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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Zoning Commission Case No. 14-14 [Jemal's CDC,
LLC. - Consolidated PUD and Related Map Amendment
& Square 833, Lot 47]

6:32 p.m. to 8:10 p.m.

Thursday, May 14, 2015

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Vice-Chairperson

4 ROBERT MILLER, Commissioner

5 MR. TURNBULL, Commissioner

6 Office of Zoning:

7 SHARON SCHELLIN, Secretary

8 Office of Planning:

9 JENNIFER STEINGASSER

10 KAREN THOMAS

11 DDOT:

12 RYAN WESTRON

13 ANNA CHAMBERLIN

14

15 Other:

16 NORMAN GLASGOW

17 JESSICA BLOOMFIELD

18 ANDREA GOURDINE

19 PAUL MILLSTEIN

20 KEVIN SPERRY

21 ERWIN ANDRES

22 CHRIS MILLER

23 SALLY DONNER

24

25

P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: Okay. Good evening,
3 everyone. Well, good evening, ladies and
4 gentlemen. This a public hearing of the Zoning
5 Commission for the District of Columbia for May
6 14th, 2015.

7 My name is Anthony Hood. Joining me are
8 Vice Chair Cohen, Commissioner Miller, and
9 Commissioner Turnbull. We're also joined by the
10 Office of Zoning staff Ms. Sharon Schellin, the
11 Office of Planning staff, Ms. Steingasser and Ms.
12 Thomas. Also the District Department of
13 Transportation, Mr. Westrom and Ms. Chamberlin.

14 This proceeding is being recorded by a
15 court reporter and is also webcast live.
16 Accordingly we must ask you to refrain from any
17 disruptive noises or actions in the hearing room
18 including display of any signs or objects. Notice
19 of today's hearing was published in the D.C.
20 Register and that announcement is available to my
21 left on the wall near the door.

22 The hearing will be conducted in
23 accordance with provisions of 11-DCMR-3022,
24 preliminary matters, applicant's case, report of
25 the Office of Planning, report of other government

1 agencies, report of the ANC, report of
2 organizations and persons in support,
3 organizations and persons in opposition, rebuttal
4 and closing by the applicant.

5 The following time constraints will be
6 maintained in this meeting and the applicant has
7 up to 60 minutes, but I think they requested 25,
8 but we're going to ask them to hit the highlights.
9 Organizations, five minutes. Individuals, three
10 minutes.

11 The Commission intends to adhere to the
12 time limits as strictly as possible in order to
13 hear the case in a reasonable period of time. The
14 Commission reserves the right to change the time
15 limits for presentations if necessary and notes
16 that no time shall be seated.

17 The staff will be available throughout
18 the hearing to discuss procedural questions.
19 Please turn off all beepers and cell phones at
20 this time so not to disrupt these proceedings.
21 Would all individuals wishing to testify please
22 rise to take the oath? And, Ms. Schellin, would
23 you please administer the oath?

24 MS. SCHELLIN: Yes. Please raise your
25 right hand.

1 [Oath administered to the participants.]

2 MS. SCHELLIN: Thank you.

3 CHAIRPERSON HOOD: Okay. At this time
4 the Commission will consider any preliminary
5 matters. Does the staff have any preliminary
6 matters?

7 MS. SCHELLIN: No, sir. Other than I
8 believe that all of their -- well, there's one
9 expert, Mr. Sperry. I don't think he's been -- I
10 think, are the mics off?

11 MS. BLOOMFIELD: Mr. Sperry has not been
12 qualified previously.

13 MS. SCHELLIN: Right. So he's the only
14 one that needs to be qualified as an expert.

15 MS. BLOOMFIELD: His resume is at Exhibit
16 15E, I believe.

17 CHAIRPERSON HOOD: And you're going to
18 proffer him as an expert in architecture?

19 MS. BLOOMFIELD: Yes. Uh-huh.

20 CHAIRPERSON HOOD: Okay. Colleagues, Mr.
21 Sperry is being proffered. He has not been
22 proffered before, before us.

23 MR. TURNBULL: Is Mr. Sperry a licensed
24 architect?

25 MR. SPERRY: Yes, I am, sir.

1 MR. TURNBULL: Why doesn't it say that on
2 your resume?

3 MR. SPERRY: It should have. Yeah, I'm
4 licensed in the State of Illinois.

5 MR. TURNBULL: Are you a member of the
6 AIA?

7 MR. SPERRY: No, I am not, sir.

8 MR. TURNBULL: You should put that on
9 your resume. I mean, so you've got to say
10 licensed architect, State of Illinois, blah, blah,
11 blah, blah so that we know that. You know, other
12 than that I wouldn't want to classify you as an
13 expert architect if you're not an architect. I
14 mean, you know?

15 MR. SPERRY: I agree with that.
16 Understood.

17 MR. TURNBULL: Well, since you're under
18 oath we'll take you at your word that you are a
19 licensed architect.

20 MR. SPERRY: Yes, sir.

21 CHAIRPERSON HOOD: Okay. Any objections?

22 MS. COHEN: No.

23 CHAIRPERSON HOOD: Other than maybe tune
24 up your resume a little bit, we have no
25 objections. We all give you -- the next time we

1 want to see a little more. Okay?

2 MR. SPERRY: Thank you.

3 CHAIRPERSON HOOD: All right. Ms.
4 Bloomfield, I think this is your first time
5 presenting, from what I was told?

6 MS. BLOOMFIELD: That's right.

7 CHAIRPERSON HOOD: Okay. Well, after the
8 first sentence you are no longer green. So I just
9 want you to know.

10 MS. BLOOMFIELD: Thank you.

11 CHAIRPERSON HOOD: Welcome to the Zoning
12 Commission and doing your presentation. But the
13 first sentence, it's all downhill from there.
14 Okay.

15 MS. BLOOMFIELD: Okay. You got it.

16 CHAIRPERSON HOOD: All right. You may
17 begin.

18 MS. BLOOMFIELD: Good evening. My name
19 is Jessica Bloomfield from the law firm of Holland
20 and Knight. And I'll let me colleagues introduce
21 themselves.

22 MR. GLASGOW: Norman Glasgow Jr. with the
23 law firm of Holland of Knight.

24 MS. GOURDINE: Andrea Gourdine with
25 Douglas Development.

1 MR. MILLSTEIN: Paul Millstein, Douglas
2 Development.

3 MR. SPERRY: Kevin Sperry, Antunovich
4 Associates Architects.

5 MR. ANDRES: Erwin Andres, Grove Slate
6 Associates.

7 MS. BLOOMFIELD: And we're pleased to be
8 here this evening to present our application for a
9 PUD and related map amendment to allow
10 construction of a new mixed use development
11 project at the Southeast corner of 5th and H
12 Streets Northeast.

13 The property is located in the C-2-A
14 district and is within the H Street overlay
15 housing subdistrict. The applicant requests a map
16 amendment to rezone the property to C-2-B. As you
17 can see our project architects have made
18 significant changes to the design of the building
19 since we originally filed our PUD and Mr. Sperry
20 is here to talk about those changes in more
21 detail.

22 The building will rise to a maximum
23 height of approximately 77 feet, 5 inches to the
24 top of the roof slab, and to 83 feet, 5 inches to
25 the top of the highest point of the six foot

1 parapet.

2 The building will have almost 58,000
3 square feet of gross floor area and cellar floor
4 area, with retail use in the cellar, first, and
5 second levels, and 28 residential units on floors
6 three through six.

7 The project will have five surface
8 parking spaces located at the rear of the site,
9 and access from the alley. Four of the spaces
10 will be compact in size and one will be a
11 handicapped size space. All of them will be
12 devoted to the residential use.

13 The PUD complies with the IZ requirements
14 of Chapter 26 of the Zoning Regulations. However
15 instead of devoting all of the IZ units to
16 moderate income households earning up to 80
17 percent of the AMI, the applicant has offered to
18 devote all of the IZ units to low income
19 households earning up to 50 percent of the AMI as
20 an amenity to the project.

21 The building incorporates significant
22 sustainable design elements, complies with GAR,
23 and will achieve a LEED Gold equivalent status.

24 We are pleased to have support for our
25 project from ANC 6D and we are in the process of

1 finalizing an MOU with them now.

2 We are also pleased to have support from
3 the Office of Planning and DDOT who are here this
4 evening to answer any questions.

5 I'd like to address just a couple of
6 issues that have come up since our 20 day
7 prehearing filing. First, our lot occupancy is
8 revised on the drawings that you received this
9 evening. It shows a 37 percent residential lot
10 occupancy, and a 63 percent retail lot occupancy
11 on the ground floor as permitted by the
12 regulations.

13 Second, we are also showing a door from
14 the retail trash room on the first floor that
15 faces 5th Street, and a retail display window in
16 this location which was not clear in the drawings
17 that you had previously.

18 Third, we are requesting flexibility
19 should it be necessary to actually reduce the
20 height of the building by three feet since we're
21 still in the process of figuring out our floor to
22 ceiling heights in the retail levels.

23 Our other areas of flexibility were set
24 forth in our pleadings, and these include
25 flexibility from the parking space, number, and

1 size requirements, the loading requirements, the
2 rear yard requirements, and two sections of the H
3 Street overlay. One to provide more than .5 FAR
4 for the nonresidential use, and one to have a PUD
5 on a lot that is slightly less than the 10,000
6 square foot minimum that's required in the H
7 Street overlay.

8 Finally, the requested map amendment from
9 the C-2-A to the C-2-B district is fully
10 consistent with the future land use map and the
11 generalized policy map, which designate the
12 property mixed use, medium density residential,
13 and moderate density commercial, and within a main
14 street mixed use corridor.

15 The project also fully implements many of
16 the major elements of the comprehensive plan,
17 including in-fill development, H Street
18 revitalization, mixed use, and mixed income
19 housing, energy efficiency, and transit oriented
20 development. With that I will turn the
21 presentation over to Ms. Gourdine from Douglas
22 Development.

23 CHAIRPERSON HOOD: Let me ask, is this
24 Ms. Gourdine's first time presenting?

25 MS. GOURDINE: Yes.

1 CHAIRPERSON HOOD: Oh, okay. Well, the
2 same rule applies. I don't want to think this
3 just goes to Ms. -- it goes to you too. Same
4 rule. First sentence, that's it. Well, again,
5 and welcome you too. Okay. You may continue.

6 MS. GOURDINE: Thank you. Good evening.
7 As I mentioned before my name is Andrea Gourdine.
8 I'm a project manager at Douglas Development and
9 we've worked very closely with the ANC and the
10 community regarding a lot of the changes that
11 you've seen from the last set down, including the
12 building materials, the parking, the change in the
13 east elevation from a cementitious material to
14 brick and windows. And we've also discussed with
15 the ANC some of their concerns regarding the alley
16 elevation. And this will be discussed further
17 when Commissioner Miller comes up with his
18 testimony.

19 But given our project size and some of
20 the concerns of the community we've come -- we
21 thought that we've come up with a pretty good
22 benefits and amenities package and we're working
23 closely with the ANC in executing our MOU. And
24 that's pretty much all that I have.

25 CHAIRPERSON HOOD: Thank you.

1 MR. SPERRY: Okay. So I'll take everyone
2 through the package, the design of the building.
3 Again, my name is Kevin Sperry with Antunovich
4 Associations. Thanks for having us tonight. I'll
5 go ahead and --

6 MS. COHEN: Is your mic on?

7 MR. SPERRY: Yes, it is. I'll be sure to
8 speak into it.

9 Our site is on the corner of 5th and H
10 Streets Northeast on the Northwest corner,
11 obviously amongst the H Street historic section,
12 revitalization area amongst other new developments
13 that are fitting within the H Street Northeast
14 corridor.

15 The bulk and mass of the building is
16 essentially very similar to the previous plan. It
17 is currently shown as six levels above grade and
18 one level below grade. The podium of the
19 structure consists of three levels of retail
20 space, one below grade, one at grade level, and
21 one elevated at the second level.

22 The upper four levels are devoted 100
23 percent to residential space. There are 28
24 residential levels in all and the -- I'm sorry.
25 Twenty-eight residential units in all.

1 The large -- probably the most obvious
2 change that we've made since the first time we've
3 presented this project is the addition to brick to
4 the design. We have currently, on the first two
5 levels, a stone façade up to the second level of
6 height. Kind of to really present the retail in a
7 very strong and classical manner. The corner of
8 the building, that stone continues up to the upper
9 level to really try and hold the corner and
10 present the building in a very strong fashion.

11 Around each side of the stone volume on
12 the corner, the building changes to brick and
13 large expanses of glass. The intention, the most
14 primary intention of the design of the building
15 was to be a very high quality building in many
16 regards.

17 The first is all natural materials. As
18 Andrea said, we've converted a lot of the facades
19 from a cementitious material to the masonry
20 material. In large part because it is so visible
21 as you travel in both directions along H Street,
22 both from the east and the west. So we wanted to
23 make sure that each façade was thought of and
24 stands out very proudly amongst the H Street
25 corridor.

1 I'll continue along. Here you can see
2 the view from the east, looking to the west as one
3 were traveling on H Street into the city.
4 Previously this façade was a cementitious material
5 with no windows and we have added all natural
6 brick. The red brick, as well as windows which
7 look into bedrooms of the units. They don't look
8 into closets, or they're not artificial glazing.
9 They're actually windows that look into bedrooms
10 of units.

11 This is a view from H Street, looking at
12 the alley which exists right now, and the retail
13 presence just north of that alley. You could see
14 as you go into the alley, there is the door
15 leading to the loading zone. And on the second
16 floor you have a full level of retail there with
17 large expanses of glazing, again, expressing the
18 retail presence on to the street.

19 You can also see some of the street
20 amenities that we're proposing, benches,
21 sidewalks, and there is a large setback for the
22 building along 5th Street that will just be really
23 wonderful for street presence and gathering, and
24 things like this.

25 So we're envisioning the main entrance to

1 the retail on the corner, but there are you know,
2 numerous locations where there could be building
3 entrances.

4 As you can see the residential volume
5 actually sets back considerably to the north; kind
6 of pushes towards the north so that there is a
7 setback on the south of the building here in the
8 foreground of the image.

9 This sets back from the residential
10 neighborhood and just allows a little bit of
11 breathing room there. In that setback there is a
12 bio-retention area which we are using for a portion
13 of our GAR requirement. This is kind of a nice
14 feature because the residential units can actually
15 look down and see that green area as opposed to in
16 a lot of other projects. They're up on the roof
17 where no one can really see them. So it will be a
18 nice feature for some of the residents up above.

19 In the rear along the alley façade we are
20 currently proposing a stone façade which has some
21 private parking spaces as was mentioned before.
22 We have five parking spaces. One is ADA, and let
23 me just confirm. And one is Car Share. And we're
24 going to provide one Car Share space amongst these
25 five.

1 So because they're for residential use
2 they are private spaces. We're proposing a roll
3 down mesh metal door or grill which will protect
4 these cars from some of the alleyway and also, you
5 know, create a more safe environment so that
6 people can't get within that covered area for the
7 parking.

8 The same goes for -- it's shown as in the
9 up position here, but in the loading area there is
10 also a roll-down door there. So if all of these
11 were -- if none of these were in use then all
12 three of these bays could be rolled down and
13 secured.

14 Here we have our circulation plan. I'll
15 get into further detail as we go into the plans.
16 This is the lower level plan, the cellar floor
17 plan. It's 7,800 square feet of retail. Some of
18 our MEP rooms.

19 And then this is also where we have our
20 bike storage room. It's got space for 24 bikes
21 and we worked with ANC on the location of this
22 room. It's a very important amenity for the
23 residents in this area, and we had it in a more
24 kind of circuitous area where you had to walk
25 further to get to, and we relocated it to a much

1 more easy to get to spot.

2 Now here we have the first level. A
3 little over 5,000 square feet of retail space.
4 The loading and trash area on the Southwest of the
5 plan is dedicated for retail loading and trash.
6 As I mentioned, this is accessed by both a roll-up
7 door leading to the alley, and a man door leading
8 towards 5th Street.

9 Just immediately in front of that loading
10 and trash room you can see a small sliver of
11 yellow. That is a retail display window so that
12 essentially the entire façade along 5th Street is
13 illuminated with real retail space behind. There
14 are no artificial windows with posters on them or
15 anything like that. That will be a retail display
16 window with, you know, a good four or five feet
17 behind it.

18 The loading for the residential happens
19 on the Southeast portion of the plan in the
20 hatched area. This, as I mentioned before, is
21 secured by a roll down grill. And there's
22 actually two overhead doors. The first is on the
23 very bottom of the plan at the roll down grill.
24 Then as you -- 25 feet set in there's another roll
25 down door which is solid, and that leads you to

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1 your loading platform and actual interior loading
2 area.

3 Then you have the corridor leading to
4 your main residential lobby and elevator lobby.
5 You can see that the residential is located on the
6 northeast corner of this plan leading out to H
7 Street Northeast.

8 This is the second level of retail,
9 little over 9,000 square feet on this level. The
10 elevator bank on the right, the east side of this
11 plan, is specifically for the residential up above
12 this level. So it passes right through this
13 level. Each of the stairs are accessible to this
14 level of retail.

15 Now we come up to the first residential
16 level, which is the third floor. On this level we
17 have seven units. On each unit we have seven
18 units, actually. A mixture of studio, one-
19 bedroom, one-bedroom plus den, and two-bedroom
20 units. Each unit has exterior space. On this
21 level they're technically terraces. All the
22 levels above have balconies. So every unit has
23 access to exterior space.

24 And as I mentioned before, on the south
25 portion of this plan you can see the hatched area

1 is a bio-retention area which would be a planted
2 green roof that we're using for our GAR
3 requirement.

4 So here we go into a little bit more
5 definition of the unit types. Fourteen percent
6 studios, 43 percent one-bedrooms, 14 percent one-
7 bedroom plus dens, and 29 percent two-bedrooms.

8 Here is our roof plan. The elevator is
9 essentially an elevator overrun. This roof is not
10 accessible via that elevator. It is accessible
11 via the stair of course. And again, the hatched
12 area is the remainder of our green roof for the
13 project, which satisfies the GAR requirement.

14 Here on page 19 we have some typical
15 apartment layouts. These are still in progress
16 but we wanted to kind of show again how I
17 mentioned the exterior space for each unit, large
18 expanses of open living space, as well as large
19 expanses of glass. We have shown one of each of
20 the unit types here, in a typical condition.

21 Here we have our north and west building
22 facades. These are facing the streets of 5th and
23 H. You can see as I mentioned before, the stone
24 material on the first two levels creating a strong
25 datum at the top of the retail before the building

1 steps back a little bit where the masonry begins
2 and the residential floors begin.

3 This datum is pretty much consistent with
4 the other street; the buildings along H Street.
5 The historic structures and it really just kind of
6 does a -- creates a nice separation between the
7 retail and the residential for the street, and
8 creates a very good expression.

9 Now we have our south and east facades.
10 As I mentioned before, on the south elevation we
11 have synthetic stone material with the overhead
12 doors at the parking and loading areas. None of
13 that is synthetic, or none of it is cementitious
14 material. It's all a very hard stone material.

15 On the east elevation we have shown the
16 full brick façade on the residential levels with
17 the windows included that look into bedrooms.

18 As an alternate to this plan, to this
19 elevation, per the request of the ANC, we have
20 shown a south façade that does have a cementitious
21 material. It's essentially a stucco material and
22 the concept of this is to save a little bit of
23 money on the building that we can use elsewhere.
24 I'll let you go into more detail if you'd like.

25 MS. GOURDINE: So one of the requests

1 from the ANC was if we were to change the
2 elevation, the alley elevation, how much would
3 that savings be and would we contribute that
4 savings towards and amenity to the neighborhood,
5 specifically the Ludlow Taylor Elementary School.
6 And we've already set aside funds towards the
7 school. But any additional funds from that
8 savings, from that elevation change, we would
9 contribute to the school.

10 MR. SPERRY: So at this point we're still
11 weighing both of these options and working with
12 the ANC.

13 Here is an enlarged portion of an
14 elevation showing some of the detailing at the
15 retail levels, showing the stone, the synthetic
16 stone, some of the cast stone trim work. There
17 are some metal details and a natural stone water
18 table included. And some examples of some of
19 these materials that we're calling out for the
20 façade.

21 And similarly we have an enlarged
22 elevation of some of the residential area, showing
23 the curtain wall on the windows, some of the
24 exterior balconies, and an enlarged example of the
25 face brick.

1 And again, more detail of the new east
2 façade which is a full masonry façade.

3 Here are a couple of building sections
4 which show a 10 foot seven floor to floor, and the
5 three levels of retail going from seller, first
6 and second, and then the four levels of
7 residential above.

8 So this is the civil. I think we're
9 good. Here's a landscape plan illustrating the
10 green roof. Okay. Right into transportation.

11 MR. ANDRES: Good evening, Chairman Hood,
12 Members of the Commission. Erwin Andres with
13 Grove Slade Associates.

14 In the interest of time we'd just like to
15 address the pertinent issues related to our
16 coordination of DDOT and our coordination of the
17 Committee. The site is very well served by
18 transit, and -- our site is very well served by
19 transit, bike share, the upcoming street car
20 service, and many of the new residential
21 developments in the area are attracting a
22 demographic of district residents that are not
23 inclined to drive.

24 Based on the current census data, about
25 67 percent of the neighborhood currently do not

1 drive to work. They either take transit or other
2 modes to work, whether they bike or walk. And
3 that's based on current census data. And this
4 project is taking advantage of that.

5 With respect to the transportation demand
6 management elements which we've coordinated with
7 DDOT and these TDM measures are also part of the
8 MOU, that Douglas Development is entering into
9 with the local ANC, consists of designating a
10 resident transportation coordinator, providing at
11 least 24 long-term bicycle parking spaces and a
12 bicycle room, installing a transit screen in the
13 residential lobby. For each residential tenant
14 we're providing a one-time membership for car
15 sharing, and annual Capital BikeShare membership.

16 For each initial residential tenant we're
17 providing a one-time \$100 SmarTrip card, and in
18 order to address the potential for residents
19 getting RPP, we've incorporated residential permit
20 parking restrictions in the form of lease
21 provisions, and a covenant that will enforce the
22 prohibition of the RPP for the life of the
23 project. This will be recorded as a covenant
24 against the property among the land records of the
25 District, and any leasee or owner of the property

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1 for the life of the project will be prohibited
2 from getting RPP.

3 In addition to that, we're placing a
4 provision in the retail leases prohibiting
5 unlawful parking or stopping by building visitors.
6 One other item that was added after our
7 discussions with the ANC was to provide a CarShare
8 space, which was not included in our DDOT. But
9 that's an additional TDM measure that we've
10 included.

11 So with that we're available for
12 questions.

13 MS. BLOOMFIELD: That's the end of our
14 presentation. We're all here for questions.

15 CHAIRPERSON HOOD: Okay. Thank you all
16 very much for your presentation. Let's see if we
17 have any questions up here. I know Mr. Andres,
18 get ready, I have a few for you. But let's see.
19 Vice Chair, you like to go first?

20 MS. COHEN: No, I thought Commissioner
21 Turnbull wanted to go.

22 CHAIRPERSON HOOD: Okay. Because Mr. May
23 is not here, she'd like for you to go first.

24 MR. TURNBULL: Oh, that's quite all
25 right. Thank you.

1 Well, thank you for your presentation
2 tonight. I think it was very concise. And this
3 has the possibility of being a great addition to
4 the community. And I've got a question which is -
5 - well, I think we maybe talked about it at set
6 down, but I'll bring it up again. I'll talk to OP
7 about it.

8 You're calling it medium density
9 residential and moderate density commercial. But
10 actually C-2-B, according to the zoning regs is
11 classified as high density residential. 720.6.

12 MR. GLASGOW: Mr. Turnbull, when you look
13 at the zones that are listed for medium density
14 residential and for moderate density commercial,
15 under the Comprehensive Plan and the citywide
16 elements, moderate density commercial includes C-
17 2-B and medium density residential includes R-5-B
18 and R-5-C. And R-5-C with IZ is in the for FAR
19 range and then of course C-2-B is right in the
20 moderate density commercial under the
21 Comprehensive Plan and the citywide elements.

22 MR. TURNBULL: All right. It sounds like
23 we have a little bit of conflict between -- about
24 the Zoning Regs and the Comp Plan on some of this
25 reading.

1 MR. GLASGOW: Right.

2 MR. TURNBULL: But it seems like we're
3 carving out of the C-2-A, this little pocket of C-
4 2-B. Even though there's C-2-B further down the
5 street. I'm just curious.

6 MR. GLASGOW: There is a lot of C-2-B
7 down the street. There is also C-2-C about a
8 block and a half away.

9 MR. TURNBULL: Right.

10 MR. GLASGOW: There are PUDs across the
11 street that are C-2-B in the 300 block. It would
12 be Northeast. I'm sorry, Northwest, which was the
13 Stuart site. And so I think if you look at all of
14 the PUDs and the other projects that are in the --

15 MR. TURNBULL: But they're a lot bigger
16 and denser.

17 MR. GLASGOW: Oh, yes. Yes, they are.
18 They are much larger. They have higher FAR,
19 higher --

20 MR. TURNBULL: Well, I just get worried
21 about times when we go into an area and we start
22 carving out little blocks of space and changing
23 their zoning to a higher zone, to a more dense
24 zone.

25 MR. GLASGOW: And I think that with

1 respect to the moderate density classification,
2 and since we have medium density combined with it
3 so you've got moderate density on the commercial
4 side, and then you have medium density on the
5 residential side, would be indicating that there
6 should be higher --

7 MR. TURNBULL: Yeah.

8 MR. GLASGOW: -- density.

9 MR. TURNBULL: All right. I'll go
10 through with the Office of Planning with this.

11 Now there's one elevator in this building
12 which is only for the residential. Is that my
13 understanding?

14 MS. BLOOMFIELD: Yes.

15 MR. TURNBULL: So commercial -- second
16 floor is not ADA accessible then. It's --

17 MR. MILLSTEIN: I'll take that. Paul
18 Millstein, Douglas Development.

19 The intention is depending on how the
20 building leases there will be added either
21 escalators or elevators depending on if it's one
22 tenant taking three floors or -- so that will be
23 in the future.

24 MR. TURNBULL: Okay.

25 MR. MILLSTEIN: Yes, sir.

1 MR. TURNBULL: So you would add another
2 hydraulic elevator at some point maybe?

3 MR. MILLSTEIN: Yes, and potentially
4 escalators as well.

5 MR. TURNBULL: Escalators. Okay. I was
6 just curious.

7 What is the extent of the brick paving in
8 the alley? Is it going from street to street?
9 Does it go down -- the alley is kind of split. So
10 how much are you doing in the alley?

11 MS. GOURDINE: We had told the ANC that
12 we plan to repave, rebuild the alley from the
13 entrance on 5th Street to our property line. But
14 the brick extends all the way from 5th Street to
15 6th Street, and there's a --

16 MR. TURNBULL: Could you point? Do you
17 have a pointer you could show that?

18 MS. GOURDINE: Sure. So the entrance
19 from 5th Street -- so the entrance from here, all
20 the way here. And the brick alley extends down
21 this wall and then all the way to 6th Street.

22 MR. TURNBULL: Could you submit a record
23 for the -- a drawing for the record that clearly
24 shows what's being included on that?

25 The other thing, there is -- in the Grove

1 Slade appendix, I forget what exhibit it is.
2 Exhibit 26C, shows turning radiuses for trucks and
3 that going in. The residents at the back of that
4 alley, you come pretty close to hitting that
5 property. Are you looking at helping, or putting
6 in any ballards to protect those neighbors, or
7 have you analyzed that at all as what you're --

8 MR. ANDRES: We have not. The type of
9 truck that's been identified is a 24 foot truck,
10 which is actually the biggest truck that somebody
11 would reasonably rent. The 24 foot trucks are
12 trucks that accommodate up to three bedrooms. The
13 development as proposed only has studios,
14 efficiencies, and two-bedrooms. So more than
15 likely they wouldn't use a 24 foot truck, but we
16 wanted to show 24 foot truck as sort of as a
17 conservative measure. And the auto turn
18 measurements also provide a level of
19 conservativeness such that your more experienced
20 drivers will be able to do it much tighter than
21 what's shown, and then your less experienced
22 drivers is what's shown --

23 MR. TURNBULL: Well, yeah. Experience
24 tells me you usually get the inexperienced drivers
25 most of the time showing up at -- but that's just

1 the luck of the draw.

2 I would take a look at that and try to
3 think about the adjacent neighbors and what you're
4 going to do to protect their property. It's kind
5 of tight back there. And I guess -- I didn't see
6 anything mentioned but normally you've talked
7 about a construction management agreement with the
8 ANC and the local about setting that up. Is that
9 proffered as part of your agreement, or you will?

10 MS. GOURDINE: Yes, it is.

11 MR. TURNBULL: Okay.

12 MS. GOURDINE: And we will.

13 MR. TURNBULL: Okay. Going back here,
14 all of the stone you're talking about is really
15 precast concrete, basically.

16 MR. SPERRY: That's correct.

17 MR. TURNBULL: Okay.

18 MR. SPERRY: We do have samples of the
19 materials.

20 MR. TURNBULL: No, we've got it up here
21 already. Thank you. You've talked about the
22 retail functioning. So you could have basically
23 one, two, or three tenants. You could have any
24 number of variations on this.

25 MS. GOURDINE: That's correct.

1 MR. TURNBULL: Do you see a restaurant at
2 all in the option, or not necessarily? You're not
3 there yet?

4 MR. MILLSTEIN: I mean, we're not there
5 yet, no. But it's not a preferred use right now
6 for us.

7 MR. TURNBULL: It's not. Okay.

8 MR. MILLSTEIN: No, sir.

9 MR. TURNBULL: Okay. And I believe
10 you've pointed out where the -- and I appreciate
11 you, I think it was a very good gesture to go to
12 the 50 percent AMI. I think that was very
13 worthwhile.

14 You're not going for certification
15 though, on your Gold. You're going to the Gold
16 equivalency, but not necessarily for
17 certification.

18 MS. BLOOMFIELD: Right.

19 MR. TURNBULL: Okay. Maybe my colleagues
20 will have more comments on that.

21 Why didn't you do the whole building in
22 EIFS and you could give the ANC a lot of money?

23 MR. MILLSTEIN: I'll take that one. So,
24 when we started this project two years ago the
25 commitment was to put a high quality building.

1 It's not wood frame. It's a concrete frame
2 building. It's synthetic stone. It's brick.
3 It's good windows. We are a long-term hold and
4 not fans of EIFS. We use it occasionally in
5 select locations but that's not our general
6 practice.

7 MR. TURNBULL: Yeah, actually I'm
8 offended by the ANC letter. I think it's
9 inappropriate, I think it's not part of the zoning
10 process. It hints of a lot of different things.

11 MR. MILLSTEIN: Uh-huh.

12 MR. TURNBULL: It's like, you do this, I
13 get this, and that's not what we do. I'm very
14 offended by it. I think it ought to be the
15 appropriate materials. And if they talk about
16 that it's the back side of the building, that
17 really offends me because the neighbors in the
18 back deserve a quality building just like all the
19 other sides. So putting a less expensive material
20 on a part of the building that quote, "Isn't
21 showing," to me is not appropriate. EIFS has had
22 a lot of problems over the years.

23 MR. MILLSTEIN: We don't disagree, and
24 that's why our original design was for completely
25 wrap the building in --

1 MR. TURNBULL: I am just offended by that
2 letter. To me it just, it really irritated me.

3 MR. MILLSTEIN: Sure.

4 MR. TURNBULL: I just don't -- I think
5 it's inappropriate and I don't think it's the
6 right --

7 MR. MILLSTEIN: Right.

8 MR. TURNBULL: It's wrong.

9 MR. MILLSTEIN: Yeah. I completely
10 understand.

11 MR. TURNBULL: I'm upset. I guess the
12 building actually is obviously a lot -- I like it.
13 It's much improved since the first building we
14 saw. I'm still struck by the corner element.
15 Commissioner May probably won't like it, but I
16 understand what you're trying to do but it just
17 seems that the horizontal band where you've got
18 the one layer that goes around the horizontal
19 band, and then on top of that is the balcony.
20 It's a solid balcony for all those first floor
21 units.

22 It just seems very heavy. And I don't
23 know what you can do to try to lighten it. But it
24 just seems like it's a very thick element that
25 just goes around. Otherwise I don't -- I could

1 live with a lot of what's there. You know, you
2 can nitpick it to death, but I don't mind it but
3 it's just -- I guess my first feeling is, it's
4 awfully big. It's solid. It's just -- and maybe
5 it needs it. I don't know. But I don't know
6 whether -- whether it's a color change. I don't
7 want to get into that but I don't mind it in the
8 most sense. I mean, I understand you're trying to
9 keep the height of the street for the different
10 buildings beyond, and I appreciate that. It's
11 just that I just thought it looked -- and I don't
12 know whether there's a way to articulate a little
13 bit -- I don't know. It just seemed like it was a
14 very strong band.

15 MR. MILLSTEIN: It's interesting,
16 Commissioner because that's exactly what we were
17 trying to achieve. So your --

18 MR. TURNBULL: It was?

19 MR. MILLSTEIN: Yes, sir. So your
20 reaction is actually --

21 MR. TURNBULL: What you wanted.

22 MR. MILLSTEIN: -- right on point. Now,
23 if that was an inappropriate direction we can
24 absolutely address that.

25 MR. TURNBULL: No, I --

1 MR. MILLER: But the point was to read it
2 as a very strong corner.

3 MR. TURNBULL: Okay.

4 MR. MILLSTEIN: In a small building.

5 MR. TURNBULL: Yeah. And that's fine. I
6 just -- in certain aspects I don't mind it. In
7 other, gee, I have some questions about some of
8 the way it is going.

9 Getting back, I guess Option 1 is the
10 option that I would agree to. I mean, and ought
11 to work with them. Maybe you can give them some
12 more money anyways. I don't know.

13 But the transit subsidy is a one-time for
14 the first time users. Is that it?

15 MS. GOURDINE: That is correct.

16 MR. TURNBULL: That's correct. Okay.
17 Let's see. Talked about the brick. I mean, I
18 think you covered a lot of the aspects that we had
19 asked for at set down. I think you made a lot of
20 significant changes. And I guess, Mr. Chair, I'll
21 yield right now.

22 MS. COHEN: Thank you, Mr. Chairman. We
23 just wanted to state that I thought you had done a
24 much better proffer of affordability and I really
25 appreciate that, as I think other households will.

1 If you're going for LEED Gold, why don't
2 you just go all the way and get it certified? And
3 the reason why I say that, it's not as expensive
4 as every developer believes. I mean, talk to the
5 U.S. Green Building Council. I just think that
6 it's a marketing tool for you as well to get that
7 real, you know, certification. Again, it enables
8 accountability and you're spending the money, get
9 the benefit. That's, you know, don't be as my
10 mother used to say, penny wise and pound foolish.

11 The one thing about the design itself, I
12 think it does give a bit of mixed messages. I
13 think that it looks a little bit classical, it
14 looks a bit industrial, and it looks a bit modern
15 and I understand the anchoring at the corner, and
16 I guess I would say to you that I think it's
17 acceptable, but I think if you do a little
18 tweaking like Commissioner Turnbull suggested, it
19 may make it really an extraordinary building
20 instead of a good building.

21 I'm confused about what type of retail
22 you're thinking of attracting using, Your Honor, a
23 basement as well as the second floor. I mean, for
24 that size space are you looking for a single
25 tenant that -- sort of like an urban outfitter

1 kind of?

2 MR. MILLSTEIN: Well, I used a
3 prospective tenant that we would like to see come
4 out two years ago and got in a lot of trouble
5 because it was ahead of the game. I will tell you
6 that most important to us is quality of tenant,
7 not size. So if someone like that were to come to
8 us, we would love to do a deal like that. We're
9 looking for dry goods, a clean use, which is why
10 we're not particularly seeking restaurants.
11 There's a lot of restaurants on H Street. There's
12 problems with trash, and food, and smells, and
13 grease. So we're looking for good quality
14 tenants. And when we look at lower levels, we
15 don't take those as a discount. We get deep lower
16 levels so that we can attract good tenants in the
17 lower levels and make good use of that space. So
18 I don't think that will necessarily be a ding.

19 So, but we'll have a tenant that could
20 potentially be of decent size. But we could also
21 use three smaller tenants. So we just like to be
22 flexibility and go after the best quality and you
23 know, we haven't gone there yet but that's the
24 vision.

25 MS. COHEN: I guess my hesitation on

1 cellar retail is reaching it and seeing it. And
2 what I tend to see is, you know, blank space in a
3 lot of neighborhoods. So I just am concerned
4 about that putting, you know, a negative aspect of
5 your project.

6 MR. MILLSTEIN: And I appreciate that. I
7 will tell you that if it's a tenant that goes
8 lower level than one, similar to the Walgreens in
9 China Town, which we developed, so we opened up a
10 large opening, it's got escalators, it flows very
11 nicely. If it's a tenant that's just using the
12 lower level then we would create a nice storefront
13 entrance and have a cutout and pull you right down
14 to the lower level like our 11th and F projects
15 and we just did a gap deal there where we
16 basically brought you into the lower level.

17 So I think we do a pretty good job of
18 making good retail. And then we get good tenants.
19 But we don't want just a dark basement spot
20 either, so we're very sensitive to your concerns.

21 MS. COHEN: Okay. I also wanted to
22 mention that I concur with Commissioner Turnbull
23 on the use of materials. Again, if you're going
24 for Gold, go for Gold, not FS. And I think that's
25 a bad material and apparently you had some

1 experience with it and it wasn't positive.

2 And I do appreciate the ANC wanting to
3 help this school, but I think there are other ways
4 of doing that.

5 My last question to you is, the brick
6 alley. I love brick. I think it's very
7 traditional and historical and -- but I don't know
8 about other people. I see people in my brick
9 alley -- of course the bricks are broken --
10 falling down all the time. And so I'm not sure
11 that that's the best way to go either. I don't
12 know what the best materials are. I think I'll
13 ask DDOT that question.

14 But I would almost -- I mean, it looks
15 great but it doesn't wear and tear as well as it
16 should. And especially during this harsh winter.
17 You know, I kind of don't look straight anymore
18 when I walk. I have to look down because nothing
19 has been, you know, settled well. When it comes
20 to brick they're just always bumping up.
21 Especially after use.

22 So those are my comments and I, again,
23 thank you for your presentations. Especially the
24 two new women.

25 MR. MILLER: Thank you, Mr. Chairman.

1 Yeah, I appreciate all the -- thank you for your
2 presentation and I appreciate all the information
3 and changes and refinements and improvements that
4 have been made in the project since the Zoning
5 Commission set it down last September in response
6 to Office of Planning. The Zoning Commission
7 Comments and the ANC and other initiative that you
8 took on your own. I think it is a very attractive
9 project. I like the design and I like the design
10 that Mr. Turnbull and Vice Chair Cohen are
11 alluding to. But I think it's a very, almost
12 extraordinarily attractive, Madam Vice Chair.

13 So especially, you know, as has been
14 mentioned, strengthening the IZ to -- the
15 Inclusionary Zoning to be at the deeper
16 affordability level, all at 50 percent, it's a
17 very small project so only a very small amount is
18 being produced, but I think that that's very
19 significant for this neighborhood and for the
20 city. And the commitment to the LEED Gold and the
21 inclusion, I'm not sure if it was there at set
22 down or not, but the inclusion of the buyer
23 retentions facility on the third floor is very
24 attractive.

25 All the revised drawings and renderings

1 showing the materials and the setbacks and the
2 stepbacks and the balconies. I think I asked
3 about the balconies at set down, having balconies.
4 And so I think that's a great element.

5 All the TDM measures that you've
6 committed to which go beyond even those requested
7 by DDOT and include some additional things that
8 the ANC requested. And the amenities requested by
9 the ANC, including the rebricking of the alley
10 behind your building. And the \$30,000 commitment
11 to the playground at Ludlow Taylor Elementary
12 School, although I too don't like the tradeoff
13 when you see the pictures of your crafting the
14 very beautiful attractive synthetic stone versus
15 the cementitious -- is that what it's called? It
16 looks -- it's quite a difference, and so I
17 certainly would prefer it to see the synthetic
18 stone. I think the stone all around the building
19 and the materials are excellent.

20 So my colleagues have covered I think
21 most of the questions I had. I guess just a
22 couple. One of them was the retail, so you've
23 covered that in terms of what you're trying to
24 accomplish there.

25 The ANC requested that you switch from

1 dedicating the parking to -- you had originally
2 had it dedicated for retail. It's only a small
3 amount of surface parking to begin with. But now
4 you're going to dedicate it to the residential.
5 And I guess DDOT is okay with that. We'll ask
6 them about that.

7 But you think that still will work,
8 because you originally thought the retail might
9 have needed a few? But can you just address that
10 quickly?

11 MS. GOURDINE: Sure. So when we
12 presented to the ANC they were very adamant about
13 having the parking be for the residents only and
14 making sure that that's secure. And so for us we
15 were indifferent but we saw how important it was
16 for the ANC and how parking is challenging in the
17 neighborhood. So the residents have preferential
18 treatment for the parking.

19 MR. MILLER: And you think the retail
20 will be mostly a neighborhood serving retail, or
21 it will be like some of H Street which attracts
22 people from outside?

23 MR. MILLSTEIN: Yeah. I don't envision
24 any destination retail here, quite frankly. So I
25 actually think that having limited parking is

1 worse than no parking, but that's a whole other
2 discussion. So we're comfortable with it.

3 MR. MILLER: and let me just ask you one
4 thing on the inclusionary zoning. You had four
5 different types of units, the studio, the one-
6 bedroom, the one-bedroom plus den, plus the two-
7 bedroom. And I'm very appreciative that you're
8 doing the greater amount of IZ that's required in
9 at the deeper, all 50 percent level.

10 Did you consider, though, including a
11 two-bedroom unit in the mix? And I realize you
12 might only get two units rather than three.

13 MR. MILLSTEIN: We actually, we did
14 initially, and we decided not to go with that
15 direction. But as recently as this afternoon at a
16 special request from Ms. Steingasser, who we tend
17 to listen to very carefully, we are going to
18 provide one of the two-bedroom units will be an IZ
19 unit. And we'll keep the same three units and
20 we'll keep the same square footage.

21 MR. MILLER: Well, that is fantastic.
22 And I have not talked previously --

23 MR. MILLSTEIN: You can thank Ms.
24 Steingasser.

25 MR. MILLER: -- with Ms. Steingasser but

1 I must have had a mind melt with somebody at OP so
2 that's really great. I appreciate that. And
3 thank you for your presentation again. Mr.
4 Chairman, that completes my questions right now.

5 CHAIRPERSON HOOD: Thank you. Ms.
6 Gourdine. Is it Gourdine?

7 MS. GOURDINE: Yes.

8 CHAIRPERSON HOOD: Okay. Ms. Gourdine,
9 I'm going to ask who I want to answer my
10 questions. So, Ms. Gourdine, let me just ask you,
11 and this is a little way away from this case
12 tonight, but why are we not developing three,
13 four, and five-bedroom apartments anymore? Why
14 have we gotten away from that?

15 MS. GOURDINE: Well, I don't necessarily
16 have my ear to the ground, but from what I've told
17 it's very hard to rent those types of units. So
18 when we first started showing this project to the
19 neighborhood I think we mostly had studios and
20 one-bedrooms. And the ANC was very clear that
21 there's a lot of families in the neighborhood and
22 they don't necessarily buy, but they want to rent.
23 Can you think about adding one-bedroom with den,
24 two-bedrooms, just bigger units? And so that's
25 where we are today is more of the two-bedroom

1 style units.

2 But four-bedroom, five-bedroom apartments
3 are -- one-story apartments are pretty rare.

4 Usually it's more the row home style rental. But
5 that's where we are marketwise, two-bedrooms, one-
6 bedrooms, those tend to be more actively rented.

7 CHAIRPERSON HOOD: So you don't see
8 people going after the four and five-bedroom. Is
9 that what basically you're telling me; explaining
10 to me? I'm just curious. You're actually helping
11 me with something else. So I figured I would
12 seize the moment.

13 No, I don't want to ask you. I want her
14 to do it.

15 MS. GOURDINE: Well, I can speak because
16 I'm actually rent. I don't own. And from what
17 I've seen most four, five-bedrooms you tend to
18 live with people that you don't know.

19 CHAIRPERSON HOOD: Okay.

20 MS. GOURDINE: Versus a two-bedroom it's
21 much easier to rent because it's just one other
22 person versus the more bedrooms you have the
23 harder it is to potentially find roommates. But
24 in our experience when it comes to financing it,
25 the one-bedroom, the studios, and the two-bedrooms

1 are much more -- they're easier to finance and
2 they tend to rent very quickly.

3 CHAIRPERSON HOOD: Okay. Ms. Goldstein
4 [sic], you want to help me?

5 MR. MILLSTEIN: Those units are not
6 affordable to most of the population of the city,
7 or anywhere for that matter. When you get to four
8 bedrooms you're exceeding 1,000 feet. You're into
9 the 12, 13, 1,400 square feet. Even at a low
10 number of the current -- even at 50 percent AMI
11 when you're getting into 1,500, 2,000 feet it's
12 almost impossible to afford it. So it's an
13 affordable issue.

14 CHAIRPERSON HOOD: Okay. Thank you. Mr.
15 Andres, let's talk about this circulation. And
16 again, I probably should turn in my orientation
17 merit badge. I'm an Eagle Scout. I should really
18 turn it back in because I've been trying for the
19 life of me to figure out this corner. Is this
20 where the old H Street -- or is the H Street CDC -
21 -

22 MS. GOURDINE: That's that building.

23 CHAIRPERSON HOOD: So maybe I'll keep my
24 badge.

25 Mr. Andres, let's talk about the 5th

1 Street loading.

2 MR. ANDRES: Yes. Yes.

3 CHAIRPERSON HOOD: I have a pointer. Oh,
4 well I had a pointer. Let's talk about that.

5 MR. ANDRES: So what happened was that
6 before the streetcar came in the District had
7 retail loading zones up and down H Street. And in
8 preparation of that DDOT had eliminated all of the
9 retail loading zones on H Street and moved them to
10 side streets. So there's a series of loading
11 zones on side streets along H Street that are
12 either every block or every other block.

13 And in this case we have a retail loading
14 zone just to the west of our property. So in that
15 retail loading zone, as part of our application,
16 we've identified that given the narrowness and the
17 narrowness of the alley system that's serving the
18 rear of our building, we're restricting our
19 residences to only using the smaller 24 foot
20 trucks for the residential. And then the retail
21 would share with other retailers in that retail
22 loading space.

23 CHAIRPERSON HOOD: What is the drawback
24 of retail using that space? What is it? I mean,
25 is it on the sidewalk? I'm trying to envision it.

1 MR. ANDRES: There is no real drawback.
2 You know, because of the fact we do have a main
3 door to the side where the trash is that you can
4 get in -- that the loading materials can --

5 CHAIRPERSON HOOD: So we won't be
6 blocking traffic or anything?

7 MR. ANDRES: No, no. It will be
8 curbside. It will be at the curb. And this is
9 consistent along the entire H Street corridor
10 where they've moved all of the loading areas from
11 H Street to some of the side streets.

12 CHAIRPERSON HOOD: And I know at one
13 time, it might have been the Office of Planning or
14 DDOT, we were looking at trying to do away with a
15 lot of that. But I don't know, I guess this area
16 may be exempted because of the narrowness in the
17 situation. I don't want to ask any questions
18 because I just want to try to figure out -- one
19 minute we're told to do away with it and then here
20 we are doing it. I guess maybe this may be
21 exempt. But that's a question I'll ask them.

22 So let's talk about the circulation in
23 the alley.

24 MR. ANDRES: Okay.

25 CHAIRPERSON HOOD: You know, I like to

1 circulate buildings. I want to know how easy it's
2 going to be for me to move around and --

3 MR. ANDRES: Okay.

4 CHAIRPERSON HOOD: And I would also go
5 along with Mr. Turnbull. I do kind of concern
6 about those, even the good drivers. I consider
7 myself a good driver and once in a while I might
8 hit a fence.

9 MR. ANDRES: Uh-huh.

10 CHAIRPERSON HOOD: Or back into the
11 church. So even the good drivers do that. So
12 let's go around there and see what's going on.

13 MR. ANDRES: Sure. So with respect to
14 the parking spaces, you pull in, into one of the
15 angled parking spaces. The intent is to have that
16 first space as a CarShare space and there's going
17 to be a separate roll up door just for that
18 CarShare space for 24 hour access for that
19 CarShare space.

20 The intent is to keep the roll up -- the
21 roll up door was actually added as a request from
22 the ANC so that some -- so that we would limit
23 questionable activity in the alley. And so that's
24 why the roll up door was added subsequent to
25 conversations with the ANC.

1 CHAIRPERSON HOOD: And let me, while
2 you're on that, let me interrupt you and ask you
3 about the CarShare. That's just for the residents
4 of the facility only.

5 MR. ANDRES: No. As a CarShare member
6 you can get -- the app will tell you where the
7 local CarShare lots are. And in order to get into
8 that roll up door, if you live in the
9 neighborhood, you have access to that CarShare if
10 it's available. And what happens is you'll get
11 sent some sort of code that gets you into that
12 door, and then you get to return it.

13 And typically that's why a lot of the
14 CarShare companies want 24/7 access to their
15 spaces so that people can get in and out of; not
16 just during special times.

17 CHAIRPERSON HOOD: So that issue, Ms.
18 Bloomfield, about it being in secure buildings is
19 not an issue anymore, about car sharing. Is that
20 a fair assessment?

21 MR. MILLSTEIN: If I may, Commissioner.

22 CHAIRPERSON HOOD: I was actually asking
23 Ms. Bloomfield. The reason why because Mr.
24 Glasgow had told us in another case that that was
25 an issue. And I guess things do change. You

1 remember that don't you, Mr. Glasgow?

2 MR. GLASGOW: Yes, sir. I do.

3 CHAIRPERSON HOOD: So I'm asking --

4 MR. GLASGOW: And that was --

5 CHAIRPERSON HOOD: We want to ask Ms.
6 Bloomfield.

7 MR. GLASGOW: Well, that's because it was
8 one space and we can just segregate that space and
9 have a door that's right to that space.

10 And Mr. Millstein and I were talking
11 about that earlier as we were preparing for the
12 case as to how this space would be secured and you
13 wouldn't have a situation where people are going
14 down in a garage with hundreds of spaces to get to
15 a couple of CarShare spaces as opposed to this
16 where you can only get into that CarShare space.
17 But he's familiar with it.

18 CHAIRPERSON HOOD: Okay. Is that the
19 answer?

20 MR. MILLSTEIN: Yeah, that's correct.
21 We're going to secure this space outside of the
22 building with fencing inside, and so you can get
23 into the CarShare but you can't get into the
24 building unless you have a swipe as a resident.
25 So we will open up this CarShare to the community

1 at the request of the ANC.

2 CHAIRPERSON HOOD: Okay. Ms. Bloomfield,
3 I'm going to get a question for you in a minute.
4 Okay. Mr. Andres. Go ahead.

5 MR. ANDRES: Okay. So then with respect
6 to the loading as we identified as using the
7 smaller 24 foot trucks, which is the largest truck
8 you can use, but chances are they'll use smaller
9 trucks because the units are smaller. They'll
10 pull in, pull in to this notch because there is
11 this alley that runs south. And then back in to
12 the space. And then when they're ready to leave
13 they actually just pull out and drive out. So
14 they come in --

15 CHAIRPERSON HOOD: So let me ask you
16 this.

17 MR. ANDRES: They come in the same
18 driveway that they pull in.

19 CHAIRPERSON HOOD: So we're backing up.
20 I don't want to go too far --

21 MR. ANDRES: Okay.

22 CHAIRPERSON HOOD: -- because it takes me
23 a while to get there with you. So when they're
24 backing up, what are there going to be mirrors or
25 what's going to happen?

1 MR. ANDRES: Well, first of all, when
2 they're backing up hopefully the roll door -- the
3 roll up door will be up. So, you know, so with
4 the roll door up they will be backing up into this
5 space which allows you access to an inner space
6 where the loading platform is.

7 But there's no mirrors. There are, you
8 know, it's a consistent situation in all loading
9 docks throughout the district. There's no --
10 because of the fact that you can't see the mirrors
11 so the only thing that you will be able to use are
12 your side mirrors, because you can't see the
13 rearview mirror because the box of the truck is
14 blocking you. So there is no real way to
15 supplement that.

16 CHAIRPERSON HOOD: Okay. All right. Ms.
17 Bloomfield. Again, they talked about the retail
18 on I think the second floor. And what I've heard
19 previously, it's hard to get people up to the
20 second floor. But do you think that this
21 applicant may be going after -- what would draw
22 them up to the second floor? We're talking about
23 not doing restaurants. How are they going to get
24 to the second floor? What's going to make me go
25 up to the second floor? I probably won't come

1 down there because there's nowhere to park. But
2 what's going to make me get up there?

3 MS. BLOOMFIELD: You can take the
4 circulators.

5 CHAIRPERSON HOOD: No, I'm not taking the
6 circulator either. CarShare either. Maybe I'll
7 ride my bike. What's going to draw them up there?

8 MS. BLOOMFIELD: Well, it sounds like
9 from Mr. Millstein's testimony that Douglas is
10 going to get a great tenant in there that will be
11 able -- there's a lot of glass on the front of H
12 Street and on 5th Street that will draw your eye
13 up to it. There will be stairs and escalators
14 and/or elevators. If we're going to have a tenant
15 up there I think it would be a pretty cool space,
16 actually, with the tall ceilings and the great
17 central location; half a mile from Union Station,
18 right on a lot of bus lines, lots of BikeShare and
19 CarShare in the neighborhood. We've been joking
20 that I want to move into this building, but I
21 think that it's a great location for mixed use
22 retail and residential right there on the corner,
23 right on H Street.

24 Again, there are a lot of restaurants in
25 that area and that's not what we're striving for.

1 So I think that will add a nice complexity to the
2 neighborhood.

3 CHAIRPERSON HOOD: Okay. I actually do
4 like the design. Again, my colleagues have
5 expressed the issue with what's being proposed on
6 the side in the deal with the ANC. I don't like
7 to mess up any ANC deals.

8 Okay. I've already asked that question.
9 All right. That's all I have. Any follow-up,
10 Vice Chair Cohen?

11 MS. COHEN: Mr. Chairman, you just gave
12 me the answer to why all department stores put the
13 men's clothing on the first floor and the women's
14 on the second floor. All the women go upstairs.

15 CHAIRPERSON HOOD: Okay. All right. Any
16 other, Commissioner Turnbull?

17 MR. TURNBULL: Yeah. Thank you, Mr.
18 Chair. I just had one question I forgot to ask.
19 One of your requests for flexibility is for final
20 selection of all exterior signage to the building.
21 Isn't 8th Street governed by signage regulation?
22 I thought there was something you had to sign
23 guidelines.

24 MR. GLASGOW: I'm not aware of anything
25 and I thought any special sign --

1 MR. TURNBULL: I thought there might have
2 been.

3 MR. GLASGOW: -- guidelines for --

4 MR. TURNBULL: Okay.

5 MR. GLASGOW: -- H Street.

6 MR. TURNBULL: Maybe not.

7 MR. GLASGOW: It's the building code.

8 MR. TURNBULL: Yeah, I think I'm just
9 leery about big signs.

10 MR. GLASGOW: Okay.

11 MR. TURNBULL: I'm worried about -- as
12 you know, we've done this before about big signs
13 on buildings and --

14 MS. BLOOMFIELD: So the H Street overlay
15 has some signage requirements, projection signs,
16 façade panel signs, and roof signs, and we're
17 going to comply with --

18 MR. TURNBULL: With all of that.

19 MS. BLOOMFIELD: -- all of the
20 regulations.

21 MR. TURNBULL: So what flexibility? What
22 more flexibility than that are you requesting from
23 the Zoning Commission?

24 MR. GLASGOW: Well, with respect to we
25 want to -- because they don't know who the tenants

1 are, what we've found is we want to be able to
2 have that band of signage where the retail is.
3 Just be flexible in connection with the
4 regulations as to where the signs go and who they
5 are, within the parameters of what's already in
6 the code.

7 MR. TURNBULL: The building code. Oh,
8 the guidelines.

9 MR. GLASGOW: Yes.

10 MR. TURNBULL: Yeah, okay. I was just --
11 because it sounded like you were asking for
12 something more. And you know how we are opposed
13 to --

14 MR. GLASGOW: No.

15 MR. TURNBULL: -- huge signs on
16 buildings. So, okay. Thank you.

17 CHAIRPERSON HOOD: Okay. Any other
18 questions up here?

19 Let's see if the ANC, Commissioner
20 Miller, you have any cross-examination at this
21 point? Not your testimony but any cross of the
22 applicant?

23 You don't have any? Okay. All right.

24 Do you have any, Commissioner Miller?

25 Oh, no, that's the -- no, I'm just playing. I'm

1 full of jokes this evening. But anyway, better
2 keep my day job.

3 Okay. Let's see. Let's go to the Office
4 of Planning and District Department of
5 Transportation.

6 MS. THOMAS: Good evening, Mr. Chair,
7 Karen Thomas for the Office of Planning. I'll be
8 brief. We are recommending approval of the -- to
9 redevelop the subject site as revised by the
10 applicant. We are pleased that they provided the
11 additional information as requested and we're
12 satisfied that given the site's depth and overall
13 area we would support the requested flexibility as
14 commensurate for the amenity package currently
15 being refined by the ANC. And at that I'll be
16 happy to take any questions. Thank you.

17 MR. WESTROM: Good evening,
18 Commissioners. Ryan Westrom with DDOT, and I too
19 will try to be brief. It does sound like there's
20 a few questions that we would be happy to address
21 after this.

22 We would note the applicant has worked
23 closely with DDOT in this manner to ensure the
24 appropriate comprehensive transportation review,
25 and we have no objection to the requested PUD

1 provided in regards to mitigations that the
2 applicant does enact the TDM plan outlined in
3 their supplemental submittal. And we do find that
4 appropriate for this project, and further that
5 they provide a commitment to provide at least six
6 short-term bicycle parking places in addition to
7 those that exist at the site. With that we would
8 not object to the PUD. Thanks.

9 CHAIRPERSON HOOD: I want to thank you
10 both. And again, Ms. Thomas, we read your report
11 so I don't want you to think that we slighted you
12 while you were giving your report. We read your
13 report, and Mr. Westrom.

14 Any questions of either Office of
15 Planning or DDOT? Mr. Turnbull?

16 MR. TURNBULL: Yeah, thank you, Mr.
17 Chair. Gee, Ms. Thomas, I just saw you a couple
18 of days ago at BZA. Good to see you again.
19 Pardon my voice, I'm recovering from a cold.

20 I don't know where to start. We go
21 through this all the time. Moderate density,
22 medium density, moderate this, moderate that. And
23 I look at H Street and it's got a variety of C-2-
24 A, C-2-B, C-3-3, blah, blah, blah, and it goes on.
25 And I'm trying to avoid lawsuits. We just got

1 finished one where we classify things.

2 And this project, although it's C-2-B,
3 since it's not going to the full height, I can see
4 it as moderate density.

5 But in theory if I look at our own regs,
6 C-2-B, according to our regs, is classified as
7 high density. And then as Mr. Glasgow had talked
8 about, but if you look at the Comp Plan with this
9 -- so it seems like we always find ourselves going
10 down this road of trying to argue back and forth
11 between medium density, moderate density, high
12 density. And it just gets to be a little
13 confusing, and we sometimes get ourselves in a
14 bind as we have on a recent case.

15 So can you enlighten us, or enlighten me
16 anyways?

17 MS. STEINGASSER: I'll try to answer
18 this, Commissioner. The C-2-B is an interesting
19 zone. As you look through the regs it's
20 classified as both medium, medium-high, and high.
21 And the section you cite we became aware of when
22 we were working through revisions to the zoning
23 regulations.

24 MR. MILLER: Right. Right.

25 MS. STEINGASSER: And I think quite

1 simply if it said higher density instead of high
2 density it would make the relationship clear.
3 When you look at chapter one that defines the
4 zones, it defines C-2-B as a medium to high
5 density zone. And then when you look at the Comp
6 Plan, going back to the first Comp Plan in '84, it
7 is referred to as a medium density. A zone
8 appropriate for medium density category.

9 So when we looked at the H Street plan --
10 I'm kind of walking you through a long planning
11 history here. The areas were changed to be mixed
12 use and the anticipation was that they would, in
13 order to capture their higher densities, would go
14 through a PUD. And so this area is identified as
15 a mixture of medium and moderate density. And
16 when you look at the breakout of the FAR in the C-
17 2-B it's limited in its nonresidential to a
18 moderate amount of to FAR maximum. And the
19 application in this case is consistent with that.

20 And then the higher density, the medium
21 density residential would capture the remaining
22 part of that C-2-B. So that C-2-B, while it's
23 referred to in Chapter 7 as high density it's
24 referred in Chapter 1 as a medium to high density,
25 and then its referred to in the Comp Plans as

1 being appropriate for medium density zones. And
2 that goes back.

3 So I think there's just been a failure to
4 reconcile those and we've definitely --

5 MR. MILLER: Are we going to do that?
6 Are we doing that?

7 MS. STEINGASSER: We are doing that.
8 Yes, sir.

9 MR. MILLER: Is the revisions of the Comp
10 Plan going to correlate it to what we're doing in
11 the ZRR?

12 MS. STEINGASSER: Well, the revisions to
13 the Zoning Regulations are going to correlate it
14 to the Comprehensive Plan.

15 MR. MILLER: I mean, the only other
16 reason is that this specific PUD is basically
17 about 100 feet under what qualifies as a PUD.

18 MS. STEINGASSER: That's correct. Yes,
19 sir.

20 MR. MILLER: So I mean, I'm always
21 struggling when we go down on these margin -- when
22 we're on a very tight line. And I just struggle
23 with trying to really understand what we're trying
24 to achieve and how we're trying to really classify
25 it. And without getting ourselves in a bind.

1 MS. STEINGASSER: Well, that's one of the
2 struggles we have with the Zoning Regulations in
3 the comp plan. They anticipated a very formulaic,
4 more rigid way of development. And over the last
5 15 years we've seen a need for much more
6 flexibility as the building code changes, as the
7 development standards change. As the way people
8 use their spaces change.

9 The need for flexibility and the interest
10 of the community and the Commission itself in
11 having some kind of design review to understand
12 how those projects are relating have really
13 exceeded what I think the cold comp plan and the
14 strict Zoning Regulations were written to
15 anticipate. I think they were expecting a more
16 standard single-use building in certain places, an
17 office building. You know, standardized parking.
18 And we're just seeing much more flexibility.

19 So yes, there has been a greater level of
20 tension put on how those regulations work.

21 MR. MILLER: Right.

22 MS. STEINGASSER: And we've tried to be
23 very careful in explaining that in our regulations
24 so that we don't get sued or appealed, then when
25 we do get appealed that we withstand the appeal,

1 and we always have. And by we I mean the city.

2 MR. MILLER: Okay. Thank you.

3 CHAIRPERSON HOOD: Any other questions of
4 the Office of Planning or DDOT?

5 Mr. Westrom, can you help me understand?
6 I thought we were trying to move away from street
7 -- well, street level. But I understand though,
8 from Mr. Andres, that this is not really --
9 doesn't really rise to the occasion where I think
10 DDOT was trying to do away with the street
11 loading.

12 MR. WESTROM: Yeah. No, and I think you
13 walked into the answer earlier. Essentially we do
14 have a hierarchy of loading preferences, and at
15 the top of that hierarchy would be alley.
16 However, where the alley is insufficient we have
17 alternative means that we wanted to do. And one
18 of those would be on-street loading. And here we
19 do have loading zones identified on several of the
20 blocks as was noted, off of 8th Street, due to the
21 street car. We would not want loading on H Street
22 itself. And it's not quite as good as alley
23 loading. Obviously you have hand trucks moving
24 back and forth across a sidewalk. There could be
25 conflict points that are created. But it is

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1 something that we are very happy with.

2 And as was noted in our report, we're
3 amenable with the solution that they have for
4 loading that they've laid forth here. Utilizing
5 those loading zones.

6 CHAIRPERSON HOOD: Okay. So I guess as
7 Ms. Steingasser mentioned, have the tensions
8 because I know some communities in this city we
9 have cases where people have informed this
10 Commission they have to walk in the street because
11 of the business and the loading that's going on.
12 It's not this part of the city, so I guess, you
13 know, I guess it depends on the area and this area
14 is conducive for what is presented to us tonight.
15 Okay.

16 MR. WESTROM: We believe so.

17 CHAIRPERSON HOOD: Okay. Great. Okay.
18 Thank you. Any other questions of DDOT or Office
19 of Planning? Does the applicant have any cross?

20 MS. BLOOMFIELD: No cross.

21 CHAIRPERSON HOOD: Okay. Commissioner
22 Miller. You have any cross of Office of Planning
23 or DDOT? Okay, you can come forward. We're going
24 to do your report.

25 Okay. Other government agencies, I think

1 we have DDOT. Did I miss any?

2 Okay. All right. We'll go to
3 Commissioner Miller. All right. You may begin.
4 Identify yourself and you may begin.

5 MR. CHRIS MILLER: Good evening. My name
6 is Chris Miller. I am the advisory neighborhood
7 commissioner for 6C5, which is the single-member
8 district that includes the proposed project. And
9 I'm just here to testify about the project and
10 answer any concerns you may have.

11 I want to start out by saying that we've
12 had a great experience working with Douglas team.
13 They've been great to work with and very
14 cooperative. It was at our suggestion that the
15 amenities include the IZ units at 50 percent, and
16 I was quite pleased to see them open to doing
17 that. And to touch upon one of your comments
18 about how the parking was switched from commercial
19 to residential.

20 That came as a result of their appearance
21 before our ANC's Planning, Zoning, and Environment
22 Committee where some of the members expressed
23 concern that having even a handful of units for
24 the commercial attendance would ultimately result
25 in people circling the block or you know, creating

1 traffic problems, hoping to snag one of those few
2 spots.

3 So due to those concerns those units were
4 instead switched to residential parking. As a
5 whole one of the things that myself and my
6 constituents like about this project is that the
7 memorandum of understanding that's been negotiated
8 and should be signed shortly will include the
9 strong restrictions against the residents being
10 able to obtain the RPP, since as more and more
11 people move into the H Street Corridor parking is
12 already at a premium and it's only going to get
13 worse.

14 So we were pleased to work with -- and
15 one thing that may have not been mentioned earlier
16 today is that one of the provisions in the MOU
17 will require that the retailer not allow any items
18 above 40 pounds to be carried out of the store.
19 Those will have to be delivered and as a result
20 that should, you know, hopefully limit, you know,
21 cars parked out front while people try to carry
22 more bulkier objects to their vehicle.

23 And the main reason I'm here is to
24 discuss the issue of the rear elevation of the
25 building and apparently answer your concerns. The

1 possibility of using the artificial materials in
2 the rear elevation was first suggested to me by, I
3 think it was Paul. And Commissioner Turnbull, to
4 answer your concern, this is certainly not a
5 situation where we're asking the neighbors to have
6 a deal with, you know, lower quality materials, or
7 rather I personally went door to door to, you
8 know, every house in the neighborhood and then I
9 separately held a community meeting to, you know,
10 gauge the community's temperature on this topic,
11 and it was absolutely unanimous that people would
12 prefer the artificial materials on the rear
13 elevation if that would mean, you know, more money
14 for amenities and particular Ludlow Taylor.

15 Even the people who live directly behind
16 the alley, some of whom will testify about, after
17 me, would prefer having more amenities for Ludlow
18 Taylor as opposed to having the more natural
19 looking façade in the rear elevation.

20 And with that I'm available for your
21 questions.

22 CHAIRPERSON HOOD: Okay. Commissioner,
23 we thank you. Let's see if there are any
24 questions or comments up here. Vice Chair Cohen.

25 MS. COHEN: Yeah, I just want to thank

1 you for your testimony. I think it's -- you know,
2 you were very articulate. And are you new to the
3 ANC?

4 MR. CHRIS MILLER: Yes. I took office on
5 January 2nd.

6 MS. COHEN: Very good. My question is, I
7 thought the parking situation is very difficult in
8 the evenings when people from other neighborhoods
9 come to the restaurants and the other amenities,
10 sort of music venues or whatever, and that during
11 the day residents can park and there are spaces.
12 Could you comment about that?

13 MR. CHRIS MILLER: Sure. The concerns
14 you discuss are more of an issue on the east part
15 of H Street. You know, due to the H Street
16 overlay my section of H Street is primary
17 residential, so none of the real late night
18 activities go on, you know, bring out people. And
19 if I recall correctly it's on the eastern part of
20 H Street where the surrounding side streets
21 actually have strict parking limitations until
22 midnight to try to, you know, prevent those types
23 of issues.

24 But generally the types of businesses on
25 my part of H Street are restaurants, you know,

1 whose clientele includes largely the people who
2 live in the neighborhood and walk over. So yeah,
3 those types of parking concerns aren't at issue in
4 65.

5 MS. COHEN: Thank you.

6 MR. CHRIS MILLER: You're welcome.

7 CHAIRPERSON HOOD: Okay. Any other
8 comments? Mr. Turnbull?

9 MR. TURNBULL: Yeah. Thank you, Mr.
10 Chair. Commissioner Miller, I didn't mean to go
11 off on a tangent on the EIFS. But EIFS, for me
12 EIFS, knowing as an architect, has had a very
13 terrible reputation over the years. It's getting
14 better, but it has had water problems, leak
15 problems, and so from a durability standpoint for
16 the community, as a building, and we look at the
17 overall picture as whole, we question materials.
18 And you even heard the applicant say that, you
19 know, it's really not the best way to go.

20 I think what -- and I don't think I've
21 seen many letters by an ANC. We've usually had a
22 very good relationship with your ANC. We've had
23 great letters, we've had -- but to actually come
24 back and say to the Zoning Commission, if you let
25 them get a lesser material we get more money for

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1 something. That's kind of offensive to me as a
2 zoning commissioner.

3 I think the proper way to do it is to say
4 to the applicant, you're getting an awful lot on
5 this site in our area. Put in the new materials
6 and give us another 30,000 for the school. That's
7 what I think you should do. To me that would be
8 appropriate and I think the applicant ought to
9 just, for the sake of it say, you're right. You
10 know, we want this to be a quality product. We
11 want to be a good neighbor. Let's look at
12 increasing the amount that we give to Ludlow
13 School and still get a quality product. That's
14 the best way to do it. Be hardnosed and say,
15 you're getting an awful lot on this site. You're
16 getting up zoning, you're getting -- you know,
17 it's a tight site, you're doing a good job, and
18 God love you for it, but how about a little bit
19 more?

20 MR. CHRIS MILLER: I'd be happy to take
21 your advice.

22 MR. TURNBULL: Okay.

23 MR. CHRIS MILLER: And to the extent that
24 my letter may have been inartfully phrased, just
25 blame it on me as being --

1 MR. TURNBULL: Okay.

2 MR. CHRIS MILLER: -- new in my job and I
3 wasn't trying to --

4 MR. TURNBULL: No, I -- yeah. No, and I
5 know the ANCs are trying. The ANCs are struggling
6 to get as much when projects come into their
7 neighborhood. But I think there is a way to be
8 artful and tactful with the applicant, and say you
9 know, I mean, you can put it on us. I think
10 they've already heard us, so I think you may have
11 a little bit more wiggle room to go back and maybe
12 up the ante now on Ludlow School.

13 So hopefully the applicant has heard
14 that. I'm looking at his attorney and I think
15 that this is a unique project. I think it's on a
16 very tight site. It barely qualifies as a PUD,
17 and so we've asked for flexibility to grant this
18 and I think we're more than willing to do that.
19 But in light of that, you know, there's some give
20 and take here.

21 So I think the applicant may be willing
22 to take a look at this and meet some of your needs
23 a little bit more.

24 But thank you again for coming here.

25 MR. CHRIS MILLER: You're welcome.

1 MR. TURNBULL: And welcome aboard to the
2 Zoning Commission hearings.

3 MR. CHRIS MILLER: Thank you.

4 CHAIRPERSON HOOD: Typically that's how
5 we welcome new people to the -- no, I'm just --
6 Mr. Turnbull, you said blame it on us. Can we
7 take anything else? I was sitting there thinking,
8 how much more can we take that we get blamed for?

9 MR. TURNBULL: There's always room, more
10 for us.

11 CHAIRPERSON HOOD: There's more room.
12 Okay. Bring it on. Blame it on us.

13 Let's see, any other questions up here,
14 Commissioner Miller?

15 MR. MILLER: No questions. I just wanted
16 to thank you for your testimony and for the work
17 of your ANC 6C.

18 MR. CHRIS MILLER: Thank you.

19 CHAIRPERSON HOOD: Okay. Let's see.
20 Does the applicant have any questions?

21 MS. BLOOMFIELD: No questions.

22 CHAIRPERSON HOOD: Okay. Okay. Thank
23 you. We appreciate your testimony.

24 Okay. I only have one person who is here
25 in support. Is there anyone else who is here in

1 support? Ms. Donner, if you can come forward.

2 Is there anyone else who is here in
3 opposition? Okay.

4 Ms. Donner, we'll take your testimony
5 when you're ready.

6 MS. DONNER: My name is Sally Donner.
7 I'm here with my husband, Ken Bryers. We're the
8 owners of the houses at 736 5th Street Northeast
9 and 732 5th Street Northeast, which are directly
10 across from the -- on 5th Street, across from the
11 proposed building.

12 We purchased these properties in 1979 and
13 1980. We married in 1989 and we currently reside
14 in the 736 5th Street property.

15 As the former Chairman of the Board of
16 the 8th Street Development Corporation, and I
17 heard you mention that, and that of course is the
18 building that has been there for some time, I've
19 worked diligently with the various individuals and
20 organizations committed to the redevelopment of
21 the corridor.

22 When we first moved to 5th Street, Square
23 833, Lot 47 was a vacant lot, filled with
24 abandoned cars, numbers runners and drug dealers.
25 Vacant houses bordered the alley south of the

1 proposed project. Needless to say we have
2 supported the development of the site and we
3 support the current project.

4 We do have three specific issues that we
5 want to raise with you. There's been lots of
6 conversation about parking. We support the MOU
7 parking and I would like to respond to
8 Commissioner Cohen's questions about parking on
9 that block. It is true that the restaurants do
10 generate parking issues in the evening. But there
11 are also parking issues generated because as you
12 all know six is a very large zone. People drive
13 from the far reaches of six, park on our block
14 with their zone 6 residential parking, and take
15 the X2 downtown to work. So parking is,
16 continues, and will always be an issue.

17 It's particularly an issue for the four
18 houses on our side of the block, directly at the
19 corner because we have no alley access. We are on
20 the corner. And so we have no rear parking.

21 I also want to talk about deliveries
22 because there's been a lot of conversation and we
23 of course are directly across from the entrance on
24 5th Street to that alley. That alley is extremely
25 narrow. And so the questions that have been

1 raised about the alley, potential damage to the
2 people who back on to that alley, are reasonable
3 questions to be asked.

4 And then of course we do support whatever
5 amenities we can negotiate with Douglas for Ludlow
6 Taylor because -- and I attended that meeting,
7 that ANC meeting, and there was a genuine interest
8 from many in the neighborhood to support that
9 elementary school where their children are
10 attending school.

11 So I'd be glad to answer any questions
12 that you might have. I've been in the
13 neighborhood a long time. We're exceedingly happy
14 about the improvements and I've worked with Mr.
15 Millstein and his team on other issues and so I'm
16 sure that he is going to be cognizant when the
17 building comes down.

18 CHAIRPERSON HOOD: Okay. Thank you very
19 much for your testimony. See if we have any
20 questions up here, or comments. Commissioner
21 Miller.

22 MR. MILLER: Ms. Donner, thank you for
23 your testimony. You really have seen a lot of
24 changes there in that neighborhood and you really
25 are a pioneer to have been there that long.

1 Yeah, I think on the parking I would just
2 comment -- it's not really related to the zoning
3 case, but just -- but a lot of us have seen the
4 need for the zone, the zone parking to be -- and I
5 think DDOT has recognized it in their report that
6 came out. I think D.C. Move last year talked
7 about reducing the zones to the ANC level if
8 possible so that it really gets that --

9 MS. DONNER: Tightens it up considerably.

10 MR. MILLER: So many people aren't using
11 it for commuter parking.

12 But anyway, I just wanted to say thank
13 you. I appreciate all that you've done in the
14 neighborhood and --

15 MS. DONNER: Thank you.

16 MR. MILLER: -- your testimony tonight.

17 CHAIRPERSON HOOD: Okay. Hold on, Ms.
18 Donner. Some others might have a question.

19 MS. DONNER: Oh, okay.

20 CHAIRPERSON HOOD: I have one question,
21 not germane to the case. Mr. Turnbull.

22 MR. TURNBULL: Thank you, Mr. Chair.

23 Ms. Donner, so where do you park? Do you
24 park on the street?

25 MS. DONNER: On the street.

1 MR. TURNBULL: Can you normally get a
2 place? I mean --

3 MS. DONNER: Well, it's easier now that
4 I'm retired. And so we're there during the day
5 and we can be very strategic about how we pick our
6 spots. But I --

7 MR. TURNBULL: So do you have two cars,
8 then? You and your husband both have a car?

9 MS. DONNER: Currently we're operating
10 with one car.

11 MR. TURNBULL: With one. Oh, okay. So
12 you don't -- Okay. So you don't have to park down
13 the block? Or have you at times?

14 MS. DONNER: I have at times.

15 MR. TURNBULL: Okay.

16 MS. DONNER: But I do think this is --
17 and I include in my official testimony that I
18 submitted that it's wonderful to see the younger
19 generations in the neighborhood. I guess maybe at
20 one time I was that young and -- but for those of
21 us who are aging in place, the parking is an
22 additional issue because we don't ride bicycles.
23 And we do take public transportation and so I
24 think that as these neighborhoods develop it is an
25 issue that is --

1 CHAIRPERSON HOOD: So you don't ride
2 bicycles?

3 MS. DONNER: No, I don't.

4 CHAIRPERSON HOOD: Oh, okay.

5 MS. DONNER: I have a new hip.

6 CHAIRPERSON HOOD: Okay.

7 MS. DONNER: I'm not permitted to ride
8 bicycles anymore.

9 CHAIRPERSON HOOD: I've heard -- okay.
10 That's good to know. I'm going to put that in the
11 parking lot.

12 MS. DONNER: Okay.

13 CHAIRPERSON HOOD: I'm sorry, Mr.
14 Turnbull. I didn't mean to interrupt.

15 MR. TURNBULL: Are you going to save that
16 for us or another Commissioner?

17 CHAIRPERSON HOOD: I'm going to save that
18 for a while because I heard a whole lot of it.

19 MR. TURNBULL: Okay.

20 MS. DONNER: He'll use it again. He'll
21 use it again somewhere.

22 MR. TURNBULL: Okay. All right. Thank
23 you for coming.

24 MS. DONNER: You're welcome.

25 CHAIRPERSON HOOD: Ms. Donner, can I ask

1 you just one question, not necessarily --

2 MS. DONNER: Sure.

3 CHAIRPERSON HOOD: Were you before Russ
4 Simlers [phonetic] as chair, or after? I like
5 history.

6 MS. DONNER: I was after.

7 CHAIRPERSON HOOD: It was after Russ?

8 MS. DONNER: Yes.

9 CHAIRPERSON HOOD: Okay. I'm dating
10 myself now.

11 MS. DONNER: Well, I'm dating myself too.

12 CHAIRPERSON HOOD: Okay.

13 MS. DONNER: Actually I'll date myself
14 further. John Wilson appointed me to the --

15 CHAIRPERSON HOOD: Oh, okay.

16 MS. DONNER: -- CDC. So, I go way back.

17 CHAIRPERSON HOOD: All right. Well,
18 thank you very much for your testimony.

19 MS. DONNER: You're welcome.

20 CHAIRPERSON HOOD: Okay. Ms. Bloomfield,
21 any rebuttal or closing?

22 MS. BLOOMFIELD: We have no rebuttal, and
23 just would say thank you for giving us the
24 opportunity to present this evening.

25 CHAIRPERSON HOOD: Let me just say, all

1 the first timers, including Commissioner Miller,
2 you all did a fantastic job this evening. And I
3 wanted to make sure that we didn't hear from Mr.
4 Glasgow and Mr. -- I'm not going to even do that.
5 I'm not even going to do that. But you all did a
6 good job. We appreciate you coming down.

7 MS. BLOOMFIELD: Thank you. Given that
8 we would request that if you were inclined to do
9 so, and if we were to provide the information that
10 was requested tonight, if you were to take
11 proposed action this evening.

12 CHAIRPERSON HOOD: You did a good job
13 until you asked that question. Let me see what my
14 colleagues think.

15 MR. TURNBULL: Ordinarily I would be
16 inclined to, I just, since Commissioner May is not
17 here I'm sure he wants to read the record. But I
18 mean, I suppose he could still do that at the
19 final. But I don't know.

20 CHAIRPERSON HOOD: [Speaking off mic.]

21 MR. TURNBULL: No, I just think that
22 there are several things we're asking for,
23 including the -- Mr. Millstein might talk to the
24 community about an amenity that might be a little
25 bit more toward the school. But I mean, there are

1 some things we need them -- but Ms. Schellin can
2 go over what we're looking for. But it's your
3 pleasure.

4 CHAIRPERSON HOOD: I just think that -- I
5 don't know for me, Mr. Turnbull, I don't know if
6 that would be a show stopper. I heard you loud
7 and clear. I would agree. I would hope that -- I
8 know Mr. Millstein, he's always come back with
9 what we've asked for. He's a -- well, I might get
10 in trouble if I say he's a model applicant. But
11 he always works good with the neighborhood.

12 MR. TURNBULL: I know that.

13 CHAIRPERSON HOOD: Just like the leases
14 with the parking, no cars. I mean, those things
15 I'm going to eventually ask for the track record.
16 I haven't forgotten. But I just think he works
17 very well with the community and hopefully when it
18 comes back for final, because as you noticed the
19 other day, I don't have a problem voting and --

20 MR. TURNBULL: Yeah, I'm sure
21 Commissioner May will read the record.

22 CHAIRPERSON HOOD: And I think he -- did
23 he ask to redirect?

24 MS. SCHELLIN: Actually, I did hear from
25 Commissioner May. He said if the Commission -- he

1 will participate at final, or may participate at
2 final. But if the Commission decided to proceed
3 with proposed action this evening he was okay with
4 that.

5 MR. TURNBULL: So there you go.

6 CHAIRPERSON HOOD: But is that a -- is
7 your issue a -- how do you want to handle that
8 issue?

9 MR. TURNBULL: No, that's fine. If
10 Commissioner May feels he's okay with us taking
11 proposed, that's fine.

12 CHAIRPERSON HOOD: Okay. All right.
13 What about everybody else?

14 MR. TURNBULL: I'm sure he'll read the
15 record.

16 CHAIRPERSON HOOD: Okay. Possibly.

17 MR. TURNBULL: Possibly.

18 CHAIRPERSON HOOD: Anybody else? Any
19 objections with moving forward tonight for
20 proposed? I think this is ready for proposed with
21 the issues that's on the table. I'm sure that
22 they'll come back taken care of.

23 MR. MILLER: I would agree with you, Mr.
24 Chairman and Commissioner Turnbull, that it's
25 ready to go forward tonight and we can see at

1 final, additional -- by the final, additional
2 information and perhaps some refinements.

3 CHAIRPERSON HOOD: I think the second
4 floor shopper wants to make a motion.

5 MS. COHEN: I move for proposed action on
6 Zoning Case 14-14, Consolidated PUD and Related
7 Map Amendment for 501 H Street Northeast, Square
8 83, Lot 47, and ask for a second.

9 MR. MILLER: Second.

10 MS. COHEN: And of course this is
11 assuming that we're going to get additional
12 information prior to final that we have discussed.
13 So I -- yeah.

14 CHAIRPERSON HOOD: It's been moved and
15 properly second. Any further discussion? Mr.
16 Turnbull?

17 MR. TURNBULL: Well, I just have a
18 question. There is an option on the table.
19 Option 1 or 2. But maybe not since the applicant
20 --

21 MR. MILLSTEIN: So, if I may? I know
22 this is not a -- but we offered a \$75,000 savings
23 if we went to the other option that we went
24 through our contractors and gave back up to that.
25 We'll give the \$75,000 additional money to the

1 school, and we used up the preferred elevation
2 because that's all of our preferred elevation. So
3 we can just clean that up now.

4 MR. TURNBULL: Wow. Okay.

5 CHAIRPERSON HOOD: We may have to wait
6 for it and come back. See. Okay.

7 Moved and properly second --

8 MR. TURNBULL: He comes through again.

9 CHAIRPERSON HOOD: I had no doubt. He
10 just did it tonight.

11 Okay. It's moved and properly seconded.
12 Any further discussion? Any other options you
13 want to bring forward? Okay.

14 MR. MILLER: Thank you for participating
15 in our motion and our discussion on the motion.

16 CHAIRPERSON HOOD: All those in favor.

17 [Vote taken.]

18 CHAIRPERSON HOOD: Not hearing any
19 opposition of those present, Ms. Schellin would
20 you record the vote?

21 MS. SCHELLIN: Yes. Staff records the
22 vote four to zero to one to approved proposed
23 action as revised this evening, Commissioner Cohen
24 moving, Commissioner Miller seconding,
25 Commissioners Hood and Turnbull in support,

1 Commissioner May not present, not voting.

2 CHAIRPERSON HOOD: Okay.

3 MS. SCHELLIN: And we need to get draft -
4 -

5 CHAIRPERSON HOOD: Some dates? Okay.

6 MS. SCHELLIN: Draft findings, facts and
7 conclusions of law, and I only had two items and
8 it sounds like one of them was actually taken care
9 of this evening, which was considering a higher
10 donation to, or increasing the benefits to Ludlow
11 School which sounds like they just did that, and a
12 drawing that shows the brick in the alleyway that
13 Commissioner Turnbull asked for. I don't know
14 that there was anything else.

15 MR. TURNBULL: Yeah, it was just to show
16 the extent to know what the parameters are.

17 MS. SCHELLIN: So other than that, final
18 action won't come up until the second meeting in
19 June. So if we could have those items and the
20 draft findings facts and conclusions of law by --
21 June 4th, and then the ANC if they choose to
22 respond to that drawing they can do so by June
23 11th, 3:00 p.m. for all submissions.

24 MR. MILLER: Mr. Chairman, if there's an
25 executed MOU with the ANC, since we might be

1 referring to it in the order, it might be helpful
2 to have that.

3 MR. TURNBULL: And I think we talked
4 about you would make reference to a construction
5 management aspect too. Okay.

6 CHAIRPERSON HOOD: Okay. Anything else,
7 Ms. Schellin?

8 MS. SCHELLIN: No, sir.

9 CHAIRPERSON HOOD: Do we need to come up
10 with some dates? Oh, you already did the dates.

11 MS. SCHELLIN: Yes.

12 CHAIRPERSON HOOD: Okay. All right. I
13 want to thank everyone for their participation
14 tonight and this hearing is adjourned.

15 [Hearing adjourned at 8:10 p.m.]

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