

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Zoning Commission

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8 Public Hearing

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10 Zoning Commission Case No. 15-01 (Level 2
11 Development - Consolidated PUD and Related Map
12 Amendment at Square 3587, Lot 4)

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15
16 6:30 p.m. to 9:05 p.m.

17 Thursday, June 4, 2015

18
19 Jerrily R. Kress Memorial Hearing Room
20 441 4th Street, N.W., Suite 220 South
21 Washington, D.C. 20001

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APPEARANCES

Board Members:

ANTHONY HOOD, Chairperson

MARCIE COHEN, Vice-Chairperson

ROBERT MILLER, Commissioner

PETER MAY, Commissioner

MR. TURNBULL, Commissioner

Office of Zoning:

SHARON SCHELLIN, Secretary

Office of Planning:

JOEL LAWSON

MEGAN RAPPOLT

DDOT:

JONATHAN ROGERS

DDOE:

Jay Wilson

APPEARANCES CONTINUED

OTHER:

JAY WILSON

NORMAN M. GLASGOW, JR.

SUSANNE V. SLATER

JEFF BLUM

JONATHAN KARDON

ERIC COLBERT

JEFF LEE

ERWIN ANDRES

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

2 CHAIRPERSON HOOD: Okay. Good evening,
3 ladies and gentlemen. This is the public hearing
4 of the Zoning Commission. Today's date is June
5 the 4th, 2015.

6 My name is Anthony Hood. Joining me are
7 Vice Chair Cohen, Commissioner Miller,
8 Commissioner May, and Commissioner Turnbull.
9 We're also joined by the Office of Zoning staff,
10 Ms. Sharon Schellin, the Office of Planning staff,
11 Mr. Lawson and Ms. Rappolt, the District
12 Department of Transportation, Mr. Rogers, and then
13 the District Department of the Environment, Mr.
14 Wilson.

15 Are we expected to be joined by Ms.
16 Steingasser?

17 MR. LAWSON: Not tonight, sir.

18 CHAIRPERSON HOOD: Okay. Okay. This
19 proceeding is being recorded by a court reporter.
20 It's also webcast live.

21 Notice of today's hearing was published
22 in the D.C. Register and copies of that
23 announcement are available to my left on the wall
24 near the door.

25 The hearing will be conducted in

1 accordance with provisions of 11-DCMR-3022 as
2 follows: Preliminary matters, applicant's case,
3 report of the Office of Planning, report of other
4 government agencies, report of the ANC,
5 organizations and persons in support,
6 organizations and persons in opposition, rebuttal
7 and closing by the applicant.

8 The following time constraints will be
9 maintained. The applicant has up to 60 minutes
10 but I want you to know we have read the filings.
11 It would be better to hit the highlights of some
12 of the issues that may occur. So I see you have
13 45 minutes and I'm sure we can probably work with
14 that. Organizations five minutes, individuals
15 three minutes. Again, all persons ought to fill
16 out two witness cards.

17 The staff will be available throughout
18 the hearing to discuss procedural questions.
19 Please turn off all beepers and cell phones at
20 this time so not to disrupt these proceedings.
21 Would all individuals wishing to testify please
22 rise to take the oath.

23 Ms. Schellin, would you please administer
24 the oath?

25 MS. SCHELLIN: Yes. Please raise your

1 right hand.

2 [Oath administered to participants.]

3 MS. SCHELLIN: Thank you.

4 CHAIRPERSON HOOD: Okay. I think we have
5 a few preliminary matters. Ms. Schellin.

6 MS. SCHELLIN: Yes, sir. First we have a
7 party status request application in support from
8 ANC 6C. They are an ANC across the street. The
9 authorized representative is either Turney Goodman
10 or Ryan McGinnis.

11 CHAIRPERSON HOOD: Okay. Colleagues, any
12 objections? Again, typically we do that when we
13 have our ANC that's abutting. Any objections?

14 Okay. So, ANC 6C will be a party as well
15 as 5D, which is automatic.

16 MS. SCHELLIN: Okay.

17 CHAIRPERSON HOOD: Anything else, Ms.
18 Schellin?

19 MS. SCHELLIN: I think all of the experts
20 that have been proffered have previously been
21 accepted. There's one, David Landsman that I
22 don't show is accepted before. I don't think he's
23 going to testify but he's going to be available
24 for questions, and I think he's being proffered as
25 an expert.

1 CHAIRPERSON HOOD: I don't think so. I
2 read where we're not proffering him as an expert.

3 Are we proffering him as an expert?

4 MR. GLASGOW: Yes, we are. We believe
5 you have his resume.

6 MS. SCHELLIN: Right.

7 CHAIRPERSON HOOD: Okay. So you're going
8 to proffer him in civil engineering? Which
9 exhibit is it? Do we know right off? Anybody
10 know right quick? I thought I saw something
11 striking through.

12 MR. GLASGOW: 24I.

13 CHAIRPERSON HOOD: This modern technology
14 is just so fast to get to. Okay. Mr. Landsman,
15 anyone have any objections, civil engineering? Or
16 do you need more time?

17 Any objections? Not hearing any we will
18 proffer him as an expert in civil engineering.
19 And I think all the rest have already been
20 accepted previously. Anything else, Ms. Schellin?

21 MS. SCHELLIN: No, sir.

22 CHAIRPERSON HOOD: Okay. Mr. Glasgow, we
23 may begin.

24 MR. GLASGOW: Thank you. Good evening,
25 Mr. Chairman, members of the Commission. For the

1 record my name is Norman M. Glasgow Jr., the law
2 firm of Holland and Knight. Here with me is Mr.
3 Kyrus Freeman of the same law firm, representing
4 the applicant in this case. Level 2 Development.

5 Appearing with us here this evening are
6 Mr. Jeffrey Blum, on behalf of the applicant, Ms.
7 Susanne Slater of Habitat for Humanity, Mr. Eric
8 Colbert, J.B. Lylamint of Eric Colbert Associates,
9 Mr. Jeff Lee of Lee Associates, landscape
10 architect, Mr. Erwin Andres.

11 The subject property is a Burger King
12 site located on the north side of Florida Avenue,
13 300 block, just to the east of the rail road
14 tracks and is included within the Florida Avenue
15 Market Small Area Plan. The proposal that will be
16 presented here this evening is extremely exciting
17 and innovative with respect to its site planning
18 and its proffers and amenities, including a park
19 in connection to be provided on the west side of
20 the subject property, which is shown on the
21 rendering on your left hand side as you face the
22 screen. All of that will be done at the expense
23 of the applicant and which will also serve as a
24 connector from Florida Avenue to the Florida
25 Avenue Market.

1 An affordable housing program in
2 conjunction with Habitat for Humanity will provide
3 a total of approximately 22,000 square feet of
4 affordable housing, whereas under IZ the amount of
5 affordable housing would be approximately 15,750
6 square feet. And the amount of the subsidy for
7 the affordable housing will be greater than would
8 be provided for under IZ and will provide home
9 ownership opportunities. That is something that's
10 specifically called out for in Chapter 26. We
11 will have larger units and house more people than
12 would otherwise occur.

13 Mr. Blum and Ms. Slater will discuss that
14 in more detail and we will be showing a video clip
15 with respect to that proffered amenity.

16 The subject property is proposed to be
17 developed with a 120 foot high eight FAR building
18 which will be mainly residential with retail on
19 the ground floor. And the site would be rezoned
20 from CM1 to C3C, consistent with the comprehensive
21 plan land use map, which designates the site high
22 density commercial, high density residential, and
23 PTE, and is consistent with the Florida Avenue
24 Market Small Area Plan, which designates the site
25 as high density.

1 We are also pleased to have the support
2 of council members McDuffie, ANC 5D, office of
3 planning, DDOT, and several area stakeholders. We
4 are not aware of any opposition and if there are
5 no preliminary questions I'd like to call the
6 first witness, Mr. Jeffrey Blum. Mr. Blum.

7 MR. BLUM: Good evening. Thank you. My
8 name is Jeffrey Blum. I am a founding principle
9 of Level 2 Development. I'm joined here today by
10 my co-founder and business partner, David Franco,
11 and to my right our senior development manager,
12 John Kardon.

13 Level 2 is a small company. David and I
14 are both residents and native Washingtonians. Our
15 families both have roots in the city. We have
16 roots that go back in the retail communities here
17 for three generations. Both of us have ties to
18 the H Street, 14th Street, and the G Street retail
19 corridors.

20 What that means to us is that we grew up
21 here, we know the city, we love this city, and
22 what we do here matters. When we develop our
23 projects we like to improve the livability, the
24 diversity, and the conditions in the neighborhoods
25 in which we work.

1 We've lived these principles for the last
2 15 years in our businesses. We've developed
3 approximately 1,000 units on the 14th Street
4 corridor and in Tacoma, D.C.

5 For a bit of context I'd like to show you
6 just our first large project, which is View 14,
7 which sits at the corner of 14th Street and
8 Florida Avenue Northwest. The reason that I show
9 you this, it's through this project we were able
10 to make two significant contributions to the
11 community in addition to just building a nice
12 place for 185 residents to live.

13 When we purchased this site there were
14 unsightly satellite dishes and a tower antenna
15 that were owned by Comcast. At the time Comcast
16 had no interest in selling that site as it was
17 very important to the distribution of their
18 product in the District. But the neighbors and
19 the larger community and the council were very
20 interested in having those facilities gone because
21 they really served as a visual impediment to
22 growth.

23 So working with Comcast actually after we
24 came here and submitted our PUD, we were able to
25 get Comcast, at a great expense, to sell us the

1 majority of that property and eliminate that
2 blight.

3 But more importantly on 14th Street, we
4 feel that the good that we helped to bring about
5 was to help save 48 truly low, low income
6 apartments, that are directly across the street
7 from View 14. This is a Jubilee Housing building
8 called the Crest Hill apartments. At the time the
9 building was about to fall into market rate hands
10 per the operating agreement.

11 We met Jim Knight and learned that with a
12 million dollar contribution they would be able to
13 fill their funding gap and purchase this building,
14 renovate it for the residents. We were able to
15 come up with a program whereby we took one half of
16 the then 14 affordable dwelling units that would
17 have been built in View 14. Instead we built
18 seven affordable dwelling units in the building
19 across the street and in exchange we gave the
20 million dollar contribution to Jubilee and Crest
21 Hill, and we're very proud that that building has
22 been renovated and stands today, and is still a
23 low income building contributing to the diversity
24 of the 14th Street neighborhood.

25 This is another project that we recently

1 completed. This is Tacoma Central in the Tacoma,
2 D.C. neighborhood. This is right on Carol Avenue,
3 one block from the Metro. The thing we were able
4 to do here in terms of contributing to this
5 community was to knit back together the old Main
6 Street of Tacoma so that now there's a nice place
7 to walk between the Metro and what we think of as
8 New Tacoma on the Maryland side.

9 When we met with the residents of the
10 Tacoma community in the beginning what we heard
11 loud and clear was, no chains, we want local
12 businesses, and we need a place to gather. We
13 don't have restaurants, we don't have coffee
14 shops, and that's what we need. And so with our
15 deep ties to the community we went directly to
16 Andy Shallal, Busboys and Poets, and we were able
17 to negotiate a lease with Busboys and Poets and
18 they're now open and thriving and the community is
19 thrilled to have that asset.

20 So on to Union Market and the subject of
21 the case tonight. This is the site at 320 Florida
22 Avenue Northeast. This is directly east of the
23 Amtrak and CSX tracks. The overpass is just -- of
24 the tracks is just off of the picture to your
25 left. The site is currently occupied by a Burger

1 King restaurant. And it sits, of course, at the
2 gateway to the 43 acre merging Union Market
3 neighborhood.

4 This is the building that Eric Colbert
5 and JB Lylamint at Eric Colbert and Associates
6 have designed for us. I'm going to let them speak
7 to the details and to the particulars of the
8 design of the building. But I will say that it
9 stands 120 feet from Florida Avenue, has 315
10 rental units, and approximately 10,000 square feet
11 of ground floor neighborhood serving retail, and
12 145 below grade parking spaces.

13 We think the building serves many of the
14 principles of smart growth, it maximizes density,
15 multiple transportation modes including the NoMa
16 Gallaudet Metro, one stop away from the Amtrak to
17 New York and Boston, right at the Metropolitan
18 Branch Trail bus lines and of course the soon to
19 be walkable community that will be Union Market.

20 I'm going to cover our public benefits
21 package, the first of which is the creation of a
22 park. This is the land owned by the City
23 immediately to the west of the project, between
24 the tracks and our project, which looks today
25 anything but like a park. It's an unused piece of

1 land, a steep embankment that is often used as a
2 homeless encampment and obviously kind of a trash
3 bin.

4 So we are proffering to spend \$600,000 to
5 convert this unused land into a beautiful public
6 park that will become the first piece of the
7 eventual pedestrian connection between Florida
8 Avenue and Union Market. That connection is
9 called out in the Florida Market Small Area Plan.

10 Let's see, I'll go back to this. The
11 second piece of our public benefits package is
12 there's a sustainable design of the building which
13 we proffer as LEED Silver certification. The
14 third piece is our transportation benefits package
15 which includes electric car charging stations for
16 five percent of the spots, a \$10,000 contribution
17 to support the NoMa study on the safety of the
18 Metropolitan Branch Trail, bike and car sharing
19 memberships for initial residents, and a
20 commitment to host an annual bike drive for a Ward
21 5 nonprofit called gearing up bicycles, which
22 serves teenagers from underserved communities to
23 teach job and business skills.

24 The last and most important part of our
25 public benefits package is what we believe to be

1 an innovative and very exciting affordable housing
2 component. What you see on the screen here is the
3 typical IZ requirement, our little icon there of
4 an apartment building. Given the size of the
5 building at 8 percent we would have 15,730 square
6 feet of affordable dwelling units at 80 percent
7 AMI. That would total 26 of our average 605
8 square foot apartments. An average household size
9 in an apartment like that of one and a half
10 people, we would see a benefit to 45 individuals
11 at the 80 percent AMI level.

12 In meeting with the community, ANC 5D,
13 and spending a great deal of time with them as
14 well as trying to be good listeners in the current
15 discussions, broader discussions about affordable
16 housing, we certainly know that the community
17 needs more two and three bedroom homes, needs home
18 ownership, and needs larger facilities, larger
19 homes for families.

20 So taking a cue from what we did nine
21 years ago at View 14 by contributing to the Crest
22 Hill, we would like to take a similar approach
23 here. And so this slide describes what we call
24 the trade. Similar to what we did at View 14 we
25 suggest that we would trade one half of the on-

1 site affordable units, so in this case half of the
2 26, or 13 units would come out of the building.
3 And instead we would make a \$1.4 million
4 contribution to D.C. Habitat for Humanity. D.C.
5 Habitat is doing just tremendous work in Ward 5,
6 and we're going to hear from Susanne Slater,
7 later, so that you can get details on that.

8 But that \$1.4 million contribution that
9 we would make to D.C. Habitat would allow D.C.
10 Habitat, without any District or Government funds
11 to build 13 homes that they would otherwise not be
12 able to build. Those homes would be, on average,
13 about 1,065 square feet and they would be a mix of
14 two and three-bedroom homes. They would be
15 available for purchase by individuals making on
16 average, 50 percent of the area median income.

17 So if we think about a two or three-
18 bedroom house with an average number of 3.7
19 occupants, we have an additional, I think -- if I
20 can read that it says, 48 people that we can
21 assist at much deeper levels of affordability.

22 When you put this together the Habitat
23 piece and the 13 units remaining in the building,
24 we change the arrow to a plus. We have 13 units
25 at 80 percent AMI remaining in the building, plus

1 the 13 homes built by Habitat, which would be
2 built in ANC 5D with a preference for 01. We're
3 making every effort to put as many of the homes as
4 possible in 01. And at the end of the day what we
5 end up with is, instead of -- let me flip back
6 here, instead of 14 or 15,000 square feet of
7 affordable housing in the building at 80 percent
8 AMI, we end up with a total of 21,730 square feet
9 of affordable space, 26 units, a combination of 50
10 and 80 percent AMI, 50/50, and we're serving
11 greater than 70 people.

12 We're also providing long-term home
13 ownership, the ability to earn equity, and to
14 really change lives and help the neighborhood
15 grow. So this is our proffer. We know that it's
16 an unusual one. We know that it doesn't work
17 everywhere. We think it works here, and that this
18 is the best way with the funds that this project
19 can provide, we think this is the way to leverage
20 those funds and provide the greatest good that we
21 can to the local 5D community.

22 With that I think I -- oh, no, I have one
23 more piece. One more very important piece. And
24 that is, we want you to have the opportunity to
25 see some of the faces and people that D.C. Habitat

1 has already helped in Ward 5, and get a sense for
2 what could be if you find that you can approve
3 this proffer.

4 So with that, we have a video.

5 [Video shown.]

6 MR. GLASGOW: I'd like to call the next
7 witness, Ms. Susanne Slater for Habitat of
8 Humanity.

9 MR. SLATER: I'll start in the interest
10 of time, in the dark here. I am the president and
11 CEO of Habitat for Humanity of Washington, D.C.
12 And we are -- oh, here we are. We are the only
13 nonprofit organization in the city exclusively
14 dedicated to ensuring that homeownership is a
15 reality for low and moderate income residents of
16 D.C.

17 Our mission is to provide homeownership
18 opportunities for families that earn 30 to 60
19 percent of area median income, an amount which, as
20 I'm sure you know, has nearly reached \$110,000 per
21 year.

22 Our typical families ear less than half
23 that amount, which means that there are two
24 earners in the family, each making 25 to 30,000
25 per year. We offer the opportunity of

1 homeownership in D.C. to those would never be able
2 to achieve that dream. And it is an opportunity
3 that not just benefits the financial stability and
4 health of our homeowners, it stabilizes whole
5 neighborhoods through civic engagement and
6 inspires many other benefits. Homeowners have a
7 long term stake in crime prevention, good schools,
8 and other municipal services, and they work hard
9 for the betterment of all D.C. neighborhoods.

10 As you are also aware the District of
11 Columbia has a very severe affordable housing
12 problem with many detrimental effects, both social
13 and economic. According to the well regarded
14 George Mason Center for regional analysis, the
15 median sales price for all housing types in D.C.
16 has exceeded \$500,000 and for a single family
17 detached home the price is well over \$800,000.

18 These numbers are a clear threat to the
19 economic and cultural diversity of D.C. It means
20 that we're on a path to become a city of renters,
21 where homeownership is only possible for the
22 wealthy in a few fortunate parts of the city. It
23 also means we're rapidly losing the capacity to
24 establish middle-class neighborhoods suitable for
25 raising families. This erodes civic engagement

1 and does nothing for the long term financial
2 stability of low and moderate income families.

3 What you have before you this evening is
4 an important step in the right direction. There
5 are very few champions of homeownership for low
6 and moderate income citizens of D.C. In fact they
7 are vanishing. The Fannie Mae and Freddie Mac
8 foundations, long time major supporters of
9 homeownership for low and moderate income families
10 have closed their doors. Government grants from
11 all sources have been cut or redirected to the
12 urgent needs of homelessness and transitional
13 housing. Homeownership is needed by all income
14 groups to ensure that D.C. thrives over the long
15 term.

16 The proffer by Level 2 Development is a
17 very important step in the successful
18 implementation of D.C.'s inclusionary zoning
19 policies. It was devised in close collaboration
20 with a Ward 5 ANC Commissioner, and it directly
21 addresses the needs of low income D.C. residents
22 who will benefit tremendously by becoming
23 homeowners rather than renters.

24 We need to foster productive partnerships
25 between the private developers in D.C. and

1 nonprofits that can ensure that the real needs of
2 low and moderate income residents are met. The
3 Highline is an exciting innovative addition to a
4 rapidly appreciating part of D.C., but it is all
5 rental. And no matter how attractive the
6 amenities it is not what low income families at 50
7 percent of median income really need. They need a
8 home they can call their own.

9 D.C. Habitat does not have the funds to
10 build the 13 homes that the Level 2 proffer
11 provides. We have built 29 homes in the immediate
12 ANC 5D-01 and with your approval we can build 13
13 more that will benefit families in a truly mixed
14 income appreciating area. This is the true spirit
15 of inclusion.

16 I urge you to support this proffer. D.C.
17 Habitat for Humanity in partnership with Level 2
18 Development will be providing significantly more
19 square footage than is required for the 13 homes
20 in question. But more to the point, it will meet
21 the long term needs of families in a way that the
22 Highline Development alone will not be able to
23 meet.

24 Under the Habitat for Humanity model the
25 homes will stay affordable through special

1 covenants. We will be building in close proximity
2 to the high line and will give the residents of
3 ANC 5D preference in purchasing these homes. The
4 danger right now is that many of these families
5 are being priced out of the neighborhood. We can
6 prevent this by implementing inclusionary zoning
7 in a productive and innovative way. The proffer
8 before you is a huge step forward for low income
9 families and an equally large step in ensuring
10 that our family has a policy of inclusion; one
11 that promotes the vitality and sustainability that
12 economic and cultural diversity fosters.

13 I welcome any questions.

14 MR. GLASGOW: I'd like to turn to the
15 next witness, Mr. Eric Colbert.

16 MR. COLBERT: Good evening, Mr. Chairman
17 and members of the Commission. My name is Eric
18 Colbert with Eric Colbert and Associates
19 Architects, and I'm going to show some slides if
20 we could have the lighting adjusted, please?

21 This is just a site plan to show you the
22 brief orientation. I'm sure you all know where
23 the site is, but we've got the railroad tracks to
24 the west of us and then there is that piece of
25 land between us and the railroad tracks that we're

1 proposing to develop as a beautiful park for the
2 neighborhood. And then to the left you can see
3 the AFT headquarters and then there's a new large
4 apartment building on the corner of New York
5 Avenue and Florida Avenue to the west of us.

6 And then of course on the right upper
7 corner is the beautiful Union Market and that
8 whole area is being planned or redeveloped.

9 First of all I would like to thank Level
10 2 for encouraging us to really step outside the --
11 you know, think outside the box and do some
12 innovative architectural work on this project.
13 You can see by the sculptural effect of the
14 building that my clients have a strong commitment
15 to doing some innovative design work, and I'd like
16 to thank, you know, JB and the rest of our staff
17 for their tireless work on this.

18 The upper part of the building, the ins
19 and outs, one of our inspirations was thinking
20 about stacked cargo shipping containers. There's
21 sort of an abstract version of that, and we're
22 also planning on including significant amounts of
23 glass. We'll always have unobstructed views
24 downtown toward the Capitol, particularly from the
25 upper floors. And then, you know, there is also

1 very nice views to the west. And then you can see
2 the park that we're proposing on the left-hand
3 side of the screen.

4 This is the back of our building. An
5 earlier drawing that we had submitted showed brick
6 elements, but in keeping with the industrial
7 aesthetic we are showing -- we've decided to
8 propose metal panels in that location. And then
9 this is one of the earlier comments, when we did
10 the set down hearing, had to do with giving a
11 little more life to the -- there is a small part
12 of our building that extends above the proposed or
13 previously approved development that's to the east
14 of our property. So you can just see a little bit
15 of our building sticking up. But we've activated
16 that with adding more windows and some subtle
17 façade lines facing in that direction.

18 These are images of our street views.
19 And one of the things that we've done here is on
20 the ground floor, the first two floors, we have
21 brick and we were planning on using a very
22 industrial brick. I have material samples that
23 I'll show you. Very similar to the coloring and
24 texture that you might find in some of the old
25 warehouses in the neighborhood.

1 Also, another important design element is
2 we have this linear canopy type element and a lot
3 of these old warehouses here and in places like
4 the meatpacking district and Manhattan, they had
5 these long canopies where trucks would pull up
6 underneath and do the loading and unloading in
7 that location. So this is kind of a modern
8 abstraction of the kind of physical appearance
9 that some of these old industrial buildings had.

10 Another thing we're doing on the third
11 floor level is we have a series of steel columns,
12 and they have these riveted bolted connections
13 that are very similar to the railroad underpass on
14 Florida Avenue, just a couple hundred feet away.

15 This is a view of our penthouse on the
16 south side, and you can see we're planning on
17 having a nice swimming pool. And then one of the
18 pieces of zoning relief we're asking for, which is
19 a common request, is to have two levels in our
20 penthouse. As you can see we have a significant
21 amount of green roof that we're going to continue
22 to have throughout the project. Here again you
23 can see where we've sculpted the penthouse so that
24 it does have two different levels, which is again,
25 the point of relief that's being requested.

1 Also, due to the fact that there is
2 future action proposed on the penthouse
3 regulations, we've actually included two options,
4 A and B. This is the first one which has two
5 dwelling units included and we also have increased
6 the height to 20 feet which is part of the
7 proposed regulations. And this is a floorplan of
8 that scheme which has -- you can see the kind of
9 beige tone at the center of the bottom, and then
10 on the right-hand side are the two large dwelling
11 units we'd like to include as well as the
12 residential recreation space and the penthouse.

13 If that doesn't turn out to be acceptable
14 then we have included the Option B, which limits
15 the current restriction height of 18 feet, six
16 inches, and in the plan this would be entirely
17 amenity space without any residential dwelling
18 units.

19 This is our materials board and so you
20 can see that, I was talking about the industrial
21 brick. And then on the upper right-hand side of
22 this exhibit are the metal color of the windows
23 and then also the façade is graced with metal
24 panels and the colors and actual samples in the
25 metal panels are in the middle of the right-hand

1 side of this board.

2 Another thing that I would like to point
3 out as another design element we've included are
4 these balconies facing the west side toward the
5 tracks that have diagonal bracing elements that
6 are kind of indicative of -- kind of connote the
7 modern interpretation of an old fire escape type
8 element.

9 Again, this is our first floor plan, so
10 the main entrance is on the right-hand side. But
11 then to the right of that we have one retail space
12 and then a larger retail space to the left of our
13 entrance. And then you see the entrance to our
14 loading area and parking garage. And then there
15 is another retail space on the western most part
16 of the first floor facing Florida Avenue.

17 I'll also point out that in this diagram
18 you can see we have two trucks internal to the
19 building, so there is an existing curb cut at the
20 intersection of 3rd and Florida. We will be
21 keeping that curb cut, and that's where our
22 loading will be. And then Erwin from Grove-Slade
23 will be talking about the study he's done.

24 Part of our relief is asking for a very
25 calm exception, which is not to have to provide a

1 50 foot truck. And then in addition to that,
2 given the zoning requirements we would have both a
3 100 foot platform and a 200 foot, and we're
4 proposing to provide the 200 foot platform, but do
5 need relief on the 100 foot.

6 This is our typical floorplan. It's
7 fairly straightforward, but we do have these
8 extensions in the rear. And even though the
9 average width between the back of our building and
10 the rear property line complies with the dimension
11 of the rear yard setback, there is a point, the
12 closest point where the bump outs occur, that does
13 not comply. So we would need relief from that.

14 Also, we have these open courts which
15 don't quite comply with the court dimensions that
16 are specified in the Zoning Regulations.

17 And then the other area of relief has to
18 do with the side of our building facing the
19 railroad tracks on the west side. The ins and
20 outs of the building create court niches that do
21 not achieve the full one to one ratio. So that's
22 another area of relief that we're asking for.

23 MR. LEE: Mr. Chairman, board members, my
24 name is Jeff Lee, Principal of Lee and Associates.
25 We're the landscape architects for the project.

1 It's always a pleasure to appear before you and
2 especially on this project because we've done
3 several projects in NoMa but haven't had an
4 opportunity to work in the park, NoMa, and it's a
5 pleasure to do that.

6 The project, given its industrial
7 character, and also following the DDOT and Office
8 of Planning coordination with them, we created
9 basically three distinct areas which is the
10 overall streetscape plan, which is on Florida
11 Avenue. If you look at it from the curb side we
12 start with a six foot tee pit, which we're using
13 the low impact development for storm water. And
14 then we have an eight foot sidewalk, and then we
15 have a four foot planting strip which also creates
16 an improvement to the environment by creating
17 additional green zone and breaking up the overall
18 sidewalk where once again after the planter we
19 continue with a seven and a half foot sidewalk.

20 The park that actually becomes like a
21 hinge that sort of climbs up the hill, in order
22 for us to sort of seamlessly integrate the ADA
23 ramps, you know, we didn't want to make it look
24 like a ramp, we want to design it. So by folding
25 this into that slope and then having the stairs to

1 the side with a nice green buffer that sort of
2 separates the building from the park as a green
3 mortar, creates a very nice rhythm where we
4 actually have -- we activate this corner here and
5 we end up connecting on to the market, on more
6 into the Moore Street. We are coordinating with
7 those folks to make that connection happen.

8 Here in the exhibit are all the different
9 details and the descriptions of everything that
10 we're putting in that space.

11 Just to look at the pallet of materials
12 for the park itself, we're having basically tilted
13 plains of law which gracefully takes up this
14 grading as it goes up. By the way, the ramps are
15 five percent slope which means we don't need any -
16 - this vista will not be obstructed by any
17 handrails. We are going to be using an 8 foot
18 wide pathway here as per request of OP. And the
19 folks that are going up and down the stairs will
20 have what they call a bicycle trough so you can
21 sort of guide your bike up and down that area.

22 As we get further up we're actually
23 bringing some animation and color to that area by
24 creating an herb garden with perennials and herbs
25 and spices that will be maintained by the

1 developer and available for the neighborhood.

2 Here you get a -- this is a bird's eye --
3 well, it's a regular perspective, looking up that
4 slope. And you can see that from down below that
5 the visual trickery is that the ramps don't --
6 it's like a reverse ha-ha, where the green lawn
7 just continues up where you don't even see those
8 ramps on the park itself, giving it a much broader
9 green swatch.

10 And then looking down from the market you
11 can sort of start to see how that whole urban
12 agricultural fabric of quilt starts to provide
13 more interest in that upper area. As for the
14 street scape material we're staying with the DDOT
15 standards in terms of the cast in place concrete
16 for the eight foot sidewalk. And then between the
17 low impact development tree pits, we're putting in
18 permeable pavers to get that extra quality of
19 water coming through.

20 In the buffer area for four foot, we have
21 benches that you see here, with some greener. And
22 then a very, very small fountain, just off the
23 entrance area here. We're providing bike racks,
24 trash receptacles. And then along this strip here
25 we'll be providing more of a fine grain pavers

1 that sort of have a relationship with the low-
2 impact development pavers, back as two strips with
3 the carpet of concrete running down the middle.

4 Here is the section through that area and
5 I won't go -- you know, I won't go through and
6 explain everything but here is a street, here is a
7 tree, there is that green strip, and then here is
8 the seven and a half foot and an eight foot
9 passageway.

10 And here's some of the prospective. I
11 think they speak for themselves.

12 On the roof this is a real jewel because
13 of the tremendous views, the Capitol and the
14 surrounds. And I think the architects and the
15 engineers worked really, really hard to get, you
16 know, get everything tightened down so we can
17 actually have as much area as possible for the
18 amenities. The pride and joy obviously is the
19 pool deck with a really nice sitting area. And
20 then these sort of overlook areas that sort of
21 have more of a banquet type seating. And we try
22 to activate all the perimeters as much as
23 possible. And as Eric mentioned earlier, we do
24 have a tremendous amount of green roof areas.

25 Here is some section throughout the pool

1 deck and the lounge area. And here is some
2 precedent images of what this place would very
3 much look like similar to these images.

4 MR. ANDRES: Good evening, Chairman Hood,
5 members of the Commission. Erwin Andres with
6 Grove-Slade Associates. We have coordinated with
7 DDOT and the design team to develop an access and
8 circulation system that serves the project and
9 mitigates the impacts associated with it.

10 The site is well situated near transit.
11 The plan shows -- as been mentioned previously
12 with the existing driveway that is going to be
13 reused because it's currently at a traffic signal,
14 so we'll be able to access the site fairly
15 efficiently and safely because of the fact it is
16 at the signal.

17 As was mentioned earlier, the access for
18 the garage actually also serves as access to the
19 loading. So based on our coordination with DDOT,
20 our loading management plan does not include any
21 loading activities on Florida Avenue. It's
22 important that as part of our development of this
23 access plan that we are closing another curb cut
24 just east of the existing curb cut in order to
25 create a continuous sidewalk across the property.

1 With respect to the access parking and
2 loading as was mentioned earlier, we meet the
3 zoning requirement for parking. The flexibility
4 that we're looking for as part of this PUD is to
5 address the loading aspect as was mentioned
6 earlier. Given the type of use we believe that
7 there is no need for a 55 foot berth, given the
8 size of the units. And the fact that we are
9 providing a loading management plan.

10 The site is well served by transit. It's
11 about a block and a half away from the Redline
12 Metro Station for NoMa Gallaudet, and there's also
13 four high frequency bus lines serving the site.
14 It's also well served by existing bike facilities
15 with bike routes and connections to the
16 Metropolitan Branch Trail as well as nearby
17 Capitol BikeShare stations.

18 We've proposed an extensive TDM element
19 package that's been vetted by DDOT. In their
20 review letter DDOT did support the project. One
21 element that they had requested was that we
22 provide nine temporary bike spaces and public
23 space, which we will coordinate as part of the
24 public space permitting project.

25 And we also agree to all of DDOT's

1 conditions. So with that, there's one item that
2 they identified, which was addressed earlier.
3 DDOT had requested eight foot sidewalks and eight
4 foot staircases. The staircases will be eight
5 feet with the bicycle channel that Jeff Lee had
6 spoken about. However, the handicap ramp would
7 only be six feet as it meanders up the side of the
8 terrace.

9 So with that we're available for
10 questions. Thank you.

11 MR. GLASGOW: And I think we also were
12 going to be asking for flexibility with respect to
13 the percentage of compact spaces.

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

15 MR. GLASGOW: Thank you. This concludes
16 the direct presentation of the applicant.

17 CHAIRPERSON HOOD: Mr. Glasgow, let me
18 just as you. When you all did your rehearsal
19 earlier, how much time did it take you?

20 MR. GLASGOW: It took, I think it was
21 almost three hours.

22 CHAIRPERSON HOOD: Well, I want to thank
23 you all, really, for perfecting that. Honestly.
24 I think it was very well presented. But let's see
25 what kind of questions we have up here.

1 Any questions? We may not have any. Any
2 questions? Somebody like to start us off? Okay.
3 Today.

4 MS. COHEN: I'll start.

5 CHAIRPERSON HOOD: Okay. Thank you, Vice
6 Chair.

7 MS. COHEN: Thank you for your
8 presentation. Just have a few questions and I
9 think they're for Habitat -- well, no, they're for
10 a lot of people. But I'll start with the Habitat
11 questions.

12 Have you identified the sites for the 13
13 homes?

14 MR. SLATER: We're in the process of
15 doing that. We're looking at quite a few
16 properties in 5D-01, and everything will radiate
17 out from 5D-01.

18 MS. COHEN: Are they vacant properties or
19 --

20 MR. SLATER: We're looking at both rehabs
21 and vacant land.

22 MS. COHEN: So you have nothing pinned
23 down and that's why we have somewhat of a, I guess
24 some loose ends with regard to providing the --
25 you may end up just providing inclusionary zoning

1 in the building if you don't identify those 13
2 sites.

3 MR. SLATER: Well, we'd be very
4 disappointed about that. We've already done 29
5 units in the 5D-01 and we're --

6 MS. COHEN: So you have a track record.
7 What kind of --

8 MR. SLATER: They are single family row
9 houses.

10 MS. COHEN: And they were renovated?

11 MR. SLATER: It's a combination of
12 renovation and new construction. Primarily new
13 construction but a lot of renovation as well.

14 MS. COHEN: Have you met with DHCD
15 already to see what's available in the
16 neighborhood?

17 MR. SLATER: We're well aware of their
18 database and I have people on my staff that patrol
19 that entire area very carefully and we're aware of
20 what's available, what's not, and so forth.

21 MS. COHEN: So what is your proposal for
22 starting and completing? It obviously is tied
23 into the C of O --

24 MR. SLATER: Yes.

25 MS. COHEN: -- for this property.

1 MR. SLATER: Yes. We have to get going
2 quickly so we are eager to get going, to be able
3 to finish by the time they need a C of O.

4 MS. COHEN: Okay. And can you just
5 describe to me -- I mean, I've seen Habitat
6 properties under construction. I'm curious what
7 kind of green building items you put into these
8 homes.

9 MR. SLATER: Well, as a matter of fact
10 right now we're working on -- we've done eight Net
11 Zero Passive homes and the very lowest level of
12 sustainability is Earth Craft, which is compared
13 to a LEED certification. But we have gone to the
14 very highest level where our homeowners have very
15 very low utility bills; up to 90 percent savings.

16 MS. COHEN: Do any of these homeowners
17 carry mortgages? Do they?

18 MR. SLATER: Yes.

19 MS. COHEN: They do.

20 MR. SLATER: Yes. We're both a mortgage
21 originator ourselves and we also work with a wide
22 variety of mortgage lenders, including DHCD.

23 MS. COHEN: Okay. So you get HPAP
24 financing and --

25 MR. SLATER: Oh yes, indeed. Yes.

1 MS. COHEN: And first time homeowners get
2 --

3 MR. SLATER: Only first time homeowners
4 is --

5 MS. COHEN: Only. Okay.

6 MR. SLATER: -- in the Habitat program,
7 yes.

8 MS. COHEN: Okay. Thank you. Okay. I
9 had a question and it was, you're loading through
10 the lobby of the apartment house. Is that my --
11 for the retail? I read that, I think, on the DDOT
12 report.

13 MR. BLUM: No, not to my knowledge.
14 We're loading from the --

15 MS. COHEN: Can you show us where you're
16 going to be loading?

17 MR. BLUM: Eric, could you talk about the
18 --

19 MR. COLBERT: A service corridor from the
20 garage.

21 MR. KARDON: Nearly all of the retail
22 space will be served via loading docks that are in
23 the garage and going on the west side one of the
24 spaces opens directly to that loading dock. So
25 that will be served directly from that.

1 MS. COHEN: No interaction between the
2 residential and the -- okay.

3 MR. KARDON: Well --

4 MR. MAY: No, no, you've got to show us
5 how that works because --

6 MS. COHEN: Yeah.

7 MR. MAY: -- there is the one retail
8 that's furthest to the east --

9 MS. COHEN: Thank you.

10 MR. MAY: -- is not connected.

11 MR. KARDON: We added a door on the space
12 all the way to the east that goes directly to the
13 lobby so that materials can go from the loading
14 dock into the service corridor.

15 MS. COHEN: I think you need a pointer,
16 instead of your finger. Just will help a little
17 bit.

18 MR. KARDON: Sorry. Yeah, the finger
19 doesn't do much. This is a laser? Oh, there we
20 go. Doesn't seem to be working.

21 MR. MAY: Right there.

22 MS. COHEN: There it goes.

23 MR. KARDON: Who did that? Yes.

24 MR. MAY: Right?

25 MS. COHEN: Thank you.

1 MR. KARDON: Yes, so that's the --

2 MR. MAY: You've got the ramp going in
3 here.

4 MR. KARDON: -- the service car door, and
5 that gets into the main retail space in the
6 center.

7 MR. MAY: Right.

8 MR. KARDON: And also to the retail space
9 all the way to the left as served by the loading
10 dock.

11 MR. MAY: Right.

12 MR. KARDON: The retail space all the way
13 to the right we see as a low-impact retail user
14 that's going to have very infrequent loading. But
15 when it does have loading, unfortunately --

16 MR. MAY: It goes across the lobby.

17 MR. KARDON: -- because the lobby
18 separates it there is a provision for loading to
19 be taken across the lobby and into that door.

20 MS. COHEN: So what is your definition of
21 low-impact retail? I'm just curious to see; to
22 understand.

23 MR. KARDON: It's very unlikely that it
24 would be a restaurant. It could be a bank, it
25 could be just a small office space, just clothing

1 store.

2 MS. COHEN: Okay. I just wanted to make
3 sure we're on the same wavelength.

4 You have 88 parking spaces, more than
5 what is required. Talk to me about the parking.
6 Like, are you going down one level or going down -
7 - you know, do you need those 88? What is the
8 justification?

9 MR. KARDON: We've done studies of other
10 apartment buildings in the immediate area and have
11 seen that the take rate generally has been around
12 50 percent, 45 to 50 percent ratio for units and
13 we're hoping to meet the demand of our residents
14 through that. It is two levels down.

15 MS. COHEN: And if you eliminated one
16 level and therefore did not have to go down that
17 extra level, how many spaces would that eliminate?

18 MR. KARDON: Approximately half of that.
19 So about 75 spaces.

20 MR. BLUM: As John said, we've done
21 extensive research both in our buildings and in
22 buildings throughout NoMa and the elevation
23 building across the tracks. And we've looked at
24 the parking take rate by unit type. And then we
25 actually crunch the numbers based on our unit mix

1 and those take rates. And that's how we arrive at
2 the parking count. So we feel that we need what
3 we have to be commercially reasonable or to rent
4 the units, the apartments.

5 MR. GLASGOW: Remember, with C3C the
6 parking ratio is only one for each four units, so
7 that also impacts because we're at the -- I guess
8 you're providing about .5, .6 spaces per unit
9 which is generally what we've been providing in
10 these type of buildings.

11 MR. KARDON: Just to clarify, I believe
12 it's around .4 to .45.

13 MS. COHEN: All right. I just you know,
14 will defer until we hear from DDOT. What is the
15 status of your negotiations with GSA for the park
16 land? I mean, DGS. Sorry.

17 MR. BLUM: We are in the midst of
18 negotiating an agreement, a license agreement for
19 two years, with the Department of General Services
20 with -- everyone certainly understands that we
21 need the park to exist for more than two years and
22 we're going to be working with likely counsel to
23 make this hopefully a park in perpetuity. But we
24 need the time and DGS is agreeing to give us that
25 two year time to begin the process of working with

1 counsel as we design the park and to get a
2 permanent easement for the park and so that it's
3 available for the use of the citizens of the
4 District.

5 MS. COHEN: So your negotiations are
6 nearing inking?

7 MR. GLASGOW: We've submitted to the
8 Commission a copy of our license to occupy, which
9 was drafted by --

10 MS. COHEN: You?

11 MR. GLASGOW: -- Department of General
12 Services.

13 MS. COHEN: Oh.

14 MR. GLASGOW: And if you look at the top
15 of page 2, where it talks about permitted uses,
16 you can tell that they're engaged because the last
17 sentence of paragraph 3, which is at the top of
18 that, "In addition licensee shall comply with all
19 requirements of Zoning Commission Order blank."
20 So they're aware of what we're doing, what our
21 needs are, and what our intentions are.

22 MS. COHEN: Thank you. What is the --
23 you're only providing a six, instead of an eight
24 foot wide aisle for ADA. Does that meet ADA
25 requirements?

1 MR. KARDON: Where are you referring to?

2 MS. COHEN: To, oh I'm sorry, the
3 landscape. In the landscape you mentioned that
4 you --

5 LEE: Yeah. Actually, it could be three
6 feet wide and comply.

7 MS. COHEN: Okay. All right. I just
8 want to make sure.

9 PARTICIPANT: And the reason that we
10 didn't want to go to eight foot with it, is it
11 really has a drastic effect on the overall design
12 in terms of the proportion of the green versus
13 hard.

14 MS. COHEN: Understood. I think DDOT had
15 some issues with the placement of the vault, which
16 I think you're going to be obviously during the
17 public space process, going to address. And I
18 urge you to make sure it's not on the public land
19 because it makes it very hard for pedestrians to
20 just -- and, you know, walk.

21 MR. COLBERT: We're committed to doing a
22 covered vault with air conditioning.

23 MS. COHEN: A covered vault with air
24 conditioning.

25 MR. COLBERT: Yeah. So it won't have

1 grading on the top.

2 MS. COHEN: Okay. Good. Good, good,
3 good. Actually, I think I did read that
4 somewhere.

5 Let's see. I think, let me just check
6 one other page and then I -- I'm finished now,
7 Chairman.

8 CHAIRPERSON HOOD: Okay.

9 MS. COHEN: Thank you.

10 CHAIRPERSON HOOD: All right.
11 Commissioner May.

12 MS. COHEN: Oh, I have one other thing
13 before. I'm sorry.

14 I do like the design. I really do. I
15 think it's great. Thank you.

16 MR. MAY: Okay.

17 MS. COHEN: That's why I said, before you
18 started.

19 MR. MAY: Oh, that's fine. Thank you.
20 And I wasn't going to say very much about it
21 either way. And, thank you. You've covered some
22 of the questions I had, so I appreciate some of
23 the issues that you raised.

24 There is no retail parking spaces
25 proposed. Is that correct?

1 MR. KARDON: That is correct.

2 MR. BLUM: Just those required spaces by
3 Zoning, which would be for the employees of the
4 retail establishments. Not for patrons.

5 MR. MAY: Not for patrons.

6 MR. BLUM: That's correct.

7 MR. MAY: So there would be no parking
8 for retail patrons?

9 MR. BLUM: Right. No parking for retail
10 patrons. So the sizes of the retail bays are
11 relatively small. We expect to be neighborhood
12 serving establishments, and we also know that the
13 market itself is going to be over parked because
14 of all the retail there that Eden's is building
15 early on. And so the Eden's will have a major,
16 major garage on 4th Street, which is 1274th, where
17 they're over parking so that there can be parking
18 for the theater and all of the retail that they're
19 bringing. So we didn't -- we don't feel like we
20 have enough retail to want to try to separate the
21 uses within a garage and likely have to go down an
22 additional level to create that.

23 MR. MAY: Okay. So I did not imagine
24 that required retail parking was supposed to be
25 just for employees.

1 MR. GLASGOW: Commissioner, if you
2 provide parking and its designated for retail, you
3 can have the access to it how you want. Right.

4 MR. MAY: Yes. I mean, you can use it
5 the way you want but I didn't imagine that it was
6 designed exclusively for staff use or anything
7 like that.

8 And it seems to me, given the location
9 that if there is retail there that is any kind of
10 a destination that it's likely that you're going
11 to want to have some availability of parking
12 nearby. Now maybe that happens in the building
13 next door, or maybe it happens around the corner,
14 but it seems like there's got to be some need for
15 it.

16 MR. BLUM: Right. Or what likely happens
17 is we don't get that tenant, which is --

18 MR. MAY: Yeah.

19 MR. BLUM: -- you know, something that
20 we're just well aware of.

21 MR. KARDON: We've done four other
22 projects along 14th Street and Tacoma and we've
23 never opened up our garages for retail customer
24 parking. They've all been intended for retail
25 employees.

1 MR. MAY: And ordinarily I wouldn't be
2 that concerned about it. It just has to do with
3 this particular location and I mean, maybe it's
4 going to change but the proximity to the tunnels
5 there and the -- you know, and there's a dangerous
6 intersection with, was it 3rd Street or something
7 like that, coming right up? I mean, it's just
8 sort of an awkward spot and it's not like you're
9 in the middle of the street grid and there are
10 lots of places around the corner and people could
11 park and so on.

12 MR. BLUM: Right. Although, there will
13 be. We will be eventually.

14 MR. MAY: Right.

15 MR. BLUM: I mean, with the REI it is
16 amazing. We think of the Coliseum as being so far
17 from this site. But when you're there and you
18 realize it's a two-block shot down 3rd Street once
19 Armature is done and Wilks and REI, it's going to
20 be quite a grid and quite a walkable community.

21 MR. MAY: So, something happening at the
22 Armature Works? I didn't even know about that.

23 MR. BLUM: I have no intimate knowledge
24 of it but I've just --

25 MR. MAY: There's another -- I mean, I

1 was just kind of --

2 MR. BLUM: I think that, I thought --
3 it's my understanding that that site is in play,
4 but I don't have certainly any confidential --

5 MR. MAY: All right.

6 MR. BLUM: -- or specific information.

7 MR. MAY: Mr. Glasgow knows. That's
8 okay. I don't need to know.

9 MR. BLUM: He's not going to say.

10 MR. MAY: No, I mean, I just assumed
11 eventually it would but I was just wondering
12 because it's one of those last bastions of sort of
13 industrial use.

14 Okay. For the park there's talk of it
15 eventually becoming a pedestrian connection to the
16 market. And the drawings that I've seen don't
17 seem to indicate how that connects. It just seems
18 to show actually development on those sites;
19 buildings on that site immediately to the north.
20 So how is that going to work?

21 MR. BLUM: That's a very good question.
22 And so the site behind is under contract. 300
23 Morris is the address. And we are in discussions
24 with that contract purchaser. In fact we've been
25 working quite closely with them over the last many

1 weeks. And we actually -- we have a letter that
2 we have submitted. Correct?

3 MR. GLASGOW: Yes.

4 MR. BLUM: Yes. We have submitted a
5 letter from Kettler, the contract purchaser.

6 MR. MAY: Oh, yeah.

7 MR. BLUM: And in that letter of support
8 for this case Kettler has also said that they are
9 committed to working with us on the details of the
10 way that the top of the park connects to their
11 site, as well as they're committed to extending
12 that pedestrian connection from the top of the
13 park through their site, into the market,
14 ostensibly to Morris Street.

15 They also, in that letter, have asked for
16 the Commission to allow us the flexibility in the
17 design elements at the top of the park. So as
18 their design evolves we can make sure that the
19 stairs and the ramp all meet at the correct
20 elevations to meet their site. And of course that
21 case will be coming before this Commission and so
22 that will give you the opportunity to see the
23 final connection and how that's going to work.

24 MR. MAY: Is there any chance that we can
25 get anything more definitive in terms of a

1 commitment before we make a decision on this case?
2 Because it does seem like you know, it's a park in
3 a somewhat unusual location and it seems like it's
4 very attractive. But it would be a lot more
5 attractive if it was actually, you know, a route
6 to get somewhere because otherwise you're just
7 sort of going up the hill to --

8 MR. BLUM: Absolutely.

9 MR. MAY: -- I mean, I guess to tend your
10 garden if you have a garden there or something.
11 But --

12 MR. BLUM: Right. We agree. We want it
13 to be a route to someplace, not a route to
14 nowhere.

15 MR. MAY: Right.

16 MR. BLUM: That's the end game. In terms
17 of a commitment I'm sure, Commissioner what is it,
18 a commitment from us or a commitment from Kettler?

19 MR. MAY: Yeah. I mean, from Kettler. I
20 mean, I know you want it but I'm just asking what
21 the possibility is in that letter.

22 MR. GLASGOW: I can check with Kettler.
23 I happen to know their attorney very well.

24 MR. MAY: Okay.

25 MR. BLUM: Would it be appropriate for me

1 to read from their letter of support, that
2 section?

3 MR. MAY: That's fine. I'll read that
4 again.

5 MR. BLUM: Okay.

6 MR. MAY: I mean, I read their letter but
7 I didn't -- for some reason I didn't focus on
8 their commitment to the connection.

9 MR. GLASGOW: And they have been in
10 contact with the Office of Planning and I know the
11 Office of Planning has indicated to them that when
12 their project starts to move forward they need to
13 make sure they have a connection that gets you
14 into the --

15 MR. MAY: Right.

16 MR. GLASGOW: -- Florida Market, and I
17 think that OP can address that also.

18 MR. BLUM: There are two sentences here
19 if it might help you.

20 MR. MAY: No, that's fine.

21 MR. BLUM: This is from Kettler's letter
22 of yesterday, June 3rd. It says, "We plan to file
23 a PUD in the near future for 300 Morris Street for
24 a mixed use development. In our PUD we plan to
25 include a public benefit to include the --" excuse

1 me, "To continue the pedestrian connection through
2 the 300 Morris Street property, and to link the
3 pathway to Morris Street."

4 MR. MAY: Okay. Thank you. So talk a
5 little bit more about the design of the park and
6 how that came about, because it's -- I mean, it's
7 very interesting and it's a very unusual spot.
8 And I'm just wondering, you know, did you look at
9 a lot of different ways of treating it and how did
10 you come up with this?

11 I mean, I have seen some park treatments
12 that were similar to this. Although the only one
13 that I can recall is a bit smaller in scale but it
14 is sort of that same kind of approach and there is
15 a bit of a gathering spot toward the bottom and it
16 becomes sort of almost like a performance venue.

17 But I'm just, you know, I'm wondering
18 where this came from and what possibilities you
19 actually investigated before you came to this
20 conclusion.

21 MR. LEE: Well, we looked at a number of
22 different alternatives but the greatest challenge
23 is to actually try to do -- we had other solutions
24 and other concepts, but it required having slopes
25 that were greater than five percent. And then as

1 soon as you put the handrails into play, then they
2 become the visual center of the park.

3 So we made the five percent slope the
4 important element of going with the ADA ramps.
5 And then that sort of started to unfold into sort
6 of this, almost like a paper folding kind of an
7 exercise that sort of started to take its own
8 form.

9 MR. MAY: Uh-huh.

10 MR. LEE: And then the whole idea of, we
11 looked at other ways to look at the stair access
12 and et cetera, et cetera. But the whole idea of
13 creating these sort of asteresque
14 (phonetic)**1:12:04 levels and knowing that we
15 would have to make the connection back into a
16 higher platform, it just made sense that that gave
17 us the most flexibility to seamlessly integrate it
18 into the other park as well.

19 But of course, you know, we always look
20 at the boundary of our own spot and the fact that
21 the park had many faces as you walk and revolve
22 around it, both from above looking down as a
23 visual garden, looking down from the Florida
24 Market, taking on a whole different characteristic
25 versus how you look at it.

1 So you know, that was the process. And
2 I'm quite -- our design team is quite pleased with
3 how it turned out.

4 MR. MAY: So you know, what's the total
5 change in grade from bottom to top?

6 MR. LEE: It's about 20 feet.

7 MR. MAY: It's about 20 feet?

8 MR. LEE: Just over. Yeah.

9 MR. MAY: Okay. So I mean, I'm sure you
10 understand that a person who is self-propelled in
11 a wheelchair is never going to make that all the
12 way up, 20 feet. And so I'm wondering at the
13 normal -- I mean, the normal limit that I've been
14 told to plan for is more like five feet that
15 people can actually push themselves up. Not
16 anywhere close to 20.

17 So I mean, if somebody actually is going
18 to do that what are they going to get at five feet
19 or even 10 feet, because it seems like a lot of
20 the more active you know, plantings are more
21 toward the high end of the park.

22 MR. LEE: Well, those are the active
23 plantings. But I think, you know, what we're
24 having is basically different spaces within a
25 fairly small area.

1 MR. MAY: Right.

2 MR. LEE: So the most active park is
3 actually at the street level, you know, where we
4 engage the -- you know, this area where it's
5 tucked back and there's actually seating in this
6 area.

7 MR. MAY: Uh-huh.

8 MR. LEE: And then with the stairs now
9 going wider it gives us -- so if you came up this
10 ramp there's a landing here, there's another ramp
11 here. So I think that this landing in this area,
12 you know, is tucked back. And then each one of
13 these becomes a landing.

14 MR. MAY: Right.

15 MR. LEE: So on the edges, there are
16 landings. You know, I'm not saying that you go up
17 one level and you rest, and then you keep going.
18 You know, that's not what I'm insinuating.

19 MR. MAY: Yeah.

20 MR. LEE: It is the fact that you can
21 still get access to the park.

22 MR. MAY: Right.

23 MR. LEE: And have activities.

24 MR. KARDON: And the large green areas
25 are lawn areas for putting out a picnic blanket

1 and --

2 MR. LEE: Very gentle. Yeah.

3 MR. KARDON: -- congregating so.

4 MR. MAY: Yeah. Right. I mean, it's
5 just striking to me that the more varied plantings
6 are toward the top, and then what you have toward
7 the lower end is just the grass. And that may be
8 perfectly fine. I'm just thinking you know, if
9 there are -- if the higher end is sort of a
10 destination, it's a destination that's out of
11 reach potentially for some people who might be in
12 --

13 MR. LEE: To smell the roses.

14 MR. MAY: Yeah, who might be in a
15 wheelchair.

16 MR. LEE: Yeah.

17 MR. MAY: So it may inform the design.

18 MR. LEE: Well, this also, it's a work in
19 progress.

20 MR. MAY: Yeah.

21 MR. LEE: This is a concept and you know,
22 we will be getting in to the actual design phase -

23 -

24 MR. MAY: Okay.

25 MR. LEE: -- after this.

1 MR. MAY: All right. So let's talk about
2 the longevity of the park. I understand that you
3 want to try to get it guaranteed in perpetuity and
4 work with counsel toward that end and I think that
5 would be great. But until that happens what are
6 we actually expecting here, because we were
7 seeing, you know, timelines of 10 years and
8 wanting to get 20. And you're talking about two.
9 And so, I mean, what do we realistically expect
10 because this is a -- you know, the benefit is not
11 just how much you spend on it, but how long is it
12 going to last?

13 MR. GLASGOW: Well, we have -- the
14 license is two years because that's the maximum
15 that they can do. I guess theoretically they can
16 continue to renew the license. But we would need
17 to get to counsel and have counsel --

18 MR. MAY: In order to do anything past
19 two years which --

20 MR. GLASGOW: Or to have anything that's
21 -- once you start getting into the 20 year period
22 then you have to have specific legislation that
23 deals with that. And so we are going to be -- we
24 have the two-year license that's something that
25 they could do very quickly.

1 MR. MAY: Uh-huh.

2 MR. GLASGOW: And so they can turn that
3 out. When you start getting more than that, then
4 it's a different type of review process within --

5 MR. MAY: So in the end you wind up with
6 -- does it wind up becoming dedicated park space,
7 or an easement that you own? Or is it --

8 MR. GLASGOW: I don't know that we
9 necessarily need them to do that. All we would
10 want them to do is just say that we have an
11 easement to utilize the space and take care of it.

12 MR. MAY: As a park. Right.

13 MR. GLASGOW: Yes. For those type of
14 purposes. And if you look at the license document
15 --

16 MR. MAY: Uh-huh.

17 MR. GLASGOW: -- starts to give you a
18 little bit of a flavor on that. It's in the same
19 paragraph as the one that I read earlier. It says
20 licensee is entitled to improve the premises by
21 constructing a new public plaza, green space, and
22 pedestrian pathway permitted uses as more
23 specifically shown on Exhibit B.

24 So as Jeff has indicated, once we get
25 further along with those plans and process, and

1 depending upon what it is, if you all deem it to
2 approve this project, then we would attach an
3 Exhibit B and they would know what it is that's
4 going to get improved there. Then all it is, is
5 getting the -- I will look at it more like the
6 process to get that more permanently papered.

7 MR. MAY: Uh-huh. I mean, is that really
8 the only avenue? I mean, you couldn't lease the
9 property from the city?

10 MR. GLASGOW: Well, if you want to have a
11 lease that's more than 20 years, things that are
12 20 years need to go to counsel.

13 MR. MAY: Right. But it's a little
14 different if you have to get an active counsel
15 versus having the counsel bless a lease. Right?
16 I mean, as I recall it was, you know, the City
17 out-leases on a regular basis and I mean, don't
18 they just -- isn't it a 30 day review period or
19 something like that?

20 MR. GLASGOW: Right.

21 MR. MAY: Or does it actually take a
22 resolution?

23 MR. GLASGOW: Well, I guess part of what
24 we were looking at, we're not concerned about
25 going to counsel on this.

1 MR. MAY: Uh-huh. Well, I'm just
2 concerned about what's going to be --

3 MR. GLASGOW: Yes. Well, within the two
4 --

5 MR. MAY: -- definite by the time we make
6 final decision on this. That's all I'm thinking
7 about.

8 MR. GLASGOW: Well, I'm not sure that
9 we're going to have much more than what we have
10 right now.

11 MR. MAY: Right.

12 MR. GLASGOW: Given the pace things
13 operate. And considering that the District is
14 still in its budget process and all of that.

15 MR. MAY: Right. Okay. So I'm not sure
16 how to get through that. Maybe my colleagues and
17 the Commission have some other ideas about it.
18 It's a little bit concerning that it theoretically
19 could be only, you know, a two-year commitment or
20 a four year commitment, or something like that.

21 MR. GLASGOW: I think as a practical
22 matter, once we put that park in and the momentum
23 of the community to make absolutely sure that that
24 park stays is going to be very helpful.

25 MR. MAY: Right. And in my personal

1 experience with the number of times the District
2 seeks to use national park land for development
3 purposes, I don't have that same level of
4 confidence. So I'm not saying that they're always
5 knocking on the door wanting to, you know, build
6 something in Rock Creek Park, but it's --
7 Brookland is not quite as sacred in everybody's
8 mind as we'd like it to be. So.

9 MR. GLASGOW: We went to them early on to
10 see --

11 MR. MAY: Yeah.

12 MR. GLASGOW: -- who had what designs on
13 what. And we saw that they were quite amenable to
14 turning it over to us and --

15 MR. MAY: Yeah.

16 MR. GLASGOW: -- to improve that. That
17 site obviously has some challenges to it being as
18 close as it is to the railroad tracks and
19 everything else. I've been involved in developing
20 projects near railroad tracks and that's --

21 MR. MAY: Yeah.

22 MR. GLASGOW: -- challenging.

23 MR. MAY: Right. All right. So I'll
24 leave that one alone.

25 As far as the roof and the penthouse

1 goes, I am not fond of the idea of approving
2 something that could go either way depending on
3 how the regulations fall out. I'd much rather
4 have, you know, this approved as a single -- I
5 mean, as something that is compliant with the
6 current regulations and then have a modification
7 later on.

8 That being said, you know, what's being
9 proposed I think is, you know, is not as -- it
10 wouldn't be as radically different theoretically
11 under the new regulations. I think what does
12 trouble me about it is that what you're showing
13 even as the theoretically zoning complaint version
14 isn't demonstrably compliant with zoning. So I
15 mean, it simply says if there's no change in the
16 regulations then it would only be 18-6, and the
17 penthouse would be filled with compliant uses.

18 Well, unless you're intending to build
19 more mechanical space I'm not sure how it could be
20 a complaint use because you're limited in the
21 amount of indoor space that you can have in a
22 penthouse when you're at Height Act height. I
23 assume you're at Height Act height, right?

24 MR. GLASGOW: That is correct. We're at
25 Height Act height, and so the uses within the

1 penthouse that would be devoted to under the
2 regulations as they are right now, would be
3 limited to special intent.

4 MR. MAY: Accessory use --

5 MR. GLASGOW: Yeah.

6 MR. MAY: Yeah, for the recreational
7 space.

8 MR. GLASGOW: Right.

9 MR. MAY: So, you know, we need to see
10 something that demonstrates that there is
11 something that is compliant with current zoning.
12 So if it's going to be interior space that's
13 accessory to the outdoor recreation space, then
14 you have to show it that way. And then you have
15 to show us a calculation saying that it's only 20
16 percent. It's 20 percent compared to what's
17 outside.

18 MR. COLBERT: The current plan in Option
19 B is limited to 20 percent.

20 MR. MAY: Okay. Show that to me in the
21 plan because it certainly didn't look that way.

22 MR. COLBERT: So under this scenario the
23 area on the right-hand side would be mechanical
24 equipment, and then the recreation space is in the
25 center.

1 MR. MAY: Okay. So what happens to that
2 mechanical when -- if the regulations change.
3 What happens to all that mechanical equipment?

4 MR. COLBERT: Well, that's when we would
5 go to the Option A, that we have currently
6 showing.

7 MR. MAY: Right. And the mechanical
8 equipment that would be in that space, where would
9 it go?

10 MR. COLBERT: Well, the three dimensional
11 drawing we have has the mechanical equipment on
12 two different levels. But we would adjust that
13 depending on which theme were approved.

14 MR. MAY: Right. So I mean, I think this
15 is where it gets confusing. So I think you need
16 to show a bit more information about how each of
17 these work. And if you have to show it in three
18 dimensions or show it in, you know, more section,
19 you know, whatever it is, you know, I think it
20 doesn't make sense for us to approve a plan on
21 something that says, well, you know, the extra
22 space is simply going to be more mechanical space
23 when it's not really needed for mechanical space.
24 If it's not really needed for mechanical space
25 then don't make a penthouse out of it. Take it

1 away and, you know, give it back to the air, have
2 more recreation space outside, whatever it takes.

3 I mean, that's the thing that troubled me
4 about it more than anything else.

5 All right. Thanks. And for what it's
6 worth, I like the architecture the way it is too.

7 CHAIRPERSON HOOD: Okay. Thank you. Who
8 would like to go next? Commissioner Turnbull.

9 MR. TURNBULL: Thank you, Mr. Chair. I
10 want to thank you for your presentation. I
11 thought it was very well and I think this is going
12 to be a significant project for the area, and look
13 forward to it going forward.

14 That being said, I'm still a bit confused
15 and I think the vice chair started off with the
16 housing units. And I'm assuming we talked about
17 this being -- and I think you said it was in
18 5D-01. The area was -- you are looking to build
19 these?

20 MR. BLUM: That's correct.

21 MR. TURNBULL: We're looking at about a
22 quarter mile radius of this site then, or --

23 MR. BLUM: I'm not sure that we know
24 that.

25 MR. TURNBULL: Okay.

1 MR. BLUM: That answer to that question.

2 MR. TURNBULL: Okay. Well, I think if
3 you could give us just -- I mean, I guess the
4 whole point is that we're really focusing on the
5 adjacent area. That's the immediate benefit that
6 we're trying to accomplish.

7 MR. BLUM: That's right.

8 MR. TURNBULL: And I guess what -- I'm
9 not sure. I think I read there was -- trying to
10 go through this material, there was something that
11 if you don't get these done by the C of O you're
12 looking to actually have some units then in the
13 building, or adding more units into the actual
14 building itself but they would be at a reduced --
15 they would be at the 80 percent AMI.

16 Did I understand that correct?

17 MR. KARDON: It would revert back to what
18 was proposed in the supplemental filing, which had
19 eight percent of the square feet, 90 percent of
20 that at 80 percent AMI, and 10 percent of that at
21 50 percent AMI.

22 MR. TURNBULL: Okay. But you're already
23 putting some at 80 percent in the building
24 already. So you're adding more to it?

25 MR. BLUM: That's right. So the

1 fundamental concept here is that we would have --
2 without the off-site we would have 26 units in the
3 building, and in our supplemental filing as John
4 said, those were those 26 units. Ninety percent
5 of them are at 80 percent AMI and 10 percent of
6 them are at 50 percent AMI.

7 So in the proposal we are taking half of
8 the total units, or 13, leaving 13 behind in the
9 building, all of those 13 being at 80 percent AMI.
10 The 13 we take off site will be at an average of
11 50 percent AMI. If for whatever reason we're
12 unsuccessful at getting those units produced, then
13 they would come back if we produced 12 instead of
14 13, then we would bring one back and we would
15 bring them back in the proportion to the
16 supplemental filing in the 90 percent/10 percent
17 proportion.

18 MR. TURNBULL: Yeah. I guess what is a
19 little bit troubling is that, let's say you have a
20 worst case scenario and you only get half of them
21 done, you know, which means that the excellent
22 proffer now becomes not quite as good. And you're
23 making more at 80 percent, which again is not -- I
24 mean, I think the proffer of the 13 at the 50
25 percent is excellent. I think that's a great

1 benefit. I am just concerned that if it gets to
2 be a very minimal event then it's a token gesture.
3 It's not as good as what you're trying to do.

4 MR. BLUM: Well, the worst that happens
5 is that of the eight percent affordable units, 12
6 units in the building, that 10 percent of them are
7 at 50 percent AMI which is, my understanding is
8 beyond the current requirement. And that's the
9 worst that happens.

10 So the proffer at its worst is that
11 includes inclusive -- included in the 8 percent
12 affordable units, 10 percent of them are at a
13 lower affordability level.

14 MR. TURNBULL: Here's my take on this is
15 that --

16 MR. BLUM: Yeah. Sure.

17 MR. TURNBULL: -- you put your foot in
18 the -- you opened up a door and it's a wonderful
19 door. And what I'm trying not to see is the door
20 close. And I'm just wondering, is there a
21 failsafe mechanism that helps somehow safeguard as
22 many of those units of the 13 at 50 percent as
23 possible for what we are trying to do.

24 MS. COHEN: Can I just interrupt? I
25 think you can quantify the whole thing and then

1 offer that amount of money that you will not be
2 spending to subsidize, put it to something else;
3 have a backup plan for that money.

4 MR. BLUM: Instead of bringing the units
5 back to the building, those funds would go
6 someplace else. Is that what you mean?

7 MS. COHEN: Well, what you're proffering
8 is the deeper affordability and the larger amount.
9 If you quantify it all and you can't succeed, you
10 can at least say, well we did seven of the 13 and
11 then there is an amount of money that would have
12 subsidized the other six. And that would go to
13 something that we can -- that is quantified and we
14 can identify. It's a value that you're putting on
15 it.

16 MR. BLUM: Yeah, yeah. No, sure. Sure.

17 MR. TURNBULL: The only other --

18 MR. BLUM: I hear you.

19 MR. TURNBULL: I guess the other thing
20 I'm thinking that, is that so many by the C of O.
21 And I know we hate doing escrow accounts and I
22 don't know how OAG would look at it, but a
23 promissory that you would still complete the other
24 ones within a certain amount of time.

25 MR. MAY: Can I make another suggestion?

1 I mean, you know, we tend to look at this in terms
2 of the C of O as being a C of O for the entire
3 building.

4 MR. TURNBULL: The entire building.
5 Right.

6 MR. MAY: I mean, what if it was actually
7 proportionate to the number of units that have
8 been delivered? Because it's not all going to run
9 out at the same time.

10 MR. BLUM: Right. So the proffer is a
11 bit of an issue for us as it is for financing.

12 MR. MAY: Right.

13 MR. BLUM: We don't have a construction
14 lender in place so we can't have the conversation.
15 But we are certainly expecting that no
16 construction lender would lend the \$1.4 million
17 because if indeed we failed, we would then have to
18 bring those IZ units back into the building and
19 then the building would have a lower value.

20 So we are fully expecting that the \$1.4
21 million will come from our equity fairly early on
22 as soon as Habitat is successful at identifying
23 and securing the properties.

24 So Commissioner Turnbull, I certainly
25 hear your point and we want this to happen. We

1 want this to happen -- I mean, the easiest thing
2 for us to do would have come here with our
3 supplemental filing and do a typical IZ.

4 MR. MAY: Yeah.

5 MR. BLUM: We're committed to this to the
6 point that we are going to be writing checks. Not
7 from a construction lending account, to Habitat,
8 to make this happen. And to the extent that we
9 can think of some safeguards, we're certainly
10 willing to do that but --

11 MR. TURNBULL: Well, I don't want you to
12 think that I'm putting on like -- your good deed
13 is going -- you know, like no good deed goes
14 unpunished.

15 MR. BLUM: No, I don't think that way.

16 MR. TURNBULL: I don't want you to think
17 I am. But maybe you could just think or look at a
18 mechanism, or just think about it and you know,
19 before we come to final as to how we could --
20 whatever that could take.

21 MR. GLASGOW: We'll look at submitting
22 something before you take final action on that.
23 But we want to make sure it's something that is
24 financeable also.

25 MR. TURNBULL: Yeah. No, I think we all

1 want something that's financeable and that's going
2 to work. But I just want you to look at an option
3 just worst case scenario that you know, you've got
4 a problem but how can we still complete this and
5 make it work for everybody?

6 On the park, I just had some questions
7 but I think most of them have been asked by the
8 Vice Chair and Commissioner May. And I was going
9 through the license, and licenser, licensee, and
10 is there any way in the proffer -- and I guess
11 whether you simply state that your objection that
12 the process is to create a permanent park in
13 perpetuity whether, whatever mechanism you're
14 going to eventually take with this? But I think
15 the proffer maybe ought to state somewhere that
16 the intent, the process is to make it in a
17 perpetual park then. Maybe that's --

18 MR. GLASGOW: And we would be looking at
19 that, depending upon how the counsel reacts --

20 MR. TURNBULL: Right.

21 MR. GLASGOW: -- it would be at a
22 minimum, 20 years.

23 MR. TURNBULL: Right. Okay.

24 I wonder if we could look at the loading
25 dock picture again? I'm assuming that the two

1 little squares that represent -- the boxes
2 represent vehicles. On the bigger box is a 30
3 foot -- represents a 30 foot truck?

4 MR. ANDRES: Yes, that's correct, and a
5 smaller box is a 20 foot van.

6 MR. TURNBULL: And so you come in, you've
7 got to make either a three point turn --

8 MR. ANDRES: Well, what happens is they
9 come in, they turn right, and then they back in.

10 MR. TURNBULL: Is that a raised platform
11 at the back then?

12 MR. ANDRES: No.

13 MR. TURNBULL: I mean, I see lines around
14 it and I didn't --

15 MR. ANDRES: No, it's not a raised
16 platform.

17 MR. TURNBULL: So it's flat?

18 MR. ANDRES: It's flat.

19 MR. TURNBULL: So you just come in and
20 you unload?

21 MR. ANDRES: Given that they're smaller
22 trucks, you know, they're going to be rolling them
23 off with a hand truck.

24 MR. TURNBULL: Oh, okay. Walk me
25 through. I'm a resident and I've just moved in.

1 The 30 foot truck pulls in and --

2 MR. ANDRES: Well, if you're a resident
3 there's a good chance, given the size of your
4 unit, that it will be in the probably 24 to 26
5 foot truck.

6 MR. TURNBULL: Okay.

7 MR. ANDRES: So it's a smaller truck. So
8 they --

9 MR. TURNBULL: Yeah, same thing. But
10 you're going to pull up in one of those spaces.

11 MR. ANDRES: Yes. So say the pull in and
12 then they unload their materials and then make
13 their way to the service corridor that --

14 MR. TURNBULL: Yeah. What I'm seeing
15 there, I see a line. Is that a raised sidewalk or
16 a raised platform? I'm not sure what I'm looking
17 at.

18 MR. ANDRES: This line? This black line?

19 MR. TURNBULL: Next to the ramp going
20 down. The black line. I'm wondering how I get
21 down that corridor to the elevators.

22 MR. ANDRES: Well, these are
23 representative of I guess a path for the
24 pedestrian to get to the service corridor.

25 MR. TURNBULL: So I don't go up any

1 stairs. It's level. You're telling me it's
2 level.

3 MR. ANDRES: Yes. That's a crosswalk.
4 If we could go back to that slide.

5 MR. TURNBULL: Yeah. Yeah. No, I see
6 it's a crosswalk.

7 MR. ANDRES: It's a crosswalk and then
8 you're --

9 MR. TURNBULL: So --

10 MR. ANDRES: -- into this service
11 corridor with ramps.

12 MR. TURNBULL: -- there's curb with a
13 raised sidewalk?

14 MR. ANDRES: No. It's flat.

15 MR. TURNBULL: It's flat.

16 MR. ANDRES: It's all flat. Right.

17 Okay.

18 MR. COLBERT: There are no steps between
19 the truck unloading and the elevator.

20 MR. TURNBULL: Okay. So that's all
21 level. Okay.

22 MR. ANDRES: Yes.

23 MR. TURNBULL: Okay. Thank you. It just
24 looked like that intersection right there with the
25 loading. You've got cars coming up, you've got

1 two trucks. You know, you've got a bike trail.

2 MR. ANDRES: Yeah, well you know, given
3 when we work on projects like this typically DDOT
4 wants to minimize the number of curb cuts.

5 MR. TURNBULL: Right. Oh, I know that.

6 MR. ANDRES: So then in this instance,
7 you know, having the loading dock right off of the
8 internal driveway is actually, on many of the PUDs
9 we've worked on, is a consistent way of dealing
10 with loading and garage access, using the same
11 entrance.

12 MR. TURNBULL: It just seemed like it's a
13 very intense little corner there with everything
14 going on.

15 And then the trash room which has no
16 doors, you pull in your trash truck and you park
17 in the site, or you just pull up and park in the
18 driveway, or what?

19 MR. ANDRES: Well, the way that the
20 height of this lower level is -- I believe 14
21 feet?

22 MR. COLBERT: Fourteen clear.

23 MR. ANDRES: Fourteen clear, which is the
24 height of actual -- you know, which is clear
25 height for tractor trailers. So it's very

1 generous, the height. So in essence the truck,
2 trash truck pulls in, and then it's --

3 MR. TURNBULL: It goes into a loading
4 bay?

5 MR. ANDRES: Yes. It essentially is the
6 same length of a 30 foot truck. Your standard
7 trash truck is about the size of a 30 foot truck.

8 MR. TURNBULL: Okay. And I take it that
9 the management of the building is managing,
10 interfacing with pedestrian, with everybody moving
11 in and everything else you get --

12 MR. ANDRES: Yes.

13 MR. TURNBULL: -- somebody as part of
14 your demand management plan?

15 MR. ANDRES: Yes. As part of our support
16 for the flexibility for the relief of the loading
17 dock is the loading management plan --

18 MR. TURNBULL: Right.

19 MR. ANDRES: -- where that's handled.

20 MR. TURNBULL: Okay. I guess getting
21 back to the housing, and jumping back on that I
22 see a question I didn't answer. You talk about a
23 covenant.

24 So how does this work with affordable
25 housing group? I mean, the idea is that you're

1 going to give it to -- you're looking for
2 residents in the immediate area.

3 MR. SLATER: Yes.

4 MR. TURNBULL: Primarily. They get first
5 choice. I guess it's first choice, it's the ANC,
6 then the ward, then the rest of the city.

7 MR. SLATER: No.

8 MR. TURNBULL: No.

9 MR. SLATER: We expect to give preference
10 to ANC 5D-01, and advertise there very
11 extensively. We know that neighborhood very very
12 well and then we would radiate out from that --

13 MR. TURNBULL: All right.

14 MR. SLATER: -- area. We do not expect
15 to get anywhere outside of Ward 5.

16 MR. TURNBULL: Oh, that's good. That's
17 what I wanted to hear. Thank you.

18 So how does that work out with the City?
19 I mean, can you restrict it? I mean, you're
20 working with the housing? How do you --

21 MR. SLATER: Yes, we have to comply with
22 Fair Housing laws and we would have to entertain -
23 - we would advertise very extensively but we would
24 have to accommodate people who applied otherwise.
25 And we have a very long application process.

1 MR. TURNBULL: Okay.

2 MR. SLATER: That ends after about a year
3 of board approval. And people go through quite a
4 few steps in terms of becoming what we call
5 partner families. They have to be able to show
6 need. At 50 percent of AMI they definitely show
7 need. Ability to pay for the mortgage and
8 willingness to partner, meaning what you saw in
9 the film, willingness to work on the home and in
10 the community.

11 MR. TURNBULL: Okay. Thank you.

12 MR. SLATER: Now with respect to
13 covenants, we have a 15 year equity sharing
14 covenant to prevent flipping, which means that
15 Habitat maintains an equity position in the home
16 for 15 years that burns off proportionately. We
17 would also have a permanent affordability covenant
18 on seven of the homes due to regulations having to
19 do with the city.

20 MR. TURNBULL: Seven of them?

21 MR. SLATER: Yes.

22 MR. KARDON: Those are inclusionary
23 zoning regulations.

24 MR. SLATER: Yes.

25 MR. BLUM: And the seven were arrived at

1 because that is the square footage, seven of the
2 13 off site homes is equivalent to the square
3 footage of the 13 apartments that would be going
4 off site.

5 MR. TURNBULL: Okay.

6 MR. BLUM: If that makes sense.

7 MR. TURNBULL: Okay.

8 MR. KARDON: And those same seven would
9 be the ones that are located within ANC 5D and not
10 necessarily the broader Ward 5.

11 MR. TURNBULL: Okay. Okay. I guess my
12 last comment sort of echoes Commissioner May is
13 that we're in an awkward time right here with,
14 we're still working on the penthouse modification.
15 So going forward with this we don't want to make
16 it confusing with the ZA as much as possible. I
17 almost want to see the 18-6 go forward. I don't
18 know, if we do have both somehow it's got to be
19 very clear from the documents how to do that. And
20 right now I'm not sure because I'm not sure the
21 setbacks are the same from one plan to the other.
22 They're going to be different.

23 And right now I am kind of confused on a
24 couple of the -- especially the railing at the
25 front, which I think you're measuring from a

1 raised little parapet on the roof and not the roof
2 plate itself. So I think OP is going to have to
3 take another look at that as far as how we're
4 actually measuring that and it looks like it's not
5 quite --

6 MR. COLBERT: You're correct about the
7 need to have different setbacks based on the
8 height. And so that's one reason we showed these
9 two elevations. One for Option A and one for
10 Option B so that we could show that with the 20
11 foot height the portion that is 20 feet is set
12 back 20 feet at least, from the edge of the
13 building.

14 MR. TURNBULL: Yeah, but I guess I'm -- I
15 understand that but I'm talking about the
16 railings, the actual setbacks in the front, which
17 looks like you're almost at four foot six, rather
18 than -- it looks like you're higher than what you
19 need to be based upon your elevation above the
20 roof slab. And to me that's confusing. I think
21 you're going to need to do either some blow up
22 sections, larger scale to actually show how you're
23 measuring that, because what it looks like now,
24 you're measuring from, there is a like a little
25 raised parapet at the front of the roof line and

1 looks like you're measuring from that rather than
2 the roof slab. And I think OP will have to weigh
3 in on that but I think it's a little bit confusing
4 on how you're actually measuring from the roof and
5 your setbacks to where you actually do your take
6 offs.

7 MR. COLBERT: Yes, we're measuring from
8 the permitted height where it intersects with the
9 top of the roof pavers on the roof. And the
10 railings are set back at a one to one ratio from
11 that.

12 MR. TURNBULL: Well, I think we're
13 measuring from the roof slab, but I have to get an
14 interpretation from OP on that. I'm just a little
15 bit -- it seems like we're stretching that. I
16 think you need a blow-up. I'd like to see a blow-
17 up of that section of the roof.

18 MR. COLBERT: Yeah, we will do that. I
19 mean, the act states that the roof can't be more
20 than the height that we've shown here. And so
21 what we're actually doing is by going to the
22 pavers we're actually lowering the building more
23 than if we were measuring to the top of the
24 concrete structure. So the 120 feet goes -- it's
25 above where the actual top of the structural roof

1 is.

2 MR. TURNBULL: Okay. Well, I guess I
3 would like to see a blow-up of those sections at a
4 couple of different locations.

5 MR. COLBERT: Okay.

6 MR. TURNBULL: Just to make it clearer.
7 But I think the architecture is going the right
8 way. I have no major objections to it. And I
9 think, Mr. Chair, those are my questions for now.

10 CHAIRPERSON HOOD: Thank you.
11 Commissioner Miller.

12 MR. MILLER: Thank you, Mr. Chairman.
13 And I want to thank the applicant and Habitat for
14 Humanity for your presentation. I think it was a
15 very comprehensive presentation and it's an
16 excellent project that will continue the
17 transformation of this neighborhood.

18 The affordable housing is a very
19 innovative and unique way to meet the affordable
20 housing goals that are in the inclusionary zoning
21 requirements. I applaud the partnership with D.C.
22 Habitat and all that you all do as part of your
23 mission.

24 I would agree with Commissioner Turnbull
25 that a strengthened fallback position, if you

1 know, you have the condition that the off-site
2 housing units will be completed and available for
3 occupancy, before the issuance of a C of O for the
4 project, for the Highline Development project. I
5 was happy when I saw the period there but then you
6 had the fallback in case -- I guess, and said any
7 off site housing you said are undeveloped prior to
8 issuance of C of O will revert proportionately to
9 that previous proffer of eight percent of the
10 gross floor area, and then of that 90 percent of
11 the amount at 80 percent AMI and 10 percent at 50
12 percent AMI.

13 I have one suggestion, or one option to
14 look at to strengthen it, just to make it 50/50 in
15 the building as you were proposing with the
16 current presentation. I would be more comfortable
17 with that as the fallback position rather than the
18 10 and 90. Even recognizing that you're above the
19 amount that inclusionary -- the income level that
20 IZ requires, which is only 80 percent AMI. I
21 realize that.

22 But given that we see this good proffer
23 it would be good to see a fallback that at least
24 strives for the same 50/50 thing. It will be less
25 units. I mean, it will be less square footage

1 because of the smaller apartments than the homes,
2 the two and three-bedroom homes, which is just a
3 fantastic proffer as it is.

4 So that would just be my suggestion as
5 you're looking at options of how to strengthen
6 that fallback position so that the commitment
7 continues.

8 And Office of Planning, you've seen Mr.
9 Glasgow, Office of Planning's report, which asks
10 for a lot more specificity of the exact
11 inclusionary zoning section to the IZ regulations
12 where you're going to need flexibility because of
13 this off-site provision. They mention -- I don't
14 know. I don't have it. Oh, they mention set
15 aside requirements development standard, off size
16 compliance, and then they mention something about
17 -- they mention some requirement that that it be
18 new housing as opposed to rehab. I wasn't even
19 aware of that.

20 But to the extent there are deviations
21 from the IZ regs, they're obviously asking for
22 more specificity on that. So if you can provide
23 that.

24 MR. GLASGOW: We can provide that for the
25 record. I mean, basically what you would see is

1 when you go through Chapter 26, for example when
2 you look at where it says the most important
3 general purposes of the inclusionary zoning
4 program include the following and it has
5 Subsection 8H, we meet all of those.

6 But when you get in to some of the things
7 with respect to the off-site in Section 2607, then
8 there are many of those subsections that we don't
9 meet, or we need flexibility from.

10 MR. MILLER: Right. So I think I just
11 wanted -- and before final, if we can just get the
12 details.

13 MR. GLASGOW: Yeah. We can submit a
14 chart. We have a chart that was made up. And
15 frankly we didn't want to submit it tonight
16 because we didn't want to get bogged down. And
17 well, what about Section 2607. you know, A-1.

18 MR. MILLER: I understand that.

19 MR. GLASGOW: And yes, we need
20 flexibility. And there are whole series where we
21 need flexibility. And we thought it would detract
22 from the overall concept of what it was that we
23 were discussing and how we were meeting the needs
24 of the people in the community.

25 MR. MILLER: Right. And in terms of the

1 15 year covenant and the D.C. Habitat for Humanity
2 that seven of the 13 are going to have the
3 permanent affordability provision that's in the
4 IZ. You're not able to do that for additional --

5 MR. SLATER: Well, what happens is we --

6 MR. MILLER: Yeah, what happens at 15
7 years for those provisions?

8 MR. SLATER: Okay. What tends to happen
9 is that the family stays in their home. We have a
10 right of first refusal on the property and so no
11 matter what year it is, 29th year, we have that
12 right of first refusal. In 25 years there's only
13 one home that we have not purchased. So out of
14 hundreds that we've built we have only -- we
15 always buy them back because we fix them up, we
16 turn them around, and put another Habitat family
17 in there, between 30 and 60 percent of the area
18 median income.

19 MR. MILLER: Well, that's good to hear.
20 And that's important. So I appreciate that.

21 MR. MILLER: On the park I think that's a
22 great element, obviously, of this project and they
23 help the pedestrian connection that you in
24 conjunction with Mr. Kettler, that will be -- I
25 saw the commitment for them that they said in

1 their upcoming PUD they would proffering that.
2 But to the extent that can be strengthened, that
3 would be great. But I did see that sentence.

4 I think we do need to strengthen -- I
5 realize that the number of mechanisms that you're
6 exploring to get to the perpetual park. But at
7 the moment we have an application that says you're
8 going to maintain it for 10 years. And we have OP
9 saying it should be increased to 20; 20 years.

10 When you're saying in perpetuity, are you
11 saying that you would like to develop a mechanism
12 where you will be responsible for maintaining it
13 for the life of the project? Just before you
14 answer that, I would just note that in a recent
15 case in Union Market, I believe, where they
16 switched it at final from a period of time where
17 they'd be responsible for maintaining it to the
18 life of the project.

19 MR. BLUM: Okay. I think we know those
20 folks, and we've been working with them and other
21 stakeholders in Union Market. We formed a
22 stakeholder's group. We've been meeting fairly
23 regularly for about the last four months. And we
24 certainly have -- I think in the group we
25 represented approximately 80 percent of the owners

1 within the 43 acres. And we certainly have a lot
2 of common goals and we view -- we all view the
3 market as a very special place. We know that it's
4 a place that will grow organically. We know that
5 it's a place that we want it to remain authentic
6 to its distribution and food heritage.

7 And to do that we have to work together.
8 We recognize that even though there is a small
9 area plan, there is no kind of guiding hand for us
10 and that we need to work on this together. So
11 that's where we are headed and what we're doing.
12 We expect, we fully expect that there will be a
13 bid formed within the next several years as the
14 development goes forward, and we believe that it
15 would be appropriate for that bid to have a
16 consistent plan, maintenance, and upkeep of all of
17 the green publically accessible green areas and
18 park areas in the market.

19 So what we would foresee is that we hope
20 prior to the 10 years that there would be a bid
21 and that that bid would be taking care of all of
22 the areas in the market.

23 MR. MILLER: So maybe the proffer can
24 just maybe go into all that and specify what the
25 intent is in terms of the duration of the private

1 sector being responsible for the maintenance of
2 the park.

3 MR. BLUM: Very good. We'll do that.
4 Thank you.

5 MR. MILLER: The retail -- I appreciate
6 all the changes that you made from the original
7 application, all the improvements. One of them
8 was to increase the amount of retail and to
9 relocate on both sides of the lobby entrance, I
10 believe, which I think is an improvement.

11 And I realize that it should be
12 neighborhood serving retail. But I hope it's not
13 all necessarily low impact banking type retail,
14 because that as you know, is pretty dead and I
15 don't think they even need all the space that all
16 these banks' needs. They probably all should just
17 co-locate into one space and then at the ATMs
18 everywhere, rather than taking up all that
19 valuable sidewalk and deadening it.

20 So that's just a comment.

21 MR. BLUM: And we don't disagree with
22 you. Yeah, we don't disagree with you. We
23 certainly would like to activate that street. We
24 just have retail --

25 MR. MILLER: Some of the retail will be

1 active.

2 MR. BLUM: Absolutely. Yeah.

3 MR. MILLER: And it seems to me that
4 DDOT, for these things, that you might be over
5 parked on the residential side. So to the extent
6 that Commissioner May has concerns about the
7 retail customers might be needing some parking
8 spaces, there may end up being parking spaces in
9 your own facility, let alone all the other parking
10 that's in the Union Market and elsewhere. So I
11 don't have the concern about the number of
12 parking. There is enough parking there. I just
13 would like it to be as active as possible.

14 On the LEED proffer, you're proffering a
15 certification that you would get certification at
16 minimum LEED Silver.

17 MR. BLUM: That's correct.

18 MR. MILLER: And I think your chart had
19 it at 50 in terms of the definite points, which is
20 the minimum of silver. And you have OP and DDOE
21 primarily, saying that you should be striving;
22 that they would like to see you be striving for
23 gold, which I'm sure you would like to be striving
24 for gold as well.

25 MR. BLUM: We would.

1 MR. MILLER: Maybe you can verbalize that
2 in -- or not verbalize that. Maybe you can reduce
3 that to writing in terms of, that is, in terms of
4 a commitment, maybe. DDOE seemed to think that
5 there was some low hanging fruit.

6 MR. BLUM: If I can respond? We would
7 love to have LEED Gold for obvious reasons. We do
8 have some serious concerns about the cost, given
9 the rest of the proffers that the project that
10 we're offering. We're working with our general
11 contractor. At this time we have a letter from
12 them; their estimate of what it would take to get
13 from silver to gold. At this point the number of
14 points doesn't seem like a lot but the problem is
15 that depending on how systems shake out and energy
16 models work and where we need those points. It
17 could be dramatically -- the cost could be
18 dramatic. So at this point we are not in a
19 position to commit to gold. We certainly will
20 strive for gold, but the cost as an example, there
21 could be a cistern required that could be, we're
22 told, upwards of a half a million dollars and we
23 just can't make that commitment today.

24 We will try. As I think all of you are
25 aware, the devil is in the details with the LEED

1 points and not every point costs the same thing.
2 And there's a very complex algorithm to get to a
3 solution at the best cost for the, you know, for
4 the level. So we will work for gold, but we
5 cannot sit here today and say that we can commit
6 to that.

7 MR. KARDON: We also have a meeting
8 scheduled with DDOE in about a week, a week and a
9 half, to really go through a lot of the
10 recommendations and figure out what might make
11 sense and be practical for our site.

12 MR. MILLER: Right. And so I was going
13 to suggest that maybe as part of what we get
14 submitted prior to final is what you worked out as
15 a result of -- how you responded here tonight and
16 your subsequent conversations with DDOE so that we
17 know exactly where the project is, not exactly
18 where the project is trying to go, and what your
19 response is to the official DDOE letter that's in
20 our file that we have an official response from
21 you.

22 I didn't look that carefully at the
23 chart. Are you getting credit for the park that
24 you're building? Or you're probably not getting
25 enough credit.

1 MR. KARDON: I don't think it's counted
2 as part of the site --

3 MR. MILLER: Right. Yeah.

4 MR. KARDON: -- impact.

5 MR. MILLER: So I think that is something
6 that we appreciate that that's part of the
7 project.

8 Mr. Chairman, I don't have any other
9 questions. I think it's a fantastic project and I
10 also think it's -- I didn't comment on the design.
11 I think it is -- maybe I did. But I think it is
12 designed beautifully and I look forward to seeing
13 it.

14 CHAIRPERSON HOOD: All right. I'm going
15 to try not to be redundant. I think my colleagues
16 have all hit most of the highlights and some of
17 the concerns, a lot of them agree with. Maybe one
18 I might have an exception to, and I will tell you
19 that while I understand Commissioner Turnbull's
20 issue about the safety net and I see what's
21 written in the record, the former mayor for life
22 always said, if you have a plan B that means A is
23 not going to work. So I'm hoping that what you
24 have -- I'm sure that those 13 houses and what 5D
25 has worked with Habitat and Humanity (sic) and I'm

1 sure all that, we're going to make that work.
2 Okay? That's where this Commissioner is coming
3 from.

4 All right. If I have to deal with plan B
5 I can tell you, grudgingly I will do it. But I'm
6 not looking forward to dealing with plan B.

7 And I will tell you, I had a few
8 questions and some concerns, but when I saw the
9 movie -- somebody must know me. When I saw that
10 movie, that's for me, that's what zoning is all
11 about and the benefit for that community.
12 Especially working with the Habitat and Humanity
13 (sic) okay? So I don't really have a whole lot of
14 questions.

15 But I will say it's good to hear, though,
16 the Jubilee House, I think I voted on that
17 project. Mr. Glasgow, you remember that don't
18 you?

19 MR. GLASGOW: Yes, sir.

20 CHAIRPERSON HOOD: You're around a while.

21 MR. GLASGOW: It was a while, yes.

22 CHAIRPERSON HOOD: And those are the kind
23 of success stories. I remember that's what we
24 were trying to achieve, and I remember those
25 residents. And I see the same thing happening

1 here.

2 MR. GLASGOW: Yes.

3 CHAIRPERSON HOOD: So again, whatever you
4 do, make plan A work.

5 MR. BLUM: Mr. Chairman, we will.

6 CHAIRPERSON HOOD: Okay. So when I saw
7 the movie some of the questions I had down here, I
8 scratched. Okay? I will say one thing, though.
9 Cathy Henderson, I always say this, I've been
10 doing it for a long time, when you get support
11 from 5D and her being the chair, that goes a long
12 way with me. Okay?

13 Oh, you all laugh and so you must know
14 what I'm talking about. But I will tell you that
15 it's good the way you're working with the
16 community. But I do have a question for you.
17 What are we doing to make sure that those 13
18 homes, or whoever is going to reside and people
19 we're trying to achieve to go there, that we're
20 going to make sure that their credit is right, or
21 whatever we need to do to make sure it works.
22 Because I think you were right. I think we can
23 find it right within 5D-01. If not, let's not go
24 too far out.

25 MR. SLATER: Right.

1 CHAIRPERSON HOOD: But I think we can get
2 it right there.

3 MR. SLATER: Right. How do you make sure
4 their credit is --

5 CHAIRPERSON HOOD: Yeah, whatever issues
6 that may come up.

7 MR. SLATER: Okay. We have an incubator
8 program that our biggest source of new Habitat
9 families is referred by current Habitat families.
10 And because we've been working for the last five
11 years in 5D-01 we have 29 Habitat families there.
12 A lot of them have referred people into our
13 incubator program and we work with them on their
14 credit. So we have a waiting list of people that
15 we've been working with to get them ready and we
16 know that neighborhood quite well. Just because
17 someone is 50 percent of the area median income
18 doesn't mean their credit is poor. We often see
19 people at that area median income with fantastic
20 credit scores. So it's a matter of working with
21 them, going over what makes your credit score
22 better, and attracting people who are ready to be
23 homebuyers.

24 CHAIRPERSON HOOD: And I will tell you,
25 let me preface the reason I asked that because the

1 same thing I do with the DOES issue that we have
2 down here. I want to make sure that we are
3 getting people ready for the pool and making sure
4 that when the opportunity comes they're ready to
5 be able to move in.

6 MR. SLATER: Exactly.

7 CHAIRPERSON HOOD: And be able to apply.
8 So that's my goal. I mean, that's my reason for
9 asking it the way I asked it.

10 I will ask this, though. Mr. Glasgow,
11 did you all say you agree with everything that
12 DDOT, for the most part. I'm just going to use
13 the bicycle drive.

14 MR. GLASGOW: Yes, sir.

15 CHAIRPERSON HOOD: Okay. Good. And I
16 want Ms. Cort to know that I was at Bike to Work
17 this year on Friday. And I actually looked for
18 her since she's here. I was waiting for the next
19 time I see her. I actually was there and I was
20 looking for her. I don't know if she made it, but
21 I'll wait and see when she comes up to testify.
22 Were you there? Were you at Bike to Work Week?

23 MS. CORT: No, I wasn't.

24 CHAIRPERSON HOOD: Oh, okay. So I got
25 you this time. Okay.

1 MS. CORT: You got me this time.

2 MS. COHEN: Ask him if he rode a bike.

3 CHAIRPERSON HOOD: Anyway, we're going to
4 move on. Point was, I was there.

5 Okay. So we're going to move on. Any
6 other questions up here?

7 MS. COHEN: Actually, I just want to also
8 emphasize the need to go with a -- I mean, we need
9 the larger units. We definitely want to encourage
10 homeownership. So I don't even think there should
11 be a full back. I think that if anything you may,
12 if you find yourself having trouble, just go to
13 the next -- spread your area a little bit more.

14 MR. SLATER: Thank you. We have every
15 intention of doing plan A. We're very excited
16 about plan A.

17 CHAIRPERSON HOOD: Okay. And again, I
18 like this project. I liked what I saw in the
19 movie and I think that's what this is all about.
20 Okay?

21 Let's see if we have any cross-
22 examination from ANC 5D. I don't see Chairperson
23 Henderson. What about ANC 6C? Is anyone here
24 representing ANC 6C? Is anyone representing ANC
25 5D or 6C?

1 Okay. Let's go to the Office of
2 Planning's report, the District Department of
3 Transportation.

4 MR. TURNBULL: Mr. Chair.

5 CHAIRPERSON HOOD: Yes.

6 MR. TURNBULL: I wonder if I could just -
7 -

8 CHAIRPERSON HOOD: Sure.

9 MR. TURNBULL: I just wanted to -- I'm
10 not in favor of plan B. I just said they've got a
11 plan B. And their plan B says that if they don't
12 do it that's what they've got a plan B of doing
13 the 80 percent AMI. And my comment was simply,
14 they need to think about another mechanism, either
15 in in language, that allows us to do plan A if
16 they don't do the homes that they're saying by the
17 C of O.

18 CHAIRPERSON HOOD: Mr. Turnbull, I don't
19 disagree with you. I just wanted to put a little
20 pressure on them.

21 MR. TURNBULL: Oh, I know.

22 CHAIRPERSON HOOD: Now you're making me
23 say it publically. I wanted them to do plan A.

24 MR. TURNBULL: But I'm not in favor of
25 plan B.

1 CHAIRPERSON HOOD: Okay.

2 MR. TURNBULL: Okay.

3 CHAIRPERSON HOOD: I wanted them to know
4 where I was. While I agree with what you're
5 saying, I just really hope that they come back.
6 What they did with Jubilee House --

7 MR. TURNBULL: Oh, I think we all do.

8 CHAIRPERSON HOOD: What they did with
9 Jubilee House, I think this developer has a
10 record, a track record.

11 MR. TURNBULL: I agree with you 100
12 percent.

13 CHAIRPERSON HOOD: And I look at track
14 records. Sometimes the ones that have bad ones,
15 they don't come back down here and tell us what
16 happened five or six years ago. But I think if
17 you can come back and tell me what happened with
18 Jubilee -- I actually didn't know whether that
19 worked or not. So I appreciate that.

20 MR. BLUM: Mr. Chairman, we'll be back
21 here in 2018 with another PUD submission and we'll
22 be showing you a video with the 13 new homes.

23 CHAIRPERSON HOOD: Okay. Well come
24 before February, and then I'll see it. Come
25 before February and I'll see another video.

1 MR. BLUM: We'll do that.

2 CHAIRPERSON HOOD: Anything else? Okay,
3 let's go to Office of Planning, DDOT, and DOE. So
4 we will start with Office of Planning. Ms.
5 Rappolt.

6 MS. RAPPOLT: I will make my comments
7 very brief.

8 OP continues to recommend approval of the
9 project, the PUD and related map amendment to the
10 C3C district. I will just skip to the housing.

11 OP is supportive of this very unique
12 proposal and you know, I think we really wanted to
13 see the detail of how it fits into the ordinance
14 because perhaps it could be an example for another
15 applicant coming forward. It would just sort of
16 need a way to evaluate that. And again, I think
17 there's some parts of it that are actually
18 exceeded, and definitely conform to a lot of the
19 general provisions that Mr. Glasgow read earlier.

20 So in terms of the park, we also had just
21 questions about how it connects. The maintenance
22 period which the bid idea is very interesting, and
23 we just want to, you know, learn more about how
24 the negotiations of the DGS are going.

25 And I think that's it. We'll continue to

1 work with the applicant or view their plans in
2 terms of the roof structure comments that were
3 made here. And that's it.

4 CHAIRPERSON HOOD: Okay. Thank you. Ms.
5 Rappolt, let's go to Mr. Rogers.

6 MR. ROGERS: Good evening, Mr. Chair, and
7 members of the Commission. For the record I'm
8 Jonathan Rogers with the District Department of
9 Transportation. I'll just hit on a couple of
10 highlights tonight.

11 Regarding loading, DDOT has communicated
12 quite frequently with the applicant through Grove-
13 Slade about the importance of accommodating
14 loading on site. There is no curbside space on
15 Florida Avenue and so no loading can occur on
16 Florida Avenue without negatively impacting the
17 operations of that street.

18 We believe that the loading management
19 plan addresses that concern and particularly with
20 Retail 3 that doesn't have the direct access,
21 except for through the lobby, that the loading
22 management plan and some thoughtful attendant
23 selection, will achieve the no loading on Florida
24 Avenue that we're seeking.

25 Regarding parking, the parking provision

1 is not inconsistent with what we see in a similar
2 context, but it is slightly on the higher side.
3 We would support a lower parking provision if it
4 were supported by enhanced incentives for non-auto
5 travel. Just one note about the area scan that
6 was done. It sounds like that included NoMa and
7 NoMa is an area that does have a lot of parking.
8 And what we found in our research of parking is
9 that one of the determining factors and parking
10 demand is parking supply. So there may be some of
11 that dynamic happening.

12 But with that said the parking is not
13 inconsistent with what we've seen in similar
14 contexts. And from an impacts perspective the
15 transportation analysis that was done did
16 incorporate and assume the higher parking
17 provision and there were no substantial vehicular
18 impacts found from the project.

19 And just one final note about public
20 space. The public space, as with all cases, will
21 be finalized during public space permitting. In
22 this case we have an active Florida Avenue multi-
23 modal study underway and design will soon be
24 underway for that as well. And so we'll evaluate
25 the public space proposal for its consistency with

1 the Florida Avenue multi-modal study. There are
2 no objectionable items that we've seen, but did
3 want to make note of the Florida Avenue study and
4 how the public space must be consistent with it.

5 And with that I'll finish and be happy to
6 take any questions.

7 CHAIRPERSON HOOD: Okay, thank you. Mr.
8 Wilson.

9 MR. WILSON: Thank you, Mr. Chair, and
10 good evening to the Commission. DDOE recommends
11 support and approval for this PUD. We have a
12 meeting scheduled with the applicant next Friday
13 to go over any details, so I'll just hit a couple
14 highlights here.

15 So given the strength of the D.C. Green
16 Construction Code, the International Energy
17 Conservation Code, and the Storm Water Regs, we've
18 had conversations at the Zoning Commission before
19 that LEED Silver isn't much of a benefit or an
20 amenity.

21 In our comments submitted to the record
22 we've outlined credits that shouldn't be very
23 costly, or the applicant could get very close to
24 LEED Gold. We'll talk through that more next week
25 for certain.

1 And on the storm water management we see
2 the park as a very excellent possibility for
3 increased storm water management for the site. We
4 have the Storm Water Retention Credit Training
5 Program, and we've spoken with the folks in our
6 side about how to use that program, given the fact
7 that there are two different property owners, so
8 the benefits could benefit this site and pay for
9 the maintenance of the site long term. And so you
10 know, those folks will be at the meeting next week
11 and will continue to work through those details.

12 And I also wanted to mention on the
13 parking, you know, from an air quality standpoint
14 we view more parking as, you know, having negative
15 contribution to air quality. We'd like to see
16 less parking where possible. And so there might
17 be an opportunity to take some of the parking
18 spaces in the garage, do storm water retention
19 tank, use that to water some of the urban
20 gardening. I think there's some tradeoffs and
21 some opportunities here that should still be
22 explored.

23 So I'm glad to take questions and that's
24 all. Thank you.

25 CHAIRPERSON HOOD: I want to thank you

1 OP, DDOT, and DDOE. See if we have any questions.

2 Commissioners, any questions of either
3 one of those agencies? Commissioner May?

4 MR. MAY: So for the Office of Planning
5 you had issues with the extent -- or how this
6 particular scheme for affordable housing within
7 the project on site and off site, how that's
8 consistent with the IZ regulations. Are you
9 satisfied with that now, or you still have issues
10 with that in seeking more from the applicant?

11 MS. RAPPOLT: I would say that we are
12 still seeking some more information from the
13 applicant. Specifically with the off-site
14 compliance section whereby there are some
15 regulations in terms of -- let me see. Let me
16 just flip to it here.

17 It does say that they should be new
18 construction and I think we heard that, you know,
19 there's going to be probably some rehab here. And
20 maybe, you know, a statement that you're not going
21 to receive any subsidies from the District. And
22 just sort of there's a list of criteria in here
23 that I think would be helpful for us to know what
24 the package includes.

25 MR. LAWSON: And I'll just add to that.

1 I think it's not because we're concerned about
2 their program. We don't consider, you know,
3 knowing how this comports with the regulations,
4 kind of getting bogged down in the details.
5 Typically the Zoning Commission knows what relief
6 they're being asked to consider as part of the
7 public hearing. So we just think it's important
8 that that be detailed so that we know, so that you
9 know just what relief is actually being requested.
10 We're very supportive of the program that's being
11 brought forward. But you know, for the record
12 that needs to be spelled out.

13 MR. MAY: I agree it's important that we
14 know what relief we're granting in the process of
15 doing this. So yeah, spelling that out would be
16 helpful.

17 MS. COHEN: And just to add to that, I
18 presume we want to approve just one of the
19 alternatives for the rooftop, unless -- and then
20 you could always come back for the modification if
21 the regs change.

22 CHAIRPERSON HOOD: Okay. It's 8:45. I
23 want to make sure that we cognizant of the time.
24 We don't want to keep everyone until 12:00
25 midnight. So I just wanted to make sure.

1 MR. MAY: I'm not in a rush.

2 CHAIRPERSON HOOD: Anyway, let's move --

3 MS. COHEN: I'm not in a rush.

4 CHAIRPERSON HOOD: Okay. I'm sure you're
5 not. Let's go ahead. We don't want to keep the
6 public here all night. They may have something
7 else they would like to do this evening.

8 Anyway, we just had a time check. Okay.
9 Let me see.

10 Is there any cross-examination from the
11 applicant? Do you have any cross of either one of
12 those agencies?

13 MR. GLASGOW: No. No, cross-examination.
14 We will be submitting something with respect to
15 the Chapter 26. And with respect to, I would not
16 call it rehab necessarily, but there were vacant
17 housing units that will be part of what it is that
18 you're looking at. It's not rehabbing a unit that
19 somebody is in. These are vacant units that are
20 abandoned and that type of thing that would be put
21 back into service.

22 CHAIRPERSON HOOD: Okay. Again, I don't
23 see anyone here from 5D, ANC. They do have a
24 letter of support. And also ANC 6C, they also
25 have a letter of support.

1 What do we do next? Government agencies?
2 All right. Any other government submissions that
3 I may have overlooked? I do know we have a number
4 of support letters from Council Member McDuffie
5 and again, ANC 5D, 5C. There's some organizations
6 here, a support letter from a single member
7 commissioner. I like to try to call all the
8 support letters out. Colleagues, if you all can
9 help me?

10 MS. COHEN: Yes. Let's see.

11 CHAIRPERSON HOOD: Residents of Ward 5,
12 there's a petition, letters of support. Trinity
13 Baptist Church, letter of support. Tony Goodman,
14 testimony of Tony Goodman from ANC. I guess ANC
15 6C. Ashell Shaw (phonetic) is -- Kettler, there
16 is a letter of support. I think that's a letter
17 of support too, right? Yeah. Richard Pearlmutter
18 (phonetic). Forgive me if you're watching this
19 streaming and I mispronounce your name, but there
20 is a letter of support. And then there are
21 letters of support -- okay. Okay. That was Level
22 2, but it's the Ward 5 community letter of
23 support.

24 MR. MILLER: Right.

25 CHAIRPERSON HOOD: Yeah. I'm sure Level

1 2 supports it.

2 MR. KARDON: There's a cover letter
3 quantifying the amount of support, so.

4 CHAIRPERSON HOOD: Yeah. Okay. Okay.
5 Oh, I'm sorry, Union Market Stakeholders, letter
6 of support. Doug Winchell (phonetic) letter of
7 support. And I think the record is complete.
8 There are enough letters in support if I didn't
9 name all of them. Okay.

10 Let's go to the report of ANC 5D. Again,
11 their letter is in the record and it speaks for
12 itself. But they want to make sure about the
13 park. That's interesting. The let me ask this
14 question on behalf of ANC 5D. They mention in the
15 letter if I remember correctly, about coming back
16 to them. Has that already been done? Because the
17 letter was dated for January.

18 MR. KARDON: There has been more recent
19 letters that have been submitted to the record.
20 We have come back with the full plans. You're
21 looking at a January letter. There was also one
22 that was submitted -- today was the testimony from
23 Tony Goodman, and then they -- if you're talking
24 about --

25 CHAIRPERSON HOOD: Oh, okay.

1 MR. KARDON: -- 6D.

2 CHAIRPERSON HOOD: There is one June 3rd.
3 I'm sorry. But that's from the -- is that from
4 the -- okay. Okay.

5 MR. KARDON: Both ANCs we've gone to
6 several times over the last few months and they've
7 both voted in support of the full project with the
8 current benefits package.

9 CHAIRPERSON HOOD: For me I think the
10 letter kind of looked the same. She's still
11 saying the same thing in her June 3rd letter
12 pretty much.

13 MR. KARDON: In respects to the park.
14 But the rest of the letter is different.

15 CHAIRPERSON HOOD: Okay. Okay. Okay.
16 Anyway, it does say seven to zero in favor but
17 that issue is still outstanding, and I think it
18 also is noted in the council member's letter about
19 the park, if I'm not mistaken. But anyway, if I
20 am.

21 You know what? We don't need to spend a
22 lot of time on it. It's still a letter of
23 support. I just wanted to make sure that if you
24 hadn't been back that you went back, and the June
25 3rd letter, from what I understand, it's a little

1 different but it still talks about the park.

2 Okay.

3 Do we have any organizations and persons
4 who are here in support? Ms. Cort, I think your
5 name is on the list. You can come forward.

6 Is there anyone else who is here who
7 would like to testify in support?

8 [No audible response.]

9 CHAIRPERSON HOOD: Is there anyone here
10 would like to testify in opposition?

11 [No audible response.]

12 CHAIRPERSON HOOD: Okay. So, Ms. Cort,
13 we will take your testimony in support.

14 MS. CORT: Thank you, Chairman. I'm
15 Cheryl Cort with the Coalition for Smarter Growth,
16 who wanted to come here and testify in support of
17 the project in general. But I wanted to devote my
18 discussion to our qualified support for the
19 proposed partial off-site compliance for
20 inclusionary zoning regulations and the affordable
21 housing proffer.

22 Since this agreement is likely to serve
23 as a new benchmark against which other PUDs that
24 are subjected to inclusionary zoning will be
25 measured, we ask that the Commission fully

1 consider all the implications and standards
2 established in this case. Inclusionary zoning is
3 an affordable housing tool with a unique ability
4 to advance equitable housing access for lower
5 income households in more desirable neighborhoods.
6 This core benefit of equitable access should be
7 retained as we consider flexibility through the
8 PUD process.

9 The chief benefits of the proposed -- of
10 this proposal are the creation of larger two and
11 three bedroom units of a minimum of 1,000 square
12 feet and serving households at deeper levels of
13 affordability. We strongly support this goal.

14 Noting a couple of the specific, both
15 assets and concerns we have about the proposal,
16 I'll go to enforcement. We actually like this
17 enforcement provision because we have something to
18 fall back on if the commitments are not reached,
19 as opposed to many other off-site promises are
20 made and not kept, and there's no action, there's
21 no recourse.

22 And so we think this is actually a pretty
23 carefully structured recourse where it's not too
24 brittle and rigid but it actually, it's something
25 that all the parties here want to accomplish the

1 proposal of these off-site units to have a bigger
2 affordable housing contribution. But the
3 enforcement mechanism creates accountability that
4 we think is actually a good precedent.

5 Secondly, regarding the fall back
6 obligation that was offered by the applicant in
7 this supplemental PUD filing, we don't buy this,
8 you know, well we'll add a couple of, wow, three
9 of these units at 50 percent AMI. We would concur
10 with Commissioner Miller's suggestion that we
11 really should be looking at, at least half of them
12 at the 50 percent AMI level for an eight percent
13 set aside, if not a 10 percent set aside level in
14 order to do something that's more commensurate to
15 the benefits of doing this PUD.

16 We strongly endorse the idea that there
17 should be an absence of public subsidies used for
18 the affordable units. This is a core principle in
19 inclusionary zoning regulations, and that is
20 certainly the intent. That is certainly what has
21 been represented to us by the applicant, and we
22 want to concur with that and support that, and
23 make sure that that's clarified and that would
24 also be, actually an important precedent for any
25 consideration of doing these kinds of off-site

1 contributions in the future.

2 We support the off-site location of the
3 boundaries of 5D, which is reasonable but much
4 expanded from what the IZ regulations allow,
5 suggested in the off-site provision of a census
6 track. Census track that this site is in is
7 mostly taken up by Gallaudet University and this
8 census track is actually all moving east from the
9 site, which is the neighborhoods of Trinidad and
10 Carver Langston. And we think that it is a
11 reasonable proximity to the site and to, not next
12 to the Metro station, but a high capacity bus
13 service and services. And so we think that this
14 flexibility is acceptable.

15 We are concerned about the fallback
16 position to greater Ward 5, and we would prefer to
17 see all of it located in ANC 5D, or I mean in the
18 adjacent ANC, which is closer to the Metro
19 station. And if the Commission does accept this
20 geographic scope we would ask that an additional
21 requirement that the site be within a quarter mile
22 of a regular transit stop also be required.

23 We would suggest that the Commission
24 consider all of the added value from this PUD that
25 not only comes from the bonus density, but also

1 from the change in use from an industrial use to a
2 higher value residential use. And we note that as
3 a way to suggest that there might be more capacity
4 to strengthen the level of affordable housing
5 commitment here.

6 And lastly, on covenant, we actually
7 really believe that we should commit to
8 affordability in the long term, and we don't think
9 that anyone at this table disagrees with that.
10 And so while Habitat says that they're convinced
11 that their 15 year term with a right of first
12 refusal has the same function as permanently
13 affordable as the IZ requirement is, we think that
14 we should codify it by applying the IZ commitment
15 to all of the units, not just some of the units.

16 And since they're already doing it they
17 will know how to do it because they're already
18 doing the covenants for half of the units. Half
19 of the off-site units. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you.
21 Let's see if we have any questions up here. Any
22 questions? Comment, Commissioner Miller?

23 MR. MILLER: Thank you, Ms. Cort, for
24 your testimony, which I would note is dated today
25 and I did not see until you just handed it to us.

1 And so the fact that we're on the same page in
2 terms of the fallback position being 50/50, I'm
3 glad to see that. I think that that is a good
4 suggestion.

5 I think a couple other suggestions are
6 useful in terms of the precedent that we set going
7 forward, so we know exactly what we're allowing
8 and the relief that we're granting. So I think it
9 might be useful to get it in the record before we
10 take final action. At least the applicant's
11 response to each of the issues. I think they're
12 very thoughtful and I appreciate you coming down
13 here to testify.

14 CHAIRPERSON HOOD: Any other questions up
15 here?

16 Okay. Let's see. Does the applicant
17 have any cross?

18 MR. GLASGOW: No cross-examination.

19 CHAIRPERSON HOOD: Okay. Well, let's
20 see. All right. Well, Ms. Cort, we thank you
21 very much for your testimony and coming down.

22 Okay. You have any rebuttal or closing?

23 MR. GLASGOW: I have a request and a
24 short closing statement. I think that this is a
25 very unique opportunity that's been presented to

1 the Commission. I think everybody here has
2 recognized that. And I think that we do want to
3 move on this as soon as possible because I know
4 now that you all are out working and looking at
5 properties, and the faster we move up here the
6 faster she can move. So I would be hopeful that
7 the Commission could take preliminary action this
8 evening and then anything that we need to get to
9 you on this case we can do between now and final.
10 And that concludes my comments.

11 CHAIRPERSON HOOD: Okay. I want to thank
12 everyone for their participation tonight. Let's
13 see, colleagues. You've heard Mr. Glasgow's
14 request. I think it was last week, we only had
15 one vote so I'm not going to push this time. So
16 I'm going to see how everybody feels up here.

17 MR. MILLER: I'm comfortable with going
18 forward and getting all the information we need
19 prior to final reading, including -- I mean, we
20 can go through the list, including --

21 MS. COHEN: My only concern is that I
22 really am not supportive of any backup. I really
23 believe that we should, you know, put the pressure
24 on Habitat for finding those units. Again,
25 they're the ones that are necessary, the larger

1 ones, the deeper subsidy ones. So, as long as
2 there's some understanding that the fallback is --
3 I don't think I could support any fallback until
4 they really get themselves moving and see what's
5 out there. They're confident.

6 CHAIRPERSON HOOD: Okay. Mr. Turnbull?

7 MR. TURNBULL: Mr. Chair, I'm not opposed
8 to going forward, but it does put the applicant in
9 a position when we come back for final, everything
10 has got to be 100 percent or else we don't take
11 final and we put it off again. So there was quite
12 a few things that were out there that we'd like
13 follow-up on so, I mean, we can do it but it just
14 puts the onus on the applicant to make sure that
15 they fall in line and give us what want.

16 CHAIRPERSON HOOD: Okay. Anyone else?

17 MR. MAY: Mr. Chairman, I'd go along with
18 voting tonight so long as you give them the
19 lecture about just how we're taking proposed
20 action tonight doesn't mean that we wouldn't vote
21 against it at final action, right?

22 CHAIRPERSON HOOD: I think Mr. Glasgow
23 has heard my lecture on that. But maybe Level --
24 well, everyone I think at Level 2 has heard it
25 too. So, you know, we don't have a -- you want to

1 hear the lecture, Mr. Glasgow?

2 MR. GLASGOW: Yes, sir.

3 CHAIRPERSON HOOD: Okay. You all have
4 heard it. Okay, okay, anyway. Well, you all know
5 the lecture. The lecture now is in play.

6 I think we will go ahead -- let me ask
7 you a question, Mr. Glasgow, do you want us to
8 take proposed action tonight?

9 MR. GLASGOW: Yes, sir.

10 CHAIRPERSON HOOD: With all what you
11 heard up here just now, and what might happen at
12 final possibly?

13 MR. GLASGOW: Correct. We're ready to
14 move, move forward.

15 CHAIRPERSON HOOD: But I'm a firm
16 believer that we're going to come back with a
17 clean slate. And I do have a problem with the
18 fallback. Okay. I do have that. Like I said,
19 plan A. We don't need a B when we know A is going
20 to work. So, anyway. Anything else?

21 All right. Well, I would move approval
22 of Zoning Commission Case No. 15-01, Level 2
23 Development Consolidated PUD and Related Map
24 Amendment at Square 3587, and ask for a second.

25 MR. MILLER: Second.

1 CHAIRPERSON HOOD: It's been moved and
2 properly seconded. Any further discussion?

3 With all the comments noted, all those in
4 favor.

5 [Vote taken.]

6 CHAIRPERSON HOOD: Any opposition? Not
7 hearing any, Ms. Schellin, would you please record
8 the vote?

9 MS. SCHELLIN: Yes, staff records the
10 vote five to zero to zero to approve proposed
11 action in Zoning Commission Case No. 15-01,
12 Commissioner Hood moving, Commissioner Miller
13 seconding, Commissioners May, Cohen, and Turnbull
14 in support.

15 CHAIRPERSON HOOD: Ms. Schellin, do we
16 need to do a list of things that --

17 MS. SCHELLIN: Yeah, I'll do it quickly.

18 CHAIRPERSON HOOD: Okay.

19 MS. SCHELLIN: Considering the time.

20 CHAIRPERSON HOOD: Because we want to get

21 --

22 MS. SCHELLIN: Commissioner --

23 CHAIRPERSON HOOD: -- Mr. Freeman out of
24 here.

25 MS. SCHELLIN: Yes.

1 CHAIRPERSON HOOD: He has something to do
2 this evening.

3 MS. SCHELLIN: Okay. Yes. Blame it on
4 him. Commissioner May asked that they reconsider
5 the plantings in the park as it may be out of
6 reach for the wheelchair bound persons.
7 Commissioner May asked that they, with regard to
8 the roof plan, that they show more information on
9 how each plan would work, the current regs versus
10 the potential regs.

11 MR. TURNBULL: Well, Ms. Schellin, I
12 wonder if I could interrupt you. I think even
13 with the Vice Chair, I think we've got agreement
14 that we're looking at the 18 foot six plan as the
15 one that we're going to be approving.

16 MS. SCHELLIN: Okay. Scratch that.
17 Commissioner Turnbull --

18 MR. MAY: But even the 18-6 plan, we need
19 some better documentation of it.

20 MR. TURNBULL: Yes, sections and
21 everything.

22 MS. SCHELLIN: Right. I haven't gotten
23 to that one yet.

24 Commissioner Turnbull wanted more
25 information about what area in 5D will the units

1 be built, the off-site units be built, the Habitat
2 for Humanity units, where exactly in 5D are they
3 looking at. Commissioner Turnbull, actually he
4 had suggested a safeguard but if I heard correctly
5 this evening, it was approved without the
6 safeguard. Is that correctly correct?

7 MR. TURNBULL: Well, I think the
8 applicant is going to come back with a plan that
9 shows how they're going to be able to do plan A
10 and get it to work.

11 MR. GLASGOW: Yes. So we're going to do
12 that. And one thing I'd like to also ask, because
13 of something that happened in a case years ago.
14 And that is I would not think that it's wise to
15 have us put on the record here exactly where she's
16 looking for housing. That is one sure way to
17 drive up the price.

18 MR. TURNBULL: Yeah. I just think we
19 want to make sure that we're looking at the --

20 MR. GLASGOW: We've said 5D and 5D-01.

21 MR. TURNBULL: Right. Okay.

22 MS. SCHELLIN: Okay. All right.

23 Commissioner Turnbull asked for blow-up sections
24 of the roof plan showing the measurement. He
25 thought it was a little confusing on how the

1 setbacks were being measured. Commissioner May
2 asked for a commitment from the contract purchaser
3 regarding for the land behind them with regard to
4 the connection of the park going through --

5 MR. MAY: That's okay. I think we have
6 enough.

7 MS. SCHELLIN: You're good? Okay.
8 Commissioner Miller asked for any deviations from
9 the IZ regs. He'd like more information provided
10 on that. Commissioner Miller asked with regard to
11 maintaining the park, for them to provide
12 something going in to the specifics of maintaining
13 the park from the private side. Commissioner
14 Miller asked them to respond to the DDOE report so
15 that would be in the record. And I think in
16 general what came out of the OP report was that
17 they spell out all the relief that's being asked
18 for, including one roof plan.

19 Did I catch everything? No one is saying
20 anything so I'll give dates.

21 So since proposed action was taken, Mr.
22 Glasgow, you know to provide the information from
23 240315 through 20, so your first filing would be
24 due in a week with regard to that. And you know
25 that schedule.

1 But with regard to the documents that
2 were asked for this evening, if we could have
3 those by June 22nd, and then any responses from
4 the two ANCs, and I would say OP since OP still
5 has concerns. And I didn't hear any DDOT issues
6 so nothing from DDOT. What about DDOE? They're
7 actually going to meet so probably a follow-up
8 from DDOE also. Those filings would be due by
9 3:00 p.m. on the 29th, along with draft findings,
10 facts and conclusions of law, by the 29th. And
11 then we can put this on for final action on July
12 13th.

13 Do those dates work? Yes? Okay.

14 MR. GLASGOW: Thank you.

15 CHAIRPERSON HOOD: Okay. Do we have
16 anything else?

17 MS. SCHELLIN: No, sir.

18 CHAIRPERSON HOOD: All right. I want to
19 thank everyone for their participation and this
20 hearing is adjourned.

21 [Hearing adjourned at 9:05 p.m.]

22

23

24

25