

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :
 :
Buzzards Point LLC - Capitol : Case No.
Gateway Overlay District : 10-21
Review @ Square 667S, Lots :
4, 5, 6, and 804 :
 :
-----:

Thursday,
May 26, 2011

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 10-21
by the District of Columbia Zoning Commission
convened at 6:30 p.m. in the Office of Zoning
Hearing Room at 441 4th Street, N.W., Washington,
D.C., 20001, Anthony J. Hood, Chairman,
presiding.

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

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ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD SCHLATER, Vice Chairman
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
MATT JESICK

The transcript constitutes the
minutes from the Public Hearing held on May 26,
2011.

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Chairman Anthony J. Hood

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

6:36 p.m.

CHAIRMAN HOOD: Okay. Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission of the District of Columbia for Thursday, May 26, 2011. My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner May, and Commissioner Turnbull. We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin, Office of Planning Staff, Mr. Lawson, and Mr. Jesick.

This proceeding is being recorded by a court reporter. It is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of -- the people I see, you all are not going to be disruptive. The subject of this evening's hearing is Zoning Commission Case Number 10-21. This is a request by Buzzards Point, LLC, for a review of project design under the CG Overlay, for property located at Square 667S. Notice of today's hearing was published in the

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1 D.C. Register on March 18, 2011, and copies of
2 that announcement are available to my left on the
3 wall, near the door.

4 The hearing will be conducted in
5 accordance with the provisions of 11 DCMR 3022, as
6 follows: preliminary matters; applicant's case;
7 report of the Office of Planning; report of other
8 government agencies, if any; report of the ANC,
9 which in this case is 6D; organizations and
10 persons in support; organizations and persons in
11 opposition; rebuttal and closing by the Applicant.

12 The following time constraints will be maintained
13 in this meeting. The Applicant will have 60
14 minutes; organizations five minutes; individuals
15 three minutes. We may alter all of that. The
16 Commission intends to adhere to the time limits as
17 strictly as possible, in order to hear the case in
18 a reasonable period of time.

19 All persons appearing before the
20 Commission are to fill out two witness cards.
21 These cards are located to my left on the table
22 near the door.

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1 The decision of the Commission, in
2 this case, must be based exclusively on the public
3 record. The Staff will be available throughout
4 the hearing to discuss procedural questions.
5 Please turn off all beepers and cell phones at
6 this time, so as to not disrupt these proceedings.

7 Would all individuals wishing to testify, please
8 rise to take the oath? Ms. Schellin, would you
9 please administer the oath?

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

15 ALL: Yes.

16 MS. SCHELLIN: Thank you.

17 CHAIRMAN HOOD: Okay. At this time,
18 the Commission will consider any preliminary
19 matters. Does the Staff have any preliminary
20 matters?

21 MS. SCHELLIN: I just wanted to check
22 with Ms. Giordano and see if she has the Affidavit

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1 of Maintenance.

2 MS. GIORDANO: It was filed on
3 Monday.

4 MS. SCHELLIN: It was filed on
5 Monday?

6 MS. GIORDANO: Yes. It's with the
7 posting affidavit. It's included in that all the
8 dates that it was maintained.

9 MS. SCHELLIN: Okay. So you did it
10 all as one document?

11 MS. GIORDANO: Yes.

12 MS. SCHELLIN: Okay. Okay. All
13 right. Thank you. And then they have some expert
14 witnesses that they -- or some witnesses they'd
15 like to proffer as experts.

16 CHAIRMAN HOOD: Okay. Thank you.
17 Ms. Giordano, if you could come forward and bring
18 your presenters with you? Commissioners, I'm
19 looking for the resume's. Did I overlook them?

20 VICE CHAIRMAN SCHLATER: You've got
21 them somewhere.

22 COMMISSIONER MAY: Yes. I've got

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1 them.

2 CHAIRMAN HOOD: Okay. We got them
3 tonight? Or we had them? I didn't -- who had
4 been seeing them? Who might have missed them?
5 Okay. I did see that.

6 MS. GIORDANO: I have four witnesses.
7 Good evening. My name is Cynthia Giordano with
8 Saul Ewing Law firm. We have four witnesses we'd
9 like to proffer as experts. Two are architects
10 from the architectural firm of Eric Colbert and
11 Associates. The key architect on this project,
12 Brian Buczkowski, is sitting next to me. And he
13 will be answering the questions and doing the
14 presentation. I think Mr. Colbert, who is in the
15 audience, has been qualified as an expert,
16 previously.

17 CHAIRMAN HOOD: Okay. I'm familiar
18 or we are familiar with Mr. Colbert. And he's the
19 only -- no, you have four. So the other two are -
20 -

21 MS. GIORDANO: The other two --

22 CHAIRMAN HOOD: -- just going to be

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1 here to -- but you want to proffer them?

2 MS. GIORDANO: Yes. They're --
3 they're here to answer questions, specifically on
4 storm water management. I'm sorry, on flood plain
5 issues and any multi-family development issues
6 that might come up.

7 CHAIRMAN HOOD: Okay. Commissioners,
8 any questions of the three that have not been
9 accepted by the Commission?

10 COMMISSIONER MAY: Yes. For Mr.
11 Buczkowski.

12 MR. BUCZKOWSKI: Yes?

13 COMMISSIONER MAY: The -- I can
14 infer, from your experience or from your listing
15 of positions that you've held, that you have the
16 requisite experience. But we are accustomed to
17 seeing a more detailed list of projects that
18 you've worked on.

19 MR. BUCZKOWSKI: Yes.

20 COMMISSIONER MAY: And so, I mean, I
21 don't have any problem qualifying him as an
22 expert. But this is just --

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1 MS. GIORDANO: He's prepared to
2 mention a few projects that are similar, if you
3 would like.

4 COMMISSIONER MAY: Yes. That would
5 be helpful.

6 MR. BUCZKOWSKI: Recent projects have
7 been Rhapsody Condominiums; several years ago, the
8 Allegra Apartments up in Columbia Heights; the
9 2020 Lofts was another project at 12th and U
10 Street.

11 COMMISSIONER MAY: Okay. I think
12 that's all for you. Then, for Mr. Schacknie, this
13 -- I don't know -- four bullet points hardly
14 constitutes a sufficient basis for qualifying an
15 expert.

16 MS. GIORDANO: Okay.

17 COMMISSIONER MAY: I mean, we may not
18 have any questions for him, so it may be moot.
19 And he may well have the experience. But this is
20 not enough for me. I don't know about the others.

21 MS. GIORDANO: I don't really
22 anticipate putting him on as testimony. So I

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1 don't have a problem if you don't want to qualify
2 him.

3 CHAIRMAN HOOD: Commissioner
4 Turnbull?

5 COMMISSIONER TURNBULL: Yes, Mr.
6 Chairman, I just have a follow-up question for Mr.
7 Buczkowski. You got your master's from U of I in
8 Chicago?

9 MR. BUCZKOWSKI: Yes.

10 COMMISSIONER TURNBULL: So you were
11 in the Architecture Building?

12 MR. BUCZKOWSKI: Yes, I was.

13 COMMISSIONER TURNBULL: Where's the
14 Passion Pit in the Architecture Building?

15 MR. BUCZKOWSKI: The Passion Pit is
16 where most of the crypts go on, deep inside kind
17 of the bowels of the A&A building.

18 COMMISSIONER TURNBULL: All right.
19 I'll approve him.

20 CHAIRMAN HOOD: Well, he passed that
21 test. As soon as you asked the question and he
22 started explaining I said well he done passed that

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1 one. Okay. So we will proffer Mr. Buczkowski as
2 an expert, along with -- and that's it, right?

3 MS. GIORDANO: Mr. Marsala is a flood
4 plain expert. I think he has a very detailed
5 resume that's been submitted.

6 CHAIRMAN HOOD: Mr. Marsala and Mr.
7 Buczkowski? Okay. Those two.

8 MS. GIORDANO: Thank you.

9 CHAIRMAN HOOD: And we don't need --
10 well, we already accepted Mr. Colbert. Okay. All
11 right. I think, Ms. Giordano, if you would, I
12 think we will have just questions. But I don't
13 want to take your opportunity from any opening
14 remarks or anything. But I'll just let you handle
15 it.

16 MS. GIORDANO: Okay. We don't have a
17 problem with just answering questions. I think
18 this project -- this -- this hearing has been
19 delayed a couple of times because of issues that
20 came up. And I think this project has been very
21 well scrubbed, at this point by OP, DDOT. We've
22 looked at -- we've had a flood plain expert that's

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1 been retained to analyze current flood plain
2 regulation changes. So I think the materials that
3 we've submitted are very complete and we don't
4 have a burning desire to make a presentation,
5 unless the Commission would prefer that.

6 CHAIRMAN HOOD: Okay. Commissioners,
7 let's see if we have any questions. We're going
8 to start off with questions.

9 COMMISSIONER MAY: I can ask a couple
10 questions.

11 CHAIRMAN HOOD: Commissioner May?

12 COMMISSIONER MAY: Is there a --
13 maybe I missed it the first time around, but is
14 there something in details where the relief is
15 being sought for rooftop setback? Is that in the
16 drawings?

17 MS. GIORDANO: The only setback
18 relief is on the very front of the building. And
19 I'll --

20 COMMISSIONER MAY: All the more
21 reason why I want to understand it.

22 MS. GIORDANO: Okay. Would you like

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1 to address that?

2 MR. BUCZKOWSKI: Sure. The -- the
3 circular element at the -- the rooftop, we felt,
4 was an important element to continue on the very
5 orthoganol front of the building, and continue
6 that up to the roof, to reference the curve at the
7 back that faced the water. The setback
8 requirement would give -- it's not -- you're
9 correct. It's not dimensioned on that roof plan,
10 but it's about eight and a half feet back from the
11 parapet to the taller roof that is 13 feet above
12 the paver level, not 12, as it's shown on the
13 drawings.

14 COMMISSIONER MAY: Okay. I need to
15 look at a drawing for some sort of reference. So
16 point me to a number. If you're going to go over
17 there, you need to have a microphone in hand.

18 MR. BUCZKOWSKI: Hello? The area
19 that we're talking about is this area here.
20 There's a larger element, this circle. And it's
21 13 feet high, above the level of the pavers. And
22 that, as I was saying, is about eight and a half

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1 feet back from the parapet. There's another
2 element that is only nine feet high. That's this
3 dashed line going around in that area. That is
4 the lower roof. There are two different penthouse
5 roofs that we have, which is another area that
6 we're seeking relief on. And that area is right
7 about coincident with where the edge of the
8 parapet is. And that's that dashed line in the
9 front of the building. And we felt -- there's
10 another element -- this element here, that you can
11 see on the front elevation. That's a curve that
12 we're trying to reference, this large curve that's
13 on the water side, trying to reference that on
14 very orthogonal front elevation. That element
15 stops at parapet height. But then, these other
16 elements continue that circular feel to the
17 building. And we felt that that was an important
18 thing in the front of the building, to reference
19 that the back of the building has this curve.

20 COMMISSIONER MAY: Do you have this
21 -- I mean, this is the sort of thing that would be
22 very helpful if you had diagramed just this or put

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1 dimensions into the elements. And so I'm trying
2 to piece it together, based on your description
3 and not completely understanding it. Do you have
4 this board -- this on a board?

5 MR. BUCZKOWSKI: Yes, I do.

6 COMMISSIONER MAY: Can you put this
7 up and point to the elements on the elevation?

8 MR. BUCZKOWSKI: Sure.

9 COMMISSIONER MAY: So I understand
10 what you're talking about. And we'll do them kind
11 of one at a time.

12 MR. BUCZKOWSKI: The curve element
13 that I'm talking about in the front elevation is
14 this piece here.

15 COMMISSIONER MAY: Okay. So it's the
16 darker brown brick with the horizontal windows?

17 MR. BUCZKOWSKI: Yes.

18 COMMISSIONER MAY: Okay.

19 MR. BUCZKOWSKI: And that is the
20 element that I was talking about. It goes up to
21 parapet height.

22 COMMISSIONER MAY: Okay. And that's

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1 a curved surface?

2 MR. BUCZKOWSKI: Yes. All the way
3 around. You might -- there was another sheet --
4 another sheet that has the renderings on it, that
5 might help as well. The next several sheets in
6 your set, so starting, I believe at A-13.

7 COMMISSIONER MAY: Yes. Okay. I can
8 see A-13.

9 MR. BUCZKOWSKI: Okay. View from the
10 northwest.

11 COMMISSIONER MAY: All right.

12 MR. BUCZKOWSKI: Drawing shows that
13 curve and also shows the relationship of that
14 curve to some of the curved elements at the
15 penthouse up above, maybe a little more clearly.

16 COMMISSIONER MAY: Right. Okay. Now
17 I can understand a little bit better. So the
18 brown wall is just -- the brown, curved wall is
19 essentially just a parapet. And then, beyond
20 that, you have a tanner wall that's a segmented
21 circle. And that's the nine foot element. Is
22 that right?

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1 MR. BUCZKOWSKI: Correct.

2 COMMISSIONER MAY: Okay. And there's
3 a roof over that, or a roof that -- plane that
4 passes through that and the other elements.

5 MR. BUCZKOWSKI: That's this plane
6 here.

7 COMMISSIONER MAY: Right.

8 MR. BUCZKOWSKI: That's -- the top of
9 that is nine feet height.

10 COMMISSIONER MAY: Yes. Okay. The
11 top of that is nine feet high? Okay. So then the
12 wall that's holding it up is actually higher than
13 nine feet?

14 MR. BUCZKOWSKI: Which --

15 COMMISSIONER MAY: The wall that it
16 passes through, that is the curved -- it shows up
17 in the plan as the segmented circle.

18 MR. BUCZKOWSKI: Let me get to that
19 plan. This is at parapet height, right. This is
20 up to the underside of that -- that element that's
21 coming across.

22 COMMISSIONER MAY: Yes?

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1 MR. BUCZKOWSKI: And I misstated.
2 Actually, that element is about eight point two
3 five feet above the paver level, versus these
4 penthouses that are the actual scale enclosures
5 and mechanical closures. Those are nine feet
6 high.

7 COMMISSIONER MAY: Okay. So eight
8 point two -- so the difference between the top of
9 that roof plane is only about nine inches. Okay.
10 The drawing doesn't look like it's that. But
11 that's okay. It's a minor point.

12 MR. BUCZKOWSKI: And what we tried to
13 do on these penthouses is just keep the height of
14 bend as low as possible, so the underside of the
15 ceiling would be seven six there.

16 COMMISSIONER MAY: Okay. And then
17 the relief that you need is actually for the
18 setback to the full circular enclosure? Which
19 encloses the mechanical space.

20 MR. BUCZKOWSKI: We would also have
21 this element of the roof that comes across, eight
22 point two five feet high, that we would need

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1 relief on, as well as that higher penthouse
2 height, correct. That's 13 feet. That is the
3 mechanical penthouse enclosure.

4 COMMISSIONER MAY: And how far is
5 that 13 foot segment set back?

6 MR. BUCZKOWSKI: That's eight and a
7 half feet back from the parapet.

8 COMMISSIONER MAY: Okay. But the
9 nine foot or the eight and a quarter element is
10 right on top of the parapet wall?

11 MR. BUCZKOWSKI: On A7, you can see
12 yes, that dashed line coming across.

13 COMMISSIONER MAY: Right.

14 MR. BUCZKOWSKI: And it's right about
15 coincident with the end of the parapet.

16 COMMISSIONER MAY: Okay.

17 MR. BUCZKOWSKI: Now, in addition to
18 those two penthouses, we also have that large
19 vertical element that comes up, kind of a copper
20 color.

21 COMMISSIONER MAY: Yes. I mean,
22 that's very clearly an embellishment. And I'm not

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1 really concerned about that.

2 MR. BUCZKOWSKI: Yes.

3 COMMISSIONER MAY: It's the treatment
4 of the rest of this. But I think I'll just wait
5 for the Office of Planning to explain to me how
6 they -- what they consider this to be. Because
7 I'm not sure what I consider it to be. All right.

8 On the north facade, you have that section of
9 windows that is just the narrow bands of windows.

10 I guess that just encloses the single loaded
11 corridor?

12 MR. BUCZKOWSKI: Yes. This section
13 in the brown main field portion is exactly that.
14 It's along the corridor.

15 COMMISSIONER MAY: Okay. Yes. You
16 know, it -- did you look at making those windows
17 any bigger? Because they just don't look very
18 good from the outside.

19 MR. BUCZKOWSKI: Well, you know, it's
20 a function of that long, thin space that that
21 corridor is even there.

22 COMMISSIONER MAY: Right.

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1 MR. BUCZKOWSKI: And we were trying
2 to animate it with fenestration, you know, in a
3 way that would be economically cost efficient, but
4 also bring natural light into that and try to add
5 some fenestration.

6 COMMISSIONER MAY: Well --

7 MR. BUCZKOWSKI: Any kind of larger
8 windows on that side, you know, would increase the
9 size of the mechanical unit that would need to
10 blow air into that corridor, as well, to keep that
11 tempered. So we were trying to --

12 COMMISSIONER MAY: On the north side
13 of the building, I know you have tremendous heat
14 gain on the north side of the building.

15 MR. BUCZKOWSKI: Luckily, it's not
16 the south side. Yes.

17 COMMISSIONER MAY: Right. I just
18 think it's -- it's not going to be a very pleasant
19 corridor from the inside and it presents not a
20 very pleasant facade on the north side of the
21 building. I mean, you know, I think overall, the
22 elevations are okay. I mean, it's a little bit

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1 busy for my taste, but it's okay. But that's the
2 one thing that I thought was really just sort of
3 stuck out as a sore thumb to me. I would have, I
4 think, preferred to see something a little bit
5 less horizontal in nature. How tall are those
6 windows? Are they just -- they look like they're
7 about two feet.

8 MR. BUCZKOWSKI: They are probably
9 about yes, two and a half. They're not three.

10 COMMISSIONER MAY: Two and a half by
11 about 15 or something like that.

12 MR. BUCZKOWSKI: Right.

13 COMMISSIONER MAY: Yes. I mean,
14 that's just -- I don't know. I don't like them.
15 But I'm not going to make too much of a fuss.
16 I'll just say my piece. All right. I'll -- I
17 think I have questions for the Office of Planning,
18 but that's it. Thanks.

19 MR. BUCZKOWSKI: Thank you.

20 CHAIRMAN HOOD: Okay. Next? Any
21 questions. Commissioner Turnbull?

22 COMMISSIONER TURNBULL: Yes. Thanks,

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1 Mr. Chairman. I guess I would echo some of the
2 comments from Commissioner May. And I guess the
3 rooftop is very busy. And it's on V Street, with
4 being so close, it looks really heavy up there.
5 But I'm not sure what we can do about it. But it
6 just seems -- it's not really a root. It's all
7 these terraces up there. And it's just -- it's a
8 little different from what we've seen in some of
9 our past submittals. But it just looks very, very
10 busy. And I would agree with Commissioner May's
11 comment on the windows on V Street. I mean, I
12 guess, let me -- if we could go down the road a
13 bit here, what's -- we've got basically four lot,
14 Lot four, five, six, and 804, which is a sliver.
15 And, if I look on that aerial -- I've got too many
16 drawings -- if I look on that aerial, right, you
17 have to -- the lots -- you're not on the
18 Anacostia. You're back. And you've got the
19 marina there. Is that parking lot off of Half
20 Street part of the marina too? Is that their
21 parking?

22 MR. BUCZKOWSKI: Yes, it is.

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1 COMMISSIONER TURNBULL: And there's a
2 little structure on that. Do they -- basically,
3 you're coming in off Half Street? They don't come
4 in off First Street? It doesn't look like there's
5 an entrance or an exit on First Street.

6 MR. BUCZKOWSKI: There is currently
7 not.

8 COMMISSIONER TURNBULL: Okay. What's
9 down the street on V Street, I mean, past the
10 Coast Guard? I'm trying to remember what's there.
11 Well, you've got the fort down there. McNair is
12 down there.

13 MR. BUCZKOWSKI: Yes.

14 COMMISSIONER TURNBULL: What's the
15 market like for -- I mean, this is -- do you see
16 these as fairly well to do condos down here? I
17 mean, this -- you've got the marina. But you've
18 got a PEPCO station across the street and you've
19 got the Coast Guard. What's the draw? What's the
20 market for down here?

21 MR. BUCZKOWSKI: Well, I think this
22 is a pioneer in the market for this location,

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1 definitely.

2 COMMISSIONER TURNBULL: Which, I
3 guess, then leads me to the IZ question. And
4 there was -- I kept trying to go back and remember
5 - there was a question about the bonuses you
6 wanted and I wonder if somebody could go through
7 that on the bonuses and what you're trying to
8 achieve on the IZ?

9 MS. GIORDANO: We're complying with
10 the IZ. We intend to comply with it fully. I
11 think there was some question about location of
12 the IZ units in that and somebody --

13 COMMISSIONER TURNBULL: And there was
14 something about counting the one-bedroom den --

15 MS. GIORDANO: Right. And what I'm
16 saying is the Zoning Administrator, I think, will
17 make the final determination on that, and we'll
18 comply with whatever the requirement is. There is
19 currently an issue as to whether a one-bedroom den
20 is a one-bedroom or -- I believe it's -- it's
21 considered a one-bedroom now, because it's -- a
22 den can't actually be used as a bedroom. But, you

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1 know, these IZ interpretations are somewhat in
2 flux.

3 COMMISSIONER TURNBULL: Right.

4 MS. GIORDANO: And -- and we'll
5 comply with whatever the Zoning Administrator
6 requires. This is not a PUD. The IZ will be just
7 applied as if it's a matter-of-right project.

8 COMMISSIONER TURNBULL: So,
9 basically, you're going for eight percent,
10 roughly?

11 MS. GIORDANO: Yes.

12 COMMISSIONER TURNBULL: Okay. What
13 public transportation comes here? Is there a bus?
14 Does the bus come down here?

15 COMMISSIONER MAY: Yes. I believe
16 there is one -- one bus.

17 MS. GIORDANO: I can ask Mr. Deason
18 to approach. He's the principal for the -- the
19 Applicant. And he's very familiar with the
20 transportation in the area, if you'd like him to
21 address that. But my understanding is there's
22 only one bus that actually goes down here. And

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1 it's only a rush hour bus.

2 COMMISSIONER TURNBULL: Comes out on

3 V or First? Comes down First?

4 MS. GIORDANO: It comes down on

5 First.

6 COMMISSIONER TURNBULL: It comes out

7 on First?

8 MR. DEASON: Yes. I -- yes. This is

9 Duane --

10 MS. GIORDANO: Introduce yourself.

11 MR. DEASON: Yes. My name is Duane

12 Deason. I'm -- I'm the managing member of

13 Buzzards Point LLC, that holds this property. I

14 -- I do believe it does. I haven't actually

15 ridden on it. But I do believe it does come down

16 First Street.

17 COMMISSIONER TURNBULL: And it turns

18 around and goes back up?

19 MR. DEASON: I don't -- I think it --

20 I think it loops on V Street and goes back --

21 COMMISSIONER TURNBULL: Loops on V

22 and up? Okay.

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1 CHAIRMAN HOOD: Is that the Fort
2 Totten bus, the 60?

3 MR. DEASON: I -- I haven't -- it's
4 -- actually, I believe it's in the location, but I
5 don't recall the name.

6 COMMISSIONER TURNBULL: Thank you.
7 Now, the Buzzards Point Marina is a privately
8 owned marina?

9 MR. DEASON: Yes.

10 MS. GIORDANO: No.

11 COMMISSIONER TURNBULL: It's not?

12 MS. GIORDANO: I think Mr. May can
13 answer that, maybe.

14 COMMISSIONER MAY: It's a Park
15 Service concession.

16 COMMISSIONER TURNBULL: Oh, it is?
17 They've got some clean-up to do down there.

18 CHAIRMAN HOOD: We'll have
19 Commissioner May go sit down there and --

20 COMMISSIONER TURNBULL: Let's just
21 strike that. Strike that from the record.

22 COMMISSIONER MAY: I don't disagree.

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1 COMMISSIONER TURNBULL: Is -- do you
2 foresee any kind of -- well, you can't. Never
3 mind. I'll strike that. I guess then, the only
4 other thing is that, what would have been nice on
5 elevations is that they're a little bit eye wash
6 still not. We often get some elevations that are
7 -- that either that depict the brick a little bit
8 better, whether you're planning any kind of
9 decorative brick work or you're -- if it's just,
10 you know, straight bond. We usually have a little
11 bit, either they're blow-ups or sections of
12 certain elements of the building that get us a
13 feel for the different materials, the windows, and
14 gives us a better flavor of how everything's going
15 together. On some of the elevations here, now
16 they're, you know, it's -- it looks just like it's
17 design development sketched. And it doesn't give
18 us a good feeling for some of the more details
19 that we might be looking at, at the transition
20 areas. I'd like to see some better details of
21 that.

22 MR. BUCZKOWSKI: We do -- we do have

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1 the two enlarged perspectives in the set, more
2 toward the back of the set. It describes
3 materials and show, at a kind of a larger scale,
4 some of the -- those areas.

5 COMMISSIONER TURNBULL: Better.
6 They're getting -- yes, that's the point that she
7 got to --

8 MS. GIORDANO: The materials are
9 right here.

10 MR. BUCZKOWSKI: We did bring the
11 materials board.

12 COMMISSIONER TURNBULL: You did bring
13 the materials board? Okay. These aren't bad.
14 They're better. I still would like to get a
15 better view of some of the areas where it's either
16 the metal panels and how they actually relate, if
17 we could have some, maybe blow-ups. I guess
18 that's my main -- is that, in looking at this, I -
19 - you know, I think some of the sketches are nice.
20 They give you a feel for what's going to happen.
21 But I think there's some aspects of it that could
22 be blown up to give us a better feel of how the

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1 different sections related to one another, as far
2 as materials, and how they join, just so that we
3 have a better feel of how the balconies, the metal
4 panels, the brick, kind of go together and just --
5 right now, they look like -- they're very
6 schematic. And I know you've got this. But I
7 think I'd like to see a couple more sections or
8 little elevation blow-ups on some of the different
9 areas.

10 MR. BUCZKOWSKI: I think we do have
11 four -- four different sheets. There's two street
12 scape sheets toward the end of the set. And then
13 there are two other kind of enlarged perspective
14 views, before those.

15 MS. GIORDANO: Mr. Turnbull, if I
16 might, I just wanted to mention that, you know,
17 this is a CG overlay review. It's -- it's not a
18 PUD. And I think the standard has been just a
19 little bit less, in terms of the -- the design
20 specifications.

21 COMMISSIONER TURNBULL: I don't know
22 if that's true. I don't know if that's true.

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1 MS. GIORDANO: That may not be true.
2 There haven't been a lot of cases.

3 COMMISSIONER TURNBULL: Commissioner
4 Hood?

5 CHAIRMAN HOOD: Well, I think we do
6 lighten up a little bit.

7 COMMISSIONER TURNBULL: Do we?

8 CHAIRMAN HOOD: But, you know me.
9 I'll ask the question.

10 MS. GIORDANO: I think there's only
11 been two or three, at the most.

12 COMMISSIONER TURNBULL: Mr. Hood,
13 what do you think?

14 CHAIRMAN HOOD: I think we don't hold
15 it to the same standard. But, you know, we do get
16 our questions answered.

17 COMMISSIONER MAY: I mean, I think,
18 certainly, that's true, in terms of the overall
19 thing. I mean, we understand that there's a
20 difference between a CG overlay and a PUD, but, in
21 terms of understanding what the design is about, I
22 mean, a CG overlay is about the design. And I

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1 kind of do expect it to be up to the same standard
2 as a PUD, in terms of the information that's
3 present so that we can understand it.

4 Honestly, this is at the low end of
5 the spectrum, but it's not out of the range of
6 possibilities.

7 COMMISSIONER TURNBULL: Well, I'll go
8 along with whatever -- I mean, if you -- if the
9 rest of my colleagues feel that I'm asking for too
10 much, that's fine. But --

11 CHAIRMAN HOOD: For me, I don't think
12 so. But the Applicant will just have to -- if
13 they are not prepared to answer the questions, I
14 don't think we -- you know, I don't think that
15 will have any, basically, bearing on how we vote.

16 COMMISSIONER TURNBULL: Right.

17 CHAIRMAN HOOD: But I think that you
18 need to understand, I don't see any problem with
19 asking questions. I don't.

20 COMMISSIONER TURNBULL: Okay. That's
21 all the questions I have.

22 CHAIRMAN HOOD: Okay. Any other

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1 questions? Vice Chairman?

2 VICE CHAIRMAN SCHLATER: Mr.
3 Chairman, thank you. I should probably say, for
4 the record, that my company, William C. Smith, and
5 I was a part of the project team, worked very
6 recently with Eric Colbert and Brian Buczkowski on
7 a project on North Capitol Street. So I'm well
8 familiar with their good work. I don't have too
9 many questions. The entrance on First Street,
10 right now there's guards for the Coast Guard on
11 First Street, blocking it. How are residents
12 supposed to gain access to the entrance?

13 MS. GIORDANO: We raised that issue
14 with DDOT, and -- because, as you know, DDOT
15 directed us to move the parking garage entrance
16 from V to First Street. And we raised that
17 concern. And they indicated that the Coast Guard
18 currently just has a license to do that. And it
19 can be revoked at any time. And, as you know,
20 they're moving in the next couple of years. So we
21 don't anticipate that being a problem.

22 VICE CHAIRMAN SCHLATER: True. So

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1 that street has not been closed. It's an open
2 street and it's just an arrangement?

3 MS. GIORDANO: Right. That's
4 correct.

5 VICE CHAIRMAN SCHLATER: Okay. Well,
6 I would just say I own an apartment in Southwest.
7 And I go running down in this area all the time.
8 It's pretty isolated and there's a lot of
9 potential for Buzzards Point. And it would be
10 great to see the first development be a high-
11 quality residential building on the water. And,
12 hopefully, it will help steer more energy towards
13 residential in this area. I know some property
14 owners -- some of the large property owners in the
15 area have been talking about doing, you now,
16 federal office compounds, which I hope doesn't
17 come to pass. This has a lot of potential as a
18 residential and entertainment district. And we
19 want to make full use of our frontage on the
20 water. And I think this project definitely takes
21 the mold of what you see in D.C. and takes
22 advantage of the fact that it's on the water. So

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1 the developer and architect should be commended.

2 CHAIRMAN HOOD: Commissioner May?

3 COMMISSIONER MAY: Yes. Just a
4 couple of more quick questions. Looking at the
5 LEED checklist, you know, one of the criteria, I
6 think, for the CG overlay, if I recall correctly
7 from OP as a part of LEED certification and/or
8 LEED sustainability, I guess, is maybe how it does
9 -- here we go. Minimize impact to the
10 environment, as demonstrated through provision of
11 evaluation of the proposal against LEED's
12 certification standards. This doesn't even
13 qualify for LEED certification, according to the
14 checklist, which, I mean, you know, we haven't
15 seen anything less than silver in like two years.
16 So I'm wondering why, all of a sudden, we're
17 getting something that's not even coming in at
18 certified on the initial checklist.

19 MS. GIORDANO: The application does
20 mention the -- that the location of the project,
21 on the waterfront, carries with it a lot of higher
22 than normal costs, dealing with flood plain issues

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1 and -- and the water table and that. And I think
2 that was proffered as one reason. I think that's
3 the -- I think you might have overstated the
4 criteria a little bit. It just says that's --

5 COMMISSIONER MAY: I read it directly
6 from what the OP report. I assume that they
7 picked it up directly from the regs. All it says
8 is that it should be --

9 MS. GIORDANO: Evaluated.

10 COMMISSIONER MAY: -- that's how it
11 should be evaluated.

12 MS. GIORDANO: Right.

13 COMMISSIONER MAY: But again, what
14 I'm talking about is the standard of building
15 buildings in the city is, you know, like I said, I
16 don't think we've seen a building come before the
17 Zoning Commission with a LEED checklist that
18 showed less than silver in a couple of years. And
19 it's not necessarily because the Zoning regs
20 require it, or because the city's Green Building
21 Act requires it. It's because it makes more
22 sense. It's more economical, in the long run. So

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1 --

2 MS. GIORDANO: I -- well, I -- I
3 can't speak to that, other than to say that the
4 cost associated with the waterfront location and
5 then the just huge unknown about the market for a
6 residential project in this location probably has
7 a lot to do with a conservative approach to LEED.

8 And, you know, the -- the final script isn't
9 written, either. I mean, I think that the project
10 will go through further design and development
11 and, hopefully, the market will improve and I -- I
12 think it is improving. I attended a conference
13 this morning, put on by DCBIA about the housing
14 market in Washington and the rental housing
15 market, in particular. So, hopefully, there will
16 be additional work done in that regard on the
17 project.

18 MR. BUCZKOWSKI: Speaking to
19 Cynthia's point, as well, the -- the points on the
20 checklist, we were nine points below at least the
21 certified level. And those were pretty much the
22 easy points from the site. So, as Cynthia said,

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1 as this project moves along, I -- I think some of
2 those other points that perhaps are a little
3 harder to achieve would be gone after.

4 VICE CHAIRMAN SCHLATER: What kind of
5 HVAC system is on the building?

6 MR. BUCZKOWSKI: It's a pump system
7 so there is a cooling tower at the top of the
8 building. So it is the more efficient type of
9 HVAC system. You know, we have taken a few points
10 for that. The image optimization.

11 COMMISSIONER MAY: I don't know. I
12 mean, we give projects a hard time when they come
13 in at certified. So, this wouldn't even be
14 certified. I mean, I don't know what to make of
15 it. So anyway, I mean, I don't have other
16 questions to ask about this. I'll have to read
17 the justification again. Anyway.

18 COMMISSIONER TURNBULL: Is the roof a
19 white roof?

20 MR. BUCZKOWSKI: The roof, actually,
21 is terraces for the eighth floor units. Because
22 the penthouses and stairwells that allow the

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1 eighth floor units to come up and utilize these
2 terraces. So they will be light colored papers,
3 but they will not be the high albedo papers that
4 are required for a white roof.

5 COMMISSIONER MAY: And I think the
6 other thing that makes this project a little
7 different is that we don't usually see individual
8 terraces. I mean, individual rooftop terraces.
9 What we see is a community patio kind of or
10 terrace or something like that. And then the
11 balance of the roof is typically a green roof.
12 That's what we've been seeing, you know, nine
13 times out of ten. And, you know, there are
14 obviously points associated with a green roof. I
15 mean, you know, again, that's another thing that's
16 incredibly common now. Everything is either a
17 green roof or a cool roof. I think, almost
18 without exception.

19 MR. BUCZKOWSKI: I think, once again,
20 due to the -- the economic difficulties of the
21 site, these were intended on being kind of the
22 more premier units up here that did have their own

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1 roof deck.

2 MS. GIORDANO: Personally, I thought
3 -- we felt that that was an amenity of the
4 project, as well, to provide that kind of space on
5 the roof. And, from what I understand, and Brian
6 can maybe explain that a little bit more, it's
7 difficult to do both, the green roof and allow for
8 these private terraces, the way the -- the roof is
9 configured.

10 COMMISSIONER MAY: I agree. I
11 understand that. I mean, that's a clear choice
12 and it's an amenity for people who own those
13 units. But it's not an amenity for the project,
14 overall. It's certainly not an amenity for the
15 city. I mean, it's -- you know, we want to have
16 more green roofs. We want to have more cool
17 roofs, so that we reduce the urban heat island
18 effect. So yes, nice for units. Okay.

19 VICE CHAIRMAN SCHLATER: I'm just
20 going to piggyback on that. I think that's a fair
21 criticism of the project. I mean, one of our
22 criteria in evaluating these projects is to

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1 minimize the impact on the environment, as
2 demonstrated through the provision of an
3 evaluation of the proposal against LEED
4 certification standards. So if you're not even
5 getting to LEED certified, and we're supposed to
6 evaluate it against those LEED certification
7 standards, I think it can only lead to a
8 conclusion that the project is not living up to
9 that standard. And we'd like to see it
10 strengthened.

11 COMMISSIONER MAY: Okay. I did have
12 one other question, which was what's driven the
13 increase in the amount of parking from the
14 original submission? Because it started at like
15 69 or something and I know it's, you know, I can
16 see how it grew. But I'm wondering why it grew.

17 MS. GIORDANO: It -- it really didn't
18 grow. The -- the intent was always to increase
19 the parking with vault parking. And maybe it
20 wasn't so clear in the numbers in the beginning,
21 that the additional parking was going to be in
22 public space, because it's not actually within the

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1 property lines.

2 COMMISSIONER MAY: Right.

3 MS. GIORDANO: But DDOT and OP asked
4 us to -- to be clear about that. And, what's
5 driving the one-to-one ratio that we're trying to
6 achieve for the parking is the location of the
7 site and the just absolute lack of public
8 transportation down there, or convenient public
9 transportation -- safe public transportation.

10 COMMISSIONER MAY: How far is it to
11 Metro?

12 MR. DEASON: Just over a mile. But
13 there's no sidewalks getting to those and you'd
14 have to go by construction areas in order to --

15 COMMISSIONER MAY: Right. Okay. I
16 can understand that. Okay.

17 CHAIRMAN HOOD: Any other questions?
18 I don't have any. But I did notice, in the
19 report, listening to the LEED certifications that
20 the Office of Planning, Ms. Giordano, has
21 encouraged you all to really push for an
22 environmental commitment. And I understand the

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1 market and I understand that, and the -- actually,
2 Buzzards Point, we were talking about residential
3 to Buzzards Point, at least I know since my whole
4 tenure on the Commission. And I've been here 13
5 years. So I would associate myself with some of
6 the comments of the Vice Chairman. It's good to
7 see something. And, hopefully, this will take off
8 and just get done. At some point, I'm sure the
9 community down there would like to see it. So, in
10 my thinking, I'm looking at, you know, give and
11 take and I'm looking at some of the criteria with
12 CG, and you're right, Ms. Giordano, we don't see a
13 whole lot of CG overlays. But I think we have
14 seen -- and I ask Mr. Lawson, because I think he
15 wrote it, or was one of the people who authored
16 it. I'm not too particularly fond of design only.
17 But anyway, I think that -- I'm sorry? Oh, I
18 thought I heard somebody say something. Okay.
19 But anyway, I'll ask Mr. Lawson. Because I think
20 we've seen more than three or four.

21 MS. GIORDANO: I think this is the
22 first residential.

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1 CHAIRMAN HOOD: Okay. Okay. I
2 thought you were just saying --

3 MS. GIORDANO: No. I think I did say
4 that, also.

5 CHAIRMAN HOOD: Okay. That we only
6 saw three or four?

7 MS. GIORDANO: I believe that's
8 correct. I -- I could be wrong.

9 CHAIRMAN HOOD: I know I've sat here
10 through these design ones. Sometimes they can be
11 painful. Especially when you have two or three
12 architects. But I can tell you that I think we've
13 seen more than three or four. But, anyway, and at
14 least when I'm taking this into consideration,
15 I'll be balancing what we're trying to achieve
16 here with some of the criteria we're looking at.
17 Anyway, do we have any cross-examination from --
18 did you want to say something, Mr. May? Do you
19 disagree on something I said?

20 COMMISSIONER MAY: No.

21 CHAIRMAN HOOD: Ok, okay. All right.
22 Okay. Let me ask -- I see Mr. McBee has stepped

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1 out. Mr. Vice Chair Moffatt, do you have any
2 cross examination?

3 MR. MOFFATT: No, sir.

4 CHAIRMAN HOOD: Okay. Let's go to
5 the Office of Planning. Mr. Jesick? And, in
6 that, could you tell us about how many -- you or
7 Mr. Lawson, about how many CG overlay cases we've
8 seen? Okay.

9 MR. JESICK: Thank you, Mr. Chair and
10 members of the Commission. My name is Matt
11 Jesick. The Office of Planning is very supportive
12 of this application. We feel it would be a
13 pioneering project in the Buzzard Point area. And
14 we've worked extensively with the Applicant to
15 resolve any concerns with the project. And we
16 recommend that the Commission approve the
17 application. As you know, the CG overlay seeks to
18 create a mixed use environment; a very walkable
19 environment. And it looks at the interaction
20 between the building and the street. And that's
21 what we've based our review on. And our written
22 report, of course, goes through that in great

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1 detail. This evening, I'll just hit on a few of
2 the main points.

3 Obviously, this will increase the
4 mixed used nature of the neighborhood. It will be
5 a first for residential and retail use in this
6 area. We feel that the design would create a
7 pedestrian friendly environment. Not only will
8 there be improvements to the public space, new
9 curbs and gutters, sidewalks where there aren't
10 any at this point, you know, tree boxes, planting
11 strips, that sort of thing, but also we feel that
12 care has been taken to address the relationship
13 between the ground floor and the street. We
14 appreciate some of the design treatments to
15 address the flood plain issue. Because of the
16 flood plain, the building has to be raised
17 slightly above the surrounding grade. And I think
18 care has been taken to incorporate some of the ADA
19 elements for the -- to address the flood plain
20 issue -- incorporate those elements into the
21 overall design feel of the building. For example,
22 on the row house facade, there is a ramp and a

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1 walkway to access all of the units, in addition to
2 stairs to each of the front doors. We feel that
3 actually improves the project by creating a
4 vertical and horizontal separation to the row
5 house units. Also, the curving ramp at the main
6 entrance mirrors the curving element of that part
7 of the facade. And so we feel that these design
8 features are positive and improve the project.

9 The Commission asked about the
10 rooftop setback relief. We do support the setback
11 relief. We felt that the horizontal element at
12 the rooftop level was more of an architectural
13 embellishment, rather than a full part of the
14 penthouse, so we did not have a problem supporting
15 that relief. It is open. It's not enclosed. So
16 that eases any concern that we might have had. We
17 also support relief from the loading regulations,
18 the two loading spaces are in tandem, which
19 requires relief. And the loading platform is not
20 adjacent to the loading berth, but we feel that
21 this is a result of the consolidated entrance for
22 parking and loading, which would provide a great

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1 improvement to the public space. So, overall, we
2 feel that the project meets the guidelines of the
3 CG overlay and all the specific criteria, as well.

4 Although, as noted, we do feel the environmental
5 commitments could be improved. But we do
6 recommend that the Commission approve the project.

7 I'd be happy to take any questions.

8 MR. LAWSON: Joel Lawson with the
9 Office of Planning. I'll just continue on a
10 little bit with a thumbnail version of a Capitol
11 Gateway Overlay. I was just kind of scribbling
12 down the applications. And, off hand, I came up
13 with just over maybe a half a dozen. Probably the
14 biggest one was the baseball stadium, which is
15 technically within the Capitol Gateway Overlay, as
16 well as the project along Half Street on the north
17 side of that. And, to be honest, at this point, I
18 can't remember how many you've actually seen and
19 how many are kind of in the process of coming to
20 you to see. So I'm not sure how many there are
21 there, but there's two or three. There was the
22 Camden Residential Project on South Capitol

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1 Street. There was an office development on the
2 north side of M Street, I think at -- I think at
3 First Street. That was maybe the first one,
4 actually, that you saw. Most recently, there was
5 the Youth Hostel, just a little bit north of this
6 site, which is within the Overlay. And then
7 there's Florida Rock, which is technically got
8 underlying zoning of Capitol Gateway, W1, but
9 which the PUD, if my memory serves me right,
10 predated the Capitol Gateway Overlay. So it
11 proceeded as a -- as a PUD with a PUD related map
12 amendment to C3-C. So the Capitol Gateway Overlay
13 didn't really apply in that case. So I will say I
14 think this is the first application I can think of
15 within the Capitol Gateway W2 zone. The other
16 ones have been in the CR, Capitol Gateway CR and
17 the other zones that are kind of further --
18 further inland, if you will. So this is kind of
19 the first exactly waterfront related one.

20 With regards to the nature of the
21 overlay itself, and we can certainly have more
22 discussion if you wish, I'm not going to get into

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1 it in a lot of detail, we do see that the Capitol
2 Gateway is a little bit different. The design
3 review requirement of the Capitol Gateway Overlay
4 is a little bit different from our regular PUD
5 review, in that there are specific criteria in the
6 regulations for what the Commission is intended to
7 look at. And those certainly include design
8 related criteria, building massing, view analyses,
9 and a lot of criteria related to landscaping and
10 siding and how the buildings relate to the
11 waterfront, which is only kind of partially
12 relevant, in this case, because it's -- even
13 though it's kind of right on the waterfront, it's
14 actually not on the waterfront. So it's kind of a
15 bit of a highbred. It's not necessarily a full
16 blown detailed design review like we would expect
17 with a PUD but, at the same time, there's
18 definitely a lot of important design related
19 criteria, including how the building relates to
20 the waterfront and that can certainly get into a
21 number of the issues that the Commission has been
22 bringing up.

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1 CHAIRMAN HOOD: I want to thank you
2 very much, Mr. Jesick, and Mr. Lawson, for that
3 quick refresher. And Ms. Giordano, you're right,
4 we haven't seen a whole lot. It seems like it's -
5 - I wanted to say it was 20. But maybe they all
6 start running together. I don't know what I'm
7 hearing. But I know it appears that we've seen a
8 lot.

9 MS. GIORDANO: I think you remember
10 the baseball stadium.

11 CHAIRMAN HOOD: Oh yes, that was a
12 late night too. Okay. Any questions for the
13 Office of Planning? Commissioner May?

14 COMMISSIONER MAY: Yes. So, just so
15 I understand the rooftop setback relief, the --
16 what are you regarding as an embellishment that
17 wouldn't theoretically need the relief? Is that
18 the sort of segmented circle with the roof over it
19 or is it the -- well, tell me?

20 MR. JESICK: I used the word
21 embellishment, but maybe I shouldn't have. We
22 considered that segmented line -- the curve that

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1 comes out to the parapet line, to be part of the
2 rooftop structure; therefore, needing relief.

3 COMMISSIONER MAY: Okay.

4 MR. JESICK: But we viewed it almost
5 somewhere in between a rooftop structure and an
6 architectural embellishment. So that's why we
7 were comfortable supporting it.

8 COMMISSIONER MAY: I mean, if you
9 look at it strictly as a rooftop structure, it
10 comes right up to the roof edge, in effect.
11 Presumably, the building, overall, is still low
12 enough that that's not a -- it's below the Height
13 Act limitation for the site, right?

14 MR. JESICK: That's correct.

15 COMMISSIONER MAY: What is the Height
16 Act limitation for the site? Is it 110 or --

17 MR. JESICK: I believe First Street
18 maybe -- I'll have to double check the street
19 widths. But I'm sure it's higher than the
20 parapet.

21 MR. LAWSON: Yes. The Height Act
22 limit would -- first, Matt is right. I can't

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1 remember if First Street and V Street are 80 feet
2 or 90 feet wide. Either way, that would allow
3 either 100 or 120.

4 COMMISSIONER MAY: Right. All right.
5 Got it. Okay.

6 MR. JESICK: First Street is 90 feet
7 wide.

8 COMMISSIONER MAY: All right. Yes.
9 I imagine, if there was a Height Act issue, it
10 would have come out in the NCPC review, I'm sure.

11 The -- okay. Is there any future transit planned
12 for this area? I don't know where the street car
13 routes are. Is there any chance the street car is
14 going to come closer to this site?

15 MR. LAWSON: There actually is. And
16 there certainly have been discussions from DDOT of
17 -- of the exact nature and the exact timing of the
18 M Street line, the line that would go along M
19 Street down into Southwest and down as far as
20 Southwest Waterfront. There is a possibility for
21 a spur off of that, which would lead down into
22 Buzzard Point, at least that's what their

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1 preliminary plans are showing.

2 COMMISSIONER MAY: Yes.

3 MR. LAWSON: As I said, the exact
4 timing isn't known. But I know there's been some
5 discussion from some developers in this area as
6 well as Southwest, because there's a lot kind of
7 going on in that area, to see if there are ways to
8 -- to move that -- that line a little bit higher
9 up, I guess, the pecking order of lines that will
10 go in.

11 COMMISSIONER MAY: Right.

12 MR. LAWSON: But that's still --
13 that's still -- it's still not known when that
14 line will go in. But yes, it does include a line
15 that would go -- that would terminate, at least on
16 the plans DDOT showed, just -- just a little bit
17 north of this site, like a block north of the
18 site.

19 COMMISSIONER MAY: Okay. All right.

20 Well it's obviously too far out and too uncertain
21 to really be counting on it. It just made me
22 curious. Okay. I think that's it. Thanks.

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1 CHAIRMAN HOOD: Any other questions?
2 No? Okay. Also, just any other -- thank you,
3 Office of Planning. Any other agency reports?
4 And as you looked in the report, Mr. Jesick, I say
5 this a lot, I don't know what they do, but they
6 sure respond to Mr. Jesick. He get's just about
7 every government agency to respond. But those
8 different issues, I read through a few of them,
9 and it looks like DDOT may have some more
10 additional. Did you want to comment on any of
11 them?

12 MR. JESICK: From my perspective,
13 we've resolved all the issues from other
14 government agencies. You know, we've -- myself and
15 DDOT have met with the Applicant on a number of
16 times, to discuss transportation issues. I think
17 we've worked out all the flood plain issues that
18 were raised by DDOE. And so I think yes, all the
19 other issues have been resolved.

20 CHAIRMAN HOOD: What about the
21 Metropolitan Police Department?

22 MR. JESICK: They had a few concerns

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1 about --

2 CHAIRMAN HOOD: Security. I saw
3 that.

4 MR. JESICK: -- security. And I
5 believe the Applicant addressed those in their
6 follow-up memo or their supplemental submission.
7 They will have some security cameras and adequate
8 lighting around the site. So we felt that that
9 issue has been addressed.

10 CHAIRMAN HOOD: Okay. All right. I
11 appreciate that. Thank you, again, for all you do
12 to make sure that those government agencies
13 respond. Okay. Let's go to the report of
14 ANC-6D. I'm going to ask Chairman McBee and also
15 Vice Chairman Moffatt if they would come forward.

16 MR. MOFFATT: Is this on? Okay.

17 CHAIRMAN HOOD: Whenever you're
18 ready.

19 MR. MOFFATT: Okay. I'm Roger
20 Moffatt, and this is in my single-member district.
21 And I am the Vice-Chair of ANC-6D 006D. And I
22 want to say good evening to you, Chairman Hood,

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1 and to the distinguished members of the Zoning
2 Commission of the District of Columbia and good
3 evening to the fellow citizens of the District of
4 Columbia. We are here tonight to speak on behalf
5 of ANC-6D. At a duly noticed public meeting on
6 Monday, January 11, 2011, ANC-6D, with a quorum
7 present, and a quorum being four of seven
8 Commissioners, voted six zero to support the
9 application for the Marine Place project,
10 contingent upon the developer working jointly with
11 ANC-6D and the office of Council member Tommy
12 Wells, to make the area around the development
13 more pedestrian friendly and with the least
14 vehicular traffic possible. The Applicant stated
15 at -- at that same ANC meeting that they are in
16 agreement with the stated principle, will promote
17 it here, and will work with the ANC to make a -- a
18 goal a reality. We give plaudance to the
19 Applicant for being the first to invest in
20 redevelopment of Buzzard Point and for their
21 commitment to promoting livability, workability --
22 I mean walkability, and sustainability in the

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1 area. To bring that commitment to fruition,
2 Buzzard Point LLC and DDOT have worked together to
3 move the planned entrance to the garage parking
4 for V Street Southwest to First Street. That
5 action helps to establish a more pedestrian
6 friendly community by leaving V Street Southwest
7 to pedestrians and other modes of transportation.

8 We ask that the Zoning Commission and the Office
9 of Planning work to ensure that Buzzard Point
10 becomes an eco-zone, relative to transportation
11 that supports walking or/and an auto-minimum zone.

12 We realize that there is some vehicular access
13 for deliveries that are necessary. However, these
14 should be kept to a minimum number that is
15 absolutely necessary. In addition, Council member
16 Wells -- Tommy Wells stands in full support of
17 this proposal and is currently working towards
18 security a trolley line in Buzzard Point via
19 Potomac Avenue. This will be a concrete step in
20 keeping this area accessible without the use of
21 automobiles. The ANC reached this decision based
22 on several factors. A few of which are listed

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1 here. Buzzard Point is a very narrow peninsula,
2 made even narrower by the presence of Fort
3 McNair and it's security needs. It is primarily
4 accessible by only one route that does not go
5 through the middle of the already existing
6 residential neighborhoods. The secondary routes
7 are few in number, pass directly through
8 residential neighborhoods, and are already over
9 weighted with vehicular traffic. For the reasons
10 mentioned and for a multitude of positive
11 attributes that come from having a walkable,
12 liveable, and sustainable neighborhood that
13 greatly supports residential development, it is
14 time to give impetus to making the district --
15 this district a real sustainable and walkable
16 community. There is definitely a population,
17 including business and commercial interests, that
18 will support and justify this type of sustainable
19 community plan and being in such a compact area,
20 Buzzard Point is the perfect place to implement
21 such a policy and to serve as a positive model.
22 We ask you on the Zoning Commission to work with

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1 the Office of Planning to seek out ways for making
2 this happen. Thank you for allowing us to speak
3 at his hearing and on behalf of ANC-6D and our
4 constituents.

5 CHAIRMAN HOOD: Okay. Chairman
6 McBee, were you going to add anything? Or did he
7 speak for both of you?

8 MR. McBEE: Well, I think that you've
9 really sort of have addressed some of the issues
10 here tonight that are concerns for us. But we're
11 really clearly wanting to look at this area as a
12 unique area to -- to look at having it become less
13 involved with vehicular traffic; to look at the
14 light rail possibility coming down Potomac Avenue.

15 The American Planning Association did a shred
16 about two years ago and a lot of those things that
17 came out that meeting, I'm not sure they'll come
18 to fruition, such as tearing down the Coast Guard
19 building or the D.C. District Building that's over
20 to the left of that. But we want to say that this
21 is the first step for having residential
22 involvement in that part. It's a good big step

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1 for our community and Southwest or near Southeast.

2 So we're looking very much forward to having this
3 happen.

4 CHAIRMAN HOOD: I'm going to ask this
5 question and I know it's a hot button question
6 right now, but is there any chance that I have not
7 been following with the redistricting and
8 everything, will this area still stay in Six?

9 MR. MCBEE: The proposed map is
10 currently still -- we are still in Ward Six.

11 CHAIRMAN HOOD: Okay. All right.
12 Any questions, Commissioners? Okay. I want
13 to thank -- well, let me see. Do we have any
14 cross examination? Well, they're in support, big
15 time, so I know -- but I want to thank both you,
16 Mr. Chairman, and Vice Chairman for coming down
17 and taking the time and keep up the good work that
18 you're doing with the ANC. Thank you. Okay. Do
19 we have any organizations or persons here in
20 support? Organizations and persons in opposition?
21 All right. We'll taking by the Applicant. I
22 don't think we have any rebuttal. Unless you just

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1 want to tell me how many CG overlay hearings we've
2 had.

3 MS. GIORDANO: I'm not going to try
4 that again. In closing, I just want to ask the
5 Commission to consider a bench decision, this
6 evening. Time is of the essence. The market is
7 moving very quickly towards a more favorable
8 residential market in the city, but that could
9 change very quickly as, you know, the herd
10 mentality sets in and too many projects come into
11 fruition too quickly and start to outpace demand.

12 So this project certainly has additional design
13 development work to be done. But we need to get a
14 green light to go ahead and get that work done so
15 it can move forward. And it's -- it's a
16 pioneering project. It could miss the market very
17 easily and become a disaster. So I hope the
18 Commission will feel confident that Eric Colbert
19 and Associates, who are known to you all, will
20 finish the design development work that has to be
21 done and come up with a quality project. And that
22 the Applicant will endeavor to improve the LEED

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1 certification status of the project, as well.
2 Thank you.

3 CHAIRMAN HOOD: Okay. Thank you, Ms.
4 Giordano. Commissioners, I'm going to turn to my
5 colleagues and see. We have a request from Ms.
6 Giordano. And I'm going to hear whether you guys
7 are ready to move forward or what you're ready to
8 do. So I'll open it up.

9 COMMISSIONER MAY: I'm not prepared
10 to vote for a project that wouldn't even meet LEED
11 certified status. I mean, I think that everything
12 that we see should -- if we're going to measure it
13 and try to set some sort of standard, the standard
14 should be silver. Now, if there's some reason why
15 they can't get to silver, we have approved some
16 certified projects. But I'm just not prepared to
17 vote in favor tonight, not knowing that it would
18 be at least certified. And, frankly, I'd really
19 like them to go back to the drawing board and see
20 if they can get it to silver. I'd also like them
21 to take another look at the roof decks and see
22 whether or not it makes more sense to have a

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1 single roof patio and a better roof treatment than
2 these individual terraces. Because I just -- I
3 don't think it's a great idea and I don't think it
4 brings a real benefit to the community. It's a
5 benefit to a handful of apartments. That's it.
6 But anyway, that's my opinion.

7 CHAIRMAN HOOD: Okay. That's one
8 opinion. We have a total of four up here tonight.
9 I don't see anyone sitting right here. So
10 Commissioner Turnbull?

11 COMMISSIONER TURNBULL: Well, I was
12 going to say that I'd be willing to go ahead,
13 considering we still have final action. But I
14 think, in light of --

15 VICE CHAIRMAN SCHLATER: One vote.

16 COMMISSIONER TURNBULL: Oh. That's
17 right. One vote. Oh. Well, then I would agree
18 with Commissioner May then. I would go along with
19 that, realizing our limitations here.

20 VICE CHAIRMAN SCHLATER: I think if
21 we approve this project without even a commitment
22 to get to the certified level, that standard that

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1 we've set in the CG Overlay review on
2 environmental quality of the project had -- we've
3 basically set the bar. We haven't even set a bar.

4 I mean, there is no bar at that point. It's a
5 meaningless standard, going forward. So I'd be in
6 support of waiting to see what the Applicant comes
7 back with. I'd like to see it get to silver
8 level. I know, having worked on a few of these
9 projects that, you know, it doesn't take a lot for
10 a residential project to get to silver level these
11 days. And this is a project that's literally
12 right next to the river. We're trying for most
13 sustainability on projects adjacent to the
14 waterfront. Let's use this opportunity to set the
15 bar.

16 CHAIRMAN HOOD: Okay. So, I mean, I
17 was willing to wait. But I think that my
18 colleagues bring up a good point. So is that the
19 major stall is the LEED certification? I just
20 want to make sure, so we can send a clear message
21 to the Applicant.

22 MS. GIORDANO: If I could just --

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1 CHAIRMAN HOOD: I'm going to get to
2 you. I'm going to get to you. I just want to
3 make sure that the LEED certification is basically
4 the main stall work here.

5 COMMISSIONER MAY: It is the major
6 thing. There is a secondary issue that I have,
7 which is the treatment of the roof and the
8 individual roof terraces, versus a common terrace.

9 I mean, I know that they're -- you know, there
10 are pros and cons to that. They have to run the
11 elevator up higher. They'd have to -- but they'd
12 also have, you know, fewer roof portals that
13 they'd have to deal with. It would also
14 uncomplicate the roof design -- the roof structure
15 design, which would be a benefit to the project.
16 Anyway, that's a secondary priority. I'd like
17 them to take a look at that.

18 CHAIRMAN HOOD: Okay. Let me see.
19 Commissioner Turnbull?

20 COMMISSIONER TURNBULL: Commissioner
21 May, if they could make the current roof layout
22 lead -- I mean if it's a cool roof on the roofs

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1 beyond that and the terraces themselves, or
2 somehow treat it?

3 COMMISSIONER MAY: I don't know. I
4 mean, it's not that I object, in principal, to
5 roof terraces.

6 COMMISSIONER TURNBULL: Right.

7 COMMISSIONER MAY: It's just that the
8 way you typically get to a green roof and a roof
9 amenity, it to have a common area. And I think
10 that would be more beneficial. I think that's the
11 thing that we see more frequently and we see the
12 green roof. You know, there's -- a cool roof is
13 something that's usually reserved for, you know, a
14 warehouse or a low budget building of some sort.

15 COMMISSIONER TURNBULL: Right. It's
16 the last thing you can do.

17 COMMISSIONER MAY: It's the last
18 thing. Yes. And then, when there's certain
19 circumstances where it really does make sense.

20 COMMISSIONER TURNBULL: Right.

21 COMMISSIONER MAY: I mean, you know,
22 I'm not saying that it has to have a green roof.

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1 I would just like them to take another look at it,
2 if they're going to -- if we're going to send them
3 back to see what they can do in terms of LEED
4 certification. And it's related.

5 COMMISSIONER TURNBULL: Okay. All
6 right. I see where you're going.

7 CHAIRMAN HOOD: Okay. Anything else?
8 And then I want to hear from Ms. Giordano. Is
9 there anything else? Okay. Okay. Ms. Giordano?

10 MS. GIORDANO: I just wanted to make
11 a suggestion. In order for us to try and expedite
12 and get to the -- the timing that we're trying to
13 achieve, one thing the Commission could do that we
14 would be agreeable to is to approve it conditioned
15 -- with a condition that we get to the LEED
16 certification. And then let the architects, you
17 know, achieve that after the fact. That doesn't
18 speak to the rooftop issue, but I wanted to just
19 say that, in this project, having those -- I mean,
20 I'm not a development expert, but my understanding
21 from the developer is that this amenity is really
22 key to making those units at the top floor

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1 desirable and able to, you know, take advantage of
2 the waterfront location and achieve some of the
3 prices that they need to make the whole project
4 viable.

5 CHAIRMAN HOOD: Okay. Typically,
6 Commissioners, and I'm just going to throw this
7 out here, we have done a conditional approval.
8 The order was not released until we all were
9 satisfied. I think her request is something that
10 we've dealt with before. And I don't know if it's
11 an unreasonable request. But I want to hear from
12 those who have the stronger issues about the LEED
13 certification and the roof terraces than me.
14 Commissioner May, we'll start with you.

15 COMMISSIONER MAY: Well, we have bent
16 over backwards, in the past, on certain projects,
17 to give approvals or conditional approvals in
18 cases where there was an impending deadline
19 relating to financing. I don't -- I did not hear
20 that. What I heard is an urgency of trying to get
21 this to market. I can understand that. You know,
22 I don't think there's any question that, in the

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1 long run, this project is going to be approved and
2 it's going to be approved, you know, within a few
3 weeks. You know, all they have to do is go back
4 to the drawing board and give it their best shot
5 and I'd rather them do that and take the extra
6 time, then, you know, as I said bend over
7 backwards on this one, when there's not a really
8 clear deadline.

9 CHAIRMAN HOOD: Okay. Let me hear
10 anyone else? Okay. Let me just -- I've stated
11 which position I like. I think Ms. Giordano's
12 request is not unreasonable. But I wanted to hear
13 from those who had the issues. Vice Chairman?

14 VICE CHAIRMAN SCHLATER: I'd be in
15 support of moving forward with conditional
16 approval, conditioned upon achieving LEED silver
17 levels.

18 COMMISSIONER MAY: If they would
19 condition on the LEED silver right now, yes, I'd
20 go along with that. But not for LEED certified.

21 CHAIRMAN HOOD: We're starting to
22 negotiate up here. Okay. Commissioner Turnbull?

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1 COMMISSIONER TURNBULL: What can I
2 do? I'm fine with the silver. I think that's
3 appropriate. But how to -- your other issues. How
4 is that going to be resolved?

5 COMMISSIONER MAY: You know, those
6 were secondary issues.

7 COMMISSIONER TURNBULL: Secondary
8 issues.

9 COMMISSIONER MAY: If they're going
10 to get to LEED silver, they might be looking at
11 doing something with the roof anyway.

12 COMMISSIONER TURNBULL: I think
13 they'd have to.

14 COMMISSIONER MAY: In order to get
15 the points. But, you know, I don't know what the
16 calculus is. That's why, you know, if I had my
17 druthers, I'd have them go back to the drawing
18 board and show us what they've got. You know, but
19 --

20 CHAIRMAN HOOD: Okay. So we have two
21 issues.

22 COMMISSIONER TURNBULL: If they can

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1 get to silver, tonight.

2 CHAIRMAN HOOD: If they can get to
3 silver, we'll give conditional approval. If they
4 don't get to silver, we need to go back to the
5 drawing board. Okay. We'll give them a few
6 moments.

7 COMMISSIONER MAY: And when I say go
8 back to the drawing board, I mean if they can, you
9 know, if they want to come back and say okay, we
10 can get to certified and these are the reasons why
11 we can't get to silver, the reason why we can't
12 change the roof, you know, I'd be interested in
13 seeing that.

14 CHAIRMAN HOOD: Okay. Ms. Giordano?

15 MS. GIORDANO: I think -- I think
16 that that's the better alternative, that
17 Commissioner May is proposing, that LEED silver is
18 the next level up. And I don't think we're
19 prepared tonight to say we can achieve that
20 without some substantial modifications.

21 CHAIRMAN HOOD: Okay. So we will
22 wait to hear back and see. And I don't think he's

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1 asking you to go start all over again, but to
2 revisit those two issues. I think the roof terrace
3 and as well as getting certified. Okay? Anything
4 else, Commissioners?

5 VICE CHAIRMAN SCHLATER: I think
6 Commissioner May raised an issue with the
7 fenestration on the single loaded corridor.

8 COMMISSIONER MAY: You know, I don't
9 -- I'm not looking for that. I mean, that's not
10 really critical within the CG. If this were a
11 PUD, I might push that issue. But I am a little
12 curious as to why it wasn't designed with an
13 alternating corridor and duplexes because you'd
14 get more living space out of that. You know, you
15 do -- just like you have duplexes in the first
16 floor, they could have stacked duplexes and then
17 had corridors on every other floor, which would
18 have implied a different fenestration and would
19 have led to a different solution. But, you know,
20 I'm not the architect. I'll let the architect
21 figure that out.

22 CHAIRMAN HOOD: And I just want to

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1 say, for me, market and finance all runs together.
2 So I don't necessarily agree with my colleague.
3 But I think, at the end of the result, from what I
4 hear, we may have a better project in front of us,
5 at least getting to the certified. But I'd just
6 didn't agree with the not hearing you specifically
7 say financing. This is going to jump start that
8 neighborhood. It was -- came loud and clear from
9 the ANC Commissioner. And to get it to market,
10 to me, ties into finance. But, you know. And
11 I've got a pretty good grade in economics. Okay,
12 Ms. Schellin, do we have some dates?

13 MS. SCHELLIN: I just want to check
14 with them to see how much time they need. That
15 was the other thing. I wanted to find out if
16 we're still looking for blow-ups of the elevations
17 of the buildings, Mr. Turnbull asked for.

18 COMMISSIONER TURNBULL: Yes, I would
19 still like to see that. And I think, just for the
20 Office of Planning, I would hope, in the future
21 that we would ask for that a little bit more. And
22 I think it's worthwhile for us to be able to see a

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1 better definition and articulation of some of the
2 elevations.

3 MR. LAWSON: Duly noted.

4 COMMISSIONER TURNBULL: Thank you.

5 MS. GIORDANO: Okay. The architect
6 advises that three weeks would be sufficient time
7 for him to deal with these issues.

8 MS. SCHELLIN: Okay. So that would
9 put the filings due by June 16th at 3:00 p.m.
10 And if we could also have a draft order at that
11 time, too?

12 MS. GIORDANO: Okay. So where would
13 that leave us for a decision meeting?

14 MS. SCHELLIN: June 27th.

15 CHAIRMAN HOOD: Didn't we just do
16 something else with June 27th?

17 MS. SCHELLIN: Yes. It's going to be
18 a busy night.

19 COMMISSIONER MAY: They're going to
20 do such a great job with the submission that it's
21 going to be an easy decision in this case.

22 MS. SCHELLIN: Exactly.

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1 CHAIRMAN HOOD: All true, but this
2 was number A on the agenda. Okay. Anything else?

3 MS. GIORDANO: I like the sound of
4 that.

5 CHAIRMAN HOOD: Okay. Do we have
6 anything else, Ms. Schellin?

7 MS. SCHELLIN: That's it.

8 CHAIRMAN HOOD: Are we all on the
9 same page? Okay. I want to thank everyone for
10 their participation.

11 MS. SCHELLIN: Excuse me. We could
12 have her submit an updated list of labels also,
13 for the 200 foot radius.

14 MS. GIORDANO: Okay. All right

15 CHAIRMAN HOOD: Okay. I want to
16 thank everyone for their participation tonight in
17 this hearing.

18 MS. GIORDANO: Excuse me. Did you
19 want to address when the ANC --

20 MS. SCHELLIN: They could provide
21 their response by say 3;00 p.m. the 25th --
22 whoops, I'm looking at the wrong month. Sorry.

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1 The 22nd. June 22nd.

2 CHAIRMAN HOOD: Are you going to have
3 another meeting before that?

4 MR. McBEE: We're fine.

5 CHAIRMAN HOOD: Okay. Is that it?
6 Okay. I want to thank everyone for their
7 participation in this hearing tonight and this
8 hearing is adjourned.

9 (Whereupon, the hearing was adjourned
10 at 7:50 p.m.)
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