh, thank you.

21 CHAIRPERSON HOOD: For a change.

22 MR. FREEMAN: Okay.

23 MR. TURNBULL: I would agree with
24 Commissioner May. I think if we could get --
25 regarding the escrow, a more defined plan might be

1 more appropriate. At this point in time I think that
2 would be good. So I would go along with his
3 comments.

4 And also, he was talking about -- first of
5 all, how wide is Florida Avenue? I mean, I can ask
6 Department of Transportation but I'm just looking at
7 the plan. I don't look like --

8 MR. FREEMAN: It's 100 feet wide.

9 MR. TURNBULL: I just can't see how you can
10 make that wider. I'm just confused as to how you're
11 trying to increase the sidewalk. I mean, based upon
12 the plans that I have here --

13 MR. FREEMAN: The widening would be on N, not
14 on Florida.

15 MR. TURNBULL: On N.

16 MR. FREEMAN: Yes.

17 MR. TURNBULL: Oh, not on Florida.

18 MR. FREEMAN: Correct.

19 MR. TURNBULL: Oh, okay. All right. I was
20 confused by that. But getting back to the street and
21 with the overhang of the bays, I think there is a
22 little bit -- I mean, I was looking at -- well, let's
23 get -- let me get the right architectural plan here.
24 I think it's L0.1. Right.

25 I guess, you know, looking at basically

1 you've got about 15 feet, okay? You've got the three
2 feet back from the property line. Then you've got --
3 I mean, how high is the first floor?

4 MR. CAO: It varies from 22 feet down to 14
5 feet, six inches.

6 MR. TURNBULL: Okay. Well, here's what I'm
7 looking at. I mean, you're back three feet but the
8 building projection starts at three feet above 14 to
9 22 feet. But then you've also got these bays which
10 stick out another four feet. But it looks like -- so
11 that's about seven feet with these bays. And I guess
12 what Commissioner May was getting at, within the 10
13 foot span of sidewalk, because you've got these five-
14 foot, at the curb line, the five-foot area ways with
15 the planting and everything, it may feel a little bit
16 constrained in that space. It may feel a little
17 heavy walking underneath that space.

18 I'd like to see some -- I mean, if you're
19 going to convince us about doing this, I would like
20 to see some sections along through there that show
21 that street, the overhang and the street, and what it
22 would feel like for someone walking in the street at
23 that area.

24 MR. CAO: If you look at Sheet A4.1, that's a
25 section through one of the bay windows.

1 MR. TURNBULL: No, yeah, that's cute but
2 that's not what I'm looking for. I want to see an
3 actual streetscape. I want to see the sidewalk, the
4 trees, and how someone actually relates at that
5 height. I mean, I think a blow up of that whole area
6 with trees, the sidewalk, and what someone seeks
7 walking down the street, what it looks like. Either
8 not only a section but maybe a slight perspective
9 showing the overall feel of how it's going to be for
10 someone walking down the -- I think I don't mind the
11 overall architecture of it, but I just feel a little
12 bit, I want to be sure that what I'm looking at is
13 not something that's so boxy and tight that it's
14 going to be so constraining walking along Florida
15 Avenue. I would just like to assured that
16 architecturally, I feel comfortable walking through
17 there.

18 MR. MAY: Can I ask a question? I mean,
19 you're looking for a street section?

20 MR. TURNBULL: Yes.

21 MR. MAY: Yeah, so a street section all the
22 way through and showing the trees and everything.
23 And we don't need to see the building in the
24 background, right? Because you see, on 4.1, that
25 kind of muddles it.

1 MR. TURNBULL: Yeah, I want to see from my
2 walking perspective as I'm walking down the street,
3 what this is going to look like with the overhangs.

4 MR. FREEMAN: So, L0.8. Is a Florida Avenue
5 street section. I think what you're asking for is an
6 expanded view of that, Commissioner Turnbull?

7 MR. TURNBULL: Yeah, in color, showing the
8 projections overhead, showing the heights and how
9 that actually relates to what someone is actually
10 going to feel as they walk down that street there.

11 The other thing, and maybe it's just the
12 coloring of the drawing -- the brick that you're
13 showing that's up here, sample, is a very white
14 looking brick. It's whiter. The drawings show it
15 actually more gray, which actually looks a little bit
16 more pleasing, I think, than the starkness of the
17 white.

18 So I don't know what my colleagues feel about
19 that, but the renderings look a little bit more
20 sympathetic than the actual brick sample. But --

21 MR. MAY: I agree. I'm not a big fan of
22 white.

23 MR. TURNBULL: But as I say, the renderings
24 show that the brick is a more off-white, more of a
25 gray. Going to the gray area.

1 MS. COHEN: Sure. And how we generated that
2 rendering is actually we scanned that material on to
3 the computer and mapped it on to the façade.

4 Now, because, you know, it's a small scale so
5 the dark kind of spots become conveyed a little bit
6 more gray façade.

7 MR. TURNBULL: Well, it looks good when it's
8 gray. That's just my feeling. I like the grayer. I
9 like the renderings better than I do the sample.

10 MR. DITTO: I think the brick actually will
11 be beautiful, you know, as it's up on the façade. I
12 mean, to me it's a gorgeous brick. Whether it's --

13 MR. TURNBULL: Yeah.

14 MR. DITTO: -- whether you do or don't like
15 white, it is an expensive and --

16 MR. TURNBULL: Okay.

17 MR. DITTO: -- and pretty brick.

18 MR. TURNBULL: I know, it's a trophy brick.
19 Okay.

20 Let me ask you something about the penthouse.
21 Sixteen foot high. Sixteen-foot-high, so you've got
22 your two hydraulic elevators that are going up and
23 down, and since you said this was a trophy building,
24 these elevators are fairly -- speed wise they're
25 competent, they're good.

1 MR. CAO: Yes. They're actually not
2 hydraulic, they're electric traction elevators so
3 they go faster.

4 MR. TURNBULL: Electric. They're electric
5 traction elevators.

6 MR. CAO: Yes.

7 MR. TURNBULL: Oh.

8 MR. DITTO: Gen2 from Otis. They're actually
9 run by a, like a belt instead of a cable.

10 MR. TURNBULL: Oh, okay. Well, I'm --

11 MR. MAY: They're low overhead too.

12 MR. TURNBULL: Low overhead.

13 MR. MAY: Yeah.

14 MR. TURNBULL: Yeah. Well, I guess what --

15 MR. MAY: I spent a lot of time at the Otis
16 booth at the AA Convention last year.

17 MR. TURNBULL: Well, I'll be doing that at
18 Philadelphia, so --

19 MR. MAY: Yeah, it's worth it.

20 MR. TURNBULL: But I guess the question is,
21 at 16 feet you can accomplish this when we've had so
22 many other architects who come to us and say, oh, we
23 need 20 feet or 25 feet for a penthouse for our
24 elevators and you can accommodate it in 16 feet.

25 MR. CAO: Yeah, I can't comment on these

1 other projects.

2 MR. TURNBULL: No, I now.

3 MR. CAO: But we've used this system before
4 and at 16 feet --

5 MR. TURNBULL: And it works fine.

6 MR. CAO: -- we can make it work.

7 MR. TURNBULL: Okay.

8 MR. DITTO: In fact they've stopped, Otis has
9 even stopped producing the older elevators that
10 require that much overrun --

11 MR. TURNBULL: Right.

12 MR. DITTO: -- because these are cheaper to
13 maintain and they work a lot longer.

14 MR. TURNBULL: Well, that's what we're
15 hearing also but we still have a couple of projects,
16 PUDs that come before us with these other heights
17 that they need, so. But no, I appreciate your
18 efficiency in divining penthouses with elevators like
19 this.

20 And I appreciate the affordable housing
21 change. I think that was something that we all
22 wanted to see, and I appreciate you doing that. So,
23 Mr. Chair, I think that will be all my questions.

24 CHAIRPERSON HOOD: Okay. Thank you very
25 much. Commissioner Miller.

1 MR. MILLER: Okay. Thank you, Mr. Chairman.
2 And thank you for your presentation. I think it's a
3 very attractive design and materials and colors. And
4 I appreciate all the work you've done with responding
5 to the ANC, the Office of Planning, DDOT, the Zoning
6 Commission comments that you have responded to and
7 are going to respond to.

8 And just echoing the Vice Chair's and other's
9 comments, the LEED Gold, although she wants you to
10 get certification for that, because she thinks your
11 building will be even better marketed with that
12 plaque up there, amongst other reasons. And the
13 deeper, mostly the deeper IZ, affordability at the 50
14 percent level, and because I think what was required
15 was only 80 percent and you originally were
16 proffering 60 percent and so you've gone to the 50
17 percent level and you have -- and the larger units.

18 Is it still -- there's still four IZ units,
19 then, two of which are four-bedroom and one is a
20 three-bedroom, and one is a studio? That's what I
21 saw in the Office of Planning report, but maybe you
22 can just clarify which -- how many bedrooms are in
23 the IZ units and --

24 MR. FREEMAN: So we have one studio, one
25 three-bedroom, and two four-bedroom. That's our IZ

1 mix.

2 MR. MILLER: Okay. Well, I do appreciate
3 those larger IZ units and I think that's a great
4 proffer.

5 You're complying with all the DDOT
6 conditions?

7 MR. ANDRES: Yes, we are.

8 MR. MILLER: Yeah. And the rooftop has some
9 usable terrace space. And what's going to be up
10 there?

11 MR. DITTO: There's a small usable space up
12 there. It's limited just because of the requirements
13 of the green roof and the other mechanical systems,
14 but it's a pretty small roof area that's just for
15 recreation.

16 MR. MILLER: I mean, we'll have benches and
17 chairs and --

18 MR. DITTO: Yeah, of course, yes.

19 MR. MILLER: -- tables or --

20 MR. DITTO: And maybe some couches and some
21 places to eat, yes.

22 MR. MILLER: It's only what, 700 and
23 something square feet I guess.

24 MR. DITTO: It's very small. But the view is
25 extraordinary.

1 MR. MILLER: I'm sure. Yeah.

2 MR. DITTO: It looks straight down the
3 tracks.

4 MR. MILLER: Well, I just support all the
5 comments that my colleagues have made in terms -- and
6 I would take Commissioner May up on his offer to get
7 the Park Service to call you back to improve that
8 little corner there, and with green and so it's
9 really an amenity that fits with your project.

10 MR. DITTO: Right. Mr. Miller, Ms. Cohen,
11 the one thing I would say with respect to the LEED
12 certification. Basically the cost does not change as
13 buildings get larger. Like for a 700,000 square foot
14 building our consultants are telling us literally the
15 cost is almost the same. And for a 56 -- or for a
16 70,000 square foot building it basically is -- it
17 becomes a huge burden to bear. This is the reason
18 that it is bigger -- relatively a bigger deal on this
19 project than it would be a larger project.

20 MS. COHEN: I'll see if I can get you a
21 coupon. A voucher.

22 MR. MILLER: So I guess, my last question
23 just is if Mr. Andres can just address quickly,
24 there's zero parking being provided. It's obviously
25 a very small constrained site.

1 MR. ANDRES: Yes. Yes, that's correct.

2 MR. MILLER: But you and DDOT obviously
3 believe that the TDM measures are sufficient to
4 mitigate, or that it won't be a problem for the
5 neighborhood with any cars or --

6 MR. ANDRES: Yes, that's correct. We've
7 worked with DDOT in developing TDM measures, a list
8 of TDM measures that they agree with, and we are also
9 agreeing to the additional two measures that they've
10 recommended in their review letter.

11 MR. MILLER: Right. One was the car share,
12 bike share and --

13 MR. ANDRES: One was the transit share and
14 one was providing car share and bike share
15 memberships for five years.

16 MR. MILLER: Right. Okay. Well, thank you.
17 I appreciate this project and I'll look forward to
18 seeing this unattractive site become very attractive
19 in the near future.

20 CHAIRPERSON HOOD: Okay. Thank you. I think
21 my colleagues are really asking a number of comments
22 that I may have had. But I can tell you that I do
23 like the architecture, Mr. Cao. So while I know that
24 every architecture comes down here and they work good
25 with their clients and they think the most of it,

1 this is one that I really like the architecture. And
2 for my other colleagues not to comment a whole lot on
3 architecture means a lot. So your comments earlier,
4 your point is well taken.

5 So I will say this, though, I do want you all
6 to look at the escrow issue. I'm not sure exactly
7 where Commissioner May left that off, but that has
8 been an issue. And I understand all the work that
9 ANC works. Part of the reason that we like stuff to
10 be more specific is due to the fact that we've worked
11 with ANCs in the past and we've had issues and
12 problems. And I understand that there may be some
13 difficulties in trying to achieve that, but I think,
14 Commissioner May, you asked them to take a look at
15 that. And I would just -- only comment I would have
16 is, I would agree with him because I know what has
17 happened in the past. Okay.

18 But other than that this is a good design
19 building and I do like it. So, all right. Any other
20 comments?

21 MS. COHEN: No.

22 CHAIRPERSON HOOD: All right. The ANC, you
23 have any cross-examination, Mr. Goodman? Any cross?

24 MR. GOODMAN: No.

25 CHAIRPERSON HOOD: Okay. No cross. Let's go

1 to the Office of Planning and District Department of
2 Transportation, Mr. Gyor.

3 MR. GYOR: Good evening, Mr. Chairman and
4 Members of the Commission. The Office of Planning
5 recommends approval of this plan unit development
6 application and zoning map amendment as it conforms
7 to the Comprehensive Plan's objectives for the area
8 and to the generalized land use and policy maps, and
9 would contribute to the redevelopment of the
10 neighborhood.

11 In addition to the applicant's benefits and -
12 - in regard to the applicant's benefits and amenities
13 package, OP supports the proposed increase in the
14 Affordable Housing Subsidy for the two IZ units from
15 60 percent to 50 percent AMI. In addition, OP
16 supports the applicant's commitment to LEED Gold.
17 And while OP is generally supportive of the building
18 materials and the overall design intent, the
19 extensive building projections as proposed,
20 particularly on Florida Avenue appear to exceed what
21 is normally permitted and may not be approved by the
22 Public Space Committee and could result in
23 significant design changes and alter the design of
24 the building.

25 With regard to the \$125,000 escrow amount, if

1 the Zoning Commission accepts this then it should be
2 clear that this is for streetscape improvements above
3 and beyond any normal streetscape improvements
4 undertaken by a developer. And OP agrees with the
5 Commission comments that this be a more defined
6 feature.

7 Thank you. I'd be happy to take any
8 questions.

9 CHAIRPERSON HOOD: Okay. Let's go to Mr.
10 Rogers.

11 MR. ROGERS: Good evening, Mr. Chair, Members
12 of the Commission. Jonathan Rogers with the District
13 Department of Transportation. There are a few topics
14 that came up in the discussion that I'd like to
15 address in turn.

16 First is regarding the projections. The
17 description of the projections is being nonstandard
18 is accurate. Projections are one of those areas that
19 kind of fall within multiple jurisdictions within --
20 for approval. So it falls within the building code,
21 so a code modification from DCRA would be required.
22 And because it impacts public space, Public Space
23 approval would also be required.

24 In reviewing the particular application here
25 and specifically the projections, DDOT looked at the

1 ability to maintain a clear sidewalk at the ground
2 floor level, making sure that the sidewalk was
3 sufficiently wide, and that street trees could be
4 accommodated. So through those two perspectives,
5 DDOT does not have a particular objection to those at
6 this point, but does note that the requisite
7 approvals are needed and will be determined, or have
8 not yet been determined.

9 Regarding the Florida Avenue project, and
10 this is relating to the projections, DDOT did
11 complete the Florida Avenue multi-modal safety study
12 last year and has commenced preliminary design for
13 the preferred concept, which does likely call for the
14 slight narrowing of the cart path, which would have -
15 - which could move the Florida Avenue curb line
16 inward toward the center of the street by a couple of
17 feet. And it is possible that ultimately the
18 projection, the building code -- building code could
19 be met with the distance between the curb and the
20 edge of the projection. So you do need 15 feet.
21 Currently, approximately at 12 feet. And it is
22 possible that the curb line of Florida Avenue would
23 move with the Florida Avenue study implementation by
24 the three feet needed to meet that.

25 Regarding N Street and the proposed changes

1 there, any improvements that would be made would
2 require approval from DDOT, either through a permit
3 or if the operational changes are proposed, some
4 operational review.

5 DDOT remains interested and willing to work
6 with the applicant, ANC, and other developers, land
7 owners in the area to come up with a solution that
8 makes some changes to N Street.

9 The submission that was made today is
10 something that we're seeing today. There are some
11 changes that would need to happen to that in order to
12 come closer into the standards that we would use to
13 review the application.

14 Some of the considerations that we'll look
15 for are how is loading accommodated since there is no
16 on-site loading provided, which DDOT does not object
17 to, but curbside loading is going to have to be
18 accommodated, and the preference from DDOT is to have
19 that accommodated on N Street as opposed to 3rd
20 Street. So that would be a design feature that would
21 need to be incorporated into any changes to N Street.

22 We also would like to have a more holistic
23 view of the changes, taking into account the land use
24 changes that are proposed immediately to the south on
25 N Street. Typically, we prefer the roadway at the

1 cart path to be centered in the right of way. The
2 proposed option that we're seeing today kind of skews
3 that, and that's a design feature that we would need
4 to work through with the applicant.

5 But in summary, relating to N Street, any
6 changes would need DDOT approval and there's a
7 process for evaluating those changes and designing
8 the changes that we're happy to go through with the
9 applicant, but that process has not -- I'd say is in
10 the nascent stages at this point.

11 With that I'd be happy to answer any
12 questions you may have.

13 CHAIRPERSON HOOD: Okay. Colleagues, any
14 questions of either DDOT or Office of Planning? Oh,
15 Vice Chair Cohen.

16 MS. COHEN: Thank you, Mr. Chairman. Mr.
17 Gyor, I'm just curious about the differences between
18 OP, the ANC, and some of the developers with
19 regarding closing N Street. Can you elaborate on
20 that, please?

21 MR. GYOR: Well, I think our position was we
22 were looking for some certainty for the Zoning
23 Commission as to the nature of the project. And up
24 until the point of filing our report we hadn't really
25 seen a lot of details concerning this proposed

1 closing. So the applicant has provided a conceptual
2 site plan and a conceptual cost estimate. But
3 ultimately we would prefer the WMATA tunnel proposal.
4 But we would -- but understand that we support the
5 Commission's position that the developer provide a
6 more defined project along N Street.

7 MS. COHEN: Thank you. One of my concerns
8 about deferring anything to WMATA is you don't seem
9 to have really -- maybe I'm wrong. Please correct
10 me. Don't seem to have any type of time tables to do
11 much of anything.

12 MR. LAWSON: First of all, we were suggesting
13 that this might be a way that the applicant could
14 round out their benefits and amenities package. But
15 we also know that there are these discussions
16 underway now, amongst all the land owners. There are
17 a lot of PUDs going forward in this immediate area
18 all at the same time. We feel that it's potentially
19 workable, which may not be the case, kind of in most
20 other parts of the city where the PUDs could
21 contribute towards the provision of that new
22 entrance, especially since many of these PUDs would
23 directly benefit from the provision of that entrance,
24 particularly PUDs that are proposing a fair amount of
25 flexibility from parking. So it we'll be relying on

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1 the Metro entrance.

2 Now we understand that those conversations
3 continue, but we totally agree, we don't know where
4 they're going to go at this point. And so we really
5 understand the Commission's preference for amenity
6 items that are certain, that can be defined and
7 delineated. And so we understand, you know, that
8 maybe this one is just a little bit ahead of the
9 curve. We're just afraid that it's going to end up
10 that all of these PUDs become ahead of the curve, and
11 then the METRO, the new Metro entrance becomes
12 infeasible.

13 I do, you know, totally agree with a
14 statement of the applicant that the cost of the Metro
15 entrance is going to be huge. You know, it will be
16 in the tens of millions of dollars from what we've
17 heard, and there is no -- as far as we know anyways,
18 there is no defined cost estimate.

19 So whether all of these PUDs even combined
20 could come up with that much, to be honest I don't
21 really know. But collectively it's possible that
22 they could have been a significant contribution
23 towards the provision of that entrance. However, as
24 I said, we understand that those discussions are
25 happening through the No-Ma bid, regarding that

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1 entrance. Those discussions are going to happen
2 regardless of what this PUD amenity item is and I
3 think from our standpoint at this point we would just
4 like to, and I think the applicant has confirmed
5 this, we'd like to make sure that they remain
6 participating in those conversations and you know,
7 bring you know, their property, I guess, to those
8 discussions of how that Metro entrance might at some
9 point happen, whether it's partially through PUD
10 amenities or through other means.

11 MS. COHEN: Well, do you know if WMATA is a
12 participant? I mean, is the bid being the leader of
13 this, and is WMATA a participant?

14 MR. LAWSON: So far OP has not been invited
15 to those conversations so we don't know whether WMATA
16 has been at them or not.

17 MS. COHEN: Who do you ask to get an
18 invitation?

19 MR. LAWSON: And actually, I'm going to take
20 that back a little bit. There was supposed to be a
21 discussion in January that was snowed out. And I
22 don't know what other conversations have happened
23 since then. And we would have attended that meeting
24 in January. But I honestly don't know whether WMATA,
25 people would have been there or not.

1 MS. COHEN: I mean, okay. I'll go home and
2 have a glass of wine because nothing seems to ever be
3 communicated amongst agencies, and it's on the
4 federal level too.

5 Mr. Rogers, again, your view of this whole
6 process, are you included in any of these
7 discussions?

8 MR. ROGERS: Which discussions, specifically?
9 I'm sorry.

10 MS. COHEN: All of the above. The ones
11 having to -- well, first of all I guess I don't know
12 what the timing is of Florida Avenue that's been
13 studied, and is there a budget for it? Is it going
14 to happen in my lifetime? Though you don't know how
15 old I am so, in my lifetime is it -- you know, those
16 kinds of questions about how realistic. That's
17 number one. And then number two, are you part of
18 this whole WMATA possible entry way; second entryway?

19 MR. ROGERS: Sure. So regarding the Florida
20 Avenue study, the sort of the planning level study
21 was done this past year and the design work is now
22 just beginning on implementing the preferred
23 alternative. The project is an expensive one to
24 implement. That said, it is something that there is
25 an identified need for and there is certainly a

1 desire to support, you know, the existing land uses,
2 projected land uses. There is a desire to actually
3 implement the plan.

4 I don't know the exact status of the
5 construction funding. I do believe that there is
6 money in sort of -- in our six-year budget toward the
7 later part of that. I can double-check and confirm.
8 But this is a project --

9 MS. COHEN: That would be helpful.

10 MR. ROGERS: -- with desire and momentum to
11 go from where we are now with just going into design
12 to implementation.

13 MS. COHEN: And what about the second
14 entrance to this Metro?

15 MR. ROGERS: There was a study performed to
16 look at how that entrance could be achieved, sort of
17 high level feasibility. DDOT was a participant in
18 that study and I believe there's an option that has
19 sort of risen to the top as being the most preferred
20 option for accommodating that east entrance.

21 I can't speak directly to the discussions
22 regarding how that project, or how that element gets
23 funded and implemented. I know there are
24 conversations that are ongoing, and that's the extent
25 of my knowledge on the status of that project.

1 MS. COHEN: Or maybe you can also update us
2 on, again, where it sits in -- you know, everything
3 is important but sometimes, as you said, things are
4 more important, and is there a budget to, in your
5 six-year plan, to do this? Just something I'd like
6 to know.

7 MR. ROGERS: Okay.

8 MS. COHEN: Thank you.

9 CHAIRPERSON HOOD: Any other questions of the
10 Office of Planning? Commissioner May?

11 MR. MAY: Yeah. So, talking about budget,
12 typically when there are in-fill stations on Metro
13 lines, doesn't the local jurisdiction actually have
14 to pay for it? I mean, WMATA doesn't put it in their
15 capital budget do they? Does anybody know that
16 answer?

17 MR. ANDRES: I don't.

18 MR. MAY: Okay. That was my understanding,
19 my recollection, which may be one of the reasons why
20 WMATA isn't moving it along, because I don't think
21 that they're necessarily budgeted to do those sort of
22 things. And we have experience with what they're
23 doing with another in-fill station in Virginia and I
24 believe that the City of Alexandria is paying for
25 that.

1 And I appreciate the update on the plan and
2 the likelihood that they might actually gain the
3 three feet that they need in order to be compliant.
4 There were no other issues with the extent of the
5 bays. I think Office of Planning can raise that in
6 their report. But how much of the façade is actually
7 bays.

8 MR. ROGERS: From the transportation
9 perspective, the areas that we are -- that are most
10 core to our mission are ensuring that there is a wide
11 pedestrian sidewalk at the ground floor level and
12 there is adequate vertical clearance above that. And
13 then we also look at street trees and the tree canopy
14 and that --

15 MR. MAY: Right.

16 MR. ROGERS: It's something that the trees
17 have been able to be staggered with the furthers bay
18 projections.

19 MR. MAY: Bays. Yeah.

20 MR. ROGERS: So that's the perspective from
21 which --

22 MR. MAY: Right.

23 MR. ROGERS: -- DDOT tends to review these
24 things.

25 MR. MAY: Right.

1 MR. ROGERS: And there may be --

2 MR. MAY: And the building code things you
3 couldn't speak to anyway.

4 MR. ROGERS: Correct.

5 MR. MAY: All right.

6 MR. LAWSON: The Office of Planning rep to
7 the Public Space Committee indicated to us that there
8 potentially was an issue with the length of the bays
9 as well, the amount --

10 MR. MAY: Yeah.

11 MR. LAWSON: -- of bay. But that's something
12 that would be assessed through the Public Space
13 permitting process.

14 MR. MAY: Okay. Because, I mean, it would be
15 a shame to have to come back with a redesign of the
16 building in order to comply.

17 MR. LAWSON: Right. And, you know, again,
18 the Office of Planning totally supports the need to
19 articulate this façade and to not have a flat façade,
20 and we certainly indicate that to the applicant.
21 Whether it's done through this extent of bays or this
22 depth of bays, that's a question that the Public
23 Space Committee will deal with.

24 MR. MAY: Right. They could do a two-foot
25 bay and get the same, largely the same effect.

1 MR. LAWSON: Or a combination of bays and
2 indents or --

3 MR. MAY: Right.

4 MR. LAWSON: -- many, many ways of dealing
5 with that.

6 MR. MAY: Right. Okay. And if they indent -
7 - well, no. I won't try to redesign the building.

8 So I do have another DDOT question which is,
9 you know, once again I saw in the report, the
10 reference to RPP and how there isn't a plan, there is
11 not a way to, you know, affirmatively take a given
12 building off of the RPP roles. But that is something
13 that will need to be done. And I've said this before
14 and I'm just wondering how you all are coming along
15 in actually developing a system with DMV or whoever
16 you have to do it with in order to come up with that
17 system for doing building by building RPP controls.

18 MR. ROGERS: Sure. So, with respect to this
19 particular building this block is not in the RPP
20 database, so that's -- and its characteristics are
21 not consistent with the evaluation criteria that we'd
22 use. So it is not currently in the RPP and unlikely
23 to be.

24 But to your larger point, and this came up
25 recently, and so I did check, and it is our

1 understanding that it is an authority issue in being
2 able to restrict RPP to particular buildings, and
3 that's our interpretation of the issues. It's not do
4 with how, I think as you maybe suggested last time,
5 the different agencies that are involved in the whole
6 of the RPP policy and implementation and enforcement.
7 So it's not related to that, but it is more of a
8 legal authority to restrict that option, that right.

9 MR. MAY: Okay. So, I mean, given some of
10 the actions that we've taken with regard to the
11 Zoning Regulations I think it's important for us to
12 understand exactly what that authority issue is.
13 It's not something that's really germane to this
14 case, but I think that's something that we need to
15 know more about. And maybe that can happen in a
16 training session or something like that. And so, you
17 know, maybe Office of Zoning wants to make note of
18 this as well, but this is something that we need more
19 information about, or maybe we just ask DDOT and OP
20 to provide a memo to the Commission explaining where
21 that stands because you know, it is a critical
22 component of -- well, it's a tool that's being used
23 regularly now in the process of granting relief from
24 parking, and it's also something that was written
25 into the regulations as part of how we get to parking

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1 reductions along high volume bus lines and Metro
2 stations and so on. So we do need to -- we need to
3 figure that one out.

4 I don't have any more questions for them, but
5 I do actually have another question for the applicant
6 at some point, so. So, and this goes to the issue
7 that was raised, I think, by the ANC having to do
8 with bike parking in the lower level.

9 So have you tried to figure out a way to put
10 the permanent bike parking on a more accessible level
11 because it's not going to even be great for your
12 building to have everybody coming in with their bikes
13 in the front door, then riding the elevator down to
14 the basement. And I mean, I know trophy buildings
15 where they won't let you roll your bicycle in. I've
16 had to carry my bicycle into trophy buildings
17 sometimes.

18 MR. CAO: Well, I mean, if you look at the
19 footprint in terms of the size of the lot and meeting
20 some of the ANC needs in terms of wanting to have
21 retail on the third floor --

22 MR. MAY: Yeah.

23 MR. CAO: I'm sorry, on the corner of 3rd and
24 N Street as well as N Street, and then you have your
25 building lobby on the corner of 3rd and Florida,

1 that's pretty much all you have in terms of square
2 footage, as well as DDOT does not permit to have bike
3 storage above the first floor. You're allowed to
4 have bike storage on the first floor and the cellar
5 level, but nothing above that.

6 MR. MAY: Well, and I'm not suggesting it be
7 above that. I'm suggesting that it be on the floor -
8 - I mean, that's, I don't know, maybe it's a big
9 trash room that you have there and maybe there's room
10 there. But the other thing it may be is, maybe
11 there's another way to get down there. I don't know
12 if -- I mean, it just occurred to me. I mean,
13 sometimes you see stairways with a gutter for the
14 bike to ride in as a quicker way to get down there.
15 I mean, I know that I would rather do that than carry
16 my bicycle, you know, across the lobby. Or, you
17 know, because it's a practical thing. You know, the
18 bikes come in, they're wet and they're muddy, and
19 they go across your beautiful granite floors and it's
20 a slipping hazard and everything else. So you
21 probably don't want to have all your bicycles coming
22 in and out of the passenger elevator.

23 So I think you can probably look at that and
24 find a better solution.

25 MR. FREEMAN: For what it's worth,

1 Commissioner May, they looked at it and one thing we
2 did come up with, and it's kind of buried in here, is
3 that for the first three years of the operation of
4 the building, they would offer an in-unit bike rack.
5 Apparently that has been popular in some buildings.
6 So that is something that they've committed to offer
7 in addition to the bike storage in the cellar level.

8 MR. MAY: Yeah. Well, I think that's a good
9 thing too. I mean, I'm sure they're going to be --
10 well, there's some buildings where they won't allow
11 you to have the bicycle in the unit, and just merely
12 allowing the bicycle in the unit is actually a
13 positive thing because that means that some people
14 will, you know, will take advantage of that. But it
15 doesn't solve your, you know, the mess that might be
16 associated with it. Anyway.

17 You could do that in combination. I guess it
18 doesn't count for their requirements. How many more
19 bike spaces do you have than is required by the
20 zoning regs? One per unit is more than is required,
21 right?

22 MR. CAO: Right. Requires one for every
23 three units.

24 MR. MAY: One per three?

25 MR. CAO: Yes.

1 MR. MAY: So maybe you have a third as many
2 on the ground floor and then you allow them to have
3 them in the units. I mean, maybe that's a better
4 compromise. I don't know. I mean, you can talk to
5 DDOT and figure out something.

6 MR. DITTO: What we've found is that, you
7 know, the more expensive the bike the more likely the
8 user to want to take it up to his or her unit.

9 MR. MAY: Right.

10 MR. DITTO: And so as much as we plan for
11 where these things go we always seem to --

12 MR. MAY: Right.

13 MR. DITTO: -- be wrong. You know.

14 MR. MAY: Right. Well, so I mean again, more
15 reason why maybe you don't need quite as many and
16 then the room gets smaller and then maybe you can be
17 on the ground floor.

18 MR. DITTO: It has been exceedingly difficult
19 to try to -- I mean, so we needed, because of
20 loading, we needed entrances to the loading dock.

21 MR. MAY: Yeah.

22 MR. DITTO: From two different locations.
23 It's been very -- you know, one of the things we
24 can't have on the lower level is the trash.

25 MR. MAY: Right.

1 MR. DITTO: So, if we could have switched
2 those, which I tried to do, although it required a
3 trash elevator which is fairly expensive. Yeah. But
4 now, we've been playing with it.

5 MR. MAY: Okay. I appreciate you looking
6 through it that way.

7 MR. DITTO: No, we -- listen, this is a
8 difficult, difficult first floor.

9 MR. MAY: Right.

10 MR. DITTO: It's a great idea and we can look
11 at it again.

12 MR. CAO: Yeah, the plan that you see on the
13 ground floor is probably like the 12th iteration on
14 that plan in terms of working out the bike room and
15 providing retail on the 3rd and N Street corner and
16 all those things. And at the end of the day
17 something had to give, and I think in terms of
18 priority the bike room is less something important
19 than retail and building lobby.

20 MR. MAY: That's arguable.

21 CHAIRPERSON HOOD: I really like you.

22 MR. MAY: That's arguable.

23 CHAIRPERSON HOOD: I like you, Mr. Cao,
24 you're a good man.

25 [Laughter.]

1 MR. MAY: I don't know about that. Thanks.

2 CHAIRPERSON HOOD: Any other questions of
3 either Office of Planning or DDOT?

4 MR. TURNBULL: I just had one comment. It's
5 a minor little issue but when you're doing the sketch
6 of the street, the revised little perspective,
7 whatever is showing that, and you had virtually
8 showed Drawing L-0.8 up there. Hopefully when you're
9 doing the revised sketch, the more realistic view of
10 what this looks like, you put in a realistic view of
11 the street.

12 You have a Gingko tree which you're
13 providing, which as far as I can recall, has a spread
14 of 12 to 15 feet. So I just want to make sure we're
15 realistic as to the tree spread and how it fits in,
16 because the little tree on the sketch doesn't -- on
17 0.8, it's only like about -- it looks like it's maybe
18 two and a half foot. I mean, it's like a five foot.
19 It's a very young tree and I just want to make sure
20 that we do provide the more realistic view of what
21 the tree is going to look like. Thank you.

22 MR. FREEMAN: We will do that, Commissioner
23 Turnbull.

24 MR. TURNBULL: Thank you.

25 CHAIRPERSON HOOD: Commissioner Miller.

1 MR. MILLER: Thank you, Mr. Chairman. I just
2 had one question for Mr. Rogers. I mean, on the N
3 Street closure issue. The original proposal to
4 create a pedestrian plaza or more green space there
5 along N Street. The applicant had stated that DDOT
6 was not inclined to support the closure, but was that
7 -- is that the case or is it -- I mean, your reports
8 say that you were willing to consider it but you
9 needed all this additional information on page 6 of
10 your transportation analysis to determine vehicle
11 capacity, impacts of removing or reducing the vehicle
12 capacity, the block plans for the redesign, the
13 street, and funding and construction plans showing
14 that all physical improvements needed to realize and
15 improve design are feasible from a financial
16 engineering perspective.

17 And OP also said that, I guess, that it was
18 open to it but it needed also more detailed cost
19 estimates and site plans and maintenance agreements
20 and coordination with the land owner to the south.
21 So is it -- do you have a preliminary analysis on
22 your own, or assessment as to the need for this
23 street for vehicular purposes?

24 MR. ROGERS: So I think part of what the
25 confusion is, I think is on terminology. So what

1 DDOT is not supportive of is a right of way closure,
2 so going through a surveyor's order and counsel
3 action approval to close the right of way. We want
4 this to remain right of way.

5 I think we are open to operational changes so
6 reallocating how that right of way is used. Right
7 now it functions as a typical street. Maybe it's a
8 little bit rough around the edges aesthetically and
9 doesn't have some of the standard elements but it's,
10 for all intents and purposes, a standard street.

11 The applicant and the ANC have expressed
12 interest in perhaps changing how the street operates
13 and we're open to exploring those options. There are
14 a few elements that we would require as part of any
15 changes. So I had mentioned previously, there needs
16 to be a place to accommodate loading for this
17 building. And N Street presents the best location to
18 do that. So that would need to be incorporated.

19 I think working with the neighbor across the
20 street to the south is also important to come up with
21 a cohesive design for N Street. Typically, because
22 this land is public space it's subject to public
23 space approval, and typically how the Public Space
24 Committee, which has the jurisdiction over public
25 space elements like this, they look to make sure that

1 both sides of the street are treated collectively and
2 that collectively both sides create this vision for,
3 you know, a changed N Street.

4 So those are the types of things that we
5 would look for and are happy to coordinate with the
6 applicant on those. But that approval from the
7 public space side is needed and that isn't something
8 that has happened yet in terms of, you know, looking
9 for a level of certainty that that approval process
10 is not granted yet.

11 MR. MILLER: So if I could just have just a
12 follow up to the applicant then. Have you had any
13 coordination with the land owner to the south? Who
14 is the land owner to the south and what is the plans
15 for the redevelopment of that site? Or maybe OP
16 knows.

17 MR. DITTO: I don't know if the closing has
18 occurred yet, but Foulger Pratt controls the building
19 to the south. And we have spoken to them, and you
20 know, I don't know that they support the closure of
21 the street. And at some level it was less important
22 because DDOT was clear that they supported some
23 different types of operations or a smaller street.
24 But I don't know that they would support the closure.

25 MR. LAWSON: I would just add, the Foulger

1 Pratt project is a separate PUD that's before you
2 right now, and that's also our understanding that
3 they would prefer that N Street not be closed. But
4 that's a question that could be asked of them.

5 MR. MILLER: Is that scheduled for public
6 hearing yet? Or set down, have we had set down then
7 for --

8 MR. LAWSON: I believe it was set down. I'm
9 not sure if a date has been set yet.

10 MR. MILLER: Okay. Okay. Thank you.

11 CHAIRPERSON HOOD: Okay. Any other
12 questions? Okay. Does the ANC have -- I mean, I'm
13 sorry, does the applicant have any cross of either
14 Office of Planning or DDOT?

15 MR. FREEMAN: No, sir.

16 CHAIRPERSON HOOD: Does the ANC, Commissioner
17 Goodman, you have any cross-examination of either
18 Office of Planning or DDOT?

19 Okay. Other Government reports as noted in
20 the DDOT -- I mean, in the Office of Planning's
21 report, we already spoke about the DDOT report, DHCD.
22 Also, the Metropolitan Police Department, which --
23 and also D.C. Water. But back to the police
24 department, I want to thank Commander Fitzgerald for
25 directing us to go to the Department of

1 Transportation to get their weigh in on this, so we
2 want to thank the Commander of the 5th District. He
3 knows where to tell us which way to go. So when I
4 see him I'm going to make sure I thank him for giving
5 us some advice. It's supposed to be a joke, but
6 anyway. Because we do that anyway.

7 But anyway, so that's all we have for other
8 government reports. Let's do the report of the ANC.
9 Commissioner Goodwin, if you could come forward.
10 Goodman, not Goodwin. What did I say, Goodwin?
11 Goodman.

12 [Pause.]

13 MS. COHEN: Okay. Please identify yourself
14 and then we'll hear your testimony.

15 MR. GOODMAN: Good evening. I'm Tony
16 Goodman. I am ANC Commissioner for 6C-06,
17 representing ANC 6C this evening.

18 ANC 6C voted in January to support this
19 project contingent upon a few items. Those were that
20 there was greater clarity on the proffer for N
21 Street, more definitive statement of TDM measures,
22 and a careful examination of potential for more
23 convenient bike storage. So those were our three
24 things.

25 The applicant has provided information that

1 we feel does satisfy these concerns. Mostly. We do
2 have some comments that are really in line with what
3 the Commissioners were saying. The conceptual
4 streetscape plan, we do not support the specific plan
5 that was up, that they're presenting. But we do
6 understand that it's, you know, it's conceptual.

7 The specific plan seems to show all of that
8 added area being really suited for restaurants. But
9 we'd want, you know, everything that's extra to be
10 more for the public, you know, as a linear park.

11 In general, the ANC strongly, strongly
12 supports not closing N Street, but getting all of the
13 cars and trucks off of N Street. We think that's an
14 important distinction that this should be a street
15 for pedestrians and bicycles. Florida Avenue is just
16 north of here, and N Street connects 3rd to Florida
17 and that's it. It serves no other transportation
18 function. You know, it's one-way east. It really
19 serves nothing.

20 ANC in particular would like, you know, for
21 loading to be on 3rd street. And yeah, for N Street
22 to function as a public gathering space. That's
23 something that we are solely lacking in the
24 neighborhood, and we expect with all these --
25 especially with these big apartment buildings that

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1 that's something that's really needed is these public
2 gathering places. You know, we don't expect a soccer
3 field on there, but you know, public hardscape plaza
4 is something that we really strongly support. And
5 especially in light to, you know, concerns about
6 loading on N Street. It has like 8,000 feet of
7 asphalt there. You know, we wouldn't support keeping
8 most of that asphalt just so that a few trucks could
9 load on there.

10 The applicant on the south side of the street
11 has no curb cuts on N Street at all that they're
12 proposing. So no curb cuts on this street at all.

13 In regards to you know, if something can't be
14 done with N Street, although we do expect something
15 could be done. You know, in the worst case, bumping
16 out the curb a bunch and making a linear park, as I
17 can say, we do not support having that money go to
18 the Tunnel Study. We really love the Tunnel Study,
19 you know. Some people were involved. I was involved
20 in that, you know, but WMATA did work with me, and
21 Amtrak, and lots of other parties. We love that
22 project but this would only cover, you know, one
23 percent of it and that's a very uncertain time frame
24 for that. And they've already spent the money on the
25 feasibility study. So that \$100,000, I mean, the

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1 next step is really more the engineering. And
2 \$100,000 won't do it.

3 So in regards to TDM and the bicycles, I
4 think that any building that does not have a ramp
5 into the lower level, it's not as good a bike
6 parking. You know, and especially for a building
7 that has no car parking, we want to make sure that
8 the bicycle parking works as well as possible.

9 We do like the solution of having bicycles in
10 the units, you know, providing spaces. I mean, our
11 only concern with that was, you know, they're family
12 units, there may be more large bicycles, so we want
13 to make sure that they really can fit in that lobby;
14 that they can fit in the elevator. And I think
15 that's something that, you know, the applicant, you
16 know, should be able to provide, you know making sure
17 there are the proper surfaces like Commissioner May
18 said.

19 You know, and we are supportive of the TDM
20 package in general, but you know, we'll go apply that
21 if OP and the Zoning Commission don't think it is
22 adequate, you know, we always appreciate more
23 BikeShare stations.

24 But you know, in general we do feel that the
25 applicant has listened to our concerns, they've met

1 with us many times, and we strongly support this
2 project and urge you to approve it.

3 CHAIRPERSON HOOD: Okay. Thank you,
4 Commissioner Goodman. Let's see if we have any
5 questions up here. Commissioner May?

6 MR. MAY: Just to clarify. I mean, you would
7 be supportive of a widened sidewalk along N Street
8 and a linear park, provided it was not all you know,
9 wind up given over to the, you know, outdoor
10 restaurant space, things like that. So if were
11 actually really was a linear park --

12 MR. GOODMAN: Yeah, and I think that the sort
13 of the baseline plans show the curb line staying
14 where it is, and the sidewalk set back a few feet
15 from that curb. So I mean, we would support
16 basically the sidewalk staying exactly where it is,
17 the curb being bumped out, and then that area between
18 the sidewalk and the new curb being more linear park.

19 But I mean, in general, if there's an
20 additional 2,500 square feet of space, we would want
21 an extra 2,500 square feet of public space. Does
22 that sidewalk have to be on that exact same straight
23 line, it could angle, I mean, we're open for all
24 sorts of things and we look forward to working with
25 the applicant, Foulger Pratt and DDOT on exactly how

1 that's configured.

2 MR. MAY: I mean, it seems to me that if
3 there's already 23 feet and then we're adding 10,
4 there's a lot of room to do things differently there.

5 MR. GOODMAN: Uh-huh.

6 MR. MAY: And to make it into a substantial
7 park space, I'm not sure about the -- I've heard
8 before that DDOT isn't a big fan of having sort of
9 winding sidewalks, although it has been done on Main
10 Avenue by the arena stage, and so --

11 MR. GOODMAN: I would not support a winding
12 sidewalk. I agree with that. But I think that there
13 is a great opportunity for it not necessarily to be
14 perpendicular to 3rd Street because it is going from
15 3rd to Florida --

16 MR. MAY: Yeah.

17 MR. GOODMAN: -- it doesn't have to be at
18 that exact angle. It could be at a different
19 angle --

20 MR. MAY: Yeah.

21 MR. GOODMAN: -- and still serve a great
22 transportation function.

23 MR. MAY: Okay. Thank you.

24 CHAIRPERSON HOOD: Any other questions? Does
25 the applicant have any questions?

1 MR. FREEMAN: No, sir.

2 CHAIRPERSON HOOD: Or any cross? Okay.
3 Thank you very much. We appreciate your testimony.

4 MR. GOODMAN: Thank you.

5 CHAIRPERSON HOOD: Okay. Let's go to any
6 organizations and persons who are here like to
7 testify in support.

8 Any organizations and persons who are here
9 like to testify in opposition?

10 Okay, Mr. Freeman, if you can give us your
11 rebuttal if you have any, and your closing.

12 MR. FREEMAN: Thank you, Mr. Chairman. I
13 don't have any rebuttal so I'll just jump kind of
14 into closing.

15 We had a full hearing. I think we had a lot
16 of issues come up. I actually boiled them down to
17 what I think are three issues. One, confirmation
18 that we can do improvements along the north side of N
19 Street, and we'll be happy to come up with language
20 that specifically identifies the work that the
21 applicant will ensure will happen with the \$125,000
22 and ditch the escrow concept. I think you made that
23 clear. We will come up with that language.

24 The second piece of information that
25 Commissioner Turnbull and others requested was a

1 section showing the pedestrian experience, for lack
2 of a better word, along Florida Avenue. So we'll
3 happily provide that section, noting both the current
4 dimensions as well as the dimensions that we
5 anticipate will occur once Florida Avenue is
6 extended.

7 And then the third thing is the cost to
8 actually certify this building under LEED, and we'll
9 look at that kind of holistically and on a price per
10 unit so that you could kind of have that comparison.

11 And then the fourth would be to look at
12 whether there's any opportunity to look again at what
13 there's any opportunity to relocate any of the bike
14 parking spaces. So again, we've been here for a long
15 time but I'd like to think what we presented was
16 relatively clear. It indicates that we meet the
17 standards. And we would ask for a date for approval
18 as quickly as possible.

19 If you're inclined to do so tonight that
20 would be great. But if not we understand and we will
21 quickly turn around the information that you've asked
22 for. Thank you.

23 CHAIRPERSON HOOD: Okay. Mr. Freeman, you
24 mentioned that we've been here a long time. If you
25 think this is long come back and see us tomorrow

1 night.

2 MR. FREEMAN: I've been here longer.

3 CHAIRPERSON HOOD: Oh, okay. Okay. And we
4 do have a hearing tomorrow night, though. So let's
5 try to wrap this up so we can come back tomorrow.
6 And if not, we'll be here tomorrow.

7 MR. TURNBULL: Mr. Chair, I wonder if I could
8 just add one clarification. The section, I didn't
9 really want just a straight section because it's hard
10 to tell where you take it from. If that could be
11 sort of a sectional perspective so that you can see
12 where the bays are in-between, how the trick --
13 because your tree is actually in between the bays, is
14 from my understanding from the site plan.

15 So I think we need to sort of see a view that
16 sort of gives a better, a clearer picture of that
17 whole relationship between bays, the underneath, and
18 looking at that whole view around there. If that
19 could be done I think that would be more telling to
20 us.

21 MR. FREEMAN: Absolutely.

22 CHAIRPERSON HOOD: Okay. Any other comments
23 of follow up questions? Colleagues, what is -- you
24 heard the request, Commissioner May.

25 MR. MAY: Yeah, I mean, I think the thing

1 that is a really big issue for this is that benefit
2 relating to N Street and the linear park. And I
3 think that's something that I'd rather see before we
4 take action. I have no doubt that the Commission
5 will vote to approve this and take, you know, prompt
6 proposed action, but I think I'd rather see that
7 first. I don't know about anybody else.

8 And if it's not a, you know, an urgent issue
9 of you know, funding expiring or something like that,
10 then I'd be inclined to wait before we take proposed
11 action.

12 CHAIRPERSON HOOD: Okay. Vice Chair Cohen,
13 you wanted to add something?

14 MS. COHEN: Yeah. I would concur with
15 Commissioner May. I think that we need a very -- you
16 know, a lot of thought to go into that process and
17 they may need to contact a number of people to
18 discuss it further.

19 CHAIRPERSON HOOD: Okay. Are we all on the
20 same page? All right. Okay. I'm not going to make
21 that a big deal. So let's come up with some --

22 MS. SCHELLIN: Some dates.

23 CHAIRPERSON HOOD: -- things that --

24 MS. SCHELLIN: How much time?

25 CHAIRPERSON HOOD: Are we on the same page

1 what we're asking for? So let's come up with some
2 dates?

3 MS. SCHELLIN: I just wanted to add for, DDOT
4 was going to provide an update on the Florida Avenue
5 plan and an update on the budget of the Six Year Plan
6 to provide the budget information also.

7 MR. ROGERS: And if I may add? I would like
8 clarification on exactly what you want to see for N
9 Street. Any improvements there would need public
10 space approval. And there is a process, you know,
11 meeting with everyone to come up with a design
12 concept that works. But the approval process is also
13 something that takes several months and it's not the
14 sort of thing that can be turned around in a couple
15 of weeks. So if you're looking for the level of
16 certainty of, this is something that has permit
17 approval and can go out and be constructed, that will
18 take more time.

19 MR. MAY: I mean, I think we just don't even
20 have a mature concept, so it's really just having a
21 good concept and then it's on the applicant to get it
22 through the approvals. We often wind up with
23 projects that have to go through further public space
24 approvals after they're done with us.

25 And frankly, I don't remember too many of

1 them coming back to us after that. I mean,
2 occasional lay by or something like that comes back,
3 most of the time gets figured out.

4 MR. FREEMAN: You may not recall, you
5 recently approved a project at 300 M Street that had
6 substantial public space improvements as a benefit.
7 And to your point, Commissioner May, you know, that
8 was all subject to DDOT approval and if necessary
9 then we'd come back.

10 So we would file a conceptual plan.

11 MR. MAY: Right.

12 MR. FREEMAN: That we feel relatively
13 confident. And note that it would obviously be
14 subject -- that it's conceptually subject to DDOT
15 approval.

16 MR. MAY: Right. I think the key thing is
17 making sure Mr. Goodman is approving what you --

18 MR. FREEMAN: That is our DDOT.

19 MR. MAY: Yeah.

20 MS. SCHELLIN: So again, how much time?

21 MR. FREEMAN: Two weeks? Two weeks.

22 MS. SCHELLIN: Okay. So then those filings
23 and DDOT, I'm assuming, can also provide that
24 information in two weeks. That would be by 3:00 p.m.
25 March 7th. And then if the ANC chooses to respond

1 they would have until 3:00 p.m. on March 14th. And
2 then we would put draft findings, facts and
3 conclusions of law, also by 3:00 p.m. March 14th.
4 And we would put this on for the March 28th meeting.
5 Okay.

6 CHAIRPERSON HOOD: All right, are we all on
7 the same page?

8 MR. FREEMAN: Yes, sir.

9 CHAIRPERSON HOOD: Any clarification needed?
10 So with that we want to thank everyone for
11 their participation and this hearing is adjourned.

12 [Hearing adjourned at 8:35 p.m.]

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