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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission

Public Hearing

Case No 05-28R and 05-28S [Parkside Residential, LLC  
- First-Stage PUD Modification of Significance and  
Second-Stage PUDs at Square 5041, Lot 807 (Parkside  
Block F, Parcel 8) and Square 5056, Lot 810 (Parkside  
Block F, Parcel 10).]

6:30 p.m. to 8:10 p.m.  
Monday, July 31, 2017

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

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 STEVEN MORDFIN

14

15 Department of Transportation:

16 ANNA CHAMBERLIN

17

18

19

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

2 CHAIRPERSON HOOD: Good evening, ladies and  
3 gentlemen, this is a public hearing for the Zoning  
4 Commission for the District of Columbia for July the  
5 31st. The approximately time is 6:30 p.m. We're  
6 located in the Jerrily R. Kress Memorial Hearing  
7 Room.

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

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

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

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

5 The following time constraints will be  
6 maintained in this meeting. The applicant has up to  
7 60 minutes, but we can start with 15, organizations  
8 five minutes, individuals three minutes.

9 All persons wishing to testify before the  
10 Commission in this evening's hearing are asked to  
11 register at the witness kiosk to my left, and fill  
12 out two witness cards. And if you need assistance,  
13 you can see Ms. Schellin.

14 The staff will be available throughout the  
15 hearing to discuss procedural questions. Please turn  
16 off all electronic devices at this time so as not to  
17 disrupt these proceedings.

18 Would all individuals wishing to testify  
19 please rise to take the oath? Ms. Schellin, would  
20 you please administer the oath?

21 MS. SCHELLIN: Yes. Please raise your right  
22 hand.

23 [Oath administered to the participants.]

24 CHAIRPERSON HOOD: Okay. The Commission now  
25 will consider any preliminary matters. Ms. Schellin,

1 do we have any preliminary matters?

2 MS. SCHELLIN: Yes, sir. We have a couple of  
3 proffered expert witnesses. Of course, actually  
4 there's only one that hasn't been previously accepted  
5 by the Commission. I believe his resume is at  
6 Exhibit 33C. I'm sure I'm going to mess up his name.  
7 He is an expert in architecture. Bill Foliaco.  
8 Close. Didn't sound as good as when he said it, but.

9 CHAIRPERSON HOOD: Okay. Mr. Foliaco.  
10 Foliaco, right?

11 Okay. What exhibit is that?

12 MS. SCHELLIN: I believe it's 33C. I'm going  
13 to check on that to make sure.

14 CHAIRPERSON HOOD: 33C. Hold on for a  
15 second.

16 MS. SCHELLIN: That is correct.

17 CHAIRPERSON HOOD: 33D.

18 MR. SHAPIRO: I have no objection, Mr. Chair.

19 CHAIRPERSON HOOD: Okay.

20 MR. TURNBULL: How many architects do we have  
21 on this project?

22 MR. LEWIS: So, there's two sets of  
23 architects. One for the multifamily buildings, and  
24 then a separate architecture firm for the townhouses.

25 MR. TURNBULL: Okay.

1 MR. LEWIS: That's why we have a new  
2 architect this time around.

3 MR. TURNBULL: And he's for the --

4 MR. LEWIS: The townhouses.

5 MR. TURNBULL: The townhouse. Okay.

6 CHAIRPERSON HOOD: Okay. If you can call  
7 your team up to the table, everybody identify  
8 yourselves, and we can begin. Anything else, Ms.  
9 Schellin?

10 MS. SCHELLIN: That's all I have.  
11 Preliminary.

12 MR. LEWIS: We had a late filing that we  
13 sought a waiver. A motion had accepted. We filed it  
14 on Friday.

15 MS. SCHELLIN: For, the record was open, was  
16 it less than 20 days?

17 MR. LEWIS: It was.

18 MS. SCHELLIN: Did you make a change to your  
19 application, or --

20 MR. LEWIS: We just added some information in  
21 response to the OP and DDOT reports, but it was late  
22 so we filed it.

23 MS. SCHELLIN: Okay. Well, that was okay.

24 MR. LEWIS: Okay.

25 MS. SCHELLIN: You only have to ask for it if

1 you're changing your application.

2 MR. LEWIS: Understood. Thank you.

3 MS. SCHELLIN: So, I think that's okay.

4 CHAIRPERSON HOOD: You're Mr. Lewis, right?  
5 What's your name?

6 MR. LEWIS: Yeah. Yes, sir. David Lewis.

7 CHAIRPERSON HOOD: Okay, identify yourself.

8 MR. LEWIS: Sure.

9 CHAIRPERSON HOOD: And everybody at the table  
10 now, since you're going to do that. Okay.

11 MR. LEWIS: Sure. So, I'm Dave Lewis. I'm  
12 with the law firm of Goulston and Storrs, the land-  
13 use counsel to the applicant. And this evening we're  
14 going to start doing abbreviated presentation, just  
15 to hit the highlights of our most recent filings.  
16 But just sort of to set the stage, we're here for  
17 review and approval of two second-stage PUDs that  
18 have been consolidated into a single hearing.  
19 Parkside parcels 8 and 10.

20 As you all know, the first stage was approved  
21 back in 2006. In the past few months we've been here  
22 before you all for parcels 9, 11, and 12, with the  
23 approvals for 9 and 12 being granted just a week ago  
24 today.

25 So, you'll notice we filed a document on

1 Friday that responded in writing to the items from OP  
2 and DDOT, and I just wanted to sort of walk through  
3 some of those things. That filing is at Exhibit 33.  
4 And then we'll give a few minutes for Mr. Novak to  
5 speak on behalf of the applicant, and then we'll turn  
6 it over to you all for questions.

7           So, starting with the DDOT report, we  
8 generally agree with everything in the DDOT report.  
9 We've gone back and forth with DDOT a couple times  
10 since their report, but I think we're all on the same  
11 page. Of course, DDOT should chime in when they  
12 speak, but we're comfortable with their  
13 recommendations as we stated them in our Friday  
14 filing.

15           On the OP report, sort of the first thing we  
16 wanted to highlight was, the applicant has committed  
17 to providing solar panels on the two multifamily  
18 building rooftops, and we're excited to talk about  
19 that. Mr. Novak and the architect can provide some  
20 more detail.

21           On the townhouses, the applicant has  
22 committed to prewiring those townhouses for solar, as  
23 an option for the initial purchaser, or to be  
24 installed at a later time. And again, the architects  
25 can talk about this in a bit more detail.

1           OP had a couple of comments on  
2 transportation/TDM items. The applicant has agreed  
3 on those points.

4           OP had some comments about design flexibility  
5 and my understanding is that OP was commenting on our  
6 initial request for design flexibility. This  
7 application was filed in February, and we've had the  
8 opportunity to have a conversation with you all, with  
9 OP, with OAG in the months since then, and in our  
10 July 11th filing we've revised and really tightened  
11 up our design flexibility request significantly.  
12 That July 11th filing, the language in there was  
13 exactly what you all approved last Monday for parcel  
14 9. So, we're sort of sticking with what we proposed  
15 for that parcel, but I'm happy to have a conversation  
16 about that if you all have questions.

17           We can address this more if you have  
18 questions, but there were a number of design  
19 recommendations at set down, and in the initial OP  
20 report, those design changes are reflected in the  
21 presentation before you this evening. The  
22 architects, both for the multifamily buildings and  
23 for the townhouses, are on hand this evening to talk  
24 about those design changes. But generally, we think  
25 they're very responsive and significantly improve the

1 project in accordance with your comments.

2           And then lastly, I'd like to take a minute  
3 just to talk about the project's workforce housing  
4 commitment. The applicant is reserving 20 percent of  
5 the project's units at workforce housing rates.  
6 That's 20 percent of the multifamily units, and then  
7 separately, 20 percent of the townhouses. OP's  
8 report suggests that it is not supportive of limiting  
9 the affordability restriction to the initial  
10 purchaser of those workforce units. And this is a  
11 bit inconsistent with how the previous second-stage  
12 approvals at Parkside have gone. And frankly, it's  
13 inconsistent with the first-stage order.

14           The first-stage order is pretty clear that  
15 for the affordability, the 20 percent of the units at  
16 Parkside that are to be affordable, that restriction  
17 is in place for 30 years. But for the 20 percent of  
18 the units that are to be workforce, that restriction  
19 is only as to the initial purchaser.

20           So, for the townhouses, which will be a for-  
21 sale product, we think the, sort of the practice is  
22 pretty well established at Parkside. The order is  
23 pretty clear. The parcel 9 order approved the same  
24 affordability requirement just a week ago.

25           For the multifamily buildings on parcels 8

1 and 10, it's a little bit of a different story.  
2 There, the applicant is seeking the flexibility to  
3 deliver those as either rental or for-sale. And so,  
4 if they are delivered as rental, they would be the  
5 first rental workforce units at Parkside.

6           Taking a step back, if the multifamily  
7 buildings deliver as for-sale condominiums, then the  
8 affordability restriction would apply just as it did  
9 at Parcel 9, which is 76 condo units. The 20 percent  
10 of those units would be set aside to the initial  
11 purchaser at workforce rates.

12           If the buildings, or if one of the two  
13 buildings delivers as a rental, that concept really  
14 doesn't make as much sense to limit it to an initial  
15 renter or initial tenant, just because the term is  
16 very unlimited.

17           So, what the applicant is proposing is if  
18 those buildings, or one of those two buildings  
19 delivers as a rental, then the workforce restriction  
20 would apply or would be in place for the length of  
21 the initial permanent financing, up to a maximum of  
22 30 years, which is in line with the affordability  
23 restriction for the affordable units.

24           So, we're happy to talk more about that and  
25 sort of the rationale behind distinguishing between

1 affordable units and workforce units, because we  
2 think they serve different purposes. Fundamentally  
3 from a sort of an economic development, from a  
4 placemaking, from a public policy perspective,  
5 they're really not the same. And so, we're happy to  
6 elaborate on that if you all have questions.

7           The last thing I'd like to address is  
8 flexibility. I've already addressed two items of  
9 flexibility that the applicant is seeking. The  
10 design flexibility, I've talked about. And then the  
11 flexibility to deliver the multifamily buildings as  
12 either rental or for-sale.

13           I should add that to the extent that we need  
14 flexibility from the IZ requirements or to satisfy  
15 the workforce housing affordability requirements,  
16 we're seeking that flexibility as well. We think  
17 that's been established in the previous Parkside  
18 orders pretty clear.

19           But we're also seeking flexibility with  
20 respect to ground-floor use. Mr. Novak will speak  
21 about that in a bit more detail. But sort of the,  
22 going out of the box proposal is that the ground  
23 floor would be multifamily residential. There's a  
24 strong desire by both the applicant, the community,  
25 OP to see retail really take hold in this

1 neighborhood, and I think the applicant and everybody  
2 else would really like these two building -- to  
3 multifamily buildings to be developed with ground-  
4 floor retail. The concern is that if there isn't  
5 enough market, that it could have negative spill-over  
6 effects on the adjacent parcels if there isn't a  
7 sufficient demand for retail on 8 and 10, it could  
8 unwind the benefits of 9 and 12.

9           So Mr. Novak can speak about that a little  
10 bit more in detail, but the idea is that we're  
11 seeking flexibility for the ground-floor use.

12           Two other, two remaining items of  
13 flexibility, the next is with respect to timing or  
14 phasing of construction, typically on a second-stage  
15 PUD the requirement would be that construction  
16 commences within two years of the issuance of the  
17 order. That's what the applicant proposes with  
18 respect to the townhouse components of parcels 8 and  
19 10. With respect to the multifamily components the  
20 applicant seeks flexibility to deliver those up to  
21 four years after the issuance of the order. This  
22 just gives them some timing to -- or some flexibility  
23 to deliver all of the entirety of Block F, over the  
24 span of several years.

25           And then the last items of flexibility are

1 sort of technical, technical and design requirements.  
2 The first one pertains to loading. The multifamily  
3 buildings actually comply with the loading  
4 requirements that are in place under the new  
5 regulations, the 2016 zoning regulations. These two  
6 buildings, or these two parcels are vested under the  
7 1958 regulations, and we don't comply with the  
8 loading requirements in the 1958 regulations. We  
9 don't comply with the 55-foot loading berth  
10 requirement for apartment buildings, which is no  
11 longer in effect.

12           And then, so that's sort of a new item that  
13 was raised in one of our later filings. In our  
14 earlier filings we also ask for relief from the  
15 theoretical lot provisions with respect to courts and  
16 yards. And those were also raised in the OP report,  
17 so I won't dwell on them here.

18           I guess just, you know, I went through the OP  
19 and the DDOT reports. I'd be remiss not to at least  
20 mention the ANC report. The ANC report in this case  
21 was filed, is the same as the one that was filed in  
22 parcels 9 and 12. And it's generally very supportive  
23 and positive with regard to these applications. And,  
24 you know, thinking back to the parcel 11 hearing,  
25 which was in March of this year, we sort of concluded

1 our concluding thoughts on that hearing were, you  
2 know, we heard loud and clear from the community, we  
3 have a lot of work to do to reach out to them. And  
4 to the ANC's credit, they really dug in and did some  
5 hard work too. And so, the applicant and the ANC  
6 did, you know, engage in a number of late nights and  
7 phone calls. And it's sort of a testament to hard  
8 work and listening and open dialog that we have such  
9 a positive letter in the record for this case.

10 So, with that prologue, I'll turn the  
11 presentation over to Mr. Novak of City Interest.

12 MR. NOVAK: Good evening, Commissioners. My  
13 name is Jonathan Novak, Partner at City Interest.  
14 I'm delighted to speak before you today regarding the  
15 zoning applications for Parkside's PUD for blocks 8  
16 and 10.

17 You're very familiar with this project at  
18 this point so I will skip over much of what David has  
19 covered and jump straight to discussion about our  
20 community benefits agreement.

21 As previously mentioned the comprehensive  
22 community benefits agreement for Parkside was  
23 developed through an iterative and collaborative  
24 process with the ANC 7D, Parkside Civic Association,  
25 and community members, including over 18 meetings,

1 presentations, and conference calls within the last  
2 six months between the applicant and the community to  
3 discuss the project.

4           We think the iterative process with the  
5 community has been very positive as evidenced by the  
6 final amended agreement we have with you today, which  
7 has the support of both us and the ANC. Reaching the  
8 agreement with the community is just the beginning,  
9 though, and we look forward to continuing our dialog  
10 with the ANC to successfully implement and execute on  
11 the commitments outlined in the CBA.

12           It's been an iterative process. In the  
13 original CBA for blocks F and J, was a comprehensive  
14 document covering traffic, parking, loading, Ward 7  
15 employment, construction management, the NPS park  
16 behind Neval Thomas Elementary School and the foot  
17 street buffer, as well as neighborhood security.

18           During the Zoning Commission hearings for  
19 Parkside parcels 9 and 12, we appreciated the  
20 additional input received by the community, as well  
21 as the Commission and have spent the last six weeks  
22 working together in an effort to mitigate any  
23 outstanding community issues, and realize  
24 opportunities that were available.

25           To address the additional concerns, and I

1 realize some of these opportunities, we have amended  
2 the original CBA for Blocks F and J to add the  
3 following provisions.

4           We have a job amendment that expands the Ward  
5 7 employment commitment to apply to permanent jobs in  
6 addition to construction related jobs. We've also  
7 focused on the neighborhood serving retail as a  
8 priority for both the community and us, and to keep  
9 the ANC and community an active participant, helping  
10 to shape the retail at Parkside. We have agreed to  
11 hold quarterly meetings for the community retail  
12 working group to discuss the marketing and leasing  
13 effort to the proposed retail on Block F, and share  
14 copies of the marketing material and studies for the  
15 community for the review. For their review.

16           With respect to retail, I'd also like to add  
17 that our initial stage-one PUD had these blocks, 8  
18 and 10, as retail -- as residential blocks without  
19 retail. And it's really through what's turned into a  
20 common desire to see retail have an opportunity to  
21 succeed that we're asking for the flexibility. It's  
22 -- we understand that housing is great and we want to  
23 do as much housing as possible, but provided retail  
24 demand comes forward out of, particularly parcels 9  
25 and find additional tenants who would like the space.

1 We'd like the flexibility to meet that need so that  
2 the community can benefit.

3 Another interesting outcome has been with  
4 respect to finding community amenity space. Having  
5 space for the ANC and community to meet without  
6 restrictions on time was also a main concern  
7 expressed during the June zoning hearings for the  
8 Parkside.

9 In an effort to create amenity space for both  
10 the ANC and surrounding community, we work for the  
11 Parkside Townhome Association, the ANC too, towards  
12 the renovation and modernization of the existing  
13 community room at Parkside for future use by the ANC  
14 and other community groups. This will provide an  
15 updated amenity space for the community in the near  
16 term for use by the ANC and other community groups.

17 Lastly, we've come up with an open space  
18 activation where in addition to the public space  
19 element shown on the second-stage PUD drawings, we'll  
20 fund up to \$20,000 to activate the public space  
21 around Parcels 8, 9, and 10, and this will include  
22 creative landscaping and other programmatic elements  
23 within the public space to make the pedestrian realm  
24 more friendly, family friendly, and to create a  
25 better sense of place.

1           So overall, we're very pleased with the CBA  
2 and the outcome of this iterative process with the  
3 ANC and community and what is produced, and we look  
4 forward to continuing to work with them, and to work  
5 together going forward to fulfill our commitments and  
6 the goals of the community.

7           MR. LEWIS: So, that concludes the  
8 affirmative portion of our presentation. Rob  
9 Schiesel, our traffic engineer is here, and then the  
10 architects, both from Lessard, to talk about the  
11 townhouses, and DGF to talk about the multifamily  
12 buildings are here for questions. Thank you.

13           CHAIRPERSON HOOD: Okay. Thank you very  
14 much. But let me just say this from the get-go.  
15 I've heard a lot of flexibility but I'll wait to  
16 hear, you know, a lot of conversation about  
17 flexibility. It just seems like we're just giving  
18 out so much flexibility and I'm not sure if I'm in  
19 tune to doing all that. But let's just see how this  
20 goes.

21           Let's open up the conversations. Any  
22 questions, or anybody want to have a conversation?

23           But you know what? I'm going to do something  
24 out of order this time and I hope Ms. Steingasser,  
25 I'm going to catch her off guard here, but this issue

1 -- I think there's one issue, Mr. Lewis, that you all  
2 are still outstanding with, with Office of Planning,  
3 and that's workforce.

4 MR. LEWIS: On the workforce commitment?

5 CHAIRPERSON HOOD: Right. Right. Now, we've  
6 heard your explanation, colleagues, and while it's  
7 fresh on my mind, let me go to Ms. Steingasser and  
8 see what OP's position is so I can try to put them  
9 all together before we go through all these other  
10 questions.

11 And I know I caught you off guard, probably,  
12 Ms. Steingasser, but let's do that while it's fresh  
13 on our minds. We're getting older and we need a  
14 recess.

15 MR. TURNBULL: While she's getting that  
16 together, Mr. Chairman, yeah, I had questions about  
17 that. I mean, I realize that they've you know, to  
18 date, in the materials they've presented, they've  
19 already produced 74 percent of the housing that's  
20 already been produced at 60 percent AMI or lower, and  
21 their commitment is to do 30 percent of the total  
22 units at 60 percent AMI or lower.

23 So they're doing more than what's required at  
24 IZ, but I think it's the control period that is the  
25 issue. And I'm not aware of another project where we

1 -- that I've been on, since I've been here at least,  
2 where we said that at least 8 percent, the minimum,  
3 should be the minimum control period, which is in  
4 perpetuity.

5           So, I just wanted to throw that out there  
6 before they -- maybe they have information where we  
7 have exempted. I mean, I realize this is a long-  
8 standing project where commitments were made  
9 preexisting the IZ regulations even. But I'm just  
10 not aware that we've exempted -- where we haven't  
11 required at least eight percent of the amount to be  
12 for the life of the project at an affordability  
13 level, because that's what IZ requires.

14           MS. STEINGASSER: That is correct, and our  
15 concern basically is the length of this project.  
16 It's now 12 years old. The PUD itself has been  
17 through many modifications, amendment extensions, and  
18 it was just our feeling that this flexibility to not  
19 have the restrictions was just a bit -- it was a bit  
20 outdated and it was an opportunity to try to bring it  
21 more in line with the way the Commission does do IZ  
22 and looks at affordability, especially when we're  
23 talking about workforce housing, because workforce  
24 housing, excuse me, goes up to 120 percent of AMI.  
25 So it's a very high range for what the Commission

1 usually sees. We wouldn't accept that under today's  
2 Inclusionary Zoning.

3 So, that's why we didn't feel it was an  
4 appropriate flexibility.

5 CHAIRPERSON HOOD: Okay. Any follow up  
6 questions? Sure, Commissioner Shapiro.

7 MR. SHAPIRO: Thank you, Mr. Chair. Yeah, I  
8 just wanted to, I mean, while we're on the subject,  
9 because I was making the distinction between for-sale  
10 and rental, and that's where I got caught up is to  
11 have the for-sale units be affordability in  
12 perpetuity. I mean, there's certainly examples of  
13 that that are done. I think City First sometimes  
14 will work out deals, depending on the financing  
15 mechanism. They'll cut a piece of the upside that  
16 goes back into some kind of a fund. But it just, it  
17 caught me off guard a bit, related to the for-sale.

18 MS. STEINGASSER: The OP recommendation  
19 caught you off-guard --

20 MR. SHAPIRO: Yeah.

21 MS. STEINGASSER: -- or the flexibility?

22 MR. SHAPIRO: The OP recommendation to --  
23 essentially, they resell the unit and they have to  
24 resell it at the same level of affordability that  
25 they've bought it. Am I understanding that

1 correctly?

2 MS. STEINGASSER: We would recommend that  
3 they resell it consistent with the Inclusionary  
4 Zoning regulations. Not that it be at the same price  
5 that they bought it, but that it would be usually a  
6 split.

7 MR. SHAPIRO: Whatever the market is.

8 MS. STEINGASSER: Right.

9 MR. SHAPIRO: So essentially, you're limiting  
10 -- and not that this is an unholy thing to do, but  
11 the effect of it would be to limit the amount of  
12 profit that a homeowner could make by selling their  
13 property.

14 MS. STEINGASSER: That is what Inclusionary  
15 Zoning does. It is not a wealth generator for the  
16 first-time buyer. It is a wealth -- I would say it's  
17 a profit share in some ways, where half the profit  
18 goes to the homeowner, and half goes back into the  
19 Inclusionary Zoning program.

20 MR. SHAPIRO: And you would keep it at that.

21 MS. STEINGASSER: And I would keep it at the  
22 -- that's our recommendation, right.

23 MR. SHAPIRO: Okay.

24 MS. STEINGASSER: We didn't see anything in  
25 the order that guaranteed a first-time flexibility,

1 especially since we don't know -- I mean, as Chairman  
2 Hood was pointing out, we don't know whether -- what  
3 the flexibility of rental and homeowners, and ground  
4 floor and you know, there's a lot of flexibility here  
5 that makes the program a little bit hard to get a  
6 hold of in terms of actual predictability. And so at  
7 least having that eight percent consistent with the  
8 IZ regulations provides at least that minimum  
9 assurance.

10 MR. SHAPIRO: Okay. Thank you. Thank you,  
11 Mr. Chair.

12 CHAIRPERSON HOOD: Okay. Any other questions  
13 or comments?

14 All right. Thank you, Ms. Steingasser. I  
15 will align myself with her comments. That's why I  
16 wanted to kind of do that early on before I forgot,  
17 as we move forward. I can let you know right now, I  
18 don't know where my other colleagues are, but I agree  
19 with the Office of Planning.

20 MR. LEWIS: Well, I mean, if we're going to  
21 have a conversation on that, would you like to --

22 CHAIRPERSON HOOD: Well, let's just do a  
23 roundtable. Go right ahead. Go right ahead.

24 MR. LEWIS: So, I guess a couple thoughts on  
25 this, and Mr. Novak can join me. So, the first thing

1 I would say is the first-stage order is very clear.  
2 I'm reading from it right now. It says, with respect  
3 to workforce housing there will be no control period  
4 for this housing component. And that sentence  
5 follows a paragraph about affordable housing, where  
6 it talks about a 30-year control period.

7 So, this issue was very clearly addressed in  
8 the first-stage PUD. And that condition was  
9 reaffirmed for the townhouses that were constructed  
10 on parcels B and C. There was 100 townhouses built.  
11 Forty-two of them were workforce, and Order 05-28G  
12 very clearly says that affordability restriction  
13 applies only to the first purchaser.

14 And then on parcel 9, which was approved last  
15 week, with respect to for-sale workforce units, 20  
16 percent of the 76 units approved last week were  
17 reserved at workforce restrictions, and again,  
18 particularly to the first purchaser.

19 So, this isn't something new that we're  
20 asking for, except with respect to rental. It would  
21 be new if it was a rental product with workforce  
22 units. And there, we think it doesn't make sense to  
23 limit it to the first tenant for sure. So, that's  
24 why we wanted to tie it to the initial financing  
25 period, which up to a 30-year period, which would be

1 in line with a 30-year affordable housing commitment  
2 under the Parkside PUD. So that's sort of like the  
3 textual basis for where we're coming from. But  
4 really, I think where we're coming from is for a  
5 policy basis.

6           You know, when the first homeowner buys their  
7 workforce restricted unit, City Interest is out of  
8 the picture. At that point, it's an economic  
9 investment for these homeowners. And going back to  
10 the first-stage PUD, the idea was that City Interest,  
11 ANC, the Ward 7 folks as a whole, wanted to create a  
12 mixed income neighborhood, and provide sort of a jolt  
13 of economic activity to a middle-class population at  
14 Parkside.

15           And a part of that subsidy was to homeowners  
16 who were going to develop wealth creation through  
17 home ownership. It was -- you know, part of the  
18 Parkside PUD is economic mobility through education.  
19 That's a big part of the Parkside vision.

20           Another part of it is economic mobility  
21 through homeownership. And that's why there's a 20  
22 percent commitment above, for workforce housing,  
23 above the 20 percent commitment for affordable  
24 housing. It's a little bit different today with  
25 respect to how the Commission approves IZ, but the IZ

1 program was approved within a week of this Parkside  
2 PUD. So, it wasn't like this preceded IZ and the  
3 affordability requirements that were put in place  
4 there. They were before the Commission at exactly  
5 the same time.

6 In 2006, the commission could have imposed a  
7 perpetuity component on the affordable housing and  
8 did not. So, I guess that's sort of the policy  
9 rationale, and I'll let Mr. Novak fill in some of the  
10 gaps.

11 MR. NOVAK: So there were a couple points  
12 that I do want to echo. Economic mobility, and  
13 empowerment is one of the goals of the Parkside PUD.  
14 Homeownership is historically and more than  
15 frequently, an opportunity to do so.

16 The challenge at Parkside, balancing against  
17 that opportunity is to see that projects go forward  
18 where they haven't before. And so the test that  
19 we're -- the control period test that we're talking  
20 about, particularly with rental is interesting  
21 because rental is a situation where you want to  
22 ensure that a project goes forward and isn't hindered  
23 that would otherwise be hindered. It's akin to  
24 thinking about a project in Ward 2 where Adam Smith's  
25 invisible hand is going to already be present and

1 pursuing whatever variance is available at the time,  
2 where as in Wards, particularly in Ward 7 and 8, the  
3 hand isn't present for market forces.

4           So you're finding a balance to attract  
5 capital, and see that development goes forward at the  
6 same time you're trying to achieve a multiple, a  
7 multifaceted set of social objectives at the same  
8 time.

9           So we think what we're proposing is --  
10 achieves that, particularly for the rental and as  
11 well for the first-time homebuyer.

12           CHAIRPERSON HOOD: Let me ask you, we did the  
13 first-stage in what, 2006? Yeah. The lucky part for  
14 you all, I know you at least have two of us. I'm not  
15 sure if Commissioner May was there. But I remember  
16 that whole discussion. Carol Mitten was the chair at  
17 that time and I know where I fell then, and I know  
18 kind of where I am now.

19           But, you know, things do change and maybe  
20 when you brought it up, Mr. Lewis, we didn't -- we  
21 want to make sure it's predictable. But the  
22 Commission, as we go along with the market conditions  
23 and the way things are changing, see, sometimes we  
24 have to adjust too. We just don't do it because we  
25 did it that way seven times previously. Sometimes we

1 get additional or new information and then we have to  
2 react to that.

3           So, I'll leave it at that, and I'll see where  
4 my other colleagues are. And obviously that's going  
5 to be a discussion.

6           Let me just ask this, Ms. Schellin, is  
7 Commissioner May going to participate in this case?

8           MS. SCHELLIN: I think he will. Yeah.

9           CHAIRPERSON HOOD: Okay, I want him to. Tell  
10 him, vacation is over. I want him to participate in  
11 this.

12           Okay, Vice Chair, you have something?

13           MR. MILLER: Yeah, thank you, Mr. Chairman.  
14 Yeah, I am in favor of a lot of the flexibility  
15 that's being requested, including I think you made a  
16 case for why -- if the retail can work on these  
17 parcels, even though it's all designated on the land-  
18 use map as residential. There are a lot of other  
19 Comp Plan policies that call for retail in this area,  
20 and this project wants retail, and it doesn't have  
21 any yet. So, I think you made the case for the  
22 flexibility there. And if it can work, I think that  
23 would be good.

24           And I'm willing to allow flexibility  
25 somewhere amongst all these units that you're

1 producing, which is great, on this project, way  
2 exceeding the IZ affordability levels, because I  
3 think you're at 74 percent, at 60 percent AMI now for  
4 what you've already produced. And you're going to be  
5 at 30 percent of the total is going to be at 60  
6 percent AMI.

7           If somewhere amongst the total, you can't  
8 find eight percent that will have an in-perpetuity  
9 life of the project control period, I think you can  
10 find that. I think whether it's rental, whether it's  
11 for-sale, whatever works for the financing and  
12 everything else, that has been the philosophy of the  
13 Commission since it's done the IZ regulations and the  
14 counsel back in 2006. I didn't follow the zoning  
15 case, this zoning case, back in 2006, but I did  
16 follow the IZ debate and the in-perpetuity debate,  
17 and that was a big debate.

18           I think you can add the flexibility to  
19 somewhere amongst all these units that you're  
20 producing, which are way beyond the amounts that --  
21 of the affordability levels for IZ. If you could  
22 reserve eight percent at a life of the project  
23 control period, I'm willing to give that kind of  
24 flexibility, and I think you probably would be  
25 willing -- would be able to do that. I just can't

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1 believe that you wouldn't, given the size of this  
2 project and the level of affordability that you're  
3 already providing. So, that's just my comment on  
4 that kind of flexibility I'm willing to provide, to  
5 meet the IZ control period requirement.

6 CHAIRPERSON HOOD: Okay. Commissioner  
7 Shapiro.

8 MR. SHAPIRO: Thank you, Mr. Chair. I'm a  
9 little confused about where you are coming from on  
10 this, and I have to say, it may just be my ignorance,  
11 but I got a little lost around whether you are --  
12 whether you care more about the control period for  
13 the for-sale, or for the rental.

14 MR. NOVAK: So, if I may? I wanted to  
15 clarify because there seems to be some confusion that  
16 we have -- we've completed the affordability  
17 component up to a certain percent at this point. So  
18 we've met what was asked of us with the IZ units.  
19 We're now in a phase where we're trying to build the  
20 mixed-income community by offering market rate and  
21 workforce units. So, they are different than  
22 Inclusionary Zoning, you know, what we've talked  
23 about as affordability in this city. These are 80  
24 percent and above whereas most of Inclusionary Zoning  
25 is less than 80 percent. It's really a distinction I

1 want to make sure everybody is -- I feel like we're  
2 talking about apples and oranges because this phase  
3 of blocks 8, 9, 10, and 11 is really about the  
4 workforce and market rate. We have parcel 12 and  
5 several hundred units to go on parcel 12, that will  
6 be an opportunity where if we are fortunate enough to  
7 build more units, we could have a discussion about  
8 what would be the nature of those units as they  
9 relate to the current zoning laws of affordability,  
10 because then we will have evened out, we will have  
11 caught up, we will be closer to the ratios that we  
12 had set out to meet and are getting closer and much  
13 closer to meeting with respect to the overall PUD,  
14 which is the context we always have to think about.

15           And lastly, it has been reiterated to us at  
16 several public meetings that there will be a really  
17 strong opposition to the introduction of more  
18 affordable housing in Ward 7. We're tempered by those  
19 comments, by that community sentiment that there is a  
20 sense of being overburdened at this point, with  
21 affordable housing.

22           And what we're trying to do with these  
23 applications, and the ones particularly in front of  
24 you, is find the means to bring balance into what the  
25 goals that match up with a mixed-income community.

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1           CHAIRPERSON HOOD: Wait a minute. Wait a  
2 minute. Let me stop you because I heard something  
3 but I heard it, but I didn't think I heard it. So,  
4 you said there would be opposition for more  
5 affordable housing in Ward 7. Is that what you said?

6           MR. NOVAK: That is a sentiment that is --  
7 I'm repeating a sentiment that's been expressed to  
8 us.

9           CHAIRPERSON HOOD: Must be two or three  
10 folks, because I can tell you right now, that is not  
11 the case in this city. And I can say that. I know  
12 you've been out there discussing, I see all the  
13 support letters from the ANC, but did you hear that  
14 from a lot of people or just two or three folks who  
15 are elected?

16           MR. LEWIS: Well, I guess one thing that  
17 we've, you know, put in the record is about 75  
18 percent of the housing in Ward 7 is subsidized in  
19 some way and sort of falls into the affordable  
20 housing criteria. And even much of the market rate  
21 housing in Ward 7 is sort of on the affordable end of  
22 the scale. So, that's very much what --

23           CHAIRPERSON HOOD: So, it's your testimony  
24 that Ward 7 --

25           MR. NOVAK: It goes to -- here's -- no,

1 here's what --

2 CHAIRPERSON HOOD: Hold on, let me finish. I  
3 want to make sure I understand.

4 MR. NOVAK: No, it's not. I know what you're  
5 saying.

6 CHAIRPERSON HOOD: So it's your testimony  
7 that Ward --

8 MR. NOVAK: Let me clarify what I'm saying.

9 CHAIRPERSON HOOD: Please do.

10 MR. NOVAK: It is those that have expressed  
11 that sentiment, I think are expressing the need for  
12 more affordable, but not deeply affordable housing.  
13 And so there's a distinction I'm going back to, which  
14 is that the 60 percent AMI test, and we're driven by  
15 because of our federal subsidies and so forth, is a  
16 preponderance. And I think people are seeking market  
17 rate housing for sale and for rental because it  
18 doesn't exist currently, in the ward. There are  
19 people who want to be able to stay in the  
20 neighborhood, but there aren't homes that are  
21 available in the ward that they can find in those  
22 price ranges because it's either an income  
23 restriction difficulty, or otherwise. So, there's  
24 new home -- well, I should particularly relate that  
25 to new homes; new home construction.

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1           So, that's where the opportunity is. It's  
2 really that all these new units are coming online,  
3 and they're all deep -- they're all restricted to  
4 incomes of 60 percent or less. Why don't we move  
5 beyond that and bring opportunities for homeownership  
6 and rental that are above that? And that's where we  
7 feel we're responding to the community, particularly  
8 in this application.

9           CHAIRPERSON HOOD: I can tell you, I'm still  
10 stuck on the affordable. That explanation doesn't  
11 get me past your statement, and maybe it will take me  
12 a few minutes to catch on to it. Then we can get  
13 into this whole argument about what is affordable.  
14 You know, so I mean, it's ongoing.

15           But I heard you say, and I heard you say that  
16 there would be some opposition for affordable  
17 housing. I heard you say that. And I'm going to go  
18 back and look at the transcript to make sure, but  
19 could you enlighten me, because I still don't  
20 understand that. And like I say, it must be two or  
21 three people. And I understand what you're saying.

22           MR. NOVAK: I am reporting at public meetings  
23 that we've had where people said, have said, we have  
24 too much affordable housing as it is.

25           CHAIRPERSON HOOD: Okay. Well, all right.

1 MR. SHAPIRO: So, what you --

2 MR. NOVAK: In our area.

3 MR. SHAPIRO: Right. You're saying there's  
4 too much of a concentration.

5 MR. NOVAK: It's a concentration issue,  
6 not -- obviously we have an affordable housing crisis  
7 in this city. I don't disagree with that. And I  
8 think IZ is an excellent tool to help distribute and  
9 find -- deconcentrate.

10 CHAIRPERSON HOOD: But I understand that, and  
11 I guarantee that statement probably just came from a  
12 few too. I can guarantee that's not from the full  
13 folks of Ward 7. I can assure you of that. I can  
14 assure you of that. And I'm in the ward. I'm in  
15 Ward 7. I'm all over the city. So, I can assure you  
16 of that. But I know what you probably heard. That's  
17 great. You meet with probably at that meeting, how  
18 many people are there, 20?

19 MR. NOVAK: We have had several meetings.

20 CHAIRPERSON HOOD: But I'm saying, how many  
21 people normally on the average?

22 MR. NOVAK: Anywhere between 20 and 50  
23 people, sometimes more.

24 CHAIRPERSON HOOD: You know what I tell my  
25 ANC commissioners sometimes? You don't speak for me.

1 And a lot of -- and I attend the meetings. You know,  
2 you don't speak for me. That's why we vote them in,  
3 we vote them out. But I just -- and I understand  
4 about the overconcentration, the saturation in one  
5 area. I understand that. We did some issues some  
6 years ago in Ward 8, but I just have problems with  
7 those statements, I really do. And I understand  
8 about too many over here in this area, and too many  
9 in that area.

10           Anyway, go ahead, Commissioner Shapiro.

11           MR. SHAPIRO: Thank you, Mr. Chair. I'm  
12 still, I mean, very specifically because we're  
13 obviously in the weeds on this. I'm still a bit lost  
14 and I think I just got confused, Ms. Steingasser,  
15 from what you said, and partly I think I'm bumping up  
16 against my ignorance about how IZ works. But is your  
17 concern more around restricting the in-perpetuity for  
18 the rental, or for the for-sale?

19           So in other words, because once it -- I  
20 assume the problem is for the for-sale that it just  
21 makes the units -- there's fewer people are going to  
22 be interested in the units if there's no up-side, or  
23 there's not as much up-side on the sale, right? So,  
24 that could affect -- I can't imagine it's going to  
25 affect your financing, per se, it just might slow

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1 down the absorption rate. I'm not quite sure what  
2 the issue is on the for-sale ones.

3 MR. NOVAK: With the for-sale unit, I think  
4 you're probably right. It is a question of whether  
5 they will get built at all, or whether they, if they  
6 are built, how long it will be before someone decides  
7 to buy them.

8 For the rental, it's whether they'll get  
9 built at all, and if so, how does it affect -- does  
10 it make the project -- how does it affect the -- if  
11 it can get financed, how can it be stabilized from a  
12 financing standpoint?

13 So, both are in the context that there is no  
14 project that I'm aware of that's in these submarkets  
15 that are similar to our project. So, we're a little  
16 bit in uncharted territory. With the townhomes,  
17 we've already -- we know the first homebuyer worked.  
18 So that, we're comfortable pursuing that for the  
19 remaining 25 townhomes at Parkside. We think it's a  
20 great opportunity for economic opportunity.  
21 Hopefully the for-sale condominiums on nine are you  
22 know, untested. We haven't seen that particular test  
23 yet.

24 So but we're -- we were comfortable with it  
25 as well. On parcels 8 and 10, we'd like to continue

1 with the first-time homeowner, because it seems to be  
2 working. So, if it isn't broke, we'd like to  
3 continue working with it.

4 On the rental is where we really have no  
5 basis for a path forward, but we know financing is a  
6 challenge. So, we want to pursue what we think will  
7 work with whatever the financing needs are at the  
8 time.

9 CHAIRPERSON HOOD: All right. You kind of  
10 broke all that up. Let's see if any more questions  
11 or comments on anything. I know we've been talking  
12 about the affordable piece of it, but anything.  
13 Commissioner Shapiro, you want to start us off or --

14 MR. SHAPIRO: Yeah, on other issues. I have  
15 no reason to berate you around solar, so thank you  
16 for the multifamily.

17 Do you know what percentage of the energy is  
18 going to be generated by solar based on the level of  
19 panels that you're committing to? Are you meeting  
20 D.C.'s goals?

21 MR. EARLE: This is Brian Earle with ZGF  
22 Architects. We haven't done full engineering on the  
23 building to figure out its entire demand, seeing as  
24 where we are in the project. Going by market  
25 metrics, it's probably in the 10 to 15 percent range.

1           MR. SHAPIRO: Wow, that would be huge. Okay.  
2 And on the towns from based upon the drawings -- so,  
3 thank you, by the way, for doing that. And I think  
4 it will make for a better project.

5           On the towns, where you're committing to  
6 prewire but not install solar panels, I'm not seeing  
7 any other rooftop amenities. There's a deck, but  
8 behind it I'm not seeing any other rooftop amenities.  
9 And based on the financing, everything that I've  
10 heard about how the process works, it's much more  
11 efficient to install up front and not rely on the  
12 homeowner to do it. And since there's no other roof  
13 use there that's proposed, I don't see a reason not  
14 to put solar panels on it. It's more efficient and  
15 effective. It doesn't affect the -- you don't have  
16 to design them any differently.

17           MR. FOLIACO: Well, I mean, I think we  
18 believe in giving the homeowner the choice, since  
19 it's a fee-simple -- it would be more towards a  
20 market approach to these townhomes. I mean, the  
21 option to wire it is not going to be -- it's going to  
22 be wired up front. We're going to have a program  
23 with the ward provider that they can have already  
24 information to be able to do it, and the builder is  
25 willing to offer it as an option. So, they don't

1 have to take on that themselves after the fact. So,  
2 they have three choices. They'll have the wiring all  
3 up front. They can have the builder do it, or they  
4 can choose to do it themselves later. So, I think it  
5 gives them a lot of options as to homeowner for the  
6 solar --

7 MR. SHAPIRO: But what's the downside for  
8 doing it up front? I'm missing it. Why not do it up  
9 front?

10 MR. FOLIACO: Well, it just, for the same  
11 reason that it's a fee-simple market rate unit.  
12 Where the homeowner wants to spend their money on  
13 options, I think probably gives them a little more  
14 allocation. You know, money may be an issue for this  
15 homeowner. They may not want to put their money into  
16 solar. But we think if we at least give them the  
17 wiring, at some future date they can still choose to  
18 do it without any kind of financial impact to them  
19 later to do it. But we want to provide them with  
20 that option because we'll have the program in hand  
21 for them to offer it. So it's --

22 MR. SHAPIRO: But the homeowner benefits  
23 financially from your installation of solar panels in  
24 advance.

25 MR. FOLIACO: For the record, it's William

1 Foliaco from Lessard Design.

2 MR. SHAPIRO: Thank you.

3 MR. FOLIACO: I can --

4 MR. SHAPIRO: I don't get -- I'm missing  
5 something. I don't get what the downside is for the  
6 homeowner, unless they have desire to have some other  
7 use for the rooftop, because all it does is save them  
8 money.

9 MR. FOLIACO: Well, I mean, I think, you  
10 know, it's like any other option that we could impose  
11 on them as a standard, this is another option which  
12 we know, we agree with you, it's important. But we  
13 believe that flexibility, and I think it's in keeping  
14 with some other projects that have been improved  
15 recently, where I think we want to push this option,  
16 and we want to make sure that it's not an issue for  
17 them going forward because the wiring will already be  
18 there.

19 So I think it gives the homeowner all the  
20 incentive in the world to do it, but we don't want to  
21 take that decision out of their hands.

22 MR. SHAPIRO: What would be that -- I'm  
23 really missing it.

24 MR. FOLIACO: Well, it still --

25 MR. SHAPIRO: What would be -- why would I

1 look at the house and say, damn it, they put solar  
2 panels up there. I can't believe that's there. I  
3 mean, I'm really missing it. What would be the  
4 downside? All it does is save the homeowner money,  
5 unless they have some other use for the rooftop.

6 MR. FOLIACO: But it would be a structural --  
7 it would be a structural addition to the house, it  
8 would be an additional cost to the house. The cost  
9 of the house would be different with that option  
10 included. So --

11 MR. SHAPIRO: So, you're going to pass the  
12 cost on to the homeowner?

13 MR. FOLIACO: Well, but --

14 MR. SHAPIRO: To the purchaser.

15 MR. FOLIACO: Well, I mean, the cost of the  
16 solar, we believe we can offset. But we think given  
17 the option for the homeowner to want to do it, and  
18 the market rate unit, should be an option. I think  
19 the wiring I think is a good idea because it gives  
20 them the flexibility in the future to be able to do  
21 it.

22 MR. SHAPIRO: I think, I mean, I don't know  
23 how versed you are in the -- I mean, I actually  
24 believe you're an expert and are very versed in the  
25 home design. But in terms of what D.C. has to offer

1 in terms of incentives for solar, all this is going  
2 to do is save the homeowner money. It's almost a  
3 giveaway in D.C. at this point. And that's not  
4 counting the savings over the life of the, you know,  
5 from the energy consumption.

6 So I, you know, if that's your position, it's  
7 not a logical position to me so I'd really want to  
8 have you see the numbers and have that make more  
9 sense of it. There are many things that you give as  
10 options. You know, what the countertop is, I don't  
11 know. I don't know how expensive you're going. And  
12 there are things like that that I get. You want to  
13 give them options. But solar panels, especially if  
14 there's no other rooftop use, is just a savings. And  
15 it's very good for D.C.

16 MR. FOLIACO: The only other thing -- it is  
17 in keeping with approvals from this Board on a recent  
18 -- though, it's not out of the question as to what's  
19 been approved for the solar.

20 MR. SHAPIRO: Right. I mean, we are not  
21 always -- and not required to be consistent in that  
22 way, but I hear you.

23 CHAIRPERSON HOOD: Especially since 2006,  
24 some issues. And we're never consistent because some  
25 of wasn't even here in 2006. Okay.

1 MR. LEWIS: Just one thing, Commissioner  
2 Shapiro. I'm not an expert in the solar financing by  
3 any means, but I understand that by allowing the  
4 homeowner to own essentially the panels and make the  
5 decision about that, they can then retain the long-  
6 term economic benefits as opposed to the first cost  
7 being absorbed by the home builder and the incentives  
8 being captured there as well.

9 So, it's really about allowing the homeowner  
10 to capture the sort of the tale, or the full life, or  
11 the full value of the economic incentives of solar.  
12 To allow them to make that choice as opposed to  
13 building it into the cost, and then the builder  
14 absorbing it.

15 MR. SHAPIRO: And what would help me is on  
16 that point, and I appreciate that, it -- because it's  
17 my understanding that it can work for these -- for  
18 townhomes it can work quite the opposite, my  
19 understanding. But I would be very much interested  
20 in DOEE weighing in on this, and you having that  
21 conversation and making sure that there's some  
22 alignment around that.

23 CHAIRPERSON HOOD: Okay.

24 MR. SHAPIRO: I just, I think, Mr. Chair, I  
25 just had one other --

1 CHAIRPERSON HOOD: Okay.

2 MR. SHAPIRO: Oh, no, we're going through all  
3 this stuff. Just the redesign of the townhomes, I  
4 thought, was very responsive to the Commission and  
5 OP, and my fellow commissioner, the architect, may  
6 not agree, I'm not sure. But I thought the townhomes  
7 looked great.

8 MR. LEWIS: Thank you.

9 MR. SHAPIRO: So just wanted to end on a  
10 positive note.

11 CHAIRPERSON HOOD: Okay.

12 MR. SHAPIRO: Thank you, Mr. Chair.

13 CHAIRPERSON HOOD: Thank you. Vice Chair  
14 Miller, then we'll come to you, Mr. Turnbull.

15 MR. MILLER: Okay. Yeah, I wanted to thank  
16 you for all the changes that you did make in response  
17 to comments by the Commission, by the Office of  
18 Planning, and DDOT, and all of the improvements that  
19 have been made both in the transportation mitigations  
20 and in the design, the design changes, the additions  
21 of the balconies and the colors and the materials  
22 going -- the brick. So, I appreciate all that  
23 responsiveness, and I think it is a better, certainly  
24 a much more improved -- it's a much improved project  
25 and different than how it came in, as often projects

1 are different when they go out than when they come  
2 in, although that isn't always recognized by  
3 everybody.

4           So just back to the housing, just so I  
5 understand it a little bit better. You've already  
6 gotten final approvals for all of the 60 percent AMI.  
7 You've already built all the 60 percent AMI. You've  
8 already gotten -- so that financing is already done  
9 and so that's --

10           MR. LEWIS: And I would add that they were 80  
11 percent under the first, under the first-stage PUD.

12           MR. MILLER: They were 80 percent.

13           MR. LEWIS: And they were actually  
14 constructed and occupied at 60 percent, so it was --

15           MR. NOVAK: Or less.

16           MR. LEWIS: Or less. So it's a much deeper  
17 level of affordability than initially contemplated.

18           MR. MILLER: So, they're all built, or  
19 they're all finally approved?

20           MR. NOVAK: They're all built.

21           MR. LEWIS: They're all built. And how many  
22 have -- of those -- how many, actually how many total  
23 have been built and are occupied by 60 AMI or lower?  
24 I think --

25           MR. NOVAK: Two hundred and eighty-four, I

1 believe.

2 MR. MILLER: Okay. Oh, there it is. Okay.  
3 Okay. So, my suggesting that you have flexibility  
4 from the total project when they already have been  
5 built and based on financing, whatever, isn't that  
6 great an offer to meet the eight percent; eight  
7 percent in perpetuity period if they've already been  
8 built under other conditions that we approved. Or  
9 the Commission approved.

10 The market rate units for this project  
11 currently, what would you say the AMI level is for  
12 market rate in this neighborhood? AMI is, you know,  
13 includes the --

14 MR. NOVAK: We're hoping it's somewhere --

15 MR. MILLER: -- richest counties in America.

16 MR. NOVAK: Right. We're hoping it's --

17 MR. MILLER: Around --

18 MR. NOVAK: We're hoping we're somewhere  
19 between 75 and 85, is probably where we're at right  
20 now, when we come to market.

21 MR. MILLER: You're saying you can't reserve  
22 in perpetuity, eight percent of whatever is left to  
23 be built, at the market rate or the workforce  
24 housing, which is about the same, or less.

25 MR. NOVAK: We definitely don't want to --

1 MR. MILLER: In perpetuity.

2 MR. NOVAK: Well, we were not actually -- I'm  
3 sort of -- it's an interesting discussion but I don't  
4 think it's apt for this case. That's my point is, we  
5 have several hundred more residential units coming  
6 for parcel 12. And so, I am hearing very clearly  
7 from OP and from the Commission, and the clear  
8 interest in modernizing our, you know, second-stage  
9 applications to be more current with the current  
10 Inclusionary Zoning and affordability requirements  
11 that we have in D.C., loud and clear.

12 MR. MILLER: And so you're going to look at  
13 that. Okay.

14 MR. NOVAK: So at subsequent stage-two, which  
15 obviously if we're successful, we hope to bring as  
16 soon as possible to you.

17 MR. MILLER: Okay. I appreciate that. I  
18 think I heard what I wanted to hear, but I'm not  
19 sure. I think I did. Thank you. I appreciate it.

20 CHAIRPERSON HOOD: Okay, Mr. Turnbull.

21 MR. TURNBULL: Oh, thank you, Mr. Chair. I  
22 want to thank you for the changes that you made to  
23 the design of the buildings and the townhouses. I  
24 see from our initial comments, I guess we were a  
25 little rough on you. I think I said a few comments

1 about how some of the buildings look, but so I'm glad  
2 to see you've made some changes.

3 Let me get back to something Mr. Shapiro had  
4 brought up about the solar. And maybe Mr. Foliaco --  
5 did I? Maybe I misunderstood. You started talking  
6 about panels and the roof wouldn't take them. Did  
7 you say something that you would have to redo the  
8 roof, to put the solar panels?

9 MR. FOLIACO: No. No, no, only thing I was  
10 saying was that the number of them, we just need --  
11 we need to organize and put on the roof. There's no  
12 question that they can be put on the roof.

13 MR. TURNBULL: Okay. So, the roofs are  
14 structurally sound to take solar panels.

15 MR. FOLIACO: We'd have to look at the number  
16 of them to make sure we wouldn't have to adjust  
17 anything structurally, but it shouldn't be  
18 anything --

19 MR. TURNBULL: Well, let's make sure that the  
20 roofs -- I mean, if the roofs are designed to take a  
21 snow load --

22 MR. FOLIACO: Sure, we would --

23 MR. TURNBULL: -- I'm assuming they'll take a  
24 solar collector also.

25 MR. FOLIACO: I've done these on these flat

1 roof townhomes before and we do need to look at it,  
2 but it should not be anything excessive.

3 MR. TURNBULL: And you will be taking the  
4 conduit up to some kind of a junction box or  
5 something, on the roof for the future?

6 MR. FOLIACO: Correct.

7 MR. TURNBULL: Okay.

8 MR. FOLIACO: And that would be part of the  
9 rewiring service, yes.

10 MR. TURNBULL: Okay. I see mechanical units  
11 up on these townhouses. And these are row houses.  
12 It seems to me, I'll have to ask Office of Planning,  
13 but I think they need to meet the one-to-one setback  
14 from the adjoining neighbor, and they don't look like  
15 they do. And maybe that's a question for Office of  
16 Planning to look at. But it looks like they're  
17 awfully close to the adjoining townhouse and I think  
18 they may have to be set back one to one.

19 MR. FOLIACO: Typically, they have to be 10  
20 feet from the edge of the townhome, and just four  
21 feet off of the FRT of the roof. There's not a  
22 requirement to be 10 feet from the adjoining unit.

23 MR. TURNBULL: No, I didn't say 10 feet. I  
24 said a one-to-one. If these things are two feet  
25 high, they should be two feet away from the, from the

1 wall of the adjacent -- of the party wall.

2 MR. FOLIACO: We're at least -- we're more  
3 than two feet off of the adjacent.

4 MR. TURNBULL: It doesn't look like it. If  
5 you look at the elevation, and I look at --

6 MR. LEWIS: We'll look in to it and confirm.

7 MR. TURNBULL: Yeah, if you could.

8 The down spouts on the townhouses, do they  
9 empty on to the ground, or are they tied into the  
10 sewer system? Or where are they going?

11 MR. LEWIS: Well, while Brian looks into  
12 that, do you want to --

13 MR. TURNBULL: Well, my comment is, I don't  
14 want water splashing down into areas that are going  
15 to cause a problem for the residents of these  
16 townhouses. So I think it has to be really thought  
17 out as to where you're draining, where this water is  
18 going, and where it's going to be taken after its  
19 come down.

20 MR. LEWIS: So, I understand that the down  
21 spouts are part of the storm water management system  
22 for this site.

23 MR. TURNBULL: So, they're tied in and they  
24 don't splash on to the site. Okay.

25 MR. LEWIS: Correct.

1           MR. TURNBULL: Oh, I found it difficult on  
2 your drawings, looking at all the elevations and  
3 that, when it talked about lot this, section this,  
4 and I finally found these little tiny plans that  
5 keyed in the little houses as to what elevation  
6 applied. If you could make a better drawing to  
7 actually reference those elevations, it was just  
8 tedious to look at that.

9           We have several sample boards up here. It  
10 was like six -- are these for the townhouses?

11          MR. FOLIACO: Yes, they are.

12          MR. TURNBULL: Are these, the owner is going  
13 to get to choose from those?

14          MR. FOLIACO: They'll be preselected, and  
15 they've already been chosen for each of the  
16 buildings.

17          MR. TURNBULL: Okay. So, I was worried that  
18 you wanted us to choose these.

19          MR. FOLIACO: No, each of the lots, actually,  
20 on the current submitted elevation, building  
21 elevations, have selections per lot already selected.

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

23                 Getting back to Mr. Lewis's comment about  
24 flexibility, the OP report may have reflected an  
25 earlier discussion or listing of what you had for

1 your flexibility for the architectural, and we have  
2 your exhibit, looking at your Exhibit 29 where you --  
3 or your exhibit 27, I guess it is.

4 MR. LEWIS: Correct. Yeah.

5 MR. TURNBULL: And you make reference back to  
6 Exhibit 57. And I'm looking at 11.3, that  
7 flexibility for architectural. I think OP was  
8 worried that on yours you had -- OP had item number -  
9 - in page 7 of their report, you had -- they've got  
10 down item number 3 and item number 6. And that was  
11 modified and we talked -- because I think we made it  
12 clear that you can modify the color the materials,  
13 but you can't change the materials. In other words,  
14 if you show something on the drawings, it's got to  
15 say that material, but you can change the color  
16 within that range.

17 So I think if you're referring to that you  
18 want the -- as I'm looking at this, 11.3, if that's  
19 the flexibility you're requesting --

20 MR. LEWIS: I'm sorry. What's -- 11.3?

21 MR. TURNBULL: Right.

22 MR. LEWIS: So this is our Exhibit 27, and  
23 then we have a paragraph 13. Is that what --

24 MR. TURNBULL: Yeah. Well, I guess if --  
25 where am I looking here? Well, I guess I'm looking

1 back at Exhibit 57, which has 11.3, which I think you  
2 copied into your exhibit and I don't have that in  
3 front of me here.

4 MR. LEWIS: Oh, okay.

5 MR. TURNBULL: But if that's the language,  
6 that's okay.

7 MR. LEWIS: Okay. So, I think that's right.  
8 The language that we incorporated into this case was  
9 identical to what you all proved last Monday for  
10 Parcel 9.

11 MR. TURNBULL: Okay.

12 MR. LEWIS: And we've gone through that,  
13 basically word by word with OAG, as something that  
14 you all had accepted previously.

15 MR. TURNBULL: Okay. So, if that's the case,  
16 that takes care of item 3 --

17 MR. LEWIS: Okay.

18 MR. TURNBULL: -- and 6.

19 MR. LEWIS: The language in the OP report is  
20 old and out of date, and was not what we're asking  
21 for.

22 MR. TURNBULL: Yes. Right. The only other  
23 thing is, you ask -- the OP report says you want to  
24 verify the number, location, and other features of  
25 the project signage to coordinate with the specific

1 retailer's needs. And that we usually don't do.  
2 Usually on your drawings you're going to show where  
3 the signage goes, either -- and you had some on the  
4 awning, you had some on the glass. I think you need  
5 -- that's what we want to see. You're going to show  
6 exactly where that is.

7           Otherwise, if you're going to change it  
8 after, it's got to come back as a modification.

9           MR. LEWIS: Understood.

10           MR. TURNBULL: Okay. What I don't understand  
11 is to make minor refinements to the ground floor  
12 façade details and dimensions of the multifamily  
13 buildings at the time of construction. You start  
14 changing dimensions, that's a big change. So, I'm  
15 not going to agree to that. You start changing  
16 dimensions of the building.

17           And maybe that's an old item from the OP  
18 report also, but --

19           MR. LEWIS: I think we're talking about --

20           MR. TURNBULL: Item 7 on page 7 of the OP  
21 report.

22           MR. LEWIS: The language in the OP report has  
23 been abandoned by use, and we're sticking with what  
24 you all approved last week.

25           MR. TURNBULL: Okay.

1 MR. LEWIS: So, we're not looking for what OP  
2 recited.

3 MR. TURNBULL: Okay. Just so that we're  
4 clear on that, then.

5 Let's see, what you didn't pick up, and I'm  
6 going to speak for Commissioner May, on the  
7 multifamily buildings, I think the key was the color  
8 of the penthouses. We've usually talked about having  
9 a darker color on the penthouses, and yours has not  
10 been adjusted, looks still it's like very light.  
11 It's a very light color.

12 MR. EARLE: It's a medium gray that's  
13 consistent with the colors that were approved on the  
14 parcel 9 condo building last week. So, we believed  
15 that we had met that concern. Parcel 9 originally  
16 had a white penthouse, and it was changed to a medium  
17 gray that matches parcel 8 and 10.

18 MR. TURNBULL: Okay. Well, we'll let  
19 Commissioner May weigh in on that then.

20 Let's talk about phasing. These two  
21 multifamily buildings are dependent upon the middle  
22 building, 9, for parking. So, explain to me how this  
23 whole series of buildings is going to get done and  
24 what the timing and the phasing is of -- I mean, I  
25 know we looked at 9 before, but now that we've got 8

1 and 10 on the boards here, how is this going to  
2 happen?

3 MR. LEWIS: We have a phasing plan Brian is  
4 going to put up here on the screen.

5 MR. EARLE: So first I'm going to explain to  
6 you how -- make sure we're all on the same page of  
7 how the phasing works, and then I'll walk you through  
8 how the garage works, if that's okay with you,  
9 Commissioner.

10 MR. SHAPIRO: Is that in presentation, or do  
11 I need to --

12 MR. EARLE: It's in an appendix that we  
13 brought. We brought a few additional slides. So, if  
14 you pay attention to the screen in front of you, the  
15 phasing is anticipated --

16 MR. LEWIS: It is in front of you in the hard  
17 copy. It's the second to last page, or it's the last  
18 sheet, the front of the last sheet.

19 MS. SCHELLIN: Just to make clear, is it --  
20 did you submit it to the record?

21 MR. LEWIS: We did.

22 MS. SCHELLIN: Okay.

23 MR. EARLE: I apologize, I misspoke.

24 MR. LEWIS: I was just a little bit ahead of  
25 you, Brian. Sorry.

1 MR. EARLE: As you usually are.

2 So parcel 9, which is the center of the block  
3 here, was approved last week. It is expected that  
4 the town homes and parcel 9 will deliver at  
5 approximately the same time. There is a below-grade  
6 garage under parcel 9. There is nothing underneath  
7 the townhomes.

8 MR. TURNBULL: So, and those are two years  
9 after the order?

10 MR. LEWIS: Within two years of the order.

11 MR. TURNBULL: Within two years after the  
12 order.

13 MR. LEWIS: Which is sort of the standard  
14 timing for spacing.

15 MR. TURNBULL: Right. So those are within  
16 two years, 9 and the townhomes.

17 MR. EARLE: That is correct.

18 MR. TURNBULL: Okay.

19 MR. TURNBULL: And then the multifamily, as  
20 you said afterwards, are going to be within four  
21 years? Are they going to be --

22 MR. LEWIS: That's the timeline we're asking  
23 for, yes.

24 MR. TURNBULL: Are they at the same time, or  
25 is one going to go first, and then the other?

1 MR. LEWIS: It could happen either way,  
2 within that four --

3 MR. TURNBULL: So that could be more than  
4 four years, though, then. I mean, is one --

5 MR. EARLE: Well, one could be at --

6 MR. TURNBULL: -- going to happen at four and  
7 one four years --

8 MR. EARLE: One could be at three years --

9 MR. TURNBULL: -- after that?

10 MR. EARLE: No.

11 MR. LEWIS: No, I think --

12 MR. EARLE: No.

13 MR. LEWIS: -- the idea would be that the  
14 outside construction start date would be four years  
15 from the issuance of the order. But they might not  
16 start at the same time within that four-year period.  
17 So one might start three years from issuance of the  
18 order. One might start three years and seven months  
19 from the issuance of the order.

20 MR. TURNBULL: But by four years both will  
21 have been started.

22 MR. LEWIS: Correct. All four components of  
23 8 and 10 will have started.

24 MR. TURNBULL: Okay.

25 MR. LEWIS: And I mean, I think the idea is

1 that this would be a lot of multifamily units coming  
2 online in a fairly short period of time if everything  
3 was going to be delivered within two years of the  
4 second-stage order.

5 MR. TURNBULL: Okay. You're going to go for  
6 LEED Gold? That's my understanding.

7 MR. LEWIS: Correct.

8 MR. TURNBULL: Will this be certified, then,  
9 LEED Gold?

10 MR. LEWIS: I don't think we've made that  
11 determination yet. I think we have achieved LEED  
12 Gold, LEED ND Gold for Parkside? Is that right?

13 MR. EARLE: Yes.

14 MR. LEWIS: Yeah. So they've achieved the  
15 certification for LEED ND. The individual buildings  
16 themselves have not -- the determination has not been  
17 made.

18 MR. TURNBULL: Certified would be good. In  
19 the dog parks, you have waste stations for the pickup  
20 of the dogs? You're providing --

21 MR. NOVAK: Yes, that would be our intent.

22 MR. TURNBULL: Oh, that's good. I'm glad to  
23 hear that. People like to be able to put the dog --

24 MR. NOVAK: My dog likes those very much as  
25 well.

1 MR. TURNBULL: Okay, good. All right. So,  
2 we're going to have waste stations.

3 I think -- I'll say, the elevation -- I'm  
4 just -- building 8 is primarily brick. I mean,  
5 there's a lot of brick on building 8, but building 10  
6 goes to a lot of the Hardy panels. There a reason  
7 why you're doing that or --

8 MR. EARLE: We're trying to create  
9 architectural variety in the neighborhood. I would  
10 note that those are not Hardy panels. They're  
11 cementitious fiber siding.

12 MR. TURNBULL: Oh, okay. All right. We've  
13 got to be correct. All right.

14 MR. EARLE: It's, we're intending to use a  
15 commercial grade fiber cement siding, not Hardy  
16 panel, which is a residential grade.

17 MR. TURNBULL: And on the homes, what are you  
18 using on the side of the homes, then? Same thing?

19 MR. FOLIACO: Correct.

20 MR. TURNBULL: Planks?

21 MR. FOLIACO: It's Hardy. It will be more  
22 residential with Hardy siding.

23 MR. TURNBULL: Hardy siding. Okay.

24 There was something on A-306. It looked like  
25 there was a -- it's indicated as being material 11,

1 and it looked like there was all these little diamond  
2 patterns. I'm not sure really what that was, on A-  
3 306.

4 MR. EARLE: It's an architectural metal  
5 gorolage (phonetic), that screens the stair. It's an  
6 exterior type stair.

7 MR. TURNBULL: Is there glass behind it then?

8 MR. EARLE: No.

9 MR. TURNBULL: So, it's open. So, the stairs  
10 are open?

11 MR. EARLE: It helps with energy efficiency.

12 MR. TURNBULL: And on the roof terrace, on  
13 the multifamily buildings, there's a patio but is  
14 there anything else going -- it looks like very  
15 small. What's going to go on up there? Anything? I  
16 mean, it looks like it's like 20-by-20 or something  
17 feet.

18 MR. EARLE: Yes. The intention is, it's an  
19 outdoor seating area. The size of that seating area  
20 is limited by the building code and egress  
21 requirements.

22 MR. TURNBULL: Okay.

23 MR. EARLE: So it's been sized to accommodate  
24 the egress we have in the building.

25 MR. TURNBULL: So, it's about 20 by -- forget

1 it. It's not that large.

2 MR. EARLE: If I were to scale it, it looks  
3 like about 25-by-40.

4 MR. TURNBULL: Okay. I think you've already  
5 mentioned, or I think I saw cost of the parking is  
6 going to be unbundled from the site.

7 If there's retail on this site, will there be  
8 parking for that retail, or is this primarily  
9 neighborhood, people are going to be walking there  
10 then? I guess, how would you accommodate that  
11 underground?

12 MR. NOVAK: The ratios are about the same for  
13 the small retail, as it would be for residential.

14 MR. TURNBULL: So, but you would have to have  
15 some way of separating retail parking from  
16 residential, or you would allow retail people to go  
17 into the garage?

18 MR. NOVAK: The garage between the three,  
19 between parcel 9, 8, and 10 are shared and there  
20 would be compounds for residential that separate it  
21 from the office and retail users.

22 MR. TURNBULL: Okay. So you would be  
23 separating.

24 MR. NOVAK: Yes, we would expect to segregate  
25 it.

1 MR. TURNBULL: Okay.

2 MR. LEWIS: I think we talked about this a  
3 little bit in parcel 9, but it will be nesting. I  
4 think that's important --

5 MR. TURNBULL: Nesting. Okay. I just want  
6 to make sure.

7 MR. LEWIS: -- with residential.

8 MR. TURNBULL: All right, Mr. Chair, those  
9 are my comments and questions.

10 CHAIRPERSON HOOD: What I'd like to see, Mr.  
11 Lewis, is a one-pager. You don't have to -- it  
12 doesn't have to be a one-pager. I get that from my  
13 supervisor. But I'd like to see a -- all the  
14 flexibility issues, whatever comments we made up  
15 here, in one place, and what you're asking for, and  
16 you can just do a snapshot.

17 Some things in the Office of Planning report,  
18 I think you all agreed to things with DDOT. So, I'd  
19 like to see what you've asked for flexibility in one  
20 place, so as we deliberate, I can go to one place and  
21 decide which way -- what I said about whatever the  
22 issue was, or whatever, whoever said whatever, still  
23 put it on there because we need to deliberate and I  
24 like to have it one place so we'll know what things  
25 we're allowing for flexibility and what things we're

1 not, because if it's all over the place we get  
2 confused, and we'll also try to catch it as well.

3 So, is that doable?

4 MR. LEWIS: Yes, sir.

5 CHAIRPERSON HOOD: Okay. I did have a -- oh,  
6 let's see. One second. Go ahead while I'm trying to  
7 figure out what my other --

8 MR. SHAPIRO: Thank you, Mr. Chair. Just a  
9 question about this issue of retail versus  
10 residential on the first floor. And I may be wrong,  
11 but I imagine if you start off with -- if you start  
12 and decide to go residential, it becomes hard to  
13 convert it to retail.

14 So, but I could be wrong about that, but then  
15 you know, or you know, what do you do?

16 MR. LEWIS: Well, I think the --

17 MR. SHAPIRO: How long do you wait for the  
18 market to catch up if you're going to retail and are  
19 there interim uses that you've thought about?

20 MR. LEWIS: I mean, the flexibility that  
21 we're seeking is on delivery. I don't think it's in  
22 the future you're seeking.

23 MR. EARLE: The intent would be to make -- to  
24 make that decision before construction started.

25 MR. SHAPIRO: Okay. So once you -- whichever

1 direction you go, that's where you're fixed.

2 MR. LEWIS: And that's kind of why we're  
3 asking for the flexibility on that point. The  
4 multifamily buildings on these parcels, you know, as  
5 the phasing diagram shows, will be the last to  
6 deliver on this block. And so we'll have a good  
7 sense after 9 and 12 what the retail submarket is  
8 like in this area, and you know, the rationale being  
9 that if more retail on 8 and 10 would be too much, it  
10 would really have detrimental effects on the existing  
11 retail there. But likewise, it's kind of a wait and  
12 see.

13 MR. SHAPIRO: Okay. Thank you.

14 CHAIRPERSON HOOD: Okay. I know what my  
15 question was now. Mr. Novak, who on your development  
16 team is from the community?

17 MR. NOVAK: Over half my company is from the  
18 District of Columbia.

19 CHAIRPERSON HOOD: Okay. Okay. You've been  
20 studying that question. Okay, but who on your  
21 development team, this one here, is from the local  
22 neighborhood from Ward 7?

23 MR. NOVAK: I mean, I consider myself a  
24 resident of the District of Columbia. I think that  
25 if that was the --

1 CHAIRPERSON HOOD: It counts for something.

2 MR. NOVAK: If that was the criteria for --

3 CHAIRPERSON HOOD: It counts for something.

4 MR. NOVAK: -- being part of the community, I  
5 would feel good that the development team has as many  
6 members focused on the District.

7 As I said before, when you answered that  
8 question, we don't currently have any from the  
9 immediate community of Parkside.

10 CHAIRPERSON HOOD: But you're getting there.  
11 That answer was better than the other two that I've  
12 gotten. And I think, so you just don't think I'm  
13 picking on you, Mr. Novak, you can ask any developer  
14 that's come down here as of recently --

15 MR. NOVAK: I know you're not. I know you're  
16 not, and I'm --

17 CHAIRPERSON HOOD: -- I've asked all them the  
18 same question.

19 MR. NOVAK: And I'm, as you probably know,  
20 I'm born, bred, and buttered in the District of  
21 Columbia.

22 CHAIRPERSON HOOD: Okay. Okay.

23 MR. NOVAK: And I'm passionate about the  
24 District and I also feel that if I can have D.C.  
25 residents as part of my development team, I'm not

1 going to discriminate on what ward they come from,  
2 but if they are from Ward 7, I'm going to be excited  
3 because they'll have better knowledge and be as  
4 enthusiastic as I am.

5 CHAIRPERSON HOOD: But you know what I  
6 appreciate about your answer? That tells me you've  
7 been thinking about my question. I appreciate that.  
8 That goes a long way with me. We haven't gotten  
9 there yet, but that goes a long way.

10 MR. NOVAK: Thank you, sir.

11 CHAIRPERSON HOOD: And I'm not trying to say  
12 Maryland and Virginia is not great, because I go over  
13 there too, but we want to make sure --

14 MR. NOVAK: You need a passport.

15 CHAIRPERSON HOOD: Well, we want to make sure  
16 that we're consistent and we know we care also for  
17 our own. So, appreciate that.

18 I do want to commend you. I don't just want  
19 to beat up on you all the time, Mr. Novak. But I do  
20 want to commend you from what I saw with the ANC  
21 letter. Even though my computer has already went on  
22 recess. I can't pull it up right now. I just know  
23 that -- okay. It's been on recess for a while  
24 actually.

25 But I just remember reading about the room.

1 I think you mentioned earlier, some of the  
2 conversations. And one of the things I do like about  
3 this ANC, they're still talking about ongoing  
4 conversations. But this letter that I got here is  
5 much better than the ones I've receive previously, so  
6 I want to commend you and your team for reaching out  
7 in to this community because I saw a lot of good  
8 things in this letter, and that goes a long way with  
9 me as well.

10 So I'm going to end that on a good note. Any  
11 other follow up questions?

12 Okay. Is anyone here from the ANC 7 -- any  
13 cross-examination at this point, from the ANC?

14 [No audible response.]

15 CHAIRPERSON HOOD: Okay, no cross. Let's go  
16 to the Office of Planning and DDOT. Mr. Mordfin,  
17 then we'll hear from Ms. Chamberlin.

18 MR. MORDFIN: Good evening, Chairman Hood and  
19 members of the Commission. I'm Steven Mordfin, and  
20 the Office of Planning still continues to support  
21 this application. However, we would like to see that  
22 the income restrictions apply, not only to the for-  
23 sale of the for-sale units, but for a longer period  
24 of time. And also for the solar panels, we would  
25 like to see them installed from the beginning on the

1 townhouse units, not only for the benefits that that  
2 would provide for the residents of those units in  
3 terms of the energy that would be generated, but also  
4 for the benefits that it would provide, not only for  
5 the District of Columbia but the region as a whole in  
6 terms of the electricity production.

7 MS. STEINGASSER: I'd also like to add,  
8 Chairman Hood, that we do agree with your request  
9 that the flexibility be unified and enumerated,  
10 because when I'm looking at the exhibit in there,  
11 there seems to be more flexibility in the revised 20-  
12 day submittal than there is in the OP report. So, I  
13 think it would be helpful for that all to be in one  
14 location, and for OP to provide supplemental with  
15 comments on that. Thank you.

16 CHAIRPERSON HOOD: I would agree, thank you.  
17 Anything else?

18 Okay, from Ms. Chamberlin.

19 MS. CHAMBERLIN: Good evening. Mine's pretty  
20 short. We're satisfied in how all our issues were  
21 addressed, and I'm open to take any questions.

22 CHAIRPERSON HOOD: Okay. Do we have any  
23 questions up here, anybody? Okay.

24 MR. TURNBULL: I just had one question for  
25 Mr. Mordfin.

1 Mordfin, did you -- they're probably going to  
2 submit something on the mechanical unit on the roof  
3 with the setback issue.

4 MR. MORDFIN: Yeah, we will request that from  
5 the applicant and review it and get back to you on --

6 MR. TURNBULL: Okay.

7 MR. MORDFIN: -- on that issue.

8 MR. TURNBULL: Thank you.

9 CHAIRPERSON HOOD: Does the applicant have  
10 any cross-examination?

11 MR. LEWIS: No.

12 CHAIRPERSON HOOD: Does the ANC have any  
13 cross? Okay.

14 All right. We're going to have the ANC  
15 report. Did I miss any government? I can't wait to  
16 leave this computer here. I can't wait.

17 Did we have any other -- did we miss any  
18 other government submissions?

19 MS. SCHELLIN: No.

20 CHAIRPERSON HOOD: Okay. All right. I'm  
21 going to ask the Commissioner to come forward to give  
22 the ANC report, and I understand you need to be sworn  
23 in. Were you here earlier? Oh, you were here? You  
24 took the oath already?

25 MS. SCHELLIN: No.

1 CHAIRPERSON HOOD: Oh, well, you need to be  
2 sworn in.

3 MS. SCHELLIN: Please raise your right hand.

4 CHAIRPERSON HOOD: We have one seat. He  
5 can --

6 [Oath administered to the participants.]

7 CHAIRPERSON HOOD: Okay, you can identify  
8 yourself. You may begin.

9 MR. LINI: Good evening. I'm Commissioner  
10 Justin A. Lini representing 7D-07, the Paradise and  
11 Parkside. This project is my SMD.

12 I would just like to reiterate the sentiments  
13 from our letter that this project has come a long way  
14 and the dialog has led to some major improvements,  
15 both in the project and both in the amenities to the  
16 community.

17 I really don't have a whole lot more to say  
18 that hasn't already been said. But we definitely  
19 value the dialog and we'll -- I'm looking forward to  
20 progress on issues like the community amenities, the  
21 employment opportunities, and the retail discussion.

22 CHAIRPERSON HOOD: That was my question.  
23 Thank you. Let me just -- hold tight for a minute.

24 Mr. Novak and Mr. Lewis, the -- what was it  
25 called? A job amendment? What did you call it?

1 MR. LEWIS: The community benefits agreement  
2 amendment.

3 CHAIRPERSON HOOD: No, it said a job  
4 amendment I think, if I remember correctly. I read  
5 something that said job amendment.

6 MR. LEWIS: Well, we amended -- yes, the  
7 amendment to the CDA regarding permanent, permanent  
8 hires.

9 MR. NOVAK: Permanent hires, as well as  
10 construction jobs. So we amended it to expand it  
11 into permanent positions that would be available --

12 CHAIRPERSON HOOD: Okay.

13 MR. NOVAK: -- at Parkside.

14 CHAIRPERSON HOOD: Okay, good. Now, are we  
15 going -- I can't remember. Are we going through the  
16 Department of Employment Services, or was this  
17 something different, some other group?

18 MR. LEWIS: This is through the ANC. DOES  
19 does not distinguish by ward, and one of the big  
20 points --

21 CHAIRPERSON HOOD: All right. But let me ask  
22 you this, are we going through DOES?

23 MR. LEWIS: No, I don't think so.

24 CHAIRPERSON HOOD: Well, how are we doing  
25 this?

1 MR. LEWIS: There is an enforcement mechanism  
2 through the community benefits agreement where we  
3 report to the ANC. And this is the same public  
4 benefit that we've proffered for --

5 CHAIRPERSON HOOD: Doesn't mean I didn't miss  
6 it. Honestly, we deal with -- doesn't mean I didn't  
7 miss it.

8 MR. LEWIS: Okay.

9 CHAIRPERSON HOOD: I may be just catching it  
10 now. Anyway, let me let you finish. I'm not going  
11 to do like -- you said this is the same agreement  
12 that -- help me, refresh me with the --

13 MR. LEWIS: Sure. Sure. So, this is the  
14 same agreement that you all saw for parcels 11, 9,  
15 12, and now 8 and 10. The difference, I think, I  
16 don't know if the amendment, the permanent jobs  
17 amendment applied to 11, but I know it applied to 9  
18 and 12.

19 CHAIRPERSON HOOD: So what is the enforcement  
20 mechanism on that?

21 MR. LEWIS: It's a reporting requirement to  
22 the ANC. Just like instead of reporting to DOES  
23 under a First Source agreement reporting, we'd be  
24 reporting to the ANC about the number of Ward 7  
25 residents that were hired in the various positions

1 early out in the agreement.

2 CHAIRPERSON HOOD: Who's administering the  
3 program, though?

4 MR. LEWIS: It's an agreement between the  
5 applicant and the ANC.

6 CHAIRPERSON HOOD: But it's no  
7 administration. I want you all to relook at that.  
8 Look at the First Source or something. We've got to  
9 have something, because the ANC may change. They may  
10 lose the election, they may not want to do it no  
11 more. Anything can happen, and how is that going to  
12 be memorialized?

13 MR. LEWIS: Well, there are conditions in the  
14 order on this point as well. I don't have the 9 and  
15 12 order in front of me, but there are reporting  
16 requirements under that as well.

17 CHAIRPERSON HOOD: Okay, but what's going to  
18 trigger that? If community person, and this is  
19 really not your -- this is what I know that happens.  
20 If a community person does not bring that to  
21 somebody, to the Zoning Administrator's attention,  
22 nothing happens.

23 I'm not saying, Mr. Novak, with all that good  
24 work that you've done, I'm just trying to look out  
25 for the best interest of the ANC. We need to put

1 something more concrete or have -- the city has --  
2 well, I can't even say that right now. So, I don't  
3 know what to say. But anyway, we'll just go -- you  
4 know, what, strike it. I'm just going to leave that  
5 alone until we take care of it. But it's going to be  
6 incumbent upon the commissioners, since you all are  
7 taking that role to make sure this happens. Even if  
8 you lose, even if whatever, it needs to be  
9 memorialized in that ANC office that this is an  
10 agreement because this is going to be for years to  
11 come and there will be opportunities for residents of  
12 this city as a whole.

13 So, okay. All right. We've got some other  
14 issues we're dealing with, with the First Source, so  
15 I'm going to hold off on my comments on this project.  
16 But I'm dependent on ANC. And I do do follow up.  
17 Okay. All right.

18 Any other questions up here? Comments?

19 Okay. Of the ANC commissioner, not of the  
20 applicant. Okay.

21 MR. SHAPIRO: Just a quick question. This  
22 issue around retail versus residential on the first  
23 floor, I'm just curious from your perspective what  
24 you felt like the conversations were like, and was  
25 there any discussion about a third way, other interim

1 uses until it was a retail market so it didn't go  
2 residential.

3 MR. LINI: We did have some conversations  
4 with the applicant, not necessarily within the  
5 context of these particular retail spaces. But we  
6 did discuss the possibility of pop-ups and other sort  
7 of flexible uses of space there.

8 The question I had on the -- the community  
9 was more or less enthusiastic about the idea of  
10 having more retail there. And, from my perspective,  
11 creating a sort of a vibrant main street there was  
12 valuable. And I think we talked a lot in community  
13 meetings and in our roundtable discussions, about how  
14 to try to pin down some of this uncertainty. And I  
15 think that's where the retail, the retail working  
16 group evolved out of.

17 MR. SHAPIRO: All right. Thank you. Thank  
18 you, Mr. Chair.

19 CHAIRPERSON HOOD: Okay. And Commissioner  
20 Lini.

21 MR. LINI: Commissioner Lini.

22 CHAIRPERSON HOOD: Commissioner Lini, I want  
23 to commend you and Chairperson Muhammad and all those  
24 who had a lot to do with making this letter happen.  
25 So, you all have done some great work, and we

1 appreciate all the time that I'm hearing that you put  
2 into this because I'm sure, you know, you were the  
3 frontline workers. It's a thankless job, but we  
4 appreciate the commitment because it makes your  
5 community and the city better for people like you.  
6 So, we appreciate that. Okay?

7 Does the applicant have any cross?

8 MR. LEWIS: No, sir.

9 CHAIRPERSON HOOD: I guess not with a nice  
10 letter like this. I wouldn't either. Okay. Thank  
11 you.

12 Okay. Let's go to any persons --  
13 organizations or persons who are here in support.  
14 Any organizations and persons who are in opposition?

15 Okay, Mr. Lewis, you have any rebuttal or any  
16 closing?

17 MR. LEWIS: No rebuttal, sir. Just to move  
18 on to our closing, to say thank you for your time  
19 this evening. Sounds like we have some information  
20 to provide you with, as you all consider our  
21 application and look forward to a decision of the  
22 Commission.

23 CHAIRPERSON HOOD: All right. Thank you. I  
24 think we have all the -- this is a one-vote case,  
25 correct, Ms. Schellin?

1 [No audible response.]

2 CHAIRPERSON HOOD: Okay. All right.

3 Anything else, Commissioners? Anybody? All right.

4 MR. SHAPIRO: I just want to make sure that  
5 where I left this was clear, which is the idea -- I'm  
6 stuck on this. The idea of rewiring for the  
7 townhomes doesn't make sense for me, and solar panels  
8 in the townhomes does make sense. So, you know,  
9 consider that and if for whatever reason that doesn't  
10 make sense, I'm going to need a clear explanation as  
11 to why.

12 CHAIRPERSON HOOD: Mr. Lewis and Ms.  
13 Schellin, do you think we need to go over what we've  
14 asked for? I think we're good.

15 MS. SCHELLIN: No. I saw Mr. Feola writing.

16 CHAIRPERSON HOOD: Oh, I was wondering why  
17 Mr. Feola was here.

18 MS. SCHELLIN: The whole night.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: Yes.

21 CHAIRPERSON HOOD: All right.

22 MR. FEOLA: Just taking notes.

23 CHAIRPERSON HOOD: Just taking notes.

24 MS. SCHELLIN: So, he was taking notes, and I  
25 think Mr. Lewis --

1 CHAIRPERSON HOOD: I thought he was  
2 protecting his building that he represented --

3 MS. SCHELLIN: -- made notes also.

4 CHAIRPERSON HOOD: -- all in another -- yeah.  
5 Okay.

6 MS. SCHELLIN: So, I think we're good on  
7 that, right? And plus, they can always rewatch.

8 CHAIRPERSON HOOD: People watch it.

9 MS. SCHELLIN: So how much time do you think  
10 you guys are going to need to get everything  
11 together?

12 MR. LEWIS: Two weeks. Is that reasonable?

13 MS. SCHELLIN: Okay. Because I --

14 MR. LEWIS: The next meeting is going to be  
15 in September, right?

16 MS. SCHELLIN: Right. Right. So, with the  
17 ANC not meeting in August, we're probably going to be  
18 shooting for the second meeting in September. So,  
19 you need about two weeks.

20 MR. LEWIS: Let me just talk it over with the  
21 group here.

22 MS. SCHELLIN: Okay.

23 CHAIRPERSON HOOD: I do want to make an  
24 announcement, Commissioners. I think due to the way  
25 the weather is in September, we will keep the relaxed

1 dress code in the month of September. I think we did  
2 that last year.

3 MS. SCHELLIN: Yes.

4 CHAIRPERSON HOOD: And then we'll go back to  
5 trying to find a tie in October.

6 MR. SHAPIRO: I didn't hear anything about a  
7 tie.

8 CHAIRPERSON HOOD: Oh, well, excuse me.  
9 Well, trying to find our regular attire. A jacket.

10 MR. LEWIS: Ms. Schellin, we'll respond  
11 within a week.

12 MS. SCHELLIN: Okay. I mean, I'll give you  
13 the two weeks. It's not going to make the meeting  
14 any earlier.

15 MR. LEWIS: That's fine. A week is fine.  
16 Two weeks.

17 MS. SCHELLIN: Okay.

18 MR. LEWIS: I'm sorry, I'm getting --

19 MS. SCHELLIN: I'll give you the two weeks.

20 MR. LEWIS: Two weeks. Thank you.

21 MS. SCHELLIN: Yes. So, if we could get your  
22 submissions by 3:00 p.m. on August 14th, and the ANC,  
23 the Office of Planning, and the -- okay. If for some  
24 reason DDOT chooses to provide a response, not that  
25 they seem to want to, they would have until, I'm

1 going to say August 28th, give them two weeks because  
2 it sounds like there might be some new information  
3 that OP, and plus I know this is the month that we  
4 generally get to take our vacation.

5           And then the ANC, when does the ANC meet in  
6 September? Do you know?

7           MR. LINI: Let me pull up my calendar, just  
8 to give you -- verify the correct date.

9           MS. SCHELLIN: Sure.

10          MR. LINI: ANC 7D's next meeting is September  
11 12th.

12          MS. SCHELLIN: Okay. So, you could provide  
13 something by September 18th.

14          MR. LINI: Certainly.

15          MS. SCHELLIN: Okay. And then we'll put this  
16 on for 9/25 for final action.

17          CHAIRPERSON HOOD: Okay. Is there anything  
18 else?

19          MS. SCHELLIN: No, sir.

20          CHAIRPERSON HOOD: All right. I want to  
21 thank every --

22          MS. SCHELLIN: Oh, I'm sorry. Yes. Draft  
23 findings of fact, conclusions of law, since we're  
24 giving OP an opportunity to respond, if we could have  
25 those by -- you know, we'll have to fill in the ANC

1 because we just need to allow them to be able to  
2 provide something. If we could have that by  
3 September 11th? I know there's a lot of different  
4 dates, but --

5 MR. LEWIS: That's not a problem.

6 MS. SCHELLIN: Okay. That's it.

7 CHAIRPERSON HOOD: Okay. With that, I want  
8 to thank everyone for their participation in this  
9 hearing tonight, and I also want to thank my  
10 colleagues. We get a few days off between now, we  
11 come back in September again, we will relax the rules  
12 again in September. But I want to thank all of us  
13 for the hard work that -- there's been some rough  
14 months, but we're getting through it. We'll continue  
15 to move forward and try to make best decisions for  
16 the interest of the city. And I want to thank also  
17 those who come down in front of us.

18 So, everybody have a good month off, and this  
19 hearing is adjourned.

20 [Whereupon, the hearing adjourned at 8:10  
21 p.m.]

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## 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.

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Kimberly Lawrie,  
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