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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 10-21A [V Street Southwest, LLC -
Modification of Significance of Capitol Gateway
Approval at Square 667S, Lots 4-6 and 804]

6:32 p.m. to 8:05 p.m.
Monday, February 6, 2017

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 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 MATT JESICK

13 JOEL LAWSON

14

15 Department of Transportation:

16 JONATHAN ROGERS

17

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P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: Okay. Good evening,
3 ladies and gentlemen. This is a public hearing of
4 the Zoning Commission for the District of Columbia.
5 Today's date is February 6th, 2017. The time now is
6 about 6:32 p.m. We're located in the Jerrily R.
7 Kress Memorial Hearing Room.

8 My name is Anthony Hood. Joining me this
9 evening are Vice Chair Miller, Commissioner Shapiro,
10 Commissioner May, and Commissioner Turnbull. We're
11 also joined by the Office of Zoning staff, Ms. Sharon
12 Schellin, as well as the Office of Planning staff,
13 Mr. Lawson and Mr. Jesick, District Department of
14 Transportation, Mr. Rogers.

15 This proceeding is being recorded by a court
16 reporter and is also webcast live. Accordingly, we
17 must ask you to refrain from any disruptive noises or
18 actions in the hearing room, including the display of
19 any signs or objects.

20 Notice of today's hearing was published in
21 the D.C. Register, and copies of that announcement
22 are available to my left on the wall near the door.
23 The hearing will be conducted in accordance with
24 provisions of 11-Z DCMR, Chapter 4, as follows.
25 Preliminary matters, applicant's case, report of the

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

5 The following time constraints will be
6 maintained in this meeting. The applicant has up to
7 60 minutes. I see they have 20 minutes but I'm not
8 sure we need that much time due to the succinctness
9 of this case, being a modification. I would just ask
10 that you hit the highlights, and then let's keep it
11 moving so we can govern ourselves accordingly in
12 sufficient time. Organizations, five minutes.
13 Individuals, three minutes.

14 All persons appearing before -- wishing to
15 testify before the Commission in this evening's
16 hearing are asked to register to my left at the kiosk
17 located on the wall. If you need assistance with
18 that you can see Ms. Schellin.

19 The staff will be available throughout the
20 hearing to discuss procedural questions. Please turn
21 off all electronic devices at this time so not to
22 disrupt these proceedings. Would all individuals
23 wishing to testify please rise to take the oath?

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

1 MS. SCHELLIN: Please raise your right hand.

2 [Oath administered to the participants.]

3 MS. SCHELLIN: I'm sorry, Mr. Moffatt, you
4 need to -- yes. Okay. Thank you.

5 CHAIRPERSON HOOD: Okay. Do we have any
6 preliminary matters, Ms. Schellin?

7 MS. SCHELLIN: The one expert, Eric Colbert,
8 has already been previously approved. We'd just ask
9 the Commission to accept him in this case.

10 CHAIRPERSON HOOD: Okay. I don't think we
11 have any issues. Commissioner May.

12 MR. MAY: Yeah, okay. So, I want to raise an
13 issue and I'm surprised this -- you know, I even have
14 to say this, but the resume that we have on the
15 record for this case is not what we would normally
16 have. And I would like the, depending on how things
17 go tonight, I would like the record to be
18 supplemented with an actual resume that says
19 something about the work that he's done.

20 I know Mr. Colbert is qualified as an expert.
21 That's not really the question. It's just that, you
22 know, every one of these records stands on its own.
23 They don't go back and check who was in the book,
24 right. And what we have in there is like a, you
25 know, two paragraphs that are just the most generic

1 description. And, you know, that's not the standard
2 that we go by. So, I would like that to be
3 supplemented. So, I have no problem with qualifying
4 him as an expert, but I would like the record to be
5 correct.

6 CHAIRPERSON HOOD: Okay. Ms. Giordano, you
7 will take care of that and make sure that the record
8 is supplemented?

9 MS. GIORDANO: I will.

10 CHAIRPERSON HOOD: Okay. Anything else?
11 Okay. We have anything else, Ms. Schellin?

12 MS. SCHELLIN: No.

13 CHAIRPERSON HOOD: Okay, then we can proceed.

14 MS. SCHELLIN: Oh, I'm sorry. Yes, we do.

15 The applicant submitted some plans and I
16 believe it was just to respond to some OP -- making
17 some corrections or refinements, rather, to the
18 plans, less than 20 days prior to the hearing. So,
19 we'd just ask the Commission to waive the submission
20 less than 20 days prior to the hearing.

21 CHAIRPERSON HOOD: Any objections? Okay.
22 So, we will accept them. Anything else, Ms.
23 Schellin?

24 MS. SCHELLIN: No, sir.

25 CHAIRPERSON HOOD: Okay. Ms. Giordano, you

1 may begin.

2 MS. GIORDANO: Yes. I'm going to ask
3 everybody to introduce themselves. My name is
4 Cynthia Giordano with Saul Ewing Law Firm,
5 representing the applicant.

6 MR. ZAYETS: Good evening, Jerry Zayets,
7 Capitol City Real Estate, representing the owner.

8 MR. COLBERT: Eric Colbert, with Eric Colbert
9 and Associates Architects.

10 MR. GRANT: Aubrey Grant with Eric Colbert
11 and Associates.

12 MS. GIORDANO: So, we will briefly ask the
13 applicant to make a statement. He's going to trim it
14 down to what he had, from what he had really
15 prepared, and then go right to Mr. Colbert with the
16 architectural presentation.

17 MR. ZAYETS: Thank you. So, in short and
18 brief, we acquired the property in 2015 from a
19 previous approvals with the Capitol Gateway Overlay.
20 There were a couple things that we liked about the
21 project and there was one little aspect that we had
22 some issues with from a marketability standpoint, was
23 the shape of the building and the outcome of how to
24 market units that are radial in shape and sort of
25 pinch at certain points.

1 So, what we asked Eric Colbert was to amend
2 the drawings and square off the units, increase the
3 views a bit, open up towards the water, and modernize
4 some of the colors and skin. The directive was not
5 to change any bulk, parking, density, mass, height,
6 of any kind. It was just simply to modernize the
7 design and bring it to a more marketable standard.

8 We're primarily a condo builder, so from our
9 point of view we look at it from a home buying
10 perspective and how we sell it to our residents. So,
11 with that I'll like to transfer to Eric Colbert to
12 just talk more about the changes.

13 MR. COLBERT: Thank you. Good evening, Mr.
14 Chairman and members of the Commission.

15 First of all, I'd like to go to an exhibit
16 that shows the two different floorplans. Could we
17 look at that?

18 And so, I think one of the biggest issues
19 tonight in terms of giving overview is why we felt it
20 was necessary to make the change in the shape of the
21 building. And one thing I'd like to point out is
22 that I worked for many, many months with Jerry and
23 his group and his marketing people to try to
24 accommodate the original plan which is shown here,
25 that had the curved section facing the water. But

1 the more we worked on it the more it seemed like
2 there were just inherent problems with the plan that
3 were difficult to resolve.

4 And as you can see here, you get these living
5 and dining areas, but it's a very awkwardly shaped
6 space. And then as you get closer to the core of the
7 building it kind of narrows down into this area where
8 you just get so many things that you're trying to,
9 you know, accommodate in that very restricted area.

10 The other problem -- first of all I'd like to
11 point out that the original client that we had was
12 not a residential developer, so he didn't really --
13 his program wasn't really based on a lot of
14 experience. And so, we were ending up with something
15 that the current market doesn't really find, like a
16 viable product.

17 Another aspect of this plan is, this is the
18 location of the elevator core, and as you could
19 guess, the really, the best views are the ones that
20 are facing the water, you know, going around this way
21 on the site. And unfortunately, with the core in
22 this location you end up with a lot of deep units
23 facing north, which is an area that's going to be,
24 you know, increasingly under construction in the near
25 future for a long time to come. There's a lot of

1 disruption. Plus, it doesn't have the nice water
2 views.

3 So, one thing we did was to move the core
4 back, and also -- but in doing that, if we had kept
5 the rounded shape, the pie shape would even get
6 narrower so that by the time you got to the middle of
7 the building you'd end up with these spaces that were
8 really not usable for anything.

9 The other thing is that the marketing people
10 just kept forcing the point that they really felt
11 extremely uncomfortable about, you know, having the
12 shapes or rooms that we end up with, given the half
13 radius plan.

14 There is a building in Chicago that we were
15 looking at, Marina Towers. It's 50 stories tall. It
16 actually has a much bigger core because of the height
17 of the building and the number of elevators that they
18 have. And the proportions of the units are much
19 larger.

20 And so, when we actually tried to take my
21 client's program and place it on this, it just became
22 an untenable arrangement. So, we ended up terracing
23 the building back so that, as Jerry was saying, we
24 didn't ask to add any gross square footage to the
25 building, or FAR, or lot occupancy. Those issues are

1 all the same. We just squared it off so that we
2 could develop rooms that were really functional.

3 So, these are drawings of the previous scheme
4 on the top, and then the current design that we have
5 going forward. I think that what we've done here is
6 actually -- it's a lot more straightforward building.
7 I think before, I'm not, you know, saying that it
8 wasn't you know, you know, the beginning of a nice
9 design, but there were a lot of different materials,
10 probably a little bit more than really was necessary
11 for, you know, a good design.

12 And so, we've simplified it but we still have
13 a wide range of different things that we're adding
14 some very high-end materials, and we think that the
15 new design will be very well received and, you know,
16 create a handsome outcome.

17 One thing we've done here is, you'll see in
18 some of the other renderings where we have these
19 concave shapes of the precast panels. And then, as a
20 counter point to that, the window mullions bow out so
21 that it really gives you the feeling of waves and
22 water. I'm a big kayaker. I'm on the Potomac River
23 like three times a week, and I really appreciate the
24 proximity to the water and so we tried to capture, in
25 an abstract way, some of that feeling.

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1 So, this is a diagram that we did showing
2 views. And so, what this pink area indicates is that
3 this is our property line and we, you know, as a
4 matter of right, we could build right up to the
5 property line. And someone standing on 1st Street,
6 on the sidewalk here, looking down toward the water,
7 the bigger cone here is the view that was currently
8 allowed. However, if we had actually -- and the bay
9 itself does not restrict that at all.

10 And if we had actually built out to the
11 property line going on 1st Street, that in itself
12 would have made a significant reduction in the
13 visibility toward the water.

14 Why don't we look at the next one? These are
15 renderings of what I was just talking about where,
16 you see the building that's on the west side of 1st
17 Street, which creates a pretty significant wall, and
18 then you can see here, we've shown with the current
19 design, the view window that's available. And then
20 if we had built out to the property line, even
21 without the bays, the view would be much more
22 constricted.

23 So, we feel 100 percent confident that the
24 bays, the way they've been planned on the building,
25 are not impacting the visibility from that side

1 toward the water. As a matter of fact, once you get
2 far enough back for the bay to even come into view,
3 you actually can't even see the water from that
4 point.

5 This is another view coming down Water Street
6 toward Half Street. And here again, both of these
7 view cones show what your visibility would be and
8 where they intersect the building, the bay is
9 actually on this corner, it doesn't even hit the bay.
10 So really, I mean, from here you have, you know, 180-
11 degree view. But if you're looking -- if you're
12 coming south this is what you would be seeing and our
13 bays do not project in a way that would obstruct that
14 at all.

15 This is a picture of the roadway that is
16 where you would be looking at the view that I just
17 showed on the plan.

18 This is our parking garage. We are asking
19 for a vault in public space, but we've been working
20 with the department of Transportation to come up with
21 a plan that is acceptable to them, hopefully.

22 We can go to the next one. Why don't we go
23 to the typical floorplans?

24 So, this is -- I just wanted to show you this
25 for a minute because this shows our -- the bay

1 projection that we're asking for on the northeast
2 corner. And again, this was essentially virtually
3 the same as what was originally approved and we have
4 done the calculations. Generally speaking, you're
5 allowed to have about 50 percent of the façade
6 frontage and bays, and we're well within that
7 restriction required by the building department.

8 But one of the things that this is one of the
9 most difficultly shaped sites that I've worked with,
10 and part of the big difficulty is that in the eastern
11 half of the site we can only get a single loaded
12 corridor and so it really reduces our efficiency,
13 extremely.

14 And in laying out this apartment on the end
15 it really makes an enormous difference to have these
16 projections in order to be able to have reasonably
17 sized living bedrooms in that location.

18 Again, here, our small projection on that
19 side, it doesn't make a big difference in terms of
20 the way the building is from the outside. But in
21 terms of the unit layout it really is an enormous
22 benefit to us that it's difficult to explain how
23 important that is.

24 This is a view of the greenscape on our roof.
25 But I think those are the main exhibits that I wanted

1 to talk about today. And we can go to the
2 renderings. Here, you can see that, as I was
3 mentioning before, we have these concave elements in
4 precast, and then we've taken the opposite approach
5 with the bowing out effect on the window, decorative
6 additional metal that we're adding there, and using
7 the same type of decorative element on the sea wall
8 so we have facing, what will hopefully in the future
9 be a nice park where the marina was that's since been
10 shut down.

11 I'd also like to point out here, this is 1st
12 Street. And you can see the PEPCO plant in the
13 background. And then we have, this is the sea wall.
14 We have the entrance to our parking garage in this
15 location, and we're going to have a gate here that
16 lifts automatically, doesn't require any electricity
17 if there is a flood. So, it will activate and
18 protect the garage.

19 One thing that did happen between the initial
20 approval and our current design is that the
21 Department of the Environment asked us to raise the
22 building, which we have done, to accommodate the 500-
23 year floodplain, whereas initially we were only
24 looking at a floodplain for a year that was less than
25 half of that. So, the building does extend up out of

1 the ground a little bit more than what was originally
2 planned.

3 Again, here's the back of the building.
4 We're, you know, detailing it with lots of elegant
5 glass balconies, and then again you can see the sea
6 wall that we have -- that will, you know, signify the
7 bowing out that we have, and then the concave
8 elements in the precast.

9 So, yeah, these parts of the building have
10 precast that is concave, and then in contrast to that
11 the window mullions have these convex elements that
12 extend out and kind of give the opposite effect. And
13 that was what I was talking about earlier when I was
14 talking about, you know, kind of if you think of like
15 water and river rippling, it kind of tries to be an
16 abstract idea that picks up on that notion.

17 And this is another rendering that you would
18 see as you're coming down toward Half Street from the
19 north, looking south toward the river.

20 And here, you can see, this is a good
21 example. This is our bay projection, and you can see
22 that, you know, coming from this direction you see
23 the balconies. But even if this was pushed back,
24 back to the property line, it wouldn't obstruct the
25 view from that location any more than the current

1 building because of the way that the angles of the
2 building going toward the river.

3 And here's a rendering looking at it, down,
4 seeing the back of our project. This is the PEPCO
5 plant to the north of us. And then this is the other
6 development, the repositioning of the existing
7 building to the west of us.

8 And these are -- this is in your packet, but
9 it's identifying the different materials in the
10 project. And as I pointed out, this is a precast
11 material. Then we have the glass balconies, and then
12 metal panels, and the window millions will match the
13 metal panel color.

14 And so, this is a product, we're calling it a
15 fiber cement panel. But I've actually brought a
16 sample of that today. There was some -- a couple
17 people had questions about that. It's a product
18 called Equitone and it's actually more expensive than
19 using metal panels, but the decision to go in that
20 direction was exclusively an aesthetic decision, and
21 we feel that this a product that actually gives a lot
22 more depth than a flat metal panel and kind of gives
23 the feeling of running water.

24 So, this is -- we have brought the sample
25 panel in today. If you want, we can turn the lights

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1 on and the commissioners can look at that.

2 MS. GIORDANO: That completes our direct and
3 I'm sure, you know, if the Commission is interested
4 in additional information, obviously you'll ask for
5 it, and we can bring that materials board closer if
6 the Commission would like.

7 CHAIRPERSON HOOD: Where is the material --
8 where it is at now?

9 MS. GIORDANO: Right here.

10 CHAIRPERSON HOOD: Yeah, you might want to
11 pass it up so that they can -- they like to touch it
12 and hold it. So, okay. Let's see if anybody want to
13 ask any questions, or comments.

14 I do have one question, I guess for you, Ms.
15 Giordano. While they're thinking about whatever they
16 want to ask. I notice in my readings that, I'm not
17 sure whether it was Commissioner Moffatt or Chairman
18 Litsky. I noticed some letters that were concerns of
19 what was transpiring in this development.

20 First of all, did you agree with everything
21 that the Office of Planning -- have you all, the
22 issues that Office of Planning raised, have you all
23 had conversations about those, or did you -- have
24 those been satisfied?

25 MS. GIORDANO: I think you'll have to ask

1 them. We did file a response to their report, which
2 was I think filed last week. And I don't think that
3 we've talked since then.

4 CHAIRPERSON HOOD: And I notice, in the
5 response from the ANC, some of the concerns that they
6 have. Have you all had a chance to speak on -- talk
7 to the ANC about those issues?

8 MS. GIORDANO: Yes, the applicant has spoken
9 directly with the ANC and he can address those issues
10 if you like.

11 CHAIRPERSON HOOD: I'm just curious, what was
12 the outcome?

13 MS. GIORDANO: Well, the ANC, they're here
14 and obviously, they will speak for themselves. But
15 there were certain things --

16 CHAIRPERSON HOOD: Ms. Giordano, let me tell
17 you, I'm asking this so I can get your side of the
18 story.

19 MS. GIORDANO: Right. I mean, I don't
20 think --

21 CHAIRPERSON HOOD: That's what I'm asking
22 for. I know they're here.

23 MS. GIORDANO: Right. All right.

24 CHAIRPERSON HOOD: And I know what's in the
25 record. I want to get your side.

1 MS. GIORDANO: I don't think we could satisfy
2 everything they wanted but we did our most to -- our
3 best to try. And I think that generally they are
4 supportive of the project.

5 CHAIRPERSON HOOD: With concerns.

6 MR. ZAYETS: Commissioner, may I comment for
7 the record?

8 CHAIRPERSON HOOD: Sure.

9 MR. ZAYETS: We met with the ANC, actually on
10 I believe three, maybe four occasions. A lot of the
11 concerns from the ANC came from a transit
12 perspective. One of the main concerns is, obviously,
13 6,000 units and how the transit is going to be
14 handled.

15 So, we've told the ANC, and since I actually
16 sit on the BID, that we're going to engage the BID
17 along with WMATA with the transit solutions, in terms
18 of bringing back a bus route, in terms of looking at
19 other methods of transit. And we've actually started
20 the dialog and cooperation with the other developers,
21 including Douglas Jamal, Ackridge, and everything
22 else.

23 Being a 100-unit site, there's only so much
24 pull we can have with a public agency such as WMATA.
25 But we have made commitments and we're holding true

1 on those commitments.

2 Second thing that they had concerns with was
3 dog waste and that we provide receptacles for the
4 collection of those dog waste facilities. Because I
5 believe Department of, I guess it's DP Public Works.

6 CHAIRPERSON HOOD: DPW.

7 MR. ZAYETS: They do not pick up dog waste,
8 so we've actually committed that we're going to put
9 our own receptacles in the building. We'll collect
10 that. So, that was another issue.

11 And then of course, they also wanted to see a
12 little bit more transit oriented items such as bikes
13 and things like that. So, we increased our bike
14 storage by about 10 units on the lowest floor, which
15 would be P-1, in response to the ANC. And those were
16 the main issues was transit, dog waste, and traffic.

17 CHAIRPERSON HOOD: Okay. And the reason I'm
18 asking is because the way I read the issues, they're
19 bigger and more germane than just this project. And
20 that's why I wanted to find out how you all --

21 MS. GIORDANO: That's absolutely correct.
22 Yeah.

23 CHAIRPERSON HOOD: All right. So, that's why
24 I was asking those questions.

25 MR. ZAYETS: But again, Commissioner, just as

1 I have on other projects before, I mean, we've
2 engaged with the ANC, the community, we've made
3 outreach. It's just, whether we, us alone can solve
4 them is probably not the answer. But nevertheless,
5 we could be one of the ones that channel in or at
6 least spearhead the conversation, just like I did
7 with the BID about initiating the conversation about
8 transit. So.

9 CHAIRPERSON HOOD: Okay.

10 MR. ZAYETS: Because we do feel that's
11 important to the success of Buzzard Point.

12 CHAIRPERSON HOOD: My memory is not that
13 short. I remember you from when I was on the BZA
14 case and we put a little pressure and you all worked
15 that out. So, I haven't forgot. I told you you was
16 going to see me again, and --

17 MR. ZAYETS: I like it here.

18 CHAIRPERSON HOOD: -- and you worked that
19 out. Okay.

20 MR. ZAYETS: I like it here.

21 CHAIRPERSON HOOD: All right. Let's see. I
22 guess my colleagues may be ready for some questions.
23 Maybe not have any. Okay. Does anybody? Okay, Vice
24 Chair Miller. Let's do something different tonight.

25 MR. MILLER: Thank you, Mr. Chairman. I

1 don't really have that many questions. And I think
2 that the -- I wasn't here for the original approval,
3 but I see the previous design and the current design
4 and I think it's a much more attractive design, and I
5 compliment you on that.

6 And I like the elements that you've
7 highlighted here in your presentation, the convex
8 aluminum fin and the concave architectural wall
9 panel. Have I got my convex and concave, right? I
10 think they are -- and then the colors, I think are
11 attractive and I can see how it's a more efficient
12 layout for the units as well.

13 I realize this is just design review, but I
14 do have some questions about the program. Have we
15 been provided a chart which shows the Inclusionary
16 Zoning units? If you could just direct me to that,
17 or maybe just summarize what the --

18 MR. ZAYETS: Absolutely. Aubrey, would you
19 go to the typical floorplan?

20 MR. MILLER: And what the AMI levels are and
21 how -- I think it was 6,400 square feet.

22 MR. ZAYETS: It's going to be based on the
23 gross square footage, so it's around 6,000 and
24 change. Were you able to go to the first floor?

25 So, a couple things with IZ, because this is

1 a new development, we are subject to IZ. So, that's
2 on a -- it's going to be based on the final
3 distribution. So, we're going to have some two-
4 bedrooms, we're going to have some one-bedrooms, and
5 that's based on our unit mix.

6 Can you identify the two IZ units that are on
7 this floor? So, those are the two bedrooms, and
8 they're distributed two units per floor on every
9 typical floorplate, so we are providing IZ, and they
10 are at 80 percent AMI.

11 Would you go to the next plate? So, in
12 essence, they are on the first floor, second floor,
13 third floor, and depending on the final density what
14 works out, there may be some on the fifth floor. But
15 some have north views and some have west waterly
16 views, so they are equally distributed amongst the
17 building. They're not concentrated on any given
18 floor, and so on. And they're representative of the
19 unit mix.

20 MR. MILLER: You have some habitable space in
21 the penthouse that --

22 MR. ZAYETS: Correct.

23 MR. MILLER: -- triggers a 50 percent AMI?

24 MR. ZAYETS: Correct. So, I'm actually not
25 100 percent sure how that's going to happen in terms

1 of the financials because I believe based on the
2 math, it's something like 300 square feet and we're
3 obviously not going to provide a 300 square foot
4 unit. So, I believe there's a financial offset that
5 we're going to have to make.

6 MS. GIORDANO: There is a provision that
7 allows for a contribution to the housing trust fund
8 in situations like that, where the size of the unit
9 would be less than the smallest unit in the building.

10 MR. MILLER: And is that something we have to
11 approve, or is that something that you --

12 MS. GIORDANO: No, it's a matter of right in
13 the Zoning Regulations.

14 MR. MILLER: And what does that calculation
15 come out to, estimated, or if you can provide that
16 for the record.

17 MS. GIORDANO: I don't have the -- I don't
18 think we've done the math on the formula, but it's
19 similar to the formula that's in the Comprehensive
20 Plan for housing trust fund contributions. We can
21 provide that.

22 MR. MILLER: Okay.

23 MS. GIORDANO: If you like.

24 MR. MILLER: Yeah, I think that would be --

25 MS. GIORDANO: Okay.

1 MR. MILLER: -- useful to have for the
2 record.

3 And DOEE had said -- encouraged in their
4 latest, I guess latest memorandum, or the memorandum
5 that I saw, that you try to go for LEED Gold. And I
6 guess they had some suggestions. Do you have any
7 comment on that?

8 MR. ZAYETS: Cynthia, if I may, actually.
9 So, there are two things that this site struggles
10 from. One being the fact that there actually is no
11 transit, so if you were to transplant this building,
12 let's say, to 14th Street or anywhere else, there's
13 automatic points.

14 There's a second component which actually
15 involves -- God, I hope I'm quoting this correctly,
16 something to do with accessibility to various
17 retailers or just various amenities in the
18 neighborhood, and we're not certain about whether we
19 will -- because we're the first ones in line, whether
20 they're going to be operational at the C of O time.
21 So, combined, that actually is adding up to about 10
22 to 12 points.

23 So, if we make a commitment to a Gold but we
24 miss those, we'll actually fall short and then we
25 won't be able to get our C of O. So, that's the risk

1 that we're looking at.

2 MR. MILLER: I think there was some reference
3 in -- I don't know if it was the -- I think it might
4 have been the ANC letter about a construction
5 management plan, and I think your letter in response
6 maybe said that you would be doing that. Is that
7 drafted yet, or have you reached any kind of
8 agreement with the ANC on that?

9 MS. GIORDANO: It has not been drafted yet.

10 MR. ZAYETS: But to another point that the
11 discussions we've had with Jonathan Rogers about this
12 over and over again is, I don't believe they'll
13 approve any trucking diagram without a comprehensive
14 construction management plan because we're going to
15 be breaking ground at the same times as the stadium
16 with an overlap on the ellipse. So, I don't think
17 DDOT will -- they can speak for themselves, but I
18 don't think they'll issue us any permits without a
19 comprehensive traffic plan. So, we'll let DDOT speak
20 on that.

21 MS. GIORDANO: And if I could just add, a lot
22 of the construction management plans I think that you
23 see are really derived from the fact that there is
24 existing residential near the site, and they deal
25 with things like truck operations, trash removal,

1 hours of construction hours, and we just don't have
2 that kind of situation here that would call for a
3 more detailed construction management plan.

4 MR. MILLER: Right. I realize you're
5 surrounded by industrial or vacant sites. But I
6 guess the trucks that have to get there may have to
7 go by the existing residential.

8 MS. GIORDANO: Right.

9 MR. MILLER: That is in the southwest, so I
10 think that's what the ANC was focusing on.

11 Well, I have no other questions at this time,
12 Mr. Chairman. Thank you for your presentation.

13 CHAIRPERSON HOOD: All right. Thank you.
14 Commissioner Shapiro.

15 MR. SHAPIRO: Thank you, Mr. Chair. I want
16 to continue on the discussion around the DOEE Report.
17 There were a number of items in the report that DOEE
18 was asking for, and I'd just like to have you go
19 through in a little bit more detail about, I want
20 some clarity in which ones you feel like you can do
21 and which you can't do. There were some, what seemed
22 to be fundamental changes around design and use of
23 the first floor, and other issues, so.

24 MR. ZAYETS: Okay. So, as far as the
25 specifics, if you guys want to talk about floodplain

1 matters, we have a consultant here that can actually
2 address the very much specifics, but I'll speak in
3 high level.

4 So, we acquired the site in 2015. Prior to
5 the purchase of that site, which was, we acquired in
6 December of 2015, we met with DOEE. It as a
7 gentleman that focused on environmental regulation,
8 and then there was a floodplain manager. The
9 specifics to this site was, can you develop in
10 floodplains, and the answer is you can if certain
11 parameters are met.

12 So, what we did was we put together a large
13 document which is submitted into the record, that
14 basically highlights the parameters and the criteria
15 that a building must meet. But the fundamental point
16 of all that is, in order to make a ruling, what it
17 complies or not, that's part of the building permit
18 application process. DOEE has, under their provision
19 of Title 20, Chapters 3,100, they have a whole
20 permitting process. And in order to do that you need
21 to do a full design. You've got to do structural
22 drawings. You need to put a certification of
23 everything else and submit that for permit, and only
24 at that point can you actually get a permit to
25 develop in a flood zone. So, that's what our

1 consultants have been telling us, and that's the path
2 that we've chose to go.

3 But we have met with DOEE actually prior to
4 the purchase of the property in the simple viability
5 of this, because our closing was contingent upon
6 that, and we were able to get over that hurdle during
7 that meeting. And that's the documents that were
8 uploaded into the record.

9 MR. COLBERT: And one thing I'd like to add
10 is that because of the floodplain requirement, it
11 puts our first floor about three and a half feet, or
12 three feet above the exterior grade on the north
13 side. And so, achieving any kind of handicap
14 accessibility to commercial uses would be virtually
15 impossible.

16 MR. ZAYETS: But we struggle with the height
17 because it disconnects the building from the rest of
18 the street, which is sort of counter-intuitive to
19 urban planning. The higher you go, the more
20 disconnected you become. So, you have to marry the
21 two, practically and pragmatically, obviously still
22 complying with the federal regulations, which is why
23 we raised the building up out of the flood zone by
24 six inches above and beyond the requirement. The
25 requirement is actually 12 feet, sea level, and this

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1 particular site, and we're at 12-feet, six, which is
2 demarked on the plans.

3 MR. COLBERT: And they were specific about
4 asking to change the use mix on the first floor.

5 MR. ZAYETS: This question might be better
6 asked -- I could have one of our consultants come by
7 and he can give you the whole definition. This is
8 sort of above and beyond in terms of the
9 technicality.

10 MR. SHAPIRO: But I think less the
11 technicalities and more the amount of retail that
12 beyond a residential. This goes to --

13 MS. GIORDANO: Right. I think, you know, the
14 bottom line is that we're comfortable with the mix
15 that we have, with the design that we have. And we
16 feel comfortable enough to come to the Zoning
17 Commission now and get a design approval. And if you
18 know, if there is any change that needs to be made,
19 obviously, we'll have to come back here. But we're
20 just not at the point that the applicant indicated is
21 necessary to, you know, generate the additional plans
22 and specifications that DOEE needs.

23 MR. SHAPIRO: Thank you. Thank you, Mr.
24 Chair.

25 CHAIRPERSON HOOD: All right. Commissioner

1 May.

2 MR. MAY: So, while we're on this topic, I
3 can understand how the -- you can't necessarily
4 resolve everything. You're going to have to go
5 through the permitting process and all that, and
6 there is some risk associated with that because you
7 said you might have to come back.

8 I would suggest, though, that if the first
9 floor of your building actually had more retail,
10 which would bolster the argument that it truly is
11 mixed-use and therefore qualifies under certain
12 floodplain regulations as mixed-use, that you could
13 come up with a better more accessible approach to the
14 building, because right now it's somewhat
15 constrained. You get that switchback ramp and the
16 stairs, and it doesn't feel really great.

17 So, this is just, I'm planting a seed for,
18 you know, if you wind up having to come back, you can
19 look more expansively at the retail and how you
20 approach the building and what the -- how the retail
21 faces on the street and how the building, the
22 apartment entrance faces on it. And you can
23 integrate the ramping in a manner that feels
24 integrated instead of just -- I mean, because
25 switchback ramps are how we retrofit historic

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1 buildings, because you know, there's really like no
2 other way to do it. And even then, when you try to
3 do it, you try to do it in a really graceful way and
4 it just doesn't feel that graceful yet.

5 So, but back to the overall design picture.
6 I was here when it was approved last. I can't say
7 that I really love the design before. I think this
8 is a substantial improvement, so I think it's, you
9 know, it's gone in a good direction. I think this is
10 a lot better than what it was.

11 I'm a little confused because the
12 presentation you indicated that you are meeting the
13 500-year floodplain? Or somebody said that, I
14 thought. But looking at it, I'm looking at the plan
15 that shows --

16 MR. ZAYETS: Can I make a, just a note for
17 the record?

18 MR. MAY: Yeah.

19 MR. ZAYETS: So, the base floodplain
20 elevation, or the BFP in this particular site, is 10
21 feet, six inches. The regulations say that the
22 building actually has to be one foot, six inches
23 outside of that.

24 MR. MAY: Right.

25 MR. ZAYETS: So, that's a total of 18 inches,

1 bringing it out to 12, or 12-1. We're actually at
2 12-6.

3 MR. MAY: right.

4 MR. ZAYETS: So, we're not at the 500 that's
5 actually -- so, it's 100 years plus six, for the
6 record.

7 MR. MAY: Right. Okay. That's what I wanted
8 clarity on because the DOEE report is suggesting it
9 would be a 500-year floodplain as the base flood
10 elevation, which is how much bigger?

11 MR. ZAYETS: Fourteen foot, five inches, sea
12 level. So, from the corner --

13 MR. MAY: Plus the free board? Is that with
14 the free board?

15 MR. ZAYETS: Oh, no, that's with. Well,
16 that's with it. That's with it. So, that's actually
17 -- that would bring the intersection of V and 1st is
18 at around eight and a half, I think, nine feet sea
19 level at the moment, the street. So, that would be a
20 delta of whatever, between 8 and 14. I mean, that
21 would be significant.

22 MR. MAY: Would really be huge. Yeah. You'd
23 be five feet above the street.

24 MR. ZAYETS: It's just integrating that to
25 that from an urban fabric standpoint.

1 MR. MAY: No, I understand the challenge of
2 it, but that's the you know, that's what happens when
3 you build a floodplain.

4 All right. Well, I don't know what their
5 ability is to force you to do that, but obviously,
6 that's a really big change if you wind up having to
7 go down that road.

8 And there's good reason to be concerned about
9 it. I mean, you know, we don't have to look very far
10 back in history to see examples of urban flooding
11 driving by major storms. In fact, you know, I mean
12 here it was, what, 96 or something, the last time we
13 had a really big storm come up and push the water up
14 the Potomac. But, you know, Sandy in New York is the
15 classic example of what can happen if everything goes
16 wrong. So, it obviously has to be very careful with
17 it, or you have to be very careful with it.

18 I have just, I have a couple questions. On
19 the IZ unit number 8 on the -- 08 on the first floor.
20 Oh, it's right there.

21 So, it's hard to read from the plans, but it
22 doesn't look like there are windows. Are they just
23 like, not shown?

24 MR. ZAYETS: They're actually not shown.
25 Eric, would you like to clarify? They will be facing

1 west.

2 MR. COLBERT: Yeah, there will be windows all
3 across the west side.

4 MR. MAY: Okay. And, is there some sort of a
5 wall beyond that, or I mean, what's that white space
6 between the unit?

7 MR. COLBERT: No, that's just open.

8 MR. MAY: It's open. And is it at the same
9 grade as the unit?

10 MR. COLBERT: No, the garage, the ramp is
11 sloping down.

12 MR. MAY: Got it. It's open to the garage
13 below.

14 MR. COLBERT: Parking garage.

15 MR. MAY: Got it. So, you've got windows
16 looking out over that. And then from there you have
17 an unobstructed view out to the street, to 1st
18 Street?

19 MR. COLBERT: Yes.

20 MR. MAY: Okay. All right.

21 MR. COLBERT: I'd also point out, you can see
22 that we have the electric room on the first floor,
23 which normally would go in the cellar, but that got
24 raised up, again as a flood prevention issue.

25 MR. MAY: Right. Right.

1 MR. ZAYETS: There's actually a multitude of
2 things that will get integrated on a permit set that
3 we can only submit, electrical room being one of
4 them.

5 MR. MAY: And, you know, I care about a lot
6 of things, but I don't care where your electrical
7 room is.

8 MR. ZAYETS: I'm just saying, like --

9 MR. MAY: I appreciate it.

10 MR. ZAYETS: -- penetrations, air intakes,
11 the generator.

12 MR. MAY: Right.

13 MR. ZAYETS: There's a whole bunch of
14 systems.

15 MR. MAY: I am a little curious that you
16 don't have to design the garage to flood?

17 MR. ZAYETS: This is what's called a dry
18 garage under the standards.

19 MR. MAY: Yeah.

20 MR. ZAYETS: So, they actually are designed
21 not to flood, so the structural engineer has to
22 certify, and I quote, somewhere I read that an SUV
23 has to be able to crash into it and it has to
24 withstand that type of impact. So, it's meant to be
25 as a waterproofed structure.

1 MR. MAY: Okay. So, and that --

2 MR. ZAYETS: With the floodgate.

3 MR. MAY: And that's fine. I'm sure they can
4 design something that's supposed to do that and
5 hopefully it will and, you know, if it actually were
6 facing a flood.

7 But I'm curious because very often buildings
8 that are in locations like this actually have --
9 their garages have to -- or are designed to flood
10 because of the buoyancy of the building. And you
11 know, how do you keep the building from popping out
12 of the ground?

13 MR. ZAYETS: So, the answer to that question
14 is actually in the structural design.

15 MR. MAY: Yeah.

16 MR. ZAYETS: Because of the low water -- the
17 water table being so high out of the ground and the
18 system that's going to be put in place because the
19 soils are such poor it's going to be a mat
20 foundation.

21 MR. MAY: Uh-huh.

22 MR. ZAYETS: So, the mat itself actually is
23 going to have helical piers that are going to anchor
24 in down into the ground if there isn't sufficient
25 weight. So, that's a calculation the structural

1 engineers made.

2 MR. MAY: Right.

3 MR. ZAYETS: The Geotech engineers made two
4 suggestions. You have to put together a weight
5 diagram and see how much uplift it's going to create,
6 and you have to counter that with the helical piers.
7 You have to weigh it down in the event there's
8 buoyancy so the bath tub doesn't float back up.

9 MR. MAY: And you're going to be good just
10 doing that into soft soil, because you know, the
11 bedrock is more than 100 feet down there.

12 MR. ZAYETS: We did a full geo report down to
13 100 feet, and it's basically clay.

14 MR. MAY: Right.

15 MR. ZAYETS: Of some sort. So, it's going to
16 go down to whatever the engineer tells us to.

17 MR. MAY: Yeah, okay.

18 Do you have that penthouse diagram that shows
19 how you met the 15-foot height limit on the
20 penthouse? Yeah, good. That's it.

21 So, am I reading this correctly that the
22 actual penthouse level is going to be a couple feet
23 below the roof?

24 MR. ZAYETS: That's correct.

25 MR. MAY: So then, if you're in one of those

1 units or if you're in the community room or whatever
2 on the penthouse level, you'll have to step up or
3 ramp up, or something like that.

4 MR. COLBERT: Yeah. We'll have a combination
5 of ramping for accessibility with possibly carving
6 out some minor areas --

7 MR. MAY: Right.

8 MR. COLBERT: -- where you could go directly
9 out and then go up.

10 MR. MAY: And the headroom all works and all
11 that kind of stuff. You can --

12 MR. COLBERT: Right. Right.

13 MR. MAY: Okay. What is that layer of green
14 stuff?

15 MR. COLBERT: That's our green roof. And one
16 thing that we can do with this is that for retention
17 we can drain some of the upper roof on to this roof,
18 but one thing that's good about this plan is you can
19 see we're significantly set back from the one-to-one
20 ratio that's required.

21 MR. MAY: Yeah.

22 MR. COLBERT: For penthouses.

23 MR. MAY: Well, and I do appreciate that. I
24 am a little curious because, you know, we always see
25 the setback measured from the surface of the roof,

1 not from the top of the parapet. And I saw reference
2 to --

3 MR. COLBERT: We can do that, but it still
4 would comply with the one-to-one requirement.

5 MR. MAY: Yeah, but it wouldn't be 15 feet
6 tall either, right? The measurement, you're
7 measuring from the top of the parapet to the top of
8 the roof, or top of the penthouse?

9 MR. COLBERT: Well, I was measuring from the
10 top of the green roof.

11 MR. MAY: Yeah, well, it's really a-typical
12 to measure that way. I'm not saying it's necessarily
13 wrong, I just have never seen it that way, so it
14 makes me wonder if it's in fact correct. So, that's
15 a question that I have for the Office of Planning as
16 well, whether they think that this complies with the
17 regulations.

18 And while we're on the penthouse, by the way
19 that's very interesting material. Equitone. Doesn't
20 sound like it's a fiber cement panel. It sounds --

21 MR. COLBERT: Yeah, we actually have the
22 same --

23 MR. MAY: -- like a record label or
24 something. But --

25 MS. GIORDANO: They have it.

1 MR. MAY: What?

2 MR. COLBERT: Okay.

3 MR. MAY: Yeah. No, it's very interesting.
4 I mean, it feels strangely fuzzy. That's very weird.

5 MR. COLBERT: It has lot more depth than the
6 metal panel.

7 MR. MAY: Yeah.

8 MR. COLBERT: That's why we wanted to go --

9 MR. MAY: Oh, yeah. No, it looks like a very
10 attractive material.

11 I'm curious, though, that is on the surface
12 of part of the building, but also on the surface of
13 the penthouse. Is that correct?

14 MR. COLBERT: Yes.

15 MR. MAY: And then, is that on both levels of
16 the penthouse?

17 MR. COLBERT: It would be on both levels.

18 MR. MAY: Yeah. Okay. And so, then the last
19 question I have is the color that I see in your
20 renderings is different from the color sample that
21 you have provided.

22 MR. COLBERT: Yeah, the sample is correct.

23 MR. MAY: The sample is correct. So, it's
24 going to be a darker gray. It's not going to be that
25 white that's in the rendering?

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1 MR. COLBERT: Yes.

2 MR. MAY: Because I'm a big fan of darker
3 penthouses.

4 MR. COLBERT: Yeah, the owner -- yeah, we'd
5 like to go with a darker.

6 MR. MAY: Yeah. It tends to recede more even
7 though it seems counter-intuitive, but it does work.

8 MR. COLBERT: I'd like to point out also that
9 even if we measured from the top of the structural
10 slab here.

11 MR. MAY: Yeah.

12 MR. COLBERT: We could still get the
13 penthouse in, in the height limit.

14 MR. MAY: Within the 15 feet?

15 MR. COLBERT: Yes.

16 MR. MAY: So it's probably worth it to
17 document it that way.

18 MR. COLBERT: Okay.

19 MR. MAY: Rather than implying that it's
20 measured on the top of the parapet.

21 MR. COLBERT: Fine.

22 MR. MAY: Again, because I think it's more
23 consistent with what we've seen in the past.

24 I'm going to look over the couple of the
25 other issues here. Give me one second.

1 Oh, yeah, on the bike parking, DDOT had said
2 that a minimum of 37 parking spaces have to be on the
3 upper level of parking. Did I hear you say that you
4 are doing that?

5 MR. ZAYETS: We actually, this drawing
6 reflects it, and there's a total of 39 on this plan.

7 MR. MAY: That's on the top floor of the two
8 floors of parking?

9 MR. ZAYETS: Upper, correct.

10 MR. MAY: Okay.

11 MR. COLBERT: The first level down.

12 MR. MAY: One level down. Yeah. Okay. I
13 think that's it for me. Thank you.

14 CHAIRPERSON HOOD: Commissioner Turnbull, you
15 have any questions, comments?

16 MR. TURNBULL: Thank you, Mr. Chair. I
17 actually sat on this thing years ago also, and I do
18 appreciate the improvement that's been made with the
19 drawings and the architecture.

20 I think my colleagues have touched upon a lot
21 of the comments that I have. One of the only
22 questions is that in IZ, I'm looking at the
23 PowerPoint presentation that's referenced in the
24 drawings, I don't see this thing in our -- there's
25 Exhibit 20-A1, and then there's two 20-A2s. There's

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1 15 drawings in the first PowerPoint presentation, and
2 then the other two are basically -- it's just three
3 drawings. So, that doesn't look like it's this whole
4 package.

5 So, I think we'll need to resubmit, or put
6 this PowerPoint presentation in IZ, because it
7 doesn't really show up.

8 MR. ZAYETS: Okay. If there is a slide that
9 was omitted, we'll include it. It should be on the,
10 on the summary sheet of the original submissions
11 that --

12 MR. TURNBULL: Okay. Well --

13 MR. ZAYETS: -- have been submitted on --

14 MR. TURNBULL: And the only other -- I don't
15 have any major -- I mean, I think Commissioner May
16 has gone through a lot of the issues that I had.

17 The one major design issue that I see, is
18 your signage.

19 MS. GIORDANO: It's not detailed.

20 MR. TURNBULL: Peninsula 88. Now Peninsula
21 looks like it's about 12 to 18 inches high, which I
22 have no problem with. But 88 varies from six feet to
23 eight feet, which to me is a little bit absurd. I
24 think you need to really keep that in scale with the
25 rest of the lettering. I'm looking at drawing A-19

1 on your set.

2 It shows up on some drawings. It showed up
3 on the earlier set. But then it's got hidden by
4 trees so it's like you were -- I'm not saying you
5 were trying to hide the height of the 88, but it was
6 not that obvious. But on this set that, with the
7 presentations that are on A-19, 88 really stands out.

8 MR. ZAYETS: We'll have to amend that. No, I
9 understand your comment.

10 MR. TURNBULL: Okay.

11 MR. ZAYETS: I understand it 100 percent.

12 MR. TURNBULL: Okay.

13 MR. ZAYETS: And more often than not with
14 signage, you're doing something that's sort of an
15 illustration --

16 MR. TURNBULL: I know.

17 MR. ZAYETS: -- for marketing. We'll have to
18 make that modification and make sure it complies.

19 MR. TURNBULL: But if we approve it and it
20 shows the 88, it means you --

21 MR. ZAYETS: Understood.

22 MS. GIORDANO: So, you want a fully
23 dimensioned --

24 MR. TURNBULL: I would like to see it. Yeah,
25 I would like to see really what you're going to do.

1 I mean, I think the peninsula is a nice height. It's
2 12 to 18 -- I think it looks like it may be more like
3 18 inches or something. I don't know. I think,
4 that's a nice scale. It's sensitive. It fits in
5 with the character of the building. I think it's
6 very elegant and I think it's well suited to what --
7 I mean, anyways, that's my comment is that the 88 is
8 a little bit -- it's way out of scale.

9 MR. ZAYETS: It's a fair point and well
10 noted. Thank you.

11 MR. TURNBULL: Thank you. Mr. Chair, those
12 are my comments.

13 CHAIRPERSON HOOD: Okay. Thank you. Any
14 other comments up here?

15 All right. Let's see if we have any cross-
16 examination from ANC 6D. Mr. Moffatt, you have any
17 cross?

18 [No audible response.]

19 CHAIRPERSON HOOD: Okay. Let's go to the
20 Office of Planning and District Department of
21 Transportation.

22 MR. JESICK: Thank you, Mr. Chairman, and
23 members of the Commission. The Office of Planning is
24 supportive of the application and once the issues
25 identified in our report have been addressed, as well

1 as those issues identified by our sister agencies,
2 we'll be able to recommend approval.

3 Just to go through the items from our report,
4 I think OP still remains concerned about the
5 projections into public space which would increase
6 the bulk of the building.

7 The applicant has submitted revised drawings
8 demonstrating the projections into public space, such
9 as the stairs and other streetscape features. We
10 received those today so we're going to need
11 additional time to go over those with our colleagues
12 at DDOT as well as OP's public space planner.

13 We concur with DOEE's assessment that the
14 design could achieve a higher LEED score, even with
15 the detriment of not being near transit. We feel
16 that there are other areas in the LEED calculation
17 that could be improved upon.

18 The last two items, we feel the applicant has
19 addressed. The new penthouse design seems to conform
20 to the height standard, and they have provided more
21 information on the materials used at the penthouse.

22 I do want to just allow Mr. Lawson to speak a
23 little more about the issue of the public space
24 projections. Thank you.

25 MR. LAWSON: Good evening. I'll just make

1 this really quick, and I'm just kind of going through
2 the drawings that were submitted tonight. Obviously,
3 we haven't had a lot of chance to look at these. But
4 there's really three viewsheds here. There's the
5 viewshed down 1st Street, the viewshed down Half
6 Street, and then the viewshed down V Street. It was
7 certainly an important goal of the zoning to preserve
8 as much of those kind of viewsheds towards the water
9 as possible.

10 I think the applicant has made a strong
11 argument with regards to the Half Street viewshed. I
12 think the drawings showing the viewsheds from Half
13 Street are compelling. We don't really have drawings
14 for the V Street viewshed, but again I think there
15 there is probably an argument that could be made,
16 given the nature of the U.S. Coast Guard Headquarters
17 across the street from it. But having some of that
18 information might be helpful.

19 We remain very unconvinced about the viewshed
20 on 1st Street. I think first of all, looking at the
21 drawing on C-7A, the vantage point is taken from a
22 viewpoint that really doesn't exist. Our concern is
23 the viewshed for pedestrians down the street, and
24 that is not being -- sorry, down the sidewalk.
25 That's not being depicted. C-7A shows it from kind

1 of the property which at some point is anticipated to
2 be developed.

3 And C-7B shows the viewpoint down the middle
4 of the street. And again, our concern would be the
5 viewsheds down the sidewalk.

6 We also don't accept the applicant's drawings
7 on C-7A showing the greatly expanded footprint. The
8 application as shown already maximizes FAR. So, that
9 expansion of the footprint would not be possible
10 without significantly shrinking the footprint
11 somewhere else. And of course, because the
12 projections into 1st Street don't count towards GFA,
13 it's not like that space can be just transferred back
14 and forth.

15 So, we remain concerned that that projection,
16 particularly the one into 1st Street, will impact
17 viewsheds for people on 1st Street walking on the
18 sidewalk. And even if the impact is relatively
19 small, the projection is -- while it may conform to
20 the regulations, it's not something which is
21 permitted -- it is something for which you need to
22 seek permission to do. And so, we'll be continuing
23 to work with DDOT and our public space people to
24 express our concerns about what appears to us to be
25 just an unnecessary closing in of that viewshed, even

1 if it is a relatively small amount. Thank you.

2 CHAIRPERSON HOOD: Okay. Thank you. Mr.
3 Rogers?

4 MR. ROGERS: Good evening, Mr. Chair and
5 members of the Commission.

6 In DDOT's report we had requested four
7 mitigations. One being, install a 19-dock Capitol
8 Bikeshare station. Another being, locate 37 long-
9 term bicycle parking spaces on the P-1 level. An
10 enhancement of the loading management plan to include
11 a few additional elements, and the construction of a
12 six-foot wide sidewalk along the east side of 1st
13 Street between T Street and V Street.

14 The applicant's response, I acknowledge the
15 Capitol Bikeshare and the sidewalk mitigation
16 request, but did not specifically respond to whether
17 or not that was something they were agreeing to or
18 not.

19 It also did not identify or respond to the
20 loading management plan, but did relocate the bicycle
21 parking spaces on the P-1 level, to DDOT's
22 satisfaction as well as to meet code requirements.

23 Two notes on the applicant's response that I
24 wanted to hit on. One is, there was a note that DDOT
25 did not copy the applicant on the response. Open

1 communication is something that's very important to
2 us. I did want to say that we did send a courtesy
3 copy to the applicant shortly after the report was
4 submitted to IZIS, so that was something that they
5 had received through IZIS as well as via e-mail.

6 I also wanted to make note that the estimate
7 identified in the applicant's supplemental report or
8 response to the DDOT report, identified approximate
9 \$90,000 expense for the sidewalk between -- on 1st
10 Street between T and V Street.

11 From our estimates performed by our engineers
12 at DDOT, we think that for a concrete sidewalk, that
13 would actually be more along the lines of a 45 to
14 \$75,000 expense and DDOT is open to exploring a
15 temporary facility made of asphalt, which would lower
16 those costs even more, and that's something that we
17 would be happy to have additional conversations with
18 the applicant about.

19 The DDOT report also identified a number of
20 public space adjustments that were deemed necessary.
21 Largely the V Street comments that DDOT had regarding
22 making the proportions align with the Buzzard Point
23 Streetscape guidelines, an eight-foot sidewalk, a
24 wider street tree area, those have been accommodated
25 and are reflected in the revised plans submitted by

1 the applicant.

2 A couple notes that we'll still expect to see
3 a slightly larger sidewalk on 1st Street, adjacent to
4 the site from six feet to eight feet. And regarding
5 Water Street, the applicant is showing reconstruction
6 of a portion of that unimproved -- currently
7 unimproved right of way as a typical street section.
8 What happens to the Water Street right of way is
9 something that's going to need further coordination
10 as the National Park Service develops plans for their
11 park area that is adjacent to the Water Street right
12 of way as well as adjacent to the property.

13 So, that's just more of a coordination item
14 for public space permitting, but I wanted to make
15 sure that was identified.

16 And with that, I will pause and answer any
17 questions that you may have.

18 CHAIRPERSON HOOD: Okay. Thank you. I just
19 heard a whole lot of unfinished business that needs
20 to happen between Office of Planning and DDOT.
21 Whether you do it or you don't, I just think those
22 conversations need to be had.

23 I'm not going to -- we're not going to sit
24 here and do it off the cuff. I would encourage my
25 colleagues not sit here and ask you, do you agree

1 with this, or you'd agree with that. I think you all
2 need to have -- continue some more conversations and
3 maybe give us something in the submittal, what you
4 agree with, what you don't agree with, and we'll take
5 it from there. Because I just heard a few -- unless
6 someone disagrees.

7 I just heard quite a bit, things -- some
8 things you didn't respond to, some things you might
9 have responded to. And to sit here and do it off the
10 cuff I think is a disservice. Not just to us but to
11 the folks in the community and the folks in the city.

12 So, we need to figure out how to deal with
13 that. But that's my recommendation. But we still
14 can ask our questions of Office of Planning and DDOT
15 if you have some. But whether or not the applicant
16 agrees to this or doesn't agree to that, or have you
17 all worked that out, I think that conversation needs
18 to be had without us. We're not going to do that on
19 the cuff.

20 Okay. Let me open it up. Any questions of
21 Office of Planning or DDOT?

22 MR. TURNBULL: Well, I agree with you, Mr.
23 Chair. I guess I was trying to follow all of the
24 points that Mr. Lawson was making on the viewshed.
25 And I think we really do need a new set of drawings

1 by the applicant to try to sort of explain or to
2 respond to Office of Planning's comments, to Mr.
3 Lawson's comments on the viewshed. I think he's made
4 some good points but I'm a little bit unclear as to
5 exactly where he's pointing to, where there are
6 references, and where your references on your
7 drawings are. So, I think that needs to be clarified
8 in another drawing that would explain better, really
9 what's going on.

10 CHAIRPERSON HOOD: Okay. Any other comments
11 or questions?

12 Okay, not seeing any, does the applicant have
13 any cross or any questions of Office of Planning or
14 DDOT?

15 [No audible response.]

16 CHAIRPERSON HOOD: Okay. Mr. Moffatt, you
17 have any questions or comments of DDOT?

18 [No audible response.]

19 CHAIRPERSON HOOD: Okay. At this time, we
20 will have the ANC 6D report. Commissioner Moffatt.
21 Turn your mic on.

22 MR. MOFFATT: Oh, there it is. It was green,
23 but it wasn't green enough.

24 Good evening to all the distinguished
25 commissioners of the Zoning Commission of the

1 District of Columbia, and good evening to fellow
2 citizens of the District of Columbia.

3 My name is Roger Moffatt, and I serve as
4 Commissioner for Single-Member District 6D-05, where
5 the project is situated. I'm here tonight to speak
6 on behalf of ANC 6D.

7 As was cited in its report, ANC 6D voted
8 five, zero, two, to offer support with concerns and
9 suggestions for Capital Gateway Overlay District
10 review of Zoning Case No. 10-21A.

11 Relating to design concerns, one of the
12 greatest losses that this ANC has had to deal with,
13 is the loss of the required setbacks because any
14 incursions into public space by a building is a loss
15 of open space. We do not like to have buildings that
16 incur into public space, as one does with -- as this
17 one does, with the balconies.

18 We realize this is, at a minimum, accepted,
19 if not encouraged by the Office of Planning. ANC 6D
20 believes that these encouragements demonstrate
21 excessive density, making Buzzard Point into a
22 development on alleys rather than streets. It also
23 minimizes green space for an area with woefully
24 little of that commodity.

25 Relating to suggestions, not for only this

1 project but for all of Buzzard Point, and also
2 relating to the available green space, ANC 6D and the
3 applicant discuss the lack of green space on Buzzard
4 Point.

5 Among other problems that this creates is pet
6 comfort and the need to protect the Anacostia and
7 Potomac from waste runoff. And when we are speaking
8 of distance from the water, you cannot get any closer
9 to both rivers than this.

10 As you know from our attachments to the
11 report, ANC 6D is advocating for developers to work
12 together, or alone, to ensure that adequate areas is
13 provided for pet comfort. One problem dealing with
14 this is the green area ratio for roofs that is
15 strictly enforced by OP.

16 While ANC 6D does not advocate against the
17 requirement under normal circumstances, we believe
18 that with the vision of the density for Buzzard
19 Point, which is 6,000 units, calls for some allowance
20 on the GAR for those who wish to have pet relief
21 areas on their roof. We hesitated to ask the
22 applicant to redesign its roof at this stage, knowing
23 that it would not pass OP. However, ANC 6D is
24 supportive of those developers who need relief from
25 the GAR requirement on Buzzard Point, and we hope the

1 Zoning Commission understands and would look
2 favorably to relating this to OP for Buzzard Point in
3 particular.

4 We are concerned with any endorsement of the
5 applicant's discussions with the U.S. Park Service to
6 extend Half Street or Water Street, whichever is
7 referred to. This is unnecessary for access to this
8 development. It will also diminish green space at
9 the Southwest Marina, and increase traffic in the
10 area which runs counter to our desire to lessen
11 traffic in the area.

12 The bottom line remains that DDOT continues
13 to be derelict in its responsibility to produce a
14 traffic plan for all of Buzzard Point. As we have
15 stated on previous filings, development on Buzzard
16 Point should be minimalist where traffic and parking
17 are concerned, emphasizing public transport and
18 developer/owner provided shuttle service for
19 residents.

20 The southern portion of the Buzzard Point
21 should be slated to be an area where vehicular access
22 is limited to certain times of day with access for
23 residents only during those hours. The bottom line
24 is that we are here again with another development on
25 Buzzard Point, and DDOT still is not showing a

1 comprehensive plan for handling traffic for what is
2 tantamount to a small town of 15,000 people in a 24-
3 quare block area, surrounded by water on three sides,
4 and along the line of unprotected low-income
5 community on the fourth side. A low-income community
6 where there is great concern about the residents who
7 will live in this building, and the remainder of
8 Buzzard Point being exposed to the contaminates from
9 the soil that escapes from the existing PEPCO
10 substation.

11 Since the structure is uncovered, residents
12 will inhale the dust from the site every day they
13 exit their building. This is not healthy and DOEE
14 seems reluctant to address it.

15 ANC 6D requests DDOT to require and carefully
16 review a construction management plan for this
17 building and all others located close to other major
18 construction sites in an already existing residential
19 community nearby. We are heartened by many of the
20 applicant's plans as outlined in the second
21 attachment to the ANC report. We believe that
22 inclusion of our suggestions related tonight will add
23 to the value of this development and the new
24 residents in the building and for the current
25 residents of the community.

1 And on behalf of 6D, I would like to thank
2 you for your time and for allowing me to present
3 testimony this evening.

4 CHAIRPERSON HOOD: Okay. Thank you,
5 Commissioner Moffatt.

6 Let me ask you a question, because I've been
7 hearing this quite a bit in this area. The
8 transportation plan, is there some kind of -- I don't
9 like to say study because all we do is study around
10 here and we never get any results. Is this something
11 that the neighborhood is looking for when it comes to
12 transportation, because I know I've heard in other
13 cases in that area. What are we looking for?

14 And you bring up a point. And what we don't
15 need to do is the same mistake that we made in
16 another area in this city. But I'm just curious. Is
17 there something that the community is waiting on,
18 like a report or something? Transportation report?

19 MR. MOFFATT: We have asked for years for a
20 comprehensive report, or a comprehensive plan for all
21 of the southwest, near southeast. And we have begun
22 asking for one in particular for all of Buzzard Point
23 because there is a neighborhood already there above
24 where the construction is taking place, and there is
25 no comprehensive plan to address the whole design, or

1 what is expected for that, but it is being done piece
2 meal. Whenever an applicant comes forward, DDOT
3 addresses that.

4 And we don't have a plan for what should take
5 place overall. The only thing that OP has put
6 forward is the vision for Buzzard Point. There's no
7 plan there, on their portion either.

8 CHAIRPERSON HOOD: But OP, in their vision
9 statement, and when they do their visions, don't they
10 include the community?

11 MR. MOFFATT: It was addressed to us. It
12 wasn't -- we didn't have our comments on how much --
13 whether we thought those were designs that were
14 appropriate or not.

15 CHAIRPERSON HOOD: So, it was given to you as
16 opposed to -- well, when I was out there Office of
17 Planning used to sit down and we'd sit down and work
18 things out together. So, I guess planning has
19 changed then, because I haven't done that in a while.

20 MR. MOFFATT: Well, we have a small area plan
21 that covers a different part of Southwest that there
22 was great community engagement in. But there is not
23 on this one.

24 CHAIRPERSON HOOD: On the vision.

25 MR. MOFFATT: On the vision as put forward.

1 CHAIRPERSON HOOD: So, which plan --

2 MR. MOFFATT: Because it's not a plan.

3 CHAIRPERSON HOOD: Okay. It's just a vision.

4 Okay. I don't understand that.

5 MR. MOFFATT: Well --

6 CHAIRPERSON HOOD: I'll just ask the Office
7 of Planning.

8 The other question I have is, what is in the
9 pipeline for this transportation report? Is there
10 one being done? Are you waiting on it? I know the
11 community has asked for it. And normally, from what
12 I know when the Southwest asks for stuff, they
13 usually -- well, some neighbors ask for stuff, they
14 get what they ask for. And I don't understand why
15 you all are asking for this report and nobody -- it's
16 just lying dormant? You're being ignored? What is -
17 - what's going on?

18 MR. MOFFATT: Well, when the stadium was
19 brought forward recently, it did not want to address
20 anything but what was there for the stadium. And
21 they could not comment on what, on the rest of the
22 transportation plan. And that was put forward by
23 DDOT, as far as I know.

24 And, yes, we are still waiting from DDOT.
25 No, we have not been told that we're going to get

1 one. Or, if it is it's well, that could be happening
2 but we don't have any dates certain on anything.

3 CHAIRPERSON HOOD: Well, I understand for our
4 standpoint and what we look at, we look at it case by
5 case. But I think if a whole community is asking for
6 it, and I can ask Mr. Rogers or Mr. Zimbabwe or
7 somebody at a later time, but -- and see if something
8 is -- if an initiative is being taken, because that
9 actually affects, at some point, what we do. We
10 can't just keep compounding and compounding and
11 compounding and compounding because then we make a
12 mess, and that's not what we're trying to do. We're
13 trying to -- and I think with the studies, and I hate
14 to use the words study because I don't like the
15 studies in my neighborhood because that's all we do
16 is study, I think with the studies or with analyzing
17 and looking at things, I think we do need to have
18 some planning and some forecasting.

19 So, and I see us eventually, eventually
20 getting ready to create a problem. And I know we
21 have to deal with -- we have to deal with each case
22 specific on the merits of that particular case. But
23 it, to me, it's like compounding interest. You're
24 putting one on top of the other, on top of the other,
25 and on top of the other. At some point in time you

1 get to that tipping point.

2 So, anyway, I just wanted to know if there
3 was something in line with this -- because I've been
4 hearing about it in the other case that you
5 mentioned, as well as this one, was there an overall
6 scheme of a comprehensive transportation for that
7 area? So, I will ask those questions later. Any
8 other questions of Commissioner Moffatt?

9 [No audible response.]

10 CHAIRPERSON HOOD: Okay. Does the applicant
11 have any cross?

12 MS. GIORDANO: We do not.

13 CHAIRPERSON HOOD: Thank you very much,
14 Commissioner. We appreciate it.

15 MR. MOFFATT: Thank you.

16 CHAIRPERSON HOOD: Mr. Rogers, can you help
17 me with some insight on what's going on with that?
18 Or if anything is going on? Or --

19 MR. ROGERS: Sure. So, this topic been --
20 it's a topic that's been center to other developments
21 as well, namely the soccer stadium. There have been
22 several studies of the larger buzzard point area in
23 support of various efforts and land developments.

24 One of the most -- probably the most relevant
25 study here is the special event study that was done

1 for the Buzzard Point area and the broader area.
2 What that did was it looked at the long-term
3 implications of the expected land development over
4 the long-term, with an identified transportation
5 improvements that would need to happen to support
6 that development.

7 So, that was a long-term study looking out on
8 the horizon. And basically, taking into account all
9 the events, sports stadia, and other sort of special
10 generators in the area. It's a complicated study but
11 in a nutshell, what it found was that the network in
12 the area could generally handle the level of
13 development that was expected, including the soccer
14 stadium, including the National's stadium.

15 While there would be some temporary peaks
16 during those stadium events, that was largely an
17 operational issue that could be managed and we've had
18 good success with the National's Stadium and managing
19 that transportation. Certainly, when you have that
20 many people coming to an area there's going to be
21 some temporary impacts, but through signal timing
22 changes, traffic control officers, temporary
23 barriers, these are things that you can manage. So,
24 that's sort of the view of the long-term, doled out
25 of Buzzard Point.

1 generally. It's how its designed. So, there is sort
2 of that north star of that special event study that
3 happened, making sure that hey, are we on the right
4 track? What are the big-ticket items that we need to
5 be aware of? What are long-term improvements?

6 And then as the neighborhood builds out
7 through the design review process, through any PUDs
8 identifying real impacts, nearer term impacts, and
9 mitigations for each particular development as it
10 comes along.

11 CHAIRPERSON HOOD: Let me ask you this, Mr.
12 Rogers, has that been conveyed to the community, and
13 this big elaborate comprehensive plan they're looking
14 for? I mean, is DDOT keeping ANC 6D in tune with
15 what's going on, what you're all looking at, as you
16 all are building and copulating what's going on to
17 deal with this traffic issue? Or are we just not
18 saying anything to them, and we're keeping it to
19 ourselves?

20 What's going on? Is there an exchange that's
21 taking place?

22 MR. ROGERS: Sure. There is certainly an
23 exchange and we are communicating frequently with the
24 ANC through various channels and platforms. What I
25 had just spoke about was included in our report for

1 the soccer stadium, and sort of a detailed history of
2 the planning efforts that went along. I know you
3 don't like that term, but that's what I do so I'll
4 defend it. But, agreed that, you know, we do need to
5 be looking more towards implementation too, which I
6 think is one of the goals of the CTR process.

7 And, but understanding, you know, there's a
8 lot of development that's coming in Buzzard Point, I
9 think one of the things that we've committed to is
10 doing some outreach with the ANC in particular,
11 trying to explain the development review process, how
12 we review applications, how we take a longer-term
13 view of the transportation impacts of broader land-
14 use changes.

15 So, it is something that we understand is a
16 need and we're working to set up those meetings with
17 ANC 6D in particular.

18 CHAIRPERSON HOOD: Okay. I hope we can get
19 that moving sooner than later, and I'm sure we can.
20 So, Chairperson Litsky and Commissioner Moffatt and
21 Ms. Hamilton and others will be able to tell their
22 constituents, because I know that they -- everybody
23 is accountable to somebody. We all are accountable.
24 So, I know those are issues that the neighborhood is
25 look at, and they are the frontline workers. So,

1 we'll leave that to DDOT to make that work because I
2 actually heard it in the soccer stadium case, and I
3 heard it again tonight, and I've been hearing it.
4 And it's time for us to stop hearing it, and it's
5 time for us to start maybe trying to relief some of
6 those concerns to the best that we can. So, thank
7 you, Mr. Rogers.

8 Now, Mr. Lawson, let me come to you because I
9 served on this. It's been in the '90s, but I did
10 serve on the Ward 5 Comprehensive Plan, and we all
11 sat down together with Office of Planning and
12 initiated and laid out some plans.

13 Now, I heard something today that I never
14 heard. I heard that Small Area Plan they had in
15 action, but the vision has just presented. Is that,
16 I mean, is that how Office of Planning handles things
17 now or is --

18 MR. LAWSON: I wouldn't say so. And I should
19 preface this by saying that neither Matt nor I have
20 been really involved in the Buzzard Point visioning
21 process. However, just stepping back a little bit,
22 for the most part the planning work for Buzzard Point
23 was completed some time ago. A lot of that work
24 happened in the late 1990s, in fact. Some of that
25 work lead to the creation of the Capitol Gateway

1 Overlay, for example, in the early 2000s. I can't
2 remember the exact date.

3 That planning work was definitely augmented
4 by the Anacostia Waterfront Initiative which had the
5 Southwest waterfront as one of its focus areas. All
6 of those were very, very public processes.

7 The Buzzard Point Vision Plan did have a
8 public component, but it's not the same as the Small
9 Area Plan in that it doesn't address things like use
10 mix or density or height. What it's really
11 addressing is given the zoning that's in place, and
12 given the likelihood that we're going to see a fair
13 amount of development, how do we design the public
14 spaces appropriately?

15 So, this is more -- it's more of a
16 streetscape design program, a design of waterfront
17 spaces. And does also talk about the need for
18 connectivity. But it's just not at the same level as
19 the typical Small Area Plan. It's really more of a
20 streetscape design standards process.

21 And I don't want to diminish it because it's
22 an important document and it definitely talks about
23 the need for public space and the need for properly
24 designed streets and environmental improvements, and
25 all of those things. But it's really based on the

1 planning work that has happened, you know, really
2 over the last, you know, 15, 20 years in this area,
3 rather than a whole new small area plan process.

4 CHAIRPERSON HOOD: Okay. All right. Thank
5 you. I thought it was important to digress and do
6 that so we can make sure that all that's in the
7 record.

8 Let's go to persons in support, persons in --
9 organizations and person -- organizations in support,
10 and persons in support, if you'll come forward at
11 this time. Organizations in opposition, and persons
12 in opposition, if you would come forward at this
13 time.

14 Okay. Ms. Giordano, you have a closing?

15 MS. GIORDANO: Primarily I wanted just to
16 make sure I understand what it is the Commission
17 wants us to do from here and what we need to submit.
18 And the list that I have indicates that first issue
19 is the Housing Trust Fund contribution. You want
20 additional documentation on that.

21 The penthouse diagram to revise the measuring
22 point per Commissioner May's recommendation. The
23 signage drawing, make sure that the 88 is drawn to an
24 appropriate scale.

25 With regard to the OP issue and the

1 projections, I think here what you're looking for,
2 Mr. Chair, is for us to look at the, I guess the
3 viewshed for 1st Street and V Street, more along the
4 lines of what Mr. Lawson was recommending, and maybe
5 even sit down with them and see if we can't work out
6 some kind of agreement as to what the proper
7 viewshed, the proper drawings should show, and what
8 the viewshed really shows and whether there is an
9 impact there or not. And if we can't then we'll just
10 have to come back to the Commission in terms of, you
11 know, the results of that further consultation.

12 The issue, the DOE issues, I think we've
13 addressed here already, except for the LEED score
14 issue. And I'm not certain really how to resolve
15 that. It seems that, you know, there's just a basic
16 disagreement about whether we can get to a LEED Gold,
17 but we'll look at it again and come back to the
18 Commission again with our conclusions on that.

19 And then with regard to the DDOT issues, we
20 have augmented our proffers. But there are still two
21 that the DDOT was in our supplemental submission that
22 we don't agree with, and I think it really comes back
23 to the standard for review for modifications. And,
24 the Zoning Regulations are very clear that the
25 standard is to be limited to the impact of the

1 modification, and we're not increasing intensity,
2 number of units here, that would call for additional
3 proffers, I believe additional transit type proffers.
4 So, I don't think that we're going to change our
5 opinion there, but we will you know, come back to the
6 Commission and just confirm that that's the case.

7 MR. MAY: Can I clarify the two that you're
8 talking about are the bikeshare and then the sidewalk
9 improvements?

10 MS. GIORDANO: Exactly. And they're off-site
11 benefits basically, obviously.

12 So, I don't know if the Commission has any
13 advice for us on that score.

14 CHAIRPERSON HOOD: Well, let me just say
15 this. I don't know the specific items that you just
16 mentioned. I just know I heard a lot from the Office
17 of Planning and a lot from DDOT. And it seems to me
18 that there needs to be some more discussion being had
19 and I understand -- one thing about it when I asked,
20 when we asked for stuff, and you automatically tell
21 us you're not going to move on it, then that gives me
22 hesitation then, and I just have -- we have to make a
23 decision.

24 But I think you all can come closer together.
25 If you don't move on it, you don't agree, then we'll

1 make a decision for you.

2 MS. GIORDANO: Right.

3 CHAIRPERSON HOOD: But I think that you all
4 can go back and still have those conversations and
5 I'm sure that you all will be able to work that out
6 because from hearing from what I just heard from Mr.
7 Rogers from the ANC and then also from Mr. Lawson,
8 and that's what I wanted to -- because I do remember
9 Buzzard Point being dealt with. I want to say it was
10 even before the '90s. But, I think things do change
11 and I know this is a modification. And I do know
12 that they're trying to deal with some -- they have
13 some competing interests they're getting from the
14 neighborhood about traffic. And maybe some of those
15 things that they are mentioning may help mitigate
16 some of that, and sometimes we have to give and take.

17 We're talking about a 20, 25-year old plan.
18 So, you know, to me Buzzard's Point was lost, and I
19 think it went back further than that, but maybe I'm
20 wrong, because I remember hearing that years ago
21 about Buzzard Point. What we going to do with
22 Buzzard Point? The plan for Buzzard's Point.

23 And those plans get outdated. That's why I
24 don't like studies, Mr. Rogers, because they get
25 outdated and we're still looking at the old study.

1 But I think what I'm hearing from Mr. Rogers and the
2 others, the way I am interpreting it is, is that due
3 to the way things have changed in this area and the
4 development that's going on and the buildout, those
5 are some of the things that may tweak to help make
6 these things work and bring them more to date.

7 So, I would just ask, I don't know what the
8 laundry list was. I know I just heard quite a bit,
9 that you continue to work with DDOT as well as the
10 Office of Planning. That's all. And see where you
11 are, where you come out at.

12 MS. GIORDANO: Okay.

13 CHAIRPERSON HOOD: All right? Commissioner
14 Shapiro?

15 MR. SHAPIRO: Thank you, Mr. Chair. Yeah,
16 the two that I would add related to the DOEE report,
17 and specifically the ones that caught my attention
18 were related to storm water management and energy
19 efficiency. And DOEE even had some recommendations
20 for potential funding opportunities. And that feels,
21 to me, less of a proffer and more of a just, what it
22 takes to make a higher quality product.

23 So, I would encourage you to have the
24 conversations, see if there's programs available, and
25 I think you're early enough in the process where it

1 probably isn't too onerous to at least consider
2 those.

3 MR. ZAYETS: Thank you. We will.

4 CHAIRPERSON HOOD: Okay. Any other comments
5 up here? Mr. Turnbull?

6 MR. TURNBULL: Yeah, I just had, just picking
7 up on a comment that Commissioner May had as a design
8 issue, and it's awkward now that you've had to,
9 you've raised the building up. But I think
10 Commissioner May had a good point about the
11 switchback ramp, which makes the front entrance look
12 a little awkward. It's, I think his words were
13 something like, you often see a switchback ramp like
14 that in a renovation.

15 And since this is a whole new -- I'm just
16 wondering if you had a -- could take another look at
17 somehow trying to integrate the landscape, the
18 architect, or somewhere around there trying to make
19 that a more graceful entrance to the building.
20 You've got about five or six steps going up, but
21 you've there are more, and you've got that ramp. So,
22 I don't know if you could just take a look at it,
23 just following up on his comments and see if there
24 was a more graceful way to integrate the entrance and
25 try to make it flow better with that corner.

1 MR. ZAYETS: Thank you, Mr. Turnbull. We'll
2 take a look at that as well.

3 CHAIRPERSON HOOD: Any more comments up here?

4 [No audible response.]

5 CHAIRPERSON HOOD: All right. Anything else,
6 Ms. Giordano?

7 MS. GIORDANO: No, so I guess the only issue
8 remaining is timing, and obviously, it will take a
9 little time to meet with OP and really work through
10 these issues. So, we're thinking maybe three weeks'
11 time to get back to the Commission. Less. Okay.
12 Two weeks.

13 CHAIRPERSON HOOD: Two weeks? Two weeks with
14 everybody. You think you --

15 MR. ZAYETS: I think we can do it. I think
16 we're almost there.

17 MS. SCHELLIN: So, two weeks for your
18 submission? Okay. So, that would put your
19 submission at we'll say February 21st, since the 20th
20 is a holiday, 3:00 p.m. And the ANC would have until
21 February 28th to file a response if they choose to do
22 so. Also, OP and DDOT would have an opportunity to
23 respond, and --

24 CHAIRPERSON HOOD: Let me ask, when does the
25 ANC -- when does the ANC meet again? February?

1 What's the date?

2 [No audible response.]

3 CHAIRPERSON HOOD: February 13th? Oh, so
4 they know the day of your meeting.

5 MS. SCHELLIN: Next Monday.

6 CHAIRPERSON HOOD: Okay. Okay. I just want
7 to make sure that the ANC has the time because they
8 don't do this for a living. Okay. So, you all are
9 fine with those dates?

10 MS. GIORDANO: Yes.

11 CHAIRPERSON HOOD: I was asking the ANC.

12 MS. GIORDANO: Oh, I'm sorry.

13 CHAIRPERSON HOOD: I know you all are fine
14 with them. But you're fine with those dates? You'll
15 be able to do something so you can respond if you
16 need to?

17 UNIDENTIFIED SPEAKER: [Speaking off
18 microphone.]

19 MS. SCHELLIN: Your response would be the
20 28th.

21 UNIDENTIFIED SPEAKER: [Speaking off
22 microphone.]

23 CHAIRPERSON HOOD: I'm sorry, can you come to
24 the mic? Come to the mic. Come to the mic.

25 MR. TURNBULL: Mr. Chair, the only other

1 thing that I had, I mentioned that -- I don't think
2 these drawings are actually in -- at least they're
3 not in IZIS that I can see. So, if you could make
4 sure that --

5 MS. GIORDANO: I think they're on the
6 coversheet, but we'll make sure we highlight that.

7 MR. TURNBULL: Okay. Because when I look on
8 IZIS, whether -- maybe IZIS has got a mistake, I
9 don't know. But when I pulled up the drawings I only
10 saw 15 drawings or 18 drawings that are listed, not a
11 whole set like this that's in there, so.

12 MS. GIORDANO: Okay.

13 MS. SCHELLIN: Yeah.

14 CHAIRPERSON HOOD: So, is that going to work?

15 MR. MOFFATT: I was just going to say that we
16 will not have a time to meet but I do not believe
17 that there is anything that's going to change on
18 this, that's going to change anything that we have to
19 say.

20 CHAIRPERSON HOOD: Okay. Okay. Just want to
21 make sure.

22 MR. MOFFATT: So, that's fine.

23 CHAIRPERSON HOOD: Okay. All right.

24 MS. SCHELLIN: Okay. So, if you choose to
25 respond, you can do so.

1 And so, we would need draft findings, facts
2 and conclusions of law by the 28th also.

3 CHAIRPERSON HOOD: Let me say this, Ms.
4 Giordano, in your findings of fact, conclusions of
5 law, could you put -- make sure you identify, so I
6 don't have to search for the contested issues, the
7 issues you agree on, disagree -- I want to be able to
8 go right to it.

9 MS. SCHELLIN: Yeah, if you could just have a
10 section, contested issues? We've been asking that
11 applicants include that in their draft orders now.
12 And then we can put this on for March 13th. And this
13 is one vote. So, it would be final action, if the
14 Commission decides to move that way.

15 CHAIRPERSON HOOD: Okay. We all on the same
16 page?

17 MS. SCHELLIN: Yes, I think so.

18 CHAIRPERSON HOOD: Do we have anything else?
19 Thank you, all.

20 MR. LAWSON: Mr. Chair, can I just ask one
21 very quick clarification?

22 CHAIRPERSON HOOD: Yes.

23 MR. LAWSON: For agency comments, did you
24 want to leave the record open for comments from DOEE
25 as well, if they wish to provide them?

1 MS. SCHELLIN: Yes. OP, DDOT, and DOEE.

2 MR. LAWSON: Thank you.

3 CHAIRPERSON HOOD: Okay. Anything else? We
4 all on the same page?

5 All right. I want to thank everyone for
6 their participation tonight and this hearing is
7 adjourned.

8 [Hearing adjourned at 8:05 p.m.]

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