

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
+ + + + +
ZONING COMMISSION
+ + + + +
PUBLIC HEARING

?-----+
IN THE MATTER OF:
4600 BRANDYWINE ASSOCIATES, LLC
?-----+

Case No. 03-27

Thursday,
October 14, 2004

The Public Hearing of Case No. 03-03/02-05 of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 2001, pursuant to notice, Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTONY J. HOOD	Vice Chairperson
KEVIN HILDEBRAND	Commissioner
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner

OFFICE OF ZONING STAFF PRESENT:

ALBERTO BASTIDA	Secretary Commission
SHARON SCHELLIN	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN	Office of Planning
JENNIFER STEINGASSER	Office of Planning
CINDY PETKAC	Ward 3 Neighborhood Planner

This transcript constitutes the minutes from the hearing held on October 14, 2004

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

6:23 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, October 14th, 2004.

My name is Carol Mitten and joining me this evening are Vice-Chairman Anthony Hood and Commissioners Kevin Hildebrand, John Parsons and Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 03-27. This is a request by 4600 Brandywine Associates, LLC for approval of a consolidated planned unit development for property located at 4600 through 4614 Wisconsin Avenue, N.W., which is lots 817 and 820 in square 1732.

Notice of today's hearing was published in the D.C. Register on August 27th, 2004 and copies of that notice are in the wall bin near the door.

This hearing will be conducted in accordance of the provisions of 11 DCMR Section 3022, which are the procedures for contested cases. The order of procedure will be as follows:

We'll take up any preliminary matters followed by the presentation of the Applicant's case,

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1 report by the Office of Planning, reports of any other
2 Government agencies represented here tonight, reports
3 of the affected ANCs, organizations and persons in
4 support, organizations and persons in opposition.

5 The following time constraints will be
6 maintained in the hearing:

7 I understand the Applicant will take
8 approximately 25 minutes to make their presentation.
9 Organizations will have five minutes for testimony and
10 Immigration and Naturalization Service will have three
11 minutes.

12 The Commission intends to adhere to these
13 time limits as strictly as possible in order to hear
14 this case in a reasonable period of time. The
15 Commission reserves the right to change the time
16 limits for presentations if necessary and notes that
17 no time shall be ceded.

18 All persons appearing before the
19 Commission are to fill out two witness cards. These
20 cards are located on the table near the door. Upon
21 coming forward to speak to the Commission, please give
22 both cards to the reporter who's sitting to our right.

23 Please be advised that this proceeding is
24 being recorded not only by the court reporter, but is
25 be webcast live. Accordingly, we must ask you to

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1 refrain from making any disruptive noises or actions
2 in the hearing room. When presenting information to
3 the Commission, please turn on and speak into the
4 microphone at the table in front of us, first stating
5 your name and home address. When you are finished
6 speaking, please turn the microphone off so that the
7 microphone is no longer picking up sound or background
8 noise.

9 The decision of the Commission in this
10 case must be based exclusively on the public record.
11 To avoid any appearance to the contrary, the
12 Commission requests that persons present not engage
13 the members of the Commission in conversation during
14 a recess or at any other time. Staff will be
15 available throughout the hearing to answer any
16 procedural questions and you can direct those to Mr.
17 Bastida or Mrs. Schellin.

18 I'd ask that we all turn off our beepers
19 and cell phones at this time so as not to disrupt the
20 hearing.

21 And at this time we will consider any
22 preliminary matter. Mr. Bastida?

23 MR. BASTIDA: Yes, Madam Chairman. The
24 staff has two preliminary matters. The first one is
25 the Applicant has complied with the posted

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1 requirements in accordance to the zoning regulations.

2 The second one is we have received letters
3 and they're on the record from the two individuals
4 requesting party status withdrawing the request for
5 party status.

6 CHAIRPERSON MITTEN: So that would be Mr.
7 Lowrey and 4618 Wisconsin Avenue Associates Limited
8 Partnership?

9 MR. BASTIDA: Correct, Madam Chairman.
10 And the staff has just received a letter from Mr.
11 Lowrey in support of the application, which I will
12 pass immediately.

13 CHAIRPERSON MITTEN: Okay. Thank you.
14 And then the other request was from ANC 3-F. They're
15 requesting party status as an affected ANC because
16 they're across the street and I don't know that
17 there's any objection. We typically grant this. Is
18 there any objection?

19 (No audible response.)

20 CHAIRPERSON MITTEN: All right. So ANC 3-
21 F is in as a party.

22 All right. Any preliminary matters from
23 the Applicant?

24 (No audible response.)

25 CHAIRPERSON MITTEN: Okay. Will all those

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1 planning on testifying this evening rise now to take
2 the oath and raise your right hand and Mrs. Schellin
3 will administer the oath.

4 (The witnesses were sworn.)

5 MR. EPTING: Thank you. Good evening.
6 John Epting with Shaw Pittman. Paul Tummonds is with
7 me tonight also.

8 We've had a long odyssey on this project.
9 We've had multiple discussions with the community,
10 with the various neighborhood groups including ANC 3-
11 E, 3-F, representatives of the Janney School, the
12 Wilson High School, the Friends at Fort Bayard, the
13 Friends of Tenley Library, the Tenleytown Neighborhood
14 Association and the Coalition to Stop Tenleytown
15 Overdevelopment, plus adjacent neighbors, commercial
16 and residential and members of the larger community,
17 as well as the Office of Planning.

18 We believe these meetings and our ability
19 to listen have made this project better for the city
20 and the community. We have support from ANC 3-E and
21 from the Office of Planning and from the CSTO and I
22 believe at this point we have no opposition.

23 The PUD is consistent with the C-2-A
24 guidelines for a PUD. It has a height of 65 feet and
25 FAR of 3 and will occupy 60 percent of the lot.

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1 The PUD process provides the Applicant a
2 certain degree of flexibility from a matter of right
3 building. The architect is going to describe briefly
4 our request to lower the residential recreation
5 requirement. The C-2-A zone and the C-1 zone require
6 20 percent be devoted to residential recreation space.
7 That's the most of any zone. It's interesting that
8 residential buildings in a residential zone require no
9 recreation space. The Zoning Commission itself has
10 recognized in the DD area that recreation space should
11 be reduced because people aren't using it as much.
12 Here, the architect will describe that there are
13 numerous other places where the residents can enjoy
14 residential opportunities. But we do have 12.6
15 percent of our space available for residential
16 recreation.

17 We also have private balconies and
18 terraces which don't meet the strict terms of the
19 zoning regulations, but clearly provide those
20 residents with the opportunity for residential
21 recreation.

22 I'll also note for the record that the BZA
23 gets numerous requests of this sort of reduction all
24 the time now and we think we are consistent with
25 basically what's going on the city.

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1 We're also asking for the flexibility to
2 reduce; not increase, the number of units by
3 approximately 10 percent so that we combine them to
4 make them bigger, depending on the market forces, but
5 the parking would remain unchanged.

6 We also, because we're under 15,000 square
7 feet in lot area, we need a waiver from Section
8 2401.2(a) and (b) where the Commission shall find
9 after a public hearing that the development is of
10 exceptional merit and in the best interest of the city
11 or country and the Commission shall find that if the
12 development is located outside of the central
13 employment area at least 80 percent of the GFA shall
14 be used exclusively for dwelling units and uses
15 accessory thereto. We have 96 percent of our GFA
16 devoted to residential.

17 The Zoning Commission, in the Tenley Park
18 PUD, made a similar waiver and found that in view of
19 the Commission's findings of the proffered public
20 benefits and project amenities were all particularly
21 strong, the Commission finds that the Applicant has
22 met the burden to demonstrate that the proposed PUD is
23 of exception merit and in the best interest of the
24 city and country. That's Order 00-3C, page 13.

25 We believe the test as to whether the

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1 development as whole, the building and all the PUD
2 amenities and benefits together are of exceptional
3 merit are in the best interest of the city or country.
4 In making this determination, the Zoning Commission
5 must look only at what the PUD provides over a matter
6 of right building, but also how much additional
7 density and height are gained through the PUD process.

8 Scott Fuller of IBG will discuss the
9 public benefits of the project, but we did want to
10 note that we believe we have exceptional architecture
11 and landscaping improvements, including a green roof.
12 We have housing opportunities near a Metro station.
13 We received the Washington Smart Growth Alliance
14 Award. We have retail opportunities at the Wisconsin
15 and Brandywine corner. We have affordable housing.
16 We have parking at greater than one-to-one. We have
17 a first source and an LBOC agreement and we have
18 targeted community amenities.

19 We're under the comprehensive plan. We're
20 mixed-use, moderate-density and commercial, medium-
21 density residential. We're with the housing
22 opportunity area adjacent to the Tenley Metro station
23 and we believe that in the best interest of the city
24 additional residential property at this Metro station
25 location is desirable.

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1 And so, we ask that at the end of the
2 hearing the Zoning Commission grant this waiver of the
3 lot area.

4 And with that, I'd like to conclude and go
5 ahead and go to our first witness. We have presented
6 résumés of our traffic expert and our architects and
7 ask that you consider them as experts.

8 CHAIRPERSON MITTEN: Let's take a moment.
9 Would you shut off the clock for a second?

10 Since we had those in advance and people
11 had a chance to review them, is there any objection to
12 accepting the proffered experts in their respective
13 fields?

14 (No audible response.)

15 CHAIRPERSON MITTEN: Okay.

16 MR. EPTING: Thank you.

17 CHAIRPERSON MITTEN: And thank you for
18 submitting them in advance. We really like that.
19 Gold star.

20 MR. EPTING: You could thank Mr. Tummonds
21 for that.

22 I'd like to go ahead and turn it over to
23 Ralph Cunningham and Christ Morrison. Thank you.

24 Scott's had me working all day. I'd like
25 to go to Scott Fuller first from IBG.

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1 MR. FULLER: Thank you, John. I'm Scott
2 Fuller. I live at 19903 Alexander's Grove Drive in
3 Ashburn, Virginia. I'm with IBG Partners, which is
4 the developer on this case. Actually, IBG Partners is
5 the lead partner of Brandywine Associates, more
6 correctly.

7 I just want to speak very briefly about
8 the community input that we've gone through on the
9 project. John enumerated the organizations that we
10 met with. I just wanted to point out that during the
11 extensive community input process which went for about
12 a year and a half, ANC 3-E and an organization known
13 as the Coalition to Stop Tenleytown Overdevelopment
14 were really the two most active organizations that we
15 worked very closely with on the details of the project
16 and we think we've come a long way. We're extremely
17 happy that both of these groups are supporting our
18 application.

19 Just to very briefly touch on some of the
20 issues that these organizations raised that we think
21 we've addressed with the application, there was a
22 concern at many of the meetings that the original
23 concept for the building, which had an FAR of 5.0 was
24 too large of a building and as a result of that, over
25 time we scaled it back to its current FAR of 3.0.

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1 Originally we had a lot coverage of about 95 percent.
2 We've scaled that back to a C-2-A conforming 60
3 percent. There was also great concern, particularly
4 among the CSTO group, that a C-2-B map amendment,
5 which was what our original application was for, would
6 really set a precedent that would make it difficult
7 for the community and that they'd constantly be
8 fighting similar applications in the future. So as a
9 result of their strong pressure on that point, we
10 scaled back to a C-2-A PUD, which is what we currently
11 have. So, that was one of the main objections, but
12 there were others.

13 Obviously, there's a big concern in the
14 neighborhood about parking. Although from a early
15 point we had agreed to provide one-to-one parking,
16 which is, you know, far in excess of what the zone
17 requires, the residents were looking for some other
18 things that we could do to alleviate the parking
19 pressure. So we have now agreed to restrict the
20 ability of condo purchasers in this building to apply
21 for residential zone parking permits to further
22 alleviate parking pressure in the neighborhood.

23 In addition, there were many numerous
24 suggestions about just the physical design of the
25 building. You know, what can you do to make it less

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1 massive looking? What can you do to make it more
2 interesting? And we think what evolved in a extremely
3 handsome building that has many elements that are
4 articulated and also color variations to break up the
5 mass of the building and the architects will talk more
6 about that.

7 Another common issue that was raised was
8 that along Wisconsin Avenue many residents wanted to
9 see some sort of streetscape enhancement that would
10 make that area more pleasant with plantings and maybe
11 places where people could sit and gather. And so we
12 think we've responded well to that. We've put a lot
13 of effort into designing the hard and landscape
14 element along Wisconsin.

15 Another common complaint was with
16 residential buildings you have lots of move-ins and
17 move-outs and what can you about deliveries? And as
18 a consequence, we are providing a lay-by space for
19 trucks to pull off the street and the architects will
20 talk more about that.

21 And then finally, there was a suggestion,
22 "Hey, you know, can you do a green roof on the
23 building?" And at the time that we first started
24 talking about this, the green roof technology was not
25 as advanced as it is now, but we've been at this a

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1 year and a half and things have come a long way, so we
2 are going to be installing a green roof. Again, the
3 architects will go into details on that.

4 And then finally the community wanted a
5 good strong construction agreement particularly with,
6 you know, the neighboring property owners. And we
7 have brought a generic agreement that we'd like to
8 submit tonight and in addition to that generic
9 agreement we've negotiated some particular provisions
10 with a next-door property owner.

11 MR. EPTING: We've actually already
12 submitted that. It was part of those things we filed
13 right before the hearing.

14 MR. FULLER: Finally, I'll just very
15 briefly enumerate the amenity package that we worked
16 out with the community.

17 The Janney Elementary School will receive
18 \$75,000; Tenleytown Branch of the D.C. Public Library,
19 \$25,000; Wilson Senior High School, \$20,000; Friends
20 of Fort Bayard Park, \$15,000; and the D.C. Fire
21 Department/Tenleytown Area, \$47,427.

22 Just one other brief comment. We did want
23 to point out that the process by which we arrived at
24 the amenity package actually initiated at an ANC
25 meeting and we were approached by various groups. We

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1 do believe that going forward, it is a good idea for
2 the ANC to be the forum and the arbiter of how
3 amenities are parceled out. So I just wanted to pass
4 that comment on.

5 MR. EPTING: Now I'd like to turn it over
6 to Ralph Cunningham and Chris Morrison. Thank you.

7 MR. CUNNINGHAM: Good evening. I'm Ralph
8 Cunningham from Cunningham Quill Architects and with
9 me is Chris Morrison on my right.

10 We are very pleased to be here this
11 evening with you. I'm sure that you've been following
12 along with this project for quite some time. As Scott
13 mentioned, we've been working on it for nearly a year
14 and a half now. I think that the most important thing
15 to say about this project, and by the way, my address
16 is 3524 Quebec Street, N.W., which is about 10 blocks
17 or 15 blocks from this site.

18 We have been working on this project for
19 quite some time and I think really what we need to do
20 here tonight is to celebrate the collaboration with
21 the neighborhood. They were quite forceful in their
22 arguments with us and I think that we've managed to
23 achieve a close collaboration with them. And as I'm
24 looking at the Office of Planning, I'm sure all of you
25 are aware in the context of the Wisconsin Avenue

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1 corridor study, it is very nice to be here tonight to
2 talk about a collaboration with the community that
3 appears to be successful so far.

4 On my right is a rendering that is on the
5 left side. That is the most recent rendering. I
6 believe you have it in the package submitted to you
7 tonight. On the right is an aerial photograph of the
8 site. The site, as you know, is at Wisconsin Avenue
9 and Brandywine Streets, N.W. Wisconsin Avenue, as you
10 know, is a major arterial road in the District of
11 Columbia. Brandywine Street at that location is a
12 one-way street leading from Wisconsin Avenue to River
13 Road.

14 The site is bounded by a number of
15 commercial neighbors. To the north is a mixed-use or
16 primarily office building actually well known for
17 Krupins Delicatessen. On the other side is an equally
18 well-known building, Friendship Animal Hospital.
19 Further down Brandywine Street there are a number of
20 single-family residential houses.

21 The site is a very prominent one in
22 Tenleytown. We consider it to be really one of the
23 anchor sites of what we consider Tenley downtown.
24 It's one block from the Metro and so it's very much in
25 the Metro housing opportunity area.

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1 What we've done with the building, and
2 Chris is going to take you with more detail, is really
3 to break down the building into a number of
4 articulated parts. We have a long section of the
5 building along Wisconsin Avenue, which then has an
6 area stepped down to more closely align with the, for
7 a better term, Krupins building to the north.

8 And then the primary site strategy has
9 been to pull the building along Wisconsin Avenue.
10 That is something that really came out very early with
11 the neighbors. They wanted to have more separation
12 from the single-family dwellings to the west and also
13 we wanted to have more separation from Friendship
14 Animal Hospital. So we've developed a courtyard along
15 the Animal Hospital face and that is a major part of
16 our residential recreation space. In fact, it's
17 virtually all of it.

18 Chris, can you move on?

19 I'm going to turn this over to Chris
20 Morrison to talk about the specific plans of the
21 building and I'll kind of jump in as necessary. Thank
22 you.

23 CHAIRPERSON MITTEN: If you'd like, we
24 have this cordless.

25 MR. CUNNINGHAM: Oh, that would be great.

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1 MR. MORRISON: Hi, my name is Chris
2 Morrison. I'm an architect with Cunningham Quill. I
3 live at 4009 Oglethorpe Street in Hyattsville,
4 Maryland.

5 In terms of the site situation, all of our
6 parking occurs below the site in a several level
7 below-grade parking garage. I think our requirement
8 by the by-right zoning for the uses and the occupancy
9 that we have in residential is 21 or 22 spaces and
10 we're far in excess of that at 49 now, over double.
11 This was again in response to a lot of concern in the
12 neighborhood about parking, congesting already very
13 congested neighborhood streets in the Tenley
14 neighborhood.

15 One of the things that has very difficult
16 I think for all of us as a design team understanding
17 and being able to convey to those looking at this and
18 trying to understand what we want to do, but also the
19 community as we've been looking at all of our varying
20 drawings in the dramatic grade changes that occur on
21 this site from one corner to the other. There is
22 about an eight-foot grade drop from the high point,
23 which occurs at the intersection of Brandywine and
24 Wisconsin down to the north towards Krupins.
25 Similarly, there is about a 10 or 11-foot grade drop

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1 from the corner down Brandywine toward River Road.
2 What we've tried to do is to take advantage of that,
3 particularly on this Brandywine facade. What that has
4 allowed us to do is to bring in our main entrance at
5 the higher elevation at the corner of Brandywine and
6 Wisconsin and bring in our vehicular entrance at the
7 same curb cut where Babes currently has their curb cut
8 into their garage now. The garage entrance is at the
9 western side of the site, almost 11 feet down from the
10 corner and we come in and immediately start ramping
11 down into the garage. Above that garage ramp is our
12 terrace, which is set between our building and the
13 Friendship Animal Hospital to the west. This is
14 landscaped with low plantings, as well as ornamental
15 trees and there's also a terraced area that has direct
16 access from all of the units that are on the English
17 basement level. This is also where we have a lay-by
18 area off of the street for box vans and moving vans
19 that will be able to access down at this lower level
20 into our service corridor and elevators so that we're
21 not going through the main lobby up above.

22 The main level is at the height of
23 Brandywine and Wisconsin. At this point we come in at
24 grade into the main lobby. Immediately at the corner
25 of Wisconsin and Brandywine Street is the major retail

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1 area and the rest of this floor is residential. The
2 retail area is accessed directly off of the plaza and
3 the residential lobby is adjacent to that with its
4 main steps coming right up off of Brandywine.

5 We have an affordable unit in this
6 building and that has a prominent location on the
7 ground floor in the corner with long views down
8 Wisconsin. Although the corner location on the street
9 was a concern, this is actually a premium unit in that
10 it has a finished basement area, as well as being
11 raised up above the sidewalk and grade at Wisconsin.
12 So it has views over the sidewalk there.

13 This is a good drawing to describe some of
14 the streetscape that we've got going on. We have a
15 marker and a plaza here at the corner to again allow
16 this view as you come up north from Wisconsin to
17 really act as a landmark image for the building. This
18 is also a primary pedestrian path to the Metro, which
19 is a block away. One of the things that we want to
20 try to do is, you know, take the building which has
21 already been reduced in size and help break down its
22 scale both on the Wisconsin side and in that regard
23 what we're doing is, we're doing that with these
24 stepping bays from the main block to this front block
25 and then in the landscape with a long planting buffer

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1 in between the building, a serpentine wall with
2 flowers and ornamental trees that run along the
3 sidewalk, as well as the planting strip at the curb,
4 and we're supplementing the existing street trees that
5 are there.

6 MR. CUNNINGHAM: One of the concerns that
7 was mentioned by the neighbors was the location of the
8 retail space; it's clearly a corner store. And one of
9 the things that Chris was just pointing out is that
10 there is an eight-foot long or an eight-foot vertical
11 drop along Wisconsin Avenue, so the retail entrance is
12 really right up at the corner. As you get pretty much
13 to the end of the retail space, you start to drop out
14 of vertical access to it. You'd have to have a lot of
15 stairs there if you had retail all the way along
16 Wisconsin.

17 MR. MORRISON: The section in the package
18 also illustrates what we're trying to do here. The
19 face of the building is here and not only are these
20 buffer zones occurring horizontally giving you some
21 vegetative and scale-changing elements with the trees
22 and the planting material, we're also stepping down in
23 the terracing. Up at the intersection where we come
24 in the entrance, this is essentially at grade. But as
25 we move down Wisconsin, these planting beds and the

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1 sidewalk start to increasingly drop from the upper
2 planting bed which is at the face of the building.
3 So, we're getting some things happening there.

4 The typical floor plan above grade
5 describes pretty well the unit distribution throughout
6 the building. We have typically eight units a floor.
7 There are mostly one-bedroom/one-bedroom dens and
8 there are two two-bedroom units on each floor at this
9 point.

10 This level repeats all the way up. These
11 units, as you can see from the drawing, have balconies
12 and inset terraces. They all have some sort of
13 outdoor space that although it doesn't count toward
14 our residential rec. formally, it does serve that
15 purpose in some regard.

16 The top floor has roof access and these
17 roof terraces are partially paved and planted. The
18 idea is that the terraces would be able to be
19 developed by the tenants with potted and plant
20 material in pots. And with that, we also have some of
21 the green roof material.

22 The green roof system that we're talking
23 about doing is, there's one marketed by Hydrotech and
24 in this system there is a hot fluid applied membrane
25 that is attached to the concrete roof deck. Above

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1 that then there is a tray with engineered soil and
2 plant material. What this does is it not only allows
3 visually to have the green growing in those beds, but
4 it also serves to help reduce the load on our storm
5 water management by allowing a slow percolation of
6 rain that's collected, you know, from the rain. We're
7 trying to utilize that in as many locations here. In
8 addition to the areas that you see on this drawing, on
9 the overall penthouse roof we're also using the green
10 roof on that whole surface.

11 Originally when we first looked at this,
12 what we had hoped to do and what we had been doing in
13 other projects, you know, over the last several years,
14 but which has become increasingly scrutinized is the
15 development of these roofscapes as private terraces
16 and party rooms or what-not for the residents below.
17 When we've met with the zoning administrator, one of
18 the things that we did was limited the size of those
19 areas so that they're truly just access to the roof
20 scape. In order to have our unified roof structure,
21 we have a roof that covers this whole area, but some
22 of them are just paved. The actual inside/outside
23 line is defined by color here and you can see. So,
24 for example, this unit here would have this access
25 stair up to their roof space and they'd have a

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1 partially-covered area and then this open area of
2 paved and green space area that they would be able to
3 utilize.

4 As John and Ralph brought up before, in
5 our project we have about I think 7,200 square feet
6 required in order to get us to the 20 percent
7 residential rec. We're at about I think 5,300. We're
8 about 1,500 square feet shy. Forty-five hundred
9 square feet of that is the lower garden terrace which
10 is available to the entire building as well as the
11 residents down at the lower level, as well as green
12 buffer between our building and the animal hospital
13 and the adjacent single-family residential
14 neighborhood to the west.

15 Oh, I should point out that one of the
16 other things that we are asking for relief from is
17 that although our main structure, our penthouse
18 structure is set back at the one-to-one rule, we have
19 an area that encroaches into that right here where
20 we're trying to -- we've got an exit stair that pops
21 up to give emergency access for our folks, the only
22 way that it is not set back is this side portion here.
23 We are set back on all the other primary faces.

24 The building pallet and materials is
25 another area that we have really worked hard with the

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1 community and have really responded I think to a lot
2 of the comments and concerns. Some of the earlier
3 schemes, I don't know if you recall, there were
4 concerns that it was too monolithic, it wasn't
5 articulated enough, that there were too many elements
6 of glass and metal panel that gave a connotation of a
7 more commercial building. And what we've tried to do
8 is to respond by that and even though the scheme
9 really hasn't changed a lot, I think that the pallet
10 of materials has softened quite a bit. Rather than
11 having this wing wall that was parallel to Wisconsin
12 and was originally and largely was metal panel and
13 glass.

14 We have broken this into a primarily
15 masonry bay that works with the same vocabulary in
16 masonry and the rest of the building with insets of
17 glass, a little bit of metal panel, but lots of deep
18 recesses for inset balconies, as well as lots of
19 articulation and deep recesses on the windows. The
20 material board is there. You have a reproduction of
21 that in your books, but the primary materials that we
22 used in this project are brick in three colors. We
23 have the dark brick at the base, a red brick for the
24 medium zone of this and then again a light buff brick
25 up in the upper zone. Integrated with that in these

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1 major opening and minor openings for the window system
2 is a metal panel system. We're currently looking
3 right now at a warm metallic color, a champagne color
4 with accents of dark gray. Bands of precast lintels
5 and running bond and metal trellises and cornices
6 again help respond to a lot of the comments that we've
7 heard, but they really -- I think we reflected very
8 carefully on those things as we continued to study and
9 the building evolved forward.

10 MR. CUNNINGHAM: With 25 seconds to go,
11 with that we'll conclude our presentation. We'll be
12 happy to answer questions later in the evening. Thank
13 you.

14 CHAIRPERSON MITTEN: Thank you.

15 MR. EPTING: Could I ask Chris one
16 question?

17 Chris, could you show the community room
18 where asked flexibility on the residential rec. also?

19 MR. MORRISON: Yes.

20 MR. EPTING: We have 1,000 foot community
21 room where we've asked for flexibility to convert that
22 to retail storage. There was some discussion with the
23 Office of Planning because there's concern that it
24 might make the retail better to have the storage down
25 there and that people won't use the below-grade 1000-

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1 foot community room. So we've asked for that
2 flexibility too.

3 And actually I'd ask for one more
4 flexibility. We'd like the flexibility to move the
5 affordable unit upstairs, if we so determine. There
6 was concern before that it was basically in a bad
7 location because we had them the back. Now we have it
8 in the front and it actually has a basement. It's a
9 great unit, but we might even want to move them up,
10 depending on the market.

11 Our traffic consultant Mike Workosky is
12 here. Unless there are specific questions for him, I
13 was just going to have him stand on the record and
14 that would conclude our presentation.

15 I've got a brief closing statement at the
16 end.

17 CHAIRPERSON MITTEN: Okay. Thank you.
18 Questions from the Commission?

19 COMMISSIONER JEFFRIES: Yes, let me start.

20 CHAIRPERSON MITTEN: Mr. Jeffries?

21 COMMISSIONER JEFFRIES: The affordable
22 unit you talked about, the total square footage on
23 that, is it roughly like 1,200 or a little less than
24 that?

25 MR. MORRISON: That's correct. It's about

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1 1,200 square feet.

2 COMMISSIONER JEFFRIES: And I guess that
3 seems like a fairly large one-bedroom apartment to me.
4 So I guess what's driving that size? Is it market?

5 MR. MORRISON: It is. It's partly market,
6 but it's also in response to a lot of the concern of
7 the community. One of the things was is that they
8 wanted affordable housing that was not just token.
9 They wanted something that could actually be utilized
10 by the family as opposed to a single. They felt that
11 that was where the great need was and that was one of
12 the reasons that drove that.

13 MR. EPTING: Well, they also wanted to be
14 in the same location as other units. They didn't want
15 it to be isolated. There were some concerns we were
16 putting it on the first floor, but I think now we've
17 sort of reconciled that. They actually have their own
18 terrace and things.

19 COMMISSIONER JEFFRIES: Well, I guess my
20 question is --

21 MR. EPTING: And I think two would be too
22 small. I mean, you'd be down to 600 square feet.

23 COMMISSIONER JEFFRIES: Well, I guess I'm
24 dealing with the fact that for a one-bedroom
25 apartment, 1,200 square feet, and if you're looking at

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1 families, I mean, you know, that's not going to be
2 suitable for a family. So if you're really genuinely
3 trying to look at an affordable unit for a family, I
4 mean, you're going to have to look at something
5 greater than a one-bedroom.

6 And then secondly, you know, I guess, you
7 know, from my experience, you know, a one-bedroom is
8 typically between 700 and 800 square feet roughly,
9 depending on the market and so forth and I'm just sort
10 of wondering, you know, if there was perhaps a second
11 unit, you know, two smaller one-bedrooms, 700 square
12 feet, that would add another 300 of 400 total. It
13 would look a little bit more attractive.

14 Again, I'm just putting that out there.
15 You know, you need to do your market research to get
16 comfortable with whether you think that is sellable or
17 not. I'm must sort of, you know, looking at that. I
18 mean, a 1,200 unit or roughly 1,200 square foot unit,
19 one-bedroom, just seems to be a little off a little
20 bit for me.

21 MR. FULLER: If I could respond to that
22 also?

23 COMMISSIONER JEFFRIES: Sure.

24 MR. FULLER: One of the reasons it is a
25 1,200 square foot one-bedroom, I mean, obviously you

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1 should be able to get a least two bedrooms in a -- is
2 that there's a lower level to the unit that is below
3 grade and doesn't have the adequate light to serve as
4 a bedroom. One of the reasons we wanted flexibility
5 to move that unit upstairs is for the same square
6 footage or even less square footage we could provide
7 a two-bedroom unit instead of just a one-bedroom unit.
8 So that is something that we had thought about doing.

9 COMMISSIONER JEFFRIES: Okay. Well, I
10 just think it would be a very good thing as it relates
11 to sort of, you know, affordable housing, families and
12 so forth. If you're looking at two-bedroom or two
13 one-bedrooms, smaller, that's fine.

14 I have a few other questions and I'm sort
15 of going to be all over the map.

16 I am very happy to see a change in the
17 facade. I quite frankly thought I was looking at K
18 Street for a second, from what was submitted before,
19 and it's good to see that this, as you say, monolithic
20 building has been broken down a bit and I think that's
21 more attractive.

22 I did have a question about the location
23 of the retail and I'm just wondering, I know that
24 you're looking at retail that's sort of Ma and Pa
25 neighborhood-oriented retail. You're not looking at

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1 the nationals that will be very concerned about access
2 and getting to that sort of side door. Any concerns
3 about that? I'm just sort of wondering, you have that
4 long landscaped piece there and then you sort of go
5 around it to get to the retail. Any concerns about,
6 you know, now retailers could respond to that?

7 And also signage. You know, I'm trying to
8 get a sense of how that's going to be handled as well.

9 MR. CUNNINGHAM: I think there are a
10 couple of answers to your question. One is that the
11 retail entrance is off this plaza here that is really
12 right at the corner of Wisconsin and Brandywine and
13 you may be able to see this better in your small
14 version of the rendering than what I'm going to point
15 to here, but you might notice that there's a canopy
16 right there. That is actually the retail entrance.

17 COMMISSIONER JEFFRIES: Okay.

18 MR. CUNNINGHAM: And the sign then would
19 be on the canopy.

20 COMMISSIONER JEFFRIES: Okay. Oh, I see.
21 I see the little --

22 MR. CUNNINGHAM: Right.

23 COMMISSIONER JEFFRIES: Okay. Okay.

24 MR. CUNNINGHAM: It's very hard to see up
25 here and I apologize for that.

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1 COMMISSIONER JEFFRIES: So if you're
2 walking south on Wisconsin --

3 MR. CUNNINGHAM: Yes, the is Metro behind
4 you.

5 COMMISSIONER JEFFRIES: Okay. Okay.

6 MR. CUNNINGHAM: And so this is actually
7 a fort of plateau.

8 COMMISSIONER JEFFRIES: Okay.

9 MR. CUNNINGHAM: And you start to go down
10 the hill pretty much right at Brandywine Street.

11 COMMISSIONER JEFFRIES: Okay. So it's
12 highest point?

13 MR. CUNNINGHAM: It's at the highest point
14 of this side.

15 COMMISSIONER JEFFRIES: Okay.

16 MR. CUNNINGHAM: And it is at the corner,
17 which is actually quite visible because there's a very
18 tall building across the street, but it's curved and
19 so the corner becomes more visible because of that.
20 Also Wisconsin Avenue starts to turn a bit there.

21 COMMISSIONER JEFFRIES: Okay. My other
22 question is around the retail space. So is that going
23 to be condo space as well, or is it going to be owned
24 by the condominium association? How are you handling
25 the retail?

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1 MR. FULLER: The retail would be a
2 condominium unit.

3 COMMISSIONER JEFFRIES: Okay. So you'd be
4 looking for someone who wants to buy that sixteen-
5 five?

6 MR. FULLER: Yes. Yes, we would.

7 COMMISSIONER JEFFRIES: Okay. And in
8 terms of a business not being successful there and so
9 forth, I mean the condominium association will have --
10 I'm just trying to figure out how that's going to work
11 as relates to the condominium owners and then the
12 actual retail owner. If the business is not
13 successful, how is that going to work with the
14 condominium association?

15 MR. FULLER: Well, it's quite possible
16 that the retail space will be owned by other than the
17 retailer.

18 COMMISSIONER JEFFRIES: Okay.

19 MR. FULLER: It may be an investor unit.
20 And it would be the investor-owner's responsibility to
21 keep a tenant in the space. If a tenant failed, he'd
22 have to lease it to someone else.

23 COMMISSIONER JEFFRIES: Okay. Yes, I just
24 have a prior experience with something like that that
25 sort of got a little crazy with a business that really

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1 wasn't successful and then you had an owner, a retail
2 owner who just sort of just left it dark and the
3 condominium association just did not have the right
4 language in order to deal with it.

5 The other question I had was and you sort
6 of talked about this a little bit and that is the
7 monies to the various community groups. I'd just
8 really like to, and maybe someone's going to do this
9 a little later, is sort of walk me through what the
10 process in terms of dispersing those monies. That's
11 another one that I sort of dealt with in the past.
12 Those monies, will they be escrowed or how will that
13 be handled?

14 MR. EPTING: It'd be a condition and an
15 order that they monies be paid at time of building
16 permit issuance. That's the condition we've requested
17 or suggested. We're flexible for others, but that's
18 typically what we've done.

19 COMMISSIONER JEFFRIES: Okay. I just
20 wanted to put that on the record. I just, you know,
21 I had some prior experience of, you know, a developer
22 managing its cash flows and not quite being able to
23 stick with what was set forth and, you know, it was
24 always nice to have those monies escrowed and so that
25 the community knows that the money is there.

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1 MR. EPTING: And typically when we go for
2 the permit or the CFO, we have to show the zoning
3 office that we've met XYZ conditions.

4 COMMISSIONER JEFFRIES: Okay.

5 MR. EPTING: And have evidence that we've
6 met them.

7 COMMISSIONER JEFFRIES: Okay.

8 MR. EPTING: So I think the building
9 permit would work for that.

10 COMMISSIONER JEFFRIES: Okay. Okay.

11 That's it on my end. Thank you.

12 CHAIRPERSON MITTEN: Thank you,
13 Commissioner Jeffries.

14 Mr. Hood?

15 VICE-CHAIR HOOD: Madam Chair, I just have
16 one question to follow up on Commissioner Jeffries
17 question. This I guess goes to Mr. Fuller, to
18 continue his question about the escrow and the money
19 going to the community groups.

20 You stated that the ANC be the, I think
21 you said facilitator or arbitrator, I forgot exactly.
22 Explain to me what you --

23 MR. FULLER: Well, we originally
24 approached the ANC 3-E at a meeting and we said that
25 we were interested in getting suggestions/proposals

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1 from the community for our amenity package. We didn't
2 have an preconceptions about what the money would go
3 to, but we did want it to go to targeted definitive,
4 you know, activities as opposed to just a blanket
5 donation to an organization. So we wanted specific
6 projects brought forth. And at the conclusion of that
7 meeting, sort of a process started where organizations
8 came up to us and said, "Hey, you know, I'm with such-
9 and-such an organization. We need this. What do you
10 think about this idea?" So that was the process
11 really that we went through.

12 In later discussions with the community,
13 some organizations said, "Well, gee, that seems like,
14 you know, it's sort of a market approach to amenities,
15 but it would be nice if there was some sort of
16 organized approach that the ANC oversaw. And while we
17 agreed with that, that wasn't the process that the ANC
18 was following at the time and we sort of went with the
19 way things were at the time. And we didn't feel that
20 it would be appropriate to withdraw the commitments
21 that we made to those organizations and throw it back
22 to the ANC and start the process over, but we did want
23 to, for the record, you know, at this hearing indicate
24 that we think it's a good idea to have the ANC
25 participate in making the decisions about how

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1 amenities are allocated. But that just wasn't the
2 process that we went through and we didn't think it
3 would be appropriate. These organizations, this was
4 over a long period of time from the time that we first
5 committed to these organizations until now; they have
6 relied upon that and gone out and, you know, done
7 things. And so we didn't feel that it would be
8 appropriate to withdraw the donations and I think all
9 the people that we were talking to in the community
10 about that subject I think agreed with us on that. So
11 ultimately, I think we're in sync about how the
12 amenities were allocated.

13 VICE-CHAIR HOOD: So basically the ANC's
14 role was just to help you identify some projects also?

15 MR. FULLER: Yes, and to sort of act as a
16 forum where we could announce that we are looking for
17 projects and then people who were in attendance at the
18 meeting could come up to us. But I think what some
19 members of the community have indicated to us that
20 they'd like to see is a more formal process where the
21 ANC sort of works on their own to come up with a list
22 of organizations that they deem, you know,
23 appropriate, worthy, etcetera and then go to the
24 developer and say, "These are the things we'd like to
25 see you do as opposed to the way we did it where we

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1 just sort of threw it open and people came up to us
2 and then we made the decision as to whether we thought
3 it was appropriate or not."

4 VICE-CHAIR HOOD: I think we're going in
5 the right direction, what I see here in front of me
6 and I'll tell you why. I'm sure not 3-E, but some of
7 the ANCs in the city may have some problems getting
8 along and doing some things. I just didn't want to
9 see us going down the line to where we just leave it
10 all up the ANCs, and believe me, I respect the ANCs
11 big time and respect the community workers. They
12 don't get paid; they're volunteers.

13 MR. FULLER: Right.

14 VICE-CHAIR HOOD: But sometime some of
15 them, not 3-E of course; they don't have any problems.
16 I'm speaking in terms of other ANCs that may have a
17 problem. So I like the way I see here now and help
18 with the identification of doing some projects and I
19 don't know if we want to go down that line where they
20 really have so much say-so and "yea" or "nay" and it's
21 not necessary, like I say, 3-E doesn't have that
22 problem because some ANCs are not up to snuff like 3-E
23 and 3-F and 5-A and 5-B, you know? So I think that I
24 like what I see here. I was just concerned about when
25 I heard you say the arbitrator or the facilitator.

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1 MR. FULLER: Yes, I think ultimately it
2 needs to be a joint effort no matter how you set it
3 up, but I think there are those in the 3-E community
4 who felt like the ANC should have a little bit more of
5 an active role, rather than just saying, you know, "Go
6 to it," you know, to the developer. "You figure out
7 what you're going to do." And I just wanted to say
8 that we're not opposed to the idea of working with the
9 ANC jointly to arrive at what organization should
10 receive the amenities.

11 VICE-CHAIR HOOD: Okay. And I'll just
12 commend you. I think you've come a long way from when
13 I first saw this.

14 MR. FULLER: Thank you very much.
15 Appreciate that.

16 VICE-CHAIR HOOD: Thank you. Thank you,
17 Madam Chairman.

18 CHAIRPERSON MITTEN: Anyone else?
19 Commissioner Hildebrand?

20 COMMISSIONER HILDEBRAND: I'd like to talk
21 more about the penthouse level and meshing the
22 proposed new facade with the roof plan. Clearly there
23 are some structures shown in the facade that are not
24 showing up on the roof plan. What exactly is your
25 intent as far as the openings and void spaces that are

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1 shown in the elevation? They appear to be glass in
2 the elevation. I'm looking particularly at A-11.
3 Right. And how do those relate to the roof plan as
4 far as the interior versus exterior space?

5 MR. MORRISON: I think that part of the
6 problem is the rendering technique. The idea here is
7 that the penthouse will be a unified structure and
8 within that structure there will be areas that will be
9 deeply punched back, different bays that will be
10 deeply punched back. And so these dark areas that
11 show up as blue here really should be more like the
12 gray where the shadow is.

13 COMMISSIONER HILDEBRAND: So is the idea
14 that the walls of the stair enclosures will be glass?
15 Is that the intent?

16 MR. CUNNINGHAM: Yes.

17 MR. MORRISON: Yes, glass and --

18 MR. CUNNINGHAM: Yes. So there will be a
19 combination of solids and voids along the top of the
20 building.

21 COMMISSIONER HILDEBRAND: Do you know of
22 a precedent where the roof structure like that has
23 been monolithic with these very large setbacks into
24 pockets that are covered exterior space?

25 MR. CUNNINGHAM: Yes, I do and actually we

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1 had a photograph of our building which is about a
2 block away, which is also a PUD at Tenley Hill. It
3 has the identical treatment, which was a Zoning
4 Commission case maybe five years ago.

5 COMMISSIONER HILDEBRAND: Can you discuss
6 a little bit about the sizes of the spaces at the top
7 of the staircases that are enclosed? I'm trying in my
8 own mind's eye get an idea of what dimensions are on
9 those landings as interior spaces. And some of them
10 seem quite small and others almost appear to be
11 approaching bedroom size.

12 MR. MORRISON: The spaces were carved back
13 in order to again make them regular, to kind of allow
14 this to be regular, but scaled back so that
15 essentially you just had a landing up at the top.
16 This stair is in the order of three feet wide so this
17 space is about six by six here. This space is open to
18 below and this is about six by six again.

19 So what we've tried to do is to create
20 some place that, you know, there would be enough of a
21 landing at the top where the door to exit out onto the
22 terrace was. But again after our meeting with the
23 zoning administrator we kind of worked all of those
24 back so that it was really just roof access.

25 COMMISSIONER HILDEBRAND: Okay. Basically

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1 one concern is that over time the possibility that
2 these covered terraces could become enclosed with
3 screen enclosures and then they become occupiable
4 space and that effects your FAR calculations. Would
5 there be any mechanism to preclude that from happening
6 in your condo regulations?

7 MR. CUNNINGHAM: Yes, we can put that in
8 the condo documents. Of course that would also be
9 illegal construction without presumably a building
10 permit. And I will see that at Tenley Hill that has
11 not happened. I was just up there this summer and
12 they're still open. It's actually very attractive to
13 have some covered outdoor space, particularly you know
14 how hot a roof can be, to have you know a kind of a
15 open porch as opposed to just sitting on the roof
16 pavers.

17 COMMISSIONER HILDEBRAND: The corridor
18 that you have connecting this as a spine, what is that
19 serving? I don't see any doors coming into it from
20 any of the other spaces.

21 MR. CUNNINGHAM: There is one door. The
22 one door is to this fire stair and what will be in
23 there is, there will be at some point along here a
24 roof hatch and probably two of them because the upper
25 roof is a condenser farm and also it's surrounded by

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1 the green roof so that has to be maintained. So it's
2 really just simply a way to get across the upper roof
3 without going through any of the units. So a service
4 technician will come up this stair and then be able to
5 walk down that corridor.

6 COMMISSIONER HILDEBRAND: And then go
7 through ladders and hatches?

8 MR. CUNNINGHAM: A hatch, yes.

9 COMMISSIONER HILDEBRAND: Onto the roof?

10 MR. CUNNINGHAM: Right.

11 MR. MORRISON: Plus that's where we're
12 expecting most of our vertical transitions for all of
13 the, you know, shafts and condenser lines and so forth
14 will run.

15 COMMISSIONER HILDEBRAND: I'm interested
16 in the projecting canopy at the roof line. What is
17 your idea on how that's tied back to the building?
18 Right now it's just a very flat plane. Have you
19 developed a concept of how that will be articulated?

20 MR. MORRISON: What we're anticipating
21 here is something that is going to give us a little
22 bit of shadow with projecting tapered brackets that
23 are tied into a regulating line within the facade and
24 on those brackets would be a series of metal tubes
25 that would be able to create that trellis effect as

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1 well as a cornice of sorts for the ends of that bar.

2 MR. CUNNINGHAM: Those photographs are
3 from the Mather building at 9th and G, which was a BZA
4 case that we all went through together, with the
5 exception of Scott. But it would be a fairly
6 lightweight metal cornice.

7 CHAIRPERSON MITTEN: Anything else?

8 COMMISSIONER HILDEBRAND: Well, the other
9 question I had is, is the facade, there seems to be
10 very little change of plane vertically other than the
11 bold massing moves in the building. Is it your intent
12 as you develop the articulation of the building to try
13 to accentuate the base, the plinth, the cornice, with
14 actual breaks and planes of material so it's not just
15 a sheer vertical line that changes color and texture
16 as it goes vertically through the building?

17 MR. CUNNINGHAM: Yes, this example again,
18 which is again an example of one of our projects,
19 Tenley Hill, down the street, I think there would be
20 projecting precast bands and those sorts of elements.
21 I think, you know, we would try mightily to avoid a
22 flat transition between the planes of brick.

23 COMMISSIONER HILDEBRAND: Okay. And in
24 your elevations you're not showing the elevator
25 override. What is its projected -- I see you have a

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1 line here, but could you give it to us graphically at
2 some point on your elevations, how that elevator
3 penthouse works?

4 MR. CUNNINGHAM: We're going to look and
5 see if it's in one of our sections. At this time we
6 don't think it will project more than the 12 feet of
7 the penthouse. It will project up into the upper roof
8 as a, you know, more or less three-foot tall box, but
9 we're not asking for anything like an 18-foot 6-inch
10 penthouse.

11 COMMISSIONER HILDEBRAND: Right.

12 MR. CUNNINGHAM: And we're certainly not
13 looking for a, you know, 10 foot by 10 foot tower
14 that's 10 feet tall above the main roof.

15 COMMISSIONER HILDEBRAND: Yes, it just
16 seems as though it's an 18 and a half foot height
17 difference between the elevator roof and the penthouse
18 roof, but the massing of that never shows up on your
19 elevations. I've got a elevator roof elevation of
20 476. I'm showing on A-11. Is that just an old line?

21 UNIDENTIFIED SPEAKER: It is an old line.

22 MR. CUNNINGHAM: Yes, I apologize, it is
23 an old line.

24 COMMISSIONER HILDEBRAND: Okay. The metal
25 railing that's on the roof of the penthouse, is that

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1 what's actually screening your mechanical equipment,
2 the condensing units?

3 MR. CUNNINGHAM: Yes, it's really not just
4 a rail. It's really probably a louver system, but it
5 will be probably the technical requirements for it,
6 it's about 50 percent open.

7 COMMISSIONER HILDEBRAND: It would be in
8 the same vein as your louvered canopy?

9 MR. CUNNINGHAM: Very much so. Same
10 material, same color, all of that sort of thing.

11 COMMISSIONER HILDEBRAND: Okay. Thank
12 you.

13 MR. CUNNINGHAM: Thank you.

14 CHAIRPERSON MITTEN: I just have a couple
15 of quick questions. Where will you be handling the
16 trash outside?

17 MR. CUNNINGHAM: Excellent question.

18 CHAIRPERSON MITTEN: I thought of it all
19 by myself.

20 MR. CUNNINGHAM: The building will have a
21 trash chute and it will down to the trash room which
22 is in the basement and then will go along the rear
23 service corridor out to the service lay-by.

24 CHAIRPERSON MITTEN: So it's going to be
25 parted out and --

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1 MR. CUNNINGHAM: Yes, rolling dumpsters.

2 CHAIRPERSON MITTEN: Okay.

3 MR. CUNNINGHAM: That's correct. But
4 there is a service corridor in the basement for that.

5 CHAIRPERSON MITTEN: Okay. And I just
6 wanted to talk a minute about the retail and the
7 selection. I understood the bit about the change in
8 grade, but given that the entrance is at the corner,
9 could you just talk to us a little bit more about the
10 decision to select Brandywine Street for the entrance
11 when you could have just moved the entrance, still
12 being at the corner, but to the Wisconsin Avenue side
13 and then, I'll just give you all my questions
14 together, I guess the depth of the planter relative to
15 the sidewalk. I haven't been a pedestrian very
16 frequently up in that area and I don't know how the
17 width of the sidewalk changes to the north and to the
18 south. So, you know, I just wanted to understand that
19 a little bit better.

20 MR. CUNNINGHAM: In terms of the retail
21 entrance, are you talking about the entrance to the
22 residential now on Brandywine?

23 CHAIRPERSON MITTEN: No, the retail.

24 MR. CUNNINGHAM: Well, we kind of think of
25 it as really at the corner. I mean, it is somewhat on

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1 Brandywine. We're also showing some doors that are
2 right in this corner here. I think it is all very
3 close to the corner.

4 The residential entrance we wanted on
5 Brandywine because Brandywine is a residential street.

6 CHAIRPERSON MITTEN: Right, and I
7 understand that part. I guess I just wondered why you
8 didn't want to orient the entrance to the retail more
9 to Wisconsin.

10 MR. CUNNINGHAM: I think that it mostly
11 has to do with the grade again that, you know, this is
12 kind of grade zero, which is where our first floor
13 grade is. And in order to get into the space, you
14 really have to kind of just walk diagonally across the
15 corner and right in. Wisconsin Avenue starts to drop
16 fairly quickly and so that was the reason.

17 In terms of examples, next time you're
18 walking, if you walk really directly to the north to
19 Krupins, you can kind of see the result of all of
20 these grade changes where you have these sloped
21 planters, a series of stairs. The stairs are very
22 steep; you kind of fall up and down them. Also at our
23 building down the street, Tenley Hill, we have
24 something reasonably similar where we have a sidewalk,
25 planting bed and then building.

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1 Chris, where is that section?

2 And in terms of the width of the sidewalk,
3 we're just simply continuing the width of the sidewalk
4 that exists up and down Wisconsin Avenue and on that
5 part of the street. It's actually relatively ragged
6 because there are some uses in there that are not --
7 you know, there's things like the Steak and Egg
8 Kitchen that kind of go in and out. So we have a
9 five-foot six-inch wide planting strip, which is what
10 is there now. The sidewalk varies from five-10 to
11 nine-foot eight which is also what happens there now.
12 And then we have a seven-foot six planting bed and
13 then basically a one-foot six sidewall and then a
14 seven-foot three planting bed.

15 It's a relatively wide area of public
16 space there. I think frankly it has to do with the
17 turn from the very wide public sidewalk in front of
18 the Metro at the former Sears building that is now
19 being, you know, built as condominiums.

20 UNIDENTIFIED SPEAKER: I think that was
21 all.

22 CHAIRPERSON MITTEN: Yes. Thank you. Mr.
23 Jeffries, did you have any other questions?

24 COMMISSIONER JEFFRIES: Just back to the
25 retail again. If you're walking south along

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1 Wisconsin, can we just see a site plan? If you're
2 walking south along Wisconsin --

3 UNIDENTIFIED SPEAKER: (Off microphone.)

4 CHAIRPERSON MITTEN: You need to have the
5 mike.

6 COMMISSIONER JEFFRIES: Yes, so you're
7 walking south along Wisconsin. You somehow didn't
8 come up from the Metro. You're walking south.

9 MR. CUNNINGHAM: Walking up the hill.

10 COMMISSIONER JEFFRIES: You know, how do
11 you know you got a retailer here?

12 MR. CUNNINGHAM: If you're walking up this
13 sidewalk here?

14 COMMISSIONER JEFFRIES: Absolutely.
15 Walking south on Wisconsin. I mean, I guess the
16 difficulty that I'm having is this is just so
17 completely characteristic of D.C. to have entrances,
18 retail entrances along the main thoroughfare and I
19 guess this is probably a question more for Office of
20 Planning, you know. I'll pose the same question to
21 them. It just seems to be a little out of character.
22 That's all. And that's sort of what I'm responding
23 to. I clearly understood what you were saying in
24 terms of being a high point and once you come up the
25 subway, you see this, you know, retail on the hill

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1 kind of thing. But I'm just wondering if you're
2 walking south, you know, you sort of end up stumbling
3 upon it and you can get right past it and then you
4 have this very directional planter, which is almost
5 like defensive space of sorts. I'm just wondering
6 sort of what impact that has on the retail. And
7 again, you seem like you've basically said the same
8 thing in response to the Chair's question as you did
9 for me, and maybe this is something that I should ask
10 the Office of Planning.

11 MR. CUNNINGHAM: I would be interested to
12 hear what the Office of Planning has to say about that
13 and they may have something to say.

14 I think if you would like to suggest that
15 there the planting strip here be shorter and allow,
16 you know, some sidewalk around the building towards
17 the retail --

18 COMMISSIONER JEFFRIES: Again, I mean, it
19 just seems it's a long facade, long ground area and
20 that it's retail. You want to think it's a major
21 mixed-use project and you'd look for ground floor
22 retail and then there's no door there. So, I'm done.

23 MR. CUNNINGHAM: Thank you.

24 VICE-CHAIR HOOD: Madam Chairman, I just
25 have one quick question.

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1 Mr. Epting, I'm not sure exactly if you've
2 seen this October 5th from ANC 3-F, while I know this
3 in 3-E, which is right across the street.

4 MR. EPTING: We have seen it, yes.

5 VICE-CHAIR HOOD: Okay. I believe from
6 looking at what I see here, you may have addressed,
7 may have addressed, I know the affordable housing
8 issue that's been raised has not been addressed, but
9 the streetscape and redesign to give adequate space to
10 the sidewalk and tree box. That's already been
11 addressed. Could you just look at that list and tell
12 me what on this list has not been addressed, with the
13 exception of what jumps right out at me is the three
14 affordable residential units?

15 MR. EPTING: Well, I think we did address
16 that. The thing the Office of Planning wants
17 applicants to do 15 percent affordable housing for the
18 increase of GFA that you're getting as part of a PUD.
19 Because we're only getting a little over 6,000 square
20 feet, that 1,200 square feet that we talked about
21 meets our, I think, 18 percent. So we're over, well
22 over the minimum that the Office of Planning has
23 called for. Three affordable units would be well over
24 that.

25 VICE-CHAIR HOOD: So there's a formulae

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1 here somewhere. I just didn't what it was.

2 MR. EPTING: Right. They also requested
3 that we do commercial all the way down Wisconsin and
4 there has been concern in the neighborhood about doing
5 that because one, they want to make sure the
6 residential works. As Mr. Cunningham said and you can
7 see the picture, I think it's E-2, you can see the
8 steps in front of Krupins and how you have to ramp up
9 to get the retail, so it makes the retail more
10 difficult.

11 Also many members of 3-E didn't want
12 retail completely down Wisconsin Avenue, so there was
13 sort of a split in the community there and we thought
14 doing some residential would be nice also.

15 I think Mr. Cunningham didn't address the
16 green roof issue and the plant issue. We could talk
17 more about the tree boxes, but we did -- our landscape
18 architect John Fitch has experience with ornamental
19 trees and the depth of the tree boxes, and we believe
20 these are suitable, and we believe the sidewalk width
21 is wide enough.

22 CHAIRPERSON MITTEN: And I take it you
23 wouldn't have any objection to having a requirement
24 that the plantings be maintained in a healthy
25 condition.

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1 MR. EPTING: Well, it's going to be a
2 condo association, so it's going to be in their
3 documents and I know and I think I've now met most of
4 the residents of Tenley Hill and they certainly keep
5 theirs up and I expect it's going to be a similar type
6 of resident that's going to want to keep it up here.
7 So, we'll put in good trees and I'm sure they'll
8 maintain them. And I think that's all of them.

9 And I did briefly address in my opening
10 statement that we do need the waiver for the land
11 area. And if you want more about that, we can talk
12 more about it. We're not 15,000 square feet, but we
13 do believe we meet the exceptional merit criteria and
14 we ask that you find that.

15 VICE-CHAIR HOOD: The last thing that I'm
16 going to ask on this list was about the bicycle
17 parking shed. I'm just asking has that been looked
18 at?

19 MR. CUNNINGHAM: We had a verbal agreement
20 probably at midnight that we would do it, with that
21 ANC.

22 VICE-CHAIR HOOD: Okay. All right. Thank
23 you.

24 COMMISSIONER JEFFRIES: Just one quick
25 question on affordability. Have any sense of what

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1 income levels you're hitting?

2 MR. EPTING: Can I punt that one to the
3 Office of Planning?

4 CHAIRPERSON MITTEN: You don't know what
5 your own amenity is?

6 MR. EPTING: No, we, it depends on
7 whether it's a family, how much money they make. It
8 goes through DHCD and basically we provide the --

9 COMMISSIONER JEFFRIES: I understand that.

10 MR. EPTING: Right.

11 COMMISSIONER JEFFRIES: But continue.

12 MR. EPTING: So if they make like \$75,000,
13 the unit would cost X-amount.

14 COMMISSIONER JEFFRIES: But per your
15 proforma, what are you targeting to sell this unit at?
16 Is it between 50 and 80 percent of area medium income?
17 I'm certain it's not between zero and 30, but I mean,
18 you could say it's between 80 and 100, and which will
19 be a moderate.

20 MR. FULLER: Yes, honestly we haven't
21 exactly pinned down what we're going to do. I mean,
22 I've read some language that it needs to be affordable
23 to someone who's 80 percent of the median.

24 UNIDENTIFIED SPEAKER: Sixty percent.

25 MR. FULLER: Oh, it's 60 percent? Oh, I'm

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1 sorry. Sixty percent of the median. Whatever the
2 guidelines are, we will meet them. We just are not
3 clear on what those guidelines are at this point.

4 COMMISSIONER JEFFRIES: Okay.

5 MR. EPTING: That has been a moving target
6 for us.

7 CHAIRPERSON MITTEN: Thank you. Just give
8 us one more minute. We're going to see if any of the
9 ANC representatives have questions.

10 Mr. Todd, do you have any questions on
11 cross examination?

12 MR. TODD: (No audible response.)

13 CHAIRPERSON MITTEN: Ms. Wiss, any
14 questions?

15 MS. WISS: Hi, Cathy Wiss for ANC 3-F.
16 I'm trying to get a handle on how the new plan differs
17 from the August 3rd plans, because I just received the
18 new plan. Is it the same FAR?

19 MR. CUNNINGHAM: Yes.

20 MS. WISS: And the same lot occupancy?

21 MR. CUNNINGHAM: Yes.

22 MS. WISS: How about the building height?

23 MR. CUNNINGHAM: Same.

24 MS. WISS: When I look at A-11, it shows
25 the roof line here is 65 feet from the midpoint

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1 elevation, but there is a wall that rises above those
2 bracket things that stick out. What is that wall?

3 MR. CUNNINGHAM: That is a safety rail.
4 It's a parapet.

5 MS. WISS: Because you have a railing in
6 the middle that's also a safety rail?

7 MR. CUNNINGHAM: That's correct. It's
8 really an architectural element.

9 MS. WISS: Yes.

10 MR. CUNNINGHAM: I mean, it's also a
11 safety rail.

12 MS. WISS: And how high is that wall?

13 MR. CUNNINGHAM: Three-foot six-inches,
14 which is what's required by code.

15 MS. WISS: In this drawing it looks as if
16 it goes up eight feet.

17 MR. CUNNINGHAM: You're correct.

18 MS. WISS: Okay.

19 CHAIRPERSON MITTEN: Could you just
20 clarify that for us because the height of the railing,
21 if that's to be a safety railing, then that would have
22 to be I guess three --

23 MR. CUNNINGHAM: Three-feet six-inches,
24 yes.

25 CHAIRPERSON MITTEN: So then the wall is

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1 clearly about double that.

2 MR. CUNNINGHAM: Right. I suppose it
3 could be described as an embellishment. I think that
4 we would be, you know, happy to reduce the height of
5 the wall.

6 CHAIRPERSON MITTEN: But it's just a wall?
7 There's nothing on it?

8 MR. CUNNINGHAM: That's all it is.
9 There's nothing behind it.

10 CHAIRPERSON MITTEN: Okay.

11 MR. CUNNINGHAM: There's no space behind
12 it. The roof is at 65 feet.

13 CHAIRPERSON MITTEN: Okay.

14 MR. CUNNINGHAM: Yes, that's correct.

15 CHAIRPERSON MITTEN: Okay. Thank you.
16 Anything else?

17 MS. WISS: Yes. Now mention was made
18 about putting benches possibly along Wisconsin Avenue.
19 Where do you plan to put those? I couldn't tell where
20 they are.

21 MR. CUNNINGHAM: Chris, can you point to
22 those?

23 The lower wall along Wisconsin Avenue will
24 be generally maintained at a seat height of about 18
25 to 24 inches. It will step along Wisconsin Avenue,

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1 because obviously the grade is dropping. But you'll
2 be able to sit on virtually the entire length of the
3 wall.

4 MS. WISS: What type of retail do you
5 expect to have at the corner?

6 MR. FULLER: We really don't know. That
7 question has been brought up a lot with the community.
8 What are you going to pick to put in there? And it
9 really is going to be sort of a market-determined
10 retail use. We don't know exactly what is going to --
11 we've been approached by a couple of ice cream places,
12 but we don't know at this point. It's hard to say
13 because we haven't begun to advertise the space yet.

14 MS. WISS: Now you mentioned there's an
15 eight-foot grade change from I guess the corner to
16 Krupins. Are you measuring all the way down to
17 Krupins, which is three stores beyond your property
18 line, or are you measuring to the property line?

19 MR. CUNNINGHAM: To the property line.

20 MS. WISS: Because my drawing, what you
21 told ANC 3-F was it was a five-foot drop and -- I
22 don't have the elevation here, but I have it with the
23 other materials, it shows a five-foot drop, or five-
24 plus-foot drop, five-and-a-half-foot drop from the
25 corner to the end of your property along Wisconsin.

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1 CHAIRPERSON MITTEN: So what's the
2 question?

3 MS. WISS: The question was could they
4 show me how they came out with eight-foot grade change
5 from the corner to the end of the property.

6 CHAIRPERSON MITTEN: It's not just for you
7 to show her, you know? It's all about educating us
8 really.

9 MR. MORRISON: If you look at sheet E-1,
10 which is the survey from Bowman Consulting, I may have
11 misspoke, it is 396 at the corner and it goes down to
12 389, seven feet.

13 MS. WISS: Although at the building it
14 seems to be 395.

15 MR. CUNNINGHAM: That's showing existing
16 grades. Remember, we're changing the grades against
17 the building. The planting bed along the street is
18 sloping against the other wall. There's a cross
19 slope. And the same thing happens at Krupins and the
20 same thing happens at Tenley Hill. There's a kind of
21 diagonal slope because of the downward slope of
22 Wisconsin Avenue.

23 MS. WISS: Thank you. That's all.

24 CHAIRPERSON MITTEN: Thank you. Thanks,
25 folks. Oh, wait. Before you go.

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1 COMMISSIONER PARSONS: Mr. Cunningham, I
2 wanted to weigh in on this parapet. Before you start
3 lowering it, I think your prospective view makes a
4 telling argument for the need for these two towers on
5 the end, I'll call them, tower may be not the right
6 term, but signaling your entrance, I think they need
7 that height.

8 MR. CUNNINGHAM: I appreciate that. I
9 think so too. Thank you.

10 CHAIRPERSON MITTEN: Thank you. Thanks,
11 folks.

12 COMMISSIONER HILDEBRAND: While we're
13 talking about those architectural embellishments on
14 the corner, I would look at articulating the top of
15 them a bit. In the rendering it appears as though you
16 have a fairly heavy coarse capping that wall, which
17 would be appropriate to a determination on the tower,
18 whereas in your elevation on A-11 you show the brick
19 coarsing just running up and smooth with no transition
20 or termination whatsoever and I think that to study
21 that and to develop a more suitable termination width
22 at the top would be --

23 MR. CUNNINGHAM: I think related to your
24 earlier comment about the flatness of some elements of
25 the facade, I think that a more certainly emphatic

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1 cornice, certainly nothing like the metal one below,
2 but maybe a projecting precast corner. So something
3 like that would certainly be appropriate there.

4 COMMISSIONER HILDEBRAND: Thank you.

5 CHAIRPERSON MITTEN: Thank you. I think
6 we're done now.

7 Now, we're ready for the report from the
8 Office of Planning.

9 MR. MORDFIN: Good evening, Madam Chair
10 and members of the Commission. I'm Stephen Mordfin
11 with the Office of Planning. And this application is
12 a request for a PUD for 42 condominium units, 1,650
13 square feet of retail space and 49 garage spaces
14 within the C-2-A zone district and the Tenleytown
15 Metrorail station housing opportunity area. And the
16 request requires the approval of a variance to reduce
17 the residential recreation space from 20 percent to
18 12.866 percent and a waiver to reduce the minimum area
19 for a PUD within the C-2-A district from 15,000 square
20 feet to 12,661 square feet.

21 The Office of Planning recommends approval
22 of the variance request to reduce the residential
23 recreation space because 81 percent of the units will
24 have private residential recreation space, a 4,600
25 square foot terrace will be provided behind the

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1 building and because of the site's location
2 approximately one block from Fort Reno Park.

3 The Office of Planning recommends approval
4 of a waiver to reduce the area of the PUD because the
5 building will be more than 80 percent residential and
6 because the development will be of exceptional merit
7 and in the best interest of the city. The public
8 benefits and project amenities proposed by the
9 application are commensurate with the relief
10 requested.

11 Although the proposal will increase the
12 FAR in height of the building over that permitted as
13 a matter of right within the C-2-A zone district, the
14 proposed project will reduce the impact on the
15 environment through the provision of a green roof and
16 reduce the impact on the surrounding streets through
17 the provision of a predominantly residential mixed-use
18 building within a housing opportunity area that is
19 only 1,000 feet from the entrances to a Metrorail
20 station and also close to commercial uses on Wisconsin
21 Avenue.

22 In addition, the subject application
23 proffers improvements to many of the public facilities
24 that will be impacted by the proposed development,
25 mitigating the impact that this proposal will have on

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1 those facilities. The subject application is also
2 consistent with the provisions of the comprehensive
3 plan. It will provide 42 housing units within a
4 housing opportunity area, an area directed by the
5 comprehensive plan and the generalized land use
6 polices map as one in which new housing should be
7 located. The proposed mixed-use building will
8 increase housing density on Wisconsin Avenue within
9 easy walking distance of a Metrorail station and Metro
10 bus service, reduce reliance on the automobile and not
11 require the breakup of one of the last remaining large
12 estates within Ward 3. It will also provide for a
13 predominantly residential building within Tenleytown
14 and avert the development of the site as a medium-
15 density office space in conformance with the Ward 3
16 plan.

17 And that concludes the presentation from
18 the Office of Planning.

19 CHAIRPERSON MITTEN: Thank you, Mr.
20 Mordfin.

21 Any questions for Mr. Mordfin? Any
22 questions?

23 COMMISSIONER JEFFRIES: I had earlier put
24 forth a question about the Office of Planning's
25 thought about the retail, the retail door. Any

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1 comments on that? I just wanted to get a sense.

2 MS. STEINGASSER: Well, we caucused very
3 quickly and with us is also Cindy Petkac who is the
4 Ward 3 community neighborhood planner and so she's
5 quite familiar with this area of Wisconsin as we've
6 been working on the Wisconsin Avenue plan.

7 I agree that there is somewhat of a
8 tradition to have the commercial address the major
9 avenues. What's coming to mind is Tenley Hill where
10 I believe the commercial is addressed at the corner
11 similarly to this where the commercial opens on to
12 more of a corner intersection rather than straight on
13 to Wisconsin Avenue. However, I think it could also
14 be arranged through just a simple redesign perhaps of
15 the serpentine wall where it can kind of swing open
16 and kind of fan that space a little bit more. I would
17 leave that to the architects. Ralph is licensed; I am
18 not.

19 But, I think they could probably just, you
20 know, simply readdress that corner a little bit
21 through the landscape wall to kind of open that up
22 commercially and make that more space.

23 I'd also like to note that the Office of
24 Planning has no objection to the request to relocate
25 that affordable unit provided the square footage

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1 remains the same. Its location to the building is not
2 objectionable to us in any way.

3 CHAIRPERSON MITTEN: Okay. Thank you.
4 Any questions for the Office of Planning?

5 Mr. Todd, any questions for the Office of
6 Planning?

7 MR. TODD: (No audible response.)

8 CHAIRPERSON MITTEN: Ms. Wiss, any
9 questions for the Office of Planning?

10 MS. WISS: Yes. I understand from the
11 testimony that there's this formula of about 15
12 percent of the overage above matter of right zoning
13 that should be allocated to affordable housing. Is
14 there one standard for any kind of planned unit
15 development or is any differentiation for exceptional
16 merit in this case this PUD has to meet the
17 exceptional merit standard?

18 MR. MORDFIN: The 15 percent of the bonus
19 density is a standard that we've been using for PUD
20 applications.

21 As for the exceptional merit, yes, it's
22 true, this application does have to meet that because
23 of the reduced PUD area and that can be met -- they
24 could have met it if they wanted to by providing
25 affordable housing or many of the other ways in which

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1 this application also we feel deserves the exceptional
2 merit.

3 MS. WISS: Okay. Thanks.

4 CHAIRPERSON MITTEN: Thank you. I just
5 feel that I want to clarify one thing, which is the
6 standard that has been spoken of for affordable
7 housing in a Planned Unit Development is a standard
8 that the Office of Planning has in order to I guess
9 get the support of the Office of Planning. It's not
10 a standard that's written into the ordinance at this
11 time. I just wanted to clarify that.

12 COMMISSIONER JEFFRIES: Thank you.

13 CHAIRPERSON MITTEN: Not that we don't
14 endorse the efforts of the Office of Planning in that
15 direction. I just wanted to make sure people
16 understood it wasn't mandatory.

17 COMMISSIONER HILDEBRAND: Can I ask one
18 question?

19 CHAIRPERSON MITTEN: Sure. Would you turn
20 on your microphone?

21 COMMISSIONER HILDEBRAND: Oh, I'm sorry,
22 I just turned it off. I meant to turn it on. I
23 realize that the project isn't required to have this
24 service lay-by area. Can you speak to the idea of it
25 being partially on public space and partially on

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1 private space? Does that create an issue in your mind
2 at all?

3 MS. STEINGASSER: No, sir, it doesn't.
4 It's not uncommon for DDOT to approve lay-bys that are
5 fully within the public space where the sidewalk kind
6 of jogs, the curb jogs in and you just pull out of the
7 main roadway. It's my understanding that DDOT has
8 reviewed this and has no objection to the lay-by being
9 part in and part out of public space.

10 MR. MORDFIN: Also the sidewalk in front
11 along Brandywine as shown on the plans, they're not
12 one on top of each other. If you pull into the lay-
13 by, you are behind the area that's the public sidewalk
14 so you wouldn't be impeding pedestrian traffic.

15 Do we have that in the record from the
16 Department of Transportation?

17 CHAIRPERSON MITTEN: No, we don't have
18 anything in the record from DDOT.

19 MS. STEINGASSER: We spoke with them by
20 telephone and we will encourage them to put something
21 in writing for the Commission. Thank you very much.

22 CHAIRPERSON MITTEN: Thank you. All
23 right. And speaking of Government reports, is there
24 anyone here representing a Government agency that
25 wishes to testify?

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1 (No audible response.)

2 CHAIRPERSON MITTEN: Okay. And we don't
3 have any other Government reports in the record that
4 I'm aware of. Is anyone aware of any?

5 (No audible response.)

6 CHAIRPERSON MITTEN: Okay. Then we're
7 ready to move to the report of ANC 3-E.

8 MR. TODD: That's on?

9 CHAIRPERSON MITTEN: Yes.

10 MR. TODD: Good evening. I'm Chapman
11 Todd. My address is 4445 Harrison Street, N.W. I am
12 a Commissioner on ANC 3-E and this project is in my
13 single-member district.

14 First, thanks for the opportunity to
15 testify before you on this application. I'll do my
16 best to live up to Mr. Hood's comments about the
17 reputation of 3-E this evening. So thank you.

18 This proposed project, as I said, located
19 within ANC 3-E and within my single-member district.
20 You should have a copy of the resolution that we
21 passed at a meeting on September 28th where we voted
22 four to zero to support the project as it had been
23 submitted to you as revised on August 4th and subject
24 to the inclusion of some modifications that they made
25 to us at our meeting on September 9th and those were

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1 the letter that they sent to you of September 30th
2 indicating that.

3 In considering this application, I want to
4 point out that it was ultimately our conclusion that
5 the building as revised was in the best interest of
6 the community and to the District as a whole and that
7 it would be a positive addition to the Wisconsin
8 Avenue corridor.

9 It was significant to us that the
10 Applicant has had a number of meetings with the
11 surrounding neighborhood to address concerns and we
12 feel that the Applicant has been largely receptive to
13 the feedback that was given by individuals and groups
14 during this process and we appreciate their
15 willingness to engage in the continued dialogue.

16 We recognize that the Applicant has
17 addressed many of the concerns that were raised by
18 community members during this process and our support
19 of this application is based on the fact that many of
20 these recommendations have been resolved by the
21 Applicant's modifications to the project over the past
22 year.

23 There are two issues that I do
24 specifically want to raise in this public testimony.
25 First, and sometimes when you prepare testimony in

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1 advance, late-breaking things come up and change what
2 you were going to say, but I do want to point out that
3 we're pleased that there appears to be a mutually
4 agreeable construction agreement between the developer
5 and the adjacent neighbors, both business and
6 residential. While I haven't reviewed it, the amount
7 of work that went into that final product would lead
8 me to believe that it does adequately protect the
9 interests of both the business owners that are
10 adjacent and the neighbors that are immediately
11 surrounding it, but I do ask that you look closely at
12 that agreement before making your final determination
13 on this application.

14 Second, I want to follow up on the
15 amenities issue that was brought up before because it
16 is important to us to make clear how the amenities
17 package for this project was put together in part
18 because this application was first presented to the
19 community when all of the Commissioners on ANC 3-E had
20 just recently taken office. The amenities package was
21 put together by the Applicant with limited involvement
22 from the broader community. While in fact we believe
23 that all of the groups listed as beneficiaries of the
24 package are worthy recipients and the projects that
25 are proposed to occur or in fact have already occurred

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1 are assets to the community surrounding this project,
2 we strongly believe that future discussions of
3 proposed amenities must begin with the ANC and should
4 be crafted with the ongoing involvement of the ANC.

5 This Applicant, as part of their testimony
6 tonight, has included a statement on this issue and we
7 hope this will lay the groundwork for future
8 discussions about neighborhood amenities when PUDs
9 come up in future discussions in our neighborhood.

10 Finally, I'll echo a comment that Mr.
11 Cunningham of the Applicant's team made earlier. Yes,
12 it is in fact nice for our ANC to be able to come to
13 the Zoning Commission in support of this project. The
14 members of ANC 3-E along with the vast majority of the
15 residents that we've heard from continue to believe
16 that building within the existing zoning and utilizing
17 the PUD process where it's appropriate, as in this
18 case, is the right way to carry out this and future
19 developments along the corridor. Wisconsin Avenue
20 serves as a main street for our strong and stable
21 neighborhood and I feel this particular situation is
22 a good example of us working together to get a
23 building that will be an asset to the District as a
24 whole and will fit within the character of our
25 existing strong and stable neighborhood.

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1 So, thank you for the opportunity to
2 present for ANC 3-E on this.

3 CHAIRPERSON MITTEN: Thank you, Mr. Todd.
4 Any questions for Mr. Todd?

5 VICE-CHAIR HOOD: Madam Chairman, I just
6 want to say, and, Mr. Todd, I agree with you, I know
7 you all, the Commissioners were new at the time, but
8 I agree it should funnel through the ANC and work then
9 it out. So, I would agree with you.

10 Unfortunately, there seemed to have been
11 a timing issue as far as when this development started
12 and you guys got on board as far as ANC Commissioners,
13 but I understand now what went on.

14 MR. TODD: Okay.

15 VICE-CHAIR HOOD: I don't think I got a
16 full understanding of what Mr. Fuller was talking
17 about, but I figure I know exactly where you're coming
18 from and I agree.

19 MR. TODD: Okay. And then if I can just
20 clarify. I mean, again, all of those beneficiaries
21 are ones that we think are a very crucial part of our
22 neighborhood. The vetting process, and I heard your
23 concern before about how that might happen at the ANC
24 level, and I guess what I would say back to you is
25 that I understand how that can get difficult, but

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1 without some kind of formal process, the priorities or
2 the amount that comes for support may not necessarily
3 be fully indicative of the perceived need of the
4 broader community. So that's where I think our role
5 will come in and not saying, "Yes, that has to be in,"
6 or, "No, that doesn't have to be in," but it's how it
7 gets weighted and what may be of benefit to the whole
8 community as opposed to just pockets of the community.

9 CHAIRPERSON MITTEN: Can I just follow up
10 on that thought, which is I take it's your ANC's view
11 that this PUD not only deserves to be granted because
12 the amenities are commensurate with the level of
13 relief required, but because it does meet the test for
14 exceptional merit. Is that --

15 MR. TODD: I think that's the case. We
16 have done a lot of looking at say what a building that
17 didn't have to go through that could look like versus
18 the steps that they've taken with the materials and
19 with the design, the building that Mr. Cunningham's
20 firm designed literally across; not literally, but
21 very close to across the street at Tenley Hill and,
22 yes, I think that those are the kind of buildings that
23 will bring value to our neighborhood visually and so
24 to that extent, yes, I think to does. Again, our
25 experience is we're all relatively new.

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1 What is exceptional merit in the grand
2 scheme of what fits in the city? You all have the
3 perspective on that. I think that we believe it's an
4 exceptional building compared to others that are up
5 and down the corridor and we hope it's kind of the
6 beginning of what some of the redevelopment that will
7 no doubt be occurring on the corridor and will follow
8 the lead of some of the more recent buildings and what
9 they look like.

10 CHAIRPERSON MITTEN: Okay. Thank you.
11 Any other questions from the Commission?

12 (No audible response.)

13 Mr. Epting, any cross examination?

14 MR. EPTING: (No audible response.)

15 CHAIRPERSON MITTEN: Ms. Wiss, any cross
16 examination of your fellow Commissioner?

17 MS. WISS: No.

18 CHAIRPERSON MITTEN: Okay. Thank you.

19 MR. TODD: Thank you.

20 CHAIRPERSON MITTEN: Now, it's Ms. Wiss'
21 turn.

22 MS. WISS: Good evening, Chair Mitten and
23 zoning Commissioners. My name is Cathy Wiss. I
24 represent single member district 3FO6 and I'm here to
25 present testimony for ANC 3-F.

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1 I appreciate the efforts the Applicant has
2 made to meet with the community on this project. I
3 participated in eight of those meetings. At the
4 meetings my constituents expressed concern about the
5 FAR and lot occupancy of the original plans.
6 Commissioners questioned the appropriateness and
7 advisability of balconies overhanging the Wisconsin
8 Avenue sidewalk.

9 Some asked for a loading dock to
10 accommodate retail deliveries and moving vans.

11 I asked that the building be set back four
12 feet from the Wisconsin Avenue property line to give
13 pedestrians more room in this narrow stretch where the
14 avenue curves. In fact, it's a little less than the
15 30 feet that public space says it has there if the
16 building facade of Babe's Billiards is on its own
17 property, possibly because the road has been cut back.
18 I measured it at 28-feet 10 inches.

19 I also asked that the top floors be set
20 back to soften the roof line and that the street
21 corner be given special treatment because of its
22 important location in the Tenleytown shopping
23 district.

24 I also asked for a green roof and rain
25 garden to treat storm water.

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1 ANC 3-F considered the revised application
2 at its September 20th meeting, but concluded that it
3 lacks exceptional merit and this was the plan that you
4 all got in your packets, not what we see here tonight,
5 and does not meet the standards of the zoning
6 regulations or comprehensive plan.

7 Three of you might recall that ANC 3-F was
8 involved with a Planned Unit Development at 3901
9 Albermarle Street, otherwise known as Tenley Park,
10 Which has to meet the test of exceptional merit. It's
11 something I call the "Wow Factor." In that case, when
12 residents saw the design that was finally approved,
13 they actually rose from their seats and explained,
14 "Wow," they were just so stunned with what they saw on
15 the project. They especially liked the arc of the
16 town houses, the setback from Albermarle Street, the
17 fact that the driveway was to be under -- and we'll go
18 through that whole litany anyway, but --

19 CHAIRPERSON MITTEN: We remember.

20 MS. WISS: They thought that was just
21 fabulous. And that reaction did not occur for us at
22 our meeting.

23 The site is zoned C-2-A, which means it's
24 part of a community-based business district of medium
25 proportions. And that would seem to indicate

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1 commercial development at 1.5 FAR as a matter of
2 right, or at 2.0 FAR with a PUD. But this commercial
3 development is only .13 FAR, if I've read the
4 application correctly.

5 Also, the generalized land use map calls
6 for mixed-use development with medium-density
7 residential and moderate-density commercial. Even so,
8 the commercial use offered by this project seems too
9 low. In fact, Section 1401 of the Ward 3 plan
10 specifies that existing commercial uses in Ward 3 are
11 expected to be maintained.

12 So in our resolution, ANC 3-F indicated it
13 would not object to Zoning Commission approval of this
14 application if it were revised in various ways,
15 including enlivening the Wisconsin Avenue facade.

16 The Wisconsin Avenue facade is important
17 to ANC 3-F because that is the part of the building
18 that faces our ANC. Yet most of the detailing and
19 focus of the former plan was on the Brandywine Street
20 facade. Effectively, the Wisconsin Avenue facade was
21 treated like the side, not the front of the building,
22 even though Wisconsin Avenue is Tenleytown's main
23 street. Because both the entrance to the residential
24 component and the retail space face Brandywine Street,
25 this building would have no entrance on Wisconsin

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1 Avenue. The only other building on the corridor
2 without an entrance on Wisconsin is the Giant Food at
3 Newark Street. Planners have considered this a
4 problem for the surrounding shopping district. WTTG
5 Channel 5 at Wisconsin and Harrison, the building
6 which this project most resembles because of its wide
7 garden fronting the street, does have a small door on
8 Wisconsin Avenue, even though its main entrance is on
9 Harrison Street.

10 So without a single entrance on this
11 facade, it has little to peak the interest of the
12 pedestrian on Wisconsin Avenue. It does not invite
13 one in; becomes simply space that must be passed by to
14 get from one place to another. The effect could be
15 seen by comparing drawing S-10 of the original
16 application with drawing A-15 of the August 3rd
17 revised plans. In S-10, storefronts with canopies
18 greet people strolling by enjoying ice cream cones.
19 In drawing A-15, pedestrians are separated from the
20 buildings by a large garden. The building itself is
21 hidden by trees.

22 I guess I also have gone through
23 Tenleytown and looked at the various buildings and how
24 they treat the corner. Many of them face the corner,
25 including the In Vogue hair salon and Hudson Trail

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1 Outfitters across from the project. Other corner
2 buildings do add interest through a large corner
3 display window or a flower garden. In this project
4 the door is hidden by a wall and there's nothing to
5 indicate that this is an important corner in
6 Tenleytown.

7 Commissioners believe that the last design
8 seems more reminiscent of K Street than the Wisconsin
9 Avenue corridor.

10 We ask that commercial use be restored to
11 the entire Wisconsin Avenue frontage.

12 For the last few years my constituents
13 have been working to revitalize the Tenleytown
14 shopping district and attract new business. A group
15 has even formed to explore a main street program.
16 Recently the shopping district has regained vitality
17 with the opening of Best Buy and the Container Store
18 one half block from the site.

19 The Applicants states that Tenleytown are
20 concerned about the lack of quality retail, but is
21 providing only 1,650 feet of retail space, just one-
22 seventh of the existing commercial space on the site.
23 In a further reduction of retail use, I was told that
24 the Applicant expects the space to be occupied by a
25 doctor other professional, not true retail. Now they

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1 say it could be an ice cream store. An ice cream
2 store is in fact one of the uses that residents had
3 asked for at the meetings that we held with the
4 Applicant.

5 In fact, reducing retail space on this
6 site represents a missed opportunity for Tenleytown.
7 Contrary to drawing D-2, which shows only office use
8 north of the site, the 4600 block of Wisconsin Avenue
9 is lined with restaurants and shops, and I've got a
10 list of them down in footnote 3. Some of these can be
11 seen in drawing E-2. The Murasaki Japanese Restaurant
12 and Allen's Custom Framing. The 4500 block just to
13 the south is in the heart of the Tenleytown shopping
14 district and contains some favorite Tenleytown stores.
15 If retail use is removed from this site, the shops and
16 restaurants to the north will be separated; cut off
17 from the main shopping district. They may even lose
18 patrons. So, at a lot of our meetings an ice cream
19 shop, a toy store or children's barber shop were
20 suggestions by residents.

21 Stores like these would certainly enhance
22 shopping in the 4600 block of Wisconsin and be an
23 asset to the neighborhood. Many children live in the
24 surrounding neighborhoods and several nursery,
25 elementary, junior and senior high schools are within

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1 a couple of blocks of the site. So we recommend that
2 the Applicant add commercial space across from the
3 Wisconsin Avenue facade.

4 We ask that three affordable residential
5 units be incorporated and placed in another location
6 in the building. This is because in the original
7 application the Applicant seemed to be offering three
8 affordable units on the ground floor, but they were
9 only a few feet from the animal hospital. The
10 community felt this was a poor location. But in the
11 revised application, the single affordable unit is on
12 the front of the building on Wisconsin Avenue
13 overlooking the sidewalk and street and getting all
14 the noise and pollution from the traffic. It's also
15 next to the Garden Café of the Murasaki Japanese
16 Restaurant. This doesn't seem like an ideal location
17 either. So we would request that a better space be
18 chosen. This space seems much more suitable to
19 commercial, even if you have to work out some sort of
20 arrangement to get there by steps.

21 We ask that the Wisconsin Avenue
22 streetscape be redesigned to give adequate and
23 required space to sidewalk and tree box and I see from
24 the new drawings that at least six feet has been given
25 to the sidewalk. The tree box is still five-and-a-

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1 half feet wide, although DDOT's public space
2 dimensions require six feet, and in fact six feet
3 would be better for the trees along Wisconsin Avenue.
4 Even more than that would be even better for the
5 trees.

6 We ask that the landscaping plan include
7 trees that can be expected to survive. In looking at
8 what they were planning to plant, one is red oaks and
9 it turns out that the Urban Forestry Administration
10 has listed red oaks as -- let's see, "Until further
11 notice the Urban Forestry Administration is not
12 recommending the planting of red oaks due to the
13 presence of bacterial leaf scorch." And I have had
14 that confirmed by an arborist also. So in general,
15 they're going to look for a different tree.

16 But also the Applicant plans to plant
17 purple plums in planter boxes along the sidewalk.
18 Many ornamentals planted near Wisconsin Avenue in
19 Tenleytown like dogwoods, crepe myrtles, cherries,
20 which are related to plums, have succumbed quickly to
21 severe conditions and pollution. They get cold winds
22 in the winter time. They get intense heat, more so
23 than elsewhere because of all the concrete and the
24 traffic. They just don't survive. Literature of
25 purple plums does not augur well. They're described

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1 as short-lived, not pollution-tolerant and susceptible
2 to numerous diseases and insect. Some trees that are
3 thriving along Wisconsin Avenue are hollies, evergreen
4 and deciduous magnolias and crepe myrtles.

5 The Applicant plans to plant red oaks on
6 the side terrace on what is in fact the roof of the
7 parking garage. Red oaks are large canopy trees that
8 need a lot of space in which to grow. If restricted
9 to shallow and tight planter boxes, they will either
10 grow slowly and succumb more easily to disease or
11 break through the walls of the box or into the garage.
12 ANC 3-F has had some experience with trees breaking
13 into garages and through the walls of planter boxes.
14 You have to be very careful in how you use them. So
15 we would suggest that other trees be chosen.

16 We ask that a rain garden be used if
17 additional storm water needs need to be addressed in
18 part because we don't have any in Tenleytown right
19 now. It would be useful as a demonstration to the
20 community as to how a rain garden would work.

21 And that they allocate space in the
22 parking garage for a car share program and a bicycle
23 parking shed which were both recommended by the
24 Washington Smart Growth Alliance in its letter at Tab
25 E of the June revised application. Two-car families

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1 moving into the building could sell one car and use
2 the car share program when a second car is needed.
3 And a bicycle shed would encourage more residents to
4 have and use bicycles. Thank you.

5 CHAIRPERSON MITTEN: Thank you very much.
6 Questions for Ms. Wiss? Questions?

7 COMMISSIONER JEFFRIES: Yes, I do.
8 Commissioner Wiss, first of all, I'd like to thank
9 you. I think your testimony was very thoughtful and
10 had a lot of things to sort of chew on here and I
11 think some of the things we've talked about already
12 this evening.

13 I do have a couple of questions. One is
14 you start off here saying you participated in eight of
15 those meetings, meetings that the Applicant had with
16 the community?

17 MS. WISS: That's correct.

18 COMMISSIONER JEFFRIES: How many total
19 meetings would you say that the Applicant has had with
20 the community on this?

21 MS. WISS: Well, I was very pleased that
22 the application gave a list, and I forget which tab
23 it's at --

24 COMMISSIONER JEFFRIES: Yes, I missed
25 that. And over what period of time?

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1 MS. WISS: Well actually, the first
2 meeting I attended was in February 2002.

3 COMMISSIONER JEFFRIES: Okay.

4 MS. WISS: So that has been two-and-a-half
5 years. Then there was a long period of time until I
6 think around April of 2003 and that's when they
7 started having a lot of meetings that lasted for about
8 six months. And then I guess they were going through
9 the process set down and reviewed by OP. Then they
10 had more meetings.

11 COMMISSIONER JEFFRIES: Okay. Well, I
12 guess I'm just, you know, I'm sort of coming into this
13 whole discussion just in the middle of a movie, but I
14 mean, it seems that eight meetings, I mean, or there's
15 a lot of meetings that have been held between the
16 Applicant and the community and from what I've read it
17 really seems like there's been, you know, considerable
18 movement by the Applicant on a number of issues.

19 I guess my question for you is, one, I
20 mean, this is your first time seeing the new
21 elevation. Does it have sort of "wow" for you at all,
22 or does it --

23 MS. WISS: For me it's an improvement.

24 COMMISSIONER JEFFRIES: Okay.

25 MS. WISS: A definite improvement.

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1 COMMISSIONER JEFFRIES: Okay. So they're
2 at a good point in terms of where they're going?

3 MS. WISS: I think so. I think they're
4 moving in the right direction. Yes.

5 COMMISSIONER JEFFRIES: And you have a
6 number of bullet points here. Are they sort of listed
7 in the order of priority or is it just everything,
8 it's one package?

9 MS. WISS: I think there is some priority
10 here. I think that on our Commission there was a lot
11 of concern about the Wisconsin Avenue facade. I do
12 have a lot of reservations about not having commercial
13 along there, having that interest drawn from the
14 corner just south of Brandywine across this space.
15 It's 121 feet and starting to go down the hill to all
16 of the other commercial. I think you can cut it off
17 and I think once you start isolating businesses like
18 that you see their business drop. I think that's
19 happened across the street where the tower was built
20 on 41st Street and knocked out some stores. That's
21 made it much harder for those businesses to survive.

22 COMMISSIONER JEFFRIES: Okay.

23 MS. WISS: I think it would be a better
24 walking environment in a way to have more visual
25 interest at the ground floor level.

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1 COMMISSIONER JEFFRIES: Actually I agree
2 with you, quite frankly. So anyway, thank you. Thank
3 you very much.

4 MS. WISS: Okay.

5 CHAIRPERSON MITTEN: Anyone else have
6 questions? Mr. Epting? Where did he go? Oh. Do you
7 have any questions?

8 MR. EPTING: No, thank you.

9 CHAIRPERSON MITTEN: Okay. Mr. Todd, any
10 questions?

11 MR. TODD: (No audible response.)

12 CHAIRPERSON MITTEN: Thank you. All
13 right. Now we're ready to take the organizations and
14 persons in support and I'll read the four names I have
15 on my list. Glenn Williamson, Bruce Lowrey, Jane
16 Wahlmann, Carolyn Sherman. I have another empty seat
17 if there's anyone else who wants to testify in
18 support. Anybody else?

19 (No audible response.)

20 CHAIRPERSON MITTEN: Okay. Then we'll
21 just go down the row here. I have a number of people
22 who said they're representing the Coalition to Stop
23 Tenleytown Overdevelopment. Who wants to take the
24 five minutes for that?

25 MS. SHERMAN: Hi. I'm Carolyn Sherman

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1 representing the Coalition to Stop Tenleytown
2 Overdevelopment. I live at 4341 Ellicott Street, N.W.
3 I'd like to read just a little bit from the letter of
4 support that CSTO sent to the Commission about this
5 project.

6 "Dear Commissioners, For over a year now
7 the Coalition to Stop Tenleytown Overdevelopment has
8 been working with IBG and Cunningham & Quill in the
9 hope and expectation that the projected development at
10 the Babe's site would be one CSTO could support.

11 Throughout, IBG and Cunningham & Quill
12 have listened to our concerns and made an effort to
13 accommodate them. We believe the resulting project is
14 much improved as a result of our discussion and the
15 project has met the CSTO objectives which were stated
16 before. Our main objective was to retain the current
17 C-2-A zoning with the PUD. The other things; the
18 green roof, the residential parking permit
19 prohibition, the enhanced streetscape along the corner
20 we like a lot." And again, we're the ones who walk
21 there all the time and so we have, I think, a very
22 strong feeling about some of these things; for example
23 retail, and we can talk about that later.

24 "Anyway, CSTO supports the project as it's
25 described in its application. IBG has behaved in a

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1 professional and honorable way and CSTO appreciates
2 their responsiveness and willingness to work with the
3 community. We hope the spirit of cooperation will set
4 a precedent for developers along the Wisconsin Avenue
5 corridor. The result will surely be development
6 that's both sensible and successful.

7 I'd like to thank Scott Fuller of IBG and
8 Ralph Cunningham of Cunningham & Quill, and the other
9 members of their team for being willing to meet with
10 us at length whenever we wanted to meet with them, to
11 listen to our concerns and to respond with substantive
12 changes that significantly improved the building. We
13 believe their project will be attractive and welcome
14 and an addition to your neighborhood.

15 A final point, at the earlier Zoning
16 Commission meeting in which IBG applied for a set down
17 for C-2-B unsuccessfully, one argument made in favor
18 of set down was that set down would encourage the
19 developers and the community to work together to
20 resolve differences. The IBG project was not set down
21 and this in fact made it more possible; not less
22 possible, to have a successful win-win outcome for
23 everyone. It's almost impossible for the community to
24 negotiate with the developers on anything approaching
25 an even playing field after a project is set down.

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1 The lesson here, I think, is that fruitful
2 discussions are more likely to occur before an
3 application is set down. After set down, the balance
4 swings to the developers and the community loses its
5 leverage. We hope that in future applications the
6 Commission will remember this positive outcome in
7 which developers and neighbors work successfully."

8 And again, we're very grateful to IBG for
9 their cooperation before set down occurred and so I
10 want to thank you all for that.

11 Just one quick item about retail. Our
12 ANC, and I think most of the people in our
13 organization feel that there is a huge amount of
14 vacant retail space already along Wisconsin Avenue.
15 In fact, 72,000 square feet of vacant retail from
16 Brandywine on up to Harrison Street, to, you know,
17 Western. A lot of vacant retail. We also think that
18 the IBG spot is so strained with this topography that
19 if there were retail all along the front, it would be
20 empty kind of the way Tenley Hill is. If you look at
21 Tenley Hill, they've had a hard time keeping their
22 retail because it's up so high. So we felt that kind
23 of residential would work for that. Anyway, thank
24 you.

25 CHAIRPERSON MITTEN: Thank you. If you'd

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1 just wait, we'll do the whole panel and then we'll ask
2 questions on the back end. So let's just to the
3 gentleman in the middle.

4 MR. WILLIAMSON: My name is Glenn
5 Williamson. I live at 4407 38th Street, N.W. I'm a
6 resident of AU Park and I'm here tonight as a parent
7 of one Janney student who's eight years old and I have
8 one who's about eight months old who hopefully will be
9 a Janney student in about four year's time.

10 I'm just here to speak on behalf of the
11 amenities package that was negotiated last year. I
12 have a written statement I can submit, but I'll just
13 summarize it in far less than three minutes.

14 The portion that was dedicated to Janney
15 was for \$75,000 that was to be used for the
16 replacement of playground equipment which was falling
17 apart or non-existent on what's known as the lower
18 playground. Last year the Janney PTA decided that
19 since there was a chance that this funding would come
20 through that we should go ahead and do this work so
21 the work has actually already been done. We had some
22 other help in doing it on the lower playground, but I
23 wanted to remind the committee that we have an upper
24 playground which is also in need of some work for the
25 younger children and that last year in May the DCPS

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1 cut about \$30 million from schools across the city
2 which was staff cut and has had a direct impact on all
3 schools, but particularly on Janney, or my knowledge
4 is about Janney, the cost to Janney that the PTA has
5 decided to take on is \$100,000 for staff positions
6 that we're going to try and raise this year in order
7 to make that up.

8 So the hope which was expressed last year
9 in some conversations that were had in the school
10 community in general that may be the school could use
11 some of its fund raising activity to not only cover
12 sort of operating needs, but could also cover some of
13 these capital needs. I mean, there were electrical
14 needs that the school. There's other problems with
15 the 79-year-old building.

16 When the school budget was cut and we had
17 to raise another hundred grand just to cover the
18 operating costs, the hope that there would be any
19 additional funding that we could come up with for
20 capital things really disappeared. So, this kind of
21 funding is certainly useful for Janney.

22 Janney was declared a blue ribbon school
23 this past year. I think it's one of 20 in the whole
24 United States. People are very proud of it and if
25 this new development is going to come in and bring

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1 some more new families to the area, some of those kids
2 are probably going to end up at Janney School too. So
3 I hope it's an appropriate thing.

4 I know there's a number of other
5 institutions in the community that are also receiving
6 funding and I just am here to say that, you know, we
7 appreciate this and thank you to the developers for
8 doing it. So I hope you'll support it. Thank you.

9 CHAIRPERSON MITTEN: Thank you, Mr.
10 Williamson.

11 And you must be Mr. Lowery?

12 MR. LOWERY: Yes, ma'am. Madam Chairman,
13 members of the Commission, I'm Bruce Lowery and I live
14 at 4117 Brandywine Street, N.W., which is about 70
15 feet from this proposed PUD.

16 I'm going to be brief tonight. I've
17 submitted my letter of support to you this evening.
18 I'm not going to go over that again.

19 I would like to state that the Applicant
20 has put forward what I believe to be a building of
21 exceptional merit. I totally support this building
22 and I want to commend the Applicant for always working
23 with the community in a very professional manner over
24 the last year, year-and-a-half. I think that that is
25 something that I would like to see more of in the

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1 future because we usually in the neighborhood don't
2 get that from other developers.

3 So, with that said, I don't have anything
4 else to add.

5 CHAIRPERSON MITTEN: Thank you.

6 Questions for the panel? Any questions?

7 VICE-CHAIR HOOD: Madam Chair, I just
8 wanted to comment on Ms. Sherman's comment about --
9 I don't feel a need to do so.

10 But, Ms. Sherman, sometimes sitting here
11 you try to make the best decision and make folks come
12 to the table and I would agree with you and I commend
13 you all for standing steadfast and making it work even
14 though my comments didn't work, but sometimes sitting
15 down here it does work that way. So we try to just
16 balance it out, but I commend you for making that
17 happen. Thank you.

18 CHAIRPERSON MITTEN: Thank you. I also
19 had a quick question for Ms. Sherman.

20 You heard some of the discussion about
21 our, you know, just talking about the corner and the
22 treatment of whether the retail is entered from
23 Brandywine or entered so that we sort of maybe don't
24 have that planter come all the way down and enter from
25 Wisconsin. And, you know, obviously your group has

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1 given a lot of thought to the retail presence on
2 Wisconsin Avenue. So do you have any comments about
3 what you heard us discussing and extracting from the
4 Applicant in terms of explanations and so on?

5 MS. SHERMAN: Well, I walk up and down
6 there all the time, so I feel like I can -- I think
7 the suggestion of kind of opening it up a little bit
8 on Wisconsin sounds good to me. We'd have to see what
9 the architects think. I think that would help.

10 But I think what they've created is an
11 area where you can sit on the wall, I suppose, and eat
12 ice cream if we get an ice cream store. I mean, I
13 think what we want is that sense of place, that sense
14 of kind of a plaza, as they say. So as you're walking
15 up, you can go to that retail and we're hoping that it
16 will be something we can all use and enjoy. It would
17 be too bad if it were a doctor's office. I think
18 there is a real need for a store like a toy store, an
19 ice cream store or something like that. So opening
20 that would help, but I don't see a real need to put
21 the entrance on Wisconsin Avenue necessarily because
22 there would be steps up. I mean, you almost have to
23 know that area really well to understand I think why
24 they did it they way they did. Because if you're
25 walking south, you're walking up hill. And then to be

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1 walking up hill and see a bunch of steps and then go
2 to some place, I don't think that's especially
3 attractive. You're going to go in at the corner, I
4 think.

5 CHAIRPERSON MITTEN: That's helpful.
6 Thank you.

7 Anyone else? Mr. Epting, any questions
8 for the panel?

9 MR. EPTING: No.

10 CHAIRPERSON MITTEN: Mr. Todd, any
11 questions for the panel?

12 MR. TODD: (No audible response.)

13 CHAIRPERSON MITTEN: Ms. Wiss, any
14 questions for the panel?

15 MS. WISS: (No audible response.)

16 CHAIRPERSON MITTEN: Thank you, all.
17 Anyone else who'd like to testify in
18 support?

19 (No audible response.)

20 CHAIRPERSON MITTEN: Okay. Now we'll have
21 those in opposition. I have one signed up, Ms.
22 Simmons. Simons. Sorry. I should know better.

23 Anyone else who'd like to testify in
24 opposition?

25 (No audible response.)

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1 MS. SIMONS: Good evening, Commissioners.
2 I'm Barbara Simons. Although I'm former president of
3 the Forest Hills Citizens' Association, I'm not
4 testifying on their behalf; they haven't taken a
5 position, but I would like to concur in what
6 Commissioner Wiss has testified to on behalf of ANC
7 3-F.

8 ANC 3-F did not support the proposed PUD
9 for the reasons that Ms. Wiss gave in her testimony
10 and I would like to add a few other things to that.
11 She's covered most of what I had to say, but I would
12 like to point out that the reason the Wisconsin Avenue
13 facade is so uninteresting, I think, and monolithic is
14 because it's the side of the building. The building
15 should really be on Wisconsin. That is, the front of
16 the building should be Wisconsin and I think it was
17 very intuitive and perceptive on the part of
18 Commissioner Jeffries, and I guess others, to ask
19 about why there isn't an entrance on Wisconsin Avenue.

20 When you have a building that's on
21 Wisconsin Avenue, the entrance should be on Wisconsin
22 Avenue. It should not be a building on the side
23 street. And in fact, if it's a building on the side
24 street, which is a residential street, Brandywine,
25 then the density is much too high for Brandywine.

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1 Reference has been made to Tenley Hill and
2 I think Tenley Hill suffers from the same defect, that
3 the Wisconsin Avenue facade of Tenley Hill is the side
4 of the building, just as this facade, Wisconsin Avenue
5 facade of this building will be the side of the
6 building. And I think it's kind of interesting that
7 the developer has called itself 4600 Brandywine
8 Associates. That 4600 address is the address of
9 Wisconsin. It's 4600 Wisconsin, not 4600 Brandywine.
10 But I think they wanted to make it seem as if it was
11 a building on Brandywine. But my point is, if it's a
12 building on Brandywine, then the density is much too
13 high.

14 Also, I think that PUDs are being used too
15 often these days to accomplish something that should
16 not be accomplished. PUDs are supposed to have
17 exceptional merit. If every proposal for a PUD that
18 is coming across the board today, or coming across
19 whatever you want to call it, is in fact of
20 exceptional merit, as they all claim they are, then I
21 would say the words "exceptional merit" have ceased to
22 have any meaning whatsoever. Not ever proposal, every
23 project has exceptional merit. And I think it's time
24 that this Commissioner, or this Commission rather, and
25 the Commissioners recognize that fact and only allow

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1 PUDs that do in fact have exceptional merit. I think
2 that's --

3 CHAIRPERSON MITTEN: Is that your closing
4 thought?

5 MS. SIMONS: Yes. Right.

6 CHAIRPERSON MITTEN: Okay.

7 MS. SIMONS: Thanks.

8 CHAIRPERSON MITTEN: Thank you. Wait.

9 MS. SIMONS: Oh, I'm sorry.

10 CHAIRPERSON MITTEN: Let's see if anybody
11 has any questions for you.

12 Anybody have any questions?

13 COMMISSIONER JEFFRIES: Just quickly. So
14 have you been able to take a look at what's been put
15 forth this evening?

16 MS. SIMONS: Yes, I have and I still have
17 the same qualms that Ms. Wiss has. And in fact, if
18 you haven't looked at Tenley Hill, I would urge all of
19 you to take a look at Tenley Hill. Tenley Hill, in my
20 opinion, has spoiled the Wisconsin Avenue streetscape
21 or Wisconsin Avenue whatever it is. It is a blight,
22 I think, on the entire street. So I would urge you,
23 if you haven't looked at Tenley Hill, take a look at
24 Tenley Hill because this is going to be just like
25 another Tenley Hill.

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1 COMMISSIONER JEFFRIES: So if I'm
2 understanding you correctly, you would encourage the
3 developer to broaden the entrance to the retail
4 portion of the project.

5 MS. SIMONS: Yes.

6 COMMISSIONER JEFFRIES: And focus some
7 attention onto Wisconsin Avenue to give that sense of
8 presence on the larger street?

9 MS. SIMONS: Yes. Correct. Correct.
10 Right. And have more retail or at least the thought
11 of having more retail, because that's one of the
12 reasons, as I understand it, that Mayor Williams and
13 the Office of Planning is encouraging this development
14 along Wisconsin Avenue, to have more commercial
15 retail. And so it seems to me then why not take
16 advantage of this particular corner? And it is a very
17 prominent corner, as the Applicant has stated. And
18 therefore, as I say, I would try to have an entrance
19 on Wisconsin Avenue, not have it the side of the
20 building, but the front of the building. And by the
21 way, this business of steps, that isn't true. There
22 are a lot of buildings that where there is a change in
23 grade where you don't have steps. They build it up in
24 such a way that you don't have to have steps going up
25 to it. In fact, it's rather attractive in some cases

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1 to do it. I think the architects here are very clever
2 architects and I think they could do a marvelous job.
3 In other words, I'm not saying that they haven't done
4 a lot of good things, but I think it needs more work
5 and I think they can do it if they're encouraged to do
6 the kinds of things that have been suggested tonight.

7 And so I think that's the reason ANC 3-F
8 voted the way it did, not that they really didn't like
9 the fact that the developer has cooperated and has
10 worked with the neighborhood, though they didn't work
11 that much with ANC 3-F. They worked more with ANC
12 3-E. But in any event, that's beside the point. I
13 think they're well-intentioned, but I think they need
14 to be encouraged to do a little bit more to make it
15 what it could be, a very beautiful project that will
16 in other words be the kind of project that should be
17 on that corner.

18 I don't know if you've gone by that
19 corner, but that corner is really prominent and this
20 building's going to stand out. That's going to be the
21 only building you'll see in fact because it's set so
22 far forward. I mean, it really should be set back if
23 you don't want it to be so obvious. But if you're
24 going to have it be as obvious as it's going to be,
25 then I think more work needs to be done.

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1 COMMISSIONER HILDEBRAND: I actually am
2 very familiar with this corner and the site.

3 MS. SIMONS: Oh, okay.

4 COMMISSIONER HILDEBRAND: How do you
5 respond to Ms. Sherman's statement that there are
6 72,000 square feet of vacant retail along that stretch
7 of Wisconsin Avenue and that the landlords there
8 apparently have not been able to keep those
9 businesses?

10 MS. SIMONS: Well, I have a solution which
11 I don't think the, I don't know whether to call them
12 developers or who they are, the landlords. I think
13 the rents are too high. I really do. The rents do
14 not have to be that high in order to succeed. In
15 other words, if you get volume, the rents don't have
16 to be -- in other words, it'll come back in volume.
17 That's my opinion. I think that's been a problem
18 throughout the city in certain areas. Ward 3, for
19 example. Same thing on Connecticut Avenue and the
20 rents are just too high. That's what they all tell
21 me. When I was president of the Forest Hill Citizens,
22 I would talk to the various retailers who wanted to
23 come in and they would tell me, or if they were
24 already in but were moving out, they told me the rents
25 were entirely too high. They could not afford it.

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1 Well, what's the point then? You know
2 what I mean? Why have a business if people can't
3 afford to continue in the business? I think the city
4 has an obligation to see to it in some way that the
5 rents are not too high for these businesses. But
6 maybe that's a minority view. I don't know. Anyway.

7 CHAIRPERSON MITTEN: Well, we like to let
8 the market have some say about what people do.

9 MS. SIMONS: Right. Oh, I agree. The
10 market should have some say, but I guess we do have in
11 the city rent controls, so it sometimes controls --

12 CHAIRPERSON MITTEN: Okay. Moving on.

13 MS. SIMONS: Yes. All right. I'm not
14 going to be very popular, I know, but anyway.

15 CHAIRPERSON MITTEN: Okay. Mr. Epting,
16 any questions?

17 MR. EPTING: No.

18 CHAIRPERSON MITTEN: Mr. Todd, any
19 questions?

20 MR. TODD: (No audible response.)

21 CHAIRPERSON MITTEN: Ms. Wiss, any
22 questions?

23 MS. WISS: (No audible response.)

24 CHAIRPERSON MITTEN: Thank you very much.

25 MS. SIMONS: Thank you.

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1 CHAIRPERSON MITTEN: All right. Anyone
2 else who'd like to testify in opposition?

3 (No audible response.)

4 CHAIRPERSON MITTEN: All right. Then
5 we're ready for whatever closing you'd like to make.

6 MR. EPTING: Thank you very much. Based
7 upon the written record and the evidence presented, we
8 request approval of the consolidated PUD application.
9 The PUD is supposed by the Office of Planning, the
10 CSTO, our ANC that we're in, the residents within this
11 ANC that you've heard from tonight. The project meets
12 the definition of exceptional merit as that term is
13 used in the PUD regulations. It meets or exceeds
14 every standard use to define exceptional merit by the
15 Zoning Commission. It adds new home ownership
16 opportunities and housing choices on Wisconsin Avenue
17 adjacent to a Metro station. And we believe that
18 contrary to some of these arguments about retail is
19 that more residential at these sorts of locations is
20 actually going to later drive and feed more retail,
21 but you need the residential first.

22 It's compatible with the neighborhood.
23 It's consistent with the comprehensive plan. It will
24 provide more than two times the required parking. It
25 will provide a lay-by for loading. It will provide

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1 streetscape improvements, a green roof, affordable
2 housing and employment opportunities through a first
3 source and LBOC agreement.

4 So that concludes our testimony today. I would
5 like, and I know there's some opposition, but I would
6 like to ask for a bench decision, if that's possible,
7 because we have been working on this for close to two
8 years and we'd like to move on.

9 CHAIRPERSON MITTEN: Okay. Why don't you
10 let us take just like a three-minute break and we'll
11 be back in three minutes and then we'll let you
12 know --

13 MR. EPTING: Sure.

14 CHAIRPERSON MITTEN: -- if we're going to
15 decide it tonight or not.

16 MR. EPTING: Sure. Okay.

17 CHAIRPERSON MITTEN: Thank you. We'll be
18 recessed for three minutes.

19 (Whereupon, at 8:49 p.m. off the record
20 until 8:55 p.m.)

21 CHAIRPERSON MITTEN: All right. We're
22 back. We're not going to make this needlessly lengthy
23 period of time that we'd like to keep the record open,
24 but we are going to ask for a couple of things to
25 follow up on the conversations that we've had tonight

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1 and other Commissioners can chime in if I miss
2 something.

3 One of the things we'd like to see is a
4 design alternative that addresses some of the concerns
5 that we raised about the corner, which won't
6 necessarily mean we'll adopt that, but we'd like to
7 see a different treatment.

8 If it's possible within the amount of time
9 to see the DDOT letter in support of the lay-by,
10 that's fine.

11 And I guess I would just note, as I was
12 reminded by Mr. Parsons, that I had a concern about
13 the species of trees that were being suggested to be
14 planted in public space and, you know, based on Ms.
15 Wiss' testimony, but Mr. Parsons reminded me, that it
16 will need the approval of the city to do it so we
17 won't be getting trees that are incompatible with the
18 recommendations that are currently being made by the
19 arborist.

20 So, was there -- I feel like I'm missing
21 something.

22 COMMISSIONER HILDEBRAND: Madam Chairman,
23 the only other thing I'd hoped to see was a revised
24 roof plan and a revised penthouse plan that reflected
25 the elevations. And also on the roof plan to have the

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1 mechanical units clearly documented on the roof plan
2 so we get a sense of their extent. And if there's any
3 revised treatment of the elevations that you're
4 suggesting, we see those as well.

5 COMMISSIONER PARSONS: I think he
6 landscape architect ought to rethink the plum and come
7 back with another species there and you can do the
8 same thing with the red oak, if you'd like, so we
9 wouldn't have a set of plans that's not in concert
10 with where you're going to end up anyway.

11 CHAIRPERSON MITTEN: Thank you. All
12 right, Mr. Bastida. We need some dates please. And
13 our goal would be to get this on the agenda for our
14 November decision meeting.

15 MR. BASTIDA: In order to do that, Madam
16 Chairman, the Applicant will have to submit all those
17 drawings by next Thursday the 21st at 3:00.

18 CHAIRPERSON MITTEN: Is that possible?

19 MR. EPTING: Yes, we can even do it by
20 Tuesday.

21 CHAIRPERSON MITTEN: Poor Mr. Cunningham.

22 MR. CUNNINGHAM: I can't draw. We've been
23 drawing for the last three weeks. They can keep
24 going.

25 MR. BASTIDA: They need to be served on

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1 the parties and the parties would have until Thursday,
2 October the 28th at 3:00 to make their comments and
3 then it is likely that they will appear on the Zoning
4 Commission agenda for November the 8th.

5 CHAIRPERSON MITTEN: We got the dates
6 clear?

7 MR. EPTING: Yes. Thank you.

8 CHAIRPERSON MITTEN: Great. I'd like to
9 thank everybody for coming out tonight and being
10 patient with us and sharing your thoughts. And this
11 hearing is now adjourned.

12 (The hearing was adjourned at 8:58 p.m.)
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