

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

BALLPARK SQUARE, LLC : Case No.

: 12-05A

:

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Monday,

July 15, 2013

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No.
 12-05A by the District of Columbia Zoning
 Commission convened at 6:30 p.m. in the Jerrily
 R. Kress Memorial Hearing Room at 441 4th Street,
 N.W., Washington, D.C., 20001, Anthony J. Hood,
 Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

MARCIE COHEN, Vice Chair

MICHAEL G. TURNBULL, FAIA,

Commissioner (AOC)

ROBERT MILLER, Commissioner

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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 July 15, 2013.

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

(6:32 p.m.)

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This -- we have a special item to do before I get in the night's case. Joining me are Vice Chair Cohen, Commissioner Miller, and Commissioner Turnbull, I'll introduce everyone else when I get into the night's case, and also Ms. Schellin from the Office of Zoning.

This is announcement of a closed meeting. In accordance with 405 of the Open Meetings Act, D.C. Official Code 2-575C, I move that the Zoning Commission hold a closed meeting on Thursday, July 25, 2013, at 6:00 p.m., for the purpose of obtaining legal advice from our counsel on all cases and to deliberate upon, but not voted on.

The contested case scheduled for the Hearing Action, Proposed Action, Final Action, or Consent Calendar Consideration as those cases are identified on the Commission's agenda for

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1 the meeting.

2 Is there a second?

3 VICE CHAIR COHEN: Second.

4 CHAIRMAN HOOD: Okay. Thank you.

5 Will the secretary please take roll
6 call vote on the motion before us now that has
7 been seconded?

8 MS. SCHELLIN: Yes.

9 Chairman Hood?

10 CHAIRMAN HOOD: Yes.

11 MS. SCHELLIN: Vice Chairman Cohen.

12 VICE CHAIR COHEN: Yes.

13 MS. SCHELLIN: Commissioner Miller.

14 COMMISSIONER MILLER: Yes.

15 MS. SCHELLIN: Commissioner May, not
16 present.

17 Commissioner Turnbull.

18 COMMISSIONER TURNBULL: Yes.

19 MS. SCHELLIN: Motion -- motion
20 passes.

21 CHAIRMAN HOOD: As it appears that
22 the motion is passed, I request that the Office

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1 of Zoning provide notice of these, of this closed
2 meeting in accordance with the Act. Thank you.

3 Ms. Schellin, do we have anything
4 else?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Let us move right
7 into the night's hearing.

8 Good evening, ladies and gentlemen.
9 This is a Public Hearing of the Zoning Commission
10 for the District of Columbia for Monday, July 15,
11 2013.

12 My name is Anthony Hood, and joining
13 me are Vice Chair Cohen, Commissioner Miller and
14 Commissioner Turnbull. We're also joined by an
15 Office of Zoning Staff, Ms. Sharon Schellin,
16 also from the Office of Planning, Mr. Lawson and
17 Mr. Jesick.

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

22 The subject of this evening's

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1 hearing is Zoning Commission Case Number 12-05A.
2 This is a request by Ballpark Square, LLC, for
3 approval of CG Overlay Modification for property
4 located at Square 701.

5 Notice of today's hearing was
6 published in the D.C. Register on May 31, 2013,
7 and copies of that announcement are available to
8 my left on the wall near the door.

9 This hearing will be conducted in
10 accordance with the provisions of 11 DCMR 3022
11 as follows: preliminary matters; Applicant's
12 case; report of the Office of Planning; report
13 of other government agencies; report of the ANC,
14 in this case 6C; organizations and persons in
15 support; organizations and persons in
16 opposition; rebuttal and closing by the
17 Applicant.

18 The following time constraints will
19 be maintained in this meeting: The Applicant 30
20 minutes, just let the Applicant know we have read
21 your file; organizations 5 minutes, individuals
22 3 minutes.

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1 The Commission intends to adhere to
2 the time limits as strictly as possible in order
3 to hear the case in a reasonable period of time.

4 All persons appearing before the
5 Commission are to fill out two witness cards.
6 These cards are located to my left on the table
7 near the door.

8 The decision of the Commission in
9 this case must be based exclusively on the public
10 record. To avoid any appearance to the
11 contrary, the Commission requests that persons
12 present not engaged and members of the
13 Commission in conversation during any recess or
14 at any time.

15 Please turn off all beepers or cell
16 phones at this time so not to disrupt these
17 proceedings. The staff will be available
18 throughout the hearing to discuss procedural
19 questions.

20 Will all individuals wishing to
21 testify, please rise to take the oath?

22 Ms. Schellin, would you please

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1 administer the oath?

2 MS. SCHELLIN: Please raise your
3 right hand.

4 (Whereupon, the witnesses were
5 sworn.)

6 MS. SCHELLIN: Thank you.

7 CHAIRMAN HOOD: Okay. Ms. Schellin,
8 do we have any preliminary matters?

9 MS. SCHELLIN: I believe the only
10 thing we have are proffered experts. And, it
11 looks like both have been previously accepted.

12 CHAIRMAN HOOD: Okay. So, I think,
13 I think, Mr. Utz, that both have been, excuse me,
14 previously accepted, and I believe that you --
15 Mr. Lampbell will be here to ask you any
16 questions.

17 So, if that's, if that's the order
18 today, you may begin.

19 MR. UTZ: Great. Thank you very
20 much.

21 Good evening, members of the Zoning
22 Commission. I am Jeff Utz of Goulston & Storrs.

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1 I am here on behalf of Ballpark Square, LLC, the
2 Applicant.

3 With me today is Don Capobres of
4 Ballpark Square, LLC, Devon Perkins of Hickok
5 Cole Architects, and as he mentioned, Dan Van
6 Pelt, to answer any questions that might come up
7 about traffic.

8 We really appreciate the
9 opportunity to come before you tonight, and
10 we're excited to talk to you about the
11 modifications that might look pretty familiar
12 considering we were just here in October of 2012,
13 so things have kind of developed quickly on this
14 project.

15 As I mentioned, this is an
16 application on behalf of Ballpark Square to
17 modify as on the Commission Order 1205. The
18 hearing was October 1, 2012, for that, and that
19 order granted design, review, approval under the
20 Capitol Gateway Overlay Regulations, and then
21 three areas of relief, special exceptions and
22 variance relief relating to rear yard, parking,

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1 and loading.

2 We are going to kind of describe a
3 little bit about all those things tonight, but
4 generally, all, all of the relief remains
5 intact. We are maintaining those requests.
6 Just -- we are slightly reconfiguring the rear
7 yard, so we'll kind of explain how the rear yard
8 really will need to change a bit.

9 We are hereby submitting the
10 modification as a result of the reorientation of
11 the residential component, which results in
12 changes to the residential building's
13 appearance and a modest increase in the number
14 of units and GFA among other things.

15 The modification resulted from the
16 approval of the adjacent parcel, which you all
17 probably remember from Zoning Commission Case
18 12-19 with the Ballpark Hotel, which is
19 immediately adjacent and to the south. The
20 L-shaped building that basically severs the
21 north component of the property here from the
22 south component.

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1 The hotel and office components,
2 along with the retail elements of those
3 structures, do not change as a result of this
4 application, except for one area of flexibility
5 that we'll talk to you in about a little bit
6 regarding the hotel, which we feel is relatively
7 minor and well defined.

8 The property is comprised of
9 approximately 77,209 square feet of land area,
10 and it's located in the Capitol Gateway Overlay
11 and in the CR-zoned district. Therefore, our
12 project and the property can be constructed to
13 a max of 9.5 FAR through the purchase of CLDs and
14 the approval of the Commission.

15 Further, the maximum allowable
16 building height on the property is 130 feet and
17 the maximum lot occupancy is 80 percent. It's
18 also in the high density residential and high
19 density commercial land use categories in the
20 comp plan map.

21 And, the property, as I mentioned
22 before, is comprised of two parcels, the smaller

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1 South Parcel, which is not being changed as a
2 result of this modification, and the larger
3 North Parcel, which contains the, the vast
4 majority of the project. The property is
5 currently vacant and is operated as a parking lot
6 primarily for Ballpark traffic.

7 The Applicant's modification
8 results, as I mentioned, from the, the project
9 approved by Zoning Commission Case 12-19, as a
10 result of that project, there'll be a 130-foot
11 party wall on the southern boundary, which
12 previously as you can probably recall, and it's
13 also shown on the left side of the plans that
14 we've submitted a couple of time.

15 There was a large courtyard directed
16 towards the south that has now been
17 reconfigured, and now there are actually two
18 courtyards, one facing east, one facing west.

19 We actually discussed a bit the
20 possibility for this modification in October
21 knowing that it was coming up a little bit after
22 us in the Zoning Commission's hearing queue. At

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1 the time, we talked about possibly needing to
2 come back, so in this case, before you right now,
3 is actually the embodiment of that modification.

4 I just wanted to talk a bit about the
5 actual components that are going into this case,
6 the square footage of each, and how they've
7 changed from what was previously approved.

8 As before, this is truly a
9 mixed-used project. This is the quintessential
10 all uses fused into one in kind of a complex
11 manner, but it works. It includes residential,
12 hotel, office, and retail components, 695,000 --
13 625,000 square feet overall.

14 As a result of the modification, the
15 residential component will be enlarged from
16 approximately 260,000 square feet, which
17 equates to 292 units to 304, approximately 304
18 square feet, which equates to approximately 326
19 residential units.

20 The retail use within the
21 residential component will be reduced from
22 approximately 28,000 square feet to

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1 approximately 26,500 square feet. However,
2 overall, the total retail for the project will
3 still satisfy Section 1606.4 as requirement to
4 have 75 percent of the ground floor be designated
5 as preferred use areas.

6 The hotel -- as mentioned, the hotel
7 and office components, along with the grounds,
8 for retail elements of the structures remain
9 unchanged for this modification. And, that
10 means that the project will contain 170 hotel
11 rooms, which equates to approximately 126,000
12 square feet, and the office will contain around
13 223,800 square feet. There will also be 370 to
14 380 parking spaces.

15 So, overall, the FAR is now 9.46 FAR.
16 Previously it was 8.89 FAR. It's still 130
17 feet, so it's still within the permissible, the
18 entirety of the permissible envelope in this
19 particular zone district.

20 Lot occupancy is up from 74 percent
21 to 79, still within the 80 percent permitted on
22 this property.

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1 And, as previously designed, Mr.
2 Devon will talk about a bit of the project.
3 Breaks the massing into pretty distinct units
4 with the office, hotel, and residential
5 components functioning as their own independent
6 components.

7 And, as I alluded to earlier, we are
8 still maintaining the special section and
9 variance relief requests that were approved
10 under the previous order. The parking that was
11 approved for the south site, basically, there's
12 no parking provided on the south site. And,
13 instead, four parking spaces are provided on the
14 main portion of the property was approved as a
15 special exception from 26, or 2116.5.

16 A loading variance was requested for
17 both the south site, the small retail site, and
18 the north site for 255 foot berths on the north
19 site. That is being maintained and is not
20 changing for a variance from Section 2201.

21 And, as I mentioned, the rear yard
22 variance is not changing. The project is not

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1 providing a rear yard for the residential
2 project, residential component of the project.
3 However, it is providing very large courts,
4 which in most of the higher density commercial
5 zones would satisfy any rear yard requirement.

6 And, also, as part of this, we need
7 to gain approval from the Commission for any FAR
8 over 8.5. FAR as the result of Section, I
9 believe, it's 1602.1 that allows the Commission
10 to approve an additional 1.0 FAR if the elements
11 of the overlay are satisfied. And, as with the
12 previously approved order, we feel that those
13 elements are indeed satisfied here possibly
14 better than they were before.

15 With that, I would like to introduce
16 our witnesses, and turn it over to -- I believe
17 Don Capobres is going to speak a little bit about
18 the Applicant, a little bit about the
19 modification, how we got here, and some of the
20 community relations.

21 Thank you.

22 MR. CAPOBRES: Good evening,

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1 Commissioners. Don Capobres with Grosvenor,
2 who is the developer behind Ballpark Square,
3 LLC.

4 We did very much appreciate your
5 support in October for the project as we
6 initially brought it to you. I don't need to go
7 into too much about Grosvenor, but I would be
8 happy to answer any questions about us.

9 And, the main takeaways are, we're
10 a long-term company. We're -- we really got
11 long-term hold from a portfolio perspective.
12 We believe very much in the quality of our
13 place-making abilities globally.

14 And, we're very excited to be in
15 Washington, D.C. And, this project really is,
16 even though we've successfully done other
17 projects in the District, this one really is one
18 that we like to stick the flag in the ground and
19 say, kind of signifying the arrival of our
20 development platform in the District.

21 As Jeff mentioned, this is a true
22 mixed-use project. It's kind of within the DNA

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1 of Grosvenor to do exciting mixed-use projects
2 that are tied to transit, that are tied to the
3 vibrancy that makes this city a place that we all
4 love to live in and work in.

5 As we thought we did with the
6 previous iteration of this project, we think
7 this, this change also captures some excitement
8 on the street with the architecture that Devon
9 will go through. We're really active in major
10 retail corridors throughout, throughout the
11 world, and we pay very strong attention to how
12 the retail feels on the street.

13 And, we think that we're going to be
14 able to activate this portion of the Ballpark
15 District and really create a sense of vibrancy
16 on the street.

17 The reason for modification as Jeff
18 alluded was Case Number 12-19 with that L-shaped
19 hotel coming in. We're really proud of kind of
20 being able to create that courtyard that took
21 advantage of some view corridors to the baseball
22 stadium and making a real iconic building.

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1 Having said that, kind of getting
2 past that and working with the design team to
3 come up with what we're showing in front of you
4 today, we're probably equally excited about what
5 we came up with, and we think we, we still have
6 a very iconic building that ties in probably
7 better with the project that will happen next
8 door to us.

9 We have gone through, back through
10 the ANC process. Continue to get good support
11 from the ANC, which supported the project back
12 in June, and so we seek your support again on
13 this, and look forward to answer any questions
14 that you might have later on.

15 MR. PERKINS: Good evening, ladies
16 and gentlemen. I'm Devon Perkins with Hickok
17 Cole Architects.

18 And, I'm going to walk through about
19 12 or 14 pages of the set to sort of describe the
20 changes and talk about the new material pallet
21 for the building, and also help everyone
22 understand why those changes, like what they

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1 cause to happen in the building.

2 First of all, just so you understand
3 the set, the way it's presented, we always
4 present two pages. On the left-hand side would
5 be the original page that we had submitted, and
6 on the right-hand side would be the revised page
7 that shows the changes. That way you can
8 readily see the difference from where it was to
9 where the project has evolved to.

10 So, I'm going to skip through the
11 cover because we'll get to the elevations in just
12 a few minutes. And, I'll go ahead and go right
13 to the actual plans. So, let me find the
14 buttons. I'm going to use the laser pointer a
15 little bit if that's okay to help point out
16 certain things.

17 So, again, the site is located just
18 immediately one block north of the Ballpark.
19 And, these are the components that make up the
20 project, the office building, hotel, and
21 residential building, along 1st Street with
22 Cushing Place just to the west.

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1 Go through the numbers. This is the
2 new sort of planned diagram that shows the
3 configuration of the building on a typical floor
4 and shows how the courts are constructed.

5 And, in this particular case, just
6 to remind you where the project was, previously,
7 we had a courtyard, which was a long courtyard,
8 which opens to the south, but understanding that
9 we could essentially have this wall completely
10 blocked off, it really sort of changed our
11 thinking about where we wanted to open the
12 property.

13 And, in the new scheme, what worked
14 best to get the maximum number of units and
15 perimeter on the property, is to create a large
16 central court that had, that's lined with
17 residential units and have essentially the
18 C-shaped rotated 90 degrees so that it's opening
19 towards the west.

20 We know in some other versions of the
21 project that's been approved across the street,
22 they also have an open courtyard facing onto

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1 Cushing, so the hope is the two of those will
2 combine together to make a really dramatic sort
3 of open space at the back on both properties
4 providing lots of light and air for both.

5 One of the really interesting things
6 that we've done is we've taken the center portion
7 of the building here and we've actually put it
8 at a slight angle. It's a very shallow angle,
9 but it does something very important in that it
10 allows the courts to be opened up as much as
11 possible towards the west and towards 1st Street
12 and the east.

13 It gives a little sort of additional
14 sense of separation between the two sides of the
15 buildings so that you don't feel like you're
16 looking directly across at your neighbor, and it
17 provides a significant light and air for the
18 courtyards.

19 In the configuration of the plan,
20 since we know that we have potentially a blocked
21 wall to the south, that became the most logical
22 place to integrate the elevators and stair core

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1 because those can survive without light and we
2 need to maximize as much perimeter as possible
3 for the units.

4 The other small benefit of this
5 configuration is because we're doing the
6 U-shaped in this direction, we can do a slightly
7 thicker building on both sides, which enabled us
8 to expand the footprint of the building, the
9 total square footage, and allowed us to increase
10 the unit count.

11 This is the new diagram that shows
12 the retail use. And, essentially on the site,
13 everything that you see in this orange tone is
14 essentially retail, except for this residential
15 lobby. So, we think it's going to be a pretty
16 vibrant and active stretch of commercial retail
17 space.

18 The primary change that happened on
19 the ground floor, which I'll show another plan
20 momentarily, is the entrance to the residential
21 building used to be in the center. And, now
22 we've moved that entrance to the end of the

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1 property.

2 And, in moving this to the end of the
3 property, it's providing us with this completely
4 unobstructed large retail space in the center.
5 And, the length of this retail is approximately
6 230 feet. I think it's like, you know, just
7 maybe eight inches less than that.

8 And, the height of this retail is
9 around 19 feet on one end and around 20 feet on
10 the other end. This height slopes about a foot
11 from north to south.

12 I'm going to come back to the
13 elevations in just a minute. But anyway, just
14 to remind you where the ground floor plan was.
15 We had a central entrance.

16 The retail actually decreased in
17 area ever so slightly. And, the reason that
18 happened is because when we moved this to the end
19 of the building, we actually integrated that
20 area into the residential, so that made this
21 slight change in the total square feet for the
22 retail.

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1 So, you can see now all of the
2 residential components are handled on the south
3 end here. Again, we have all of our loading and
4 parking access off of Cushing Place, and so there
5 are no curb cuts being provided on 1st Street
6 anymore.

7 On the second floor, one level above
8 grade, we have these three courtyard spaces.
9 These courtyards are far in excess of the minimum
10 requirements for courtyards.

11 And, this particular courtyard will
12 be used as an amenity space with exercise rooms
13 and club rooms, and that opens onto a garden.
14 And, the other spaces provide separation between
15 the residential units and the hotel and between
16 the hotel and the office building.

17 The plans are color-coded so that
18 the offices shown in this purple-tone, the hotel
19 in blue, and in this pale orange-tone, the
20 residential building and the corner retail, but
21 really the changes that we're showing tonight
22 really involve just the retail component --

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1 residential, sorry.

2 I'm going to go ahead and go up to
3 the roof plan. And, previously, I'll go back
4 one page, we had all of our amenities for the roof
5 located along 1st Street, a pool and various
6 terraces.

7 And, in the revised plan, we
8 actually gain a significant portion of area on
9 the roof that can be used for amenity space.
10 We're still maintaining a pool deck along 1st
11 Street, but now we have an additional very
12 special feature that we can provide on the
13 penthouse for the residential building, which I
14 hope comes up next, is this piece.

15 This portion of the, the penthouse
16 is essentially where elevators and stairs are
17 coming up. And, all of the mechanical is
18 located on the previous portion. I'll show you
19 in the plan again.

20 So, the area that I'm going to talk
21 about is right in this corner, but when you look
22 at the overall penthouse, essentially, the

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1 mechanical penthouse and generator and the
2 mechanical penthouse for the hotel are located
3 on this side.

4 And, this, the side towards the
5 south is essentially almost all amenity space,
6 except for the elevator core, and we have
7 provided the restrooms necessary for the, for
8 the pool and terrace.

9 So, in the plan, the restrooms are
10 actually located right here. And, we know that,
11 that penthouses in D.C. have to maintain a
12 consistent height of 18.6. Certainly, we don't
13 need restrooms to have a ceiling of 18.6.

14 So, what we've done is something I
15 think is very creative and can be a nice effect
16 for the building, is on top of the restrooms, we
17 actually have a small terrace that actually
18 gives you a really tremendous view of the
19 Ballpark. And, you'll actually be able to see
20 the terrace from the Ballpark.

21 I kind of think that's going to be
22 an amazing opportunity. And, there'll be a

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1 movie screen or TV screen at this end with some
2 step seating kind of like a theater, like an
3 outdoor theater.

4 They will also just provide a really
5 active and dynamic space. And, you will
6 actually be able to see this from the stadium if
7 you look closely.

8 Parking is essentially the same
9 quantity that we had previously.

10 Now, I'm going to talk a little bit
11 about the elevations and materials. And, we
12 have brought sample materials. They're sitting
13 on the chair here, which I'll hand out later.

14 So, essentially, we're talking
15 about this facade. And, some opportunities
16 came up that you usually don't get in Washington.
17 You know, we have a long project, and this
18 component, the residential component, is
19 actually allowed to have bays.

20 So, because of the length of the site
21 and because of the length of just the retail
22 portion, we're actually able to do something

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1 that you rarely see in D.C., which is provide
2 horizontal bays on a building.

3 Ordinarily, when you see bays,
4 they're always as vertical elements, and in this
5 case, we had an opportunity to do something
6 slightly different. So, the way that the
7 building is composed, there's a ground floor,
8 which is essentially all retail, and that's a
9 long rectangular block of individual
10 storefronts.

11 And, then above that, we have these
12 two-story glass elements, which are essentially
13 bays, and in-between those elements, we have
14 essentially a balcony space, so about one-third
15 of the units would actually get balconies that
16 have views towards the park, towards the water,
17 and along 1st Street.

18 And, so, we used that rhythm of two
19 stories, one story, all the way up the building
20 to sort of breakdown the scale and mass of this
21 wall to give it a residential character because
22 of the nature of the balconies and the railings

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1 and to keep it from being like one really massive
2 glass wall on the street.

3 Because we didn't want to take these
4 and just have these long stacked pieces, we
5 actually integrated some insets, which are
6 additional balconies, which help to give the
7 sense of motion and a sense of dynamic, almost
8 as if these bay pieces are kind of sliding
9 back-and-forth along this facade.

10 And, we think that's actually
11 relatively important because this is now really
12 a mid-block building. And, in mid-block
13 buildings, you don't necessarily need to or want
14 to emphasize corners and create corner towers
15 and such.

16 So, the materials across the front,
17 we have some interesting materials. This -- all
18 the glass will be a slightly blue-tinted glass.
19 Remember, we're relatively close to the, to the
20 river, so we are taking advantage of that
21 relationship and integrating sort of a water
22 theme into the entire project.

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1 There are some panels that occur at
2 the back of the glass, and those panels are a very
3 special project. They're ultrahigh
4 performance concrete panels that are only like
5 half to three-quarters of an inch thick. We
6 brought a sample of one to show you.

7 And, they're essentially really,
8 really thin precast panels. This is kind of
9 sort of cutting-edge technology and really sort
10 of new material that's going to be on the market
11 that you're going to be seeing more and more and
12 we're taking advantage of it in this product, in
13 this project.

14 And, this product can be, have any
15 color that you wish to have it. And, you can
16 have any texture that you want to create on it.
17 And, so, we'll bring this material up just in a
18 few minutes, but I want to talk about the rest
19 of the materials.

20 The rest of the building is
21 predominately brick. And, we've chosen to use
22 a white brick, which we'll show you that in just

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1 a minute, but we're not using one color of brick.
2 We're actually using three colors.

3 They're all in the same family, but
4 one's very light, one's just a shade grayer, and
5 one, one after that is just a little bit darker.
6 So, 50 percent of the bricks in this wall are
7 going to be the lightest color brick, and then
8 we'll have 25 percent of the medium tone, and 25
9 percent of the dark tone.

10 We think that's going to give it a
11 real sense of texture and a sense of depth and
12 a sense of interest, so it's not one sort of
13 monolithic color. And, just that, the interest
14 that that creates we think is very important.

15 On this particular face here, is one
16 of the key issues for tonight, and that's the,
17 the area of the wall that essentially faces the
18 hotel to the south. We are actually showing
19 three lines of windows that would be at-risk
20 windows basically. That if the building next to
21 us gets built, those would, unfortunately, be
22 lost.

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1 And, the way it works, in
2 residential unit, the large window in the center
3 is actually in the elevator lobby, so as long as
4 the building stands like this, whenever you get
5 in and out of the elevators, you're going to have
6 this terrific view to the south and to the
7 Ballpark.

8 And, these other ones are really
9 occurring in dens or in studios, so if those
10 windows are lost, the units won't be
11 compromised. Just a little bit. They won't be
12 as ideal, but the units still function
13 completely well even if we lose this side.

14 We have chosen to actually use the
15 same brick and the same rich materials on this
16 side that we're using for the rest of the
17 building. A lot of times when you do a building
18 on a property line shared with another building,
19 you generally would go to the least expensive
20 material that you could, which is usually like
21 an exterior insulation product because you know
22 it's going to be covered at some point, but not

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1 knowing when or when, how that will happen in the
2 near future, we've decided to go ahead and use
3 the brick as the material, material for the whole
4 building.

5 I'm going to go around to the, to the
6 back and talk a little bit about the back
7 elevations. So, the previous elevation when
8 the courtyard opened to the south, had a pretty
9 significant brick wall that faced the Cushing
10 Place alley.

11 In the new design, we actually get
12 a pretty significant courtyard, which would be
13 facing the south, and we actually get sort of two
14 legs of the building here. In order to have the
15 building be consistent with the front, we are
16 using the same rhythm of two-stories and
17 one-story, so essentially, you'll have two
18 stories that are brick, and then you're going to
19 have one story that's balcony that faces into the
20 courtyard as well.

21 And, even the way that we're
22 treating the facade, if you can see more closely

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1 on your plans, every third story, we're going to
2 integrate some of those ultrahigh performance
3 concrete panels on the back, so that the material
4 components of the building are consistent to
5 both the front and the back of the project. That
6 is A31 Revised, Rev.

7 So, just to quickly go through a
8 couple of the remaining drawings, the new
9 section that shows the courtyard space. Now,
10 I'll speak a little bit to the entry and to the
11 streetscape.

12 So, the retail is remaining
13 essentially as it was before. And, now we have
14 a new design for the entrance of the residential
15 building. And, what we've chosen to do, and
16 this is probably something I should have said on
17 the main elevation, on the main elevations,
18 we've taken a lot of care to make sure that the
19 lines of the railings and the lines of the window
20 mullions line up very carefully.

21 And, you have this beautiful set of
22 horizontal white lines that, or silver lines

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1 that lay on top of the blue glass. We're going
2 to take that same set of elements and we're going
3 to use those elements to essentially create a
4 screened wall at the lobby, and then anchor the
5 entire project with a piece of limestone that
6 occurs at this end.

7 We're using limestone because we're
8 hoping to find a stone that has small inclusions
9 of shells and other things that sort of reference
10 back to the water as well. So, again, the lobby
11 on the first floor is about, from floor to floor,
12 about 20 feet, and so we're expecting a pretty
13 high ceiling inside there.

14 So, if you were at the Ballpark
15 behind home plate, you would see the building in
16 the distance and you'd see our little terrace at
17 the very top. And, then we've shown the updated
18 view from, the aerial view, and then ending on
19 the facade again.

20 Do you want to speak to the hotel
21 revision a little bit?

22 Okay. So, we've recently started

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1 working a little bit more closely with a hotel
2 developer. And, they wanted to change the mix
3 of the rooms and increase the number of rooms
4 that have two queen beds in them. Before we had
5 less. They would like to get more queen beds in
6 this particular location.

7 And, we tightened it up as much we
8 possibly could, but we feel like we're going to
9 need one additional of width in order to
10 accommodate one entire row of rooms with queen
11 beds. So, previously, the building was 59 feet
12 wide, the hotel, and now the hotel, you know, if
13 this particular hotel developer moves forward,
14 the hotel needs to be 60 feet so it can
15 accommodate for two queen beds in the rooms.

16 I think that's all if have on the
17 architecture.

18 MR. UTZ: Okay, great.

19 MR. PERKINS: I can show the
20 materials quickly if you like since we brought
21 them.

22 MR. UTZ: That would be fine.

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1 MR. PERKINS: Do I need a microphone
2 or can I just talk loud?

3 CHAIRMAN HOOD: We have, we have a
4 hand-held microphone up here. There it is.
5 It's right here. It's right behind you. Okay.
6 She's going to give you the hand-held.

7 MR. PERKINS: Hello. Okay. So, I'm
8 going to show you a couple of materials. I'm
9 going to start with the actual composite
10 material that we think is really interesting.
11 And, I wore this shirt on purpose to match the
12 building.

13 This is a new product, which is this
14 like half inch thick superhigh density precast
15 concrete panels. And, they're utterly water
16 resistant, super durable, can be made in any
17 color that you like, and they're essentially
18 used as an exterior panel. You can also use them
19 in interior and lobbies and such.

20 But it's a new material. It's
21 actually manufactured in Pittsburgh, so it's a
22 local material. That's I guess one thing I

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1 didn't talk much to is some of the LEED elements.

2 The brick that we're using is a local
3 brick, and the panels we're using are local
4 panels, so the exterior material pallet of the
5 building has much local material as we can
6 possibly get.

7 So, here's our brick panel. And,
8 you can see there's sort of a light brick, a
9 medium tone, and a slightly darker tone. And,
10 outside, this looks a lot whiter. Under these
11 lights, it looks a little yellowish, but in
12 sunlight, it looks pretty bright and crisp.

13 So, this would be the mix of colors
14 that we have. And, again, having 25 percent of
15 the darker, 25 percent of the medium, and 50
16 percent of the lighter.

17 One of the reasons we wanted to go
18 with a light brick is because these are
19 courtyards, and we want to have as much light
20 bouncing around in those courtyards as possible,
21 and also lighter colored bricks absorb less
22 heat, so that's also an energy-saving function

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1 of material that you choose.

2 This is kind of heavy. I don't know
3 if you want to see it. It probably weighs what?
4 Fifteen pounds. Let me go back to the facade.
5 That one is good.

6 Okay. So, on this building,
7 anywhere that we have these glass bays, all of
8 the material at the back of the glass bays and
9 all in here is all that blue material. And, then
10 we're using it as accents on the back facade as
11 well on every third story, so that we carry that
12 color from the front to the back of the building.

13 So, we have a sample of the kind of
14 limestone that we're hoping to use that would
15 have lots of bits of inclusion and would look
16 nice with the brick that we're selecting.

17 And, then the last material is the
18 -- I'm sorry, it's got fingerprints all over it,
19 but it's the -- be careful, it's a little bit
20 sharp, the light blue tinted glass, which the
21 tint actually helps a little bit with energy
22 performance as well.

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1 In terms of LEED, the building is
2 going to be LEED Silver, the residential
3 building. And, we have a handful of special
4 LEED features that we're doing on the product
5 that if you'd like I can go into, but they're
6 similar to the ones we had last time.

7 MR. UTZ: I believe that -- I believe
8 that brings our presentation to a close. We're
9 happy to answer any questions and appreciate the
10 opportunity to present.

11 CHAIRMAN HOOD: Okay. Thank you
12 very much. We appreciate the presentation.

13 Commissioners, who'd like to start
14 us off? We can't go in the same order. Peter
15 is not here.

16 COMMISSIONER TURNBULL: I think I
17 heard a comment. I heard my name mentioned.
18 Thank you, Vice Chair. I appreciate it.

19 Well, thank you for your
20 presentation. We knew this was coming, of
21 course, so not strange that you're here.

22 I guess part of my problem, my

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1 trouble is, is that this is a design review, and
2 we really didn't get a lot of what I would call
3 design drawings that show exactly what you
4 talked about. In other words, I really -- these
5 are the elevations we have, these little tiny --
6 these drawings are like about an eighth of an
7 inch or -- you cannot read those and understand
8 fully what you described orally.

9 I would like to see the facades or
10 sections of the facades bigger. I want to see
11 bigger plans that shows how those windows look
12 with the balcony so that we know what the glass
13 and the brick looks like. I want to see that
14 facade to know happens with the windows and the
15 openings.

16 I can't tell other than you're
17 saying, "Oh, it's going to be brick 50 percent
18 white, 25 this, 25..." I want to be able to see
19 what that looks like in color and to know what
20 it looks on the facade.

21 Same thing with the alley. I really
22 can't tell what you're trying to do by the alley

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1 other than that little, this little diagram.
2 These -- these elevations really don't do much
3 for you.

4 I'd really like to see some better
5 elevations or blowups of what you're trying to
6 do either in perspective or just from a design
7 standpoint to know what's going on.

8 I mean, I understand what you're
9 trying to do. And, I guess what I was -- the
10 other thing is, do these drawings reflect the
11 wider hotel at 60 feet or they still show 59 --
12 the courtyard is going to be smaller by so many
13 square feet?

14 MR. PERKINS: Yeah, essentially,
15 we'd lose about 80 square feet in that courtyard
16 as it becomes one point narrower.

17 COMMISSIONER TURNBULL: So, then you
18 have to redo the FAR calcs. Have you provided
19 those to the Office of Planning?

20 MR. UTZ: Yes. Those are in the pre
21 --

22 COMMISSIONER TURNBULL: Are they?

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1 Yes, okay.

2 MR. UTZ: It changes the total GFA by
3 about -- let's see, 1,166, I believe.

4 COMMISSIONER TURNBULL: Okay.

5 MR. UTZ: It changes the FAR by 0 --
6 0.2, and then it changes the size of the court
7 by one foot -- yes.

8 COMMISSIONER TURNBULL: But I guess
9 I would really like to see more on that. The 1
10 Street elevations looks very dynamic, looks --
11 it's very exciting. Your whole explanation was
12 -- I just can't really read it. I really need
13 to see some better drawings.

14 My other major problem -- if you can
15 go to the roof perspective? I think it's -- our
16 drawing is ADD2. It's a perspective. I want to
17 tell you right now. An outdoor movie theater on
18 the roof isn't going to fly by this commissioner.

19 I think it's an attractive nuisance.
20 I think it's going to cause a lot of problems.
21 I'm surprised the Office of Planning -- now, I'll
22 get to them when they come by, and allow an

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1 outdoor theater up on the roof up here. I think
2 it's going to be an attractive nuisance. It's
3 --

4 MR. PERKINS: It's really a benefit
5 for the residents.

6 COMMISSIONER TURNBULL: I don't
7 care. It's not going to be a benefit for
8 everyone else in the neighborhood when this
9 thing is going at 2:00 a.m. in the morning and
10 you're watching God knows what unrestricted
11 movies up there.

12 MR. PERKINS: No, I think there'd be
13 limited --

14 COMMISSIONER TURNBULL: Oh, there
15 would be. I'm sorry. I think that this is --
16 I think that you're going to have people --
17 there's going to be a light glowing, people are
18 going -- I just cannot see this right now as
19 something that I can accept for -- is an impact
20 on the adjacent buildings and everything else to
21 have bright lights.

22 We already talked about that you're

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1 going for LEED Silver, so we know that the lights
2 are going to be fairly dim and low up on this
3 roof, at least I hope they are, right?

4 MR. PERKINS: Correct.

5 COMMISSIONER TURNBULL: Okay. So,
6 you're not going to have a lot of up-lighting
7 coming from this roof. We all want people to
8 enjoy roofs in this town. We're trying to get
9 more roofs involved, but I think an outdoor movie
10 theater is going a little bit far right now.

11 I -- unless you can enclose this --
12 I just can't really see this flying. I don't
13 know what my other commissioners think, but I
14 think it's a little bit stretch right now to have
15 an outdoor movie theater up on a roof. I don't
16 think we've ever had one before. I don't think
17 there's one that exists around here.

18 And, I'm not really ready to set a
19 precedent of allowing people to put an outdoor
20 movie theater up on a roof even as an amenity to
21 the busy building residents. I think if you
22 have an indoor theater area, some place that

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1 people can go up and see a movie, that's one
2 thing, but to have an exposed outdoor movie
3 theater is something right now that I'm a little
4 troubled with.

5 I am a little troubled to say that
6 that's a benefit to the community and it's a
7 benefit -- it's a benefit to the people here that
8 they can go out and watch it, but I'm just
9 concerned about the overall impact on having a
10 movie screen up on a roof.

11 MR. PERKINS: Well, as a movie
12 screen, I honestly don't think it would be that
13 bright, and we are set back pretty significantly
14 from all the edges and the screen itself --

15 COMMISSIONER TURNBULL: How tall is
16 that wall? How tall is that wall?

17 MR. PERKINS: What is it about 12
18 feet?

19 COMMISSIONER TURNBULL: Well, then
20 you don't meet the setback requirement.

21 MR. PERKINS: Yes, we actually are
22 set back one-to-one from this edge.

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1 COMMISSIONER TURNBULL: Your drawing
2 says it's 11 feet.

3 MR. PERKINS: It might be 11, I'm
4 sorry. I don't know right off the top of my head
5 exactly, but it is set up at one-to-one. The
6 screen actually goes face back towards the
7 little seating area, so it's --

8 COMMISSIONER TURNBULL: I'm going to
9 end my comment. You've heard my comments and
10 I'll let the other commissioners talk about
11 this, but right now, I really can't see this.

12 CHAIRMAN HOOD: Are you finished, Mr.
13 Turnbull?

14 COMMISSIONER TURNBULL: Oh, I'm
15 sorry, Mr. Chair. Yes, I am. I'm finished.
16 Thank you.

17 CHAIRMAN HOOD: Vice Chair.

18 VICE CHAIR COHEN: Thank you, Mr.
19 Chairman.

20 I concur with my colleague,
21 Commissioner Turnbull, unless you can provide us
22 with significant information which demonstrates

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1 that that would not be a nuisance to the next door
2 neighbors.

3 Right now, you know, my reaction
4 was, what? I mean, I would like it, I love
5 outdoor theaters, you know, I grew up in the 50s,
6 so we had drive-ins, but I think this is going
7 to be a nuisance to the adjacent buildings. So,
8 you need to demonstrate to us that it won't be
9 somehow a problem in lighting and noise.

10 I personally do like the design
11 better. I like the materials. I like the
12 colors.

13 And, then -- let's see. All of my
14 questions you answered about LEED and the
15 material changes, so that's really my comments.
16 I didn't have that many other than, I think, it's
17 -- the design is an improvement. I think it's
18 much more interesting. I think it'll be a
19 lovely building.

20 I'm concerned about actually, you
21 know, your comment that people who rent at the
22 -- what side of the building? It is west? No.

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1 PARTICIPANT: South side.

2 VICE CHAIR COHEN: South side, thank
3 you. You know, that there are views, not that
4 there are views, but there will be darker and,
5 you know, they're obviously not facing 1st
6 Street, but, you know, that is a concern.

7 And, my experience, it's usually
8 people's bathrooms and kitchens that are
9 affected as opposed to where people spend most
10 of their time, but it's just a little
11 idiosyncrasy, I guess, of mine.

12 But I do, as I said, I'm concerned
13 about the rooftop movie theater, and I think
14 everything else is much improved. Thank you.

15 CHAIRMAN HOOD: Okay.

16 Commissioner Miller, do you have any
17 questions?

18 COMMISSIONER MILLER: Yes. Thank
19 you, Mr. Chairman.

20 I agree that, with the Vice Chair,
21 that it's a much more attractive design than the
22 previous one, but I think it will be helpful to

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1 get the additional sections that, and details,
2 that Commissioner Turnbull requested just so we
3 can confirm that.

4 The -- the Office of Planning had
5 suggested that the southern wall, the party
6 wall, that you have the three rows of windows on,
7 needed to be -- suggested that they needed to be
8 enhanced because they're concerned that it may
9 be there for some time.

10 And, you talked about the different
11 types of brick and the different shades of bricks
12 and you got the three, the three rows of that,
13 windows, but did you make any changes to address
14 the Office of Planning's concerns? Or, did you
15 have any other idea of how to --

16 MR. PERKINS: It was primarily the
17 inclusions of windows and using the same
18 material that's going to be used on the back of
19 the building, and not trying to sort of cheapen
20 it down and really make it -- I mean, it looks
21 like the side of a building honestly.

22 I mean buildings on the sides,

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1 knowing that other things are coming are going
2 to be toned down a little bit, so it's really just
3 using proper materials and including some
4 windows that we know we might lose some day.

5 COMMISSIONER MILLER: And, the
6 studios that will lose their window, they have
7 other -- I assume they have other windows?

8 MR. PERKINS: Yes, I can show you --

9 COMMISSIONER MILLER: On the
10 courtyard --

11 MR. PERKINS: I can show you on the
12 plan, if I go back to the plan. So, for example,
13 this particular unit on the corner, right now,
14 it has a small window on this side that's in a
15 den, but the bedroom and living room face 1st
16 Street, so the den would essentially lose the
17 window that it has.

18 And, then there's a studio back here
19 that has a little L-shaped piece that has
20 bathrooms and closets, and I'm not sure what else
21 is in there, there's a small window here, it
22 would be lost, but you still have a significant

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1 amount of light on the remaining living space in
2 the unit.

3 COMMISSIONER MILLER: And, going to
4 the, to the rooftop, I actually like the, the
5 entire rooftop, and I think it's very
6 attractive. And, I mean, this is an
7 entertainment district. They've got baseball
8 games there, you know, 81 evenings a year, and
9 so maybe there does need to be a limitation on
10 the hours to make sure it doesn't go past a
11 certain hour, and obviously, it would only be
12 used during the times of good weather mostly in
13 the late spring, summer, and early fall.

14 But, I mean, it looks to me like it's
15 oriented in a way that as long as it wasn't too
16 bright, the only people who really could see that
17 screen are the people who are sitting there.
18 You've got the penthouse behind it.

19 The next building immediately
20 adjacent is the hotel roof, and then the rooftops
21 of other buildings in the area, which haven't
22 yet, I guess, been built, but it might be good

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1 to see perspectives of how that looks from the
2 buildings that will be built eventually in this,
3 in this Ballpark neighborhood.

4 And, maybe some proposed limitation
5 of the hours and -- so that it isn't going all,
6 until all hours.

7 Just curious, did the ANC see this
8 particular --

9 MR. PERKINS: Yes, they have.

10 COMMISSIONER MILLER: Did they
11 comment on it?

12 MR. PERKINS: No.

13 COMMISSIONER MILLER: Okay. Well,
14 in general, I think it's a great project. If you
15 -- assuming you get approval at some point of
16 something, I mean, of the modification, what
17 would be the, what would be the plans for
18 construction of the different phases of this
19 building?

20 MR. PERKINS: Sure. Commissioner,
21 we're looking to, hopefully, be in the ground
22 fourth quarter to first quarter of next year,

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1 fourth quarter of this year, first quarter of the
2 following year.

3 COMMISSIONER MILLER: And, what
4 would you be doing, like the corner retail
5 piece first or --

6 MR. PERKINS: In terms of what goes
7 -- the corner retail, we're still debating that
8 internally whether or not to hold that back or
9 to kind of jumpstart things. That hasn't been
10 determined yet, but the bulk of the residential
11 building and the hotel building would be going
12 say first quarter this year, or the following
13 year, sorry.

14 COMMISSIONER MILLER: Okay. All
15 right. Thank you. So, as I said when we
16 originally approved this, Mr. Chairman, it
17 implies even more. I think it's a more
18 attractive design.

19 It's now got over 326 -- it's got 326
20 residential units, which is an increase in
21 residential units, which is a good thing. It's
22 still got the hotel rooms, the office space, and

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1 all that ground floor retail along 1st Street and
2 M Street, so I think it's -- and N Street, so I
3 think it's, I think it's a great project. I look
4 forward to supporting it.

5 CHAIRMAN HOOD: Okay. Thank you,
6 Commissioner Miller.

7 Let me ask, and I may have asked this
8 at the first hearing back in October. How much
9 can we see over into the park from the building?
10 If I was up in the upper floors, how much can I
11 see over into Nats Stadium?

12 MR. PERKINS: You have a pretty good
13 view of the stadium. You'll be able to see the
14 outfield and the seating. You won't be able to
15 see home plate, but if we do this smaller, upper
16 terrace from this point, you'll get a really good
17 view of the park.

18 And, honestly, one of the things we
19 had envisioned that you might have the big screen
20 TV here that you might be watching the game and
21 hearing it, like just a block away. This could
22 be like a really cool thing.

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1 CHAIRMAN HOOD: But, I mean, can I
2 actually just look over and maybe watch the game?
3 I'm curious if it's like Camden Yards. I'm
4 assuming --

5 MR. PERKINS: Yes, you wouldn't
6 really see home plate.

7 CHAIRMAN HOOD: Okay.

8 MR. PERKINS: So, you'd see some
9 outfielders and you'd see all the fans in the
10 background.

11 CHAIRMAN HOOD: So, to see the whole
12 game, I still have to pay and get a ticket and
13 go in.

14 MR. PERKINS: Yes.

15 CHAIRMAN HOOD: Okay. All right.
16 Can you cite some examples maybe in your
17 post-submission in response to Commissioner
18 Turnbull's interest, and also to the Vice Chair
19 about the theater up the top there? I'm not
20 really sure where I am.

21 Let me ask this. Will you all show
22 the *Lone Ranger* up there? If you do, maybe I

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1 might be interested. But on a serious note, if
2 we could -- what other sites in the city have
3 something like that?

4 MR. PERKINS: I know there's some
5 residential buildings that have TVs up on the
6 roof. I don't know exactly the size. Like 1st
7 and M up in NoMa, I think, has a screen at the
8 back edge of the pool. I know there are a
9 couple. We'll find them.

10 CHAIRMAN HOOD: Something of this
11 magnitude. I want an apples to apples
12 comparison, okay?

13 MR. PERKINS: Yes. I don't know off
14 the top of my head exactly where that exists in
15 the city.

16 CHAIRMAN HOOD: Because I would agree
17 with Mr. Turnbull, but I don't know if we want
18 to start a precedent of doing something like
19 this, but if it's already being done, then let's
20 see how it's working there. So, if you could
21 supply that with the information that Mr.
22 Turnbull has already asked for.

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1 Jesick.

2 For most of my testimony, I will rest
3 on the record. We've been in discussions with
4 the Applicant as noted for many months on this
5 project even before the last approval went
6 through.

7 We think it makes a lot of sense
8 given what's proposed on the property to the
9 south. We do like the design as well.

10 I'll just address the rooftop
11 theater question. We were, I don't want to say
12 skeptical, but curious about how that would, you
13 know, how it would work up there. The fact that
14 it's on the alley side that's in the interior of
15 the block, that was one thing that, I guess, made
16 us more comfortable with it.

17 Also, just -- there are some
18 perspectives in the plans. I'm looking at
19 sheets A52 Revised, which shows that it won't be
20 visible at least from that particular
21 perspective.

22 Certainly, from the north, I don't

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1 think anyone would be able to see it just given
2 that this project is so long from north to south.

3 Also, we do anticipate this will be
4 an active neighborhood, lots of activity in the
5 area. With that being said, you know, this --
6 that particular corner of this building, I'm not
7 sure that any other residents at least would be
8 able to see it.

9 Across the street and Southeast
10 Federal Center, we anticipate office buildings.
11 The hotel building to the south, all their
12 mechanical equipment is up against that part of
13 the building. They do have a roof deck on the
14 N Street side that could be accessed by hotel
15 patrons.

16 And, then across the street, I
17 believe -- across Cushing Place, I should say,
18 I believe is another hotel, so no permanent
19 residents right at that location.

20 So, we ended up being comfortable
21 with the idea, but we'd love to see, you know,
22 additional perspectives as well. That might be

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1 helpful. Thanks.

2 CHAIRMAN HOOD: Thank you.

3 Any questions of Mr. Jesick, Office
4 of Planning?

5 Mr. Turnbull.

6 COMMISSIONER TURNBULL: Thank you,
7 Mr. Chairman.

8 Just let Turnbull go out there and
9 raise hell. You guys don't need to bring it up
10 in your report.

11 Let me -- my concern is, first of
12 all, the zoning regs really don't cover an
13 outdoor theater on the roof. It doesn't allow
14 it. I don't think there's anything -- doesn't
15 necessarily not allow it, but there's nothing
16 specifically that says you can have an outdoor
17 theater.

18 So, I don't know how to really cover
19 this. To me, this is a sticking point. And, I
20 don't know where doing on the rewrite, but,
21 hopefully, we're going to address some of these
22 things about the roof because I'm really

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1 concerned.

2 We all want active roofs. I want
3 active roofs, I want to have amenities, I want
4 to see people up there enjoying roofs, but I
5 think we've got to be careful.

6 I'm worried about the impact.
7 There's a residential building across the alley
8 on Cushing. Now, granted the screen is
9 supposedly facing them, but there's going to be
10 sound. How loud is this going to be? The
11 decibel level, the glow from the screen.

12 You got a hotel -- if I'm at a hotel
13 and I want to be able to get some sleep and I got
14 a light glowing from up on the roof, I'm just
15 concerned about the overall impact of a movie
16 theater up on a screen, up on a roof, and the
17 impact from sound and light and noise on adjacent
18 neighborhoods.

19 And, how much of a, of a glow is that
20 going to be? And, I think we don't have enough
21 information on this. There's not enough
22 evidence for me to go and say, for me to go and

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1 say, yes, I like this.

2 And, Commissioner Miller said,
3 "It's an entertainment," but it's also
4 residential. There's also -- there's offices.
5 There is still going to be an impact. I don't
6 know what that is.

7 And, I think something has to be
8 done. More studies have to be done, some more
9 information has to be presented to me to make me
10 feel comfortable that this is a benign item and
11 not something that we're going to have people
12 say, what the hell did the Zoning Commission do
13 by allowing this, the 80-inch screen, or
14 whatever up on the, on the roof, whatever it's
15 going to be?

16 I -- and, again, we want roofs to be
17 an amenity for people because they don't, you
18 know, they don't have ground level, they don't
19 have a backyard, they want to go up and enjoy it,
20 and I'm all for that.

21 I just think we got to tread very
22 carefully on what we allow and what the

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1 requirements are, what the impact is, and what
2 the limits are on something like this so that we
3 don't overreach ourselves and cause something in
4 the neighborhood that we're going to regret
5 later.

6 My only comment. I'm all for trying
7 to make the roofs as popular and as beneficial,
8 I'm just concerned that right now, I don't have
9 enough information to make me feel like, yes,
10 this is okay. That's all.

11 Anyway, and the only -- and, again,
12 the design, from what I see, I'm comfortable
13 with. I just wish at this stage we'd have -- I'm
14 just repeating myself on the design review, some
15 blowups on elevations and sections. Just so
16 that we feel comfortable that what we heard
17 orally exactly is what we're seeing. And, I'd
18 like to see that for the record, that's all.

19 Thank you.

20 CHAIRMAN HOOD: And, Mr. Turnbull, I
21 think you bring up a very good point when people
22 say, "What did the Zoning Commission..." Every

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1 time we say that now, I think about one of the
2 cases that we're doing.

3 I know people are tired of hearing
4 me say it, but even long after the case, somebody
5 called to tell me the traffic pattern that we
6 approved, called to tell me, two people almost
7 got hit, so you're right. People remember what
8 the Zoning Commission have done, and you get
9 called on it believe me. And, that was about
10 three, four years ago.

11 Okay. Any other questions, Officer
12 Cohen?

13 VICE CHAIR COHEN: No.

14 CHAIRMAN HOOD: Okay. Does the
15 Applicant have any cross of Office of Planning?

16 MR. UTZ: No, we don't.

17 CHAIRMAN HOOD: Okay. And, again, I
18 don't see anyone here from 6D.

19 Reports of other government
20 agencies. We already mentioned about DDOT
21 standing on the same findings that they had
22 previously.

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1 Any other government --

2 COMMISSIONER MILLER: On 6D, you did
3 note we had the letter from, of support though,
4 right?

5 CHAIRMAN HOOD: Yes, I was getting
6 ready to --

7 COMMISSIONER MILLER: Oh, okay.

8 CHAIRMAN HOOD: When I got to that,
9 I was going to read it since Commissioner Miller.
10 When I get there, I'm going to let Commissioner
11 Miller handle 6D. That's not your ANC.

12 Okay. Report for ANC 6D. We have
13 a letter stated by Commissioner Miller. He's
14 going to let us know what the findings were on
15 that.

16 COMMISSIONER MILLER: Okay. Thank
17 you, Mr. Chairman.

18 Yes, we have a letter from ANC 6D
19 addressed to the Chairman dated June 17 saying
20 that at it's regular meeting on June 10 with a
21 quorum present, ANC 6D go to seven to nothing to
22 support the, the modification. Signed by

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1 Chairman Andy Litsky.

2 CHAIRMAN HOOD: Okay, great. Thank
3 you, Commissioner Miller.

4 I don't think we had anybody signed
5 up. Is anyone here who would like to testify
6 either in support or in opposition?

7 (No response.)

8 CHAIRMAN HOOD: You may have some
9 rebuttal from us in closing, Mr. Utz.

10 MR. UTZ: Thank you.

11 We heard the comments from
12 Commissioner Turnbull and Commissioner Cohen,
13 and generally, we are happy to kind of go back,
14 study, prove what works, and set conditions as
15 to what we think might work. Certainly, hours
16 of operation, decibel levels, things like that
17 would be included in there, and we can give a more
18 thorough detail of those items, and also of the
19 design perspectives of the, from the surrounding
20 buildings, things of that nature, we'd be happy
21 to do that.

22 CHAIRMAN HOOD: Included in there,

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1 show us some other areas where this is done.

2 MR. UTZ: Right, exactly.

3 CHAIRMAN HOOD: Okay. All right.

4 That's it?

5 MR. UTZ: That's basically it. We
6 think that this modification is in alignment
7 with all of the goals and objectives of the
8 Capitol Gateway Overlay, and in some ways, it
9 actually improves them. And, we ask for your
10 approval at some point, and appreciate the
11 opportunity to present tonight. Thank you.

12 CHAIRMAN HOOD: Okay.

13 Commissioners, any final remarks?

14 COMMISSIONER TURNBULL: Yes.

15 You're also going to provide some better
16 elevations south 1st Street alley?

17 MR. UTZ: Correct.

18 COMMISSIONER TURNBULL: Okay.

19 Thank you.

20 CHAIRMAN HOOD: Okay. Ms. Schellin,
21 do we need to run down the list and some dates?

22 MS. SCHELLIN: I think Turnbull hit

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1 what he wanted the bigger plan showing the
2 facades so that he can clearly see the windows,
3 the colors, the alley, and elevations, and then
4 he, I think, made it quite clear about his issues
5 with the roof perspective regarding the outdoor
6 theater. Commissioner Cohen agreeing with him.

7 And, also, Chairman Hood said in
8 addition to the issue with the roof perspective,
9 he wanted to have, he liked to see a list or
10 information where there might be some other
11 buildings that have large screens. Maybe --
12 they may not be theaters, but some large screens
13 that are close to that size that you could
14 provide information.

15 So, it looks like we're going to take
16 this up at the September 9 meeting, so working
17 with that, if we could have setting some
18 additional time for this, making three weeks
19 instead of our normal week. August 5, and then
20 response from the ANC if they choose to provide
21 one, August 12, both being due by 3:00 p.m.,
22 draft findings of fact, conclusion of law by 3:00

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1 p.m. on August 12, and then we'll put this on the
2 September 9 agenda. Got it?

3 CHAIRMAN HOOD: Okay. Thank you.
4 We all on the same page?

5 MR. UTZ: We are. Thank you.

6 CHAIRMAN HOOD: Ms. Schellin, do we
7 have anything else before us?

8 MS. SCHELLIN: That's it.

9 CHAIRMAN HOOD: Okay. I want to
10 thank everyone for their participation. And,
11 his hearing is adjourned.

12 (Whereupon, proceedings in the
13 above-entitled matter concluded at 7:35 p.m. on
14 July 15, 2013.)

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