

1 ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
2 PUBLIC HEARING

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5 Case No. 08-30b (West Half Residential II, LLC and West
6 Half Residential III, LLC - Capitol Gateway Overlay
7 District Review @ Square 700, Lots 33, 802, 840, 841, 850,
8 864, 865, 868, 872, 873, 874, and 875)

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6:33 p.m. to 8:12 p.m.

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Thursday, February 25, 2016

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Jerrily R. Kress Memorial Hearing Room

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441 4th Street, NW, Suite 220 South

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Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Vice Chair

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 MATT JESICK

13 JENNIFER STEINGASSER

14

15 DDOT:

16 ANNA CHAMBERLIN

17 EVELYN ISRAEL

18

19 Others:

20 DENNIS R. HUGHES, ESQ.

21 NORMAN M. GLASGOW, ESQ.

22 SHANE DETTMAN

1 Others:

2 BRYAN MOLL

3 CHRISTIAN BARLEY

4 ERAN CHEN

5 DANIE V. VANPELT

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen. This is the public hearing of the Zoning
4 Commission for the District of Columbia. Today's date is
5 February 25th of 2016. Excuse me. My name's Anthony Hood.
6 Joining me are Vice Chair Cohen, Commissioner Miller, May,
7 and Turnbull. We're also joined by the Office of Zoning
8 staff, Ms. Sharon Schellin; Office of Planning,
9 Ms. Steingasser, Mr. Jesick -- don't -- don't -- don't tell
10 me -- District Department of Transportation,
11 Ms. Chamberlin -- - don't -- don't tell me. I'm going to
12 get it in a minute. Hold on. In -- what is it? Give me
13 the next --

14 (Background speaking.)

15 CHAIRPERSON HOOD: I'm going blank now. You all
16 told me too much.

17 Ms. Israel. Okay. Okay. I heard somebody else
18 say it. I knew it was -- I wanted to get it.

19 Okay. Anyway, forgive me, Ms. Israel.

20 This proceeding is being recorded by a court
21 reporter. It's also webcast live. Accordingly, we must ask
22 you to refrain from any disruptive noises or objects in the

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

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

11 The following time constraints will be maintained
12 in this meeting: The applicant has up to 60 minutes. I see
13 that you all have put 30 minutes, but let me just say we do
14 review -- even though this is our third night, we do review
15 the record. We don't want to be as long as we were Tuesday
16 night. And I don't think -- there's no need for that,
17 unless we have a lot of opposition. Organizations, five
18 minutes; individuals, three minutes.

19 All persons appearing before the Commission are
20 to fill out two witness cards. These cards are located to
21 my left on the table near the door. The staff will be
22 available throughout the hearing to discuss procedural

1 questions. Please turn off all electronic devices at this
2 time so not to disrupt these proceedings. Would all
3 individuals wishing to testify please rise to take the oath.

4 Ms. Schellin, would you please administer the
5 oath?

6 MS. SCHELLIN: Yes.

7 Please raise your right hand.

8 (Oath administered to the participants.)

9 MS. SCHELLIN: Thank you.

10 CHAIRPERSON HOOD: Unless I missed it, do we have
11 any opposition tonight for this case?

12 (No audible response.)

13 CHAIRPERSON HOOD: Okay. All right.

14 Mr. Hughes --

15 Ms. Schellin, do we have any preliminary matters?

16 MS. SCHELLIN: The Applicant has decided only to
17 proffer three experts, they've all been previously accepted,
18 Mr. Colbert, Mr. VanPelt, and Mr. Dettman.

19 CHAIRPERSON HOOD: Okay. I don't think we need
20 to revisit that, unless -- we normally -- typically that's
21 not our practice. So we'll keep moving. Anything else?

22 MS. SCHELLIN: Staff has nothing further.

1 CHAIRPERSON HOOD: And again, Mr. Hughes, this is
2 the highlights. I'm not trying to tell you how to do your
3 presentation. I know you rehearse these things; but, if you
4 can, hit the highlights. This is a modification. My
5 colleagues, we've been here three days this week, Tuesday
6 night very late. Unless you want to make this late like we
7 did Tuesday night. But I'll leave it up to you. You have
8 the floor.

9 MR. HUGHES: Thank you, Mr. Chair. No, I
10 certainly don't want to belabor this. Very quickly I'll
11 just -- we have the room full of folks who are prepared to
12 answer the questions, any questions you might have. But
13 very quickly, Mr. Dettman's on my left; Mr. Moll, Bryan Moll
14 on behalf of the Applicant to my right; Mr. Eran Chen and
15 Mr. Christian Bailey of ODA Architects.

16 As you noted, we are here for a modification of
17 an approved project in the CG Overlay. I think it's a very
18 eye-catching and innovative modification to the approved
19 design, and it adds a significant amount of new residential
20 and additional retail. But overall the -- the density of
21 the overall building is actually slightly reduced from what
22 was approved.

1 So with that said, I would like to turn it over
2 quickly to Mr. Moll, and then he, in turn, can introduce our
3 architects and get along with our design presentation and
4 we'll be ready to answer your questions. Thank you.

5 MR. MOLL: Thank you, Commissioners, for having
6 us this evening. I'll be very quick. We are pleased and
7 excited to be presenting our project on Half Street across
8 from Nationals Park on N Street. JBG has been very active
9 in the Capitol Riverfront Neighborhood for many years,
10 starting with development of the DOT building on M Street in
11 between New Jersey and Fourth Street South East.

12 Most recently we started construction on 1244
13 South Capitol Street, which is across Van Street from the
14 Half Street site, which we presented last year. When the
15 Half Street site came onto the market, we jumped at the
16 chance to purchase it, as it complements our 1244 South
17 Capitol Street site, which itself includes over 2,500 square
18 feet of retail on two levels. So we believe this is another
19 critical component to really creating what Half Street and
20 what N Street is really meant to be since the ballpark was
21 built.

22 And finally, I would just -- I would just wrap up

1 by saying that JBG has a history of bringing world class
2 architects and architecture to the District. We jumped at
3 the opportunity to work with New York-based ODA, and have
4 paired them with local architect Eric Colbert. We have not
5 been disappointed and believe this will be one of the most
6 defined and striking buildings in the District when it's
7 built.

8 I'd now like to hand it over to Eran Chen, the
9 owner and head of ODA.

10 MR. CHEN: Thank you, Bryan.

11 Good evening, Commissioners. I'm actually very
12 excited to be here tonight. About 10 days ago I crushed my
13 elbow in a skiing accident. So my wife is not as excited as
14 I am to be here tonight, but I'll try to be brief.

15 About a year ago Bryan and Steve came to our
16 office in New York with a very exciting proposition. They
17 showed us the site, and they said there's something great
18 that could happen there. And it didn't take us long to
19 realize that this particular site, if done right, has the
20 potential to really be a transformational project to the
21 entire area.

22 In the past year we've worked with JBG and with

1 Eric Colbert's office and a lot of other support engineers,
2 etcetera, to create a building that really predominantly
3 engages its environment and takes its cue architecturally
4 from creating meaningful connections with everything around
5 us.

6 If you look at the site that, obviously, you know
7 very well, it's the focal point of two main streets, South
8 Capitol and New Jersey Avenue that connects to the Capitol,
9 and both of them are intersecting with N Street, which
10 uniquely not only becomes the entrance or is the entrance to
11 the Nationals Park, but also, after converting it to a
12 Tingey Street, becomes the new spine of this new
13 neighborhood, the Navy Yards. And new developments of mixed
14 use are being built along the way on the spine. And in many
15 ways the site serves as a duality of a gateway both through
16 the park and to the entire neighborhood.

17 The train allows an opportunity or actually
18 creates a flow of people from the train station to the park.
19 On a game day on average 32,000 people 82 days on the week
20 are moving along Half Street to watch a game and then back.
21 And we're hoping that there's an opportunity here to capture
22 this traffic and actually create a place that is more than

1 just circulation. It's a place for community congregation,
2 an opportunity for people to dwell, to stay before the game
3 and after the game, to have lunch, to have dinner, to
4 celebrate the place. And perhaps this location at the
5 corner of N and Half Street will become, in the future, a
6 destination point for the entire neighborhood.

7 Beyond that, though, the obvious advantages to
8 the site, obviously, from our building we're going to be
9 able to see, or the tenants will be able to see directly
10 into the ballpark and the stadium, perhaps have views to the
11 river on the south, and potentially at the top floor views
12 to the Capitol and Washington Monuments.

13 If we take the given zoning and the given FAR --
14 I believe it's nine FAR -- and put it in the bulk of a
15 volumetric building, we get this. This is not untypical for
16 building in the area. It's a double-loaded corridor, a
17 thick courtyard building. And the first thing or the first
18 move that we've done, which really informed the rest of the
19 design throughout this project is pushing the corner of Half
20 Street and N Street inwards, by that creating a few very
21 exciting things in our mind. The first thing is that if you
22 look at the perspective of Half Street towards the game,

1 towards the park, a typical street section indicated by that
2 block dashed line is what the building would look like. And
3 we wanted to identify that unique corner as a gateway. By
4 pushing the building inwards, we've created sort of a veil
5 or an opening that really opens the viewpoint towards the
6 entrance to the park, creating sort of an archway connection
7 visually between the street and the building. And I'll talk
8 a little bit farther more about the ability to connect the
9 life in the street to the life in the building and how
10 there's an interaction character or connection between them.

11 In addition to that, what it allowed us to do is
12 to fragment the facade into smaller scale. By creating
13 terraces, we've brought human scale into this corner and
14 allowed for open outdoor spaces that would overlook at the
15 park, the ballpark. That module of 32 feet, which really
16 works with our modular units, was applied then to the rest
17 of the building in a way that creates a three-dimensional
18 articulation, and father I would say break the facade into
19 smaller segments and provides for farther more outdoor
20 spaces opportunities.

21 To that we added two layers. The first layer is
22 the balcony layers. And it's hard to see on these slides,

1 but I'm sure you'll see it later. On the right side close
2 to the Via, there are going to be little balconies that then
3 becomes halfway balconies have terraces, and eventually end
4 up being terraces. So that transformation between a balcony
5 and a terrace through the double-curved shape of the
6 building creates the sophistication or deep layering of the
7 building.

8 In addition, we wanted to introduce permanent
9 green elements to the facade. And the way to do it is to
10 propose built-in planters on the facade. Those planters are
11 going to be designed by us and maintained by the buildings
12 in a central manner to ensure that there's consistent green
13 or otherwise other colors of planting throughout the year.
14 With HMY -- that's the landscape architects on the
15 building -- they helped us to identify three typologies of
16 planting. You see it in three colors, the light green,
17 green, and the dark green, each one responding to the
18 different condition of light coming in towards the facade.
19 So we really investigated what would be a sustainable way of
20 creating planted facade that is sustainable over time. Some
21 pictures at the bottom shows that these things has been done
22 before around the world. And we are actually, as a company,

1 promoting more and more of that, and proposing that these
2 plantings is going to be sustained by the building in a
3 central manner.

4 The result is a multilayered facade that is very
5 permeable and mostly promote engagement between the
6 streetscape and the building habitats. And so that dialogue
7 between people who live in the building and people that
8 visit the street is the main element of this proposition. I
9 see it as a tapestry of activity that starts at the urban
10 level and continue up the building as you travel your eye
11 vertically.

12 To enhance the activity, we propose two levels of
13 retail at the corner of N and Half Street; and this retail
14 would be quite substantial in the ability to promote
15 activity on the street. We have just learned that we're
16 basically installing 16 kitchen exhaust pipes throughout the
17 building to allow for future restaurants. And so the idea
18 that people are not only going to come here for shopping,
19 but actually to dine, to eat, and they can occupy the street
20 side outside by sitting is something very tempting and very
21 unique of an experience.

22 I just want to point out that the way that we

1 articulated this building, at every given point there's a
2 focal point of those descending terraces towards the sky,
3 and farther engaging sort of the visual interaction between
4 the building or the people in the building and everybody
5 else in the street.

6 From a bird-eye view, I think we can start seeing
7 how Half Street in this particular portion can become almost
8 a natural extension of the ball game. And in that sense
9 it's sort of an extension of the civic experience all the
10 way through to Van. You can see that within the width of
11 Half Street we can accommodate between eight to 20 feet of
12 sitting area on both sides of the street for people to just
13 sit and, you know, dine, and spend time under the beautiful
14 treeline. We can also see from this view the way that we
15 landscaped the roofs, the roofscape in this project the very
16 top level or the mezzanine level landscape --

17 Christian, can you just stand back? Thank you.
18 Sorry. I'm doing everything with my left arm.

19 And then a belt of green area, again permanent
20 and taken care by the building, around the entire
21 surrounding of the building. And from that belt, descending
22 landscape experience all the way down to the street. We

1 also like the idea that the section of the building, which
2 looks similar to the section of the podium, you know, create
3 this engagement between the experience of watching a ball
4 game and watching the city.

5 In terms of land I'm going to be brief. The
6 ground floor plan is predominantly retail. And again the
7 idea was to wrap around as much retail as we can from all
8 fronts. West half, as you can see, is pure undisturbed free
9 retail space that would allow for maximum flexibility and
10 different typology of tenants. Same thing on N Street.
11 Then, with a small interruption by the residential lobby,
12 there's an additional retail that goes almost all the way
13 into Van Street. We minimized the service area of the
14 building being the parking, drive, and the loading dock to
15 the minimum required to support the retail here. And then
16 you'll see the residential lobby on the left side. And then
17 the retail wraps around through Via all the way to the other
18 corner.

19 In many ways, when I think of this project and I
20 think of West Half, I'm thinking of streets like La Ramblas
21 in Barcelona and other places where they claimed
22 international fame for being a combination of residential

1 and commercial and pedestrian activity that actually
2 encourage people to stay, to sit around, and to interact
3 with one another. I truly believe that this would become
4 one of those destinations.

5 Essentially the building is divided into three
6 simple pieces. In orange on the right we've got the
7 apartments. Green is the condos. Yellow is the retail.
8 And we wanted to maintain the same articulation for the
9 facade both for the condo and the apartments, again, in
10 order to sustain the same impact from all sides of the sides
11 of the street without compromise. The three levels of
12 parking garage is essentially built from two cores that
13 anchors it on the right and left. These are the cores of
14 the lobbies, and then the ramp at the center. And then in
15 the second floor retail wrapping around N Street and Half
16 Street, you see in pink, whatever color it appears as,
17 rentals on the left. It's very important to see that
18 there's four orientation for the apartments, one, two,
19 three, four. And then the condo piece here we propose to
20 have townhomes that are duplexed in two levels. At the
21 center we've got the amenities space that actually bleeds
22 over into a beautiful courtyard and creates a sense of haven

1 in there. Up to the sixth floor, it's basically a doughnut.
2 You see on the west side the townhomes, and then green
3 wraparound condo and apartments on the left. And as we go
4 up above the seventh floor, it opens up as a U, allowing
5 southwestern light to come into this courtyard in the
6 section of it. On the penthouse we're probably going to
7 have between seven to eight very lucky people who are going
8 to buy penthouse apartment all wrapped around with outdoor
9 space. As I mentioned before, there's a belt of permanent
10 green area surrounding the entire building. Also in red are
11 amenities that are shared by both the apartments and the
12 condos, sharing a pool. And then on top of it mechanical
13 space with a mezzanine space and on top of that a green roof
14 on the mezzanine. The mechanical space is going to be
15 screened with a perforated panel. What I love about this
16 image is that it doesn't look like the roof of a building.
17 It looks like a roof of a mountain. And I think with that
18 hopefully we can achieve that feeling of sort of organic
19 feeling of green spaces transcending through the building
20 from the top down. The section kind of informs the way that
21 we set back the building from Half Street and also indicates
22 the maximum building height at the 11th floor at 110 feet.

1 Above that we've got a penthouse floor, and then a
2 mechanical, and the mezzanine floor. We're hoping to get
3 approval for a one-to-one or a 45-degree slope at the top.
4 And the reason for that, again, is we'd like to be
5 consistent with the language of the building as it sort of
6 break down as it goes up.

7 At night -- and this is a view from N Street --
8 the building is going to glow like an urban lantern and
9 farther experience the idea of transparency and interaction
10 between the building and its environment. I think it's also
11 going to promote safety that the people are going to feel
12 safe walking around. And you can see how the articulation
13 of the facade with the cantilevers going this way provides
14 for farther more expansive outdoor space with beautiful
15 views to the street and to the park.

16 I think Via is going to be a hidden gem of this
17 project. I honestly think so. Via is this little connector
18 almost like a secret passageway that will be supported by
19 retail on both sides and will be only pedestrian. Again, I
20 foresee this area as being a place where people are going to
21 sit and eat and dine and drink. And it's going to be
22 activated by two major elements. First of all, all of our

1 residents' lobbies are on Van Street. So people going back
2 and forth from the train station are going to cross through
3 Van. I see people probably stopping for coffee on their way
4 to work, or dinner on their way back. The other thing is
5 our parking, commercial parking exits towards Van. So
6 people that park and want to go either to the ballpark or to
7 Half Street are going to cross through Via; and, in that
8 sense, I think it needs to be as open as we can make it and
9 provide an intimate sitting area and really substantial
10 connection between the two building on the right and the
11 left.

12 From Half Street you can look at Via. Again, I
13 think this is a magnificent opportunity for kids to play
14 safely. It's going to be an area that is going to be more
15 shaded during the day and glowing through the night. We're
16 going to landscape this full of light with light coming from
17 above and I think it's -- it's, again, another beautiful and
18 brilliant opportunity for intimate getting together. Just a
19 glimpse at our courtyard, a HM White design, you can see our
20 amenities kind of bleeding out into that courtyard. And
21 then on the right, the private terraces for our townhomes.
22 This would be beautiful to look at and definitely sort of a

1 haven, a quiet haven for the tenants.

2 So overall I think we all feel very strongly that
3 this building is going to be, you know, a modern iconic
4 gateway for the entire neighborhood. I think the dialogue
5 that is going to be created between the people at the
6 stadium and at the building is phenomenal, the idea that
7 people are watching each other not only watching the game.
8 And, you know, we're very excited about this.

9 Quickly about materiality, we think the building
10 is complex enough and we'd like to -- simple, the usage of
11 materials. We're basically using aluminum panel and glass
12 only. The aluminum appeared predominantly on the horizontal
13 bends through the building basically covering the slab or
14 slab cap, and also forming the planters that are built in.
15 This would be done with silver-like light grey metal panel.
16 The reason for it, again we want to keep it light. When the
17 sun hits it, it's going to appear almost white, and in some
18 other angles it's going to appear gray. And then the
19 underside of all of our cantilever is going to be bright
20 yellow. When asked why bright yellow, I did not have an
21 answer. I think it works very well with the red for the
22 Nationals. And also it's a bright light color, playful and

1 cheerful, that I think would be very appropriate. The glass
2 that we're using for the building is high performance
3 transparent Low-E glass. We're trying to avoid any
4 coloration, green, blue, so forth. We'd like it to be
5 mostly transparent as we can. And then the railing are also
6 going to be transparent glass. The mullions are going to
7 match the color of the metal panels. So we're basically
8 sticking to two colors, the light gray and the yellow.

9 I think with that I'm going to just summarize by
10 saying I think it's Ms. Vanderow who said that there's no
11 great building done without a great client. And I just want
12 to compliment JBG for being such great amazing partners,
13 taking all of us very seriously and, you know, adopting some
14 of our radical ideas. I know we're not maximizing the FER
15 that they could if they wanted. They're also paying
16 premiums for the facade and the articulations and the in and
17 outs, and they're being very patient with us. And, frankly,
18 I think the entire team are all supporting of the idea of
19 the dream that this building is really going to create
20 meaningful connection for everything around it, and by that
21 raise its value.

22 So thank you for listening, and I hope you're

1 going to like it too.

2 MR. HUGHES: All right. Thank you, Mr. Chen.

3 I'll not use the remaining seven minutes, but I did want to
4 just step back very briefly and note, as you have said,
5 you've read the record. I want to offer my appreciation to
6 the Office of Planning and Department of Transportation for
7 working with us over the past several months. And I just
8 wanted to note the respective support for the application
9 that's in the record as well as the unanimous support of the
10 ANC.

11 A couple of small areas of clarification before
12 we go to questions. Could you go to the second-level plan?
13 As we've said, this is three uses in this portion of the
14 overall building. The yellow represents the retail. The
15 orange or pink represents rental residential. And the green
16 represents for-sale condominium residential. And the
17 applicant has not mentioned it in its filings, but would
18 request some flexibility on this level to essentially to
19 some of the mid-block portion of the yellow, the retail
20 closer to the left or closer to the rental residential to
21 repurpose that for residential or perhaps flex office space.
22 It would have no effect on the facade treatment, but that's

1 just some flexibility we'd like to bring to your attention.

2 And then could you go to the penthouse plan?

3 That one. And just to clarify, we in our supplemental
4 statement added a request for a special exception in the
5 penthouses for walls, enclosing walls of unequal height.

6 And we can certainly try to answer questions on that. It's
7 a very -- as you can tell, it's a very unusual roofline.

8 It's got a lot of ins and outs and we'd also -- portions of
9 the -- that portion of the building that fronts the south
10 side of the Via, to the extent that they do not meet the
11 one-to-one setback, we would just want to call that out and
12 request that that flexibility be incorporated into your --
13 for your consideration.

14 And with that, that concludes our application,
15 and Mr. Dettman is here to answer any additional questions
16 including our areas of flexibility. Thank you very much.

17 CHAIRPERSON HOOD: Everyone, thank you all for
18 your presentation. Let's see if we have any comments or
19 questions.

20 Mr. May?

21 MR. MAY: Thanks. So just to clarify, you're
22 saying that the setback at the north side along the Via,

1 which is not one-to-one, you're requesting relief for that?

2 MR. HUGHES: For those -- the portions that are
3 one-to-one, but there are portions that are not and we are
4 requesting relief for those portions that are not.

5 MR. MAY: Okay. Good. Because I was going to
6 point out that they're not set back according to the -- but
7 the way I read the regulations, and I was trying to figure
8 out how you might read it, I know there's an allowance for
9 doing half the one-to-one.

10 MR. HUGHES: Right.

11 MR. MAY: But I didn't --

12 MR. HUGHES: This is --

13 MR. MAY: -- that the criteria for that.

14 MR. HUGHES: Correct. We realize that.

15 MR. MAY: Okay. Thank you.

16 MR. HUGHES: Sorry for the confusion.

17 MR. MAY: You go through all this churn figuring
18 out what the regulations are going to be, and then when it's
19 finally done it's like, now what did we decide, and how does
20 it apply here. And so --

21 MR. HUGHES: Exactly.

22 MR. MAY: -- we're going through this over and

1 over again with all these cases. You have to reread the
2 regs every time, which I did for this and I couldn't find
3 it.

4 And I think -- when it comes to that I think the
5 true issue here is the visibility. And I think that if you
6 want to make the case that this relief can be granted
7 without any problem, then I think you need to show us
8 drawings from the street level that show that it's not
9 visible. You know, it's going to be visible from buildings
10 around it and things like that. But I think the key thing
11 is the visibility from any public way. And that includes
12 the Via but -- I don't think you'll be able to see it from
13 the Via, but can you see it from across the street and down
14 and how much, and that's really the question.

15 So the -- what's the height that's allowed here?
16 I mean what street -- what's the width of Half Street or --
17 do you know what -- I'm getting a lot of -- do you want to
18 answer that?

19 MR. DETTMAN: 110 feet, if that's the --

20 MR. MAY: I know the height of the building is
21 110, but what's the allowed height under the Height Act?

22 MR. DETTMAN: 110 feet.

1 MR. MAY: It is 110? So now I'm going to have to
2 go back and read what we did with the Height Act too,
3 because I thought that you couldn't have multiple stories
4 about the Height Act height. So how does this -- you have
5 multiple stories with the mezzanines.

6 MR. DETTMAN: The mezzanines --

7 MR. MAY: Is it because we defined a mezzanine as
8 not a story?

9 MR. DETTMAN: Not a story. And the mechanical is
10 open to the sky.

11 MR. MAY: Right. I see the -- I know that that's
12 only a single story.

13 MR. DETTMAN: So that's the interp --

14 MR. MAY: Okay. So you're -- and then a
15 mezzanine then is going to be one third the floor area,
16 right? So then I think we -- I'd like to, just for my own
17 sanity, see that in a drawing. You know, it doesn't
18 necessarily have to be the final versions of it, but I think
19 you need to demonstrate it. I know that we don't have to
20 worry about -- we're not the interpreters of the Height Act,
21 or any of that sort of stuff. But again just to, you know,
22 to put my concerns at ease that we're looking at everything

1 carefully. I'm very, very concerned about the
2 implementation of the new penthouse regulations and that
3 we're -- you know, since we made this change to the Height
4 Act a couple of years ago -- well, not we. We didn't change
5 the Height Act, but I was part of the NCPC recommendation
6 and then Congress changed the Height Act. But that we're
7 applying this the way it should be, and that it's consistent
8 with the intent of the Congress and everything else. And
9 that's important.

10 MR. HUGHES: Sure. And could you just clarify
11 what you'd like the drawing to demonstrate?

12 MR. MAY: Just to demonstrate that the mezzanine
13 is, in fact, one third of the floor area or whatever,
14 because none of the -- you know, we don't have any detail on
15 any of the unit floor plans, and I wouldn't expect to accept
16 that. If you're going to call it a mezzanine, I'd like to
17 see that it is a mezzanine.

18 MR. HUGHES: Sure. Okay.

19 MR. MAY: And that's important for our
20 regulations because we'll allow a mezzanine, but we won't
21 allow a story. Right? So the -- I saw that DDOT in the
22 report had concerns. Then I saw your supplemental memo, and

1 I didn't match up one for one. But did you essentially
2 agree to all of DDOT's conditions?

3 MR. HUGHES: No. We agreed to the revised -- the
4 additional TDM measure in our plan, which is an option of --
5 and I don't have it in front of me, but it is one of
6 three --

7 MR. MAY: You agreed to almost everything?

8 MR. HUGHES: The last -- I'm sorry, Mr. May.

9 MR. MAY: What do you disagree about -- let me
10 put it that way -- with what DDOT recommended?

11 MR. HUGHES: We did not agree with the -- there
12 are -- on page 14 of the report there look to be six
13 bullets, and I believe the third bullet regarding a Smart
14 Trip preloaded card for a total of five years, and then the
15 free annual Capital Bikeshare membership for a total of five
16 years, I believe subsequent discussions to this submission
17 resulted in the last bullet on the Applicant's revised TDM
18 plan, which is a one-time option of either bike-share
19 membership, car-share membership, or Smart Trip card worth a
20 hundred dollars for each unit at initial occupancy. Just
21 initial occupancy.

22 MR. MAY: So all the initial -- but if it takes

1 you six years to fully rent out or sell out --

2 MR. HUGHES: As soon as that occurs, yes, that
3 would go -- if that were the case, then that would go beyond
4 five years. Right. It would just relate to the occupancy
5 of the units.

6 MR. MAY: So the five-year thing has become more
7 standard from DDOT. I'm interested in hearing what they
8 have to say, because that's a -- you know, that's what
9 they've been going for and a lot of the time, I think, been
10 getting. So I'll wait to hear what they have to say about
11 that. I'm not sure how I feel.

12 There was mention in your initial statement about
13 the potential for relief from court requirements; and I
14 didn't see it in the second report, but maybe I missed it.
15 I mean, do you -- are you not requesting any relief? Did
16 you figure out that you don't need relief for that --

17 MR. HUGHES: Yes, sir.

18 MR. MAY: -- unusual court?

19 MR. HUGHES: We did. We determined that that
20 unusual shaped court complies, and we requested to withdraw
21 that area of relief in our supplemental statement.

22 MR. MAY: It was in the supplement? Okay.

1 Sorry. I missed that. Now, the -- can you explain how? I
2 mean I could see how it would be hard to measure. And so,
3 like, I'm trying to figure out how to wrap my mind around,
4 you know, the court creeping inward and -- is it just
5 measured at each level the way it would if it were coming
6 out? I mean how -- how's it -- how does it -- what was the
7 question about compliance, and how did you resolve that it's
8 not an issue?

9 MR. BAILEY: There was an initial question,
10 again, like you said, because of the unique cantilevering
11 and the terracing of the --

12 MR. MAY: Yeah.

13 MR. BAILEY: -- building facade. And so
14 following submission of the initial application, the
15 architect -- that's exactly what we did. It was calculated
16 based on the required open court or closed court at any
17 given level --

18 MR. MAY: Right.

19 MR. BAILEY: -- for the area and the width
20 requirements. And it was determined it was compliant.

21 MR. MAY: Okay. So is that -- I mean does your
22 statement withdrawing the requests for relief explain that

1 in any detail?

2 MR. HUGHES: I don't believe it does.

3 MR. MAY: Okay. So I think that would be useful
4 for the record, again, just to understand what -- I mean I
5 don't know that we necessarily need to have all the diagrams
6 and the calculations and everything else.

7 You also requested tonight flexibility to convert
8 some of the retail to residential or flex office, and
9 pointed to a diagram that doesn't show ex -- I mean it shows
10 where the retail is, but it doesn't show the extent where
11 you want flexibility. So is it for the entirety of that
12 area, or is it for -- I mean I thought you were saying it
13 was some portion of that.

14 MR. HUGHES: My understanding is that it's for a
15 portion of that floor.

16 MR. MAY: Okay. So we need a drawing that shows
17 the extent of that.

18 MR. HUGHES: Sure.

19 MR. MAY: So I think the -- oh, the ANC submitted
20 a very thorough letter. You know, I don't see anybody here
21 from the ANC. Maybe there is somebody here. But it was, as
22 usual, an excellent letter from this ANC where they clearly

1 went into great detail understanding the project and, you
2 know, making clear what their concerns were. And I
3 appreciate the work that both the ANC and the Applicant did
4 to sort of come to agreement on the majority of issues. But
5 there were a number of open issues that were raised in that
6 letter, and I'm wondering have they -- I know that I
7 think -- from your supplemental statement, I know that some
8 of them are resolved, but are there still areas of
9 disagreement between, or did you -- did you address all of
10 the concerns that the ANC had?

11 MR. HUGHES: I don't believe we did.

12 MR. MAY: Okay. So is it spelled out where you
13 still have disagreement, or do you want to explain where you
14 have areas of disagreement?

15 MR. HUGHES: Could I have a moment?

16 MR. MAY: Yeah.

17 MR. HUGHES: Commissioner, we're referring to
18 zoning-related issues; is that correct?

19 MR. MAY: Generally that's what we like to focus
20 on, yes.

21 MR. HUGHES: Right. And in those -- in that
22 sense I think the only -- the only item that jumps out is

1 that they were asking, I believe, for a slightly higher
2 parking ratio than we're currently proposing.

3 MR. MAY: So I thought you had, in fact,
4 increased it. So where are you now on the parking numbers?
5 They were asking for 318 and --

6 MR. HUGHES: We --

7 MR. MAY: -- you were providing 280. Is that
8 still the case, or is it --

9 MR. BAILEY: We actually have 299, and our
10 required is 226.

11 MR. HUGHES: So we're --

12 MR. MAY: I understand.

13 MR. HUGHES: We're within 20 spaces of, I
14 think --

15 MR. MAY: You're 20 spaces apart. Okay. That's
16 fine. I don't -- I think generally speaking we prefer less
17 parking than more, but, you know, I do want to pay attention
18 to what the ANC's concerns are.

19 What about their statements about RPP?

20 MR. HUGHES: Yes. No. That's agreed.

21 MR. MAY: Agreed, okay.

22 They also made a statement about preferring more

1 residential square footage designated as affordable to
2 houses of low income.

3 MR. HUGHES: That is agreed as well. I'm not
4 sure -- we -- we have not circled back with them on that,
5 but we have made progress on that front.

6 MR. MAY: Okay. So of the eight percent -- I
7 mean eight percent at 80 percent AMI is the minimum. So
8 you're talking about some percentage of the eight?

9 MR. HUGHES: Are we talking about the penthouse
10 habitable?

11 MR. MAY: No. I'm talking about -- it says, "The
12 affordable housing provided is the minimum allowable under
13 District Law. ANC 6D would prefer to see more residential
14 square footage designated as affordable to houses with low
15 income." So that's 50 percent.

16 MR. HUGHES: I'm sorry, Commissioner, could you
17 point --

18 MR. MAY: I'm sorry. Page one of four at the
19 very bottom in the ANC report, second to last sentence.

20 MR. HUGHES: Yes, and we -- we have -- we have
21 offered -- that related to penthouse habitable spaces that
22 ANC recognized the project is not subject to include those

1 areas in zoning, but aside from the penthouse --

2 MR. MAY: Got it.

3 MR. HUGHES: -- habitable space. So that was the
4 premise on which the ANC based its -- its recommendation to
5 this Commission. And we have subsequently worked to add in
6 a substantial affordable component that the ANC did not rely
7 upon in voicing its support. Is that -- is that an answer
8 to your question? Is that the answer -- I mean it is an
9 answer. Is it a satisfactory answer?

10 MR. MAY: Please.

11 MS. COHEN: I guess the point is that the ANC
12 wants units at 50 percent of median. Are you willing to
13 provide those units at 50 percent?

14 MR. HUGHES: The penthouse affordable units are
15 at 50. But in terms of the others that we're offering, the
16 ANC wasn't aware of any units in addition to the penthouse
17 habitable when we met with them.

18 MS. COHEN: Why don't you put this in writing so
19 that it's clearer, because yes, the ANC -- the penthouse
20 ones are at 50 percent, correct?

21 MR. HUGHES: Correct.

22 MS. COHEN: Okay. That's --

1 MR. MAY: Just to be clear, they're not actually
2 on the penthouse. They're just generated by the penthouse.

3 MR. HUGHES: Correct.

4 MR. MAY: Right. And they're required at 50
5 percent. Okay?

6 MS. COHEN: Right.

7 MR. MAY: Okay. So yeah, we need that in
8 writing.

9 Let me just go through the other ones that I
10 flagged in the report. Of course they -- they mentioned
11 desire for LEED Gold Certification rather than LEED Silver.
12 And if you've listened to the Zoning Commission at all,
13 pretty much every case that comes before us we complain
14 about LEED Silver and we want to see LEED Gold. So I'll let
15 the Vice Chair take up that one, but I'll note that it's in
16 the report here.

17 Okay. So the last thing that I have -- and I
18 think -- I think that covers what I saw in the ANC report.
19 I mean the other things like, you know, construction hours
20 and things like that, those are non-zoning things. I
21 don't -- I'm not -- I don't need to address those.

22 The setback at the -- in the court, the major

1 center court, you're using an overhang as a device to
2 extend, you know, the footprint of your penthouse. So the
3 way I read the zoning regulations, it's front the wall; it's
4 not from an overhang in terms of where you have to set back.
5 And so in my mind, you need relief there. And also in my
6 mind I'm not inclined to grant it, honestly, just because
7 it's -- you know, this is one of the things that I was most
8 concerned about when we allowed habitable space and we, in
9 effect, incentivised this kind of development on rooftops
10 that the first thing that had to be taken care of was
11 setbacks. And then the extent to which you can get
12 habitable space, that's fine. But, you know, using tricks
13 like this doesn't fly for me because, you know, yours is a
14 four, five-foot overhang. You know, the next guy's going to
15 come in with a six-foot overhang; and the next guy's going
16 to come in with an eight-foot overhang. And all of a sudden
17 we're going to have courts that are covered with overhangs
18 so that you can build penthouses right up to the edge of the
19 building, and I'm not going for it. So I mean, that's my
20 opinion. I'm -- I'm one of five so...

21 And that's the end of my questions.

22 MS. COHEN: Thank you, Mr. Chairman.

1 Before I start my questions, I would like to wish
2 you a very happy Earth Day today, and wish you the best in
3 health and happiness throughout the year.

4 CHAIRPERSON HOOD: That's so very kind of you.
5 Thank you very much.

6 MS. COHEN: And you don't look like a day older
7 than you were yesterday so...

8 CHAIRPERSON HOOD: Like I told you earlier,
9 that's because I sit next to you at the zoning hearings.

10 MR. TURNBULL: It's getting pretty deep in here.

11 MS. COHEN: I just want to state that I do parrot
12 my colleague's commitment to the setbacks. So there's two
13 votes there. So I just want you to go back and take a look
14 at the best that you can do. I also want to commend ANC 6D
15 for their thorough report. And, again, we got the
16 clarification that we needed on the affordability. But,
17 again, I -- you know, they did defer to me. LEED Gold is
18 very important. It's important for your building to market
19 it. A lot of the people who will likely rent from you or
20 buy are -- I mean you can just go on line and see this
21 constantly, the importance of getting LEED Certification at
22 the highest level possible. Of course I could ask you for

1 platinum, but I won't. I'll ask for gold. And I am stating
2 certification I think you have to be held accountable by a
3 third party for what you're doing. You can't just tell, you
4 know, the world you're LEED. You really should be
5 accountable. And you're going to save money, and the
6 residents are going to save money in the long term. And it
7 balances out the upfront costs that may be incurred. This
8 has been an argument since I started -- well, I didn't start
9 out in the business, but since I've been involved with LEEDS
10 in 2000. And people pushed back, and they're so terribly
11 wrong. So go for LEED Gold. I think it was committed under
12 the prior approval. So do it now too, please.

13 I have a question with regard to retail in the
14 neighborhood. I still believe there's excess retail in that
15 neighborhood. So can you update me on what's going on. I
16 mean I know restaurants are doing well. But other retail
17 I'm not sure is active or -- there's still a lot of empty
18 spaces and vacancies.

19 MR. MOLL: Yeah. On the -- on the retail front
20 Street Sense did a study, I think, about a year or two for
21 the Capitol Riverfront bed to look at retail, I think in
22 part because there was some worry that everybody was doing

1 ground floor retail even in places where it wasn't
2 appropriate. And Street Sense came back in their study and
3 identified three corridors in the neighborhood that they
4 thought would be, from a market standpoint, acceptable for
5 retail, and that was Half Street in between the Metro and
6 the entrance on New Jersey Avenue from approximately where
7 the new Whole Foods is going near the Southeast Freeway down
8 to M Street; and then N Street running, which it then
9 eventually connects onto Tingley Street. So those are the
10 three corridors that they identified as being, from a market
11 perspective, as being -- you know, being good spots for
12 retail. And we're in full agreement with that assessment.

13 We've -- you know, we've already been speaking
14 with a number of retailers that really want to be here. And
15 so we think, especially on Half Street and in N Street, in
16 part because of what we're doing at 1244 South Capitol
17 across from Van Street, that it will be a very successful
18 retail environment.

19 MS. COHEN: When is Whole Foods going in?
20 Because I think that is the key to attracting a great deal
21 of retail, and I think it's terribly needed in that
22 neighborhood.

1 MR. MOLL: Yeah, I agree. It -- I believe it's
2 under construction right now. So, you know, probably about
3 18 to 24 months. I will note that the retail on the second
4 level, we will be going after some type of an anchor there.
5 So something that's a little bit larger. And that point is
6 to drive people to the sit even on -- you know, the anchor
7 on baseball games or during concerts is the ballpark. But
8 when you don't have that anchor bringing people to the
9 neighborhood, we want to have another retail use that will
10 bring people to the area. And so the second level
11 especially will be dedicated to that type of use.

12 MS. COHEN: Thank you. Can you show me -- I kind
13 of didn't see it on the map, but the access to the
14 courtyard, its accessibility to people with disabilities? I
15 didn't really -- I noted that you had steps in a photograph,
16 but I didn't see on any of the drawings how people will get
17 there.

18 MR. CHEN: Well, the majority area of the
19 courtyard is inaccessible. It's basically landscaped to
20 stay landscaped for most of the people to look at. The area
21 that is accessible is right in front of the amenity space,
22 and that's flat out going out right here. And that's

1 obviously accessible. And then on the right side all of
2 these are private terraces with accessibility to their own
3 terraces. The rest area is not supposed to be accessible.
4 It really needs to stay beautifully landscaped. It's very
5 close to many of the tenants. The courtyard is small and
6 we're not seeing that as a area of activity because we have
7 the roof area for that.

8 MS. COHEN: So the tenants, if they have dogs,
9 they won't be able to walk them on that beautiful grass that
10 dogs love so much?

11 MR. CHEN: Well, unless they're going to climb a
12 fence, they're not going to be able to.

13 MS. COHEN: Okay. Your parking, is that just
14 totally available to residents and retail, or it going to be
15 open to ballpark visitors as well?

16 MR. MOLL: So we're planning on having both
17 retail -- that will be public parking. So anybody --
18 anybody that wants to, you know, wants to park to either go
19 to the retail down there or go to the game, I suppose, could
20 park in that, in addition to the residential parking.

21 MS. COHEN: My ears perked up when I heard the
22 comparison to the Barcelona Rambles street. That's very

1 wide, and I don't think you have -- Van Street is how wide?

2 MR. CHEN: Half Street --

3 MS. COHEN: I mean -- sorry?

4 MR. CHEN: This is -- we're talking about Half.

5 MS. COHEN: Oh, Half. I'm sorry. You're right.

6 MR. CHEN: Half Street. I'll get you the
7 dimension, but I think what you're going to get is an eight
8 foot of clear sight walk on both sides. And then, in
9 addition in areas where cars are parked, 10 or 11 square
10 foot of sitting area under the treeline on both side. And
11 in the four corners where we have areas where cars are not
12 parking, there's congregation of 20-feet-wide sitting area.
13 So maybe it's not quite as wide as La Rambles, but I think
14 it's -- maybe it's a slightly smaller version of it.

15 MS. COHEN: Rambles-light. Okay. Thank you.

16 MR. DETTMAN: Commissioner Cohen, Half Street is
17 80 feet wide.

18 MS. COHEN: Thank you.

19 I think my last question is -- actually, on your
20 supplemental report, you still on page one are asking for
21 the closed court dimensional requirements flexibility on
22 that. So, you know, maybe I just somehow didn't pick up

1 where you dropped it, but I thought you were still asking
2 for it when I came here tonight. It's your February 5th
3 submission. Yeah. While you're looking -- I mean --

4 MR. HUGHES: Ms. Cohen -- Commissioner Cohen,
5 it's on page 16 at the top as noted. It's the fourth line
6 down. "The Applicant requests permission to withdraw its
7 earlier request for area variance from the core dimensional
8 requirements of compact parking spaces."

9 MS. COHEN: All right. Well, I did read beyond
10 page one. So there is just that inconsistency for your
11 information.

12 MR. HUGHES: My apologies.

13 MS. COHEN: All right. But thank you very much
14 and thank you, Mr. Chairman.

15 CHAIRPERSON HOOD: Thank you.

16 Okay. Mr. Turnbull?

17 MR. TURNBULL: Thank you, Mr. Chair.

18 I want to thank you for your presentation. I
19 think it's an exciting concept. I think -- well, I don't
20 think we've seen a development, a building with projections
21 like this since the East Bank PUD in Ward Two, which had the
22 library on the first floor, and then it had the residential

1 with the ins and outs. So I think this is -- I think this
2 is the first time I've seen another building that has these
3 ins and outs, which I think offers a very exciting dynamic
4 to a street.

5 That being said, I don't have a lot of comments,
6 but I think I would agree with Commissioner May. I think we
7 want to be careful on some of these setbacks. I mean, it's
8 an exciting concept, but I think we still want to be in sync
9 with the zoning regs and I -- and especially with penthouse
10 setbacks. And I'm concerned too about measurements that go
11 from an overhang or a projection. And I would -- especially
12 I was even looking at on Half Street some of the ones that
13 come more toward the Metro station that are in and out. It
14 looks like there's some. I'd like to see some more
15 dimensions and cuts to make sure that the penthouses there
16 are actually from the building facade going back, and not
17 from extensions that go up beyond that. I think that's --
18 that will be a key issue, not to take away from anything
19 that you're developing. I think it's an exciting concept,
20 but I think I want to -- I think just to reiterate my
21 comments, the comments of my colleagues. We want to make
22 sure that the setbacks do meet the new setback requirements.

1 The other thing, I guess, is on the -- and
2 although it's a review for what the building looks like,
3 since this is a major modification, the previous building
4 had office -- the previous order was for office building --
5 for office and residential and retail, I believe. Now that
6 we're going for all residential, the affordable housing is
7 affected by that increase?

8 MR. HUGHES: We don't believe it is under the
9 regulations, but we are proposing to provide affordable
10 housing for the increased residential. Is that the --

11 MR. TURNBULL: Yeah. I think I would just
12 reiterate for my colleagues I'd like to see some more
13 information on that. I don't think it was clearly culled
14 out, and just the actual breakdown of what's going to be
15 established. But -- and as I think you've answered all the
16 questions from both the Department of Transportation, the
17 two extra screens, I think I really don't have many other
18 questions.

19 Thank you, Mr. Chair.

20 CHAIRPERSON HOOD: Thank you.

21 Commissioner Miller?

22 MR. MILLER: Thank you, Mr. Chairman.

1 And thank you for your presentation. I think I
2 agree with almost all the comments of the Office of Planning
3 and DDOT and my colleagues here tonight. I think it's a
4 beautiful -- it's a very beautiful unique building. I love
5 all the balconies and terraces, and the landscaping, and the
6 setbacks that you do have in the building facade. It's very
7 exciting. And I like the materials and the colors,
8 particularly the yellow and the gray. I think it will -- it
9 really will contribute significantly to what is -- to that
10 whole Half Street experience walking into the ballpark and
11 coming out of it and hopefully -- and people now being
12 there, you know, 365 days a year with all these new
13 residents and the office occupants coming in as well and
14 retail.

15 So I would agree with my colleague on the -- I
16 would agree with the Office of Planning request for
17 additional -- I think there still -- they requested
18 additional renderings for the ground floor retail
19 environment and for the building -- how the building sits
20 with the neighborhood context. I mean we have a lot of --
21 maybe you can point me to --

22 MR. HUGHES: We have sought -- in the

1 presentation tonight, we've added some supplemental
2 drawings, which we can certainly include in our post-hearing
3 submission, if you'd like.

4 MR. MILLER: Okay. Yeah.

5 MR. HUGHES: We hope that they respond to the
6 Office of Planning's request.

7 MR. MILLER: Okay. If you can cull that out --
8 well, they'll say in their report whether they --

9 MR. CHEN: There are two or three new renderings
10 that we're presenting tonight and will be submitted. This
11 one is one of them. It's the corner of Half Street and Via.
12 This one is another. So we would definitely send them over.

13 MR. MILLER: Okay.

14 MR. MOLL: Commissioner Miller, if I can
15 interrupt -- sorry -- I do want to just add that it will be
16 a requirement -- we'll make sure that it's a requirement for
17 any restaurants -- in their lease that any restaurants that
18 opens up onto the Via -- we want it to be very engaging and
19 active -- that they would have -- during nice weather that
20 they would have furniture and, you know, some type of
21 planters in that area to soften it a little bit more. We --
22 you know, we want it to be activated. We want the retail to

1 be able to do that and express their brand in that space.

2 MR. MILLER: Right. That sounds great. On the
3 landscape terraces that the building management's going to
4 be responsible for, not the individual tenants or condo
5 owners --

6 MR. MOLL: That's correct.

7 MR. MILLER: How -- for the year-round -- for the
8 wintertime, what will be up there in the winter? What will
9 we see when you look up in the wintertime? Is there some
10 evergreen that's going to be there or --

11 MR. HUGHES: If I could ask Sam Lawrence of HM
12 White to come forward and --

13 MR. LAWRENCE: Is that slide in the appendix?

14 MR. HUGHES: At the very end.

15 MR. LAWRENCE: We've -- Sam Lawrence, HM White.
16 Sam Lawrence, HM White Landscape Architects with ODA. I
17 don't know if we have this screenshot, but we've developed a
18 pallet of plant materials that has a good evergreen
19 structure to it. So throughout the year, even in the
20 wintertime, there will be evergreen, mostly the fine-needed
21 pines, low-growing pines. There will be some cascading
22 vines, and a series of --

1 That's not it.

2 -- a series of, yeah, seasonal displays of
3 different colors during the season so you get this
4 overlapping display of colors and evergreen.

5 MR. MILLER: That's what I figured. So that
6 should -- that should be good. So let me just go back to
7 emphasize two things I meant to emphasize at the beginning
8 because they were the most important things to me. I would
9 agree with the LEED Gold, that you'd need to target. You
10 really need to be targeting a higher LEED amount.

11 And have you met with the Department of
12 Environment and Energy to talk about --

13 MR. HUGHES: We did, yes.

14 MR. MILLER: And did they give you some
15 suggestions of how to maybe get that --

16 MR. HUGHES: We had a conversation. If I could
17 have --

18 MR. MILLER: Well, maybe just in your
19 post-hearing submission you can indicate what the results of
20 those conversations were --

21 MR. HUGHES: Oh, sure.

22 MR. MILLER: -- and how you might be able to get

1 a higher score.

2 MR. MOLL: Commissioner Miller, if I could
3 address the LEED Gold question, we've been very active in
4 working with Sustainable Design Consulting identifying ways
5 that we can push up the score. The nature of the building
6 is very glassy, and there are a lot of terraces and it
7 becomes a very inefficient skin, which hurts us. To abide
8 by LEED, we have to conform with the ASHRAE requirements
9 under code, and that can ding you. So the actual design of
10 the building is working against us in getting a lot of those
11 points. We're using, arguably, the most efficient
12 mechanical system variant refrigeration -- VRF's. And so
13 from a mechanical standpoint, we are being as efficient as
14 we can. Again, it's just the nature of the building makes
15 it harder to get those extra points that we would be able to
16 get if the building were, you know, square and boxy and more
17 efficient from a skin standpoint.

18 MR. MILLER: That's --

19 MR. CHEN: Mr. Miller, if I can just add to that,
20 my office is a huge promoter of sustainable architecture;
21 and we were actually working with LEED itself in terms of
22 the structure of the points that it is creating. As you

1 know, this is an ongoing process that keeps on changing.
2 Part of the issues that we have with the score system is
3 that the minute that you increase your exterior wall,
4 especially with ins and outs and with bigger glass openings,
5 in our case cantilevers, your ability to get to the gold is
6 almost kind of impossible. And I don't think that LEED
7 should be a punishment for -- you know, for great venues of
8 architecture on other aspects. And so we work it out. And
9 in this particular case, we're trying to gain as many points
10 as we can in order to exceed the silver. It's just that
11 this is what we're facing. Eventually we might need to
12 reduce the glass opening substantially in order to achieve
13 that.

14 MR. MILLER: I wouldn't want you to do that, but
15 maybe in your post-hearing submission you can articulate
16 that in writing what you just said and say whatever you were
17 able to increase following this hearing.

18 MS. COHEN: But again, how you site your
19 building, I thought your siting would meet higher LEED
20 standards, and that the glass would be a protective shield
21 and reduce the need for, you know, certain utility usage.
22 And your planting boxes should provide you with some -- they

1 reduce carbon emissions. So I mean, again, I am not
2 certified. I didn't finish LEED school, but I do a lot of
3 reading, and I am really surprised at what you're saying.
4 But you're, you know, an architect. You're probably LEED
5 certified. So add that information, because I don't think
6 it's a conflict of interest. I advocate for LEED. And I do
7 want to say that it may harm a building, but it helps a
8 city, as you know, and it helps the residents both inside
9 and those outside of the building. So that's what I'm
10 concerned about as well.

11 MR. MAY: Can I chime in on this particular
12 question, which is that -- I mean I understand that there
13 may be some tradeoffs in terms of the amount of glass, and I
14 know how much heat gain you can get from having a lot of
15 glass. I also just want to make a statement. I'm not
16 saying that you need to significantly alter the amount of
17 glass, but I'll tell you I'm getting tired of all the
18 all-glass buildings. And I'm getting tired of seeing the
19 inside of everybody's apartment and the inside of
20 everybody's office. And so the idea of actually having
21 something solid in the wall maybe isn't bad. Maybe it's not
22 appropriate for this one, but this is for, you know, all

1 of -- you know, Mr. Hughes and Ms. Glasgow's other clients
2 as well so --

3 MR. CHEN: Let me -- I appreciate your comments.
4 I totally do. I just want to point out one more thing.
5 There's a ratio between the amount of exterior wall to a
6 square foot area. And obviously the intuition of an
7 architect would be to increase that ratio in order to
8 provide more light into the apartments, more engagement with
9 the outside, more corner windows, etcetera, etcetera. And
10 I'm an advocate for that because most of our buildings are
11 trying to do that. And we design from the inside out for
12 the quality of the residents, and that's the reason behind
13 it.

14 But obviously the LEED system right now and the
15 way it scores ignore some of those aspects, because the
16 ratio being high between the exterior wall to square
17 footage, which is what happens with this building both on
18 the sides and the underside, totally kind of skews the
19 calculation for us in that sense. Other elements like the
20 planters that you would imagine that you get scoring for you
21 don't. And so there's -- what I'm saying is LEED is a great
22 system, but it needs a lot of improvement. And I just want

1 you guys to be aware that we've done everything in our
2 power, and this is what we've advocated for. I just don't
3 want the building eventually to suffer because we're forcing
4 gold.

5 So what I'd like to do is I'd like to explain
6 perhaps in writing the difference between the two and say
7 what are the things that are unique to this building we're
8 not getting points for. And I would think that a silver
9 maybe plus points might be sufficient here.

10 MS. COHEN: That would be extremely helpful
11 because I don't think the LEED system meant to be, you know,
12 static. I think it is an adjustable system, and they need
13 to be told what isn't working because I'm just surprised at
14 what you're saying, frankly.

15 MR. MILLER: Just getting back to the --

16 MS. COHEN: Sorry.

17 MR. MILLER: -- balance of my time, I do love the
18 design and I wouldn't want it to suffer as well in terms of
19 just -- I don't want to get into a back and forth with
20 Commissioner May, but in terms of the all glass, I mean,
21 this building has a balcony or a terrace in front of every
22 unit --

1 MR. MAY: And I'm not recommending any changes in
2 this circumstance.

3 MR. MILLER: I don't -- I don't -- you may not be
4 able to see as much as when you have just one flat facade
5 all glass. Here every single unit has something in front of
6 it. Some of it's -- some of it's transparent and some of
7 it's not.

8 MR. MAY: So we'll get down there and have a
9 drink and take a look at it sometime after it's built.

10 MR. MILLER: That would be good.

11 MR. MAY: We'll see how much -- how much
12 entertainment there is in the windows up there.

13 MR. MILLER: That will be part of the activation
14 of that space.

15 MR. MAY: Yes.

16 MR. MILLER: My final point is my most important
17 point, which is going to the affordable housing issue. And
18 Office of Planning can clarify this too, but I'm -- I'm
19 confused. And so I think the post-hearing submission does
20 have to clarify this, and may be also planning on clarifying
21 it when we get to their report very, very shortly. But on
22 page one of their report, they indicate that the penthouse

1 habitable space -- which I'm glad you're doing. I think
2 that'll be very exciting for those people that can afford to
3 live up there -- triggers a 50 percent AMI and says that
4 that's 1,990 square feet, according to their calculations,
5 which you're doing at the 50 percent AMI level. They
6 indicate on that chart, unless I'm reading it wrong, that
7 the additional increase in residential floor area, as
8 Commissioner Turnbull had asked, the 68,735 square feet of
9 additional residential, not including the penthouse above
10 the previously-approved plan, they're indicating triggered
11 and eight percent IZ requirement of 5,500 square feet that
12 you're providing at the IZ required level of 80 percent AMI.
13 So you're providing 1,990 square feet at 50 percent AMI
14 because of the penthouse trigger, and you're providing 5,500
15 square feet at 80 percent AMI because of the additional
16 residential floor area ratio. So I just want clarification
17 from OP and the Applicant that you are providing what is
18 required with your affordable housing proffer under the IZ
19 regulations, and it is -- it's important, but -- it's
20 important, but it is the minimum requirement under the IZ
21 regulation. So that's what I need clarification on. And if
22 it is the minimum IZ required -- although this is the

1 penthouse triggered is a new thing, and that's substantial
2 because it's triggered at the 50 percent AMI level; but if
3 it is all -- if it is at the minimum under the IZ
4 regulations as they exist today, my question would be can --
5 would be somewhat what the ANC requested. Can some of the
6 5,500 square feet at the 80 percent AMI level, can some of
7 it be converted to 50 percent AMI, just some of it?

8 And I would suggest that one way you could, one
9 way which would help subsidize that would be to eliminate
10 the third-level underground parking, which would get you
11 closer to -- I know that's against what the ANC wanted, but
12 it might get you closer to where DDOT wanted, which was
13 closer to the minimum. But whatever way you can find it, if
14 it -- whatever way, if you can find to convert any of those
15 80-percent AMI units, some portion of it, one, two,
16 whatever, if you're able to find a way to get some portion
17 of that to the 50 percent, I would appreciate that. So
18 that's what I'm looking for seeing what exploration -- the
19 clarification and the exploration in your post-hearing
20 submission on the affordable housing IZ compliance.

21 Thank you. And thank you for your presentation.
22 It's a beautiful building.

1 CHAIRPERSON HOOD: I think my colleagues have
2 expounded enough on some of the comments and some of the
3 requests. And I will tell you that I've listened to a lot
4 of them and I agree wholeheartedly with a lot of them. But
5 we're not trying to penalize. I heard you use the word
6 penalize. I'm not trying to penalize the building, but I
7 think we can always take a second look. I've been here long
8 enough to see that while sometimes I sit here and I don't
9 necessarily agree with some of the things I hear, especially
10 from Commissioner May -- and I'm picking on him. I think
11 some of his suggestions over the years -- and all of my
12 colleagues, Mr. Turnbull and others, their architectural
13 suggestions have actually made a lot of the buildings in
14 this city look a lot better. So we just ask you to
15 consider -- trust me on that.

16 The only thing I really have to say is I was
17 sitting here looking at the first-base view, and I'm used to
18 seeing the Capitol. I guess I have to sit in nosebleed
19 sections now, and I have never been up there and sat in
20 nosebleed. But you have a slide. Am I going to still be
21 able to see the Capitol? I know we don't buy views, and I
22 understand all that. But it's nice to watch a game, and I

1 sit there and always look at the Capitol and always think
2 about Mr. Turnbull when I'm up there. When I'm at a game, I
3 always look at that. And most of the time I'm behind home
4 plate, but a lot of times I look up -- look up and just look
5 at the Capitol. And I saw you had a rendering or a
6 photograph that somebody went and took and you had where the
7 buildings will be, and I couldn't see the Capitol. Am I
8 going to still be able to see the Capitol, or do I need to
9 sit in the 400's section?

10 MR. CHEN: We haven't -- Commissioner Hood, we
11 have not -- first of all, I appreciate your comments. Thank
12 you. We have not done a rendering that looks towards the
13 Capitol from the roof, but we have checked the heights of
14 the buildings and because of our courtyard and the way that
15 the penthouse -- the upper floors of the buildings are
16 situated, we think that you will be able to see it. I doubt
17 that you will be able to see the Capitol and the game at the
18 same time. So you're probably going to see the Capitol from
19 the apartments that are not watching the game.

20 CHAIRPERSON HOOD: Well, I'm talking about going
21 to the game. I won't be living there. But you can't see
22 the Capitol. So y'all are taking my view away. I'll just

1 take a picture with me. You've got to buy an apartment to
2 see the Capitol. And that's what I was just wondering.
3 Okay.

4 MR. BAILEY: Right. And this is the view from
5 West Half from the entrance gate looking in the direction of
6 the Capitol, but there's -- it is blocked directly.

7 CHAIRPERSON HOOD: Right. Well, show -- show me
8 the -- you have one in the -- I don't know if it's on the
9 cover, but you also had one that apparently somebody took a
10 picture while the game was going on. It's -- it's like at
11 the end of a slide. I don't feel like -- it's in here
12 somewhere.

13 MR. BAILEY: That one.

14 CHAIRPERSON HOOD: That's it. That was it. You
15 just passed it. That was it, and that's what I looked at.
16 I paid a lot of attention to that. That's on the first-base
17 side. I don't usually sit on the first base, but I always
18 sit there and look at the Capitol when I'm at the game, but
19 I won't be able to see it. And I know we don't buy views.

20 So, Mr. Turnbull, I'll just have to remember you
21 when I come here.

22 MR. TURNBULL: I can give you a picture.

1 CHAIRPERSON HOOD: Anyway, thank you. I don't --
2 I don't really have any questions. I do think it's going to
3 be definitely an improvement to what's going on now for
4 sure. Okay.

5 Any other questions?

6 MR. TURNBULL: Mr. Chair, I just wonder if I can
7 go back for a minute. We didn't talk about it, but the Half
8 Street plan, initially when we talked even across the street
9 there was a whole idea of the street being uniform and the
10 design. We didn't talk about it tonight, but is Half Street
11 closed during game days? Was that my -- I seem to remember
12 that it was going to be closed.

13 MR. MOLL: Yes, it is. It's closed.

14 MR. TURNBULL: Okay. So will street vendors be
15 able to be out there then or --

16 MR. MOLL: Yeah. We envision it being,
17 continuing to be closed during game days, and there would be
18 things like vendors and outdoor seating and -- and where the
19 traffic goes when it's not closed would typically be where
20 the pedestrians are walking --

21 MR. TURNBULL: Okay.

22 MR. MOLL: -- on game days.

1 MR. TURNBULL: So I mean, I'm looking at the
2 very -- the plan on L-601. It's a very -- it sort of shows
3 some pavings going across diagonal, and I don't know what
4 the lighting is. Is it -- I mean, is it similar to what was
5 last time? I mean, I don't remember exactly. Are we
6 changing -- what's it going to be down here then?

7 MR. MOLL: We've -- we've been working with all
8 of the landowners on Half Street in between N and M. And
9 this is a -- it's a different paving pattern, although the
10 concept of it being a curbless street has not changed. But
11 it is a different paving pattern than -- than the building
12 across the street had proposed in their design review. So
13 we've -- I mean, we've been -- you know, they -- they like
14 this design. They've been a part of the design and on board
15 with it.

16 MR. TURNBULL: Okay. And I see a couple of
17 lights. It looks like they have arms coming out. I mean
18 it's hard to tell exactly what it's going to look like. Are
19 there bollards? It's hard to tell. I see some seating at
20 either corner by N Street, and the same thing at the other.
21 But it's hard to tell exactly what's really happening. Have
22 you defined any more of this, or --

1 MR. MOLL: So we haven't -- we haven't selected
2 the light fixtures yet, and we do have spaces for bollards.
3 The -- they would be removable so that on game days when
4 it's all --

5 MR. TURNBULL: Okay.

6 MR. MOLL: -- open to pedestrians, we wouldn't
7 have them. But when it's -- when it's open to traffic, we
8 would have them.

9 MR. TURNBULL: I know there was at one point a
10 proposal of lights crossing the street too, but I think that
11 was shut down. So we -- I don't think that's an option
12 anymore. But okay. I was just curious. I just -- I
13 just -- we hadn't talked about it tonight, and I just
14 happened to remember seeing the very basic plan and was
15 wondering how much it was changing or wasn't changing. So
16 is that still in flex then? Is that the idea with the other
17 owners or what?

18 MR. MOLL: It's -- the plan that you see on page
19 L-601 has been vetted by the other owners, and I'll mention
20 that, you know, we continue to work with DDOT and will go
21 through Public Space Committee and, you know, as this
22 progresses.

1 MR. TURNBULL: Okay. All right. Thank you.

2 MS. COHEN: Any other questions of the Applicant?

3 (No audible response.)

4 MS. COHEN: Anybody here representing ANC 6D?

5 Anybody?

6 (No audible response heard.)

7 MS. COHEN: Okay. Since we do not have anybody,
8 and they have supported this project, but they are concerned
9 about the same things that have been expressed up here,
10 let's go to the Office of Planning and the DDOT for their
11 reports.

12 MR. JESICK: Thank you, Madam Vice-Chair, members
13 of the Commission. My name is Matt Jesick for the record.

14 The Office of Planning strongly supports this
15 design review application as it meets almost all of the
16 criteria of the Capitol Gateway Overlay. The project would
17 help create an active, vibrant streetscape. The building
18 would be activated on all four sides, which we think is a
19 big plus. We strongly support the architecture of the
20 building. It can be a model -- well, maybe not a model, but a
21 new standard for buildings in the District. And certainly
22 it's an appropriate landmark in this highly-visible location

1 right outside the baseball stadium. Regarding the
2 additional renderings that we asked for, we did see some new
3 renderings tonight, which we feel addressed that question.

4 We also support the zoning relief that the
5 Applicant had requested prior to this evening. And the one
6 area that we feel the design could be improved was the LEED
7 rating, which, of course, the Commission noted.

8 Regarding inclusionary zoning, I think
9 Commissioner Miller accurately represented what the current
10 commitment from the Applicant is as stated on page four of
11 our report. And we'll continue to work with the Applicant
12 to address those concerns raised by the Commission.

13 Thank you.

14 MS. COHEN: Thank you.

15 DDOT, please.

16 MS. ISRAEL: Good evening, Chairwoman.

17 We are not in agreement with the proposed TDM
18 plan. As Commissioner May brought up, the Applicant added a
19 bike maintenance facility that DDOT did not initially
20 propose. This TDM measure, coupled with the reduced amount
21 of parking from the previously-approved zoning -- the
22 initial zoning approval, as well as the proposal that was

1 used in parking to evaluate for the Comprehensive
2 Transportation Review led us to find that this TDM proposal
3 ultimately is agreeable. But for the record, DDOT does not
4 support bollards in public space.

5 MS. COHEN: Thank you both.

6 Any questions from our commissioners for either
7 DDOT or OP?

8 MR. MAY: Sorry. Where are the bollards? The
9 bollards, are we talking about on Half Street?

10 MS. ISRAEL: Yes, the bollards that were just
11 mentioned in regards to Half Street.

12 MR. MAY: But that's not part of what we're
13 approving here.

14 MS. ISRAEL: No. That is correct.

15 MR. MAY: That's your public space process.

16 MS. ISRAEL: Yes. Exactly.

17 MR. MAY: Okay.

18 MS. COHEN: Mr. Jesick, you had mentioned that
19 the Applicant meets most of the Overlay. Is there anything
20 that they don't, and are you concerned with anything?

21 MR. JESICK: Well, demonstration of the project's
22 parameters in regard to LEED is one of the criteria. It's

1 not a numerical requirement in the Overlay, but it is a
2 requirement that they demonstrate a high level of
3 environmental stewardship. And on all the other design
4 review cases we have pushed for a LEED Gold level. So it
5 would be helpful to see if that's not achievable why, but to
6 get those points as high as possible.

7 MS. COHEN: Thank you. And then when we get the
8 feedback on why it's not achievable to get Gold, you'll
9 coordinate with DDOE, please. DDEEOE. Whatever.

10 CHAIRPERSON HOOD: Thank you. Any other
11 questions for either DDOT or OP?

12 (No audible response.)

13 CHAIRPERSON HOOD: Okay. Other government
14 reports, I think somebody already expounded on DDOE. I
15 think that was already mentioned in having those
16 conversations, or it was suggested to continue to have them.

17 Any other reports I may have missed?

18 (No audible response.)

19 CHAIRPERSON HOOD: Mr. Jesick usually gets the
20 police department and everybody else. I didn't see that
21 this time. Okay.

22 Let's go to report of the ANC. Again we're going

1 to call for anyone from ANC 6D. If not, I will peruse and
2 talk about their report.

3 Oh, does the Applicant have any cross of either
4 the Office of Planning or DDOT?

5 MR. HUGHES: No, sir.

6 CHAIRPERSON HOOD: I'm sorry.

7 MR. HUGHES: That's no problem.

8 CHAIRPERSON HOOD: Okay. Again, ANC 6D, which
9 has been talked about -- I think Commissioner May hit a lot,
10 went through their letter very thoroughly, and the others at
11 our regularly-scheduled and properly-noticed meeting on
12 January 11, 2016 with a quorum present and a quorum being --
13 commissioners being four commissioners, Advisory
14 Neighborhood Commission, ANC 6D voted seven, zero to zero to
15 send the following letter. And there a number of comments
16 here. There may be some separation as far as agreement.
17 But I think the letter speaks for itself, and that's Exhibit
18 Number 19 in the report. I think their support goes along
19 with a number of issues. There's still some concerns, which
20 were mentioned. I'm not sure -- did we ask for something to
21 find out what was still outstanding with the ANC? Is that
22 what --

1 MR. MAY: I asked what was -- what was not --
2 what they had not agreed upon, and we went through those
3 issues. It wasn't a lot at this point.

4 CHAIRPERSON HOOD: Okay.

5 Do we have any -- excuse me. Do we have any
6 organizations or persons here in support who would like to
7 testify?

8 (No audible response.)

9 CHAIRPERSON HOOD: Any organizations or persons
10 in opposition who are here who would like to testify?

11 (No audible response.)

12 CHAIRPERSON HOOD: Okay. If not, you may have
13 some rebuttal on LEED. But anyway, if you have any rebuttal
14 or closing --

15 MR. HUGHES: Mr. Chair, I think just if I could
16 take a couple minutes to request some clarification on the
17 setbacks. We mentioned the setbacks along the Via. And,
18 Commissioner May, you requested some additional drawings to
19 demonstrate impacts or visibility or lack thereof. Is that
20 correct?

21 MR. MAY: When it comes to the Via, yeah. I mean
22 given how narrow that is and where the relief is requested,

1 if you can just show drawings that it's, you know, not
2 visible or barely visible, I think that would help make your
3 case.

4 MR. HUGHES: Okay. Great.

5 MR. MAY: But it is to be -- you know, we're just
6 talking about -- we're talking about street views from, you
7 know, across Van or across Half Street. I think that's the
8 areas where it's going to be most likely to be visible.

9 MR. HUGHES: Commissioner May, I was going to say
10 that one option's probably from as you're coming out of
11 Metro, that -- right around that area looking up, that's
12 probably close to the area that you want to be --

13 MR. MAY: I think anywhere where you've got a
14 longer --

15 MR. HUGHES: Yeah.

16 MR. MAY: -- prospect --

17 MR. HUGHES: Right.

18 MR. MAY: -- got to be across the streets that
19 bound the site and then looking sort of diagonally into the
20 Via and up.

21 MR. HUGHES: Would that -- with respect to the --
22 the court that opens onto Van Street with the overhang, is

1 the Commission open to post-hearing submission on that front
2 in terms of demonstrating impacts or lack thereof?

3 MR. MAY: Generally speaking, when we're talking
4 about a courtyard that's open to a public street, I'm not --
5 well, I think that in the past we've not accepted those
6 sorts of demonstrations. I'm certainly not inclined to go
7 that way. I mean you can -- -you can -- you can submit
8 whatever you'd like but --

9 MR. HUGHES: I just don't want to aggravate
10 anyone or waste anyone's time so --

11 MR. MAY: I'm not -- I'm not going to vote for
12 it. I can tell you right now, you know, you have -- you
13 have areal views that show that -- you know, show a
14 perspective, and I can see right down to the people on the
15 street, you know, across the street. So I'm sure that it's
16 going to be visible from across the street there, the --
17 that wall. It's not blocked. So, I mean, if you can
18 demonstrate that it's absolutely not visible, you know,
19 sure. Take a shot. I don't know -- I still don't know that
20 I would vote for it, because, again, it's -- I mean for me
21 it's a matter of principle. We're talking about a courtyard
22 that opens to a public way. I mean the only times I've been

1 in favor -- since we had the new regulations, the only times
2 I've been in favor of granting any sort of relief was the
3 sort of thing where it was absolutely essential for the
4 functioning of the building. So we're talking about
5 elevators that have to be located at the -- you know, in a
6 courtyard that's -- or close to the -- the wall of a
7 courtyard, and the courtyard is facing an alley, and it's
8 set back so that it's not very visible. So in, you know, a
9 courtyard that's open to a street, I'm not -- I'm not -- I'm
10 not inclined to grant that relief.

11 MR. HUGHES: Okay.

12 MR. MAY: Frankly, even if you -- even if you
13 show it's not visible, I'm not inclined to grant that.

14 MR. HUGHES: You talked yourself out of it.

15 MR. MAY: Yeah, I did. You know, don't get me --
16 maybe you need to turn off my mic at a certain point.

17 MR. TURNBULL: Don't aggravate him.

18 MR. HUGHES: I certainly don't intend to.

19 CHAIRPERSON HOOD: I'm going to say this,
20 Mr. Hughes --

21 MR. HUGHES: I believe --

22 CHAIRPERSON HOOD: Let me just say this to you.

1 I keep hearing the word aggravation. Check with
2 Ms. Schellin to see what hearings you can watch where we get
3 aggravated. Believe me you are nowhere near that.

4 MR. HUGHES: Well, I certainly appreciate that,
5 and don't want to press my luck. So --

6 MR. MAY: And it really is not about aggravation.
7 I mean this is -- you know, this is all just about the facts
8 and the principles we're setting forth. So --

9 MR. HUGHES: Okay. Well, with that said, I think
10 that we have a good sense of the issues that are of
11 continuing -- I don't know if concern is the word, but you
12 want to have some more information about; and we'll be
13 pleased to submit all of that as part of a post-hearing
14 submission. And thank you for your time. Obviously we're
15 very excited about the project, and look forward to,
16 hopefully, a favorable response from the Commission.

17 CHAIRPERSON HOOD: Thank everyone. Let's see
18 what we need -- what we've asked for. We can go through
19 that list.

20 MS. SCHELLIN: So I think that Mr. Hughes just
21 talked about or clarified that the drawings of the penthouse
22 from the street level may be across Van or Half Street.

1 Commissioner May also asked that a drawing showing the
2 mezzanine being I believe it was one third of the height
3 they talked -- or the story that they talked about.

4 Commissioner May also asked for a statement explaining why
5 the court relief was no longer needed, something put in the
6 record stating that. Commissioner May asked for a drawing
7 showing the extent of flexibility for I believe it was the
8 office flex space where they were asking for some
9 flexibility there. Commissioner May asked for a response to
10 the ANC's request -- actually, I think it was several people
11 weighed in on that -- their request for the affordable
12 unit -- affordable housing units at 50 percent AMI. Not the
13 ones that were being generated by the penthouse space, but
14 the others. And --

15 MR. MAY: I think that's more of a general
16 explanation of the affordable housing --

17 MS. SCHELLIN: Right.

18 MR. MAY: -- not just the -- not so much the
19 response to the ANC's reference --

20 MS. SCHELLIN: Right. Just the general --

21 MR. MAY: Yeah.

22 MS. SCHELLIN: Right.

1 Address the ANC's issue regarding increasing the
2 LEED. Commissioner Cohen actually asked -- while she
3 encouraged the LEED goals, she and Commissioner Miller, if
4 they can't do that to provide explanation of why they
5 couldn't. Commissioners May and Cohen and Turnbull talked
6 about the penthouse overhang. I think that's been addressed
7 quite a bit this evening. Commissioner Turnbull would like
8 to see more dimensions and cuts of the penthouse area, I
9 believe.

10 MR. TURNBULL: Primarily by M Street as it gets
11 towards the -- I mean it gets away from where you're cutting
12 in, but going back to the face of the street near the Via
13 just to see how those setbacks are really working.

14 MS. SCHELLIN: Commissioner Miller asked for some
15 renderings of the ground floor retail and how the building
16 sits in the neighborhood. They're going to follow up with
17 that. And Commissioner Miller, tagging back on the IZ
18 units, that while providing -- if they are truly only --
19 based on the OP's report, if they're truly only providing
20 the minimum IZ, he'd prefer that they do something else,
21 maybe eliminate some of the parking in order to provide some
22 IZ at 50 percent AMI. And that's all I've got. So I would

1 ask the Applicant --

2 CHAIRPERSON HOOD: Do we have some dates?

3 MS. SCHELLIN: -- how much time you need to
4 address those issues? Maybe two?

5 MR. HUGHES: Three -- we'd prefer three weeks.

6 MS. SCHELLIN: Okay. So that would put us at
7 3:00 March 17. And then the ANC, if they choose to provide
8 a response, would have until 3:00 p.m. March 24. And we
9 would need draft findings of fact, conclusions of law also
10 by three p.m. on the 17th. Let's see. Commissioner Cohen
11 is not here on the 28th, March 28th. So we'd have to put
12 this on for the April 11th meeting for consideration at 6:30
13 p.m.

14 MR. HUGHES: Did you say April 11?

15 Thank you.

16 MS. SCHELLIN: So actually you can provide your
17 draft findings of fact, conclusions of law on the 24th
18 instead of the 17th. It'll give you an extra week.

19 CHAIRPERSON HOOD: Okay. Are we all on the same
20 page?

21 MS. SCHELLIN: Yes.

22 CHAIRPERSON HOOD: All right. Well, I want to

1 thank everyone for their participation tonight, and this
2 hearing's adjourned.

3 (Thereupon, the hearing concluded at 8:12 p.m.)

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