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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Rescheduled Public Hearing
Case No 16-05 [Fifth and Morse L/Cal LLC and Sixth
and Morse L/Cal LLC - Consolidated Review and
Approval of a Planned Unit Development.]

6:34 p.m. to 8:20 p.m.
Monday, July 17, 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 MAXINE BROWN-ROBERTS

13 JOEL LAWSON

14

15 Department of Transportation:

16 AARON ZIMMERMAN

17

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen. This is the public hearing of the Zoning
4 Commission for the District of Columbia. Today's
5 date is July the 17th, 2017.

6 My name is Anthony Hood. Joining me are Vice
7 Chair Miller, Commissioner May, Commissioner
8 Turnbull, and Commissioner Shapiro, as well as Office
9 of Zoning staff, Ms. Sharon Schellin, Office of
10 Planning staff, Mr. Lawson and Ms. Brown-Roberts.
11 District Department of Transportation, Mr. Zimmerman.

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

20 The hearing will be conducted in accordance
21 with provisions of 11-DCMR Chapter 4 as follows,
22 preliminary matters, the applicant's case, report of
23 the Office of Planning, report of other government
24 agencies, report of the ANC, organizations and
25 persons in support, organizations and persons in

1 think, didn't we do proffer the expert witnesses
2 previously?

3 MS. SCHELLIN: Yes.

4 CHAIRPERSON HOOD: So, can you let me know
5 where we need to start?

6 MS. SCHELLIN: With the applicant's case.

7 CHAIRPERSON HOOD: Applicant's case. Okay.
8 All right. Any questions before we get started?

9 MS. SCHELLIN: I think they did proffer one
10 new expert, though.

11 CHAIRPERSON HOOD: Okay.

12 MS. SCHELLIN: Do you want to go ahead and --

13 MR. UTZ: Sure. Our Dan Duke from Bohler
14 could not be here this evening for the civil engineer
15 expertise. But we have Kate Curll from Bohler. We
16 submitted her expert witness resume into the record
17 and would like to proffer Kate, please.

18 CHAIRPERSON HOOD: Has she been proffered
19 before?

20 MR. UTZ: Not yet.

21 CHAIRPERSON HOOD: Okay. Can you identify
22 yourself? I know who you are, but could you --

23 MR. UTZ: Certainly. Yeah. Jeff Utz with
24 Goulston and Storrs.

25 CHAIRPERSON HOOD: All right. All right.

1 Colleagues, we have a new resume. Exhibit 43. Ms.
2 Schellin, I may need you to get my computer back on
3 again for me. Seems to be another operator's
4 problem. Any objections?

5 Okay. Any objections? All right. So, we
6 will proffer her and add her to our list.

7 MR. UTZ: Thank you.

8 CHAIRPERSON HOOD: Okay. Anything else, Mr.
9 Utz?

10 MR. UTZ: Not at this time.

11 CHAIRPERSON HOOD: Okay. You may begin.

12 MR. UTZ: All right. Thank you. Good
13 evening, Commissioners and staff. My name is Jeff
14 Utz with Goulston and Storrs. I'm here on behalf of
15 the applicant in this case, and with me today from
16 your right to left, Dan VanPelt of Gorove/Slade, who
17 I think you know, Matt Hard of the applicant who was
18 here last time as well, Dennis Connors with SK&I, and
19 Jeff Lee. And we have other folks in the audience as
20 well, including Kate who was just verified as an
21 expert witness.

22 I will move as quickly as I can and get out
23 of the way, essentially. We do appreciate the
24 opportunity to be here tonight. Especially the very
25 quick scheduling after June 15th, which as you I'm

1 sure remember, was last time we were here.

2 We heard your issues and we heard the issues
3 of the agency that night, and we've been working on
4 them ever since. Or at least until July 3rd, when we
5 submitted the full package of responses. And
6 hopefully you found those indeed, responsive. We
7 believe that they present a kind of holistic response
8 incorporating all the elements of feedback that we
9 got, and do present a much stronger package,
10 including enhanced affordable housing, solar panels,
11 and other important concepts.

12 So, without further delay, I would like to go
13 ahead and turn it over to Matt Hard of the applicant.

14 MR. HARD: Thanks, Jeff. And Commissioners,
15 good evening. My name is Matthew Hard and I'm
16 representing LCOR this evening.

17 LCOR is a real estate development and
18 management company that's been in the Washington,
19 D.C. Metro market since 1981. Our most recent
20 project in the city is actually within the Union
21 Market neighborhood at 340 Florida Avenue, which was
22 entitled as you probably recall, under the name of
23 Gateway Market, but is now being marketed as the
24 Edison at Union Market.

25 The Edison represents the first residential

1 mixed-use development in the Union Market
2 neighborhood, and is also the future home of a Trader
3 Joe's, and its construction is wrapping up as we
4 speak. It's a project we are tremendously proud of.

5 The Edison has been a bit of a passion
6 project for LCOR, as we immediately connected with
7 and became champions of the visions set forth in the
8 Florida Area Market small area plan, specifically the
9 creation of a vibrant mixed-use neighborhood that
10 both celebrates and enhances the tremendously unique
11 and authentic industrial and wholesale character of
12 the neighborhood.

13 With this mindset, we immediately looked for
14 other opportunities to make further investment in the
15 neighborhood, which is what brings us to the Morse
16 Street Project before you this evening. Before I
17 conclude and hand it over to Dennis with SK&I, our
18 architect, I'd just also like to point out that LCOR
19 tends to be a longer-term holder and investor in its
20 properties, which means that every decision we make
21 considers the quality, durability, maintenance, and
22 just long-term impacts of everything in the building,
23 everything from cabinet selections, grout selections,
24 bathroom fixtures, to garage traffic coating,
25 mechanical systems, and façade materials.

1 I'd like to once again thank the Commission,
2 as well as the staff at the Office of Planning, DDOT,
3 HPO, and ANC 5D for making themselves continually
4 available for comment and review. And with that,
5 I'll turn it over to SK&I.

6 MR. CONNORS: Good evening, Commissioner Hood
7 and fellow commissioners. I'm excited to be here
8 tonight, of course. I've been working on this
9 project with LCOR and other developers as well on
10 this site for the past couple of years, and this is
11 our third project with LCOR. They don't shy away
12 from complex projects such as this.

13 As Matt mentioned, the first project in the
14 Union Market area, the first developed project was
15 the Edison, which was also the same team. And I
16 wanted to just touch base on that briefly because
17 it's important to set up the stage for what we're
18 doing now on the other spine of Morse Street.

19 The Edison flanks the other end of Morse
20 Street, and at the time there really wasn't a vision
21 for the Union Market neighborhood. People were
22 trying to tap into some sort of feeling and emotional
23 maybe nostalgia, but looking to embrace the unique
24 character of Union Market, which was heavily
25 underdeveloped at the time.

1 But with Union Market becoming this new
2 thriving market center, and a lot of the other
3 historic buildings going through that process of
4 becoming historically recognized in the market area,
5 we knew there was something.

6 We looked outside of the Washington area for
7 that aesthetic, mostly to places like Chicago and New
8 York, and many other developers and clients within
9 the market. We were looking at that sort of
10 industrial aesthetic.

11 And you can see on the first building, I
12 think we've executed what we promised to the Board a
13 few years ago. It's a highly complex project. It
14 required custom metal works, custom structural
15 systems to achieve the expansive glass. We did high
16 retail, as we promised. And we introduced canopies
17 into the market as well.

18 And I'll just point out, you can see that
19 these are six-foot canopies on this project, and
20 that's important to part of the discussion that we're
21 going to talk about for Morse Street.

22 Now, I'll go ahead a couple of years later,
23 and ever since the beginning of this project we have
24 been talking about how we can work with the community
25 and make this project great for Union Market. It

1 sits on the southern edge of a very, very large
2 block, which is flanked by 6th Street to the east,
3 and 5th Street to the west, with a large JBG
4 development to the north, and Union Market further
5 than that. And then to the south side of Morse
6 Street, some of the existing historic structures. Or
7 not -- yeah, historic structures there.

8 We worked early on with DDOT to provide a
9 service alley through the project that would serve
10 the whole block. We're aware that, you know,
11 minimizing curb cuts for vehicular use, and loading
12 would help enhance the street scape, and make a very
13 walkable community. And also working with the
14 Florida Avenue Market plan at the time, we knew the
15 importance of the node of 5th and Morse, because
16 that's where all the metro traffic would be coming
17 from, the pedestrian traffic would be coming up
18 through Morse Street, and then turning off, up
19 towards the market.

20 So, demarcating that corner with a tower
21 element was always part of the design concept. And
22 then of course the emphasis on the street plain.

23 So, when we started we right away thought
24 about doing a different sort of typology. A true
25 loft-style building with high ceilings. On this

1 site, one could easily put a 11 or 12-story
2 structure, but we went with 10 floors, high ceilings,
3 10-foot clear for residential, 20-foot clear for the
4 retail, which also allowed for a great paseo for the
5 service alley. And then below that we have two
6 parking levels. And then you can see the amenities
7 on top.

8 It's a very simple concept, but the
9 counterpoint to the Edison, which was an all-white
10 metal building with dark brick, and then windows that
11 were not very detailed, this building is intended to
12 be that counterpoint, just to, you know, give a
13 background.

14 It's a massive building with heavy brick
15 piers that are six feet wide, windows that are eight
16 feet wide and 10 feet tall that are heavily
17 muntioned. And then each façade is composed so that
18 it relates proportionally with what we expect in the
19 future to occur to the north, and the way the retail
20 along Morse Street is emphasized.

21 We selected to minimize the bay projections.
22 There's only a single element on 5th Street, a small
23 grouping on Morse, and a single element on 5th. And
24 a few balconies to give a residential feel and create
25 depth and character within the façade. But other

1 than that, it's a very simple building. It has a
2 base and a top. And I'll show some intentional
3 features in the design further on.

4 We wanted to get right to the meat of one of
5 the remaining issues that we intend to work with
6 public space on. And that is their suggestion that
7 canopies on 4th -- Morse Street, I'm sorry, should be
8 limited to four feet. That is in their draft
9 guidelines that Jeff can mention later. But it's
10 based on the idea that the existing canopies only
11 project four feet from the property line.

12 But as you can see in some of these existing
13 photos, these canopies that are as part of the
14 historic structure, are quite deep, actually, in
15 their nature. They've been filled in over time, so
16 by visual perception, and most places there, fairly
17 shallow. You can see in the lower right corner
18 there, that's an example of one of these canopies
19 that's been filled in.

20 But, you know, we hope over time that as
21 these buildings get brought into their own and reused
22 and repurposed, that the storefront will come back
23 in, open up, and create this feel. So, right now we
24 have proposed streetscapes on our project that match
25 the intent of their suggested guidelines, which are

1 up to 26 feet deep on Morse Street, which is shown
2 here in this image. And we feel that having 10 feet
3 deep, or between five and 10 feet deep canopies along
4 Morse Street, creates an intimate pedestrian
5 experience and is proportional with the taller
6 retail.

7 And then I'll show you a quick back and forth
8 between what it looks like with four feet canopies,
9 and then the deeper canopies that are proposed.
10 There are some more views for the back from that
11 angle I was showing from the picture before. But,
12 I'll address this and then move on quickly.

13 This is a photo of what our building would
14 look like compared with the existing buildings across
15 the street. And you can see how we've intentionally
16 stopped the bays at the third floor. So, there is
17 this horizontal gap between the strong retail base
18 with the projecting canopies, and then the bays
19 above. And that really was intentional to create the
20 emphasis on the streetscape. And if we're going to
21 have wide sidewalks with all sorts of public space
22 amenities, it goes to -- it makes sense to embrace
23 that and extend the aesthetic along that street as
24 well. There it is again, with the four-foot canopy.

25 Now, another big part of this project was the

1 integration of a historic structure that we worked
2 very hard with Office of Planning and HPO to
3 incorporate into the project. There is an existing
4 Little Tavern structure on the corner of 5th and --
5 6th and Morse, I'm sorry. And working with HPO, this
6 is a collaborative result.

7 We knew we didn't want to just chop off the
8 corner of this building and leave the Little Tavern
9 standing like a lost, you know, child, lost
10 afterthought in this. But what we did was we
11 incorporated the Little Tavern into the base of the
12 building. And in fact, the back part, which is
13 lower, has been tucked into the retail of the
14 proposed building. And it gives the sense that not
15 only is the retail façade, the street wall,
16 continuing around the base of the building, but the
17 new development is almost protecting this in its
18 entirety.

19 There is a close-up view. And I think that
20 it's fair to say that the applicant has become
21 excited about this. It's a, you know, neat -- we've
22 embraced it. It's a neat feature. There's another
23 close-up of the ground floor. And Dan will mention
24 about loading later, but you can see the Little
25 Tavern. And there's no residential on the ground

1 floor, just retail and lobby space.

2 I want to highlight real quick about one of
3 the requests for flexibility. This is common. It's
4 about compact spaces. It's because we're building
5 our garage first for future developments, and we will
6 be providing a knockout panel that other subsurface
7 garages will be able to tap into. So, right now,
8 since we don't have plans for the buildings to the
9 north, we want to make sure we have flexibility to
10 adjust columns, and keep the number of parking that
11 we have right now.

12 That's photos of the existing structure. And
13 there's photos of the -- what it looked like many
14 decades ago before it was taken over by its existing
15 tenant. So.

16 Along the typical floor, you can see we have
17 an internal courtyard which is very important for our
18 bioretention, and also to provide light and air to
19 future development, and then for the residents of
20 this project.

21 We were also challenged in the past few
22 months that as we've reduced the façade along Morse
23 Street to incorporate the Little Tavern
24 appropriately, we also had to reduce our bay project
25 calculation. We cannot use the full extent of Morse,

1 or the full extent of 6th, because we're set back on
2 the upper floor. So, we've adjusted and we're in
3 full compliance with the requirements of bay
4 projections.

5 But also one of the other flexibilities
6 request is that because the Little Tavern is fairly
7 narrow, 21 feet, it creates a noncompliant open
8 court. So, that has to do with one of the reliefs
9 there.

10 And you can see the courtyard on the second
11 floor. It's just green. There will be no public
12 amenities there. Going up to the roof, we worked
13 very diligently to reduce the mass of the roof as
14 much as possible, with the emphasis pushing the main
15 habitable penthouse toward the west, and towards the
16 north.

17 Most of the space towards the east is just
18 roof terrace and some lower mechanical and green
19 roof. Another thing we were faced with when we
20 reintroduced the Little Tavern in its full capacity
21 was that it started pushing things west on our
22 proposed building. And in order to deal with all the
23 challenges of retail shafts, and the elevator cores,
24 and all the other components, we decided that it
25 would make most sense to just compress the amenity

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1 space into a single structure.

2 And so, we do have some mixing and matching
3 of amenity space and mechanical space that are of the
4 same height. But as I show you in the aerials, it
5 has a consistent look.

6 And then something important that
7 Commissioner Hood mentioned last time about the
8 flexibility of the pool that was listed on the
9 building, we want to just show you the two -- the
10 range of what we were talking about. That dash line
11 before was just -- we were -- our client is thinking
12 about a very interesting way of engaging the pool
13 into the amenity space. The whole idea is to get a
14 lot of the outdoor space and try to start bringing it
15 into the amenity space, so that there's integration.

16 We're excited to say that since our last
17 hearing we've introduced 2,800 square feet of solar
18 panel on the roof. That's going to be -- generate
19 approximate 2 percent of our power, which will
20 control all the main house meter items. Maybe even
21 some of the main amenity spaces. But we felt it's a
22 right balance between what's required for storm water
23 management and then for this. So, we still have -- I
24 forget the exact amount, but over 5,000 square feet
25 of green roof, I believe, on the project.

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1 So, here's a quick aerial view. And
2 hopefully you can see what I was describing, where we
3 had intentionally consolidated the penthouse, the
4 main structure as much as possible. It's 18 and a
5 half feet tall, and set back 18 and a half feet from
6 the face of the building. But there are some areas
7 where we've had to depress some of the mechanical
8 equipment on the back side, facing the closed court.
9 And that has to do a lot with what we feel is smart,
10 sustainable practices going down the road. This is a
11 LEED Gold building.

12 And we know from experience that if we
13 distribute the mechanical equipment appropriately in
14 different spots on the roof, that we'll have a
15 greater success for energy practices. So, here's a
16 night view. Here are some streetscape views with the
17 deep canopies.

18 I should point out that along 5th Street, the
19 deeper canopies are in the guidelines. It's just
20 more street that we were mentioning before.

21 Here's a view through the alley. You can
22 tell the scale of the base of the building. And I'll
23 go walk around the elevations very quickly.

24 Again, on Morse Street you can see how we've
25 composed the façade so that it relates to each façade

1 on the west, and the right. And then on the
2 courtyard to the north, we do have some at-risk walls
3 there, which we had some notes requesting flexibility
4 about that. And it's a similar situation that
5 happened on our project with the Edison, where we
6 came in front of the Board. We proposed the project,
7 and then just after that the Highline came through
8 and built adjacent to our building. That's what that
9 was about.

10 Signage examples are intended to be just
11 really very similar to what's around the Union Market
12 area now. You can see some examples of what they've
13 incorporating. I think the precedence for our
14 building are fairly clear. We've reduced the
15 material range even further. It's always been
16 intended to be a deep red type of brick with maybe a
17 range or an iron spot. And then some other reclaimed
18 woods and stones.

19 Oh, and the material board is behind the
20 Zoning Commission to your back side.

21 Again, I just wanted to refresh on the
22 building section so you can see that section through
23 the roof, how we're in full compliance with the
24 setbacks, before I show some aerials. We've taken
25 aerial views of each portion of the penthouse and

1 they're always consistently set back either 13 feet,
2 which is the lower height of our penthouse, or 18 and
3 a half feet, consistently all around except for the
4 closed court.

5 And even on the north side there, towards the
6 party wall. We're excited about the affordability of
7 the project. Matt mentions the recent changes, but I
8 will emphasize that in this building we feel that
9 we've done a really good job of mixing the locations,
10 and also because there's no ground floor residential
11 on this project, no penthouse units, we feel there
12 are great dwelling units everywhere on the project.
13 They're distributed around and LCOR has asked us to
14 put a higher focus on some of the larger units as
15 well.

16 I'll turn this over to Jeff for a moment.

17 MR. LEE: For the sake of brevity, I think in
18 terms of what's happening in the public right and the
19 public realm, we basically respected all of the DDOT
20 standards and everything else. And then, we're
21 working with Office of Planning for the design
22 guidelines that the previews of them to make sure
23 that we're respecting the spirit in which they were
24 produced.

25 So, we want to make sure that we have 10-foot

1 clearance for all the sidewalk areas. The flex zone
2 area still needs to be worked out in terms of design,
3 but that's where a lot of the flexibility and design
4 will take place, and going to the public review
5 process.

6 And I just want to point out one thing about
7 Morse Street. The fact that, you know, when you look
8 at the canopy proportions, that we do have the full
9 sidewalk with the tenant zones, and given the fact
10 that it's also south facing, I think going with the
11 shorter canopy really doesn't really do anything, you
12 know, significant during the times when people were
13 actually utilizing these outdoor cafes and amenity
14 areas.

15 We're very fortunate that we do have a public
16 right of way that gives us additional room on all
17 sides, ranging from four to eight foot for the café
18 zones. And we also were very mindful about the space
19 design principles that we'd be integrating with the
20 project.

21 MR. VANPELT: Good evening. For the record,
22 I'm Dan VanPelt with Gorove/Slade. I think, I have
23 my presentation this evening, be happy to go through
24 it. But I think that, you know, I'll just summarize
25 by saying, I think we've been working with the team.

1 We've been collaborating with DDOT, and we've come up
2 with a loading management plan and a transportation
3 management plan that has addressed DDOT's concerns,
4 and I think as evidenced in their July 10th report, I
5 think the only thing, the only outstanding DDOT issue
6 at this time is the depth of the canopies, as others
7 have discussed.

8 But I think I'll leave it at that and be
9 available to answer your questions.

10 MR. CONNORS: I'm sorry it took a little
11 longer than I said we would. But just to highlight
12 on some of the projects, sustainability, as I
13 mentioned, this is our third project with LCOR. It's
14 going to be our second LEED Gold building, where you
15 really focus on energy conservation. So, we are
16 looking at VRF systems, central hot water, heat
17 recovery, and we've been integrating this into the
18 ceiling heights that I've talked about. So, you
19 know, it's really prime situation here.

20 2,800 square feet of solar on site. There is
21 the number for green roof, over 6,000 bioretention,
22 and many other exciting things that we -- but the
23 project focusing on the streetscape and those type of
24 enhancements is really going to make this project a
25 long-term, long lasting building. And LCOR, they're

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1 a long-term holder, so they know how to go through
2 life cycle costs with us early on. So, when we put
3 in a LEED scorecard we go through it together, as a
4 team, talk to the contractor, and so on. And Jeff
5 will point out the community benefits.

6 MR. LEE: Just to add to the sustainability.
7 When you start talking about the, you know, GAR and
8 storm water, and reuse of water and all that, you
9 know, this is not a paint by number thing. I mean,
10 we really take pride in collaborating in design with
11 architects and engineers to create an integrated
12 design that actually performs.

13 MR. UTZ: Great. Thanks, guys. I'm just
14 going to fly through the community benefits update
15 really quickly. I apologize if we're running on what
16 we projected at the beginning, but I felt it was
17 important to step through the updates to the
18 community benefits really quickly.

19 Most of these, I believe, all of them you
20 will have known through our July 3rd submission. But
21 first and foremost is the shared alley driveway and
22 curb cuts system that is being proffered. The Little
23 Tavern restoration integration including the
24 designation of the Little Tavern as a landmark, 2,000
25 square foot set aside of maker arts and creative uses

1 on the site.

2 One note about that, I know there was an
3 issue that was brought up about how exactly the
4 placement of it on the adjacent site would work, on
5 the adjacent project. Since this project is probably
6 going to go ahead before that one does, as you
7 approved a stage-one for the JBG Gallaudet project,
8 15-24. If that does occur and that is delayed after
9 this one, then the 2,000 square feet would be
10 provided on this site.

11 This kind of flexibility concept brought up
12 the ability to shift the 2,000 square feet to the
13 north if they catch up, timewise. Or if later, we
14 can substitute where that 2,000 square feet is. But
15 it's always going to be an additional 2,000 square
16 feet to what they get approved independently on their
17 site, what they proffer independently on their site
18 as maker creative use and arts space. The concept
19 being that it might actually be beneficial to
20 concentrate that space in one area instead of having
21 a 2,000 square foot location further south on the
22 square. So, that is what that is, but the timing
23 will contemplate that in the order.

24 Enhanced affordable housing, 10 percent of
25 the residential component has been offered. Forty

1 percent of that at 50 percent AMI, 60 percent of that
2 at 80 percent AMI, including an attempt to construct
3 more two-bedroom units, which is something that the
4 community specifically asked for.

5 An employment agreement is something that we
6 have detailed in the record as well. We submitted a
7 first source employment form in January, I believe it
8 was, of this year, and DOES is not currently taking
9 voluntary first source agreements, but we would like
10 to continue to try to enter into that agreement with
11 them.

12 If that doesn't work, we have been in
13 discussions with Jubilee Jobs to enter into the
14 agreement that we submitted into the record as an
15 exhibit to the July 3rd submission. So, it is a
16 similar concept in that it's an employment agreement,
17 and it would stimulate, enhance, boost employment in
18 the District. We just might need to go through
19 Jubilee Jobs to do it.

20 So, we've been in discussions with Jubilee,
21 and they are on board with this concept, should we
22 need to -- should we not be able to get into a first
23 source agreement with DOES.

24 And then as are listed here, the enhanced
25 streetscape and design and materials at the bottom of

1 the slide. And then I won't belabor this, but in the
2 submission we also noted the responses to the OP
3 report from June 5th. I believe we've talked about
4 most of those, so I don't think there's anything in
5 here that I need to circle back on other than to
6 note, I believe we addressed it, but if not, we're
7 happy to provide more detail on those items.

8 And that brings our presentation to a close
9 for now.

10 CHAIRPERSON HOOD: I want to thank you all
11 for your presentation. And before I go to my
12 colleagues, Ms. Schellin, did DOES ever notify us
13 that they weren't taking any more -- that they
14 weren't voluntary agreements? Did they notify us
15 about that?

16 MS. SCHELLIN: I don't think so.

17 CHAIRPERSON HOOD: I'm going to get to the
18 bottom of that because you know I've been working
19 hard on trying to make that work. We have had them
20 in here before, and I can tell you, when I read this
21 and I just heard Mr. Utz mention it, it really turns
22 me off. And I'm not blaming the applicant, but I
23 cannot believe that they didn't notify us, and we're
24 sitting here approving stuff all the time saying,
25 DOES agreement.

1 So, I want thank you all for being honest and
2 letting me know they're not doing it. Maybe it
3 didn't -- I didn't catch it the first time, but this
4 is the first time I've heard it. So, I'm actually
5 going to have a conversation --

6 MS. SCHELLIN: We were contacted by DeCarlo
7 Washington to come in for --

8 CHAIRPERSON HOOD: Yeah.

9 MS. SCHELLIN: -- a meeting. However --

10 CHAIRPERSON HOOD: But he no longer works
11 there or something, right?

12 MS. SCHELLIN: Oh, he doesn't?

13 CHAIRPERSON HOOD: Yeah. Well, that's all
14 right.

15 MS. SCHELLIN: Well --

16 CHAIRPERSON HOOD: I know who to talk to.
17 So, I'm going to find out --

18 MS. SCHELLIN: He --

19 CHAIRPERSON HOOD: -- what's going on with
20 all of this.

21 MS. SCHELLIN: I did respond to him. I
22 called him, and I sent him two e-mails with some
23 dates, and he never responded back to come meet with
24 us.

25 CHAIRPERSON HOOD: And the new guy, and I'm

1 putting this on the record, the new guy over there
2 told me to give him some time. So, this office was
3 never notified that this is not happening. And
4 that's all right. This will be raised higher. I'm
5 not sure about Jubilee. I'm not sure how that can
6 even be dealt with, but if that's working, that's
7 fine from my standpoint. But I want to know what's
8 going on with DOES first.

9 Ms. Schellin, could you make a note to have
10 Ms. Barden, let's coordinate a meeting? And I'm
11 going to also talk to the mayor about this because I
12 think this is, it's a problem. A big problem.

13 But thank you for bringing it to our
14 attention. Okay. All right.

15 Let me open it up. Commissioners, any
16 questions or comments? Anybody? Anybody? Don't
17 rush. I know everything is great. You got Mr. Lee
18 down there. He does the landscape architect. I was
19 introduced to him years ago, so I know everything is
20 great.

21 MR. SHAPIRO: I've got a few questions, Mr.
22 Chair.

23 CHAIRPERSON HOOD: Okay. Mr. Shapiro.

24 MR. SHAPIRO: Thank you. Random selection of
25 questions. One is, what is the proposed use of the

1 Little Tavern?

2 MR. CONNORS: Retail.

3 MR. SHAPIRO: I'm not sure it really matters
4 a whole lot for my perspective, but I'm just trying
5 to figure out how a building is signed one way and
6 used for something else, because you're maintaining a
7 lot of the look and feel of the Little Tavern, and my
8 understanding is including the signage.

9 MR. CONNORS: We're going to have to bring
10 back some of the signage that was there. It's not --

11 MR. SHAPIRO: Yeah, right.

12 MR. CONNORS: You know. But --

13 MR. SHAPIRO: But then you'll have some
14 retail use that is obviously other than Little
15 Tavern, and you know --

16 MR. CONNORS: Correct.

17 MR. SHAPIRO: I mean, I guess the only way it
18 affects us is in terms of any kind of a signage plan.
19 But I think I'm more curious than --

20 MR. CONNORS: Sure. We did put in the
21 package specific notes at HPO's request regarding the
22 signage for the Little Tavern.

23 MR. SHAPIRO: Uh-huh.

24 MR. CONNORS: So, it's subject to their
25 approval. But they've expressed desire that if we do

1 do signage on that building, that it would be in
2 spirit of that historic photo that they shared with
3 us that we've included in the package.

4 MR. SHAPIRO: Okay. All right. Thank you.
5 I appreciate that you're including solar panels as
6 well. You have 2,800 square feet of solar panels.
7 Why 2,800 square feet? Why not 2,000? Why not
8 4,000? What are the limiting factors.

9 MR. CONNORS: Sure.

10 MR. SHAPIRO: What led you to that?

11 MR. CONNORS: We went through an exercise
12 working with our consultants, working with Civil and
13 Lean Associates (phonetic) to find the right balance.
14 And we looked at some higher numbers, but it made our
15 green roof suffer. Therefore the storm water
16 management strategies suffer. So, solar panels of
17 course do comply with GAR, but they don't handle
18 storm water.

19 So, this amount seemed to be the right
20 balance. And when we did talk on the lower number,
21 around 2,000 or so, it wasn't really enough to make a
22 difference in the energy performance of the building.
23 So, this 2,800 was enough for our consultation with
24 the solar panel company to say, well, we've read your
25 loading application letters and we think with this

1 amount we can handle the house power. And that's a
2 pretty good feeling for a company that, you know,
3 manages the property because then there's real return
4 on investment.

5 MR. SHAPIRO: I appreciate that. Were you in
6 conversation with DOEE at all during this process?

7 MR. CONNORS: We were. We met with them and
8 you know, we went away, we felt it was positive.

9 MR. SHAPIRO: Because I'm assuming they
10 explained to you the ways in which there doesn't have
11 to be a conflict at all with green roof and solar
12 panels and storm water, and that actually the
13 technology is more and more integrated with these
14 three.

15 MR. CONNORS: Well, we went over that too,
16 but what happens if you integrate, and I don't know
17 if anyone else has told you differently, but if you
18 really do your homework on the subject, which we
19 have, and work together, if you integrate solar on
20 top of green roof, for example, it has to be
21 elevated.

22 So, then it has to be set back per the
23 penthouse regulations, based on that height. Also,
24 there's access. And you have to start separating
25 them.

1 So, in order to make them effective, then you
2 have to start tilting them.

3 The typical type of PV panel we use in the
4 D.C. area is almost like a solar dock. It's fairly
5 flat, because as the sun travels it can take, you
6 know, more advantage of the solar access.

7 But when it's elevated, it's always tilted to
8 the prime source, due south, or whatever. So, you
9 get a less overall output. You get less overall
10 square footage of the solar panel, and it creates
11 just a maintenance challenge, frankly, on buildings
12 such as this.

13 Now, on maybe an office building or a
14 warehouse, or something that has more expansive flat
15 roof, and it doesn't have to deal with roof drains
16 and retail shafts and all these other things, you
17 know, it might work. But there's all sorts of code
18 implications when you start mixing and matching green
19 roof with other things.

20 MR. SHAPIRO: Okay. All right. I appreciate
21 it. Appreciate the insight. Thank you.

22 MR. CONNORS: Sure.

23 MR. SHAPIRO: We had a recent project that
24 we're -- VRF systems were exclusively used, and it
25 affected the design in all sorts of ways, of the

1 building. And so, I was a little bit cautious when I
2 heard that you're exploring this. You have a more
3 traditional system in place. If you do make a shift
4 like that, there could be all sorts of design
5 implications.

6 MR. CONNORS: Sure. I agree. One of the
7 projects that we've worked on is under construction.
8 We use the VRF system. And also we worked together
9 with the applicant and contractors very early on in
10 design, and so we don't promise something that we
11 don't discuss on how to execute. So, one of the
12 lessons learned for VRF, for instance, is that you
13 don't really necessarily locate them on just one side
14 of the building and then hope by the time you design
15 the project that you can get the refrigerant lines,
16 or whatever, to the other side of the building.

17 The VRF systems, they work, they serve
18 multiple units. So, we have zones that come down the
19 building. And so this VRF arm over here will serve
20 this zone. And this in the middle will serve this
21 zone. And we really take effort early on into laying
22 that out, and we're working with an MEP consultant on
23 this, and we've already laid out what we think is the
24 capacity. So, we've analyzed the type of windows,
25 we're using the type of exterior insulation that we

1 suspect we're going to have in a LEED Gold. So, we
2 balance all those things, find out the right number
3 going in, and we've -- what's shown on the project
4 will handle the capacity.

5 MR. SHAPIRO: I guess the question is, is
6 there any -- does it reach the point where there's
7 enough redesign where then you need to come back to
8 us? Or, maybe a question for Mr. Utz, but I'm just
9 trying to figure out --

10 MR. CONNORS: I think with any mechanical
11 system there could be a point.

12 MR. SHAPIRO: So, then just it's the question
13 is, is this sort of baked enough into the design
14 where you're not causing yourself more trouble by
15 speaking to us about a potential -- what could -- I
16 don't know enough about it, I just remember from our
17 previous experience with it, there's some significant
18 design issues that are involved.

19 MR. CONNORS: Yes. Yes, it is. I think we
20 have enough comfort because we've done it on the
21 projects, including with this particular applicant
22 that there are of course other choices, but this
23 seems to be currently, in this current climate, this
24 seems to be the most effective type of system to use.

25 MR. SHAPIRO: Okay. Thank you.

1 MR. CONNORS: Especially if you're going for
2 a LEED Gold building, which we are.

3 MR. SHAPIRO: Thank you. And I'm also
4 curious about the wall of at-risk windows. So, how
5 does that work? The tenants are just notified that
6 at a certain point they could lose their windows?
7 And, I mean, if that's the way it works, that's the
8 way it works. I'm just more curious again, than
9 anything.

10 MR. CONNORS: Well, we do have experience
11 with this and it's part of the D.C. supplemental
12 code. It's in there, explains the covenant that has
13 to be, you know, signed off on with that. And it's
14 the --

15 MR. SHAPIRO: So, that's all I need to know.
16 I mean, that's just -- there's just a whole process
17 for alerting the tenants and then --

18 MR. CONNORS: But we cannot lay out units
19 that rely on those windows for fresh air, daylight,
20 or -- it has to be designed so that they're secondary
21 windows by nature.

22 MR. SHAPIRO: Thank you.

23 MR. CONNORS: If they lose them, the unit
24 stays more or less the same.

25 MR. SHAPIRO: That's helpful. Thank you.

1 MR. CONNORS: I think that's all for now, Mr.
2 Chair. Thank you.

3 CHAIRPERSON HOOD: Any other questions?
4 Comments? Commissioner May.

5 MR. MAY: Okay. Yeah, so I mean, it was one
6 of my questions was the mechanical system, but it's a
7 VRF system and that's why you don't have large
8 mechanical areas on the penthouse as well. Right?

9 MR. CONNORS: Correct.

10 MR. MAY: So, while we're on the roof, as I
11 understand your drawings, the rail system is built as
12 part of the parapet. And so, it's at the 120-foot
13 limit, correct?

14 MR. CONNORS: Yes, the top of that top cap of
15 the parapet is at 120 feet.

16 MR. MAY: The cap of the wall, or the
17 handrail?

18 MR. CONNORS: The handrail, correct.

19 MR. MAY: Okay.

20 MR. CONNORS: The wall itself is about two
21 feet, and then the remaining portion is about a foot
22 and a half.

23 MR. MAY: Okay. I just want to be clear on
24 that because I appreciate all the section drawings
25 that you provided that made it easier to understand.

1 So, it's a very large amenity space. So,
2 what all is going to be up there?

3 MR. CONNORS: Well, every single type of
4 amenity that is going into a building such as this
5 will be going up there. We're not having any other
6 amenity space in the rest of the building. There's
7 the lobby, and then there's the roof. So, you can
8 imagine there's going to be, for example, the
9 fitness, the pool support, club room, maybe game
10 room. Maybe even a room for some oversized washing
11 machines, or some other things like that.

12 MR. MAY: Oversized washing machines are an
13 amenity?

14 MR. CONNORS: Sure. Yeah. Yeah. Well, we
15 have -- in these types of buildings where we tend to
16 do condensing dryers, so it's a nice feature if you
17 provide something like that for -- especially, you
18 know, imagine if you get a studio unit --

19 MR. MAY: Uh-huh.

20 MR. CONNORS: -- and you want to wash your
21 sleeping bag or something like that. It's a nice
22 feature to have it, I believe. So, anything like
23 that.

24 MR. MAY: Got it. Okay. I just didn't -- it
25 didn't occur to me. I'm behind the times. Surprised

1 there's not a dog run up on the roof or anything.

2 MR. CONNORS: I'm sure there will be some
3 sort of dog wash in the building, but I don't think
4 there will be a dog run on the roof. No.

5 MR. MAY: We have seen that a few times.
6 Okay. And so, I'm a little confused by the varying
7 heights of rooftop structures, and there's a
8 reference in the drawings to mechanical and elevator
9 shafts being at 20 feet, and then I see in a drawing
10 only a single -- sorry, mechanical shaft that goes
11 that high. Which I'm not quite sure what that is.
12 Maybe a ventilation shaft or something, so.

13 MR. CONNORS: So, just to clarify --

14 MR. MAY: Yeah.

15 MR. CONNORS: -- right now the only element
16 that is 20 feet is the tower. That's it.

17 MR. MAY: Oh.

18 MR. CONNORS: Nothing else is 20 feet.
19 Everything else is either 18 and a half feet, or 13
20 feet.

21 MR. MAY: Okay.

22 MR. CONNORS: So, you could see in the
23 section here, for example, the amenity space which
24 has been set back 18 and a half feet from the front
25 of the building, and is 18 and a half feet tall

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1 facing the views. On the back side, it's at a lower
2 dimension so that the mechanical can reside within
3 that 18 and a half feet.

4 MR. MAY: Right.

5 MR. CONNORS: There will be no solar panels,
6 mechanical equipment, or anything higher than 18 and
7 a half feet.

8 MR. MAY: Right.

9 MR. CONNORS: Period.

10 MR. MAY: And so then the only height, other
11 height that you have is, 13-9. Is that right?

12 MR. CONNORS: Did I say? Thirteen. Thirteen
13 even, yes.

14 MR. MAY: Thirteen even, or whatever. Okay.

15 MR. CONNORS: So --

16 MR. MAY: So, it's 13 and 18.

17 MR. CONNORS: So, for instance --

18 MR. MAY: Except for the tower.

19 MR. CONNORS: Yes, correct.

20 MR. MAY: So, I'm not even sure that relief
21 is needed. Is relief needed for the sake of the
22 tower, because that's a --

23 MR. CONNORS: It's the language about --

24 MR. MAY: It's a tower, dome, and spire.

25 MR. UTZ: It's the use. It's the use of it.

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1 So, basically, 13 is used by both habitable and
2 mechanical.

3 MR. MAY: Oh, right.

4 MR. UTZ: Space.

5 MR. MAY: We give you two different heights,
6 but they have to be for the different uses.

7 MR. UTZ: Right. Consistent uses. So, it's
8 a little bit of a different cut.

9 MR. MAY: Got it. Okay. But you don't need
10 -- I mean, there's not -- the tower feature itself at
11 20 feet, I mean, there's no relief associated with
12 that.

13 MR. UTZ: Correct. Correct.

14 MR. MAY: All right. Okay. Thank you, I
15 appreciate that.

16 So, I think in your application and your
17 presentation you also state that you're confident
18 that the bay projections are consistent with the
19 building code and you're not going to need any kind
20 of waiver for that.

21 MR. CONNORS: Correct.

22 MR. MAY: Okay. And they didn't change since
23 the last presentation that we saw?

24 MR. CONNORS: I don't think so. We've --

25 MR. UTZ: We had more detail.

1 MR. MAY: You just provided more information
2 about it.

3 MR. CONNORS: Right. Yeah.

4 MR. UTZ: We did change them over the course,
5 I mean, make more explicit --

6 MR. MAY: Right.

7 MR. UTZ: -- the plans that showed them.
8 Those gaps were always there, I think they just
9 weren't called out.

10 MR. MAY: Okay.

11 MR. UTZ: And I think the first time that
12 they were shown would have been the prehearing for
13 the June 15th hearing.

14 MR. MAY: Okay. And so, what kind of a gap
15 is there between them?

16 MR. CONNORS: there is going to be between a
17 two and six-inch gap between the -- between the
18 balconies and the bays.

19 MR. MAY: And the bay projections. Yeah,
20 okay.

21 MR. CONNORS: There contains, though, you
22 know, if you could see on -- well, on each shorter
23 façade there's only one bay and one projecting
24 balcony.

25 MR. MAY: Right.

1 MR. CONNORS: And then along Morse Street,
2 there are three bays, but they're condensed toward
3 the middle of the project.

4 MR. MAY: Right. Okay.

5 MR. CONNORS: And there's only two projecting
6 balconies on Morse Street.

7 MR. MAY: Okay.

8 MR. CONNORS: It hasn't been easy. We've had
9 to refine the calculation, though, because we've had
10 to change the allowable contributing length based
11 upon the Little Tavern. So --

12 MR. MAY: Right.

13 MR. CONNORS: -- that 30 feet along 6th,
14 we've had to -- we can't count that in our -- so, if
15 we did multiple bay projections we could have much
16 more --

17 MR. MAY: Right.

18 MR. CONNORS: -- spread throughout. But it
19 would --

20 MR. MAY: Yeah.

21 MR. CONNORS: It would look like a
22 Washingtonian building, not like an industrial
23 looking type of building.

24 MR. MAY: You're trying to make it do both, I
25 think. Right?

1 So, the cladding for that is all metal panel,
2 but it looks like it's all kind of brute steel. It's
3 just big steel members.

4 MR. CONNORS: Correct.

5 MR. MAY: Am I actually seeing steel members,
6 or am I seeing you know, prefinished metal on top of
7 something else?

8 MR. CONNORS: The bay channels and details
9 will most likely be metal panel. Some of the
10 detailing of the balconies themselves might be steel
11 or painted metal.

12 MR. MAY: Right.

13 MR. CONNORS: There is a strike line in the
14 building that is between the retail base of the
15 building and the rest of the building that will be a
16 steel, a painted steel channel.

17 MR. MAY: Right.

18 MR. CONNORS: And then a good example of this
19 too is back to the Edison project. The base of the
20 building on that building was all painted steel.

21 MR. MAY: Uh-huh.

22 MR. CONNORS: And we worked very, very hard
23 over the course of a couple of years, working with
24 the right contractors and subcontractors to detail
25 the metal panel channels above that zone. Now, when

1 you go there it's visibly, you can't tell much of a
2 difference --

3 MR. MAY: You can't tell.

4 MR. CONNORS: -- because we've focused really
5 on the profiles --

6 MR. MAY: Uh-huh.

7 MR. CONNORS: -- and the details.

8 MR. MAY: Okay. I can't remember the total -
9 - how tall is the Edison project?

10 MR. CONNORS: Well, that's, it's a little
11 deceiving. It's 85 feet, but Florida Avenue dips
12 down, so --

13 MR. MAY: Right.

14 MR. CONNORS: -- from Florida Avenue it looks
15 like it's over 100 feet tall. On the second floor of
16 the building you can see the Capitol currently over
17 the top of all the other buildings. It's amazing.

18 MR. MAY: Right. Yeah. Okay. I have
19 trouble remembering it from the zoning hearing and
20 I'm trying to remember it from the last drive-by, you
21 know, that I did on Florida Avenue. So, that's okay.
22 I don't need to see it again.

23 On to the -- well, while we're on materials.
24 So, the materials board is helpful, but it also is a
25 little strange because you're showing a number of

1 materials with a really wide range of variability.

2 So, let's talk about the wood for a second.

3 So, you call it wood, or synthetic wood, and
4 then you give us three different colors. And the
5 three colors couldn't be any more different. On the
6 one end it's like a bleached driftwood kind of color,
7 and then at the other end it's charred timber.

8 Right?

9 MR. CONNORS: Sure.

10 MR. MAY: So, I mean, surely you can narrow
11 it a little bit more. You certainly have a, you
12 know, renderings of what you think it's going to be.
13 It's much closer to the mid-range than anything else,
14 but even that looks a little odd.

15 MR. CONNORS: Yeah, that's fair. The middle
16 range is reflective of what's shown in the --

17 MR. MAY: In the renderings.

18 MR. CONNORS: In the drawings. There is not
19 much wood on the building. It's selective. It's
20 accents, basically.

21 MR. MAY: Right.

22 MR. CONNORS: And so, our client was really
23 thinking of, in the spirit of -- well, what was on
24 the historic Little Tavern, it has this aged wood
25 that's been painted over.

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1 MR. MAY: Uh-huh.

2 MR. CONNORS: And in the spirit of that, and
3 the industrial nature of the building, we thought it
4 would be a good opportunity to have some sort of
5 reclaimed or aged kind of industrial looking wood.
6 Well, that varies greatly, so the types of --

7 MR. MAY: But synthetic wood doesn't, right?
8 I mean, there are synthetic products that are made to
9 look like wood, and I think you referenced that as
10 what it could be, right?

11 MR. CONNORS: Oh, that's fair. So, for the
12 canopies, the underside of the canopies, typically we
13 go for -- we have looked into synthetic woods for
14 that use because you're really trying to get a --

15 MR. MAY: It's just got to be uniform and --

16 MR. CONNORS: -- weather durable, uniform,
17 and --

18 MR. MAY: That's right.

19 MR. CONNORS: -- with under -- you have to do
20 some --

21 MR. MAY: (simultaneous speech).

22 MR. CONNORS: -- writing and all these other
23 things. So, I forget. Matt can remind me. He's the
24 canopy expert now for the Edison. But the wood on
25 the Edison -- underneath is cedar? Okay.

1 So, it looks like the renderings. It looks
2 like the middle wood. It's real wood.

3 MR. MAY: So, you know, I don't mind having
4 some variability in what we approve, but I think what
5 you're showing us here is just too far and wide. So,
6 I think it would be best for you to focus on it and
7 you know, if you were to call it, you know, something
8 that approximates cedar, or call it, you know, say
9 that you're going to use reclaimed timber, and you
10 know, and that the finish will be natural as opposed
11 to being stained, you know, really dark or really
12 light, or you know, something like -- just so that
13 it's -- because right now it's like it could be
14 anything and --

15 MR. CONNORS: Yeah. That's a fair comment.

16 MR. MAY: So, now let's talk about the brick
17 for a second. Similarly, it's a pretty wide range
18 here. You have a very purply iron spot down to a
19 pretty, you know, subtle red brick, almost kind of
20 pale red brick with a bit of an iron spot to it.
21 That's a lot of range too. I mean, why do you need
22 that much range on the brick? Are you really
23 debating this wide range of colors at this moment,
24 because surely it doesn't have to do with
25 availability, because you're going to -- it's all

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1 going to be manufactured for you.

2 MR. CONNORS: No, but when you do pick red
3 bricks in particular, it's a fine line you walk,
4 whether it's too dark, or you don't want something
5 ending up that looks too pink or something like that.

6 MR. MAY: Right.

7 MR. CONNORS: So, typically we like to get
8 samples, go out on the site during construction, see
9 it in the sun, see it in the shadow, see it against
10 the mortar colors, get actual samples done up. And
11 surprisingly, one of the precedents that we've really
12 looked at for this building is the, I think it's 25
13 Water Street down in Georgetown.

14 And that brick seems pretty light in some
15 cases. So, that's -- that color is reflective of the
16 lower color.

17 And then the one in the middle is clearly the
18 brick we like because it's what the renderings look
19 like.

20 MR. MAY: Uh-huh.

21 MR. CONNORS: But also, that can sometimes if
22 you pick the wrong brick or you don't complement it
23 with the correct mortar, it can end up looking too
24 red, like a Christmas ornament. So, it's that
25 concern. But they will be high-quality bricks with a

1 built-in range, not a coded brick or any other sort
2 of brick that would, you know, change color over
3 time, so.

4 MR. MAY: Right. It just --

5 MR. CONNORS: It's challenging.

6 MR. MAY: The top two are very similar, and I
7 can see that as a range of product and the finish is
8 similar, but the bottom one just seems to be the odd
9 man out, and it also, because it, you know, the sheen
10 on it is very different and how the light hits that
11 versus the others is going to be so dramatically
12 different.

13 But I understand why --

14 MR. CONNORS: Yeah.

15 MR. MAY: -- you might want to have some
16 flexibility on it because --

17 MR. CONNORS: And we've looked in fluorescent
18 lights, it looks different. And then we take it
19 outside in the sun and --

20 MR. MAY: Right. Right.

21 MR. CONNORS: -- it looks different.

22 MR. MAY: Yeah. I'm not trying to pick your
23 brick colors for you and tell you what the best one
24 is, but --

25 MR. CONNORS: Oh, it's a fair point. Yeah.

1 MR. MAY: -- I just want to understand what
2 the range is that we're accepting.

3 And the cast stone similarly, I mean, you're
4 going from a sort of a, I don't know, about a --

5 MR. CONNORS: It's either going to be dark
6 gray or black, honestly. So, that's what we're
7 looking at, but --

8 MR. MAY: So, why are you giving us like a 40
9 percent gray and a 60 percent gray, and an 80 percent
10 gray? It's really going to be 80 or black.

11 MR. CONNORS: Really, it's sort of the
12 similar response regarding getting out in the light,
13 comparing it with mortar and other elements, because
14 whatever we pick for the cast stone is also going to
15 be the typical sill on the project.

16 MR. MAY: Right.

17 MR. CONNORS: So, the concern is if it's too
18 dark --

19 MR. MAY: Uh-huh.

20 MR. CONNORS: -- it stands out too much. It
21 might not relate with the window.

22 MR. MAY: Yeah.

23 MR. CONNORS: And so --

24 MR. MAY: It's just, I mean, it's a little
25 unusual for us to see this kind of wide range of

1 things when we're reviewing it. It's usually focused
2 a little bit more.

3 MR. CONNORS: Sure. Point taken, yes.

4 MR. MAY: All right. So, on to canopies for
5 a second. Did I hear you correctly that on 5th
6 Street the guidelines call for deeper canopies, and
7 so you're consistent with that?

8 MR. CONNORS: Yes.

9 MR. MAY: It's really, the issue is only on
10 Morse.

11 MR. CONNORS: Correct.

12 MR. MAY: So, you've shown us two versions of
13 this, the 10-foot and the four-foot. What are you
14 asking us to approve?

15 MR. UTZ: Both. Yeah. I think the ideal --

16 MR. MAY: Both?

17 MR. UTZ: The ideal is 10. It's similar to
18 the case 16-09, the Central Armature case on 1200 3rd
19 Street Northeast, where I think they ran into a
20 similar issue. Their ideal approach was to be a 10-
21 foot canopy, which is the ideal approach here for all
22 the reasons Dennis mentioned. And I actually think
23 there's agreement on an extended canopy for the
24 residential entry on Morse, even though that --

25 MR. MAY: Right.

1 MR. UTZ: -- was DBM.

2 But the four-foot canopy should --

3 MR. MAY: So, did we approve it with a range
4 of four to 10 feet on 16-09?

5 MR. UTZ: Just the duality. Yeah, just four
6 or 10.

7 MR. MAY: Four or 10. Okay. All right. I
8 think there's something to be said for the uniqueness
9 of 5th Street, and not necessarily just wrapping that
10 same treatment around the entire building, just from
11 an architectural perspective. I mean, having a
12 canopy that's similar in nature and is inspired by it
13 but isn't exactly the same. So, I don't know.

14 That's it for my questions. Oh, yeah, I have
15 -- I think I have other questions but probably just
16 for the Office of Planning.

17 Oh, I'm sorry. On the maker space. So, if I
18 understood you correctly there is going to be, as a
19 result of this project, there will be 2,000 square
20 feet more of maker space. It just may be in the
21 building to the north.

22 MR. UTZ: Correct.

23 MR. MAY: If it works out that way. Okay.
24 All right. By the way, did you know that the
25 nickname for the Little Tavern, right?

1 MR. UTZ: I'm not sure.

2 MR. MAY: Club LT. You've never heard that
3 before? How long have you guys been around? You're
4 just too young. Late night trips to the Club LT,
5 that was a big thing in -- about 40 years ago.

6 CHAIRPERSON HOOD: It depends on what side of
7 Florida Avenue you're on. He was on the south side,
8 I was on the north side. We didn't call it Club LT.
9 But anyway.

10 MR. MAY: What was your nickname for it?

11 CHAIRPERSON HOOD: I'm not going to tell you
12 that.

13 Let me just ask Commissioner May, normally we
14 don't ask commissioners questions. You mentioned a
15 drive-by. Were you on a bicycle or did you -- were
16 you in a car?

17 MR. MAY: When I drive by, I'm in a car.
18 When I ride by, I'm on a bicycle.

19 CHAIRPERSON HOOD: Okay. I just wanted to
20 get clarification. Thank you.

21 Any other questions or comments from anybody?
22 Commissioner Turnbull.

23 MR. TURNBULL: Thanks, Mr. Chair. Well,
24 Commissioner May, maybe we can ask Mr. Zimmerman the
25 question about the overhangs on the canopies because

1 we do have Exhibit 42 from Office of Planning, which
2 says they're not going to approve the 10 feet, so I
3 don't know where that -- have you looked at an option
4 somewhere between, or is that just, you either want
5 one or the other?

6 MR. CONNORS: It's hard to say because we did
7 build a project in Union Market that had six-foot
8 canopies, and then on the back side it had some four-
9 foot canopies. And the four-foot canopies were a big
10 disappointment.

11 So, the code now states a five-foot canopy.
12 We're used that as the minimum. We're not used to
13 four feet as the minimum. So, we've gone great
14 lengths in the past couple of years to work through
15 these, you know, guidelines, and these draft
16 guidelines have been changing, evolving.

17 So, when we started introducing the robust
18 canopies into the project, the new draft guidelines
19 were not in place yet. And we've located the
20 canopies in what we feel in proportion with the
21 height of the retail, the ground floor, and in
22 relationship with the streetscape widths that were
23 proposed.

24 Now those streetscape widths were always
25 proposed in the draft guidelines moving forward. So,

1 to answer your question I think we just, we do not
2 prefer four-foot canopies. So.

3 MR. TURNBULL: But you may get them.

4 MR. CONNORS: We may get them, unfortunately.
5 But I think the rationale, and hopefully, as
6 architects you can agree with our imagery that, you
7 know, basing depths of canopies just based upon --

8 MR. TURNBULL: Yeah.

9 MR. CONNORS: -- theoretical property lines
10 and projections is not necessarily the best
11 aesthetics. And I think our client here, as tonight,
12 is they're willing to do more and pay more for deeper
13 canopies for the sake of aesthetics.

14 MR. TURNBULL: Yeah.

15 MR. LEE: And I think there's some common
16 sense about how people used the space for engaging
17 cafes and restaurants, and if you just -- all you
18 have to do is walk down K Street and you got generous
19 public right of ways, and people that don't have
20 canopies, you're going to end up with cinzano
21 umbrellas, you know, in this whole zone, because
22 you're going to need them to track clientele.

23 MR. TURNBULL: Let me ask you about the maker
24 space. I wonder if you could bring up, what is that
25 drawing, the first floorplan? I wonder if you could,

1 you know, show on there where you think the couple of
2 options of the maker space would be then. You were
3 talking about comparing it to a future building.
4 Maybe they would be adjacent to each other, and I
5 wonder if you could just show that.

6 MR. CONNORS: Well, I'm sorry. The applicant
7 will lie it in, but right now we have two retail
8 spaces that proportionally are in between 8 and
9 11,000 square feet independent, and we've been
10 working with their partner developers, JBG, to figure
11 out the proposed retail plan as well. And we think
12 that either one of these retail spaces could easily
13 be divided into maybe three separate tenants.

14 But ideally, maybe, the one on the west would
15 become two great big restaurants or something like
16 that. But I assume that maker space would be in one
17 of these three areas on the east side, because this,
18 proportionally, will be developed into three smaller
19 retail spaces, whereas the one on the west will be
20 two bigger retail spaces. That fair?

21 MR. HARD: Yeah, I think that's fair. And
22 I'd also add that, you know, our -- the retail plan
23 at the moment, the demising plan, is preliminary.
24 But the thing about maker space is that these makers
25 and these potential tenants do have very unique needs

1 that don't really fit into the typical box as far as
2 what they need for their fit out requirements. So,
3 actually a candidate for space here is that area on
4 the northwest, which has the much, much deeper bay,
5 which typically, most retail tenants don't need that
6 kind of depth. But in the event --

7 MR. CONNORS: In the event.

8 MR. HARD: Yeah. Well, it's potential, but
9 we have to be pretty nimble in finding -- because
10 like I said, the needs could be very unique,
11 especially if there's any sort of manufacturing
12 element to the use, which is what we're seeing now in
13 the spine, which does have some maker spaces in
14 there. Very, very deep bays.

15 MR. TURNBULL: Well, would they be accessed
16 off the service alley? Is that a pedestrian-friendly
17 place to walk then?

18 MR. HARD: At the moment, we're not
19 contemplating that being a pedestrian activated area,
20 no.

21 MR. TURNBULL: Okay. So, that's fairly --
22 how deep is that. That's got to be from Morse Street
23 back by the service alley, that's got to be fairly
24 deep. How would you access that back corner, then?
25 I'm must curious.

1 MR. CONNORS: This corner the applicant was
2 pointing to? Matt was pointing to?

3 MR. TURNBULL: No over on the other side.

4 MR. CONNORS: Over here?

5 MR. TURNBULL: Right adjacent to that. I
6 wish I had my pointer with me. On the other side of
7 the stairs there.

8 MR. CONNORS: This area here is a retail back
9 of house. That's not --

10 MR. TURNBULL: That's back of house?

11 MR. CONNORS: Yeah, that's just for
12 servicing --

13 MR. TURNBULL: That is back of house. Okay.

14 MR. CONNORS: -- the east retail.

15 MR. TURNBULL: Okay. But the maker space
16 you're seeing is going to be over in this area?

17 MR. CONNORS: I think Matt mentioned that it
18 depends on the type of maker space, if it's a maker
19 space with some sort of industrial type of -- not
20 industrial, but some sort of more --

21 MR. TURNBULL: Well, they need ventilation,
22 right.

23 MR. CONNORS: Yeah, they need ventilation, so
24 Matt was saying that since this --

25 MR. TURNBULL: Oh, over there.

1 MR. CONNORS: -- the deeper retail space, it
2 could probably vent through the courtyard. But I
3 think they would still have an access off of then 5th
4 Street. For egress purposes, the retail has to have
5 two means of egress no matter what.

6 MR. TURNBULL: Right. Okay. All right.
7 Thank you.

8 When we talk about the affordable housing,
9 have you included in the amenity space as far as the
10 bonus available for affordable housing? Does that
11 come into play on this?

12 No, I guess it doesn't. Let me talk about
13 the affordable housing then. But right -- and you're
14 showing basically 30 units?

15 MR. CONNORS: It equates to approximate 30
16 units. We have a rather high average net for this
17 building per unit. So, it equates to about 30 units.

18 MR. TURNBULL: So the -- like, because the
19 Office of Planning originally only had nine units at
20 50 percent, and they had 14 at 80 percent in their
21 report. You've actually got, basically 12 and 18.
22 Is that correct? Twelve at 50 and 18 at 80?

23 MR. UTZ: Correct.

24 MR. CONNORS: Yeah, more or less. Yeah.

25 MR. TURNBULL: And you've asked for

1 flexibility on the location of those.

2 MR. UTZ: Yes, but it's less flexibility than
3 was in the prior plan submitted for that
4 presentation. The intent is just to be able to move
5 around the demising walls as the project evolves.

6 MR. TURNBULL: Okay. Well, here's what I'm
7 concerned about. I mean, since we're going to be --
8 there's several units at that back which could be out
9 of windows and everything. What I'm concerned about,
10 I'd like to see no more -- no vertical stacking. I
11 want to make sure there's no vertical stacking of
12 units, no horizontal stacking, putting them back to
13 back to each other.

14 So, when you look at the elevation you should
15 more or less see a checkerboard arrangement, that
16 they should be placed on either elevation in a very
17 random pattern.

18 I would also think that -- I think that
19 you're showing it no more than two on the court. I
20 think the way your plans are showing now, there's no
21 more than two IZ units per court, per floor.

22 MR. UTZ: Right.

23 MR. TURNBULL: So, I would hope that we don't
24 increase beyond that also.

25 MR. UTZ: Yeah. And that was -- sorry, that

1 was something we looked at. We were sensitive to the
2 location.

3 MR. TURNBULL: Right.

4 MR. UTZ: Even distribution.

5 MR. TURNBULL: Okay. Well, if you could just
6 confirm that when we -- later on, when we get through
7 this. Any way you can increase the affordability on
8 this? Got a lot of space you're getting on this
9 project.

10 MR. UTZ: Yeah, when we looked at the
11 entirety of the costs through basically all the
12 elements that we've talked about so far --

13 MR. TURNBULL: Yeah.

14 MR. UTZ: -- it is a substantial kind of
15 package of costs that the project is bearing. The
16 Little Tavern renovation, the production of the
17 private alley in the kind of set-aside of space on
18 the first floor, and then adding in the maker space
19 as well. Kind of layering each of those on top of
20 each other became a large lift for this project

21 MR. TURNBULL: Yeah, I just got that. I
22 mean, I'm just feeling, I mean, I appreciate the 12
23 at 50 percent. But still got 80 -- 18 at 80 percent,
24 which are basically market rate anyway. So, although
25 it fits the IZ requirement, it's still not happening.

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1 A lot of the people who really need affordable
2 housing in the city. So, I would like if you could
3 take another look at that. I would greatly
4 appreciate that.

5 Penthouse area, the rooftop, operating hours.
6 When does that -- how long do you go to keep that
7 open at night?

8 MR. CONNORS: That is a good question.
9 There's no clubs up there, so I think normal
10 operating hours of private residential. I don't know
11 what --

12 MR. TURNBULL: There's no flat screens on the
13 roof, right?

14 MR. LEE: We basically have a grilling
15 station and --

16 MR. TURNBULL: You have grilling stations.
17 No firepit. You have a firepit?

18 MR. LEE: There may be a firepit for, you
19 mean, sitting around clusters. I mean --

20 MR. TURNBULL: Well, if you could tighten up
21 what's happening up on that roof as far as hours
22 operating. I mean, we've got other residential
23 buildings around there, so I know if you're planning
24 on LEED Gold you're going to have downlighting, low
25 levels of lighting. I would just like to make sure

1 that from a residential standpoint with the rest of
2 the community, you try to keep in synch and not -- I
3 mean, if you're going to have a flat screen it should
4 be someplace protected, not out -- so that people,
5 It's not a visual distraction for other people in the
6 neighborhood.

7 So, if you could just tighten up on what's
8 going up on that rooftop, I would appreciate it.
9 Thank you.

10 MR. MILLER: Thank you, Commissioner
11 Turnbull. So, I appreciate your presentation and so
12 as not to disappoint my critics or my fans, this is a
13 very attractive revitalization project that's turning
14 very underutilized space into something that's rather
15 exciting, and I'm excited about it. And I think the
16 materials and the design are attractive and I
17 appreciate all the changes and improvements that
18 you've made in response to community concerns, OP,
19 DDOT, and the Zoning Commission concerns throughout
20 the process. I think you added balconies from the
21 original design. You've increased the set aside for
22 Inclusionary Zoning from, the amount from eight
23 percent to 10 percent, and you increased the amount
24 of that set aside that's being provided at 50 percent
25 MFI, from 20 percent to 40 percent. I think in

1 response initially to the ANC 5D.

2 So, that's all good. And the LEED, I think,
3 got tightened up to be Gold, and you've agreed to all
4 of the DDOT recommendations on transportation and
5 parking. Except for the canopies.

6 I think the renderings do show that the
7 deeper canopies are much more attractive and are much
8 more functional for what you want to put there.

9 I appreciate Commissioner May's comment that
10 you want to create a uniqueness of each street, but I
11 think your renderings show that those four-foot
12 canopies don't look very attractive or functional
13 compared to the 10-foot deep ones. I don't know if
14 there's a compromise on that.

15 What happened to the -- you said the 10-foot
16 canopies, this was a similar situation to the Central
17 Armature. So, did you go -- has that gone through a
18 permitting process that DDOT approved?

19 MR. UTZ: Not yet.

20 MR. MILLER: No.

21 MR. UTZ: The order is still pending, so this
22 is fairly --

23 MR. MILLER: Okay.

24 MR. UTZ: -- preliminary. So, yeah. So,
25 they'll be --

1 MR. MILLER: That will probably go through
2 before you go through?

3 MR. UTZ: I would guess, yes.

4 MR. MILLER: So, you'll have your signal
5 whether it's even -- whether we'll hear from DDOT
6 very shortly as to whether there's any room for
7 flexibility there.

8 So, and on the canopies, you're going to have
9 recessed lighting, it looked like, in some other
10 renderings. Or you don't know what kind of lighting
11 it's going to be? It looked like recessed on -- some
12 of the precedents showed different types of lighting,
13 but I thought on the renderings I saw it either
14 showed no lighting --

15 MR. HARD: Yeah, well, we're certainly
16 planning on lighting. We envision the combination of
17 recessed and hanging lights.

18 MR. MILLER: Okay.

19 MR. HARD: Pendant lighting. Yeah.

20 MR. MILLER: So, on the affordable -- and I
21 appreciate the solar panels that you've added on the
22 rooftop, and the roof also looks very attractively
23 designed. So, Commissioner Turnbull said you're
24 meeting the IZ requirements, but we have a statement
25 and we'll ask OP about it when we get to them, that

1 if this is an all-rental building, the new IZ
2 requirements are 60 -- they all have to be at 60
3 percent AMI or MFI, and you're doing 40 percent at 50
4 and 60 percent at 80. So, even the blended
5 percentage wouldn't be at the 60 percent AMI, MFI
6 level. Could you address that? You're not even --
7 OP's comment that you're not even meeting, if it's an
8 all-rental building -- if it's a condo building, you
9 are exceeding -- you clearly would be exceeding the
10 80 -- the new 80 percent AMI level for condos.

11 MR. UTZ: Yeah.

12 MR. MILLER: But for rental you would not --
13 you would actually not even be meeting it, except for
14 the amount you'd be providing 10 percent. It says an
15 8, but even with the 10 percent you wouldn't be
16 getting to the same amount of units if you did the
17 minimum all at 60 percent AMI. So, if you could just
18 address that or clarify that?

19 MR. UTZ: Yeah, sure. So, this project has
20 been around for a while, largely because we've been
21 trying to figure out some of the larger site issues,
22 trying to come to the deal with the neighbor to
23 create the rectangular parcel and create the kind of
24 alley system for the square.

25 The Little Tavern also took more time than

1 anticipated. So, as part of that, it was filed and
2 set down under the 1958 zoning regulations. So --

3 MR. MILLER: I'll ask OP, but I don't think
4 that locks in the IZ triggering mechanism on terms of
5 timing, necessarily. But we'll ask OP. But you
6 think it does.

7 MR. UTZ: I think it does, but you know --

8 MR. MILLER: We'll ask OP about that.

9 MR. UTZ: Yeah.

10 MR. MILLER: I think to building permit isn't
11 it?

12 MR. MAY: I'm not sure what triggers it, but
13 the IZ regs were not tied to ZR-16.

14 MR. MILLER: Right.

15 MR. MAY: It was a separate --

16 MR. MILLER: It was a separate case. They
17 took effect on June 5th. You haven't applied for a
18 building permit yet. We'll ask OP about that, but
19 have you already had discussions with OP or others
20 about that?

21 MR. UTZ: On this? I don't know if we
22 explicitly did, but the case I think we're talking
23 about, 04-33G, updated the ZR-16 and not ZR-58 as
24 part of its underpinning. Yeah.

25 But you know, the intent here is to really

1 produce something that is far beyond what was
2 initially submitted back when I think we submitted in
3 March of 2016 at this point. So, it's had a pretty
4 long evolutionary life to it so far.

5 MR. MILLER: No, I appreciate that evolution,
6 which I went through on some of the --

7 MR. UTZ: Yeah.

8 MR. MILLER: Including the IZ as well. But
9 clearly, if you get an interpretation from Office of
10 Planning and/or OAG that the -- it's all rental, it
11 would need to be at the 60 percent AMI level. You'll
12 have to comply with that.

13 Is it all rental? I thought I saw something
14 in the record that --

15 MR. UTZ: That's the intent, yes.

16 MR. MILLER: Okay. All right. Well, I don't
17 think I have any other questions. You're providing
18 more parking than needed for the other projects that
19 don't have parking?

20 MR. UTZ: Yeah, it's parked -- it is kind of
21 overparked. We did remove the third level. I don't
22 know if we actually even mentioned that just now, or
23 when we were here last time. But we removed the
24 third level, so 93 spaces are required, and 160 are
25 proposed for the two levels of parking.

1 MR. MILLER: Right. And I saw the letter
2 that you did provide from JBG regarding the shared
3 parking. Or is that the service alley, or both?

4 MR. UTZ: It's both, yeah.

5 MR. MILLER: But we don't -- but now you're
6 referring to an agreement with JBG that they might
7 provide your additional 2,000 maker space, so I think
8 we may need something in the record that memorializes
9 that commitment if they go forward. It's going to be
10 provided one way or the other, but since you're
11 representing that JBG may be willing to do that
12 because it just might make more sense to have a more
13 critical mass of wherever it's located, it would be
14 useful to have that in the written record as well,
15 maybe as part of a post-hearing submission.

16 So, thank you for your presentation. Thank
17 you for your answers.

18 MR. UTZ: Thanks.

19 CHAIRPERSON HOOD: Okay. Thank you. Let me
20 just say, I agree with the comments of Commissioner
21 May. I think you acknowledged it about the
22 variations that we have, we can narrow it down a
23 little more. I do agree with that. More towards the
24 middle as opposed to the other two on both ends.

25 Let's look at the alley, private alley

1 entrance, if you can pull that up. Only thing
2 concerns me is, when I look at this picture, a
3 picture is worth 1,000 words. When I look at the
4 picture I see -- I don't see any mirrors or anything.
5 I'm sure all the protectionary working with DDOT when
6 you walk across, in this city when you walk across
7 sidewalks sometimes and vehicles come, there needs to
8 either be mirrors or a horn. What do we plan to do
9 with that? Or how is that going to work? Or, have
10 we thought about that?

11 MR. VANPELT: Commissioner, I don't know that
12 it would be that much different than any other alley,
13 public alley that comes out in a block. But I think
14 we certainly can take a look at that. But while it's
15 private it's going to -- except for it's not -- it's
16 not open to the sky. Other than that, it's going to
17 function much the way that an alley would in other
18 parts of the city.

19 CHAIRPERSON HOOD: Well, maybe I asked the
20 question instead of directing the question. We need
21 to do something with that, either put some mirrors
22 up, have a horn up, or something of that nature. I
23 would suggest mirrors. So, that's kind of from a
24 safety standpoint.

25 Unless I'm looking at this incorrectly

1 because I'm looking at a picture, and I see people
2 walking past an alley.

3 MR. LEE: I think the design principles will
4 also support what you're saying. That in terms of --

5 CHAIRPERSON HOOD: Okay. So, it will be
6 covered? We're going to cover that?

7 MR. LEE: Lighting, visibility, all that.

8 CHAIRPERSON HOOD: Right. Something to let
9 me know when I walk -- I'll probably be the one when
10 I walk across there I won't get hit, or I can see
11 that there's a vehicle approaching.

12 MR. LEE: Exactly.

13 CHAIRPERSON HOOD: And vice-versa.

14 MR. LEE: As long as you're not texting.

15 CHAIRPERSON HOOD: Yeah, right. I might be
16 doing that too.

17 MR. VANPELT: Yeah, and I mean it's -- and I
18 think there's designs in the streetscape, but also
19 just in the way that that alley driveway is designed
20 itself, to give subtle clues to motorists that you're
21 entering a pedestrian realm, and vice-versa.

22 CHAIRPERSON HOOD: Okay. Okay. I want to
23 make sure that, okay, that we got that covered.

24 Now, let's talk about -- let's talk about the
25 Jubilee Jobs. I don't want us to give up on the city

1 yet. I know that we're going to make contact with
2 Deputy Mayor Courtney Snowden, find out what's going
3 on with these agreements, and find out why we're not
4 doing it. So, I appreciate the effort. But let me
5 ask you, if that does fall through, which I don't
6 think it is, at least I hope it doesn't, what's about
7 the Jubilee Jobs? Kind of explain that to me a
8 little more.

9 MR. UTZ: Yes. So, it is a nonprofit that is
10 related to Jubilee Housing, Incorporated, which is
11 based in Adam's Morgan and they have several kind of
12 programs that provide related social services and
13 such.

14 One of them, which is kind of increasingly
15 successful is Jubilee Jobs. So, they do training,
16 kind of outreach to potential employees, but just
17 from a wide variety of sources, and they are kind of
18 continuing to build up their infrastructure, and
19 really kind of just increasing the capacity to do
20 things like this.

21 So, they're not just tied to Adam's Morgan,
22 although that is where most of their housing is. I
23 think they have one location in Columbia Heights for
24 now, on the housing side. But this is actually
25 district wide, it's ward wide. There's no

1 particular, based on some of the numbers that they
2 were telling us about, there's no particularly
3 concentration of ward residents, at least that I
4 could see so far that used the program. So, it's
5 intended to be basically like a private GOES type
6 training and placement vehicle.

7 CHAIRPERSON HOOD: Do you have a name of the
8 person you spoke with at DOES who pushed you all back
9 and told you they don't do this anymore?

10 MR. UTZ: I do.

11 CHAIRPERSON HOOD: Okay. Good. You don't
12 have to say it publicly, but is there any way we can
13 get that name?

14 MR. UTZ: Yeah. Yeah, and --

15 CHAIRPERSON HOOD: You can give it to me.

16 MR. UTZ: I don't want to share their
17 (simultaneous speech) --

18 CHAIRPERSON HOOD: I'm not going to get them
19 in trouble.

20 MR. UTZ: It's a resource thing, is the way
21 it was represented to me. So, I don't want to --

22 CHAIRPERSON HOOD: Oh, I believe you, because
23 I know how it gets represented to me. And I've been
24 dealing with this whole issue since 1998, when Linda
25 Crop (phonetic) was the chairperson of the counsel.

1 So, we need to tie that down, so I'd like to
2 know who that is. And maybe they just knew and
3 didn't understand or maybe, I don't know. This is
4 not the first time because I think it was about two
5 years ago, we went through the same thing.

6 MR. UTZ: Okay.

7 CHAIRPERSON HOOD: So, I want to make sure we
8 nail that down.

9 Nothing against Jubilee Jobs, but I'd rather
10 work within the confines of what actually happens,
11 where we have some type of track record and know
12 exactly what's going on. And I'm sure that the mayor
13 would endorse, I believe, I don't want to speak for
14 her, but I'm sure that she would endorse, especially
15 residents getting jobs, because I think that's what
16 she definitely pushes, and this is her policy.

17 Let me also say that I really like the way
18 the roof looks. I can't remember exactly what my
19 comments were previously, but now I like the refine
20 on the roof and that recreation space up there. And
21 even the -- you know, your piece.

22 MR. MAY: Solar panels.

23 CHAIRPERSON HOOD: Solar panels. Yeah. So,
24 all of us have ownership. He's solar panels, he
25 likes all the projects, and it's not within my

1 jurisdiction. All of us have a thing that we are
2 always on that we get credit for. So, I have one
3 too. But this actually is in my jurisdiction so
4 that's why I mentioned it.

5 Other than that, I don't have any major
6 comments. Let me ask this, though, the ANC, was the
7 ANC aware that you couldn't do this with the DOES?
8 Was that mentioned to them?

9 MR. UTZ: I don't believe that had come up
10 yet, no.

11 CHAIRPERSON HOOD: Hadn't come up yet. Okay.

12 MR. UTZ: Although, yeah. My understanding
13 is they're aware of Jubilee Jobs and they are
14 supportive of that as a concept. Not on this project
15 but --

16 CHAIRPERSON HOOD: That was mentioned.

17 MR. UTZ: -- other discussions with them,
18 yes.

19 CHAIRPERSON HOOD: All right. So, Jubilee
20 Jobs was mentioned to them.

21 MR. UTZ: To them, yeah.

22 CHAIRPERSON HOOD: Okay. All right.

23 MR. UTZ: Elsewhere. Not on this project.

24 CHAIRPERSON HOOD: Oh, okay. All right.

25 That's all I have. Any other comments up here?

1 All right. Let's see if anyone here from ANC
2 5D? Not seeing anyone, let's go to the Office of
3 Planning and the District Department of
4 Transportation. Ms. Brown-Roberts.

5 MS. BROWN-ROBERTS: Good evening, Mr.
6 Chairman and members of the Commission. For the
7 record, I'm Maxine Brown-Roberts.

8 The applicant has addressed the major issues
9 that we highlighted in our report, and we are
10 supportive of the application. I will answer some of
11 the questions that I heard coming from some of the
12 commissioners regarding the affordable and IZ units.
13 I think we'll have to get back to you on that
14 question as to the effective -- which of the
15 effective dates it comes under. So, we'll get back
16 to you on that.

17 Regarding the canopies, we're going to defer
18 that discussion to DDOT, although we are part of that
19 discussion. But DDOT has taken the lead on that.

20 Then, regarding the projections, we have
21 worked a lot with the applicant and getting these
22 projections to meet the current code. And we're
23 pleased that they do meet the requirements at this
24 time.

25 However, I just wanted to take note that the

1 -- on page 10 of the presentation, the representation
2 that is given for the projections along Morse Street,
3 that is the one that we're supportive of. There are
4 a number of others that are shown within the
5 presentation and I just wanted to take note, for
6 example, on page 30, that projection is a little
7 different. It's shown in a different manner. So, we
8 just wanted to make sure that we're -- to note that
9 we're in support of the one on page 10.

10 Regarding the Comprehensive Plan, the
11 proposal is not inconsistent with the Future Land-Use
12 Map, which recommends a mix of high-density
13 commercial, medium-density residential, and PDR, and
14 the General Policy Map for the multi-neighborhood
15 center and institutional uses is also not
16 inconsistent with these uses.

17 Development also meet recommendations of the
18 Florida Avenue Market Small Area Plan as outlined in
19 our report.

20 The Ward 5 Industrial Transformation study
21 which recommends a creation of uses that are devoted
22 through creation and production of goods and
23 services, which was why we were really insistent on
24 them including the maker space.

25 The amenities and residential uses proposed

1 would be commensurate with the additional height and
2 density granted through the map amendment. And
3 therefore, the Office of Planning recommends approval
4 of the proposal.

5 Thank you, Mr. Chairman, and I'm available
6 for questions.

7 MR. ZIMMERMAN: Good evening. My name is
8 Aaron Zimmerman with the District Department of
9 Transportation.

10 The applicant has committed to all the
11 conditions that we have recommended, so we have no
12 objection of the approval of this application.

13 Regarding the canopies, I'm actually filling
14 in right now for the case manager, Jonathan Rogers,
15 who has been you know, heavily involved in this
16 issue. I know he did submit a letter on July the
17 10th to the record, stating DDOT's position, and so I
18 would defer to that. And if any other information
19 needs to be provided to the Zoning Commission, we'd
20 be happy to submit another supplemental report on
21 this topic. But aside from that, we have no
22 objection.

23 MR. MILLER: Thank you. Commissioners, do
24 you have any questions or comments to OP or DDOT?
25 Mr. May?

1 MR. MAY: Yeah. So, really just for OP, I
2 mean, I think the DDOT issues are straightforward
3 based on the reports. So, on the Inclusionary Zoning
4 as it is now proffered, I'm wondering -- I mean, I
5 think this is one of the things that gave us the most
6 anxiety about the project, the first few times we saw
7 it, because it's just a huge increase in the density
8 of the property. It's adding 160,000 square feet
9 over matter of right. And the question is whether
10 the benefits and amenities -- the project are
11 commensurate with that extent of additional
12 development right.

13 So, you know, the offer has gotten better.
14 There have been a couple of incremental steps on it.
15 Question at this point is whether the Office of
16 Planning feels that that is generally consistent with
17 other projects that we have reviewed. I mean, we
18 don't really have a -- I mean, each project is judged
19 individually, and I know there are complications in
20 every one of them, and certainly things like the
21 Little Tavern is a big factor on this project. But
22 it still does feel like it's a meager affordable
23 proffer compared to the overall density that's being
24 granted.

25 So, I'm wondering what your take is on that.

1 MR. LAWSON: Well, Commissioner May, you're
2 right in that we, as the applicant, as we look at the
3 benefits and amenities package as a whole, and look
4 what they were proposing, in this case we do consider
5 the preservation of the Little Tavern and its
6 incorporation into the design as a benefit of the
7 project. Certainly, the provision of the service
8 alley and its accessibility to the other developments
9 on the project is an important kind of byproduct of
10 this project as well. We're happy to take your
11 comments about the Inclusionary Zoning back to the
12 applicant. We've definitely been pushing applicants
13 in general on affordable housing, particularly in
14 areas like this where we're going from quite low-
15 density zoning that doesn't permit residential, to
16 very high-density zoning that does permit
17 residential.

18 So, we've been pushing for higher levels of
19 affordable, as well as deeper levels of percentages.
20 They have improved their package over what we saw
21 before. So, some of the comments that you were
22 talking about were in our last report where they
23 really weren't providing much more beyond what IZ
24 would have required them to provide anyways, overall,
25 given the new IZ regulations.

1 So, we're happy to take those comments back.
2 We don't disagree with you, we're happy to go back
3 and work with the applicant and see if there are ways
4 that we can increase that number of units or increase
5 how many of those units are provided at the lower
6 level of affordability.

7 MR. MAY: So, do you think the project would
8 be substantially better if it was just straight up 60
9 percent AMI, 10 percent of the project at 60 percent
10 AMI?

11 MR. LAWSON: Well, we're happy to discuss
12 that with DHCD and get back to you on that as well.
13 I know that they are very supportive of the provision
14 of some of these units at 50 percent AMI. But
15 obviously, you know, they're very supportive of 60
16 percent AMI as well. But you know, once again, we're
17 happy to kind of coordinate a conversation on that
18 between the applicant and DHCD, where the people
19 would administer IZ of course. And just kind of hone
20 in on exactly where our -- where would the district
21 be getting, you know, the most bang from this
22 project.

23 MR. MAY: Thank you.

24 CHAIRPERSON HOOD: Any other questions or
25 comments of Office of Planning? Okay. Office of

1 Planning or DDOT?

2 Okay. Vice Chair.

3 MR. MILLER: Thank you, Mr. Chairman. Yeah.
4 No, I would just -- I appreciate Office of Planning's
5 commitment to continue to work with the applicant and
6 on the IZ and Commissioner Turnbull's comments to try
7 to strengthen that.

8 CHAIRPERSON HOOD: Mr. Utz, this whole DOES
9 thing is very dear to me so I have reached out -- I
10 would like for you to reach out to Courtney Snowden,
11 if you don't mind, and let's make sure the District
12 gets on this because this is a big deal for this
13 Commission, and I'm sure maybe others as well. So,
14 if you can reach out to Ms. Courtney Snowden? And if
15 that doesn't work then we will follow with Jubilee.
16 But let's give the City an opportunity first.

17 MR. UTZ: Right. That sounds good.

18 CHAIRPERSON HOOD: Okay?

19 MR. UTZ: Yup. Thanks.

20 CHAIRPERSON HOOD: All right. Anything else
21 up here, Office of Planning or DDOT?

22 Okay. Again, the ANC report, ANC supported
23 it fully. I just don't remember the count. I think
24 it was seven to zero. That was a unanimous vote, and
25 that's our exhibit -- somebody help me out right

1 quick what the exhibit number was?

2 Exhibit 34. And it's signed by Clarence Lee,
3 the ANC 5D Chair. I'm not going to read all that,
4 but I think it's in the exhibit and I think they
5 expound upon their voting unanimously, seven to zero,
6 to support this application and submit this letter on
7 behalf of their support. So, that says a lot about
8 what you all have done, or are doing.

9 Okay. Let's go to any other government
10 agencies that I may have missed?

11 [No audible response.]

12 CHAIRPERSON HOOD: Okay. Let's go to
13 organizations and persons who are here in support.
14 If you could come forward.

15 Organizations or persons who are here in
16 opposition, if you can come forward.

17 Mr. Utz, you have any rebuttal or any
18 closing?

19 MR. UTZ: Sure. I just would like to say
20 thanks again for spending another evening with us,
21 setting aside another night here in the summer and
22 getting us scheduled so quickly.

23 But I did just want to kind of summarize all
24 of the kind of elements that we just talked about,
25 that this is a unique project. It has a kind of

1 unique degree of what is required of it and what it
2 is offering. The Little Tavern, the renovation, and
3 the creation of a historic landmark there. The
4 provision of the alley system and actually the garage
5 curb cut on 6th as well is part of that, which is
6 often overlooked.

7 And the 2,000 square feet of maker space,
8 along with the employment agreement and just the
9 enhancements of the project. Actually, the housing
10 itself is deemed an amenity under the regulations.
11 And then of course the affordable housing element of
12 it being enhanced beyond what was initially filed.
13 It really does present, we believe, a robust totality
14 of a project to be considered by the Commission.

15 So, we hope that the Commission feels the
16 same.

17 CHAIRPERSON HOOD: Okay. Was that your
18 closing too?

19 MR. UTZ: Yes. Thank you.

20 CHAIRPERSON HOOD: Okay.

21 MR. MAY: Mr. Chairman, can I just ask
22 another question real quick?

23 CHAIRPERSON HOOD: Commissioner May. Yes.

24 MR. MAY: So, the Office of Planning brought
25 up the notion that some of the images of the bay

1 projections are different in the renderings. Is that
2 just a difference in some glitch in the renderings,
3 or is there actually -- are you showing us two
4 different versions of the bay projections?

5 MR. CONNORS: I think, unfortunately, there
6 is a slight glitch in one of the renderings, because
7 this project has been evolving and we've been going
8 back and forth and making changes. One of the
9 renderings that we outsourced, it seems like one of
10 the model errors that we would have picked up on,
11 unfortunately it was picked up on Office of Planning,
12 but it's a slight detail. I think Ms. Brown is
13 referring to one of the pieces of the trim at the top
14 balcony. That's it. It was a --

15 MR. MAY: Well, I mean, I think it's just
16 something that ought to be corrected for the record.
17 It should --

18 MR. CONNORS: It's always been --

19 MR. MAY: But we have our --

20 MR. CONNORS: -- shown correctly on all the
21 elevations and all the other exhibits, it's just
22 unfortunately that one view, and I --

23 MR. MAY: Right.

24 MR. CONNORS: And it's embarrassing but
25 we'll --

1 MR. UTZ: We'll (simultaneous speech).

2 MR. MAY: If you could just, if you can
3 correct that one rendering, that would be --

4 MR. UTZ: Yeah.

5 MR. MAY: -- helpful. Okay.

6 CHAIRPERSON HOOD: Okay. Do we have anything
7 else?

8 Okay. So, are we asking for a lot of stuff?
9 I know I'm not.

10 MS. SCHELLIN: I didn't take notes because I
11 saw Mr. Utz doing so.

12 CHAIRPERSON HOOD: Mr. Utz, did you -- Mr.
13 Utz, you didn't ask us to take a decision tonight,
14 so --

15 MR. UTZ: Well, that was my next comment.

16 CHAIRPERSON HOOD: Oh, I thought you were
17 finished.

18 MR. UTZ: No, sir.

19 CHAIRPERSON HOOD: Oh, okay.

20 MR. UTZ: I did want to see if it would
21 behoove the Zoning Commission to take proposed action
22 this evening.

23 CHAIRPERSON HOOD: Unless somebody is looking
24 for something that is detrimentally stoppable, I
25 don't know. Okay.

1 MR. MAY: So, I mean, I think the real
2 concern that we still have is the Inclusionary Zoning
3 proffer. We want that to be taken seriously and that
4 there be serious discussion.

5 MR. MILLER: And we need clarification as to
6 which requirement complies --

7 MR. MAY: Which applies, yeah.

8 MR. MILLER: -- because it will have to be
9 changed if the new requirement complies -- applies, I
10 mean. So, we're going to get clarification from
11 Office of Planning in consultation with Office of
12 Attorney General on that point, and I'm sure the
13 applicant will be on consultation with them as well.

14 CHAIRPERSON HOOD: So, I know that's
15 important. But still, I don't see any reason to stop
16 proposed action.

17 MR. MILLER: I agree.

18 CHAIRPERSON HOOD: Because we've known, you
19 know, certainly we've been known to take proposed and
20 not take final. Final never becomes final.

21 So, I think that this will send a strong
22 signal to work out those issues with the Inclusionary
23 Zoning, or however that may be if we take proposed
24 tonight. That's my recommendation because we're just
25 belaboring just for that, I believe that they can

1 work all that out as requested by my colleagues.

2 Commissioner Shapiro.

3 MR. SHAPIRO: Mr. Chair, I would agree with
4 that. I think that one issue might be around the
5 canopies, though. I'm not sure where we are as a
6 commission around that, and whether -- what we're
7 approving. I mean, what I heard was we would approve
8 either 10 or four, based upon what DDOT says.

9 MR. UTZ: Yeah. Yeah. DDOT and OP as part
10 of the DCRA projection review, we would need a code
11 mod as part of that.

12 MR. SHAPIRO: All right. So, but this is my
13 ignorance, Mr. Chair, I apologize. But so, that
14 means that that actually isn't up to us. We're
15 approving this -- that's up to them, not us. Is that
16 right?

17 CHAIRPERSON HOOD: From what I'm hearing. I
18 don't have a problem giving this applicant
19 flexibility on that. I wouldn't want to have to have
20 another -- come down here another night on a night I
21 should have been off, to just deal with one issue
22 like that. Unless my colleagues feel otherwise, I
23 don't have a problem.

24 MR. SHAPIRO: But I'm -- slightly
25 different --

1 CHAIRPERSON HOOD: Yeah. Yeah.

2 MR. SHAPIRO: -- question is that, I mean,
3 could we just say 10? Could we just say four? Or is
4 that really not up to us?

5 CHAIRPERSON HOOD: Well, I don't think so
6 because it depends on what happens with the other
7 powers that be when they go for their other permits,
8 then they might have to turn around and say, the
9 Zoning Commission only approved -- then they have to
10 come back down here for -- I guess we don't call it
11 minor modification. What do we call it now?

12 MS. SCHELLIN: Modification of consequence.

13 CHAIRPERSON HOOD: Modification of
14 consequence.

15 MR. SHAPIRO: Okay.

16 CHAIRPERSON HOOD: And that will take five
17 minutes. So, the reality of it is, let's cut the red
18 tape. That's one of the things the city is trying to
19 do, let's cut all this red tape and let's just move
20 forward. Unless my colleagues feel strong about
21 that.

22 MR. SHAPIRO: That's helpful. I appreciate
23 that, Mr. Chair.

24 MR. MILLER: And I agree with providing the
25 flexibility. But I also stated my preference that I

1 hope DDOT approves the larger deeper canopies because
2 I think they're more -- I personally think they're
3 more attractive and functional.

4 CHAIRPERSON HOOD: Okay. So, I'm going to go
5 along with the Vice Chair. I personally agree with
6 the Vice Chair, so hopefully Mr. Zimmerman --

7 MR. MAY: All right. Then, since we're all
8 voicing our opinions on it --

9 CHAIRPERSON HOOD: Okay. Let's voice our
10 opinions.

11 MR. MAY: I would just end. I think actually
12 the four-foot, there are advantages to having just
13 the four-foot, but I honestly don't care one way or
14 the other what we -- you know, I'll approve it both
15 ways.

16 CHAIRPERSON HOOD: Okay. Well, what was --

17 MR. SHAPIRO: And, Mr. Chair.

18 CHAIRPERSON HOOD: -- the significance of
19 that? Okay. Next.

20 MR. SHAPIRO: I'm feeling a little
21 solomonesque, which is it feels to me like I heard
22 what Commissioner May said about having the
23 differences in the two sizes, but the four-foot seems
24 too small. I would go for something in the middle.

25 CHAIRPERSON HOOD: You see why we --

1 MR. SHAPIRO: (Simultaneous speech.)

2 CHAIRPERSON HOOD: You see why we leave it to
3 DDOT? Because we're going to be here 50 minutes
4 talking about that.

5 So, let's just leave the flexibility up to
6 DDOT. Mr. Zimmerman, please do not take any of what
7 we just said, except for what maybe the Vice Chair
8 and I said -- no, I'm just playing.

9 [Laughter.]

10 CHAIRPERSON HOOD: All right. So, guys, I
11 don't think this is a showstopper. I'm sure that,
12 you know, we have an award-winning District
13 Department of Transportation who gets awards all over
14 the country from what I heard. So, and Office of
15 Planning as well. So, anyway.

16 Somebody like to make a motion?

17 MR. MILLER: Mr. Chairman, I would move that
18 the Zoning Commission take proposed action on Case
19 No. 16-05, consolidated PUD and related map amendment
20 at Square 3591, 5th and Morse, 6th and Morse, and
21 developer's name, and ask for a second.

22 MR. SHAPIRO: Second.

23 CHAIRPERSON HOOD: Okay. It's been moved and
24 properly seconded. Any further discussion?

25 [Vote taken.]

1 CHAIRPERSON HOOD: Ms. Schellin, would you
2 record the vote?

3 MS. SCHELLIN: Staff records the vote five,
4 to zero, to zero to approve proposed action in Zoning
5 Commission Case No. 16-05, Commissioner Miller
6 moving, Commissioner Shapiro seconding, Commissioners
7 Hood, Turnbull, and May in support.

8 CHAIRPERSON HOOD: Okay. And again, the only
9 thing we have outstanding, I believe for final
10 action, is the Inclusionary Zoning issue that was
11 raised by my colleagues, correct?

12 MS. SCHELLIN: I think there were a few other
13 things.

14 MR. UTZ: No, there were a few other odds and
15 ends.

16 CHAIRPERSON HOOD: Oh, there were a few other
17 things?

18 MS. SCHELLIN: Yeah.

19 CHAIRPERSON HOOD: Well, whatever they were.

20 MS. SCHELLIN: There were some other
21 outstanding things.

22 CHAIRPERSON HOOD: Mr. Utz knows what they
23 are. Okay.

24 MS. SCHELLIN: So, you have the proffers and
25 conditions process that starts next Monday, and other

1 than that, besides that process, of course final
2 action isn't going to come up until September, the
3 September 11th meeting. So, if we could have your
4 submissions by August 28th. And then the ANC, if
5 they choose to provide a response could, we'll say,
6 do that by September 8th. We'll just give them until
7 the last day possible. And then we can take that up,
8 or the Commission can take it up on September 11th.

9 And draft findings of fact, conclusions of
10 law also by the 28th.

11 CHAIRPERSON HOOD: All right. Do we have
12 anything else?

13 MS. SCHELLIN: Nope.

14 CHAIRPERSON HOOD: Okay. I want to thank
15 everyone for their participation tonight, and this
16 hearing is adjourned.

17 [Whereupon, the hearing adjourned at 8:20
18 p.m.]

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CERTIFICATE OF TRANSCRIPTIONIST

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