

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: :
 :
 NRP Properties, LLC :
 Voluntary Design Review :
 4401-4435 Benning Rd. NE : Case No. 22-08
 @ Square 5085, :
 Lots 40 & 61 - Ward 7 :
 :
 -----:

MONDAY

MAY 16, 2022

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The Public Hearing of Case No. 22-08 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
 ROBERT MILLER, Vice Chairperson
 JOSEPH IMAMURA, Commissioner
 PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

RON BARRON, Zoning Specialist
 PAUL YOUNG, Zoning Data Specialist

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OFFICE OF PLANNING STAFF PRESENT:

ELISA VITALE, Development Review Specialist

DISTRICT DEPARTMENT OF TRANSPORTATION PRESENT:

KIMBERLY VACCA, Transportation Planner

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on May 16, 2022

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(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is May the 16th, 2022. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood, and I soon will be joined by Vice Chair Miller, as well as joined by Commissioner May and Commissioner Imamura. We're also joined by the Office of Zoning staff, Mr. Ron Barron and Mr. Paul Young, who's handling all of our virtual operations, as well as our Office of Zoning Legal Division, Mr. Dennis Liu. We will ask all of us to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are webcast live, WebEx and YouTube live. The video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign up, all participants will complete the oath or affirmation required by Subtitle Z, 408.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time.

When called, please state your name and home address

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1 before providing your testimony. When you are finished speaking,
2 please mute your audio. If you experience difficulty accessing
3 Webex or with your telephone call-in, or have not signed up, then
4 please call our OZ hotline number at 202-727-0789. If you wish
5 to file written testimony or additional supporting documents
6 during the hearing, then please be prepared to describe and
7 discuss it at the time of your testimony.

8 The hearing will be conducted in accordance with
9 provisions of 11-Z DCMR, Chapter 4, as follows: preliminary
10 matters; applicant's case, the applicant has up to 60 minutes;
11 report of the Office of Planning and Department of
12 Transportation, report of other government agencies, report of
13 the ANC, and this ANC -- let me just keep moving -- testimony
14 and organizations, five minutes and individuals three minutes.
15 And we will hear in the following order from those who are in
16 support, opposition, and undeclared. Then we'll have rebuttal
17 and closing by the applicant. Again, the OZ hotline number for
18 any problems is 202-727-0789 for any concerns during this
19 proceeding.

20 Mr. Barron, do we have any preliminary matters?

21 MR. BARRON: Yes, Mr. Chairman, I had a couple
22 preliminary matters. There are two motions for waivers before
23 the Commission: one from the applicant and one from OP. If the
24 Commission would like to do them one at a time or consider them
25 together, it's up to you.

1 CHAIRPERSON HOOD: Let's do them one at a time since
2 they're from different -- let's do them one at a time. I believe
3 -- yeah.

4 MR. BARRON: The -- yeah, the first one is the waiver
5 from the applicant asking for the Commission to accept updated
6 plans less than 20 days before the hearing. And that was
7 submitted at Exhibit 15B.

8 CHAIRPERSON HOOD: Okay.
9 Colleagues, any objections?

10 (No audible response.)

11 CHAIRPERSON HOOD: Not hearing any, we will accept
12 that.

13 MR. BARRON: Okay. And the second was a request from
14 the Office of Planning to accept a late filing of the OP hearing
15 report. It was submitted on Friday, which is less than 10 days,
16 which is the statutory requirement. And that is at Exhibit 17.

17 CHAIRPERSON HOOD: Okay.
18 Again, any objections?

19 (No audible response.)

20 CHAIRPERSON HOOD: Okay. So we will accept that as
21 well. Let's bring everybody --

22 Anything else. Mr. Barron?

23 MR. BARRON: I did want to bring to the Commission's
24 attention, there are a few exhibits that were filed a little bit
25 late. In particular, there's an ANC 7D resolution that was filed

1 at Exhibit 20 that we got last week, and I believe was a little --
2 we were a little late getting that released to ZDOCS to you, so
3 I want to make sure that you saw that.

4 Also, the applicant's prehearing statements and
5 architectural plans related to that waiver were at Exhibits 13
6 through 13E3, and I just want to make sure that you saw those.

7 CHAIRPERSON HOOD: Okay. I'm sorry.

8 MR. BARRON: The applicant also had some proffered
9 expert witnesses if we wanted to consider those now or?

10 CHAIRPERSON HOOD: Yeah. Let me just talk about the
11 delayed filings, I believe, especially the ANC. And Mr. Barron,
12 thank you for helping me remember it was ANC 7D. I did look at
13 some of this case last week. I did notice the ANC was not --
14 did not have a report. But we have one now, so I'd like to thank
15 you - thank you, Mr. Barron, for bringing that again to my
16 attention.

17 Welcome, Vice Chair. We've already acknowledged that
18 you will be joining us shortly, so.

19 Anyway, we will accept -- unless I hear any
20 objections, we will accept all the late filings. Okay.

21 Mr. Barron, let's go to the expert proffered witnesses.

22 MR. BARRON: The applicant proffered two witnesses.
23 One was -- the first was Daniel Solomon, was previously accepted
24 from Gorove Slade in Planning, and a Preston Jutte, which is also
25 Grove Slave in Transportation -- excuse me, Gorove Slade, and his

1 resume is at Exhibit 12B. And from what I could see, he was not
2 previously accepted.

3 CHAIRPERSON HOOD: So I think, colleagues, unless I'm
4 not sure who's presenting, I believe it's probably going to be
5 Mr. Solomon. If I'm incorrect, I don't think we need both, unless
6 others have something else to say on that. Mr. Preston has not
7 been before us, but he is -- his resume is in Exhibit 12B. But
8 let me hear from others which your thoughts are.

9 COMMISSIONER MAY: I'm with you. I don't understand
10 why we'd have two transportation experts proffered for this case.
11 I mean, Mr. Solomon has been admitted before. Mr. Jutte has not,
12 and his experience is a little bit light. Even Mr. Solomon is
13 not -- doesn't even have 10 years at this point, but he's been
14 previously accepted, so I won't touch that. But yeah, I mean,
15 if we only -- if Mr. Solomon's going to be here, we don't need
16 to address the other one. And I wouldn't be inclined to accept
17 him as an expert necessarily anyway.

18 CHAIRPERSON HOOD: Right.

19 COMMISSIONER MAY: Proffering any, you know, an
20 architect as an expert, I mean, there is an architect for the
21 project.

22 CHAIRPERSON HOOD: Let me see. I do -- let me just
23 stay what Mr. Jutte. And I would agree with Commissioner May.
24 Any others? When I look at his experience. So we will hear his
25 testimony, if he's going to be working with Mr. Solomon. But I

1 would agree, I think we can just continue that status.

2 Mr. Barron, we're going to deny -- unless I hear from
3 others, we're going to deny Mr. Jutte's request right now to --
4 for expert status. Let's say, who knows? Okay.

5 Mr. Barron, now who else do we have?

6 MR. BARRON: So with the -- from the applicant's team,
7 we have Meridith Moldenhauer here, Chris Marshall of the NRP
8 Group, Babatunde Oloyede of the Marshall Heights Community
9 Development Organization -- I apologize if I butchered that --
10 Jeff Goins of PGN Group, and Sharon Bradley of the Bradley Site
11 Design. And if there's anyone I missed, I saw a couple of names
12 on here that weren't in any of the documents I saw, just please
13 let us know.

14 CHAIRPERSON HOOD: Okay. I would appreciate it.

15 Good afternoon, Ms. Moldenhauer. Again, I want to you
16 and your team and the public for my tardiness, and I apologize
17 for the Vice Chair having problems. So let's get started.

18 I think the question is about your architect. Did you
19 proffer -- Ms. Moldenhauer? Introduce yourself, and if you can
20 answer that question for us.

21 MS. MOLDENHAUER: Sure. Meridith Moldenhauer from
22 Cozen O'Connor, on behalf of the applicant.

23 Mr. Goins has been proffered as an expert in other
24 cases. And, you know, we don't believe, obviously, there's a
25 need to have an expert testimony for this case. But obviously,

1 if the Zoning Commission believes it was necessary, he obviously,
2 I think, has been previously qualified in other cases.

3 CHAIRPERSON HOOD: Okay. Well, if that's what you
4 believe, we won't interfere with it, unless my colleagues
5 disagree. We won't interfere with your presentation. We don't
6 believe that's needed. We'll see how far we go, and then we'll
7 adjust accordingly.

8 So unless I hear from my other colleagues, we will
9 continue to move unless there's some concerns.

10 COMMISSIONER MAY: I -- let me just say a couple of
11 things. I mean, it's, you know, the Zoning Commission is not
12 the BZA. We do require the expert resumes to be on the record
13 on every case. And so, if we are going to treat Mr. Goins as an
14 expert, then we would want to have his resume in the record. I
15 think the same is true for Ms. Bradley, because I think she's
16 been here before and testified as an expert before. And I was
17 surprised that we wouldn't have seen hers as well. But if you
18 don't want to have any either of them admitted as experts, we
19 will do that, we can proceed without that. But it is a little
20 bit unusual. We would typically expect the expert with, you
21 know, the architects and landscape architects to be qualified as
22 experts on cases like this.

23 CHAIRPERSON HOOD: Okay. Well, I think,
24 Commissioner May, I would agree, but let's see how far it goes.
25 And you're right, we're not the BZA. We operate a little

1 differently.

2 COMMISSIONER MAY: Yes.

3 CHAIRPERSON HOOD: So, anyway, Ms. Moldenhauer, we'll
4 leave it up to you and your team, and as far as I'm concerned,
5 unless I hear from others, you may begin.

6 MS. MOLDENHAUER: Great. Thank you. It will just be
7 about a 45-minute presentation.

8 Good evening, Commissioners. My name is Meridith
9 Moldenhauer, Land Use Counsel from Cozen O'Connor, on behalf of
10 the applicant. My colleague, Eric DeBear, is here with me today.

11 We are pleased to present this application for
12 Voluntary Design Review with the support of ANC 7D, which is at
13 Exhibit 20, the Office of Planning, and the Department of
14 Transportation. We have set forth in the record how the
15 application meets the Voluntary Design Review standards, and I'll
16 summarize the zoning flexibility towards the end of the
17 presentation.

18 We do have a presentation if -- that could be brought
19 up, a PowerPoint presentation. We thank you for accepting
20 Exhibit 15, and you indicated that all other filings would also
21 be accepted, which would include a preliminary matter of
22 Exhibit 19, which was a response to the OP report, which was late
23 filed.

24 If we can go to the next slide. Great.

25 This includes a list of individuals who will be

1 testifying in the application.

2 And I will turn it now over to Mr. Christopher
3 Marshall, from the applicant's group, to provide a brief
4 background on the application and the project.

5 MR. MARSHALL: Thank you, Meridith. Good afternoon,
6 Commissioners. My name is Chris Marshall. I'm with the NRP
7 Group.

8 If we could go to the next slide.

9 The NRP Group is, by way of a quick background, we are
10 a national real estate company. We develop, build, and manage
11 both market rate and affordable communities throughout the U.S.
12 In our 28-year history, we've developed 24,000 affordable homes
13 and 200 properties. Our mission statement is unique, and we're
14 very proud of it. We're here to create exceptional rental
15 opportunities for individuals and families, regardless of income.
16 We are in 15 states and the District of Columbia, where I'm based.

17 In our Mid-Atlantic work, we believe that of D.C. is
18 to focus our development efforts on transit-adjacent, high-
19 opportunity locations. And the project that we're discussing
20 today, we believe fits that requirement criteria and even more
21 so.

22 Next slide, please.

23 The site discussion today spans two lots, 4401 and 4435
24 Benning Road Northeast. We are thrilled to be doing work in
25 Ward 7, 7D, the ANC, and this location in particular, because,

1 among many things, its location only one block from the Benning
2 Road Metro Station, as well as the planned streetcar extension.

3 Next slide, please.

4 This project is a nine-story building plus penthouse
5 with 109 units. All units in the project are dedicated --
6 permanently dedicated as affordable housing across a range of
7 incomes, 80 percent of AMI, 50 and 30 percent of AMI. We're also
8 very proud of the number of units and the share of units that
9 are dedicated as family housing; those with two or three bedrooms,
10 that being 45 percent of the project's units. As I said earlier,
11 the project is just a block from the Benning Road Metro Station,
12 as well as the planned streetcar extension at the terminating
13 stop. We have 46 long-term bicycle storage spaces internal to
14 the building, exceeding zoning requirements, and a reduced
15 parking count in reflection of its transit-adjacent location with
16 13 spaces. We've amenitized this project for our residents to
17 include a very large fitness center, outdoor recreation, and
18 gathering space that will be described later on in our
19 presentation that we're very proud of as well, and a training and
20 education space.

21 Speaking of training and education, we are partnering
22 with a local organization, the Marshall Heights Community
23 Development Organization, which I will turn to Babatunde Oloyede
24 to talk about it more.

25 Next slide, please.

1 MR. OLOYEDE: Good afternoon, Commissioners. I'm very
2 excited to be here. My name is Babatunde Oloyede. I'm the
3 president and CEO of Marshall Heights Community Development
4 Organization, which is a community-based organization that is
5 actually located in Ward 7, three blocks from the proposed site.
6 And I can say from both our formal and informal outreach that
7 the organization is just ecstatic about this opportunity, because
8 of -- one of -- it presents the opportunity for the organization
9 to improve people's lives through economic opportunities. And
10 we're going to talk about that in terms of the resident services.

11 So Marshall Heights Community Development
12 Organization, has four, actually, five core capabilities: real
13 estate development; health, education and wellness; workforce
14 development; small business development; housing, which is --
15 under that falls housing counseling services. And with those
16 five core capabilities, we provide and also make sure that
17 residents in Ward 7 get exposure to various resources through
18 either the -- at the Federal level or at the District level. So
19 we see this project as a way for the organization to really use
20 its resources, its in-house capabilities to provide a significant
21 benefit to the residents of Ward 7.

22 So in terms of the resident services that we are
23 planning to provide, both at our location at 3939 Benning Road
24 and onsite, we're going to primarily focus on housing counseling
25 services. And the organization is a HUD-certified organization,

1 which is -- which puts it in a position to provide financial
2 literacy training, budget management, credit counseling, in
3 addition to several other housing counseling services. But those
4 are the three key components that we're going to implement at the
5 property to ensure that all of the residents receive all of the
6 adequate resources that they're looking for.

7 The other piece is one that we're really excited about
8 is the CBE participation. We recently finished a six-week
9 workshop with CB -- with businesses that are looking to get their
10 CBEs. We co-hosted it with DSLBD. The plan is to get these
11 businesses certified so that they can participate on the
12 construction and post-construction of this site. So once again,
13 you know, looking to bring resources to this project that will
14 benefit the community.

15 In addition, we're also going to run some workforce
16 development training as well, which will include, but is not
17 limited to resume writing, job search preparation, and interview
18 prep. So once again, taking this holistic approach to economic
19 development, we think is really key that will set this project
20 apart from all the other projects in the District of Columbia,
21 just because we're based here in the community, and we really
22 want to make sure that the residents receive all of the resources
23 that they can potentially receive.

24 Next slide, please.

25 So as I mentioned earlier, Marshall Heights and NRP

1 had -- have done an extensive informal and formal outreach to the
2 community. As the community-based organization here, we always
3 get a lot of feedback from the community when we go to the Civic
4 Association meetings and the ANC meetings. But as you see in
5 front of you, we have a more formal approach, or we've executed
6 a more formal approach of engaging with ANC 7D. And this
7 culminated in the unanimous support of our project on the 12th
8 of April. And you received on Friday the resolution from the
9 ANC supporting the project. And I think it speaks to the level
10 of engagement that we as a team have executed to make sure that
11 the community fully understands this project, and we know that
12 we have their support. So with that, I'm going to turn it over
13 to Jeff Goins, who is our lead architect from PNG (sic)
14 Architects.

15 Jeff?

16 Next slide, please.

17 CHAIRPERSON HOOD: Jeff Goins, you're on mute.

18 MR. GOINS: Thank you. I had no button to push that.
19 I apologize.

20 My name is Jeff Goins. I'm with PGN Architects, and
21 we're happy to be here. We recently were in front of you guys
22 for 1550 First Street, which was 100 percent affordable housing
23 a couple years ago, and we're happy to see that building built.

24 We're excited to be here to present another 100
25 affordable -- 100 percent affordable housing project. We have

1 worked on this particular site for several years, off and on.
2 And to be here today with the design for affordable housing
3 project at the Metro stop is a great opportunity to continue to
4 advance design of affordable housing and its ideas forward.

5 This site has particular challenges, and in this
6 presentation we'll outline those design solutions, and more
7 importantly, the 109 affordable units that will be achieved.

8 This first slide here is just to kind of show the
9 current zoning of MU-7B. MU-7B is set for medium density and
10 it's meant to be located at main thoroughfares and rapid transit
11 stops.

12 Next slide, please.

13 This is kind of an aerial view looking east. So if
14 you're coming from D.C., if you know where RFK is, obviously, you
15 would take East Capitol Street. And right across East Capitol
16 Street, you'll come to the main Benning Road intersection. You'll
17 see the Benning Road Metro stop, and then you'll also, if you're
18 familiar with D.C., an iconic steamboat location there. Our site
19 is about a block and a half from there. You can kind of see here
20 in this hatched area the seven stories of the Conway Center. I
21 think Google had not -- has not updated yet to show the seven
22 stories of the Conway Center.

23 Next slide, please.

24 This is a view looking southwest. Once again, I just
25 kind of wanted to locate this with the Conway Center, which would

1 be adjacent across the street and our view looking back southwest
2 down Benning Road.

3 Next slide, please.

4 I think this is a good slide to start talking about the
5 challenges of the site. As mentioned, we've worked off and on
6 on this site for years. There's a large area of zone of influence
7 with the Metro tunnel, which you'll see in this section, which,
8 I think, does a better job showing it than this drawing. But I
9 kind of just want to start here. So the red outline is the two
10 properties that have been combined, but I think that is the
11 property line we're dealing with. Then the next dark blue line
12 here is the BRL. BRLs are pretty common in DC, so we're used to
13 working and creating design solutions with a building restriction
14 line. I just wanted to kind of start here so you can kind of
15 get a sense of the overall setback from Benning Road, from our
16 property line and then the BRL. Then becomes the next big
17 easement, which is the two green lines here. This is a WASA
18 easement. And inside that easement, there's a nine-foot storm
19 drain, a main waterline that serves the Benning Road area. So
20 just those two setbacks there, we're at 40-something feet from
21 our property line. And then there's a second green line I kind
22 of just wanted to outline quickly here; that is a 25-foot vertical
23 easement. Now, this is for the WASA to -- requires maintenance
24 of 25 feet to service that 20 or the two green lines, if you
25 will. So you'll see that in section in the next slide.

1 Next slide, please. Perfect. Thank you.

2 This is a good slide to show. Obviously, you could see
3 the main WMATA tunnel is basically underneath a portion of our
4 property. You could see the large storm drain and the large main
5 water supply. These are within the second two lines. The first
6 one is the easement, then you'll see the utility easement, and
7 then you'll see that we start a five-foot projection on the third
8 floor. That's the -- that's that additional 25-foot vertical
9 easement that WASA wanted to access and maintain their property.
10 The other thing to note here, we are roughly from our front
11 property line about 45 feet to the face of the building on the
12 ground floor. And from Benning Road, it depends on where the
13 section we cut, we're as high as 80 feet to the curb line of
14 Benning Road. So there's some sizable setbacks here. And it
15 also gives us an opportunity to design the front yard. So we'll
16 -- we're calling it the front yard, but we'll see that in the
17 next coming slides. I think the last point to make here, this
18 slide and the previous slide, we occupy roughly 56 percent of the
19 lot area inside our property line for the building footprint.

20 Next slide, please.

21 These are kind of three precedents, all affordable
22 housing that we kind of started off our design idea, mainly
23 because they relate in scale and size to this project. The
24 particular one that we focused a lot on is the one in the upper
25 right corner, which is a pretty busy intersection of San

1 Francisco, 100 percent affordable housing. But what we liked
2 about this was the compressed site and the number of units that
3 they got. And I think we took a similar approach and similar
4 design ideas.

5 Next slide, please.

6 This is kind of a zoomed-out site plan, and I think it
7 just kind of wanted to reinforce the idea of the lot area that
8 we're not utilizing versus where the building sets. The building
9 sits on the rear of the property line. You can kind of see the
10 various setbacks in the front. I think I mentioned it's a 45 to
11 50 feet, depending on where the sections cut to the front property
12 line or the BRL. The R2 side yards for air and light for the
13 windows -- or not side yards, setbacks, excuse me. They're not
14 side yards -- setbacks. Let me make sure I get that correct.
15 You can kind of see once again the Benning Road Metro Station
16 off to the right and Benning Road and East Capitol intersection.

17 Next slide, please.

18 All right. This slide looks very confusing, so I'm
19 -- I just kind of want -- we're going to get into the details of
20 the first floor plan. I kind of just want to show this just to
21 reiterate the hatched area is the area that we're utilizing of
22 the site. And the upper portion are either the easement or the
23 area where we just have landscaping, et cetera, in. So we have
24 some more detailed slides to show that. This is just to kind of
25 show the 56 percent lot coverage at the same scale as the next

1 drawings.

2 Next slide, please.

3 All right. So we're going to start from west to east
4 and kind of go the main entrance here and walk you through the
5 ground floor plan. So from the west, you can kind of see we have
6 the residential amenity and main lobby area. It's a shared space
7 of about 2,000 square feet. You can see the access sidewalk will
8 be from the west, and adjacent to this large amenity/lobby area,
9 you'll see three service areas for offices and a conference area
10 with a small bathroom located there. And as we move along east
11 of the facade, you'll see the main bike room is located along
12 the front facade.

13 There's another curved pathway here, which we
14 thought -- I think the landscaper has done a fantastic job
15 locating that as you -- it's a natural curve there from the Metro
16 station right into that bike area with the short-term bikes out
17 front as well. To note there, the red bikes are for electric
18 charging for electric bikes. They will be provided at 10 percent
19 of the 48 bikes. And the yellow there, that you'll see there,
20 are for family-style bikes. This is kind of a new thing. The
21 larger bikes that you see with families and kids on the front
22 and the back, we have provided 4 percent or two spaces for those
23 bikes, 48 total bikes.

24 And then as we move across the facade, you'll see some
25 back-of-house elements, electric rooms, water rooms, and storage

1 area. We've done a good job, I think, activating that with the
2 screen element, and I'll talk about that in the facade and some
3 of the slides moving forward, to kind of mask those five doors
4 there. Much of the facade along the ground floor will be glass
5 with the residential amenity and the lobby area. The rear portion
6 of the property, there's 11 bike spaces there. I mean, excuse
7 me, parking spaces provided. They'll be accessed off the East
8 with a curb that will be slightly moved to meet DDOT standards.
9 We've had several meetings with DDOT, and I think Daniel's going
10 to talk about that in detail.

11 The loading will be housed inside on this ground floor,
12 and there are two PUDO spaces here, pickup and drop-off locations
13 out in front there. We have some more detailed slides coming up
14 of the landscape to walk through some of the landscape elements
15 there. And I'll discuss them -- the screen element and the facade
16 slides coming up.

17 Next slide, please.

18 This is the second floor. We do have a large area in
19 the front for the residents to gather, but we're also providing
20 a business center, computer lab, and a fitness center. Those are
21 on the second floor, and those account for over 2,000 square feet
22 there. And then there's 11 units here that mix from two-bedrooms,
23 one-bedrooms and three-bedrooms.

24 Real quick, before we go to the next slide, you'll see
25 here, this is a second floor. So we do recapture this five feet

1 on the third floor, and that's a typical condition moving up. So
2 we just kind of wanted to show that that's still -- we're still
3 within that 25-foot maintenance area there.

4 Next slide, please.

5 This is your typical floor, 3rd through the 9th floor.
6 A couple things to notice here. You'll see balconies. So every
7 unit in this project either has a Juliet balcony or a physical
8 balcony. So where we could -- this is a concrete structure --
9 we've provided balconies, and then we've added Juliet balconies
10 as well for the units that do not have a physical balcony.
11 Overall, I think Chris mentioned 45, 46 percent of these units
12 are family-style units, which are two-bedrooms and three-bedroom
13 units. You can kind of see the three-bedrooms are on the corners
14 in the darker blue on the inside corners. Excuse me, those are
15 three-bedrooms. And on the inside corners, the slightly blue or
16 the darker blue color are the two-bedrooms and then the
17 one-bedrooms are the lighter color.

18 Next slide, please. This is the penthouse plan. There
19 are seven units on the penthouse with a green roof. Once again,
20 we'll maintain that mix there.

21 The next slide, please.

22 This is the first of two slides to show a cross-section
23 of the penthouse. Just wanted to show -- I think there was a
24 mistake in our zoning chart where we listed the penthouse as 20
25 feet. We will maintain with the screening of 18 feet floor. And

1 once again, the penthouse is 12 feet in height, and these are
2 the dashed lines that show the setback.

3 Next slide, please.

4 This is another cross-section just showing the
5 penthouse, the green roof condition. There is a trellis that
6 overhangs that courtyard, so we provided kind of a photograph of
7 what its proposed design would be, that is on the inside part of
8 that courtyard as well. And some photographs of your typical
9 green roof.

10 Next slide, please.

11 This is your roof plan. A couple things to note here.
12 I think we're showing approximate location of solar panels. I
13 think the intent here is to maximize as many solar panels as we
14 can get and meet stormwater management. So this is just an
15 approximate location for solar panels. We have met with DDOE,
16 and we've expressed that the goal here is to maximize solar
17 panels, but we did want to show this slide. We will be using
18 Enterprise Plus for the green criteria and VRS and solar panels
19 here on the roof.

20 Next slide, please.

21 All right. Now to get into the main design of the
22 project. I think you saw the precedent earlier. I think what
23 we really wanted to do, Benning Road is a pretty busy road;
24 there's a Metro stop there, and we wanted to kind of contextually
25 relate to that. If you're driving by there, I'm very familiar

1 with this site, there's a lot of traffic. So we wanted to kind
2 of evoke this sense. It's an affordable housing project, but we
3 wanted to kind of take a market rate approach and give this sense
4 of movement in the façade.

5 There's a couple of ways we've done that. Obviously,
6 you can see that the main panel is a red Nichiha panel, and then
7 it's interrupted by a gray panel that's banded, so that it's
8 prominent and it stands out, and we wanted to kind of create a
9 sense of movement in the facade. It's also done with some of
10 our balcony treatments. Some of our balconies, you'll see in
11 this facade there's a exposed slab, and then above it, a portion
12 of that 42-inch railing would be panels. So it kind of gets a
13 vertical sense of the movement in the facade as well as the
14 horizontal with the banding idea.

15 The other idea here is a strong base. With some of the
16 interesting things with the 25-foot, we were able to utilize and
17 create a really nice two-story brick base with lots of detailing.
18 So you can kind of see the glass condition there with the main
19 entrance and the lobby, and then adjacent to it, the other glass
20 right in the middle of the building, if you will, would be your
21 bike room entrance. So lots of light there. And then you'll
22 see this screen element, which is really kind of a organic screen.
23 And we have a detailed slide coming up. But we wanted to
24 integrate it with the overall landscape design and really
25 activate this ground floor. We had several meetings with the

1 Office of Planning about this, so I think we got there to a good
2 conclusion.

3 Next slide, please.

4 These are the east and west elevations. I think we
5 just kind of want to show that that banding, and that movement
6 idea does go around the east and west facades. As you get near
7 the rear, we kind of transition at a nice break condition to more
8 of your traditional siding. And you'll see that in the rear of
9 the facade too.

10 Next slide, please.

11 This is the rear of the façade, and you'll see the
12 recessed balconies there with your typical siding condition and
13 that -- the ground floor there, well, it's masonry. You can see
14 the exhaust for the garages as well.

15 Next slide, please.

16 The material boards are the material sections here. As
17 you can kind of see here, we really only have three main materials
18 in this building. We have a black brick base that is two stories
19 with some nice detailing. And you can kind of get a sense of
20 it, and the transition between the first and second floor with
21 the banding and different brick motifs that we want to use with
22 the glass on the ground floor to activate it. And then the two --
23 the gray Nichiha panel, which is the banding and then the red
24 Nichiha panel.

25 I'm going to show these up just so you guys can see

1 them, Commissioner May and the other ones. This would be the
2 Nichiha panel. And what we like about the Nichiha panel -- I
3 think everyone can see that -- is it's a half an inch panel, and
4 it's a true color. And I think I have a slide in a second that'll
5 show a nice detail that it comes with. It's a little more of a
6 market rate panel, but it's cost-effective enough we could use
7 it here, so we're super-excited for it.

8 This would be the gray color. Obviously, the red --
9 this is just a red sample of just the front, but it would also
10 be the half an inch panel. And I think I have another slide and
11 I'll go into some details. But the other thing I kind of wanted
12 to talk about here is the vertical section. You can kind of get
13 a sense of the movement here. Where the bands are, there's our
14 Juliet balcony, so it pushes the facade element forward. So you
15 kind of have an undulation in the facade as you go vertical as
16 well as the horizontal movement condition.

17 Next slide, please.

18 This is a -- just an additional slide showing that the
19 materials do move around the façade. We'll have vertical black
20 railings. And I did want to show the brick sample. I didn't
21 show it on the previous slide. So we will have a two-story black
22 brick base with the detailing, as I mentioned before.

23 Next slide, please.

24 All right. This is a good one to show. We added this
25 one. Number one, we wanted to kind of show that this -- the

1 Nichiha cement panel application here of this image, it's got a
2 nice variation of the colors. I think that is the intent here.
3 We're going to choose three colors that are slightly different,
4 not dramatic like the last one, but maybe three tonal values of
5 red to kind of create a nice composition with the main red color.
6 But all three of these product -- projects are residential
7 projects that use this panel. And this kind of axon located in
8 the lower left or the middle of the page, you can kind of see
9 how these panels work. They come in roughly 16 inches by nine
10 feet. But what we like a lot about this panel is they have an
11 overlapping detail, so you're really just working with this
12 panel. There is no extra reveal that is needed. So you can
13 create a very clean market rate look.

14 Next slide, please.

15 This is the screening element I mentioned, the mask,
16 the kind of the five back-of-house doors and kind of activate
17 that area of the facade. We worked a lot with landscape, and
18 you'll see in some perspectives, and I think it's among the
19 landscape drawings that this not only does a good job relating
20 to the landscape by the organic nature of the screens, but it
21 also has a trellis that's attached to it that has seating
22 underneath it. And I think the coming slides will show -- I did
23 want to just take a second and show you that screen element
24 though.

25 Next slide, please.

1 This is the first of, I think, five perspectives you'll
2 see. So here along Benning Road you can kind of get a sense of
3 the base element. You can kind of see the screen there, and you
4 get a hint of the landscape. But overall, I think this was meant
5 to give you the overall design idea of the balconies and the
6 movement and the variation of the colors of the red panels.

7 Next slide, please.

8 This is kind of the corner, kind of the east, the curb
9 cut there. And you can kind of again, once again, this is kind
10 of a dusk setting just to kind of get a sense of the overall
11 design ideas and the outdoor space provided for the affordable
12 units.

13 Next slide.

14 This is a good aerial perspective. In fact, I don't
15 think the Office of Planning got a chance to see this. We added
16 this just so we wanted to make sure that the landscape was clearly
17 understood. So you can kind of get a sense there along the west
18 where the entrance is, when you see the curved entrance there
19 from the Metro, which kind of leads to the bike area there, where
20 you can drop off your bikes inside or continue on to the main
21 entrance of this building. But you also get a sense of the
22 trellis element here with the seating underneath it that's
23 attached to the screen, the two pickup/drop-off locations, and
24 the main entrance to the garage.

25 Next slide, please.

1 This is a good ground floor perspective to kind of talk
2 about that two-story base, some of the landscape elements, the
3 fence for the play area inside and the arc that is being planned
4 there in public space. And you can kind of get a sense of the
5 overall variation of the colors that we're proposing there for
6 the main panels with the banding idea as well.

7 Next slide, please.

8 This is a view looking west. Just, once again, wanted
9 to show that materials do move around the facade with a strong
10 story base there. And this is from the adjacent parking lot.

11 Next slide.

12 This would be a view looking back towards the Benning
13 Road Metro stop, if you were coming up the sidewalk and the view
14 that you would have; two story base with the main third through
15 ninth floor and the movements of the facade.

16 Next slide.

17 Oh. I think at this point, I'm very happy to hand off
18 to the landscape team here. They've done a fantastic job
19 integrating a very active landscape design with our design. So
20 I'm happy to hand off.

21 MS. BRADLEY: Thanks very much, Jack. Sharon Bradley
22 with Bradley Site Design. I've been practicing in the District
23 for over 37 years. I think I last came before you with the Hill
24 East Community project, so it's been a few years.

25 So as Jeff mentioned, all of our open space is in the

1 front of the building right there on Benning Road. So we wanted
2 to create amenity spaces for the residents that had the character
3 of a sculpture garden. So we're creating a park-like environment
4 along Benning Road there. So we're collecting -- from a
5 circulation standpoint, we're collecting people from -- as
6 pedestrians, from the Metro to the east and then also pedestrians
7 from the west and bringing them directly to the front plaza there,
8 giving a very clear and unambiguous approach to the main entrance.
9 And then that main plaza also welcomes people with bikes to sit
10 and gather, to wait for rides.

11 And then as Jeff mentioned, we've created this overhead
12 canopy that relates completely, and it will be coordinated
13 completely with the vertical panels that the architects are
14 designing for the facade. And so creating an outdoor amenity
15 space and really working toward a multigenerational space for
16 gathering, for conversation, and for play. And the play elements
17 that we've slotted in the very narrow land area that's available
18 for footings are sculptural in character, and we'll see some
19 images of those in a minute.

20 And so we have two columnar sculptural play elements
21 there near the sitting area and then a third sculptural element
22 to the west that you can see near the conversation area. And
23 we'll be working with D.C. Arts and Humanities to secure the
24 services of a local artist to create that sculpture, and we'll
25 be working with them to make sure that's appropriate materiality

1 and scale to fit the building and its setting.

2 Additionally, you'll see that we have some conversation
3 areas, for example, on the western edge with a water feature that
4 provides white noise and a more intimate human scale setting.

5 As far as landscaping goes, we have a set of street
6 trees that is pulled in off Benning Road in anticipation of the
7 widening of Benning Road with the streetcar extension and also
8 threading the needle as to where we can plant trees. And so
9 we're providing somewhat of a screen between the residents and
10 busy Benning Road, but also providing street trees that will have
11 time to grow. So in the future, construction happens for
12 pedestrians and vehicular -- the drivers along Benning Road will
13 have that street tree canopy immediately upon that construction.
14 The rest of the planting in the area will be native plantings
15 all around that transformer area and all around the seating areas.

16 And I think the next slide, if you go there, shows
17 enlargement.

18 So you can see the conversation area there with a
19 sculpture, and the scale of the sculpture will be similar to
20 those that we've done elsewhere in the City at East Capitol Urban
21 Farm and at Banneker High School most recently. You see the bike
22 racks there are for six bikes, and that coordinates closely with
23 the interior bike storage inside the building. And you can see
24 the vaults there and the dotted lines just crisscrossing the site
25 that show how difficult it is to thread in site amenities out

1 there. The curvilinear lines were intended to start to depart
2 from that harsh linearity of the subsurface restrictions and
3 start to loosen up with some graceful lines on the site.

4 If you go to the next slide, see -- we can see the
5 eastern side. And there you can see the play elements, some
6 boulders that -- for sitting or for clambering. Again, trying
7 to create a multigenerational space for people to congregate
8 outside.

9 Next.

10 There's the section that shows from Benning Road on the
11 right across to the future street trees and the property line,
12 the slightly-elevated vents and then the landscaping that will
13 help to soften the effects of the various utilities that are
14 around.

15 Next slide.

16 And you see the sculptural character of the play
17 elements and the lounge area, the overhead structure at the
18 screens, and you can see the relationship between the vertical
19 screens and the overhead structure and the canopy that we're
20 starting to create. So we're trying to create a cohesive design
21 that blends well with the building and looks very deliberate
22 despite all of the obstacles underneath the surface.

23 Next slide.

24 And here are some beginning ideas of materiality for
25 the site furnishings. Again, working closely with the architects

1 to create a character of the more modern character of the building
2 and reflect that with bright, whimsical colors in the landscape
3 and also providing amenities that, again, create a park-like
4 atmosphere along Benning Road.

5 And I believe at this point, I'm turning it over to
6 Gorove Slade.

7 MR. SOLOMON: Sharon.

8 Next slide, please.

9 Good afternoon, Commissioners. For the record, I'm
10 Daniel Solomon, Transportation Planner and Director of Planning
11 with Gorove Slade. We've been working with NRP, the Marshall
12 Heights Community Development Organization, the project team, and
13 DDOT related to the transportation aspects of the 4401 Benning
14 Road Northeast Project. I'm going to touch on the highlights of
15 our review in coordination with DDOT.

16 Next slide, please.

17 Jeff walked through the site plan earlier, but I'd like
18 to recap the transportation elements of the plan. As shown here,
19 the project we are discussing this afternoon is situated in the
20 Benning neighborhood along the south side of Benning Road,
21 Northeast at 44th Street, Northeast. It's located within a
22 quarter mile of Benning Road Metro Station and a three-minute
23 walk -- with a three-minute walk to the southeast. There are
24 existing bus stops within approximately 100 feet of the site at
25 44th Street, serviced by two Metro bus local routes, the V7 and

1 V8. These routes provide connections to neighborhoods in
2 Southeast as well as Congress Heights Metro Station. Additional
3 WMATA service is available in nearby East Capitol Street and
4 planned streetcar and DC Circulator expansions will improve
5 transit service near the site. The Future Benning Road Trail
6 will follow along the site's northern boundary, and there's a
7 Capital Bikeshare station at the Benning Road Metro station.

8 Next slide, please.

9 Vehicular and loading access to the development will
10 be from an existing narrowed curb cut on Benning Road Northeast.
11 All parking and loading activity will be accommodated by the new
12 private drive, including two dedicated pickup/drop-off only
13 spaces. Another existing curb cut will be eliminated. The image
14 on this slide shows the vehicular circulation to the parking in
15 yellow and loading circulation in red. All loading will be head-
16 in/head-out at Benning Road. Anticipated bicycle circulation is
17 shown in green and pedestrian circulation is shown in blue.
18 Bicycle and pedestrian access is primarily envisioned to take
19 place via the area fronting the main entrance. Long-term bicycle
20 spaces will be provided in a ground floor, secured bicycle room,
21 and short-term bicycle spaces will be available near the front
22 entrance.

23 Next slide, please.

24 Regarding parking, there'll be 11 vehicular parking
25 spaces located in the garage as well as two pickup/drop-off only

1 spaces along the private driveway for a total of 13 spaces. The
2 applicant is seeking a special exception from the 18 required
3 spaces. DDOT is supportive of the amount of parking being
4 provided by the development.

5 The applicant's additional request for a special
6 exception relief to allow for the provision of two time-
7 restricted pickup and drop-off spaces along the site's frontage
8 is being requested to minimize the disturbance of green and open
9 space by taking advantage of the proposed driveway, which a more
10 typical design, like a porte cochere or a driveway loop would.
11 It also minimizes curbside conflicts between short-term delivery
12 vehicles, like Uber, Lyft, food, grocery deliveries, et cetera,
13 and vehicular traffic along Benning Road, especially considering
14 the future Benning Road streetcar extension. These spaces will
15 be designed to include appropriate signage and be screened from
16 the sidewalk.

17 As Jeff mentioned, the project will include 45
18 long-term and six short-term bicycle parking spaces exceeding
19 zoning requirements. Additionally, the secured bicycle room will
20 include two cargo/tandem bicycle spaces and at least 10 percent
21 of spaces will have access to electrical outlets per DDOT
22 Guidelines. DDOT is supportive of the amount of bicycle parking
23 being provided by the development.

24 Loading will be accommodated by a 30-foot loading berth
25 and 20-foot service/delivery space in the garage accessed from

1 the private drive, meeting zoning requirements for the size and
2 number of loading facilities. The red arrow points to the loading
3 facilities on the right-hand side of the figure, where -- with
4 the trash room located nearby, all loading maneuvers will be
5 head-in/head-out at Benning Road per DDOT Guidelines.

6 Next slide, please.

7 Here I've listed the highlights of the TDM plan. It
8 includes many of the typical components expected of such a
9 package. We believe this TDM package is appropriate for this
10 type of project to help encourage non-single occupancy vehicle
11 and non-auto trips. With some minor additions, DDOT finds this
12 TDM plan to be sufficient.

13 Next slide, please.

14 For this project, we performed a comprehensive
15 transportation review, which was scoped with DDOT. Our study
16 concluded that the development of the site will not have a
17 detrimental impact on the surrounding transportation network and
18 minimizes the impacts on the surrounding -- minimizes impacts,
19 excuse me, by exceeding the amount of short-term and long-term
20 bicycle parking that is required, limiting vehicle parking and
21 accommodating loading out of public space. We have coordinated
22 extensively with DDOT extensively during the review. We are
23 pleased to have their support in the form of a no objection staff
24 report.

25 DDOT support did have some conditions, which the

1 applicant has worked to address. I'll just go over them quickly.
2 The applicant has agreed to add to the TDM plan that parking be
3 unbundled from the lease of each residential unit and to charge
4 a minimum rate based on the average market rate within a quarter
5 mile.

6 The applicant has agreed to revise the long-term
7 bicycle storage room bullet to state that at least 50 percent of
8 spaces will be provided horizontally and located on the ground.

9 Finally, the applicant has agreed to include signing
10 and screening for the two parking spaces located in the front
11 yard, noting that the area is only for pickup/drop-off purposes.
12 The two spaces will also be screened with landscaping to minimize
13 visibility from the public sidewalk on Benning Road.

14 At this time, we believe we have addressed all of DDOT's
15 concerns. That includes my testimony, and I'll be available for
16 any questions. Thank you. And I'll pass it back to Meridith.

17 MS. MOLDENHAUER: Thank you, Mr. Solomon.

18 Before we conclude our presentation, I just wanted to
19 briefly summarize --

20 If you can go to the next slide.

21 -- the zoning flexibility and special exception relief.
22 The applicant is seeking flexibility under Subtitle X, 603.3 to
23 obtain a building height of 93 feet six inches, which would be
24 equivalent to the maximum height for a PUD in the MU-7B zone.
25 The height flexibility will help the project to achieve the

1 desired ground level height without sacrificing any additional
2 storage. The applicant is also seeking flexibility to provide
3 no rear yard. As you heard from Mr. Goins, the encumbrances on
4 the front half of the site drive this request. In addition to
5 the flexibility, the applicant is also seeking special exception
6 relief to reduce the number of vehicle parking spaces from 13 --
7 from 18 to 13 and locate two parking spaces in the project's
8 front setback. I'm happy to answer any questions that the
9 Commissioners may have on either of these areas of flexibility
10 or the special exception relief.

11 Finally, we've worked closely with the ANC, Office of
12 Planning, and DDOT throughout the design review process. The ANC
13 was very supportive of this proposal. The Office of Planning is
14 also supportive of the application, including the zoning
15 flexibility and parking relief. We had several meetings with the
16 Office of Planning and DDOT to address any comments. And as
17 Mr. Solomon stated, we are incorporating DDOT's requested
18 conditions as part of our transportation demand management plan.
19 The applicant will continue to coordinate with DDOT through the
20 project development and including the public space process and
21 public space committee process.

22 We thank you for your time today, and we are opening
23 up to any questions and concluding our presentation.

24 CHAIRPERSON HOOD: Thank you, Ms. Moldenhauer and team.
25 First, let me just say that the ANC -- and I hate for ANCs not

1 to give great weight. There's some requirements, and I would ask
2 Mr. Liu to look at this. There's some requirements that go into
3 the ANC letter, I believe, that needs to be addressed by the
4 chair. I think this is the chair -- no, Stephanie, it's --

5 Ms. Moldenhauer, is Stephanie Audain the Chair? She's
6 not the chair, is she?

7 MS. MOLDENHAUER: Ms. Audain -- Commissioner Audain is
8 the SMD.

9 CHAIRPERSON HOOD: Okay. She's --

10 MS. MOLDENHAUER: She's (audio interference).

11 CHAIRPERSON HOOD: So we need -- and I will -- it's
12 obviously that the Commission, apparently from what I read, they
13 support this. But we want to make sure that their letter is --
14 meets the requirements so we can give them the great weight. So
15 can you make that happen, Ms. Moldenhauer?

16 MS. MOLDENHAUER: Yes, I can. I believe that the letter
17 does. It references that it was a public meeting. It references
18 the vote that was four to zero to two and is signed by Ms. Audain
19 as authorized by the ANC at that meeting.

20 CHAIRPERSON HOOD: Well, can you help me find out where
21 she was authorized, because she's not the chair. Is she the vice
22 chair?

23 MS. MOLDENHAUER: I do not know whether she's the vice
24 chair, but they did -- I think the letter has indicated she's
25 authorized. I mean --

1 CHAIRPERSON HOOD: Okay. Well, just tell me what the
2 paragraph says, and I may have overlooked it. I just want to
3 make sure they give the great weight, not -- nothing major.

4 I am going to let my colleagues go first. I do have a
5 number of questions, especially when it comes to flexibility.
6 There's a specific requirement about giving flexibility in
7 volunteer design review cases. So let me first -- let my
8 colleagues go first, which is our normal process -- well, my
9 normal process.

10 Commissioner May?

11 COMMISSIONER MAY: Yeah. I wish I could say I have
12 just a few questions, but, unfortunately, I have a lot of
13 questions. Some of them are easier though. So when will the
14 streetcar actually make it to this location? Do you know that?
15 Does anybody have a guess?

16 MR. SOLOMON: I'm going to check my notes very quickly.
17 So just one moment.

18 COMMISSIONER MAY: We can come back to that one then.
19 I will note the bike party -- parking in the building with the
20 access right out the front, I think that's pretty good, although
21 maybe sometimes it's not the most attractive thing to have in the
22 front of your building. And I appreciate the space for
23 nontraditional bikes and the charging capability called out. I
24 think that's helpful to see, so I'm not going to ask the
25 questions.

1 All right. So what does the future hold for the
2 properties to the east and the west? I mean, one's a 7-Eleven,
3 right? And the other side is apartments, but there might be
4 another paper alley there or something like that. Can -- does
5 anybody know what -- what's likely to happen with those
6 properties?

7 MS. MOLDENHAUER: Commissioner May, and we did have a
8 similar question to your question in one of our interagency
9 meetings, and, you know, what we indicated was they're currently
10 undeveloped. We don't anticipate them being developed anytime
11 soon, and we're not aware of any plans for development of those.
12 There is an unpaved, unimproved alley to the rear of us.

13 COMMISSIONER MAY: Okay. But to the non-7-Eleven side,
14 that -- there's not an alley, not an unimproved alley there,
15 right? That's just part of a next apartment. I mean the
16 apartment building next door?

17 MS. MOLDENHAUER: Correct. To that side, we abut the
18 apartment building and their large side yard setback.

19 COMMISSIONER MAY: So -- but conceivably, either one
20 of those properties could be developed with a building right up
21 against the property line, could they not?

22 MS. MOLDENHAUER: The apartment building, no, because
23 that's in the RA zone. And to the MU side, the 7-Eleven building,
24 we do have a setback along our side to kind of protect those
25 windows. And Jeff can point that -- Mr. Goins can identify that

1 (audio interference).

2 COMMISSIONER MAY: I saw that. I'm asking whether they
3 could build a building right up to the property line. I guess
4 the answer is yes.

5 MS. MOLDENHAUER: The 7-Eleven site, yes.

6 COMMISSIONER MAY: Yeah. I don't have a problem. I
7 mean the setback that's there isn't really very large. So about
8 those setbacks, are -- aren't -- won't they actually be
9 considered courts, or in some case, small side yards? I mean it
10 seems like there's some analysis of those yards, of course, that's
11 missing from this. Maybe I'm misunderstanding what the
12 requirements are of the zone. But wouldn't there be a need to
13 analyze the court requirements? Ms. Moldenhauer?

14 MS. MOLDENHAUER: I believe they were compliant with
15 all the court requirements. And we can walk through that in a
16 little -- in a moment if you give us a moment.

17 COMMISSIONER MAY: Okay.

18 MR. SOLOMON: Commissioner May, it's -- 2026 is the
19 expected opening date --

20 COMMISSIONER MAY: Oh, okay.

21 MR. SOLOMON: -- of the streetcar extension.

22 COMMISSIONER MAY: So was there an analysis of the
23 courts or the side yards in the plans that I missed somehow?

24 MS. MOLDENHAUER: There is no side yards. I mean it's
25 a zero side yard of the building on the base, the rear of the

1 base actually is built property line to property line. And there
2 isn't specific discussion or analysis of the courts.

3 Mr. Goins, I don't know if you want to walk through
4 those quickly.

5 MR. GOINS: Yeah. I'm looking here at -- I think,
6 obviously, the west side, we have a smaller setback, because the
7 larger units face frontward and backwards with a similar unit.
8 But regarding the setback, we did not see that as a court. I'm
9 trying to go through my notes now.

10 COMMISSIONER MAY: Okay. Well, I don't know -- I get
11 the impression that you're not prepared to answer. The planning
12 can be separate. I'm sorry, Mr. Goins, can you pause, because
13 I'm echoing through your microphone. Thank you. So, I mean,
14 some analysis of that. Again, I mean, I'm -- maybe I'm, you
15 know, chasing a red herring here or something. But it struck me
16 as odd that there wasn't any sort of analysis of court
17 requirements when we had those sorts of setbacks.

18 So let's see. Go through my questions. Is there --
19 on the rear, the property line is curved following that alley,
20 right? So that's not really a zero rear yard. That's a small
21 rear yard, because you would -- wouldn't you average that over
22 that period? I mean over that length.

23 MR. GOINS: Yes, that's what we would do. Yes, you're
24 correct.

25 COMMISSIONER MAY: Yeah. Yeah. Okay. So I think --

1 Mr. Goins, you're going to have to mute.

2 MR. GOINS: I'll mute.

3 COMMISSIONER MAY: So I think that we need to understand
4 what that average rear yard is and that the relief wouldn't be
5 based on that minimal rear yard, whatever it averages out to be.
6 I assume that's the case. But, again, the Office of Planning
7 may want to weigh in on that question. Let's see.

8 MS. MOLDENHAUER: Commissioner May, my -- we can talk
9 with the Office of Planning about the rear yard and everything,
10 since, obviously, we do -- we are -- from three of the rear
11 property line, based on line, thus a zero rear yard.

12 COMMISSIONER MAY: Well, maybe it does -- I mean, it
13 qualifies as a zero rear yard.

14 MS. MOLDENHAUER: So it qualifies as a zero rear yard
15 to my -- yes.

16 COMMISSIONER MAY: If you -- as soon as you touch it,
17 it all becomes zero?

18 MS. MOLDENHAUER: Because the rear yard definition
19 requires that you are open from property line to property line
20 for the entire width of the lot. And given that that we are not
21 open for the entire width of the lot, it would then be deemed to
22 be a zero rear yard.

23 COMMISSIONER MAY: Okay. Well, I don't know if I've
24 ever encountered that. I guess --

25 MS. MOLDENHAUER: I can pull the definitions later on

1 if you'd like.

2 COMMISSIONER MAY: No, I don't necessarily need you to
3 look up definitions for me. But I would like to maybe have the
4 Office of Planning opine on that as well. And again, I mean,
5 you could be completely right. I'm just looking to get a
6 confirmation.

7 The next thing is, let's see, the metal screen across
8 the front. So this is a real conundrum for me, because I -- I
9 mean, I appreciate the fact that you're trying to dress up what
10 otherwise would be a fairly dull facade. But it's -- I mean,
11 it's a set away from the face of the building by, I don't know,
12 four or five feet, something like that.

13 Mr. Goins is nodding yes. Some of you are nodding --
14 a few are nodding.

15 MR. GOINS: Yes, it's five feet.

16 COMMISSIONER MAY: Yeah, okay. So -- and that's just
17 because it -- without that, the building would look like a bunch
18 of exit doors from mechanical rooms. Right? So I mean, again,
19 I appreciate the idea of trying to dress it up, but at the same
20 time, I feel like however you do that screen introduces potential
21 safety concerns. It's the kind of thing where, you know, somebody
22 could be lurking at different hours of the night. And I mean,
23 maybe there are other ways that we don't, you know, because of
24 cameras or lighting or whatever, we don't worry about things like
25 that as much anymore. But it seems -- it's the sort of thing

1 that I would have shied away from, so I'm a little bit concerned
2 about that.

3 But it raises a bigger question, which is why you put
4 all those mechanical spaces across the front of the building and
5 then put up office buildings on the east side that's going to
6 wind up with a building next to it 50 years in the future or
7 whatever. I mean, it seems to me that you could have had your
8 offices and your conference room and things like that across the
9 front of the building instead of the mechanical spaces, and put
10 the mechanical spaces off to the side where it's not going to be
11 facing the street. I mean, you might still want to have a screen
12 there, but it just seems like an odd planning decision when it
13 comes to just like how you did your first floor plan.

14 MR. SOLOMON: Jeff, could you jump to D.C. Water
15 requirements for getting water obligations and the other
16 utilities?

17 MS. GOINS: Yeah, some of this was driven -- I'm sorry.
18 Do you guys hear me.

19 CHAIRPERSON HOOD: Let me interrupt for a second.
20 Mr. Goins, you're causing all (audio interference). You're going
21 to really have to --

22 MR. GOINS: Okay.

23 CHAIRPERSON HOOD: -- everybody finish. Thank you.

24 MR. GOINS: Okay. My apologies. Yeah, when we worked
25 on that originally, when we had meetings initially with Pepco and

1 the other utilities, we really were kind of forced to put some
2 of those utility rooms up front. So then it became a matter of
3 how do we work the parking and the utility rooms in a mixed
4 manner. And then the conclusion kind of was just to put them, --
5 we had the loading located up front as well, so we kind of thought
6 we could solve it from a design solution and create something
7 that activated that ground floor and put the service area adjacent
8 to the lobby and amenity areas.

9 COMMISSIONER MAY: Well, nothing is more -- well, a few
10 things are less satisfactory than being told Pepco made me do it.
11 Pepco, you know, and many other utilities, I mean utilities are
12 just notorious for making their lives as easy as possible, which
13 is why every newly-renovated rowhouse gets a giant electrical box
14 planted out front in their front yard, and everybody in the
15 community has to look at it. And even in the historic districts,
16 they plant these things here. And I report them all the time,
17 and sometimes they come back in, and they replace them with
18 smaller stuff, because it's just not appropriate. And so I feel
19 like you're getting muscled by Pepco. Maybe there wasn't anything
20 you could do about it. But at the very least, it gives me a
21 minute to rant about Pepco and how they don't seem to care about,
22 you know, good buildings, good planning, good environment. All
23 they care about is the convenience of their own service provision.

24 So I don't know. I mean, I just -- it's very
25 disappointing for me to see that the solution to having all of

1 this junk across the front of the building, including a
2 maintenance storage area, which probably didn't need to be there
3 at all, because that's not related to utility. I mean, it's all
4 driven by the convenience of the utility provider. I mean, it's
5 just -- it would have been so much better to have those offices
6 across the front. That would give you eyes on the front of the
7 building. It would be just so much better a space if you could
8 have done something like that. So I'm not, you know, at this
9 point, maybe it's too late to do anything about it, but I'm just
10 going to express my extreme disappointment.

11 All right. Shouldn't the -- shouldn't there be an
12 enclosure around the stuff on the roof? There's a bunch of
13 equipment up there. It looks like it's more than four feet tall.
14 Shouldn't that be in an enclosure, and shouldn't that function
15 with the elevator?

16 MR. GOINS: Yes, that should be enclosed with a screen.

17 COMMISSIONER MAY: Okay. So you'll provide a drawing
18 that shows that?

19 MR. GOINS: Yeah.

20 COMMISSIONER MAY: Okay. Good. Mr. Goins, so I'm
21 going to talk about the facade a little bit. And there are a
22 number of issues that I have there. And part of this is driven
23 by the renderings that were provided, because we're seeing things
24 showing up in varying colors.

25 Maybe we can bring up an image to help me demonstrate

1 this point. All right. Well, let's start -- sorry. Give me
2 one second. I'll pull up the image.

3 All right. What I found in reviewing the elevations
4 that were provided and the renderings that were provided is a
5 startling variability in the colors, particularly of the white
6 Nichiha panels and here are the white -- the light gray, where
7 sometimes they appear almost white, and sometimes they appear
8 much darker gray. And I am not going to just complain about your
9 renderings. I think that the major issue here is that that very
10 light color is too light in my view. And I think you should be
11 thinking about something that's darker, because what -- I mean,
12 frankly, I don't think it's really helping you with your design
13 concept to have the red contrasted with that very light gray. I
14 think that the relationship between the red and the very dark
15 base is much stronger. And I'm not saying that you should make
16 it as dark as the base, but I think that's something that's closer
17 to or even darker than the penthouse metal paneling. Because I
18 think the metal -- there's metal paneling around the -- on the
19 penthouse level. Is that right? Yeah. Mr. Goins is nodding
20 his head. So, I mean, something that's of that value or even
21 darker would work better.

22 Mr. Goins, on the -- where you have those bands, the
23 lighter colored bands, can you explain to me what's happening at
24 the top and the bottom? There seems to be some sort of a
25 projecting component of that. And I didn't see in the details

1 what's that -- what that's made of. Can you explain that?

2 MR. GOINS: Yeah, that is meant to be Nichiha panels
3 too. And that's basically just to announce like two inches of
4 the Nichiha panel. It's a half an inch panel, but it's a banding
5 to kind of wrap that to kind of reinforce that idea.

6 COMMISSIONER MAY: So it only projects a couple of
7 inches off the rest of the façade?

8 MR. GOINS: Yes, that's correct.

9 COMMISSIONER MAY: Well, that's not what I'm seeing in
10 the renderings. I mean, it looks to me like it's six inches.

11 CHAIRPERSON HOOD: Mr. Goins, I don't know whether you
12 have two computers on or whether you have your sound up, and no
13 offense, my good friend, Commissioner May, once I hear him once,
14 I don't like to hear him twice. And I'm sure he doesn't want to
15 hear me twice either. So if you could help us with that. I
16 don't know what's going on, but if you could help us. And plus
17 the public will complain that they couldn't understand. So let's
18 see what we can do to maybe turn it down some. Thank you.

19 COMMISSIONER MAY: Okay. So yeah. Now let's look at
20 the image on slide 35 if we could.

21 Mr. Young, could you pull that up? Yeah. I don't know
22 if we can make that full screen or zoom in a little bit.

23 Yeah. So Mr. Goins, on the lighter-colored band, the
24 highest one that's right at the corner, that -- there's very
25 clearly a significant overhang there. Is there something is

1 happening that's different in that circumstance, because that
2 seems to be the only part of that banding that is inset that
3 much.

4 MR. GOINS: No, that is simply a rendering mistake. My
5 apologies about that.

6 COMMISSIONER MAY: Okay. All right. So -- all right.
7 Well, I guess it -- is there -- in the sections that you provided,
8 is the section through that banding with the Nichiha two-inch
9 projection, is that shown somewhere in the drawings?

10 MR. GOINS: I'm looking right now. One second, please.

11 COMMISSIONER MAY: Okay.

12 MR. GOINS: I don't -- I do not believe we have an
13 enlarged section of that, Commissioner May.

14 COMMISSIONER MAY: Okay.

15 MR. GOINS: We can provide that though.

16 COMMISSIONER MAY: Yeah, I think we -- maybe it's shown
17 on page A40, the material detailing, because there's a callout
18 to an enlarged elevation and then there's a section through that.
19 And that is what I'm -- if I'm reading that correctly, the
20 projection is much more than the two inches that you've talked
21 about, so maybe I'm not seeing the right thing. But anyway, some
22 clarity on that would be helpful.

23 MR. GOINS: We will provide that.

24 COMMISSIONER MAY: Hold on a second. I guess -- I just
25 have a couple remaining comments. I mean, I think I mentioned

1 before that the color of the penthouse was better, at least in
2 terms of the samples that we saw. But again, I think that could
3 go even darker as well. And then the, I guess --

4 Mr. Young, could we flip back a couple of slides? I
5 want to get an image of the front. There we go. That's a good
6 one. That one right there.

7 So I find the way that the mass of the building lands
8 on top of that garage opening to be very disconcerting, because
9 it just sort of -- it's sitting on the middle of that span of
10 the garage. And I know that structurally that's perfectly sound,
11 but I mean, I maybe I'm just old-fashioned about this, but it's
12 the sort of thing that looks odd, because you are -- what you
13 seem to be seeing is this really large heavy mass resting on this
14 little, tiny band of structure. And I don't know that nothing
15 can be done about it in terms of the plan of the building. Maybe
16 even the second -- it would be better if the second floor went
17 all the way to the side yard, all the way to that end, simply
18 because it just -- it looks so uncomfortable. But it is really
19 disconcerting to me to see it that way.

20 And let's see, yeah. I mean, just seeing this image
21 now makes me wonder what, you know, we have all those openings
22 to the garage, and if there's eventually a building built there,
23 is that going to be a problem for you, because you're basically
24 borrowing your neighbor's air at this moment. If they close up
25 that wall, is that going to impinge the function the -- on the

1 function of the garage?

2 One last question. The --

3 Can we bring up the landscape plan? I think that's
4 toward the end. I'm sorry, Mr. Young, I don't know the number.
5 Yeah. So maybe 36, so just a couple slides away. Yeah.

6 So how wide is that driveway?

7 MS. MOLDENHAUER: It's 20 feet wide.

8 COMMISSIONER MAY: Only 20 feet? Okay. It seemed like
9 it was more. But 20 feet, I think, would be okay. It just seemed
10 like it was really, really wide, like it was more than 20. Okay.

11 All right. I think that's it. I mean, there's a lot
12 to love about this project. So the fact that I was mostly harping
13 on the negatives doesn't mean that there aren't things about it
14 that I really do like. I just -- I'm -- there were just -- there
15 are a lot of sort of bits and pieces here where it feels like
16 it's not completely developed, and so it would benefit from some
17 additional work. I would really love to -- love it if you could
18 revisit the placement of all of that -- those mechanical rooms
19 across the front. But I understand that may not be possible at
20 this point, because that's, I think, the -- one of the most
21 problematic aspects of it, so.

22 All right. That's it for me, Mr. Chairman. I know
23 it went on and on, but I got a little excited.

24 CHAIRPERSON HOOD: That's okay. I think that was a
25 very good interaction, a very good discussion. It was helpful

1 actually, for me. I'm sure others as well.

2 So let's go to Commissioner Imamura.

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

4 And thank you, Commissioner May, for your comments.

5 It doesn't leave me with very many.

6 I didn't -- I picked up on a few things too, Mr. Goins.

7 I didn't find that the form and mass of the building as offensive,

8 but I did have a little bit a concern about the Nichiha panels,

9 the red ones. I think what Commissioner May was alluding to was

10 just the hues. He was really speaking about the hues of the

11 gray. And I think he's right. If it's too light, I think that

12 it will really punctuate that -- those red panels. So I think

13 in some of your renderings, it shows a warm gray, which I thought

14 was rather nice, instead of a cool gray. But in some of your

15 examples, though, in some of the precedents, it looked like a

16 patchwork of -- on panels. And so, I'd just, you know, really

17 be mindful about the hue variations that you select for this.

18 I also had sort of the same question Commissioner May

19 did about the recessed banding and what it looked like in a lot

20 of your renderings. I wasn't sure if that was an articulation

21 of the program or how you arrived at that banding. It looked

22 like it's on the seventh and eighth floor may be. So just sort

23 of curious what the design decision was about how to address the

24 banding and how far to take it. What's it reflecting exactly?

25 MR. GOINS: I think our overall design intent was to

1 create a sense of movement vertically and horizontally in the
2 façade. That was our overall intent. I think we can study that
3 maybe whether it should be reduced or pronounced, look at it
4 maybe a little more closely. But I think that the overall design
5 intent was to kind of create a sense of movement with that. I
6 understood the darker comment for those colors for that second
7 color and the banding idea.

8 COMMISSIONER IMAMURA: All right. Thank you.

9 So in speaking to the program that Commissioner May
10 did, yeah, I was a little surprised that you took back of house
11 programming and put it to the front of the house. You certainly,
12 you know, we don't to beat that issue, but I think Commissioner
13 May is right, and I'm sure you all probably agree, that it would
14 have been better to relocate those. And so I guess if you could
15 walk through some of your other concepts, because I'm certain
16 this wasn't your only concept in laying out your ground floor.
17 What else did you look at, and why didn't it work?

18 MR. GOINS: I think maybe I did not do a good job
19 stating the number of meetings we've had. We've had meetings
20 with WMATA about the area of influence and the need for the water
21 room to be located in the front. I mean, just getting WMATA on
22 board was quite a hurdle. I mean, we're going to have to do 30-
23 foot aisles, we're going to have to work with their engineers
24 over the development of this project. So those meetings were
25 also in play here about the -- not only the electrical room being

1 located in the front, it was also WASA.

2 They did not want that located in the rear of the
3 property. I would be very difficult with the zone of influence
4 and some of the structural things that we're going to have to do
5 and that we're going to have a 30-foot pile at the front of the
6 building that's going to go down and creating another hardship
7 there too. How do you even get some of those -- the main water
8 line to the back of the building, so. And then I think we did
9 talk through this on multiple meetings with the Office of Planning
10 as well. I think ideally, when we started this project, we were
11 hoping to utilize more of the front area of the lot. After a
12 couple of years of meetings, I think it became evident that this
13 building was going to be on the back of the property line.

14 And once we ended up with a couple of those utility
15 rooms located in the front and trying to provide as many parking
16 space as we could, it just started -- parking kind of needs to
17 be a linear condition, and we were kind of left with that
18 conclusion. I think our attempt was to activate the ground floor
19 as best we could. And we thought appropriating landscaping and,
20 you know, we've had multiple conversations. We were aware of
21 this issue, because the Office of Planning brought it up on a
22 couple of meetings that we've had with them, and we've worked
23 hard, I assure you, to try not to do this. I think it was a
24 conclusion that we felt like we couldn't avoid.

25 COMMISSIONER IMAMURA: It kind of feels that way too,

1 right? But it was just sort of a -- kind of yielded it, and it
2 probably snowballed and organically kind of developed that way.
3 So certainly.

4 I think Commissioner May also brought up that design
5 moment over the garage. And I'm guessing, Mr. Goins, now that
6 I've had a chance to kind of take a step back and look at it,
7 you probably would agree too, that's sort of a planning moment
8 there. Because what you do -- and I struggled with is in terms
9 of the materiality, is you've set this building on like a flint,
10 which is kind of nice, right. And so it's -- it has this sort
11 of this permanency there. It's just a funny moment right there
12 above the garage. Probably not a lot that you can do about that
13 right now, but I think at least probably extending it out a bit
14 further might help that.

15 I'm a little curious too about your fitness room. So
16 I always like to see green roofs, just curious about maintenance
17 and access to it. I didn't see any access to them on the second
18 floor. So just very curious how would you get up there to clean
19 them, replace them. What would that look like?

20 MR. GOINS: Yeah, we should provide access to the
21 fitness room. That's a good catch. Apologize about that. Yeah,
22 you should have access to that.

23 COMMISSIONER IMAMURA: And outside of that, I don't
24 have any other questions or potential comments. Oh, well,
25 actually, the -- sorry, I do, just about the panels, not to beat

1 that issue a little bit. But it seems like there's a lot of --
2 it's very clear that you're trying to hide those doors, and
3 there's a lot of -- a lot going on there, right? You have the
4 trellis, you have the screens, and I think Commissioner May
5 brought up sort of a safety issue there. I certainly appreciate
6 the attempt to hide those doors or conceal those doors. I don't
7 see the connection between sort of the element in the screening
8 and how it ties back to anything in the landscape in that
9 landscape design. Even the color of the material, I just -- I
10 didn't see the connection there.

11 Again, I understand the intent, but it just seems like
12 there's a lot of -- a lot going on there in terms of design, just
13 to conceal sort of all those back-of-house, which is now front
14 of house. Don't know if there's anything that you can take a
15 closer look at to kind of reconsider, you know, what that might
16 look like. I appreciate the fact that you're trying to create
17 some seating elements there. There's just a lot of activity in
18 that area. I do appreciate it.

19 And that's all that I have, Mr. Goins, for the
20 architecture. It's kind of leading into the landscape.

21 So, Ms. Bradley, I don't have many comments on the
22 landscape. I appreciate the curvilinear gestures that you made
23 that sort of deviate from the rectilinear form down a pedestrian
24 scale. I appreciate the plant palette that you've provided, some
25 of them being drought-tolerant native species. I certainly like

1 the blue stem. I like your use of Little Joe, of course. So
2 that, I think is well and good. I noticed too, though on the
3 existing sidewalk, there was a perspective that just showed some
4 plantings along the edges, but I didn't see that in the site plan
5 at all. So kind of curious, what -- what's the intent? Is it
6 the site plan that we're going with or is it one of the
7 perspectives that show sort of this continuous planting edge by
8 that edge against the existing sidewalk?

9 MS. BRADLEY: The site plan is probably the more
10 accurate of the two.

11 COMMISSIONER IMAMURA: Okay. So then we may want to
12 just revisit that, so that way we're not misleading the public
13 on what they should be expecting to see. So I would just take a
14 closer look at that.

15 All right. I think in terms of design issues, both
16 architecturally and landscape, I don't think I have comments, Mr.
17 Chairman, and I yield back the rest of my time to Vice Chair
18 Miller.

19 CHAIRPERSON HOOD: Okay. Thank you.

20 Vice Chair Miller?

21 VICE CHAIR MILLER: Thank you, Mr. Chairman.

22 And thank you to the applicant, Ms. Moldenhauer, and
23 Mr. Goins and others for your presentation here today of the 109
24 unit, all-affordable housing development with a significant
25 number of 30 percent median family income, as well as 50 percent

1 median family income, 22 units and 65 units, I think,
2 respectively, and then the 80 percent medium family income which
3 are affordable under the District's and our Inclusionary Zoning
4 regulations and deep -- way, way, way, way deeper than our deeper
5 affordability than our IZ regulations requires a minimum and,
6 obviously, a much greater set aside, where -- because you got 100
7 percent, which is outstanding. So I applaud you for that aspect
8 of this -- important aspect of this project fits into all of that
9 Comprehensive Plan and equity -- racial equity and other equity
10 goals of the City.

11 I appreciate your community, the applicant's community
12 engagement, which has resulted in the ANC 7D resolution of support
13 that came in, I think, just today or recently. So I think that's
14 also commendable.

15 And although I think the design is very attractive
16 generally, I would agree with the comments, the design critiques
17 made by my fellow Commissioners, May and Imamura, particularly
18 the coloring of the lighter gray panels and the rooftop. I do
19 like the darker gray. I like the differentiation in those -- I
20 don't know even how to pronounce it -- the Nichiha panels, which
21 I don't know if we've seen here. Maybe if you can point me to
22 where they are elsewhere in the City as I'm driving around, which
23 I rarely do. But when I am, maybe you can point to me where they
24 are, just so I can visualize it even better than what you provided
25 in your presentation and the material or that you were holding

1 up today, which I do appreciate.

2 I -- they -- I mean, they don't look like typical
3 siding. They have that texture -- more texture to -- maybe it's
4 the color variation or, and the -- the color variation in the red
5 that you're doing, which I think is good. But the darker gray,
6 I think, would work much better, just that's a very subjective
7 opinion, but that's where a majority of the Commission seems to
8 be right now. And I have a sense, based on past comments, that
9 that's where Chairman Hood will land as well. And it may be just
10 because of my affinity for my high school colors, which were a
11 little darker red and a little darker gray. So -- but also my
12 kids' high school colors. So I think I'm wearing the darker red
13 right now, not because of the school affiliation, but just happen
14 to be.

15 Anyway, so I think that's all great. The balconies are
16 great. Everybody knows I love balconies, even though that isn't
17 a universal -- I learned recently, the universal love, which is
18 why we have five commissioners. Well, we will have five
19 commissioners at some point. But I think a majority of the units
20 -- oh, the units -- I mean the unit size, the two -- the amount
21 of two- and three-bedrooms is great. And the fact that you're
22 planning for the playground for children to be there is great.

23 The open space in front, which is mainly developed out
24 of necessity, because of the building restriction line and the
25 utility and WMATA issues, I think you've -- you really turned a

1 lemon into lemonade there, because I think that's something on
2 Benning Road that is a welcome relief to see all that. It will
3 be a welcome relief to see all that green there. And the
4 sculptural artistic elements, your partnership with D.C. Arts and
5 Humanities, or your planned partnership with them on various
6 aspects of those sculptural elements and other design features.

7 So I guess I would agree with the darker gray panels
8 if you're able to do that. I would agree that if you're able to
9 move the mechanical functions to the side with the screening,
10 which I think is an attractive screening. But -- and I think I
11 understand why you -- I think you initially had landscaping
12 entirely in the front to shield the -- those openings to
13 mechanical space. But I think I understand why you shifted from
14 the landscaping to the screen. But maybe you can just quickly
15 elaborate. Was it for -- so you could have the seating areas,
16 or was it for safety, improved safety and security?

17 MR. GOINS: I'm happy to answer that. We did, in our
18 initial filing, have -- that façade was kind of a green facade.
19 But then with the penetrations with the doors, we were trying to
20 figure out how to make that work as a living green wall. You
21 know, it was getting interrupted by the doors. There was an area
22 between the doors that we could do it, but then the doors were
23 still exposed. So we kind of transitioned from that idea to this
24 idea. And I think some of that was after a couple meetings with
25 the Office of Planning. The safety concern, I think it has been

1 mentioned. You know, you do need that five foot. There is an
2 egress stair there that provides the opening there. So you --
3 that is, I think, you know, where do you put security there, or
4 maybe the screen is a little more open in nature and responds a
5 little more to some of the comments that we've heard before. So
6 it doesn't feel like that, or maybe some additional lighting back
7 there from a security standpoint as well could be provided.

8 VICE CHAIR MILLER: Okay. Well, I appreciate that
9 response. Yeah, I think the lighting will be important for that
10 area. And are you -- you're going to -- and as a result of the
11 comments that have been made, are you going to check with the
12 utilities to see if that's feasible, what Commissioner May has
13 suggested, moving the space to the side, even though all of it
14 is in access to their -- to Pepco's -- are you going to just
15 inquire again?

16 MR. GOINS: Yes.

17 VICE CHAIR MILLER: You're probably exhausted dealing
18 with Pepco.

19 MR. GOINS: Well, just to kind of reiterate. I kind
20 of named Pepco here, but there was multiple, multiple meetings
21 with WASA and WMATA as well. Not necessarily WMATA was a concern,
22 other than the piles that we're having to drive at the front. I
23 think in that section, we, we've kind of done a preliminary zone
24 of influence diagrams with WMATA. And we're kind of almost going
25 to have to do a bridge-like structure here with piles at the

1 front of the building. Those are going to be 30-foot piles deep.
2 That was another reason. And I -- unfortunately, I did leave it
3 out in my presentation earlier that, you know, though, the water
4 room needs to be located up front there, so it wasn't just Pepco.
5 I don't want to put Pepco in the bad light here. There was also
6 numerous conversations with WASA. And it is worth mentioning, I
7 know, that we had this question from the Office of Planning.
8 This easement goes across those -- all the way across those
9 adjacent properties that are adjacent to us, too. So they will
10 be dealing with that 23-foot easement in their properties as
11 well. So yeah, it's something that we thought about and explained
12 to the Office of Planning as well.

13 MS. MOLDENHAUER: Mr. Miller and then Commissioner May
14 obviously, and Commissioner Imamura. Sorry. Sorry. I apologize
15 for that noise interruption. I know you all made comments, and
16 I know that Mr. Goins has addressed it. Just we've, obviously,
17 indicated the challenges of relocating a lot of that back of
18 house, but we did include in our flexibility, at our most recent
19 filing, a flexibility in the interior components and a
20 flexibility in the exterior layout to potentially modify the
21 exterior ground floor to increase windows to improve that ground
22 floor, if it was possible to allow for the flexibility to move
23 some of those offices. Again, we don't know if that's possible
24 right now, and that's why I was sort of moving forward with this,
25 but we did contemplate that in our request for flexibility.

1 VICE CHAIR MILLER: Well, that's good. I think we all
2 would support at least that, so thank you for pointing that out.
3 I didn't -- because I didn't realize it.

4 You were able to make an adjustment on the penthouse
5 height as a result of an Office of Planning comment? I don't --
6 I think it was only a (audio interference).

7 MR. GOINS: Yes. I apologize, Commissioner Miller.
8 We will conform. I think the mistake was in our zoning chart,
9 we had made the mistake. But in our section and drawings, we
10 will conform to the 18 foot floor. So we will continue --

11 VICE CHAIR MILLER: And you'll still have five units
12 in your penthouse?

13 MR. GOINS: Yes, that's correct. It's seven.

14 VICE CHAIR MILLER: Seven units. Okay. Those will be
15 nice units. And you've got 30, 50 and 80 up there, or just --
16 is it only 80? What do you got up there, just out of curiosity?

17 MR. MARSHALL: Commissioner Miller, this is Chris on
18 the development side. It will be distributed proportionate to
19 the distribution of incomes throughout the project.

20 VICE CHAIR MILLER: Great. That's good to hear. Thank
21 you.

22 I don't think I have any other questions at this time,
23 Mr. Chairman.

24 I appreciate this application of all affordable housing
25 development coming forward. Generally very attractive with the

1 few design criticisms that my architectural colleagues have made,
2 I -- which I agree with. But at the extent you're able to adjust
3 those design features that have been mentioned, that would also,
4 I think, improve the project. So appreciate the community
5 engagement and everything and the project coming forward. So
6 thank you.

7 Thank you, Mr. Chairman.

8 CHAIRPERSON HOOD: Thank you all for your questions and
9 comments. A very good discussion. When you go last, that helps
10 deflect some of your questions that I may have.

11 But I really -- let's go back, Ms. Moldenhauer, to the
12 ANC report. Could you -- I've been looking at this while they
13 were asking questions. I still don't see what I need to see to
14 give them the great weight.

15 MS. MOLDENHAUER: Yes, Chairman Hood. I was looking
16 at that. I understand that, obviously, it needs to be the vice
17 chair or the chair. I looked on their website. I don't see a
18 vice chair identified at all for this ANC. I know that I received
19 and sent this to the chair and to Commissioner Audain and that
20 when the letter was sent back, signed by Commissioner Audain, the
21 chair was included in the email. But obviously, it's not signed
22 by the chair, and I don't know who the vice chair is. So that
23 provides you a lot of facts and not a full answer as to whether
24 or not she would be deemed to be a vice chair, since there's none
25 listed, obviously, on their website. But obviously, if they

1 don't receive the great weight, you know, they do, obviously,
2 have their resolution in support in the record.

3 CHAIRPERSON HOOD: Yeah, but my point is I want them
4 to give the great weight. So let's leave that open. Let's see
5 if we can get it. I -- when we get a nice letter like that, I
6 want to make sure all the legal sufficiency stuff is out of the
7 way so won't no questions be asked. If we can get it, let's try
8 to get it, because I think it was a very nice letter about the
9 engagement, I read through that, but I wanted to make sure all
10 the I's were dotted and the T's were crossed. So let's see if
11 we can do that. I think it's important to -- not just to the
12 ANC, but to the City and the residents as well, when you get a
13 lot of that kind of support for development.

14 I was also -- let me go to Mr. -- and I was actually
15 -- now, you all might have saw me like I was talking to myself,
16 I was trying to pronounce your last name. I was practicing out
17 loud, because they say I can -- my friends tell me I can sure
18 mess up some names. Mr. Oloyede. Help me with that again.

19 MR. OLOYEDE: It's Oloyede.

20 CHAIRPERSON HOOD: Oloyede. Okay. Mr. Oloyede. I was
21 sitting here trying to pronounce it. But, Mr. Oloyede, I am glad
22 to hear that Marshall Heights -- where has Marshall Heights been?

23 MR. OLOYEDE: What do you mean where has Marshall
24 Heights been? We've been here for the past 43 years. We're in
25 the Skyland development. We were in the Parkside development.

1 We've been doing a lot of behind-the-scenes work in the community;
2 not on the development side per se, but providing those wraparound
3 services to projects in the community.

4 CHAIRPERSON HOOD: So let me preface that. When I say
5 where's -- I just haven't seen them down here. Now I'm not saying
6 you haven't been doing any work. I haven't seen the projects
7 since Carrie Thornhill. I don't even know if she's still involved
8 with Marshall Heights. But it's been a long --

9 MR. OLOYEDE: Not directly, but I know Carrie.

10 CHAIRPERSON HOOD: Okay. Okay. Yeah. So. So I'm
11 actually glad -- and you all's involvement actually gives me a
12 comfort level.

13 MR. OLOYEDE: I hear you.

14 CHAIRPERSON HOOD: I'm not saying I'm not comfortable
15 with everybody else, but I know you are directly engaged with
16 community and have been for years -- have been -- the organization
17 has been doing development out there in that area for years. So
18 I really appreciate that and glad that you're all there. I just
19 wanted you to know that I saw you sitting back, relaxed, wasn't
20 nobody asking you no questions, but I was going to ask you. How
21 did you all -- in a partnership, how did you come to doing two-
22 or three-bedrooms? Was there an analysis done? Is there a
23 clientele for that? How did you get there? Just curious.

24 MR. OLOYEDE: Well, the main goal behind this project
25 is to make it equitable for everyone, right? And so one of the

1 things that we wanted to do as a development team is make sure
2 that we provide housing for families. You know, that's one of
3 the things that Marshall Heights really tries to do is to provide
4 housing for a wide range of individuals in the District of
5 Columbia. And quite frankly, what we've seen in Ward 7 is a lot
6 of one bedrooms and studios, and we want to make sure that we're
7 creating housing that is welcoming for families.

8 CHAIRPERSON HOOD: Thank you for that response.

9 The only other question I have for you -- I'm going to
10 ask you a few questions.

11 MR. OLOYEDE: Okay.

12 CHAIRPERSON HOOD: I'm using the Racial Equity Tool,
13 you and maybe your partner, if you want to ask Mr. Marshall,
14 whomever. I didn't see any direct displacement. When I say
15 displacement, like, businesses. I know there was a -- was it a
16 dental school that was somewhere around there?

17 MR. OLOYEDE: There was a dental office and then there
18 was a Kentucky Fried Chicken, but those places have closed. So
19 what we're really doing is activating the site and creating a
20 site for people to stay in the community, right, to stay in the
21 neighborhood and to take advantage of the resources that we talked
22 about earlier; the Metro, the streetcar and all the other
23 development that's going to happen, even with the Fletcher-
24 Johnson site, which is a few blocks away from this site, right.
25 So we're creating a project, a housing development that will

1 allow and actually make it a lot easier for a lot of the current
2 residents to stay and enjoy even more amenities that are coming
3 to the neighborhood.

4 CHAIRPERSON HOOD: So the Kentucky Fried Chicken and
5 the dental office, they had left prior to any of this happening,
6 right?

7 MR. OLOYEDE: Right. They've been gone for years.

8 CHAIRPERSON HOOD: Okay. Okay. All right.

9 My next question is housing. And I know you probably
10 have said it, but I'm going to ask you the way I need to ask it
11 (audio interference). So (indiscernible) rezoning changes to
12 market rate housing, affordable housing, and replacement housing?
13 Before you answer that, let me thank you all. I'm starting to
14 see more 30 percent. Maybe I need to lower what I've been asking
15 for for years. I appreciate the -- I think it was 22 units at
16 30 percent of MFI or lower or whatever. But whatever the case
17 is, seeing the number 30 percent and after pushing for it for
18 years, I really appreciate that. So if you could just respond.
19 Are we doing market rate, affordable -- and I know it's a slide
20 up -- or are we doing replacement? I know we're not doing
21 replacement housing, so I think that's correct.

22 MR. OLOYEDE: Well, we're not doing replacement. It
23 is affordable housing. The scale is from 80 percent on down.

24 CHAIRPERSON HOOD: Okay.

25 MR. OLOYEDE: And I would like to say that it's one of

1 the projects -- one of the things that we like about the project
2 is that it has the diversity of incomes, right? So it's one,
3 the diversity of incomes that we are appealing to, and then also
4 a family-friendly unit mix, right? We think these are the things
5 that create the backbone of all communities, right? Like, you
6 make the community stronger by engaging and by having that
7 diversity of individuals and families within the neighborhood.
8 So definitely not a displacement or a replacement.

9 CHAIRPERSON HOOD: Okay. Thank you. And let me ask
10 you, let's talk about the physical character. Will the actions
11 in this case change the physical environment, such as, and I
12 think we talked about it -- public space improvements,
13 environmental changes, infrastructural improvement, streetscape
14 improvements, arts and culture? And I know we're dealing with
15 arts and humanities as well. So I will let you answer that. I
16 don't want to answer, but could you respond to the physical
17 character of the environment?

18 MR. OLOYEDE: I -- from our perspective, this project
19 will serve as a catalyst for improving the space, the public
20 space. Because of the setback, where we're doing a lot on the
21 front side of the property to engage the community, to make it
22 welcoming with all of the landscaping that we have planned. This
23 is not a project that is isolated and is more of, you know, a
24 break in and sort of setoff from the rest of the community. This
25 is one of those projects where, as you walk by, you'll be proud

1 to walk by. You'll be invited to take part in this development,
2 just from a public space perspective. The beautification that
3 we're going to provide on this busy corridor is going to bring a
4 much-needed esthetic improvement to that strip.

5 CHAIRPERSON HOOD: Okay. And my last question on the
6 Racial Equity Tool is access to opportunity. And I think you
7 kind of alluded to it, but I'm going to ask it. Is there a change
8 in access to opportunity, like job training/creation? I think
9 I've heard that earlier, but I want you -- healthcare or additions
10 of retail and access to new services?

11 MR. OLOYEDE: So what Marshall Heights is going to do,
12 and what we've already started because, you know, it takes maybe
13 a year and a half to two years to get these projects fully
14 stabilized, as I mentioned earlier, we've already started our CBE
15 workshop to get businesses getting their CBE certification so
16 they can take place or that they can take part in the development
17 side of this project, both on the procurement and on the
18 construction and post-delivery. But more importantly, what we're
19 going to have is workforce development training that's going to
20 be tied to these projects, or to this project with the CBEs to
21 make sure that local residents, not only the local businesses,
22 but the local residents, are playing a role in the development.
23 Because when you have that, it creates a true economic
24 opportunity, not just for those individuals, but for the
25 community, and so that makes the community stronger. So our goal

1 is, one, develop the individual, provide those resources that
2 will help him or her, whether it's with housing counseling,
3 financial literacy, budget management, but then also on the
4 workforce development side, helping them with finding those
5 opportunities, developing the skills, getting prepared for the
6 interview, right? And then the third piece is helping those
7 businesses, right? Because we know that there's a lot of existing
8 businesses that when projects like this come into the
9 neighborhood, they don't get a chance to participate. So what
10 we're doing is creating this holistic approach to ensure that
11 we're creating those opportunities, and we're going to make them
12 widely known and advertise and put a lot of sweat equity into
13 making sure that the community is aware that, hey, we have these
14 opportunities, come here.

15 CHAIRPERSON HOOD: Mr. Oloyede, let me thank you. This
16 is my first time using this tool, well, the way that we have it
17 outlined on our website. But I will tell you, I appreciate your
18 responses. You will go down in history as the first person I've
19 used the tool on. But I will tell you, I appreciate -- I think
20 this project already met a lot of the tool requirements,
21 especially even before I asked those questions. So I really
22 appreciate the responses.

23 The only other question I would have is for Mr. Goins,
24 and I think it's called Nichiha, or whatever the tool -- whatever
25 the material -- the red piece.

1 Can you pull that back up again, please, the red
2 material. Okay.

3 Because I was hoping -- yeah, you can - the only thing
4 I was looking at the rendering, and I don't think -- well, I
5 don't know whether it's the lens on my computer or whether it's
6 the copier that you use or whatever, but the red was just -- that
7 gives me a better comfort level. I will agree with my colleagues
8 about the lighter color. So I'll leave that. I think enough
9 has been said on a lot of the design requirements or questions
10 to look at.

11 All right. I don't have anything additional. I do
12 appreciate the affordability of this. And the good part about --
13 what I like about this, that Marshall Heights and all who -- all
14 the partners in this application have all worked with the
15 community, so the people that are in the apartments behind know
16 this is going to come right back up, and their views may change.
17 So those are some of the things.

18 So I'm sure that all those questions, Mr. Oloyede, have
19 come up in those conversations in those many ANC meetings. So
20 I'm sure all has been covered, so that gives me a comfort level.

21 Okay. I don't have any additional questions. Anybody
22 having any second rounds?

23 Vice Chair Miller?

24 VICE CHAIR MILLER: Thank you, Mr. Chair. Just briefly.
25 I just wanted to echo your positive comments about the applicant

1 partnership with Marshall Heights Community Development
2 Organization, because I think that's a very important aspect of
3 the resident services that will be available in this development
4 going forward. And the other thing I want to say is just to
5 confirm, which I think it's in the record, the -- all affordable
6 109 units will be all affordable in perpetuity for the life of
7 the project, similar to our Inclusionary Zoning program, in terms
8 of duration.

9 MR. SOLOMON: Commissioner Miller, you have that
10 correct.

11 VICE CHAIR MILLER: Okay. Yeah. So I thought -- I
12 just wanted to be - have that publicly -- verbally on the record
13 that they're in perpetuity.

14 And the -- I assume there's a lot of financing
15 associated with getting an all-affordable project. Housing
16 Production Trust Fund, I assume, is involved, Low-Income Housing
17 Tax Credits, maybe D.C. Housing Finance Agency financing, maybe
18 other sources as well. Are there -- can you just confirm what
19 the financing strategies are? If you could just briefly share
20 what they are just -- and are there timing issues, in terms of
21 our approval and your pending or approved applications for such
22 financing?

23 MR. MARSHALL: Commissioner Miller, I'm going to first
24 do the summary of the sources of financing that would make a
25 project like this possible. You're absolutely right. There are

1 many sources of equity from the Low-Income Housing Tax Credit
2 debt issued by D.C. Housing Finance Agency, subsidized debt,
3 subordinate debt from the Department of Housing and Community
4 Development, that being the Housing Production Trust Fund,
5 operating subsidy from the D.C. Housing Authority. Those are the
6 main ones, first and foremost.

7 And secondly, yes, this project is competing for the
8 Housing Production Trust Fund. We hope to earn a successful
9 award of that. And as has been known and seen in public
10 statements and in a lot of award projects in the past, projects
11 that are that much closer to being shovel-ready, which certainly
12 earning the Commission's approval, puts this project one step
13 closer to that. But anything that puts a project closer to a
14 shovel-ready state is viewed as favorable in the eyes of fiscal
15 agencies here in the District of Columbia. And so we're certainly
16 hoping to earn that.

17 VICE CHAIR MILLER: Okay. Thank you. Thank you for
18 that response, Mr. Marshall. Thank you.

19 And thank you all for your comments today.

20 CHAIRPERSON HOOD: Okay.

21 Mr. Marshall -- let me go to Commissioner Imamura
22 first.

23 COMMISSIONER IMAMURA: Thank you, Chairman Hood. I
24 just wanted to underscore what you and Vice Chair Miller have
25 already shared, that there's a lot of positive aspects to this

1 project. On balance, it's really terrific for the community. So
2 I don't want the applicant or Mr. Goins to walk away feeling
3 deflated in that we just had some refined -- design refinements,
4 I think, is probably the best way to look at it. And so, you
5 know, we want the best outcome for you and for the City. And
6 so -- and I know you want the best outcome for your project too.
7 So that's just all I wanted to add, Mr. Chairman.

8 CHAIRPERSON HOOD: And thank you.

9 And, Mr. Marshall, so you don't think that I just asked
10 questions of Mr. Oloyede. Let me ask you, Mr. Marshall, was
11 there any -- do you know of any known opposition to this?

12 MR. MARSHALL: We are not aware of any known opposition.

13 CHAIRPERSON HOOD: Okay. Thank you.

14 And Commissioner May, when I heard you talking Pepco
15 -- about Pepco, I could just see you disappearing right then. I
16 was thinking that was going to happen. That would have been so
17 timely, but it didn't happen.

18 Okay. Any follow up questions and comments?

19 (No audible response.)

20 All right. Let's go to -- Mr. Barron, do we have anyone
21 from ANC 7D or any cross?

22 MR. BARRON: There doesn't appear to be anyone from the
23 ANC that I've been able to identify, no.

24 CHAIRPERSON HOOD: Okay.

25 And Ms. Moldenhauer's going to see if we can refine

1 that letter and give them the great weight that I think they're
2 entitled to.

3 Let's go to the Office of Planning and District
4 Department of Transportation.

5 And let me just say this. I appreciate the slide,
6 Mr. Solomon, that you all have where you agree with the -- I
7 think it was three or four things that the District Department
8 -- because that was part of one of the questions I had. So I
9 appreciate not having to ask that question. Thank you.

10 Okay, Ms. Vitale?

11 MS. VITALE: Good evening, Mr. Chair and members of the
12 Commission, Elisa Vitale with the Office of Planning. And we
13 would like to thank the Commission for accepting the late filing
14 of this report.

15 The Office of Planning is recommending approval of the
16 Voluntary Design Review Application, Case 22-08.

17 The applicant did request some additional information
18 to be filed in the record. The applicant has provided proposed
19 design flexibility language. We have reviewed that proposal and
20 have provided comments to the applicant and Office of Zoning's
21 Legal Division, and we'd be happy to work through refinements to
22 that flexibility language, as a draft order for this case might
23 be prepared in the future.

24 We would note that the applicant did request specific
25 flexibility for signage. The plans and the record at this point

1 don't provide signage specifics. So if the applicant is
2 requesting flexibility, it would be helpful for them to specify
3 any proposed building signage. You know, height of lettering,
4 locations for lettering, elimination of lettering; those items
5 would be helpful to have on the record, particularly if
6 flexibility from that is being requested.

7 With respect to item number two, we had asked for a
8 proposed plan for the piece of art that would be located on the
9 private property but outside of the fence line. The applicant
10 has included additional detail with respect to that, and we found
11 that that request for information has been met.

12 The applicant has provided the proposed signage for the
13 pickup/drop-off spaces and has agreed to the proposed conditions
14 that were requested by DDOT.

15 We did hear clarification from the applicant on the
16 record today that the penthouse height would be 12 feet with a
17 total penthouse, including the mechanical, of 18 feet, four
18 inches. That would be within the maximum permitted penthouse,
19 height of 18 feet, six inches. It would be helpful to have, you
20 know, again, the narrative, the plans, and the zoning summary,
21 provide consistent information with respect to that and reflect
22 that 18-foot, four inch height.

23 The applicant has provided information today with
24 respect to the colors and materials, particularly as it relates
25 to the Nichiha panels. But I do think we've heard from the

1 Commission today that some refinements of those colors would be
2 helpful, as well as some clarification with respect to profiling
3 in the renderings. So I think the -- we're well on our way, but
4 there may be some additional information that's required with
5 respect to that.

6 The Office of Planning is recommending approval of the
7 applicant's requests for flexibility. There are three areas.
8 The first one would be building height. As discussed, the
9 applicant is requesting relief to go to the 90-foot height that
10 would be permitted for a planned unit development in the MU-7
11 zone. The applicant has also requested an additional 5 percent
12 flexibility for building height. The Zoning Regulations specify
13 that that 5 percent can be granted, provided that it is necessary
14 to the functioning of the building. The applicant has indicated
15 that in order to achieve a 15-foot ground floor ceiling height,
16 that that additional 5 percent is necessary for the building
17 functioning. I believe OP would also note that given the
18 encumbrances and site constraints that pushed the developable
19 portion of the site to the rear of the property and the need for
20 the additional height to provide an all-affordable 109 unit
21 building here would also, you know, relate to that 5 percent
22 additional flexibility and can recommend approval of granting
23 that.

24 The applicant has requested flexibility from the rear
25 yard requirements.

1 And finally, the applicant has requested special
2 exception relief for which the Office of Planning is recommending
3 approval and the special exception request related directly to
4 the parking; first relief from the minimum required number of
5 parking spaces, and then the second item, for parking location,
6 and that would be to locate the two pickup/drop-off spaces in
7 front of the building.

8 With that, I will conclude my report, but I am certainly
9 happy to answer any questions that the Commission might have at
10 this time. Thank you.

11 CHAIRPERSON HOOD: Thank you, Ms. Vitale.

12 Let's see if we have any questions or comments.

13 Commissioner May.

14 COMMISSIONER MAY: Ms. Vitale, would you agree with Ms.
15 Moldenhauer's assessment of the rear yard? It's just -- it's
16 such an unusual thing to have a curving rear yard with a building
17 that touches it at some tangent point.

18 MS. VITALE: Yeah, certainly. No, I appreciate the
19 question. The rules of measurement for rear yard in Section
20 318.3 of Subtitle B state that when there isn't kind of a parallel
21 rear lot line to the street fronting lot line, that there -- the
22 rear yard shall be measured as a vertical plane along a line
23 measured in from the rear lot line at a point equidistant from
24 the side lot lines. So there is guidance in the Zoning
25 Regulations and the Rules of Measurement. We would, obviously,

1 defer to the zoning administrator in terms of how he has
2 interpreted the rear yard rear measurement --

3 COMMISSIONER MAY: Yeah.

4 MS. VITALE: -- in this instance.

5 COMMISSIONER MAY: Yeah, I mean, I -- this is not a
6 really big deal, right, because we're already, I think, inclined
7 to grant the relief that they are requesting, because of the
8 other circumstances of the property having to do with the setback
9 and the fact that there's this paper alley and so on. But I
10 think it's worth having some level of clarity about whether, in
11 fact, there is any yard at all. And if that's something, you
12 know, something you could get out of the zoning administrator
13 just to clarify. And I would be perfectly fine if the definition
14 was that as soon as the building touches at some point there is
15 zero rear yard. I'd be fine if that was the conclusion, but I
16 feel like I want to have something definitive from the zoning
17 administrator. Thank you.

18 CHAIRPERSON HOOD: Okay.

19 Commissioner Imamura, do you have any questions of OP?

20 COMMISSIONER IMAMURA: I don't.

21 Thank you, Ms. Vitale, for your report.

22 CHAIRPERSON HOOD: And Vice Chair Miller?

23 VICE CHAIR MILLER: No.

24 Thank you, Ms. Vitale.

25 CHAIRPERSON HOOD: Okay. And Ms. Moldenhauer?

1 MS. MOLDENHAUER: Ms. Vitale, I don't want to put you
2 on the spot, but I mean if you can answer this, great. If not,
3 we'll follow up with you and the zoning administrator later. But
4 the definition says, it defines, "A rear yard shall be for the
5 full width of the lot and shall be unoccupied, except as
6 specifically authorized in this title." So if it's -- it has to
7 be the full width of the lot. If any portion touches that, would
8 that then mean that it's a zero rear yard?

9 MS. VITALE: Again, I would defer to the zoning
10 administrator in terms of how he interprets that rear yard
11 regulation.

12 MS. MOLDENHAUER: It's a -- well, a unique situation.
13 We'll follow up with him.

14 Thank you, Commissioner May and OP. We appreciated
15 working with you on this project, and we thank you for your
16 comments. And I look forward to working with you as we continue
17 to refine the flexibility as well as the proposed order.

18 CHAIRPERSON HOOD: Okay. Let's move right along.
19 Again, let's go to the Department of -- Ms. Vacca?

20 MS. VACCA: All right. Thank you, Mr. Chair.

21 For the record, my name is Kimberly Vacca with the
22 District Department of Transportation.

23 DDOT is supportive of the requested approval of the
24 design review application. The proposed development is expected
25 to generate 6 a.m. peak hour vehicle trips and 8 p.m. peak hour

1 vehicle trips. As such, the applicant was not required to submit
2 a Comprehensive Transportation Review or CTR study.

3 The applicant is proposing 13 off-street vehicle
4 spaces, including 11 in an at-grade parking garage and two within
5 the front yard for pickup/drop-off purposes. The parking ratio
6 is well below DDOT's preferred parking maximum. As such, the
7 proposed project is expected to have a nominal impact on the
8 District's transportation network.

9 DDOT supports the applicant's proposed TDM plan, with
10 two revisions outlined in our memo to this Commission.

11 DDOT also reviewed the applicant's late submission
12 package and notes that the proposed fencing and public space will
13 need to be reduced to a maximum of 36 inches, but that will be
14 addressed as part of the public space permit process.

15 Overall, DDOT supports the project and welcomes any
16 questions. Thank you.

17 CHAIRPERSON HOOD: Thank you, Ms. Vacca. So when I get
18 to East Capitol and Benning Road, and I'm sitting there looking
19 left and right, I'll be thinking about that. No, I'm just --
20 it's a joke. All right. Because there's already a situation
21 there regardless, so. But I hear the experts. You all are the
22 experts, so I hear the report.

23 Let's see if we have any questions or comments or
24 feedback.

25 Commissioner May.

1 COMMISSIONER MAY: Yeah. I'm still puzzled. What was
2 the reference to fencing in the public space? I didn't -- I
3 don't know that I necessarily saw that in their site plan.

4 MS. VACCA: Yeah. Surrounding the playground area is
5 a small portion of fence that is extending into the public space,
6 which we do not allow fencing above 36 inches. The Public Space
7 Committee could approve a higher fence as part of their review,
8 but it's unlikely.

9 COMMISSIONER MAY: Okay. I thought their property line
10 goes way out there and that it was far away from the playground,
11 so.

12 MS. VACCA: That is correct, but there's a building
13 restriction line on this property that is pushed -- pushes
14 basically public space within our purview on their private
15 property.

16 COMMISSIONER MAY: It's because of the BRL.

17 MS. VACCA: Yes.

18 COMMISSIONER MAY: That's something I didn't
19 understand. Okay. Yeah. I mean, there are also regulations
20 that they have to follow when it comes to playgrounds and how
21 high the fences (audio interference) and playgrounds. So I would
22 hate to think that they wouldn't be able to have the playground,
23 or they should build a constraint on the playground, because of
24 Public Space Committee's judgment on it. But I guess you get to
25 figure that out.

1 MS. VACCA: Yes.

2 CHAIRPERSON HOOD: Okay.

3 Commissioner Imamura.

4 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I have
5 no questions for Ms. Vacca. Thank you very much for your report.

6 CHAIRPERSON HOOD: Okay.

7 And Vice Chair Miller.

8 VICE CHAIR MILLER: Thank you, Mr. Chairman.

9 And thank you, Ms. Vacca, for your report.

10 Just following up on Commissioner May's question about
11 the fence -- that fencing. There was that comment in OP's report
12 on page 13 at the top that the applicant should provide an
13 elevation showing how the fencing and gates at the edge of the
14 open space would appear from the street. I meant to ask the
15 applicant. Do we do we have that in the record? If we're
16 deciding tonight, maybe that could be provided, although I guess
17 Public Space Committee might determine that eventual outcome, so
18 maybe that's premature to ask for that. But can the applicant
19 respond to that OP comment that an elevation might be helpful,
20 providing how the fencing and gates would look?

21 Ms. Moldenhauer, I guess, or?

22 MS. MOLDENHAUER: Commissioner Miller, yeah. We did
23 respond to that and provided at Exhibit 15-A1, a more detailed
24 rendering of the landscaping. And included in that exhibit --
25 I'm just trying to jump around here to find it again -- the last

1 page of that exhibit, page 15 of that exhibit includes the mention
2 and a specific sheet of the fencing. It also then shows that
3 the playgrounds, which are part of the PowerPoint presentation,
4 but part of that Exhibit 15-A1 are on private property and not
5 within the building restriction line. There is a small portion
6 of the fence that does project into the building restriction,
7 that we'd need to work with DDOT and Public Space to review and
8 confirm that the height is compliant.

9 VICE CHAIR MILLER: Thank you, Ms. Moldenhauer, for
10 directing me to that exhibit and for that response. I appreciate
11 it. Thank you.

12 CHAIRPERSON HOOD: Thank you.

13 I don't have any questions.

14 Ms. Moldenhauer, did you have any questions of DDOT?

15 MS. MOLDENHAUER: No questions of DDOT. Thank you for
16 working with us and Gorove Slade and the applicant.

17 CHAIRPERSON HOOD: Okay.

18 Well, thank you, Ms. Vacca, for your report. We greatly
19 appreciate it.

20 Again, I know that Department of Housing and Community
21 Development, they didn't have any objections. DOEE had a lot of
22 encouragements. So they encouraged -- and I read -- the way I
23 read it is they have encouraged the applicant to do certain
24 things, and they applauded the application for doing EDC plus
25 certification. So I'll leave it -- and I don't think I need to

1 ask whether they accept the encouragements. So encouragement
2 means -- the way I take it, encouragement means to look at or to
3 try to put it into the project. I don't think it was a push. Is
4 that a correct assessment, or should I be asking you, Ms.
5 Moldenhauer, did you all accept all encouragements?

6 MS. MOLDENHAUER: I'm sorry. I was a little confused.
7 Who are we accepting encouragements from?

8 CHAIRPERSON HOOD: This is the Department of Energy and
9 Environment.

10 MS. MOLDENHAUER: Yes. We did talk with them, and I
11 think, as Mr. Goins stated in his testimony, that they had
12 encouraged us to try to increase solar panels as much as possible.
13 And we indicated that, obviously, our rooftop plan was at a level
14 in which we would be able to expand the solar panels as
15 permissible in the final design. And I believe that was the one
16 level of encouragement that they indicated, and we were
17 supportive of that encouragement.

18 CHAIRPERSON HOOD: Okay. Well, I see a number of
19 encouragements they encouraged. Well, obviously, you must
20 accept to address the minimum GAR and stormwater requirement and
21 the applicant exceed the minimum. That was an encouragement. It
22 had a number of engagements.

23 MS. MOLDENHAUER: (Indiscernible) in agreement and
24 believe, that we would obviously, you know, work toward those.
25 I don't believe that we were saying that we would, obviously,

1 specifically accomplish all of them, but that we definitely have
2 the goal and (indiscernible) to try and accomplish all of them.

3 CHAIRPERSON HOOD: Okay. I would just encourage you
4 all to look at the encouragements, unless my colleagues have
5 other ideas.

6 All right. Let's move right on. The ANC report, I
7 think, Ms. Moldenhauer and I have talked enough on the ANC report.
8 I think this -- to me, I think this letter of support was well
9 written and very specific. That's why we want to make sure it
10 meets all of the requirements, as I stated. And as Ms.
11 Moldenhauer stated, if we can't get that, then this letter speaks
12 for itself.

13 Do we -- Mr. Barron, do we have anyone here who would
14 like to testify in support? I mean any organizations or
15 individuals who would like to testify in support, opposition, or
16 undeclared? Now, Mr. Marshall has already told me that we don't
17 have anyone here in opposition, so.

18 Mr. Barron?

19 MR. BARRON: No, Mr. Chair, I don't see anyone who has
20 signed up in either of those positions.

21 CHAIRPERSON HOOD: Okay. Great. That's -- it shows
22 the great work that the applicant has done in this case.

23 Let's go to -- I don't think we have any rebuttal.

24 Ms. Moldenhauer, do you have a closing? Or do you have
25 rebuttal? Rebuttal and closing?

1 MS. MOLDENHAUER: We've obviously taken note of all the
2 comments that the Zoning Commission have identified. I believe
3 that we have satisfied all the standards and have no additional
4 testimony to provide at this time.

5 CHAIRPERSON HOOD: Okay. I want to thank you for that.
6 Commissioners, I think we've asked for some stuff, and
7 I believe this is a one vote. I'm sure Mr. Barron and Mr. Liu
8 will straighten me out if I got that wrong. But I think this is
9 a one vote case. Some of the things that we've asked for, I
10 guess -- Mr. Barron, do we have a schedule?

11 MR. BARRON: Yeah. So the -- we have one more meeting
12 in June from what I'm seeing in June, which is - well, no. We
13 have two meetings in June, but June 30th is probably the soonest
14 that you could do this. There's also July 14th and July 28th
15 for the other two scheduled meetings for the remainder of the
16 summer.

17 I have to admit, I'm -- I forget what the deadlines,
18 what the time frame is for, for requesting changes to -- from the
19 applicant and from -- responses from the ANC, so if anyone wants
20 to help me out with that, I'd -- we'd appreciate that.

21 CHAIRPERSON HOOD: So I believe -- I think it's seven
22 days -- well, I will ask. Mr. Liu will help you.

23 MR. LIU: I was just going to say that Ms. Schellin
24 usually goes with one week or two weeks for additional documents
25 from the applicant, and then a response from the ANC within seven

1 days of that.

2 MR. BARRON: It's seven days of the scheduled meeting,
3 yes. Okay.

4 MS. LIU: Oh, within --

5 MR. BARRON: Or seven days after.

6 MS. LIU: -- the submission of those documents, so.

7 CHAIRPERSON HOOD: So let's first find out, Mr. Barron.

8 Ms. Moldenhauer, what day -- which -- it's your pick?
9 You have three meetings unless you want to -- want us to cut it
10 over to September.

11 VICE CHAIR MILLER: Well, there's also the June 9th
12 meeting. If they can make that with all the deadlines, I think
13 we should throw that into the mix.

14 CHAIRPERSON HOOD: June 9th?

15 VICE CHAIR MILLER: I might be remembering wrong.

16 MR. BARRON: There is a meeting on June 9th. I was
17 just assuming that that wouldn't be enough time to be able to
18 get something in and to have time for the ANC and people to
19 respond. But if you think that you can turn that around in
20 roughly a week, you could probably -- we might be able to fit
21 that on.

22 CHAIRPERSON HOOD: Let's not do -- let's not even do
23 that. Let's just go with the last -- either the last meeting in
24 June, because, you know, we don't know what our schedules are,
25 so let's just go to the last week.

1 COMMISSIONER MAY: Mr. Chairman?

2 CHAIRPERSON HOOD: Yes?

3 COMMISSIONER MAY: I am interested in knowing from the
4 applicant how quickly they think they could actually get their
5 information submitted. Because you may not recall, but I was not
6 planning -- I'm not going to be here on the June 30th meeting.
7 So if we can get it in June 9th, that would be better.

8 CHAIRPERSON HOOD: Will you be here for July 14th?

9 COMMISSIONER MAY: Yes. But I don't -- I mean, that --
10 that's putting it pretty far out for what we've asked for. I
11 don't know. Ms. -- I'm still interested in hearing from the
12 applicant about how quickly they think they can turn everything
13 around.

14 MS. MOLDENHAUER: I think we can turn things around
15 fairly quickly to take the -- we've taken extensive notes, and I
16 see my client shaking his head yes. So if it was the June 9th
17 meeting, and we needed seven days for the ANC, maybe we could
18 get something at the end of next week before Memorial Day weekend.

19 MR. BARRON: So looking by the 27th would be doable?

20 MS. MOLDENHAUER: Yes, correct.

21 MR. BARRON: Okay.

22 CHAIRPERSON HOOD: Well, if it works for everybody, I'm
23 fine with it.

24 MR. BARRON: All right. The --

25 CHAIRPERSON HOOD: All right. So --

1 MR. BARRON: Sorry about --

2 CHAIRPERSON HOOD: Give us the dates again, Mr. Barron.

3 MR. BARRON: Okay, so we'll be putting it on for the
4 June 9th public meeting. That would give the applicant until May
5 27th to respond, and then anyone would -- to submit their things
6 and then anyone would have until the seven days from there, which
7 will be about the 3rd of July to respond to whatever the applicant
8 submits.

9 MS. MOLDENHAUER: All right.

10 MR. BARRON: Okay. This is only the second time I've
11 done this, so if I'm glib, just ask me to repeat myself.

12 COMMISSIONER MAY: June after July.

13 MR. BARRON: I'm sorry?

14 COMMISSIONER MAY: You said 3rd of July to respond.
15 You meant 3rd of June.

16 MR. BARRON: 3rd of June. I apologize.

17 Thank you.

18 COMMISSIONER MAY: Yeah.

19 MR. BARRON: I'm looking at this -- I'm sorry.

20 CHAIRPERSON HOOD: So. We do --

21 MR. BARRON: I'm sorry.

22 CHAIRPERSON HOOD: Can somebody confirm that we have a
23 meeting June 9th, because it's not in ZDOCs. We have a meeting
24 June 2nd and then June 13th. I guess we do have a meeting.

25 MR. BARRON: I am showing on the calendar that there's

1 a closed meeting, but there hasn't been -- the public meeting
2 hasn't been added yet. But that usually just means that an agenda
3 hasn't been put together.

4 CHAIRPERSON HOOD: Okay. Well, if we're going to have
5 a meeting, then we will be going to July 14th. Okay. So I'll
6 leave it as it is. So yeah, I'll leave it as it is. So we got
7 the dates. So everybody's on the same page. Any questions?
8 Okay, great.

9 Let me first mention the Zoning Commission -- this is
10 probably more for me than anybody else. We will be meeting again
11 June the 2nd. And the case we have is Midici Road. It's a map
12 amendment, and we will be meeting on these same platforms at 4:00
13 p.m.

14 So with that, I want to thank everyone for their
15 participation. And unless I hear from anybody else, I appreciate
16 your participation, and I want to again commend the applicant for
17 the affordability of what they're doing along with -- in Ward 7.

18 Colleagues, any questions or comments?

19 (No audible response.)

20 So with that, I want to thank everyone for their
21 participation, and this hearing is adjourned. Good night.

22 MS. MOLDENHAUER: Thank you, Commissioners. Thank you,
23 Chair.

24 COMMISSIONER MAY: Thank you. Good night.

25 MR. OLOYEDE: Thank you.

1 (Whereupon the above-entitled matter went off the
2 record at 6:22 p.m.)

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In the matter of: Public Hearing

Before: DCZC

Date: 05-16-22

Place: Teleconference

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