

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Zoning Commission Case No. 14-19 (M Street
Development Group, LLC., and Square 772
Development Group, LLC., - Consolidated PUD and
Related Map Amendment at Square 772, Lots 1, 2, 6,
7, 19, 801, and 802)

6:35 p.m. to 8:18 p.m.

Thursday, July 9, 2015

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

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1 APPEARANCES

2

3 Board Members:

4 ANTHONY HOOD, Chairperson

5 MARCIE COHEN, Vice-Chairperson

6 ROBERT MILLER, Commissioner

7 PETER MAY, Commissioner

8 MR. TURNBULL, Commissioner

9

10 Office of Zoning:

11 SHARON SCHELLIN, Secretary

12

13 Office of Planning:

14 JOEL LAWSON

15 JENNIFER STEINGASSER

16 STEVE COCHRAN

17

18 DDOT:

19 EVELYN ISRAEL

20 ANNA CHAMBERLIN

21

22 DDOE:

23 JAY WILSON

24

25

1 APPEARANCES Continued:

2

3 OTHER:

4 KYRUS L. FREEMAN, ESQ.

5 JESSICA BLOOMFIELD, ESQ.

6 BERK SHERVIN

7 SOPHIA LAU

8 DAVID WAHL

9 ERWIN ANDRES

10 JEFF LEE

11 TONY GOODMAN

12

13

14

15

16

17

18

19

20

21

22

23

24

25

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

P R O C E E D I N G S

CHAIRPERSON HOOD: This is a public hearing of the Zoning Commission for the District of Columbia. Today's date is July the 9th, 2015.

My name is Anthony Hood. We're assembled here in the Jerrily R. Kress Memorial Hearing Room. Joining me are Vice Chair Cohen, Commissioner Miller, Commissioner May, Commissioner Turnbull, Office of Zoning staff Ms. Sharon Schellin, Office of Planning staff, Ms. Steingasser, Mr. Lawson, Mr. Cochran, the District Department of Transportation, Ms. Chamberlin, Ms. Israel, and the District Department of the Environment, Mr. Wilson.

This proceeding is being recorded by a court reporter. It's also webcast live. Accordingly we must ask you to refrain from any disruptive noises or actions in the hearing room, including the display of any signs or objects. Notice of today's hearing was published in the D.C. Register and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with provisions of 11 DCMR 3022 as follows: preliminary matters, the applicant's

1 case, report of the Office of Planning, report of
2 other government agencies, report of the ANC,
3 organizations and persons in support,
4 organizations and persons in opposition, and
5 rebuttal and closing by the applicant.

6 The following time constraints will be
7 maintained in this meeting. The applicant has up
8 to 60 minutes. I think 15 will do it for us. I
9 think you can hit the highlights, hit the hot
10 spots. Organizations five minutes, individuals
11 three minutes. All persons appearing before the
12 Commission are to fill out two witness cards.

13 Please turn off all beepers and cell
14 phones at this time so not to disrupt these
15 proceedings. Would all individuals wishing to
16 testify please rise to take the oath? Ms.
17 Schellin, would you please administer the oath?

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

20 [Oath administered to the participants]

21 MS. SCHELLIN: Thank you.

22 CHAIRPERSON HOOD: Okay. Mr. Freeman I
23 think I spoke too soon, but I think 15 minutes --
24 I didn't ask my colleagues first. Do you all need
25 60 minutes? I don't think we need 60. Okay.

1 MR. FREEMAN: Ten is sufficient. They
2 just stood up in case they had to answer any
3 questions.

4 CHAIRPERSON HOOD: Okay. Ten minutes
5 sufficient. Okay. Mr. Freeman, you going to lead
6 us, or Ms. --

7 MS. SCHELLIN: I'm sorry. They have one
8 expert that hasn't been before this Commission I
9 think. Is that --

10 MR. FREEMAN: So tonight we're just going
11 to proffer Mr. Irwin. But he's been before you.

12 MS. SCHELLIN: Okay. You're not going to
13 proffer the others as experts?

14 MR. FREEMAN: And Jeff Lee. And Jeff
15 Lee.

16 MS. SCHELLIN: And Jeff Lee.

17 CHAIRPERSON HOOD: Jeff Lee is --

18 MR. FREEMAN: Both of whom have been
19 experts.

20 MS. SCHELLIN: Right.

21 CHAIRPERSON HOOD: They've already been -
22 -

23 MS. SCHELLIN: What about the Hickok Cole
24 Architects?

25 MR. FREEMAN: We're not going to proffer

1 --

2 MS. SCHELLIN: You're not. Okay.

3 MR. FREEMAN: -- the architectural
4 experts tonight.

5 MS. SCHELLIN: All right.

6 CHAIRPERSON HOOD: Okay. So we've
7 already had Mr. Lee and Mr. Andres.

8 MS. SCHELLIN: Yes.

9 CHAIRPERSON HOOD: So we don't need to do
10 that, colleagues. So that's it. So we --
11 anything else, Ms. Schellin?

12 MS. SCHELLIN: No, sir.

13 CHAIRPERSON HOOD: Okay. So we're ready
14 to get started.

15 MR. FREEMAN: Good evening, Chairman Hood
16 and Members of the Commission. For the record I'm
17 Kyrus Freeman, here on behalf of the applicant.
18 We will be as brief as possible. I am joined by
19 Ms. Jessica Bloomfield with Holland and Knight,
20 Mr. Berk Shervin on behalf of the applicant, and
21 Sophia Lau, who will be doing our primary
22 presentation. We also have a number of people
23 here to answer any questions that need to be
24 answered.

25 As you know, we're here seeking approval

1 of a PUD and map amendment to rezone the subject
2 property from C-M-1, which does not allow any
3 residential use, to C-3-C, in order to permit the
4 development of what we think is a very attractive
5 and positive addition to the community.

6 As you know we've filed a number of
7 documents in the record which indicate how we meet
8 the standards for approval, so we will limit our
9 presentation tonight to just cover the highlights
10 of the project.

11 We're happy to have the support of the
12 Office of Planning, the Department of
13 Transportation, as well as ANC 6-C. Today we
14 uploaded a number of documents, the most important
15 of which I would suggest is we have done a written
16 response to each of the issues outlined in the
17 various agency reports. So that's this letter
18 dated July 9th, 2015.

19 We've responded to all of OP's report
20 requests as well as DDOT's requested conditions
21 and we've responded to DDOE's conditions.

22 Tab B of that is a clear indication of
23 what I'd like to say, all the great things that
24 will happen as a result of the project. You can
25 call them public benefits, you can call them

1 proffers, but all the great things that we've
2 committed to do as part of this project.

3 And most importantly as you will see
4 tonight during our presentation, one of the main
5 issues that came up in the OP report was a
6 penthouse setback along the northern alley, so we
7 have revised the roof plan such that that now
8 meets the one to one setback, but we do need
9 relief to have walls of unequal height. So that
10 covers the main points that I want to cover in my
11 opening and I will turn it over to Mrs. Lau to go
12 through the presentation.

13 MS. LAU: Good evening, Members of the
14 Commission. I am here, Sophia Lau of Hickok Cole
15 Architects. I'm here to walk you quickly through
16 the design. If there are any -- I will be
17 skipping a few slides but if you have any
18 questions, please let me know.

19 In designing the project for 300 M one of
20 the major -- the two major considerations for the
21 design is to be cognizant of the walkability and
22 the context, as well as enhancing the pedestrian
23 experience within the neighborhood.

24 We took great care in understanding the
25 site. The project lies at the intersection of 3rd

1 -- between 3rd and M, on -- 3rd and 4th on M
2 Street, and it essentially lies as a place where
3 the city transitions, essentially from No-Ma
4 Gallaudet, where we have larger bulk buildings,
5 and then as you transition towards the east we
6 have primarily residential single-family homes.
7 And we were very cognizant of that in developing a
8 design.

9 The site itself, as Mr. Freeman just
10 introduced, is primarily kind of a light
11 industrial commercial, as zoned as currently.

12 These are some diagrams that just
13 indicate the massing changing in response to the
14 existing site, as well as how we changed the
15 programmatic layout of the building at the ground
16 floor, as well as an understanding of how our
17 building breaks down as it transitions over to the
18 east when it's adjacent to the residential row
19 houses.

20 These series of diagrams illustrate how
21 we have broken the massing of the building down.
22 We are requesting for a height of 110 feet along
23 3rd Street and that allows us to cut the building
24 down along M and 4th.

25 This overview is an overview of the

1 building based on the breakdown of the massing,
2 and it indicates the various amenities that we are
3 suggesting as well as the various penthouses.

4 I think this might be one of the better
5 images to just quickly mention our response to the
6 recommendations of Office of Planning.
7 Essentially to the north of the site here, you can
8 see what we've done is we've stepped the building,
9 stepped the penthouse. Essentially where the
10 penthouse is 11 foot three, set back from the edge
11 of the wall, it only goes up 11 foot three. And
12 when it clears 18 foot six, then it rises up to 18
13 foot six to accommodate the mechanical that we --
14 the clearance that we need for the mechanical on
15 this penthouse.

16 As a result, a small portion of the
17 penthouse where the cooling tower is located is
18 bumped further south about seven foot three.

19 This is an overview of the project. It's
20 the intersection of 3rd and M. Essentially what
21 you haven't seen in the other drawings is that
22 here is the articulation of the retail base on 3rd
23 Street, and essentially the idea is that these are
24 articulated as individual based for retail that is
25 neighborhood serving as opposed to big box retail.

1 Our entrance, main entrance into the
2 building, is also at the corner of 3rd and M. A
3 strategic location that takes into consideration
4 the concerns of pedestrian safety and eyes on the
5 street, where the 24 hour concierges will be
6 facing directly down M Street towards the Metro
7 Station.

8 This is a view of 3rd Street at M during
9 the day. To the right you'll see the image of the
10 -- the edge of the lobby.

11 This is an image of M Street between 3rd
12 and Abbey. Essentially at this location we are
13 proposing the near park as a public amenity. At
14 the terminus of Abbey at M Street we are proposing
15 a piece of public art, and we've also modified the
16 modules of the building such that it's on axis
17 with Abbey Place. And this is imaged with trees;
18 street trees.

19 This is a corner of M and 4th Street. It
20 shows how the topology of the building reduces to
21 a much more -- a townhouse reading. As it turns
22 on 4th Street it continues the same, where we have
23 terraces off of the units, and then we have on M
24 Street, ground floor entrances into these units.
25 This is with trees.

1 This is a detailed view on M Street
2 between Abbey Place and 4th Street, illustrating
3 the access to these ground floor units from the
4 street as it relates similarly to the context
5 where we break the building down so that it reads
6 much more like a single -- like an individual
7 family entrance, and also evokes the front porches
8 of these houses as well.

9 This is a ground floor plan. Essentially
10 we would like to point out here that what we've
11 done is, in addition to enhancing the side -- the
12 public realm in terms of understanding what kind
13 of program we place there, as well as the quality
14 of the spaces in landscaping, we are concerned
15 with -- we address the issues and concerns of
16 public safety by locating all vehicular access off
17 of the alley north of our site. Essentially the
18 project removes any curb cuts and it's actually,
19 the building is pushed back from the property
20 line, 11 foot six, to widen it enough so that we
21 can actually get two-way traffic to go and access
22 the on-site parking, as well as loading off the
23 alley.

24 And again, this is where the retail is
25 located. Entrance lobby. The public park, the

1 near park. And the residential entrances and
2 terraces. It's a typical unit floorplan.

3 This is the 9th floor, where the building
4 makes a significant step. And essentially here we
5 have the amenities of the dog park and the harvest
6 garden. We have two penthouses here. The north
7 is where we have our exit stair located, as well
8 as these two are completely utilized by mechanical
9 needs.

10 This is the top floor on the 12th level.
11 Again, here you might see it better in your
12 packages, but essentially this marks that location
13 of where we've achieved the one to one step back
14 from the northern alley.

15 And then this is the location of the
16 penthouses. Please note that the penthouses are
17 all occupied by mechanical uses, save for only
18 this zone right adjacent to the pool deck. The
19 rest is mechanical space.

20 We have materials behind the desks, and
21 I'm going to quickly walk through. This is the
22 elevation of 3rd Street. Essentially on the
23 ground floor we have a base with a retail bay of
24 brick, and then we have precast on the upper
25 levels. The upper levels is articulated by a

1 syncopated pattern of inset balconies.

2 Here, additional views to illustrate
3 that, that depth in the facade. It is not flat.

4 This is a typology that we call a sort of
5 low-rise multi-family. This is the reading on M
6 Street between 3rd and Abbey Place. Essentially
7 here we are also utilizing precast. Here, the
8 precast is actually going to be formed with a
9 vertical pattern, such that it enhances the -- and
10 compliments the near nature of our park on the
11 ground floor.

12 Right above we have recessed balconies
13 for the units, and then above where the building
14 pushes back we have clad it in the light champagne
15 metal panel material.

16 This is a typology of a townhouse
17 reading. It's at the intersection of M and 4th
18 Streets. Essentially the building breaks down
19 into individual massing that expresses the
20 dimension of individual units. And it's again,
21 using a very similar pallet as the rest of the
22 project.

23 And this is an overview of the project
24 with the street trees. Thank you.

25 MR. FREEMAN: So that concludes our

1 direct presentation. We're happy to answer any
2 questions.

3 CHAIRPERSON HOOD: We thank you for your
4 presentation. Let's see if we have any questions
5 or comments up here, on anything in the record.
6 Any comments? Commissioner May?

7 MR. MAY: Sure. So overall I think the
8 design is very nice and it is -- unlike a lot of
9 things that we see here it's not overly complex.
10 It's, you know, it reads as a single building but
11 there's a lot of variety to it. A lot of times we
12 get projects that are just trying to do too much
13 or, you know, the architecture is just doing
14 gymnastics for reasons I don't quite understand.

15 But I think this looks very good. So I
16 don't really have a lot of comments on any of the
17 particulars of the design. I think it's working
18 fairly well.

19 I mean, there is a question about, you
20 know, how well you sort of bridge the gap between
21 the quasi-industrial settings, more toward the
22 north versus the, you know, the brick row house
23 kind of thing to the south. But I would hope that
24 would have come out in conversations with the ANC
25 and it seems like they're very supportive of the

1 design the way it is. So unless they have more to
2 say on that topic, we'll see when they testify.

3 First of all, can you explain the linear
4 park a little bit better to me? I know you had
5 some slides that address that. Can you tell me
6 something about like, dimensions --

7 MS. LAU: Sure.

8 MR. MAY: -- when you go through that?

9 MS. LAU: Let me go to my plan that you
10 have in your package as well. So, I can't read
11 this slide very well so I'm just going to turn to
12 my page over here.

13 So, essentially here, the depth of the
14 park right here, that dimension is 12 feet.

15 MR. MAY: So, from what to what?

16 MS. LAU: Twelve feet in depth.

17 MR. MAY: I know, but measuring from the
18 back of curb, back of sidewalk, front of --

19 MS. LAU: Edge of sidewalk.

20 MR. MAY: Edge of sidewalk, inside edge
21 of sidewalk to face a --

22 MS. LAU: Face the building.

23 MR. MAY: Face the building. And what's
24 happening in the building right there?

25 MS. LAU: Sure. So, on 3rd Street we

1 have the lobby right directly adjacent to the --

2 MR. MAY: So can we -- I mean, can you
3 put this image up there?

4 MS. LAU: Oh, sure. This one? Yes,
5 okay. So --

6 MR. MAY: Yeah, I mean, I have two that
7 kind of look like they're the same. So it's --
8 yeah. Yeah, that's it.

9 MS. LAU: This one?

10 MR. MAY: Yeah.

11 MS. LAU: So --

12 MR. MAY: So point to me where you're --
13 as you describe what's going on.

14 MS. LAU: So what's off the page is the
15 lobby.

16 MR. MAY: Okay.

17 MS. LAU: What's right here is a lounge,
18 and what's right here is the --

19 MR. MAY: What's in the building next to
20 the lounge? What's that space?

21 MS. LAU: This space? This lounge space?

22 MR. MAY: No, I mean -- sorry. It's a
23 lounge space in the inside of the building.

24 MS. LAU: That's correct.

25 MR. MAY: What's on the outside then?

1 MS. LAU: The outside is a series of
2 pockets of space framed by benches and
3 landscaping.

4 MR. MAY: Right. Okay.

5 MS. LAU: I can pull up one of the images
6 from the PUD, may be clearer.

7 MR. MAY: No, that's okay.

8 MS. LAU: Okay.

9 MR. MAY: Keep walking down the street
10 here.

11 MS. LAU: Sure. And then beyond here is
12 actually the leasing office.

13 MR. MAY: Okay.

14 MS. LAU: But our interior design team
15 has designed it such that it's a lounge in the
16 evening.

17 MR. MAY: Okay. And then beyond that?

18 MS. LAU: Beyond that are entrances into
19 the units on the ground floor.

20 MR. MAY: Okay. So what makes this a
21 park other than the fact that you have a couple of
22 pockets? I mean, otherwise it seems like it's a
23 fairly generous sidewalk space with some planted
24 area. I mean, tell me why it's park to you.

25 MS. LAU: Sure. So, one of the things is

1 the way we've thought about the park and tried to,
2 you know, throughout the city -- these days in big
3 cities there are different places that are made as
4 public parks that one might call pocket parks, so
5 to speak. I guess it's not governed so much by
6 dimension and scale but how you arrange the parts
7 and pieces.

8 So the way we've designed -- and
9 actually, I should let Jeff speak to that as well.

10 MR. LEE: I'll add to it.

11 MS. LAU: Okay. But we have chosen the
12 park in this space that make it more than just
13 sidewalk seating along the curb, including public
14 artwork at the terminus of Abbey.

15 MR. MAY: Uh-huh.

16 MS. LAU: As well as its relationship at
17 the front door adjacent to the lobby. So it's not
18 -- it's beyond just seating on the sidewalk.

19 MR. MAY: Uh-huh.

20 MS. LAU: And, Jeff, I'll let you jump
21 in.

22 MR. LEE: Okay. Sofia, can you go to the
23 overall --

24 MS. LAU: Sure.

25 MR. LEE: -- perspective that shows all

1 of the public space?

2 MS. LAU: This one.

3 MR. FREEMAN: State your name.

4 MR. LEE: Yes. So if you go to the --
5 oh. Jeff Lee. Lee and Associates, Landscape
6 Architect.

7 Go to the rendering that shows up very
8 first.

9 MS. LAU: This one?

10 MR. LEE: Yes.

11 MS. LAU: Okay.

12 MR. LEE: I think the fact that the way
13 we looked at this, we looked at it a number of
14 different ways in terms of how to create a public
15 space that feels like it's not a private space.
16 So it's a progression of space that occurs where
17 even though you have outdoor restaurant space
18 along the face of the retail, we open up that
19 front entry plaza by creating places where you can
20 go if you're brown bagging lunch. And it's very
21 obviously not part of the restaurant space, which
22 I think is very important.

23 And then as you turn the corner and come
24 down M Street the reason why this becomes a linear
25 park is that once again, we're creating a feeling

1 that it's not a front porch, even though in D.C.
2 most of the public right of way -- you know, most
3 of the private spaces are in the public right of
4 way anyway. So it's an interesting way of taking
5 the townhouse units, where you sort of feel like
6 you've got a front stoop, but there's no fence
7 around it. But so that feels semi-public. But
8 then when you get to the point of the axial view
9 of Abbey Place, that it really opens up and is
10 representative of a very very public place.

11 So the benches and the nooks that we
12 created are very much so the outdoor public spaces
13 that people wouldn't feel uncomfortable hanging
14 out and feeling that.

15 The other thing that we did in that area
16 is that everybody thinks that having a really wide
17 sidewalk and public space is a good thing. But I
18 think if you look at K Street in Mount Vernon
19 Square, Mount Vernon area, it's actually too much
20 sidewalk. So there has to be some sort of thing
21 that sets the scale for that.

22 So we do have a very generous sidewalk,
23 but those cubbies actually become more semi-
24 intimate spaces for the public and we have
25 achieved that not only by putting street trees in,

1 but putting undestroyed trees in those zones to
2 bring that scale down to a more intimate scale.
3 That actually starts to work with the
4 architectural façade by bringing those buildings
5 down as well.

6 MR. MAY: Okay. So I have a couple
7 follow-up questions. Can you go back to the
8 perspective view that we had before? Okay. And
9 now can you go to the next page, if it's the same
10 one that I have as the next page? Where we start
11 to turn the corner there.

12 So, what we're seeing there then is the
13 other -- the far end of -- this is the 4th and M
14 intersection, right?

15 MS. LAU: That's correct.

16 MR. MAY: And so the linear park is that
17 segment on the left.

18 MS. LAU: No, the linear park ended at
19 Abbey.

20 MR. MAY: Oh, it ended at Abbey.

21 MS. LAU: Yes.

22 MR. MAY: Got it. Okay. So from there
23 on out -- because he made reference to the
24 townhouse like units --

25 MR. LEE: Right.

1 MR. MAY: -- as if they were part of the
2 park, so that's why I'm --

3 MS. LAU: I see.

4 MR. MAY: Okay. So, because I was
5 wondering if, you know, if everybody is going to
6 have like people hanging out on their front stoop
7 area because it's part of the linear park.

8 MS. LAU: No.

9 MR. MAY: So, and are the -- is this LID
10 type stuff along the curb? So all that's going to
11 be rain gardening and that kind of thing? Yes?

12 MR. LEE: Absolutely.

13 MR. MAY: Yeah.

14 MR. LEE: It's the low impact
15 development.

16 MR. MAY: Right. Okay. And what about
17 the front yards, if you will, of the townhouse
18 units? Actually, if you go further ahead, go,
19 keep going. Keep going. Keep going.

20 MR. LEE: That one?

21 MR. MAY: No. Yeah, that one. So we can
22 sort of see there's a planted area that seems to
23 frame the little porch, and then there's planting
24 in front of that that's more part of the sidewalk
25 space. So is that an LID too, or is that just a

1 planted area?

2 MR. LEE: Right now we're trying to
3 balance the storm water in the green area ratio.

4 MR. MAY: Uh-huh.

5 MR. LEE: And in terms of storm water
6 with the civil, if the balance is needed to access
7 those we would definitely take advantage of that.
8 You know, as part of the low impact development.

9 MR. MAY: So it may be or it may not be?

10 MR. LEE: May be, it may not be because
11 when you go to LID it limits certain choices in
12 terms of plant material because of the
13 functionality.

14 MR. MAY: Right. And all those spaces
15 will be maintained by the building as opposed to
16 being maintained by the individual owners, right?
17 You know, the operator or whatever.

18 MR. LEE: Correct.

19 MR. MAY: Okay. Okay. Let's talk about
20 the roof tops for a minute. I'm not sure how best
21 to see. Oh, I guess yeah, we can look at that
22 one. Let me get that plan in front of me too.

23 So, all right. Here we go. So I
24 appreciate what you've done to try to resolve the
25 problem at the north end of the building, although

1 it's not necessarily the most thorough resolution
2 of it.

3 You know, I really don't like losing the
4 setbacks, even on courtyard sides because of its
5 potential to impact the quality of life for the
6 people whose units face under the courtyards, and
7 I'm especially concerned when those reduced
8 setbacks might actually be -- create greater
9 visibility in the penthouses from beyond the
10 property.

11 So in this circumstance, to the north --
12 to the northeast of the property where the charter
13 school is and the glass place, and other things, I
14 assume that that's all C-M-1, but eventually it's
15 also in the change area, right?

16 So I mean, given the moves that you're
17 making to reduce the size of the building along, I
18 guess it's 4th Street there, I'm wondering if we
19 can reasonably expect that everything is going to
20 build up to that same height. I mean, I'm not
21 expecting 110 foot building, necessarily in that
22 area, which is what would be necessary to kind of
23 block the improperly set back penthouses.

24 So, I'm offering that up not because I
25 really want you to redesign everything and push it

1 away. I mean, I understand that this is a, you
2 know, it's a residential building. It's a
3 relatively narrow floor plate and it's hard to
4 squeeze everything in, but you've had no problem
5 squeezing in fairly generous spaces for recreation
6 use, for the pool, for the you know, the dog park,
7 et cetera. And, you know, I'm from the school of,
8 take care of your penthouses first and then use
9 what's left for the amenity space because of the
10 importance of setting back the penthouses.

11 Where I am still troubled -- I mean,
12 there is still relief needed at the very top
13 section to the right, right, where it abuts the
14 alley. So you have a 10 foot setback and you need
15 relief there, right?

16 MR. LEE: Yes.

17 MR. MAY: So I mean, have you actually
18 looked at trying to avoid needing that relief? I
19 mean, pushing the building -- you know, pushing
20 more of the penthouse into the bar of the building
21 that's along 3rd Street?

22 MR. LEE: Let me answer the first part of
23 your question --

24 MR. MAY: Yeah.

25 MR. LEE: -- and we'll allow Ms. Lau.

1 With respect to what's happening the Northeast,
2 there is the Level 2 project which is a much
3 taller project. There is the --

4 MR. MAY: Across the street and a block
5 away; half a block away, right?

6 MR. LEE: Across Florida.

7 MR. MAY: Right.

8 MR. LEE: There are other projects that
9 are in the close vicinity of the site that I know
10 you will be seeing soon.

11 MR. MAY: Right. But I mean, the change
12 area ends at 4th Street, doesn't it?

13 MR. LEE: But the sites across Florida
14 are higher density.

15 MR. MAY: I understand. What about the
16 properties across 4th?

17 MR. LEE: The properties across 4th
18 wouldn't be looking directly -- they're lower.
19 I'm looking at our site plan.

20 MR. MAY: Yeah, they're lower.

21 MR. LEE: They have lower density.

22 MR. MAY: They're lower, right.

23 MR. LEE: And they will have --

24 MR. MAY: So I mean, you know, it's the
25 planning principles that you don't, you know, you

1 don't draw the line between zones in the middle of
2 the street, you draw them in the middle of the
3 block so that what's facing each other have a
4 relationship. So I'm expecting that what's going
5 to be on 4th, at least if I'm on the Zoning
6 Commission when that comes to us to be rezoned, I
7 would expect it to be responsive to the immediate
8 context.

9 MR. LEE: Right.

10 MR. MAY: And so that's what I'm
11 concerned about is, you know, buildings looming
12 behind but penthouses on those buildings looming
13 behind. So.

14 MR. LEE: We looked at that outlet. Ms.
15 Lau talked through why they are where they are.

16 MR. MAY: Okay.

17 MR. LEE: And they are all mechanical but
18 for one portion, they're not all kind of --

19 MR. MAY: I understand that, but you have
20 the entirety of the roof to work with and some of
21 that stuff can be pushed around, some of it can't.
22 I understand that. But so, anyway, Ms. Lau?

23 MS. LAU: Sure. I guess one of the
24 things is that our intention of the design is that
25 we wanted to push away the massing as much as we

1 could away from 3rd Street and minimize that
2 footprint, and that caused us to swing majority of
3 the equipment along the alley side. And as a
4 design intent, that was the intention, is to
5 remove the bulk of the penthouse as much as we
6 could away from the street side, or parallel to
7 3rd Street.

8 MR. MAY: Okay. And so why is it
9 necessary to have relief, I mean for the raised
10 pool deck. I mean, you've got two foot six as a
11 setback and you need to get to 4-0, right? So
12 it's a foot and a half. You really can't push
13 things around enough to eliminate the need for
14 that relief?

15 MS. LAU: Well --

16 MR. FREEMAN: We're not asking for a
17 relief for the raised pool deck, because that's
18 less than four feet.

19 MR. MAY: I'm sorry, I thought that was.
20 I thought that was one of the things that was in
21 the documents.

22 MR. FREEMAN: On page -- do you have page
23 12? Do you want to walk through what we're asking
24 for relief for?

25 MS. LAU: On this over here?

1 MR. FREEMAN: Yes, maybe a larger version
2 of the sheet.

3 MS. LAU: Okay. So we're requesting for
4 a setback at the court and alley and varying
5 height and as the area flexibility for the
6 penthouse. And then what we've dimensioned here
7 is we have our shade structure to the north of the
8 pool. We also have our --

9 MR. MAY: Oh, I see. So you're asking
10 for relief for the shade structure. So you think
11 you don't need the relief for the pool structure?

12 MR. FREEMAN: The pool --

13 MS. LAU: The pool deck is --

14 MR. FREEMAN: -- is less than four feet
15 above the roof.

16 MR. MAY: It still has to be set back. I
17 mean, you don't get a free four feet over the
18 entire roof. You couldn't do that to the front of
19 the building. I mean, maybe I'm wrong. Maybe
20 somebody can tell me I'm wrong, but you know,
21 every other project we see when the roof top has a
22 pool, the pool is set back. That platform is set
23 back.

24 MR. FREEMAN: We have always interpreted
25 the setback requirements as applying once you get

1 above four feet. We could talk through the --

2 MR. MAY: Yes. So you're telling me that
3 you have 114 feet at the front of the building?
4 You could? You're telling me that you could.
5 That's the logical conclusion of what you just
6 said. You said that you get essentially the first
7 four feet is free.

8 MR. FREEMAN: No, that's not what I'm
9 saying.

10 MR. MAY: Well, so tell me again what you
11 said.

12 MR. FREEMAN: I'll have Ms. Lau walk
13 through why things are where they are.

14 MR. MAY: Well, no, I'm interested in
15 your interpretation of the Zoning Regulations
16 here. I mean, you're saying that there's
17 something that's special about the four feet,
18 right? So what is that?

19 MR. FREEMAN: Here's what I said. We
20 believe we don't need setback relief for the pool
21 structure because of its location and its height
22 above the roof and it connects the --

23 MR. MAY: So its position on the court is
24 what you're --

25 MR. FREEMAN: And in connection with this

1 location on the edge of the court.

2 MR. MAY: Okay. I mean, my recollection
3 is that whenever there is an insufficient setback
4 from the court, that we do wind up considering
5 that an area of relief. I mean, you're certainly
6 asking for that in other areas, right?

7 MR. FREEMAN: I know there have for
8 things that are above four feet. I know that
9 there have been interpretations both ways in terms
10 of what the required setback requirement is from
11 the court is.

12 MR. MAY: Yeah, but you're in front of us
13 now. You're not in front of the Zoning
14 Administrator who has been misinterpreting this
15 for years. So you know, I think it needs to be --
16 I've said this before.

17 I think you do need to request relief,
18 and in fact I think you need to move it so you
19 don't need the relief because it seems silly that
20 you would need the relief. Anyway.

21 MR. TURNBULL: Mr. May, I wonder if I
22 could just interject for a minute. I just want to
23 clarify that the issue you're talking about is on
24 your original -- on your Exhibit 23-A1, 23-A7, on
25 page A-47, that section DD, that still holds. So

1 with the glass wall you're really up to seven and
2 a half feet.

3 MR. MAY: Oh, yeah. What was the exhibit
4 number again?

5 MR. TURNBULL: I think it's the bound
6 book, 23-A1, 23-A7, through A7.

7 MR. MAY: Yeah, okay.

8 MR. TURNBULL: Page A47.

9 MR. FREEMAN: Well, we will explore -- we
10 will try to figure out how to set it back further
11 from the edge of the --

12 MR. MAY: Okay. I would appreciate you
13 taking a look at it. I mean, I could understand -
14 - see, the reason to seek relief from setbacks,
15 even on courtyards is when you can't do it any
16 other way. It's not, you know, for the sake of
17 maximizing the recreation area. I mean, I do
18 believe in maximizing the recreation area. But
19 not at the expense of the Zoning Regulations. And
20 I understand there's a shade structure involved
21 there too, and that's a little bit more plausible
22 because I know that you're not going to be able to
23 set back all the way, that full distance required
24 for the shade structure. But two and a half feet
25 at least. I guess it's more than two and a half

1 because of the height of the handrail, but I'm, I
2 guess more willing to accept the height of the
3 handrail in this one circumstance.

4 MR. MAY: The other place where I have an
5 issue with the setback is along the 4th Street
6 side where, you know, at the north end of that
7 wing -- because there's no setback at all and I
8 think that there should be a setback there and it
9 seems the only reason it is, is because you're
10 trying to have the remote stairwell, and that can
11 be planned differently. We've seen examples of
12 the stairwell being placed differently within the
13 building. And you know, sometimes we have to
14 grant relief because of the way the stairway exits
15 to the bottom of the building or something like
16 that. But you can have a transfer stair at the
17 top even in those circumstances.

18 So I think you need to take another look
19 at that because it's going to be, you know, for at
20 least several years until that property gets
21 developed, it's going to be a very obvious blank
22 wall penthouse at the top of the building. And,
23 you know, it's just, it's possible to design it
24 another way and not have a significant impact on
25 the building. I don't think you lose that much

1 from your rooftop planting beds and so on.

2 MR. FREEMAN: So just so -- you're
3 talking about the northern most penthouse.

4 MR. MAY: The northern most penthouse on
5 the 4th Street wing, which is above like the last
6 place, I guess.

7 MR. FREEMAN: Okay.

8 MR. MAY: Right? Or adjacent to the
9 glass place.

10 MR. FREEMAN: So that's an exterior wall,
11 party line wall.

12 MR. MAY: I understand.

13 MR. FREEMAN: Okay. So I just want to
14 make sure we're talking about the same --

15 MR. MAY: I understand. But I mean, we
16 went through this in great detail on the penthouse
17 regulation discussion and I think that you know,
18 if it's going to be that way for a long time I
19 would rather see it set back. I'm not, you know -
20 - it may not be required under the current Zoning
21 Regulations, but I'd still like to see it set
22 back.

23 What else? So, I guess the other comment
24 I had to this, and I'm offering this up for the
25 sake of discussion with my colleagues as they

1 consider what's being asked of us here. But this
2 is a very significant change in the density, and
3 you know, we're doubling the FAR, almost tripling
4 the height, and so -- and you know, I think this
5 is a good project but there's an awful lot of
6 value that's accruing from this zone change. And
7 I don't get the sense that this package of
8 amenities or supposed amenities because some of
9 them I'm not sure really are amenities or
10 benefits, and I'm not sure why -- I mean, I don't
11 really go for the added value of high quality
12 materials because I think we're used to seeing
13 pretty high quality materials. Particularly on
14 buildings like this.

15 I mean, I think that there needs to be
16 some more meaningful benefits and amenities to
17 this project, given the amount of zoning or amount
18 of density that you are asking for here. I think
19 you're just not hitting the mark by a significant
20 margin. I don't know what the right package is,
21 but maybe it's more affordable housing, maybe it's
22 greater affordability, maybe it's more benefits
23 for the immediate neighborhood. I'm not sure what
24 it is, but it just seems meager to me.

25 So, but I'm interested in hearing what my

1 fellow commissioners have to say. Thanks.

2 MS. COHEN: Thank you, Mr. Chairman. I'm
3 smiling up here because a lot of what my colleague
4 has discussed were my notes on this project with
5 regard to some of the proffered benefits. Again,
6 I didn't understand why you were proffering class
7 A building materials since it is a class A
8 building and you will class A rents. Especially
9 if you go for Gold certification.

10 So I didn't buy that either. I mean,
11 it's adding value to your own property and
12 enabling you to get a higher return for those
13 benefits. So I was very pleased to hear my
14 colleague talking about maybe we can go for more
15 affordability on some of the units. And certainly
16 again, some of the suggestions, I didn't have
17 enough time to really look at today's submission
18 on the responses to DDOE's concerns. But I think
19 you need to revisit their concerns and work with
20 them.

21 I'm not sure, did you meet with DDOE, or
22 you just are responding to their review?

23 MR. FREEMAN: We've just responded to
24 their comments.

25 MS. COHEN: Okay. So I'm going to be

1 looking at them carefully. More than I -- as I
2 said, I had the opportunity. I think they spend a
3 great deal of time on these projects and we're not
4 just looking at this particular one single
5 project, we're looking at a neighborhood, and
6 we're looking at the built environment of an
7 entire city. So the more you can reduce the
8 environmental impacts, the better off we are as a
9 community.

10 The roof structure I think has been
11 covered well. Let's see. There's something else.
12 And the only thing is, again, you know, you're
13 adding more parking. I'll defer to DDOT on that.
14 But if we could, again, do less parking which then
15 would allow us possibly to save the cost of going
16 underground, and again those savings may be able
17 to be accrued to some deeper subsidy and
18 affordability.

19 So, Mr. Chairman -- oh, and I just do
20 want to at least add something positive; very
21 positive. The public art, I really appreciate
22 that. I think our city is lacking significant
23 public art, other than as I say, men on horses.
24 But therefore anything you can do to get away from
25 that paradigm would be very much appreciated.

1 Oh, one last question. The entryways
2 into the private spaces, you know, the private
3 apartments, how safe and secure? I mean, you do
4 have the planters so that sort of sets it off as
5 some privacy there. But what about the security?
6 Not going through a lobby, do you think that you
7 need to add any kind of security items?

8 MS. LAU: Well, in terms of design we've
9 had discussions about making sure that these
10 entries are well lit at night. We've also located
11 the units which had the living spaces are right
12 adjacent to the front door, so we have considered
13 the concept of eyes on the street. And we hope
14 that the design, based on being aware of this that
15 we're going to design these spaces such as they'll
16 feel safe.

17 MS. COHEN: Okay. Thank you very much.

18 CHAIRPERSON HOOD: Okay. I guess, Mr.
19 Turnbull.

20 MR. TURNBULL: Okay. Thank you, Mr.
21 Chair. I would agree with my colleagues. I think
22 the architecture is really well done. I think
23 Hickok Cole has really done a good job on this. I
24 think there's -- I think it's going to be a great
25 building so I think it looks very well.

1 That being said I do have a few issues.
2 I would agree with Commissioner May on the roof
3 top issues. Those are some of my comments too,
4 and some of the other. I think I just had a
5 couple -- the retail that's going to go in here,
6 is this neighborhood serving or --

7 MS. LAU: Yes, that is the intention and
8 that's why we've articulated it as separate bays.

9 MR. TURNBULL: Okay. The PEPCO vaults in
10 the alley, are they there already or are those,
11 you're putting them there to service the building?

12 MS. LAU: That's right.

13 MR. TURNBULL: Okay. I would agree with
14 the comments I've made about -- well, the benefits
15 and the amenity package. I know we just got it.
16 It kind of came in late today, your responses to
17 DDOT and OP. I would agree about your explanation
18 of the ground level architecture enhancement
19 constitute a proffer and a public benefit. And
20 you go back in your argument as you're talking
21 about the C-M-1 and you know, and I'm really glad
22 you're not using IFIS and I'm really glad, you
23 know, you're not using Hardy Plank or Hardy
24 Panels, you know, or plywood or something like
25 that. But you're not C-M-1. You want to be C-3-

1 C. So that automatically raises the bar.

2 I think probably 90 percent of what we
3 see for PUDs for 3-C-3 have these materials.
4 You're not going beyond what normally is done. So
5 that, if you look in the context of the
6 neighborhood, yeah you could do that. But we all
7 know the neighborhood is changing. And with this
8 new zoning you've upped the ante already. You've
9 already put yourself separate. You've already got
10 a new classification. So these materials are
11 appropriate. They're not anything out of the
12 ordinary. This is what, if you had come to us
13 with something different than something like this,
14 I would have said, you know -- I mean, if you
15 could start to show us limestone and granite and
16 some really high end materials, I might say yeah,
17 well, you know. But you're not Donald Trump or
18 someone else coming up with a luxury type
19 building. This is a typical standard, C-3-C, high
20 end building.

21 So I think your argument falls short. I
22 mean, I think this is expected. This is what
23 should be done.

24 And I guess, I really -- as I say, we
25 just got your responses, but I think I would like

1 to have known what you're not doing to -- of all
2 of the argument, of all the -- from DDOT, OP, DOE,
3 what are you not complying with, or what of their
4 arguments are you not going to be doing, I guess
5 would have been maybe appropriate to know that
6 what we're checking off, or are you fulfilling all
7 of them?

8 MR. FREEMAN: With respect to --

9 MR. TURNBULL: Especially let's say, OP
10 and DDOT.

11 MR. FREEMAN: With respect to OP they
12 asked for information and I believe we've provided
13 all the information --

14 MR. TURNBULL: You're provided that.

15 MR. FREEMAN: -- that they've asked for.
16 With respect to DDOT they've really only asked for
17 two additional things --

18 MR. TURNBULL: The bikes.

19 MR. FREEMAN: -- and we've agreed to do
20 those two things.

21 MR. TURNBULL: You agree. Okay. I think
22 Commissioner May hit a nerve when he talked about
23 the benefits and amenities. And I think the Chair
24 started to go down the road about the affordable
25 housing. Maybe a little bit more reaching in

1 affordable housing might be good. I mean, we
2 often like to see some 50 percent units thrown in
3 on a project that's asking for a significant
4 zoning change, and FAR. So I think a little -- if
5 you could go back and look at maybe the
6 percentages and see if we could come up with
7 something a little bit better.

8 There was something in the OP report
9 about a rooftop beehive. Is there a beehive?

10 MR. FREEMAN: We have agreed to dedicate
11 space on the roof so that residents or retail
12 urban farmers can go up, or urban bee people can
13 go up to the roof to --

14 MR. TURNBULL: Is that right?

15 MR. FREEMAN: -- raise bees and use the
16 honey in the restaurants.

17 MR. TURNBULL: Is that going to be
18 separated from other areas like -- I mean, I don't
19 want to -- I mean, if I was going to want to go up
20 and suddenly realized that I'm surrounded by a lot
21 of bees. You know, especially if I'm allergic and
22 I've got to have a, you know, like a shot to be
23 able to save my life. So, I'm assuming you would
24 separate that.

25 MR. SHERVIN: Berk Shervin, the Wilkes

1 Company.

2 There are a number of hives around the
3 city now, thanks to the efforts of many --

4 MR. TURNBULL: Yeah.

5 MR. SHERVIN: -- in the city. And
6 they're working very hard to restore that
7 population, and it's very possible to have a hive
8 on the top of a building that does not interfere
9 or pose a risk --

10 MR. TURNBULL: Yeah. Okay.

11 MR. SHERVIN: -- to occupants or
12 residents.

13 MR. TURNBULL: Well, I just want to say
14 it's unique. I don't think we've ever had a PUD
15 that's proposing a possible beehive, so I think
16 that's --

17 MR. SHERVIN: We're trying to be unique.

18 MR. TURNBULL: Now the harvest garden,
19 raised planter beds. They'll be open to all the
20 tenants then, and how does that get divvied up?
21 Is that first come/first serve? Or how do you
22 look at doing that? Is that --

23 MR. SHERVIN: That's generally left to
24 the management company to --

25 MR. TURNBULL: Okay.

1 MR. SHERVIN: -- sort out. But
2 essentially it is a first come/first serve.

3 MR. TURNBULL: Yeah, like Maryland Avenue
4 down by the Air and Space, they've got the little
5 garden out there. Okay.

6 MR. ANDRES: And they'll be all exactly
7 the same size so that we don't have container
8 envy.

9 MR. TURNBULL: Okay. Okay. I think
10 you've unbundled the parking. You already
11 mentioned you're doing that. I think most of the
12 questions were asked by the Vice Chair and
13 Commissioner May, so Mr. Chair, I'll hand it back
14 to you.

15 CHAIRPERSON HOOD: All right.
16 Commissioner Miller.

17 MR. MILLER: Thank you, Mr. Chairman.
18 This project will do a lot to help the continuing
19 revitalization of the No-Ma Neighborhood,
20 replacing a vacant big old warehouse with this
21 very attractively designed apartment building, and
22 retail is a public benefit to the District of
23 Columbia in and of itself.

24 And I appreciate the changes that you've
25 made since we last saw this at setdown, and since

1 OP's comments in their latest report, eliminating
2 the need for any relief for that -- setback relief
3 for that northern most roof structure. I
4 appreciate you proffering the DDOT conditions on
5 the Capital Bike Share and the additional secure -
6 - long term secure bicycle spaces.

7 I did have a couple questions about the
8 ANC letter, which -- 6C, which was unanimous in
9 its conditional support for the project. But
10 among its two conditions that you do have as part
11 of your amenity package is something for the Two
12 Rivers School and something for Planned Parenthood
13 Community Room. The ANC letter notes that the
14 estimated prices for those improvements are
15 \$50,000 for each by those two entities. Can you
16 just comment on that whereas you're only
17 proffering 15,000 for the Two Rivers? I guess
18 sidewalks and benches have proven -- and only
19 \$7,500 instead of the 50 for the Planned
20 Parenthood Community Room, which is across 4th
21 Street I guess.

22 So if you could just comment about those
23 two items?

24 MR. SHERVIN: I think I can speak to
25 that. Commissioner, in our discussions with the

1 ANC, Commissioner Goodman, and in connection with
2 the estimates that were provided, we were advised
3 that those estimates may be a little bit high.
4 And so we arrived at a number that we thought was
5 appropriate and reasonable. I'm not opposed to
6 taking another look at that if there are further
7 estimates or further information that might inform
8 us on that. But that's what we were told.

9 MR. MILLER: Okay. Well, maybe we do
10 need some additional information to address the
11 disparity and what we have in the record; maybe
12 something from the two entities or from the
13 contractor that -- what items are actually being
14 itemized at each. It sounds like maybe the
15 community room was going to include some computers
16 that may up the price and not just the -- but
17 maybe you have that in your \$7,500 estimate, so
18 maybe an itemization would be --

19 MR. SHERVIN: Originally we were asked to
20 contribute to the cost of the furniture for the
21 community room, tables and chairs, things like
22 that. We're delighted to do that. We did not
23 have any discussion about computers.

24 MR. MILLER: No, I was just -- I didn't
25 have anything in the record on that, I just was

1 trying to understand how it got up -- how the
2 disparity between the 7,500. Yeah, so if you can
3 perhaps provide additional information about
4 what's being exactly itemized for each of those
5 conditions and what the total cost is, if you're
6 able to up it, that would be great.

7 MR. SHERVIN: We will be glad to do that.

8 MR. MILLER: And I mean, I tend to agree
9 with my colleagues that it is -- I mean, there are
10 a lot of attractive elements to this project, but
11 this is a major up-zoning and it's an up-zoning
12 that's at the upper end of the consistency with
13 the Comprehensive Plan, as OP points out for the
14 medium density commercial and residential land
15 use, designation on the land use map. I mean C-3-
16 C is often associated with high density commercial
17 and residential, but since it is on the upper end
18 I think I would like -- I agree with my colleagues
19 that I'd like to see some additional -- and I
20 appreciate your willingness to look at those two
21 ANC items. But additional public benefits.

22 And I guess on the LEED certification
23 you're at 56 points on your scorecard, and which
24 is just four points shy of -- I know each point as
25 you get to that level is harder to achieve. But

1 it seems like you might be able to achieve the 60
2 points for LEED Gold, and on the inclusionary
3 zoning, yeah, I agree with both the comments --
4 both comments of my colleagues on that point.

5 I think -- I mean, it's a requirement
6 right now. You're meeting the minimum
7 requirement, eight percent of the space will be
8 the space -- or the 416 units will be at 80
9 percent AMI. But 80 percent AMI in this market is
10 really market. It's just about market. It really
11 isn't meeting affordable housing needs of the city
12 at all, which is why there is a case pending that
13 would lower that AMI level, at least for rentals,
14 to 60 percent or some split between the 80 and the
15 50, rather than all 80 because it just -- some
16 other applicants recently have -- when we've asked
17 them to go back and look and see if they could
18 find a way to accommodate a deeper affordability
19 level, they were able to do that. I just think
20 that at 80 percent AMI it's, for the area median
21 income of our area, which includes some of the
22 richest surrounding counties in the country, it
23 just doesn't meet our affordable housing needs.
24 So if you're able to look at that and perhaps add
25 a deeper affordability level there, that would be

1 much appreciated.

2 What is the mix of units, size of the 416
3 units? Are there one bedrooms and two bedrooms
4 and studios, or it's just -- what is the -- if you
5 have that breakdown.

6 MR. SHERVIN: We have a mix. We can
7 provide that to you. The majority are one-
8 bedroom, but we do have two-bedrooms and studios
9 as well.

10 MR. MILLER: So some of the IZ units will
11 be -- it will be in proportion to the overall
12 building. So some of them will be the two-bedroom
13 as well?

14 MR. SHERVIN: That's correct.

15 MR. MILLER: And studio as well. Okay.
16 I think that is about it, Mr. Chairman. I
17 appreciate your presentation, I appreciate all the
18 information you've provided and the changes you've
19 made. It's a very attractive project and I look
20 forward to it being even more greatly improved as
21 we go forward.

22 CHAIRPERSON HOOD: I can really just end
23 by saying I agree with -- when you go last a lot
24 of things are taken and I think my colleagues have
25 covered it well. But I do want to expound upon

1 what Commissioner Miller just mentioned about,
2 you're looking at 80 percent of the AMI. I've
3 always had a problem with that, and if you can,
4 other developers have kind of brought it down some
5 to try to really make it affordable. So I concur,
6 especially with that last comment of Commissioner
7 -- well, the comment before the last one, of
8 Commissioner Miller.

9 Could we put up the PowerPoint -- and I'm
10 trying to figure out, I think it's on the side
11 wall. I'm trying to figure out this, on the roof,
12 the roof plan. I'm trying to figure out the pool,
13 and on one of the ends of the pool, and I'm not
14 sure which end it is. Believe it or not I do have
15 an orientation merit badge, I'm an Eagle Scout,
16 but my orientation has gotten off as I've gotten
17 older.

18 But can we point to the pool? One side
19 of the pool on the drawing, I'm trying to figure
20 out -- let's see. On the north side of that
21 rendering, what is that after the pool? What
22 happens there? What's going on there?

23 MS. LAU: This one right here, at the
24 north end?

25 CHAIRPERSON HOOD: No, I'm sorry. On the

1 east side. Those lines, are those benches or
2 what's going there? Right.

3 MS. LAU: Oh, you mean these right -- the
4 immediately to the right.

5 CHAIRPERSON HOOD: On the right side. On
6 the right side.

7 MS. LAU: These are lounge chairs.

8 CHAIRPERSON HOOD: Now, okay. We're
9 going there. Now what is that behind the lounge
10 chairs?

11 MS. LAU: Over here?

12 CHAIRPERSON HOOD: Uh-huh.

13 MS. LAU: Just a rail.

14 CHAIRPERSON HOOD: And what's on the
15 other side of that rail?

16 MS. LAU: Parapet.

17 CHAIRPERSON HOOD: So hopefully we won't
18 have any drinking up there because it looks to me
19 like that's a very easy way -- I mean, it's
20 nothing in between there to keep anyone from going
21 over. Is there a height to that rail or what?

22 MS. LAU: Forty-two inches.

23 CHAIRPERSON HOOD: Okay. All right.
24 Let's talk about the alleys.

25 MS. LAU: Alley?

1 CHAIRPERSON HOOD: Yeah, I know you're
2 widening the alleys. Are we going to have two-way
3 traffic? The way I read the diagram it looked
4 like it said egress. Are we going to have -- help
5 me with the circulation.

6 MR. ANDRES: Sure.

7 CHAIRPERSON HOOD: Especially with those
8 alleys that we're widening.

9 MR. ANDRES: Absolutely. So there is an
10 existing alley that's 14 and 3/4 feet that runs
11 the length of the block. Fourteen and 3/4 feet is
12 very tight for two-way traffic. So as part of
13 this application we're setting back the building
14 11 and a half feet so that in this portion of the
15 alley the alley is slightly over 26 feet. So it's
16 --

17 CHAIRPERSON HOOD: So the goal is to make
18 it two-way?

19 MR. ANDRES: Yes. So it's a comfortable
20 two-way. Fourteen and a half feet is very, very
21 slow, cars; two cars really up against each other.

22 CHAIRPERSON HOOD: And did I see
23 somewhere where we have somebody who is going to
24 be managing that? Yeah, coordinating, TDM
25 coordinate --

1 MR. ANDRES: Well, there's going to be a
2 coordinator associated with the loading docks.

3 CHAIRPERSON HOOD: The loading docks.

4 MR. ANDRES: But the transportation
5 management coordinator is the one responsible for
6 managing all of the TDM elements and incentives
7 that the applicant has agreed to.

8 CHAIRPERSON HOOD: Okay. I did notice
9 that the -- and I'm not trying to undo anything
10 that the ANC has done, and as my colleagues have
11 already mentioned about the differences between
12 what the ANC would like to see in the furniture, I
13 guess the applicant was looking at a smaller room
14 and the ANC was looking at a bigger room, the way
15 I pictured it. But I wish that we could -- one of
16 the things about amenities for me is, let's get it
17 done. I mean, you know, I'm not trying to
18 unnegotiate what was negotiated, but some of that
19 looks like it's just a piece to add on and it
20 doesn't look like it will help them get it done.
21 So I think my colleague -- one of my colleagues
22 has already asked that we look at some of those
23 amenities. So I'll be looking forward to seeing
24 what comes back.

25 Again, the RPP, I know that that's been

1 recommended. Again, and this is something I'll
2 probably say for a while, I don't know if we have
3 a track record of what really works. I know it
4 looks good now, but what actually happens and what
5 it looks like down here and then some years from
6 now -- and this is not this applicant's problem.
7 I'm saying this for the sake of DDOT, so when I
8 get to it I may -- I probably won't even ask this
9 question because I've asked it a number of times.

10 But we need to eventually start seeing a
11 track record of what we're asking for in these
12 leases, does it really work. I know that there's
13 going to be in the lease, from what I see, but
14 then I'm not sure. The government changes. The
15 people we have here will probably retire at some
16 point. I'm not pushing you out, Ms. Chamberlin
17 and Ms. Israel, but at some point you'll probably
18 retire and I'm just not sure of the database
19 because I've heard -- well, we don't really know.
20 So those kind of things, when they're proffered,
21 and we talk about doing this, it's a good intent.
22 But I guess, does it really work?

23 I do like the architecture of this
24 building. I think it's a dynamite job. But I
25 also listened to the comments of my colleagues. I

1 think some of those comments that I've heard, if
2 not most, if not even all, will make this a much
3 better project. So we're looking forward to
4 seeing some of the things that come back and I'm
5 looking forward to supporting this because I do
6 like the architecture.

7 You had a question for me? I was going
8 easy, but go ahead. No, no --

9 MR. FREEMAN: I don't want to go too far
10 out of order, but I did want to -- we've heard a
11 lot of comments. I just want to make sure I'm --
12 the way I hear it, I hear set back the pool deck,
13 look at setting back the northeastern most
14 penthouse, and look at the amenities package to
15 include improving the affordable housing and
16 improving the sustainability commitment, and look
17 at the Two Rivers and Planned Parenthood.

18 So we've heard a lot, I was just trying
19 to make sure --

20 CHAIRPERSON HOOD: Right. I think we
21 captured -- I think Ms. Schellin has a list.
22 We're going to go over that list as we get -- and
23 we appreciate the recap and let us get through the
24 rest because something else may come up. And then
25 we'll recap it then. Okay?

1 MR. FREEMAN: Thank you.

2 CHAIRPERSON HOOD: All right. Any other
3 questions up here? Mr. Turnbull.

4 MR. TURNBULL: Yeah, thank you, Mr.
5 Chair. I just want to get back to the penthouse
6 on the 3rd Street and by the alley side that we've
7 already talked about. What I'm curious about is
8 that you stepped it down to 11 foot three, and
9 then you brought it back and then you raised it
10 up.

11 But now part of that goes over where the
12 condensers go. It's open to the sky or whatever,
13 in that area. So I'm just curious, how high are
14 the condensers? I mean, is it possible to lower
15 the height around the whole condenser farm up
16 there?

17 MS. LAU: The cooling towers.

18 MR. TURNBULL: The cooling towers. I
19 mean, yeah, right.

20 MR. WAHL: There are two cooling towers
21 on top of the -- there are two cooling towers on
22 top of Dunnage, so they're going to be at 18 foot
23 six.

24 MR. TURNBULL: They are going to be at 18
25 foot six.

1 MR. WAHL: Very close to the 18 foot six
2 height.

3 MR. TURNBULL: Okay. The one question I
4 have, there's a door going into the penthouse from
5 the alley side, and then there's another strange
6 little door that goes out into a lawn area.

7 MS. LAU: So the door from the alley side
8 is for egress purposes.

9 MR. TURNBULL: Right, into the penthouse.

10 MS. LAU: Yeah. And the other one is
11 basically just to permit maintenance to get out on
12 the surface.

13 MR. TURNBULL: So is there then a --
14 there isn't a glass wall. There's a --

15 MS. LAU: There is rail.

16 MR. TURNBULL: There's a glass railing
17 that goes all the way around.

18 MS. LAU: Yes.

19 MR. TURNBULL: Okay. All right. Well I
20 think, you know, as Commissioner May pointed out
21 earlier, there is some opportunity, I think, to
22 rework that to make it to meet the setback. So,
23 the other thing is on the -- getting back to
24 Commission Miller was talking about getting back
25 to the affordable housing. I think when you

1 revisit that and you come back to us with it,
2 could you give us the mix of units and the
3 locations of where they're going to be? Thank
4 you.

5 CHAIRPERSON HOOD: Okay. Any other
6 questions? Commissioner May, I think you had one.

7 MR. MAY: Did I hear that correct, you're
8 asking for where the mix of units is, for
9 affordable units?

10 MR. TURNBULL: Yes.

11 MR. MAY: Yeah, okay. Good, because that
12 was one of the things I was going to mention too.

13 I had another comment, excuse me. Just
14 going to the DDOE letter, you know, since we just
15 got that tonight it's kind of hard to get caught
16 up on that. But I can't say that I find all of
17 the responses to be completely satisfactory, and I
18 think, you know, when it comes to exceeding ASHRAE
19 90.1-2007 I'm certainly not going to get into the
20 finer points of that. But you're saying DDOE is
21 saying 26 percent over that, and you're saying 20
22 percent over that. I think that actually a
23 meeting with DDOE to come to some agreement on
24 what the appropriate level is what's needed at
25 this point before, you know, we can say that

1 you've done everything you can.

2 And I'm assuming that you can come to
3 some sort of agreement, either at 20 or at 26, or
4 somewhere in between.

5 I think also, you know, I think you do
6 need to take another look at renewable energy. I
7 mean, the one percent -- you say the one percent
8 can't be met, or rather you would need 6,000
9 square feet of solar array to meet one percent,
10 and you can't do that without a detrimental effect
11 on the green roof and amenity areas currently
12 provided in the design.

13 Well, have a lot of amenity areas and I'm
14 not sure what the quality of some of them actually
15 is, and so I think actually you should take a good
16 hard look at that and see if you can accommodate
17 6,000 square feet or some approximation of that
18 because there's a lot -- there is a lot of roof
19 area and some of it actually lends itself, I
20 think, in some ways to solar production. So I
21 think that's worth taking another look at.

22 And while you're meeting with DDOE talk
23 further about the storm water retention credits
24 and some of their other comments. So, thanks.

25 CHAIRPERSON HOOD: More questions or

1 comments?

2 Okay. Let's see. One second. Let me --
3 yeah, I'm going to get to the ANC but that's --
4 one second.

5 (Pause.)

6 CHAIRPERSON HOOD: Boy I'll tell you, I
7 wanted to call the commissioner's name and my
8 electronics won't even come up. Is Commissioner
9 Goodman --

10 MR. GOODMAN: Here.

11 CHAIRPERSON HOOD: Goodman, do you have
12 any cross-examination? You want to come forward
13 if you have some questions? And let me try my --
14 one more time. Oh, there it is. Okay.

15 Okay. I said Commissioner Goodman. Can
16 you identify yourself, and you may begin?

17 MR. GOODMAN: Yes. My name is Tony
18 Goodman.

19 CHAIRPERSON HOOD: Make sure it's lit.
20 It's lit. Yeah.

21 MR. GOODMAN: Oh, there we go. My name
22 is Tony Goodman. I am the ANC Commissioner for
23 6C-06, here representing ANC 6-C. I also live
24 just seven houses down from this project, so I
25 will be very greatly affected by it.

1 CHAIRPERSON HOOD: No, Commissioner
2 Goodman, let me just explain.

3 MR. GOODMAN: Yes.

4 CHAIRPERSON HOOD: This is the portion
5 where you can ask questions of any cross-
6 examination. Your testimony will come a little
7 bit later. So you can stay in your seat.

8 MR. GOODMAN: Oh.

9 CHAIRPERSON HOOD: But it will come a
10 little bit later. We'll hear about the seven
11 houses or whatever you live down.

12 MR. GOODMAN: Yes.

13 CHAIRPERSON HOOD: We'll hear about all
14 that. But right now what you heard, do you have
15 any questions, especially about the amenities
16 package or anything of that nature, and whatever
17 else. This is the time to ask.

18 MR. GOODMAN: I thank all of you for the
19 comments and questions that you had. All the
20 questions that we had were brought up by all of
21 you. So I mean in general we agree that we see
22 the -- you know, the high quality materials and
23 things like that. We see that as a standard thing
24 in every -- not only every PUD, but we see that in
25 every building that's west of the tracks that's

1 not a PUD.

2 CHAIRPERSON HOOD: I'm going to help you
3 out again.

4 MR. GOODMAN: Yeah.

5 CHAIRPERSON HOOD: You can tell us how
6 great they were when they --

7 MR. GOODMAN: Sure.

8 CHAIRPERSON HOOD: -- ask questions
9 later. But right now is there any questions of
10 anything you heard; anything that you might not
11 have been clear on or what their testimony to us
12 was tonight? This is the time to ask questions.
13 If not, we'll wait and hear you --

14 MR. GOODMAN: No. No, I can wait.

15 CHAIRPERSON HOOD: Okay. All right.
16 Okay. Let's go to the Office of Planning,
17 District Department of Transportation, and
18 District Department of the Environment, and then
19 we'll ask all those questions after all three
20 finish their reports.

21 Mr. Cochran.

22 MR. COCHRAN: Thank you, Mr. Chair. OP
23 recommends the Commission approve this PUD. It is
24 consistent with the Comprehensive Plan and the
25 land use changes that have been envisioned for the

1 area. As you've noted its architectural landscape
2 design is exemplary, and it responds to the
3 varying scales of the neighborhood.

4 We have heard what you've -- your
5 comments and your questions tonight about a
6 portion of the building design and definitely
7 about the amenities and benefits package. Our
8 evaluation of the amenities, benefits, and
9 proffers as they existed before tonight is
10 contained in Table 2 of our final report.

11 And on both the design matters and on the
12 benefits and amenities we will be happy to work
13 with the applicant as they attempt to respond to
14 the concerns you expressed tonight.

15 That's actually all we have to say for
16 this evening and we're happy to answer any
17 questions.

18 CHAIRPERSON HOOD: All right. Thank you.
19 Let's go to Ms. Israel.

20 MS. ISRAEL: Thank you, Chairman and
21 Commissioners. DDOT stands on the record. If you
22 have any questions we are here to answer.

23 CHAIRPERSON HOOD: All right. Ms. Israel
24 is an expert now. Okay. Mr. Wilson. I mean, you
25 can still give us presentation, Mr. Wilson. I

1 wasn't trying to cut you short.

2 MR. WILSON: No, that's okay. Good
3 evening everyone. Because we just got the
4 comments today I do have a few items that I wanted
5 to bring up.

6 So DDOE recommends approval of this
7 project, but we would strongly like to encourage
8 the applicant to consider further reduction in
9 energy efficiency, further incorporation of energy
10 efficiency measures, and incorporation of
11 renewable energy as included in the memo that we
12 submitted.

13 We've been testifying at previous PUD
14 hearings that LEED Gold is an achievable standard
15 for all new construction projects, especially at
16 this scale, and that that should be the baseline
17 for a green construction standard. That's
18 absolutely still the case in this project, but our
19 memo kind of took a different tactic this time.

20 The project is very close to LEED Gold
21 certification and so we highlighted and
22 concentrated on items that would benefit the
23 project, benefit the community, and benefit the
24 residents of this property, incorporating energy
25 efficiency and renewable energy is going to give

1 back to the community in a very significant way.

2 With regard to energy efficiency the
3 applicant's response mentions that 26 percent
4 increase above the 2007 standard is increasingly
5 difficult in multi-family buildings, but it isn't
6 impractical, and we see this occur more often
7 throughout the city and are even seeing it in
8 deeply affordable housing, installation of many
9 split systems, VRF units, ground source heat
10 pumps, micro CHP are all possible for multifamily
11 buildings and are occurring throughout the city.

12 So DDOE offers the PACE program to
13 finance those energy efficiency measures, and we'd
14 be glad to talk to the applicant about more
15 options as we move forward.

16 And our second point in the memo asks the
17 applicant to incorporate solar panels for a
18 minimum of one percent of the building's energy
19 uses. I support Commissioner May's comments on
20 the solar energy. The first floorplan of the
21 building is 52,000 square feet. That means
22 there's an equal amount of square footage at the
23 top of the building, even though it's in different
24 roof planes. So 6,000 square feet of solar panels
25 as the applicant points out for one percent of the

1 total energy use. That 6,000 square feet includes
2 clearances in maintenance areas. We'd strongly
3 encourage and ask the applicant to incorporate
4 solar panels for even a small amount of this
5 project.

6 I can speak a lot more about the value of
7 renewable energy, the goals of the sustainable
8 D.C. Plan, et cetera. But the memo states a lot
9 of that so we'll leave the detail there.

10 And finally we very much support urban
11 agriculture and urban beehives, but I think there
12 might be some other uses for that rooftop space as
13 we discussed tonight. So, that's it and I'm glad
14 to answer any questions that you may have.

15 CHAIRPERSON HOOD: Okay. I want to thank
16 all our three agencies. Let's see, you have any
17 questions of either Office of Planning, DDOT, or
18 DDOE?

19 MR. TURNBULL: Mr. Chair, I just have one
20 comment and I'm really glad that Mr. Wilson has
21 joined the Office of Planning and the Department
22 of Transportation on our panel. I think we've
23 missed him all these years so I really welcome him
24 being part of the team.

25 CHAIRPERSON HOOD: Okay. Commissioner

1 May?

2 MR. MAY: Okay. I'll continue on that
3 line. I have questions for OP, but I'll talk to
4 Mr. Wilson first, and I agree that it's great that
5 he's here on these projects, and I think it's even
6 better that the report that we got tonight I think
7 reflects some of the discussion that we've had
8 about how to make the report more useful for us.
9 And I think it's in -- you know, you did an
10 excellent job of responding to the concerns that
11 we have. I wish you could do some counseling with
12 some of your colleagues in surrounding
13 jurisdictions about how to speak directly to
14 issues and you know, communicate well because
15 there are certain surrounding jurisdictions that
16 are still quite opaque and don't really get it.
17 But I mean, I think you stand out in the crowd.
18 So I really appreciate that.

19 So I'm just curious, have you actually
20 met with the applicant before this point?

21 MR. WILSON: No, we haven't had the
22 opportunity to. So.

23 MR. MAY: Okay. All right. Well, I'm
24 not sure how all these things get set up but I
25 think it's a good thing for developers of projects

1 of this scale ought to be doing as a matter of
2 course.

3 CHAIRPERSON HOOD: I think, Commissioner
4 May, we -- let me interrupt. I think we mentioned
5 that before.

6 MR. MAY: Yeah.

7 CHAIRPERSON HOOD: So we need to find out
8 how to make that work.

9 MR. MAY: Yeah.

10 CHAIRPERSON HOOD: Mr. Wilson, and not
11 just this -- we actually have mentioned that in
12 our training and in other cases. We need to find
13 out how to make that work, where they know to come
14 meet with you like they go to meet with DDOT, like
15 they go to meet with Office of Planning. We need
16 to figure that out.

17 MR. WILSON: Understand. Thank you.

18 CHAIRPERSON HOOD: Do we need to make a
19 rule of it, or -- we'll figure out how to make it
20 work.

21 MR. MAY: No, you know, I mean I think
22 that as we -- over the last two years as we've
23 gone through more and more PUDs and we all get
24 better at it, and the Office of Planning gets
25 better at responding to our needs and things, I

1 think that more of that communication has been
2 happening. I've noticed a change in DDOT in my
3 last seven and a half years in the Commission in
4 terms of the, you know, their ability to meet with
5 developers and make more progress before we get to
6 the hearing room. So I think it's -- I think it
7 will start happening, particularly if we talk
8 about it more and more in the presence of the
9 people bringing them before us as well.

10 So I don't really have any other
11 substantive questions for DDOE. I'm just hopeful
12 that some good things will come out of a face to
13 face meeting.

14 With regard to the Office of Planning I
15 think the one thing that I would like you to
16 expound upon a little bit more is just the
17 statement that this project is at the high end of
18 medium density, which is what it was slated for
19 under the Comp Plan, because you know, this has
20 been an issue in some other projects about, you
21 know, when we sort of push the limits. I don't
22 expect that we'll have the complications that
23 we've had in some other projects where we pushed
24 the limits, but I want to understand a little bit
25 more specifically, you know, how far out of the

1 norm are we? I know that we're not, you know,
2 going to the full C-3-C height that might be
3 allowable in other zones because of -- I assume
4 because of street widths. But at this level of
5 density, 6 or so FAR, and 110 feet at the maximum,
6 I mean, you know, what's normally medium and you
7 know, I mean is -- just, I mean, if you can -- I'm
8 just rambling at this point.

9 MR. COCHRAN: This is --

10 MR. MAY: If you could talk more to that
11 issue, definitely.

12 MR. COCHRAN: It's difficult for me to
13 say more than we said in our report. I mean, it
14 fits within the guidelines of the Comprehensive
15 Plan for what would constitute medium density.

16 Yes, it's at the upper end of it but it's
17 certainly not outside of what has, in the past,
18 been considered acceptable.

19 MR. MAY: So are there other recent
20 examples where we've brushed up against the limit
21 in this kind of a case?

22 MR. COCHRAN: I'm sorry, I'd have to
23 defer to my -- someone else who has had more
24 familiarity with one of those cases.

25 MR. LAWSON: Joel Lawson with the Office

1 of Planning.

2 I'm not going to bring up other examples.
3 We just talk about the concept a little bit more.

4 MR. MAY: Yeah, sure.

5 MR. LAWSON: If I can. I think in this
6 case, and we do look at every case individually
7 obviously. In this case, for example, if the
8 applicant was asking for a building where the
9 entire building was at 110 feet, which would
10 maximize out the C-3-C FAR, we would say that
11 that's beyond what is anticipated in a medium
12 density zone.

13 In this case they're using the C-3-C
14 zoning predominantly to massage the height, to
15 move some of the height within a reasonable
16 density for a medium density designation, but
17 using some of that, using the height to move some
18 of that towards the higher density portion of
19 their sites so they can drop both the height and
20 the density as they approach the row house
21 neighborhood.

22 So it's kind of like, you know, I think
23 they just did a little bit more than six FAR.
24 That's not atypical for a medium density zone.
25 One hundred and ten feet again would be -- if it

1 was for the entire building we would have concerns
2 about that in a medium density zone. But because
3 there is a lot of sculpting of height and there
4 are significant portions of this building that are
5 actually at a moderate density height, actually,
6 you know at 50 feet, we feel that overall, kind of
7 taking all that together, this is within what we
8 would consider a medium density designation.

9 MR. MAY: Okay. Thank you. That's
10 exactly the additional information that I was
11 seeking. So, thank you.

12 CHAIRPERSON HOOD: And I don't want to
13 lose the point of what Mr. Turnbull said about Mr.
14 Wilson. I agree it's good to have you up here but
15 I know during the ZRR some of the comments we
16 heard, colleagues, was that the Office of Planning
17 -- or at least I heard the Office of Planning
18 report should be like 300 pages. So I guess now
19 that we have Office of Planning, now that we have
20 DDOT, we have DDOE, I guess next who we'll get,
21 DCRA and we'll just add more so we can get that
22 130 page document that we're supposed to have.

23 But I actually think we improve -- on a
24 serious note, I think we're improving. So I think
25 it's great. So it's good to have you. I don't

1 want to lose note of what Mr. Turnbull said.

2 Okay. Commissioner, do you have any
3 cross-examination that we need to -- oh, you have
4 a question?

5 MS. COHEN: No, I don't have a question.
6 I just wanted to thank Mr. Cochran and Ms. Israel
7 as well so that Mr. Wilson's head doesn't really
8 explode.

9 CHAIRPERSON HOOD: Well, I think that
10 goes without speaking. We've been working with
11 the Office of Planning and DDOT and we want to
12 make Mr. Wilson feel comfortable until we get
13 ready to really give it to him. Am I correct?
14 Yeah. Yeah. So I think Office of Planning and
15 DDOT know how we feel about them, that goes
16 without saying. But we want to welcome you for
17 the first couple of times and then you know, the
18 honeymoon will be over. Okay.

19 All right. Commissioners do you have any
20 cross-examination of either one of these groups;
21 these departments, of either the Office of
22 Planning or DDOT?

23 MR. GOODMAN: No, sir.

24 CHAIRPERSON HOOD: Okay. All right.
25 Other government reports. I didn't see any other

1 than what we had. And at this time we will go to
2 the ANC.

3 Commissioner, you can go ahead and -- let
4 me see. Commissioner Goodman, you can go ahead
5 and tell us all about how far you live and
6 whatever you want. This is your time.

7 MR. GOODMAN: Absolutely. Thank you,
8 Commissioners.

9 You should have our ANC report, and I
10 don't have too much to add to that. But we did --
11 ANC 6-C voted unanimously last month to support
12 this project, six to nothing. The applicant has
13 come in front of us many times. We've worked very
14 closely with them. They've of course owned this
15 property for many decades and have been good
16 neighbors during that time.

17 But this will be a very very big
18 improvement as to what it is right now. In
19 particular the items that ANC 6-C really
20 appreciated are the step downs towards M Street
21 and towards 4th Street. The individual units
22 along M Street and along 4th, and especially the
23 generous public, or private areas there. We
24 really want people to be out there. We want those
25 residents to use those spaces and activate that

1 sidewalk and have it not be so quiet as it is now.
2 We feel that it will be -- it will feel much safer
3 the way that it's designed.

4 And the agriculture element, we really
5 appreciate that, including the bees. We have
6 other beehives in our ANC, including at NPR's
7 headquarters, which you know, I don't know if it
8 has any benefit. I don't know if it's really
9 affected my plants that much in my garden, but it
10 can't hurt.

11 The items that we had in our conditional
12 support were very similar to what all the
13 commissioners mentioned that, you know, in general
14 we support this project because it's a really
15 great building. It's going to -- it steps up
16 towards 3rd Street, which is very important, to
17 match the buildings there. It steps down where it
18 should. The M Street elevation with the public
19 sort of semi-park elements I think are really
20 attractive.

21 But many of those elements, as you've
22 mentioned, are often present in the by-right
23 buildings. You know, we see the by-right
24 buildings in our neighborhood right across the
25 tracks, and Constitution Square and Avalon at 1st

1 and M. They all have similar benches and things
2 like that.

3 You know, that said, the benefits they do
4 have, you know, we do appreciate those. We'd
5 always appreciate more. And especially affordable
6 housing. I think that is a very important thing
7 that we would appreciate. And Commissioner Cohen,
8 as you had mentioned, if a reduction of parking
9 helps make some units more affordable, that's
10 certainly something that our ANC would support.
11 We have plenty of parking in the neighborhood for
12 people that need to store their cars, as evidenced
13 by the fact that right now their lot is used for
14 parking and they only charge \$5 a day. You know,
15 it's hard to find anywhere in the city where you
16 can park for \$5 a day and it shows the real excess
17 supply in a neighborhood where No-Ma Bid has done
18 surveys and found that 87 percent of the residents
19 in No-MA don't drive to work. So, you know, the
20 people in these new buildings aren't driving to
21 work. If they don't need to drive to the grocery
22 store, they don't need to drive to a coffee shop,
23 many less have cars.

24 So if there are other amenities that are
25 added or clarified, I mean in general, affordable

1 housing is very important and as a corollary to
2 having less cars and having people that don't
3 drive as much, we really appreciate the benefits
4 for the No-Ma Metro. And basically anything else
5 that's added amenity wise that improves the
6 pedestrian experience and pedestrian safety is
7 extremely important for us. There's a charter
8 school right here. Planned Parenthood expects
9 that -- they're opening up probably next year
10 sometime, and they expect that most of their
11 patrons are going to walk.

12 So anything that can be done to improve
13 the pedestrian experience and pedestrian safety,
14 for this block but the surrounding blocks and the
15 pathway of the Metro is something that we will
16 always support and would support in this case.

17 But in general we think this is a great
18 project and we look forward to it being approved
19 and many of the neighbors, you know, including
20 many long time neighbors who have had issues with
21 certain aspects of the project, at the end of the
22 day they've all said, you know, why can't they
23 just build already? You know, just break ground
24 and build because you know, we're discussing some
25 details here, but overall it's a great project and

1 we're very happy it's going to be here.

2 CHAIRPERSON HOOD: Okay. Commissioner
3 Goodman, we thank you for your testimony. See if
4 any questions up here.

5 Not seeing any. Commissioner May.

6 MR. MAY: I just had one. So you said
7 you really want to see M Street activated, and so
8 I'm wondering if there is -- if you've considered
9 whether, you know, it might actually invite too
10 much activity; that you might have people there,
11 you know, hanging out in the linear park at 4:00
12 in the morning, being loud.

13 MR. GOODMAN: Yes, that's a very good
14 point. There actually are no houses -- well,
15 there's one house that faces on M, but all of the
16 other houses on the south side of M Street face
17 3rd or Abbey.

18 MR. MAY: Uh-huh.

19 MR. GOODMAN: And so it's not -- it's a
20 very quiet area now because of that. If there are
21 people that are sitting on those benches I don't
22 expect that it's going to keep anyone up.

23 MR. MAY: Uh-huh.

24 MR. GOODMAN: And a quarter of that
25 frontage is a liquor store. So it's not all

1 houses across from there.

2 MR. MAY: I see.

3 MR. GOODMAN: You know, right now it's an
4 impromptu dog park. You know, all these
5 development sites that are impromptu dog parks and
6 you know, if they were adding a dog park as one of
7 their amenities I know my constituents would love
8 that. So I mean, there are people there at all
9 hours right now. And the bigger concern for the
10 neighborhood is where there aren't people. You
11 know, we have, you know, areas in our
12 neighborhood, especially if you go to K Street
13 Northeast where there's been a prostitution issue
14 for probably decades now. And now that there are
15 some businesses there and there's more activity
16 there, that has cleaned up.

17 And so having residents of the
18 neighborhood who are hanging out there, as long as
19 they're not -- you know, they're drinking and
20 intoxicated, which there's laws against that, you
21 know, I have no problem with someone sitting on a
22 bench, even at midnight.

23 MR. MAY: Okay. Thanks.

24 CHAIRPERSON HOOD: You just gave
25 Commissioner May his okay to come over and sit on

1 the bench. What time you going to be over there?
2 Four?

3 MR. GOODMAN: Because careful of the
4 bees.

5 MR. MAY: Four. Well, he said midnight
6 is okay, but yeah.

7 CHAIRPERSON HOOD: Like four. Okay.

8 MR. GOODMAN: I've got two kids, I'll be
9 up. So, two little kids.

10 CHAIRPERSON HOOD: Any other questions or
11 comments?

12 Let me just ask, is this in a -- this is
13 in your single member district.

14 MR. GOODMAN: Correct.

15 CHAIRPERSON HOOD: Okay. All of it is,
16 right?

17 MR. GOODMAN: Correct.

18 CHAIRPERSON HOOD: The whole project?
19 Okay. And we sent it to 5D because it's adjacent,
20 am I correct? Is that what we did?

21 MS. SCHELLIN: It was across the street.

22 CHAIRPERSON HOOD: Right. It was --
23 okay. All right.

24 MR. GOODMAN: Yeah. And I've met with
25 the 5D-01 Commissioner and we've discussed this

1 project and I've sent our report to her and I've
2 made sure to keep them informed on this one.

3 CHAIRPERSON HOOD: Sounds good. Seems
4 like your ANC and 5D work well together.

5 MR. GOODMAN: We do.

6 CHAIRPERSON HOOD: Yeah.

7 MR. GOODMAN: Yeah.

8 CHAIRPERSON HOOD: Okay. All right.
9 I've got to take a step back. I didn't ask you
10 did you have any cross-examination of Office of
11 Planning, DDOT, or DDOE.

12 MR. FREEMAN: No, sir.

13 CHAIRPERSON HOOD: Okay. Do you have any
14 cross of the Commission, Commissioner Goodman?

15 MR. FREEMAN: No. No, sir.

16 CHAIRPERSON HOOD: Okay. All right. Is
17 there anyone here who would like to testify in
18 support; any organization or person? Any
19 organization or person who would like to testify
20 in opposition?

21 Okay, Commissioner Goodman, we appreciate
22 your testimony. So let's do rebuttal if you have
23 any, and let's do a check, see what we need, and
24 then we'll do the closing.

25 MR. FREEMAN: I don't have any rebuttal.

1 I just have a couple quick comments.

2 Actually Commissioner Goodman almost did
3 my closing when he says a great project went up,
4 let us just go ahead and build it. So, I agree
5 with it wholeheartedly.

6 Just a couple quick points on parking.
7 And I know it's come up. We believe the parking
8 is consistent with the demand for the market, is
9 consistent with the ratio for other approved
10 projects in the area. And the last thing we
11 wanted to be doing today is if we were providing
12 less parking, having a fight with folks talking
13 about us taking on-street parking. So again, not
14 a major point but we do think the parking is a
15 critical component for the overall success of the
16 project.

17 We will look at a number of things that
18 have come up. We'll again, look at setting the
19 pool deck back. We'll look at providing a
20 setback. We'll look at a more meaningful amount
21 of amenities, such as increased affordable
22 housing, the LEED commitment, and meeting with
23 DDOE to improve the overall sustainability. And
24 we'll look at the contribution to Two Rivers and
25 Planned Parenthood. Those will be in addition to

1 what I should say are the other important public
2 benefits and amenities that we are providing.

3 We do believe this project is a benefit
4 because as it exists now it's industrial and no
5 new housing can go there. We've met with the ANC.
6 We're respending up to \$140,000 to reconstruct the
7 sidewalk across the street from our site; not on
8 our site, across the street from our site. And we
9 are doing a number of other things such as paying
10 for the construction, installation, and
11 maintenance of all of those public space
12 improvements subject to DDOT approval at our cost
13 and expense to maintain them.

14 So not to call this rebuttal, we do think
15 the design and the materials are all great
16 components which are specifically listed in the
17 Zoning Regulations as things that can be treated
18 as public benefits and amenities. So that's why
19 we listed those. But again, we'll take a look at
20 some of the other things that we've heard tonight,
21 and I'm sure these are all issues. I am confident
22 that these are all issues that we can address to
23 your satisfaction.

24 CHAIRPERSON HOOD: Okay. So, Ms.
25 Schellin, do we have a list? I know Mr. Freeman

1 went over some things. Do we have anything
2 different from what he went over?

3 MS. SCHELLIN: I don't recall everything
4 he said so I'll just go down the list that I have.

5 Several of the Commissioners asked that
6 they look at setting the pool deck back so that
7 they don't need relief from that. I know that
8 Commissioner May and Commissioner Turnbull asked
9 that they take another look at the penthouse blank
10 wall, the northernmost wall that right now I think
11 is a party wall.

12 Several of the Commissioners thought that
13 there should be some more meaningful benefits and
14 amenities; asked that they take a look at that.

15 Commissioner Cohen asked that they
16 revisit DDOE's concerns. Several of the
17 Commissioners asked that they maybe increase the
18 affordable units or the level of affordability.

19 Commissioner Miller and Commissioner Hood
20 asked for additional information with regard to
21 the ANC's letter, what was mentioned in there,
22 that there is some disparity, I believe, on the
23 conditions, the agreement. There was some
24 disparity on the amount mentioned in their letter.

25 Commission Miller asked that maybe they

1 could increase the LEED points.

2 Commission Miller also asked for a
3 breakdown of the affordable units, what the mix
4 and where they'll be located.

5 Commission May asked them -- he saw the
6 response that they provided to DDOE's letter. He
7 didn't think that the responses were totally
8 acceptable and maybe they need to meet with DDOE
9 and talk about some of the issues where they're
10 not meeting on that and maybe come to an agreement
11 in the middle there. That's what I've got.

12 CHAIRPERSON HOOD: Mr. Freeman, I will
13 just say that a lot of people have been down here
14 and been very creative, and your last statement
15 you said was not rebuttal. You made me look it
16 up. You made me look up the definition of
17 rebuttal. And you did rebuttal.

18 But anyway, okay. But I know you wanted
19 to slip that in there.

20 MS. SCHELLIN: I think Commissioner May
21 has something else that --

22 CHAIRPERSON HOOD: Okay. You have some
23 question?

24 MR. MAY: I actually have one question.
25 It occurred to me before but I forget to ask it.

1 Do we have an elevation of the north wall of the
2 4th Street wing?

3 MS. LAU: Elevation of 4th Street, yes,
4 we do.

5 MR. FREEMAN: We do. It's on the sheet
6 that includes --

7 MS. LAU: Do you want me to open it on
8 the PUD document?

9 MR. MAY: Wherever you can show it to me.
10 I just looked at the -- I just took a quick look
11 through what I have electronically, all of your
12 drawings, and I couldn't see it in the elevation
13 package.

14 MS. LAU: 4th Street.

15 MR. MAY: Not the 4th Street façade, the
16 end wall of the 4th Street wing. So the north end
17 wall.

18 MS. LAU: Oh, no. We do not have that.

19 MR. MAY: Okay, so we need to see that
20 and I hope it's not just a big blank wall.

21 MS. LAU: Sure.

22 MR. MAY: Okay.

23 CHAIRPERSON HOOD: Okay. Do we have
24 anything else?

25 MR. TURNBULL: Yeah, Mr. Chair. I just

1 have one thing which I wanted to go over.

2 We had, you know -- I appreciate the
3 applicant providing us all the information, but
4 some of the stuff came in at the last minute this
5 afternoon. And in Exhibit A that you had
6 submitted on page 5, you talk about -- I mean,
7 some of it is the fairly standard language that we
8 often get about, you know, you want flexibility
9 for color changes and that, and that's fine. I
10 mean, that's pretty standard.

11 It's the second paragraph that has me a
12 little bit troubled, just mainly by the way it's
13 worded. The applicant also reflects flexibility
14 to make minor refinements to exterior and -- it
15 covers the whole building. It goes everything
16 from base, corners, railings, roof, roof
17 structures, architecture, embellishments, trim,
18 venting, window mullions, you know, the penthouse
19 and everything else. I think you ought to reword
20 that a little bit more carefully to make sure it
21 complies with what's approved by the Zoning
22 Commission, what we've seen on the drawings.

23 I don't want -- I mean, the ZA has
24 flexibility to approve some changes but this sort
25 of covers a gamut of, we might want to change

1 everything. So I think that second paragraph
2 needs to be looked at a little bit more carefully.

3 CHAIRPERSON HOOD: Anything else? Ms.
4 Steingasser, are we reducing the ZA's flexibility?
5 Didn't we do that in the ZRR?

6 MS. STEINGASSER: We've required that any
7 flexibility be referred back to the Zoning
8 Commission for your concurrence prior to it being
9 approved.

10 CHAIRPERSON HOOD: Okay. Great. All
11 right. So, yeah. All right, anything else?

12 MS. SCHELLIN: Dates.

13 CHAIRPERSON HOOD: Oh, let's go with the
14 dates.

15 MS. SCHELLIN: So I don't think we're
16 going to make the July last meeting, so we're
17 going to be looking at the September meeting.

18 MR. FREEMAN: I know we're not quite at
19 the end yet, and kind of given where we are
20 schedule wise, we think all of these things are
21 things that we can, again, adequately respond to
22 within a reasonable amount of time.

23 MS. SCHELLIN: I would need a draft order
24 by Monday. You going to give me a draft order by
25 Monday?

1 MR. FREEMAN: Jessica can get you a draft
2 order.

3 MS. SCHELLIN: I know you won't be here.

4 MR. FREEMAN: Jessica -- well, what we
5 would like to have would be, if the Board is
6 interested --

7 MS. SCHELLIN: It really isn't possible
8 and I'll tell you why, because you need to provide
9 your documents. The ANC has a week to respond.
10 And from what I heard, DDOE needs to respond at
11 least to what you provide, and they get a week to
12 respond.

13 MR. FREEMAN: So if the Commission --

14 MS. SCHELLIN: So that would mean that
15 you'd have to provide everything on Monday.

16 MR. FREEMAN: So if the Commission took
17 proposed action tonight and then final action
18 would be in September.

19 MS. SCHELLIN: I don't know if they want
20 to take proposed action.

21 MR. FREEMAN: If they were interested in
22 that. Otherwise proposed action would be
23 September 21st.

24 MS. SCHELLIN: Correct. Correct.

25 MR. MAY: I'm sorry, what's the urgency?

1 How long has this been going on? I mean --

2 MR. SHERVIN: We've actually been working
3 on this project for about two years. Our initial
4 outreach to the community commenced two years ago
5 and we were very careful to make sure that we went
6 through an extensive outreach program because we
7 wanted that feedback.

8 MR. MAY: Why is it urgent now?

9 MR. SHERVIN: Well, we do feel that there
10 are some market conditions that are -- that would
11 urge us to move as promptly as we can. There also
12 are some capital market conditions that are more
13 favorable now than they might be later. So there
14 are a number of other sort of non-zoning related
15 factors at play here.

16 CHAIRPERSON HOOD: If you have it all
17 together, what we're going to do, we're going to
18 do a special public meeting on July the 30th for
19 about 15 minutes. Do you think 15 minutes, or it
20 will be longer? We need 30 minutes?

21 Why does that date not work?

22 MS. SCHELLIN: That doesn't work because
23 our last meeting is on Monday the 27th, so --

24 CHAIRPERSON HOOD: Not worried about a
25 meeting. I said a special -- we have a hearing on

1 --

2 MS. SCHELLIN: Well, the special public
3 meeting is only three days later so the dates
4 would still be -- they would still have to have
5 everything in.

6 CHAIRPERSON HOOD: That's two weeks from
7 now, right?

8 MR. MAY: The 30th is three weeks from
9 today.

10 CHAIRPERSON HOOD: And Jessica is going
11 to have everything in by Monday.

12 MR. MAY: Yeah, but the architect has to
13 do some work too.

14 MS. SCHELLIN: Architect has quite a bit
15 of work.

16 CHAIRPERSON HOOD: So he'll have it in by
17 Tuesday. So I don't understand why --

18 MR. MAY: Well, no, they'll have it in by
19 -- I mean, they could have it in by Thursday and
20 still make the deadline, right?

21 MS. SCHELLIN: They would have to --

22 CHAIRPERSON HOOD: It's workable. It's
23 workable.

24 MS. SCHELLIN: They would have their
25 items in in one week, which would be the 16th.

1 CHAIRPERSON HOOD: Okay.

2 MS. SCHELLIN: And then --

3 CHAIRPERSON HOOD: It's workable.

4 MS. SCHELLIN: Can you do it in one week?
5 I'm looking at the architect.

6 MS. LAU: Make it work.

7 MR. SHERVIN: Yeah.

8 MS. SCHELLIN: Okay. So then, okay, then
9 if they can do that, that would be the 16th, and
10 then --

11 MR. MAY: But they have to meet with
12 DDOE.

13 MS. SCHELLIN: DDOE.

14 MR. FREEMAN: We will schedule a meeting
15 with DDOE tonight.

16 MS. SCHELLIN: And then --

17 MR. SHERVIN: We'll make it work.

18 MS. SCHELLIN: And then the ANC -- and so
19 then we would need the draft findings, facts and
20 conclusions of law on that day too. And then the
21 ANC, DDOE, and I guess OP and DDOT if they choose
22 to provide a response would have until 3:00 on the
23 23rd, and then we could do a special public
24 meeting on the 30th at 6:00.

25 CHAIRPERSON HOOD: Yeah, let's do a 30

1 minute special public meeting. I think I said 15.
2 Yeah.

3 MS. SCHELLIN: I'm sorry, I didn't hear
4 15. You want --

5 CHAIRPERSON HOOD: No, no, let's do 30.

6 MS. SCHELLIN: Thirty? Okay.

7 CHAIRPERSON HOOD: Let's do 30 with all
8 that else going on. Okay.

9 All right. So we all on the same page?

10 MR. FREEMAN: Thank you very much for
11 accommodating.

12 CHAIRPERSON HOOD: Next time you're down
13 in front of the council, anyone, make sure you
14 tell them the Zoning Commission is very
15 accommodating.

16 MR. FREEMAN: I always say that.

17 CHAIRPERSON HOOD: That's not what I
18 hear. No, I'm just playing. Okay. So is there
19 anything else?

20 Okay. I want to thank everyone for their
21 participation tonight. This hearing is adjourned.

22 MR. FREEMAN: Thank you.

23 [Hearing adjourned at 8:18 p.m.]

24

25