

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
   
IN THE MATTER OF: :
   
:
   
Highland Park West, LLC :
   
et al. :
   
Modification to PUD : Z.C. Case No.
   
@ Square 2672 : 07-02B
   
:
   
-----:

Thursday,
   
September 30, 2010

Hearing Room 220 South
   
441 4<sup>th</sup> Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No.
   
07-02B by the District of Columbia Zoning
   
Commission convened at 6:30 p.m in the Office
   
of Zoning Hearing Room at 441 4<sup>th</sup> Street,
   
N.W., Washington, D.C., 20001, Anthony J.
   
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
   
KONRAD SCHLATER, Vice Chairman
   
MICHAEL G. TURNBULL, FAIA, Commissioner
   
(AOC)

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Board of Zoning Adjustment
   
District of Columbia
   
CASE NO. Transcript
   
EXHIBIT NO.null

GARY SELFRIDGE, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
STEVE COCHRAN

The transcript constitutes the minutes from the Public Hearing held on September 30, 2010.

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

2 6:35 p.m.

3 CHAIRMAN HOOD: Good evenings,  
4 ladies and gentlemen. This is a Public  
5 Hearing of the Zoning Commission for the  
6 District of Columbia. This is September 30,  
7 2002.

8 My name is Anthony Hood. Joining  
9 me are Vice Chairman Schlater, Commissioner  
10 Selfridge and Commissioner Turnbull.

11 We're also joined by the Office of  
12 Zoning staff Ms. Sharon Schellin. Also the  
13 Office of Planning staff, Mrs. Steingasser  
14 and Mr. Cochran.

15 This proceeding is being recorded  
16 by a court reporter and is also webcast live.

17 Accordingly, we must ask you to refrain for  
18 any disruptive noises or actions in the  
19 hearing room.

20 The subject of this evening's  
21 hearing is Zoning Commission Case No. 07-02B.

22 This is a request by Highland Park West for

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1 approval of a modification to a PUD for  
2 property located in Square 2672.

3 Notice of today's hearing was  
4 published in the D.C. Register on July 16,  
5 2010 and copies of that announcement are  
6 available to my left on the wall near the  
7 door.

8 The hearing will be conducted in  
9 accordance with 11 DCMR 3022 as follows:  
10 Preliminary matters, applicant's case, report  
11 of the Office of Planning, report of other  
12 government agencies if any, report of the ANC  
13 1A in this, organizations and persons in  
14 support, organizations and persons in  
15 opposition, rebuttal and closing by the  
16 applicant.

17 The following time constraints  
18 will be maintained in this meeting:

19 The applicant 10 to 15 minutes;

20 Organizations five minutes;

21 Individuals three minutes.

22 The Commission intends to adhere

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1 to the time limits as strictly as possible  
2 and notice that no time shall be ceded.

3 Oh, I didn't read that right. But  
4 if I didn't tell you that, you all would  
5 never know. But anyway, we'll leave it as it  
6 is.

7 All persons appearing before the  
8 Commission are to fill out two witness cards.

9 These cards are located to my left on the  
10 table near the door.

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

15 The decision of the Commission in  
16 this case must be based exclusively on the  
17 public record. To avoid any appearance to  
18 the contrary, the Commission requests that  
19 persons present not engage the members of the  
20 Commission in conversations during a recess  
21 or anytime.

22 Please turn off all beepers and

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1 cell phones at this time so as not to disrupt  
2 these proceedings.

3 The staff will be available for  
4 any procedural questions.

5 Would all individuals wishing to  
6 testify please rise and take the oath.

7 (Witnesses sworn).

8 CHAIRMAN HOOD: Thank you, Ms.  
9 Schellin, for administering the oath.

10 At this time the Commission will  
11 consider any preliminary matters. Does the  
12 staff have any preliminary matters?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: Okay. Thank you.

15 Let's go right into it. Mr.  
16 Glasgow and Mr. Freeman.

17 MR. GLASGOW: Thank you, Mr.  
18 Chairman.

19 CHAIRMAN HOOD: Okay. We have  
20 some experts. Let's do that right quick.

21 MR. GLASGOW: Yes.

22 CHAIRMAN HOOD: Two of them I know

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1 have been previously accepted. And also Mr.  
2 George Myers, Commissioners, if you look  
3 behind Tab D at his résumé, I don't think he  
4 has been previously accepted. Not in front  
5 of this Board, but I saw the BZA he's been  
6 previously accepted.

7 MR. GLASGOW: BZA.

8 George, were you accepted on  
9 contracts with -- former projects as an  
10 expert?

11 MR. MYERS: Yes.

12 CHAIRMAN HOOD: He's already been  
13 accepted for architecture?

14 MR. GLASGOW: Yes.

15 CHAIRMAN HOOD: Okay.

16 MR. GLASGOW: By this Commission.

17 CHAIRMAN HOOD: Okay. Thank you  
18 very much.

19 So I think -- I don't see anybody  
20 nodding their head, so we should be okay.  
21 Everyone is an expert witness.

22 You may proceed, Mr. Glasgow.

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1 MR. GLASGOW: Thank you, Mr.  
2 Chairman.

3 Good evening, members of the  
4 Commission. For the record, my name is  
5 Norman M. Glasgow, Jr. of the law firm of  
6 Holland & Knight. Mr. Kyrus Freeman, the  
7 same firm, is here with me.

8 On behalf of the applicant, Mr.  
9 Chris Donatelli and Larry Clark are here.

10 And the architects for the  
11 project, Mr. George Myers and Laura Dehart of  
12 GTM Associates.

13 Before proceeding with the  
14 testimony of witnesses, I would like to give  
15 a brief opening statement.

16 We do have a couple of revised  
17 sheets in the materials Board has been  
18 submitted. The revised sheets show the bike  
19 rack that was added to the front of the new  
20 building. It's a note on the bottom of the  
21 sheet. That was in response to DDOT had  
22 requested that we put an exterior bike rack

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1 there. We have done that.

2 And then the other revised sheets  
3 we wanted to have the roof structure have the  
4 same articulation as the existing. And so  
5 that is what those other three sheets are  
6 about.

7 This case is a modification of  
8 Zoning Commission Order 07-02, issued June  
9 27, 2008. The project remains the same and  
10 the amenities package is essentially  
11 identical to that that was previously  
12 approved. We will have additional bicycle  
13 parking spaces in the new apartment building  
14 and the bike rack that I previous mentioned.

15 The amenity of the CBRF remains  
16 exactly the same as it was before.

17 The Phase 1 Highland Park  
18 Building, which is an existing structure,  
19 obviously remains the same. The new apartment  
20 building has been redesigned and instead of  
21 69 units it's proposed to accommodate 144  
22 units, and Mr. Myers will explain that. It

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1 has a height of 90 feet, prior feet height  
2 was 86 feet 2 inches.

3 And the below grade parking for  
4 the entire project will be provided in the  
5 Phase 1 building.

6 The building has been redesigned  
7 to be more sympathetic with the existing  
8 Highland Park Building. And as I said, the  
9 CBRF design is unchanged.

10 With respect to the TDM reference  
11 in the DDOT report, we are not changing what  
12 had been committed to before and approved by  
13 this Commission, which are items 3, 4, 6, 7  
14 and 8 at page 18 of Zoning Commission Order  
15 07-02.

16 In addition, with respect to  
17 Affordable Housing of the new units that are  
18 going to be constructed, that's the 69 units  
19 now to 144, 20 percent of those units will be  
20 affordable, which is two and half times the  
21 IZ requirement.

22 The FAR from the previous approval

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1 was increased slightly from 4 FAR to 4.11  
2 FAR. There's a 4.5 FAR limit for the C-3-A  
3 zone with a PUD.

4 And as referenced in the OP report  
5 and the applicant's submissions we have  
6 requested flexibility as to court relief.

7 We have the support of the  
8 Advisory Neighborhood Commission, and their  
9 letter is in the record.

10 And we have the support of the  
11 Office of Planning, and the DDOT report is  
12 favorable.

13 If there are no preliminary  
14 questions, I'd like to proceed with the  
15 testimony of Mr. Myers. He will be the one.

16 And then the panel would be available for  
17 questions.

18 CHAIRMAN HOOD: Okay.

19 Commissioners, we have any problems  
20 proceeding with just Mr. Myers? Okay.

21 That'll

22 be good. Thank you.

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1                   And if you could hit the  
2 highlights in the remarks, and the changes.

3                   MR. GLASGOW: Okay.

4                   MR. MYERS: Thank you.

5                   My name is George Myers with GTM  
6 Architects.

7                   The building is an addition to the  
8 existing Highland Park Apartment Building.  
9 It's essentially the same size as the  
10 previously approved project. The major  
11 difference architecturally is that the  
12 building has really been designed as an  
13 addition, to look like an addition  
14 architecturally.

15                   The site is up there. You can see  
16 that the addition is on Irving Street. We're  
17 at 14th and Irving, and the addition is right  
18 there.

19                   Currently there are four lots.  
20 There's the Metro lot, Phase 1 and Phase 2  
21 and this is the CBRF lot.

22                   This is a diagram that shows the

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1 courts on the project. There are courts on  
2 three sides: There's a court in the front,  
3 there's one in between the buildings and  
4 there's one on this side. Relief is only  
5 needed at this one, similar to the previous  
6 PUD.

7 Loading is accomplished on the  
8 Phase 2 building on the alley, back here for  
9 this building. There's an existing loading  
10 dock off of Irving for Phase 1.

11 We're providing two spaces; a  
12 service space of 20 foot deep and one at 30.

13 Go to the next one.

14 The landscape plan is showing that  
15 we're doing a heavily landscaped courtyard  
16 between Phase 1 and Phase 2. We have a water  
17 feature, lawn and outdoor seating. We're  
18 also have a private entry court that comes  
19 into our secondary lobby. And we'll also  
20 have a lawn where the CBRF building will be  
21 in the future.

22 This is showing the basement plan.

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1 This is Phase 1. We are connecting the  
2 basements. However, there's no parking. The  
3 basement's being used for mechanical and  
4 storage spaces and some bike storage. There  
5 is no additional parking as we are overparked  
6 on Phase 1.

7 This shows Phase 1 and our Phase 2  
8 here. The main lobby will continue to  
9 function as the main entry for the entire  
10 building, including Phase 2. The connection  
11 goes through the building through here. We  
12 also are providing a secondary lobby for the  
13 Phase 2 building.

14 This is showing a typical floor  
15 plan. Our unit mix is very diverse overall:  
16 We have 19 percent two bedrooms, 55 percent  
17 one bedroom and 26 percent efficiencies.

18 This is the roof plan. The new  
19 roof plan there's no amenity on the roof  
20 because we have amenity on the Phase 1. Our  
21 roof is largely occupied with mechanical  
22 equipment. And we have a single roof

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1 structure.

2                   Again getting back to this  
3 building, this shows Phase 1 and this is the  
4 Phase 2. The main point of this is we  
5 really picked up on all the detailing of the  
6 existing building. The materials will be  
7 identical: Brick detailing, precast windows,  
8 all of it really clearly what we're trying to  
9 do is make this look like an extension of the  
10 Phase 1 project.

11                   Now these are just some details.  
12 This is the roof structure we did add some  
13 detailing to mimic the existing roof  
14 structure.

15                   Again, some more detailing.

16                   I guess that'll do it.

17                   The interior courtyard elevations.  
18 We wrapped brick around considerable, across  
19 the front and down the sides and then the  
20 interior courtyard the materials change to  
21 brick on the first two floors and then stucco  
22 above.

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1                   And that's about it, and I'm happy  
2                   to answer other questions.

3                   MR. GLASGOW: A materials board  
4                   has been submitted.

5                   MR. MYERS: Yes, we have  
6                   materials.

7                   MR. GLASGOW: The panel's  
8                   available for questions from the Commission.

9                   CHAIRMAN HOOD: Okay. Thank you  
10                  very much.

11                  Is your traffic consultant --

12                  MR. GLASGOW: It was determined  
13                  that there was no additional traffic report  
14                  necessary in this case because of the amount  
15                  of parking that's already constructed and in  
16                  the Phase 1 building. And I think if you  
17                  look at the Zoning Comp Sheet in the plans we  
18                  have an additional 63 spaces that are over  
19                  and above the required amount of parking  
20                  already constructed.

21                  CHAIRMAN HOOD: Okay. So this  
22                  letter that we have, dated from DDOT

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1 September 23rd, all the requirements, I  
2 guess, have been filled?

3 MR. GLASGOW: With respect to the-  
4 -

5 CHAIRMAN HOOD: Let's do the check  
6 list. Let's just run down a few things.

7 MR. GLASGOW: Sure.

8 CHAIRMAN HOOD: Lack of well  
9 coordinated document delivery management for  
10 the existing Irving Street mid-block curb  
11 cut?

12 MR. GLASGOW: All right. With  
13 respect to that curb cut, we will get back to  
14 DDOT. That's an existing curb cut for the  
15 existing building and we have operated that  
16 with respect to the management company on  
17 there as to how that essentially we have  
18 trash pickup there.

19 CHAIRMAN HOOD: Because I'm  
20 looking at the recommendation they gave us.  
21 The District Department of Transportation  
22 recommends conditional support of the

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1 applicant's request for a minor modification.

2 And in this particular page it has two. It  
3 says "Location also," and I know you  
4 mentioned about the bicycle parking--

5 MR. GLASGOW: Right.

6 CHAIRMAN HOOD: And it says:  
7 "Location of bicycle parking for future  
8 residents of the residential project." And  
9 it also talked about a safety concern, and I  
10 think you've addressed that early on, am I  
11 correct?

12 MR. GLASGOW: Yes.

13 CHAIRMAN HOOD: Okay. So there's  
14 no longer a safety concern?

15 MR. GLASGOW: Not that we're aware  
16 of.

17 CHAIRMAN HOOD: Okay. One of the  
18 suggestions they're making to us in their  
19 analysis, "DDOT suggests the applicant  
20 demonstrate a detailed delivery system." Has  
21 that been satisfied?

22 MR. GLASGOW: Chris, did you want

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1 to respond to that?

2 CHAIRMAN HOOD: I guess my only  
3 point is we got a letter from the 23rd --

4 MR. GLASGOW: I know. Yes. Yes.  
5 They have a letter from the 23rd.

6 We had talked to them about the  
7 existing -- if we could, Mr. Chairman, they  
8 had their recommendations in the back of  
9 their letter.

10 CHAIRMAN HOOD: Yes.

11 MR. GLASGOW: It says the first  
12 recommendation is "Applicant will close the  
13 existing curb cut located to the west of the  
14 project." We've agreed to do that.

15 CHAIRMAN HOOD: Okay.

16 MR. GLASGOW: Okay. "A delivery  
17 management schedule to DDOT that will allow  
18 staff members to review it in advance of  
19 final build out of the property." We don't  
20 have any problem doing that with them.

21 "Comprehensive TDM measures that  
22 will satisfy the transportation needs of new

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1 residents and the property management  
2 employees inside of the new building." We  
3 have agreed to what the Commission ordered in  
4 the first case: That was part of the Order  
5 that I cited with the provisions that were  
6 the transportation demand management  
7 provisions that the Commissioner imposed the  
8 first time.

9 CHAIRMAN HOOD: Right.

10 MR. GLASGOW: That's what we  
11 understood to be the Comprehensive TDM  
12 measures.

13 CHAIRMAN HOOD: So, I guess that  
14 would also under the TDM include DDOT will  
15 also look to the applicant to install guest  
16 spot simple parking? Was that agreed to?

17 MR. GLASGOW: That is agreeable,  
18 yes. We've got that on the plans.

19 CHAIRMAN HOOD: So this letter,  
20 basically the only issue is the lack of well  
21 coordinated document delivery management  
22 schedule?

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1 MR. GLASGOW: That is correct.

2 CHAIRMAN HOOD: Okay. All right.

3 It depends on what happens tonight; maybe we  
4 can deal with that by final action.

5 MR. GLASGOW: I'm sorry, Mr.  
6 Chairman. I'm sorry. I didn't hear that.

7 CHAIRMAN HOOD: I said maybe we  
8 can deal with that. We'll deal with one  
9 particular outstanding issue by final action.

10 MR. GLASGOW: Yes.

11 CHAIRMAN HOOD: Okay.

12 MR. GLASGOW: Thank you.

13 CHAIRMAN HOOD: All right. Thank  
14 you very much.

15 Let me just say, I actually  
16 mentioned this project on Monday for those  
17 who were here. While I know that the CBRF  
18 was not up for question, I think this  
19 property is an amenity, if I remember  
20 correctly, the CBRF, am I correct?

21 MR. GLASGOW: What we proffered  
22 was that the land would be made available for

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1 it and we would take it through the review  
2 process, which we have.

3 CHAIRMAN HOOD: I know the city's  
4 responsible or somebody's responsible for  
5 getting it built, am I right?

6 MR. GLASGOW: No, the city wasn't  
7 expecting us to build it.

8 CHAIRMAN HOOD: No. The city's  
9 responsible, if I remember correctly.

10 MR. GLASGOW: Yes, that is  
11 correct. It's the city's responsibility to  
12 build it. We provided the land for it and  
13 the plans and the PUD approval for it.

14 CHAIRMAN HOOD: I guess I'd better  
15 top giving this -- I've been talking about  
16 this CBRF and this amenity for a long time. I  
17 was just talking about it Monday, how great  
18 it was and this is what we need to model. So,  
19 I sure hope it gets done. And I'm not looking  
20 to you to do it, but I sure hope the city  
21 does this. I really do.

22 MR. GLASGOW: Yes.

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1 CHAIRMAN HOOD: Because I think  
2 this is a model for what I believe in looking  
3 at it as far as amenities for a community.  
4 Get rid of those trailers. Or what was it?  
5 Trailers --

6 MR. GLASGOW: Yes, trailers.

7 CHAIRMAN HOOD: Yes. So, I've  
8 been talking about this for a long time.

9 Mr. Donatelli, I sure hop you're  
10 all pushing this, because let's get this  
11 done.

12 I don't really have any questions,  
13 so I'll turn it over to my colleagues. Any  
14 questions? Vice Chair?

15 VICE CHAIRMAN SCHLATER: Thanks,  
16 Mr. Chairman.

17 What is the status of those  
18 trailers and when do you expect them to be  
19 moved off the site?

20 MR. GLASGOW: Mr. Donatelli?

21 MR. DONATELLI: The trailers are  
22 still there. Approximately 80 residents or

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1 80 men that utilize the trailers, about half  
2 of them have been placed in permanent housing  
3 through DHS. And they continue to work with  
4 those individuals to get them placed into  
5 housing.

6 I believe there's a time frame for  
7 those to be moved, sometime around November,  
8 I believe, November 1. It's been pushed off  
9 now a couple of years and we've been sort of  
10 flexible in working with DHS and being as  
11 cooperative as we can. And just now the  
12 point where the city has been able to  
13 identify permanent housing for those  
14 residents, and that process is ongoing and  
15 should come to a conclusion over the next  
16 couple of months.

17 VICE CHAIRMAN SCHLATER: Right.  
18 And where are they in the process in terms of  
19 disposing the land for the actual CBRF?

20 MR. DONATELLI: The CBRF land is  
21 already owned by the District.

22 VICE CHAIRMAN SCHLATER: Okay.

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1 MR. DONATELLI: And the other  
2 portion, the portion that we're going to  
3 build on, we own that already.

4 VICE CHAIRMAN SCHLATER: So is it  
5 the District's going to build the CBRF  
6 themselves, is that the plan?

7 MR. DONATELLI: That's correct.  
8 Yes.

9 VICE CHAIRMAN SCHLATER: Do you  
10 know if they have funding identified for it?

11 MR. DONATELLI: I know that they  
12 did at one time. And I don't know for sure  
13 that that's still budgeted as such. However,  
14 you know we have been coordinating with them  
15 and providing the plans and working with them  
16 on some budgeting. So, I expect that they  
17 have the intention to build it, hopefully in  
18 the near future.

19 VICE CHAIRMAN SCHLATER: I agree  
20 with Chairman Hood on this. It's a great  
21 amenity for the project and it's a model of  
22 how you can work with the city.

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1           I think it would be good for us to  
2 understand where that is in the process, and  
3 maybe OP could go to DHS and get some  
4 information on the status of the CBRF  
5 development. Just so we're aware of where it  
6 is in the process and whether it's actually  
7 going to materialize. And I realize that's  
8 not the obligation of the developer to make  
9 that happen, but I think it would be  
10 instructural for us to know that. So, I'm  
11 going to make that request of OP.

12           I have a quick question on  
13 parking. How many spaces were built for the  
14 Highland Park Phase 1?

15           MR. DONATELLI: I know it's in  
16 excess of 300. We'll get the number here for  
17 you in a moment. And we have about twice as  
18 many spaces as we need in the first phase.  
19 So, we feel pretty comfortable about the  
20 second phase being quite a bit smaller than  
21 the first phase. We have enough parking to  
22 accommodate what's currently there.

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1 VICE CHAIRMAN SCHLATER: And then  
2 how many units is it? I'm just curious.

3 MR. DONATELLI: Well, let's see,  
4 the new building will have 140 --

5 VICE CHAIRMAN SCHLATER: The first  
6 phase?

7 MR. DONATELLI: So 129.

8 VICE CHAIRMAN SCHLATER: So for  
9 229 units you have 300 parking spaces?

10 MR. DONATELLI: It looks like we  
11 298 for the first phase, for 229 spaces.

12 VICE CHAIRMAN SCHLATER: Was that  
13 supposed to be a condo project initially or  
14 was that always a rental?

15 MR. DONATELLI: Well, we went  
16 through a couple of iterations, but we ended  
17 up changing from condo to rental. Originally  
18 we were designing it as rental. But I think  
19 no matter what the scenario was, our plan was  
20 to build that much parking and we just didn't  
21 fully appreciate the power of being right on  
22 top of the Metro and the reliance that the

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1 residents would have on Metro and their  
2 ability not to rely on parking. So, we  
3 ended up having a lot of extra parking spaces  
4 there.

5 So, the ratio instead of being 1.5  
6 to 1, which is what we built, really should  
7 have been about .5 to 1. So the second phase  
8 building that in it would really be foolish  
9 on our part to build additional parking since  
10 we had so much extra in the first phase.

11 VICE CHAIRMAN SCHLATER: Do the  
12 residents pay for the parking?

13 MR. DONATELLI: Yes, they pay for  
14 the parking. I don't really think it's an  
15 issue so much of that as just their  
16 willingness to abandon the cars altogether  
17 and to just use Metro on a daily basis, or  
18 bicycles which is why we do have a lot of  
19 bike parking in the first building and we're  
20 providing for a lot more in the second phase.

21 VICE CHAIRMAN SCHLATER: Great.

22 In terms of the materials you're

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1 using, I think you said that the materials  
2 are exactly the same as on the other  
3 building. Did the other building use the  
4 stucco effus materials on the interior  
5 courtyard?

6 MR. DONATELLI: Yes. Yes, we did.

7 On the interior courtyard at the back wing  
8 it's all -- where it turns to stucco, is  
9 where we turn to stucco.

10 VICE CHAIRMAN SCHLATER: Okay.

11 And are the bricks the same spec brick? Is  
12 it going to be identical to the other  
13 building?

14 MR. DONATELLI: In the details it  
15 is intended to look very much as an extensive  
16 of the original building.

17 VICE CHAIRMAN SCHLATER: Okay.

18 Thank you.

19 No further questions.

20 CHAIRMAN HOOD: Thank you, Vice  
21 Chairman.

22 Any other questions? Commissioner

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1 Turnbull?

2 COMMISSIONER TURNBULL: Thank you,  
3 Mr. Chair.

4 The roof structures, you've got  
5 two heights. You've got a metal screen and  
6 then you've got a stucco structure. One looks  
7 like it's about a foot and a half or two foot  
8 higher than the other. Any reason they're  
9 not the same? What are they, eighteen six?

10 MS. DEHART: We have the eighteen  
11 six, which is for the mechanical and the  
12 electrical, or the elevator overrun. I'm  
13 sorry, that's actually our mechanical  
14 penthouse whereas the other one is really  
15 just to provide a buffer for the view of all  
16 the condensing units on the roof. So we  
17 didn't necessarily need a penthouse, we were  
18 just trying to provide a little screening for  
19 that.

20 COMMISSIONER TURNBULL: Well, how  
21 high is that?

22 MS. DEHART: It stops at about 17

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1 feet.

2 COMMISSIONER TURNBULL: Well, it  
3 looks like its higher than the metal screen.

4 The metal screen is eighteen --

5 MS. DEHART: I'm sorry. I thought  
6 you were talking about the metal screen. And  
7 the metal screen is the lower one, yes.

8 COMMISSIONER TURNBULL: Yes,  
9 that's at eighteen six.

10 MS. DEHART: No. And that's at  
11 about sixteen or seventeen --

12 COMMISSIONER TURNBULL: Oh, that's  
13 at sixteen or seventeen.

14 MS. DEHART: Right. And then the  
15 effus structure is at eighteen six.

16 COMMISSIONER TURNBULL: That's at  
17 eighteen six. Okay.

18 And you've changed the front of  
19 the stucco structure to mirror the image on  
20 the other buildings? The packing is a little  
21 different, but it's similar?

22 MS. DEHART: Correct. We wanted to

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1 at least try and reflect that.

2 COMMISSIONER TURNBULL: But then  
3 as you turn the corner, it's suddenly flat?  
4 It's got just some scoring of the material?

5 MS. DEHART: Right. And that one  
6 sits back a little further. We didn't feel as  
7 though it would be seen from the street, or  
8 necessarily even from the courtyard at that  
9 point. And so we didn't provide as much--

10 COMMISSIONER TURNBULL: Do the  
11 other structures do that on the other  
12 building?

13 MS. DEHART: I am not 100 percent  
14 sure on that.

15 MR. GLASGOW: George, the existing  
16 roof structure, when you turn is that have  
17 that articulation?

18 MR. MYERS: I know it's brick on  
19 the front. I couldn't say if it goes around  
20 the sides.

21 COMMISSIONER TURNBULL: All right.  
22 Well, let's talk about that. We're getting

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1 twice the density here. Why the surge?

2 I mean, the floor plate, you're  
3 cramming in more floors with a smaller floor  
4 plate compared to the existing building. Why  
5 do you need that much more density now than  
6 we did before? What's the incentive of doing  
7 this?

8 MR. DONATELLI: There's a couple  
9 of reasons for that. And now that we've been  
10 operating our building there for a couple of  
11 years we -- as far as our unit mix in  
12 concerned, we've found that our units were  
13 essentially too large for the marketplace and  
14 we didn't have enough smaller units in  
15 looking at our overall design. So, what  
16 we've done now with the second phase is we've  
17 included a lot of smaller units which will  
18 allow us to serve a greater percentage of the  
19 marketplace because we'll be able to offer  
20 units at a lower rental rate, lower price.

21 So, if you look at overall mix,  
22 now we've sort of plugged that hole and

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1 provided some smaller units.

2 In addition, because we don't have  
3 a first floor retail whereas we do on the  
4 other building, we have a 20 foot first floor  
5 in Phase 1 to provide for very tall retail  
6 space; we don't have that any longer, so we  
7 have residential starting at the first floor  
8 going up. So in essence we've been able to  
9 get an extra floor of residential in and we  
10 have more unit, a number of units, because we  
11 have smaller units to --

12 COMMISSIONER TURNBULL: The mix,  
13 how does that work with the inclusionary  
14 zoning? I mean, if you've got 55 percent of  
15 your units are one bedroom, is that really  
16 happening, inclusionary zoning? I mean, how  
17 does that work for the people who really need  
18 housing? For some reason one bedroom doesn't  
19 sound like --

20 MR. DONATELLI: Well, most of the  
21 people that come to us whether they're  
22 looking to rent a market rate unit or looking

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1 to rent an affordable unit, most of the  
2 people that come into us are single  
3 occupants. That's just the reality of the  
4 marketplace there.

5 COMMISSIONER TURNBULL: You've got  
6 evidence of that? You've got something to  
7 back that up?

8 MR. DONATELLI: Yes. Yes, we do.  
9 We have two years of operating history that  
10 can demonstrate that.

11 What ends up happening in many  
12 cases is that individual tenants in order to  
13 make the rent are searching for roommates.  
14 So they're in a roommate search situation.

15 So, this second phase because  
16 we'll have mostly one bedroom units, we'll be  
17 able to satisfy that portion of the market  
18 just right out of the box.

19 We already have with our second  
20 phase the number of two bedroom units that  
21 can service the marketplace.

22 We have 61 two level loft units in

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1 Phase 2. Many of those are already dedicated  
2 towards the Affordable Housing Program.

3 We also have a good number of two  
4 bedroom and den units in the first phase.

5 So, you know looking at it from  
6 all perspectives: From an Affordable Housing  
7 perspective and looking at it from a  
8 marketplace perspective what we were lacking  
9 and what most buildings do have that we  
10 previously did not was to have the smaller  
11 units. So we could instead of having to  
12 charge \$2000 or \$2100 for a one bedroom unit,  
13 now because we have smaller units we'll be  
14 able to deliver units and rent them at \$1600.  
15 I'm talking only about the market rate units  
16 now. The affordable ones will be lower.

17 COMMISSIONER TURNBULL: Right.

18 MR. DONATELLI: So effectively if  
19 you have a single person coming into Highland  
20 Park today because the units are larger,  
21 they're looking at \$2200 a month, whereas  
22 when our second phase comes on because the

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1 units are smaller they'll be able to move  
2 into the neighborhood at 30 percent less  
3 price, which is what is really-- if I had to  
4 identify the one sort of deficiency of our  
5 current building, is that the units are too  
6 large and because they're larger --

7 COMMISSIONER TURNBULL: Too large  
8 square foot wise or --

9 MR. DONATELLI: Are too large  
10 square foot wise.

11 COMMISSIONER TURNBULL: Okay.

12 MR. DONATELLI: Yes. So we're now  
13 designing these units to more effectively  
14 match the marketplace. And we didn't know  
15 what that marketplace was when we built the  
16 Phase 1 because there just were not a large  
17 number of new apartment buildings in the  
18 community.

19 COMMISSIONER TURNBULL: So we're  
20 getting for Phase 2 it's 20 percent of --

21 MR. DONATELLI: Twenty percent of  
22 the square footage is dedicated to Affordable

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1 Housing. No matter how large the units are,  
2 it's 20 percent of the square footage.

3 COMMISSIONER TURNBULL: Of the  
4 square footage?

5 MR. DONATELLI: Yes.

6 COMMISSIONER TURNBULL: Not of the  
7 units?

8 MR. DONATELLI: Well, it  
9 translates to be roughly 20 percent of the  
10 units. But because we now have more units in  
11 the Phase 2 than we were, let's say,  
12 previously designing Phase 2 --

13 COMMISSIONER TURNBULL: Yes.

14 MR. DONATELLI: -- we have more  
15 affordable units.

16 COMMISSIONER TURNBULL: Now what's  
17 the mix on those? I mean, how would the 20  
18 percent work out? How many would be one  
19 bedroom and --

20 MR. DONATELLI: Well, if you look  
21 at the -- the way our contract works with the  
22 city is we need to maintain 20 percent of th

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1 square footage as Affordable Housing.

2 COMMISSIONER TURNBULL: Okay.

3 MR. DONATELLI: We currently are  
4 doing that in our first phase. So it works  
5 out to be approximately 60 percent of the  
6 current affordable units are one bedrooms in  
7 Highland Park. And 40 percent are satisfied  
8 by two bedroom units.

9 We will now have more one bedroom  
10 unit affordable, but we will maintain in the  
11 first building the same ratio that we  
12 currently have.

13 COMMISSIONER TURNBULL: Okay. Is  
14 it a statement on the building on how fast  
15 D.C. is going to be building a CBRF that  
16 you've got windows on the front planned?

17 MR. GLASGOW: That was a request  
18 that we agreed with with the Office of  
19 Planning to encase --

20 COMMISSIONER TURNBULL: Something  
21 went wrong or it didn't happen?

22 MR. GLASGOW: Or it took longer

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1 than people anticipated.

2 COMMISSIONER TURNBULL: Okay. All  
3 right.

4 Thank you, Mr. Chair.

5 CHAIRMAN HOOD: Okay. Thank you.

6 Any other questions? Commissioner  
7 Selfridge?

8 COMMISSIONER SELFRIDGE: Thank  
9 you, Mr. Chairman.

10 The CBRF, was that part of the  
11 amenities package or was that more land  
12 disposition? How did this come about that  
13 CBRF became part of this project?

14 MR. GLASGOW: Well, what happened  
15 is when the land disposition agreement was  
16 signed there was no CBRF in there. And the  
17 city came back to Mr. Donatelli and said  
18 essentially we've made a mistake. We had  
19 intended that there be a provision in there.

20 And Chris said if you've made a mistake,  
21 then we'll revise the documents and agreement  
22 accordingly.

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1                   COMMISSIONER SELFRIDGE: So it was  
2 part of the land disposition as opposed to an  
3 amenities package?

4                   MR. GLASGOW: It ended up being  
5 that way as part of the land disposition on  
6 request from the District to please, in  
7 effect, renegotiate the deal because it was  
8 originally signed there was no CBRF on the  
9 site.

10                  COMMISSIONER SELFRIDGE: On the  
11 Affordable Housing, maybe you can put some  
12 numbers behind some of these percentages.  
13 What is 80 percent of the AMI? How much does  
14 that represent in terms of income?

15                  MR. DONATELLI: I can address  
16 that. The area of median income is  
17 approximately \$105,000 right now per  
18 household.

19                  COMMISSIONER SELFRIDGE: So the  
20 Affordable component is going to consist of  
21 renting 20 percent of floor area to people  
22 who make \$85,000 or less?

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1 MR. DONATELLI: Well, no. We have  
2 incomes in the 30 percent AMI range and the  
3 60 percent AMI range, and the 80 percent AMI  
4 range. So we have households earning,  
5 effectively, \$30,000 or less.

6 COMMISSIONER SELFRIDGE: Yes.

7 MR. DONATELLI: \$60,000 or less,  
8 \$80,000 or less. So, it's five percent of the  
9 building is at 30 percent AMI, 5 at 60  
10 percent AMI, and 10 percent at 80 percent  
11 AMI.

12 COMMISSIONER SELFRIDGE: Where is  
13 that articulated in the documents? I see 80  
14 percent of the AMI, but I don't see 30  
15 percent of the AMI.

16 MR. DONATELLI: We have covenants  
17 that run with the land that we executed with  
18 the District. So, I mean, there's really not  
19 any flexibility. I don't know if it's  
20 further. I mean, it's just well documented  
21 throughout. We've agreed to do, we're  
22 legally bound to providing that. We're doing

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1 that currently with our Phase 1 building. We  
2 sold condominiums across the street at the  
3 Canyon Square Project with the same AMI  
4 percentages. And we will be doing the same  
5 thing here with this.

6 I think it's articulated in our  
7 amenity package for this project.

8 Chip, maybe?

9 MR. GLASGOW: We've stated what  
10 that is. It's part of the LDA on the site as  
11 to those different percentages.

12 COMMISSIONER SELFRIDGE: Mr.  
13 Chairman, I'd like to get a copy of that.

14 I mean, that's a good story, Mr.  
15 Donatelli, and you guys are out promoting 80  
16 percent of the AMI. So if it is 30 percent,  
17 at least in the documents I have, I haven't  
18 seen it anywhere.

19 MR. GLASGOW: No, because we have  
20 not submitted the LDA as part of the record  
21 in this case.

22 COMMISSIONER SELFRIDGE: Yes, I

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1 would find that interesting. It would paint,  
2 I think, a more complete picture of the  
3 Affordable component

4 MR. DONATELLI: Well, it  
5 absolutely is, as I've said, it's ten percent  
6 at the 80, 5 percent at 60 and 5 percent at  
7 30. It's a covenant that runs with the land,  
8 that's what we intend to do.

9 And Jim will be happy to provide  
10 you with that documentation.

11 COMMISSIONER SELFRIDGE: I think  
12 it's a better story for your project.

13 MR. DONATELLI: It is.

14 COMMISSIONER SELFRIDGE: Yes, and  
15 if it's existing, I mean at least to tell  
16 people about it, you know.

17 MR. DONATELLI: Yes.

18 VICE CHAIRMAN SCHLATER: At least  
19 me, I didn't see it anywhere.

20 MR. DONATELLI: Okay. Yes. That  
21 is the case, and that's what we'll be doing.

22 So we'll be happy to provide you with any

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1 backup regarding that.

2 COMMISSIONER SELFRIDGE: That'd be  
3 great. And then --

4 MR. GLASGOW: Excuse me.

5 COMMISSIONER SELFRIDGE: Yes.

6 MR. GLASGOW: Did you want the  
7 entire LDA or just --

8 COMMISSIONER SELFRIDGE: No. I  
9 just wanted to see something that talked  
10 about 5 percent of the units at 30 percent  
11 AMI. I don't see it in the documents. I  
12 think I reviewed the package in whole.

13 MR. GLASGOW: Because the way the  
14 IZ regs are structured as long as we meet the  
15 IZ requirements, if there are other  
16 provisions that come in from other agencies  
17 or whatever, you don't necessarily have to go  
18 into that. We thought that it was just  
19 sufficient to say that we are two and a half  
20 times the requirement for IZ. But we're  
21 certainly happy to --

22 COMMISSIONER SELFRIDGE: Well, if

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1 it's an amenity, you know it's helpful to  
2 understand in the scope of the whole  
3 amenities package.

4 MR. GLASGOW: Yes.

5 COMMISSIONER SELFRIDGE: We were  
6 having a discussion the other night about  
7 amenities packages and what's sufficient and  
8 what's not sufficient. And when we're kind  
9 of making these determinations I think that's  
10 helpful.

11 Back on the amenities package, I  
12 see that ANC 1A supported the modification of  
13 the PUD, which is great, but was there any  
14 discussions in terms of increasing the  
15 amenities package since we had additional  
16 floor area and FAR?

17 MR. GLASGOW: But 20 percent of  
18 that is Affordable Housing.

19 COMMISSIONER SELFRIDGE: Sure.

20 MR. GLASGOW: So, no.

21 COMMISSIONER SELFRIDGE: Okay.

22 MR. GLASGOW: We weren't offering

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1 anything more. We thought two and a half  
2 times at 30, 60 and 80 was more than  
3 sufficient.

4 COMMISSIONER SELFRIDGE: So that  
5 was there a long negotiation with the ANC  
6 over the amenities package? I'm just  
7 curious, the process.

8 MR. DONATELLI: Well, one thing  
9 that we did do and I will point out is since  
10 the LDA was signed and until today just as a  
11 result of how things progressed, we ended up  
12 doing the design for the CBRF just because we  
13 had to in essence in order to get to this  
14 stage. So, we have done that design, we paid  
15 for that design, we've coordinated with DHS  
16 and tried to come up with a design and a  
17 program that will really work for them in  
18 conjunction with their existing shelter and  
19 what they want to bring back.

20 COMMISSIONER SELFRIDGE: Yes.

21 MR. DONATELLI: So, that was  
22 something that sort of evolved over time in

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1 order for us to progress the project to where  
2 we are today.

3 COMMISSIONER SELFRIDGE: Yes.

4 Okay. Thank you.

5 CHAIRMAN HOOD: Okay. Any other  
6 questions?

7 Do we have Chairman Brown from ANC  
8 1A here in the cross-examination? Okay.

9 We'll go right to Office of  
10 Planning.

11 MR. COCHRAN: Thank you, Mr.  
12 Chair.

13 OP recommends that the Commission  
14 approve the proposed modifications including  
15 the minor post setdown increases and the  
16 height and size of the connection between  
17 Phases 1 and 2, and the changes in the  
18 requested roof structure setback.

19 OP further recommends at DDOT's  
20 suggestion and at least the oral agreement of  
21 the applicant that the final approval be  
22 contingent on the applicant's written

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1 confirmation that future Phase 2 occupancy  
2 users or service providers would be  
3 prohibited from using the existing Phase 1  
4 loading area off of Irving Street.

5 We're happy to stand on the record  
6 and answer questions.

7 CHAIRMAN HOOD: Okay. Thank you.

8 Commissioners, any questions of  
9 Mr. Cochran. Okay.

10 Any questions -- Mr. Cochran, you  
11 did hear the request by Vice Chairman, and I  
12 actually agreed to it, to kind of find the  
13 status of the CBRF?

14 MR. COCHRAN: Absolutely. We heard  
15 that, and we'll do it.

16 CHAIRMAN HOOD: I hope there's  
17 some good news. Because I've been talking  
18 about this project for a long time.

19 Are there any other questions of  
20 Office of Planning? Okay.

21 Let's see, do we have anyone here  
22 from ANC 1A. Not officially? Well, we're

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1 going to make it official because what we're  
2 going to do is if you want to come up, we're  
3 going to make it so you can come up at the  
4 time when we have persons in support. I'm  
5 sure you're in support on it? Oh. Maybe I  
6 spoke too soon. Okay.

7 All right. Well, we'll go by the  
8 lists. Okay.

9 You actually answered one of my  
10 questions. I saw what the vote was and I was  
11 wondering who abstained. I mean, who was in  
12 opposition.

13 But anyway, let me go back to the  
14 agenda.

15 Report all of the Government  
16 agencies. We do have the DDOT report, and I  
17 saw one other one. Okay. And we have ANC  
18 1A, report of ANC 1A. I don't see Chairman  
19 Brown representing ANC 1A. And it says the  
20 motion passed by a vote of 5 yes, 1 no and  
21 one abstention. Okay.

22 It also goes on to read "On May

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1 12th, 2010 ANC 1A held its regularly  
2 scheduled meeting. A quorum was declared with  
3 all 11 Commissioners being present for the  
4 start of the meeting. Donatelli Development,  
5 Larry Clark presented the group's request to  
6 ask for an extension of its PUD.  
7 Commissioner Woodland made a motion to pass a  
8 resolution in support of the PUD extension,  
9 seconded by Chairman Valenti."

10 And this is Exhibit 31.

11 MR. GLASGOW: Mr. Chairman,  
12 there's another exhibit from ANC letter that  
13 voted on this modification request. And that  
14 was submitted to the Office of Zoning, I  
15 think it was on June 3rd. Do we have an  
16 exhibit number on that, Kyrus?

17 MR. FREEMAN: Fourteen.

18 MR. GLASGOW: I believe it's  
19 Exhibit 14.

20 CHAIRMAN HOOD: I actually think I  
21 have that. Yes, there's Exhibit 14. But this  
22 is -- what was this? This is reassuring the

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1 vote, I thought. But, yes, we do have a  
2 resolution.

3 MR. GLASGOW: I believe that that  
4 is the resolution in support of the request  
5 for the modifications. The other one was for  
6 the PUD extension, which the Commission  
7 granted earlier this year.

8 CHAIRMAN HOOD: Okay. Well, this  
9 was given to us again. Okay. That's fine.  
10 Yes, it does say extension.

11 Okay. So we do have the  
12 resolution. Thank you very much, Mr.  
13 Glasgow.

14 Exhibit 14. And let me look right  
15 quick for the vote. It says: "At its  
16 regularly May 12, 2010 Public Meeting in  
17 which a quorum was present voted yes to  
18 recommend that the Zoning Commission approve  
19 the applicant's requested modification for  
20 the pre-approved PUD as shown on the revised  
21 plans."

22 Since we do have a Commissioner

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1 here, I think -- I'm sure he can let us know  
2 on the record. The way I read that it was a  
3 unanimous vote on this one. But on the other  
4 one -- but anyways. I'll wait and let the  
5 ANC come up.

6 I'm looking at Exhibit 14. The  
7 one we were given --

8 MS. SCHELLIN: Their letter that  
9 they submitted on the 23rd. Because they  
10 didn't have, like, how many it made to make a  
11 quorum. Their September 23rd letter  
12 corrected all of that.

13 CHAIRMAN HOOD: Oh. So they  
14 basically for the 23rd was trying to correct  
15 the vote?

16 MS. SCHELLIN: They were saying  
17 how many --

18 CHAIRMAN HOOD: Voted?

19 MS. SCHELLIN: Right. They were  
20 trying to correct the information that the  
21 prior letter was lacking. They were just  
22 providing the missing information.

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1 CHAIRMAN HOOD: But they also say  
2 in this letter that it's a PUD extension?

3 MS. SCHELLIN: They just were  
4 confused. The letter was just supposed to  
5 correct the information they were missing.

6 CHAIRMAN HOOD: Okay. Thank you  
7 very much, Ms. Schellin.

8 So, this letter was supposed to  
9 correct this letter. Okay. All right. I  
10 think I got it. I think I got it. Okay.  
11 Thank you very much, Ms. Schellin.

12 Let's go to organizations and  
13 persons in support. Let me go to the only  
14 person I have in support tonight is Roy  
15 Murray. And I have a person with a question  
16 mark on both sides. So I'm going to call  
17 them up with the person in opposition.

18 So, Mr. Murray, you all don't have  
19 to move. Whoever Mr. Roy Murray is, you  
20 really don't have to move. Just stay where  
21 you all are. Mr. Donatelli, stay where you  
22 are.

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1                   Mr. Murray, if you could come up.  
2                   Mr. Murray's in support. If you could take a  
3                   seat to my left here.

4                   Anyone else here in support of  
5                   this application. He's in support? Oh.  
6                   Okay. Well we're going to bring you up next.

7                   Okay. Mr. Murray, you may begin.

8                   MR. MURRAY: Sir, my name is Roy  
9                   Murray. I'm a resident of ANC 1B, 13th and  
10                  Euclid. I use that area a lot for retail  
11                  purposes and leisure purposes up in the DC  
12                  USA complex.

13                  I'm in support of the project. I  
14                  looked at the design. It looks great.

15                  And also I'm a big proponent of  
16                  increasing the density in that area,  
17                  specifically to help out the businesses in  
18                  the DC USA structure, help them succeed as  
19                  they're trying to still fill many of the  
20                  businesses. And I think more people living  
21                  there will help achieve that goal.

22                  CHAIRMAN HOOD: Thank you very

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1 much, Mr. Murray, for being so succinct.

2 Let me ask my colleagues, do we  
3 have any questions of Mr. Murray?

4 Does the applicant have any  
5 questions of Mr. Murray?

6 MR. GLASGOW: No questions.

7 CHAIRMAN HOOD: Okay. Thank you  
8 very much. We appreciate your testimony.

9 Okay. I'm going to organizations  
10 or persons in opposition. And I have here on  
11 the list William Jordan, if you can come  
12 forward? Commissioner Jordan, I believe.  
13 Yes.

14 (Witness sworn).

15 CHAIRMAN HOOD: And Ms. Zara.

16 Zara? Okay. You have two question marks.  
17 So potentially could be in support, but you  
18 have some issues, some questions. But let's  
19 go to the Commissioner first, since you have  
20 two question marks. It might take a little  
21 longer.

22 Okay. Commissioner Jordan, you

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1 may being.

2 COMMISSIONER JORDAN: Mr.  
3 Commissioner, Chair and the Commission, my  
4 name is William Jordan. I'm the ANC  
5 Commission, ANC 1A, which my District kind of  
6 borders. My District includes DC USA, and so  
7 it borders the project.

8 I'm here basically testifying as  
9 an individual Commissioner not on behalf of  
10 the Commission.

11 My main reason for testifying in  
12 opposition to the project goes back to some  
13 of the issues that you all raised: The  
14 community-based facility, the proffers in the  
15 LDA versus what's in the Zoning agreement and  
16 how those two mesh together.

17 My biggest concern is when -- in  
18 fact, I have a copy of the original proposal  
19 with me as well as a copy of the LDA. And  
20 when this project came to the community many  
21 years ago the agreement, the way we viewed  
22 it, was between the NCRC/the Government, the

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1 community and, of course, the developer. The  
2 developer was one of several developers that  
3 presented a proposal for the site. They were  
4 selected. And the NCRC had several community  
5 hearings.

6 It was at those community hearings  
7 that the community-based facility came about  
8 to be added to the LDA. So I don't think the  
9 original LDA included the community-based  
10 facility, but as part of the ratifying the  
11 LDA the NCRC Board required public hearings.

12 At those public hearings both from the  
13 activist community, some neighbors who wanted  
14 to maintain the facility because we kind of  
15 viewed it as, well we're going to have the  
16 need and it's best to have a facility. And  
17 then, of course, the city came back with, I  
18 guess under that time it was the Homeless No  
19 More Program where you were moving away from  
20 emergency shelters to more transitional  
21 housing. And so, the community agreed to  
22 that.

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1                   There was some debate over whether  
2 there needed to be an emergency facility  
3 still a part of it because we knew that would  
4 be a need also.

5                   So, from my recollection that's  
6 how the community-based facility ended up in  
7 the agreement, was through that NCRC hearing  
8 process as well as negotiations that occurred  
9 between the developer, the Council member and  
10 others involved in the process.

11                   So for me the community-based  
12 facility is an amenity that is a part of the  
13 PUD. It's altogether. I don't see how you  
14 can separate those two items and allow one  
15 part to move forward and the other not to. So  
16 that's with that.

17                   I'll go real quickly a couple of  
18 other points.

19                   CHAIRMAN HOOD: Go right ahead.

20                   COMMISSIONER JORDAN: So one is to  
21 request that the LDA actually be made a part  
22 of any agreement because that covers the core

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1 of the agreement between the community and  
2 the developer and that you don't separate the  
3 two.

4           Second, on parking. While I would  
5 agree that we are not really over parked.  
6 Because also in that same area is a  
7 performance parking zone to protect  
8 residential parking. So you kind of have this  
9 contradicting thing going on. On one hand  
10 we're saying we have too much parking, but  
11 then we need to protect parking because  
12 there's not enough parking. Because we have  
13 several buildings in the area that don't have  
14 parking.

15           So, my recommendation is that that  
16 issue and some of the issues be looked at a  
17 little closer rather than we're moving to  
18 higher density and we don't need parking  
19 because we're on the subway. Because from  
20 the community standpoint, parking is the  
21 biggest issue going. In fact, there's  
22 further legislation to address that.

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1                   On the affordability. I think the  
2 other point in terms of what is sensible  
3 affordability. The 20 percent came from the  
4 LDA, so it didn't have anything to do with  
5 inclusionary zoning. It was an agreement as  
6 part of the LDA. And my understanding it was  
7 part of the write down cost of the land  
8 agreement, but I wasn't privy to the final  
9 negotiations. So, that was included in the  
10 project, it's not an addition to. That was  
11 expected.

12                   The other element related to this  
13 is the Columbia Heights Public Ground, which  
14 also was a part, was included in the  
15 Comprehensive Plan. And, of course, my  
16 concern is that the developer didn't fully  
17 comply with the Public Ground Plan and  
18 several other of the LDA requirements I think  
19 are at least open for question.

20                   CHAIRMAN HOOD: Okay. Thank you  
21 very much.

22                   COMMISSIONER JORDAN: And just

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1 quickly on trying to clear up on the  
2 confusion with the letters for the ANC, if  
3 you want me to try to --

4 CHAIRMAN HOOD: I kind of like  
5 what Ms. Schellin said, because that made  
6 sense. But if you got some --

7 COMMISSIONER JORDAN: But that's  
8 not quite fully accurate.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER JORDAN: What  
11 occurred is Mr. Clark and the development  
12 came to present to us about the extension.  
13 So the resolution was really designed to  
14 address the extension. However, what occurred  
15 is the Commission really didn't read and  
16 understand the letter, they just took it from  
17 the development community and signed it. And  
18 so once you signed and read it you found that  
19 it included both the extension and this  
20 hearing here. So there was really no separate  
21 review for what we're facing here; it was  
22 really done focused on the extension. And we

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1 really didn't address the new design. But  
2 because the way it was written it included  
3 both in one. So that's why technically it  
4 includes both in one, but that's not how it  
5 really went. So that's part of the  
6 confusion.

7 And then when the Chair attempted  
8 to clarify, he referenced back to the meeting  
9 where we voted, which was the meeting focused  
10 on the extension and not necessarily the  
11 continued project, although the entire thing  
12 was presented at the meeting.

13 CHAIRMAN HOOD: Okay. Thank you  
14 very much. Let me make sure I understand. So  
15 the bottom half of the letter should go along  
16 with this letter, the vote?

17 COMMISSIONER JORDAN: Right.  
18 Because --

19 CHAIRMAN HOOD: And the prior  
20 letter goes with something we did and we did  
21 the PUD extension?

22 COMMISSIONER JORDAN: Well, no, it

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1 was really all in one. The bottom part was  
2 to -- when they submitted the resolution, we  
3 didn't put it to vote. So the vote was for  
4 the extension. But that same -- MS.

5 SCHELLIN: Excuse me. Chairman Hood, if I  
6 may, this letter only came in at our urging.  
7 We contacted the Chairman and asked him to  
8 submit an addendum in order to be given great  
9 weight because the letter was lacking  
10 information. It was lacking that -- it did  
11 not say that they had a quorum, it did not  
12 say the vote. It was lacking some  
13 information. So that's the only reason why  
14 the letter came in. It did not come in to  
15 clarify whether it was for a PUD extension or  
16 a modification.

17 So that part of the letter I don't  
18 know why it's there, but the letter only came  
19 in at our urging. Not because they were  
20 trying to clarify an extension or a  
21 modification. It came in because they wanted  
22 to be given great weight and it was lacking

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1 some information.

2 So, it may be that maybe another  
3 letter needs to be submitted with regard to  
4 whether it's for this case or the extension.

5 And I'll be glad to have my staff contact  
6 him again.

7 CHAIRMAN HOOD: Let's do that, Ms.  
8 Schellin.

9 COMMISSIONER JORDAN: Okay. But  
10 to me to quickly -- Okay. Sorry.

11 CHAIRMAN HOOD: Go ahead. Go  
12 ahead.

13 COMMISSIONER JORDAN: To quickly  
14 clarify. We did it all in one. So the  
15 resolution was one resolution that was for  
16 both.

17 CHAIRMAN HOOD: Okay.

18 COMMISSIONER JORDAN: And so we  
19 didn't reconsider the second issue. It was  
20 done very poorly, but you know that's the  
21 results. So what you're seeing, the result  
22 of a poorly handled situation.

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1                   CHAIRMAN HOOD: Well, I'm going to  
2 thank you, Commission Jordan. I'll tell you  
3 that I think that the best way is what Ms.  
4 Schellin did, we get clarification. I  
5 actually like -- even though Ms. Schellin  
6 wasn't there, I like the way she -- because I  
7 was kind of seeing how it works. But I  
8 appreciate you giving us that.

9                   We will go back to the ANC 1A and  
10 get something that will sustain and be  
11 fulfilling in this record. But we appreciate  
12 it.

13                   So, I guess you heard tonight, so  
14 you're going to be one of the Commissioners  
15 to make sure that it comes back right.  
16 Whatever you vote, you're going to make sure  
17 that it comes back right because you know  
18 what we're trying to figure out here.

19                   Any questions of Commissioner  
20 Jordan? Any questions, Commissioners?

21                   I will say -- I've got a list up  
22 here of some things: LDA, parking,

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1 affordability.

2           When we get ready to deliberate on  
3 them, when we get ready to -- probably a  
4 final action at some point, depending on what  
5 we're asking for and depending upon what we  
6 do, some things are within our jurisdiction  
7 and some things aren't.

8           Now I don't think we normally  
9 point to LDA contracts or agreements, but we  
10 may mention it. But typically in our orders  
11 we don't point to other agreements outside  
12 the Zoning process. So I want to make sure  
13 we're straight on that.

14           Now the parking and affordability,  
15 that's something we'll grapple with.

16           COMMISSIONER JORDAN: May I  
17 respond?

18           CHAIRMAN HOOD: Sure.

19           COMMISSIONER JORDAN: Well my  
20 concern is then the -- then what are the  
21 amenities and the community benefit to the  
22 project? I mean, because see even in the

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1 thing you get it used both ways. So on one  
2 hand  
3 it's included, the community-based facility  
4 for example. So on one hand its included and  
5 its included because it came from the LDA.  
6 But then on the other hand so what didn't  
7 occur was to go to the LDA and put those  
8 different elements into the Zoning agreement,  
9 which I think you all can do. Well not  
10 necessarily the document itself, but the  
11 proffers, I guess, and the LDA could be  
12 included in the PUD agreement as part of the  
13 amenities package. And then with the new  
14 stuff I guess since we're giving up parking  
15 and lots of other things I think it should be  
16 amended even a little bit further.

17 CHAIRMAN HOOD: One thing about  
18 it, I'm not going to jump out there, and I  
19 would hope my colleagues, we're not going to  
20 jump out there. We have counsel who  
21 tells us how we work those things out. But  
22 as far as the amenities package, Mr. Glasgow,

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1 let me go to you. Because this is not my  
2 project and I don't want to go testifying for  
3 the applicant.

4 But just run down the list of  
5 amenities, affordability, just run it down.

6 MR. GLASGOW: Yes, please. You  
7 have the list of the amenities.

8 When we had the presentation one  
9 of the things that we were going to do is  
10 have Mr. Donatelli just run down through what  
11 the entire amenities package was of this  
12 project.

13 Would you please put that on the  
14 record?

15 MR. DONATELLI: Well, one thing  
16 that I think is a major element, which is  
17 nowhere included in our LDA, is that we have  
18 now taken the step forward to design,  
19 substantially design the new CBRF and take it  
20 through the PUD process.

21 Note that in our LDA agreement,  
22 our original agreement, the city doesn't even

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1 reference that we would take on that  
2 responsibility. It's taken a couple of  
3 years now and we've been expending  
4 significant funds to do that.

5 I think the fact that we're  
6 including Affordable Housing in our project.  
7 True, it'd part of our LDA, but when you look  
8 at the fact that we're including 20 percent  
9 Affordable Housing on this project, that does  
10 not diminish at all from the benefit that  
11 we're providing to the community with this  
12 Affordable Housing.

13 In addition, we have taken on such  
14 measures as to respond to DDOT to provide the  
15 bicycle access, to provide the Metro fare  
16 cards, other things regarding transportation.

17 I think now the way that the  
18 Office of Planning and other governmental  
19 agencies view parking is that they're  
20 limiting the level of parking. So I don't  
21 think that the fact that we're not providing  
22 additional parking it all diminishes from the

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1 efficiency of the building or the  
2 appropriateness of the building. We  
3 currently, as we mentioned before, we have  
4 twice as much parking as we currently have.

5           So, in the big picture here we've  
6 delayed implementation of this project for  
7 two years working with DHS and as they have  
8 been able to place the residents of La Casa  
9 into permanent housing. And, you know we've  
10 just remained flexible in that. Our original  
11 plan, our original plan when we got the  
12 project approved or awarded to us had us  
13 building over the entirety of this new  
14 property. And it wasn't until Jim Graham and  
15 the community came to us that we said okay,  
16 fine, we'll modify our plan and we will make  
17 room for this new homeless center, which is  
18 now being referred as a CBRF, and we'll make  
19 room with that.

20           So we then met with DHS. We  
21 understood what their program requirements  
22 were. We came up with an appropriate design.

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1 We adjusted our plans accordingly.

2 And so here we are today trying to  
3 get approval for that. And, of course,  
4 there's other things that we'll do in  
5 accordance with this project.

6 We won a national award for  
7 Highland Park, the first phase, for its  
8 design and for its appropriateness, and for  
9 its contributions to community given the fact  
10 that we have a lot of retail associated with  
11 the project.

12 So this is really just filling in  
13 the last little piece of the puzzle here to  
14 build out the project. And it'll do great  
15 wonders to upgrade the current facility  
16 that's there.

17 I mean, it's an embarrassment to  
18 the city, actually, what's currently there.  
19 I mean, there are no less than, I think, six  
20 or eight trailers on the site that were put  
21 there in 1985 as temporary trailers. That  
22 were not meant to last longer than, I think,

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1 ten years. We're now 25 years later, they're  
2 still there. There are people queuing in the  
3 back of the project, in the back of the CBRF  
4 or the current trailers everyday. There is  
5 belongings back there. The residents are very  
6 frustrated by it. And, you know, it's really  
7 a disservice to the community and to the  
8 homeless community that they're sleeping in  
9 these trailers.

10 So, this project and this, when  
11 the CBRF is implemented, will provide state-  
12 of-the-art homeless facilities, interim more  
13 transitional housing than what's currently  
14 there. And we have received pretty proud  
15 support even from the residents of La Casa  
16 because they understand that what's currently  
17 there is not acceptable and what's going to  
18 come back will be an upgrade.

19 So, you know all that altogether I  
20 think overall this is a very beneficial  
21 project to the community.

22 CHAIRMAN HOOD: Okay.

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1 MR. GLASGOW: And, Mr. Donatelli,  
2 you also agreed that you would put the CBRF  
3 on the street frontage and not have it be the  
4 market building, we'll call it the market  
5 rate building, the 20 percent Affordable  
6 Housing taking up the street frontage and the  
7 Affordable Housing component at the rear of  
8 the site. Instead it's the opposite. And so  
9 the street frontage is reserved for the  
10 Affordable Housing component?

11 MR. DONATELLI: Yes.

12 MR. GLASGOW: And then the other  
13 building, the 20 percent Affordable building  
14 is designed around it.

15 CHAIRMAN HOOD: Okay. Thank you.

16 Mr. Jordan, I think we've wrapped  
17 it up.

18 COMMISSIONER JORDAN: Yes.

19 CHAIRMAN HOOD: And as I say, we  
20 appreciate it.

21 And let me go to -- let me do this  
22 first. Commissioners, any questions of

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1 Commissioner Jordan? Okay.

2 Thank you very much. We  
3 appreciate your testimony.

4 Ms. Zara? Is it Zara?

5 MS. ZARA: Thank you. Hi. I'm  
6 Jane Zara, I'm a former Commissioner from  
7 across 16th Street, ANC 1B01. But I'm here  
8 on behalf of the Committee to Save Franklin  
9 Shelter because, as you recall, that was the  
10 last public shelter, city run public shelter  
11 in Ward 2. Some of the people that were  
12 living there were then displaced to La Casa.

13 And I understand that it is unsightly. I  
14 understand that those trailers are an  
15 eyesore. But that's the last remaining public  
16 shelter in Ward 1. So now the public  
17 shelters that remain in this city for men are  
18 relegated to the poorest parts of town, okay?

19 So they're Wards 6, 7 and 8.

20 And I understand about the  
21 community-based program and the improvement  
22 in the transitional housing, however there

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1 is still a growing need for emergency  
2 shelter. And I don't know if there  
3 ramifications here, but I basically just have  
4 two questions and then one comment.

5 The question is -- I don't  
6 understand the 10-801 that just got revised  
7 in terms of surplus and the changes in  
8 disposition of property, and triggering  
9 hearings when the disposition changes.

10 I understand that there's great  
11 agility by the city and by developers to  
12 circumvent the need to surplus. So I don't  
13 really understand how that law would not be  
14 kicked in if there is still a need for public  
15 shelter. I'm not saying it has to be on that  
16 land, but this relegation to the poorest  
17 parts of town of the poorest people right  
18 now, I don't know how long this thing is  
19 going to last, but we basically have a couple  
20 of lawsuits against the city for residents  
21 discrimination where you have the  
22 displacement, so it's Fair Housing and ADA

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1 violations we're alleging because of this  
2 displacement.

3           And this development, while it  
4 will improve the well-being, perhaps, of  
5 people who have the least in the long run,  
6 right now it's going to be a problem because  
7 these guys are going to be displaced who  
8 knows where? Okay. Maybe until Homeland  
9 Security displaces them at 801 East, you know  
10 where they'll be. Blue Plains, okay, or  
11 among the warehouses. So, I just want to put  
12 that on the record that that's a concern.

13           And while this won't solve  
14 everything, it touches on that issue. And I  
15 don't think we should put it under the rug.

16           The second thing is the AMI. The  
17 average median income. I understand that we  
18 adhere to the HUD constraints. There's now a  
19 lot of hopefully political movement afoot to  
20 redefine what the AMI is. Because if you  
21 look at the AMI and you look at the  
22 population that's being displaced, \$80,000

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1 has nothing to do with a lot of people who  
2 live in Columbia Heights.

3 So, you know what we're hoping is  
4 that this AMI does get replaced by something  
5 that realistic in the city and reflects  
6 people before their displacement. That's the  
7 other thing on the record.

8 So, I guess my question is does  
9 this change in disposition at all trigger the  
10 need for what was formally known as the 10-  
11 801 statute that's surplusng where you have  
12 public hearings about the need for the  
13 population that's going to be displaced?

14 CHAIRMAN HOOD: Typically, unless  
15 one of my colleagues, we typically don't  
16 answer those kinds things. Because, first of  
17 all again, it's in our jurisdiction. And I  
18 saw some nodding of the heads when I talk  
19 about the LDA. You know, I don't think  
20 that's a land. We deal with land use zoning.  
21 That's it. Land use.

22 And what I mean is that there's

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1 jurisdictions that deal with your typical  
2 question. Like you talk about the AMI. I  
3 think the Council, or somebody's working with  
4 redefining that.

5 MS. ZARA: Yes, Michael Brown I  
6 think is working.

7 CHAIRMAN HOOD: I actually saw him  
8 the other night. They're redefining that and  
9 looking at making more of a definite  
10 definition of AMI. So, there are other  
11 venues.

12 Again, what he's asking for is a  
13 modification to an already approved project.

14 And that's what we're looking at. Some of  
15 the other things, the legal jargon and the  
16 legality of it, at least this Commissioner  
17 now -- I may have some lawyers up here that  
18 might want to interact with you and have an  
19 exchange with you on that, but I choose not  
20 to do that. And I would not advise us to do  
21 that.

22 But your concerns are so well

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1 noted, especially when you mentioned that the  
2 homeless shelters are going to be at certain  
3 wards. And you happened to mention Ward 5 as  
4 being one of the first ones, the Ward that I  
5 live in. And that is some concern.

6 So your concerns are so noted to  
7 us. But it's just that certain things we deal  
8 with and certain things we can't.

9 MS. ZARA: Okay. Thank you.

10 CHAIRMAN HOOD: Let me see, any  
11 questions? But I do want to follow up on  
12 that LDA. Because typically I don't think we  
13 put -- yes, that 13 years. I did learn that.

14 Okay. But I want to see if we have any  
15 questions of Ms. Zara.

16 Now, Ms. Zara, you still have  
17 question marks. You still have some  
18 uncertainty.

19 MS. ZARA: I just I'm just  
20 wondering what's going to happen.

21 I understand that there's been a  
22 push, like a fire sale, for the last four

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1 weeks or five weeks to hurriedly place the  
2 guys, even the guys that have been new to the  
3 shelter, into permanent supportive housing.  
4 You know, we're scrutinizing that process  
5 because we don't think the diagnostics for --  
6 I mean, it's one thing to put people in  
7 permanent supportive housing, it's another  
8 thing to give them appropriate accompanying  
9 services so that they can keep it and it's  
10 not a squandering of the city's funds, and  
11 they're relegated again to the poorest wards.

12           You know, I mean we've been trying  
13 to track it. The city has been far from  
14 willing to be transparent about the attrition  
15 rate of that program, whether people are  
16 getting services that are matched or whether  
17 they're just getting dumped to the poorest  
18 parts of towns for market rate apartments and  
19 losing them after a year because they're not  
20 getting the mental health or health care  
21 services that they need to keep those houses  
22 and become independent eventually.

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1 CHAIRMAN HOOD: Okay. Well, thank  
2 you very much.

3 Any questions, Commissioners? Any  
4 questions?

5 Does the applicant have -- okay.

6 COMMISSIONER SELFRIDGE: I just  
7 have one. I just want to clarify. You're in  
8 favor of the CBRF, though, correct?

9 MS. ZARA: I mean, I don't -- I'm  
10 sorry. I'm sort of naive about the process.  
11 I talked to Councilmember Graham in front of  
12 the polling booth at Bancroft about it, and  
13 he said he would give me a copy of the plan.  
14 But I haven't seen it.

15 So I think it's wonderful -- from  
16 what I understand they're going to be single  
17 resident occupancy for a number of maybe  
18 males, or maybe males and females, I'm not  
19 sure.

20 Yes, just males. And it might be  
21 commensurate at the time, you know maybe all  
22 the guys that are there will get housing,

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1 which would be great, but we're still a  
2 little worried of whether that's going to  
3 happen, you know.

4 And it's not to place the burden  
5 on developers. Really, it isn't. It's just  
6 if someone is getting land from the city,  
7 then they got to sort of give back to the  
8 needs of the city. And we're just trying to  
9 make sure those things are just.

10 So, I don't know if that answer  
11 your question.

12 CHAIRMAN HOOD: Okay. Thank you.

13 Any other questions? Does the  
14 applicant have any questions?

15 MR. GLASGOW: No questions.

16 CHAIRMAN HOOD: Okay. Thank you  
17 both very much. We appreciate it.

18 Okay. That ends. Mr. Glasgow, if  
19 you want to give some rebuttal, if you have  
20 it. If not, with closing remarks.

21 MR. GLASGOW: I'd like to have  
22 some closing remarks and maybe a couple of

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1 statement.

2 We are in the process of  
3 refinancing on this project. So, timing is  
4 critical as we work through that. If we can  
5 with the Commission, we would like to have  
6 preliminary action considered this evening  
7 because of some of the issues that we're  
8 facing with respect to financing of the  
9 refinancing of the existing Phase 1 and how  
10 we finance Phase 2.

11 We do believe that we met the  
12 burden of proof for this modification  
13 request. We think all the facts and the  
14 circumstances are essentially the same as  
15 they were before. We have increased the  
16 number of units, but the Affordable Housing  
17 amenity increases proportionately. And I  
18 think the regulations were structured and  
19 when IZ was put in effect, it was the 8  
20 percent is the Zoning Commission's  
21 requirement and that if there are other in  
22 addition, however it is that that comes into

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1 being that there's an additional percentage  
2 provided, that is an amenity. We believe  
3 that we have a strong amenities package on  
4 that.

5 And the parking that we have, we  
6 still are 63 spaces in excess of what is  
7 required under the regulations. And that was  
8 the principal reason why DDOT said there is  
9 no updated reported that's needed is because  
10 there's plenty of parking, there's plenty of  
11 surplus there to take care of that.

12 So if we could, we'd like to have  
13 preliminary action taken this evening. And  
14 we understand that there's some additional  
15 materials that do need to come into the  
16 record.

17 CHAIRMAN HOOD: Okay. Thank you  
18 very much.

19 I think that we're going to go  
20 over a list of things that we have. I think  
21 they're significant to the point that we will  
22 not be taking any action tonight, but we will

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1 try to do it as soon as possible, as soon as  
2 this stuff is received, the requests that  
3 were made up here tonight. As soon as that's  
4 received, as soon as we can work out a few  
5 issues with our counsel. And then I think  
6 we'll proceed at that point in time, unless I  
7 hear something other from my colleagues.  
8 Okay.

9 Can we come up with a schedule?

10 MS. SCHELLIN: I actually have  
11 only two items. I think I was out of the room  
12 when some of it was listed. But the only two  
13 items I have was, of course, the ANC  
14 clarification regarding the extension versus  
15 modification and documentation regarding the  
16 affordability above and beyond the 80 percent  
17 of the AMI.

18 CHAIRMAN HOOD: Vice Chair?

19 VICE CHAIRMAN SCHLATER: And then  
20 I think we're looking for a report from DHS  
21 on the status of the CBRF facility, the  
22 funding and construction of it.

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1 CHAIRMAN HOOD: Yes. That's coming  
2 from OP, though, right? Whoever.

3 VICE CHAIRMAN SCHLATER: I asked  
4 OP to sort of coordinate it, but however we  
5 get it.

6 CHAIRMAN HOOD: Well, the  
7 applicant was -- well, maybe you all, they  
8 were pushing it over to OP and you are doing  
9 that?

10 MS. STEINGASSER: We'll be happy  
11 to do that.

12 CHAIRMAN HOOD: All right.  
13 Anything else?

14 All right. So, we will take this  
15 up at one of our later meetings.

16 MR. GLASGOW: Mr. Chairman, we do  
17 have a serious problem on our hands given  
18 what I've heard. The ANC clarification.  
19 There are three letters in the record. One of  
20 them, just clearly on its face, says it's an  
21 ANC 1A resolution in support of request for  
22 modifications to an approved PUD separately

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1 titled --

2 CHAIRMAN HOOD: That's not a major  
3 sticky factor, Mr. Glasgow. Trust me.

4 MR. GLASGOW: Okay. All right.

5 CHAIRMAN HOOD: I would deal with  
6 that at final or even after final.

7 MR. GLASGOW: Okay.

8 CHAIRMAN HOOD: So that's not  
9 major. So trust me.

10 MR. GLASGOW: Okay. So then we  
11 have the documentation of the LDA covenants.

12 CHAIRMAN HOOD: Yes.

13 MR. GLASGOW: Where we just, we'll  
14 get you a couple of pages to substantiate  
15 what it is that we had stated this evening.

16 CHAIRMAN HOOD: Yes.

17 MR. GLASGOW: And then last is the  
18 update from the coordination, I guess,  
19 between OP and DHS as to that status of the  
20 CBRF. And maybe it's just me not  
21 understanding is that's couple of sheets of  
22 paper that we can get in in a day. And if

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1 we're wrong on that, then the Commission can  
2 do what it needs to do with respect to final  
3 action.

4 CHAIRMAN HOOD: Mr. Glasgow, I  
5 think the Commission has already chosen the  
6 fact we're going to proceed. I'm trying to  
7 see if we can do this our first meeting in  
8 October, which is what? Two weeks away? We  
9 don't have a meeting in October? Three weeks  
10 away. Okay. Three weeks away.

11 MR. DONATELLI: Yes. The only  
12 thing I would add to Chip's -- I mean, if  
13 you've made up your mind, you've made up your  
14 mind. But the only thing I would add is that  
15 what we are attempting to do with this  
16 project is to combine the financing of the  
17 first phase with the second phase. The  
18 second phase construction is going to add  
19 greatly to the attractiveness of the first  
20 phase refinancing. And we have our mortgages  
21 coming due in December.

22 So, what I've been telling our new

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1 lenders and our new partners is that we have  
2 this hearing upcoming on September 30th where  
3 we anticipate getting a bench ruling as far  
4 as how the Commission is going to go down on  
5 this. And that while we won't have our final  
6 order for sometime, because that's the way  
7 the process works, I've been through it a  
8 number of times, we'll at least know that we  
9 have our overall project approved and we can  
10 move forward.

11 So, for us it's a matter of  
12 credibility, I guess on the one hand, but  
13 also just showing that we do have support  
14 from the city, support from the Zoning  
15 Commission and that the momentum is there  
16 that our project can get done.

17 So if there's anyway, if you don't  
18 have any major items that are hanging out  
19 there, if there's at all a possibility that  
20 you could consider tonight our project, that  
21 would be appreciated. And if not, we  
22 understand. But given how the financing

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1 markets are we want to try to keep the  
2 momentum tracking out project.

3 CHAIRMAN HOOD: And I, too, want  
4 to make sure that when the vote is called for  
5 that it passes.

6 MR. DONATELLI: Okay. I  
7 appreciate that.

8 CHAIRMAN HOOD: That's important.

9 MR. DONATELLI: Yes. We do not  
10 want a --

11 CHAIRMAN HOOD: Not like the CBRF,  
12 but I think there's some outstanding  
13 information that I think that leaves some  
14 unreadiness up here. And, actually, Mr.  
15 Donatelli, to tell you the truth I don't  
16 think you have the votes.

17 MR. DONATELLI: Okay.

18 CHAIRMAN HOOD: Not right now. So  
19 just work with us --

20 CHAIRMAN HOOD: Okay.

21 CHAIRMAN HOOD: -- and we'll see  
22 what happens.

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1                   Let me do this: What about next  
2 Thursday? Can we do a special public meeting  
3 next Thursday?

4                   Can we have the information by  
5 next Thursday?

6                   MR. DONATELLI: Yes. From our  
7 standpoint, we can certainly get you the  
8 information. It wouldn't take us even that  
9 long.

10                  COMMISSIONER SELFRIDGE: Mr.  
11 Chairman, I would certainly support moving  
12 expeditiously in light of the circumstances.

13                  But I do think it's important to get that  
14 information. So, I would make myself  
15 available, you know in short order, to  
16 reconsider this if that was helpful to the  
17 applicant in this case. But I do think the  
18 information is important.

19                  MR. DONATELLI: Okay. Okay.  
20 Well, I mean, like I said, we will do our  
21 part to get this to you right away because  
22 it's obviously in our best interest to do

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1 that, and we have this information.

2 CHAIRMAN HOOD: Now one week is  
3 not going to hurt you?

4 MR. DONATELLI: No. I agree with  
5 that.

6 CHAIRMAN HOOD: We want to be  
7 predictive and accommodating, but one week is  
8 not going to hurt you.

9 MR. DONATELLI: No. No. I  
10 appreciate that. I certainly do.

11 CHAIRMAN HOOD: I would have said  
12 Monday, but today is Thursday, so that  
13 wouldn't work.

14 MR. DONATELLI: Yes. That's fine.  
15 Thank you.

16 MS. SCHELLIN: At 6:15.

17 CHAIRMAN HOOD: 6:15 on Thursday?

18 MS. SCHELLIN: On the 7th.

19 CHAIRMAN HOOD: Do we have a major  
20 hearing on Thursday?

21 MS. SCHELLIN: We have two  
22 hearings on Thursday.

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1 CHAIRMAN HOOD: Well if there are  
2 two, they must be quick. I shouldn't say  
3 that. I should not have said that. I  
4 probably just messed up.

5 Okay. So next Thursday.  
6 Everybody will be able to have everything in  
7 by --

8 MS. SCHELLIN: Well, they said  
9 they could do it in a day or two.

10 MR. COCHRAN: We could probably  
11 get it in tomorrow or Monday morning for our  
12 part.

13 MS. SCHELLIN: Yes. So if we could  
14 have everything by noon on Monday. Kyrus is  
15 shaking his head.

16 MR. GLASGOW: Yes. Noon Monday is  
17 fine.

18 MS. SCHELLIN: Noon Monday is  
19 good? Okay.

20 MR. GLASGOW: It's just like those  
21 provisions, my understanding it's just those  
22 provisions with the LDA that deal with the

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1 percentage of the AMI, is that correct?

2 MS. SCHELLIN: I'm not sure we'll  
3 have the ANC letter necessarily by then, but  
4 I don't think that's a big deal.

5 CHAIRMAN HOOD: If that was just  
6 it, we would do the final.

7 Okay. I think we're all on the  
8 same page.

9 MR. GLASGOW: Right. Thank you.

10 CHAIRMAN HOOD: Any other  
11 questions or comments, Commissioners?

12 Okay. I want to thank everyone  
13 for their participation tonight.

14 And you can follow and check. As  
15 you know, the schedule now is next Thursday,  
16 we're going to have a special public meeting  
17 on this case at 6:15 to deliberate and also  
18 to come up with proposed action.

19 So, I want to thank everyone for  
20 their participation, and I hope everyone have  
21 a nice evening.

22 Good night.

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(Whereupon, the meeting was  
adjourned at 7:57 p.m.)

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