

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:	:
	:
2400 14 th Street, N.W. -	Case No. 06-24
Level2 Development, LLC	:
	:

Thursday,
January 25, 2007

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

The Public Hearing of Case No. 06-24
by the District of Columbia Zoning Commission
convened at 6:30 p.m. in the Office of Zoning
Hearing Room at 441 4th Street, Northwest,
Washington, D.C., Anthony J. Hood, Acting
Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
MICHAEL G. TURNBULL	Commissioner(AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
MATT JESICK

This transcript constitutes the
minutes from the public hearing held on January
25, 2007

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

(6:34 P.M.)

VICE CHAIR HOOD: Okay, good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, January 25th, 2007. My name is Anthony J. Hood. Joining me this evening are commissioners Jeffries and Turnbull. We are also joined by Office of Zoning staff, Sharon Schellin and Donna Hanousek. Also joining us are the Office of Planning staff. And a very good evening to you all. The subject of this evening's hearing is Zoning Commission case number 06-24. This is a request by Level 2 Development for approval of consolidated planning and development for property located on the west side of 14th Street, between Belmont and Chapin Streets Northwest, and known as Lot 219 and Square 2661.

Notice of today's hearing was published in the D.C. Register on October 6th, 2006. Copies of today's hearing announcement

1 are available to you and are located to my
2 left on the wall near the door. The hearing
3 will be conducted in accordance with
4 provisions of 11-DCMR-3022. The order of
5 procedure will be as follows: preliminary
6 matters, applicant's case, report of the
7 Office of Planning, report of other government
8 agencies, if any, report of Advisory
9 Neighborhood Commission 1B, organizations and
10 person in support, organizations and persons
11 in opposition. The following time constraints
12 will be maintained in this meeting: The
13 applicant, twenty minutes, organizations, five
14 minutes, individuals, three minutes.

15 The Commission intends to adhere
16 to the time limits as strictly as possible in
17 order to hear the case in a reasonable period
18 of time. The Commission reserves the right to
19 change the time limits for presentations if
20 necessary, and no time should be ceded. All
21 persons appearing before the Commission are to
22 fill out two witness cards. These cards are
23 located to my left on the table near the door.

1 Upon coming forward to speak to the
2 Commission, please give both cards to reporter
3 sitting to my right before taking a seat at
4 the table.

5 Please be advised that these
6 proceedings are being recorded by a court
7 reporter, and is also Webcast live.
8 Accordingly, we must ask you to refrain from
9 any disruptive noises and actions in the
10 hearing room. When presenting information to
11 the Commission, please turn on and speak into
12 the microphone, first stating your name and
13 home address. When you are finished speaking,
14 please turn your microphone off so that your
15 microphone is no longer picking up sound or
16 background noise.

17 The decision of the Commission in
18 this case must be based exclusively on the
19 public record, to avoid any appearance to the
20 contrary, the Commission requests that persons
21 present not engage the members of the
22 Commission in conversation during any recess
23 or at any time. The staff will be available

1 throughout the hearing to discuss procedural
2 questions. Please turn off all beepers and
3 cell phones at this time so not to disrupt
4 these proceedings. Would all individuals
5 wishing to testify please rise to take the
6 oath?

7 Ms. Schellin, would you please
8 administer the oath?

9 MS. SCHELLIN: Yes.

10 (Whereupon, the witnesses were
11 sworn).

12 VICE CHAIR HOOD: Thank you. At
13 this time, the Commission will consider any
14 preliminary matters. Does the staff have any
15 preliminary matters? Mr. Glasgow, do you have
16 any preliminary matters?

17 MR. GLASGOW: No sir.

18 VICE CHAIR HOOD: Well, why don't
19 we proceed?

20 MR. GLASGOW: Thank you, Mr.
21 Chairman. Good evening, members of the
22 Commission, for the record, my name is Norman
23 M. Glasgow, Junior, of the law firm Holland &

1 Knight, representing the applicant, Level 2.
2 Here with me this evening are Ms. Leila
3 Batties, also of the same law firm, Mr. David
4 Franco, Level 2, owner of the property, Mr.
5 Robert Sponseller of the architectural firm of
6 Shalom Baranes Associates, and Mr. Steven
7 Sher, land planner with Holland Knight. Also
8 in attendance are Mr. Dan Van Pelt of Wells
9 and Associates, traffic engineers, and Eric
10 Smart of Bolan Smart Associates.

11 Misters Sponseller, Sher, Van Pelt
12 and Smart are all offered as expert witnesses
13 in the areas of urban architecture, land
14 planning, traffic engineering and land
15 economics. All of these experts have
16 previously been accepted as such by the
17 Commission in past cases. So I offer those
18 all as expert witnesses to this Commission in
19 this case.

20 VICE CHAIR HOOD: Okay, colleagues,
21 they've been offered before, no problem?
22 We'll accept them, thanks.

23 MR. GLASGOW: Thanks. Before

1 proceeding with the testimony of the
2 witnesses, it is our understanding that the
3 Commission wants the applicant's testimony and
4 presentation to focus on potential issues
5 pertaining to height and view. Otherwise we
6 are prepared to stand on the record and answer
7 questions.

8 VICE CHAIR HOOD: That would be the
9 way we would like to proceed. Just hit the
10 highlights of some of the issues, especially
11 if you could speak to some of the issues that
12 Office of Planning had and how you have
13 addressed it, some of the issues that the
14 Commission mentioned, and I think that should
15 be sufficient.

16 MR. GLASGOW: All right, thank you.
17 It is noteworthy that the applicant, in
18 securing the support of the ANC, and the ward
19 council member and various community groups,
20 has worked carefully on the design of the
21 building to orient the massing of the building
22 to the eastern part of the site along 14th
23 Street.

1 As will be testified by the
2 architect, the western most corner of the
3 building is sixty five feet in height, and the
4 roof structures are set back approximately
5 fifty feet from the western property line,
6 which is significantly more set back than an
7 alternative matter of right design would be.
8 Which would have a sixty five foot height at
9 the corner, and then set back eighteen and a
10 half feet and then go up eighteen and a half
11 feet. So we think that we have tried to
12 address the height issue with respect to that.
13 And that was in coordination with the
14 community, with the ANC, and with the Office
15 of Planning.

16 Furthermore, as the Commission is
17 aware, nearby property owners have no view
18 easement or view corridor across private
19 property. But we have addressed that issue in
20 any event. In addition, this Commission, in
21 a similar case, directly across 14th Street,
22 approved a ninety foot high building with
23 essentially exactly the same relief as

1 requested here. In that case, once again, the
2 property was on the east side of 14th Street,
3 and we pushed the mass of the building to the
4 west, on that side, to 14th, away from the
5 surrounding properties on that project. And
6 here, we've done the flip side, the mirror
7 image of that. And with the same applicant.

8
9 If there are no preliminary
10 questions, I'd like to proceed with the
11 testimony of the first witness, Mr. David
12 Franco.

13 MR. FRANCO: Good evening, my name
14 is David Franco, residing at 2307 15th Street
15 NW, Apartment 4, Washington, D.C. 20007. I'm
16 a principal of Level 2 Development. I'd like
17 to thank you for this opportunity to present
18 our plan for development for 2400 14th Street
19 this evening. Tonight I'm going to try to be
20 brief and tell you about our company, our
21 public benefits package, and our working
22 relationships with the community and its
23 leaders to ensure that common goals and

1 objectives were met for this PUD. Level 2 is
2 a local development firm specializing in
3 mixed-use residential projects in the 14th and
4 U area, with our office located just a few
5 blocks away from the proposed development
6 site.

7 My business partner and I are
8 native Washingtonians and I've lived on 14th
9 Street, a block away from the proposed
10 project, for four years. We are active
11 corporate citizens in our community and we
12 participate in the Meridian Hill Neighborhood
13 Association, Cardoza/Shaw Neighborhood
14 Association, and Mid-City Business
15 Association. We also regularly attend ANC-1B
16 meetings, even when we're not on the agenda.
17 Last year, the Zoning Commission and the ANC
18 approved our view 14 PUD and 183 mixed-use
19 development directly across the street from
20 this proposed PUD. For a collaborative effort
21 with community members in the view 14 PUD
22 process, we were able to eliminate the blight
23 of Comcast satellite dish for them, as well as

1 prevent the displacement of forty eight low-
2 income families at the nearby Crestwall
3 apartments through a million-dollar
4 contribution to the tenants' association.

5 In the same collaborative spirit,
6 we met with community stakeholders again to
7 discuss the existing Nehemiah Shopping Center
8 and assess the community's public benefit
9 needs. Together we determined that, through
10 the community process, we could eliminate the
11 property's blight, create new housing, and
12 provide affordable housing, subsidize retail
13 and contribute to the neighborhood-serving
14 non-profit organizations. Originally intended
15 to be a vibrant neighborhood-serving retail
16 center, the Nehemiah Shopping Center over the
17 years has become a known-source of crime and
18 violence, and the center has been under-
19 utilized with many vacant storefronts. Other
20 developers attempted to acquire and redevelop
21 the property, but these efforts failed when
22 neither the contract purchaser nor the former
23 property owner could reach lease-termination

1 agreements with existing tenants, some of
2 which had leases that would not expire until
3 the year 2018.

4 With the encouragement of several
5 community leaders, Level 2 Development did
6 successfully acquire the property and
7 negotiate termination agreements with
8 necessary tenants, but at buyout cost
9 exceeding \$2.4 million, significantly above
10 our expectations. Nevertheless, the economic
11 benefit of over 3.7 million annually in the
12 form tax revenues resulting from this project
13 far exceeds the tenant buyout cost.

14 Other public benefits include
15 onsite affordable housing, at an area
16 equivalent to fifteen percent in the increased
17 residential density, or approximately fifteen
18 to sixteen units, a thousand square feet of
19 subsidized retail, that's fifteen percent of
20 the market rate, to be rented to an LSDB
21 business. First source of employment
22 agreement with the Department of Employment
23 Services. The incorporation with LEED

1 practices in building design, Flex/Zipcar
2 sharing space, and \$25,000 in contributions to
3 neighborhood non-profit organizations. In
4 addition to working with the community members
5 to develop this set of public benefits, Level
6 2 Development and our architects have held
7 several working sessions with the Office of
8 Planning and local neighborhood
9 associations to achieve a project that meets
10 the goals of the community. At each working
11 session, feedback was provided and ideas were
12 exchanged. As a result, several revisions to
13 the project were made which improved the
14 design and minimized the project's impact on
15 the community.

16 These changes, in which you'll
17 hear more detail by our architects, include
18 reducing building massing in the north and
19 northwest portions of the building, creating
20 additional setbacks, reducing the mechanical
21 penthouse size, reorienting parking garage
22 entrance, and creating a western barrier on
23 the rooftop pool area to address potential

1 noise issues. Additionally, we increased the
2 proposed green roof area from 2000 to 3000
3 square feet. Robert Sponseller from Shalom
4 Baranes will detail the architectural
5 refinements to the project. I encourage you
6 to support the 2400 14th Street PUD based on
7 the public benefits and architectural designed
8 that has been refined through collaboration
9 with community stakeholders and public
10 officials.

11 Thank you for your time.

12 MR. SPONSELLER: Good evening, my
13 name is Robert Sponseller. I am a design
14 principal at Shalom Baranes Architects. My
15 home address is 987 Old Holly Drive in Great
16 Falls, Virginia. It is my pleasure to be
17 before you tonight to present our project to
18 you. This is an area we're quite familiar
19 with. Our office designed a project a couple
20 blocks south of here at 14th and V streets,
21 the Langston Condominiums, and we're quite
22 familiar with 14th Street and I want to
23 mention just a little bit about the role that

1 14th Street serves in this city. I think it's
2 important to the issue about the height of the
3 project.

4 Traditionally, and today, 14th
5 Street has always been one of the major
6 arteries that traverses the city north-south,
7 and it's very different than the north and
8 south streets east and west of it.
9 Historically, it was one of the first streets
10 that had a trolley system, albeit horse-drawn,
11 in the latter part of the 19th century. It
12 was automobile row at the turn of the century,
13 this was the home of many of the auto
14 showrooms and repair facilities, some of which
15 are extant today and have left an
16 architectural legacy on 14th Street, which we
17 found very interesting. And to bring that up
18 to date, the Metro line, the Green line, runs
19 up and down 14th Street. There's a Metro
20 station at Cordoza, and 13th and U Street, and
21 the Metro bus lines serve this artery very
22 heavily.

23 So it's one of the major

1 thoroughfares that traverse the city north and
2 south. And it's a street that is undergoing
3 quite a bit of change, and I think it's
4 finally getting its due architecturally, the
5 amount of development that's happening on 14th
6 Street is fitting of its role as a major
7 north-south connection in the city.

8 The site that we are going to show
9 you tonight is bounded by Chapin and Belmont
10 along 14th Street, and along the western edge
11 of the site is a twenty foot public alley
12 which traverses the entire block. And one of
13 the elements of our plan that I want to focus
14 on is the circulation pattern that we're
15 improving versus what's there today. The
16 particulars of the zoning for this site, and
17 you can see on this image on the right, that
18 what happens on 14th Street is that for a
19 block or a block and a half on either side of
20 it, stretching from downtown north all the way
21 up to Columbia Heights, the zoning has been in
22 place for larger mixed-used projects, from C2B
23 to C3 and CR zones. And this is quite

1 different from 16th Street and 13th Street and
2 12th Street. It's been really established as
3 a special kind of district in the city for
4 additional density, taking advantage of the
5 infrastructure and the role that 14th Street
6 plays overall.

7 The images on the left side of the
8 screen are existing site photos. There is
9 currently a suburban type strip-center on the
10 site with surface parking along 14th Street
11 and two curb cuts, one each off of Belmont and
12 Chapin. These are additional site photos that
13 I'm sure you're all familiar with. On the
14 lower-left image is a picture of some of the
15 new projects that are coming, the Union Square
16 Townhomes by PN Hoffman is in the lower right.
17 And then the images on the top are the current
18 state of buildings that border the site as
19 well. So our concept for the design was, very
20 simply, to place retail at the ground level
21 and, as opposed to what has been done
22 currently on this site, to face the streets
23 and hold the street edge all the way around

1 the site, to put eyes on the street in terms
2 of residential units on the north side at
3 Chapin Street. And then two major retail
4 plates right along the 14th Street front edge,
5 right at the right-of-way, line complete the
6 southern edge of the block and ring down
7 Belmont to the alley.

8 All of the servicing and parking
9 entrances have been placed off of the public
10 alley, which is again twenty feet wide, and as
11 you can see, the massing and the approach to
12 the building has been to really anchor the
13 building on 14th Street, to really anchor the
14 main corner at the northeast side of the site
15 and front the building on 14th Street,
16 allowing for setbacks to the neighborhoods to
17 the west.

18 The setbacks range from thirty to
19 fifty feet in the middle, thirty feet at the
20 southern end of the site, and our massing
21 concept is - this is a site with an extreme
22 amount of topography. There is a twenty five
23 foot difference in elevation from the

1 northwest to the southeast corner, and what
2 we've done, architecturally is arrange three
3 interlocking volumes which step down the hill
4 from Chapin to Belmont. And that's
5 illustrated in this diagram. And these
6 volumes are tethered by an architectural
7 scrim, which faces 14th Street and really
8 fronts the building in a very formal way on
9 this major avenue in the city.

10 Next I'll walk you through the
11 ground level plans, and if you'd like more
12 information on the upper level plans I can do
13 that at your request. Just to reinforce the
14 idea about the front edge of the retail, you
15 can see in the plan here that the pink areas,
16 all retail at the southwestern corner of the
17 site, and for graphing purposes, we've re-
18 oriented the building- north is to the right
19 on all these plan slides I'm going to show
20 you. So we have a retail plate which extends
21 from Belmont to the mid-block portion of the
22 building, and at that location we have our
23 main residential entry, located here, right in

1 the middle of the block, essentially. And
2 because we're buried into the hill to the
3 north, you're seeing the parking level, which
4 is actually below grade as you're walking the
5 street.

6 At street level is another retail
7 plate- we've divided this into three retail
8 plates on the northern end of the site, which
9 extend to the corner at Chapin, and then
10 there's residential units which run west on
11 Chapin Street to the alley.

12 As I mentioned, the servicing
13 elements here, the loading bays and retail
14 parking and the residential parking entrances
15 are all off of the twenty foot public alley on
16 the western side of the site.

17 Again, I can come back to these if
18 you'd like, but you'll notice as you look at
19 the floor plans as you rise up in the building
20 that the building diminishes in size because
21 of the stepping that we've accomplished in the
22 massing. You can see this on some of the
23 upper-level floor plans here on the lower

1 right and on the this next image, where the
2 9th floor plan is the major rectangle here,
3 shown in plan.

4 This plan illustrates, I think,
5 fairly well the setbacks that we provided
6 adjacent to the neighbors to the west. So
7 14th Street is at the bottom of the page here,
8 we have a fifty foot setback from our western
9 face, here, to the property line. The
10 northern element of the massing is on the
11 alley but is has been stepped down to sixty
12 five feet as has been mentioned in the
13 presentation, and through discussions with the
14 neighborhoods and Office of Planning, we've
15 provided an additional setback, a two-story
16 setback, at the top of the building on the
17 Chapin Street element to coincide more
18 successfully with the sixty, sixty-five foot
19 buildings that occur to the west.

20 And at the southern of the site,
21 the building is setback in its entirety,
22 thirty feet from the alley frontage here to
23 the main wall of the building. There's a

1 penthouse, a pool pavilion located on top of
2 the building at the lower side, at the
3 southeast corner. Just quickly, because this
4 was an issue with the Office of Planning,
5 additionally, we've done a diagram to show how
6 we're buffering the neighbors to the west from
7 the pool deck and from noises that could be
8 associated with the pool deck. This is an
9 axonometric drawing here, which is
10 illustrating the southern end of the building.

11 This is the pool, this is the pool
12 pavilion, which will house locker rooms and
13 mechanical equipment, and then there's a glass
14 screen wall here, which runs all the way out
15 to the building edge and will screen the
16 neighbors from any activities up there.

17 On the northern end of the
18 building, we have increased, at OP's request,
19 we have added additional green roof space, so
20 we've removed some of the residential terrace
21 areas and are providing 3000 square feet now
22 on the northern edge of the building along
23 Chapin Street as a green roof, integral with

1 our basic structure. I'll just show you one
2 time before I go to the elevations again, what
3 you'll see in the elevations is this massing
4 concept illustrated. You'll notice the screen
5 wall that I mentioned, which is the
6 architectural scrim, and then three volumes
7 which face the three primary street frontages,
8 and are different heights and step down the
9 site.

10 So here we are on 14th Street, and
11 you're seeing the primary architectural
12 feature, which is this scrim, which is a two-
13 story reading of balconies and bays set inside
14 a larger architectural framework. This will
15 be an architectural pre-cast concrete element,
16 and I'll show you some images of that in a
17 moment. And then at the base of the building,
18 the retail, as you can see, runs from the
19 Belmont frontage all the way up to the other
20 corner, interrupted in the middle with
21 residential lobby. And then there's a glass
22 corner element on the northeast corner of the
23 site and a small glass corner element at the

1 southeast corner of the site. All of the
2 other materials are brick masonry. There's
3 three primary brick volumes, which we'll show
4 you colors of. Which again relate to the
5 neighborhood to the west in terms of their
6 scale and their massing.

7 This is the southern elevation of
8 the building, and the building at this corner
9 is eighty-five feet at the Belmont side. This
10 is the one end of the residential barn, as I
11 mentioned, it's a series of discrete volumes,
12 this is one of those volumes on the southern
13 end of the site. And here you can see the
14 thirty foot setback that we provided to the
15 public alley, which occurs here. And you get
16 a sense, I think, for the topography in this
17 slide. There's an eight foot drop from the
18 alley down to 14th Street on this image. And
19 then turning to the northern side next, this
20 is the Chapin Street elevation, and as I
21 mentioned, there's a glass bay element at the
22 main corner. And then this is where we've
23 made most of the modifications over time,

1 working with OP and the neighbors.

2 We've taken off two stories from
3 this frontage and set the building back about
4 twenty feet at this location, so that the
5 primary exposure along Chapin Street is a
6 sixty five foot tall wing of the building, one
7 of those volumetric elements I mentioned,
8 which is primarily brick masonry in
9 materiality, and which has a reveal element,
10 a balcony opportunity between it and the
11 corner glass bay. And here you get the idea
12 of this aggregate of volumes which are coming
13 together and held together with the
14 architectural scrim.

15 The idea of the scrim in the frame
16 is something we've employed on other buildings
17 we've designed. These are just examples from
18 other projects, and I can come back to these
19 if you'd like more detail. This is our brick
20 palette and our architectural pre-cast
21 selection as well.

22 VICE CHAIR HOOD: Don't feel
23 rushed, still do you short version, but don't

1 feel rushed.

2 MR. SPONSELLER: Okay, thank you.
3 I spent a lot of time putting this together.
4 Next I'd like to walk you down the streets and
5 just showing you the building in context. And
6 beginning with Chapin Street on the northern
7 side, for each street we've taken two views,
8 and there's a key plan at the bottom of this
9 page, and it shows you where the station points
10 are for the views.

11 So beginning with this station
12 point, west on Chapin, you're looking, on the
13 left here, towards 14th Street, and our
14 building is this element, from a distance. As
15 you approach the halfway point, or the
16 building and a half away from our site, you
17 can see the building in relation to the
18 residential buildings to the north side of it,
19 and here's our project. You can see the sixty
20 five foot demarcation that I mentioned in the
21 massing, and the setback stories above. These
22 are neighboring buildings on Chapin Street.

23 We'll do the same thing on Belmont

1 Street without going into all the detail.
2 This is the distant view on the right, and
3 then a closer-in view on the left, and this is
4 our building on its southern facade, in both
5 views. And then 14th Street, and here I think
6 you get a sense for the way that the building
7 really is anchored on 14th Street.

8 The primary element being this
9 architectural frame is seen from the south in
10 the view on the left and is seen from the
11 north in the view on the right.

12 In the view on the right, you can see the
13 setback that we provided along Chapin. In the
14 view on the left you can see how the various
15 volumes are separated from the main volume,
16 reducing the overall scale of the project and
17 enhancing the scrim.

18 We also have compared, at the
19 request of one of the neighbors, an image
20 which compares a sixty five foot matter of
21 right building under the zoning with our
22 proposal. And we've taken two views to
23 illustrate the comparison. On Chapin Street

1 again, and on the right is our proposal, the
2 same views that I've just shown you, and on
3 the left is a sixty five foot building.

4 The same basic footprint is used
5 in both schemes. So on the left is a sixty
6 five foot L-shaped plan, and on the right is
7 our L-shaped plan. And there's a mechanical
8 penthouse on the sixty five foot building, as
9 we have on our ninety foot building. And this
10 is a view taken midway down Chapin Street,
11 comparing the two designs. And this is a view
12 taken, you can see the key plan -- standing
13 across the street, in front of one of the
14 buildings, the Denver Building, on the north
15 side of Chapin. Looking at our site under
16 both circumstances, so on the left is the
17 sixty five foot L-shaped building, and on the
18 right is our massing, which is essentially
19 sixty five feet at the northeast corner. And
20 our setback stories here above.

21 So this is a comparison taken from
22 the very same station point, looking at the
23 project in both ways. This next slide just

1 illustrates some of the modifications we've
2 made working with OP over the past few months.
3 I think one of the biggest is reducing the
4 overall size and height of the penthouse by
5 three feet. And then increasing the setback
6 from the west a full story and then an
7 additional five or six feet beyond that.

8 Time permitting, I could show you
9 the landscape slides.

10 VICE CHAIR HOOD: We'll ask
11 questions if we need to see them.

12 MR. SPONSELLER: Okay.

13 MR. GLASGOW: I'd like to call our
14 last witness, Mr. Steve Sher.

15 MR. SHER: Good evening, Mr.
16 Chairman and members of the Commission. For
17 the record, my name is Steven E. Sher, the
18 director of zoning and land-use services with
19 the law firm of Holland and Knight. I'm going
20 to take a very short amount of time and make
21 a couple of key points. This is a site on the
22 14th Street corridor, as Mr. Sponseller
23 indicated through his slides. The District of

1 Columbia is a city of, to quote some sort of
2 planning vernacular, wedges and corridors.
3 And 14th Street is one of those corridors.
4 And on those corridors, the city has
5 traditionally encouraged higher density,
6 higher intensity development, and in the areas
7 between those corridors, the so-called wedges,
8 we have lower density, lower intensity
9 development.

10 So when you look at the zoning
11 pattern, when you look at the comprehensive
12 plan maps, when you look at the land-use
13 proposals, as Robert mentioned, it goes back
14 to some of the early streetcar lines. Georgia
15 Avenue, 14th Street, Connecticut Avenue, are
16 the major radial streets coming out of
17 downtown. They have the highest density.
18 They are now, in the modern day transit
19 vernacular, near Metro and the various
20 stations that the Commission is well aware of,
21 and what you are seeing here is a fulfillment
22 of the planning pattern that is shown in the
23 current comprehensive plan generalized land-

1 use map. And to begin to introduce the
2 Commission to the new comprehensive plan,
3 future land-use map, which has been passed by
4 the Council, signed by the mayor, but is still
5 pending before NCPC and the Congressional
6 layover.

7 Under the current plan map, it
8 shows this as medium density residential.
9 Under the new plan map, it shows it as mixed-
10 use medium density residential, medium density
11 commercial.

12 So it clearly recognizes the
13 nature of 14th Street as that mix of
14 commercial uses that have been there
15 traditionally with the now-coming flourishing
16 residential uses and the high-rise apartment
17 buildings above the ground-floor retail. The
18 new comprehensive plan also has a generalized
19 policy map, and on that policy map it
20 designates 14th Street as a main street mixed-
21 use corridor. Again, a reflection of the sort
22 of traditional role that the street has filled
23 in the city of providing that corridor going

1 through, out of downtown and to the north in
2 this case.

3 This case, the building as
4 proposed, is primarily an apartment house with
5 ground-floor retail. It is ninety foot
6 maximum height with a 6.0 FAR, and of that 6.0
7 FAR the predominate amount of space is
8 residential. The PUD provides for an increase
9 of about 100,000 square feet, over the matter
10 of right permitted by the existing zoning.
11 We're not seeking a change in the zoning, only
12 to take advantage of the guidelines for FAR
13 and height permitted under the PUD.

14 And all of that increase is going
15 to residential. In fact, we are forgoing a
16 substantial amount of commercial that is
17 allowed under the existing zoning in order to
18 do more residential. And that is, again,
19 something that the city has consistently been
20 looking for, and the PUD regulations, the
21 comprehensive plan, all talk about providing
22 more housing as a benefit to the city, more
23 tax-paying residents, more dollars to the city

1 treasury in the long run. And so what we're
2 doing here I believe is completely consistent
3 with existing policy and the proposed policy
4 in the comprehensive plan, and I have looked
5 at all the particulars required under the
6 regulations, and they're all set forth in the
7 analysis which you have before you.

8 I want to just mention there are
9 four areas, and they're all relatively minor,
10 where we seek some deviation from what the
11 regulations normally require. Number one, we
12 have the famous or infamous residential
13 recreation space, about which the Commission
14 has made a decision that it is no longer to be
15 required, and I'm going to stop there. Number
16 two, we have a lot occupancy issue. The lot
17 occupancy issue only arises because we have
18 those four residential units that face Chapin
19 Street. So at that level, which is
20 predominantly a commercial level, we occupy
21 93% of the lot. When you get above that --
22 and C2B allows 80% lot occupancy -- when you
23 get above that level, we're at 73% or less, so

1 it only comes about because we introduced
2 those residential units at the ground floor on
3 the Chapin Street side of the site.

4 We have a slight, I'll call it
5 deviation on loading, the regulations would
6 normally require a fifty foot loading berth
7 for an apartment house, and I know the
8 Commission has heard any number of apartment
9 house cases where the need is just not there
10 for a fifty five foot truck to get in that
11 berth. Instead of one fifty five foot berth,
12 we have two thirty foot berths and a twenty
13 foot and a twenty foot delivery space. And in
14 fact, the way that loading area is configured,
15 we can accommodate a truck larger than thirty
16 feet and it's unlikely, and in fact,
17 inconceivable that a fifty five foot truck
18 would want to get back into that alley and
19 into that loading area.

20 And the last area of deviation is
21 on the roof structure, as Mr. Sponseller
22 indicated, we have set the building back
23 considerably from the alley on the west. So

1 the roof structure, which is more or less in
2 the center of the building, is further to the
3 edge of the building on the west side than
4 would be required by the one to one. We're
5 still well back from the property line, we're
6 just closer to the edge than we would
7 ordinarily be. On the street sides on the
8 northeast and south, we more than meet the one
9 to one requirements.

10 So those are the three areas of
11 deviation where we don't meet the normal
12 requirements of the regulations. It is my
13 opinion, having reviewed the regulations and
14 the requirements of chapter 24 and looking at
15 the comprehensive plan, that this is a project
16 that is worthy of the Commission's
17 consideration and approval and I would suggest
18 you do so.

19 MR. GLASGOW: That completes our
20 direct presentation.

21 VICE CHAIR ANTHONY: Okay, thank you
22 gentlemen. Let me ask this first, is there
23 anyone here in support of this project? Just

1 raise your hand so I can see. Okay. Is there
2 anyone here in opposition? Okay, thank you.
3 I just wanted to see where we were. Okay,
4 commissioners. Who wants to start?

5 COMMISSIONER TURNBULL: Thank you
6 Mr. Chairman. I had a couple questions, and
7 I guess I wanted to go back to the roof plan.
8 By the pool, where you're putting this glass
9 wall, there's a square outline, not part of
10 the building, but it's - maybe you could help
11 define what we're looking at as we look at
12 that roof plan.

13 MR. SPONSELLER: Okay, that is an
14 opening in a plane, in an architectural plane,
15 it is an articulation of an architectural
16 element. You're seeing an opening of a roof
17 structure. Let me go to the axonometric
18 drawing. Okay, the square that you see in
19 plan is supposed to represent that opening in
20 the plane. On top of the pavilion we've put
21 a horizontal plane element, which we would
22 articulate with trellis-type members inside it
23 to screen the sun. The acoustical barrier is

1 that the western-most side of the pool
2 pavilion, which is directly underneath the
3 plane at this location. And it would be a
4 translucent, transparent glass element.

5 COMMISSIONER TURNBULL: How do you
6 intend to light it up there?

7 MR. SPONSELLER: To light the plane?

8 COMMISSIONER TURNBULL: Right.

9 MR. SPONSELLER: We're actually
10 going to do very low-key lighting just around
11 the pool deck, for code purposes, to provide
12 a low level of light for evening use. But
13 just down at the terrace level on the pool. We
14 were not planning on lighting the projection
15 plane that I mentioned, just the terrace.

16 COMMISSIONER TURNBULL: As we go around
17 by the pool area, are those just going to be
18 pavers?

19 MR. SPONSELLER: Yes it is going to be
20 all pre-cast concrete pavers.

21 COMMISSIONER TURNBULL: Then as we go
22 down further there is an area which it doesn't
23 show on this plan but on one of the plans, one

1 of the roof plans in our book, it shows
2 private terraces.

3 MR. SPONSELLER: Yes.

4 COMMISSIONER TURNBULL: In that
5 penthouse area there are stairs that come up
6 into little rooms.

7 MR. SPONSELLER: Yes. What we are
8 showing here in this roof plan on the right is
9 a series of stairways which are approximately
10 six feet by fourteen or fifteen long with a
11 six foot by eight foot landing at the top of
12 each stairway to get out to residential
13 terraces for the units that are directly below
14 the roof. So it is a stair access way to the
15 main rooftop for the residents on the ninth
16 floor.

17 COMMISSIONER TURNBULL: On the plan
18 we are looking at it looks like those rooms
19 are twice the size of the stair itself.

20 MR. SPONSELLER: What we have done
21 since the plan you have seen is we have
22 articulated where the mechanical space is in
23 those rooms. Each of those rooms will also

1 have mechanical equipment for the units below.
2 We have added a demarcation in these rooms,
3 taken about half the area, and demised it as
4 mechanical space. Which was always the intent
5 but was not as clearly articulated. So, the
6 zone on the west side of the stairways is
7 mechanical space and there will be a wall with
8 a mechanical room for the residents in there.

9 COMMISSIONER TURNBULL: Are we going
10 to get copies of those plans?

11 MR. SPONSELLER: We brought with us
12 copies and we would be happy to share those
13 with you. We have copies with us.

14 COMMISSIONER TURNBULL: Because you
15 know what our concern is, it becomes
16 inhabitable.

17 MR. SPONSELLER: Absolutely. We have
18 been through this before.

19 COMMISSIONER TURNBULL: The private
20 terraces, just pavers again?

21 MR. SPONSELLER: Just pavers.

22 COMMISSIONER TURNBULL: I guess one
23 our concerns is, we appreciate your green

1 roof, but we were kind of hoping for a little
2 bit larger, more expansive use of green --
3 that probably represents only about five
4 percent of your total building.

5 MR. SPONSELLER: What we are doing
6 on the roof to create this green roof area is
7 actually more complicated than it sounds. In
8 order to do a viable green roof area, we need
9 to remove all of the systems that penetrate a
10 rooftop on a residential building. If you have
11 ever been on top of a residential building --
12 it's all mechanical equipment up there. All of
13 the fans come up vertically the exhaust fans
14 come up, and the heat pump systems are on the
15 roof as well. In order to create this green
16 area that I am showing you on the plan, we
17 have moved all of those systems and we have
18 transferred them into the main mechanical
19 penthouse. The terraces will be subdivided
20 with that equipment that I mentioned. And so
21 what we didn't want to do is commit to
22 transferring all of those systems in a larger
23 area than 3,000 square feet because it is

1 cumbersome for the building. It' a lot of
2 height, and coordination of mechanical
3 equipment at considerable expense. So we have
4 left the mechanical systems as natural
5 dividers for the terrace area on the east side
6 of the building, but we've bitten the bullet
7 and created a clear span green roof area on
8 the north side of the building where we can
9 place this element.

10 I think what's important about the
11 green roof is getting it all together in one
12 location so it actually works.

13 COMMISSIONER TURNBULL: I think
14 that's admirable. We have had a lot of other
15 problems come before us that have gone a
16 little bit further and given us - that have
17 gone beyond five or ten percent and really
18 tried to make a very integrated green roof. I
19 am feeling that we are just a little bit short
20 of what we have normally been seeing on a lot
21 of other developments. But let me move on. Let
22 me just pursue on the green aspect of the
23 building. You mentioned in some of the

1 literature that we received about LEED design,
2 that you are not going for LEED certification.
3 I don't really see any definitive point level
4 or whether you are going for - are you trying
5 to achieve gold, silver, and what kind of
6 point level - I guess I'd like to see some
7 kind of indication.

8 If you are not going for
9 certification that is understandable. But I
10 would like to know to what degree you are
11 trying to achieve.

12 MR. SPONSELLER: What we are saying
13 in the report, I think in the report that came
14 from Holland and Knight, is that while we're
15 not going for twenty six points for
16 certification, these items are defined by
17 LEED, so the standards that are developed by
18 the LEED council, the green building council,
19 are the definitions that we will use in
20 achieving these elements. We can submit these
21 elements to LEED as individual elements, even
22 though they don't aggregate above twenty six
23 points and they won't get us anything beyond

1 just compliance of those elements. And I
2 think that's what we're committing to, that we
3 will follow the LEED standards for this group
4 of elements listed in the -

5 COMMISSIONER TURNBULL: I'd like to
6 see that more clearly defined.

7 MR. SPONSELLER: Okay.

8 COMMISSIONER TURNBULL: You also had
9 another trellis on the back side by the alley,
10 lower deck.

11 MR. SPONSELLER: On the north side.

12 COMMISSIONER TURNBULL: On the alley
13 side, isn't there another - maybe that's the
14 same one that I'm looking at before.

15 MR. SPONSELLER: Would you like me
16 to go to the elevation?

17 COMMISSIONER TURNBULL: Yes, please.

18 MR. SPONSELLER: Is this the element
19 you're referring to?

20 COMMISSIONER TURNBULL: Yes.

21 MR. SPONSELLER: It does extend to
22 the alley, but it's narrow as it -- in its
23 north-south dimension. It extends along the

1 Chapin Street side. Our feeling about this
2 element was that it helped give the building
3 a cap, an architectural cap. It would be
4 similar to the pool element as a it would have
5 trellis thinner, finer members inside a larger
6 frame element. We thought it would
7 articulated the top of the building and it
8 provided some interest to the building.

9 COMMISSIONER TURNBULL: Again, same
10 thing with the lighting up there. Subdued -

11 MR. SPONSELLER: We're not trying to
12 highlight the building at night with lighting,
13 no. Usually in residential building we don't
14 do that just because of concerns of the
15 residents. They don't want a lot of light at
16 night. Other than low-level lighting for
17 patios and terraces and such, the building
18 itself will not be featured at night with our
19 particular lighting.

20 COMMISSIONER TURNBULL: The entrances
21 to these townhouses or the residences along
22 the side here have a little industrial quality
23 to them with the window element and the stairs

1 going up. How are you lighting in there?

2 MR. SPONSELLER: Well, we would place
3 a light in the canopy itself that you see over
4 the doors. There's a sort of a stoop created
5 there. These units, by the way, have full ADA
6 entrance from the corridor on the inside and
7 this is an extra entryway for the residents in
8 these units. But there would be a light in the
9 canopy above the doorway in that horizontal
10 plane again, a recessed light, that you would
11 not see on the face of the building.

12 COMMISSIONER TURNBULL: Okay. Let's
13 see, if we could go to the plan for the
14 retail. I believe it's - I think it shows up on
15 landscape plan L1 or something. Yes. The
16 retail at the north end is divided into four
17 sections. I'm just trying to see, how do you
18 service, how do you provide deliveries to
19 those units?

20 MR. SPONSELLER: That's actually
21 three sections. The line, I apologize for
22 this, the line --

23 COMMISSIONER TURNBULL: There's a

1 dashed one --

2 MR. SPONSELLER: Yes, that dashed one
3 on the right, this line, here, is a mistake.
4 That's part of this retail plate.

5 COMMISSIONER TURNBULL: Okay, so
6 there are just three then.

7 MR. SPONSELLER: Yes, there are just
8 three. And all of these retail plates are
9 serviced from the alley side, as I mentioned
10 in the presentation. There's a loading access
11 way around the garden on the alley side, to
12 this shuttle, which mediates the grades that
13 happen on the site. These potentially could
14 be at slightly different elevations because of
15 the sloping site.

16 COMMISSIONER TURNBULL: And then
17 there's two series of ramps, is that right?

18 MR. SPONSELLER: Yes, those are
19 internal ramps to make the adjustment between
20 the first plate and the other two.

21 COMMISSIONER TURNBULL: Okay, it
22 looked kind of circuitous.

23 MR. SPONSELLER: It is. But it

1 actually works. We didn't want to service
2 from the front of the building.

3 COMMISSIONER TURNBULL: Now the
4 affordable housing element of this is - I think
5 you're proffering 15,000 square feet?

6 MR. FRANCO: That's correct.

7 COMMISSIONER TURNBULL: How many
8 units would that be?

9 MR. FRANCO: It's approximately
10 fifteen to sixteen units. It's going to be
11 allocated according to the unit mix of the
12 rest of the building.

13 COMMISSIONER TURNBULL: Do you know
14 how many of those would be two-bedroom units?

15 MR. FRANCO: We haven't refined the
16 unit mix at this point. But it's going to be
17 allocated to the same percentage of two-
18 bedrooms as the rest of the building.

19 COMMISSIONER TURNBULL: Okay. That's
20 my questions for right now.

21 VICE CHAIR HOOD: Thank you.
22 Commissioner Jeffries?

23 COMMISSIONER JEFFRIES: First of all,

1 I hope that we could get a copy of the
2 axonometrics. I thought that was a very
3 interesting study and I think that's very
4 helpful to us. So I don't know if you have
5 copies -

6 MR. SPONSELLER: Are you referring to
7 the pool deck axon or the street perspectives?

8 COMMISSIONER JEFFRIES: The street
9 perspectives. But the one that the vantage
10 point is from the Denver -

11 MR. SPONSELLER: Right. That's in
12 our leave behind of the Power Point
13 presentation.

14 COMMISSIONER JEFFRIES: Okay. Well,
15 a couple of comments, and then I have a couple
16 of questions. I think it's a very good
17 project. I think it's very promising and I do
18 consider the amount of relief that you're
19 asking for to be commensurate with what you
20 are looking to provide in the way of proffers
21 and amenities, and the architecture, again,
22 you've been before this Commission on many
23 occasions and I think that your firm in

1 particular is doing a very good job in sort of
2 helping reshape the physical landscape along
3 14th Street.

4 MR. SPONSELLER: Thank you.

5 COMMISSIONER JEFFRIES: And so I just
6 wanted to start with that. I have a couple of
7 questions. Can you comment, and I think I
8 know the answer, but I just want you to
9 comment. It would actually be very nice to
10 have the vertical circulation to the
11 condominiums on either Belmont or Chapin
12 Street and not right on the retail, but I
13 would assume I know the answer, but I would
14 like you to perhaps state it for the record.

15 MR. SPONSELLER: I think it would be
16 a very nice thing. It's just such a long way.
17 The ideal layout of the building is to - when
18 you have 300 foot of frontage - is to put the
19 core in the middle, because just the walk for
20 the all the residences is equally dispersed
21 that way, and if you enter from one of the
22 north and south sides, it's quite a shlep to
23 the lobby, that's all.

1 COMMISSIONER JEFFRIES: And you know,
2 I think in addition to that, I'm wondering how
3 condo, or just residential folks feel about
4 entering into their space sort of in the midst
5 of a lot of retail. So it's that whole notion
6 of sort of separating church and state, right?
7 You know, have the retail sort of together and
8 then to the side, you separate residential.
9 But I think, given the configuration of the
10 site, it probably makes sense to be where it
11 is. But it's just something that -

12 MR. SPONSELLER: No, I appreciate
13 that comment.

14 COMMISSIONER JEFFRIES: What is the
15 retail height at the north end, right at
16 Chapin Street? What's the floor-to-ceiling
17 heights there?

18 MR. SPONSELLER: This particular
19 plate? These plates are, I think at their
20 tallest, they are sixteen feet, and I'm
21 talking floor-to-floor height, sixteen feet
22 floor-to-floor, so the ceiling height will
23 take off a couple feet for that.

1 COMMISSIONER JEFFRIES: So it's
2 fourteen feet?

3 MR. SPONSELLER: It's fourteen feet.
4 The one at the very corner, depending on -
5 well, if this was all going as one tenant
6 here, that extends to the corner, that one
7 might be lower. That one might be twelve or
8 eleven-six.

9 COMMISSIONER JEFFRIES: Wait, where
10 is the eleven-six?

11 MR. SPONSELLER: This corner might be
12 eleven-six.

13 COMMISSIONER JEFFRIES: Right, that's
14 what I was trying to get to.

15 MR. SPONSELLER: Right, the plates on
16 the south side of the lobby, however, get the
17 windfall of the site. Those are upwards of
18 twenty feet tall.

19 COMMISSIONER JEFFRIES: Okay. Now
20 one other question, then I'm going to get to
21 my serious concern about the development
22 program here. There's noise associated with
23 pool decks? I mean, that's what you've heard?

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MR. SPONSELLER: We had to be responsive to the comment, and there may be a few people up on a residential building, occasionally, entertaining at night or something. I don't see it as a big noise generator, but we responded anyway with the concerns of the neighbors. I don't see a big crowd up there every night, for sure, but we put a precautionary panel up there just the same.

VICE CHAIR HOOD: Let me just interject, commissioner. Are you having pool parties, are they going to have pool parties with loud music?

MR. SPONSELLER: Well, it's a residential building.

VICE CHAIR HOOD: Is Chuck Brown going to be up there?

MR. SPONSELLER: Let's hope that we have parties up there.

MR. FRANCO: It's really meant as a lap pool, not a big splashing pool.

1 MR. SPONSELLER: It's not a big pool.
2 It's fifteen feet by twenty feet long. With
3 not a lot of terrace area anyway.

4 VICE CHAIR HOOD: Just residents and
5 their guests.

6 MR. SPONSELLER: Just residents.
7 It's not for outside. Residents and their
8 guests, right.

9 VICE CHAIR HOOD: Thank you.

10 COMMISSIONER JEFFRIES: There's a
11 number of buildings that are in the Mt. Vernon
12 triangle area that have them, these lap pools,
13 I guess. Well, anyway, I didn't know they
14 were considered noise makers. So you'll learn
15 something every day.

16 I have two questions. One about the
17 traffic. Well, first of all, I think this is
18 great in terms of the need to create more
19 housing. I think this corridor and this area
20 is going to need lots of housing given all the
21 retail that's happening just up the street
22 north, with the Target and so forth, and I
23 think the area needs to be relatively dense.

1 And so I think that's a very good thing.

2 I wasn't certain whether I saw in
3 the traffic report where they took that into
4 consideration, in terms of some of the traffic
5 that would be generated from all the retail
6 that's going to be happening along north of
7 the site. Is the traffic person here? Yes,
8 could you just come up and just talk a little
9 bit? Because I was struck with the comment
10 here on page four of the supplemental filing,
11 traffic study, it concludes that the proposed
12 development would generate fewer trips than
13 the existing shopping center on the property.
14 Which, I guess I understand that, but I just
15 wanted to, you know, make certain I was clear
16 that this traffic study really looked at a lot
17 of the traffic that would be generated.

18 I mean I really have serious
19 concerns about 14th Street in this stretch in
20 terms of traffic. With all of the development
21 that's taking place, not just the retail, but
22 also the housing.

23 MR. KARDON: What we did when we did

1 our traffic study, we actually did counts of
2 the existing traffic that's generated by the
3 existing site, and then we used our industry
4 standards as far as trip generation for the
5 future trips that would be generated by this
6 site. And we compared those two, and as you
7 can see in the traffic study, there is
8 slightly less traffic that would be generated
9 by the new site traffic. It's very close, but
10 it's slightly less, as far as the new traffic
11 versus what's generated by the existing site.

12
13 As far as the background traffic, we
14 looked at traffic - when we scoped out the
15 traffic study, we interacted with DDOT and
16 kind of cleared off what sort of background
17 generator should be considered in the traffic
18 study. So in table 3.2 of the traffic study,
19 it has all of the background developments that
20 are really in the vicinity of this project.
21 Many of these are residential projects, but
22 what we did also is we included a growth rate
23 on 14th Street to account for any other traffic

1 and, such as, the traffic associated with the
2 DC USA project and projects further to the
3 north.

4 COMMISSIONER JEFFRIES: So that was
5 taken into consideration?

6 MR. KARDON: So that was taken into
7 consideration.

8 COMMISSIONER JEFFRIES: Okay. Now my
9 issue is this below-market retail. I'm trying
10 to get my arms around the development program
11 around this public-private partnership that
12 provides jobs and entrepreneurial training for
13 teens and young adults. Why would that type
14 of use be in the midst of retail? And I want
15 to put a caveat on that. This stretch of 14th
16 Street, there's a lot of retail that's coming,
17 between View 14 and Jair's project.

18 You know, it's probably really the
19 last patch to get going, so I think in the
20 next few years, you know, in terms of building
21 the critical mass of retail, I think we need
22 to be thoughtful and methodical around this,
23 and I'm just concerned about how that kind of

1 use works at this time. It'd be different if
2 it were on 14th Street and you have a very
3 stable, vibrant, established retail corridor,
4 but in a place where you're just really
5 bringing up the retail, why would you insert
6 that type of use?

7 MR. FRANCO: The reason why we wanted
8 to do this subsidized retail is we heard about
9 the need for new businesses to get jump starts
10 in the community. There's a lot of businesses
11 that just don't have the resources, and we
12 really modeled this after a similar program
13 that MANNA did on U Street, with Maggie Moos,
14 which was enormously successful. They were
15 able to secure a space and provide a subsidy
16 to a business owner to open up Maggie Moos,
17 which is now a self-sustaining business on the
18 U Street corridor. And we wanted to provide
19 that similar opportunity to a LSDBE business
20 on 14th Street.

21 COMMISSIONER JEFFRIES: Okay, but let
22 me be clear, I am very much a proponent of
23 below-market retail. I think that was a great

1 deal. My issue is not around below-market
2 retail. My issue is around that type of use
3 in terms of social services.

4 MR. FRANCO: We're not talking about
5 social services, we're talking about an actual
6 retail store. It's an actual retail shop,
7 like the Maggie Moos ice cream. It's a retail
8 store, not a service.

9 COMMISSIONER JEFFRIES: Okay, so the
10 applicant is committed to lease a thousand
11 square feet of PUD retail space to a public-
12 private partnership that provides jobs. Oh, I
13 see, I'm sorry, okay. So what you're saying
14 is that this retailer will employ teens and
15 young adults, but it will be a retailer.

16 MR. FRANCO: There will be a
17 selection process.

18 COMMISSIONER JEFFRIES: I thought
19 this was like a one-stop shop thing.

20 MR. FRANCO: No, no.

21 COMMISSIONER JEFFRIES: Okay, never
22 mind. Let's see. I think those are my
23 comments.

1 VICE CHAIR HOOD: Thank you. Let's
2 talk a little about the entrance on 14th Street
3 side, I guess this shared use going back to
4 what, I think, Commissioner Jeffries was
5 alluding to. For security purposes, those who
6 reside as opposed to - because that entrance is
7 just for residential only - is that just for
8 residential only, or residential and the
9 retail, the one on 14th Street?

10 MR. SPONSELLER: 14th Street has a
11 residential lobby entrance, and on either side
12 of it are retail entries.

13 VICE CHAIR HOOD: Either side. So
14 all of us can go in that way?

15 MR. SPONSELLER: Yes, the retail.

16 VICE CHAIR HOOD: Whether I live
17 there or not, I'm coming to the retail, we
18 still can go that way.

19 MR. SPONSELLER: Absolutely. These
20 are retail uses that serve the public.

21 VICE CHAIR HOOD: Okay, but that's
22 also my entrance to get to -

23 MR. SPONSELLER: The residential

1 lobby is separate from the retail entrances,
2 absolutely.

3 MR. GLASGOW: Chairman Hood, we have
4 a residential lobby. If you're a resident,
5 you go in the residential lobby, if you're
6 going to a retail space, do you do not get
7 into that lobby.

8 VICE CHAIR HOOD: Okay, that makes
9 sense.

10 MR. FRANCO: If I may add, this plan
11 is pretty consistent with some of the other
12 buildings that are being developed on 14th
13 Street. It's a very similar configuration
14 with Union Row that has a center lobby for the
15 residential units, and there's retail on
16 either side of that residential entrance.
17 Similarly to View 14, which has a center
18 entrance with retail on both sides and here
19 too.

20 VICE CHAIR HOOD: Actually, my
21 question was answered by Mr. Glasgow, so I got
22 where I needed to be. But thank you. The
23 existing strip mall there, how long as that

1 been there? It seems to me that was just
2 built. I'm not saying you can't tear it down,
3 but I'm just curious.

4 MR. FRANCO: I believe it's in excess
5 of ten years.

6 VICE CHAIR HOOD: I remember when
7 that was done. Mr. Glasgow, in your opening
8 comments you mentioned about, I think you said
9 something the view, I know the issue, I think
10 it's the Denver Building. You mentioned about
11 the view and the property line. Help me, walk
12 me down that again. You said it kind of fast,
13 so help me with that.

14 MR. GLASGOW: Yes. Just generally,
15 as a legal principle, Chairman Hood, abutting
16 property owners or nearby property owners
17 don't have any right to a view corridor, if
18 you will, over somebody else's property. That
19 was the point. And how we wanted to address
20 the issue, nonetheless, we were addressing the
21 issue with the sixty five foot corner and the
22 axonometric drawings that Mr. Sponseller had
23 talked about to show the very slight

1 differences between the sixty five foot
2 building and the ninety foot building, given
3 the setbacks that we were utilizing to address
4 that concern, and the moving of the massing of
5 the building, from the west to the east side
6 along 14th Street.

7 So by setbacks and terracing of the
8 building, we think that we've addressed that
9 issue.

10 VICE CHAIR HOOD: So if I was simply
11 to, and I'm just going to put it out there
12 because I'm trying to figure this out, if I
13 was simply to have an issue with that, the
14 views of the respective people who live in the
15 Denver Building, and the vote went my way and
16 we turned it down, you would take it to court
17 and you would probably have it overturned on
18 that specific issue. Am I correct?

19 MR. GLASGOW: Well, I think that the
20 Zoning Commission has a lot of leeway in how
21 and why it makes decisions, but I think that
22 just if someone were to say that - the rest of
23 the PUD application meets the burden of proof,

1 but I am determined that I just want to, in
2 effect, give somebody a light and air easement
3 over somebody else's property, I think that
4 there is a significant legal question with
5 respect to doing that.

6 VICE CHAIR HOOD: All right. Mr.
7 Sponseller. You showed a perspective on
8 Chapin Street. Sixty five foot matter of
9 right.

10 MR. SPONSELLER: I think that's what
11 this is, on the left.

12 VICE CHAIR HOOD: This is your
13 proposal?

14 MR. SPONSELLER: On the right is our
15 proposal, on the left is -

16 VICE CHAIR HOOD: Now, the proposal
17 is ninety feet, correct?

18 MR. SPONSELLER: Correct. It is a
19 ninety foot height that we're doing, but at
20 certain sides it's stepped down to lower
21 heights.

22 VICE CHAIR HOOD: You're good,
23 because when I look at this it looks like it's

1 the same thing. And I know it's not going to
2 be that way.

3 MR. SPONSELLER: This is going to be
4 this way. This is a computer generated view,
5 which we use often in our presentations. This
6 is really what you're going to see. What
7 we've done -

8 VICE CHAIR HOOD: This is how I'll
9 see it from -

10 MR. SPONSELLER: Well, in this
11 instance we're standing in front of the
12 Denver, I guess it is, across the street,
13 looking at the building, sixty five foot
14 matter of right on the left. And our building
15 with setbacks. Now if we were doing a ninety
16 foot building without setbacks, you'd be
17 absolutely right, you'd see a taller height.
18 But what we've done in the modeling is we've
19 pushed back the upper stories significantly.

20 VICE CHAIR HOOD: So that additional
21 height -

22 MR. SPONSELLER: Ten feet and twenty
23 five feet, which takes them out of view, due

1 to the perspective experience of the building
2 from street level, the actual experience of a
3 building from street level. And similarly, we
4 could never see our penthouse on this building
5 when we walked around from the perimeter.

6 VICE CHAIR HOOD: I've been reading
7 in different places about how many units this
8 is, and in one place I think it's 200 and then
9 it's 250, how many units is this?

10 MR. FRANCO: It's between 220 and 250
11 units.

12 VICE CHAIR HOOD: So between 220 and
13 250.

14 MR. FRANCO: Right, we requested a
15 flexibility in the range.

16 VICE CHAIR HOOD: A flexibility,
17 okay. What's going to determine whether it's
18 going to be 250 or 220?

19 MR. FRANCO: I think once we lay out
20 the floor plates, I think that's one
21 consideration. Another is the market, which
22 we'll soon make that determination.

23 VICE CHAIR HOOD: Okay. Let's talk

1 about the circulation pattern for the traffic.
2 There's an agreement with DDOT, somebody
3 entered into an agreement about the big
4 tractor trailers. I guess they're going to
5 section off a part of the street and put no
6 parking signs with DDOT if you need to use a
7 tractor trailer.

8 MR. GLASGOW: Yes, Chairman Hood, we
9 had gotten back to DDOT when we saw that part
10 of the report, and we said this is way overly
11 complicated for where life is. There's not
12 going to be fifty five foot trucks getting in
13 there or trying to get in there. This is
14 going to be serviced by thirty foot trucks.
15 And when you service by thirty foot trucks, I
16 think what it is, we're going to net gain four
17 parking spaces by the curb cuts that are going
18 to get shut off by redeveloping this site.
19 And I think we're plus net one space, because
20 you lose three spaces to make it so that the
21 thirty foot trucks can get in and out, so
22 we're plus one space. We're not going through
23 all of this thing about shutting off lanes and

1 doing this and that.

2 VICE CHAIR HOOD: So that's from the
3 January 12th amendment, revised report from
4 DDOT, it still has that in there about you're
5 going to come to DDOT to obtain temporary no-
6 parking signs.

7 MR. GLASGOW: We didn't see where we
8 would need to do that because -- the traffic
9 consultant can answer that question - but we
10 have it so the spaces that are, that we
11 gained, more than offset any spaces would be
12 lost by where the trucks go.

13 VICE CHAIR HOOD: Okay, because I
14 really, I understand that. But unfortunately,
15 DDOT still has it here. Is anybody here from
16 DDOT? Okay. I just wanted to be assured that
17 this was not going to happen, because I just
18 didn't see it as enforceable and a couple of
19 years ago, won't nobody even know to go get
20 no-parking signs.

21 MR. GLASGOW: Ms. Batties reminded me
22 that if we are ever going to have a fifty five
23 foot truck, we're just going to pull up to the

1 front. I mean, as a practical matter, that's
2 what would end up happening, but we don't see
3 a fifty five foot delivery truck coming to an
4 apartment building like this.

5 VICE CHAIR HOOD: Okay. All right.
6 I had another question on the amenities
7 package. I saw something about the \$2400,
8 this is off the top of my head, but there was
9 an amendment, \$2400 and a hundred leftover was
10 going to supply fliers. But anyway, I saw it
11 one place, I saw it in your September 19th
12 submission, but I didn't see it in your
13 January 5th submission. Has that fallen off?
14 But I did see it in another submission. I saw
15 it in two places, but I didn't see it in your
16 January 5th.

17 MR. FRANCO: Commissioner, that
18 contribution is still there. It's still part
19 of the public benefits package. It's a
20 contribution to the South Columbia Heights
21 Neighborhood Association.

22 VICE CHAIR HOOD: Right. Yes, it's
23 in the 19th. I just wanted to know if

1 something had changed, because I didn't see it
2 in the 5th along with everything else, unless
3 it's -

4 MR. FRANCO: We mention it, but we
5 just don't put a dollar amount there. But it
6 is still \$2500.

7 VICE CHAIR HOOD: I just looked for
8 the dollar amount. Okay. That's pretty much
9 all I think have. Hold on, I did have another
10 question. The balconies, are all the units
11 going to have terraces?

12 MR. SPONSELLER: Not every last unit.
13 Approximately 75% of them will, but not every
14 last unit will have a balcony.

15 VICE CHAIR HOOD: Let's talk about
16 the alley. We're doing a one-way - is it a
17 one-way? You enter from Belmont Street, I
18 think, in your circulation, and you come out
19 on Chapin.

20 MR. SPONSELLER: The trucks will be
21 entering from the south side. The alley is
22 actually a two-way alley, but the trucks will
23 be entering from the south side because of the

1 orientation of our loading configuration.
2 They need to pull past and back in to the
3 loading docks. So we're asking them all to
4 come from the south side.

5 VICE CHAIR HOOD: So you're asking
6 them. How are we going to make sure?

7 MR. SPONSELLER: It's a management
8 issue.

9 VICE CHAIR HOOD: Oh, it's a
10 management issue?

11 MR. SPONSELLER: It's a management
12 issue. Yes, with vendors, you can manage your
13 vendors and have them come from the south
14 side.

15 VICE CHAIR HOOD: Okay. I think
16 that's all I had. Any other questions? No
17 other questions? Okay.

18 MR. TURNBULL: I just have one. I
19 just want to get back to the green roof issue.
20 And I guess I find Mr. Sponseller's comments a
21 little disingenuous. I think his comments
22 about - I think we all know very well what the
23 hell goes on up the roof. And then what you

1 have to move. But I'm sorry, if I look on the
2 9th of 9H plans, we have a penthouse which is
3 humongous.

4 Now, unless there's something going
5 on in the penthouse besides mechanical
6 equipment, I just think his comment about the
7 things on the roof are a little disingenuous,
8 as to why you can't move things. We all know
9 what goes up on a roof. You and I know what
10 goes up on a roof. And I just find that ten
11 percent of this project is rather skimpy. And
12 I think there could be a more concerted effort
13 of trying to integrate some green principles
14 up on that roof.

15 VICE CHAIR HOOD: Commissioner
16 Turnbull, I already have in my notes - I'm not
17 as good as the Chairperson - we're going to
18 ask them to revisit that.

19 COMMISSIONER TURNBULL: Thank you.

20 VICE CHAIR HOOD: I do have that in
21 mind.

22 COMMISSIONER TURNBULL: Thank you Mr.
23 Chairman.

1 COMMISSIONER JEFFRIES: And I also
2 wanted to echo that too. I was somewhat
3 surprised to see that 2000, I mean they seem
4 to be moving in the right direction. In fact,
5 I'm almost certain, I thought that your firm
6 had a project in front of us where you did
7 fairly extensive green roof plans.

8 MR. SPONSELLER: We'll were doing the
9 baseball district, we're looking at a green
10 roof, we're looking at that on many projects.

11 COMMISSIONER JEFFRIES: But it was
12 fairly extensive though, it wasn't like ten
13 percent of the roof.

14 MR. SPONSELLER: Which project was
15 this?

16 COMMISSIONER JEFFRIES: I can't
17 recall, but I thought it was your firm. I
18 mean, Commissioner Turnbull is right, we have
19 seen very extensive green roofs in the last
20 year. And I thought your firm was one of the
21 firms that put something forward, but perhaps
22 I'm wrong.

23 MR. SPONSELLER: It could very well

1 be, it depends on the specific use of the
2 building. In this case, with this being a
3 rental apartment building, we're looking at
4 split systems for the mechanical system.
5 There are 240 units. Each one of those units
6 has to have a mechanical unit on the top of
7 the building, above its unit, ideally. And as
8 I mentioned, we are going to great lengths to
9 clear out the northern side and create 3000
10 square feet there. But between the fans and
11 the mechanical units, we could submit a
12 mechanical plan to you, if you'd be
13 interested, but between all those elements,
14 the 240 units, and all the units have fans and
15 etcetera, there's a lot of elements up on the
16 roof.

17 COMMISSIONER TURNBULL: If you're
18 poking through the roof so many times, why the
19 hell do you have a penthouse which is about
20 forty feet wide by 200 feet long?

21 MR. SPONSELLER: That penthouse
22 houses all the equipment that we've moved from
23 the north side to contain the units, and it

1 has the central system. Cooling towers for
2 the central plant, and boilers, pumps and such
3 for the base -

4 COMMISSIONER TURNBULL: Well then it
5 sounds like it's not a very efficient design.
6 It sounds like if you're going to be going to
7 all that, you've really gone and put a lot of
8 effort on these mechanical systems that could
9 have been more LEED-designed in such a way, it
10 sounds like it's not a very efficient design.
11 End of comment.

12 VICE CHAIR HOOD: Okay, thank you.
13 I think we all take note of your comments, Mr.
14 Turnbull. I know I do. Any other questions?
15 I see we have Mr. Spalding from ANC. Did you
16 have any cross-examination? Did you want to
17 cross on any of the -

18 MR. SPALDING: No.

19 VICE CHAIR HOOD: Okay, thank you.
20 All right. Moving right along. Next we will
21 have the report of the Office of Planning.
22 Mr. Jesick and Mr. Lawson, good evening.

23 MR. JESICK: Thank you Mr. Chair and

1 members of the Commission. My name is Matt
2 Jesick. On June 30th of 2006, the Commission
3 sat down case 06-24 for a public hearing. And
4 I think the Commission and the applicant have
5 done a good job of summarizing the basics of
6 the case. Since that time, as you've heard,
7 we've worked with the applicant to refine the
8 architectural design of the building,
9 including modifying the rooftop structure,
10 reducing the height along Chapin Street, etc.

11
12 The applicant is asking for a number
13 of areas of relief, which the applicant,
14 again, has already mentioned, so I won't go
15 into that. But the Office of Planning has no
16 objection to the requested relief. We do
17 believe that technically, relief is still
18 required for the residential recreation space,
19 because that order has not yet been published.
20 The application is not inconsistent with the
21 guidance of the comprehensive plan, or the
22 direction given to the pending 2006
23 comprehensive plan. Both plans call for 14th

1 Street, as you've heard, to be a higher
2 density corridor. And this application is
3 consistent with that.

4 The Office of Planning believes the
5 amenity package is adequate in magnitude and
6 appropriate for the community. And again, we
7 feel that the design has been improved since
8 the set down meeting. We did have two
9 outstanding issues in the Office of Planning
10 report. One was for additional information
11 regarding the private areas at the penthouse
12 level, where the stairs come up from the units
13 below and it appears the applicant has
14 addressed that. They're going to be
15 submitting revised drawings, so we're
16 satisfied that that issue has been addressed.
17 The other issue is that the Department of
18 Employment Services asked that the applicant
19 submit an executed first source agreement
20 prior to final action. And in my discussions
21 with the applicant, they have said that they
22 will do that.

23 So that resolves all of the Office

1 of Planning's issues. Just for the record,
2 the pool noise issue did not come from the
3 Office of Planning. So all our issues have
4 been resolved and we recommend approval of the
5 application.

6 VICE CHAIR HOOD: Okay, thank you.
7 Mr. Jesick, I actually had a question for the
8 applicant, but since we're in the Office of
9 Planning I won't go back. What is the
10 landscaped courtyard area going to be used
11 for?

12 MR. JESICK: I believe that's just an
13 area for residents to get outdoors and relax.
14 Are you talking about the area on the ground
15 level?

16 VICE CHAIR HOOD: Yes, the ground
17 level.

18 MR. JESICK: Yes, just a place to sit
19 and get some fresh air.

20 VICE CHAIR HOOD: Benches and -

21 MR. JESICK: Correct.

22 VICE CHAIR HOOD: No sports
23 activities that you know of, right?

1 MR. JESICK: No, I think it's too
2 small to have any major sports activities.

3 VICE CHAIR HOOD: Well nowadays I've
4 seen them play in some tight spots. Okay. Any
5 questions of Office of Planning?
6 Does the applicant have any questions of
7 Office of Planning?

8 COMMISSIONER JEFFRIES: Any comments
9 on the Commission's comments around the amount
10 of green roof?

11 MR. JESICK: Yes, we did comment in
12 our report that we thought there could be a
13 little more green roof. The applicant has
14 come back just in the last week and said that
15 they would do 3000 square feet instead of
16 2000. We thought that was an improvement.
17 But we do understand the constraints with the
18 mechanical systems. If there's a way that
19 that can be worked out so it's a more
20 efficient use of space, we would certainly
21 support additional green roof.

22 COMMISSIONER JEFFRIES: Also, and I
23 should have asked this of the applicant, but

1 on page five it talked about the location of
2 the green roof, that they might need
3 flexibility in terms of the placement of the
4 green roof. To your understanding, does that
5 still apply?

6 MR. JESICK: In the plans that you
7 and I both have, they did show two possible
8 locations, but my understanding from tonight's
9 presentation is that it's been settled on the
10 north.

11 COMMISSIONER JEFFRIES: It's set? In
12 terms of where it is? Or do you still need
13 flexibility in terms of that?

14 MR. GLASGOW: We would like to have
15 some flexibility, and obviously because of the
16 comments from the Commission members and
17 questions, we are caucusing now as to how it
18 is that we can further address, so we would
19 want to have flexibility with the green roof
20 area, because we're looking at additional
21 areas where there could be green roof, that
22 type of thing, on the roof, that would make
23 sense. Because we do have, with the different

1 steps, up and down, some other roofs there.
2 And then we have to figure out how you access
3 it and everything, so we're looking at that.

4 COMMISSIONER JEFFRIES: Well, I mean,
5 I will add, if there is some sort of hardship
6 around creating a much larger green space, you
7 need to put that forward. Show your evidence.
8 Obviously I think the Commission has spoken,
9 that we would like to see a larger amount of
10 it, but if there are hardships or
11 difficulties, you need to put that forward and
12 let us take a look at it.

13 MR. GLASGOW: We're discussing what
14 we think are some options and some other
15 opportunities to try to reasonably address the
16 issue.

17 COMMISSIONER JEFFRIES: Okay.

18 MR. FRANCO: I just want to add, it
19 would be, at this point, it would be a little
20 bit of a tight squeeze to add an additional
21 thousand square feet, but we're committed to
22 exploring that. I'll even go so far as to
23 commit to squeezing other areas to accommodate

1 another thousand square feet of green roof
2 area.

3 COMMISSIONER JEFFRIES: Okay.

4 MR. FRANCO: I would like to keep
5 that flexibility in locating the green roof
6 area.

7 MR. GLASGOW: Right, so we would
8 want to have flexibility, because we're trying
9 to sort that out. But we think that we can
10 get another thousand square feet, and then we
11 would hit the 4000 square feet that the Office
12 of Planning had requested when we were at two.
13 And to try to address the comments of
14 Commission members.

15 COMMISSIONER JEFFRIES: Okay.

16 COMMISSIONER TURNBULL: Mr. Chair, I
17 just have a question of Mr. Jesick. On the
18 back of your report that we received, you
19 included a memo from James Thackaberry. I
20 don't know if you commented on that memo in
21 your report, but he was looking for more
22 housing. And I didn't know if you wanted to
23 comment upon it.

1 MR. JESICK: Well, the applicant is
2 actually maximizing the FAR allowed on the
3 site, so we feel that given the existing
4 zoning, that's an appropriate amount of
5 housing.

6 COMMISSIONER TURNBULL: Okay. Thank
7 you.

8 COMMISSIONER JEFFRIES: You know, I
9 was struck though, 15,000 square feet
10 dedicated to affordability, in terms of the
11 average size unit, I mean, you said fifteen
12 units, was it? I mean that's a thousand
13 square feet per unit, which is, relatively
14 large, I mean I'm wondering. I guess we're
15 going to find out, we'll look at a mix and so
16 forth, but that seemed like a large average to
17 me, when the applicant said fifteen units. I
18 guess my point is that it seems like you might
19 be able to squeeze a few more units out of
20 that than fifteen.

21 MR. GLASGOW: We agree, if we're at
22 the upper edge, let's say that we're pushing
23 more toward the 250 than the 220, than the

1 average unit size is going down, so the number
2 of units, because we've committed that on a
3 percentage basis. We're going to have the
4 same ratio of two bedroom units, one bedroom
5 units and others as the rest of the building.

6

7 COMMISSIONER JEFFRIES: Right.

8 MR. GLASGOW: So as average unit size
9 goes down, the number of units that will be
10 affordable will go up.

11 VICE CHAIR HOOD: We went a little
12 out of our normal process, but that's fine.
13 Any other questions, comments? Applicant have
14 any questions of Office of Planning? ANC-1B?
15 Okay. All right, let's move right along.
16 Since we don't have anyone from DDOT, I'll
17 just mention that we did have some reports
18 from the District Department of
19 Transportation.

20 We had something from the Department
21 of Employment Services, which we've already
22 been told that they're going to execute that
23 agreement. And also, as Mr. Turnbull has

1 already alluded to, we had a letter from the
2 Department of Housing and Community
3 Development. That's all, I think, we had.
4 Other than the letter from, even though it's
5 not a government agency, the council member,
6 Ward One, of the project.

7 Just making sure, yes, he's in
8 support. I don't want him to get me. Okay,
9 Mr. Spalding, and you're joined by Ms.
10 Conklin.

11 MS. CONKLIN: Good evening, members
12 of the Commission, my name is Meghan Conklin.
13 I am ANC Commissioner for ANC-1B06. I am here
14 today representing ANC-1B, along with fellow
15 commissioner Phil Spalding. I'm just going to
16 make a very brief statement and then Phil and
17 I will be here for any questions you may have.
18 As noted in the letter that ANC-1B sent to the
19 Commission, at our regularly scheduled meeting
20 on December 7th, 2006, ANC-1B voted unanimously
21 in support of the PUD application 06-24 of
22 Level 2 development.

23 The ANC noted a number of items

1 about the PUD, including the public benefits
2 package and the developer's ongoing dialog
3 with the community. The developer has met
4 extensively with several local community
5 organizations, and our ANC. And the developer
6 has consequently made adjustments to the
7 design to reflect concerns raised by the
8 community. Including, I think, the issue with
9 the pool area, which I believe was raised by
10 one of the community groups. In essence, this
11 concludes my remarks, and Phil and I are both
12 here to answer any questions that you may have
13 for ANC-1B.

14 MR. SPALDING: For the record, Phil
15 Spalding, I represent ANC-1B02 and I live at
16 1929 13th Street.

17 VICE CHAIR HOOD: Good, it's always
18 good to see you. Ms. Conklin, are you a new
19 ANC commissioner?

20 MS. CONKLIN: Yes, I was sworn in
21 this month.

22 VICE CHAIR HOOD: Well,
23 congratulations.

1 COMMISSIONER JEFFRIES: You replaced
2 Mr. Stevens?

3 MS. CONKLIN: Yes.

4 COMMISSIONER JEFFRIES: Ah, that's
5 what was throwing me off up here. Okay.

6 VICE CHAIR HOOD: All right. Any
7 questions of the ANC? Okay. Does the
8 applicant have any questions? Thank you both
9 and keep up the good work.

10 MS. CONKLIN: Thank you.

11 VICE CHAIR HOOD: Now we're going to
12 go to persons in support. I had one person
13 down who was in support, but he submitted a
14 letter of support. Mr. Jonathan Cass, but he
15 had to leave. He submitted a letter of
16 support. Anyone else who would like to
17 testify in support? Anyone who would like to
18 testify in opposition? You can come forward.
19 And you know, I am sorry, because I do have
20 your name. Mr. DeMarinis? And Mr. Moinkoff?
21 And anyone else who is in opposition, you can
22 come forward at this time. Anyone else?

23 Mr. DeMarinis, you can proceed. And

1 you have five minutes.

2 MR. DEMARINIS: Okay, thank you. I
3 just wanted to thank Commissioner Hood,
4 Turnbull and Jeffries for this opportunity to
5 speak and to allow the Denver to voice their
6 concerns about this project. And we also want
7 to thank Mr. Franco for his commitment to the
8 revitalization of the 14th Street area around
9 Chapin. We believe that this is an up and
10 coming area and it deserves the respect and
11 growth that it should be. I had submitted a
12 statement earlier, and I just wanted to point
13 a few highlights of that letter that I
14 submitted, as well as to make an additional
15 point. The first, like we said, the citizens
16 of the Denver, and recently, the Hillside, an
17 accompanying building, has also voiced their
18 concern and read the statement that we sent to
19 you and has signed on. Their board has
20 approved that as well and wish to join in on
21 our statement for this.

22 We welcome the majority of the Level
23 2's proposed development. We believe that the

1 enhancement of the neighborhood-friendly
2 businesses and new condominiums will benefit
3 and enhance the community. We are worried
4 about the additional floors for the
5 condominium unit. Much was made about the
6 site. They focused on the street level. What
7 we're focusing on was rooftop level, and the
8 views that are a major selling point to
9 numerous buildings in the area. For example,
10 the Barcelona, which is a new building being
11 built, you can see their signs up and down
12 Chapin Street and up and down 15th Street,
13 where it says spectacular views. This is a
14 major selling point for all the buildings in
15 the area. The Hillside, I think was named
16 because it was on the hill and it had a view.
17 So we do not want any new development to block
18 our views.

19 Now, I understand we do not have a
20 right to a view. And their attorney made that
21 point quite known. This is a new area, which
22 other communities have brought forth in
23 lawsuits. This is not something that is

1 uncommon. That's why the Zoning Board is very
2 important to protecting our rights to the
3 views. That's why we have the zoning height
4 of sixty feet, so that all buildings would be
5 equal. Our view would not be diminished,
6 because of the hill. But if they're above us,
7 then our view will be diminished. And
8 substantially affect our property values as
9 well as the property values of the Hillside.
10 I don't want to bore you with reading you my
11 statement here again, but I would like to make
12 note to the Commission here, on a January 16th,
13 2007 *New York Times* article, I'm not sure if
14 the Commission read that article. It was
15 regarding the condominium market in DC, in
16 particular the Level 2 developments along 14th
17 Street.

18 The article was mentioning how the
19 condo market prices are dropping. And this
20 proposal, with the 220 to 250 units, if they
21 go to the 250 units, will flood the area with
22 even more units, causing the depression of the
23 property values. The Level 2 solution is not

1 to alter the size of the building, but to
2 increase the number of units by making them
3 smaller and as rentals. This will also change
4 the neighborhood from a homeowner-based
5 community to a more transient population of
6 renters. The community would lose a little
7 bit of its feel, a little bit of its character
8 if you have more renters in there. And we're
9 worried about the size and population growth
10 that comes with that.

11 We all want the 14th Street area to
12 grow and flourish. But uncontrolled growth
13 will hamper further development and hurt the
14 community. We believe that smart growth is
15 needed, and that you should take that into
16 consideration as well as protecting our views
17 and the property values around. If there's
18 any questions from the Commission, I'll be
19 more than happy to answer them.

20 VICE CHAIR HOOD: If you just hold
21 your seat, we'll take our questions after
22 we're finished.

23 MR. MOINKOFF: I just wanted to state

1 for the record, my name is Lucas Moinkoff and
2 I live at 1417 Chapin Street, in the Denver as
3 well. And I'm support of what Mr. Demarinis
4 said.

5 VICE CHAIR HOOD: Any questions of
6 Mr. Demarinis?

7 COMMISSIONER JEFFRIES: So you're
8 fine with development, you're just really
9 dealing with the height that's being proposed?

10 MR. DEMARINIS: Yes.

11 COMMISSIONER JEFFRIES: If it were
12 a sixty five foot building, across the board,
13 you would be more comfortable. What about
14 people who are at lower levels in the Denver?
15 How would they feel about that?

16 MR. DEMARINIS: Well, I'm one of the
17 people on the lower levels. I'm on the second
18 floor, as well as Mr. Moinkoff here. We
19 understand that buildings are going to go up,
20 and we want development here. One of the
21 things that we always treasured at the Denver
22 was our rooftop deck, which is shared among
23 all the units. And the Hillside also has a

1 rooftop deck, as well as numerous other
2 buildings along the line there.

3 That's one of the major selling
4 points, when I came in there and was brought
5 up to the top, I mean the ability to see the
6 Capitol, the Washington Monument, and RFK
7 Stadium - I am a Nats fan - is nice to see.
8 And weighs heavily into your decision making.
9 And if that's taken away, then we lose a major
10 selling point and a major benefit to our
11 units.

12 COMMISSIONER JEFFRIES: How long have
13 you lived in the area?

14 MR. DEMARINIS: I've lived there - I
15 moved in recently, November of last year.
16 Recently got married and really liked the
17 area. I've lived in DC for about a couple of
18 years now, but I like the 14th Street area and
19 Meridian Hill Park and U Street. And I like
20 the development and I wanted to be a part of
21 that.

22 COMMISSIONER JEFFRIES: Okay, thank
23 you.

1 VICE CHAIR HOOD: Mr. Turnbull?

2 COMMISSIONER TURNBULL: Your other
3 major concern was that you would prefer to see
4 ownership rather than rental?

5 MR. DEMARINIS: I was more or less
6 concerned about - right now they're proposing
7 250 units. In *The New York Times* article,
8 they said that they were going to make some of
9 the units smaller and more, so is it going to
10 be 250 units that are going to be rented, or
11 is it now going to be 300 units that are going
12 to be smaller and rented, with more population
13 coming in here and thus decreasing the
14 property values even further. Which was just
15 a concern that we had, based upon that
16 article.

17 COMMISSIONER TURNBULL: Well I think
18 the max was still 250 units.

19 MR. DEMARINIS: Oh, okay.

20 COMMISSIONER TURNBULL: They're
21 looking for between 220 and 250. But I don't
22 think we can tell them to create owner units.
23 But I thank you.

1 VICE CHAIR HOOD: Mr. DeMarinis, you
2 heard me have a discussion - actually, my
3 question was formulated from your letter. But
4 you heard the architect mention about the
5 setbacks and I don't know if you saw the view,
6 but it was posted in the slide presentation.

7 MR. DEMARINIS: Yes.

8 VICE CHAIR HOOD: And you heard me
9 ask him, when I look at it, to me it looks the
10 same. And we can make anything fit any
11 situation, but he explained to me about the
12 setbacks. Would that have any less impact?
13 It might not deal with your view, but would
14 that soften your blow, or your hit?

15 MR. DEMARINIS: I mean, the setbacks
16 are a step in the right direction, I would
17 have to say. At the same time, I think you
18 eloquently put it -

19 VICE CHAIR HOOD: Nobody's ever said
20 I'm eloquent. Thank you.

21 MR. DEMARINIS: Ninety feet is ninety
22 feet. I don't care how many different ways
23 they keep on saying that it's sixty five, this

1 and that, it's still going to be ninety feet
2 from a viewpoint. So while the setbacks are,
3 I think, a step and push back, we would make
4 sure that our view - we would like it to be
5 protected.

6 VICE CHAIR HOOD: Okay, any other
7 comments? Commissioner?

8 COMMISSIONER JEFFRIES: I mean,
9 obviously there's market conditions that are
10 driving some of the decisions of the
11 applicant, to look at a rental property. And
12 I don't know how familiar you are with some of
13 the recent history in the overall area. Your
14 characterization of it is a little different
15 than I sort of know it, but do you think that
16 the applicant has been somewhat responsive in
17 terms of what they presented back in
18 September? Do they seem to be moving in the
19 right direction?

20 MR. DEMARINIS: Yes, I would say so.

21 COMMISSIONER JEFFRIES: Because you
22 said a ninety foot building, but they have in
23 fact, I mean if you look at their drawings,

1 they've really carved out a lot of the top,
2 and they have brought down, from what I could
3 see in the drawings, that they have responded
4 to some of those concerns by bringing the
5 building down. And I guess I just, you know,
6 one of the concerns I have, actually having
7 been involved in development, is land prices
8 are what they are. And you know, these
9 developments are very risky. And I think this
10 applicant is probably recognizing that right
11 now, because the market has shifted. So there
12 needs to be enough breathing room for them to
13 be able to get a project of this scale up and
14 going. That will be a catalytic project.

15 So I'm just putting that to you, in
16 that, you know, nobody wants to - I mean,
17 clearly, the Denver has a great view, well, I
18 don't know how great the view is right now.
19 I'm hoping that as you go forward, and
20 depending sort of what this Commission
21 ultimately says about this, if we should vote
22 in favor of this project, I'm hoping that you,
23 being at the Denver, will continue to be

1 cooperative and work closely with the
2 developer so that there's harmony in the
3 overall area. Again, the history of this area
4 is pretty interesting, so I think it's moving
5 in the right direction.

6 MR. MOINKOFF: I think that our
7 general viewpoint is full, full support of
8 development, obviously. We had, actually,
9 long conversations with Mr. Stevens on the
10 phone, before we submitted our statement to
11 get some of the background that they went
12 through with Level 2 development and the
13 history of the neighborhood, being that we are
14 both new residents. We got the general
15 impression from that conversation with him
16 that the ANC took the position was better than
17 what's currently there, and that they were in
18 full support, basically, of any company that
19 wanted to come in and create a nicer project.
20 And while we agree with that, I guess you
21 could say that at this point we're trying to
22 have our cake and eat it too.

23 COMMISSIONER JEFFRIES: I know that

1 very well.

2 MR. MOINKOFF: But at the same time,
3 the setbacks and these other steps that
4 they've taken to improve the project, it
5 creates a better situation from the street,
6 which is very nice. If you go on the block,
7 all the buildings are actually the same height
8 level, so up at the top of the hill, they're
9 only like three or four stories. Down at the
10 bottom, they're six or seven.

11 So it actually does create a very
12 nice neighborhood feel, and I appreciate their
13 steps that they've taken to keep that feel.
14 On the other side, when you're standing up on
15 the roof looking out at it across, wherever
16 that two extra stories is, if it's setback
17 twenty feet, fifty feet, one hundred feet,
18 it's still blocking that view. And
19 ultimately, that is the issue that we are
20 taking umbrage with and that we have serious
21 concern about. So no matter how far they set
22 it back, the fact that it's those two extra
23 stories, or three extra stories blocks that

1 view.

2 COMMISSIONER JEFFRIES: And how many
3 people does that impact, in terms of what you
4 just stated? Versus the larger community.

5 MR. DEMARINIS: The Hillside has
6 approximately forty six units in it and the
7 Denver has approximately thirty units.

8 COMMISSIONER JEFFRIES: But in terms
9 of your comment, I just want to get a sense of
10 the number of people who are going to be
11 impacted by those additional floors that you
12 spoke about.

13 MR. MOINKOFF: It's the roof decks
14 that we all share as a common space. There is
15 a few individual balconies up there, but our
16 building as well as the Hillside, as well as
17 the building, 1421, I'm not sure what it's
18 called, we all share a common roof deck space
19 that's available to anybody's use at any time.
20 And I know that we were all taken up there
21 when we were shown the building, as a selling
22 point.

23 COMMISSIONER JEFFRIES: I understand.

1 Okay, so it's really for the roof decks, the
2 usage of the roof decks, that's the concern
3 that you have. Okay, thank you.

4 VICE CHAIR HOOD: Mr. Moinkoff, you
5 said that the developer had mentioned to you
6 about the ANC accepting any development. But
7 let me move a little further. I'm familiar
8 with this ANC to a point. They're very active
9 and I know that they definitely listen to
10 their constituents. My question to you guys
11 is, I know you're relatively new, do you go to
12 your ANC meetings?

13 MR. DEMARINIS: Yes, we just started
14 going to them. We were there when Meghan got
15 sworn in.

16 VICE CHAIR HOOD: Oh okay, so you
17 missed being able to bring your views to the
18 ANC.

19 MR. DEMARINIS: Yes.

20 VICE CHAIR HOOD: Because I'm very
21 familiar with the Chairman and Mr. Spalding
22 and others, and I know they definitely listen
23 to their constituents.

1 MR. DEMARINIS: Yes, we're slowly
2 learning -

3 VICE CHAIR HOOD: Not putting a plug
4 in for them, but that's just the truth. Since
5 I've been around, I've seen them do that.
6 Okay, any other questions? Mr. Glasgow? ANC?
7 Any questions? Okay, thank you both. Okay,
8 Mr. Glasgow.

9 MR. GLASGOW: I think we covered the
10 main issue that I wanted to cover in the
11 rebuttal testimony, we've already done with
12 the green roof. I wanted to address that. I
13 think that there are a couple of things that
14 we may need to submit, some further
15 information to the Commission. We want to get
16 that pinned down with the green roof, with the
17 mechanical equipment that will be where the
18 units are that have the stairs coming up. I
19 think those are two things that we need to
20 submit.

21 VICE CHAIR HOOD: Let me run down my
22 list.

23 MR. GLASGOW: Okay. And then I'll

1 give a short closing statement.

2 VICE CHAIR HOOD: And I know that my
3 good friend has been looking out for me as I
4 know she always does.

5 MR. GLASGOW: Good.

6 VICE CHAIR HOOD: What I have are new
7 plans, because I think there was an issue
8 about making sure we have the new plans.

9 MR. GLASGOW: Oh, all right. Well
10 then you want a whole new set dated?

11 MS. SCHELLIN: I think it was just
12 the roof plan, new roof plan.

13 VICE CHAIR HOOD: Oh new roof plan,
14 I know it was plans.

15 MS. SCHELLIN: That shows the
16 stairways from the ninth floor.

17 VICE CHAIR HOOD: Right, okay. I
18 have a note to revisit the green roof, which
19 you all have already restarted. I wrote down
20 unit mix. That was you, Commissioner
21 Turnbull, the unit mix?

22 COMMISSIONER TURNBULL: I think I was
23 just getting back to - there was a concern

1 about - in the affordable housing, what the mix
2 was going to be, there was a concern about how
3 many two bedroom units - there was something in
4 our papers that we had about one of the
5 community - about how that housing was going to
6 be broken down.

7 COMMISSIONER JEFFRIES: I think the
8 applicants stated that -

9 COMMISSIONER TURNBULL: It's going to
10 be a percentage.

11 COMMISSIONER JEFFRIES: So I don't
12 think there's anything there.

13 VICE CHAIR HOOD: Okay. Street
14 perspectives.

15 COMMISSIONER JEFFRIES: That's
16 already been given to me.

17 VICE CHAIR HOOD: Okay, so you're
18 fine with that.

19 COMMISSIONER JEFFRIES: Yes.

20 VICE CHAIR HOOD: Below-market
21 retail? I think that's been satisfied. The
22 DOES, I know we need to execute that. And one
23 of the things that I wrote down is, if it can

1 be done, because I don't want to see Mr.
2 Glasgow take us to court for me turning this
3 down on the presumption of views only. But
4 see again if you could revisit looking to
5 soften the impact for the Denver Building and
6 the building to the south.

7 Just re-look at that. I'm not
8 saying make a major change, but just see if
9 you can soften, even more, I know you've made
10 some headway and I know you all have dealt
11 with the ANC and the neighborhood, and
12 softened that impact, but see if you can
13 continue from what we've heard tonight from
14 opposition. And if I don't see it, I know you
15 couldn't do it. I'm just asking. I'm merely
16 asking.

17 MR. GLASGOW: We will take another
18 look at that.

19 VICE CHAIR HOOD: And believe me,
20 silence is golden. If you come back and I
21 don't see any changes then I know you couldn't
22 do it. But I wanted to ask.

23 MR. FRANCO: My concern is that even

1 if we did soften it, View 14 is still going to
2 have some hard edges on that view, which is
3 directly across the street, and that's an
4 improved PUD.

5 VICE CHAIR HOOD: Just look at it.

6 MR. GLASGOW: We will look at it.
7 That sort of gets to part of the issue that
8 we're going to have, is how far are we going
9 with the view umbrella? Are we going downtown
10 and do we have to now look at what's going on
11 in the downtown development district, where we
12 can have a 130 foot high building in some
13 areas? And what does that do? Where does it
14 head if the Zoning Commission starts affording
15 people views over property several blocks
16 away?

17 VICE CHAIR HOOD: But understand my
18 comments, Mr. Glasgow. I didn't say it like
19 my colleague did for the green roof.

20 MR. GLASGOW: Okay.

21 VICE CHAIR HOOD: I asked. I just
22 asked.

23 MS. SCHELLIN: One other thing.

1 They
2 were going to expand a little about the LEEDs.
3 Even though they're not going for
4 certification, they were going to give us a
5 point range that they were going to commit to,
6 I think is what was asked for.

7 VICE CHAIR HOOD: Okay.

8 MR. GLASGOW: Was it a point range?
9 I want to get clarification on that. Was it a
10 point range or did we want to have further
11 clarification as to the description, because
12 you start getting into the point ranges, that
13 can get pretty touchy.

14 COMMISSIONER TURNBULL: I think we
15 all know that thirty two points is
16 certification for LEED, thirty two to thirty
17 three. But I think we'd like some - and I
18 think you said you were going to provide it at
19 some point, but I guess we'd want it clarified
20 as to what you're actually going to try to do.

21 MR. GLASGOW: We will submit more
22 detail as to what it is that we're doing. Did
23 you want it as to things that we would say

1 that we can do, and those that we are going to
2 try do? Because until you get into the
3 drawings and everything, as you know, it's
4 darn near impossible to say what you're
5 actually going to be able to get.

6 COMMISSIONER TURNBULL: I think we
7 just want a sincere effort to know that as far
8 as from a LEED standpoint and making this as
9 environmentally friendly as we can, what
10 you're trying to achieve. I think we just
11 want a sincere effort to show where you're
12 going on it.

13 MR. GLASGOW: All right, we will have
14 further submission that I think does that,
15 without attributing specific number of points.

16 COMMISSIONER TURNBULL: Yes, we're
17 not going to start requiring you to go for
18 silver or gold or anything. We just wanted to
19 know what you're trying to do. Thanks.

20 MR. GLASGOW: All right, thank you.

21 VICE CHAIR HOOD: Okay, are we all
22 straight? Mr. Glasgow, you had a closing
23 statement?

1 MR. GLASGOW: I think in one sense,
2 we had part of the closing statement when we
3 had a further dialogue about height and where
4 that goes and all of that type of thing, and
5 all of these view issues. I think we sort of
6 covered what I wanted to cover on that. We'll
7 get the post hearing submission in and we'd
8 have the Commission look at how we tried to
9 address the issues.

10 VICE CHAIR HOOD: Okay.

11 COMMISSIONER JEFFRIES: Are there any
12 time concerns for this development?

13 MR. GLASGOW: Yes, there are. The
14 time concerns that we have are, because of the
15 nature and the complexity of the negotiations
16 with the tenants in there, you know the
17 complexity when you look at somebody that's
18 got a lease out to 2018, and getting the stars
19 to align that you can empty this center out
20 and get this thing done. We need to be in a
21 position where we can get a decision,
22 obviously, as promptly as possible. We have
23 some things to submit.

1 So we want to make sure that we can
2 get a decision February 12th on this, because
3 what happens is, it is unclear under some of
4 the leases whether we have to give notice on
5 the first of the month or whether we can give
6 it in the interim, and whether it's a thirty
7 day, and all of that kind of thing. And I
8 know you've been through that before in other
9 type projects, and you have to choreograph
10 that dance carefully.

11 VICE CHAIR HOOD: Okay. We're going
12 to ask, and hopefully this will meet
13 everyone's time line, additional documents to
14 be into this office by January the 30th. Is it
15 twelve o'clock or three? Three o'clock. 3
16 p.m., January the 30th, and February the 6th for
17 the ANC and any OP responses, by three
18 o'clock. And we plan to take proposed action,
19 Mr. Glasgow, February 12th. Okay? All right.
20 With that, I thank everybody for their
21 participation this evening. And this hearing
22 is now adjourned.

23 (Whereupon, at 8:22 p.m., the above-

1 entitled matter was adjourned).

2