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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 80-07A [Jemal's Darth Vader, LLC. - PUD
Modification and Related Map Amendment at Square 563]

6:52 p.m. to 7:56 p.m.
Thursday, December 19, 2016

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

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8

9 Office of Zoning:

10 SHARON SCHELLIN, Secretary

11

12 Office of Planning:

13 JENNIFER STEINGASSER

14 BRYAN GOLDEN

15

16 Department of Transportation:

17 EVELYN ISRAEL

18

19

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21

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

2 CHAIRPERSON HOOD: Ladies and gentlemen, this
3 is a public hearing of the Zoning Commission for the
4 District of Columbia. Today's date is Monday,
5 December the 19th, 2016. We're located in the
6 Jerrily R. Kress Memorial Hearing Room.

7 My name is Anthony Hood. Joining me are Vice
8 Chair Miller, Commissioners Shapiro, May, and
9 Turnbull. We're also joined by the Office of Zoning
10 staff, Ms. Sharon Schellin, as well as the Office of
11 Planning staff, Ms. Steingasser, and we have a new
12 person from the Office of Planning, Mr. Bryan Golden.
13 Mr. Golden, is this your first time here with us?

14 MR. GOLDEN: Yes.

15 CHAIRMAN HOOD: Okay. We want to welcome you
16 to the Zoning Commission. Let's see if we can take
17 it easy on you tonight, but don't get used to it.
18 Also, we want to mention that we have, from the
19 District Department of Transportation, Ms. Israel.

20 This proceeding is being recorded by a court
21 reporter and is also, excuse me, webcast live.
22 Accordingly, we must ask you to refrain from any
23 disruptive noises or actions in the hearing room,
24 including the display of any signs or objects.

25 Notice of today's hearing was published in

1 the D.C. Register, and copies of that announcement
2 are available to my left on the wall near the door.
3 The hearing will be conducted in accordance with
4 provisions of 11-DCMR, Chapter 4, as follows:
5 preliminary matters, applicant's case, report of the
6 Office of Planning, report of any other government
7 agencies, report of the ANC, organizations and
8 persons in support, organizations and persons in
9 opposition, rebuttal and closing by the applicant.

10 The applicant has up to 60 minutes but I
11 think we probably can do it in 15 or less.
12 Organizations, five minutes. Individuals, three
13 minutes.

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

19 MS. SCHELLIN: Please raise your right hand.

20 [Oath administered to the participants.]

21 MS. SCHELLIN: Thank you.

22 CHAIRMAN HOOD: Okay. Now the Commission
23 will consider any preliminary matters. Ms. Schellin,
24 do we have any preliminary matters?

25 MS. SCHELLIN: The proffered experts, Ashton

1 Allan, I don't have that he's been accepted by the
2 Commission as an expert, so he needs to be
3 considered. And then Erwin, of course we see him
4 regularly here. The Commission has accepted him,
5 just needs to be accepted in this case.

6 So, if the Commission would just consider Mr.
7 Allan as an expert in architecture?

8 CHAIRMAN HOOD: Okay. Certainly, we're not
9 going to undo what we've done already with Mr.
10 Andres. Okay, Mr. Hughes, so you're proffering Mr.
11 Allan as an expert in studio architecture?

12 MR. HUGHES: That's correct, Mr. Chairman.

13 CHAIRMAN HOOD: Okay.

14 MR. HUGHES: His materials are in our --

15 CHAIRMAN HOOD: Yeah, our Exhibit 13C.

16 MR. TURNBULL: Mr. Chair, I have no
17 objection.

18 MR. MAY: I have a question.

19 CHAIRMAN HOOD: Commissioner May.

20 MR. MAY: Mr. Allan, and maybe you can take
21 this as just as a compliment, but you seem rather
22 young for the number of projects that you have on
23 your resume, so I'm just wondering how many years
24 you've been in practice.

25 MR. ALLAN: I've been in practice for 10

1 years.

2 MR. MAY: Okay.

3 MR. ALLAN: Between D.C. and New Haven,
4 Connecticut.

5 MR. MAY: Okay. All right. I don't have any
6 problem. I just, there's nothing in -- there are no
7 clues in your resume. Very often there's like, the
8 year you graduated or something like that. You don't
9 see any of that here. So, that in combination with
10 your youthful look, you know. Thank you.

11 CHAIRMAN HOOD: Okay. Well, Mr. Allan, you
12 and I both have something in common.

13 [Laughter.]

14 CHAIRMAN HOOD: All right. So, do we have
15 any other preliminary matters?

16 Okay. Mr. Hughes, you may begin.

17 MR. HUGHES: Thank you, Mr. Chairman. Good
18 evening. For the record, my name is Dennis Hughes
19 with Holland and Knight. I'm joined tonight by Mr.
20 Norman M. Glasgow, Jr. of the firm. I'll just
21 quickly introduce our team. To my immediate right is
22 Ms. Andrea Gourdine representing the applicant and
23 with Douglas Development Corporation. To her right,
24 as we've discussed, is Mr. Allan of Studios
25 Architecture. We also have, in the audience, some

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1 additional experts should questions arise. We have
2 Mr. Dettman, Director of Planning Services at Holland
3 and Knight, Mr. Andres of Gorove Slade, and we have
4 representatives in the fields of landscape
5 architecture and civil engineering should questions
6 arise.

7 And given that we are on the clock I will
8 just very quickly jump forward. I believe that our
9 pleadings have made clear, and the Commission is well
10 aware from its set down consideration, the nature of
11 the application. It's a significant redevelopment
12 opportunity of an aging and, I won't say infamous,
13 but not so fondly recognized building. It's very
14 highly visible. We are proposing to increase the
15 density by 2.7 FAR and the height from 101 feet to
16 130 feet, and do just a complete redevelopment of
17 that structure.

18 And, it is an existing PUD. It's approved
19 and constructed over 30 years ago, so what we're
20 technically pursuing is a modification to an approved
21 PUD and a related zoning map amendment from C-3-C to
22 C-4, and you'll note, we're using the old zoning
23 categories. This project was set down prior to the
24 effective date of the ZR-16, and so we're operating
25 under the controls of the 1958 regulations.

1 We believe the project is fully consistent
2 with the Comprehensive Plan. It is designated under
3 the future land use map for high density commercial,
4 and as a land use change area under the generalized
5 policy map. And we believe that the balancing of
6 project amenities and public benefits against the
7 development flexibility we're requesting is very
8 favorable. And we've addressed -- we've summarized
9 those benefits and amenities in our prehearing
10 submissions. I'll be glad to go through those at
11 more length if you'd like. Obviously, the
12 architecture, we're doing -- increasing the ceiling
13 heights for the ground floor in hopes of securing
14 retail and animating that -- animating this
15 building/block.

16 We are doing extensive streetscape and
17 landscaping, sustainable design, the building is
18 designed to LEED Gold, and we're providing a 0.2 GAR
19 where none is required, and there will be, as you've
20 seen in the drawings and Ashton will get into in more
21 detail, extensive greening of the building between
22 the walls and the green roofs.

23 In terms of our community benefits, there's a
24 public art component that is being pursued in
25 coordination with the Touchstone Foundation. There

1 is a \$50,000 contribution through two friends of
2 organizations in consultation with Advisory
3 Neighborhood Commissioner 6C. I'm sorry, 6E, to
4 improve the Terrell Recreation Center and the
5 Northwest One Library, which are co-located. And on
6 the note of ANC 6E, we're pleased to have the full
7 support of that ANC as well. And that's the ANC the
8 property is located in. We're also pleased to have
9 the support of the abutting ANC 6E across
10 Massachusetts Avenue.

11 The ANC 6E report has a few conditions that
12 they looked to have incorporated, and we have no
13 objection to those conditions, and we've pursued
14 those already in most instances in terms of the,
15 bringing the bike parking up from the G-1 level to
16 the mezzanine level, providing a night lighted
17 rendering, and electric car charging stations. And
18 the other one is escaping me. I apologize.

19 We're also very pleased to have --

20 MR. MAY: The no left turn out of the garage.

21 MR. HUGHES: We have no opposition to that.

22 Thank you.

23 And we're certainly pleased to have the
24 support of both the Department of Transportation and
25 the Office of Planning. I believe the Office of

1 Planning raised two issues in its most recent hearing
2 report, one regarding signage and the other,
3 clarification on courts. We've sought to address
4 those in our filing last week. We can expand on that
5 if you'd like. And with respect to the Department of
6 Transportation's recommendation, there was a request
7 for additional mitigation in the form of -- let me
8 find the language. So, in the page 11, to fund the
9 installation of first year's operation expenses of a
10 new Capitol Bikeshare station, to be located either
11 adjacent to or in the vicinity of the site, or
12 another DDOT approved TDM measure of an equivalent
13 value. The applicant is agreeable to that. And
14 also, with supplementing the loading management with
15 a flagger.

16 And with that, and I apologize for taking so
17 much time, we'll turn it over to Mr. Allan to run
18 through the drawings. Thank you.

19 MR. ALLAN: Thank you, Commissioners and
20 members of the community. Given that it's an
21 abbreviated presentation I will be going relatively
22 quickly through images. Please stop me at any point.

23 The site, as many are familiar with, is
24 located at the intersection of Massachusetts and New
25 Jersey Avenue, and it's extremely visible throughout

1 the city. The reputation of the building is that it
2 is a building that is a piece of architecture that
3 was built in the '80s and resides in this particular
4 location. The vision for the site, with the
5 development team, was really to transform an obsolete
6 building into an icon to create a gateway to the
7 neighborhood and to enhance the pedestrian experience
8 through great streetscapes, and to finally realize
9 the site potential of one of the few freestanding
10 blocks in the city.

11 The transportation, looking at these plan
12 diagrams, is based on conceptually wrapping the
13 building. Then, pushing that wrapper in at key spots
14 where it's visible throughout the city, which also
15 gives us a lateral structural support advantage. And
16 then finally, opening that wrapper with green
17 expression to break down a notion of an all glass box
18 into something that's an expressive element within
19 the city that has direction.

20 So, walking through that massing strategy.
21 If this is the existing building, if you can imagine
22 wrapping and adding two floors to the building to
23 essentially build out the envelope, it gets you the
24 all glass box scenario. We wanted to continue to
25 manipulate that manifestation and look to crinkle, as

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1 we call it, the wrappers at these distant views to
2 add dynamic expressions to the architecture. The
3 other advantage of these crinkles is it allowed us to
4 provide lateral support to bring up this building to
5 contemporary code required lateral support, without
6 pouring that money down into the core where you don't
7 get to experience it.

8 Finally, the fourth move is opening the
9 architecture, which looks to create terraces and
10 green expressions up the building, bringing the
11 landscape into not only the public space experience,
12 but in the vertical expression of the building.

13 So, if this is an image of the building as it
14 was in February 2015, this is the vision for the
15 architectural renovation with, you can see these
16 crinkled folds that give dynamic looks as the light
17 changes around the day, the landscape expression on
18 the façade, which is opening up and we'll go into
19 very brief detail about how those are to be built and
20 maintained.

21 A night rendering that shows a fading fit
22 expression that's designed to -- some all glass
23 buildings you see desks and legs pushed up against
24 the window. This, while providing environmental
25 impact also covers some of what happens under the

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1 desks.

2 At New Jersey and Massachusetts, a similar
3 expression, new vision of the architecture.

4 Looking at the terminus of H Street across
5 Cobb's Park in the Capital Crossing development, the
6 new vision which is set up to be a backdrop for
7 Cobb's Park with a simple dynamic gesture, that is
8 that crinkle, that focuses that energy down into that
9 full expression.

10 Then, looking down from H Street, down New
11 Jersey Avenue, if this is the building today, raising
12 it up, recognizing that the H Street façade is as
13 important as Massachusetts Avenue, as the gateway to
14 that new neighborhood, despite manifested reusing the
15 existing infrastructure on the site, but using that
16 green expression again on that façade.

17 Building height, we're proposing that it goes
18 up to 130 feet. The building, at 129 feet, 11 and
19 three quarters, measuring point remains the same.

20 Courts and projections as counsel noted, we
21 can go into this in more detail. This is all
22 information from the PUD application.

23 Materials. There are essentially three types
24 of materials. The one set is the material set within
25 the open expression, which is intended to be green,

1 very clear glass that is visible with white metal.
2 The expression down at the ground and at the
3 penthouse is intended to be a dark metal with
4 glazing. In zones where there is no program behind
5 existing loading area, there is a stone veneer that's
6 intended to be expressive and somewhat memorable of
7 the existing structure without being a dominant
8 force. And then similar metal grills. All the metal
9 of the penthouse and down lower is intended to be
10 dark metal to go away, and then the architect of the
11 glass itself with this fade foot pattern, as visible
12 in the sun or during the day.

13 Elevations, I'm going to speed through. The
14 building does have four sides. This is a detail of
15 how that fade foot expression works from the inside
16 of the building, and a similar project that's on 19th
17 Street that you can see as you're looking out from
18 the inside, that expression that you get from the
19 feet fades away, but the visual expression is still
20 strong and creates an identity within the building.
21 There are glass samples that are behind you up there.

22 Another element of the fritting pattern is
23 that also allows us to, in coordination with the
24 Department of Energy and Environment, we were looking
25 to create a bird-friendly design. And these frit

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1 patterns were developed with that team in order to
2 help prevent bird collisions, and for an all glass
3 building in such a prominent area, we wanted to start
4 stepping in the right direction with the city.

5 The expression of the actual green wall is
6 something that the landscape team at the Landscape
7 Architecture Bureau has been working closely with the
8 Department of Energy and Environment to come up with
9 a system that will be robust, and a species selection
10 that will be diverse and a mixture of evergreen and
11 deciduous plants that will allow for a year-long
12 variation and expression, and will stay alive on the
13 building. So, there's a lot more detail in here, but
14 in the interest of time, I'm going to move through
15 it.

16 Just in elevations on New Jersey and
17 Massachusetts Avenue, as you see it in context and
18 then in response to some of the prehearing questions,
19 an elevation that looks at building signage as well
20 as signage down in the retail area that is pursuant
21 of what is allowed under code.

22 This is an existing plan of the building with
23 a lobby on Massachusetts Avenue, and the new proposed
24 plan with the enhanced streetscape, multi-tenant
25 building lobby moved to the corner of Massachusetts

1 and New Jersey Avenue where that vertical green
2 expression is at the exit from the freeway, adjacent
3 to Cobb's Park.

4 In the overall section, you can see the vault
5 space that extends below New Jersey Avenue. This is
6 an existing condition and as part of this development
7 the intent is to leave all the below-grade spaces
8 fundamentally unchanged. This is a plan of that
9 below grade space. We are asking for parking relief,
10 although there are physical parking spaces. Some of
11 those parking spaces are inside the public realm and
12 we do not count them as part of our typical parking.
13 However, it's an adequately parked building and as we
14 mentioned before, we're looking to proffer electric
15 car charging stations.

16 In the interest of -- along with that,
17 providing bicycle parking in accordance with the new
18 zoning, so well over bicycle parking compared to what
19 we're looking to be entitled under, we're looking to
20 reactivate what exists today as a partial mechanical
21 mezzanine at the floor directly below the lobby
22 elevation, and could be connected with building
23 tenant fitness center and could be an incredible
24 experience.

25 Existing first-level below grade plan, lobby

1 level plan. With the existing loading, you can see
2 that infrastructures is remaining fundamentally
3 unchanged. Typical plans as you go up the building,
4 the modifications to in-fill these notches, which as
5 I had mentioned before, provide the lateral support
6 for the building, but also allow a more plannable
7 floorplate to make this a more leasable building to
8 maximize it's potential.

9 At the 9th floor, the existing roof of the
10 building, there are two new floors which are set back
11 from Massachusetts Avenue. But the first one
12 utilizes the roof space for a tenant amenity terrace.
13 And on the 10th level, a similar space is provided on
14 the New Jersey Avenue side at that bump-out. This is
15 a little challenging to understand from architectural
16 floorplans and elevations. There is a model that we
17 have here that can -- that will help explain that
18 massing.

19 The terraces themselves are set up that a
20 tenant terrace is a basic flexible area that allows
21 the tenant to provide planting for an intent. And at
22 the roof top there is also intended to be a building
23 common terrace area.

24 In our application we have asked that we have
25 an interior amenity area not to exceed 1,000 square

1 feet. And we've also mentioned that there is a
2 trellis with retractable shades. The intent of that
3 retractable structure is that the physical structure
4 always maintains that one-to-one setback, and as you
5 can see in these images, when it's extended that
6 would still also maintain that one-to-one setback.
7 Materiality intends to be the dark metal, dark
8 fabrics, things that fade back into the row.

9 This is the landscape plan looking down at
10 the overall roof to see the overall roof areas and
11 where landscape is intended to be. GAR table based
12 on as a proffer. Public art, which we had talked
13 about. The proposed locations, which will be
14 finalized as those plans get closer to reality. The
15 landscape plan, which fundamentally if I'm --
16 apologies for moments. May I --

17 CHAIRMAN HOOD: No, that's okay. You can
18 keep going.

19 MR. ALLAN: Okay. We worked with DDOT
20 starting in late 2014 to build a landscape plan that
21 adhered to the Mount Vernon Triangle Transportation
22 and Public Realm Design Project published in March
23 2006. Yeah, 2006. And what was interesting is that
24 all four blocks of this had very different design
25 guidelines. And working closely with public space we

1 were able to accommodate those guidelines while
2 providing public amenity and truly enhanced
3 streetscapes.

4 The objects within that streetscape fall
5 mostly within those standards and the variations of
6 the double alley along Massachusetts Avenue, versus a
7 triple alley and raised planters along New Jersey
8 Avenue, which partially were part of that public
9 realm design plan.

10 The street sections. This is at H Street,
11 very narrow street section based on what exists
12 today. There's not much room to do anything, but the
13 enhanced planting zone.

14 On 2nd Street, which faces across from Cobb's
15 Park, a similar street section, again complying with
16 those design guidelines.

17 At New Jersey Avenue, you start to see the
18 wide street section that's broken up by an extended
19 raised planter zone, and a triple alley of trees, to
20 fit within that public realm design intent, but also
21 provide true amenities for the building and
22 essentially a park, situating this single-block
23 building between Cobb's Park and its own park on New
24 Jersey Avenue.

25 And then finally, on Massachusetts Avenue,

1 similar double allay of trees and similar planted or
2 integrated seating along that area. So, basic
3 summary of improvements. The intent is the LEED
4 Gold. We've submitted a score card as a basis. And
5 this is the building design intent. We do have a
6 brief appendix that shows some rough sketches of
7 signage on the building, if the Commission is
8 interested.

9 But with that I leave my remarks.

10 MR. HUGHES: Thank you. Terrific. And with
11 that, Commissioners, we'll conclude our direct
12 presentation and certainly be available for whatever
13 questions you'd like to ask us. Oh, and I should
14 just confirm that the materials board is somewhere
15 back there. Okay.

16 CHAIRMAN HOOD: Okay. Let's see if we have
17 any comments or questions up here. All right. Let's
18 go to any cross-examination. Any questions or
19 comments up here? Okay, speak up. Commissioner May.

20 MR. MAY: I guess I -- all right. I'll go
21 first, for a change.

22 Okay. So, I appreciate the fact that you've
23 addressed some of the questions that came up in the
24 reports from the ANCs, also I appreciate the fact
25 that the -- what you've done with the frit pattern is

1 going to cover up some of the unpleasantness that we
2 often get to see with these all glass buildings. I
3 look forward to seeing the building and not seeing
4 everybody's desk and all the junk that falls down
5 behind it and all that.

6 But it is a -- you showed an example of a
7 frit that's very light in color, but your renderings
8 are darker. Is that right? It's going to be the
9 darker frit, right?

10 MR. ALLAN: That's correct. We're working
11 with various companies to determine the correct
12 color. An example of the design intent color is
13 behind you, which is a darker frit.

14 MR. MAY: Okay. All right. So, it was just
15 that lighter image that raised a question in my mind.

16 So, what we're seeing here in terms of what's
17 growing on the façade, is that the expected density
18 of greenery? Or is it ultimately going to be more
19 robust than that? Or is that -- this is it.

20 MR. ALLAN: I would -- may I defer that
21 question to the landscape group?

22 MR. MAY: Sure.

23 MR. ALLAN: Lansching.

24 MR. MAY: You need to come to the table and
25 be on a microphone and you need to introduce yourself

1 for the record.

2 MR. HWANG: Good evening. My name is
3 Lansching Hwang of Landscape Architecture Bureau. We
4 are the landscape architect for this design, and we
5 answer that question. The renderings are showing the
6 initial (garbled speech), it can be a whole lot
7 fuller, but the choice of a vine is a combination
8 that can be trimmed as we need, and depends on the
9 maintenance and the effect, and that can be tailored
10 toward exactly the fullness we want.

11 MR. MAY: Okay. So, I guess that's my
12 question is, what is the intent. And so, is it
13 intended -- I mean, this is fairly early in the
14 project from what I understand you to say. So, but
15 you could go with quite a bit more or you could keep
16 it trimmed to something like this. So, what do you
17 intend?

18 MR. HUGHES: The intent, based on our
19 discussion with tenants is that a density similar to
20 this that allows significant views through, but
21 creates a dappled light effect, similar to looking
22 through a tree is something that's desirable, which
23 is what we're showing in this entire --

24 MR. MAY: Okay. So, not too much more than
25 that. That's fine.

1 And how confident are you -- don't go
2 anywhere -- in the ability to grow on the north side
3 of the building, because you have that same feature.

4 MR. HWANG: May I talk again?

5 MR. MAY: Yeah.

6 MR. HWANG: Very confident as a
7 horticulturist and the selection of vine has been
8 carefully considered and we spoke with several
9 botanical gardens in the country. And these are the
10 vines that is, as you can see, either fast or
11 rigorous or robust, and they tolerate cold conditions
12 with a real tolerance. And most of the time you can
13 see them in nature with very little support. So, we
14 are fairly confident.

15 And also, the strategies to use a mixture of
16 different types of vines so you can get one to cover
17 each another's different growing habit. So, we're
18 very confident.

19 MR. MAY: Okay. Let's see. On the bike
20 parking, so, there was a comment from one of the ANCs
21 about making -- putting some on the ground floor. Is
22 that right?

23 MR. ALLAN: That's correct. ANC 6C was
24 commenting upon our earlier plan which had the bike
25 parking at the G1 level, and asked that it be brought

1 up. And so we --

2 MR. MAY: So, you think putting it on the
3 mezzanine level is responsive to that?

4 MR. ALLAN: We do.

5 MR. MAY: Okay. I'll look more carefully at
6 what they said. And explain to me again, now, in
7 order to get to it you go sort of down a half ramp
8 and then --

9 MR. ALLAN: That's correct. And then you --

10 MR. MAY: You can shoot in through that
11 tenant space, or what's labeled as tenant space.

12 MR. ALLAN: We're currently studying two
13 different alternates based on constructability. One
14 that would create a sub ramp that access directly to
15 this mezzanine space, and one that would essentially
16 pass through and you'd lose all the building common
17 in that area.

18 MR. MAY: Okay. All the building common.
19 Okay. So, it isn't fully baked yet, but you think
20 you'll make it work?

21 MR. ALLAN: That's correct. We're going
22 through the feasibility with the construction
23 companies now.

24 MR. MAY: Okay. So, is that something that
25 we'll be able to see before we take final action?

1 Because, I'm interested in knowing that it's actually
2 going to work and not, you know, you don't have to
3 like community back later and say, oops, we couldn't
4 make it work.

5 MR. ALLAN: The path, the interior path, does
6 work and there is a price associated with that.
7 Current goals are trying to reduce the possible
8 pricing, so it does work.

9 MR. MAY: It does work.

10 MR. ALLAN: It does work.

11 MR. MAY: Okay. But right now, the way it's
12 drawn, you're going through what's labeled as a
13 tenant space. But that would have to become a common
14 space.

15 MR. ALLAN: That's a secondary pass -- that's
16 a secondary path and that we were looking to maintain
17 flexibility in this plan in the event that it would
18 be feasible within --

19 MR. MAY: So, what's the primary path?

20 MR. ALLAN: The primary path as it's designed
21 today is the loop where it would enter the bike zone
22 from an entry point along here.

23 MR. MAY: Directly, but isn't that ramp going
24 down underneath it, though?

25 MR. ALLAN: The ramp is going down so there

1 would be a sub ramp with a guardrail.

2 MR. MAY: Right. Right there.

3 MR. ALLAN: Right here.

4 MR. MAY: So, that's your primary choice.
5 It's just not shown on the drawing.

6 MR. ALLAN: That's correct. But the backup
7 is the -- go through the tenant space.

8 MR. MAY: Correct.

9 MR. ALLAN: Okay. So, maybe I need to study
10 the drawing more carefully, but it wasn't very clear
11 to me. So, that might be something that just needs
12 to be clarified with the -- you know, and if you have
13 a diagram of what the ramp would be, this is the
14 first choice, this is the backup. Just so we know
15 what it is.

16 MR. MAY: And then the last area of question
17 I have is on signage. So, maybe you want to go ahead
18 and show us those images that are at the end of the
19 presentation. By the way, does this mean that we're
20 going to lose the giant Douglas Development sign
21 that's on the roof there?

22 MR. ALLAN: If you'd like it to stay, we can
23 arrange that.

24 MR. MAY: Do you want to be on mic when you
25 say -- no. It is sort of interesting because, you

1 know, I've had people say to me when I've mentioned
2 Douglas Development, they said oh man, they must be
3 huge. They're in that -- they occupy that huge
4 building down on Massachusetts Avenue. So, you know,
5 you're putting up a good front there. Yeah.

6 All right. So, you had -- oh, that is it
7 with the tenant. Yeah. So, explain to me what this
8 signage actually will be. Is that just lettering
9 over the façade? Is it lit? Is it -- how far does
10 it stick out? What is it?

11 MR. ALLAN: I think that those types of
12 details are things that we would be working out with
13 an individual tenant. And seeing that the building
14 is not leased at this time, it's hard to --

15 MR. MAY: Right.

16 MR. ALLAN: Hard to predict.

17 MR. MAY: So, you know, the very large signs
18 on top of buildings are things that make us a little
19 bit nervous. So, I think that we want to know that
20 there are some limits to that. So, if you can come
21 up with what you think will be a reasonable
22 assumption, and I think that's what, I mean, I'd like
23 to see, and even if you can explain examples of other
24 things. I mean, I know there are other -- because
25 there is some other very large signage on other

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1 buildings like just on the other side of this, and
2 other places around town. And I mean, I think that
3 we just -- you know, it's the large you know, lit you
4 know, glow in many different colors kind of garish
5 stuff that doesn't sit too well.

6 MR. SHAPIRO: With the Capitol in the
7 background.

8 MR. MAY: So, yeah, just something that
9 describes what you think the realm of possibility is
10 I think is helpful and that can be put into your
11 signage guidelines. I mean, this is something that's
12 become more and more of an issue of late, and so
13 ultimately, we want to know exactly what the limits
14 might be.

15 There was -- I'm sorry, I had one last
16 question, which is that there was a -- the Office of
17 Planning had a couple of outstanding issues. Are
18 those -- have you agreed to -- or you clarified
19 those. One was the -- I'm blanking. One was the
20 signage drawings, the other one was the explanation
21 of the court niche. Or your explanation of the
22 courts or court niches, and you don't need relief.

23 You need to be on microphone if you're going
24 to talk to me.

25 MR. HUGHES: Oh, sorry. We believe the three

1 indentations --

2 MR. MAY: Okay.

3 MR. HUGHES: -- qualifies court niches.

4 MR. MAY: Court niches. All right. So, I'll
5 ask them what their opinion is. And then they also
6 raise the housing linkage question again and said
7 that seemed unresolved in their report.

8 MR. HUGHES: I'm reading from the December
9 9th report. OP recommends additional detail be
10 provided on the intention to meet the housing
11 linkage, and I'm not certain that I follow that. The
12 applicant has, throughout its submissions, confirmed
13 that it will be satisfying the housing linkage
14 requirements. We've provided a copy of the joint
15 venture, the applicant related entity of this
16 applicant has entered into with Catholic Charities,
17 and so I'll be glad to provide whatever further
18 documentation the Commission feels is needed.

19 MR. MAY: Okay. So, I guess again, that's
20 another question I guess the Office of Planning will
21 have to answer for me. Thank you.

22 CHAIRMAN HOOD: Okay. Commissioner Shapiro.

23 MR. SHAPIRO: Thank you, Mr. Chair. Just a
24 brief question about the public art and the process.
25 I mean, first of all, give me a range. What kind of

1 budget are you projecting for the public art, and
2 what kind of process are you assuming?

3 MS. GOURDINE: So, one of the suggestions
4 from ANC 6E was to work with the Touchstone Art
5 Gallery, and they're right in our ANC. And so, the
6 Touchstone Art Gallery has a non-profit foundation.
7 And so, working with them and talking with them about
8 the art selection process, because they do several of
9 these competitions every year.

10 And essentially what we would do was, Jemal's
11 Darth Vader would enter an agreement with TFA, then
12 TFA would essentially get out into the art community,
13 because they're pretty well versed in that, and they
14 would put out a bid for interest, do a property tour,
15 gain interest from the local art community, and then
16 we would help them set up a panel, either members of
17 the ANC, someone from our design team, and then
18 members of the foundation would essentially be a
19 panel of judges. And we would have several rounds of
20 the art competition, select a winner, and then
21 Jemal's Darth Vader would work with the artists in
22 going through the permit process, design process,
23 working Public Space Committee, and DDOT, and at the
24 same time we would also pursue the public art grant
25 with D.C. Commission of Arts and Humanities.

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1 MR. SHAPIRO: So, you're looking at one
2 iconic public art installation, or might somebody
3 come back with multiple -- you lose the, I guess
4 three sites where it could be.

5 MS. GOURDINE: We have up to five different
6 locations, but it all depends on what the artists
7 come up with. And so, we're leaving that with TFA to
8 really drive that process, because I don't consider
9 myself a very artistic person. So, we believe that
10 the artist community that they work with, with
11 artists that have been in competitions before,
12 artists that have produced art of similar caliber, so
13 we're offering a \$75,000 set-aside for the
14 competition, and so we would essentially let the
15 artist see the site, get to know the community, and
16 then come up with their own idea of what they think
17 fits the neighborhood.

18 MR. SHAPIRO: And with a \$75,000 budget?

19 MS. GOURDINE: That's correct. And then with
20 the Arts and Humanities grant they match up to 100
21 percent of the private funds, so we could get up to
22 \$150,000. But it all depends on if we are awarded a
23 grant and how much that grant would be. But at the
24 minimum the budget is \$75,000.

25 MR. HUGHES: Andrea, can you just elaborate

1 on that a little bit because as I recall, that was
2 touchstone. It's not just a number you've thrown
3 out, that is something that Touchstone has indicated
4 in the past that sort of fits the scope of this work.
5 Is that right?

6 MS. GOURDINE: Yes. Yes, that's correct.

7 So, when talking with touchstone and coming
8 up with a budget, given the scale of the building,
9 they believe that at a minimum the 75,000 would
10 really cover what we're trying to achieve here,
11 because it's an iconic building in a very important
12 location. And we want to do something that will
13 really pop, versus a piece of art that people will
14 walk by and not even know that it's there.

15 MR. SHAPIRO: I'd be curious around that
16 \$75,000 figure. My experience is that that's
17 actually kind of a low figure for an iconic piece of
18 art that is going to be you know, on Mass Ave.,
19 extremely visible, you know. If you're considering
20 that that's going to be half of it and then there's
21 be a match from the Commission or if there's some
22 other source where you're -- it's a big difference
23 between 75,000 and 150,000.

24 MS. GOURDINE: Yes. And I've been talking
25 with Touchstone, and again, going back to what makes

1 the most sense budget wise for this, and they said
2 the 75 would be great as a starting point. But the
3 art grant isn't guaranteed, so the 75 would at least
4 get us to what makes sense here and obviously, an
5 additional funding would be great. But if you need
6 examples of something that's in that 75 range, I can
7 work with Touchstone.

8 MR. SHAPIRO: I would like that. And I think
9 part of it is the difference between what is sort of
10 an art that is connected to a pedestrian experience
11 and art that is connected to sort of a visual
12 experience for those who are driving by.

13 MS. GOURDINE: Sure.

14 MR. SHAPIRO: Thank you.

15 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

16 MR. TURNBULL: Oh, thank you, Mr. Chair. I
17 really don't have that many questions.

18 I think the only one is to get back to the
19 signage, if you could bring up some of those images?
20 I guess one of the questions, you know, we always
21 want the signage to work with the architecture, to at
22 least be compatible to an extent. What I'm concerned
23 about is the -- on the, which side? Would that be
24 Mass Avenue on the opposite side of the green there?

25 MR. ALLAN: Correct. Oh, this is Mass

1 Avenue.

2 MR. TURNBULL: That's Mass.

3 MR. ALLAN: This is 2nd Street.

4 MR. TURNBULL: Well, yeah. Well, if we look
5 at the one Mass where it says tenant down there, it's
6 right over the windows. Usually I would think it
7 would want to be in the area of the spandrel to make
8 more sense, and to limit that height, unless Mr.
9 Millstein's office is there and he likes to look at
10 TZ's and that. So, I think that, you've got to look
11 at.

12 And the same thing with the one around the
13 corner, then. It's a rather large logo with this
14 thing and unless he's got his office up there and
15 he's looking through that little square, I think
16 you've really got to make it work with the
17 architecture and then use the spandrels to your best
18 extent and try to limit the heights to those spandrel
19 areas to try to make it work.

20 And I think, I don't have a problem with the
21 store signage as you're going down. That seems to be
22 contained all within that lower band at the lower
23 level, but I think as you go around the building with
24 these rather large letters, and they look to -- I
25 mean, if a typical spandrel is about two and a half

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1 feet, roughly, or --

2 MR. ALLAN: It's a little bit larger on this
3 -- well, two and a half feet at the bottom and toward
4 the top it ends up being four feet where it's a steel
5 structure.

6 MR. TURNBULL: Right. So, I mean, some of
7 these letterings look like they could be four to six
8 feet. So, I think that might be a little bit big.
9 So, I think you need to look at scale wise. Again,
10 integrate it with the architecture using the
11 spandrels as a guideline and see if you can come up
12 with something that's tasteful and not as large as
13 what it appears to be, looking at some of the
14 drawings. I would like to see that scaled down.

15 The only other thing is that on this I really
16 admire the use of the green, the wall. I just hope
17 it doesn't go brown. I mean, I guess I've seen some
18 that work well and some that don't, and I just hope
19 that -- you look like you've done your research on
20 this and that you've got a pallet of landscape
21 architecture elements that are going to work, so I
22 really hope it works. So, I think it will be a very
23 striking feature if it does. So, thank you again for
24 your presentation.

25 MR. ALLAN: Thank you, sir.

1 CHAIRMAN HOOD: Vice Chair, you have any
2 question or comments?

3 MR. MILLER: Yes. Thank you, Mr. Chairman.
4 So, this is definitely, even though it's -- well,
5 it's definitely helps -- this is a transformational
6 project for this building because it's been a kind of
7 a icon of some sort all these years. And I think the
8 wrapping, the crinkling, and even though it's
9 expanding by almost a third in size, I think it
10 doesn't look as big. At least, and I think that's
11 the major accomplishment, and with the green wall I
12 agree that that's -- is it just -- it's just one
13 green wall or is there --

14 MR. ALLAN: There's one on the north and one
15 on the south actually.

16 MR. MAY: There is one on the south. Yeah.
17 So, that's -- I hope it does stay green, and I like
18 the green roof. So, I think it definitely is a
19 project that does improve, vastly improve the form
20 and function of this building.

21 On the -- you're going to -- I think I saw a
22 range of retail square footage that something between
23 21,000 and 56,000 square feet, is that -- is there
24 any retail square footage currently at the building?

25 MR. ALLAN: There is no current retail square

1 footage.

2 MR. MILLER: So, I mean, that's another
3 improvement that you're trying to activate the whole
4 pedestrian experience. This whole area is changing
5 and is becoming more connected. So, that's a good
6 thing. But you don't know right now whether it's
7 going to be 21,000 or 56,000. But you have space
8 reserved for the high end and what, will it become
9 office if -- or do you know what it will become if
10 you don't lease it out as retail? Or --

11 MS. GOURDINE: Office, if we can't lease it
12 to any retail tenants.

13 MR. MILLER: Okay. Have you already been in
14 any discussions with some potential retailers and
15 have some ideas of what's going to be there?

16 MR. ALLAN: There have been some very
17 preliminary leasing discussions with the Douglas
18 team, and the team seems to be finding interest
19 within the retail industry. However, there have been
20 no specific motions or actions.

21 MR. MILLER: You think it would be multiple
22 tenants or single retail tenant; multiple retail
23 tenants. Okay.

24 Well, that will certainly enliven that whole
25 block and area.

1 On the housing linkage, I think that's an
2 important component of the project. I mean, you're
3 gaining 90,000 square feet in -- or approximately
4 90,000 square feet in additional square footage, and
5 2.7 additional FAR. But the linkage that you're
6 providing, the housing, the -- is this joint venture
7 that Douglas Development has with St. Martin's
8 Apartments and Catholic Charity, it's already
9 constructed and 47,000 square feet of that
10 development will be -- is being credited, so to
11 speak --

12 MR. HUGHES: Correct.

13 MR. MILLER: -- to the housing linkage
14 requirement for this project.

15 MR. HUGHES: Correct.

16 MR. MILLER: And I think it's commendable
17 that that that project in Ward 5, St. Martin's
18 Apartments, is all at -- I think all, or correct me
19 if I'm wrong, all at either -- mostly at 60 percent
20 AMI with some at 30 percent AMI as well.

21 MR. HUGHES: I believe it's 128 units at
22 maximum 60 percent and then 50 units at maximum 30
23 percent.

24 MR. MILLER: And the 47,000 square feet that
25 you're attributing to this, of the housing that

1 you're attributing to this project's linkage
2 requirement, do we know what the spread is between
3 the 60 and 30 AMI, or it's just --

4 MR. HUGHES: No, it was just all part of a
5 joint venture for the project. So, it's --

6 MR. MILLER: And I didn't really have a
7 chance to look at your Exhibit H, that I think
8 details some of the housing. But is there a
9 financial value that's attached to the 47,000 square
10 feet portion that you can share with us at some
11 point?

12 MR. HUGHES: I can try. It doesn't really --
13 there was a -- as part of the joint venture there was
14 a financial contribution --

15 MR. MILLER: Right.

16 MR. HUGHES: -- so I can provide that to the
17 record.

18 MR. MILLER: I just think it would be helpful
19 for the case.

20 MR. HUGHES: Sure. Sure. It was --

21 MR. MILLER: For the zoning order.

22 MR. HUGHES: It was, the joint venture is an
23 attachment to that.

24 MR. MILLER: Okay.

25 MR. HUGHES: And it sets forth the amount of

1 the contribution, which I think was about \$2.3
2 million.

3 MR. MILLER: That's the total amount or
4 that's -- that's the total amount.

5 MR. HUGHES: That was the total amount for
6 the joint venture, yes.

7 MR. MILLER: So, you could provide, if you're
8 able to, what portion of that is attributable to the
9 47,000 square feet that's being credited for this
10 project's linkage requirement.

11 I thank you for your presentation and that's
12 all I have, Mr. Chair.

13 CHAIRMAN HOOD: Okay. Okay, let's talk about
14 the vines. I know that everybody has been
15 complimenting the vines, and I'm just curious, why
16 did we even put the vines? I mean, I think the
17 building, I like the architecture, I like the break
18 up, and then go to the Vice Chair comments. I think
19 the break up and the indention and everything, I
20 think that kind of makes the building look small and
21 I really like the design. I liked everything until I
22 go to the vines.

23 And I'm sure I'm going to get in trouble by
24 the green folks, but I'm just curious, why did we put
25 the vines in there, on this building?

1 MR. ALLAN: So, from a design standpoint,
2 what the vines did is break down that scale by
3 dividing a fundamentally an all glass building into
4 constituent shell parts. So, part of the reason why
5 the building looks smaller is because it has these
6 large openings. We could have left the opening as an
7 all glass element in its own right. However, there
8 was a development intent that this building wanted to
9 be expressive of something other than an all glass
10 office building. And it wanted to be expressive of
11 the connection of the nature and -- to nature and
12 landscape, and that being able to create a dappled
13 light experience when you're up in the building, the
14 same way you would if you're down on the second floor
15 and you're sitting underneath a tree, was something
16 that resonated with potential tenants and created an
17 expression that we thought was appropriate for this
18 really very prominent site.

19 CHAIRMAN HOOD: And it will stay trimmed,
20 just like it is on this photograph? Trimmed, neatly
21 cut?

22 MR. ALLAN: That's the intent. I don't think
23 the tenants would appreciate not being able to see
24 out the windows.

25 CHAIRMAN HOOD: Yeah, I understand what's

1 going on the roof. I think the roof is fine.

2 Let's talk about, Ms. Gourdine, I think you
3 have been around enough, I know Douglas Development
4 has been around enough to know, and I'm going to ask
5 you this question, and don't look back at Mr.
6 Millstein because -- I hear a lot about bicycle
7 parking. And you all have enough buildings. What is
8 the capacity and the usage to all this bicycle
9 parking to your experience?

10 I mean, give me your honest answer. This is
11 between me and you because the reason I want to know,
12 everybody is going to come down and say, oh yes,
13 working -- but what's really going on out there with
14 the bicycle parking?

15 MS. GOURDINE: From other projects that I've
16 worked on a lot of the tenants use the bicycle
17 parking and prefer to have their bike in a secure
18 place. Especially in more modernized buildings.
19 They want to be able to, instead of bringing their
20 bike up the elevator and shove it in their office,
21 they have a place where they can put it and not worry
22 about it.

23 And given where the building is, we do see a
24 lot more bicycle activity in and around that area,
25 and we do think that it's very useful. And there are

1 people that bike to work. Office, lawyers that I
2 know of that work for Holland and Knight, retail
3 tenants, people who go visit the retail. You'd be
4 surprised how many people ride their bike every day.
5 I do not have a bike, but I've been looking in to it.
6 But I do think it is an amenity and it is very
7 important because a lot more people, given what's
8 happening with transportation around the area, and
9 traffic, and construction, a lot more people are
10 finding it more useful to bike versus drive or take a
11 bus.

12 CHAIRMAN HOOD: In your professional opinion,
13 and I'm not saying you're a professional on bicycle
14 riding, but do you see more older people riding
15 bikes, or middle age, or younger people? To your
16 facilities you all --

17 MS. GOURDINE: I've seen all walks of life
18 ride a bike. So, I've seen people in their 60s and
19 70s, people in their 20s, it's a wide variety. But
20 again, I think people are seeing the health benefit,
21 not having to sit in traffic forever, especially in
22 this area. There is a movement for more bicycle use.

23 CHAIRMAN HOOD: Okay. Thank you. And I want
24 to also comment the applicant on working with the ANC
25 and their four or five points, or whatever that was

1 that they had. I did notice all those were agreed
2 to.

3 All right. That's all I really had. I think
4 is pretty straight forward, and I do like the
5 architecture. Okay.

6 Any other questions or comments up here? All
7 right.

8 ANC, which ANC is this? It's two ANCs,
9 right?

10 MR. HUGHES: We're within 6E and we abut 6C.

11 CHAIRMAN HOOD: Okay. Well, let's just do
12 this. I think under our new rules, both them, right.
13 Is there anyone here from either 6E or 6C who would
14 like to cross? Okay.

15 Let me ask you this, is there anyone here who
16 was in opposition to this case?

17 CHAIRMAN HOOD: Okay. All right. Let's go
18 to the Office of Planning and the District Department
19 of Transportation.

20 MR. GOLDEN: Good evening, Commissioners.
21 Bryan Golden with the Office of Planning. We're
22 satisfied that the applicant has addressed the
23 remaining issues previously raised at set down. The
24 Office of Planning is in agreement with the
25 applicant's response in regards to the clarification

1 of the court niches.

2 And Office of Planning concludes that the
3 requested modification to the existing PUD is not
4 inconsistent with the Comprehensive Plan.

5 We stand on the record of our report and
6 recommend approval. We're here to answer any
7 questions.

8 CHAIRMAN HOOD: All right. Thank you. Ms.
9 Israel?

10 MS. ISRAEL: Thank you, Chairman. Evelyn
11 Israel for the record from DDOT. Similarly, we thank
12 the applicant for making the concessions as far as
13 the conditions that we outlined in our report, and we
14 rest on the record. If you have any questions, I'm
15 here to answer them.

16 CHAIRMAN HOOD: You both. Let's see if we
17 have any questions or comments. Commissioner
18 Shapiro.

19 MR. SHAPIRO: I was just going to pick up on
20 the conversation, on the questions that we had about
21 signage and what your view is of whether they have
22 provided enough detail in terms of their signage
23 plan.

24 MS. ISRAEL: Commissioner Shapiro, we usually
25 don't see much more detail than this at this stage,

1 because they have no tenants so they don't know the
2 name, they don't know the size or the logo or the
3 colors that would be proposed. So, we don't
4 typically see much more detail than this. The
5 Commission, however, has often put more detail
6 conditions in the order about the size and banding as
7 you heard through the discussion.

8 CHAIRMAN HOOD: Okay. Any other comments or
9 questions? Commissioner May?

10 MR. MAY: Yeah, the two issues that came up
11 from the report, the housing linkage, and the court
12 relief. Are you satisfied that that information has
13 been provided?

14 MR. GOLDEN: Yes, we are -- excuse me, we are
15 satisfied with their response, and that the
16 information has been provided accordingly.

17 MS. STEINGASSER: And regarding the housing
18 linkage, because the housing linkage ties to a
19 project that's already been complete, and the
20 certification from -- excuse me, 2011, and the use of
21 the word intends to allocate, we felt like a little
22 bit more commitment was necessary and whether that's
23 addressed through the order, or through additional
24 information provided by the applicant into the case
25 file, that's what we were asking for.

1 MR. MAY: But the applicant has agreed, I'm
2 seeing lots of nods of heads, so, but from behind
3 counsel. You have a cheering section behind you.

4 So yeah, I assume that what they're
5 requesting be in the order is what you're going to
6 submit.

7 MR. HUGHES: That's sure. Yes.

8 MR. MAY: Okay. Thank you.

9 CHAIRMAN HOOD: Any other questions or
10 comments of either office? Okay.

11 Let's go to the ANC. All right. Mr. Hughes,
12 can you help me find, what is it -- is it 5E? No,
13 6E.

14 MR. HUGHES: 6E and 6C.

15 CHAIRMAN HOOD: Yes, I know where 6C's letter
16 is. I just can't --

17 MR. HUGHES: Are you looking for their
18 letter, Commissioner, Chairman?

19 CHAIRMAN HOOD: Yeah, which exhibit it is.

20 MR. HUGHES: It's in our -- we submitted --

21 CHAIRMAN HOOD: 6E didn't submit --

22 MR. HUGHES: We submitted it as part of --
23 excuse me. As part of our prehearing statement.

24 CHAIRMAN HOOD: So, it's in your package?

25 MR. HUGHES: On September 12th. Would you

1 like the exhibit?

2 CHAIRMAN HOOD: Could you just tell me what
3 the vote was?

4 MR. HUGHES: Oh, certainly. Seven in favor,
5 zero opposed, and zero abstentions to support the
6 application.

7 CHAIRMAN HOOD: Okay. And who's the
8 chairperson?

9 MR. HUGHES: It is Marge, Marge Maceda.

10 CHAIRMAN HOOD: Okay. All right. 6C is --
11 okay, let me just talk about 6C. Thank you.

12 If we already have it, don't worry about it.
13 I just wanted to talk about it.

14 Okay. Also, we talked a little bit about 6C.
15 They have voted in support. They had four requests
16 for change of improvements. The applicant has agreed
17 to all four of them, and their vote was unanimous,
18 six, zero, and the chairperson is Ms. Karen Wirt.
19 So, that's 6C.

20 And do we have any other government agencies,
21 other than DDOT? We've already did that, and Office
22 of Planning. Any other agencies? Not seeing any, do
23 we have any -- I mean, organizations and persons who
24 are here to testify in support. Do you want to come
25 forward at this time?

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1 Any organizations and persons who want to
2 testify in opposition? Okay.

3 Mr. Hughes, I'm sure you don't have any
4 rebuttal, but you have any closing? Or, do you have
5 any rebuttal? I shouldn't say --

6 MR. HUGHES: I don't have any rebuttal, Mr.
7 Chairman. Just a clarification. And we do -- I say
8 we, a number of us on behalf of the applicant believe
9 these indentations satisfy the definition of court
10 niche. But it's not clear given the unusual
11 nonrectilinear nature and locations of these, where
12 these indentations start and sort of step back.

13 So, we're just, out of an abundance of
14 caution, would ask if the Commission disagrees with
15 that approach that the Commission would include that
16 flexibility and the approval, just if we have an
17 issue with DCRA.

18 MR. MAY: So, it would include the
19 flexibility to grant court relief?

20 MR. HUGHES: If the Commission believes those
21 to be courts, then we would ask for the necessary
22 relief for those; for the flexibility for those.

23 MR. MAY: Okay. So, do we have documentation
24 that -- I mean, these are complex courts to have to
25 document. Then you have to do one of those analysis

1 of like all the steps up and all that sort of stuff
2 and show us where you comply and where you don't.

3 And I don't recall you submitting that. Did you?

4 MR. HUGHES: Because we believe --

5 MR. MAY: That they're court niche.

6 MR. HUGHES: -- that they're court niches.

7 MR. MAY: But, so if we're going to grant
8 relief on it, we'd have to know what the relief is.
9 Right? I mean, you'd have to do the diagrams for us
10 to look at it and say, yes, we agree to grant that
11 relief.

12 MR. HUGHES: Well, the courts -- I'll let Mr.
13 Glasgow weigh in on that if --

14 CHAIRMAN HOOD: Which courts? Were you
15 talking about the court niche, or the courts?

16 MR. HUGHES: I'm thinking about the court
17 niches. Yes, sir.

18 CHAIRMAN HOOD: Oh, okay.

19 MR. GLASGOW: We believe that they are court
20 niches and meet the definition of a court niche. We
21 don't want to get hung up down at DCRA when we're
22 trying to pull a permit and someone down at the
23 zoning desk says, well, I think that they're a court.
24 They're not a court niche. And that's why we want to
25 have the -- that's why we want to have the

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1 confirmation that they are court niches.

2 Pull out the definition of court niche.

3 MR. MAY: So, you're not asking for
4 flexibility and relief from the court requirements.
5 You're looking for an affirmation on our part that
6 they are court niches.

7 MR. GLASGOW: Correct. The definition of a
8 court niche under ZR-58, it's in the definition
9 section there in 199. "Court Niche, an indentation
10 recessed or decorative architectural treatment of the
11 exterior wall of a building, not a court which opens
12 on to a street, yard, alley, or court."

13 And we believe that these are architectural
14 indentations.

15 MR. TURNBULL: Well, Mr. Glasgow, couldn't
16 you just -- couldn't we simply just write that in the
17 order?

18 MR. GLASGOW: Yes.

19 CHAIRMAN HOOD: And I think that's what
20 they're asking for.

21 MR. GLASGOW: That's what we're asking for.

22 MR. TURNBULL: Yeah, okay.

23 MR. HUGHES: I inarticulately asked that. So
24 yes, that's what we would like to do. That's what
25 we --

1 MR. TURNBULL: Yeah. If you just articulate
2 that it's a court niche in the order, I think that
3 would suffice.

4 MR. MAY: So, the hang up there is not a
5 court. So, is there any way in which this meets the
6 definition of a court?

7 MR. GLASGOW: It's almost like it's -- the
8 Zoning Administrator, whenever I meet with him with
9 respect to court niches, we sit down and look at it,
10 and does he think that it's an architectural
11 indentation or not? That's really -- and then there
12 were some dimensional requirements with respect to --
13 none of which apply here because of how they open out
14 to the streets. It's, they didn't want to have a
15 situation with an architectural court niche where its
16 depth is a very deep, very narrow space where trash
17 and rodents and all of that can accumulate.

18 MR. MAY: Uh-huh.

19 MR. GLASGOW: So, that's why we're asking for
20 the affirmation as Commissioner Turnbull was saying,
21 that yes, these are architectural court niches and
22 then we'd move on.

23 MR. MAY: So, if they weren't crinkles they
24 would be courts?

25 MR. GLASGOW: Yes. I think that I had --

1 MR. MAY: Just straight up, you know --

2 MR. GLASGOW: That's right. Well, you could
3 take this same space and make it a rectangle --

4 MR. MAY: Right.

5 MR. GLASGOW: -- and meet all the
6 requirements, because they'd all be open courts, they
7 would be measured along the -- when you measure an
8 open court it's parallel to the opening on to the
9 street or alley, and these courts are, you know, 50,
10 60 feet wide, some of them.

11 MR. MAY: Uh-huh.

12 MR. GLASGOW: And because they are
13 irregularly shaped, the issue could be, well, if you
14 have an irregularly shaped court you have to inscribe
15 the circle and the circles don't inscribe well on
16 these because of the angles that they're cut out and
17 how they interface with the street.

18 That's why we're doing that for an example.

19 MR. MAY: Right. Yeah, I have --

20 MR. GLASGOW: Like on this side.

21 MR. MAY: Uh-huh.

22 MR. GLASGOW: If you were to inscribe the
23 minimum dimension it probably doesn't work. If you
24 made that a rectangle, it would work, and we think
25 that it's an architectural indentation.

1 MR. MAY: Right. Okay.

2 CHAIRMAN HOOD: All right. Any other
3 questions or comments? Vice Chair?

4 MR. MILLER: I just meant to commend the
5 applicant on the LEED Gold commitment for this
6 modernization.

7 MR. HUGHES: And in terms of our closing
8 statement, Mr. Chairman, thank you for your time and
9 we look forward to -- we know we have a few items to
10 address and we'll certainly supplement the record and
11 we look forward to favorable decision by the
12 Commission.

13 CHAIRMAN HOOD: Do you have a few items to
14 address?

15 MR. HUGHES: Well, I thought we just needed
16 to provide some things for Mr. Turnbull in terms of
17 the signage.

18 MR. MAY: And --

19 MR. HUGHES: And the housing linkage, but
20 that could be addressed in the order.

21 MR. TURNBULL: Yeah, I just asked them to
22 take a look at the signage meeting with the
23 architecture, look at the spandrel relationship, the
24 height of the signs.

25 CHAIRMAN HOOD: Right.

1 MR. TURNBULL: Make it be more integrated
2 with the overall aspect of what you're actually
3 looking at the building.

4 CHAIRMAN HOOD: Okay.

5 MR. MILLER: And I agree that the housing
6 linkage information I asked for could be part of a
7 draft order.

8 CHAIRMAN HOOD: Draft order. Okay. But, Mr.
9 Turnbull's -- because this is a one-vote case so --

10 MS. SCHELLIN: No, it is not.

11 CHAIRMAN HOOD: It's not? It's two? I don't
12 know how many votes we take no more.

13 MR. HUGHES: And, Mr. Chair, we need to
14 provide Commissioner Shapiro the information on the
15 public art examples.

16 CHAIRMAN HOOD: Okay.

17 MR. HUGHES: But we would appreciate it if
18 the Commission would consider proposed action.

19 MR. TURNBULL: Yeah, well, we could take
20 proposed action tonight.

21 CHAIRMAN HOOD: Okay. Are we sure we can do
22 proposed in this one?

23 MS. SCHELLIN: Yes.

24 CHAIRMAN HOOD: I'm still learning the new
25 rules.

1 MS. SCHELLIN: This one has a related map
2 amendment with --

3 CHAIRMAN HOOD: Oh, okay. So, this has a map
4 amendment. All right.

5 MR. MAY: So, Mr. Chairman, I did have some
6 things on signage, and then there was one thing on
7 the bike access, right? So, those would be submitted
8 to you --

9 CHAIRMAN HOOD: Okay.

10 MR. MAY: -- before final.

11 CHAIRMAN HOOD: I would suggest that we move
12 forward with proposed, since we can do proposed and
13 all those things I think would come in for -- I'm not
14 going to say which case that was that -- well,
15 anyway. Let me not go back to that.

16 Commissioner Shapiro?

17 MR. SHAPIRO: Thank you, Mr. Chair. I'm
18 just, I'm confused, actually, about exactly what
19 you're asking for us to do in terms of the court
20 niche.

21 MR. HUGHES: Just for full disclosure, it
22 would be in a proposed order that we would submit
23 with the post-hearing materials and it would address
24 the item that the Commission recognizes it as a court
25 niche; these are as court niches.

1 CHAIRMAN HOOD: And basically giving you the
2 backup documentation that we agree with you so that
3 when you go down in front of the ZA you don't have to
4 worry about his interpretation because you have ours.
5 Okay. That's kind of where we are and I agree with
6 that.

7 MR. TURNBULL: Yeah, I think if the ZA is
8 looking at the order and he reads that the Commission
9 has agreed that it's a niche he doesn't have to --
10 the applicant does not then have to come back. He
11 can't recommend that they have to get relief from the
12 Zoning Commission because we've already given our
13 approval that it's a court niche.

14 CHAIRMAN HOOD: Okay.

15 MR. MAY: I think that whatever you submit,
16 you have to give a fairly detailed rationale because
17 we don't want this to be, you know --

18 MR. HUGHES: Understood.

19 MR. MAY: -- so broad that other less
20 sophisticated designs try to drive through that
21 loophole.

22 CHAIRMAN HOOD: Okay. Anything else? All
23 right.

24 I'm going to move that we -- any other
25 comments or questions? Okay.

1 I'm going to move that we take proposed
2 action on this case. Zoning Commission Case No. 80-
3 07A, Dark Vader -- Darth Vader, LLC., and ask for a
4 second.

5 MR. MILLER: Second.

6 CHAIRMAN HOOD: Also, with the requested
7 information that's been asked for and the
8 documentation which has been asked for from the
9 Commission, and that we take proposed action, it's
10 been moved and properly seconded. Any further
11 comments?

12 [Vote taken.]

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

15 MS. SCHELLIN: Yes. Staff records the vote
16 five, to zero, to zero to approve proposed action in
17 Zoning Commission Case No. 80-07A, Commissioner Hood
18 moving, Commissioner Miller seconding, Commissioners
19 Turnbull, Shapiro, and May in support. And if we
20 could get those items in two weeks? Is that enough
21 time?

22 MR. HUGHES: That's -- two weeks. Yes.

23 MS. SCHELLIN: How about with the holidays,
24 how about if we could get them, because final won't
25 come up until the 30th of January. How about if we

1 could get them by the 10th, January 10th? Does that
2 help?

3 MR. HUGHES: Thank you.

4 MS. SCHELLIN: Okay. So, January 10th, 3:00
5 p.m. And then if the ANCs want to respond they would
6 have until January 17th, and we need draft findings
7 of facts, conclusions of law also by January 17th,
8 3:00 p.m. And then we'll take it, or the Commission
9 will take it up January 30th, 6:30 p.m.

10 CHAIRMAN HOOD: All right. We all on the
11 same page? Do we have anything else?

12 MS. SCHELLIN: No, sir.

13 CHAIRMAN HOOD: Okay. I want to wish
14 everyone a happy holiday, and with that this hearing
15 is adjourned.

16 MR. HUGHES: Thank you.

17 MS. SCHELLIN: Yes, I need your tablets. Mr.
18 Hughes, you also know to do the proffers and
19 conditions you have to do that?

20 [Whereupon, the Hearing concluded at 7:56
21 p.m.]

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24

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