

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Zoning Commission Case No. 17-06 [Capitol Vista
Community Partners and the District of Columbia
Consolidated PUD & Related Map Amendment at Square
563N, Lots 2-6 and 800-805.]

6:35 p.m. to 7:14 p.m.
Thursday, July 20, 2017

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

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

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 JENNIFER STEINGASSER

13 STEVEN COCHRAN

14

15 Department of Transportation:

16 AARON ZIMMERMAN

17 HALEY PECKETT

18

19

20

21

22

23

24

25

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

2 CHAIRPERSON HOOD: Are we ready to get
3 started? Good evening, ladies and gentlemen. This
4 is a public hearing of the Zoning Commission for the
5 District of Columbia. Today's date is June -- July
6 20th, 2017. Approximate 6:35. We're located in the
7 Jerrily R. Kress Memorial Hearing Room.

8 My name is Anthony Hood. Joining me this
9 evening are Vice Chair Miller, Commissioner Shapiro,
10 Commissioner May, and Commissioner Turnbull. We're
11 also joined by the Office of Zoning staff, Ms. Sharon
12 Schellin, Office of Planning staff, Ms. Steingasser.

13 You by yourself, Ms. Steingasser?

14 MS. STEINGASSER: No, sir. Mr. Cochran is
15 here.

16 CHAIRPERSON HOOD: Oh, okay. I did see Mr.
17 Cochran.

18 MS. STEINGASSER: Yes.

19 CHAIRPERSON HOOD: I thought he might have
20 left. Okay. Mr. Cochran as well. District
21 Department of Transportation, Mr. Zimmerman and Ms.
22 Peckett. Did I pronounce that correctly? Is this
23 your first time?

24 MS. PECKETT: [Speaking off microphone.]

25 CHAIRPERSON HOOD: Oh, boy, you're in for it

1 tonight. But anyway, let's welcome you, Ms. Peckett.
2 We welcome you to the Zoning Commission of the
3 District of Columbia. Okay.

4 Okay. This proceeding is being recorded by a
5 court reporter, it's webcast live. Notice of today's
6 hearing was published in the D.C. Register, and
7 copies of that announcement are available to my left
8 on the wall near the door.

9 The hearing will be conducted in accordance
10 with provisions of 11-DCMR Chapter 4 as follows;
11 preliminary matters, applicant's case, report of the
12 Office of Planning, report of other government
13 agencies, report of the ANC, organizations and
14 persons in support, organizations and persons in
15 opposition, rebuttal and closing by the applicant.

16 The following time constraints will be
17 maintained in this meeting. Before I read this, do
18 we have anyone here who is in opposition?

19 [No audible response.]

20 CHAIRPERSON HOOD: Okay. The applicant has
21 up to 60 minutes, but I can assure you that my
22 colleagues, we have read the record. I don't think
23 we really need a presentation. I think it would be
24 better advised if we ask our questions. But you do
25 have 60 minutes. I don't want to take that from you.

1 Organizations, five minutes. Individuals,
2 three minutes.

3 All persons appearing -- all persons wishing
4 to testify before the Commission in this evening's
5 hearing are asked to register at this witness -- at
6 the witness kiosk to my left, to fill out two witness
7 cards. These cards are located to my left on the
8 table near the door.

9 Upon coming forward to speak to the
10 commission, please give both cards to the reporter
11 sitting to my right before taking a seat at the
12 table.

13 When presenting information to the
14 commission, please turn on and speak into the
15 microphone, first stating your name and home address.
16 When you are finished speaking, please turn your
17 microphone off so that your microphone is no longer
18 picking up sound or background noise.

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

25 MS. SCHELLIN: Yes. Please raise your right

1 hand.

2 [Oath administered to the participants.]

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
4 have any preliminary matters?

5 MS. SCHELLIN: The applicant has proffered a
6 couple expert witnesses. I don't see Mr. Dettman so
7 I'm assuming he will not be here. So, Ms. White, who
8 has previously been accepted. Mr. Atkins, is he
9 here? Yes, okay. He's been previously accepted.

10 And the only one that the Commission I don't
11 have as being previously -- oh, I take that back.
12 Mel Thompson has previously been accepted. But Mr.
13 Mayer has not been accepted by the Commission before.
14 If the Commission would please consider him as an
15 expert as proffered.

16 CHAIRPERSON HOOD: Okay, Mr. Mayer is being
17 proffered as what? I don't have my computer on.

18 MS. SCHELLIN: In architecture.

19 CHAIRPERSON HOOD: Architecture. Okay,
20 colleagues, we do have Mr. Mayer's -- well, I know we
21 have his resume.

22 MS. SCHELLIN: Exhibit 14F.

23 CHAIRPERSON HOOD: My computer is acting up
24 again. Colleagues, you have it in front of you. If
25 you can -- something about when I come out here, that

1 never works. Thank you.

2 We have Mr. Mayer's resume. Any objections?

3 MR. TURNBULL: I just had a question. Mr.
4 Mayer, are you a licensed architect?

5 MR. MAYER: Yes.

6 MR. TURNBULL: I didn't see it on your
7 resume.

8 Oh, I see it. Architecture in Maryland.

9 MR. MAYER: That is --

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

11 CHAIRPERSON HOOD: Okay, anything else? All
12 right. So, we will proffer you as an expert.

13 MR. MAYER: Thank you, sir.

14 CHAIRPERSON HOOD: Anything else, Ms.
15 Schellin?

16 MS. SCHELLIN: I do not see anything at this
17 time.

18 CHAIRPERSON HOOD: Okay, Mr. Freeman. You
19 just want to do introductions?

20 MR. FREEMAN: Sure. For the record, I'm
21 Kyrus Freeman, a partner with the law firm of Holland
22 and Knight on behalf of the applicant. We'll start
23 to the far left and have our panel introduce
24 themselves.

25 MS. PREGLIASCO: Quinn Pregliasco,

1 Development Manager at Dantes Partners.

2 MR. BINITIE: Good evening. Buwa Binitie,
3 Dantes Partners.

4 MR. MAYER: Ashish Mayer, Architect Project
5 Manager, Grimm & Parker Architects.

6 MS. WHITE: Nichole White, Principal,
7 Symmetra Design.

8 CHAIRPERSON HOOD: Okay. Mr. Freeman.

9 MR. FREEMAN: We are prepared to rest on the
10 record. We filed some information today in response
11 to some of the agency reports. There are also a lot
12 of letters of support that came in today; just want
13 to make sure you're aware of those as well. But
14 other than that, we're happy to rest on the record
15 and answer any questions. Thank you.

16 CHAIRPERSON HOOD: All right. Thank you. I
17 think that would be better as we have read the
18 materials.

19 Let me open it up. Any comments or
20 questions, colleagues? Commissioner May?

21 MR. MAY: Well, yeah. I did not get to the
22 one that came in today, so maybe they should recap
23 the response to the agency reports.

24 CHAIRPERSON HOOD: Okay. That will be good.
25 Was that loaded on the agency reports?

1 MR. MAY: Thirty-five.

2 CHAIRPERSON HOOD: Okay. Let's respond to
3 that.

4 MR. FREEMAN: Sure. I will try to be brief
5 but concise. OP asked us to confirm that our
6 materials matched in terms of the orange color for
7 lack of a better word. That's confirmed. And you
8 have the materials board behind you. They asked --

9 MR. MAY: But which scheme, which color
10 scheme --

11 MR. FREEMAN: For what we're calling the --

12 MR. MAY: What's your preferred?

13 MR. FREEMAN: I'd call it the orange option
14 if you will.

15 MR. MAYER: The terracotta color option.

16 MR. MAY: So, that's the original one.

17 MR. MAYER: That is correct, sir.

18 MR. MAY: And you just, you looked at
19 alternatives, and those are the ones that are shown
20 on the alternative pages later in the book.

21 MR. MAYER: That is correct.

22 MR. MAY: Okay. And OP supports that
23 selection?

24 MR. FREEMAN: Correct.

25 MR. MAY: Okay.

1 MR. FREEMAN: All right. They asked for more
2 information on some of the amenity proffers. We
3 provided letters that detail that. I understand they
4 had some further questions and I think we agreed to
5 just resolve that detail as we go through the BAFO
6 process. So, I think that hopefully resolves that.

7 CHAIRPERSON HOOD: Mr. Freeman, before we go
8 too far, some of us got lost on which -- about the
9 materials and color. Some of us didn't catch on to
10 that. Can you back up and let's talk about that?

11 MR. FREEMAN: So, at set down, the Commission
12 asked us to consider alternative design and material
13 to further -- to make the building look more iconic.
14 I don't want to put words in Commissioner's mouth.
15 But, so what we did is two things.

16 We have a preferred design, which is what is
17 the terracotta plan, for lack of a better word, that
18 we enhanced, provided more details on that. We
19 provided additional Juliette balconies, we provided
20 more detail in at the ground-floor level.

21 And we also prepared an alternative skin for
22 lack of a better word, which is shown on Sheets A-7.1
23 through A-7.6. And that has the more brown and
24 yellow material, which is shown on the materials
25 board behind you.

1 Again, our preferred option is the
2 terracotta, but we also developed that additional
3 option to the extent that the Commission felt that
4 was a better skin package.

5 CHAIRPERSON HOOD: So, let me make sure I
6 understand. I think I heard you say in discussion
7 with Commissioner May, something about the orange?

8 MR. FREEMAN: Terracotta is the correct word.

9 CHAIRPERSON HOOD: Okay. I follow the orange
10 better than I do terracotta. Okay. Yeah, okay.

11 All right. So, are we all on the same page?
12 Okay, I think we're good now.

13 MR. TURNBULL: And so, you're willing to
14 ignore the alternate?

15 MR. FREEMAN: We are willing to proceed with
16 whichever option the Commission approves.

17 MR. TURNBULL: Okay.

18 CHAIRPERSON HOOD: Never leave it up to this
19 Commission.

20 Okay, you can continue. Any other -- okay.

21 MR. FREEMAN: The Office of Planning asked
22 for a little bit more information about how the art
23 in public space would be funded. I think we provided
24 a letter from a potential source that we would work
25 with, but we haven't confirmed the source yet. They

1 asked us to confirm that we weren't asking for
2 additional relief on the ground-floor financial
3 services. We confirmed that. They asked us to
4 provide them material samples, which we did. They
5 asked for more detail about loading, which we did.

6 So, I think we -- again, other than the
7 finalizing some of the specifics on the off-site
8 proffers, I think we've responded to all of their
9 questions.

10 DDOT asked us to incorporate TDMs. We've
11 agreed, essentially, to all of their TDMs. Some
12 slightly revised language on their final
13 recommendation. But that is in our written response
14 and I'm sure DDOT can confirm that we've resolved
15 their comments on TDM measures.

16 Finally, with respect to DOEE, they had a lot
17 of comments that were things that we could resolve
18 during the permitting process. And what we said is
19 we agree to work on those items during the permitting
20 process, and we have a letter from our civil
21 engineer, Wiles Mensch, that is included as Exhibit G
22 -- I'm sorry. Yeah, Exhibit G of our submission from
23 today, that confirms we'll work with DOEE, D.C.
24 Water, MPD, fire, et cetera, to comply with all
25 applicable requirements as necessary.

1 And DOEE asked us to consider two additional
2 things. One was with respect to energy. One was
3 with respect to the use of solar. We looked at that
4 and decided that given kind of a couple of project
5 constraints, we could not incorporate the solar
6 panels at this point.

7 CHAIRPERSON HOOD: Thank you. Anything else?

8 MR. FREEMAN: That's the summary of our
9 submission.

10 CHAIRPERSON HOOD: All right. Commissioners,
11 let's open it up. Any questions or comments?

12 MR. TURNBULL: Mr. Chair.

13 CHAIRPERSON HOOD: Yes.

14 MR. TURNBULL: On the DOEE comments, on page
15 4, I think you may have touched upon some of it in
16 your -- I think in Exhibit No. 35. But one of the
17 things that they -- one of the bullets under
18 sustainable design and energy efficiency, they talked
19 about, it is strongly encouraged that the applicant
20 maximize all strategies to increase energy
21 efficiency, and therefore decrease tenant utility
22 costs. I wonder if you could talk a little bit more
23 about that.

24 I mean, I think this is a wonderful project
25 from the standpoint of affordability, and I think

1 it's a great project. What one of the things is, is
2 that once tenants get in, if the energy and the cost
3 for utility bills are so high that it makes it
4 difficult to keep up, so I'd like you to try to at
5 least talk about that, or what efforts are being done
6 to try to maximize energy inefficiency so that
7 utility bills will be at a reasonable rate for the
8 tenants.

9 MR. FREEMAN: Sure. I think in our
10 submission, I don't want to read --

11 MR. TURNBULL: Exhibit 35?

12 MR. FREEMAN: Yes, sir.

13 I don't want to read, but I also don't want
14 to -- I don't want to say anything incorrectly.

15 On page 7.

16 MR. TURNBULL: Okay.

17 MR. FREEMAN: We have a paragraph that
18 describes what we've done to try to employ the lower
19 emitting technologies for the project. For example,
20 we are going to reduce energy consumption over 15
21 percent beyond the D.C. Standard of ASHRAE. So
22 that's a huge energy savings. We're installing a
23 thermal and air barrier. We're optimizing that.
24 We're using ZIP exterior sheathing. We're using
25 Grade 1 Captivity insulation. And we're above code

1 on our values. So, heating and cooling will be
2 provided by a high-efficiency VRF system.

3 We've provided to DDOE, or DOEE, a drawing
4 that shows how the sun will hit our building and that
5 we're actually in shade for a large amount of the
6 time, so there's not going to be a lot of solar gain.
7 So, we provided that information in our response here
8 and we've provided that information to DOEE prior as
9 well.

10 MR. BINITIE: In addition to what Kyrus just
11 mentioned, the plan for this project, as with every
12 one of our other Lytec properties, the tenants only
13 pay for electricity. And in our experience, those
14 have been historically low. So, on the average for a
15 one-bedroom, we're talking about anywhere from 25 to
16 maybe \$45.

17 MR. TURNBULL: Okay. Well, could you
18 quantify that, or elaborate that for the record for
19 us?

20 MR. BINITIE: Sure.

21 MR. TURNBULL: I would just like -- I mean, I
22 think it would be good. What you said is great. I'd
23 just like to have that maybe elaborated a bit.

24 MR. BINITIE: So, typically prior to -- so
25 additional background for you is, because these are

1 what we call low-income housing tax credit finance
2 transactions --

3 MR. TURNBULL: Okay.

4 MR. BINITIE: -- the rents are capped by --
5 the rents, plus utilities, are capped by federally
6 stipulated --

7 MR. TURNBULL: Okay.

8 MR. BINITIE: Benchmarks. So we can --

9 MR. TURNBULL: I don't think that became
10 evident when I was reading materials.

11 MR. BINITIE: Yes. So, we are capped in
12 terms of how much --

13 MR. TURNBULL: As to what you can charge.

14 MR. BINITIE: As to how much -- so, that has
15 to also include whatever we charge for utilities.

16 MR. TURNBULL: Okay.

17 MR. BINITIE: So, as an example, for this
18 property based on today's area median income, a one-
19 bedroom rent is approximate \$1,200. So the most
20 we'll be able to charge, including utilities, is
21 \$1,200.

22 MR. TURNBULL: Okay, good. Well, I'm glad
23 you -- I think that explains it a little bit better
24 than your Exhibit 35, your paragraph here. I think
25 hearing that is a little bit more -- I think I feel

1 better after hearing that. I think that it's
2 probably standard knowledge, but I think it's good to
3 have in the record. So, thank you again.

4 CHAIRPERSON HOOD: Okay. Any other comments
5 or questions up here? Vice Chair Miller?

6 MR. MILLER: Thanks, Mr. Chairman. So, you
7 know, as we said at set down, it's great that this is
8 an all-affordable project on the edge of downtown,
9 and not just affordable at an 80 percent AMI level,
10 but 70 percent, or at the 60 percent AMI level and 15
11 percent at 50 percent AMI or lower, and 15 percent at
12 30. So, yeah. So, that's just a great opportunity
13 for our residents of the District of Columbia on the
14 edge of downtown.

15 And, you -- I appreciate all the changes that
16 you've made in response to comments from the
17 Commission, OP, DDOT, the community. You have the
18 support of the ANC. You increase the number of one-
19 bedroom versus studio units, which is good also. You
20 also have the two-bedroom units, which is good.

21 Are you -- and you've increased the LEED
22 scoring, although I don't think you're seeking
23 certification, but you increased the LEED Goal from
24 just the certification level to the Silver level,
25 which is good, although we, as you probably know,

1 aren't really considering beyond LEED Silver as a
2 public benefit. I mean, we're considering that the
3 minimum at this point. And LEED Gold is what should
4 be striven for if possible. But this project is
5 trying to accomplish a lot of public policies.

6 But you're at 54 points in your LEED, I
7 think, goal. You went from 49 to 54, I think.

8 MR. FREEMAN: Right. We increased
9 significantly to get to silver.

10 MR. MILLER: Yeah.

11 MR. FREEMAN: The equivalent of LEED Silver.

12 MR. MILLER: And did you have conversations
13 with DOEE as to how you might get the six additional
14 points without --

15 MR. FREEMAN: Well, part of our -- at the
16 point DOEE saw we were at certified and subsequent to
17 that we got up to Silver, and we feel confident that
18 we could get to Silver without -- that we could
19 actually achieve that goal. And that goal may not be
20 achievable, particularly given all of the other
21 constraints given, as you noted, the fact that it's
22 100 percent affordable.

23 MR. MILLER: Are you agreeing to all of the
24 DDOT conditions? I didn't -- I think I didn't see
25 the -- they had the one -- you're having zero parking

1 spaces, which I think is understandable. But they
2 had recommended that after the first year of building
3 occupancy, during which you are proffering that all
4 adult tenants will receive a free Bikeshare or
5 Carshare membership, but they're also saying that you
6 should provide discounted Bikeshare or Carshare
7 membership for the subsequent four years.

8 MR. FREEMAN: Yes, we agree to that.

9 MR. MILLER: Oh, you have agreed to that.

10 MR. FREEMAN: We slightly revised on page 5.
11 What we said is, after the first year of building
12 occupancy we'll provide discounted Bikeshare
13 memberships for all -- for the subsequent four years
14 to all tenants, and we put a cap of 10,000, which we
15 think will actually be enough to provide that
16 throughout the whole time period. And we've reviewed
17 that with DDOT and understand that they support that
18 condition.

19 MR. MILLER: So, there's a cap of 10,000 for
20 those four years?

21 MR. FREEMAN: For the five.

22 MR. MILLER: And there are over 100 tenants.

23 MR. FREEMAN: Bikeshare has some programs
24 that we're exploring to try to actually get
25 discounted price. So, I know you're probably saying

1 \$85 times 104, times five gets you one number. But
2 we're looking at options that hopefully do bulk or
3 purchase or other things to bring that cost down.

4 MR. MILLER: Okay. All right. Thank you for
5 everything you've submitted, and I have no further
6 questions at this time, Mr. Chairman. Thank you.

7 CHAIRPERSON HOOD: Okay. Any other questions
8 or comments? Commissioner May?

9 MR. MAY: One very minor question. Aerial
10 view on A5.6, which shows the rooftop. If we can
11 pull that up it will be easier for me to explain.

12 So, my first question is, what is the -- what
13 material is used for the screening of the -- the
14 screen enclosure. Is that the 1C, weathered zinc
15 metal panel?

16 MR. MAYER: The rooftop screen is what you're
17 asking about.

18 MR. MAY: Yes.

19 MR. MAYER: It's a prefinished aluminum
20 screen perforated screen system.

21 MR. MAY: What color?

22 MR. MAYER: It will be the same color as what
23 you have on the terrace.

24 MR. MAY: The one seam metal --

25 MR. MAYER: That is correct, sir.

1 MR. MAY: -- weathered zinc. Okay.

2 And so, the enclosure of the little bit of
3 elevator overrun, you have four feet of elevator
4 overrun, which is shown as white there. And then
5 also the stair enclosure, which also looks white.

6 Let me suggest that they be the same color,
7 and not be white.

8 MR. MAYER: So, I would like you to look at
9 Sheet 2.1.

10 MR. MAY: Okay.

11 MR. MAYER: And 2.2.

12 MR. MAY: Okay.

13 MR. MAYER: As you can see the color --

14 MR. MAY: Oh, so it's a cementitious panel on
15 the stair overrun.

16 MR. MAYER: That is correct, sir. And the
17 color is going to match the dark gray color.

18 MR. MAY: Okay. Yeah. All right. Very
19 good, so it's just the renderings we're on. All
20 right. Thanks. That's it.

21 CHAIRPERSON HOOD: Any other comments,
22 questions? Commissioner Shapiro?

23 MR. SHAPIRO: Thank you, Mr. Chair. The only
24 comment I would have is that I appreciate you all
25 going the extra mile and exploring solar panels, and

1 I thought that the conversation that it sounds like
2 you had with DOEE, that conclusion you came to is
3 logical and it doesn't always work, but clearly you
4 gave it a try. And there are, you know, there are
5 still other options to explore and it just doesn't
6 work in every facility. But I just want to thank
7 you, encourage you to continue to do that and just
8 try to push the envelope with that. So, thank you.

9 Thank you, Mr. Chair.

10 MR. MAY: I thought for sure you were going
11 to bring up that other project where we saw solar
12 panels on top of a green roof.

13 MR. SHAPIRO: It works. It doesn't work when
14 you are running into the storm water management
15 issues that you're working with, so, so we cut them
16 some slack on the green roof.

17 MR. MAY: Nice guy today.

18 CHAIRPERSON HOOD: Any other questions or
19 comments?

20 I think that this, for me, a lot of work has
21 been done. And it's evident by the amount of
22 support. So, I don't really have any questions other
23 than I'm glad you clarified the materials that we
24 use. Other than that, I don't have any questions.

25 I don't see anyone from the ANC. What was

1 that 6 -- what was this? I know it's 6E? Is anyone
2 here from ANC 6E? I don't see Chairman Padro.

3 Okay. Okay. Not seeing anyone, let's go to
4 the Office of Planning and District Department of
5 Transportation.

6 MR. COCHRAN: Thanks, Mr. Chair. Steve
7 Cochran for the Office of Planning.

8 OP is recommending approval with the map
9 amendment and with the flexibility that's requested.
10 As you know, the scheme we're recommending for façade
11 approval is the one that's, if you turn around it's
12 on your left. It's the terracotta one. We were
13 concerned that the other one was either too yellow or
14 too orange, and wouldn't fit in with all the historic
15 buildings over near the GPO. And we think the
16 applicant, if you take a look at our report you'll
17 see the specifics about the colors on page 5 of our
18 report.

19 The applicants responded to the four items
20 that we noted on the first page of our final report.
21 They fully addressed three of them, that fourth one
22 having to do with \$100,000 worth of proffers. We
23 retained some concerns. We think that as proffers
24 generally, they may not be specific enough to be
25 easily trackable. And that might be of concern in

1 another kind of a PUD or another specific project.
2 But with this PUD, we're not concerned because we
3 think that the development itself, in and of itself,
4 is consistent with the Comprehensive Plan, is an
5 excellent project, and is the development itself is
6 sufficient to warrant approval as a PUD.

7 On the other hand, we encourage the applicant
8 to continue to provide these benefits that they've
9 offered to the community. But just not to make your
10 decision dependent on that.

11 As the applicant noted, DOEE has suggested
12 five ways they could exceed the Green Community
13 certification standards, but they didn't suggest that
14 you make their five recommendations conditions of
15 approval. DDOT will address their conditions of
16 approval.

17 Department of Education has no objection.
18 ANC 6E and the board council person, Allen, support
19 the project and we strongly recommend that you
20 approve it. If you have any questions we're of
21 course open to answer them.

22 CHAIRPERSON HOOD: Okay. Thank you, Mr.
23 Cochran. Let's go to Ms. Peckett.

24 MS. PECKETT: Thank you. Thank you. And
25 thank you for the opportunity to come and share our

1 findings.

2 Generally, the applicant has agreed to all of
3 DDOT's conditions and we approve this development.
4 The only thing that I would add to clarify from the
5 question before about the additional TDM measure for
6 the additional four years of Bikeshare membership, so
7 I was able to coordinate with our TDM coordinator
8 today and we talked about the typical rates that
9 Bikeshare memberships are requested from other
10 developments around the city, including peer types of
11 developments. And we believe that the \$10,000 cap
12 will be sufficient to meet anticipated demand.

13 So, we approve that cap and we approve the
14 additional conditions.

15 CHAIRPERSON HOOD: Want to thank you both.
16 Let's see if we have any comments or questions.
17 Commissioner Shapiro.

18 MR. SHAPIRO: Thank you, Mr. Chair. If
19 memory serves, in terms of the color scheme, and I
20 may be wrong with this, but you all had some issues
21 around the color scheme at set down. We had some
22 issues. They have presented with us, two options.
23 The second option nobody likes, so we're going back
24 to the first option because it's better than the
25 second option that nobody likes.

1 MR. COCHRAN: Excuse me, sir. To some extent
2 this is a problem with the way the computers render
3 real colors. If you actually look at those samples,
4 they strike me as fine. I was concerned that they
5 would be too orange, too garish to go with the GPO
6 building and the PUD across the street from that, and
7 a few of the other ones that are brick. I've
8 actually looked at the GPO in the last weekend and
9 it's actually been cleaned and it's even brighter
10 than I remembered.

11 The scheme on the left seems fully consistent
12 with the historic masonry tradition in that part of H
13 Street. It doesn't look like some of the buildings
14 that have orange panels up on Rhode Island Avenue.
15 It's just fine.

16 MR. SHAPIRO: So, just so we're clear, we're
17 not sticking with the first scheme just because the
18 second scheme is just awful?

19 MR. COCHRAN: Absolutely not. We think the
20 first scheme is just fine.

21 MR. SHAPIRO: Okay. Thank you. And a
22 question for DDOT. And this probably is a bigger
23 question, but I'll take the opportunity to ask, I
24 just don't know, does Capitol Bikeshare offer some
25 kind of discounted rate for people who are in some

1 kind of subsidized housing? I mean, do they do any
2 kind of subsidy at all?

3 MS. PECKETT: So, thank you for the
4 opportunity to clarify. There are -- so, there's a
5 Capitol Partners program. Let me get the exact
6 language here. We have a Capitol Bikeshare Community
7 Partners program, and that's not really meant for
8 tenants in affordable housing. It's actually people
9 who are working with different social organizations
10 around the city that might be receiving social
11 services. And they are required to receive highly
12 discounted Bikeshare memberships at the rate of \$5
13 per year.

14 So it's possible that some of the tenants
15 that are working with other social organizations
16 could get that, and we're going to encourage the TDM
17 coordinator of this building to help make that
18 connection. However, there are not otherwise
19 discounted Bikeshare members available to owners or
20 tenants of buildings.

21 MR. SHAPIRO: So, Capitol -- I'll just take
22 the opportunity to say this, but Capitol Bikeshare
23 is, in many ways, is a vendor of D.C. and of
24 jurisdictions around the region. And I know that
25 there's ongoing negotiations and I think there's some

1 pretty hot and heavy negotiations going on right now,
2 and I can't imagine anything more important than
3 trying to figure out a way to negotiate exactly what
4 the applicant is looking for, which is some kind of
5 way of subsidizing the system, for them to buy down
6 the cost for people of limited means.

7 So, that's less for you as the applicant, but
8 I would encourage you to see if there's a way to
9 factor that in.

10 MS. PECKETT: Sure. I'm happy to take that
11 feedback back. And I know that it can be tricky to
12 think about how we treat all developers, and I know a
13 100 percent affordable development is different than
14 most of the developments that come before the Zoning
15 Commission. But I will certainly take that feedback
16 back to my department.

17 MR. SHAPIRO: I don't see anything wrong with
18 means testing Capitol Bikeshare like we means test
19 many things. So.

20 MS. PECKETT: Sure.

21 MR. SHAPIRO: Thank you. Thank you, Mr.
22 Chair. That's all I have.

23 CHAIRPERSON HOOD: Okay. Thank you. Any
24 other questions? Thank you, Ms. Schellin, for
25 getting my computer back up and running. Maybe it's

1 an operator's problem.

2 Okay. Any other questions or comments? Does
3 the applicant have any cross of either Office of
4 Planning or DDOT?

5 MR. FREEMAN: No, sir.

6 CHAIRPERSON HOOD: All right. Again, I don't
7 see anyone here from ANC 6E. All right. Did we have
8 any other government reports that we haven't already
9 spoken about? I don't think so. I think we're good.
10 If not, it's in the record, didn't raise any
11 concerns.

12 The ANC report is dated May the 23rd, 2017.
13 And the vote was six in favor and zero opposed with a
14 no abstentions to support this project Capitol
15 Vista's Planned Unit Development, and it's signed by
16 Chairman Padro, ANC 6E. Thank you.

17 Do we have any organizations or persons who
18 are here in support?

19 Any organizations or persons who are here in
20 opposition?

21 I do have a question for you, Mr. Cochran. I
22 thought about -- I kept hearing GPO, and I know what
23 you meant. I guess the color of the brick of GPO,
24 but we're not using GPO for the benchmark of our new
25 buildings in that area are we? I'm just asking. Is

1 Office of Planning using GPO for the benchmark?

2 MR. COCHRAN: It's the combination of
3 buildings in the area. The NoMa Plan actually
4 addressed this area and the aesthetics of the design,
5 and referred to H Street between North Capitol Street
6 and about 3rd as if it -- as brick row. So, we're
7 looking at the way that the government printing
8 office in the 19th Century established a certain
9 color of brick. The addition to it in the early 20th
10 Century, kept with that.

11 The PUD across the street on the Northwest
12 corner of H and North Capitol, kept that going. And
13 so did the Walmart building. So, we're just trying
14 to -- you know, there's a certain consistency that is
15 worth keeping.

16 CHAIRPERSON HOOD: Okay. Okay.

17 MR. COCHRAN: And that's what we're trying to
18 do.

19 CHAIRPERSON HOOD: And I guess from a
20 planning perspective, Office of Planning already has
21 a radius of that prospective that's already where
22 that area is because, you know, when I look at some
23 of the other buildings that we're approving in PUDs,
24 to me it's a newer style of architecture. So, I
25 guess in that area you all have like a radius of how

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 far out that character should be?

2 MR. COCHRAN: It's linear. It's along H
3 Street between about North Capitol and basically
4 where the freeway goes.

5 CHAIRPERSON HOOD: Okay. Okay. All right.
6 All right, thank you.

7 Okay. So, rebuttal? Mr. Freeman, I don't
8 think you have any rebuttal.

9 MR. FREEMAN: No, sir.

10 CHAIRPERSON HOOD: Okay. You have any
11 closing?

12 MR. FREEMAN: I just thank everyone for their
13 time. We appreciate the agency's support, the
14 recommendations for approval. You noted the ANC
15 letter in support. We also just want to make sure --
16 I don't know if you've all had a chance to see, but
17 we do have the support of Councilmember Allen, as
18 well as the support of a number of community groups
19 and organizations that serve groups that actually
20 serve people in an area, and we'd just like to make
21 sure you're aware of that as well.

22 With that, we are anxious to move forward and
23 therefore ask that you close the record and move
24 forward as expeditiously as possible. Thank you.

25 CHAIRPERSON HOOD: All right. I too want to

1 note that we do have a letter of Councilmember Allen.
2 We always appreciate when the council members weigh
3 in on any project. So, we want to thank
4 Councilmember Allen for weighing in on this project
5 as well. That did not fall on deaf ears, so I just
6 didn't note it myself.

7 Commissioners, Mr. Freeman didn't ask for a
8 bench decision so --

9 MR. TURNBULL: I was going to say, I think
10 he's looking for a bench decision.

11 CHAIRPERSON HOOD: But he didn't ask for it,
12 so I was going to ask Ms. Schellin for some dates.

13 MR. FREEMAN: Let me rephrase my statement.

14 CHAIRPERSON HOOD: Oh, oh, okay. I've got to
15 have a little fun down -- I don't have much, so I've
16 got to have a little --

17 MR. FREEMAN: If I was unclear, we think we
18 meet the standards for approval. We think we clearly
19 demonstrated that we comply with the Comprehensive
20 Plan and the PUD evaluation centers, so we would
21 request that the Commission take proposed action
22 tonight.

23 CHAIRPERSON HOOD: Oh, okay. That's it.
24 Around here you've got to ask for what you want. No,
25 I'm just --

1 Okay, Commissioners, you've heard the
2 request. Commissioner May?

3 MR. MAY: Yeah. I'm perfectly happy to move
4 forward. I do think, though, that it would be best
5 to have the proffered benefits, the \$100,000
6 tightened up a little bit so that it truly is
7 accountable. I was concerned by Mr. Cochran's
8 statement and concerned about that. And I'm sure
9 that can be done and be done before we take final
10 action.

11 But it's, you know, if we're not going to be
12 consistent in the treatment of such things,
13 regardless of whether they are critical to the
14 balancing and the decision-making, you know, it
15 doesn't make any sense for us to have a condition
16 that we think, well, it doesn't really matter if they
17 fulfill it or not. I mean, a condition is a
18 condition and it should be followed.

19 MR. TURNBULL: Mr. Chair, I'm willing to go
20 forward tonight also with a bench decision, as long
21 as it's option 1 for the architectural materials.

22 CHAIRPERSON HOOD: Okay. All right. You've
23 heard -- anything else you want to add to that list?

24 Is the applicant in agreement with
25 Commissioner May's statement?

1 MR. FREEMAN: Absolutely. Just so I'm clear,
2 it's make sure that the -- we work with OAG and OP as
3 part of the BAFO process to get the conditions
4 approved.

5 MR. MAY: So that they're trackable.

6 MR. FREEMAN: Right. Okay.

7 CHAIRPERSON HOOD: And I'm sure we all have
8 agreed with Option 1. I think I referred that loud.
9 Anything else we want to add to the laundry list?

10 Okay, would somebody like to make a motion?

11 MR. MILLER: Mr. Chairman, I would move that
12 the Zoning Commission take proposed action on Zoning
13 Commission Case 17-06 for Capitol Vista Community
14 Partners in the District of Columbia, consolidated
15 PUD and related map amendment from MU-4 to DFR for
16 888 New Jersey Avenue Northwest, in Square 563, and
17 ask for a second.

18 CHAIRPERSON HOOD: I'll second it. It's been
19 moved and properly seconded. Any further discussion?

20 [Vote taken.]

21 CHAIRPERSON HOOD: Ms. Schellin, would you
22 record the vote?

23 MS. SCHELLIN: Yes. Staff records the vote
24 five, to zero, to zero to approve proposed action in
25 Zoning Commission Case No. 17-06, Commissioner Miller

1 moving, Commissioner Hood seconding, Commissioner
2 Shapiro, Turnbull, and May in support.

3 So, the few documents that were asked for, if
4 we could have those submitted by August 28th?

5 MR. FREEMAN: I thought it was just one, the
6 BAFO with the conditions.

7 MS. SCHELLIN: Let me see what type of case
8 this is.

9 CHAIRPERSON HOOD: Yeah, I think that's all.

10 MR. MAY: Mr. Turnbull started asking for
11 something but I think he was satisfied with further
12 answer.

13 MS. SCHELLIN: Oh, he was?

14 MR. TURNBULL: Yes, I was.

15 MS. SCHELLIN: That's fine. Okay.

16 MR. TURNBULL: I was satisfied.

17 MS. SCHELLIN: All right. So then, just the
18 one item then.

19 MR. FREEMAN: Seven days?

20 MS. SCHELLIN: Provide it in seven days.
21 That's great.

22 MR. FREEMAN: Yes, ma'am.

23 MS. SCHELLIN: So, that would be by the 27th.
24 And I'm sure the ANC is not going to meet in August,
25 so we'll give them until September 8th, which is

1 pretty much the latest we can do prior to the final
2 action on September 11th. Okay?

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

5 MS. SCHELLIN: Also, I need a draft findings
6 of fact, conclusions of law. Can you do those in one
7 week also?

8 Mr. Gaon is shaking his head yes, so I guess
9 that means he's going to be the one doing it.

10 CHAIRPERSON HOOD: All right. Anything else?

11 MS. SCHELLIN: That's it.

12 CHAIRPERSON HOOD: Okay, I want to thank this
13 team for all the leg work that you did because lately
14 the Commission has not been having things as easy as
15 possible. So, this is nice sometimes to have an easy
16 night. So, I want to thank all the work that you've
17 done with the community, the partners, the applicant,
18 with the government agencies and all. So, just
19 wanted to say that.

20 So, anything else?

21 With that, this hearing is adjourned.

22 [Whereupon, the public hearing adjourned at
23 7:14 p.m.]

24

25

CERTIFICATE OF TRANSCRIPTIONIST

I, Kimberly Lawrie, do hereby certify that the foregoing proceeding was transcribed from a digital audio recording provided to me by Olender Reporting and thereafter was reduced to typewriting by me or under my direction.

I am not related to any of the parties in this matter, and this transcript is a true and accurate record of said audio recording to the best of my ability. The above information has been transcribed by me with a pledge of confidence, and I do hereby certify that I will not discuss or release the content or any information contained herein.



Kimberly Lawrie,
Legal Transcriptionist