

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

350 Morse CPK Owner, LLC : Case No.

Second-Stage PUD : 15-27E

at Square 3587 :

-----:

Tuesday,

July 7, 2020

Video-Teleconference

The Public Hearing of Case No. 15-27E by the District of Columbia Zoning Commission convened at 4:08 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
BRANDICE ELLIOTT

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from the
Public Hearing held on July 7, 2020.

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

4:08 p.m.

1
2
3 CHAIRMAN HOOD: Good afternoon ladies and
4 gentlemen. We are convening a broadcast of this public
5 hearing by videoconferencing. My name is Anthony Hood.
6 Joining me this evening are Vice Chairman Miller,
7 Commissioner Shapiro, Commissioner May, Commissioner
8 Turnbull. We are also joined by the officers on the staff,
9 Ms. Sharon Schellin, as well as Mr. Paul Young who is handing
10 all of our virtual operations.

11 Copies of today's virtual public hearing notice
12 are available on the Office of Zoning's website. Please be
13 advised that this proceeding is being recorded by a Court
14 Reporter. It is also webcast live and includes Webex and
15 YouTube live. The video will be available on the Office of
16 Zoning's website after the hearing.

17 Accordingly, all those listening on Webex or by
18 phone will be muted during the hearing until the appropriate
19 time. Please state your name and home address before
20 providing oral testimony or your presentation. When you are
21 finished speaking, please mute your audio so that your
22 microphone is no longer picking up sound and background
23 noise. This is very important.

24 If you experience difficulty accessing Webex or
25 with your telephone call in, then please call our OZ hotline

1 number at 202-727-5471. 202-727-5471 to sign up or to
2 receive Webex login or call instructions.

3 All persons planning to testify either in favor,
4 or in opposition, or undeclared in our virtual hearing, we
5 encourage you to sign up in advance. At the time of the
6 sign-up, all participants, the oath or affirmation required
7 by Subtitle Z, Section 5, 408.7.

8 If you wish to file written testimony or
9 additional supporting documents during the hearing, then
10 please be prepared to describe and discuss in the timeframe
11 because we have not had an opportunity to be able to review
12 at that time.

13 Again, the hearing will be conducted in accordance
14 with revisions of 11 Z, DCMR Chapter 4 as follows:

15 Preliminary matters. Applicant's case. The
16 Applicant has up to 60 minutes collectively with any parties,
17 but we don't have any parties in this case.

18 Report of the Office of Planning and Department
19 of Transportation, report of other government agencies,
20 report of the ANC. We're going to have testimony of
21 organizations and individuals. Organizations, five minutes;
22 individuals three minutes. And then we'll have rebuttal and
23 closing by the Applicant.

24 While the Commission reserves the right to change
25 the time limits for presentations if necessary, it intends

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1 to adhere to the time limits as strictly as possible. Again,
2 if you have any issues, our OZ hotline number is 202-727-5471
3 for any outstanding issues beyond this hearing.

4 At this time, the Commission will consider any
5 preliminary matters. Does the staff have any preliminary
6 matters?

7 MS. SCHELLIN: Yes, sir. So, for expert
8 witnesses, I don't have my list in front of me, but they have
9 Erwin Andres for transportation, he's previously been
10 accepted.

11 Eric Colbert, architect, he's previously been
12 accepted. John Carnes from Bohler Civil Engineering, he's,
13 I think, previously been accepted also.

14 Mike O'Hara, I believe he's previously been
15 accepted from Bohler. Katie Wagner from Grove Slade, I
16 believe she's also been previously accepted.

17 The applicant, and I believe, oh JB -- I know I'm
18 going to mess that one up -- Lallement from Eric Colbert and
19 Associates in architecture. He's the one who will be doing
20 the, actually testifying, so I don't know if he's been
21 accepted before.

22 CHAIRMAN HOOD: Okay. Let's bring Mr. Freeman,
23 Mr. Bloomfield up, whoever's going to present. Let's bring
24 them up and let's try to get this straightened out.

25 MS. SCHELLIN: It's going to Mr. Freeman, Mr.

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1 Lallement, and Erwin Andres. Those three will be the
2 presenters.

3 CHAIRMAN HOOD: Okay. For those who are
4 presenting, let's bring them up. Let's especially bring Mr.
5 Freeman up right now so we can go through this expert status,
6 because I only have three names. I didn't have all those.

7 COMMISSIONER SHAPIRO: What exhibit --

8 MS. SCHELLIN: Yes, the others are available for
9 questions.

10 CHAIRMAN HOOD: Okay. Let me bring Mr. Freeman
11 up first.

12 MR. YOUNG: I have him on the line, I can't make
13 him an attendee. Mr. Freeman, if you can speak, you can.

14 MR. FREEMAN: Hi, this is Kyrus Freeman. I'm
15 actually trying to login via the Webex tool. I'm curious,
16 I don't see you all.

17 CHAIRMAN HOOD: So, um, is there any way you can
18 try to login through the -- Paul can you assist him offline
19 and we'll wait a few minutes? Because he's important to this
20 process. Well, I mean we all are important to the process.

21 COMMISSIONER SHAPIRO: Mr. Chair, I don't see
22 which exhibit the expert witness resumes are on.

23 CHAIRMAN HOOD: I think, if I'm not mistaken, I
24 think it's 14A. Look under 14 and let me know if it's there
25 when you look.

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1 COMMISSIONER SHAPIRO: No, it wasn't there.

2 CHAIRMAN HOOD: It wasn't?

3 COMMISSIONER MAY: 14B.

4 CHAIRMAN HOOD: Okay, 14B.

5 COMMISSIONER SHAPIRO: Thank you.

6 MR. FREEMAN: I will say in terms of our
7 witnesses, we're just proffering three. The first one is
8 Erwin, I know you're familiar with him, and in fact, you've
9 seen him many times, as recently as last night. And JB
10 Lallement is -- you've seen him before but this is our first
11 time proffering him as an expert. His resume is behind
12 Exhibit B, or Tab B of the submission.

13 CHAIRMAN HOOD: So who else besides, you named
14 two, who's the third person?

15 MR. FREEMAN: That's it. It's going to be those
16 two tonight.

17 CHAIRMAN HOOD: Okay. So the only one that we
18 really have to, Mr. Lallement is the only one that we really
19 need to deal with, and he's behind 14B? Does everybody have
20 Mr. Lallement's resume?

21 COMMISSIONER MAY: Yes.

22 CHAIRMAN HOOD: Okay. Did you have a chance,
23 anybody have any objections?

24 COMMISSIONER MAY: I -- judging from the resume,
25 it doesn't seem that he's registered in the District of

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1 Columbia or the United States, but he's a registered
2 architect in France. That's a new one for us. Mr. Turnbull,
3 are you trying to talk?

4 COMMISSIONER TURNBULL: Now, well I finally pulled
5 up his resume and you're right. He's a registered architect
6 in France.

7 COMMISSIONER MAY: Yeah, I mean I don't really
8 have any problem with it. I mean I assume that there are
9 sufficient standards and certainly his resume is substantial.
10 But we do want to, you know, we typically want to have a
11 registered architect before they're admitted as an expert.

12 CHAIRMAN HOOD: Okay, so let me just ask,
13 Commissioner May, is that showstopper for you and Mr.
14 Turnbull?

15 COMMISSIONER TURNBULL: Not me.

16 CHAIRMAN HOOD: Okay. Is that a showstopper for
17 anybody? I can see everybody except for Vice Chair Miller
18 for some reason on my screen. Let me go --

19 VICE CHAIR MILLER: It's not a showstopper with
20 France.

21 CHAIRMAN HOOD: Okay, I can see everybody now.
22 Okay, so --

23 COMMISSIONER SHAPIRO: I think they do
24 architecture pretty well over there.

25 COMMISSIONER MAY: Sometimes.

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1 VICE CHAIR MILLER: And pandemic response.

2 CHAIRMAN HOOD: Okay, so we will give Mr.
3 Lallement the expert status. Let me see, Mr. Young, did we
4 get Mr. Freeman? Are we able to see Mr. Freeman?

5 MR. YOUNG: I have him here as an attendee twice,
6 so Mr. Freeman if maybe you could log off of the one device
7 and try coming back in?

8 MR. FREEMAN: Okay. Just logged off. I'm re-
9 clicking the link that says join event. A place for a name,
10 it says join by browser --

11 MR. YOUNG: Yeah.

12 MR. FREEMAN: Well, it's still not showing me.
13 Members of the Commission, I'm happy to proceed I think. I
14 don't want to belabor this. I think I can talk through our
15 presentation. And as long as you can see the architect's
16 presentation and Erwin's presentation, we can move forward
17 if the Commission is comfortable with that.

18 CHAIRMAN HOOD: Okay. So if I don't see any
19 objections, which I don't see anybody objecting, we will
20 proceed. So you can go ahead, Mr. Freeman.

21 COMMISSIONER MAY: I don't know. Mr. Freeman, I
22 don't know, Ms. Bloomfield managed to get through last night.

23 MR. FREEMAN: Well, you know, she's a lot. I'm
24 so happy to at least hear you all. I had the opportunity to
25 see you all last night.

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1 We're excited to be here to present what is a
2 final building in a multi-building project. On the line, on
3 the video in addition to myself, Erwin, and JB, we have a
4 full team. We have our architects, we have our owner's reps,
5 Lee Block, Ronnie Gibbons, Todd Christensen, we have our
6 civil engineers available, and we have Eric Colbert available
7 to answer any questions that may come up as we move forward.

8 But again, happy to be here tonight to present the
9 final building in what is a multi-phase, multi-building
10 development.

11 On buildings A-1, B, and C-1 received consolidated
12 approval and are currently under construction. Building A-2
13 received second-stage approval and is in for permitting. And
14 Building C-2 you reviewed last night and I hope will approve
15 later this month.

16 So we're now seeking second-stage approval for
17 Building D. Building D is a mixed-use building. It has
18 approximately 144,000 square feet of residential gross floor
19 area, approximately 5,769 square feet of retail space, and
20 that includes 1,125 square feet of Maker Space. A total of
21 57 units of which 11 percent is affordable housing as set
22 forth pursuant to first-stage order PUD, and our maximum
23 building height is 130 feet.

24 We believe we have a very full record. Our
25 submissions go through in detail how we meet all of the

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1 standards for review and approval. So anything that we
2 don't, you know, address directly, it's in the record.

3 We're happy to have OP support. As you know in
4 their report recommended set down is included as Exhibit 11.
5 Their final report recommended approval is Exhibit 27, and
6 that report did not have any conditions.

7 DDOT also submitted a report in support that's
8 marked as Exhibit 26. They outlined two conditions, one that
9 we implemented TDM plan which we agreed to. And secondly,
10 that we remove a barrier that impacted a crosswalk, and we
11 have agreed to that. We have agreed to both of DDOT's
12 conditions.

13 And then we had ANC support included as Exhibit
14 3C of the record. Two things that OP report, they ask for
15 an update regarding the status of the conditions. That was
16 previously submitted on February 20th. That's at Exhibit 13
17 behind Tab J.

18 And they also ask for an update regarding status
19 of implementation on a first source employment agreement as
20 it relates to buildings A-1 and B. And that was filed today
21 and is included as Exhibit 31 in the record.

22 So again, Commissioners, we think we have a full
23 record that clearly indicates that the project is one of
24 merit that we believe you should approve.

25 So, with that, we're happy to either kind of move

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1 forward with our full presentation which again would be the
2 architect and then a traffic consultant, or we're also happy
3 to rest on the record and answer any questions that you may
4 have.

5 CHAIRMAN HOOD: I believe if we can just hear a
6 slight presentation from the architect, unless I see others,
7 I think a five or 10 minute. And then I also would like to
8 talk to the traffic consultant, Mr. Andres, to find out about
9 this whole low parking issue. So, if we can hit those items
10 and any other items, then my colleagues can ask their
11 questions, I think. Unless otherwise, we'll move forward.

12 MR. FREEMAN: So why don't we, if you could pause,
13 let's hand controls over to JB Lallement. He's our architect
14 and he will do a -- we have a PowerPoint that we uploaded
15 today that's in the record, and we will hit the high points
16 on that and JB will kind of go through that in 10 minutes.

17 MR. LALLEMENT: Thank you, Kyrus. Can you hear
18 me?

19 CHAIRMAN HOOD: Yes, we're good.

20 MR. LALLEMENT: Yes. Good afternoon. So I'm here
21 to present you -- thank you, I can see your presentation.
22 So we are Parcel D, 13-story mixed-use building with ground
23 floor retail. We are looking at the top north parcel of the
24 marketable development. We, next, thank you, next.

25 So looking on the right, you can see the ground

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1 floor. We look at the entry along Neal Place. The lobby,
2 residential lobby, is actually splitting the retail spaces
3 in two equal spaces. We are providing a total of 5,700
4 square feet of retail, including an even 2,500 square feet
5 of Maker Space.

6 So Maker Space is located directly adjacent to the
7 loading area along the alley on the east side of the
8 building. All retail spaces will have direct access to the
9 loading area.

10 We are providing a below-grade level mostly to
11 accommodate all the utility collections. We are also
12 providing a bike room directly adjacent to the elevator lobby
13 at the cellar level on your left. Next.

14 On the second floor, the second floor is mostly
15 dedicated to amenity spaces to the exception of a few
16 residential units at the north corner.

17 And then on a typical floor, on the third floor
18 all the way to the roof we have residential units. As Kyrus
19 mentioned earlier, we are providing over 144,000 square feet
20 of residential area and approximately 159 residential units.
21 So unit type range from the studio apartment to three
22 bedrooms. Next.

23 So, at the penthouse on the northeast corner we
24 are providing a few, approximately 1,500 square feet of
25 residential units. And at the southwest corner, we are

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1 providing over 1,800 square feet of interior amenity spaces.

2 Directly adjacent to the interior amenity spaces,
3 we have some exterior amenity spaces that include greeting
4 stations and dining area, lounge, and a pool at the west
5 corner of the penthouse.

6 At the penthouse roof, we have mostly have green
7 roof and area dedicated for mechanical equipments for the
8 residence and for the retail portion of the building. We do
9 have some solar panel facing south on the southwest corner
10 of the building. Next.

11 So this exhibit is to show you all the penthouse
12 setback that we are meeting, the requirement that we are
13 meeting. Next.

14 This is actually a view to the west of the
15 building so you can see the interior amenity spaces will open
16 up into the exterior amenity spaces. We have the pool at the
17 west side. Next.

18 This is a view of the penthouse on the east side
19 so it's where we have some residential units, and we have two
20 small outdoor patio -- units. Next.

21 So, exhibiting innovation, we have two distinctive
22 elements that compose this facade. We have the base of the
23 building which includes a retail level and an amenity level,
24 so the first two floors. And we have the residential floor
25 which is the third floor all the way to the top.

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1 Both of these facade elements are the very playful
2 facade composition. At the base of the building, we have
3 rhythm of storefront system, storefront windows, with some
4 warm architectural panels. And on the floor above, we have
5 a sequence of different panel system. We have some clear
6 windows with or without upper wall components.

7 We have some spandrel glass which has the same
8 reflectivity of the clear windows but without the
9 transparency.

10 We have some projecting out metal panel that cast
11 shadow into the adjacent panels. And we have the recessed
12 middle panels that cast shadow into themselves. We call them
13 shadowboxes. Next.

14 So each one of these panels is carefully located
15 in a strategic location to accommodate the floor plans. We
16 are using the opaque panels to hide the structural elements
17 such as columns strategies, or some towers are to hide some
18 architectural elements such as partition between rooms or
19 partition between units.

20 We also use some of these opaque panels to hide
21 some of the architectural elements such as closet or bathroom
22 into the units. Next.

23 So pretty much every residential level has the
24 same floor plan, the third floor to the roof, but we designed
25 the facade with some variations. Some variation depending

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1 on floor to floor. Variation of the way we arrange this
2 panel system. And all that to give and portray a very
3 vibrant and dynamic facade composition.

4 At the ground level you can see we did articulate
5 the entry to the building with a nice canopy, and each retail
6 is also articulated with a smaller scale canopy and louver
7 system to accommodate the retail. You also have a signage
8 band at these corners for the retail to be able to provide
9 signage for the retail tenants. Next.

10 So this is looking west. Next. So on top you can
11 see the penthouse materials. We are planning to use
12 architectural panels. These are to be a cementitious panel
13 which is going to be a dark gray panel. We have two-toned
14 panel. The lighter tone for the lower penthouse, and for the
15 upper penthouse darker tone. A slight variation between
16 color.

17 We also are providing a lot of glass at the
18 amenity spaces on the west side to open up the interior into
19 the exterior amenity spaces and into the pool.

20 On the floor below, on the image below, you can
21 see the variation of panel system we are using at the
22 residential level. We have the shadowbox which is this
23 lighter element. We use a lighter element so we can read the
24 shadow, the part is casting on itself. And we have the
25 strong vertical element which are projecting out metal panel.

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1 Next.

2 Another detail showing the variation. So we have
3 a game of different reflectivity, different type of shadow
4 depending on which system you have. On the bottom image, you
5 can see the storefront and the warm gray architectural panel
6 we plan to use on the first two floors at the base. Next.

7 So here you can see the entry canopy for the
8 residence which is pretty simple. It's a nice opportunity
9 for signage for the residence. And you can see the corner
10 which we tried to open up to activate the street, where we
11 tried to minimize the amount of opaque panel at the corner
12 retail so we can have a nice activation of the space. Next.

13 So here is a detail to show use of facade system
14 we are planning to use for the residential levels. So, like
15 I said, we have this whole system, spandrel glass, clear
16 glass, so middle panel will pop out and the recessed middle
17 panel so you can see. Next.

18 So you have the recessed middle panel to the left,
19 you have the clear glass in the middle, and to the right you
20 have the projecting out middle panel which is a dark color.
21 Next.

22 So this exhibit is to show you we are not planning
23 to use any type of silicone joint into the panel system. The
24 panel system is going to be all dry joint. It's going to be
25 either part of the window systems so it's going to be glazed

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1 into a dry gasket or into neoprene gasket, or is going to be
2 a rain system at some location where we won't rely on
3 silicone to seal the panels.

4 The rain system pretty much can invite the water
5 beyond the middle panel where we treat the water beyond the
6 architectural panels. These panels are, you are looking at
7 a different manufacturer, but very easy to maintain. They
8 can be washed at the same time as washing windows system.
9 Next.

10 So this exhibit illustrates some other building
11 we designed with similar metal panels. This project is
12 called 5333 Connecticut Place DC. It was designed by our
13 firm, and we did use a dry system. So we don't have any
14 runoff water alone because we don't have any silicone joints.
15 So it's a building that can be easily maintained and the
16 joints do not get darker and do not spill dirt over the
17 panel. Next.

18 So this is a streetscape just to show you all the
19 dimension we have at the street level. I think Erwin you're
20 next.

21 MR. ANDRES: Good evening Chairman Hood, members
22 of the Commission. I hope you can hear me well. I'm going
23 to go quickly through the Market Terminal Building D
24 transportation elements of the plan. Next slide.

25 First slide is the site plan and actually we've

1 gone through this. And some of the elements I just want to
2 highlight is Neal Place in the alley, the location of the
3 loading, the location of the future cycle track, and how the
4 alley lies at that location.

5 As Kyrus had mentioned earlier as part of our
6 agreeing to DDOT's conditions, we are modifying our design
7 to allow for the cycle track to run through unimpeded. Next
8 slide.

9 With respect to the transportation characteristics
10 and actually, Chairman Hood, this goes into your potential
11 questions, the site has got a great access to Metrorail,
12 Metrobus, bike facilities. We are committed to do the TDM
13 that's been identified in Stage 1 as well as the TDM that's
14 been laid out and committed to as part of the Stage 2. Next
15 slide.

16 The critical elements of the TDM that are part of
17 Stage 2 include the TDM coordinator and many of the other TDM
18 elements that you've seen on cases that are similar in size
19 and scale. Next slide.

20 And we're also committing to the TDM that was
21 identified as part of the Stage 1 PUD approval. Some of the
22 elements here that are of significance include commitment to
23 Capitol Bike Station. Also includes some transit and some
24 car share and CaBi membership subsidies. Next slide.

25 And in conclusion, as Kyrus had mentioned earlier,

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1 we are committed to implement all of the TDM that's been
2 identified and modifying the cycle track design. And I'm
3 available for questions.

4 MR. FREEMAN: Mr. Chairman.

5 CHAIRMAN HOOD: Okay. Are we finished Mr.
6 Freeman?

7 MR. FREEMAN: Mr. Chairman, I did just want to
8 point out one additional thing you asked about parking, well
9 two additional things. So as part of the overall PUD, the
10 first-stage approval had 682 spaces. Overall, the entire PUD
11 is up to 719 spaces.

12 Secondly, in the DDOT report which is Exhibit 26
13 of the record, on page 2 DDOT says, Applicant is requesting
14 full relief from the parking requirement and is proposing
15 zero onsite parking. DDOT supports this request given the
16 walkable design of the neighborhood in proximity to the NoMa-
17 Gallaudet Metrorail station.

18 And then on page 5 of the report DDOT says, and
19 I know Aaron is on so I won't speak for DDOT, but it says
20 DDOT strongly supports the parking relief given, requests
21 given this neighborhood's walkable design, and it cites
22 proximity to Metro station.

23 So I just wanted to add those two facts. One, the
24 overall amount of parking, and two, the DDOT-specific
25 comments in their report.

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1 So that concludes our direct presentation, Mr.
2 Chairman, and we're happy to answer any questions that you
3 or any of the other Commissioners have.

4 CHAIRMAN HOOD: Okay everyone, thank you for your
5 presentation. First, I thank whoever the young person was
6 who showed you how to get your camera up and running. The
7 reality is we all have some young person who's helping us,
8 so I want to thank that person.

9 And also one thing I noticed in a lot of the
10 submittals it always talks about what we did in the first
11 stage. And I think said this a long time ago, what I did in
12 the first stage from my standpoint, I'm going to revisit in
13 second stage too as far as impacts.

14 And you did mention about the traffic, and I'm
15 going to let others go first, but I just wanted to say this
16 while I was fresh. I understand the DDOT report and I know
17 Mr. Zimmerman is on. I understand all that, but the reality
18 is parking around there -- I understand all these reports,
19 but I'm a realist.

20 What really goes on is when you park at the
21 Brentwood post office and have to walk down in that area to
22 enjoy whatever the walkability is, that's a problem. So I
23 still have not really got to the point where I agree with
24 some of the parking. I know DDOT supports it, that's fine.
25 The reports are fine.

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1 But what really goes on is a problem. And I don't
2 like to be the creator of problems, but I'm going to come
3 back Mr. Andres because I do want to prod out a little more
4 with you. But let me go to Commissioner May, do you have any
5 questions or comments?

6 COMMISSIONER MAY: Yes, tonight I do. So the
7 first one has to do with the number of residential units and,
8 you know, I might have been able to figure this out
9 accurately but I've been very confused by the numbers that
10 I've seen in terms of the number of residential units.

11 The Office of Planning reports 159, and the
12 applicant's statement agrees with that, and it's up from 115.
13 But the Office of Planning is saying it's down from 198, and
14 DDOT's report says it's 143 where it had 175.

15 So, two questions. One is, you know, how many
16 units are there? You know, I mean obviously some
17 flexibility. But roughly, what's the right number that we're
18 aiming at now, plus or minus.

19 And the second thing is, if DDOT evaluated some
20 number that was different from that, you know, why was that
21 and is there any problem if they have?

22 MR. FREEMAN: So the current number is 159. I
23 know what part of the OP you're referring to. I think OP
24 will indicate that --

25 COMMISSIONER MAY: OP said 159, but it was, you

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1 know, they said it was down from 198, but you said it was up
2 from 115. But so long as everybody's on the same page that
3 it's 159.

4 MR. FREEMAN: 159.

5 COMMISSIONER MAY: Yeah, but that's not what DDOT
6 reported.

7 MR. FREEMAN: On DDOT's first page of their report
8 it says, the applicant proposes 159 residential units on the
9 first page of their report. So I think --

10 COMMISSIONER MAY: So later in the report then it
11 says something different? I know I saw a different number
12 in there.

13 MR. FREEMAN: So what it says is -- I'll let
14 Andrew kind of, or Aaron speak to that. I see what you're
15 talking about. It says a trip generation analysis was based
16 on 175 units, this is an increase from 143 previously
17 approved.

18 That's what they were doing is we were approved
19 at 115. We had plus or minus 10 percent, so they probably
20 said let's assume you've got the plus, and that would get you
21 up to about 143 from the original transportation analysis.
22 But again, I'll let Aaron talk about it.

23 COMMISSIONER MAY: I'm also interested in hearing
24 what Mr. Andres says about what was evaluated because, I
25 mean, DDOT doesn't do their evaluation themselves. They base

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1 it upon the report that Mr. Andres provided. So Mr. Andres,
2 what's your take on this? What's the number that you
3 evaluated?

4 MR. ANDRES: So, I am pulling up our CTR, which
5 is our traffic study that we did for Parcel D. And as part
6 of Parcel D, we've identified that the -- we evaluated 159
7 units as part of our traffic study.

8 But what DDOT did was that, and as part of our
9 Stage 1, we also did a traffic study back when we did the
10 Stage 1. And for comparison purposes, they were trying to
11 see how much less or more traffic compared to what we
12 previously were proposing in Stage 1. So that was just a
13 point of reference in their report.

14 COMMISSIONER MAY: So I can ask them about the
15 consistency in the numbers on their report?

16 MR. ANDRES: Yes.

17 COMMISSIONER MAY: Or, I'm sure Mr. Zimmerman is
18 listening, he can just explain that. Maybe I missed
19 something. It's certainly possible. We read a lot of
20 information and it's hard to keep the numbers straight. So,
21 all right. That's it for that question.

22 The next one is, I have a couple of architectural
23 questions. The first one, I mean I appreciate the fact that
24 you've given us so much material on how the facade is
25 constructed and demonstrated your confidence that the system

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1 will work well.

2 And I assume the reason you are showing an example
3 of the white metal panels at 5333 Connecticut Avenue is a
4 reaction to concerns that we've expressed either on this case
5 or on other cases, having to do with white metal and how it
6 wears over time or how it can get dirty over time. But
7 there's not a whole lot of white metal panel on this. It's
8 mostly gray or dark gray; there's just a few white accents,
9 right?

10 MR. LALLEMENT: Correct.

11 MR. FREEMAN: This is a question for JB.

12 MR. LALLEMENT: Yes, correct. Only a few accents.
13 It's not comparable to 5333 Connecticut.

14 COMMISSIONER MAY: And I'm also curious, I mean
15 your statement was that, and this goes to metal panel
16 detailing generally. The way it's detailed is somehow
17 superior to a standard metal panel detailing because there's
18 no sealant joint between the panels. Is that what you were
19 saying?

20 MR. LALLEMENT: Correct. I think the issue with
21 the white metal panel all the way to where we just installed
22 it used to be the sealant. We used to have a sealant that
23 matched the adjacent panel.

24 So typically when you have a white panel, you use
25 a white sealant, and would get dirty over time. And the dirt

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1 starts bleeding out into the panel. Not having the sealant
2 anymore prevents that and you don't have this joint failing
3 anymore. So it prevents us -- I know nothing is going to get
4 rid of dirt like the glass, but it could easily be washed at
5 the same time as you are washing the glass.

6 COMMISSIONER MAY: Right, okay. I mean I'm not
7 totally convinced on that, but I don't think it's really an
8 issue here given the extent of the metal panels. Because
9 it's -- I mean there is certainly an aspect of sealant in the
10 way it attracts and holds on to dirt that falls out of the
11 soot from the atmosphere and so on, and how that can streak
12 over time.

13 But I think that just water flow itself can be an
14 issue and water collecting, so -- but again, I don't see that
15 it's a big issue given the extent of the metal panel. I
16 will also say that the facade is improved significantly from
17 what we first saw at set down. I was very concerned about
18 that facade design, but I think you made changes to address
19 those concerns.

20 I have one last architectural question, so if you
21 could bring up the slide that shows the rooftop sections.
22 Paul, I'll try to give you a number. It's -- not finding it.
23 There we go, 504-A, so it's number 6 of 27. Yes, that's it.

24 And Paul, if you could zoom in to like the upper
25 right-hand corner of that slide. Yes, zoom right in to where

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1 we catch pretty much that diagonal line, yeah, the other
2 side. There you go, perfect.

3 Okay. So, and this is in part I think a question
4 for the Office of Planning to think about as well. Typically
5 when we have seen the setback line or that diagonal line
6 drawn to illustrate that the penthouse and anything else on
7 the roof is set back at one to one, like the handrails, et
8 cetera, the line of the, that diagonal line starts at the
9 intersection of the roof membrane and the parapet, not at the
10 top of the tiny little parapet that's there.

11 I mean, you don't have much of a parapet, but
12 there's a little bit of a lip at the top of the facade, and
13 you've got your green roof and then, yes, the green roof
14 growing media and then you've got the green roof growth above
15 that.

16 We don't usually see that line run out at the end
17 there. Now, I didn't look back into, and do extensive
18 research on it or back at the regulations, but I'm pretty
19 sure that the height is measured from the roof immediately
20 adjacent, and so therefore it should be going out to that
21 intersection, that virtual intersection that I was talking
22 about.

23 I don't know if you have a response to that or if
24 you've done it this way before. Because I don't -- like I
25 said, I don't remember seeing it this way before, but I don't

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1 remember every single rooftop section that we've seen.

2 MR. LALLEMENT: So, what I can say, the complexity
3 of this project we are providing, you can see the sections
4 actually cut through the bioretentions. So we did actually
5 depress this part of the roof to be able to accommodate a
6 different soil. To be able to retain the maximum water we
7 can.

8 So we have a different elevation of the roof
9 membrane throughout the penthouse level. And this particular
10 section is actually where we cut through the bioretention
11 which is on each side of the penthouse, pretty much on the
12 east part where we have the residential units.

13 If we do the same section through the terraces we
14 are providing for the residential units, your roof membrane
15 is actually going to be way higher. Probably not at the top
16 of parapet, but just below, so we can provide the continuity
17 between the indoor and the outdoor space for accessibility
18 results.

19 COMMISSIONER MAY: Yes, okay. So, I mean, I
20 understand that and it certainly makes for an elegant design.
21 I don't have any issues with the design. I think though --
22 let me ask you this. Have you actually shown this section
23 to the Zoning Administrator or anybody who can give you,
24 well, I guess it would be the Zoning Administrator to give
25 their opinion on that?

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1 MR. FREEMAN: I can forward to you, we've gotten
2 a ruling from the Zoning Administrator. It's dated, not for
3 this project, but it's dated October 1, 2019. It's
4 interpretation ZA-001 Roof Membrane and Building Height. So
5 we think we've shown this section in accordance with how the
6 ZA described it in that interpretation. I would submit it
7 for the record if you'd like to see it.

8 COMMISSIONER MAY: I would. I would because, I
9 mean, you know, like I said, we don't typically see it this
10 way. And in fact, even last night we didn't see it this way
11 in the other case that was, you know, part of the same
12 overall PUD.

13 I'm interested in seeing that. I mean, as folks
14 know, I don't necessarily always agree with the Zoning
15 Administrator, but the Zoning Administrator usually wins in
16 those disagreements. But I'm curious about it because it
17 doesn't ring true with the way I would interpret it.

18 I mean I think what I'm mostly concerned about
19 because I don't, you know, it's a relatively small
20 difference. I'm mostly concerned that you don't want to get
21 an approval from us based on what you're showing here and
22 then wind up having a problem at permit that would cause, you
23 know, extra pain and heartbreak in your process, or possibly
24 have to have you come back for some reason to show it to us
25 again.

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1 MR. FREEMAN: Understood.

2 COMMISSIONER MAY: Yeah, so, Mr. Freeman, if you
3 would send that I would appreciate it, and I'd be interested
4 in hearing if the Office of Planning is in on that when they
5 come up. But if they don't, I understand, but I may ask them
6 to seek more clarity from the Zoning Administrator.

7 Mr. Freeman, is that an exhibit that you can
8 upload now to IZIS?

9 MR. FREEMAN: That's what I'm actually trying to
10 figure out how to do. So that's something we won't be able
11 to upload right this moment.

12 COMMISSIONER MAY: Okay. I'll look at it whenever
13 it gets uploaded. That's it for my questions. Thank you
14 very much, Mr. Chairman.

15 CHAIRMAN HOOD: Okay, thank you, Commissioner May.
16 Let's go to Commissioner Shapiro.

17 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
18 one question. This is related to the provision of the two
19 new residential units that weren't contemplated in the
20 original approval. I guess this is for Mr. Freeman. I
21 assume that may be something that OP wants to weigh in on.

22 But, so you've termed this additional flexibility,
23 or OP has determined this additional flexibility, but can you
24 clarify whether this is just flexibility from their
25 regulations or is it just simply a design change?

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1 MR. FREEMAN: It's a design change.

2 COMMISSIONER SHAPIRO: It's just a design change?

3 MR. FREEMAN: Yes, sir.

4 COMMISSIONER SHAPIRO: Okay, that's fine. And I
5 think OP will weigh in on that too. That's all I have, Mr.
6 Chair.

7 CHAIRMAN HOOD: Okay, thank you, Commissioner
8 Shapiro. Let's go to Commissioner Turnbull.

9 COMMISSIONER TURNBULL: Thank you, Mr. Chair. I
10 guess my -- I would concur with Commissioner May. I think
11 there is a freeze. It may be minor point or it could be a
12 major point. But I think I would like to see a blowup of
13 that corner that should meet the edge of the building at
14 whatever connection you have.

15 I would like to see several blowup sections of how
16 you're actually measuring or what you're measuring from, and
17 why you're not going to the inside as Commissioner May was
18 talking about. So, I would like to see some more drawings
19 that actually articulate what's happening at the edge of the
20 building.

21 And then we haven't really talked about, or in
22 your presentation, residential and the housing, you didn't
23 really show any on the floor plans residential location of
24 IZ units. Do you have -- I think it's sheet 505 in your
25 drawings that may have. I wonder if you can bring that up

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1 and talk about the locations of IZ for us?

2 MR. FREEMAN: So, you're right. We did an
3 abbreviated presentation. Our sheet D505, I think we sent
4 our whole packet, but what the documents show is we have 18
5 IZ units, two, essentially two studios, 10 one-bedrooms or
6 two-bedrooms, and three three-bedrooms. And they're
7 generally dispersed on the second, third, fourth, fifth,
8 sixth, seventh, eighth, ninth, 10th and through 11th floor.

9 COMMISSIONER TURNBULL: And at what limit are
10 those?

11 MR. FREEMAN: So half of the square footage, 6,599
12 square feet is at 50 percent of AMI, and the other half 5,599
13 is at 80 percent AMI, and those are the breakdowns that were
14 set forth in the first stage where in terms of half --

15 (Simultaneous speaking.)

16 COMMISSIONER TURNBULL: But you can't pull up that
17 drawing now, right?

18 MR. FREEMAN: If Paul can do it. I'm asking him
19 if he can pull it up.

20 MR. YOUNG: Is it in the other PowerPoint that you
21 sent?

22 MR. FREEMAN: It is.

23 MR. YOUNG: And do you know which page?

24 MR. FREEMAN: It's page 505 of the D.

25 MR. YOUNG: I'm just going to scroll through and

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1 if you can just tell me when to stop.

2 MR. FREEMAN: I think it's page, well, you're
3 getting to it.

4 COMMISSIONER TURNBULL: That's it. Stop. So this
5 is showing 18 IZ units?

6 MR. FREEMAN: Yes, sir.

7 COMMISSIONER TURNBULL: And how many are at the
8 50 percent? Does that identify them?

9 MR. FREEMAN: So, we did it by square footage.
10 So 6,599 square feet is at 50 percent of AMI, and 6,599
11 square feet is at 80 percent of AMI.

12 COMMISSIONER TURNBULL: So are all the blue units
13 at 65?

14 MR. FREEMAN: This does not break them down by AMI
15 level. I don't know that we've done that yet, like which
16 units are the 50 percent or which units are the 80 percent.

17 COMMISSIONER TURNBULL: Right.

18 MR. FREEMAN: You know, at this point we just kind
19 of have confirmed that we are providing the square footage
20 in accordance with the requirement, and that we'll meet the
21 square footage in the distribution.

22 COMMISSIONER TURNBULL: All right. Mr. Freeman,
23 my only concern is that I always worry about the 65 percent,
24 any units that's better than 80 percent. And there being --
25 I feel oftentimes they're sort of put in places that are not

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1 the most advantageous to the owner of the building.

2 And I just want to make sure that those units are
3 being treated fairly just like all the other units. And I
4 wouldn't mind seeing something that would show me how that's
5 actually working out.

6 MR. FREEMAN: So, the regulations, they'll have
7 similar finishes. I think what you're saying is make sure
8 all the 50 percent units aren't in the worst locations in the
9 building.

10 COMMISSIONER TURNBULL: Yes, I'm just concerned
11 that they don't shoved around and put in places that may not
12 be the most advantageous for people living there. Anyways,
13 if you could take a look at that and maybe get back, that'd
14 be great.

15 Now, I think we went through this, but there are
16 no balconies on these units?

17 MR. FREEMAN: Correct.

18 COMMISSIONER TURNBULL: All right, Mr. Chair,
19 those are my concerns. Just basically worried about the
20 location of those units.

21 MR. FREEMAN: So just one quick point on the
22 units. So, of the breakdown, nine of them are at 50 percent;
23 nine of them are at 80 percent. What's interesting about
24 this building is that it's a square so it's not like a
25 situation where you have kind of maybe better units than

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1 other units.

2 So, in this case, every unit has floor-to-ceiling
3 windows on the front, right, because they're all kind of at
4 the edge of the building. And they're very limited unit
5 types essentially due to the small floor plate. So,
6 essentially IZ floor plate unit is going to be similar to our
7 market flooring.

8 So, I understand your concern, but I think just
9 given that this is a square, the units are pretty similar all
10 around.

11 COMMISSIONER TURNBULL: Okay. All right, Mr.
12 Chair, those are my questions.

13 CHAIRMAN HOOD: Okay, thank you, Mr. Turnbull.
14 Vice Chair Miller, do you have any questions?

15 VICE CHAIR MILLER: Just briefly, Mr. Chairman,
16 thank you. So I think the changes between first and second
17 stage are all improvements, including the design, including
18 the penthouse habitable space that triggers additional 50
19 percent MFI, median family income units.

20 I guess -- I know that at first stage we approved
21 the 50/80 split between, 50 percent MFI and 80 percent MFI
22 for the IZ units, and that this is -- and we're not
23 revisiting that in the second stage except for the additional
24 50 percent MFI units triggered by, which there are two units,
25 by the penthouse habitable space.

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1 And I guess, Mr. Freeman, my question is, if it
2 was 50-50 originally between the 50 percent and the 80
3 percent MFI, and the penthouse habitable space triggered
4 additional 50 percent MFI units, why didn't the split skew
5 a little bit in the favor, in the direction of 50 percent
6 MFI, why is it still half and half? Were you using the
7 original 50-50 split to satisfy the penthouse habitable
8 space? I'm just a little confused.

9 MR. FREEMAN: No. So, I think part of the big
10 difference is that when you look at the square footage
11 compared to the first stage, the total was 13,364 IZ. We're
12 now at 16,401. So there's an increase in total affordable
13 housing compared to first stage.

14 And when you do the math, we just calculated all
15 of the entire residential square footage. So there's a net
16 increase of about 3,000 square feet of affordable. And that
17 50-50 split is the same in all of the drawings. A-1 and
18 other rental units, they have the same essential split. So
19 we kept that 50-50 kind of even throughout all the buildings.

20 VICE CHAIR MILLER: Okay. So I don't revisit the
21 50 that we approved at first stage for that IZ units, I do
22 agree in concept with the Department of Housing and Community
23 Development's suggestions to skew it more toward a 50 or 60
24 percent MFI level.

25 But I also agree with the Office of Planning that

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1 you are being consistent with what was in the first stage.
2 But you would also be consistent if you, or you'd at least
3 be not inconsistent if you decided you wanted to increase the
4 lower, the deeper affordability level.

5 So, just something to keep in mind since we, I
6 think the IZ regs did change between -- after the time you
7 got the first stage approval, and so it would be lower if
8 this was coming to us for the first time.

9 I have no other questions, Mr. Chairman.

10 CHAIRMAN HOOD: All right. Thank you, Vice Chair.
11 I was reading, and I saw where it said, and I think I got
12 this right and I wrote it down, assist residents in finding
13 off-street parking. Now I have a note to myself explain how
14 is that going to work.

15 Now this might have been the first stage, and I
16 think most of my cases, especially when it comes to traffic,
17 if it's in the first stage PUD, I said we would talk about
18 it in the second stage. If it was part of the first stage,
19 explain to me how it's going to work.

20 MR. FREEMAN: So, I think what you're talking
21 about is from the TDM measures, Commissioner Hood?

22 CHAIRMAN HOOD: It was in the report there
23 somewhere. It was a bullet point.

24 MR. FREEMAN: Okay. So I'll let Erwin Andres
25 describe the TDM and how that works. You're looking at, I'm

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1 looking at it, it's the last bullet of our TDM.
2 Transportation coordinator will assist residents finding
3 off-street parking if necessary.

4 CHAIRMAN HOOD: I've never heard that before. I
5 really need to know how that works.

6 MR. FREEMAN: Sure.

7 MR. ANDRES: So, obviously Union Market is an area
8 that is in flux. There's about 4500 new units that are
9 planned for the entire Union Market area. And as part of
10 that, there are some buildings that are going to have
11 parking, and there's some that may not.

12 You know, I've actually worked on two of them that
13 are not. One of them is Parcel D, and then the other one is
14 a project right on Florida Avenue which this Board approved.

15 And in cases like that, we would have a database
16 of essentially apartment buildings that do have parking. In
17 that instance, and you'll see this in some of the newer
18 buildings, where if there is lack of demand from apartment
19 buildings for parking in those buildings, typically what some
20 of those buildings do is that they'll place ads that says,
21 you know, we have some spaces available if there are any
22 residents in the area that want to use them.

23 And it's pretty typical, you know, in my old
24 neighborhood where I used to live they had that situation
25 where there were some newer buildings that were over-parked,

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1 so they had available parking spaces. So in that instance,
2 we can create a database that identifies where there may be
3 potential spaces for people to rent.

4 But taking a step back, Chairman Hood, as I
5 mentioned before, you know, typically the way we see parking
6 or people who have a car, is almost in some respects similar
7 to the same situation where people have pets. If I have a
8 dog and I move into a building, you know, some of the
9 buildings that I look at for me to move into are usually pet-
10 friendly. And the same for those who think that cars are
11 important to them.

12 You know, if you have a car and you think that's
13 an important aspect, the good thing is in this neighborhood
14 there is a lot of inventory to choose from. Like I said,
15 there's around 4500 new units coming online. So if you feel
16 that you need a car, chances are that you will look at those
17 buildings before you look at this one.

18 With that being said, you know, for buildings that
19 don't have parking, you know typically the things that
20 support buildings that don't have parking are few. You know,
21 the first bullet is access to jobs. You know, where do you
22 work? And obviously, given its location relatively near the
23 Metropolitan Branch Trail, as well as Metro and some of the
24 bus lines, if it's convenient for you to get to work from
25 there, then yes, it's a good opportunity for you not to have

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1 a car.

2 The other thing that helps people who live in
3 car-free neighborhoods is access to amenities. Union Market
4 is growing to be a highly-amenitized neighborhood. There's
5 grocery planned. There's obviously the Market itself which
6 is a market and restaurants and some of the bars and
7 offerings in the area are all walkable.

8 And in addition to that, H Street is not that far
9 away. So in that instance, you know, people choose to live
10 here because they don't need to drive.

11 And then the last thing, which is an economic
12 issue, is that what we've seen, sort of the demographic of
13 people looking to move into neighborhoods like this, is that
14 the reason why they don't have a car is in some respects they
15 can't afford to have one.

16 What they choose to do is pay a little bit more
17 in rent, not have a car, but still have a lifestyle where
18 they can access all of the amenities, all their job
19 opportunities, and all their recreational activities without
20 a car. So this neighborhood, if you were to look at
21 potential neighborhoods that can survive and thrive without
22 having a car, it's this neighborhood.

23 And the last point I want to make, Chairman Hood,
24 is in instances where sort of parking leaking into the
25 neighborhood as an issue. I just confirmed on DDOT's RPP

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1 website, this street is not eligible for RPP. So if you live
2 in this residential building, you can't get an RPP sticker.

3 So in that instance, all of the neighborhoods
4 south of here that are RPP restricted, people who look to
5 park in those neighborhoods long term, won't be able to. I
6 hope I answered your question, Chairman Hood.

7 CHAIRMAN HOOD: You sure did Mr. Andres. I'm not
8 going to belabor it, but I think that there is -- well, you
9 were doing all right until you mentioned RPP. You answered
10 everything until you mentioned RPP.

11 RPP is a sore spot with me, period. Because for
12 the most part, I know it doesn't work. DDOT knows it doesn't
13 work. I'm not saying that it doesn't work sometime, but most
14 of the time.

15 My issue though is when I saw that and it said
16 assist residents in finding off-street parking, I see now you
17 were talking about the inventory when it all comes online.
18 I just see that community beating us up or closing down the
19 Zoning Commission if you're helping them find off-street
20 parking in the neighborhood. That's kind of what --

21 MR. ANDRES: Absolutely not, Chairman Hood. That
22 is the last thing we want to do, nor do we think we need it.
23 Like I said, people who choose to live in this neighborhood
24 will have many options.

25 CHAIRMAN HOOD: So the way it goes now, and I'm

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1 just -- you know, you have visitors like me who have to go
2 down there and, like I said, park at the post office and walk
3 back down. So those are the kind of people I'm looking at.
4 Because it's going to be nice, and I'm not going to
5 necessarily do a lot of walking over there, but I'm going to
6 drive over there and I'm going to enjoy some of the
7 activities over there as well.

8 And I know there's a clientele that's going to do
9 that. And I need to make sure we have the correct inventory
10 through this whole PUD of that, and I'll probably be saying
11 that more and more.

12 But I do want to make sure that we, Mr. Freeman,
13 memorialize that exactly -- and if it's already there, I just
14 need to see it in the order depending on which way we go.
15 I would like to see exactly some of the things that Mr.
16 Andres mentioned.

17 So I'm not saying making it a condition, but I
18 like to see some of the things on how it's going to work.
19 And I think that's important to be in the order so when
20 people, when the community comes back and say, oh the Zoning
21 Commission has them now parking in our neighborhood, even
22 though that's not our intent and that's not our goal, but I
23 want to make sure we're covered. So are we on the same page
24 with that?

25 MR. ANDRES: Absolutely.

1 MR. FREEMAN: Yes, absolutely.

2 CHAIRMAN HOOD: The other thing is, I do -- well,
3 this is for the Office of Planning -- but most of which DHCD,
4 and I know Vice Chair mentioned it DDOE, it looks like
5 there's still going to be some ongoing conversations and
6 working out some things as this process continues to evolve.
7 Is that a fair statement?

8 MR. FREEMAN: Yes, Commissioner, that's true. A
9 lot of what they talked about are things that deal with
10 permitting, and we're committed to obviously meeting those
11 requirements in order to get permits, so yes, yes sir.

12 CHAIRMAN HOOD: That's all I have. Any other
13 questions or comments?

14 COMMISSIONER MAY: Yes.

15 CHAIRMAN HOOD: Commissioner May?

16 COMMISSIONER MAY: Yes. I want to follow up on
17 a couple points. First of all, I really appreciate Mr.
18 Andres' comment about, with the comparison to a, having a
19 pet-friendly apartment and a car-friendly apartment. I think
20 that's a really interesting way to look at it, so I
21 appreciate that. I'm going to remember that one.

22 The -- I did have a question about the IZ, and Mr.
23 Freeman, this is a follow-up to Vice Chair Miller's comments.
24 I was very confused by your answer. So could you walk me
25 through the numbers again very slowly? They don't have to

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1 be the exact numbers, they can be approximate numbers or, you
2 know, theoretical numbers. But it seems to me once you had
3 the rooftop habitable space, you're going to wind up with
4 slightly more than 50 percent more housing, or more square
5 footage at 50 percent than at 80 percent. And what I heard
6 you say is that you don't.

7 MR. FREEMAN: So, I think maybe the best way to
8 look at it is on D505 in the bottom right hand corner. What
9 we did is this. We said the residential gross floor area for
10 the base building is 144,399 square feet. The residential
11 --

12 COMMISSIONER MAY: Hold on a second, I'm still
13 pulling up the drawing.

14 MR. FREEMAN: Okay.

15 COMMISSIONER MAY: Say again which one?

16 MR. FREEMAN: D505.

17 COMMISSIONER MAY: Okay. For some reason I'm not
18 finding 505. Hold on.

19 MR. FREEMAN: Okay.

20 COMMISSIONER MAY: I know I saw it earlier.

21 COMMISSIONER TURNBULL: I think it might be in the
22 second set of drawings that they've got.

23 COMMISSIONER SHAPIRO: Yeah, 25-A2.

24 COMMISSIONER MAY: Okay, 505, got it.

25 MR. FREEMAN: So pictures of penthouses that big

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1 doesn't generate that much additional. But the base building
2 is 144,399. The penthouse is 4,704. That's the total
3 residential gross, right?

4 COMMISSIONER MAY: Mr. Freeman, I'm sorry. You
5 and everybody else are suddenly very garbled for me. I think
6 my connection might have gone south. Mr. Chairman, would you
7 mind checking to see if anybody else has questions? I'm
8 going to dial back in and see if I can get a better
9 connection. Is that all right?

10 CHAIRMAN HOOD: You want us to hold on?

11 COMMISSIONER MAY: I'm going to drop off. I'll
12 be back in just a sec.

13 COMMISSIONER MAY: Okay, we'll take a two-minute
14 break. All right, so that'll work out. Let's take a two-
15 minute break.

16 (Whereupon, the foregoing matter went off the
17 record at 5:17 p.m. and back on the record at 5:21 p.m.)

18 CHAIRMAN HOOD: Okay, so let's go back on. Any
19 other questions? Commissioner May, did you have any others?

20 COMMISSIONER MAY: Yes. Mr. Freeman was going to
21 walk me through the calculations again.

22 MR. FREEMAN: So, looking at, thank you, Chairman
23 and Commissioner May. Looking page D505, we have our IZ
24 calculations. We have a base building of 144,399. So 11
25 percent of that is 15,883.89 and these are gross numbers.

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1 The penthouse is 4,704. Eleven percent of that
2 is 517. When you actually -- so our total required IZ, if
3 you take 15,883.89 plus the 517.44, the total is 16,401.
4 What we did is divide that in two. That's how you get 8,200
5 at 80 percent AMI, 8,200 at 50 percent AMI. Because the
6 penthouse is so small it doesn't generate -- it only
7 generates 517 square feet at 50 percent AMI.

8 COMMISSIONER MAY: It seems to me that the way the
9 calculations should be done is that the -- you have the
10 overall square footage of residential and you take 11 percent
11 -- sorry -- the overall percentage for the building, not
12 including the penthouse habitable space. And you take 50
13 percent of that -- I'm sorry, you take 11 percent of that to
14 get how much is IZ, and then you split 50-50.

15 And then, for the area B-704, that is the
16 penthouse, you should be taking 11 percent of that, which you
17 say is 517 --

18 MR. FREEMAN: Yes.

19 COMMISSIONER MAY: -- and then add the 517 to the
20 50 percent of the 11 percent. Isn't that what Vice Chairman
21 Miller was saying? I mean, that's the way I would do the
22 calculation. What you're doing is --

23 MR. FREEMAN: To a degree.

24 COMMISSIONER MAY: -- you're effectively splitting
25 the penthouse percentage into 50 percent of 50 percent, and

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1 50 percent of 80 percent.

2 MR. FREEMAN: Sure, absolutely. We'll update it
3 to do it that way.

4 COMMISSIONER MAY: Okay.

5 MR. FREEMAN: I'll tell you what -- you'll see
6 what will end up happening, it will still be the same --

7 (Simultaneous speaking.)

8 VICE CHAIR MILLER: I get to the same results.
9 I think I see the calculations. It's such a small amount.
10 It gets to the same result. But that's how I was doing it,
11 Commissioner May. But it's such a small amount that they end
12 up doing the additional amount of 50 percent AMI/MFI that's
13 required. But yes, it would be helpful to see that laid out,
14 Mr. Freeman.

15 COMMISSIONER MAY: Yeah, I mean even it's a small
16 difference. I mean I understand it's not, 517 is not a huge
17 amount of space, but you know, it's a one-bedroom apartment.

18 MR. FREEMAN: So what I'm saying is that still
19 ends up being one unit, right. So you're not -- it doesn't
20 trigger another unit. But we're happy to do the math --

21 COMMISSIONER MAY: I understand it's not going to
22 trigger another unit, but it's a matter of -- you still have
23 to have, you know, the square footage add up, right? IZ is
24 based on square footage. So anyway, yes, I would like to see
25 that explained and see if it makes a difference.

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1 Mr. Chairman, that is the end of my second round
2 of questions.

3 CHAIRMAN HOOD: Great, thank you Commissioner May.
4 Commissioner Shapiro, do you have a second round?

5 COMMISSIONER SHAPIRO: Mr. Chair, I do not.

6 CHAIRMAN HOOD: Okay. Commissioner Turnbull, do
7 you have any additional?

8 COMMISSIONER TURNBULL: No, I'm good.

9 CHAIRMAN HOOD: Okay. Vice Chair, do you have
10 anything additional?

11 VICE CHAIR MILLER: No, thank you.

12 CHAIRMAN HOOD: Okay. Let's go to -- do we have
13 anybody on the line from the ANC? Vice Chair Moore I
14 believe? I don't see Chairman Lee. I think the letters come
15 from Vice Chair Moore. I don't see anyone.

16 Let's go to the Office of Planning and DDOT. I
17 think the Office of Planning tonight again is Ms. Elliott and
18 Mr. Zimmerman, I believe.

19 MS. ELLIOTT: Good evening, Mr. Chairman, and
20 members of the Commission. I'm Brandice Elliott representing
21 the Office of Planning for case 15-27E which is for Building
22 D.

23 We are recommending approval of the second stage
24 PUD, and I heard a couple questions that I'm going to try to
25 respond to. And then just let me know if I've missed

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1 anything, please.

2 I did hear a question regarding the number of
3 units, and just to clarify, our table did have an inaccurate
4 number. In the Stage 1, 115 units were approved, not 198.
5 But we did have the 159 units for this proposal correct in
6 our table.

7 There are some penthouse questions and we
8 understand what the question is, where that height should be
9 measured from. And I think we'll need to verify with the
10 Zoning Administrator, so certainly if Mr. Freeman has an
11 interpretation, we would, you know, love to see that and then
12 continue our discussions with the Zoning Administrator to
13 make sure that we get that right.

14 There was a question regarding additional work for
15 DDOE and DHCD. The applicant will, you know, need to
16 continue working with both of those agencies to make sure
17 that they can actually get their building permit. So, there
18 is additional work that happens following this hearing and
19 any approvals issued by the Zoning Commission on that front.

20 And then there was a question regarding the IZ
21 related to the habitable penthouse. And OP does agree with
22 the Commissioners on how that should be measured and how the
23 square footage should be added up in the plans. And so even
24 if the area is small, we're concerned with, you know, setting
25 a bad precedent and, you know, having some of those other

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1 figures sort of slip by us.

2 So, if I missed anything, please let me know. I'm
3 happy to go back to it. But I'll just leave it at that and
4 I'll take any questions that you have.

5 CHAIRMAN HOOD: Okay, what I think what we'll do,
6 if we have any questions for Ms. Elliott we'll ask them, but
7 after we hear from Mr. Zimmerman.

8 MR. ZIMMERMAN: Good evening Chairman Hood and
9 Commissioners. I'm Aaron Zimmerman with the District
10 Department of Transportation. DDOT is in support of this
11 project. And I'll note that in the presentation earlier, the
12 applicant has agreed to our two conditions. So with those
13 two conditions we have no objection to the approval of the
14 second stage PUD.

15 And just real quick to address the comment that
16 came up earlier about the number of units and why ours was
17 different than OP's and other places as well, the previous
18 approval. So I actually got the 143 from the appendix of the
19 CTR study, and that was meant to -- the 143-unit reference
20 was meant to represent the number of units that were studied
21 for Parcel D in the first stage approval.

22 And I know from hearing in this presentation
23 tonight that, you know, 115 were approved with some
24 flexibility. And I'm not sure, you know, between the study
25 of the previous project and, you know, the approval of the

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1 project the number changed, but that was intended to be the
2 worst, kind of the worst-case scenario from a traffic
3 generation standpoint for the previous approval.

4 And then we looked at -- with Gorove Slade, we
5 looked at 175 units as sort of the worst case here to account
6 for that extra 10 percent flexibility. So really the 143 to
7 175 was meant to be just a comparison of the worst case from
8 a traffic generation standpoint for both of the proposals.

9 With that, I'd be happy to take any other
10 questions.

11 CHAIRMAN HOOD: Okay. Thank you both Office of
12 Planning and District Department of Transportation, Ms.
13 Elliott and Mr. Zimmerman. Commissioners, do we have any
14 follow-up questions or comments? Commissioner May?

15 COMMISSIONER MAY: No further questions. I
16 appreciate both Office of Planning and DDOT answering my
17 question from before.

18 CHAIRMAN HOOD: Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Mr.
20 Zimmerman, do you have any thoughts or feelings about
21 Commissioner May's joining with Mr. Andres' comments about
22 the analogizing pet-friendly and car-friendly. I think that
23 may need to be a department policy from now on. That was a
24 good one.

25 MR. ZIMMERMAN: Yeah, I'm still trying to chew on

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1 that one a little bit. You know, I may pull that one out
2 again.

3 COMMISSIONER SHAPIRO: Thank you. That's all I
4 have, Mr. Chair.

5 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

6 COMMISSIONER TURNBULL: I have nothing, Mr. Chair.

7 CHAIRMAN HOOD: Okay. Vice Chair Miller?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman.
9 Thank you, Ms. Elliott, for your report. I agree with your
10 comments. And Mr. Chairman, I am prepared to summarize the
11 ANC report if you want me to at whatever point.

12 CHAIRMAN HOOD: Okay, good. I will call on you
13 to do that, thank you. And I had just prepped for it, but
14 I will let you handle that one. Thank you.

15 I don't have any questions. I appreciate both
16 reports from the Office of Planning, Ms. Elliott, and also
17 DDOT, Mr. Zimmerman. I appreciate both reports.

18 So with that, does the applicant, Mr. Freeman, do
19 you have any response to the Office of Planning and DDOT, any
20 questions?

21 MR. FREEMAN: No sir, no sir.

22 CHAIRMAN HOOD: Okay. And again, the ANC. Now
23 the only other thing, and I think Ms. Elliott really caught
24 a lot of it in her report. We did have comments and I like
25 that they were answered, and I really appreciated that. And

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1 I know there's some further discovery going down the line
2 with DHCD and also DDOE.

3 Were there any other government agencies that I
4 may have missed? Okay. So, Vice Chair, could you give us
5 the ANC report please?

6 VICE CHAIR MILLER: Yes.

7 CHAIRMAN HOOD: First, before you do that, do we
8 have anybody here from ANC? I don't want to get in trouble.
9 Okay, not seeing or hearing anyone, Vice Chair, could you
10 give us the report.

11 VICE CHAIR MILLER: Sure. I think in Exhibit, I
12 think it's 3-C we have a letter from ANC 5D Chair Sydelle
13 Moore in which she states, the ANC met twice with the
14 applicant on the second stage PUD, and that they are pleased
15 with the design of the building and are fine with the
16 proposal to eliminate the garage parking.

17 And they are pleased with all of the public
18 benefits and amenities that were approved as part of the
19 first stage PUD and look forward to this development being
20 realized.

21 CHAIRMAN HOOD: Okay, thank you for the report,
22 Vice Chair Miller. I appreciate it. We won't ask you any
23 questions on that report.

24 VICE CHAIR MILLER: Thank you. I am happy to
25 represent any ANC on anything.

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1 CHAIRMAN HOOD: Okay, so we'll let that stand for
2 itself, the report. We appreciate the ANC taking the time
3 to do that.

4 Let's get to persons and -- right. I'm just going
5 to call everybody. Persons in support? Persons in
6 opposition, organizations or individuals? Anybody who's
7 undeclared? Anybody who wants to make a comment on this
8 case? I would look at Mr. Young and Ms. Schellin if you all
9 would let me know if anybody's there.

10 MS. SCHELLIN: There were no other persons signed
11 up to testify this evening as of 5 o'clock.

12 CHAIRMAN HOOD: Okay. Thank you very much. So
13 let's move right along, unless I hear from my colleagues.
14 Let's go to Mr. Freeman. Do you have any rebuttal or
15 closing?

16 MR. FREEMAN: So, thank you, Mr. Chair and members
17 of the Commission. I don't have any rebuttal. I did want
18 to let Commissioner know that we updated, uploaded the ZA
19 ruling regarding the penthouse setback. And that's on IZIS
20 now.

21 So, we believe that the application kind of meets
22 the standards. I think there were three things. One,
23 confirming the penthouse setback at the rear of the building.
24 I think we comply with that and are consistent with the ZA's
25 ruling. However, if that had to change, I think that's

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1 something we could fix at permitting.

2 I think Commissioner Hood, you mentioned
3 memorializing the TDM measures, specifically what it means
4 with respect to assistance finding parking. You mentioned
5 that's something that could be done in the order, and we
6 would make sure that was clear in the proposed order and that
7 we're not helping them find parking on local streets. That's
8 not our intent.

9 And then the third thing we just talked about was
10 updating the IZ calculations. I think that's something
11 typically in Zoning Commission orders they also include a
12 table that indicates what the IZ requirement is. And I
13 understand the direction that we heard from Commissioner May
14 and Commissioner Miller about how they want to see it broken
15 down.

16 So I think those three things, two to three
17 things, are all hopefully things that we can address simply
18 in an order. So, I would request since the record is fairly
19 full here and given kind of upcoming schedules, I would
20 request that -- and given OP, DDOT, and ANC support, I would
21 request that the Commission, if the Commission is so
22 inclined, approve our application so that we can move forward
23 with this development.

24 CHAIRMAN HOOD: Thank you very much, Mr. Freeman.
25 Commissioners, we, as you know, our special rules for our --

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1 right now emergency rules do not permit us to move forward
2 right now. But, when we have that hearing, we'll be looking
3 to Mr. Freeman and the community and others to come down and
4 testify hopefully on that.

5 But anyway, I think we have 48 hours I think is
6 what it is, 24 to 48 hours.

7 MR. FREEMAN: Okay.

8 CHAIRMAN HOOD: Ms. Schellin, could you -- unless
9 I hear other -- Commissioner May?

10 COMMISSIONER MAY: Mr. Chairman, I appreciate Mr.
11 Freeman to promptly loading up that opinion from the Zoning
12 Administrator and I just took a look at it. It's very
13 simple, and I would encourage my colleagues to take a look
14 at it as well because there is a diagram that demonstrates
15 what I was trying to say. Which is that -- and here is
16 actually what it says. I'll read the text.

17 Penthouse setback is measured from the
18 intersection of the vertical plane of the building facade,
19 and the horizontal plane, which is set at the top of the
20 reinforced concrete slab, defining the top of the structural
21 roof as shown in the section below.

22 So in other words, it's even more, it's even lower
23 than I thought. I thought it was the top of the membrane.
24 It's not the top of the membrane. It's the top of the
25 structural slab. So if you think about it, the slab is here,

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1 and then you have the membrane on top of it, and then you
2 have your growing media for the green roof, and then you have
3 the green stuff. So, I mean, it's well down below that.

4 So, I don't think that it's measured correctly in
5 that drawing, and I think that the drawings need to be
6 corrected before we can approve this. I wouldn't want this
7 to go through with that showing as having been approved. I
8 would like to have it corrected with what is consistent with
9 the Zoning Administrator's opinion that's shown in what Mr.
10 Freeman uploaded.

11 CHAIRMAN HOOD: Okay. Mr. Freeman, you heard from
12 Commissioner May. You got all that?

13 MR. FREEMAN: Yes. We will submit a revised
14 sheet. We'll submit a revised sheet. I know what sheet
15 we're talking about. We'll submit a revised version of that
16 sheet.

17 COMMISSIONER MAY: The rooftop sections, yeah.

18 MR. FREEMAN: We'll submit an updated sheet 505,
19 which had the IZ calculations.

20 CHAIRMAN HOOD: Okay. Vice Chair Miller?

21 VICE CHAIR MILLER: Thank you. Just to clarify,
22 Commissioner May, with the corrected angle diagonal, you're
23 not saying that they're not complying with penthouse setback
24 requirements. You wanted to be sure it's depicted correctly.

25 COMMISSIONER MAY: It seems to me that what

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1 they've shown in the drawings does not comply with rooftop
2 setback.

3 VICE CHAIR MILLER: But, are you surmising that
4 it won't comply once it shows the --

5 COMMISSIONER MAY: They're going to have to adjust
6 the location of the walls on the penthouse, or the height of
7 the penthouse.

8 VICE CHAIR MILLER: Okay. All right, that's --

9 COMMISSIONER MAY: If you take a look at the
10 document that Mr. Freeman just uploaded, you can see what
11 will happen. Are you looking at it now?

12 VICE CHAIR MILLER: Yes.

13 COMMISSIONER MAY: Yes. So if you look at that
14 section, you see the blue type that push out the
15 non-conforming setback?

16 VICE CHAIR MILLER: Yes.

17 COMMISSIONER MAY: I expect that this will, when
18 you draw the red diagonal line the way this is drawn, you
19 know, it's got to be dropped from below on the drawing
20 they've shown already. And those little corners of the
21 penthouse are going to be non-conforming so they'll have to
22 be adjusted.

23 VICE CHAIR MILLER: Okay. I appreciate that
24 clarification.

25 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

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1 COMMISSIONER TURNBULL: Yeah, I think Commissioner
2 May is right. What's happened here on their drawing on 504
3 is that the measurement is from the top of the parapet.

4 COMMISSIONER MAY: Yes.

5 COMMISSIONER TURNBULL: This has to go down about
6 two feet to where the exterior of the building meets the top
7 of the structural slab. That's about two feet, so I think
8 there could be a significant change on the outside walls of
9 the penthouse.

10 MR. FREEMAN: So what would happen is if allowing
11 it to go down to where the bioretention area is essentially.
12 But you'll see that most of that two feet is in a parapet.
13 So, we'll be able to design it such that it complies.

14 COMMISSIONER TURNBULL: Oh yes, I'm sure you can.
15 But I think it is a significant point, and I'm glad we do
16 have the drawing from the ZA. I think it's going to be
17 really helpful in the future for us to have that.

18 CHAIRMAN HOOD: Okay. Any other comments on this
19 issue? Mr. Freeman, I think you're on board with what needs
20 to be provided. Did you do your closing? I think we did.

21 MR. FREEMAN: Well, yes. My closing was just
22 again to thank you all for your time and attention tonight.
23 Sorry again for my tardy, my technical difficulties, but
24 we're excited about this and look forward to the Commission's
25 approval once you schedule us. And we'll submit these three

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1 additional sheets promptly.

2 CHAIRMAN HOOD: Okay. All right. Ms. Schellin,
3 if you can tell us.

4 MS. SCHELLIN: So, okay. So, Mr. Freeman, could
5 you have those items submitted by 3:00 p.m. on July 15th?

6 MR. FREEMAN: Yes, ma'am.

7 MS. SCHELLIN: And could you provide a draft
8 findings of fact and conclusions of law by that same day?

9 MR. FREEMAN: Yes, ma'am.

10 MS. SCHELLIN: And then we could allow the ANC if
11 you would reach out to them, if they choose to do so, to
12 respond to those additional submissions by 3:00 p.m. on the
13 22nd and put this on for final action at our July 27th
14 meeting at 4 o'clock p.m.

15 MR. FREEMAN: Thank you.

16 MS. SCHELLIN: Chairman, other Commissioners, were
17 you looking for anyone else to respond those submissions, or
18 if they choose to do so, OP, DDOT?

19 CHAIRMAN HOOD: I don't know, Commissioner May,
20 Turnbull, Vice Chair, Commissioner Shapiro, anything from
21 anybody else? Okay. All right. I'm seeing nods no. No,
22 they're not.

23 MS. SCHELLIN: Okay.

24 COMMISSIONER MAY: Well, I mean I think that
25 Planning wants to weigh in on the setback issue, but I think

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1 it's pretty clear from the ZA's diagram. So, I don't see a
2 need for that unless for some reason they think there's
3 something to add.

4 MS. SCHELLIN: Okay.

5 CHAIRMAN HOOD: I mean the ANC has a chance to
6 weigh in anyway if they choose to. We're not necessarily
7 requesting it.

8 MS. SCHELLIN: If they choose to do so. As they
9 are a party, they are allowed to do so. So I would say then
10 if OP chooses to, they have until the 22nd also at 3 o'clock
11 p.m.

12 CHAIRMAN HOOD: Okay, so anything else anybody?
13 So what I would do, we will adjourn this hearing but I will
14 announce that the record is closed unless we ask for
15 something. Unless we ask for something, other than that the
16 record is closed.

17 I want to thank everyone for their participation
18 and this hearing actually is adjourned. See you all
19 Thursday.

20 (Whereupon, the above-entitled matter went off the
21 record at 5:45 p.m.)

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 07-07-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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