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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 16-13 [JS Congress Holdings, LLC. -
Consolidated PUD and Related Map Amendment at Square
748.]

6:34 p.m. to 7:12 p.m.
Monday, November 21, 2016

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

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 JOEL LAWSON

13

14 Department of Transportation:

15 EVELYN ISRAEL

16

17

18

19

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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 a public hearing of the Zoning
4 Commission for the District of Columbia. My name is
5 Anthony Hood. Joining me are Vice Chair Miller,
6 Commissioner May, and Commissioner Turnbull. We're
7 also joined by the Office of Zoning staff, Ms. Sharon
8 Schellin. Also, the Office of Planning staff, Ms.
9 Steingasser, Mr. Lawson, and Ms. Israel. And we are
10 located here in the Jerrily R. Kress Memorial Hearing
11 Room.

12 Did I call your name, Ms. Schellin? I'm glad
13 to know nobody is paying attention. So, should I
14 just skip all this? But, anyway.

15 MS. SCHELLIN: No, I was trying to address an
16 issue for Mr. Otten, so.

17 CHAIRMAN HOOD: Oh, okay. Well, yeah. See,
18 those things do distract.

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

1 near the door.

2 The hearing will be conducted in accordance
3 with provisions of Subtitle Z, Chapter 4, preliminary
4 matters, applicant's case, report of the Office of
5 Planning, report of other government agencies, report
6 of the ANC, organizations and persons in support,
7 organizations and persons in opposition, rebuttal and
8 closing by the applicant.

9 The following time constraints will be
10 maintained in this meeting. The applicant has up to
11 60 minutes. I see, they've requested 35.
12 Organizations, five minutes. Individuals, three
13 minutes.

14 The Commission intends to adhere to the time
15 limits as strictly as possible in order to hear the
16 case in a reasonable period of time. All persons
17 wishing to testify before the Commission in this
18 evening's hearing are asked to register at the
19 witness kiosk to my left, and fill out two witness
20 cards. If you need some assistance, Ms. Schellin
21 will be able to assist you.

22 Upon coming forward to speak to the
23 Commission, please give both cards to the reporter
24 sitting to my right before taking a seat at the
25 table. When presenting information to the Commission

1 please turn on and speak into the microphone, first
2 stating your name and home address.

3 When you are finished speaking please turn
4 your microphone off so that your microphone is no
5 longer picking up sound or background noise. The
6 decision of the Commission in this case must be based
7 exclusively on the public record. To avoid any
8 appearance to the contrary, the Commission requests
9 that persons not engage the members of the Commission
10 in conversation during any recess or at any time.

11 The staff will be available throughout the
12 hearing to discuss procedural questions. Please turn
13 off all electronic devices at this time so as not to
14 disrupt these proceedings. Would all individuals
15 wishing to testify please rise to take the oath?

16 MS. SCHELLIN: Please, raise your right hand.

17 [Oath administered to the participants.]

18 CHAIRMAN HOOD: Thank you, Ms. Schellin. Do
19 we have any preliminary matters?

20 MS. SCHELLIN: We do. We have -- if I could
21 find my papers. We have one request for a party
22 status in opposition from -- and it's the 3rd Street
23 Homeowners being represented by Mr. Fred Irby. That
24 was submitted on time at Exhibit 24. Would ask the
25 Commission to consider that.

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1 CHAIRMAN HOOD: Okay. Colleagues, we have a
2 request for a party in opposition. I find from my
3 readings I think this qualifies within our purview of
4 giving them party status in opposition in this case.
5 Any objections? Yes, they are present. Or the
6 representative is present. Mr. Irby. Yeah, he's
7 present.

8 Any questions? Comments? Commissioner --

9 MS. BROWN: Mr. Chairman, if I may have a
10 clarification --

11 CHAIRMAN HOOD: Hold on, let us --

12 MS. BROWN: -- once you're done?

13 CHAIRMAN HOOD: Yeah, let us finish.

14 MR. MILLER: Yeah, I have no objections, Mr.
15 Chair and I think it qualifies but I'd be interested
16 in hearing the applicant's representative.

17 CHAIRMAN HOOD: Okay. Ms. Brown.

18 MS. BROWN: Yes. We have no objection to Mr.
19 Irby participating as a party in opposition. We
20 wanted a clarification on who the other 3rd Street
21 homeowners were, and the authorization to represent
22 them.

23 CHAIRMAN HOOD: Okay. Hold on a second. All
24 right. We all are learning the new rules. The new
25 rules are, from I'm being informed and we wrote them,

1 those of us up here wrote them. Or we made sure that
2 they passed. The new rules are, if you had any
3 opposition you're supposed to let us know seven days
4 ahead of time so we can deal with it in writing.

5 But what I have been doing lately, and I
6 don't want to make this a practice because I'm still
7 learning the rules myself, I will ask Mr. Irby to
8 come up in this case and clarify who the 3rd Street
9 Neighbors, but this is typical, Ms. Brown, this is
10 typical, who the 3rd Street Neighbors are and does he
11 have authority. And I'll take his word for it if you
12 haven't done it in writing, because again, everybody
13 don't come down here every week.

14 So, Mr. Irby, if you can come forward? Speak
15 into the microphone, identify yourself.

16 MR. IRBY: Good evening. I am Fred Irby. I
17 am one of the homeowners on 3rd Street, 1114 3rd
18 Street. I represent five of the seven homes along
19 3rd Street. The reason I don't represent all seven
20 is because one of them has been dead for about 14
21 years now. And the other one, I believe the house is
22 owned by the District of Columbia, on assessment
23 records.

24 But the other five homeowners, that would be
25 Ms. Rita Brown, Roxanne Scott, myself, Helen Darden,

1 and 1112 3rd Street, LLC.

2 CHAIRMAN HOOD: Okay. All right. Thank you
3 for --

4 MR. MAY: Can I ask --

5 CHAIRMAN HOOD: Let me ask this, though. Are
6 they going to be coming? Are they coming, or you're
7 going to just --

8 MR. IRBY: No, they've elected me to come and
9 represent them on their behalf.

10 CHAIRMAN HOOD: Okay. Commissioner May?

11 MR. MAY: Five of the seven. Are those the
12 ones that are all on --

13 MR. IRBY: Yes, on the west side.

14 MR. MAY: -- the west side of 3rd Street.

15 MR. IRBY: On the west side of the 1100 block
16 of 3rd Street, directly abut their project.

17 CHAIRMAN HOOD: Okay. Thank you. Ms. Brown,
18 any further clarification you need?

19 MS. BROWN: I assume that if it's a statement
20 saying that he's been authorized, and that's
21 sufficient for the Commission then I'll abide by
22 that.

23 CHAIRMAN HOOD: He's been sworn in like
24 everybody else.

25 MS. BROWN: Thank you.

1 CHAIRMAN HOOD: Excuse me. And I'm sure he
2 wouldn't come down here and -- at least I would hope
3 that he wouldn't come down here and give any
4 misstatements.

5 Okay. Anything else? Okay.

6 [Vote taken.]

7 CHAIRMAN HOOD: Did we do a motion? Okay. I
8 move that we would grant the 3rd Street neighbors
9 party status in opposition and ask for --

10 MR. MILLER: Second.

11 CHAIRMAN HOOD: It's been moved and properly
12 seconded. Any further discussion?

13 [Vote taken.]

14 CHAIRMAN HOOD: Ms. Schellin, would you
15 record the vote?

16 MS. SCHELLIN: Yes. Chairman Hood, staff
17 records the vote four, to zero, to one, Chairman Hood
18 moving, Commissioner Miller seconding, Commissioners
19 Turnbull and May in support, third mayoral appointee
20 position vacant, not voting.

21 CHAIRMAN HOOD: Okay. Do we have anything
22 else?

23 MS. SCHELLIN: The only other thing is their
24 two proffered expert witnesses. Mr. Andres has been
25 accepted by the Commission before. And then we have

1 Jane Nelson. I know she's been accepted by the Board
2 before but I could not find anything that showed
3 she'd been accepted by the Commission before as an
4 expert.

5 CHAIRMAN HOOD: Okay.

6 MR. MAY: I'm sorry, so she has or has not
7 been?

8 MS. SCHELLIN: Has not.

9 MR. MAY: Has not been.

10 MR. MILLER: BZA, she's been --

11 MR. MAY: Oh, BZA. Got it. Okay.

12 So, I don't have any problem granting party -
13 - granting party status. Granting expert status to
14 Ms. Nelson, because I'm familiar with her work. But
15 what we received in terms of resume in the record is
16 not sufficient. We normally would request something
17 that has some detail to it and that explains, you
18 know, past projects that are relevant and so on.

19 So, I mean, I know this because I happen to
20 know of her work, but what we got was a half a page
21 and it was just a couple of sentences about, you
22 know, the extent of her work. That's not what we
23 usually go by.

24 So, I mean, I would be in favor of giving the
25 expert status, but requesting that the applicant just

1 submit a more detailed resume.

2 MS. BROWN: We'd be happy to do that.

3 CHAIRMAN HOOD: Okay. Any objections? Any
4 other objections? That was the only person we have,
5 right, that -- we already have Mr. Andres. So, okay.
6 Any other preliminary matters?

7 MS. SCHELLIN: Did you submit the affidavit
8 of maintenance?

9 MS. BROWN: Yes.

10 MS. SCHELLIN: Okay. Great.

11 CHAIRMAN HOOD: Okay. I --

12 MS. SCHELLIN: Yes, I see it.

13 CHAIRMAN HOOD: I have a preliminary matter.
14 I'm going to ask the Office of Planning. I noticed
15 they have a laundry list. And I know, you know, I
16 don't like to come down and have hearings where stuff
17 is all over the place, and you, I can understand you
18 making your point to us at the hearing, but this is a
19 Zoning Commission proceeding. This is not an ANC
20 Commission meeting. This is not a neighborhood
21 community meeting. I've been to many of them where
22 you work out and hash out some of the issues. There
23 may have been one or two corrections, but at least I
24 can't find them in the record. And I'm not saying
25 you have to, either. You just say, I just totally

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1 disagree with what the Office of Planning is saying
2 in a laundry list before you come in front of the
3 Commission, and then we'll deal with it at that
4 point.

5 But I didn't see that either. So, let me ask
6 Office of Planning. Have you all got any additional
7 information because your report has a -- I can see
8 one or two bullet items. And then I questioned
9 myself, well, how did I personally vote to set this
10 down to begin with? I just don't like to waste time,
11 or the government's time. Mr. Lawson.

12 MR. LAWSON: Sure. Thank you, Mr. Chair. We
13 have heard from the applicant on a couple of the
14 issues that we raised, which I'll let the applicant
15 expound on in more detail.

16 I've taken a very quick look at what they
17 were planning on presenting tonight. It seems to
18 address some of the issues that we raised here. A
19 number of the issues that we raised were of -- most
20 of the issues related to either the benefits and
21 amenities package. We expected the applicant would
22 round that out as part of their hearing presentation,
23 or about the drawings themselves; the level of
24 drawings and the information in the drawings.

25 And again, you know, if the Commission moved

1 forward with the hearing then we would expect those
2 issues to be addressed through the presentation that
3 the applicant gives.

4 But the issues in specific that I believe
5 that they've addressed to some extent are the
6 clarification of the First Source agreement and
7 towards the end, clarification of the parking. I
8 think they've been working with DDOT on the parking.
9 I'm not -- honestly, I'm not sure if DDOT is
10 completely satisfied. That would be a question for
11 DDOT, but they have provided additional information
12 such as turning diagrams for the parking as
13 requested.

14 MS. BROWN: Mr. Chairman, if I may?

15 CHAIRMAN HOOD: Let me --

16 MS. BROWN: Okay.

17 CHAIRMAN HOOD: -- talk to my colleagues
18 first, Ms. Brown. Just hold tight for a minute.

19 MS. BROWN: You bet.

20 CHAIRMAN HOOD: We've heard the report from -
21 - or the conversation from Mr. Lawson. Let's have a
22 discussion on how do we want to proceed, because I
23 can tell you I've been here a while and I'm starting
24 to see a number of these cases. And, you know, we
25 just, I think we postponed one to a later date so

1 they can kind of bring things together for our
2 review. I just don't like to see stuff scattered all
3 over the place. It may be tightened up by what I see
4 here tonight. I don't know. Let me open it up and
5 hear from others.

6 Commissioner Miller. Vice Chair.

7 MR. MILLER: Thank you, Mr. Chair. Yeah, I
8 mean, we obviously would prefer to see a report from
9 the Office of Planning that recommends -- makes a
10 recommendation one way or the other, which it
11 currently does not. Although, they said that a
12 couple of the points that they needed to be addressed
13 in order to make a recommendation had to -- I would
14 personally prefer to go forward and hear how many of
15 the points have been addressed, and you know, if they
16 haven't been addressed, we don't have to act tonight
17 and we're here tonight. The party in opposition is
18 here tonight. I personally would rather go forward
19 and then if we've got concerns, which I think I
20 probably will and I know others probably will, then
21 we can say what they are and what we would need to
22 have before we proceed to any kind of deliberations.

23 CHAIRMAN HOOD: Okay. Anybody else?
24 Commissioner May?

25 MR. MAY: Yeah. I mean, I think that the --

1 what's difficult is that the -- we're not talking
2 about areas where, you know, just a few more drawings
3 or something like that might help clarify it. I
4 mean, I think there's some pretty big substantive
5 issues such as the, you know, the height of the
6 building and the fact that there's concern or
7 resistance from the abutting neighbors, and also the
8 proffered amenities. I mean, in particular the IZ
9 component of the project given the significant
10 increase in density that's going with the map
11 amendment.

12 So, I mean, these are really substantive
13 things. That being said, I'm not averse to, you
14 know, going ahead with a hearing knowing that we may
15 need to -- not only will we not make a decision
16 tonight, but we may well need to continue the hearing
17 and have additional information submitted.

18 CHAIRMAN HOOD: Okay. Commissioner Turnbull.

19 MR. TURNBULL: I'm not opposed to going ahead
20 with it, although, as Commissioner May said, there is
21 substantive relief being granted for what they want
22 for this site. I mean, the fact, not only the
23 density but the height, but I mean, I'm just a little
24 bit upset that we don't get things that we ask for in
25 the set down. So, I mean, there's a lot of thing

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1 still outstanding that we asked for and we haven't
2 got. So, I'm willing to go ahead but they have a
3 high bar to make.

4 CHAIRMAN HOOD: Okay. I'm actually not
5 willing to go ahead, but if everyone wants to go
6 ahead we will. And I'll tell you why I'm not. We
7 have a lot on our plate. We have -- and I've been
8 here a while and we have a lot of things that we have
9 to deal with.

10 And, then, what made it even worse is when I
11 heard Commissioner May say that we might have to have
12 another limited scope hearing. To me, I think that's
13 a waste of our time. We have a lot of things that --
14 I don't think our schedule clears up until February.

15 So, we're down here twice a week and we've
16 made accommodations for another applicant, so I've
17 asked to come on Tuesdays and Wednesdays, and you
18 know, that's to me, we're putting a lot of time into
19 this and then to come in here and just come in here
20 and give us stuff on the fly. And I don't say you
21 have to agree with everything Office of Planning. At
22 least let us know where you stand. I don't agree
23 with what Office of Planning is saying here, or I do
24 agree with what they're saying here, or we're working
25 together on this.

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1 But as Commissioner Turnbull just mentioned,
2 we already had some issues at set down, but you know
3 what? Let's move forward. I am very opposed to
4 having another limited scope hearing on this case.
5 And I'm hoping that that does not materialize,
6 because I really don't think -- this is where I am.
7 I don't want to have another limited scope hearing on
8 this case, or either we postpone this until we can
9 get closer to where we are, and to where we can
10 understand it when we review. That's where I am. I
11 don't want to have another hearing on this. I don't
12 want to keep having two hearings on a case like this.
13 I'm sorry.

14 MR. MAY: So, I think the challenge, given
15 that we have a party in opposition, is that if we
16 have substantial information that comes into the
17 record after tonight, the party in opposition has
18 some right to examine that and to cross-examine on
19 that. So, that's where I'm thinking that we might
20 wind up having to have a limited scope hearing.

21 So, given that inevitability, maybe the
22 Chairman is right that we should just defer and give
23 the applicant some time to work with the Office of
24 Planning and work with the party in opposition to see
25 if we can come together for a hearing that brings it

1 all together and we can actually conclude this
2 relatively swiftly.

3 CHAIRMAN HOOD: And, you know, on that point,
4 we have done this in the past, Commissioner May, and
5 I just thought about, thinking back. And the
6 opposition went away. I'm not saying it is this
7 time, but I can just tell you that we have done this
8 before and the opposition went away. So, it made it
9 a smoother hearing. I'm not trying to necessary make
10 our work a little lighter because we can handle it.
11 We'll deal with it. But I just think it looks better
12 when all the information is on the table, everybody
13 is making -- we're all operating in tandem, and I
14 think you bring up a good point, Commissioner May,
15 with the opposition being able to look at what's
16 actually really being presented.

17 I'm not sure, it's probably all over the
18 place for you all, like it is for me. Okay? And
19 that's an issue. So, I just don't think we need to
20 have another limited scope hearing. But, I'll
21 open --

22 MR. MILLER: Well, I would agree that we
23 don't need a limited scope hearing. And I think we
24 could do that all through filings. But I understand
25 the point about cross-examination, but I really think

1 we could -- we're here tonight. All of our time is
2 very valuable. I just think we should get what we
3 can get. But, if we don't have three to go forward,
4 that's -- we don't have three to go forward. We need
5 three to do anything.

6 CHAIRMAN HOOD: Okay. Let me do this, save
7 the time, because we'll be adding a hearing if we
8 keep discussing. All those in favor of not moving
9 tonight.

10 MS. BROWN: Mr. Chairman, may we be heard
11 first?

12 CHAIRMAN HOOD: Okay, Ms. Brown. You can go
13 ahead.

14 MS. BROWN: Thank you. I appreciate your
15 concerns and I think we were kind of in a difficult
16 position because we have been contacting the
17 originally assigned staff member of the Office of
18 Planning to make sure that we had all the information
19 they needed. And due to a change in assignments, we
20 weren't able to learn of many of these issues until
21 just a couple days before the Office of Planning
22 report was to be filed.

23 So, what we have done in the meantime is in
24 our PowerPoint presentation tonight, we have some
25 additional information for you. We have also

1 prepared a chart that takes the Office of Planning
2 comments and response to each one and explains where
3 no additional information is required, where we've
4 satisfied their request, where we have additional
5 information that needs to be provided, or where we
6 would like to have discussions on the types of
7 renderings that the -- that would be most beneficial
8 to the Commission, and where we do have some
9 disagreement but we would need the guidance of the
10 Commission on how to proceed.

11 And I'm happy to hand out the chart if you
12 would find that useful.

13 CHAIRMAN HOOD: Yeah, I think -- is the chart
14 already uploaded?

15 MS. BROWN: No, sir.

16 CHAIRMAN HOOD: Yeah, if you can hand us the
17 chart? How long have you had the chart?

18 MS. BROWN: Today.

19 [Pause.]

20 CHAIRMAN HOOD: Did the party in opposition
21 get a copy?

22 [Pause.]

23 MR. TURNBULL: Well, the very first one about
24 the penthouse, no additional information required.
25 We asked for the set down. We asked for views,

1 regardless of whether you're in compliance. We need
2 to see views of the penthouse. We need to know
3 what's actually going on up there. We want to see
4 what it looks like; some views of what you're doing.
5 So, just to say, oh, we meet compliant -- that we're
6 in compliance, we don't need anything, we asked for
7 it for a reason because we like to see what you're
8 really doing because we may see something that you
9 think is in compliance, or has some issues, whether
10 it's lighting, or anything up there that we may feel
11 may be an issue or an issue of concern or have an
12 impact on the neighborhood.

13 So, we would like to see --

14 MS. BROWN: We agree. That's why under Item
15 No. 2 we said that we would -- we had insufficient
16 time from OP advising us that we really should
17 provide it and that we would be glad to provide that
18 to you.

19 MR. TURNBULL: Yeah. Okay.

20 CHAIRMAN HOOD: Ms. Brown, anything else you
21 want to add?

22 MS. BROWN: Yes. We have been meeting with
23 Mr. Irby to try to resolve the issues that he has
24 raised. We're hopeful that we can reach an accord
25 with him. We had -- the applicant has a -- I think

1 even today or Friday had asked me today to continue
2 the e-mail discussions that they were having. Mr.
3 Irby, unfortunately, was out of town but we hope to
4 continue those discussions.

5 CHAIRMAN HOOD: All right. Colleagues, I'm
6 prepared to make a motion to postpone. But let me
7 hear what --

8 MR. MAY: I just want to ask the applicant.
9 So, knowing where we are in terms of our schedule and
10 going into the holidays and the fact that there
11 aren't any available dates for two months, almost
12 about two and a half months, I mean, what does that
13 do to you because we're -- I mean, we're in a
14 situation where if we wind up having to have a --
15 even though the Chairman doesn't want to have another
16 limited scope hearing, we could wind up with that
17 hearing anyway, in early February. What does that do
18 for your schedule?

19 MS. BROWN: Let me check with the client and
20 find out.

21 MR. MAY: Okay.

22 MR. BASCHUK: I would rather we do this right
23 than do it half baked. So, let's make sure that
24 we've got all the questions that you collectively
25 have, resolved. We'll make as much progress as

1 possible, hopefully resolve things with the party in
2 opposition, and come back and see you, whenever you
3 can.

4 MR. MAY: Okay. So, I think we have our
5 answer.

6 CHAIRMAN HOOD: Well, first of all, let me
7 thank you for not making that hard, because I think
8 that there can be a lot of resolve and I've seen it
9 done. A lot of people don't give this Commission
10 credit for the Georgetown University Kumbaya. But
11 it's a Kumbaya and I've said it before. This
12 Commission pushed it, and now everybody, at least I
13 think everybody. I shouldn't probably say it, I
14 probably jinxed myself. But everybody is holding
15 hands. So, I think we would have a better
16 proceeding.

17 And even if you don't agree with the
18 opposition or Office of Planning, it will be closer
19 together. Some of the views that we've asked for --
20 and this sheet right here would have been actually
21 helpful for me if I had it earlier today.

22 MR. BASCHUK: Understood. And we don't have
23 any problems with what Office of Planning has
24 suggested or asked for.

25 This is an unfortunate circumstance where

1 there was some turnover and people jumped in as
2 quickly as they can, and we did as much as we could.
3 A little more time will help us all.

4 CHAIRMAN HOOD: Vice Chair.

5 MR. MILLER: Thank you, Mr. Chairman. And
6 Thank you, Mr. Baschuk, for your statement that you
7 want to see a fully baked proposal before us.

8 So, in that vein, let me just put on the
9 record what I would like to see, or encourage when we
10 -- amongst the other -- in addition to what my
11 colleagues have said. I realize that I -- I see the
12 statement about the affordable housing, but to the
13 extent that an additional gesture can be made toward
14 either a deeper level or in a greater amount, maybe
15 one more unit of the 50 percent AMI.

16 And on the height and scale, to the extent
17 that there can be some kind of additional setback or
18 gesture made toward the 3rd Street neighbors, you're
19 going to be working with them and maybe you can work
20 that out in terms of an accommodation. But, I just
21 wanted to put that on the record in terms of what
22 things to work on between now and when we get to a
23 hearing on this matter.

24 Thank you, Mr. Chair.

25 CHAIRMAN HOOD: Okay. Mr. Turnbull, do you

1 have anything?

2 MR. TURNBULL: I just had one. I mean, just
3 looking at the PowerPoint presentation tonight, the
4 last page, page 11, shows turning maneuver, parking,
5 out-bound, in-bound. But you've picked the easiest
6 spot. You've picked the very last spot. I was
7 looking through the other documents. I don't see how
8 the van gets in and out.

9 MR. ANDRES: Well, those spaces are limited
10 size spaces, so vans wouldn't be allowed to use those
11 spaces.

12 MR. TURNBULL: No, the van for the loading.

13 MR. ANDRES: Oh, for the loading. Oh, well,
14 those are access -- are turning maneuvers just to
15 access the parking spaces. There is no loading on
16 site. All of the loading takes place off-site.

17 MR. TURNBULL: So the van space is simply an
18 oversized vehicle on the drawing?

19 MR. ANDRES: Well, the handicap van space --
20 is that the space you're referring to?

21 MR. TURNBULL: Right.

22 MR. ANDRES: We've run those templates and we
23 can provide that as well.

24 MR. TURNBULL: Would you?

25 MR. ANDRES: Yes, absolutely.

1 MR. TURNBULL: I think that would be good to
2 see.

3 CHAIRMAN HOOD: Okay. Well, other than the
4 outstanding issues, do we have anything else,
5 Commissioner May?

6 MR. MAY: No, I would -- yes, I would
7 underscore what Commissioner Miller said about the
8 concern about affordable housing. And, I mean, I
9 understand that there is some difference in other
10 projects where we've gotten different proffers and
11 the size of the project certainly is a factor. But
12 what we've gotten here, you know, in all honesty, is
13 not -- I mean, I don't believe that it's comparable
14 to other projects of this size. What we've seen in
15 other projects at the, you know, the minimum is to do
16 50 percent of the eight percent at 50 percent AMI.

17 And we very often see the total percentages
18 going higher than that, or the, you know, the amount
19 of 50 percent AMI housing going higher than that.
20 So, not that I think that is the answer here because
21 I think we, you know, we understand that it's
22 different when you're talking about ownership units
23 versus rental units. But, you know, the total
24 quantity, I think, is an issue. And I think that
25 there is -- there has to be some room there.

1 I also think that the -- I mean, I am very
2 concerned about the height of this, given that the
3 only way the abutting neighbors, or the -- I mean,
4 this building sort of assumes that the buildings to
5 the east are going to be redeveloped to a comparable
6 height, which may not be an unreasonable assumption
7 given what the Comp Plan says, except that it's not
8 been zoned that way.

9 And so, you know, the abutting zone is 40
10 feet, and we're talking about something that's going
11 to be blocking substantial light because it's to the
12 south and to the west of these properties.

13 So, I'm concerned about that. I'm also --
14 and I don't believe that in the record, either from
15 the applicant or the Office of Planning, we have I
16 think sufficient justification of this building
17 height within the category of medium density housing.
18 It seems to me that -- I mean, it says in the Office
19 of Planning report, it's the high end of medium
20 density housing. And I think we've gotten in trouble
21 with that in the past.

22 So, I think that we need to have a very
23 strong justification for that. And again, I don't
24 see that in your statements. Maybe I missed it, but
25 I also don't think it was addressed very thoroughly

1 in the Office of Planning's report. And I think
2 that's one of the things that concerns me, and then
3 that of course ties into your discussions with Mr.
4 Irby and the 3rd Street Neighbors.

5 So, I think those are the most significant
6 concerns.

7 Oh, when it comes to, you know, addressing
8 those issues, and addressing Mr. Irby's concerns, I
9 think that we need to see quite a few more views of
10 this building from different directions. So, I think
11 that would be extremely helpful. I mean, maybe there
12 were some more in your PowerPoint. I didn't look
13 through every bit of your PowerPoint today. But we
14 need to -- definitely need to see more.

15 MR. TURNBULL: I think in particular we've
16 already asked for an alley view. I think OP --

17 MR. MAY: Well, and I think the alley view
18 was provided in the PowerPoint. I saw a reference to
19 that, in the chart, right?

20 MS. BROWN: There is not an alley view. It
21 is a view from 3rd Street.

22 MR. TURNBULL: Right. Yeah.

23 MR. MAY: Oh, a veiw from 3rd Street.

24 MR. TURNBULL: There is no alley view.

25 MR. MAY: Oh, okay. Yeah. All right.

1 CHAIRMAN HOOD: Well, either way --

2 MR. MAY: So more views, in any case.

3 CHAIRMAN HOOD: -- let's make sure we cover
4 the alley view. Whatever is not what we asked for --

5 MR. MAY: Right.

6 CHAIRMAN HOOD: -- let's make sure we get
7 that covered.

8 The other thing is, let me just -- I can ask
9 this right now so we won't have a problem at the
10 hearing. The ANC had some conditions or some
11 conditions on potential support. And one of them was
12 the dog park. And I guess some allowances. I saw
13 that in the letter. So, I can't think off-hand what
14 the other -- there's another condition they had. Was
15 that -- let me ask this this way. Was the ANC letter
16 taken care of, because that's how they gave their
17 support?

18 MS. BROWN: Yes, sir. They had asked for a
19 \$10,000 contribution to the Friends of NoMa Dog's
20 Park. They asked for the Capital Bike Share station,
21 which we have committed to. They also asked for a
22 change in the east elevation so we could have windows
23 there, or some articulation, and we negotiated a
24 mutual setback agreement with the adjacent property
25 owner, Douglas Development. So now, we have a five-

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1 foot setback where we can have windows. And that's
2 where we need our court relief.

3 CHAIRMAN HOOD: Okay. So, we can take that
4 off the table.

5 And also, I'm not sure. My architectural
6 colleagues hadn't mentioned it, but I'm concerned
7 about the light brick. The light brick. That light
8 brick. So, I'll be looking forward to having that
9 discussion at the hearing.

10 Anything else? Now, I'm going to throw
11 another caveat because you've been -- I appreciate
12 your statement. Can we do a Wednesday in January,
13 move it a little faster? If we were able to get you
14 a January date, would that work for everybody,
15 instead of February?

16 Ms. Schellin, what about a Wednesday? We try
17 to be accommodating, because you're working with us,
18 getting us what we need. So, unless my colleagues
19 disagree with me.

20 [Pause.]

21 CHAIRMAN HOOD: So, we're looking at January
22 the 4th. Does that work for everybody's schedule?
23 That's a lot better than February.

24 MS. BROWN: I'm getting a collective nod of
25 yes on our side.

1 CHAIRMAN HOOD: Okay. We're getting off to a
2 good start already. So, we'll just make the hearing
3 even better, and everybody work together, and then we
4 -- then everybody work together and then we can come
5 down and we can have a much easier hearing and we can
6 work out the small pieces, okay?

7 MR. TURNBULL: And we can get all the
8 drawings by then, too?

9 CHAIRMAN HOOD: Okay.

10 MR. TURNBULL: Architects working over
11 Christmas.

12 CHAIRMAN HOOD: Sorry about that.

13 Okay. Anything else, Ms. Schellin? You want
14 to give us the round-up of everything?

15 MS. SCHELLIN: I think that's everything. If
16 we could get your submissions at least, I'd say --
17 well, OP needs to make their submissions at least 10
18 days before, so I think they would want to have it
19 probably 10 days before that. So, maybe -- so, how
20 much time do you guys need it before?

21 MR. LAWSON: I suspect that we'll be working
22 closely with the applicant, and that we'll be getting
23 information kind of on a fairly regular basis.

24 MS. SCHELLIN: Okay.

25 MR. LAWSON: We'll work around the

1 Commission's schedule on this one.

2 MS. SCHELLIN: Okay.

3 MR. LAWSON: Thank you.

4 MS. SCHELLIN: All right.

5 CHAIRMAN HOOD: Okay, do we have anything
6 else?

7 MS. SCHELLIN: No.

8 CHAIRMAN HOOD: All right. We'll see
9 everybody on January the 4th at 6:30, and we'll go
10 from there.

11 MS. SCHELLIN: And of course, since Mr. Irby
12 has party status, everything you file, you need to
13 serve him.

14 MS. BROWN: Absolutely.

15 MS. SCHELLIN: And anything he files, he
16 needs to serve you.

17 MS. BROWN: Thank you.

18 CHAIRMAN HOOD: Okay. I won't adjourn this,
19 I will just postpone this until January the 4th.
20 Good night.

21 MR. BASCHUK: Thank you.

22 [Hearing adjourned at 7:12 p.m.]

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24

25