

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
   
IN THE MATTER OF: :
   
:
   
(Duball Petworth, LLC - : Case No.
   
Consolidated Planned Unit : 11-09
   
Development and Related Map :
   
Amendment @ Square 2905) :
   
:
   
-----:

Thursday,
   
September 15, 2011

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

The Public Hearing of Case No. 11-09 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 W. SCHLATER, Vice Chairman
- GREG M. SELFRIDGE, Commissioner
- PETER MAY, Commissioner (NPS)

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
STEVEN COCHRAN

The transcript constitutes the minutes from the Public Hearing held on September 15, 2011.

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

Welcome  
 Chairman Anthony Hood ..... 4

Introductions..... 4

Applicant's Case  
 Leila Batties of the law firm Holland & Knight, representing the Applicant 9

Avis Black, area real estate manager for Safeway ..... 19

Marc Dubick, developer with Duball Petworth 25

Brian O'Looney, Torti Gallas and Partners 33

Steven Sher, Director of Zoning and Land Use Services for the law firm of Holland & Knight ..... 49

Questions from the Zoning Commission..... 59

Report of the Office of Planning  
 Steven Cochran ..... 99

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Report of the ANC	
David Tumblin .....	106
Organizations and Persons in Support	
Adav Noti .....	114
Rebuttal and Closing by the Applicant	
Leila Batties .....	118
Vote on Movement to Approve	
Commissioner Peter May .....	121
Discussion of Best and Final Offer	
Chairman Anthony Hood .....	122

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Good evening,  
4 ladies and gentlemen. This is a public  
5 hearing of the zoning commission of the  
6 District of Columbia for Thursday, September  
7 15th. We are in the Jerrily Kress Room.

8 My name is Anthony Hood, and I'm  
9 going to ask the guys tonight to introduce  
10 themselves, starting with the Zoning  
11 Commission members.

12 VICE CHAIRMAN SCHLATER: My name  
13 is Konrad Schlater, Vice Chairman of the  
14 Commission, and I enjoy tennis and golf in my  
15 free time.

16 (Laughter.)

17 COMMISSIONER MAY: I could have a  
18 lot of fun right now. No, I'll take it easy.

19 Peter May, representing the director of the  
20 National Park Service.

21 MS. SCHELLIN: Sharon Schellin,  
22 Secretary to the Zoning Commission for the

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1 Office of Zoning.

2 MR. COCHRAN: Steve Cochran,  
3 Office of Planning.

4 CHAIRMAN HOOD: Okay. Thank you.  
5 We're also expected to be joined by  
6 Commissioner Selfridge.

7 We're also joined by -- this  
8 proceeding is being recorded by a court  
9 reporter. It's also webcast live.  
10 Accordingly, we must ask you to refrain from  
11 any disruptive noises or actions in the  
12 hearing room.

13 The subject of this evening's  
14 hearing is Zoning Commission case 11-09. This  
15 is a request by Duball Petworth, LLC, for a  
16 pool of consolidated PUD and related map  
17 amendment for property located in square 2905.

18 Notice of today's hearing was  
19 published in the DC Register on June 24th,  
20 2011, and copies of that announcement are  
21 available to my left on the wall near the  
22 door.

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1           This hearing will be conducted in  
2 accordance with the provisions of 11 DCMR  
3 3022, as follows: preliminary matters,  
4 Applicant's case, report of the Office of  
5 Planning, report of other government agencies,  
6 report of ANC in this case, it's ANC 4C,  
7 organizations and persons in support,  
8 organizations and persons in opposition,  
9 rebuttal and closing by the Applicant.

10           The following time constraints  
11 will be maintained in this meeting. The  
12 applicant, 45 minutes, organizations five  
13 minutes -- I mean, the applicant 45 minutes,  
14 organizations, five minutes, individuals,  
15 three minutes.

16           The Commission intends to adhere  
17 to the time limits as strictly as possible in  
18 this case, to hear the case in a reasonable  
19 period of time. The Commission reserves the  
20 right to change the time limits for  
21 presentations if necessary so no time shall be  
22 ceded.

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1 All persons appearing before the  
2 Commission are to fill out two witness cards.

3 These cards are located to my left on the  
4 table near the door.

5 Upon coming forward to speak to  
6 the Commission, please give both cards to the  
7 reporter sitting to my right before taking a  
8 seat at the table.

9 When presenting information to the  
10 Commission, please turn on and speak into the  
11 microphone. First say your name and home  
12 address.

13 When you are finished speaking,  
14 please turn your microphone off so that your  
15 microphone is no longer picking up sound or  
16 background noise.

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

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1 or at any time.

2 The staff will be available  
3 throughout the hearing to discuss procedural  
4 questions. Please turn off all beepers and  
5 cellphones at this time so not to disrupt  
6 these proceedings.

7 Would all individuals wishing to  
8 testify please rise to take the oath?

9 And Ms. Schellin, would you please  
10 administer the oath?

11 MS. SCHELLIN: Yes.

12 Please raise your right hand. Do  
13 you solemnly swear or affirm the testimony you  
14 will give this evening will be the truth, the  
15 whole truth, and nothing but the truth?

16 PARTICIPANTS: I do.

17 MS. SCHELLIN: Thank you.

18 CHAIRMAN HOOD: Just for the  
19 record, we won't be doing an introduction like  
20 that again. We're going to have to figure  
21 something out. Every night, we're going to  
22 change up for a little while. We're going to

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1 do something different. After 13 years, I  
2 want to do something different.

3 (Laughter.)

4 Okay. Let me see. Ms. Batties,  
5 are you -- I saw your name on the filing, so  
6 Ms. Batties, okay.

7 MS. BATTIES: Yes. Good evening,  
8 Chairman Hood, Vice Chair Schlater,  
9 Commissioner May. Leila Batties and Chip  
10 Glasgow at the law firm of Holland Knight  
11 representing the Applicant in this evening's  
12 hearing, Duball Petworth, LLC.

13 Duball has partnered with Safeway  
14 to redevelop the subject property, which is a  
15 one and a half acre site on the west side of  
16 Georgia Avenue between Randolph and Quincy  
17 streets.

18 The site is in Ward Four and  
19 within the boundaries of ANC 4C.

20 At this time I'd like to -- I know  
21 that Councilmember Bowser could not be here,  
22 but she submitted a letter into the record

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1 this evening in support of the project.

2 And I'd also like to acknowledge  
3 ANC Commissioner David Tumblin, who is here  
4 this evening. I'd like to also thank him for  
5 his support of the project throughout the  
6 development approval process.

7 Before we begin our direct  
8 testimony, I'd like to advise the Zoning  
9 Commission that we have submitted three items  
10 to Ms. Schellin this evening.

11 The first item was in response to  
12 the Office of Planning Report. On page 15 of  
13 the report, the Office of Planning recommended  
14 that the Applicant submit additional  
15 information about how the concrete roof would  
16 reduce storm water runoff.

17 The civil engineer for this  
18 project has submitted a letter addressed to  
19 the Office of Planning. We submitted that  
20 letter to them earlier today, and have  
21 provided Ms. Schellin copies of that letter.

22 CHAIRMAN HOOD: Ms. Batties,

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1 before we go too far here, do we -- does  
2 anybody else have the letter from  
3 Councilmember Bowser?

4 Oh, okay. All right. Let's do  
5 the expert witnesses before we go too far  
6 here.

7 MS. BATTIES: Okay.

8 CHAIRMAN HOOD: Okay.

9 MS. BATTIES: Great.

10 CHAIRMAN HOOD: Go ahead.

11 MS. BATTIES: We'll proffer three  
12 expert witnesses for this evening's case.  
13 Their resumes were previously submitted to the  
14 Zoning Commission as part of our pre-hearing  
15 statement.

16 The first is Mr. Steve Sher with  
17 Holland & Knight who has been previously  
18 accepted as an expert witness by the  
19 Commission, as an expert in land use and  
20 zoning.

21 Second is Mr. Erwin Andres of  
22 Gorove/Slate, who has previously been accepted

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1 as an expert witness in the area of traffic  
2 engineering and transportation planning.

3 And our third expert is Mr. Brian  
4 O'Looney. He is a registered architect in  
5 Washington, DC, the state of Maryland, and  
6 Connecticut.

7 We ask that the Commission accept  
8 him as an expert witness for this evening's  
9 hearing.

10 CHAIRMAN HOOD: Okay. Thank you,  
11 Ms. Batties. I think that Mr. Andres and Mr.  
12 Sher have been previously accepted. Do we  
13 have any objections?

14 I was not sure of Mr. O'Looney.  
15 We have his resume. I don't see any -- okay --  
16 - objection.

17 So no objection, Ms. Batties, and  
18 he will also be an expert, so.

19 MS. BATTIES: Thank you.

20 CHAIRMAN HOOD: Thank you.

21 MS. BATTIES: In addition to our  
22 letter to the Office of Planning, we have

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1 submitted a summary of the community benefits  
2 and amenities package -- or the community  
3 benefits and amenities resulting from the  
4 development, the proposed PUD.

5 We will discuss that through later  
6 testimony, but wanted to make sure you had  
7 that consolidated list before you this  
8 evening.

9 And then the last item we  
10 submitted was Mr. Sher's report to the Zoning  
11 Commission, and we ask that the Commission  
12 accept these three items into the public  
13 hearing record.

14 CHAIRMAN HOOD: I don't think we  
15 have any objection. Also, let me note,  
16 though, that we have Mr. Lawson from the  
17 Office of Planning. He didn't get here  
18 earlier to introduce himself, but this time,  
19 I've done it for you this time, so.

20 You can go ahead, Ms. Batties.

21 MS. BATTIES: In addition to the  
22 expert witnesses joining me in the Applicant's

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1 presentation his evening are Avis Black, to my  
2 right, who is the area real estate manager for  
3 Safeway; Mr. Marc Dubick, the president of  
4 Duball, LLC, who is a managing member of  
5 Duball Petworth, LLC; and -- oh, and we  
6 already accepted Mr. O'Looney as the expert in  
7 architecture.

8 I'd like to start my remarks by  
9 stating that the Applicant is pleased with the  
10 recommendations by the Office of Planning and  
11 the Department of Transportation, and agrees  
12 to the conditions that they've set forth in  
13 their reports to the Commission.

14 The Applicant has also proffered a  
15 set of conditions separate from what's in the  
16 Office of Planning and DDOT report, and those  
17 conditions are listed on page five of the  
18 Benefits and Amenities Summary, and they  
19 actually are in response to the concerns  
20 raised by some of the adjacent property  
21 owners.

22 The Office of Planning and DDOT,

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1 as well as other agencies within the district,  
2 have been extremely supportive and cooperative  
3 in working with the Applicant throughout the  
4 development approval process for this project.

5 Just to give you a sense of the  
6 collaborative and concerned effort made to  
7 move this project forward, this PUD requires  
8 an alley closing, a small section of the alley  
9 system in the square has to be closed.

10 We filed an application for the  
11 alley closing on April 1st, within three  
12 months, eight District agencies and four  
13 utility companies signed off on the alley  
14 closing application.

15 The Council's Committee of the  
16 Whole heard the application on July 13th, and  
17 the item is scheduled to go to the Committee  
18 of the Whole on Tuesday, and then is likely to  
19 be put on their legislative -- the Council's  
20 legislative agenda on that same day.

21 All that to say that the Applicant  
22 has managed to do in five months what normally

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1 takes twelve to eighteen months to do in the  
2 city, so, we are very thankful for the  
3 District's support in this project.

4 Similarly, the ANC has been  
5 extremely responsive to the Applicant's  
6 requests to present this item before the ANC.

7 They were -- immediately got this item on  
8 their May agenda and issued a report to the  
9 Zoning Commission in support of the project.

10 The type of response that the  
11 Applicant has received and the support -- the  
12 support of the project from various  
13 stakeholders really represents two things.

14 First, there is a significant  
15 demand -- significant and immediate demand for  
16 a new and improved grocery store in the  
17 Petworth neighborhood. The existing store was  
18 constructed in the 1960s, and is small. It's  
19 only 21,000 square feet, which is really small  
20 for today's grocery store standards.

21 The second thing the support  
22 represents is that this project advances some

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1 very important initiatives of the city,  
2 including maximizing the density of  
3 development with a mixed-used project within a  
4 block of the Georgia Avenue-Petworth Metro  
5 Station; the provision of new, market-rate and  
6 affordable housing in Petworth, particularly  
7 on a site where housing is not required; the  
8 continued redevelopment of Georgia Avenue in  
9 accordance with the city's Great Streets  
10 program; and then finally, job creations, the  
11 new store will generate 70 new permanent jobs  
12 for the District.

13 The new Safeway store will be a  
14 state-of-the art -- what's deemed a lifestyle  
15 grocery store. It will be three times as  
16 large as the existing store on the property at  
17 approximately 63,125 square feet, and it will  
18 have a full range of amenities and products.

19 Above the grocery store, there  
20 will be an apartment building with a gross  
21 floor area of approximately 211 - 540,000  
22 square feet (phonetic)\*\*\*6:42:17

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1                   That building will contain  
2 approximately 220 dwelling units. And in  
3 accordance with the IZ requirements, eight  
4 percent of the residential floor area will be  
5 reserved or devoted to affordable housing.

6                   The residential parking for the  
7 project will be provided at a ratio of .6  
8 parking spaces per unit, and for the grocery  
9 store, 84 parking spaces will be provided.

10                   And although flexibility is  
11 required for the amount of parking that we're  
12 providing for the grocery store, our traffic  
13 experts have determined and DDOT has concurred  
14 in their report to the Commission that the 84  
15 parking spaces is sufficient for the store  
16 given its proximity to the Metro rail station  
17 as well as several bus lines, and then also  
18 given the pedestrian and bicycle access to the  
19 site.

20                   The maximum floor area ratio or  
21 FAR for the project is 4.5. The maximum  
22 building height proposed is 80 feet.

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1           We believe that the most notable  
2 benefits of the PUD are, first, bringing to  
3 Petworth a desperately needed new grocery  
4 store; second is the generation of new  
5 housing, again, on a site that's not required  
6 to have any; and third is the creation of new  
7 jobs. And these jobs will not only come from  
8 the operation of the new store, but as well as  
9 from the construction of the project.

10           But there are a number of other  
11 benefits and amenities associated with this  
12 project. They're listed on the summary that  
13 we've provided at the beginning of the  
14 hearing, and they will be discussed in more  
15 detail during the testimony that's presented  
16 this evening.

17           So with that, I'll conclude my  
18 opening remarks, and turn it over to Ms.  
19 Black, who will continue with the Applicant's  
20 testimony.

21           MS. BLACK:     Good evening.     I'm  
22 Avis Black.   I'm the area real estate manager

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1 with Safeway.

2           With me and representing Safeway  
3 this evening are Stuart Jones, who is the  
4 current store manager for the existing store,  
5 Ed Tippett, who is the district manager for  
6 the district's stores, Bob Messer, who's the  
7 Safeway store designer, and Craig Muckle, our  
8 manager of public affairs.

9           Safeway is very excited to be  
10 presenting this project to you this evening,  
11 and really looking forward to having a  
12 lifestyle store in the Petworth community.

13           The lifestyle concept, which  
14 Safeway developed approximately five years  
15 ago, emphasizes high-quality perishable goods  
16 and a wide range -- a much wider range of  
17 products and services.

18           The store features a decor which  
19 is intended to provide a warm and inviting  
20 shopping environment. It uses subdued  
21 lighting and earth tones to achieve this  
22 effect, and it emphasizes all the departments,

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1 which bring more fresh perishables to the  
2 consumer.

3 The amenities in this particular  
4 store will include a Starbucks and a  
5 Bergmann's Cleaners pickup station. The  
6 produce department will be widely expanded,  
7 many more organic and natural food products.

8 We will add a scratch bakery,  
9 which will be able to have fresh-baked bread,  
10 pastries, and a wide range of specialty  
11 desserts.

12 We'll add a service seafood  
13 department and meat department. With the  
14 concurrence of the licencing department of the  
15 ABC board, we'd like to add a beer and wide  
16 department as a convenience to our customers.

17 We will continue with a full  
18 service pharmacy, as we do today, and expand  
19 our grocery offerings to 40,000 to 50,000 --  
20 what we call SKUs or product types.

21 As a part of our transportation  
22 demand management measures, we will have

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1 SmarTrip card machines in this store, and  
2 we'll provide, with the addition of the food  
3 service offerings and the expanded deli, we  
4 will have a café seating area inside the  
5 store.

6 Outside the store, there will also  
7 be an outdoor seating area. This is a great  
8 improvement to the Randolph street scape. It  
9 will be a park-like setting with pavers and a  
10 stone-clad retaining wall.

11 Also around the front of the  
12 store, streetscape improvements will continue  
13 the Great Street Program for the store  
14 frontage.

15 One of the biggest benefits to  
16 this new project is job creation. The  
17 existing store has about 55 employees, and we  
18 expect to add another 70 jobs, so the total  
19 will be 125.

20 Safeway hires from the  
21 neighborhoods that it serves. In the District  
22 of Columbia, we have approximately 1700

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1 employees. Of that, over 1,000 are District  
2 residents.

3 We have entered into a first  
4 source agreement with the DOES, and we're  
5 committed to a goal of hiring 51 percent of  
6 our new hires as District residents.

7 I would like to point out that a  
8 job at Safeway is often the beginning of a  
9 career. Many employees begin as courtesy  
10 clerks and advance through the ranks, getting  
11 more responsibility, even reaching management  
12 levels. The -- and many, many employees at  
13 Safeway have 10 to 20 years with the company.

14 A significant improvement to the  
15 facility will be the loading facilities.  
16 Today, we have an open loading dock on the  
17 Randolph Street side of the parcel. The new  
18 loading dock will be internal to the store  
19 underneath the store, and that will minimize  
20 any noise from the loading operations.

21 We have, as Leila mentioned, we  
22 have been in this location since the early

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1 `60s, and we do have loyal, long-time  
2 customers that would be inconvenienced by the  
3 closing of the store, which unfortunately, I  
4 is a necessity to build this project.

5 So in order to minimize that  
6 inconvenience, we are going to open a  
7 temporary pharmacy in the neighborhood to  
8 continue to serve our pharmacy customers, and  
9 we will coordinate transportation for  
10 customers to our Piney Branch store during the  
11 construction.

12 Safeway has been working at this  
13 -- trying to bring this project to fruition  
14 for a very long time. Many years ago, we were  
15 trying to put together a mixed use project  
16 such as what we have today.

17 Unfortunately, the downturn in the  
18 economy made that very difficult, and we  
19 couldn't attract a residential developer to  
20 build the project.

21 We then turned to see if we could  
22 just do a freestanding store, just the store

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1 and parking beneath. This was not regarded  
2 with a lot of enthusiasm by the Office of  
3 Planning, considering the fact that the Metro  
4 stop is just a block away, and they felt much  
5 more dense development was appropriate.

6 Fortunately, we have a residential  
7 developer, Duball, which we have worked with  
8 in the past. They were -- Marc Dubick was the  
9 developer of our City Vista store, which is a  
10 very similar, although this is much smaller,  
11 mixed-use development. So we're very excited  
12 to work with Marc, and bring this project to  
13 the community.

14 I'll turn it over to Marc.

15 MR. DUBICK: Good evening.  
16 Chairman Hood, members of the Zoning  
17 Commission, my name is Marc Dubick, and I'm  
18 with Duball Petworth.

19 Also here with me tonight is John  
20 Segreti, our Vice President of Development.

21 Duball is pleased to serve as a  
22 developer for the PUD at Georgia Avenue and

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1 Randolph Street, a project that will continue  
2 the revitalization of this segment of Georgia  
3 Avenue and bring new retail and housing into  
4 the Petworth community, just one block north  
5 of the Georgia Avenue-Petworth Metro station.

6 I am particularly pleased to have  
7 this opportunity to work with Safeway again.  
8 I was the project developer for City Vista, a  
9 public/private partnership in Mount Vernon  
10 Triangle consisting of three high-rise  
11 buildings with mixed-use apartments and  
12 condominiums and over 115,000 square feet of  
13 retail.

14 City Vista has won several awards,  
15 and its presence is considered by many to be  
16 the catalytic event for the Mount Vernon  
17 Triangle revitalization. We hope to have more  
18 success with the Petworth Safeway PUD.

19 From June of 2010 to this August,  
20 we have participated in 27 meetings, giving  
21 presentations on the project and getting  
22 feedback from various stakeholders.

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1           Our outreach included multiple  
2 meetings with members of the ANC, as well as  
3 presentations to the Petworth Action  
4 Community, residents in the rowhouses and  
5 apartment buildings adjacent to the subject  
6 property, the Randolph Muse Condominium  
7 Association on the north side of Randolph, and  
8 numerous individuals within the community  
9 expressing an interest in the project.

10           We also made a presentation to the  
11 Bernard Elementary School PTA and provided  
12 information about the project to the larger  
13 community through the local print and social  
14 media, including the Northwest Corridor,  
15 Washington Times, Prince of Petworth, and DC  
16 Centric.

17           One thing that was very clear from  
18 our outreach efforts, this is a significant --  
19 there is a significant and immediate demand  
20 for the new project.

21           Understandably, while the  
22 community wants this project, they also want

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1 to make sure to minimize any adverse impact,  
2 especially to the surrounding residents.

3 As such, we have tweaked the  
4 building design in order to address the  
5 concerns raised by the residents. For  
6 example, in order to minimize the project's  
7 impacts on the neighbors to the west who live  
8 on 10th street, the west wing of the building  
9 was pulled back approximately 65 feet from the  
10 property line.

11 Also, in order to provide more  
12 privacy to our neighbors to the south, the  
13 residential roof deck on the west wing of the  
14 building was designed with planters along the  
15 southern edge.

16 Also, as a safety measure, we will  
17 install security cameras along the alley on  
18 the south side of the property. The proposed  
19 enclosed loading area for the store will  
20 mitigate the noise from the store deliveries  
21 from the neighbors to the south.

22 I should point out that in July,

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1 we met with Mr. and Mrs. Noti, who live  
2 immediately west of the project at 3821 10th  
3 Street, Northwest, to address their concern  
4 about the project. We agreed to the  
5 following.

6           Number one, to enhance the  
7 aesthetics of the western-most wall of the  
8 building, we added greenery to the roof area,  
9 we modified the staircase area to be less  
10 intrusive, and as previously mentioned, we  
11 affirmed the fact that the building had been  
12 pulled back significantly from the property  
13 line.

14           Number two, during the course of  
15 construction, we will maintain at all times at  
16 least one point of ingress/egress for the  
17 north/south alley in the square, allowing  
18 vehicular access to and from Quincy and  
19 Randolph Street.

20           Third, construction will be  
21 limited to 7:00 a.m. to 7:00 p.m. Monday  
22 through Saturday, excluding holidays, as

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1 provided in the construction codes.

2 Fourth, over and above the  
3 requirements to obtain a raise permit  
4 (phonetic)\*\*\*6:56;04, we will have the  
5 property and existing grocery store treated  
6 for rodent extermination prior to the  
7 demolition of the existing grocery store.

8 And fifth, we will drill the piles  
9 for the building construction, instead of  
10 using a pile driver, in order to mitigate  
11 noise from the construction of the project.

12 We agreed to have these five items  
13 included in the condition of the PUD approval.

14 Mr. Noti is here this evening, and  
15 I want to thank him for taking the time to  
16 meet with me and providing their input on the  
17 project.

18 We have been working on a fairly  
19 aggressive development approval schedule with  
20 the hope that construction for the project can  
21 begin in the second or third quarter of 2012.

22 We have had tremendous response to the

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1 project from the community, and the various  
2 District agencies.

3 I would especially like to thank  
4 Councilmember Bauser and her staff for their  
5 support of this project, and Commissioner  
6 David Tumblin, who's here tonight as well, the  
7 single member district representative for ANC  
8 4C 06.

9 On May 10th, 2011, ANC 4C voted to  
10 support the project and filed a letter of  
11 support with the Zoning Commission.

12 Avis highlighted several community  
13 benefits and amenities related to the new  
14 Petworth Safeway. In addition to those items,  
15 the PUD will bring new housing and affordable  
16 housing on a site that is not required to have  
17 any.

18 The apartment building will have a  
19 gross floor area of approximately 211,500  
20 square feet, eight percent of net residential  
21 floor area will be devoted to affordable  
22 housing units.

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1           There will be approximately 220  
2 dwelling units with a mix, at this time, of  
3 approximately 14 percent studios, 64 percent  
4 one bedrooms and one bedroom dens, and 22  
5 percent two bedrooms.

6           The parking garage will provide  
7 vehicular parking at a ratio of .6 parking  
8 spaces per dwelling, and two electrical car  
9 charging stations.

10           As part of the project's  
11 transportation demand management strategy, the  
12 apartment building will also have an on-site  
13 coordinator to oversee the development and  
14 distribution of information and promotional  
15 brochures for various walking, bicycle, and  
16 transit-related information.

17           Bicycle parking storage will be  
18 provided for the project in excess of what is  
19 required by the zoning regulations.

20           Finally, for the first residents  
21 of each unit, we will offer \$50 towards a  
22 Smart Car trip, a Capital Bikeshare

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1 membership, or ZipCar membership.

2 Another benefit of the PUD is that  
3 it will generate new construction jobs. Like  
4 Safeway, Duball Petworth has entered into a  
5 first source agreement with DOES committing to  
6 a goal of hiring District residents for 51  
7 percent of jobs created by the project.

8 In closing, I want to reiterate  
9 that this project has really been embraced by  
10 the community and the District agencies, which  
11 have made a significant effort to support the  
12 project through the development approval  
13 process.

14 We are hopeful to keep the  
15 momentum with your favorable consideration of  
16 the application tonight.

17 And I would like to introduce  
18 Brian O'Looney from Torti Gallas. Thank you.

19 MR. O'LOONEY: Good evening,  
20 everyone. Again, Brian O'Looney from Torti  
21 Gallas and Partners. I'm truly excited to  
22 finally be here to present this project to

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1 you.

2 We've been working on this for  
3 four years, as Safeway has struggled to bring  
4 it to this point, and we appreciate all that  
5 has been done by the District agencies to move  
6 this forward as speedily as possible to get us  
7 here to you.

8 We, too, were a team member on the  
9 City Vista project with Marc and Safeway. We  
10 -- you may also know us from six of the facade  
11 identities that line the core of Columbia  
12 Heights and the building that sits atop the  
13 Metro station just south of this project.

14 The sit we are looking at is,  
15 again, one block north of the Petworth Metro  
16 station. It's currently a driveable suburban  
17 design built in 1963, I believe. There is a  
18 hole in the urbanism, if you will, which is  
19 caused by the parking lot at the front of the  
20 store. If the Paramount Building wasn't  
21 there, this could be anywhere in suburban  
22 Washington.

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1           What we hope to do is to provide a  
2 walkable urban Petworth Safeway that holds the  
3 street edge, has doors along the sidewalk  
4 frontage, has an articulated frame identity  
5 along the Georgia Avenue street, frontage, and  
6 then steps down to a more punched identity as  
7 we move down Randolph Street.

8           On the ground floor, as you walk  
9 up from the Metro station, you will find  
10 within a block the residential lobby to the  
11 building --

12           CHAIRMAN HOOD: Mr. O'Looney, can  
13 I just interrupt with something?

14           MR. O'LOONEY: Sure.

15           CHAIRMAN HOOD: We're going to  
16 turn the lights off, and I just wanted  
17 everybody at the table to know, we have little  
18 lights at the table, so you may want to turn  
19 those on. We're going to turn those off so we  
20 can see the screen. So, okay.

21           Okay, excuse me for interrupting.

22           MR. O'LOONEY: No, that's all

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1 right. Thank you.

2 So along -- from that residential  
3 entrance, you can walk along this 16-foot-wide  
4 sidewalk to -- with views of the produce area  
5 inside of the store, and come to the main  
6 entrance of the anchor tenant of Safeway at  
7 the corner of Randolph and Georgia.

8 When you enter the store, you'll  
9 have a large expanse with ceilings taller than  
10 what is desired in the Georgia Avenue overlay  
11 district where you can access the entire  
12 store.

13 For those customers who choose to  
14 arrive by their cars, they can come down  
15 Randolph Street, take this driveway into the  
16 garage level.

17 One can park their car and access  
18 one of the two vestibules, which will bring  
19 you up to the store above.

20 This will be very similar to the  
21 arrangement that occurs in the Southwest City  
22 Vista and Georgetown locations, with very tall

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1 ceilings, bright lighting, well over 20-foot  
2 candles of lighting, and easy access in and  
3 out for the customers.

4 As Ms. Black mentioned already,  
5 the current loading dock is exposed to  
6 Randolph Street. We hope to rectify that by  
7 putting the loading off the street, completely  
8 enclosed in a walled area here on the back  
9 portion of the site on what we're calling the  
10 panhandle.

11 Trucks for Safeway will come down  
12 Randolph Street, come down the driveway, pull  
13 in here back into this location, unload, and  
14 then pull out and leave again.

15 Move-ins for the residential  
16 building will come down the same way, pull up  
17 here, back into the dock.

18 The materials will be brought into  
19 the elevators over here, brought up in the  
20 building. The truck will then pull out this  
21 way and go either north or south on Georgia  
22 Avenue, most likely.

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1           Below that level is a completely  
2 separate level of secure, residential parking,  
3 which is accessed over here on the far western  
4 portion of the site.

5           Again, we've set that back 65 feet  
6 from the alley line. There's absolutely no  
7 communication between this parking level and  
8 the level above, so the level above will be  
9 more public and open. This will be primarily  
10 for the residents of the building.

11           Currently, this is the condition  
12 of this western panhandle. It's an open  
13 asphalt parking lot with ARMCO guard rails,  
14 cobra head lighting, really the details of  
15 driveable suburbia, any interstate you can see  
16 these kinds of details, cobra head lighting.

17           What we're proposing, again, is to  
18 enclose the loading area in this envelope so  
19 the Safeway trucks will pull in and back in  
20 inside this box will unload here, take it up  
21 in an elevator, and move it into the store.

22           Customers can come down Randolph,

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1 take this driveway to this garage entry here.

2 Residents will come down either one of the  
3 alleys to the entrance here and go into the  
4 residential garage there.

5 Again, as Mr. Dubick had  
6 indicated, we plan to surround the top of this  
7 structure with both Creeping Cotoneaster and  
8 Boston Ivy.

9 Creeping Cotoneaster is an  
10 evergreen hanging varietal which will stay  
11 green all year long, and then we will use  
12 Boston Ivy at the -- which will be trained to  
13 come down the piers, which is seasonal, but it  
14 will be able to grow longer down the facade  
15 over the year.

16 Since the set down hearing, we've  
17 articulated these features. They were not in  
18 the books you had before. We've shown the  
19 trees that are going to be on top of the  
20 panhandle as well.

21 We've done a lot of work  
22 throughout the four years of working on this

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1 to really push this down. We reduced it in  
2 height from where we started at the beginning,  
3 and again, pulled it back to 65 feet from the  
4 end of the alley here.

5 This is a view of a detail of the  
6 facade. I'm sorry, the screen really isn't  
7 capturing any red today, but we have a brick  
8 to show you that this is a molded red brick  
9 that we've put on the entire panhandle.

10 That's different than what was in  
11 the original package you had for the set down  
12 hearing. We are going to detail that with  
13 cast stone elements, articulated brick  
14 detailing including soldier coursing here,  
15 here, here, here.

16 The piers will be eight inches in  
17 front of the body of the wall. These piers  
18 here, the secondary piers, will be four inches  
19 back. We're really trying to develop the  
20 articulation of this facade.

21 Again, we were asked by our  
22 neighbors in a number of the conversations we

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1 had with them not to have any windows on the  
2 Safeway level, so we've kept that closed off.

3 The Office of Planning had  
4 requested that we do have openings from the  
5 alley to the parking areas in order to have  
6 visual connection between the south alley and  
7 the parking behind it.

8 Also, we were asked to explain a  
9 little about the grilles and the detailing  
10 that we've had between those openings. Here's  
11 a photograph of a similar Safeway in the  
12 District that we've done a detail like the one  
13 we're proposing for this store.

14 On the roof of the panhandle, we  
15 propose some landscaping that articulates the  
16 spaces that we're containing within. There  
17 will be a three and a half foot buffer along  
18 the entire perimeter of the deck so that users  
19 can only get long-distance views and cannot  
20 look down onto their neighbors' properties.

21 From these planters, we'll grown  
22 the Cotoneaster and the Boston Ivy.

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1           We will also have the trees here.

2           There will be a lawn at the far southwestern  
3 end, for those sunbathers who choose to live  
4 on the property. There will be a number of  
5 groundcover zones that will help define spaces  
6 within this space.

7           We are deliberately going to --  
8 this is an -- we believe this will have some  
9 nice views, so we're deliberately toning down  
10 the lighting on this level. It will be very  
11 soft lighting so that when you're out there,  
12 you really can experience the nighttime sky.

13           There will be some lights near the  
14 penthouse. Most of the rest of the lighting  
15 will be low, away from intruding on any of our  
16 neighbors' properties.

17           Finally, I should mention that  
18 there is an automatic watering system which  
19 will be drawing from our storm water  
20 management tanks that will irrigate these  
21 areas, as well as the courtyard in the center  
22 of the building. We will not be using potable

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1 water to irrigate the project.

2 So, on the concrete portions of  
3 our roof above the Safeway, we plan on having  
4 green roofs both on the panhandle as well as  
5 the courtyard.

6 The courtyard will also be a quiet  
7 place for the residents to enjoy, including  
8 two types of seating areas, primarily for  
9 folks to enjoy a book or a newspaper and sit  
10 out here, one which will be paved with pavers,  
11 another which will have decking in this area.

12 There will be seating here. It  
13 will be around a large shade tree. Over here,  
14 it will be along a feature wall, which will  
15 help to contain some of these flowering trees  
16 that we will have which include dogwoods and  
17 amilankir (phonetic)\*\*\*7:07:32

18 The lighting here also will be  
19 subdued, low, except for some lighting in this  
20 tree which will be focused downward on that as  
21 a feature tree within the overall space.

22 This is a typical floor plan of

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1 the building. The key thing to understand  
2 about the floor plan as we've designed it is  
3 that everybody gets views of either the  
4 courtyard or the outer public realm.

5 The sixth floor plan has a notch  
6 here that we put into the building to step  
7 down the massing to be respectful to our  
8 neighbors on Randolph Street.

9 Along Georgia Avenue, again, it's  
10 an articulated frame building with end bays, a  
11 corner rotunda for Safeway, and an ABA rhythm  
12 along the middle of the facade.

13 One who walks along the sidewalk,  
14 as I said earlier, they'll see the residential  
15 lobby here with a fireplace behind this  
16 window.

17 They'll come along. There will be  
18 views into the produce area of the store, much  
19 like we have at the L Street side of City  
20 Vista. Here's a view out of the produce at  
21 the area of City Vista.

22 And then finally, one would come

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1 to the front entrance of the store. Some of  
2 the sent down comments were directed at  
3 clarifying our material choices.

4 To emulate wood detailing, we plan  
5 on using style and rail (phonetic)\*\*\*7:09:03  
6 assemblages of fiber cement panels and fiber  
7 cement trim.

8 We have employed this in a number  
9 of previously approved PUDs in the District,  
10 including the Arthur Capper Project and the  
11 project just one block south of here again,  
12 the Park Place Petworth Project.

13 Also, we've used this in Columbia  
14 Heights. All of these buildings have stood  
15 for quite a while now.

16 The fiber cement products tend to  
17 be more dimensionally stable and will last  
18 longer over time, and when they're painted,  
19 they're indistinguishable from wood.

20 We were asked about to clarify the  
21 product we're using on the base of the  
22 building. It is in fact a dimensional cast

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1 stone, similar to the kind of detailing that  
2 would find on the Whitman. Actually, the  
3 coloration of this building with the rangy  
4 orange brick over a brown basis, similar to  
5 that on -- that you can find on the Whitman.

6 I should talk a little bit about  
7 the Randolph Street frontage. Right now, it's  
8 frankly, just not nice.

9 Along the length Randolph Street,  
10 one has the blank wall of the store, where the  
11 best detail is some patterned open concrete  
12 block, painted.

13 You then come along the loading  
14 dock to a curb cut that goes down with some  
15 railings here to block your view -- your path,  
16 and then a view of the parking lot.

17 The entirety of the frontage  
18 currently is concrete, except for the asphalt  
19 for the driveway.

20 There are three curb cuts over  
21 here, all of which will disappear, should you  
22 choose to approve this project.

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1           Again, a view of the frontage.  
2           What we hope to do is replace it with the  
3           frontage that's very traditional to Washington  
4           as found along Randolph Street with the main  
5           entrance -- a secondary entrance to the  
6           residential building here, a grass or ground  
7           cover berm here that leads to some steps to  
8           the Safeway level, and then a seating area  
9           here, which we'll talk about in a second, that  
10          again, with the Safeway entrance there.

11          The articulated frame identity  
12          stops at the step-down here, and we use a more  
13          punched identity in this location so that this  
14          doesn't run on too long, that this facade has  
15          some balance with the facade on the Georgia  
16          Avenue side of the building.

17          So, we've proposed a sidewalk  
18          gathering area at the front of the store.  
19          This -- we've worked very hard with members of  
20          the Public Space Committee to minimize the  
21          elements that might intrude in the public way,  
22          so we followed the grade here with the area

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1 above, which I'll show you in a second, and  
2 the walls are all kept very low.

3 We've done our best to keep the  
4 ramps beyond a one and twenty, which means you  
5 don't need handrails. We really tried hard to  
6 remove that stuff that could be required with  
7 stairs and ramps that are too shallow so that  
8 this is a very open area.

9 This is a view of the sidewalk  
10 gathering areas. There's -- this portion of  
11 it slopes downward. There's fixed seating  
12 here that you can amble through. This slope  
13 here follows the slope of the street so that  
14 there's access point right here, partway to a  
15 more conventional café seating like area with  
16 metal fixtures.

17 From that point, there's a ramp  
18 that leads up, again, to the store level so  
19 that there's an accessible connection to this  
20 entrance over here so that the whole area can  
21 -- is accessible.

22 And again, I conclude my testimony

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1 being thankful that we can actually show this  
2 to you today, and look forward to the  
3 opportunity of bringing this project to  
4 fruition.

5 MR. SHER: Mr. Chairman, members  
6 of the Commission, for the record, my name is  
7 Steven E. Sher, the Director of Zoning and  
8 Land Use Services with the Law Firm of Holland  
9 & Knight.

10 I have evaluated this project in  
11 terms of its compliance with the requirements  
12 of the zoning regulations and the zoning act,  
13 and its not-inconsistency, if that's a good  
14 term, with the comprehensive plan.

15 I've prepared a report dealing  
16 with same, which I believe you have in front  
17 of you. I think as you've heard so far, our  
18 property is now split-zoned between Georgia  
19 Avenue C-3-A on the front and R-4 on the back  
20 for that panhandle area.

21 We want to extend the C-3-A zoning  
22 to cover the entire site so that we can use

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1 that back of the property for servicing of the  
2 store and leave the main part of the property  
3 open for the actual selling area and related  
4 activities of the store.

5 This property was zoned C-2 in  
6 1958, but only to a depth of about 100 feet.  
7 That was extended back to 250 feet in 1961.

8 It was redesignated C-2-A in 1967,  
9 and then rezoned C-3-A in 1995, so there have  
10 been some changes in the years over the zoning  
11 that applies to this property and the area --  
12 the zoning map behind page seven shows the  
13 existing configuration in the area.

14 You've heard, I think, enough  
15 description of what the project is that I  
16 don't need to spend any time on that.

17 I would note that our proposed FAR  
18 is 4.5 of which 1.46 is non-residential.  
19 That's less non-residential than is permitted,  
20 and in fact, what we've done is provided the  
21 non-residential in the form of the grocery  
22 store and then devoted all of the rest of the

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1 FAR to housing.

2 With respect to the evaluation  
3 standards of Chapter 24, particularly section  
4 24-03, you must determine that the impact of  
5 the project is favorable, capable of being  
6 mitigated, or acceptable.

7 I think in this case, we don't  
8 have to worry about acceptable or mitigated.  
9 This is a good thing for this neighborhood on  
10 this site.

11 What it does is it allows for new  
12 construction on a main transit corridor less  
13 than 400 feet from the entrance to the  
14 Petworth Metro Rail station.

15 Both Gorove/Slate and DDOT have  
16 determined that traffic will have no  
17 unacceptable impact. And as I noted earlier,  
18 the additional density is all residential.

19 The proposed height is consistent  
20 with heights that this Commission has  
21 approved, and which other projects have been  
22 constructed as a matter of right. Six stories

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1 is about what's becoming common for new  
2 residential development along Georgia Avenue.

3 Thinking back quite a while to  
4 what Georgia Avenue used to be, comparing it  
5 to what it is today and what it's becoming,  
6 that's two different worlds, and particularly,  
7 I think the catalyst for that is the Petworth  
8 Metro Station.

9 You don't have to worry about bus  
10 service. You don't have to deal with other  
11 extraneous ways to get into and out of this  
12 area.

13 Metro is the key, and as can be  
14 seen on this site and in other areas in the  
15 district and in the metropolitan area, transit  
16 access is the most important thing that gets  
17 people to look at properties these days.

18 As Ms. Batties mentioned earlier,  
19 we have submitted a capsule of our project  
20 amenities and public benefits. I've listed  
21 those on pages ten and eleven of the report.  
22 I'm not going to list them again, because you

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1 already have that, and we can answer any  
2 questions you may have about that.

3 As you know, you are required to  
4 judge, balance, and reconcile the project  
5 benefits and amenities against the development  
6 incentives and the flexibility that we've  
7 asked for.

8 We're asking for 15 feet more in  
9 height than what is allowed as a matter of  
10 right in a C-3-A, which is 65 feet.

11 The increase in total density is  
12 all residential, so what we're seeking here is  
13 the ability to put the housing over the  
14 grocery store.

15 I would note, in fact, that the  
16 total density is actually less than what's  
17 permitted as a matter of right under  
18 inclusionary zoning, because the 4 FAR gets a  
19 20 percent bump up to 4.8, and we're only at  
20 4.5, which is the maximum allowed under the  
21 PUD, but nonetheless, less than what's allowed  
22 under a matter of right today.

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1           In terms of the flexibility that  
2 we're asking for from normal C-3-A and Georgia  
3 Avenue overlay standards, there are some open  
4 courts, and these are all detailed in the  
5 drawings that you have that are not quite the  
6 normal width that's required.

7           The size of the courts is dictated  
8 by the design of the apartment floor plate and  
9 the grocery store floor plate on the first  
10 floor, and I think the resulting design is  
11 clearly a pretty good compromise for how to  
12 approach that.

13           With respect to the number of  
14 retail parking spaces, we're required 109,  
15 we're providing 84. The demand analysis  
16 suggests that because of the proximity to the  
17 Metro and the central location on the Georgia  
18 Avenue corridor, fewer parking spaces are  
19 needed than the 109 required by the  
20 regulations.

21           We have some roof structure  
22 issues. There are two structural enclosures

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1 on the main roof and two on the panhandle  
2 roof. The stair tower on the lower roof is  
3 sloped at an angle. And all of this is  
4 designed to reduce the height and bulk and  
5 appearance of the penthouses on the top of the  
6 building.

7 The stair locations are dictated  
8 by the apartment floor design and the building  
9 code requirements, and beyond that, we've  
10 attempted -- not attempted, we've succeeded in  
11 carving out the space for the grocery store  
12 without impinging on that space by access to  
13 the apartments above, so the penthouses are  
14 pushed to the sides of that space, leaving the  
15 grocery store free of any penetration like  
16 that.

17 With respect to the Georgia Avenue  
18 overall provisions, there are two things we're  
19 asking for some flexibility on.

20 The regs require, on average, one  
21 space for every 40 feet of linear frontage.  
22 We have 194 feet on Georgia Avenue. That

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1 would be five entrances.

2 We have three, and that's  
3 basically because the grocery store wants to  
4 limit the number of entrances to one as a  
5 security matter. It's to make sure that what  
6 goes out of the grocery store gets paid for  
7 rather than leaving in some other manner.

8 So you've got one entrance there.

9 The design is capable of accommodating more  
10 entrances, if the grocery store should ever go  
11 away, but we don't contemplate that anyhow.

12 And the ground floor minimum  
13 ceiling height, it's required to be 14 feet.  
14 We have much of it in excess of 20 feet, but  
15 the back of the house space, the non-public  
16 areas of the store, some of that's less than  
17 14 feet.

18 I think anything you can see from  
19 Georgia Avenue is clearly at the higher height  
20 and meets the spirit and intent of the  
21 regulations.

22 On pages 13 through -- where do we

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1 stop here, 13 through 30, I have gone through  
2 the analysis of the comprehensive plan,  
3 looking at all of the various elements that  
4 apply here.

5 Our land use policy map shows us  
6 on a main street mixed-use corridor, and the  
7 future land use map shows it as mixed use with  
8 medium density residential and moderate  
9 density commercial. And I believe that's  
10 pretty much precisely what we have here.

11 If you look at the model for the  
12 kind of development occurring along Georgia  
13 Avenue, the new apartment houses that are  
14 being built there are mostly in the six story  
15 range.

16 Many of them have ground floor  
17 commercial, so it pushes the ground floor  
18 height up. Some of them do not. But this is  
19 quite typical, and as I said, a far cry from  
20 what Georgia Avenue was in the days of yore,  
21 let me put it that way. I won't say how long  
22 I've been going up and down Georgia Avenue to

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1 remember all that, but it's been a while.

2 In particular, the Rock Creek East  
3 area element talks about concentrating  
4 economic development activity and employment  
5 growth around the Georgia Avenue Petworth  
6 Metro Rail. And again, that's what's  
7 happening here.

8 I think that we have discussed a  
9 lot of the other things that are relevant  
10 here, so I'd like to just summarize my  
11 conclusions that the project is not  
12 inconsistent with the comprehensive plan.  
13 It's within the applicable height and bulk  
14 standards of the zoning regulations, provides  
15 an appropriate balance between the development  
16 proposed, the flexibility requested, and the  
17 benefits and amenities provided.

18 You are allowed to condition the  
19 approval to what we specifically proposed, and  
20 to address any issues which may arise, but in  
21 all final analysis, the project should be  
22 approved.

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1 Thank you very much.

2 MS. BATTIES: Thank you. As I  
3 mentioned, our traffic expert is here, but in  
4 the interest of time and given DDOT's support  
5 of the project, he will be available for  
6 questions only and not give direct testimony.

7 So that will conclude our presentation to the  
8 Commission this evening.

9 CHAIRMAN HOOD: Okay. I want to  
10 thank you all for your succinct presentation.

11 Let me just ask, was the traffic  
12 consultant -- was he going to give direct  
13 testimony, but you already planned, and he's  
14 just here for questions?

15 MS. BATTIES: He was not going to  
16 give testimony.

17 CHAIRMAN HOOD: Okay. Good. All  
18 right.

19 Commissioners, and open up -- who  
20 will start? Do we have any questions?

21 VICE CHAIRMAN SCHLATER: Sure.

22 CHAIRMAN HOOD: Vice Chairman

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1 Schlater?

2 VICE CHAIRMAN SCHLATER: Thank  
3 you, Mr. Chairman.

4 Just a few brief questions. On  
5 the whole, I think this is an outstanding  
6 project.

7 I think it's been sensitively  
8 designed, and it's meeting the needs of the  
9 community, so it's great to see this moving  
10 forward and getting to this stage.

11 A question on the Safeway parking.  
12 How many spaces are at the Southwest, the  
13 Georgetown, and the City Vista lots?

14 MS. BLACK: City Vista, I think  
15 the entire floor plate is 220, but Safeway has  
16 163 dedicated to its use.

17 VICE CHAIRMAN SCHLATER: Yes.

18 MS. BLACK: At Georgetown, there's  
19 280 spaces -- no, excuse me, 260 spaces. And  
20 at Southwest, again, it's about 163, which  
21 serves all the retail.

22 VICE CHAIRMAN SCHLATER: So this

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1 is considerably less than those other new  
2 stores. How did Safeway get comfortable with  
3 having 83 spaces?

4 MS. BLACK: Actually, we got  
5 comfortable with it because of our experience  
6 at other stores, and both with City Vista and  
7 with Southwest, we are finding that our need  
8 is much less than what's provided, and we have  
9 grown and looked at, okay, what is the nature  
10 of the area, what is the real demand?

11 And we're finding in areas that  
12 are urban, where transit is close by, which is  
13 in both waterfront case, it's right there, and  
14 in City Vista, it's three blocks away, where  
15 there is, you know, high rise density, we're  
16 finding we just don't need the same amount of  
17 parking spaces that we used to.

18 VICE CHAIRMAN SCHLATER: That's  
19 great to hear, because more often than not, we  
20 have developers come before us and -- with  
21 large retail spaces, and they say, well, the  
22 market dictates that we provide this

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1       outrageous number of parking spots.

2                   So, I guess the lesson is, we need  
3       to have the retailer actually be the  
4       Applicant, and that will solve things.

5                   (Laughter.)

6                   MS. BLACK:     It's a case by case  
7       analysis.

8                   MR. DUBICK:    I will say that there  
9       has been a sea change in thinking, because  
10      City Vista, 165 was at the time very nervous  
11      to my friends at Safeway. They weren't really  
12      comfortable, and that's a long way from the 84  
13      we have here.

14                   It's just a sea change in  
15      thinking. It's really interesting to see what  
16      a couple years of operation of these other  
17      stores, how it's demonstrated that.

18                   VICE CHAIRMAN SCHLATER:    I think  
19      for us, it will be helpful, because we'll be  
20      able to point to this store as an example of  
21      how you can do it without providing too much  
22      parking and taking advantage of the proximity

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1 to Metro, so that's great.

2 One question I had was around  
3 bicycle parking. It wasn't exactly clear how  
4 many spaces were being provided, and it's  
5 certainly something we're trying to encourage  
6 these days.

7 MR. O'LOONEY: We have more than  
8 the required amount of bicycle parking.  
9 There's bicycle parking both in the Safeway  
10 level, the garage, the residential level of  
11 the garage, and then in front of the store.

12 There will be additional parking  
13 right at the Safeway entrance, which I can  
14 show you on the plan -- right, well, actually,  
15 I could do it on this -- right here, we'll be  
16 providing bicycle parking.

17 VICE CHAIRMAN SCHLATER: Great.

18 MR. O'LOONEY: In the front of the  
19 store.

20 VICE CHAIRMAN SCHLATER: If you  
21 can, just to fill in the record, submit the  
22 number of bicycle parking spaces for each.

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1                   MR. O'LOONEY:     We have it here.  
2     Here we go.    So, we are proposing to install  
3     15 bicycle spaces at a minimum in the secure  
4     areas of the residential space buildings, nine  
5     bicycle spaces in the secure areas of the  
6     retail parking garage, and 16 parking spaces  
7     outside the front door of the Safeway.

8                   VICE CHAIRMAN SCHLATER:    I would  
9     say that's less than what we're typically  
10    seeing in other projects coming before us.  
11    And anything you can do to find space, I  
12    realize your space constrained, but if you  
13    could take a look at that, the bicycle parking  
14    amounts --

15                  MR. DUBICK:     I think that when we  
16    talked to DDOT about this, there is a bicycle  
17    substation, is that what it's called?  It has  
18    a technical -- Capital Bikeshare right across  
19    the street, so that's how they got comfortable  
20    with this amount.

21                  VICE CHAIRMAN SCHLATER:    That's  
22    great.    I mean, I think bike share is an

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1 important part of it.

2 But people are going to want to  
3 have their own bikes as well, and with the  
4 small units you're planning, you don't want to  
5 put those in your units.

6 The -- one of the parts of the  
7 testimony that intrigued me that you were  
8 going to keep the windows unobstructed off of  
9 Georgia Avenue.

10 Is that a commitment that Safeway  
11 is able to make, that as long as this is going  
12 to be a grocery store, that those windows will  
13 be unobstructed?

14 Because that's not -- people  
15 aren't always willing to make that commitment,  
16 and we like to have animated windows on the  
17 street.

18 MS. BLACK: Yes. Yes. And what  
19 we've done, the produce department is on that  
20 side of the store, so it allows us to have  
21 that kind of opening. And I think we can  
22 commit to Georgia Avenue having the opening.

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1                   VICE CHAIRMAN SCHLATER:     Great.  
2     One last thing, and this is probably for the  
3     transportation consultant.  It has to do with  
4     the north/south alley serving the parking for  
5     the residential, and whether or not two-way  
6     traffic on that alley is workable.

7                   So I guess the question is, I saw  
8     the report, you know, and at peak times,  
9     you're looking at one vehicle per minute.  
10    And, you know, people were -- I wouldn't say  
11    comfortable with it, but it didn't seem like a  
12    lot.

13                  I just want to understand, you  
14    know, what is the capacity of that alley for  
15    traffic, for the residential building?  Is  
16    that a one-way alley?  Two-way alley?

17                  MR. ANDRES:  Well, for the record,  
18    my name is Erwin Andres with Gorove/Slade  
19    Associates.  With respect to the north/south  
20    alley that runs between Quincy and Randolph,  
21    it is 15 feet wide, which is consistent with  
22    many of the alleys in the district.

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1           The flows associated with the  
2 vehicles coming in and out of that alley is  
3 actually going to be consistent with some of  
4 the garages that actually front -- there's an  
5 east/west alley. So those flows will be  
6 consistent with those people coming in and  
7 out.

8           It's been our experience that at  
9 City Vista where there is an alley, granted,  
10 it is wider, but it does have a one-way flow,  
11 which works very well.

12           And in a case like this, we  
13 coordinated with DDOT to see if they're  
14 comfortable with it, and they are. And that's  
15 been identified in our dealings with them.

16           VICE CHAIRMAN SCHLATER:     Okay.  
17 Great. The affordable housing that's being  
18 provided for the project, it's 8 percent of  
19 the overall square footage of the building,  
20 the net square footage of the building? I saw  
21 there was a note on that, and I just wasn't --

22           MS. BATTIES: Jim, do you want to

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1 comment on that, the percentages?

2 MR. GLASGOW: With respect to the  
3 percentage, because we know this question  
4 comes up, and we're comfortable as team, we  
5 either go net to net or gross to gross.

6 What we don't want to have is a  
7 situation is somebody says, oh, it's the gross  
8 of the building and then you have to do net.  
9 So it's eight percent of the residential  
10 square footage.

11 We do have a -- my recollection is  
12 a seventeen percent for core factor in this,  
13 which is similar to other residential  
14 buildings that we've had. But it will be net  
15 to net or gross to gross, eight percent.

16 VICE CHAIRMAN SCHLATER: How are  
17 we doing it? I haven't looked at the regs  
18 recently on inclusionary zoning, just out of  
19 curiosity.

20 MR. GLASGOW: Yes, the regs say  
21 gross floor area.

22 VICE CHAIRMAN SCHLATER: Okay.

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1 MR. GLASGOW: And then what we do  
2 is when we go to the zoning administrator or  
3 whatever, as we go for implementation, we say,  
4 okay, here is our core factor, and then we  
5 work it from there.

6 VICE CHAIRMAN SCHLATER: Okay.  
7 Great. Well, again, I think this is a fine  
8 project, and thanks for coming here tonight  
9 and answering my questions.

10 CHAIRMAN HOOD: Thank you, Vice  
11 Chairman. Next, Commissioner May?

12 COMMISSIONER MAY: Thanks. Okay.  
13 I have a handful of questions. The existing  
14 parking configuration, I mean, you've got all  
15 that parking in front of the existing store,  
16 and then there's that big parking lot in back.

17 Is the big parking lot in back  
18 also used for your customers or your  
19 employees, or --

20 MS. BLACK: That is required  
21 parking for the store, but I doubt it's used  
22 very much by customers.

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1                   COMMISSIONER MAY: So, do you have  
2 any sense? I counted something in the  
3 neighborhood of 100 spaces between the front  
4 and the back.

5                   Do you have a sense of how much is  
6 currently being used in any given moment, and  
7 how that compares to the number you were  
8 planning to build here?

9                   (Pause.)

10                  It's nice to have the store  
11 manager here.

12                  (Laughter.)

13                  Better than a traffic expert.  
14 Sorry, Mr. Anderson.

15                  COMMISSIONER MAY: The customers  
16 use the front parking lot. There are about 69  
17 spaces, and about 70 percent of those are  
18 actually used.

19                  COMMISSIONER MAY: Okay. Well,  
20 I'm sure you're going to get a lot more  
21 business with the new store, but it's good to  
22 understand with the number that are used, so.

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1           The -- this is -- I'm getting a  
2 little bit into the weeds, but I'll explain  
3 why in a second.

4           How are the apartment units going  
5 to be conditioned? Is there going to be  
6 mechanical -- I mean, those very small  
7 mechanical rooms or mechanical spaces on the  
8 roof don't seem to cover it. Is there going  
9 to be a condenser farm up there?

10           MR. O'LOONEY: Potentially. We  
11 will be exploring that as an option, along  
12 with many other systems to try to find both an  
13 efficient and a cost-effective system for our  
14 client.

15           COMMISSIONER MAY: Okay. So, I  
16 mean, the concern that it raises for me is  
17 what it might potentially look like.

18           I mean, if it's a condenser farm,  
19 it's obviously very low and we're never going  
20 to see it.

21           But if it's other solutions, we  
22 might, and you know, the other thing I look

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1 out for when I don't see anything obvious for  
2 conditioning the units is the possibility that  
3 they're going to be some sort of through-wall  
4 units.

5 I assume that there's not going to  
6 be anything like that, right?

7 MR. O'LOONEY: The design as  
8 currently contemplated does not anticipate  
9 through-wall units.

10 COMMISSIONER MAY: Okay. So, can  
11 you say definitively that there will not be  
12 through-wall units, period?

13 MR. O'LOONEY: There will not be  
14 through-wall units, period.

15 COMMISSIONER MAY: Okay. Good.  
16 That's a little bit more comforting. Thanks,  
17 because the design as it is -- anyway, no  
18 wiggle room.

19 The -- okay, design-wise, I mean,  
20 you know, I could quibble about some of the  
21 aspects of the design and I wouldn't really  
22 want to comment too much on that.

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1                   But I think that generally  
2 speaking, everything is very well thought-out.

3                   But there's just -- the thing that still  
4 troubles me at this moment about the design,  
5 it's almost a complete home run, but what  
6 troubles me is the penthouses and the lack of  
7 setback.

8                   And I understand that you wanted  
9 to push the elevator cores all the way out to  
10 the perimeter to accommodate the Safeway, but  
11 it seems to me that pushing them ten feet in  
12 isn't going to do huge damage to the floor  
13 plan of the store, and it does do damage to  
14 your building.

15                   And unfortunately, you're in a  
16 circumstance where you're probably not ever  
17 going to be up against another building.

18                   I mean, I don't see any time in  
19 the near future when you're going to wind up  
20 with a building immediately to the west, or a  
21 building immediately to the south that's going  
22 to marry up to those exposed penthouses.

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1           And so those are going to be up  
2 there like unadorned, sort of not fully-  
3 thought-out chimneys that mar the architecture  
4 of the building.

5           So I'm wondering, have you really  
6 pushed it hard to try to get those away from  
7 the edge of the building? Even -- you know,  
8 maybe not all the way that they have to be,  
9 but away?

10           MR. O'LOONEY: Sure. We've worked  
11 very hard trying to find resolution for them,  
12 and we -- not only do they need to be pushed  
13 out to the perimeter to serve Safeway's needs,  
14 but they also need to be there in terms of the  
15 way the parking level works and the way the  
16 residential levels work. We have --

17           COMMISSIONER MAY: But there are  
18 ways to solve those, too.

19           MR. O'LOONEY: There are.

20           COMMISSIONER MAY: That's the only  
21 thing that's unusual, I think, is the Safeway.

22           MR. O'LOONEY: Sure. We placed

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1       them so that from the majority of the  
2       pedestrian experience, the walking experience  
3       along Georgia Avenue, they would be screened  
4       from view from both our building -- you can  
5       see in the perspective view, but you can't see  
6       any of them from this vantage point. The --

7                   COMMISSIONER MAY:       But they're  
8       going to be very obvious from across the  
9       street on Randolph. They're going to be very  
10      obvious from across the street on Georgia  
11      Avenue.

12                   Between the buildings, you're  
13      going to -- you can see them. I mean, maybe  
14      it's only people like me who are going to be  
15      bothered by it, but --

16                   MR. O'LOONEY:    We integrated them  
17      into the facade like a lot of buildings, like  
18      the Tivoli theater, for example, has is a  
19      similar kind of articulation in Colombia  
20      Heights.

21                   There are other historic buildings  
22      that do the same -- use the same devices that

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1 we use, so they're really only apparent from  
2 directly across the alley or the building  
3 break in the case of Georgia Avenue for maybe  
4 20 feet or 30 feet in either direction, and  
5 that was the design intent.

6 And we feel comfortable with that.

7 We feel that we've articulated the facades in  
8 a way where it is respectful to not only the  
9 building and our neighbors but also to the  
10 heritage of urban buildings in Washington, DC.

11 COMMISSIONER MAY: Okay. Well, I  
12 don't think you've hit the mark there. If we  
13 have to accept them in this circumstance,  
14 let's talk particularly about what you've  
15 designed.

16 So, I'm looking at A-15, and I  
17 don't know whether it's the elevator or the  
18 stair that runs all the way up to the  
19 penthouse level, but it's just a continuous  
20 blank brick wall.

21 MR. O'LOONEY: Yes.

22 COMMISSIONER MAY: Okay? Now, you

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1 have some material there that defines the  
2 cornice, although it's sort of a reverse kind  
3 of mansard looking cornice, in that it leans  
4 in toward the building instead of projecting  
5 out, that big long white strip.

6 And then it stops at the brick  
7 wall there.

8 MR. O'LOONEY: Right.

9 COMMISSIONER MAY: And then  
10 there's a different rendition of it around --  
11 you know, on the other side of it.

12 I mean, it seems to me you need to  
13 continue a break there so that what exists  
14 above the roof line that's established by the  
15 cornice is separate.

16 And in fact, I would go so far as  
17 to say that you ought to make that a different  
18 color. Make it darker and make it recede  
19 visually if it's not going to actually recede.

20 MR. O'LOONEY: We'd be happy to  
21 incorporate that suggestion.

22 COMMISSIONER MAY: Similarly, on

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1 A-18 -- we're looking at the other one.  
2 That's a little bit better in that we see a,  
3 you know, some continuity of that thin white  
4 line. Well, maybe -- it's hard to see it on  
5 that version of it.

6 But I think a similar treatment  
7 there, something that makes the cornice line  
8 seem continuous, and then, again, a change in  
9 the color of the brick, make it darker to make  
10 it recede. That's what I would recommend.

11 MR. O'LOONEY: For both of those,  
12 we will present the continuity of the cornice  
13 across, and then make the brick above a darker  
14 brick.

15 COMMISSIONER MAY: Yes, that would  
16 make sense. I mean, I leave it to your  
17 judgement to figure out what really does look  
18 the best.

19 The -- I really do appreciate the  
20 fact that all sides of the building are clad  
21 in a high-quality material, and that you  
22 didn't immediately go to hardy board, you

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1 know, when you turn the corner off of Georgia  
2 Avenue or on the alley.

3 I do have a question about the  
4 fiber cement panels, though. In the courtyard  
5 area, because there seem to be large panels  
6 there. I assume you're using larger sheets.  
7 Is that right?

8 MR. O'LOONEY: It could be sheets,  
9 or it could be siding. More likely it will be  
10 siding. It will probably --

11 COMMISSIONER MAY: Okay. I mean,  
12 siding would be great. The thing that I fear  
13 is what I've seen now on the top floors of  
14 some houses, some townhouses where there's  
15 that third-floor kind of -- it serves like a  
16 rooftop garden or something like that, and  
17 they've just cladded it with four by eight  
18 sheets, and then they've got a contrasting  
19 color with joints on it. I mean, it just  
20 looks like the worst kind of paneling job.

21 MR. O'LOONEY: Right, sure.

22 COMMISSIONER MAY: That's what I

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1 was fearing when I saw the rendering.

2 MR. O'LOONEY: We would likely use  
3 siding with trim boards at the corners, both  
4 inside and outside corners, vertically.

5 COMMISSIONER MAY: Okay. That  
6 sound good.

7 What's the unit size for the  
8 masonry base at the front of the building? I  
9 know it's multiple --

10 MR. O'LOONEY: It's actually,  
11 there are multiple pieces, but they're -- it's  
12 larger, it's dimensional. We can actually  
13 dimension it for you.

14 It's either 16 or 24 inches, and  
15 then -- I think it's 16 and 8. It may be 24  
16 and 8, but it's --

17 COMMISSIONER MAY: It's not 8 by  
18 16, right?

19 MR. O'LOONEY: I don't believe  
20 it's 8 by 16. We can confirm that for you in  
21 a moment, if you'd like.

22 COMMISSIONER MAY: Taller. Okay,

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1       yeah.       It would be good -- 8 by 16  
2       communicates cinder block, and 12 or 16 by 24  
3       --

4                   MR. O'LOONEY:       It's not the  
5       proportions of cinder block, I can assure of  
6       that.

7                   COMMISSIONER MAY:   Right. Okay.

8                   Do we have a diagram that shows  
9       the location of the affordable units? Is that  
10      submitted?

11                   MR. O'LOONEY:   Sure.

12                   COMMISSIONER MAY:   Okay.       Just  
13      tell me what number it was. I didn't -- I  
14      looked through it a couple of times, and I  
15      didn't see it.

16                   (Pause.)

17                   Okay.       That's -- other than  
18      wanting to have -- touch the materials board,  
19      I'm all set, thanks.

20                   CHAIRMAN HOOD:   Okay.   Thank you.

21                   Any questions? Okay. I'm just curious, and  
22      I'm not going to say this as a cheap shot,

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1 because I live in Ward 5 where the Safeway  
2 left on Rhode Island Avenue, so I'm not going  
3 to throw that up, but the only reason I  
4 thought about that is because Mr. Sher, you  
5 mentioned that you were not thinking that  
6 Safeway would abandon or leave.

7 Is there some type of lease with  
8 the developer that Safeway's going to be there  
9 for a certain amount of time?

10 MR. DUBICK: Safeway will own  
11 their share, and then we will own the  
12 residential piece. So basically Safeway owns  
13 the parking -- their level of parking in the  
14 store, and then we own the residential level,  
15 and --

16 CHAIRMAN HOOD: So like a  
17 partnership. So they'll be there. They won't  
18 leave like they left on Rhode Island Avenue.

19 MR. O'LOONEY: No.

20 CHAIRMAN HOOD: Okay. That's not  
21 a cheap shot, but I wanted to put that out  
22 there.

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1 Can somebody show me a rendering?

2 And I looked through what I had here that  
3 shows the relationship with the whole area.  
4 Maybe that will do it for me.

5 Do we have a pointer? I want  
6 somebody to kind of walk me through --

7 MR. O'LOONEY: The second slide of  
8 it will be -- she's getting it from my  
9 presentation.

10 CHAIRMAN HOOD: Do I have it in  
11 this -- is it in here? Do I have it here?

12 MR. O'LOONEY: Here we go. Here  
13 we go. Maybe this is sufficient?

14 CHAIRMAN HOOD: Yeah. Well, yeah.  
15 And I'll take -- if you have a microphone,  
16 let's kind of walk through the whole site.

17 I want to -- and also, I want to  
18 see the relationship, how far we are from the  
19 homes. And I'm thinking of a Safeway of how  
20 it used to be in the '80s when I used to hang  
21 in the area, and I'm trying to -- the spot  
22 behind the Safeway, that tight area in there -

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1 -

2 MR. O'LOONEY: What I'll do is  
3 I'll point out where the existing Safeway is  
4 currently on this photo.

5 So the existing Safeway currently  
6 sits right here on the site. There's a  
7 parking lot here in the front of the store,  
8 and a parking lot back here.

9 There's a driveway that comes  
10 through with an alley beside it that we are  
11 hoping to have closed.

12 There is is a building here called  
13 Petworth Station, just to the west of the  
14 existing project, and a building to the south  
15 of us called the Paramount.

16 South of that is the building  
17 Torti Gallas designed called Park Place, which  
18 within that building facade contains the Metro  
19 station.

20 So this building here is this  
21 building here. Okay? It's, like our  
22 building, it's primarily six stories, although

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1 there is a seven story portion in the middle  
2 of it, at the Metro station.

3 We are again one block north of  
4 that. If I may, here's a view of that  
5 building. Here's the Paramount here --

6 CHAIRMAN HOOD: Is that a view --  
7 let me ask you, is that a view of me going  
8 South on Georgia?

9 MR. O'LOONEY: That's correct.  
10 This is a view going south on Georgia Avenue,  
11 so you see our building, the Paramount, and  
12 then Park Place in the distance. That marks  
13 the elevator -- the Metro entrance right  
14 there.

15 This is the Wendy's here, if  
16 you're -- that little white --

17 CHAIRMAN HOOD: Yes, I'm familiar  
18 with that.

19 (Laughter.)

20 Okay. But let me ask to the west  
21 of the project, let's go back to the aerial to  
22 the west of the project.

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1 MR. O'LOONEY: Sure.

2 CHAIRMAN HOOD: I'm trying to see,  
3 because actually, the neighborhood, those  
4 homes there are some homes that have been very  
5 well established, and I want to know, how  
6 close are we getting to that?

7 MR. O'LOONEY: We are going to be  
8 85 feet away -- actually, no, I'm going to  
9 take that back. It's 65 plus 15, so that is  
10 80 feet away from the backyard property line  
11 of those townhouses.

12 MR. DUBICK: If I could mention,  
13 through the good services of Mr. Tumblin,  
14 which, the NC Commissioner, I guess we'll hear  
15 from him in a few minutes, he arranged the  
16 visit, and we met in --

17 CHAIRMAN HOOD: Stay on the  
18 microphone for me.

19 MR. DUBICK: We met in this house  
20 -- how do you use this, Brian? The little red  
21 thing?

22 We met I guess in one of these

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1 houses right here. And Mr. Noti, who's here  
2 tonight, lives here.

3 We met with a whole slew of these  
4 residents, and some of these residents as  
5 well, and actually did a tour, and walked the  
6 entirety of the property, and showed them how  
7 it was all going to lay out.

8 And that's -- in my early  
9 comments, originally, some of the residents  
10 were concerned because they thought the  
11 building was coming all the way to this  
12 property line here, when in fact, it's not.

13 It sits back about 65 feet to  
14 here. And that also relieves a lot of the  
15 concern about the access from the alleys,  
16 because with the building sitting back and the  
17 way we have it laid back here, it will make it  
18 a lot easier for cars to pass if needed,  
19 because, you know, this whole chunk of space  
20 here is really open space.

21 CHAIRMAN HOOD: So that alley is  
22 shared? The residents still have access to be

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1 able to do what they need to do?

2 MR. DUBICK: Yes. They have  
3 access here, and in fact, we really haven't  
4 mentioned it, but this is an alley, this is an  
5 alley, and there's another alley that comes  
6 out here, as well.

7 These are 20-foot-width alleys, so  
8 a lot of the residents that do have cars here,  
9 when they leave, they'll make a right and come  
10 out here, and then a left.

11 CHAIRMAN HOOD: So all that's been  
12 worked out in the meeting that you had with  
13 the people who are most affected?

14 MR. DUBICK: Yes, sir.

15 CHAIRMAN HOOD: That's more my  
16 concern. Okay.

17 MR. DUBICK: Because that was what  
18 you were driving at. I think all the people  
19 are aware of what's going on.

20 CHAIRMAN HOOD: Exactly. Exactly.  
21 I don't have a whole lot of questions. As  
22 someone who used to frequent that area and the

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1 Swift's (phonetic)\*\*\*7:47:11 near Safeway  
2 years ago, I tell you, it's long overdue, and  
3 good to see it happening, even though, again,  
4 no Safeway on Rhode Island Avenue.

5 The other thing is that -- I think  
6 this, I hear everybody talking about the  
7 Metro. Yeah, I know this may be the bad word  
8 tonight, but I think that established  
9 neighborhood has a lot of seniors, and those  
10 people will be coming into that store and  
11 utilizing that store, and a lot of them will  
12 be walking and pushing their carts. So I  
13 think that's -- it's just a win-win, I think  
14 for that community.

15 So I'm not going to say anything  
16 else about the Safeway on Rhode Island Avenue.

17 But I think it's a good project. As my  
18 colleagues have mentioned, I looked at the  
19 materials and I think it was very well done,  
20 so that will refrain me from having to ask any  
21 -- a lot of questions.

22 Any other questions,

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1 Commissioners? Commissioner May?

2 COMMISSIONER MAY: Yes. One  
3 question I forgot to ask was about the grilles  
4 on the garage levels. Can you pull up that  
5 elevation that shows them on this -- the long  
6 elevation there?

7 MR. DUBICK: One moment.

8 COMMISSIONER MAY: Okay, so --

9 MR. DUBICK: Actually --

10 COMMISSIONER MAY: Yeah, I can't  
11 really see.

12 MR. O'LOONEY: There's another  
13 slide, the presentation that --

14 COMMISSIONER MAY: Well, I'm  
15 looking at A-12 in my drawing set.

16 MR. O'LOONEY: One moment, please.

17 (Pause.)

18 COMMISSIONER MAY: That one's  
19 fine. Point out to me where there are  
20 grilles?

21 MR. O'LOONEY: Sure. Along the  
22 south elevation, there will be grilles here

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1 into the G1 level, which is the Safeway  
2 parking level, and then there are grilles here  
3 as well into the G2 level, which is the  
4 residential parking level.

5 COMMISSIONER MAY: Okay. The G2  
6 level, I understand where they would connect  
7 into the parking. On the G1 level, it's --  
8 that area seems to be where the loading dock  
9 is, and where the residential loading corridor  
10 is.

11 MR. O'LOONEY: Sure. The ceiling  
12 height is such that you can have a corridor  
13 below an open area where you look over the  
14 corridor for the loading connection to the  
15 elevators from the residential loading dock.

16 So the corridor would be below the  
17 openings that you're seeing in this elevation.

18 MR. DUBICK: Brian, I think that's  
19 confusing. There is the G1 level, which is  
20 the residential entrance and parking.

21 COMMISSIONER MAY: Right.

22 MR. DUBICK: That's the first band

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1 of grilles that you're seeing. At a  
2 completely different elevation is the entrance  
3 to the Safeway parking, and those grilles are  
4 associated with the Safeway parking, so there  
5 are really two --

6 COMMISSIONER MAY: Well, I got  
7 that. I mean, I understand that there are two  
8 different levels.

9 MR. DUBICK: Yes.

10 COMMISSIONER MAY: And we're  
11 getting glimpses of both of them. But just  
12 looking at the plan at A-03, the only thing  
13 that actually physically connects in plan to  
14 the parking is that residential loading.

15 MR. DUBICK: That's correct.

16 COMMISSIONER MAY: I think -- so  
17 you're saying --

18 MR. DUBICK: This can have a  
19 ceiling height of nine to ten feet.

20 COMMISSIONER MAY: Right.

21 MR. DUBICK: And then over that --

22 COMMISSIONER MAY: Over that.

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1 MR. DUBICK: -- you have light  
2 that comes in, light and air that comes into  
3 the parking lot.

4 COMMISSIONER MAY: Okay. But  
5 that's not going to be true at the loading  
6 dock area, right?

7 MR. DUBICK: It can be true all  
8 the way across this, actually. There's no  
9 reason these walls can't be lower than the  
10 grilles that are shown in the facade.

11 MR. DUBICK: Until you get to the  
12 loading -- you can't, where the 18-wheelers  
13 are, and I think that the community didn't  
14 want there to be --

15 COMMISSIONER MAY: right. I mean,  
16 that's what I'm getting at is that it looks  
17 like there are grilles that connect into the  
18 loading dock.

19 MR. O'LOONEY: We can stipulate  
20 that there won't be any grilles in the loading  
21 area (phonetic)\*\*\*7:51:28.

22 MR. DUBICK: That's not the

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1 intent.

2 COMMISSIONER MAY: Okay. So they  
3 may actually be fake grilles there or  
4 something?

5 MR. O'LOONEY: Well, there is a  
6 loading area, and then there's a corridor here  
7 -- this -- it could be away from the loading  
8 to get light and air. And this is a request  
9 of OP, if --

10 COMMISSIONER MAY: I understand.  
11 Yes. I understand where they came from. It  
12 just didn't make sense between the plan and  
13 the elevation, but I'm sure you'll work it out  
14 somehow.

15 CHAIRMAN HOOD: Commissioner May  
16 asked a question, and it sparked another  
17 question I may have had about the first source  
18 agreement, about the two step or the first  
19 agreement and the two agreements.

20 Can somebody expound on that? And  
21 I think it probably was mentioned earlier, but  
22 I'm trying to remember exactly. It looks like

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1 we have a part for the construction, and a  
2 part for the Safeway, so we have two first  
3 source agreements.

4 MR. DUBICK: Yes, there's a first  
5 source for the Safeway -- has signed an  
6 agreement, and there's a first source for the  
7 developer.

8 So for example, we are going to be  
9 building the entirety of the building up  
10 including the shell, if you will, of the  
11 Safeway store, and then Safeway's going to  
12 come in and finish their demised premises with  
13 tenant improvements and furniture and fixture.

14 So that would be an example where the Safeway  
15 first source would kick in for their piece of  
16 that work.

17 CHAIRMAN HOOD: So the Safeway is  
18 not to work in the store, it's to --

19 MS. BLACK: No, it's also the  
20 store employees. Employees and construction.

21 CHAIRMAN HOOD: Well, good. Good.

22 Let me ask this. Have we started working

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1 with the OES, and not wait until the building  
2 is built, and then the OES doesn't have a  
3 pool?

4 MS. BLACK: We work with them all  
5 the time, because we have more than this first  
6 source agreement. We have them with a number  
7 of our stores, so we're in close contact with  
8 them.

9 CHAIRMAN HOOD: Okay. Okay. So  
10 they had their pool ready. Okay, great.  
11 Okay. Any other questions? Okay.

12 Now, I have an issue with the ANC  
13 letter, and you know, he sat at the table like  
14 he was part of the presentation, Mr. Tumblin.

15 But particularly, Commissioner  
16 Tumblin, what happens is, I was going to call  
17 for cross examination, but I want to deal with  
18 this issue now.

19 In the letter, our regulations  
20 require a 30-12.5 that the letter identify  
21 who's going to be representing the ANC. So  
22 from this point on, if you can make sure --

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1 you can talk to the chair or the vice-chair  
2 and make sure that -- it needs to identify  
3 that in the letter, who's going to be  
4 representing the ANC in front of us, or if  
5 it's the chair, or the only other people who  
6 are authorized without it being in writing are  
7 the chair and vice chair. So I'm not sure,  
8 guys --

9 MR. TUMBLIN: And I am neither of  
10 those. I am actually the single member  
11 district in which it's located. I am not the  
12 chair.

13 CHAIRMAN HOOD: Which is very  
14 important, because you have -- well, anyway,  
15 I'll get to that when we get to ask some  
16 questions. Excuse me.

17 COMMISSIONER SELFRIDGE: Mr.  
18 Chairman, don't we have the right to waive  
19 that rule, though, if we'd like?

20 CHAIRMAN HOOD: Yeah, I think we  
21 can waive anything we want.

22 (Laughter.)

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1           You know, I think this is more of  
2           an easier case, because it looks like there's  
3           a lot of support, but if my other colleagues  
4           would agree -- and let me look at Ms.  
5           Schellin, if you all agree.

6           Okay.    Okay.    All right.    Okay.  
7           So we will hear from Mr. Tumblin.    We would  
8           have heard from you anyway, but it's just  
9           representing the ANC is the issue.    But we'll  
10          hear from you.

11          MR. TUMBLIN:    And that's actually  
12          good to know, because I'm sure we'll have  
13          future opportunities to present to the  
14          Commission.

15          CHAIRMAN HOOD:    Okay.

16          MR. TUMBLIN:    So I appreciate the  
17          opportunity.

18          CHAIRMAN HOOD:    Well, we're not  
19          ready yet.    I just want to deal with that.

20                 But what I wanted to do is call  
21                 for cross examination.    Did you have any cross  
22                 examination of the Applicant?

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1 MR. TUMBLIN: I do not.

2 CHAIRMAN HOOD: Okay.

3 Everything's getting real easy here.

4 Okay. Let's go to the office --

5 thank you, and you can just hold your seat.

6 Let's go to the Office of Planning's report,

7 Mr. Cochran.

8 MR. COCHRAN: Thank you, Mr.

9 Chair.

10 OP finds the project to be

11 consistent with the Planned Unit Development

12 standards, with the Georgia Avenue Great

13 Streets plan, and to be not inconsistent with

14 the comprehensive plan.

15 It would, in fact, be a very

16 positive addition to the Petworth

17 neighborhood, and would embody smart growth

18 principles. It's a model for having a grocery

19 with housing atop it rather than just an empty

20 roof.

21 Given that and given all of the

22 testimony that the Applicant has had tonight,

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1 and our report, so we are comfortable standing  
2 on the record, noting only that we would  
3 certainly assume that the commitments made by  
4 the Applicant tonight, commitments like the  
5 watering system and the no blocking of the  
6 windows on Georgia Avenue and the location of  
7 the affordable units be included in the so-  
8 called best and final offer, and mentioned in  
9 the order, if you do decide to adopt the  
10 proposal.

11 So we're open for questions.

12 CHAIRMAN HOOD: Mr. Cochran, are  
13 you finished?

14 MR. COCHRAN: Well, given that the  
15 Applicant seems to have hacked into my hard  
16 drive this afternoon --

17 (Laughter.)

18 -- and taken all of my testimony  
19 and already given it --

20 CHAIRMAN HOOD: Okay.

21 MR. COCHRAN: -- yes, I am.

22 CHAIRMAN HOOD: Great. Okay. All

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1 right. Any cross -- I mean, I'm sorry, I'm  
2 thinking of cross-examination. Any questions  
3 for Mr. Cochran and the Office of Planning?  
4 Commissioner May?

5 COMMISSIONER MAY: Yes, I'm just  
6 curious, and this is a pretty significant  
7 reduction in required parking, and I'm just  
8 curious as to how this would compare to what  
9 would be proposed if we were dealing with this  
10 under the zoning regulations. Can anybody  
11 answer that yet? Or could you let us know  
12 that?

13 MR. COCHRAN: I can certainly --  
14 I'd be happy to submit that as additional  
15 information.

16 COMMISSIONER MAY: Yes.

17 MR. COCHRAN: I don't want to give  
18 the wrong answer.

19 COMMISSIONER MAY: Right. Yeah,  
20 I'm just curious, because we are -- the whole  
21 attitude toward parking is shifting, and it  
22 would just give me a good sense of balance to

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1 know whether this is somehow in sync with what  
2 we've proposed to do in the future, because  
3 that's clearly the direction that we're  
4 heading.

5 VICE CHAIRMAN SCHLATER: I guess I  
6 can ask this of OP as well. I'm curious about  
7 the status of the improvements along Georgia  
8 Avenue in terms of the public space  
9 improvements that the District is undertaking.

10 MR. COCHRAN: I don't know the  
11 status, especially after last week, so I can  
12 check on that.

13 VICE CHAIRMAN SCHLATER: It would  
14 be good to know.

15 MR. DUBICK: Could I comment that  
16 in front of our demised premises, the District  
17 is sort of left where they've left, and we've  
18 committed to finish those improvements to be  
19 consistent with the Great Streets program, so,  
20 for our piece, it will be finalized.

21 MR. COCHRAN: That's actually --  
22 that's in their report.

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1                   VICE CHAIRMAN SCHLATER:       Thank  
2                   you.

3                   MR. COCHRAN:    Do you still want me  
4                   to find out the rest?

5                   VICE CHAIRMAN SCHLATER:       Yes.  
6                   Before we take a final vote on this, I'd like  
7                   to just understand where the District's at  
8                   with that.

9                   CHAIRMAN HOOD:     And any other  
10                  questions? Okay.

11                  Is there any cross examination  
12                  from the Applicant for the Office of Planning?  
13                  Okay.

14                  MS. BATTIES:       Mr. Commissioner  
15                  Hood and Chairman, we don't have any cross  
16                  examination, but we do want to just modify on  
17                  one condition to the extent that the windows  
18                  on Georgia Avenue have to remain open, the  
19                  Safeway's just advised me that Georgia Avenue  
20                  is east facing, so they'll need to have blinds  
21                  for that side of the store in the afternoon to  
22                  protect the produce.    But other than that,

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1 those windows will remain open to Georgia  
2 Avenue.

3 CHAIRMAN HOOD: Okay. Was that --  
4 I may have missed that. Was that something  
5 the Commissioner had mentioned?

6 MS. BATTIES: Well, I don't know  
7 if in his --

8 VICE CHAIRMAN SCHLATER: Mr.  
9 Chairman, that was something that I asked them  
10 about, and I think, you know, sun shading in  
11 the afternoon or the morning is --

12 CHAIRMAN HOOD: Morning.

13 VICE CHAIRMAN SCHLATER: -- east-  
14 facing, yes.

15 CHAIRMAN HOOD: Okay. Okay, good.  
16 All right. Thank you.

17 Any cross examination for OP?  
18 Office of Planning?

19 Okay, great.

20 Report of other government  
21 agencies, we saw the DDOT report, and let me  
22 just ask, I actually meant to ask this also.

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1           There were some recommendations  
2 moving forward that DDOT had mentioned, just  
3 seeing like the cautionary space. Are we  
4 agreeable to everything that DDOT has in their  
5 --

6           MS. BATTIES: Yes.

7           CHAIRMAN HOOD: Okay. Also, we  
8 have a letter from the Honorable Councilmember  
9 of Ward 4, Muriel Bowser, who says, and this  
10 is what's important -- all of it's important,  
11 but I think very key to what she says, "This  
12 project has been a long time coming, and there  
13 is no more deserving community than Petworth."  
14 So that's a letter dated from her.

15           My colleagues, I think I -- unless  
16 I missed anything, I think that was all I saw  
17 from government agencies -- well,  
18 councilmembers and other government agencies,  
19 besides DDOT.

20           Okay, moving right along, let's go  
21 to -- Commissioner Tumblin, let me just say  
22 this.

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1           You will not officially be  
2 representing the ANC, but what I'm going to do  
3 is take your report at this time.

4           You can give us your report,  
5 because again, I don't want to -- you --  
6 everybody's sitting there in harmony, so I  
7 don't want to exclude your testimony and just  
8 have you come in up later, because ANC, as I  
9 understand, ANC, you don't get paid, and you  
10 work hard, and I know you all have put a lot  
11 of time into this, so I would like for you to  
12 just go ahead and give us your brief testimony  
13 now at this point.

14           MR. TUMBLIN: Thank you very much,  
15 Mr. Chair. Commission, thank you for this  
16 opportunity.

17           I am the single member  
18 representative for 4C-06, in which this  
19 project would be located, and like Mr.  
20 Cochran, they've already said most of what I  
21 have to say. You've already heard about the  
22 benefits that they're bringing to the

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1 neighborhood.

2 I would like to point out the  
3 extraordinary level of outreach that they've  
4 done with the neighborhoods. They've been  
5 before the ANC five times. We had meetings  
6 with the immediate neighbors around the  
7 property. They've done one-on-one meetings  
8 with some of the seniors in the neighborhood.

9 And Chairman Hood, you were exactly correct,  
10 we have a lot of seniors in our neighborhood.

11 We also have a lot of people who  
12 utilize the Safeway using WIC authorities.  
13 It's really important for us to have those  
14 expanded opportunities, that expanded store to  
15 support that population in our neighborhood,  
16 and this is a really good opportunity for us.

17 In addition, they had meetings  
18 with the folks who were in the condos on the  
19 other side of Randolph Street, which is where  
20 the traffic is going to be entering and  
21 exiting, where all the trucks will be coming  
22 in and out, and that meeting resulted in full

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1 concurrence from their condo committee as  
2 well.

3 So I think that, ultimately, we've  
4 gone through a lot of outreach in the  
5 neighborhood. We may not have full  
6 consensus, there may be some discussions about  
7 the density issues, but as you've heard, the  
8 density's in line with the city plans.

9 So, I think that we're in full  
10 agreement, and we want to make sure that we  
11 continue to have the agreements with the  
12 Duball, that we will have a point of contact  
13 for any construction issues that might arise  
14 if construction workers arrive too early, for  
15 example, during the construction phase.

16 And I would note that in addition  
17 to the benefits that are outlined in the  
18 package you have that Duball has also  
19 committed to fund some additional local things  
20 that we may need.

21 We're building a new recreation  
22 center. We also have one that's been

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1 neglected since the '60s. And they may help  
2 us out with a couple of the things that we're  
3 missing, like shade structures, for example,  
4 there and in the Petworth Recreation Center,  
5 and that helps to offset any of the pain we  
6 may feel during the construction phase.

7 So with that, that's all I have to  
8 add. Thank you.

9 CHAIRMAN HOOD: All right. Thank  
10 you, and I don't want you to think that the  
11 staff and I were being rude.

12 We're trying -- we're still trying  
13 to make sure that we are legally sufficient in  
14 everything we do as far as the ANC issue,  
15 because Commissioner Tumblin, I don't know if  
16 you know it or not, but people come down and  
17 wave in our faces, this is what you did last  
18 time.

19 So if you could make sure that ANC  
20 foresee -- you all make sure to identify who's  
21 going to represent the ANC, we would greatly  
22 appreciate it.

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1 MR. TUMBLIN: I will do that.  
2 Would you like a letter from the Chair for  
3 this particular hearing?

4 CHAIRMAN HOOD: You know what,  
5 that would really help out.

6 MR. TUMBLIN: I'll do that.

7 CHAIRMAN HOOD: Okay. That would  
8 make things a lot easier.

9 MR. TUMBLIN: I'll do that.

10 CHAIRMAN HOOD: Now, let me ask  
11 this. Who -- the single member district, you  
12 have the whole site within your single member  
13 district, right?

14 MR. TUMBLIN: That is correct.

15 CHAIRMAN HOOD: Okay.

16 MR. TUMBLIN: I have the area  
17 north of Spring, west of Georgia Avenue over  
18 to 13th, and up to Shepherd, so I cover the  
19 full development area.

20 CHAIRMAN HOOD: Because I wanted  
21 to make sure that the Commission who voted in  
22 opposition of this was not -- it wasn't in his

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1 single-member district.

2 MR. TUMBLIN: He represents the  
3 other side of Georgia Avenue.

4 CHAIRMAN HOOD: Right across the  
5 street?

6 MR. TUMBLIN: That is correct.  
7 And the opposition was -- well, I shouldn't  
8 speak for him. I can tell you what my  
9 perception of the opposition was.

10 CHAIRMAN HOOD: Okay. Well, I  
11 just was wondering how close in proximity.

12 Okay, any questions, Commissioner?

13 COMMISSIONER SELFRIDGE: I'd just  
14 be curious to hear what your perception of the  
15 opposition was. I did see that there was one  
16 vote against it.

17 MR. TUMBLIN: It's my perception.  
18 My perception was that this was about a  
19 community benefits package and whether or not  
20 it would have dollar amounts attached to it.

21 COMMISSIONER SELFRIDGE: Were  
22 there any other concerns that you heard

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1 expressed through the ANC meetings, or was it  
2 generally well received, and the issues  
3 addressed by the developer and the development  
4 team throughout the process seemed to  
5 alleviate any concerns?

6 MR. TUMBLIN: During the first  
7 presentation, there was applause.

8 COMMISSIONER SELFRIDGE: Oh,  
9 great.

10 MR. TUMBLIN: It was kind of  
11 remarkable.

12 COMMISSIONER SELFRIDGE: Great.

13 MR. TUMBLIN: The concerns we  
14 heard were the ones that we've heard through  
15 most of the things they've said they've  
16 addressed with the neighbors.

17 It was about traffic flows. DDOT  
18 has committed that once we get the building in  
19 place, they're going to want to watch the  
20 alleys a little bit to see whether or not we  
21 need to designate some one-way directional  
22 issues.

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1           So they've been amenable to help  
2           us with that. They participated at a meeting  
3           with the immediate neighbors as well, so we  
4           had DC Government together with the developer.

5           Again, there was some concern  
6           about the density, but I think in my position,  
7           it was limited, limited opposition. I think  
8           there's broad consensus for this project.

9           COMMISSIONER SELFRIDGE:        Thank  
10          you.

11          CHAIRMAN HOOD:        Any questions?  
12          Questions?

13          Okay. Does the Applicant have any  
14          questions of single member district  
15          Commissioner Tumblin? Any questions from the  
16          Applicant?

17          Okay. Commissioner, I want to  
18          thank you for coming down. We appreciate it.

19          COMMISSIONER SELFRIDGE:        Again,  
20          thank you for the opportunity. I'll get that  
21          letter for you.

22          CHAIRMAN HOOD:        Thank you. Okay.

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1 I'm going to organizations and persons in  
2 support.

3 I do have on the witness list Adav  
4 and Adrian Noti. Are they present? Will you  
5 come forward?

6 Is anyone else who's here -- is  
7 there anyone else who's here who's in support  
8 who would like to come up at this time? Okay.

9 Mr. Noti, you may have a seat, and  
10 you may begin.

11 MR. NOTI: Thank you, Mr.  
12 Chairman.

13 CHAIRMAN HOOD: Turn your  
14 microphone on. The green light.

15 MR. NOTI: Thank you, Mr.  
16 Chairman. And I'd like to thank the  
17 Commission for the opportunity to testify here  
18 today.

19 I'm the homeowner to whom Mr.  
20 Dubick referred during his testimony. And as  
21 he said, my wife and I live in a row house  
22 directly -- excuse me, directly across the

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1 alley to the west of the site that's at issue.

2 The back of our house faces the back of what  
3 will be the new structure.

4 We already submitted our comments  
5 in two letters that we sent to the Commission.

6 Rather than repeat those letters, I'll simply  
7 summarize them by saying that we are strongly  
8 in favor of this development.

9 It will replace a completely  
10 obsolete and decrepit -- I mean, just flat-out  
11 terrible grocery store with a brand-new  
12 supermarket that will ultimately benefit every  
13 single person in our community.

14 I recognize that the process will  
15 cause difficulties. I'd like to briefly  
16 mention two issues in particular and explain  
17 why I don't believe that either of them is  
18 worth delaying the project.

19 First, I've heard that there's  
20 been talk about the customers that currently  
21 use the Safeway's pharmacy, and I just want to  
22 emphasize that there is a new, within the last

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1 18 months, a new CVS pharmacy two blocks down  
2 the street, two blocks down Georgia Avenue,  
3 and it's much nicer than the Safeway pharmacy.

4 And there's nothing special about what's in  
5 the Safeway now that requires preservation or  
6 any other special attention from the  
7 Commission.

8 And I've also heard of demands  
9 being made for a bank in the new building, and  
10 while that -- it would be nice to have a bank  
11 there, and that would be convenient, there are  
12 many other things that would also be  
13 convenient. And I think the conversation  
14 about what specifically should be included  
15 should be one that's had between us, the  
16 residents, and the developer going forward,  
17 and not made a condition precedent to the  
18 project.

19 So although I understand the  
20 concerns, I want to emphasize to the  
21 Commissions that they absolutely pale in  
22 comparison to the benefits that we in the

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1 neighborhood will receive from getting this  
2 project done.

3 If it turns out even half as well  
4 as the City Vista did, it could be an anchor  
5 for revitalizing our neighborhood that could  
6 last for years or decades.

7 It would absolutely transform the  
8 day-to-day life for those of us who live  
9 there, and that's the best reason I could ever  
10 think of to approve this sort of undertaking.

11 So as two of the people whose  
12 lives are going to be most affected of  
13 anybody's, my wife and I urge the Commission  
14 to act expeditiously and to approve this  
15 proposal.

16 Thank you.

17 CHAIRMAN HOOD: Okay. Thank you,  
18 Mr. Noti. Hold your seat for a second. Let's  
19 see if we have anything.

20 Commissioners, any questions?

21 Okay. Does the Applicant has any  
22 questions, any cross examination?

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1 MS. BATTIES: None, thank you.

2 CHAIRMAN HOOD: Okay. Thank you  
3 very much. We appreciate it.

4 Okay. Do we have any  
5 organizations or persons who are here in  
6 opposition?

7 (Pause.)

8 Okay. Nobody's here in  
9 opposition.

10 Rebuttal and closing by the  
11 Applicant.

12 Ms. Batties?

13 MS. BATTIES: First, I want to  
14 thank the Commission for your attention this  
15 evening. I will just be very brief.

16 Given the record, the persons in  
17 support of the project or the testimony you  
18 heard in support of the project and the fact  
19 that there's no opposition to this project,  
20 we'd ask that you'd take proposed action on  
21 this item this evening with the caveat that  
22 the Applicant will submit revised drawings

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1 showing the modified roof structure, and  
2 that's the continuation of the cornice, as  
3 well as a change in the color on the brick  
4 penthouse -- on the brick on the penthouse so  
5 that it's darker in color.

6 And then we'll trust that  
7 Commissioner Tumblin will submit the letter  
8 from the ANC authorizing him to speak on  
9 behalf of that ANC 4-C.

10 So with that, we will conclude our  
11 presentation this evening. Thanks.

12 CHAIRMAN HOOD: Okay. Do we have  
13 anything else, Ms. Schellin, that was needed  
14 that --

15 MS. SCHELLIN: I think OP was  
16 going to submit a couple of things that  
17 Commissioner Schlater asked for, and I believe  
18 Commissioner May also wanted the size of some  
19 blocks addressed. Or is that already taken  
20 care of? Is that good?

21 COMMISSIONER MAY: No, that's  
22 fine. I got a sufficient answer.

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1 MS. SCHELLIN: And that was all I  
2 had, also. Or, Commissioner Schlater asked  
3 them to look at increasing the bike parking  
4 spaces that they were providing.

5 MS. BATTIES: We are happy to do  
6 that and include those in the revised  
7 drawings.

8 CHAIRMAN HOOD: Okay. All right.

9 MS. SCHELLIN: That was the only  
10 other thing.

11 CHAIRMAN HOOD: Okay. Good.  
12 Thank you very much.

13 MS. SCHELLIN: Wait. We'll also  
14 need them to provide an updated set of labels  
15 for the owners within 200 feet. We'll need  
16 that.

17 CHAIRMAN HOOD: Okay. Anything  
18 else?

19 Okay. Commissioners, we have a  
20 request in front of us. What is your  
21 pleasure? Are we going to take this up in a  
22 meeting, or what is your pleasure?

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1 COMMISSIONER MAY: Mr. Chairman,  
2 I'd be willing to submit a motion.

3 CHAIRMAN HOOD: Go right ahead.

4 COMMISSIONER MAY: I would move  
5 approval of Zoning Commission Case Number 11-  
6 09 Duball Petworth, LLC, consolidated PUD and  
7 related map amendment at square 2905.

8 CHAIRMAN HOOD: Okay. It's been  
9 moved. Can we get a second?

10 VICE CHAIRMAN SCHLATER: Second.

11 CHAIRMAN HOOD: It's been moved  
12 and properly second. Any further discussion?  
13 Are you ready for the question?

14 All those in favor, aye.

15 (Chorus of ayes.)

16 Not hearing an opposition, Ms.  
17 Schellin, would you record the vote?

18 MS. SCHELLIN: Yes. Staff records  
19 the vote four to zero to one to approve  
20 proposed action on Zoning Commission Case  
21 Number 11-09, Commissioner May moving,  
22 Commissioner Schlater seconding, Commissioners

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1 Selfridge and Hood in support, Commissioner  
2 Turnbull not present, not voting.

3 CHAIRMAN HOOD: Now, Ms. Schellin,  
4 would you be submitting the BAFO order also in  
5 this case?

6 MS. SCHELLIN: We will --

7 CHAIRMAN HOOD: Baffle or BAFO? I  
8 get them mixed up.

9 MS. SCHELLIN: BAFO.

10 (Laughter.)

11 CHAIRMAN HOOD: I keep thinking  
12 about our former --

13 MS. SCHELLIN: Best and Final  
14 Offer, BAFO. We will work with OAG and  
15 probably get that out on Monday. We'll have  
16 you sign that if that's -- that will work for  
17 you?

18 CHAIRMAN HOOD: Okay. Great.  
19 Okay. Yes, that's great.

20 MS. SCHELLIN: We'll issue it on  
21 Monday.

22 CHAIRMAN HOOD: Okay. And the

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1 things that were asked for will come before  
2 final action?

3 MS. SCHELLIN: Yes, I think if we  
4 could go ahead and set a date for that, if we  
5 could get them to provide those -- two weeks,  
6 does that work?

7 Or do you -- so, that would make  
8 it September 29th, and I would say probably a  
9 draft order, a full draft order at that time,  
10 also.

11 And any response the ANC -- he's  
12 still here -- would be due by October 6th.  
13 Okay.

14 CHAIRMAN HOOD: Okay.  
15 Commissioner May?

16 COMMISSIONER MAY: Mr. Chairman, I  
17 just have one question. You know, we got the  
18 location of the IZA units (phonetic)\*\*\*8:14:19  
19 just tonight, and I was -- we didn't really  
20 talk about that, except that I think that we  
21 all saw that they were -- it wasn't the sort  
22 of distribution we often see of IZA units

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1 (phonetic)\*\*\*8:14:36.

2 It's usually a little bit more  
3 evenly distributed, not the best units,  
4 obviously, but they're -- and I just didn't  
5 know whether we wanted to suggest to the  
6 Applicant that they might want to take another  
7 look at that.

8 I see a nodding of heads.

9 CHAIRMAN HOOD: Well, I'm sure  
10 they heard you say that, and I actually agree  
11 with you.

12 COMMISSIONER MAY: Okay.

13 CHAIRMAN HOOD: If we could ask  
14 them to take another look at that?

15 MS. SCHELLIN: Distribution of the  
16 IZ units (phonetic)\*\*\*8:14:58? Okay.

17 And I just want to clarify, too,  
18 that the draft findings of fact, conclusions  
19 of law won't be due until the October 6th  
20 date, so the additional documents are due  
21 September 29th. The ANC's response and the  
22 draft findings and facts won't be due until

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1 October 6th.

2 CHAIRMAN HOOD: Okay. Is there  
3 anything else?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: Ms. Schellin, I  
6 want to thank you for making sure you keep us  
7 out of trouble. I want to you know that it  
8 does not go on deaf ears. We greatly  
9 appreciate it, because sometimes we can do  
10 things that get ourselves in trouble.

11 But anyway, with that, I want to  
12 thank everyone for your participation tonight,  
13 and this hearing is adjourned.

14 (Whereupon, the above-entitled  
15 matter was concluded at 8:15 p.m.)

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