

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

FLORIDA & Q STREET, LLC : Case No.
: 06-04C
:

Thursday,
October 3, 2013

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

The Public Hearing of Case No. 06-04C 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

OFFICE OF ZONING STAFF PRESENT:

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SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
KAREN THOMAS

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JAMIE HENSON
JONATHAN ROGERS

The transcript constitutes the
minutes from the Public Hearing held on
October 3, 2013.

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Good evening
4 ladies and gentlemen. This is the public
5 hearing of the Zoning Commission for the
6 District of Columbia for Thursday, October 3,
7 2013. My name is Anthony Hood. Joining me
8 are Vice Chair Cohen, Commissioner Miller, and
9 Commissioner Turnbull.

10 We are also joined by the Office
11 of Zoning Staff Ms. Sharon Schellin. Also the
12 Office of Planning Ms. Thomas, the District
13 Department of Transportation, Mr. Henson.
14 I'll let him introduce the gentlemen who is
15 with him.

16 MR. HENSON: We will also be
17 joined tonight by Jonathan Rogers who is the
18 case manager for this case.

19 CHAIRMAN HOOD: Okay. Is this Mr.
20 Rogers' first time?

21 MR. HENSON: It is his first time
22 at the Zoning Commission but he's been before

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1 the BZA a few times.

2 CHAIRMAN HOOD: Okay. We want to
3 welcome you to the Zoning Commission, Mr.
4 Rogers.

5 MR. ROGERS: Thank you.

6 CHAIRMAN HOOD: This proceeding is
7 being recorded by a court reporter. It is
8 also webcast live. Accordingly, I must ask
9 you to refrain from any disruptive noises or
10 actions in the hearing room.

11 The subject of this evening's
12 hearing is Zoning Commission Case No. 06-04C.
13 This is a request by Florida and Q Street, LLC
14 for approval of a PUD modification for
15 property located at Square 3100.

16 Notice of today's hearing was
17 published in the D.C. Register on August 9,
18 2013, and copies of that announcement are
19 available to my left on the wall near the
20 door.

21 The hearing will be conducted in
22 accordance with the provisions of 11 DCMR 3022

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1 as follows: Preliminary matters; Applicant's
2 case; report of the Office of Planning; report
3 of other government agencies; report of the
4 ANC, in this case 5E; organizations and
5 persons in support; organizations and persons
6 in opposition; rebuttal and closing by the
7 Applicant.

8 The following time constraints
9 will be maintained in this meeting: the
10 Applicant 20 minutes; organizations five
11 minutes; individuals three minutes.

12 All persons appearing before the
13 Commission are to fill out two witness cards.

14 These cards are located to my left on the
15 table near the door. When coming forward to
16 speak to the Commission, please give both
17 cards to the reporter sitting to my right
18 before taking a seat at the table.

19 When presenting information to the
20 Commission, please turn on and speak into the
21 microphone first stating your name and your
22 home address. When you are finished speaking

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1 please, turn your microphone off so that your
2 microphone is no longer picking up sound or
3 background noise.

4 The decision of the Commission in
5 this case must be based exclusively on the
6 public record. To avoid any appearance to the
7 contrary, the Commission request that persons
8 present not engage the members of the
9 Commission in conversation during any recess
10 or at anytime.

11 In addition, there should be no
12 direct contact of any kind whatsoever with any
13 Commissioner concerning this matter be it
14 written, electronic, or by telephone. In
15 addition, there should be no direct contact
16 whatsoever with any Commissioner concerning
17 this matter be it written, electronic, or by
18 telephone. Notice I read it twice.

19 The staff will be available
20 throughout the hearing to discuss procedural
21 questions. Please turn off all beepers and
22 cell phones at this time so as not to disrupt

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1 these proceedings.

2 Will all individuals wishing to
3 testify please rise and take the oath.

4 Ms. Schellin, would you please
5 administer the oath.

6 MS. SCHELLIN: Please raise your
7 right hand.

8 (The witnesses were sworn.)

9 MS. SCHELLIN: Thank you.

10 CHAIRMAN HOOD: At this time the
11 Commission will consider any preliminary
12 matters.

13 Ms. Schellin, do we have any
14 preliminary matters?

15 MS. SCHELLIN: Yes, we do. ANC-5E
16 submitted a request for a waiver. The
17 Commissioner in this case is new and did not
18 realize that the report needed to be submitted
19 seven days in advance in order to participate
20 in the hearing.

21 She did submit a waiver request at
22 Exhibit 23. They have submitted the report

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1 which, of course, the written report would be
2 given great weight. I believe it's Ms. Quinn
3 that's going to be here, the Chairman.

4 No one is here from the ANC? My
5 understanding is that someone was going to be
6 here from the ANC to participate in the
7 hearing so if they do show up, they would ask
8 for a waiver to be able to do that.

9 CHAIRMAN HOOD: Okay.
10 Commissioners, you heard the report from Ms.
11 Schellin. Any objections to accepting this
12 late filing and we waive our rules? Okay. So
13 ordered. We'll do that.

14 Anything else, Ms. Schellin?

15 MS. SCHELLIN: I think that's the
16 only thing that I have.

17 Mr. Freeman, do you have any
18 experts that haven't been here before you want
19 to proffer?

20 MR. FREEMAN: Good evening,
21 Chairman Hood. For the record, my name is
22 Kyrus Freeman with the law firm of Holland &

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1 Knight on behalf of the Applicant. We have
2 three experts for tonight. One is Mr. Bill
3 Bonstra who has appeared before the Zoning
4 Commission and has been accepted as an expert
5 by you a number of times.

6 Secondly is Ms. Nicole White of
7 Symmetra Design who we would like to proffer
8 as an expert in transportation planning and
9 analysis. She has also been accepted by the
10 Zoning Commission as an expert a number of
11 times.

12 Last but not least, seated to my
13 far right is Ms. Jennifer Marca. Her resume
14 is in the record. She's been an architect
15 with Mr. Bonstra for a number of years. She
16 has extensive experience and has been accepted
17 by the BZA as an expert at least one prior
18 time so we would like to proffer her as an
19 expert in residential architecture and design.

20 COMMISSIONER TURNBULL: Why do we
21 need two architects?

22 MR. FREEMAN: Mr. Bonstra is going

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1 to present the overall plan and Ms. Marca is
2 going to be able to help answer any questions
3 that the Commission might have. Mr. Bonstra
4 will be the main speaker tonight.

5 COMMISSIONER TURNBULL: Okay. I
6 think it's a little overkill but I'm okay with
7 it.

8 CHAIRMAN HOOD: Anybody else have
9 any objections?

10 VICE CHAIR COHEN: No.

11 CHAIRMAN HOOD: Okay. We will
12 accept -- well, two we have already accepted
13 so we accept Ms. Marca as an expert.

14 MR. FREEMAN: Thank you.

15 CHAIRMAN HOOD: Let me just say
16 we've also been joined by Ms. Steingasser with
17 the Office of Planning.

18 Do you have anything else
19 preliminary?

20 MR. FREEMAN: No, Mr. Chairman.

21 CHAIRMAN HOOD: All right. You
22 may begin.

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1 MR. FREEMAN: Again, for the
2 record, my name is Kyrus Freeman on behalf of
3 the Applicant. Seated with me to my immediate
4 left is Mr. Joe Mamo who is here to answer any
5 questions. To my immediate right is Mr. Bill
6 Bonstra. Far right is Ms. Marca.

7 We also have representatives from
8 LAB landscape architecture to answer any
9 questions as well as Ms. White. As you know,
10 we are here seeking approval of modifications
11 to an approved PUD at the intersection of
12 North Capitol and Florida. This project has a
13 long history. It was initially approved by
14 the Zoning Commission back in 2006. We've
15 been marketing -- Mr. Mamo has been marketing
16 the site.

17 Most recently we received some
18 feedback back from Cassidy Turley indicating
19 some recommendations that would actually help
20 them move forward with construction of this
21 site. The plans you see here tonight
22 incorporates some of their recommendations.

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1 As you know and as indicated on
2 the materials, given the passage of time we've
3 proposed some tweaks to the approved amenities
4 package in order to reallocate money from
5 closed or no longer existing uses to existing
6 bids in order to do specific work. That is
7 described in detail in our materials.

8 We are happy to have support from
9 the Office of Planning, support from the
10 Department of Transportation, and the general
11 support of the ANC. With respect to DDOT, we
12 have agreed on the majority of their
13 transportation demand management measures.

14
15 With respect to the ANC, we have
16 agreed to preclude the building from the RPP
17 program. We believe that the record is full
18 and demonstrates that we meet all of the
19 standards for approval. We would ask that the
20 Zoning Commission approve our modification.

21 Just in terms of our materials
22 that you should have in front of you, the

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1 first thing that we distributed tonight is a
2 three-page summary of the modifications that
3 will hopefully help give you -- summarize what
4 we are asking for.

5 The second thing that you will
6 have in front of you is a copy of the
7 presentation that Mr. Bonstra is going to
8 present tonight. That concludes my opening
9 statement. I'm happy to turn to Mr. Bonstra
10 to do his presentation.

11 MR. BONSTRA: Good evening.
12 Thanks for having us here today to talk about
13 1600 North Capitol Street.

14 As Mr. Freeman mentioned, we've
15 been here in 2006 and have received approval
16 for a larger building. Since the project was
17 marketed, the feedback has been that the folks
18 who may be interested in developing this
19 property may want to do a smaller building
20 that can be constructed in wood.

21 We went back and we redesigned the
22 project so that it could be built as a smaller

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1 project, a stick-on-podium building. You'll
2 see the architecture is very similar, if not
3 more developed than what was submitted
4 earlier. We've also developed the site around
5 the building at as much greater level. I
6 think overall the project has been improved.

7 The image here is the new project
8 you see on the wall here. The turret is
9 actually lower when we do a comparison. We've
10 actually removed a floor from the top of the
11 building among other things.

12 The site is located at the
13 intersection of North Capitol and Florida
14 Avenue in the northwest quadrant of the city.

15 It is in an area formerly known as Truxton
16 Circle which was originally on the L'Enfant
17 Plan.

18 There are remnants of the old
19 circle and primarily the arced area along the
20 intersection here which definitely adds the
21 form -- adds the rationale behind the form of
22 the building which remained unchanged.

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1 There are some existing
2 photographs of the site. You see the site
3 marked in red from this horizontal building to
4 the corner. The site is currently unimproved.
5 It was formally a gas station.

6 This shot is shown more from the
7 east and reflects fairly consistently with our
8 three-dimensional image at the intersection.
9 We are a little bit farther to the right of
10 that photograph but that shows you the site.
11 It's sloping from the low point to the high
12 point along North Capitol Street.

13 Some other photographs then moving
14 up. This lower image shows the North Capitol
15 Street exposure with two townhouses which are
16 to the north of the site. The site is exactly
17 as it was in 2006 when the project was
18 approved initially.

19 This is the original perspective
20 view that was approved. The changes that we
21 made besides enhancing the architecture and
22 working to create nicer bays and better

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1 proportions was to remove what you see here
2 and here, a big flanking floor that came
3 across.

4 This turret was raised up to that
5 same level. This whole piece has been removed
6 and now is just a penthouse which has elevator
7 override and two stairs that come up, as well
8 as a screen wall which we'll talk about later.

9 This is the current design. It
10 has much finer texture. It definitely has
11 more brick detailing. We really had a few
12 years to work on the architecture since 2006.

13 We didn't work continuously from that point
14 but we've worked pretty hard since then.

15 This is the first floor plan.
16 What this shows is a couple of the areas of
17 relief that we -- sorry, cellar floor plan
18 with a couple of areas of relief that we are
19 requesting. Primarily we would like roughly
20 4,900 square feet of retail and that's located
21 right here.

22 That's exposed along the Florida

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1 Avenue side. As this rises up, it is actually
2 covered over so the exposure for the retail is
3 really here to here and it has space that runs
4 underneath the entry.

5 Primarily we would like that to be
6 retail but we are asking in the event that it
7 is not rentable, it does not rent rather than
8 having it be unoccupied and then sort of being
9 a scar on the community we would like to
10 convert that to residential.

11 We would anticipate three units in
12 that location which we believe is more
13 vitality -- promoting more vitality for the
14 area. We believe retail is still challenging
15 in that area, although it is changing. That
16 is the area of relief that is changing.

17 Those are the three residential
18 units that would take the place of the retail
19 along with some residual storage which can
20 always go to good use for a residential
21 building. That's the change there.

22 The unit count, the approved unit

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1 count, is arranged between 65 and 85 units.
2 We currently -- which was about 872 net square
3 feet average. Currently we were asked to take
4 the unit sizes down since the capital crisis
5 that we've had the trend is moving toward
6 smaller units that are more affordable to more
7 people. With that trend we are requesting 85
8 to 95 units as the range.

9 That would be an average of --
10 well, it would be approximately 767 to 857
11 average. We have 8 percent of the residential
12 floor area. Gross floor area is dedicated to
13 IZ and that is, in fact, shown on this chart
14 on the A1.6 sheet.

15 The shaded areas on these drawings
16 show those IZ units which are equitably
17 distributed within the building so that
18 there's a wide range of unit types conforming
19 to the current IZ.

20 This is the previous section
21 drawing that was in the original approval
22 package. This shows the higher building, that

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1 extra level here, which we've taken away. It
2 also shows two levels of parking. We are
3 asking for a reduction in the parking. The
4 approved parking was 84 spaces on two levels.
5 Currently we have 41 spaces on one level.

6
7 Again, this was to try to spend
8 the money appropriately to create the
9 architecture that was necessary for a very
10 prominent site and reduce cost of excavation.

11 The current parking requirement is 35 spaces
12 so we are six higher than what is required on
13 that one level. We also have parking for 68
14 bicycle spaces.

15 This is the current section and it
16 shows one floor lower with the single level of
17 parking. This is the single level here. This
18 is the ramp that comes down off the loading
19 area and it winds around constantly sloping
20 down.

21 This is the previous top floor
22 plan. It's the penthouse plan. It was a

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1 partial floor on the original design. As I
2 said, this shows the drum coming up above the
3 main roof surface. It had units, actually
4 residential square footage in this zone here
5 with walkout terraces.

6 Then, in fact, there was a
7 penthouse on top of that where the stairs and
8 the elevator override came up. This level has
9 been eliminated in order to keep the building
10 lower and maintain the construction type, the
11 reduced construction type.

12 This is the current roof plan
13 showing the green roof areas that are
14 certainly part of the amenities package that
15 is offered. The only structures that come up
16 to this level are a stair here, a stair here,
17 and this area here which is open to below so
18 there is no occupied space on this level.

19 We do have elevator override and
20 this is a screen wall which will screen some
21 penthouse HVAC equipment but it does not have
22 a roof on it. The area has been reduced

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1 approximately 2,500 square feet from about
2 3,000 square feet on the previous there to
3 about 500 square feet total on the current
4 design.

5 This is the finished board. We
6 have the actual samples here that you'll be
7 able to see on the tripod. We've had time to
8 look further into materials and we are very
9 excited about the transformation of the
10 development of the architecture.

11 MR. FREEMAN: Members of the
12 Commission, that concludes our direct
13 presentation. As I mentioned, we have Ms.
14 White here who can answer any questions about
15 transportation related issues, or we could
16 have her testify if necessary on rebuttal.

17 Again, that concludes our direct
18 presentation and we are happy to answer any
19 questions.

20 CHAIRMAN HOOD: Thank you all for
21 your presentation.

22 Mr. Freeman, in the DDOT report

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1 there were a list of issues or concerns of
2 things that were being mitigated and looked
3 at. Does the Applicant comply to all of those
4 recommendations in the brief?

5 MR. FREEMAN: Yes and no. As
6 indicated in our handout, we committed to 10
7 TDM measures, the handout that looks like
8 this. We've committed to 10 TDM measures.

9 CHAIRMAN HOOD: The reason I'm
10 asking is I didn't get the DDOT report so I
11 don't know what happened.

12 MR. FREEMAN: I can tell you the
13 one area where we disagree.

14 CHAIRMAN HOOD: Don't worry about
15 it. I probably lost it at home or something.

16 MR. FREEMAN: DDOT's
17 recommendation was that -- they are here so
18 they can speak for themselves -- was that we
19 provide -- among the list they recommended
20 that we provide a Capital Bikeshare membership
21 to every tenant in perpetuity. Anytime the
22 unit turns over, we should offer that

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1 tenant --

2 CHAIRMAN HOOD: Help me out. Just
3 run quickly down the list now that I have the
4 DDOT report. Can we just run quickly down the
5 list? I know my colleagues probably want to
6 speed read it.

7 MR. FREEMAN: On page 2 of their
8 report, the second page, where it says the
9 Applicant --

10 CHAIRMAN HOOD: So everything on
11 the first page -- not to cut you off. I'm
12 just trying to move quickly. Everything on
13 the first page is fine?

14 MR. FREEMAN: Yes.

15 CHAIRMAN HOOD: Okay. Let's go to
16 the second page.

17 MR. FREEMAN: On page 2, the first
18 bullet, "The Applicant should assign a loading
19 management coordinator." We agree to that.
20 The second bullet where it says, "In addition,
21 transportation demand management elements
22 proposed by the Applicant, the Applicant

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1 should offer a Capital Bikeshare membership or
2 Carshare membership to all new tenants in
3 perpetuity," we cannot agree to that.

4 We will agree to offer initial
5 tenants an initial one-time one-year. The
6 third bullet, "The Applicant shall provide a
7 transportation information screen." We can do
8 that.

9 CHAIRMAN HOOD: Okay. So it's
10 really only one thing here that is an issue.

11 MR. FREEMAN: It's an issue.

12 CHAIRMAN HOOD: Okay. All right.

13 Thank you for running through that to help
14 bring me up to speed.

15 Let's go to my colleagues. Vice
16 Chair.

17 The Vice Chair told me to start
18 with you, Mr. Turnbull. She's running things
19 since Peter is not here.

20 COMMISSIONER TURNBULL: I've been
21 designated. Okay.

22 Thank you for your presentation.

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1 I think we said at setdown that we thought the
2 project had improved considerably. I thought
3 Commissioner May even agreed to that.

4 Getting now down to the housing,
5 and maybe the Vice Chair will go on, basically
6 now we've introduced efficiencies into the
7 mix. We've got 7 percent of the mix are now
8 efficiencies. Is that what I understand? I
9 understand we're going smaller.

10 I think before you only had one
11 bedroom, one bedroom with a den, two bedrooms,
12 and you had three bedrooms. Now we've got
13 efficiencies, one bedroom, one bedroom with
14 den, and two bedrooms is the mix that I think
15 we currently have.

16 MR. BONSTRA: Yes. The unit
17 matrix on page A1.6 does show seven percent --

18 COMMISSIONER TURNBULL: Of
19 efficiencies?

20 MR. BONSTRA: -- are efficiencies.

21 COMMISSIONER TURNBULL: And 34 one
22 bedroom.

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1 MR. BONSTRA: Yes.

2 COMMISSIONER TURNBULL: Or 34
3 percent one bedroom, 9 percent one bedroom
4 with den, and now 50 percent two bedroom.

5 MR. BONSTRA: Fourteen percent.

6 COMMISSIONER TURNBULL: Fourteen
7 percent?

8 MR. BONSTRA: I have 14 two
9 bedroom, one bath.

10 COMMISSIONER TURNBULL: No.

11 MR. BONSTRA: Total, sorry. Yes,
12 50 percent.

13 COMMISSIONER TURNBULL: So that's
14 up from -- that's double what you are
15 providing for. I'm fine with it. I'm just
16 curious how that relationship -- I mean,
17 obviously the metrics must indicate that you
18 need more two-bedroom units. Is that what's
19 selling?

20 MR. BONSTRA: Yes. Historically
21 two-bedroom units have always sold better. I
22 would say in most markets that's the case. On

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1 a building like this on a corner site, the
2 layout lends itself having these sort of
3 larger corners and conditions, larger units.

4 You don't get a lot of repetition
5 on smaller units. You do get more of the two
6 bedrooms. That, again, is historically the
7 market and one that they feel comfortable to
8 be the right mix for this building.

9 COMMISSIONER TURNBULL: I guess
10 one thing that troubles me is your option for
11 the retail, the flexibility on the cellar area
12 to have the flexibility to go to housing. I
13 guess normally we would like to see evidence
14 that you've tried to do that. You are sort of
15 asking of carte blanche to waive that and just
16 say -- I don't know how the rest of the
17 Commissioners but I like to see evidence of
18 that.

19 In one way I almost have to -- I'm
20 not saying we wouldn't grant it but I would
21 almost have to -- I would like to see you come
22 back and say, "Look, we tried 50 different

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1 retailers or 50 different shops to be able to
2 do this and we can't do it." You've already
3 taken a lot of that retail and making it
4 storage.

5 I mean, you could cut down the
6 retail size and try to sell smaller retail and
7 still have your storage. I guess the argument
8 for me is a little bit -- I'm a little bit
9 hesitant just to jump ahead and grant it carte
10 blanche at this point.

11 MR. FREEMAN: I'm not an expert by
12 any means and we've talked to the ANC about
13 this a number of times. The original approved
14 project back in 2006 that space is all retail.

15 We are here seeking modifications because we
16 haven't been able to move forward with that
17 original project.

18 As Mr. Bonstra has said, as Mr.
19 Mamo has said, retail is the preference. We
20 really would like that to be retail. If we
21 are not able to secure a retail tenant, we
22 would like to have that flexibility.

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1 COMMISSIONER TURNBULL: I
2 understand where you're coming from. It's
3 almost like an applicant coming back after two
4 years and saying, "We can't get the financing.
5 Can you grant us an extension?" We get
6 documentation from the banks or whatever, the
7 president of the company that says, "Look, we
8 tried. We can't do it. Here is the
9 evidence."

10 I would almost like to see that
11 here. We would like to see some effort made
12 where we have documentation that said we can't
13 get the retail in here.

14 MR. FREEMAN: If that's what you'd
15 like, if that is what we are required to do,
16 we have to do that. Obviously -- not
17 obviously. I didn't mean to use that word.
18 The goal is to try to get something approved,
19 get a tenant in there and then kind of get it
20 developed. The site has been vacant for a
21 very long time.

22 If you look around the city, as I

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1 mentioned to the ANC, there are a lot of new
2 buildings that have vacant retail space all
3 over the city which in our view isn't helping.

4 As Mr. Mamo has said, we are adamantly
5 committed to retail but --

6 COMMISSIONER TURNBULL: That would
7 be neighborhood serving retail.

8 MR. FREEMAN: It would be
9 neighborhood serving. It's 4,900 square feet.

10 It's not a large space that limits the type
11 of tenants. Most of the new retailers that
12 are going in kind of in that area are going in
13 existing buildings which have kind of
14 different economics than does a new building.

15 Again, we are committed to it but
16 having to come back and show kind of failed
17 retail opportunities because we would need to
18 make that determination before we filed a
19 building permit application. Mr. Mamo is
20 committed. We have four extensions at this
21 point on the 2006 approval. We are trying to
22 not keep coming back.

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1 COMMISSIONER TURNBULL: I know.
2 I'm not opposed to it. I think for the record
3 I would like to at least see what effort has
4 been made and some documentation that shows a
5 substantial effort has been made to get
6 retail. My colleagues can then weigh in on
7 that, too.

8 On the amenities we're looking at
9 106,900. I've seen a lot of different lists
10 but I don't see a unified list that sort of
11 spells out. I see OP has got some on the
12 report but when I added up the numbers I only
13 added -- maybe I added wrong -- I only got
14 103,000 when I added up the OP list. I would
15 like to -- is there an annotated list that
16 shows the complete number?

17 MR. FREEMAN: We can submit for
18 the record.

19 COMMISSIONER TURNBULL: I think
20 that would be good to have. I guess the only
21 other thing is these -- I don't know who is
22 going -- we've always had a question about how

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1 these things get executed. I've still got a
2 question about the execution of all these now
3 that they're changing and I would like to see
4 a little more information on who is taking
5 care of that. Is the Applicant going to be
6 doing this? Is it just given to --

7 MR. FREEMAN: I didn't mean to cut
8 you all. What we try to do in going back to
9 the ANC and the community, we're just changing
10 43,600.

11 COMMISSIONER TURNBULL: Okay.

12 MR. FREEMAN: It's not everything.
13 The amenities that have been approved for
14 those organizations, they are still getting
15 what we committed to give them under the
16 initial order. Four of the organizations no
17 longer exist. Shade School is closed. ANC
18 has installed a gate so we don't need to do
19 that.

20 The North Capitol Street BID
21 Incubation Fund never got off the ground.
22 J.F. Cook Elementary School is closed. For

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1 those specific entities, what we have said is
2 we will reallocate that money in two ways.

3
4 Way No. 1 is that \$37,000 would go
5 to the North Capitol main street for store
6 front improvements and technical assistance.
7 We have written that new condition in a manner
8 that is consistent with the current
9 regulations. It's prior to the issuance of a
10 C of O.

11 COMMISSIONER TURNBULL: I didn't
12 actually see that written. Is it?

13 MR. FREEMAN: It's in the summary
14 chart.

15 COMMISSIONER TURNBULL: Oh, it's
16 in the summary chart. Okay.

17 CHAIRMAN HOOD: When did we get
18 that summary chart? Tonight. Okay. That's
19 why we didn't see it.

20 MR. FREEMAN: You got it tonight.

21 CHAIRMAN HOOD: Make sure we
22 always say when we got stuff because some

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1 people think we're going read and we spend a
2 lot of time reading this, believe it or not,
3 especially on Sundays when our teams are
4 losing. You know what I mean.

5 COMMISSIONER TURNBULL: So that's
6 before the C of O then. Okay.

7 MR. FREEMAN: So we try to write
8 that as well as the condition about the
9 reallocation of the 6,600 from J.F. Cook to
10 the BID for projects within the area to handle
11 the civic association. We try to write both
12 of those conditions in a manner that is
13 consistent with the current zoning
14 regulations.

15 COMMISSIONER TURNBULL: I'll have
16 to take a look at that then. One of the
17 things, and maybe it's an Office of Planning
18 question, but on page 13 of the OP report
19 where it talks about modifying the findings of
20 fact, there is a lot of cross-outs on that.

21 Are you recommending to the Office
22 of Planning that you're not going to enter

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1 into a construction management plan with the
2 ANC? I mean, that's not enforceable by us but
3 we like to see that in there.

4 MR. FREEMAN: The construction
5 management plan is already in the record.

6 COMMISSIONER TURNBULL: That's
7 what I thought.

8 MR. FREEMAN: What I think OP was
9 attempting to do is kind of do what you were
10 asking for. If you go down the list of
11 amenities on page 3, that would be a
12 consolidated list of the amenities.

13 COMMISSIONER TURNBULL: Somehow
14 that didn't add up to the number that I got.
15 Maybe I missed something when I was
16 calculating.

17 MR. FREEMAN: I'm pretty confident
18 that our numbers are accurate.

19 COMMISSIONER TURNBULL: Okay.

20 MR. FREEMAN: I think this was an
21 attempt at doing just what you were asking
22 for, a consolidated list to show --

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1 COMMISSIONER TURNBULL: The
2 original order had in the construction
3 management plan, you're not looking to modify
4 that.

5 MR. FREEMAN: No. We are still
6 committed to abiding by the terms of the
7 construction management plan.

8 COMMISSIONER TURNBULL: Okay.

9 MR. FREEMAN: Items No. 1 through
10 14 is intended to be the revised list.

11 COMMISSIONER TURNBULL: Okay.
12 Somehow I guess I didn't add it right. It's
13 suppose to come up to 109,600. Is that what I
14 understood?

15 MR. FREEMAN: 109,600. Yes, sir.

16 COMMISSIONER TURNBULL: Okay.
17 Maybe I left out one of these -- maybe I left
18 out one of them because there happens to be a
19 lot of 66. Maybe I left out one which would
20 then -- I came up with 103 so maybe I missed
21 one of the 66.

22 MR. FREEMAN: If you came up with

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1 103 that is exactly the difference.

2 COMMISSIONER TURNBULL: Maybe I'm
3 missing one of the 66.

4 So the top floor of the building
5 now is not occupied. Nobody can go up there
6 then other than mechanical?

7 MR. BONSTRA: In the current
8 scheme?

9 COMMISSIONER TURNBULL: Yeah.
10 Yes.

11 MR. BONSTRA: The stairs come up
12 and they will be mechanical. Put them in here
13 with a screen around it which is required by
14 Zoning for anything above four feet. Then
15 this is an area that is an extension of the
16 floor below as an open-to-below condition on
17 that terrace.

18 COMMISSIONER TURNBULL: Around the
19 mechanical farms up there the parapet wall in
20 the building is three-and-a-half feet?

21 MS. MARCA: That's correct.

22 COMMISSIONER TURNBULL: And the

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1 walls around the farm are four feet? Did I
2 understand that from the drawings? You've got
3 the parapet wall which is at three-and-a-half
4 feet but then there is an inner wall for
5 mechanical farms, the units. Is there another
6 -- is that at three-and-a-half feet or four
7 feet also? Wish I had my light.

8 MR. BONSTRA: This wall here?

9 COMMISSIONER TURNBULL: Yeah.

10 MS. MARCA: We're showing a screen
11 around that just in case any of the units end
12 up being higher than four feet.

13 COMMISSIONER TURNBULL: I see.

14 MS. MARCA: But it still would be
15 less than four feet off the parapet.

16 COMMISSIONER TURNBULL: Okay. And
17 so the only thing that goes above 10 feet from
18 a penthouse standpoint is the elevator
19 override toward the rear?

20 MS. MARCA: Correct.

21 COMMISSIONER TURNBULL: And that's
22 like three feet or four feet? I couldn't make

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1 out what it was.

2 MS. MARCA: It should be about
3 four feet.

4 COMMISSIONER TURNBULL: Four feet.
5 Okay. This is mainly brick and other than
6 some of the bays are prefinished metal panel
7 system. Is that right?

8 MR. BONSTRA: Yes, that's correct.
9 It will be a composite metal panel that will
10 cover the edge of the floor.

11 COMMISSIONER TURNBULL: Okay. And
12 the penthouse? I can't remember what the
13 penthouse is? The upper floor, the white. Is
14 that prefinished metal too?

15 MS. MARCA: Are you referring to
16 the top of the --

17 COMMISSIONER TURNBULL: Yeah,
18 right. The white area.

19 MS. MARCA: That would be also
20 metal.

21 COMMISSIONER TURNBULL: It does
22 call for metal. Okay.

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1 VICE CHAIR COHEN: Can you please
2 bring up the board actually?

3 MR. BONSTRA: Bring it up? You
4 mean physically?

5 COMMISSIONER TURNBULL: We're a
6 very tactile group.

7 Mr. Chair, I think that's it for
8 now for me.

9 CHAIRMAN HOOD: The Vice Chair is
10 giving me the order Commissioner Miller but
11 I'm going to show her I'm the Chair so you're
12 going to go next to last. She wanted you to
13 go last but I want you to go next to last.

14 Okay, Vice Chair.

15 VICE CHAIR COHEN: Thank you, Mr.
16 Chairman. I actually concur with Commissioner
17 Turnbull about the retail. I would like to
18 actually see some market information. I think
19 a lot of retailers don't make decisions until
20 they see the actual construction in the ground
21 and they are more familiar with the
22 neighborhood.

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1 Of course, there may be a local
2 business that you may encourage to go in
3 there. I know there is usually a discount
4 that follows that and you didn't proffer it.
5 I would like to see again more information
6 from market sources.

7 I know that lenders often right
8 letters but because of relationships they
9 often just throw in a lot of different nouns
10 or adverbs or adjectives to reduce their
11 commitments. That is one concern.

12 My other concern is I didn't
13 understand something that you sent us on July
14 17th on your page 2. Do you have that that
15 you can refer to?

16 MR. FREEMAN: Yes, ma'am.

17 VICE CHAIR COHEN: It's the third
18 paragraph down on page 2. It talks about the
19 IZ units so you're not surprised that I would
20 ask about this. You're proposing the eight
21 percent but you mention approximately an 18
22 percent increase in the square foot of

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1 residential gross floor area. Can you confirm
2 and clarify that for me, please?

3 MR. FREEMAN: Actually, I knew you
4 were going to ask that question so I handwrote
5 the math out.

6 VICE CHAIR COHEN: You're so good.

7 MR. FREEMAN: I try to prepare.
8 The underlying current zone is C-2-A. If we
9 built a 50-foot building, which is permitted
10 as a matter of right, up to 3.0 FAR, that
11 would result in a 56,952 feet of residential
12 use.

13 Of that, 10 percent of that would
14 be IZ so that would be 5,695 square feet if
15 this was just a matter-of-right building. Our
16 proposal is 6,828 square feet so 628 square
17 feet is actually an increase of about 19.89
18 percent. That's how I calculated that
19 increase.

20 VICE CHAIR COHEN: Thank you. I
21 appreciate that a great deal.

22 Are these to be condominiums or

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1 rentals?

2 MR. FREEMAN: That determination
3 hasn't been made yet, ma'am.

4 VICE CHAIR COHEN: Okay. Because
5 one of my growing concerns are IZ condo units.

6 I think you know what is going on in the city
7 with the cost of condo fees going up. It's
8 troubling for lower-income people.

9 I have a question for your
10 architect. I know this project is not subject
11 to GAR calculations but can you give me some
12 kind of ballpark figure as to how this would
13 meet GAR? Do you have any idea? Just a
14 ballpark. I understand you're not, you
15 know --

16 MR. FREEMAN: I don't think we
17 calculated that but we do have in our
18 submission, not that they are apples to
19 apples, but we did include a LEED score card
20 that shows where it would be in terms of LEED
21 Silver. It would be designed to that level
22 but we did not calculate what the GAR would be

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1 for this site.

2 VICE CHAIR COHEN: Okay.

3 MR. BONSTRA: IF I could just
4 answer that in another way. No, I don't have
5 numbers but we have looked for the maximizing
6 of the green area around the building, on the
7 rear courtyard, and on the roof surface. We
8 believe this is as much as anyone could get on
9 a building of this nature given the fact that
10 we have a lot of condenser units and other
11 things.

12 We are certainly better than we
13 were originally with the change in the top
14 floor to penthouse, but we could provide those
15 numbers if you would like.

16 VICE CHAIR COHEN: No, that is not
17 required. I understand concepts as well. I
18 just wanted you to address the issue in some
19 way that gives me some comfort.

20 I just want to confirm again we
21 are moving trucks in and out without -- they
22 are backing out, correct? They are not

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1 turning around?

2 MR. FREEMAN: They're backing in.

3 Yes, ma'am.

4 VICE CHAIR COHEN: And on DDOT's
5 report on page 4, about the third paragraph
6 down, we're talking about operations of the
7 curb cut. In the future supplementary local
8 mitigations such as signage and flex posts may
9 be required. Can you describe your
10 interpretation of that and what needs to
11 happen? I think this is for Ms. White.

12 MR. FREEMAN: Let me just take a
13 quick stab. The first sentence says, "During
14 a public space permitting process." That's
15 when that would happen.

16 VICE CHAIR COHEN: Correct.

17 MR. FREEMAN: That would just be
18 basic signage on the building that we would
19 agree to. You go through public space
20 permitting for every project and we work with
21 them to figure out what that signage should
22 be.

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1 VICE CHAIR COHEN: No, I
2 understand that. It sounds to me like it's
3 anticipating an issue that I want to just be
4 aware of that you are aware of.

5 MS. WHITE: Hi. Nicole White,
6 Symmetra Design. My understanding is this is
7 related to the face that we've coordinated
8 with DDOT and agreed to make the driveway a
9 right-turn-in/right-turn-out only driveway in
10 terms of operation so signage would be used to
11 ensure that motorists turn right out instead
12 of making a left out.

13 Also the post could be used to
14 help channelize or direct traffic as well.
15 DDOT can certainly chime in if they have a
16 different understanding of what that meant.

17 VICE CHAIR COHEN: Okay. Thank
18 you very much.

19 I think those are my questions.
20 Thank you.

21 CHAIRMAN HOOD: Okay.
22 Commissioner Miller. She wanted you to be

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1 last but I'm the Chairman so you can go ahead.

2 COMMISSIONER MILLER: Thank you,
3 Mr. Chairman, and Madam Vice Chairman.

4 I think this is a very attractive
5 project that will help revitalize this area.
6 I think the building materials are very
7 attractive and the landscaping are all
8 improved from the previous submission, which I
9 wasn't here for, but just looking at what is
10 in the record.

11 The green roofs and the
12 environmental benefits of LEED Silver is good.

13 And the IZ units and the mix of units with
14 the 50 percent still two bedroom is all very
15 good. I would share the concerns -- I would
16 echo the Vice Chair's concern or request for a
17 market analysis to be submitted to the
18 Commission. In addition, I was
19 having trouble envisioning where this -- maybe
20 I missed it. I didn't see a rendering or
21 perspective that showed -- I know it's a
22 cellar level so maybe you go down. I couldn't

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1 see how the retail would look from the street
2 or anywhere.

3 I think it might be useful if we
4 don't have it or if you can show me where in
5 the record we do have it, how this retail --
6 it might also help in marketing to show if you
7 actually have a picture that shows retail with
8 signage.

9 MR. FREEMAN: We have the floor
10 plan. Included in our larger set of plans
11 there are a couple perspectives that are
12 elevations. For example, there is a
13 perspective A2-2. The angle is not a spot-on
14 angle of that retail space.

15 I could kind of see where you all
16 are going. I think we will ultimately be
17 withdrawing that request on retail flexibility
18 quite frankly. We would be just moving
19 forward with retail on the plan.

20 Hopefully we can get some language
21 that says we would have to come back and
22 hopefully that could be a minor modification

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1 and we won't have to go through this full
2 hearing process again to change that space
3 from retail to residential. We can hopefully
4 get some language to support that. I think
5 given where everyone is, we get the message
6 about the retail.

7 COMMISSIONER MILLER: I would
8 personally be amenable to that. The
9 Commissioners can speak for themselves but, if
10 you have to come back, it could come back as a
11 minor modification as long as the
12 documentation was there that an effort was
13 made.

14 It is a mixed-use main street
15 corridor on the comprehensive plan. It's
16 mixed-use on the comprehensive plan. It's a
17 mixed-use zoning district. I think it would
18 be an important amenity for the building
19 residents and for the surrounding
20 neighborhood. I think that would be helpful.

21 I don't think I have anything
22 else, Mr. Chairman. While you are speaking,

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1 if I think of it I'll give you a nod.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER MILLER: Thank you.

4 CHAIRMAN HOOD: Just let the Vice
5 Chair know if you have anything additional.

6 I think most of my colleagues have
7 covered it and I'm glad, Mr. Freeman, that you
8 pulled back on the retail space because I'm
9 looking at the ANC letter and one of the
10 things they asked and actually agreed to hold
11 that retail piece. We are doing this all over
12 the city.

13 I was here when this was first
14 done. I was excited about this project. I
15 liked the first design and I've been trying to
16 figure out the change and do I like that. At
17 the end of the day I think I like the circle.

18 I think that is very appropriate. I don't
19 know if they still call it Truxton Circle.
20 The neighborhoods have changed. Is it still
21 Truxton Circle? I think that is very
22 appropriate for this area.

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1 Anyway, I had a few things but I
2 think most of it has been hit. We talked
3 about the retail. Did we approve giving
4 books? Did we approve that? I know we
5 changed. One of the things I will ask that we
6 add to the language, I think it's condition
7 12. I would just add that we kind of
8 satisfied new rule 243.6.

9 First, let me back up. Have any
10 of these amenities which have probably not
11 been issued or given?

12 MR. FREEMAN: No, Chairman Hood.

13 CHAIRMAN HOOD: I would go with
14 Mr. Turnbull's first concern. Over the years
15 we've learned how not to do amenities in
16 packages to the community.

17 One of the things I would like for
18 us to come into as far as the new rule if my
19 colleagues would agree, 243.6. If we can add
20 at the end of condition 12 where it says No.
21 49 of the record, whatever the record was, and
22 that the items have been provided. Is that

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1 agreeable?

2 MR. FREEMAN: I'm sorry. Where
3 are you reading from, Chairman?

4 CHAIRMAN HOOD: I'm looking at one
5 of the old conditions. I think it was 12 in
6 the original order. It kind of brings to the
7 form of how we do business now because I can
8 tell you looking back at it what we've done
9 over the years providing books to McKinley, as
10 Mr. Turnbull said, how is that going to be
11 administered?

12 How is that going to be handled?
13 I would like to add the items have been
14 provided to condition 12. Let me ask you
15 this. Are we agreeable to that?

16 MR. FREEMAN: Of course.

17 CHAIRMAN HOOD: Oh, okay. All
18 right. The RPP request DDOT removed the PUD
19 site from the list of properties eligible for
20 residential permit parking. Did you all agree
21 to that?

22 MR. FREEMAN: Yes, Mr. Chairman.

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1 CHAIRMAN HOOD: That can be done
2 because it's a commercial street the way I
3 understand it.

4 MR. FREEMAN: Yes, it could be
5 done for a number of reasons. One, the
6 council adopted legislation that allows folks
7 to withdraw their buildings so we would work
8 with DDOT to exclude our buildings from the
9 list of buildings that are addressed from the
10 list of addresses authorized to give
11 pertinence.

12 CHAIRMAN HOOD: So the council did
13 that recently?

14 MR. FREEMAN: Within a year or so.

15 CHAIRMAN HOOD: Because I asked
16 this question about another case. I went to
17 DDOT and I was told -- well, maybe I got it
18 wrong. We only have one case a year and
19 that's this one. I believe I was told
20 something different but I'll go to Mr. Henson
21 and confirm it.

22 MR. FREEMAN: They recently done

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1 it so it's probably been --

2 CHAIRMAN HOOD: I know once before
3 that was an issue and I actually asked for a
4 track record. I'm not picking on you, Mr.
5 Freeman, even though you were picking on me
6 when I first came out here.

7 One of the things that I did ask
8 in another case was for that information and I
9 found out what we thought we were doing we
10 weren't actually doing so now I believe what
11 we're doing we are actually doing it and that
12 is making sure that when people want to
13 withdraw from RPP that has actually happened
14 as opposed to not happening is what we were
15 told previously.

16 I just want to make sure that this
17 community -- it looks like they've done a
18 great job in negotiating. I like the project,
19 Mr. Mamo, but I just want to make sure that
20 this community gets everything they have
21 worked on.

22 MR. FREEMAN: We have committed to

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1 do two things. One, work with DDOT to
2 withdraw our building and, two, include within
3 our lease a prohibition on the lease or
4 ownership documents of prohibition that
5 restricts tenants or owners from applying.
6 That combined with removing the building from
7 the list will address that.

8 CHAIRMAN HOOD: I know now that we
9 have changed. I think this will cover that
10 but, for example, awhile back we send \$6,600
11 to McKinley Technical High School for purchase
12 of books, classroom materials, and computer
13 equipment.

14 Now I think we ask the Applicant
15 some kind of way to administer that because if
16 you simply put this in what they call the
17 general fund. I'm not sure how the school
18 system works. It never really gets there.
19 Those are some of the things I think that Mr.
20 Turnbull -- Mr. Turnbull, you can correct me
21 if I'm incorrect. I want to make sure that is
22 administered correctly. That's the issue.

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1 MR. FREEMAN: So just o a couple
2 points. I think add in the language that you
3 proposed is one way to make sure that is
4 administered. Secondly, on the schools you're
5 right. The donation agreements are tricky so
6 we would have to enter into a donation
7 agreement with the school.

8 Our ultimate goal, just to be
9 absolutely clear, because we talked to OP
10 about this, about changing all the conditions.

11 Our ultimate goal was to not have to do that.

12 It took a very long time to get this list.
13 We didn't want to have to go back to each of
14 these organizations.

15 CHAIRMAN HOOD: Let me just say
16 this. That was not the request. The request
17 was not to change it. The Zoning Commission
18 has gotten a lot smarter over the years. I
19 mean, we were smart then but we've gotten
20 smarter on how things are administered. We've
21 heard from --

22 VICE CHAIR COHEN: When I joined.

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1 CHAIRMAN HOOD: Oh, when you
2 joined we got smarter. When the Vice Chair
3 joined we got smarter. Anyway, we've learned
4 over the years how things are administered. I
5 think you actually heard Mr. Turnbull allude
6 to that in his conversation. I think there's
7 enough said on that. We just want to satisfy
8 new rule 243.6. Any other questions?

9 VICE CHAIR COHEN: I have one.
10 Why can't our applicants just take one of
11 those checks, that look like checks, and just
12 take a picture of themselves handing it over
13 with a real check. Would that be satisfactory
14 in demonstrating that they -- no? Okay. I
15 got the answer.

16 MR. FREEMAN: What would happen --
17 what would happen we would write a check that
18 is for these uses. We would make them sign
19 something confirming that it's for those uses.

20 For some of them if there's a question we
21 would have an intermediary to make sure that
22 those things are happening.

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1 VICE CHAIR COHEN: I think it's
2 fine. I have to be on record for that. But,
3 you know, I'm not the final say here.

4 MR. FREEMAN: But we acknowledge
5 that the regulations have changed which is why
6 we try to make sure the new amenities are
7 drafted in a way that are consistent with the
8 current regulations.

9 CHAIRMAN HOOD: Understand, Mr.
10 Freeman, at no time would I ask you to go back
11 through all that work, 6,600 here and 6,600
12 there. No, I wouldn't ask you to do that.
13 Just the three changes that you've made are
14 sufficient.

15 MR. FREEMAN: Thank you.

16 CHAIRMAN HOOD: Okay. Any other
17 questions?

18 Mr. Turnbull.

19 COMMISSIONER TURNBULL: Thank you,
20 Mr. Chair. Just getting back to Commissioner
21 Miller's comment again about the retail, I
22 think the drawings that I'm looking at on the

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1 original set that was submitted that we have,
2 I think A2.2 and A6.1 show views of the
3 retail. Then the plan on the drawing tonight,
4 A1.5, sort of shows the front and the corner.

5 I guess when I look at that plan, there's a
6 berm going up and a Pepco vault.

7 Are you saying you're totally
8 limited to just that one bay to get in? You
9 can't open up that other area by that berm at
10 the right-hand side on the other side of the
11 Pepco vault?

12 MS. MARCA: Well, one of the
13 things is that we wanted to have as much
14 landscaping as possible for the building to
15 kind of blend it. Another thing is once we
16 take away earth from that side we are
17 affecting the FAR so that's going to have an
18 impact on that.

19 We did have a pair of doors, or a
20 big window, where the Pepco vault is but we
21 sort of ended up with that being the only
22 location for it so we changed that to a

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1 window. Does that answer your question?

2 COMMISSIONER TURNBULL: So the
3 window that I'm seeing on this perspective, is
4 that the old one?

5 MR. BONSTRA: Yes, that's the old
6 drawing.

7 COMMISSIONER TURNBULL: Oh, that's
8 the old one. So the new one has really --
9 there's no light, no windows going into that
10 cellar area?

11 MS. MARCA: Not at the corner.

12 MR. FREEMAN: The best sheet to
13 look at is this --

14 MS. MARCA: If you look at A6.1.
15 Yes, A6.1.

16 COMMISSIONER TURNBULL: So the
17 only openings are right here.

18 MS. MARCA: Yes. Which for retail
19 is not unusual to have a lot of varied space.

20 COMMISSIONER TURNBULL: I know. A
21 drug store would love it.

22 MS. MARCA: Right.

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1 COMMISSIONER TURNBULL: That is
2 part of your issue is the attractiveness of
3 that entrance, I guess, trying to make that as
4 appealing to a tenant as possible.

5 MS. MARCA: Right.

6 COMMISSIONER TURNBULL: I don't
7 know what more you can do to enhance that. I
8 think you've heard that we're all kind of
9 interested in trying to do as much retail as
10 we can. Anyway, I just wanted to point that
11 out. Thank you.

12 CHAIRMAN HOOD: Any other
13 questions up here?

14 Okay. Commissioner Quinn, do you
15 have any cross-examination? Make sure your
16 microphone is on and introduce yourself.

17 MS. QUINN: Okay. Now I'm here.
18 I'm Teri Janine Quinn for the record. I'm
19 representing ANC-5E. I'm the commissioner for
20 the 5E-06 Single Member District which is the
21 Single Member District in which this project
22 is located. I serve as the vice chair for

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1 ANC-5E and our chair Diane Barnes has given
2 permission for me to speak on behalf of the
3 commission this evening.

4 I just have a handful of
5 questions. We share the concern that has been
6 noted a number of times this evening regarding
7 retail. We are as a community strong
8 proponents of retail.

9 I think one of the concerns that
10 I've shared with Mr. Freeman --we've had, as
11 he said earlier, lots of conversations about
12 this -- is whether there has been sufficient
13 analysis to date to substantiate the claim
14 that retail will be challenging.

15 I had some questions about what
16 that analysis is in terms of what has been
17 done to date. Have you spoken with building
18 owners in the area? Have you spoken with any
19 of the business owners in the area?

20 MR. FREEMAN: We're not asking for
21 that flexibility anymore. So what we've said
22 today is that --

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1 MS. QUINN: I accept. Thank you.
2 We'll make that real easy. Great.

3 The next question I had had to do
4 with safety with regard to the entry point
5 with the right-hand in and right-hand-out
6 turn. I know that this came up in a number of
7 the meetings that you attended. It was not
8 brought up as a safety issue but, as I look
9 through the record, I know that it was brought
10 up as a safety issue in one of your prior
11 hearings. I wanted to know where we are with
12 that.

13 There was some discussion about
14 working with the Mid City East group to see
15 what changes they are proposing. I know DDOT
16 is suppose to release their report tomorrow
17 with regard to their proposed changes under
18 the Mid City Small Area Plan.

19 MR. FREEMAN: So no one testified
20 about safety but why don't I let Ms. White
21 talk about the safety of the truck maneuvers
22 in and out of the garage.

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1 MS. WHITE: Just to be clear, is
2 your question about the truck maneuvers?

3 MS. QUINN: No. Specifically my
4 question is about the functionality of that
5 turn, basically just having a right-turn-in
6 and right-turn-out system on that street given
7 the level of foot traffic, the level of -- the
8 number of bikes that we anticipate having
9 there, and the really heavy car traffic.
10 Particularly in light of some of the changes
11 that Mid City East Small Area Plan is
12 contemplating.

13 One of them would add a stop light
14 that is very close to that entry point and I
15 just wanted to know if you all were aware of
16 that and how that has -- what safety
17 considerations are --

18 MS. WHITE: I think those are good
19 questions. Our firm is actually on the Mid
20 City East team. We are sub-consultants to
21 Nelson/Nygaard who is the lead so we are very
22 familiar with the plan.

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1 In fact, we talked with
2 Nelson/Nygaard and the DDOT team earlier to
3 make them aware of this project just to make
4 sure that the plans for that area did coincide
5 with what is being proposed here so there were
6 some visions that were made earlier on. The
7 plan that is currently -- recently been
8 presented to the community aligns very well
9 with the proposal here today.

10 The right-in and right-out
11 maneuver is something that we talked to DDOT
12 about and actually eliminating left-turns in
13 and left-turns out is a benefit. That is why
14 we are restricting the driveway operations, as
15 you said, for safety to allow for right-turn
16 in and right-turn out only.

17 MS. QUINN: Okay. I'm actually on
18 the Mid City East Small Area Plan Advisory
19 Committee. When they released the latest
20 version of the plan last week, that stoplight
21 was new to me and I've been to a gazillion
22 meetings on this.

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1 I was concerned about what that is
2 going to do to the flow of traffic since it's
3 so close to the light at Florida and North
4 Capitol, but also what it means in terms of
5 maneuvering in and out of the property.

6 MS. WHITE: We've actually done an
7 analysis for that traffic signal there and
8 have found that it did not adversely impact
9 the upstream operations of the adjacent
10 traffic signal.

11 MS. QUINN: Okay. Is there a
12 report that reflects that that has been
13 submitted?

14 MS. WHITE: Not as of yet. It has
15 not been made available. We are in the
16 process of working on the analysis and that is
17 going to be, I guess, the process and will be
18 submitted to DDOT and ultimately made
19 available for your review.

20 MS. QUINN: Okay. Excellent. And
21 then my last point has to do with RPP. As you
22 know, we did make the request that we have

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1 that restriction.

2 Something that came to me last
3 night as I was looking over my notes was is it
4 possible that once the building is up and
5 residents have moved in is there some kind of
6 protocol for them to request to have that
7 decision reversed in terms of being able to
8 acquire an RPP permit?

9 MR. FREEMAN: That's a good
10 question. I don't know the answer to that to
11 be honest with you. We can check with DDOT to
12 see what the procedure is if a building is
13 listed, can it then get added back to the
14 list. I don't know.

15 MS. QUINN: Okay. That's the end
16 of my questions.

17 CHAIRMAN HOOD: Okay. Thank you
18 very much. You will have an opportunity to
19 cross-examine DDOT and Office of Planning as
20 well.

21 MS. QUINN: Thank you.

22 CHAIRMAN HOOD: Thank you.

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1 Let's go to the Office of Planning
2 and DDOT. I will just say to DDOT you've
3 heard some of the questions. If you could
4 bring me up to speed again on the RPP and the
5 question that Vice Chair Quinn asked. We'll
6 start with the Office of Planning, though.

7 MS. THOMAS: Good evening, Mr.
8 Chairman, members of the Commission. Karen
9 Thomas for the Office of Planning. We
10 essentially stand on the record of our report.
11 We believe that the modifications are
12 consistent with what has been approved and
13 consistent with the comprehensive plan. I
14 will be happy to take any questions.

15 CHAIRMAN HOOD: Thank you, Ms.
16 Thomas. Can you come every Monday and
17 Thursday nights and do that? I would
18 appreciate it.

19 Okay. Let's go to DDOT.

20 MR. ROGERS: Good evening. DDOT
21 finds that the modified proposal will reduce
22 the level of impact on the District's roadways

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1 as compared to the original proposal. DDOT
2 views this as a positive change. However, it
3 is important with the reduced parking supply
4 to provide the appropriate TDM measures.

5 The Applicant has already agreed
6 to provide a transportation information screen
7 in the lobby. They have also agreed to offer
8 Capital Bikeshare membership or Carshare
9 membership to initial tenants. We ask that
10 they extend that to all tenants in perpetuity.

11 With respect to the RPP questions,
12 that is an issue that we would be happy to
13 look into and get back to you if that is okay,
14 with a supplemental submission.

15 CHAIRMAN HOOD: Okay. I'm sorry.
16 I forgot your name.

17 MR. ROGERS: I'm Jonathan Rogers.

18 CHAIRMAN HOOD: Mr. Rogers. Okay.
19 Thank you. So you will give us like a quick
20 snapshot or sound byte of the RPP? Especially
21 the question that Vice Chair Quinn just asked?
22 Or do we have an answer to either one of

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1 those questions about RPP tonight?

2 Mr. Henson.

3 MR. HENSON: RPP is complicated.
4 Theoretically the Applicant can request it to
5 be removed from the database and it can be
6 removed. Getting to, I think, your question
7 and the ANC Commissioner's question, and Mr.
8 Freeman's question about can it be added back,
9 the Applicant can petition to add it back and
10 then it would be reviewed by DDOT.

11 Now, generally speaking these are
12 locations that are not consistent with RPP.
13 It's a commercial corridor. The purpose of
14 RPP was to protect residential parking in
15 residential neighborhoods, not residential
16 parking in commercial type buildings. Or the
17 purpose was not to provide residential parking
18 on street for commercial type buildings that
19 included residential elements.

20 Now, I'm not going to sit here and
21 tell you that 100 percent of the time that we
22 get that right. I wish I could. We are

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1 working to make that happen. We are working
2 toward policy to give us a little more
3 clarity. It's not suppose to happen. It's
4 not consistent with what RPP was designed for.

5 But I also can't sit here and promise you
6 that it doesn't get through occasionally.

7 CHAIRMAN HOOD: So let me see if I
8 follow you. I think this was just last week
9 or maybe the week before last. On a
10 commercial street we cannot request RPP?

11 MR. HENSON: Residents can request
12 RPP or request the block be added. There's a
13 petition process to do that.

14 CHAIRMAN HOOD: You can request
15 it.

16 MR. HENSON: Right.

17 CHAIRMAN HOOD: The policy is that
18 you normally only do it on a commercial
19 street.

20 MR. HENSON: That's the approach
21 but, you know, if the request is overwhelming
22 enough, there is the potential for it to be

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1 added. I mean, policy is policy. It's not a
2 prohibition.

3 CHAIRMAN HOOD: Right. Okay. So,
4 in other words, anything is possible.

5 MR. HENSON: It is possible.
6 However, it is unlikely. One of the things
7 that we found that seems to be the most
8 restrictive, Mr. Freeman talked about the
9 Applicant putting it in some form of lease
10 agreements. That's helpful.

11 Another form that if this is
12 something they would like to be committed to
13 is to have some sort of MOU with some
14 organization, typically an ANC, that is
15 enforceable and has punitive measures if the
16 building applies for the RPP program.

17 That is not something we advocate
18 one way or the other but that -- to address
19 that exact issue, that is what other
20 applicants have done. Please don't hear me
21 saying that is our position. It's not but
22 that is what other applicants have done to

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1 address that same issue.

2 CHAIRMAN HOOD: I think you are
3 exactly right, Mr. Henson. My question when
4 you mentioned ANC, I know this was 5C earlier,
5 and I wanted to know how many records went
6 from 5C to 5E but that's the issue. If
7 something like that was done, I want to know
8 how would it go to the new ANC.

9 That's not a necessary issue for
10 me in this case but I'm just curious. You're
11 right, some people have done other things, Mr.
12 Freeman. I think the community needs some
13 assurances. Not just with you. This is
14 helping with other cases that, "Oh, we're not
15 going to do RPP."

16 It sounds good down here but, you
17 know, from what I'm hearing, different things
18 can happen. You don't really need to respond
19 because I'm talking in general right now. I'm
20 not even talking about this particular case.
21 But if you want to respond, go ahead. I'm
22 just trying to help you out because that's a

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1 bigger issue than this case.

2 MR. FREEMAN: All I can say for my
3 client is that he is committed to living by
4 the conditions that are in our order.

5 CHAIRMAN HOOD: That was well
6 said. Thank you.

7 Any other questions? Let me go
8 back to the Office of Planning or DDOT. Any
9 questions at all of Planing or DDOT?

10 Can I go with Commissioner Miller
11 first?

12 She's going to let you go first.

13 COMMISSIONER MILLER: Thank you,
14 Madam Vice Chair, and Mr. Chairman.

15 The question for DDOT is the
16 condition that -- your recommended condition
17 that the Applicant should offer Capital
18 Bikeshare membership or Carshare membership to
19 all new tenants in perpetuity, is that a new
20 DDOT policy? I don't remember the perpetuity
21 part of this. That's one condition that the
22 Applicant is requesting that it only be the

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1 initial tenants for one year.

2 MR. ROGERS: That is something
3 that we have been asking for for at least six
4 months approximately and have requested of the
5 BZA in the past and did receive that as a
6 condition.

7 COMMISSIONER MILLER: Okay. I
8 guess I missed that case.

9 VICE CHAIR COHEN: It wasn't my
10 case.

11 CHAIRMAN HOOD: Vice Chair.

12 VICE CHAIR COHEN: Mr. Rogers and
13 Mr. Henson, are you members of the Institute
14 of Traffic Engineers?

15 MR. HENSON: We are not but we are
16 very familiar with traffic.

17 VICE CHAIR COHEN: The question
18 that I have is this institute uses data that
19 is suburban oriented and you know what I'm
20 going to say. Don't you think in 2013 that
21 cities are growing, traffic is really heading
22 into the central city, that this would have

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1 been taken care of by another study so that we
2 have more confidence in the data? I mean, you
3 have to make adjustments. I appreciate that,
4 but I still wonder, you know, what is this all
5 about?

6 MR. HENSON: You may have noticed
7 I'm smiling at Ms. White again because you
8 bring up an excellent point. You are 100
9 percent dead on correct. It should have been
10 done a long time ago but it hasn't.

11 To our knowledge there is no urban
12 trip generation rates in the city and so to
13 address that, DDOT has initiated a research
14 project to address just that and to actually
15 create what will amount to a parallel version
16 of ITE's trip generation rates.

17 Ms. White, along with another
18 consultant, will be working on that. As a
19 matter of fact, we are going to begin
20 collecting data on that hopefully in the next
21 few weeks, a month or so, to begin that
22 process.

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1 That process will begin by
2 collecting data on projects that are most
3 relevant to projects that we see such as 1600
4 North Capitol. This will be a prime example
5 of what we need that data for. As a
6 profession it is just unfathomable that we
7 don't have that yet. It's just incredibly
8 frustrating for us.

9 VICE CHAIR COHEN: You don't hear
10 this often but I commend you.

11 MR. HENSON: Thank you.

12 CHAIRMAN HOOD: Any other
13 questions of the Office of Planning or DDOT?

14 Vice Chair Quinn, do you have any
15 cross-examination of Office of Planning or
16 DDOT?

17 MS. QUINN: I do. First of all,
18 I've got to say that this idea of offering a
19 car or Bikeshare opportunity in perpetuity
20 would be something that is consistent with the
21 desires that I heard from the community.
22 We've had three meetings on this issue; a

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1 Single Member District meeting, a civic
2 association meeting, and then a general ANC
3 meeting.

4 The feedback I received in those
5 meetings, as well as what I received in other
6 types of communication, is very consistent
7 with that. I think that we would be strong
8 proponents of a longer term agreement with
9 regard to that.

10 I do have serious, serious
11 concerns about the information I've learned
12 about RPP. I guess I should start at the top.

13 I want to be sure that we're all talking
14 about the same thing.

15 I think when this issue came
16 before this Single Member District and the
17 civic association and the ANC, what I had in
18 mind was a restriction that would not allow
19 you to get the type of registration, the
20 sticker that's on my car, that in my instance
21 has a little five on it that allows me to park
22 in certain RPP areas.

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1 That is the kind of restriction
2 that I am referring to so that you would not
3 be able to go down to DMV and get that. We're
4 talking bout the same thing with regard to
5 that. That is a good first step.

6 When you started to talk about the
7 potential that residents could come down and
8 apply for RPP and that it's generally not
9 offered in areas that are commercial in
10 nature, I think what concerns me is that there
11 are no fully commercial streets that the
12 residents of that building would be able to
13 apply for. They would be applying in hopes of
14 parking on Q which is a one way very short
15 bumper-to-bumper street.

16 CHAIRMAN HOOD: I let you go on
17 because I do want to get to the bottom of it,
18 not just for this case but us in general, but
19 I'm being reminded and also you testified. If
20 you could shorten your testimony because we
21 have a time for you to come back and just ask
22 your question.

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1 MS. QUINN: Well, then I guess I
2 really don't have a question at the end of the
3 day because it was really to express my grave
4 concerns. I hope that you will stick around
5 long enough to hear the body of my concerns.

6 CHAIRMAN HOOD: We do have some
7 hearings next month. I'm not sure when we are
8 going to be dealing with parking. Is it
9 November 12th? November 12th if you want to
10 come back we are going to really hash it out.

11 Mr. Henson will have gray hair, I think, that
12 night.

13 MR. HENSON: Lots. Lots.

14 MS. QUINN: I'll be waiting.

15 CHAIRMAN HOOD: Come back on the
16 12th. Okay. Any other questions of either
17 one of those bodies?

18 MS. QUINN: No. I think that's --
19 oh, the issue of the lease agreement. Someone
20 brought up potentially working something into
21 a lease agreement. It might be important to
22 note that the community is strongly in favor

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1 of this being a condo building. I don't know
2 what option we have in terms of influencing
3 that decision but that would be our strong
4 preference. I don't know how that impacts
5 that statement but there's that.

6 CHAIRMAN HOOD: That's the
7 developer. We just basically vote his
8 projects up and down. A lot of this stuff is
9 dealt with when you all meet with Mr. Mamo and
10 Mr. Freeman and others. But you push for it.

11 I think Mr. Freeman said you all are good
12 listeners. You might not always do it but at
13 least they are good listeners.

14 MS. QUINN: They are good
15 listeners.

16 CHAIRMAN HOOD: Any other
17 questions?

18 MS. QUINN: Nope.

19 CHAIRMAN HOOD: Thank you very
20 much.

21 COMMISSIONER TURNBULL: Mr. Chair,
22 could I ask Mr. Henson and Mr. Rogers one

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1 question?

2 When you talk about the Bikeshare
3 and you talk about "in perpetuity," you're
4 talking about a tenant, a new tenant getting a
5 Bikeshare for one year, not forever?

6 MR. ROGERS: That's correct. Each
7 new tenant would receive a one-year membership
8 to Capital Bikeshare or a Carshare service.

9 COMMISSIONER MILLER: So the new
10 policy is every new tenant in perpetuity, not
11 just the initial tenants?

12 MR. ROGERS: That's correct.

13 COMMISSIONER MILLER: I may have
14 seen that case.

15 MR. HENSON: And it would be up to
16 the applicant to renew. It would be at the
17 applicant's -- I'm sorry. It would be at the
18 tenant's expense at that point. After the
19 first year it would be their expense so it
20 would not go back to the owner.

21 CHAIRMAN HOOD: I got confused on
22 that one, too. Okay. We have seen it. We

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1 were here for that one. Thank you.

2 Let's go to -- do we have any
3 reports of any other government agencies
4 besides what we've heard?

5 Let's go to the report of the ANC.

6 MS. QUINN: That would be me. I'm
7 going to save you the pain of having me read
8 the report word for word and I'm really going
9 to focus on a primary issue of our parking
10 concerns. Our secondary issue had to do with
11 the retail space. I think that has been
12 sufficiently dealt with so far so I'll skip
13 that for your benefit.

14 The concern I was trying to
15 illustrate earlier with regard to parking has
16 to do with the fact that the only street you
17 can really park on near this business, or this
18 location, is Q Street. It's a very short
19 diagonal street. It is a one-way street.
20 It's literally bumper-to-bumper.

21 What makes it even more
22 complicated at this point is that right around

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1 the corner on North Capitol in between -- I'm
2 saying Q Street. What I really mean is Quincy
3 so the street behind the building. Q
4 continues on the other side of Florida Avenue.
5 What I'm really referring to is Quincy.

6 If you are on the 1600 block of
7 North Capitol in between R Street and Quincy,
8 there are three forthcoming businesses. The
9 biggest concern of those three is The
10 Firehouse.

11 The Firehouse has recently -- the
12 proprietors behind The Firehouse have recently
13 submitted an ABRA application that indicates a
14 load capacity of 400 people. We don't expect
15 that they will bring 400 cars but we expect
16 that they will bring more cars than that area
17 can handle.

18 We've done our part as a community
19 in terms of filing the appropriate protests
20 and that proceeding is in the very beginning
21 stages so we don't know where it will
22 ultimately go but, from what I know about

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1 ABRA, I know that there is a high likelihood
2 that business will be approved for a liquor
3 license and we will be faced with having to
4 accommodate a large number of cars that we
5 don't know where they are going to go.

6 I think that begins to really
7 complicate the situation on Quincy and then
8 that flows over to 1st Street. It flows over
9 to R Street. I think it offers some context
10 for why we are so concerned about the
11 reduction in parking here.

12 Our first request was that the
13 building not be lowered and that the parking
14 stay at two levels. The second request was
15 that one of those levels be offered for what
16 we would consider public parking whether that
17 is limited to retail public parking or parking
18 that could be shared with other residents.

19 I think that is probably more of
20 an open issue. I understand that is probably
21 a very unconventional request. I think it's
22 important to also understand the context and

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1 the situation that we are in right now that
2 leads us to this unconventional request.

3 Our fall-back option was this RPP
4 restriction. It seems that is really really
5 shaky ground to rely on. For those reasons, I
6 think the parking situation is probably a
7 little more cumbersome than I thought it would
8 be coming in here. I felt pretty comfortable.

9 I knew there were going to be some
10 substantial challenges for our community if we
11 were left with RPP as our only option.

12 Now that that feels as shaky as it
13 does in terms of the residents potentially
14 having an opportunity to come back and have
15 that reinstated as an option for them, I'm
16 even more concerned than I was originally
17 about the parking situation. That's it.

18 CHAIRMAN HOOD: One of the things
19 I would suggest, and I'm not sure my
20 colleagues -- it depends upon what happens
21 with this case, at some point in time you
22 still have those discussions with Mr. Freeman

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1 and Mr. Mamo about some of those ideas that
2 Mr. Henson put out there with this RPP.

3 For me it's been a moving target.

4 I have actually asked the Applicant to bring
5 us some proof that this is working. I hear
6 it's working. I don't want you to get
7 discouraged but I think there are some other
8 factors that may give you more assurances in
9 the community and would be more predictable
10 and you won't be so nervous about it. It may
11 work. I'm not sure but I would be interested
12 to follow this and see exactly what goes on
13 with that.

14 Okay. Vice Chair.

15 VICE CHAIR COHEN: Thank you, Mr.
16 Chair.

17 I think Mr. Henson brought up the
18 very, very worst case. I think as an ANC just
19 hearing you tonight and how much you absorbed
20 about this project, I don't think there's
21 going to be a problem as long as the ANC keeps
22 itself informed.

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1 With regard to what developers
2 commit and years later what they might do, the
3 city really has to deal with this issue of
4 cars and that's why the perpetuity with the
5 bicycles so there's a lot going on.

6 I'm not saying that parking within
7 the building is going to solve the problem.
8 You are going to have a problem because there
9 are too many cars. I think it behooves every
10 ANC to keep on top of what is going on.

11 I have every confidence in you
12 after hearing you. I know this is going to be
13 your full-time life's work but that is just
14 the only thing I can say we've got to deal
15 with; there's just too many cars in our city.

16 MS. QUINN: Madam Vice Chair, I
17 appreciate your confidence. I think one thing
18 that has been a real challenge is that there
19 are some DDOT requests that don't come to the
20 ANC. Our PT is one of those very tricky ones.

21 I had a block within my Single Member
22 District that requested RPP and I never

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1 received a notice of intent.

2 I contacted DDOT about that and
3 was told very specifically that when it's an
4 original request, they do not -- when it's not
5 an original request, they do not have to
6 notify the ANC.

7 Subsequent to that, the same
8 situation came up and I was told that they
9 absolutely had to notify the ANC. Errors like
10 that, and at this moment, I have no idea what
11 the truth is.

12 It makes me question whether even
13 keeping a very careful eye on it will prevent
14 a really bad surprise. We can talk about that
15 more. When is it, next month? Next week?

16 CHAIRMAN HOOD: Before next month
17 I'm sure that Gottlieb Simon --

18 MS. QUINN: No, the hearing that
19 you referenced.

20 CHAIRMAN HOOD: Oh, the hearing is
21 next week. When is it? I'm on furlough. I
22 can't remember the dates. It's November 12th.

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1 To answer your question of whether or not
2 there is suppose to be notice, Gottlieb Simon,
3 I think he's still there.

4 MS. QUINN: Yes, yes.

5 CHAIRMAN HOOD: Okay. He would be
6 a good resource.

7 MS. QUINN: To get to the bottom
8 of it.

9 CHAIRMAN HOOD: Yeah, to get to
10 the bottom of it. You are right, you should
11 be in the system.

12 Any other questions? I mean, any
13 other testimony?

14 MS. QUINN: No. I think I
15 mentioned earlier that our strong preference
16 is for this to be condos as opposed to
17 residential. I think you mentioned that was
18 something to be taken up with Mr. Freeman.

19 CHAIRMAN HOOD: Any other
20 questions up here?

21 Mr. Turnbull.

22 COMMISSIONER TURNBULL: Mr.

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1 Chairman, I know the Applicant has made a
2 commitment to RPP from what we've heard
3 tonight and previously. If it goes condo,
4 though, I mean, if it was RPP you don't get
5 individual people coming back. This is for
6 Mr. Henson. I mean, requested individual
7 tenants coming back on a condo.

8 MR. HENSON: I don't process the
9 requests. I assume that --

10 COMMISSIONER TURNBULL: It's for
11 the building.

12 MR. HENSON: But I assume it's the
13 residents in the building on the block. I
14 can't remember what the standards are. I
15 think at least half of the residents on the
16 block but that's where it gets a little hairy
17 because, remember, when RPP was put in place
18 however many decades ago, it was really only
19 intended for the neighborhood so I don't know
20 how well it addresses buildings and residents
21 in the buildings. Forgive me for casting
22 uncertainty. This is not my area of expertise

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1 on that question for sure and we'll try to get
2 clarity.

3 COMMISSIONER TURNBULL: Mr. Chair,
4 haven't we put RPP before in our orders?

5 CHAIRMAN HOOD: We've done it.
6 We've also asked for -- I can't remember but
7 some years ago we asked for track record for
8 how it's working. I can't remember what the
9 results were. I don't remember.

10 MS. QUINN: May I ask one more
11 question? I feel like we're getting two
12 issues confused. This whole issue of whether
13 you can apply to have the signs installed on
14 your block to me is a very different issue
15 from whether I can go back and ask DMV to give
16 me permission to park within Ward 5. If
17 Quincy has already -- I believe they are
18 already in the process of requesting RPP and I
19 don't know what the status is for that unit
20 block of Q
21 Street but--

22 MR. FREEMAN: Mr. Chair.

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1 MS. QUINN: -- those are two
2 different issues.

3 MR. FREEMAN: I'm trying to get a
4 sense of where we are. I'm a little lost.

5 CHAIRMAN HOOD: I'm trying to
6 figure something out that probably has nothing
7 to do with this case and I'm allowing it so I
8 can get educated on it so bear with me.

9 COMMISSIONER TURNBULL: I guess
10 the one thing, Mr. Freeman, we are trying to
11 resolve the RPP issue, I think. I think if
12 it's in the order it can't be changed unless
13 you come back to the Zoning Commission.

14 MR. FREEMAN: If I can interject.
15 Procedurally I know I might be a little off.
16 I think this conversation is missing
17 something. We are meeting the parking
18 requirements for our building so I think that
19 is important to make sure everyone
20 understands.

21 We are meeting the parking
22 requirement. We are exceeding the parking

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1 requirement for our building. This reduction
2 isn't a reduction to go below what the Zoning
3 requires. We are meeting our parking
4 requirements.

5 CHAIRMAN HOOD: So why would you
6 -- let me just ask a crazy question. Why
7 would you enter into the RPP? Because the
8 neighborhood asked you to do it?

9 MR. FREEMAN: Because they asked
10 us to. All of these TDMS --

11 CHAIRMAN HOOD: Do you have
12 assurances, Mr. Freeman, that it works or it's
13 simply because they asked you and you don't
14 know whether it works or doesn't works?

15 MR. FREEMAN: We have crafted our
16 RPP restriction using the same exact language
17 that has been used in many other Zoning
18 Commission cases.

19 CHAIRMAN HOOD: And I'm not
20 picking on you but that is my issue. One
21 thing I disagree with, and I've said this
22 before, this has nothing to do with it so

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1 don't take that home tonight while you're
2 watching your team play. Don't take this
3 home. This has nothing to do with you.

4 My issue is people coming down
5 here and tell the Zoning Commission all this.

6 It sounds good and at the end of the day the
7 neighborhood is -- that is not what is
8 actually going on.

9 You are not the first person we've
10 talked about. Am I misquoting anything?
11 We've been talking about this RPP issue for
12 awhile. Haven't we, Mr. Henson? It didn't
13 just start.

14 MR. HENSON: About four-and-a-half
15 years.

16 CHAIRMAN HOOD: Okay. Here it is
17 again. What we're trying to do is make sure
18 that when neighborhoods are told they are
19 going to end the RPP, this actually happened.

20 It's realized. That's all we're trying to
21 do. Unfortunately, tonight is the day
22 we released -- I mean, in your case, and Mr.

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1 Mamo, forgive us, but we really expounded on
2 this because she has some concerns and so do
3 we. We'll get to the bottom of it November
4 12th.

5 Okay. Any other questions?

6 MS. QUINN: The last thing I
7 wanted to say is I just wanted to publicly
8 commend the Applicant for their community
9 outreach. They have really done an
10 exceptional job. Anything I've asked in terms
11 of having them come out and meet with the
12 community, having questions answered.

13 Sometimes they offer answers that
14 are not the answers I would prefer but they
15 feel like the truth which for me is still a
16 very good thing, even when I don't like it. I
17 think often times we deal with developers and
18 business owners who just really aren't good at
19 that kind of outreach and this has been an
20 exception. I just wanted to publicly say that
21 the community appreciates it.

22 CHAIRMAN HOOD: After that

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1 statement they probably won't have any cross-
2 examination. Let me see.

3 Does the Applicant have any cross?

4 MR. FREEMAN: No, Mr. Chairman.

5 CHAIRMAN HOOD: Not after that
6 statement.

7 MR. FREEMAN: I've never gotten
8 that before.

9 CHAIRMAN HOOD: Okay. Thank you
10 very much. We appreciate you coming in.
11 Again, if you can work some of those other
12 issues out depending on what happens. I'm not
13 sure what we're going to do tonight but
14 there's another time when you can probably
15 work out some of those issues. You all can
16 probably come closer together. We are going
17 to work on the RPP issue.

18 MS. QUINN: Fantastic.

19 CHAIRMAN HOOD: We'll do our best.

20 I have a list here. We are going
21 to do the proponents now. I've known this
22 person for years. It says Debbie Steiner-

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1 Smith but I always thought it was Debbie
2 Smith-Steiner so I'm going to call who I know,
3 Ms. Debbie Smith-Steiner. Or did I get it
4 wrong?

5 Do we have anyone else here who is
6 in favor of this application?

7 Okay. Introduce yourself and you
8 may begin.

9 MS. STEINER: Good evening. My
10 name is Deborah Lynn Steiner, AKA Debbie
11 Smith-Steiner. Thank you. Good day, Chairman
12 Anthony Hood and the body of the Zoning
13 Commission.

14 I, Debbie Smith-Steiner, represent
15 the Single Member District 5E-01. I'm very
16 grateful today for the exceptional work that
17 you have carried out and I am truly
18 appreciative of the ongoing changes that are
19 happening in the District.

20 Thus brings me to provide written
21 testimony in favor of the Florida and Q
22 Street, LLC project with a major concern or

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1 flaw. The amenities package, of which the
2 Applicant claims is grandfathered -- I'll
3 bypass some of this because you all already
4 have that information.

5 The approval process was handled
6 originally with this project during a time
7 before the current redistricting has occurred.

8 You have new ANC Commissioners who are
9 seated. Now the Applicant is requesting for
10 this new body of ANC Commissioners to accept
11 everything that was approved. An amenities
12 package was set before this body long ago.

13 Really ask yourself this question
14 as you're seated. How reasonable is the
15 position of the Applicant needing approval
16 from the new and current ANC support for their
17 pledge modification before the Zoning
18 Commission today referring to amenities that
19 the Applicant claims that are grandfathered
20 showing to me their unwillingness to allow the
21 current ANC to revisit the amenities package
22 that was approved almost 10 years ago.

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1 At a public meeting that was held
2 at ANC-5E just this past September 2013, the
3 Applicant presented their modification plans
4 of which the ANC unanimously approved while
5 setting aside the amenities package as a
6 whole.

7 Even though the Applicant was
8 trying to be insistent to the ANC Commission
9 to only deal with the reprogramming of a
10 selected group of unallocated dollars, when
11 the Applicant was asked about revisiting the
12 entire amenities package that was set forth in
13 the previous order, which was other than the
14 amounts that had been reprogrammed.

15 The Applicant had commented that
16 they were grandfathered. I accept the
17 proposal of the PUD modification because SMD
18 Commissioner Teri Quinn had did her due
19 diligence regarding the matter.

20 However, I call to the attention
21 of the Zoning Commission Applicant used the
22 term grandfathered in referencing your own

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1 Zoning Commission current laws, even though
2 they are getting ready to be rewritten. In
3 your Section 204.3 nothing even refers to
4 anything as it relates to being grandfathered.

5 CHAIRMAN HOOD: Ms. Steiner, if
6 you can wrap it up. You had three minutes.

7 MS. STEINER: I have two more
8 sentences.

9 CHAIRMAN HOOD: Okay.

10 MS. STEINER: I'm getting ready to
11 wrap it up. Since Section 203 directly
12 relates to amenities, there is nothing written
13 which covers a grandfather clause.

14 For this reason, and the fact that
15 the current ANC body of Commissioners should
16 be respected and provided an opportunity to
17 weigh in on the Applicant's entire amenities
18 package, I request as much.

19 Therefore, as SMD Commissioner
20 representing SMD 5E-01, I respectfully request
21 this Zoning Commission to require the
22 Applicant to allow the new body of ANC

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1 Commissioners to revisit all amenities before
2 the conclusion of this process. Thank you for
3 allowing me to testify.

4 CHAIRMAN HOOD: Okay. Ms.
5 Steiner, I would like to hear what my
6 colleagues will say about that but I don't
7 typically we do that. This is not the -- I
8 mean, when we do the redistricting we try to
9 make sure things carry over. That is one of
10 our issues.

11 Actually, I think there were three
12 or four things. We've got two schools that
13 are closing and another issue. Those are the
14 issues that we revisit. First of all, because
15 of the new school. We don't revisit the whole
16 application.

17 If you notice, you didn't hear
18 many traffic questions. We don't revisit the
19 whole case because this is a modification to
20 an already approved PUD. Basically some of
21 the stuff that you're talking about, even
22 though I know 5C is no longer there, it's 5B,

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1 we're not going to revisit the whole case. We
2 don't do that.

3 MS. STEINER: Okay. I wasn't
4 asking to revisit the whole case.

5 CHAIRMAN HOOD: You were asking to
6 revisit --

7 MS. STEINER: I was saying a
8 portion. Yes, the amenities.

9 CHAIRMAN HOOD: The amenities are
10 part of what we have already looked at.

11 MS. STEINER: Okay.

12 CHAIRMAN HOOD: As far as I'm
13 concerned we've already looked at that. The
14 ones that have been changed are changed for
15 very good reasons; because the schools are
16 closed.

17 MS. STEINER: Okay.

18 CHAIRMAN HOOD: That's the kind of
19 stuff that we revisit.

20 MS. STEINER: Okay.

21 CHAIRMAN HOOD: We want to be fair
22 to the Applicant.

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1 MS. STEINER: Okay.

2 CHAIRMAN HOOD: Not in this case
3 but we do this all over the city.

4 MS. STEINER: Okay.

5 CHAIRMAN HOOD: Any other
6 questions of Ms. Steiner?

7 Forgive me for getting your name
8 incorrect.

9 Any other questions of Ms.
10 Steiner?

11 Okay. Do we have any cross?

12 MR. FREEMAN: No, Mr. Chairman.

13 CHAIRMAN HOOD: Okay.
14 Commissioner Steiner, thank you very much.

15 MS. STEINER: Thank you.

16 CHAIRMAN HOOD: Oh, the ANC. I'm
17 sorry. Does the ANC have any questions of Ms.
18 Steiner?

19 Thank you very much.

20 Okay. Anybody else who is here as
21 a proponent?

22 Now we have Ms. McDaniel in

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1 opposition.

2 Do we have anyone else here who is
3 in opposition in this case?

4 Okay. We will hear from Ms.
5 McDaniel and then we will have rebuttal and
6 closing by the Applicant.

7 MS. McDANIEL: Good evening. My
8 name is Betsy McDaniel, 1727 First Street,
9 N.W.

10 I will not read my statement
11 because most of the things have been covered.

12 I would just like to highlight my concerns.
13 Most have been addressed.

14 I think the retail aspect is non-
15 negotiable. I think from the beginning this
16 was presented as a mixed-use project. I think
17 it is inappropriate to take the retail mix out
18 now. I mean, that's what you have in your
19 2007 approval. That is what the community
20 supported and I would really like for you to
21 require that.

22 The building height, I have no

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1 problem with the reduction in height. I am
2 not clear on any redesign on the roof. I
3 would like to make sure that there is no
4 decrease in the rain garden that was promised
5 for the roof. I know there was something said
6 about the condenser units taking up space. I
7 didn't know the details of what the difference
8 is between the old and the new.

9 And there was also a step-down
10 design and I hope there is still some sort of
11 step-down design. As far as the parking,
12 everyone is very concerned about that and I
13 hope the RPP situation will be put into a
14 record in a way that it's enforceable.

15 As far as the amenities package
16 goes, I'm a member of the board of two of the
17 organizations and I have no opinion on the
18 redistribution of the funds, but I do think
19 that the real true amenity to the neighborhood
20 is the retail and I strong encourage you to
21 keep that.

22 The only other thing I would like

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1 to add, I know you just said you don't revisit
2 the approved package but I would really like
3 to see just a little tweaking of the design to
4 reflect more of the neighborhood of
5 Bloomingdale.

6 Truxton Circle is the circle out
7 in front of the building but our neighborhood
8 is Bloomingdale and that property was the
9 original -- part of the original lot of the
10 Bloomingdale estate. I would like to see it
11 reflect a little more Bloomingdale.

12 I think most of my neighbors I've
13 talked to and shown the picture of think it's
14 a little more NoMa so just a little tweaking.

15 That's all. Thank you very much.

16 CHAIRMAN HOOD: Okay. Thank you.

17 Ms. McDaniel, you're not in total opposition
18 of this?

19 MS. McDANIEL: No, no.

20 CHAIRMAN HOOD: Okay.

21 MS. McDANIEL: I was on the fence
22 but I just wanted to be clear since when it

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1 came before the other organizations they all
2 issued letters of support with all these
3 conditions and I was afraid these conditions
4 might get lost in the approval process.

5 CHAIRMAN HOOD: Okay. All right.

6 Thank you.

7 Let's see if we have any
8 questions. Commissioners, any questions?

9 Does the Applicant have any cross?

10 MR. FREEMAN: No, Mr. Chairman.

11 CHAIRMAN HOOD: Does the ANC have
12 any cross of Ms. McDaniel?

13 MS. QUINN: No. We think her
14 statements are consistent --

15 CHAIRMAN HOOD: You need to come
16 up. Let me ask you this. Do you have any
17 cross before you come all the way up here, or
18 do you have any testimony?

19 MS. QUINN: No testimony.

20 CHAIRMAN HOOD: Okay. Do you have
21 cross?

22 MS. QUINN: No cross either.

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1 CHAIRMAN HOOD: Okay. All right.

2 Thank you.

3 Thank you, Ms. McDaniel. We
4 appreciate you coming down. We appreciate you
5 making sure those things don't get lost.

6 All right. Mr. Freeman, do you
7 have any rebuttal?

8 MR. FREEMAN: I just have a quick
9 rebuttal/closing statement. It shouldn't take
10 anymore than two minutes.

11 I think the record clearly
12 indicates that we meet the standards for the
13 requested modifications. I think in terms of
14 height, design, reallocation of the amenities,
15 I think there wasn't much issue with respect
16 to those.

17 As stated again, we agree to
18 withdraw our request or flexibility on the
19 retail. Hopefully the Commission is willing
20 to work with the Office of the Attorney
21 General to say if we come back in the future,
22 that could hopefully be treated as minor.

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1 I know you can't bind future
2 Commissions but if we could come up with some
3 language to that effect, that would be helpful
4 because to go through this entire process
5 again it would be great for me but not so
6 great for him.

7 With respect to parking, RPP,
8 again, it's important to note that we meet the
9 parking requirement. We have extensive,
10 extensive TDM measures. As I just mentioned
11 to Commissioner Quinn, we are even happy to
12 add additional language that says for as long
13 as we own the building we will not reapply for
14 RPP.

15 We will prohibit our tenants or
16 condo owners from reapplying for RPP. We are
17 trying to be as consistent as possible with
18 what has been approved and kind of reconfirm
19 our commitment to preclude the building from
20 RPP.

21 I think the suggestion that some
22 folks could go and reapply, that wasn't from

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1 us. I think that was a question. Again, we
2 do not intend to do that and we will put as a
3 condition of our order that we would not do
4 that.

5 I think, again, the sustainability
6 features. There is a question about the green
7 roof. We have more green on the roof than was
8 included in the PUD prior. It's greener.
9 It's a better design. We think the only other
10 outstanding question, as I understood from
11 Commissioner Turnbull, was to do a unified
12 annotated list of our amenities which we are
13 certainly happy to do.

14 We think it's a pretty
15 straightforward case and, therefore, we would
16 ask the Zoning Commission's approval at your
17 earliest convenience. Thank you.

18 CHAIRMAN HOOD: Okay. Let me just
19 ask is there any cross on any of the rebuttal?
20 Not the closing statement but rebuttal?
21 Okay. Thank you.

22 Commissioners, any follow-up

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1 questions?

2 Vice Chair.

3 VICE CHAIR COHEN: I think the
4 only outstanding issue as far as I'm aware,
5 the Bikeshare program in perpetuity. I don't
6 know how consistent we've been on that so
7 maybe you can help on that, Mr. Rogers or Mr.
8 Henson.

9 MR. HENSON: It is correct that it
10 has not been something that we've gotten long
11 term for every new resident but it is an item
12 that has been discussed at the very least over
13 the last six months and is generally
14 consistent.

15 VICE CHAIR COHEN: Mr. Chairman, I
16 may be in the minority but I'm not comfortable
17 since this project has been moving -- you
18 know, going on for a very long time. And then
19 to sort of look back it doesn't seem
20 appropriate.

21 I think this is something we need
22 to consider in the future for applicants but

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1 this has been ongoing for awhile so I
2 personally am not comfortable inserting that
3 now.

4 CHAIRMAN HOOD: I thought we had
5 straightened that out. Maybe I was lost but I
6 thought we said one time.

7 VICE CHAIR COHEN: Okay. I'm with
8 that.

9 MR. FREEMAN: Their current
10 condition is that for every new tenant forever
11 we would have to give them a Capital Bikeshare
12 membership. That's the --

13 COMMISSIONER TURNBULL: For one
14 year.

15 MR. FREEMAN: For one year.
16 That's about \$8,000 every year.

17 CHAIRMAN HOOD: And that could go
18 on for 30 years.

19 MR. FREEMAN: In perpetuity.
20 Forever we would have to offer every new
21 tenant.

22 MR. HENSON: It's actually not

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1 even close to \$8,000 per year. If it's half
2 turnover every year, that would be about 40
3 units. Then it's only offered to certain
4 people that take it. Maybe half at best take
5 it. You're looking at 20 annually potentially
6 at \$75 a pop, \$1,500 annually. I can't
7 guarantee that every single year but I think
8 it's much more on the order of \$1,500 annually
9 give or take.

10 MR. FREEMAN: It's offered to all
11 and there are 85 tenants -- 95. If all accept
12 it, \$75 times 95 every year in perpetuity.

13 MR. HENSON: And turnover for most
14 buildings is on the order of half per year on
15 rentals.

16 CHAIRMAN HOOD: Okay. Let me ask
17 this. Was there something about Bikeshare in
18 the original approval?

19 MR. FREEMAN: No. But, again,
20 we've agreed to do it one time for the first
21 tenant which has been accepted in other cases.

22 CHAIRMAN HOOD: That is typically

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1 what we do. This is the first time, I think,
2 for this one. Right?

3 MR. HENSON: Well, Bikeshare
4 didn't exist on the first round.

5 CHAIRMAN HOOD: Obviously. I've
6 got some questions about Bikeshare. I can't
7 wait for us to get some bikes. Let me just
8 ask this. Are they suppose to follow the
9 rules? I know that the Vice Chair is trying
10 to get rid of cars but I happened to be
11 talking to the planning director one day in my
12 car.

13 When the light changed I started
14 pulling off and she saw the bike come flying
15 down and ran the red light. Are they suppose
16 to obey the traffic laws or they can do
17 whatever they want? I'm just curious.

18 MR. HENSON: Bicyclist, in my
19 understanding, have to obey the vehicle
20 portion of the code. Not the pedestrian
21 portion but the vehicle portion of the code.
22 They have to obey the vehicle laws. They are

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1 a vehicle.

2 CHAIRMAN HOOD: They're not
3 suppose to run red lights.

4 MR. HENSON: They are not suppose
5 to run red lights.

6 CHAIRMAN HOOD: I was just
7 curious. Okay. I figured I would throw that
8 out there because you'll hear more about that.

9 Let me hear from my colleagues on
10 that issue.

11 COMMISSIONER MILLER: Mr.
12 Chairman, I would share the Vice Chair's
13 concern that this is a PUD that has been
14 around for a long time. We want to get this
15 project built. I think what we have typically
16 seen in the condition is the initial tenants
17 for one year, either Bikeshare or Carshare I
18 think is how it reads. I would agree with the
19 Vice Chair on that point.

20 CHAIRMAN HOOD: Okay. Mr.
21 Turnbull, you want to add to that?

22 COMMISSIONER TURNBULL: I would

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1 agree with my colleagues. I think it's an
2 interesting concept. I mean, I think it's
3 something we ought to explore further and talk
4 about. But I think it could considered a bit
5 of a hardship at this point in time for this
6 Applicant since we've already -- since it goes
7 back several years.

8 I would be reluctant to make an
9 imposition. The RPP, I think, is a good offer
10 from their standpoint. I think adding the
11 other issues might be going a bit too far.

12 CHAIRMAN HOOD: Okay.
13 Commissioner May, I know you're at home
14 watching us so what I'll do is when we see
15 you, you can just give us your response. I'm
16 curious what he will say on this.

17 Okay. We will do it as we have
18 done in the past, pretty much one time. That
19 is what you all have agreed to. Right?

20 MR. FREEMAN: One time for the
21 initial lease of the building, yes.

22 CHAIRMAN HOOD: Okay. We will go

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1 with the Applicant on that particular note. I
2 think a lot of --

3 Okay. Thank you. You're
4 finished, right, Mr. Freeman?

5 MR. FREEMAN: Yes, Mr. Chairman.

6 CHAIRMAN HOOD: I think a lot of
7 this has been hashed out. A lot of discussion
8 has been said. I don't know if we are ready
9 to proceed tonight. There are some things
10 that we are looking for that we may be able to
11 get depending upon how we move tonight between
12 proposed and final.

13 As you know, our schedule is tight
14 but if this is something that you need to put
15 off until a meeting date, we can do that.
16 I'll just leave it open for discussion.

17 VICE CHAIR COHEN: Mr. Chairman, I
18 think that we are satisfied that the retail
19 will remain in the project so the information
20 that would substantiate Applicant's original
21 position is really I don't think necessary
22 unless Mr. Turnbull thinks it is.

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1 COMMISSIONER TURNBULL: No. I
2 think the Applicant understood where we were
3 coming from. I think they respect that. I'm
4 okay with that.

5 CHAIRMAN HOOD: Commissioner
6 Miller.

7 COMMISSIONER MILLER: I would
8 agree with that. When you craft a draft order
9 where you want any minor modification if you
10 can't do the retail, I think you should
11 include in that draft the documentation that
12 you would have to submit at that point with
13 that request in order to support but I don't
14 think we need it now for a proposed decision
15 to go forward.

16 I would appreciate -- I do
17 appreciate the Applicant's agreement at this
18 hearing to change the request for flexibility
19 to convert it to retail and to have that in
20 the order. I appreciate them taking that out.

21 I think it is an important amenity to the
22 neighborhood and to the building residents and

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1 more consistent with the comprehensive plan.

2 CHAIRMAN HOOD: Okay. Mr.
3 Freeman, you all agreed to add that little bit
4 that satisfies our new rule 243.6 about the
5 amenities? You agreed to that earlier on?

6 MR. FREEMAN: Yes, Mr. Chairman.

7 CHAIRMAN HOOD: Okay.

8 I think this case is ready for a
9 decision. I think with the participating of
10 the ANC, two ANC Commissioners and also Ms.
11 McDaniel, who wanted to make sure nothing got
12 lost. I think the order will reflect a lot of
13 comments that were made for the most part.

14

15 Unless someone disagrees, I would
16 make a motion that we approve Zoning
17 Commission Case No. 06-04C with the necessary
18 changes that have been discussed by this
19 Commission on the hearing record and ask for a
20 second.

21 VICE CHAIR COHEN: Second.

22 CHAIRMAN HOOD: Moved and properly

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1 seconded. Any further discussion? All those
2 in favor?

3 COMMISSION MEMBERS: Aye.

4 CHAIRMAN HOOD: Not hearing any
5 opposition of those present.

6 Ms. Schellin, would you record the
7 vote?

8 MS. SCHELLIN: Yes, sir. Staff
9 would record the vote. Afterwards if I could
10 go over the list of items that I have that we
11 would need before final and provide dates for
12 those.

13 Commissioner Hood moving,
14 Commissioner Cohen seconding the vote. It
15 would be 4-0-1 to approve proposed action.
16 Commissioner Hood moving, as I said, and
17 Commissioner Cohen seconding. Commissioners
18 Turnbull and Miller in support. Commissioner
19 May not present and not voting. The vote
20 would carry.

21 The list of items I have. Of
22 course, we have taken off the request for the

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1 need to see more retail information. That is
2 my understanding because they have taken that
3 off of the table. They are now going to
4 proceed with providing the retail. That is no
5 longer necessary.

6 I just have three items, a
7 complete list of amenities with the actual
8 numbers provided. Commissioner Hood asked
9 that condition 12 of Order No. 06-04 add at
10 the end and the items have been provided so
11 that it comes into compliance with the new
12 rule.

13 Then also provide proof that RPP
14 is working. In other cases, I believe -- Mr.
15 Hood, are you still looking for that?
16 Chairman Hood, are you still looking for proof
17 that RPP -- non-RPP is working in other areas?
18 Did you ask for that or not?

19 CHAIRMAN HOOD: No, I don't need
20 that in this case.

21 MS. SCHELLIN: So then there are
22 only two items. Of course, Mr. Freeman, you

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1 know about complying with the new regs 2403.15
2 through 20. You know what to do with that so
3 I'm not going to give you that schedule
4 because that is a whole different schedule.

5 For just these two items we
6 wouldn't take up final action until the
7 November 18th meeting. Those two items, I
8 think, the one would be provided in your order
9 so that is not an item to provide. It's just
10 really the list of the amenities. I'm
11 assuming you can provide that fairly quickly.

12 A week?

13 MR. FREEMAN: Yes.

14 MS. SCHELLIN: Okay. So that
15 would be by 3:00 p.m. October 10th. Then if
16 the ANC chooses to provide a response to that
17 document, they would have until 3:00 p.m.
18 October 17th. Draft findings of facts and
19 conclusions of law also October 17th.

20 Then final action would be put on the November
21 18th agenda. The record would be closed to
22 everyone else. Any questions?

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1 CHAIRMAN HOOD: Thank you, Ms.
2 Schellin.

3 Vice Chair, you have a question?

4 VICE CHAIR COHEN: Yes. I'm going
5 to sort of request that at some future date if
6 DDOT would review what's going on with RPP and
7 report back to us.

8 I know this isn't your area of
9 expertise, Jamie, but -- I mean, Mr. Henson.
10 Maybe we can find out more information.

11 MR. HENSON: Glad to. Maybe we
12 can schedule a training as we had seven or
13 eight months ago now to go over these things.

14 CHAIRMAN HOOD: I was thinking
15 that would be good. At some point we need to
16 do that.

17 MR. HENSON: Glad to do it.

18 CHAIRMAN HOOD: If that is in line
19 with what you want to do, Vice Chair.

20 Okay. Anybody else?

21 Thank you, Deborah Steiner, for
22 making sure that we have your testimony.

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1 Okay. Do we have anything else?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: All right. With
4 that, I want to thank everyone for your
5 participation tonight. This hearing is
6 adjourned.

7 (Whereupon, at 8:33 p.m. the
8 hearing was adjourned.)

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